

# Veteran Public Defender Decides to Go it Alone



JASON DOY

**GOODBYE:** Kimberly Kupferer, shown in an earlier photo with her colleague James McWilliams, is moving from the PD's office to private practice.

**A**fter 15 years at the Alameda County public defender's office, Kimberly Kupferer is flying solo.

Kupferer, now a private criminal defense attorney in Berkeley, said she had done just about everything that there was to do in the public defender's office: death penalty cases, homicides and supervisory roles. Although some assignments, like capital cases, allowed her to put time into individual cases, in others she barely had time to say hello to the people she represented.

"I have less money, but I will have more control," said Kupferer.

She ended up at the Alameda County public defender's office after briefly working for the Santa Clara County PD. In the East Bay, she was a "star" in the office and among the youngest to work on the homicide team, said Assistant Public Defender James McWilliams.

McWilliams and Kupferer represented Samuel Lee Johnson, a defendant who was

accused of a double murder. The pair successfully persuaded U.S. District Court Judge Samuel Conti to force federal agencies to hand over 2,500 pages of documents that ultimately helped their client avoid death row.

Before Conti's ruling in *Johnson v. Reno*, federal agencies had the discretion — and often refused — to give up such information to defense attorneys in state court. *Johnson* has become a celebrated case in the defense bar, McWilliams said.

Kupferer shares office space with Elizabeth Grossman, another criminal defense attorney. The two worked closely together at Women Defenders, an organization of criminal defense attorneys.

After about two weeks on her own Kupferer has picked up her first client: a Three Strikes case. Although the case is familiar legal territory, at least one thing will be different.

"Charging people," she said.

— Jahna Berry

## Side Bar