

Honorable Harry M. Elias (Retired)

Harry Elias was a Judge in the San Diego Courts since December 31, 1990. He retired in January 2021. He has had multiple assignments over that time period. In 1994-95, he was elected Presiding Judge of the North County Municipal Court. Judge Elias was elevated to the Superior Court during court consolidation in 1998. He is a long-standing member of the California Judges Association, and the Association of Juvenile Court Judges of California. Judge Elias has presided in a Juvenile Dependency assignment where he handles cases involving children who have been removed from parents or caretakers amid allegations of child maltreatment for a period totaling 8 years of his career. While in a criminal assignment he still presided over long cause juvenile dependency matters, as well as presiding over the Adoption calendar for the North County division of the San Diego Superior Court. Judge Elias also presided over the criminal law & motion calendar (felony & misdemeanor) which included habeas corpus matters and motions to invalidate earlier convictions. After retirement, Judge Elias continues to preside over cases as part of the Temporary Assigned Judges Program.

Harry Elias has been involved in cases involving family violence and child abuse throughout his career. Before his appointment to the bench, he was a prosecutor in the San Diego District Attorney's office (1976-1990). He was appointed as the first Chief of the newly formed Family Protection Division, which prosecuted cases involving child abuse and neglect, domestic violence, child sexual assault and child abduction. His unit, which worked closely with the Child Protection Center at San Diego Children's Hospital, became known for its innovative advances in interdisciplinary coordination and child-friendly approaches to cases involving child victims.

Judge Elias was appointed by the Governor's Office to serve on the Children's Justice Act Task Force for the State of California and has done so since 1999. He was the chair of the Task Force for a number of years until his retirement in January 2021. He was also a member of the California Judicial Council's Violence Against Women Education Project (VAWEP). He is a life member of the American Professional Society on the Abuse of Children (APSAC), where he has served as a member of the Board of Directors and as APSAC's President in 1997-98. Judge Elias was a member of the American Bar Association from 1975 - 2009. Judge Elias is also a member of the California Judge's Association and served as the chair of the Criminal Law & Procedure Committee for the 2 years prior to his retirement.

Harry Elias received his B.A from the University of Michigan (1972), and his J.D. from the University of San Diego (1975). He has always participated in continuing legal education as a trainer and invited speaker at legal and judicial conferences. As a prosecutor and legal instructor, he was named 'Outstanding Trainer' by the California District Attorney's Association. As a judge, he is a faculty member of the California Judicial Council's Center for Judicial Education and Research (CJER), where he is an instructor in the areas of: New Judge Orientation, Sexual Assault, Judicial Ethics (QE 5,6 & 7) and Juvenile Dependency. He also has served as a speaker and trainer in the fields of child maltreatment and domestic violence throughout his career, including hundreds of workshops, panels, and addresses at conferences throughout the US and internationally. He was an instructor for the Forensic Child Interviewing Clinics sponsored by APSAC, as well as by the University of Dundee in Scotland.

Charles A. Weiss, FACTL

Charles Weiss, a Fellow in the American College of Trial Lawyers and the International Academy of Trial Lawyers, has more than 40 years of experience in business and complex litigation, representing numerous Fortune 500 companies and other clients in significant litigation matters involving class action, intellectual property, federal and state securities law, antitrust and unfair competition, product liability, fraud, False Claims Act, employment discrimination, trade secrets and non-compete agreements, insurance coverage, state and federal constitutional law, Lanham Act and false and misleading advertising, software development, legal and accounting malpractice and breach of commercial and government contracts.

He has handled cases at both the trial and appellate levels, having appeared in more than 30 federal district courts around the country and in seven circuits of the Federal Courts of Appeals, the Federal Court of Claims and the United States Supreme Court. He has represented clients in matters where the amounts in issue have exceeded \$1 billion.

He also has more than 35 years experience in government contract matters including preparation of proposals, negotiations of contracts, bid protests, government audits and investigations, defective cost claims, complex litigation and arbitrations, grand jury investigations and subpoenas, internal investigations, teaming agreements, licensing and rights in data agreements and disputes, *qui tam* suits, terminations for convenience and default and claims before Boards of Contract Appeals, Claims Court and state and federal courts.

In addition, he has counseled clients in connection with negotiating and drafting construction contracts, bidding on and proposing contracts, preparing and defending claims, mechanic's liens and construction bonds and title insurance. He has represented clients in resolving disputes on numerous construction projects, both domestic and foreign, including the world's three tallest buildings, highway projects, energy generation plants, ethanol plants, major school district renovations, military base housing, hotels, hospitals, residential developments, mining facilities, manufacturing facilities, secondary wastewater treatment plants and parking garages. Mr. Weiss chaired the Annual St. Louis Conference on Construction Law for several years and has written and lectured frequently on topics related to construction and government contract law.

Lamar Johnson

Lamar Johnson was wrongfully convicted of murder and spent 28 years in prison. Johnson maintained his innocence throughout his trial and subsequent imprisonment. In February 2023 Lamar Johnson was released from prison.

A St. Louis judge ruled Tuesday that Lamar Johnson should be released from prison after he spent 28 years behind bars for a murder he didn't commit.

Circuit Judge David Mason found that two people, Greg Elking and James Howard, provided credible testimony that absolved Johnson in the slaying of Marcus Boyd.

"This combined testimony amounts to clear and convincing evidence that Lamar Johnson is innocent and did not commit the murder of Marcus Boyd either individually or acting with another," Mason wrote.

Johnson contended for years he did not kill Marcus Boyd on his porch in 1994.

But Johnson was found guilty along with Phillip Campbell of murdering Boyd. Much of the conviction revolved around the account of an eyewitness who was later found to have been compensated and ultimately recanted his testimony that Johnson was one of the killers.

St. Louis Circuit Attorney Kim Gardner's Conviction Integrity Unit first highlighted Johnson's case as a wrongful conviction in 2019. But efforts to free Johnson were stymied after the Missouri Supreme Court ruled in 2021 she didn't have the authority to try to vacate his sentence.

"The criminal justice system is premised on the idea that innocent people shouldn't be convicted," said Washington University Law School professor Peter Joy. "And if they're convicted, they should be set free. And in Missouri, unfortunately, the way the courts interpreted the existing laws on the books was they basically said, 'Even if there's actual innocence proven on a person, unless the person was convicted and given the death penalty, there wasn't any way of relief.'"

But both Gardner and Baker had opposition from then-Attorney General Eric Schmitt's office. In Johnson's case, several assistant attorneys general argued that the people vouching for Johnson's innocence had credibility issues or had made contradictory statements over the years.

"Lamar Johnson spent 28 years in prison for a murder he did not commit, and our judicial system finally honored that truth today as Judge David Mason overturned his conviction," said House Minority Leader Crystal Quade, D-Springfield. "While Mr. Johnson celebrates alongside his family, his community and the thousands of people who have supported him along his journey, the state has an obligation to make him as whole as it can after it robbed him of nearly three decades of his life."

Justin P. Brooks

Justin Brooks, the Co-Founder and Past Director of the California Innocence Project located in San Diego, participates on our CLE Panel. Justin is highly regarded throughout California and nationally for his work in the innocence arena.

Justin's brief background: Professor Justin Brooks is the Director and Co-Founder of the California Innocence Project. Prior to coming to California, he practiced as a criminal defense attorney in Washington D.C., Michigan, and Illinois. Over the course of his career, he has served as counsel on many high-profile criminal cases and has been recognized by the Los Angeles Daily Journal as one of the Top 100 Lawyers in California. In 2010 and 2012, California Lawyer Magazine recognized him with the "Lawyer of the Year" award. In 1999, Professor Brooks moved to California and co-founded the California Innocence Project at California Western School of Law. Under his direction, the project has exonerated dozens of innocent people, trained hundreds of law students, and changed multiple laws in California related to wrongful convictions.

Michael S. Feldberg, FACTL

Michael Feldberg is head of the firm's White Collar Defense Practice and has more than 40 years' experience trying civil and criminal cases and leading litigation practices in major law firms. He has served as an Assistant United States Attorney for the Southern District of New York, as the founder and long-time head of the U.S. litigation practice at Allen & Overy LLP, and as a partner and head of the litigation practice at Schulte Roth & Zabel LLP.

Michael is a Fellow of The American College of Trial Lawyers and has tried over 50 cases during his career. He is ranked among the nation's leading White Collar Defense and Commercial Litigation attorneys by *Chambers USA*, which describes him as "a very effective lawyer," and notes he's "efficient, offers good judgment and is a pleasure to work with." *Benchmark Litigation* also recognizes Michael as a "Litigation Star" for his white collar defense experience.

Michael has represented financial institutions, Fortune 500 companies, judges, law firms, accounting firms, political figures, and senior executives across a broad range of complex disputes. His lead counsel experience includes high-profile matters involving antitrust, securities fraud, healthcare fraud, professional liability, and white collar defense.

Recently, Michael was lead trial counsel on the winning team that secured a complete acquittal in a federal criminal trial against the Department of Justice (DOJ), in a case alleging that prices were fixed over an eight-year period in the \$28 billion per year broiler chicken industry. The case stemmed from an indictment that charged 10 executives with criminal violations of the Sherman Act. The trial win earned Michael and the RJLF team, along with the other defense teams, *The American Lawyer's* "Litigator of the Week" first runners-up recognition, and the case garnered extensive national attention from major news outlets, including *The Wall Street Journal*, *Bloomberg*, *Forbes*, *Reuters*, *Politico*, and *CNBC*, among others.

Michael also maintains an active pro bono practice, including serving on the trial team representing the plaintiffs – families of victims of handgun violence – in *Hamilton v. Accu-Tek*, a two-month trial in the Eastern District of New York against all the major handgun manufacturers. His community activities include serving on the Boards of Directors of the 92nd Street Y and the Appalachian Mountain Club, the Leadership Council of Facing History and Ourselves, the Lawyers Committee of The Innocence Project, and the Dean's Advisory Council of Harvard Law School.

Michael is a cum laude graduate of Harvard Law School and a *magna cum laude* graduate of Harvard College.

Melissa W. Nelson, FACTL

Melissa Nelson took office as the State Attorney for Florida's Fourth Judicial Circuit in January 2017 and was re-elected in 2021 without opposition. In the role, she leads more than 300 attorneys, staff, and investigators in their pursuit of justice.

Since taking office, she has implemented policies to strengthen public safety and incapacitate dangerous individuals while establishing needed smart justice reforms and initiatives that have saved taxpayers, increased transparency, and kept the community protected.

Nelson sits on several local and national boards, including ATF's National Crime Gun Intelligence Governing Board and Florida's Cold Case Advisory Commission. She earned her undergraduate and law degree from the University of Florida and is a fellow of the American College of Trial Lawyers.

Samuel W. Silver, FACTL

Sam, a Fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers, formerly served as a member of the Firm's Executive Committee. While Sam's practice has focused in several substantive areas, he is best known as a go-to trial lawyer who can and will take any matter into a courtroom. In addition to handling his caseload, Sam is regularly asked to teach on trial-related issues. Sam is also widely known for his often-high-profile pro bono cases, which have included several capital and non-capital homicide cases.

Sam has tried to verdict a variety of cases; he concentrates on representing global manufacturers of products in litigation and product safety matters. He has litigated disputes about intellectual property, healthcare, securities, banking and insurance coverage and more. He has also litigated restrictive covenants and theft of trade secrets claims in the context of departing employees. Sam has extensive experience representing members of the equestrian sport in a wide variety of matters, including defending them against charges brought by the sport's governing bodies.

Sam is committed to pro bono work and capital case representation in particular. His accomplishments include successful retrials of two separate death-condemned inmates before juries, both cases resulting in unanimous verdicts for the defense. In its piece on the Anthony Wright case, *Rolling Stone* called Sam a "powerhouse trial attorney."

His work also includes serving as an adjunct faculty member of the University of Pennsylvania Law School, and teaching trial advocacy and other courses for the National Institute of Trial Advocacy (NITA).