

PRESS RELEASE
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FROM: CALIFORNIA COMMISSION ON THE FAIR
ADMINISTRATION OF JUSTICE

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CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF
JUSTICE ANNOUNCES PLANS FOR PUBLIC HEARING ON THE
PROFESSIONAL RESPONSIBILITY OF PROSECUTORS AND
DEFENSE LAWYERS ON JULY 11, 2007 IN LOS ANGELES.

The California Commission on the Fair Administration of Justice was created by the California State Senate in 2004 to “study and review the administration of criminal justice in California, to determine the extent to which that process has failed in the past” and to examine safeguards and improvements.

The Commission will convene a public hearing on Wednesday, July 11, 2007 to hear testimony on the professional responsibility of prosecutors and defense lawyers. The hearing will take place in Donovan Hall at LOYOLA LAW SCHOOL, 919 ALBANY STREET, LOS ANGELES, CALIFORNIA 90015, from 9:30 a.m. to 12:00 p.m. in the morning, and 1:00 p.m. to 4:30 p.m. in the afternoon.

The Commission released the attached set of “focus questions,” to identify the issues the Commission would like the witnesses to address.

The hearing will feature presentation of the results of three research projects undertaken on behalf of the Commission. Professor Cookie Ridolfi of Santa Clara University School of Law, a member of the Commission, examined all appellate cases in California for a ten year period to identify cases in which prosecutorial misconduct was found, and whether it was determined to be harmless error or resulted in a reversal of the judgment. Professor Laurie

Levenson of Loyola Law School also examined claims of prosecutorial misconduct, and surveyed California District Attorney offices to ascertain what internal mechanisms are in place to address individual instances of prosecutorial misconduct. Professor Larry Benner of California Western School of Law examined California appellate cases in which claims of ineffective assistance of counsel were raised, and also surveyed defense lawyers and organizations to identify the causes of defense lawyer incompetence.

Organizations representing prosecutors, public defenders, criminal defense attorneys and judges, as well as individuals engaged in these roles, have been invited to participate in the hearing, either through written presentations (which will be available on the Commission's website) or the presentation of oral testimony to the Commission. The witnesses will also include Harry Sondheim, the Chair of the California State Bar Commission for the Revision of the Rules of Professional Conduct, and Scott Drexel, Chief Trial Counsel for the State Bar of California.

The Commission will meet following the hearing to begin preparation of its report and recommendations. It is anticipated the report and recommendations on Professional Responsibility of Prosecutors and Defense Lawyers will be released in October, 2007.