

1 [Accept and Expend In-Kind Gift - Retroactive - University of San Francisco School of Law -
2 Racial Justice Clinic Work - Estimated at \$250,000]

3 **Resolution retroactively authorizing the Office of the District Attorney to accept and**
4 **expend an in-kind gift of pro bono legal services, with a value estimated at \$250,000**
5 **provided by the University of San Francisco School of Law’s Racial Justice Clinic**
6 **(RJC), and funded by the Vital Projects Fund and Elizabeth Zitrin, to support the RJC’s**
7 **work assisting the Office of the District Attorney’s Sentencing Review Unit and**
8 **Wrongful Conviction Unit and Innocence Commission, for a grant term of November**
9 **2021 through November 2022.**

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11 WHEREAS, The District Attorney has partnered with the University of San
12 Francisco School of Law’s Racial Justice Clinic to (1) reexamine cases involving
13 excessive sentences under Penal Code, Section 1170.03; and (2) evaluate claims of
14 wrongful conviction; and

15 WHEREAS, Under Penal Code, Section 1170.03, the District Attorney is
16 empowered to petition the Court to vacate the sentences of incarcerated people if it is in
17 the interests of justice to do so; and

18 WHEREAS, Section 1170.03 is a powerful tool for reversing some of the harm done
19 by the criminal justice system, but to wield its power effectively will require more staff and
20 resources than the District Attorney’s Office currently has available or can provide in the
21 immediate future; and

22 WHEREAS, Similarly, San Francisco’s Innocence Commission requires additional
23 support to effectively evaluate claims of wrongful conviction; and

24 WHEREAS, In order to provide relief to any significant number of eligible
25 incarcerated people, the District Attorney needs additional personnel and resources; and

1 WHEREAS, University of San Francisco School of Law’s Racial Justice Clinic
2 received a donation from the Vital Projects Fund totaling \$125,000, to fund one Racial
3 Justice Clinic staff attorney and a donation from Elizabeth Zitrin totaling \$125,000 to fund
4 one Racial Justice Clinic staff attorney to provide pro bono legal services to support the
5 District Attorney’s reexamination of cases to identify cases involving excessive sentences
6 and wrongful convictions; and

7 WHEREAS, One staff attorney has worked with the District Attorney to: (1) screen,
8 review, and evaluate cases eligible for relief under Penal Code, Section 1170.03; (2) train
9 and supervise clinic students to screen and review an even greater volume of eligible
10 cases; and (3) appear in court as a deputized assistant district attorney to litigate Penal
11 Code, Section 1170.03 cases; and

12 WHEREAS, A second staff attorney has supported the work of the Innocence
13 Commission to evaluate cases in which an incarcerated person claims to have been
14 wrongfully convicted by: (1) training clinic students to assist the Innocence Commission
15 members in evaluating wrongful conviction claims, including any necessary follow up
16 investigation; (2) ensuring that the Innocence Commission members can efficiently and
17 fairly evaluate as many claims as possible; and (3) serving as the primary drafter of the
18 Findings of Fact Memorandum as well as any other documents authored by the Innocence
19 Commission; and

20 WHEREAS, The Office of the District Attorney received and began using these pro
21 bono legal services in November 2021; and

22 WHEREAS, No indirect costs are included by the Office of the District Attorney in
23 order to maximize the value of the pro bono legal services; now, therefore, be it

24 RESOLVED, That the Board of Supervisors retroactively approves the acceptance
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1 and use of in-kind gift of pro bono legal services, with a value estimated at \$250,000
2 provided by the University of San Francisco School of Law's Racial Justice Clinic, and
3 funded by the Vital Projects Fund and Elizabeth Zitrin, to fund two staff attorney positions,
4 to support the Racial Justice Clinic's work assisting the Office of the District Attorney's
5 Sentencing Review Conviction Unit and Wrongful Conviction Unit Innocence Commission.

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1 Recommended: Approved: /s/
2 London N. Breed
3 Mayor
4 /s/
5 Chesa Boudin Approved: /s/
6 District Attorney Ben Rosenfield
7 Controller
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