

Public Defenders Start Their Own Firm

By Susan McRae

Three veteran trial attorneys are leaving Los Angeles' federal public defender's office to open a private partnership concentrating on criminal defense and civil rights.

Lawyers say the exit is the first time anyone can remember that a group of attorneys has left the office to form their own practice, rather than joining a firm or going solo.

The lawyers, Ronald Kaye, David McLane and Marilyn Bednarski, will set up shop in South Pasadena Oct. 15. They are calling the new firm Kaye, McLane & Bednarski.

"We did a marketing survey, and it sounded the best," Bednarski says laughingly of the name positioning.

Together, the three attorneys have racked up 37 years of experience with the office and have handled a number of high-profile and groundbreaking cases.

Federal Public Defender Maria Stratten says she had mixed feelings about the move.

"I hate to lose them because they are just incredible lawyers, but it's very exciting for them and very exciting for Los Angeles," Stratten says.

Michael J. Proctor, who left the office last year to join Los Angeles' Caldwell, Leslie, Newcombe & Pettit, called the move "gutsy."

Of the three, Bednarski has been with the office the longest. She signed on in 1984 and has been there ever since except for three years during which she took a hiatus to travel around the world for a year and spend two years in private practice.

A nationally recognized trial-advocacy teacher, Bednarski, 45, has handled a number of noted cases in her career. She is perhaps best known for her representation of Buford O. Furrow Jr., the accused shooter in a hate crime that left a postal carrier dead and five others wounded at a Jewish community center in 1999. In that case, Bednarski and co-counsel Sean Kennedy, another federal deputy public defender, negotiated a guilty plea that saved Furrow from a possible death penalty.

As a senior litigator, Bednarski has divided her time between trial work and teaching. She is a faculty member at the National Criminal Defense College in Macon, Ga.

McLane, who came to the office in 1990 after four years as a business litigator at

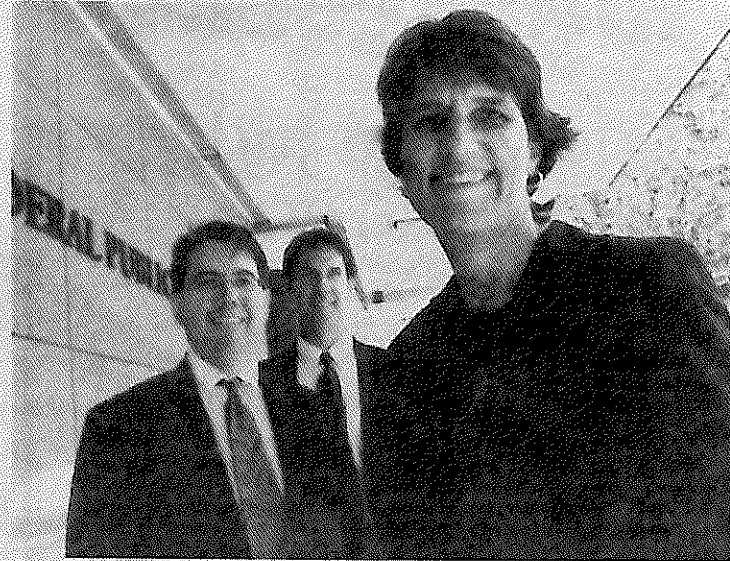


Photo by Robert Lewis

When trial attorneys David McLane, left, Ronald Kaye, and Marilyn Bednarski open the doors of their new law firm next week, they will hit the ground running.

Sheppard, Mullin, Richter & Hampton, is responsible for creating the office's habeas unit to represent so-called indefinite detainees. The defendants are immigrants who, after serving time for a crime, face deportation to a country that, for various reasons, refuses to take them back.

Following a Supreme Court ruling, McLane, 45, supervised the release of hundreds of detainees from such countries as Laos, Cambodia and Vietnam.

In his 13 years with the office, McLane has brought 20 cases to trial and won nine acquittals.

Kaye, 42, has been with the office for eight years and has handled numerous high-profile cases. Most recently, Kaye negotiated a guilty plea for Scott Imler, the president of the West Hollywood medical-marijuana group Cannabis Resource Center.

Kaye will continue representing Imler, who faces sentencing in November, in private practice. Kaye also is representing Imler as a party of interest in civil forfeiture claims involving the center's \$1.2 million building and assets.

A former civil rights attorney for the

Legal Aid Foundation in Los Angeles, Kaye says that his interest in criminal law was sparked by representing a shooting victim of the 1992 riots who had been rendered a quadriplegic.

The man's family applied for a wheelchair-accessible van under the state's crime-victims law, but the state denied the request based on the fact that the man was on parole at the time of the victimization for dealing marijuana. Kaye won a reversal that changed state law to say even people who are victimized while on parole, probation or in custody are eligible for crime-victim benefits once their supervision is terminated.

When the trio opens their doors next week, they will hit the ground running. They have been approved for the federal court's indigent panel.

"Lawyers who practice in the federal public-defender's office practice law at the highest level, in my opinion," says Los Angeles Superior Court Judge James R. Dunn, who was the office's second federal public defender, and hired Bednarski. "So if you get three joining forces, I would consider that an excellent group."