

Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

A.B., et al;

Plaintiffs,

vs.

Washington State Department of Social and  
Health Services; et. al,

Defendants.

No. 14-cv-01178-MJP

DECLARATION OF  
ANITA KHADELWAL

Pursuant to 28 U.S.C. § 1746, I, Anita Khandelwal, declare as follows:

1. I am an attorney and Supervisor of the Racial Disparity Project at the Public Defender Association (PDA).

2. I have significant experience with civil rights class actions and federal civil procedure. My experience includes work on *Kelly v. Paschall*, No. 02-702 (W.D. Tex.), a class action that challenged racial profiling in law enforcement. The case settled and was the basis for the 2009 film *American Violet*. I also worked on *Doe v. Bridgeport Police Department*, No. 00-2167 (D. Conn.), a class action seeking to protect syringe exchange users from unconstitutional

1 arrest.

2 3. In addition to class action civil rights experience, I have relevant experience as a  
3 civil litigator, criminal defense attorney, and clerk in the federal judiciary.

4 4. Until three months ago, the Racial Disparity Project and the Public Defender  
5 Association were part of a non-profit criminal defense firm providing public defense services in  
6 King County. (King County recently brought public defense services in-house).

7 5. The Racial Disparity Project seeks to address systemic issues identified by public  
8 defenders. Its explicit mission is to reduce the harm of racial disparity in the criminal justice  
9 system by addressing systemic problems. Since there is racial disparity in every aspect of the  
10 criminal justice system, RDP addresses systemic problems that do not explicitly deal with race.

11 6. Since July of 2013, I have been the supervisor of the Racial Disparity Project.  
12 Much of my time is spent investigating systemic problems in the local criminal justice system  
13 and advising public defenders of strategies that might be used to address those issues. This  
14 includes drafting model briefs on issues and providing litigation support.

15 7. Prior to Supervising the Racial Disparity Project, I was a Research and Writing  
16 Attorney for the Federal Public Defender for the Western District of Washington. My work  
17 included drafting motions, trial briefs, jury instructions, and direct and cross-examination  
18 questions. I argued a number of motions in district court and also argued before the Ninth Circuit  
19 Court of Appeals.

20 8. Prior to working at the Federal Public Defender, I was a staff attorney at the  
21 Public Defender Association. I represented hundreds of clients and tried approximately ten cases  
22 before a jury. In 2011, I was one of the lead attorneys at PDA working on the problem of delays  
23 faced by incompetent defendants awaiting restoration. I spent hundreds of hours investigating  
24

1 and researching the issue. I assisted attorneys with briefing in show cause hearings.

2 9. Prior to that, I clerked in the Third Circuit Court of Appeals and the United States  
3 District Court for the Western District of Texas.

4 10. I have been admitted to practice law in the state courts of Washington since 2008.  
5 I graduated from the Yale Law School in 2005 and was an editor of the Yale Law Review. I have  
6 been admitted to practice in the United States District Court for the Western District of  
7 Washington and the United States Ninth Circuit Court of Appeals.

8 11. Proposed class counsel have sufficient resources to fully litigate the claims  
9 presented in this case. This is evidenced by the amount of investigation, case development, and  
10 client contact already conducted in jails across the state and at both Eastern State Hospital and  
11 Western State Hospital. Additionally, in preparing for and filing its Motions for Class  
12 Certification and Temporary Restraining Order, proposed class counsel have retained a  
13 nationally recognized clinical expert on the treatment needs of individuals involved in the  
14 forensic mental health system.

15 12. Proposed class counsel are not aware of any conflicts between themselves and the  
16 putative class members that would compromise the ability of counsel to represent the class.

17 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true  
18 and correct.

19 Dated this 3<sup>rd</sup> day of October, 2014.

20  
21 /s/Anita Khandelwal  
22 Anita Khandelwal  
23  
24

**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- John K McIlhenny ([JohnM5@atg.wa.gov](mailto:JohnM5@atg.wa.gov))
- Nicholas A Williamson ([NicholasW1@atg.wa.gov](mailto:NicholasW1@atg.wa.gov))
- Sarah Jane Coats ([sarahc@atg.wa.gov](mailto:sarahc@atg.wa.gov))
- Amber Lea Leaders ([amberl1@atg.wa.gov](mailto:amberl1@atg.wa.gov))

DATED: October 3, 2014, at Seattle, Washington.

*/s/Mona Rennie*

Legal Assistant  
Disability Rights Washington