

**KATHLEEN A. COYNE**

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**SUMMARY OF QUALIFICATIONS**

Nationally recognized award winning criminal defense attorney with exceptional talent for trial advocacy and teaching. Demonstrated ability to combine expert analytical, investigative, organizational, negotiation and courtroom litigation skills to prepare powerful defense for complex high-profile, criminal cases. Achieved numerous acquittals for clients charged with murder, manslaughter, rape, robbery, arson, assault, child abuse, drug and gang cases. Designed and implemented multiple training programs for felony trial attorneys including childhood sexual abuse and beginning felony practice. Successful legal career marked by rapid promotions to positions of increasing responsibility.

**Admissions:** California Bar 1988; Pennsylvania Bar 1982; Florida Bar 1983; United States District Court, Eastern District of Pennsylvania; United States District Court, Southern District of California.

**EXPERIENCE**

***Deputy Public Defender V***

**County of San Diego, Office of the Public Defender  
San Diego, CA**

1989 to Present

Lead or sole defense counsel in felony criminal matters with full oversight of initial investigations, trial planning, motions practice, discovery, legal research, and courtroom litigation in complex serious cases. Prepared and litigated a variety of difficult, complex and high media profile cases including capital murder. Utilized experts in all relevant disciplines, including: childhood suggestibility, childhood development, medical findings, geneticists, drug culture, gang culture, firearms, DNA, blood spatter, arson, police procedures, coerced and false confessions. Trained and advised staff attorneys in legal concepts, use of experts, trial procedures, and litigation strategy. Recognized in 9th Circuit federal court and California appellate courts as an expert on effective representation in defending against charges of child sexual abuse.

**Achievements:**

- ***Supervisor Felony Transition Unit*** Designed and implemented integrated training program for beginning felony public defenders. Developed ongoing continuing legal education program meeting California Bar MCLE requirements.
- ***People v. Dale Akiki***, Child molest and ritual abuse accusations in longest criminal trial in San Diego history (9 months of trial resulting in acquittal in 7 hours) Ground breaking use of experts in false accusation of child abuse.
- ***Adjunct Faculty California Western School of Law*** Trial Skills.
- ***Designed and implemented 3 day training program in all facets of trial representation of child sexual abuse charges at request of Clark County Nevada (Las Vegas) Public Defender sexual assault team*** Also widely attended by the local bar.
- ***Frequent lecturer at state and national MCLE programs*** Representative topics include insanity, mental defenses to homicide, use of psychological experts, eyewitness identification issues, child witness testimony, childhood suggestibility, working effectively with experts, cross examination of prosecution experts, use of

syndrome evidence and investigation of complex child abuse cases. (Partial list attached)

- **California Public Defender of the Year** California Public Defender Association.
- **E. Stanley Conant Award** Defender Organizations of San Diego for "efforts to protect the rights of the indigent accused."
- **Skip Glenn Award** California Attorneys for Criminal Justice for "extraordinary accomplishments by a young defense lawyer"
- **Martindale-Hubbell Bar Register of Preeminent Women Lawyers** 2013
- **Super Lawyer, San Diego** 2008, 2009
- **San Diego County Top Attorneys—Municipal & Government (San Diego Daily Transcript 2006)** First public defender ever selected.
- **Nationally recognized expert in defense of false accusations of child abuse** Appeared on *Primetime Live, Justice Files, American Justice, Inside Edition, and Phil Donahue*. Cases covered by local and national press and featured in the *New York Times, Philadelphia Inquirer, Los Angeles Times, San Diego Union-Tribune, London Sunday Times, Newsweek, New Republic, People*.
- **Standard of Care Expert** Recognized in federal (9th Circuit) and state appeals courts as an expert in the area of competent representation of criminal defendants and ineffective assistance of counsel under *Strickland v. Washington*, (1984) 466 U.S. 668 (Partial list attached)

#### **Trial Attorney**

**Federal Defender of San Diego, San Diego, CA**

1988 to 1989

Represented clients charged with all federal crimes at all stages of proceedings, including arraignments, pretrial motions, trial, sentencing and appeals. Familiar with federal guideline sentencing.

#### **Achievements:**

- Succeeded in having private bill introduced in Congress to prevent deportation of an undocumented naval enlisted service member charged with illegal entry.

#### **Assistant Defender**

**Philadelphia Defender Association, Philadelphia, PA**

1984 to 1988

Represented felony and misdemeanor criminal defendants of major metropolitan county in preliminary hearings, juvenile adjudications, jury and non jury trials, pretrial and post verdict motions, line-ups, sentencing, probation and parole matters and grand jury presentments.

#### **Achievements:**

- Represented clients at 1200 misdemeanor bench trials and 600 felony jury and bench trials.

#### **Assistant Public Defender**

**Broome County Public Defender, Binghamton, NY**

1983 to 1984

Sole trial and pretrial responsibility indigent defendants in 15 local court jurisdictions; initiated investigations, negotiated plea agreements, litigated motions, jury selection and trials; handled felony probation violations and appeals including murder, rape and robbery.

### **EDUCATION**

**Temple University, Beasley School of Law**  
1982

*Juris Doctor*

Philadelphia, Pennsylvania

**Case Western University**  
1979  
Cleveland, Ohio

*Bachelor of Arts in History and English*

**Lancaster University**  
Bailrigg, Lancashire, England  
1977

*Studies in Byzantine History* 1976 to

**PROFESSIONAL PRESENTATIONS**  
(Partial list)

Apr-2013 (Scheduled )	California Public Defender Association	Quality Lawyering in Child Sex Cases: A Strickland Perspective
Jul-2010	California Public Defender Association	Winning Strategies with Eyewitness Evidence and Experts
Nov-2006	California Public Defender Association	Creative Use of Experts
Sep-2006	San Diego Psychological Association	Cross-examination of Psychological Witnesses
Sep-2006	National Child Abuse Defense Resource Center	Ethics
Oct-2005	San Diego County Public Defender	Defending Sex Crimes
Oct-2005	San Diego County Public Defender	Defending a Child Abuse Case: Working with Experts
Sep-2005	San Diego County Public Defender	Diminished Actuality and Other Mental Defenses
Mar-2005	San Diego Public Defender	Diminished Actuality
2005	Clark County (Las Vegas) Public Defender	Trial Advocacy Institute
Oct-2004	San Diego Public Defender	Meeting the Prosecution Experts
Oct-2004	San Diego Public Defender & Clark County (Las Vegas) Public Defender	Defending Child Molest Cases
Oct-2001	California Public Defender Association	The Use of Experts in Child Molest Cases
May-2001	California Attorneys for Criminal Justice	The Expert Use of Experts
Feb-2001		Defending Against

	California Public Defender Association	Specialized Prosecutions
Oct-2000	California Attorneys for Criminal Justice	Alice In Wonderland: Dealing With Children's Recollections vs. Fantasy
Oct-1999	USD, School of Law	Psychological Syndromes: Expert Testimony in the Criminal Arena
Oct-1998	California Public Defender Association	Cross-examination of Children and Other Witnesses in PC 288 Cases
Sep-1996	Institute of Criminal Defense Advocacy	Faculty
Oct-1995	Defense Investigator Association	Attorney Investigator Relationships: How to Work Together
Oct-1995	Administrative Law Judge Conference	Junk Science: Assessing the Worth of Mental Health Experts
Sep-1995	Institute of Criminal Defense Advocacy	Faculty
Summer - 95	California Western School of Law	Trial Practice (2 unit course)
Feb-1995	USD School of Law and Department of Psychiatry	Dangerousness in the 90's/Ritual Abuse
Jan-1995	San Diego County Public Defender	Mental Health Experts in PC 288 Cases
Oct-1994	Criminal Defense Bar Association	Direct and Cross Examination of the Suggestibility Expert
Fall-1994	California Western School of Law	Trial Practice (2 unit course)
Sep-1994	Criminal Defense Bar Association	Direct and Cross Examination of Expert on Childhood Sexual Abuse Accommodation Syndrome
Jul-1994	NITA Pacific Regional	Trial Skills Institute
May-1994	California Attorneys for Criminal Justice	Criminal Defense Update Sex, Drugs and Violence: The Successful Use of Experts
May-1994	California Public Defender Association	Annual Convention: Syndrome Evidence in Child Abuse Cases
May-1994	Defense Investigator's Association	When the Defense Team Works Together
Apr-1994	University of San Diego School of Law	Repressed Memories
Apr-1994	Institute of Criminal Defense Advocacy:	Drama in the Courtroom

	California Western School of Law.	
Apr-1994	State Bar of California	Women in the Law: Tried and True Techniques for Women Trial Attorneys in Criminal Law
Feb-1994	California Public Defender Association	Defending Sex and Drug Cases: Child Molestation
Jan-1994	San Diego County Public Defender	Cross Examination of the Child Witness
Nov-1993	California Public Defender Association	Cross Examination and Final Argument/Cross Examination of the Child Witness

**CASES ACCEPTED AS EXPERT**  
*(Partial list & excerpts)*

*In re Hill* (2011) 198 Cal.App.4th 1008 1022 [129 Cal.Rptr.3d 856]

"Hill also submits the declaration of Coyne, a criminal defense expert with extensive experience in defending charges of child molestation. She reviewed the declarations of Berman-Hernandez and Ticson. In Coyne's expert opinion, "[t]here exists no sound reason in this case for [Berman-Hernandez's] failing to obtain clinical photographs of the forensic medical examination performed on the complainant [(C.W.)] or to investigate the availability of an expert in the area [of] medical findings." . . . Coyne concludes: "It is my opinion that failure to obtain and present for expert examination colposcopic photos and expert medical testimony in the instant case constitutes a departure from the standard of acceptable practice in defense of child molest offenses. . . .] I believe that counsel's failure to investigate these potential areas of defense denied [Hill] the effective assistance of counsel and undermined confidence in the decision of the jury as contemplated by [Strickland, supra, 466 U.S. 688]." (Italics added.)

Based on our review of the record and the declarations of Berman-Hernandez, Ticson, and Coyne, we conclude Hill's trial counsel performed below an objective standard of reasonableness under prevailing professional norms."

*People v. Settanni* (Cal. Ct. App., Jan. 29, 2009, G038524) 2009 WL 206533

"Moreover, as noted by Kathleen Coyne, a San Diego County deputy public defender with over 26 years experience (20 in California) and the 1993 Public Defender of the Year and Trial Attorney of the Year, a recipient of the Skip Glenn and E. Stanley Conant Awards, and lead counsel in a case involving 53 counts of lewd acts with a child that included allegations of ritual abuse, child murder, and animal sacrifice and numerous other cases involving child abuse and child molestation, opined that there could be "no sound reason" for Dolan's failure to "investigate the availability of an expert in the area of childhood suggestibility." As Coyne states, Dolan's unexpected shift from associate counsel to lead counsel on the case could be part of the problem. Nevertheless, as explained by Coyne, Dolan's failure

to "investigate this well known area of weakness in the area of child molest accusations" to be a "grave departure of [sic ] the standard of care and likely affected the outcome of this trial." . . . Therefore, we agree with Coyne's conclusion, "it is reasonably likely that if such a witness had been called the outcome of the trial would have been different since the case was predicated entirely on the accuracy and believability of the child witness."

*In Re Ryusuke Ushikoshi*. [(2008)Habeas Petition Superior Court Number EE403471; Sixth District Court of Appeal No. H029630]

*People v. Creasy* (Cal. Ct. App., Feb. 27, 2003, D035096) 2003 WL 550163

"Also included with the petition is a declaration from Kathleen Coyne, a legal expert experienced in trying child sexual abuse cases. Coyne stated she was consulted by defense counsel in this matter before trial. She strongly advised having the colposcopic photographs examined by an expert and provided names of physicians who could do so. Defense counsel acknowledged the importance of such review. Coyne noted the particular importance of exploring the defense that no sexual abuse occurred especially in a county where the objectivity of certain prosecution medical experts, including Dr. Kaufhold, were suspect."

*Brodit v. Cambra* (9th Cir. 2003) 350 F.3d 985, 1007

"At trial, it was difficult for Brodit to mount a complete alibi defense, as the abuse charged in the indictment encompassed two and a half years and Jane's testimony was not specific as to the dates of the abuse. Accordingly, Brodit's defense relied heavily on the lack of physical evidence and a depiction of himself as a person unlikely to abuse a child sexually. Brodit's character presentation was therefore a crucial component of his defense. Augmentation of this defense could well have made a difference, as emphasized at the evidentiary hearing by attorney Kathleen Coyne."