

## Profile / Jackie McMurtrie

# Guardian of the Innocent

By Toby J. Marshall  
and Matthew J. Zuchetto

Jackeline (“Jackie”) McMurtrie stood next to her client, Paul Statler, and squeezed his hand as Spokane Superior Court Judge Michael Price issued a ruling. Three years earlier, Statler had been convicted of armed robbery and sentenced to 41 years in prison. He was only 23 at the time, and he was innocent.

When the conviction was upheld on appeal and his hope had nearly faded away, Statler turned to McMurtrie and the Innocence Project Northwest (IPNW) for help. The only resource of its kind in Washington, the IPNW provides legal and investigative services to individuals seeking to prove their innocence. The prosecution’s case against Statler and two of his friends was almost entirely based on the testimony of a single witness, a 17-year-old boy who was promised leniency on other charges. Through their efforts, the IPNW team uncovered substantial evidence showing that Statler and his friends were innocent.

On December 14, 2012, Judge Price overturned the convictions and ordered the immediate release of all three men. After more than 4½ years of incarceration, Statler was free to go home. The sense of relief in the room was palpable as Statler and McMurtrie turned to see overjoyed family members both smiling and weeping. “To have everyone in court to hear the judge’s ruling was one of the most profound moments in my career,” McMurtrie said after the ruling.<sup>1</sup>

McMurtrie founded the IPNW in 1997. At the time, it was only the third project of its kind in the United States. There are now more than 75 such projects, most of which are members of the Innocence Network, an association McMurtrie helped co-found in 2005. Through her vision and dedication, McMurtrie has grown the IPNW into a prestigious clinical program of the University of Washington School of Law. To date, the IPNW’s work has resulted in the complete exonerations of 13 individuals, four of which were based on DNA evidence; the release of several other prisoners; the passage of a wrongful-conviction compensation statute; and the mentoring of more than 150 law students.

In November, the ACLU of Washington presented McMurtrie with the William O. Douglas Award, a lifetime achievement award that recognizes outstanding contributions to the cause of civil liberties. Kathleen Taylor, the director of the ACLU-WA, says the organization selected McMurtrie for the honor based on “her nearly 20 years

of devotion to the pursuit of justice on behalf of individuals wrongly convicted and imprisoned in Washington.”

McMurtrie’s path to public service started in the lower peninsula of Michigan, where she was born and raised. After high school, McMurtrie attended the University of Michigan, obtaining an undergraduate degree that centered on political science, women’s studies and psychology.

Two classes, one on constitutional law and another on women in the law, piqued her interest in a legal career. McMurtrie went on to attend the University of Michigan Law School, but first took time off to travel with a friend down the Pacific Coast from Astoria to Quito, Ecuador, before returning to her home state and working for a while to save up money.

To her surprise, the first year of law school was difficult for McMurtrie. She doubted her abilities and even considered dropping out. While fellow classmates were focused on landing lucrative positions at big law firms in New York or D.C., McMurtrie was searching for something different.

During the summer before her second year, she found her calling as an intern with Legal Services of Southeastern Michigan, an organization that provided free legal advice and representation to low-income persons. McMurtrie says the internship “opened the door and showed me there was work I could do that was meaningful.” She returned to school with a renewed interest in the law and continued interning over the next two years with the legal services organization.

Once she graduated, McMurtrie moved west to Washington, an area she had fallen in love with years earlier. Criminal law always fascinated her and she wanted to serve the community, so McMurtrie applied for and took a position as a public defender at the Eastside Defender Association in Seattle in 1983. She found she really

enjoyed the work.

In 1985, McMurtrie moved to The Defender Association, where she handled misdemeanors, felonies and civil commitments, and eventually became the supervising attorney of the Juvenile Dependency Division. Theresa Allman, who worked with McMurtrie at TDA, says McMurtrie was and continues to be “the embodiment of grace under fire. Consistently poised and calm no matter what’s being thrown at her.”

Four years later, in 1989, McMurtrie became a lecturer at the UW School of Law and took over the school’s Criminal Law Clinic. For more than a decade, the Clinic worked in partnership with TDA to provide criminal law training and advocacy skills to scores of students who would then represent indigent defendants, often at trial.

Now an associate professor, McMurtrie focuses her work primarily on the IPNW Clinic, where she continues to guide students through hands-on training. McMurtrie’s favorite part of the job has always been working with students and colleagues on actual cases. She says the students benefit from being “mentored by people who care both about the cases and about teaching,” and they come away from the experience “realizing they will be successful as attorneys.”

It is easy to see why McMurtrie’s work as director of the IPNW has become a full-time endeavor. In just the past two years, the project received more than 760 requests for assistance,



PROFILE / JACKIE MCMURTRIE  
continued on page 7

**PROFILE / JACKIE MCMURTRIE**  
*continued from page 6*

and a backlog of 190 cases currently awaits assessment. Twenty-five individuals were accepted for representation in 2013 and many other cases remain under investigation.

McMurtrie manages four staff attorneys, three of whom work full time, and last year she oversaw the work of 11 volunteer attorneys and 10 students. The volunteer attorneys, who work pro bono for the IPNW, donated more than 1,500 hours trying to prove the innocence of their clients.

As IPNW staff attorney Fernanda Torres explains, McMurtrie has a way of bringing out the best in others. "Jackie has vision, a deeply ingrained sense of fairness, and a unique way of responding to injustice — a voice that manages to convey both outrage and reasonableness," she says, adding that McMurtrie's "calming presence" pulls everyone through even the most trying moments.

About four years ago, the IPNW expanded its efforts to policy work and created the IPNW Legislative Advocacy Clinic, which helped enact legislation designed to compensate the wrongfully convicted for their years in prison. The Legislative Advocacy Clinic is currently working to pass evidence-preservation laws and best practices guides to avoid the destruction of evidence that may be used to prove innocence.

**B**ob Boruchowitz, who hired McMurtrie at TDA in 1985 and now teaches at Seattle University School of Law, says, "Jackie and her team at IPNW have made a real, positive impact on the lives of many people and have helped to enforce a standard of excellence in criminal defense." He adds that McMurtrie and her colleagues also have "helped to educate the Legislature and the larger society about the need to attend to and correct injustices in the criminal courts."

UW Law School Dean Kellye Testy, who has known McMurtrie since the early 1990s, says she admires "Jackie's ability to be fierce in her pursuit of justice while also remaining one of the kindest and most thoughtful human beings I know." She notes that in addition to running one of the country's most successful Innocence Project programs, McMurtrie "is also an accomplished legal scholar, an award-winning teacher ... and generous in her institutional service and student mentoring at UW."

Like her many other endeavors, McMurtrie's scholarly work has been directed at preventing wrongful convictions and ensuring fair trials for accused individuals. Numerous courts have cited her articles, including the supreme courts of Connecticut, Iowa, Tennessee and Utah, the Seventh Circuit Court of Appeals, and the Washington Court of Appeals.<sup>2</sup> Among other things, these courts have utilized her research and

analysis to combat mistaken eyewitness identification testimony, which is "by far the leading cause of wrongful convictions."<sup>3</sup>

McMurtrie is married and has two children, Harry and Lillian. She met her husband Bill Gales in 1988, when Gales also was working as a public defender at TDA. McMurtrie loves to spend time with her family and travel, recently combining the two with a trip to Mexico City where Harry is teaching. She has been to New Zealand, Italy, France and many other locations around the world. Every summer, though, McMurtrie returns to Michigan to spend time at the family's cottage on beautiful Lake Charlevoix.

In a recent editorial statement, The Seattle Times wrote: "UW's Innocence Project Northwest is an extraordinary asset for Washington, and the rule of law in our democracy."<sup>4</sup> So, too, is Jackie McMurtrie.

For more information on the Innocence Project Northwest or to make a donation or volunteer time, please visit [www.law.washington.edu/Clinics/IPNW/Default.aspx](http://www.law.washington.edu/Clinics/IPNW/Default.aspx). ■

*Toby Marshall is an attorney at Terrell Marshall Daudt & Willie, PLLC in Seattle, and Matt Zuchetto is an attorney at The Scott Law Group, P.S. in Spokane. The pair tried their first case together as third-year law students under McMurtrie's tutelage. Both say it was the best experience they had while attending the UW Law School. In 2012, Zuchetto worked with McMurtrie and the IPNW to represent Robert Larson, one of the two other individuals exonerated along with Paul Statler.*

<sup>1</sup> Thomas Couse, "Judge Vacates Convictions in Disputed Robbery," The Spokesman-Review, Dec. 14, 2012, available at <http://m.spokesman.com/stories/2012/dec/14/judge-vacates-convictions-disputed-robbery/>.

<sup>2</sup> See *State v. Guilbert*, 49 A.3d 705, 730-31 (Conn. 2012); *Simmons v. State Public Defender*, 791 N.W.2d 69, 79 (Iowa 2010); *State v. Copeland*, 226 S.W.3d 287, 299 (Tenn. 2007); *State v. Clopten*, 223 P.3d 1103, 1110 & n.12 (Utah 2009); *United States v. Brown*, 471 F.3d 802, 805 (7th Cir. 2006); *State v. Gray*, 151 Wn. App. 762, 769-70, 215 P.3d 961 (2009).

<sup>3</sup> *Guilbert*, 49 A.3d at 729-30; see also *Copeland*, 226 S.W.3d at 299; *Clopten*, 223 P.3d at 1110 & n.12.

<sup>4</sup> Kate Riley, et al., "Honoring the Pursuit of Justice for a Wrongfully Convicted Man," The Seattle Times, Jan. 8, 2014, available at [http://seattletimes.com/html/editorials/2022625808\\_innocenceprojectedit09.xml.html](http://seattletimes.com/html/editorials/2022625808_innocenceprojectedit09.xml.html).

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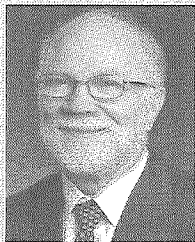
Judge Armstrong tried a wide range of cases and was known for handling complex disputes during 27 years on the King County Superior Court. She also spent more than a decade as a trial attorney. Lauded as intelligent, incisive and well-prepared, she is an effective neutral in all types of disputes, including business/commercial, class action/mass tort, employment, environmental/natural resources, personal injury/torts, professional liability, real property and securities/financial markets matters.



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Judge Casey has four decades of legal experience and gained a significant amount of ADR expertise during 30 years on the Thurston County Superior Court, where she served two terms as presiding judge of the Family and Juvenile Court. Judge Casey is known for her expertise in Unified Family Courts, and she has worked to help individuals achieve mutually agreeable, timely and less costly outcomes to their cases. Her ADR practice focuses on family law, estates/probate/trusts, guardianship and government matters.



## HON. THOMAS MCPHEE (RET.)

*Recipient of the Washington State Association for Justice 2013 Judge of the Year Award*

Judge McPhee has more than 40 years of legal experience, including 22 years on the Thurston County Superior Court, where he personally conducted more than 300 settlement conferences and required ADR in all civil cases assigned to him. Before becoming a judge, he was a trial lawyer in private practice for 20 years. He serves as a mediator, arbitrator, special master and discovery referee in cases involving class action/mass tort, construction, employment, estates/trust, government/public agency, insurance and torts.

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