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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD BANGO and SCOTT BAILEY,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

PIERCE COUNTY, WASHINGTON; BRUCE  
DAMMEIER, in his official capacity as Pierce  
County Executive; PIERCE COUNTY  
SHERIFF'S DEPARTMENT; PAUL A.  
PASTOR, in his official capacity as Pierce  
County Sheriff; PATTI JACKSON-KIDDER,  
in her official capacity as the Pierce County  
Chief of Corrections; JANET RHOTON, in her  
official capacity as the Pierce County Jail  
Mental Health Manager, and their officers,  
agents, employees, and successors,

Defendants.

No. 3:17-cv-06002

**DECLARATION OF EMILY CHIANG  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

**HEARING DATE: JANUARY 5, 2018**

**ORAL ARGUMENT REQUESTED**

1 I, Emily Chiang, declare as follows:

2 1. I am the Legal Director of the American Civil Liberties Union of Washington  
3 Foundation (ACLU-WA) and co-counsel for Plaintiffs in this case. I have knowledge of the  
4 facts set forth herein and could testify competently to them if called upon to do so.  
5

6 2. ACLU-WA is the state affiliate of the American Civil Liberties Union  
7 Foundation, a national civil rights and civil liberties organization. ACLU-WA has significant  
8 experience with complex civil litigation, including class actions in federal and state courts and  
9 cases seeking injunctive relief under Fed. R. Civ. P. 23(b)(2). ACLU-WA has obtained  
10 injunctive relief for class clients in matters involving due process, right to counsel, freedom of  
11 speech and expression, and discrimination, including *Wilbur v. City of Mount Vernon*, 989 F.  
12 Supp. 2d 1122 (W.D. Wash. 2013) (judgment in class action finding violation of indigent  
13 accused Sixth Amendment right to counsel); *Montes v. City of Yakima*, 40 F. Supp. 3d 1377  
14 (E.D. Wash. 2014) (judgment finding violation of the Voting Rights Act and ordering  
15 remedial measures); *Trueblood v. Dep't of Soc. and Health Servs.*, No. C14-1178MJP, 2016  
16 WL 4268933 (W.D. Wash Aug. 15, 2016) (judgment in class action finding that  
17 Washington's systems for competency restoration violate due process); *Wilson v. Rentgrow,*  
18 *Inc.*, No. 13-2-15514-1 (King County Sup. Ct. 2013) (class action challenging tenant  
19 screening company violations of state credit reporting laws resolved by settlement); *Sanchez*  
20 *v. U.S. Office of Border Patrol*, No. 12-5378BHS (W.D. Wash. filed 2012) (class action  
21 involving illegal vehicle stops by Border Patrol resolved by settlement); *Tarrer & Garland v.*  
22 *Pierce Cnty.*, No. C10-5670BHS (W.D. Wash. filed 2010) (class action involving religious  
23 accommodations in jail resolved by settlement); and *Khoury v Asher*, 3 F. Supp. 3d 877 (W.D.  
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1 Wash. 2014), *aff'd* No. 14-35482, 2016 WL 4137642 (9th Cir. 2016) (judgment in class action  
2 finding mandatory detention of certain individuals in removal proceedings unlawful).

3 3. I have devoted the majority of my career to public policy reform through  
4 litigation and other advocacy, with a particular focus on equal access to justice and the right to  
5 counsel.  
6

7 4. I received a B.A., magna cum laude, from Yale University in 1998. In 2001, I  
8 received my J.D., cum laude, from Harvard Law School, where I was a Primary Editor on the  
9 *Harvard Law Review*.

10 5. After law school, I was an associate at Cravath, Swaine, & Moore LLP, where  
11 I was the lead associate for the firm in the groundbreaking case of *White v. Martz* (Mont.), the  
12 first lawsuit ever to be filed against a state for failure to provide adequate public defense  
13 representation. That case eventually resulted in statewide public defense reform in Montana.  
14

15 6. After leaving Cravath, I became Associate Counsel in the Poverty Program at  
16 the Brennan Center for Justice at N.Y.U. School of Law. While there, I organized and  
17 coordinated a multi-organization approach to public defense reform in the state of Michigan  
18 that culminated in the filing of *Duncan v. Michigan* (Mich.). I also authored a report on the  
19 use of guidelines to determine financial eligibility for public defense services.  
20

21 7. In 2006, I joined the Racial Justice Program of the ACLU's National Legal  
22 Department as a Staff Attorney. At ACLU National, I litigated and conducted advocacy to  
23 address violations of the United States and state constitutions, primarily in the areas of  
24 indigent defense reform and juvenile justice. For example, I was lead counsel in *Harris v.*  
25 *Atlanta Indep. Sch. Dist.* (N.D. Ga.), which succeeded in getting a legal ruling that a private  
26 company is a state actor when running a public school.

1           8.       More recently, I was an Associate Professor of Law at the S.J. Quinney  
2 College of Law at the University of Utah, where I taught Constitutional Law; a seminar on  
3 Equality, Race, and the Law; and created and directed a public policy clinic. While at the law  
4 school, I remained involved in civil rights litigation by helping the Utah ACLU affiliate to  
5 prepare a public defense reform lawsuit and by engaging in advocacy designed to end the  
6 state's school-to-prison pipeline. I published a number of law review articles related to public  
7 policy reform and received multiple awards from the University in recognition of my civil  
8 rights work.  
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10           9.       Since my arrival at the ACLU-WA in September 2015, I have obtained relief  
11 for clients in matters involving due process, discrimination, and access to healthcare,  
12 including *Coffey v. Public Health Dist. No. 1*, No. 15-2-00217-4 (Skagit Cty. Sup. Ct. filed  
13 2015) (holding the Reproductive Privacy Act requires public hospitals to provide abortion  
14 services that are the substantial equivalent of the maternity care services provided); and  
15 *Trueblood v. Dep't of Soc. and Health Servs.*, No. C14-1178MJP, 2016 WL 4268933 (W.D.  
16 Wash Aug. 15, 2016) (ordering the state to provide mentally disabled with timely competency  
17 evaluation and restoration services).  
18

19           10.       Jessica Wolfe is the Equal Justice Works Fellow of the American Civil  
20 Liberties Union of Washington Foundation (ACLU-WA) and co-counsel for Plaintiffs in this  
21 case. She is admitted to the Washington State Bar, the Western District Court of Washington,  
22 and the United States Court of Appeals for the Ninth Circuit.  
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24           13.       Ms. Wolfe received her J.D. from the University of Washington School of Law  
25 in 2015, where she was an Articles Editor for the *Washington Law Review*. In 2016, she  
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1 received her Master of Studies in International Human Rights Law (equivalent to an LL.M.)  
2 from the University of Oxford.

3 14. Prior to joining the ACLU of Washington, Ms. Wolfe clerked for The  
4 Honorable Ronald M. Gould on the United States Court of Appeals for the Ninth Circuit.

5 15. As an Equal Justice Works Fellow, Ms. Wolfe focuses on civil rights issues  
6 impacting individuals in pretrial detention with mental illness.  
7

8 16. Since her arrival at the ACLU-WA in 2016, Ms. Wolfe has worked to enforce  
9 a settlement agreement regarding conditions of confinement at the King County Correctional  
10 Facility, aided in class action litigation concerning delays in court-ordered competency  
11 services, and filed amicus briefs advocating for due process protections in involuntary  
12 treatment hearings and criminal sentencings. *See Hammer v. King County*, No. C89-521-R  
13 (W.D. Wash. 1998); *Trueblood v. Dep't of Soc. and Health Servs.*, No. C14-1178MJP, 2016  
14 WL 4268933 (W.D. Wash Aug. 15, 2016); Br. for A.C.L.U. of Wash. as Amicus Curiae, *In*  
15 *Re T.M.L.*, No. 75318-5-I (Wash. Ct. App. Div. 1 2017); Br. for A.C.L.U. of Wash. as  
16 Amicus Curiae Supp. Pet'r/Appellant, *State v. Murray*, No. 94346-0 (Wash. 2017).  
17

18 17. Antoinette Davis is a senior staff attorney at ACLU-WA. She graduated from  
19 the University of Washington in 1996 and Seattle University School of Law in 1999. She is  
20 admitted to the Washington State Bar and is admitted to practice in the Western and Eastern  
21 District Courts of Washington, and the U.S. Court of Appeals for the Ninth Circuit.  
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23 18. Ms. Davis began her practice of civil rights and general and consumer  
24 protection litigation in 1999 at Williams, Kastner & Gibbs, PLLC, where she primarily  
25 represented corporate clients. She later served as a law clerk for Washington State Supreme  
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1 Court Justice, Tom Chambers, and served as in-house counsel for a publicly traded  
2 international corporation, focusing on civil rights defense and commercial litigation.

3 19. Ms. Davis also served as top executive of human resources for a publicly  
4 traded multi-state technology company, providing commercial litigation support. In 2007, she  
5 joined Crocker Kuno, PLLC and Resolve Legal, PLLC (a subsidiary of Crocker Kuno focuses  
6 solely on consumer matters), where she transitioned to and served as lead litigator,  
7 representing individuals in consumer-protection and bankruptcy adversary litigation. In 2011,  
8 Ms. Davis co-founded Davis Khan, a consumer litigation and bankruptcy law firm that  
9 transitioned to Antoinette M. Davis Law, PLLC in 2012.

10 20. Ms. Davis has been the lead attorney or co-counsel in a number of federal  
11 complex litigation and class action cases, including but not limited to: *In re Bryce*, 491 B.R.  
12 157 (Bankr. W.D. Wash. 2013); *Moon v. GMAC Mortgage Corp.*, C08-969Z, 2009 WL  
13 3185596 (W.D. Wash. Oct. 2, 2009); *Minvielle v. Smile Seattle Investments, L.L.C.*, C08-  
14 910Z, 2008 WL 4962694 (W.D. Wash. Nov. 19, 2008); *Mosby et al. v. Merchants Credit*  
15 *Corporation et. al.*, No. 2:15-cv-01196-RSL (W.D. Wash., Seattle Div. 2016) (consolidated  
16 under *Linehan v. AllianceOne Receiveables Management, Inc.*, No. 2:15-cv-01012-JCC  
17 (W.D. Wash. 2016)); *Auxier v. Physicians and Dentists Credit Bureau, Inc. et. al.*, No. 2:16-  
18 CV-00025-JLR (W.D. Wash., Seattle Div. 2016) (consolidated under *Linehan v. AllianceOne*  
19 *Receiveables Management, Inc.*, No. 2:15-cv-01012-JCC (W.D. Wash. 2016)); *Jones v. Audit*  
20 *& Adjustment Company, Inc. et. al.*, No. 2:16-cv-00055-MJP (W.D. Wash., Seattle Div. 2016)  
21 (consolidated under *Linehan v. AllianceOne Receiveables Management, Inc.*, No. 2:15-cv-  
22 01012-JCC (W.D. Wash. 2016)); *Simmons et. al. v. Asset Recovery Group, Inc. et. al.*, No.  
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