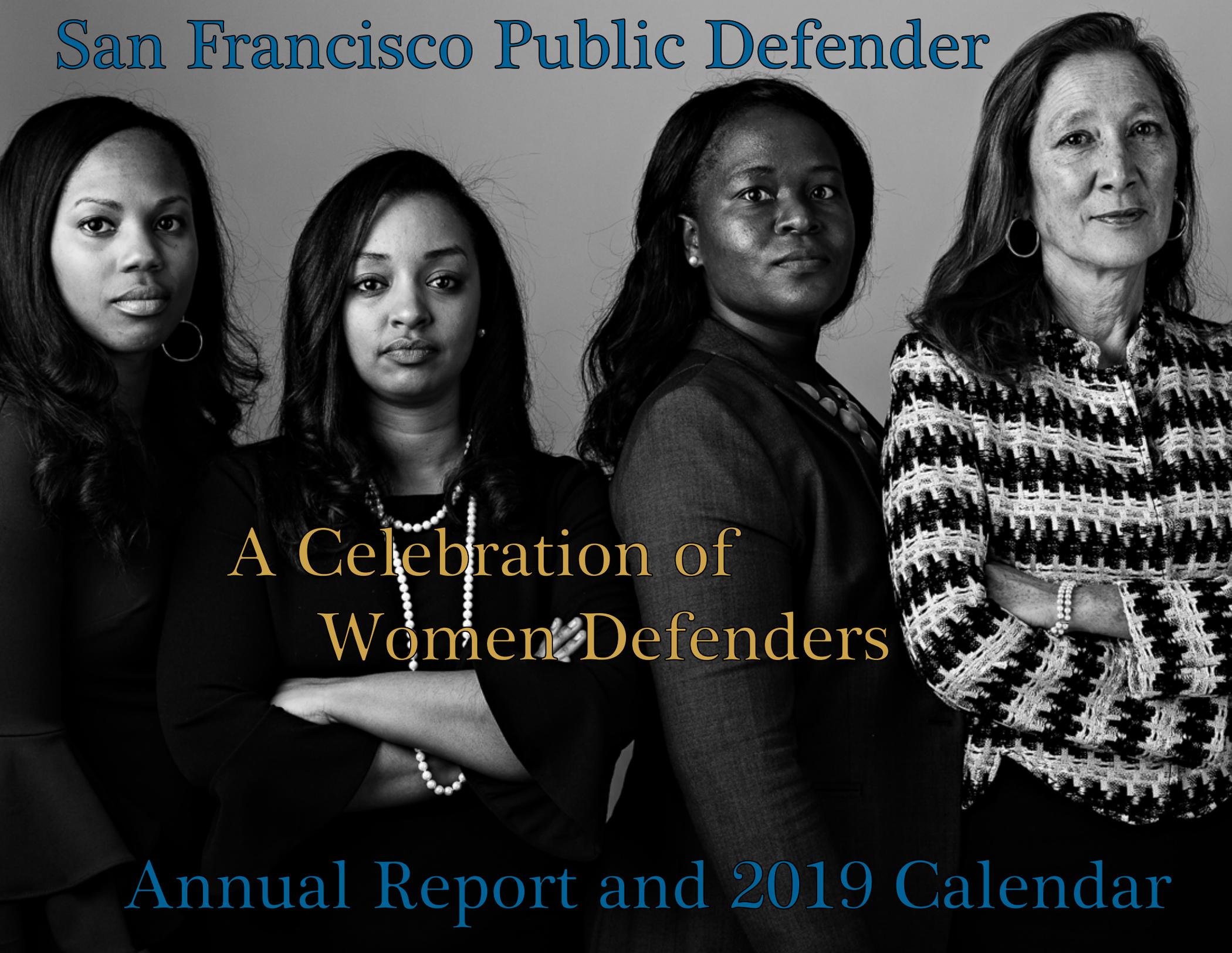


# San Francisco Public Defender



A Celebration of  
Women Defenders

Annual Report and 2019 Calendar

# SAN FRANCISCO PUBLIC DEFENDER

The cover features our Racial Justice Committee, which works to combat racial disparity and discrimination in the criminal justice system. From left to right: Attorneys Tenette Smith, Anisa Sirur, Semuteh Freeman, and Rebecca Young. Not pictured: RJC Co-Chair Demarris Evans.

## Main Office

555 7th Street, San Francisco, CA 94103  
Front Desk: 415-553-1671  
Website: [sfpublicdefender.org](http://sfpublicdefender.org)

## Juvenile Division

375 Woodside Avenue, Room 118, San Francisco, CA 94127  
Front Desk: 415-753-7601

## Bayview MAGIC

Email: [community@bayviewmagic.org](mailto:community@bayviewmagic.org)  
Website: [bayviewmagic.org](http://bayviewmagic.org)

## Mo' MAGIC

Phone: 415-567-0400 • Email: [info@momagic.org](mailto:info@momagic.org)  
Website: [momagic.org](http://momagic.org)

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## Clean Slate Program

Phone: 415-553-9337  
Email: [cleanslate@sfgov.org](mailto:cleanslate@sfgov.org)

## Clean Slate Hours and Locations:

### Arriba Juntos Office

1850 Mission Street  
4th Monday of the month, 10:30 a.m.-12:30 p.m.  
Se habla español

### Main Office

555 7th Street  
Every Tuesday, 9 a.m.-11 a.m.

### Community Justice Center

555 Polk St., 2nd floor  
2nd Wednesday of the month, 3 p.m.-5 p.m.

### The Village Community Center

1099 Sunnydale Avenue  
4th Wednesday of the month, 9 a.m.-11 a.m.

### Ella Hill Hutch Community Center

1050 McAllister Street  
(between Webster & Buchanan in the Fillmore)  
1st Thursdays of the month, 9 a.m.-11 a.m.

### Southeast Community Center

1800 Oakdale Avenue  
3rd Thursday of the month, 9 a.m.-11 a.m.

## ABOUT THE PHOTOGRAPHER

Smeeta Mahanti is a freelance editorial and commercial photographer based out of Berkeley, CA. She is also the founder and Executive Director of KidsRise, a nonprofit dedicated to engaging and empowering the next generation of voters.

Smeeta's photos perfectly captured the spirit and power of the women who work at the San Francisco Public Defender's Office.

"It was a pleasure working with these incredible women," she said. "Their connectivity, their passion, their stories really speak so highly of this office. Watching them through my camera lens was amazing—capturing these images was a gift they so generously gave to me."

To see more of her work or to contact the photographer, visit her website at [www.smeetamahanti.com](http://www.smeetamahanti.com)

# MESSAGE FROM JEFF ADACHI

Today we take it for granted that anyone accused of a crime should have access to quality legal representation, even if they can't afford an attorney. Our office was founded in 1921 based on that principle, and we have been providing top-notch counsel and driving criminal justice reform initiatives ever since.

Believe it or not, the idea of providing quality, free representation to indigent persons accused of crimes was once a radical idea. It took one person—a woman—to pioneer the idea of public defenders. Clara Foltz (1839-1934) was the first female attorney on the West Coast and is credited with introducing the idea to a broad audience at the Chicago World's Fair in 1893. That's why we proudly hang a portrait of her in our office.

In this spirit, for our 2018 Annual Report/Calendar we wanted to focus on the women who work at the San Francisco Public Defender's Office. Half of our attorneys and managers are women, and more than half of our support staff. But national statistics for women in law aren't as encouraging. When Janet Reno was appointed the first female Attorney General 25 years ago, women made up only a quarter of all American lawyers. According to a recent US Census report, now roughly one in three lawyers is a woman, and they still earn less than their male counterparts. For example, the top ten percent of female lawyers earn more than \$300,000 a year compared to their male colleagues, who can earn more than \$500,000.

Women who work in the legal profession have made an indelible stamp on this historically male-dominated field, and as you look through this calendar you will see why. We've highlighted women from each of our departments—felony and misdemeanor attorneys, investigators, paralegals, social workers, and more—and asked them to describe their passion for the work they do carrying out Clara Foltz's "radical" proposal of equal justice for all.

This year, I'm proud to say that together, this office has accomplished a lot.

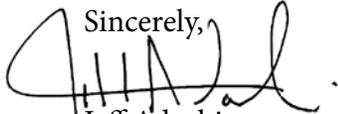
- We challenged the unjust bail system at the California Court of Appeal, which found the state's implementation of bail unconstitutional.



This decision was the result of years of litigation initiated by our office and allies like the Civil Rights Corps.

- We worked to defeat San Francisco's gang injunctions, which targeted people of color. To date, we have gotten the city to remove 86 people from the injunctions, but will keep working tirelessly until this draconian practice is eliminated completely.
- For the first time, we reached our ongoing goal of trying 80 felony cases.
- Our clients continued to benefit from taking their cases to trial. Approximately 63 percent of felony clients and 56 percent of misdemeanor clients who went to trial fared better than if they had accepted the prosecution's pre-trial offer.

This past year has been incredible. In 2019, we will continue to defend the rights of all San Franciscans, whether inside the courtroom or out, and we will keep on our march towards equal justice for all.

Sincerely,  
  
Jeff Adachi  
Public Defender



**“Without the youth, we have no future. This is what keeps juvenile defenders fighting the good fight.”**

*— Juvenile Unit Manager Patti Lee*

# JANUARY | 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 New Year's Day	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Martin Luther King Jr. Holiday	22	23 Ed Roberts Day	24	25	26
27	28	29	30 Fred Korematsu Day	31		



**“Being a female investigator has its challenges but it also has its advantages. People trust us. We get the doors open.”**

*— Investigator Jennifer Jennings*

# FEBRUARY | 2019

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President's Day

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A black and white photograph of four women standing side-by-side. The woman on the far left is wearing a light-colored blazer over a white shirt. The woman next to her is wearing a dark turtleneck. The woman in the center is wearing a dark blazer over a white collared shirt and has her arms crossed. The woman on the far right is wearing a dark top. The background is a plain, light grey color. The entire image is framed by a thick blue border.

**“I see myself as  
a warrior, always  
prepared and  
undeterred to do  
battle to the bitter  
end.”**

*— Felony Attorney Niki Solis*

# MARCH | 2019

SUNDAY

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THURSDAY

FRIDAY

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César Chávez Day



**“We are all part of a team  
with one goal: Ensuring that  
our clients have a fair shake.”**

*— Clerk Tala Winterstein*

# APRIL | 2019

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Dolores Huerta Day

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John Muir Day

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**“You have to separate the two worlds to make it work. When I get home I try to give my kids my all and not think about work. After I tuck them into bed, I switch gears and catch up on work again to prep for tomorrow’s battles.”**

*— Felony Attorney and Mom Abigail Rivamonte Mesa*

# MAY | 2019

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Mother's Day

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Harvey Milk Day

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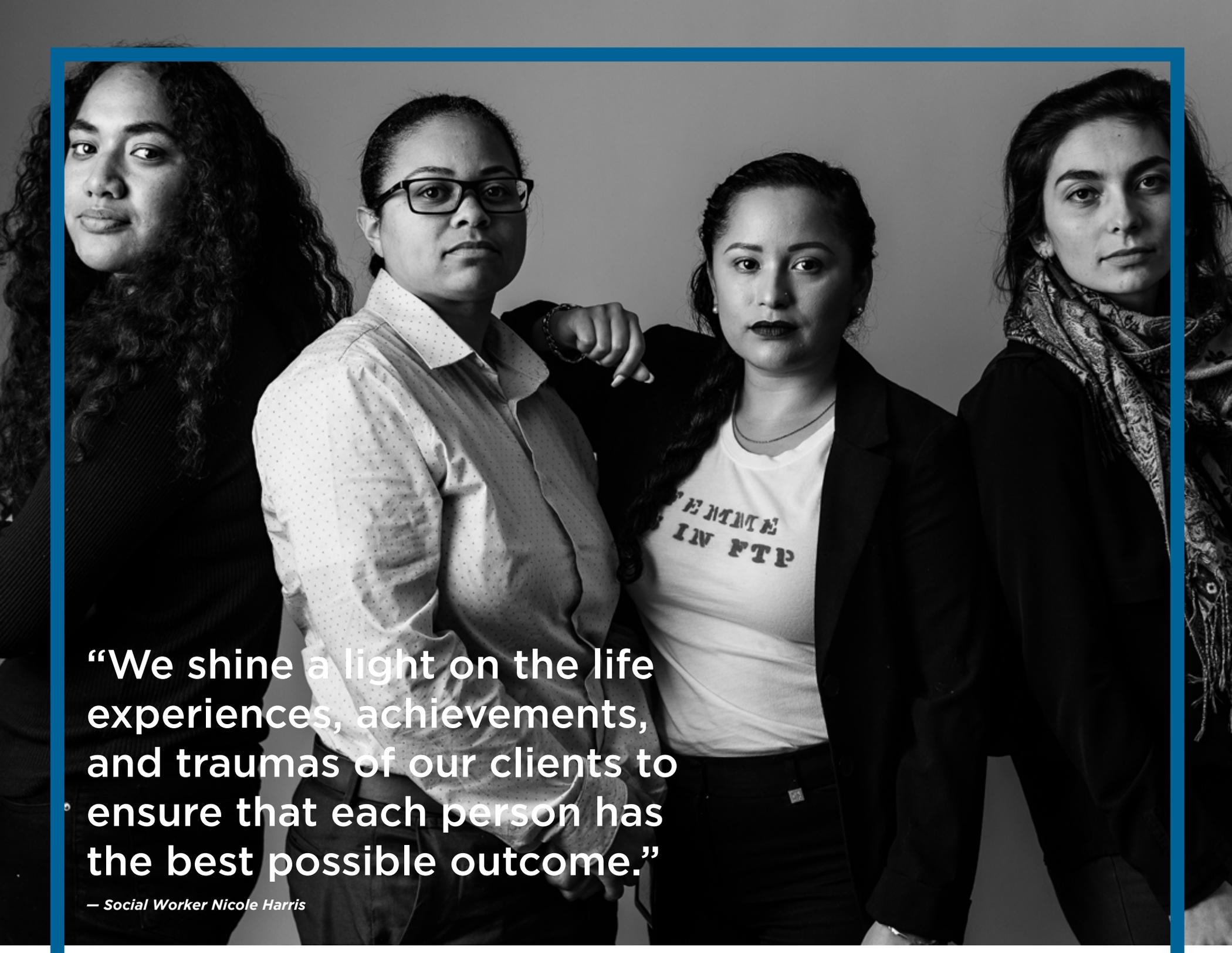
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Memorial Day



**“We shine a light on the life experiences, achievements, and traumas of our clients to ensure that each person has the best possible outcome.”**

*— Social Worker Nicole Harris*

# JUNE | 2019

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Father's Day

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## 2018 Awards

**Deputy Public Defender Jennifer Friedman:** “Top Woman Lawyer” by The Daily Journal in recognition for work she is doing in our office’s Immigration Unit helping those detained and in danger of deportation. “Currently, immigrants don’t get free lawyers appointed in deportation proceedings,” said Jennifer. “I’m on a mission to change that.”

**Immigration Unit:** Open Palm Award for Immigrant’s Rights. Dolores Street Community Service recognized our Immigration Unit for its professional and humanitarian work on behalf of undocumented immigrants. The award spotlights “community heroes who work tirelessly for dignity, respect, and human rights” for immigrants.

**Deputy Public Defenders Chesa Boudin, Armando Miranda, and our Bail Unit:** National Association of Criminal Defense Lawyers “Champions of Public Defense” Award for work on pretrial justice and bail reform. The NACDL recognized their “exceptional efforts in making positive changes to local, state, or federal public defense systems.”

**Chief Attorney Matt Gonzalez and Managing Attorney Francisco Ugarte:** California Public Defenders Association “Public Defenders of the Year.” Matt and Francisco were honored for their work on the José Ines García Zárate trial. Mr. Zárate was acquitted of the shooting of a woman after a high-profile trial in 2017. Despite Mr. Zárate being profiled by Trump as a cold-blooded and dangerous “illegal,” forensic evidence showed the bullet was accidentally discharged and ricocheted off concrete before hitting the woman. CPDA President Brendon Woods praised the work of Matt and Francisco. “They advocated relentlessly for their client in the face of public outcry that reached the highest levels of government and saw that a just outcome was reached.”

**BMAGIC Director Lyslynn Lacoste:** Lyslynn received a Humanitarian Service Award from the National Council of Negro Women San Francisco for her dedication and work with BMAGIC.

**Deputy Public Defender Jacque Wilson and his brother Jacq:** Champion of Educational Justice Award and Living The Dream Award: Jacque and his brother were honored for their work fighting discrimination in Modesto Schools. Their nonprofit, Advocates for Justice, was lauded by both California Rural Legal Assistance and the Lawyers Committee for Civil Rights. (Pictured right with their father, Mack.)

## Two Brothers, One Unjust ‘Felony Murder Rule’

This year brought a lot of positive legislative changes that affect criminal justice reform, but none hit our office as profoundly and personally as when the governor signed Senate Bill 1437, which reformed the “Felony Murder Rule.”

This antiquated law charged people with first degree murder who had no responsibility for the killing, but simply were involved in a related felony. This rule meant that countless people ended up facing life in prison or even the death penalty, regardless of whether or not they even knew about or were complicit in the murder. Often times those charged were young people in the wrong place at the wrong time who had no idea that any violence was going to take place.

Neko Wilson was just one of those people. He found himself one of six people charged in the 2009 slayings of a couple that were killed in a marijuana grow house. Neko was not present when the murder occurred and was unaware that anyone would die.

But he did have a staunch ally. Neko’s brother Jacque, a public defender in our office, threw himself into his brother’s case immediately and fought day and night for his release.

“Our family’s greatest fear was that my brother would die in prison for a crime he didn’t commit,” said Jacque.

But on October 19, 2018, thanks to his brother’s work in passing SB 1437, Neko walked out of prison and into his new life.



“It’s been a long, winding path to justice for my brother and for families like ours across California,” said Jacque. “His release means the world to us, but it’s also a powerful symbol of criminal justice reform. Californians don’t want people to serve time for crimes they didn’t commit.”

Jacque would like to thank the SF Public Defender’s Office, Restore Justice!, and his colleague, felony attorney Steve Olmo.

# STATISTICS

## FELONY UNIT

Jury trials: 81  
Acquittal, hung, mistrial, dismissal: 39%  
Guilty: 34%  
Split verdict: 27%  
Final outcome better than pretrial offer: 65%  
Same as offer: 21%  
Worse than offer: 14%  
Motions filed: 2,417  
Preliminary hearings: 737  
Cases resolved by misdemeanor: 1,042  
Cases resolved by felony plea agreement: 495  
Average cases per atty at any given time: 46  
Motions to reduce bail: 1103  
Dismissals: 643

## MISDEMEANOR UNIT

Jury trials: 163  
Acquittal, hung, mistrial, dismissal: 38%  
Guilty: 38%  
Split verdict: 24%  
Final outcome better than pretrial offer: 56%  
Same as offer: 29%  
Worse than offer: 15%  
Motions filed: 1,312  
Bail motions filed: 289  
Dismissals: 1,019  
Dismissals at trial call: 401  
Average cases per atty at any given time: 78

## INTERN/VOLUNTEERS UNIT

Law school students, post-bars and attorneys: 184  
High school students: 27

## PARALEGAL UNIT

Subpoenas prepared: 5,106  
Trial binders created: 303  
Exhibits created: 759

## LEGISLATIVE UNIT

Court administrative fees repealed: 10  
Savings to clients in administrative fees as a result: \$32 million  
Persons removed from gang injunctions: 86  
Justice bills we helped get passed: 23

## RESEARCH UNIT

Trial and pretrial motions: 103  
Writs and appeals: 42  
Seminars and trainings: 33

## IMMIGRATION UNIT

Detained immigrant clients represented: 173  
Applications for relief filed: 220  
Bond hearings conducted: 58  
Bonds granted: 27  
Clients lawfully granted immigration status: 25  
Appeals filed: 34  
Habeas petitions filed in federal district court: 12  
Written immigration plea consults: 460  
Post-conviction relief motions filed: 24  
Immigration investigation requests: 27

## INVESTIGATION UNIT

Investigation requests: 3,178  
Interviews requested: 4,614  
Subpoenas requested: 1,582  
Video surveillance canvass requests: 596

## JUVENILE UNIT

Trials: 35  
Contested dispositions: 41  
State juvenile commitment: 1  
Youth transferred to adult court: zero  
LEAP clients expelled: zero  
Birthday cakes brought to juvenile hall: 7

## MENTAL HEALTH UNIT

Client cases: 3,362  
Dismissals for conserved clients: 8  
Jury trials: 2  
Clients found gravely disabled in trial: 1  
Client released to the community after 20-plus years of involuntary hospitalization: 1  
Behavioral Health Court clients served: 180  
BHC graduates connected to housing and community behavioral services: 100%

## TRAINING UNIT

New attorney training sessions: 79  
Case conferences: 85  
Felony trial practice group meetings: 52

## CLEAN SLATE

People with prior arrests and convictions served: 7,420  
Motions filed: 2,054  
Motions granted: 86%  
Convictions expunged: 1,122

Arrests sealed: 425  
Felony convictions reduced to misdemeanors: 105

## DRUG COURT

Clients served: 109  
Graduates: 25  
Graduates who were drug-free, safely housed & had a legal source of income: 100%

## VETERANS JUSTICE CENTER

Current participants: 62  
Graduates: 42  
Clients receiving treatment and in stable housing: 90%

## YOUNG ADULT COURT

Current participants: 78  
Clients who received developmentally appropriate, trauma-informed and evidence supported wellness plans: 100%  
Clients referred to services and housing: 100%

## CHILDREN OF INCARCERATED PARENTS

Families served: 78  
Families referred to services: 100%  
Contact visits received for those eligible: 100%

## SOCIAL WORK UNIT

Clients assessed: 381  
Re-entry clients referred to substance and mental health treatment, shelter/housing, and other social services: 100%

## COMMUNITY JUSTICE CENTER

Incoming cases handled: 1,235  
Eligible participants referred to services or performed community service: 100%  
Successful participants: 82%

## TRANSCRIPTION

Recordings transcribed: 151  
Pages of transcripts completed: 259

## CLERICAL

Police reports scanned: 9,014  
File requests answered: 1,130  
Phone calls answered: 105,000

## INFORMATION TECHNOLOGY

Surveillance video retrievals with investigators: 144  
Downloaded police body camera videos for cases: 4,015

## PRETRIAL RELEASE UNIT

Pre-arraignment/booked attorney meetings: 2,124  
Investigations initiated: 331  
Chances client will be released at arraignment: doubled  
Average jail days saved per year: 11,200  
Estimated cost savings to San Francisco per year: \$355,000

## BAIL UNIT

Number of bail motions filed: 727  
Number granted: 145  
Bail reductions granted: 30  
Cases resolved after bail motions filed: 135  
Cases dismissed after bail motions filed: 29

## L.E.A.D.—LAW ENFORCEMENT ASSISTED DIVERSION

Client referrals: 236  
Clients who completed initial screening and assessment: 144

## BMAGIC

Children who participated in the Book Fair: 548  
Books distributed at the Book Fair: 1,096  
Backpacks with school supplies distributed: 2,000  
Youth Participants in the BVHP Youth Summit: 141  
Resource guides distributed: 6,000  
Workshops: 6, with 172 participants

## Mo'MAGIC

Backpacks distributed to students: 2,012  
Books given to youth: 3,200  
Youth taking part in two city-wide learning days: 2,600  
Hours spent reading by youth: 12,725  
Summer events held for more than 1000 youth: 21

(statistics include year-end projections.)



Public Defender staff—led by the Immigration Unit—joined other protestors in front of the ICE office in downtown San Francisco, outraged over President Trump’s “zero-tolerance” immigration policy.

### **The Immigration Unit One-Year In: ¡Si Se Pudo!**

This unit has been doing essential, compassionate work on behalf of detained immigrants ever since the Trump Administration began its massive crackdown on undocumented people two years ago.

We met the president’s aggression with equal might: In a year, we have represented 173 detained people and have saved at least 120 of them from impending deportation away from their lives here and families.

It has indeed been a difficult fight. When ICE initiated a transfer of detainees to Colorado and away from their lawyers, we filed habeas claims and successfully returned our clients to S.F. jurisdiction.

Our attorney Genna Beier won relief for our client who was transferred out of state and under the jurisdiction of the Colorado immigration court. After the client was involuntarily transferred miles away (along with ten other clients), Genna sought to transfer venue from the Colorado courts to San Francisco—but the Judge denied her motion. But Genna did not give up. She actively worked the case via telephone between our office and Colorado, gathered a host of documents, and then filed brief, after brief, after brief. She finally won a new bond hearing, and after another telephone hearing-- despite strong opposition from ICE-- her client was found not to be a danger or flight risk, and he

won bond. He was released from custody a few days later.

Many of our clients never imagined that they could have access to an attorney. That’s why our lawyers took the proactive step of traveling to detention centers where we offered to represent them in San Francisco Immigration Court. Studies have shown that immigration clients with lawyers stand about a 40 percent better chance of receiving a favorable outcome in court than those who do not.

Our unit began humbly enough but now consists of eight lawyers, two social workers, a paralegal, and one investigator.

“Resistance to injustice does matter,” said Immigration Unit Manager Francisco Ugarte. “And despite all of the horrors we hear about in the news, the SF Public Defender is working every day to successfully vindicate the due process rights of non-citizens. ¡Si Se Pudo!”



### **Women In Court**

Felony attorneys Kathleen Natividad and Kleigh Hathaway are both dedicated lawyers in our office, but they regularly face discrimination in the courtroom.

“As a young female attorney, my resilience has already been tested many times,” said Natividad.

“It remains an uneven playing field,” said Hathaway. “As women lawyers, we need to be more prepared, more competent, and more articulate. We do not have the presumption of competence and many judges will take every opportunity to remind us of this.”

Natividad agrees. “I’ve had to grab many male judges’ attention as they only see and hear what my male counterparts are communicating. I’ve watched the boys’ clubs not only in chambers but also in open court.”

Natividad sees these issues as a challenge she’s willing to take. “It not only instills more strength in me, but creates an incredible camaraderie that I would not trade for the world. I’ve found my mentors, my best friends, and my family.”

“The great thing about being a woman attorney is the sisterhood!” said Hathaway. “Our office has many young female attorneys who are an inspiration to me and make me proud to be here.”

## Bail Reform and the Humphrey Case

As California faces an uncertain future regarding bail reform, one man's case continues to be a clear-cut example of the unjust practice of demanding that poor people secure their freedom pre-trial by coming up with cash. He also found his case in the center of our office's push to take bail reform to the California Supreme Court.

Kenneth Humphrey was accused of stealing a bottle of cologne and threatening a man with a pillowcase after he said he was owed \$5. The District Attorney slammed Mr. Humphrey with four felonies: first degree robbery, first degree residential burglary, inflicting injury on an elder, and theft from an elder. As if this blatant overcharging weren't enough, he was also initially ordered to pay \$600,000 in bail, which was later reduced to \$350,000, still an impossible amount for a man of his means.

We took his case to the Court of Appeal, which found in our favor that money bail, as implemented in California, is unconstitutional.

In May, the California Supreme Court announced it would grant a challenge by the SF DA to review the decision. Both sides have briefed the court and a final decision is expected in the spring. If the court sides with us, it will have a tremendous impact on the future of bail in our state and throughout the country.

## Fines and Fees

It's a phenomenon often referred to as a "poor tax" — fees and charges levied on low-income people that are already struggling. Some of those hardest-hit have been people who have come in contact with the criminal justice system and then leave with burdensome costs that saddle them with debt.

This year, in conjunction with the SF Treasurer's Financial Justice Project, our Legislative Policy Analyst Donna Mandel spearheaded an initiative to remove many of these fees, saving our clients thousands of dollars and clearing the way for them to move on with their lives.

"These fees funded a fraction of San Francisco's billion-dollar budget on the backs of its most vulnerable citizens," said Simin Shamji, Director of Specialty Courts and Reentry Programs in the Public Defender's

Office. "Eighty to 90 percent of criminal defendants in this city are already considered indigent or at or below the poverty line."

Individuals who have been ordered to pay restitution will still do so, but nine administrative fees commonly charged by the court, the sheriff's department and juvenile probation have been eliminated. For example, the cost of adult probation ran \$1,800 up front, per person. Electronic monitoring fees were charged to clients at \$35 a day, plus a \$125 sign-up fee.

Following our example, a similar fee elimination was recently enacted in Alameda County, and Californians for Debt Free Justice is working on a statewide initiative to remove these fees in every county.

Now, thanks to our initiative, once people have "paid their debt to society" they no longer have to continue to be hobbled with more court debt. True justice has been served.



A reporter from a Chicago NPR station interviewed our Clean Slate client Lonnie Bolton about more than \$3,000 in court fees that were keeping him from retiring with his family in the South. "I just want to get back to Mississippi," he said. "I want to spend time with my grandkids."



**“We pride ourselves in defending the most vulnerable San Franciscans — the homeless and people with mental illness .”**

*— Mental Health Unit Manager Kara Chien*

# JULY | 2019

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

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Independence Day

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**“We are not superwomen, but like our community partners, we are everyday people just trying to make MAGIC happen for the children, youth, and families that we serve.”**

*— BMAGIC Director Lyslynn Lacoste*

# AUGUST | 2019

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**“In immigration court, where relief diminishes weekly, we strive to be a thorn in the system’s side, and give all our clients their day in court.”**

*— Immigration Attorney Carla Gomez*

# SEPTEMBER | 2019

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**“I try to listen more than talk, to understand their struggles and concerns, even before we delve into their criminal case. My clients know that I have their back, no matter what.”**

*— Felony Deputy Public Defender Sujung Kim*

# OCTOBER | 2019

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Indigenous People's Day

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Larry Itliong Day

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Halloween



PUBLIC DEFENDERS  
**We Justice**

“I have seen many of my friends affected by the criminal ‘injustice’ system and that’s why I do this. It’s a good feeling to contribute to preserving a fellow human being’s liberty.”

— Paralegal Margaret So

# NOVEMBER | 2019

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Election Day

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Veterans Day

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Thanksgiving Day



**“Why do I do this job? Because I’m privileged to be in a position to stand up for someone. It fuels my fire. I’m the daughter of a rebel—it’s expected of me.”**

*— Misdemeanor Attorney Anisa Sirur*

# DECEMBER | 2019

SUNDAY

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