



Timothy Blood

## Prosecutor Defends Sexual Predator Law

After three years of hearing civil libertarians criticize Washington State's "sexually violent predator" law, Timothy Blood, a senior deputy prosecuting attorney in King County, won bragging rights on August 9, when the state's supreme court upheld his appellate argument in favor of the law.

The law permits indefinite institutionalization of sex offenders who have already served their time if a court finds they have a mental disorder that impels them to continue to commit sex crimes. Blood, 36, was the prosecutor at two trials in 1991 where convicted rapists were found to be "sexually violent predators" and later argued against their consolidated appeal.

A King County prosecutor since 1986, Blood has spent the last year handling exclusively murder cases. But he says he worked full time on the two predator cases for over a year at the trial stage and off and on as the appeal wended its way to the state's high court.

One of the more time-consuming issues that cropped up at both the trial and appellate levels, Blood says, was whether

the confined psychological treatment was so punitive as to render the new statute criminal rather than civil. If it was, then the petitioners, both multiple rapists, might be able to contend successfully on appeal that the law violated their constitutional guarantees against double jeopardy and ex post facto application of a law.

But in its 6-to-3 decision, the appeals court pronounced the sexual predator law a civil statute.

Though the court upheld the essence of the law, Blood did lose a few fine points. One petitioner, Vance Cunningham, has been freed because he was reconfined after spending four-and-a-half months on the street without any overt act of sexual violence; the other, Andre Young, will return to the trial court for consideration of less restrictive alternatives to confinement. Still, thanks to Blood, the ten sexual predators currently institutionalized under the controversial law will stay put for the time being.

Robert Boruchowitz, who represents Cunningham, told *The Wall Street Journal* he will appeal the decision in federal court. —Matt Siegel

## Fighting For Children's Legal Rights

Catherine Ross, a sixth-year litigation associate at New York's Paul, Weiss, Rifkind, Wharton & Garrison, has long been interested in children's legal rights. After a fellowship at Yale University's Bush Center in Child Development and Social Policy, Ross taught at The Child Study Center at Yale medical center, and continued to write papers on children's rights while earning her degree at Yale Law School.

So last January, when former federal appeals court judge A. Leon Higginbotham, Jr., now of counsel at Paul, Weiss, needed a lawyer to help coordinate a study by an American Bar Association working group on the unmet legal needs of children, Ross jumped at the chance.

"It was really an opportunity to put together all of the intellectual strands of my life," says Ross, 43.

From February until the end of June, Ross, vice-chair of the working group, spent 750 hours directing the efforts of some 60 lawyers, judges, professors, and ABA staff members, ensuring, for example, that the group's recommendations did

not overlap or fail to address important issues. Toward the end of the process, she assumed primary responsibility for compiling and drafting a 105-page report entitled *America's Children at Risk: A National Agenda for Legal Action*.

On August 3 Ross and Judge Higginbotham, chair of the working group, presented the report to Hillary Rodham Clinton and U.S. attorney general Janet Reno in a ceremony held at the White House. "It is a delight to see [the organized bar's influence] being used on behalf of children who do not usually have advocates," commented the First Lady, according to the *San Jose Mercury News*. Ross says she "was obviously elated that the [ABA] report was taken so seriously, and by people who can make a difference."

Ross is already implementing the report's recommendations, working, for example, with in-house lawyers and law firms to create manuals for volunteer lawyers on how to provide effective legal assistance to children under certain existing local and federal benefits programs.

—Stewart Yerton



Catherine Ross