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CALIFORNIANS TO WATCH IN 2014 / Donald Specter
He's shaken up state's crowded prisons

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Don Specter believes it's easier to invoke fear than it is to explain it away.

After spending decades looking out for the constitutional rights of prisoners in California, perhaps that's why he's often overshadowed by big-name politicians in the clash of made-for-television blurbs. Supporters maintain he's gained the upper hand where it most matters: the courtroom.

Over the years, the executive director of the nonprofit Prison Law Office has strung together a series of legal victories that reverberated across the state, none larger than when a federal three-judge panel ordered officials to dramatically slash the number of prisoners after concluding facilities were bursting at the seams and impossible to manage. The U.S. Supreme Court has refused to stand in the way.

"It really had a dramatic effect," Specter, 61, said in a recent interview at the group's offices in Berkeley. "It's caused changes in the entire criminal justice system. It saved hundreds of lives and countless prisoners have been treated in a way they wouldn't have been treated before for their medical and mental illness."

While California has moved closer to its target - shifting responsibility for certain low-level offenders to counties - it has more work to do to satisfy the judges. They granted the latest of several extensions to reduce the inmate population to 137.5 percent of capacity, setting an April 18 deadline for Specter and his team to reach an agreement with Gov. Jerry Brown. The governor said recently he was reasonably optimistic while Specter cast the ongoing talks as productive.

Opponents describe the public-interest attorney as a dogged negotiator and fierce advocate for his

clients that span the system's 34 adult prisons.

"I wish he was on my side," said Harriet Salarno, president of Crime Victims United of California.

"He will negotiate to the max and get the most he can, and he's been very successful in the courts," Salarno added. "But I think he has gone overboard on prisoner rights. I don't think they should have the Cadillac while we have the Ford."

Robert Presley, a former state senator and corrections secretary, said he likes Specter "as an individual."

"I think he's a nice man," he said. "I basically don't care much for what they do because they overdo it. That creates chaos in the agency and costs the taxpayers a lot of money."

Supporters believe the law office cannot afford to relent given the state's history of fits and starts in addressing overcrowding and other issues.

"You have 120 members of the Legislature, many of whom are, quite frankly, a bit spineless when it comes to taking on the prison guards and dealing with these kinds of issues where you can easily get depicted as being soft on crime," said ex-state Sen. Gloria Romero, who chaired a special committee on corrections.

To make wholesale changes, the Los Angeles Democrat said, it takes skilled attorneys with a sense of the history that can outlast term-limited politicians. Specter and his team (11 lawyers, two legal fellows, an investigator and a handful of paralegals, he said) remind her of the fable "The Tortoise and the Hare."

Others try to push harder, faster, Romero said, "but ultimately they cross that finish line."

Senate President Pro Tem Darrell Steinberg, D-Sacramento, saw evidence of that in the waning weeks of the legislative session when he received a call from Specter, who was unhappy with Brown's plan to send thousands of prisoners to private facilities and out of state.

Steinberg's proposal would call for increased prisoner counseling and rehabilitation.

"Don recognized that it's important how victory is defined, because it's not just winning the litigation, it's changing the underlying dynamics in the system that create the overcrowding," Steinberg said.

California's prison overcrowding dates back decades. In the late 1980s, a spate of lawsuits challenged what is known as "double-celling" of prisoners in older facilities such as Folsom and San Quentin. "We had 12 then and now we have 34 (prisons)," Specter said.

Specter grew up in Connecticut and earned an economics degree from New College in Florida.

He moved west and graduated from the University of San Francisco School of Law in 1978. He soon joined the fledgling Prison Law Office across the bay where he expected to remain for only a couple of years.

Instead, Specter built a reputation for taking on more serious cases with deeply vetted clients. That allowed him to partner with private law firms for the requisite horsepower, litigation skills and money to bring complicated issues to light, said attorney Michael Bien, who has worked closely with Specter over the years.

"He's really the dean of this area of the law around the country," Bien said.

The law office pays its attorneys less than they could command in the private sector but more than many nonprofit organizations.

It derives credibility by relying on conservative experts and largely advocating mainline corrections practices.

Many other states, when confronted with overcrowding, have used various alternatives to incarceration. California needs to find a rational, evidence-based solution to the problem to keep its budget in check and maximize public safety, Specter said.

Current and former California Department of Corrections and Rehabilitation officials declined to comment on their dealings with Specter and the organization.

Yet at least one has come to appreciate his dedication to the issue.

Jeanne Woodford, former director of the state prison system, said she credits him with "teaching the state how to do their job in many ways."

"People have a lot of feelings about criminal justice, and his role has really been to take the emotion out of it and go, 'What does the evidence show works and doesn't work?' " said Woodford, a past warden at San Quentin.

"I can't think of anything that Don asked us to do that reasonable people didn't think was the right thing to do."

DONALD SPECTER Age: 61 Title: Executive director of the nonprofit Prison Law Office in Berkeley. Resume highlights: Under his leadership, the organization has won several state court cases involving the conditions in state juvenile facilities and the rights of prisoners, including to marry, free expression and refuse medical care. In significant systemwide federal cases, it has notched victories affecting the rights of prisoners with disabilities, prisoners with serious health care needs and restricting the use of solitary confinement and excessive force at Pelican Bay. In 2011, the U.S. Supreme Court ruled that prison overcrowding has resulted in cruel and unusual punishment and violates prisoners' constitutional rights. Chief goal in 2014: Enforcing the Supreme Court's order to reduce the prison population. Biggest challenge in 2014: Persuading the

state to adopt sentencing reform to avoid overcrowding in the future.

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Caption:

Manny Crisostomo / mcrisostomo@sacbee.com Donald Specter, director of the nonprofit Prison Law Office in Berkeley, is known in state courts as a champion of prisoners' rights.

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