
PRESENTERS

Hayne Barnwell is a sole practitioner focused on civil and criminal appeals as well as criminal defense in North Andover. She has worked for Shea, LaRocque & Wood (now Shea & LaRocque), Wood & Nathanson and Carney & Bassil. In 2011, Lawyer's Weekly named her an "Up and Coming Lawyer." She is a graduate of Vanderbilt University and Suffolk Law School.

Nancy J. Caplan has been an advocate for low-income individuals for over forty years. Before starting law school in 1980, she worked for five years in New York City, first for MFY Legal Services as a government benefits advocate and then for the Prisoner's Rights Project of the Legal Aid Society as a paralegal. She graduated from Northeastern University School of Law and then began her career as a CPCS public defender. As a public defender, she has practiced in Hampden, Hampshire, Middlesex and Suffolk Counties. She has mentored and supervised many wonderful lawyers and contributed to multiple training programs within CPCS and the criminal defense community. Since April of 2013, she has been the Attorney in Charge of the Drug Lab Crisis Litigation Unit, created to respond to the Annie Dookhan/Hinton Drug Lab debacle.

Emily Cardy is a staff appellate attorney at the Committee for Public Counsel Services. Prior to joining CPCS in 2011, Emily clerked for Justice James McHugh in the Massachusetts Appeals Court and for United States Magistrate Judge Charles B. Day in the United States District Court, District of Maryland. Emily is a graduate of Yale University and of Boston University School of Law.

Susan Church is a trial and appellate attorney focusing mainly on immigration law and criminal defense. After graduating from Suffolk Law School, she worked as a public defender at the New Hampshire Public Defenders Office in Nashua and Orford New Hampshire. Upon returning to Boston, Attorney Church worked as an associate attorney at Salsberg & Schneider law firm where she tried state and federal criminal cases, including first degree murder cases. At the same time, Attorney Church began specializing in the intersection between immigration law and criminal law. In November 2005, Attorney Church established her own firm, Demissie & Church with her current partner, Attorney Derege Demissie. At Demissie and Church, Attorney Church advocates for immigrants with criminal convictions facing deportation and immigrants seeking immigration benefits in the United States. In 2001, Attorney Church received the "Detention Panel Attorney of the Year" award from the Political Asylum Immigrant Representation project. A longtime supporter of progressive political causes, she was named the Attorney of the Year by the National Lawyers

Guild in 2014. Attorney Church also successfully represented the "Occupy Boston" protestors as the lead attorney. In 2015 she received the PAIR Project pro bono attorney of the year award. From 2012-2018 she has served as a Board member of the American Immigration Lawyers' Association of New England, taking the title of Chair in 2016-2017. In 2017 she successfully sued President Trump for his anti-immigrant travel and visa processing ban on Muslim immigrants from seven affected countries, obtaining a Temporary Restraining Order from the Federal District Court. She is also a frequent lecturer at Massachusetts Continuing Legal Education programs, American Immigration Lawyers Association of New England, Boston Bar Association and the Mass Bar Association. Attorney Church has also appeared as a guest commentator on national television and radio.

Jack Cunha is a partner at the firm Cunha & Holcomb, P.C., where he specializes in criminal defense at both the trial and appellate levels, as well as personal injury and civil rights litigation. For 10 years he served as a part-time clinical instructor at Harvard Law School, and he regularly lectures both in state and nationally on a variety of issues. Attorney Cunha is a past president of MACDL, and currently serves on the Board of Directors.

Erica E. Cushna is the Massachusetts Youth Advocacy Department (YAD) Trial Panel Director. The position of Trial Panel Director for the Youth Advocacy Department is designed to provide supportive leadership, while assuring adherence to performance standards to the 600+ private attorneys who make up the juvenile and Youthful Offender trial panel. She has also worked nationally to create the National Juvenile Defense Practice Standards and worked collaboratively in Massachusetts to create new indigency rules for Massachusetts with statewide stakeholders. Prior to her employment at YAD Erica was in private practice in Hampden County for 18 years. Erica has successfully defended numerous cases before juries in the Massachusetts superior, district, and juvenile courts and has been a dedicated advocate for hundreds of clients. She has also appeared before the Massachusetts Appeals Court and Supreme Judicial Court. Erica was the 2008 Massachusetts Bar Association Access to Justice Defender Award recipient. Erica also served as a Massachusetts team member of the Juvenile Indigent Defense Action Network. Erica was awarded in November 2013, the Massachusetts JDAI Jane Tewksbury Leadership award.

Brian Flaherty is a legal reference librarian at New England Law | Boston, where he has been for over 25 years, minus a three year period where worked at the Suffolk University Law Library. In

addition to research, his real passion is teaching. He teaches in the first year program at the law school, co-teaches an advanced legal research class, and frequently does presentations on research for doctrinal classes. In addition, he has given presentations and programs for the Law Librarians of New England, the New England Law Library Consortium, the American Association of Law Librarians, and the Massachusetts Bar Association (among others).

Anne Goldbach is the Forensic Services Director for the Committee for Public Counsel Services. After graduating from Boston College Law School, Ms. Goldbach joined the Massachusetts Defenders Committee as a public defender in 1978. After the creation of CPCS, she joined the staff of Roxbury Defenders in January, 1985, where she became a supervising attorney; she was selected as Attorney in Charge of the Boston office in November, 1987. After running the Boston Trials Unit for 10 years, she became CPCS' Director of Forensic Services in November of 1997. In that capacity, she acts as a resource on forensic issues and experts for public defenders and bar advocates across the state. Throughout her career, Attorney Goldbach has been actively involved in continuing legal education and criminal defense training programs, and has lectured on numerous forensics topics. She has been a frequent lecturer, writer and moderator for Mass. Continuing Legal Education, CPCS conferences and training programs, as well as other CLE training programs. She has served on the Board of Directors of the Mass. Council for Public Justice. She serves on the board of the Thomas J. Drinan Memorial Fellowship Fund at Suffolk University Law School. She is a non-voting member of the state's Forensic Sciences Advisory Board. She is a past president and current board member of MACDL, Massachusetts Association of Criminal Defense Lawyers. In May 2000, Ms. Goldbach received the Hon. David S. Nelson Public Interest Law Award from the Boston College Law School Alumni Association. In May 2013, Ms. Goldbach received the Edward J. Duggan Public Defender Award from CPCS for zealous advocacy and outstanding legal services. In April 2014, Boston College Law School's Women's Law Center gave her the annual "Woman of the Year" award and in June, 2016 she received the Clarence Gideon Award from the Massachusetts Association of Criminal Defense Lawyers.

Ruth Greenberg is a solo appellate practitioner. She has been litigating and losing public trial claims for many years.

Michael S. Hussey has been an attorney with the Committee for Public Counsel Services (CPCS) Public Defender Division since 1985, and the Attorney-In-Charge of the Worcester office since

PRESENTERS

1994. He is a graduate of Stony Brook University and Suffolk University Law School and has been on the “Murder List” since 1992. He has tried cases in the District and Superior Courts of Worcester and Hamden County and has also argued post-conviction cases before the Appeals Court. Mr. Hussey was the 2003 recipient of the Massachusetts Bar Association’s Access to Justice Award. In 2004, Mr. Hussey was inducted into the American College of Trial Lawyers, of which he is currently a Fellow. He was the 2006 recipient of the Edward Duggan Award given by CPCS. Mr. Hussey has been a frequent lecturer and faculty member at MCLE and CPCS training programs. He was a contributing author to MCLE’s *Trying Murder and Homicide Cases*. Mr. Hussey is a long-time member of the board of directors of the Massachusetts Citizens Against the Death Penalty and presently serves as the President of the Massachusetts Association of Criminal Defense Lawyers.

Rebecca Jacobstein joined the Appeals Unit of the Committee for Public Counsel Services in April 2014. Before that, she worked as an appellate attorney at the Office of the Appellate Defender in New York City, as a trial attorney at the New Hampshire Public Defender’s Office, and as a sole practitioner focusing on post-conviction representation in Massachusetts and federal courts. In 2012, she was named an *Up & Coming Lawyer* by *Massachusetts Lawyers Weekly*.

Steve Maidman is engaged in private practice in Springfield. His practice is devoted primarily to criminal appeals and related collateral proceedings in the state and federal courts. He is on the CPCS post-conviction murder list. He is the 2010 recipient of the CPCS Carol A. Donovan Award for Exceptional Advocacy.

Michelle Menken is an appellate practitioner concentrating on criminal cases in the Massachusetts and First Circuit courts of appeal. She serves on both the CPCS post-conviction panel and the First Circuit’s CJA appellate panel. Some notable recent appeals include *Commonwealth v. Smith*, 90 Mass. App. Ct. 261 (2016) (remanded for evidentiary hearing on new trial motion alleging failure to disclose exculpatory evidence of cooperation between Suffolk and Norfolk Counties, among other Brady violations); *Commonwealth v. Garcia*, 89 Mass. App. Ct. 67 (2016) (remanded for new trial where prosecutor elicited private marital communications via a third party to whom the communications had been retold) (argued on FAR; awaiting decision); *Commonwealth v. LaBrie*, 473 Mass. 754, 755 (2016) (counsel’s failure to consult an independent oncologist entitled defendant to a new attempted murder trial because the expert could have given

explanations for the failure to give medication other than an intent to kill); *Commonwealth v. Robertson*, 467 Mass. 371 (2014) (vacating denial of motion to dismiss because Massachusetts’ “electronic surveillance” statute did not proscribe ‘upskirting’ on MBTA). Before opening her own office in January 2016, Michelle was a partner at Rankin & Sultan. She appeared regularly in state trial courts, in state and federal appellate courts, and before various administrative agencies and disciplinary bodies as well. Michelle joined Rankin & Sultan upon graduating from Northeastern University School of Law in 1999. While in law school, Michelle’s co-op employers included the Lawyers’ Committee for Civil Rights Under Law, the law firm of Stern, Shapiro, Weissberg and Garin, the CPCS Youth Advocacy Project, and the Honorable Maria I. Lopez. Michelle sits on the Criminal Justice Act Board of the U.S. District Court. She belongs to the Massachusetts Association of Criminal Defense Lawyers and is a lifetime member of the Women’s Bar Association. She lives in Newton with her husband, two daughters, giant puppy, and drunken cat.

Michael A. Nam-krane specializes in appellate practice and the civil collateral consequences of criminal convictions. Since 1997 Michael has worked both privately and for the Committee for Public Counsel Services to serve clients: in criminal defense; before the Sex Offender Registry Board (SORB); and in sexually dangerous person (SDP) litigation. He is especially proud of the collaborative success he has had with like minded attorneys in reforming the SORB and SDP systems. Michael is a Northeastern University of Law graduate.

David Nathanson has specialized in post-conviction defense since 1997 and has also provided representation at the trial level from trespassing to double-murder. In 2005 he became the only Massachusetts public defender to win a case in the U.S. Supreme Court. *Smith v. Massachusetts*, 543 U.S. 462 (2005). He left CPCS to form Wood & Nathanson in December, 2007.

David Rangaviz is an appellate staff attorney in the Public Defender Division of CPCS. He clerked at the Massachusetts Supreme Judicial Court, the U.S. District Court for the District of Vermont, and the U.S. Court of Appeals for the Third Circuit. Before joining CPCS, he worked as a trial attorney at the Maryland Office of the Public Defender and in private practice at Zalkind, Duncan, & Bernstein LLP. He is a graduate of Harvard Law School and Brown University.

Martin Richey has been at the Federal Public Defender Office in Boston since 1997. He has been a Supervising Assistant Federal Public Defender since 2008. He has been handling

federal direct appeals and federal habeas cases (brought under 28 U.S.C. § 2255) since 2008.

Joseph Schneiderman The SJC inspired Joe Schneiderman to be an Attorney at all. See *Lavallee v. Justices in the Hampden Superior Court*, 442 Mass. 228 (2004); *Goodridge v. Department of Public Health*, 440 Mass. 309 (2003). Joe now has an appellate practice “on circuit” in Massachusetts and Connecticut. In 2016, Joe won four (4) cases in the SJC for parties or as amicus. See e.g. *Comm. v. Magadini*, 474 Mass. 593 (2016), *Charbonneau v. Presiding Justice of the Holyoke District Court*, 473 Mass. 515 (2016) (for ACLU Massachusetts and MACDL).

Merritt Schnipper practices criminal, post-conviction, and appellate law in the state and federal courts of Massachusetts and Vermont and the First and Second Circuit Courts of Appeal. He will be opening a new office with Attorney Robert Hennessy in Greenfield MA in June 2017.

Lisa Steele is an attorney in private practice in Shrewsbury, representing indigent defendants on appeal in Connecticut and Massachusetts. She is a graduate of Mount Holyoke College and Western New England College School of Law. She is a former clerk to the Honorable Antoinette Dupont of the Connecticut Appellate Court and the Honorable Herbert Chabot of the United States Tax Court. She has been litigating ID issues on appeal since 1998 – her cases include *State v. Ledbetter* (Conn. 2005), *State v. Guilbert* (Conn. 2012). She may be unique in appearing at appellant’s counsel, amicus counsel, and appellee’s counsel in three cases argued on the same morning in the Connecticut Supreme Court. She is MACDL’s representative to the Supreme Judicial Court’s Standing Committee on Eyewitness Identification and was the Connecticut Criminal Defense Lawyers Assoc.’s representative to the Connecticut Judiciary Committee’s Eyewitness ID Task Force. She has written about and taught numerous CLEs on ID and forensic issues.

Wendy Wayne is the Director of the Immigration Impact Unit at the Committee for Public Counsel Services, where she advises, trains and provides litigation support to criminal defense attorneys. Ms. Wayne lectures frequently on the interplay between immigration and criminal law. She has filed numerous amicus briefs in criminal cases with immigration issues, and argued *Commonwealth v. Sylvain (I)*, in which the Supreme Judicial Court held that *Padilla v. Kentucky* is retroactive under state law. She is a member of the ABA Commission on Immigration and the Massachusetts Access to Justice Commission.