



KEVIN BLOCKER/JOURNAL OF BUSINESS

In addition to practicing law, Elizabeth Kelley is the president of the Spokane Symphony board of trustees. She's shown here at the Fox Theater.

Attorney seeks to defend those with developmental disabilities

Kelley, from legal family, has nationwide practice with home base in Spokane

By Kevin Blocker
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Elizabeth Kelley hails from a family of attorneys. But even with a law degree, she had no aspirations of practicing after earning her juris doctorate, and she certainly never imagined she'd end up being a criminal defense attorney representing those with mental disabilities.

"There's something particularly special about representing people with mental disabilities, because they don't have the same type of culpability as other defendants," she said. "They may not know the nature of what they're doing, or they may be powerless to stop themselves."

Kelley said the general public, law enforcement and prosecutor's offices across the U.S. lack a basic understanding of mental illness, and those suffering from mental illness often are lumped in together with other criminal defendants.

It's estimated that 50% of the U.S. prison population has some form of a mental disability, said Kelley, citing Centers for Disease Control and Prevention data.

"I think we're finally starting to realize that we shouldn't be incarcerating

our way out of a public health problem," she said.

Earlier this year, the American Bar Association published Kelley's book, titled "Representing People with Autism Spectrum Disorders," a manual designed as a guide for criminal defense lawyers representing those who have autism.

Kelley is the sole proprietor of Elizabeth Kelley, Attorney at Law. Based in Spokane, she represents clients from across the country. Not one of her active cases is here.

When representing clients in the eastern U.S., she has access to a friend's law office in New York, she said.

To represent clients in other states, Kelley submits motions pro hac vice – Latin for "this occasion" – to handle cases elsewhere.

A fourth-generation Spokaneite, Kelley is a descendant of the founders of the Witherspoon Kelley law firm. Founded in 1887, Witherspoon Kelley is Spokane's oldest law firm.

Despite her legal pedigree, Kelley said, she was quite content to travel after completing law school. She's the daughter of former Spokane attorney Jon F. Kelley, who died in 2003.

"My father told me that the law was the quintessential liberal arts education," she said.

Her father passed down his love of learning to her, she said.

A Ferris High School graduate, Kelley earned an undergraduate degree from Mills College in East Oakland, California, in English and French. She also spent a summer studying abroad at Oxford University in England and another summer at Paris-Sorbonne University in France.

Later, she completed her master's degree in English literature at the University of Chicago before completing her juris doctorate at Case Western Reserve University's law school in Cleveland in 1993.

"As much I enjoy reading and writing, I didn't want to be a junior associate in a law firm cloistered in the library," she said.

After spending more time traveling, Kelley said she finally decided to open her own practice in the Cleveland area.

"You basically take everything that walks in the door," Kelley said of the process of building a clientele.

One evening at a benefit dinner, Kelley said she was approached by a judge who encouraged her to become a criminal defense attorney. The judge invited Kelley to her chambers that week to show

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Attorney Elizabeth Kelley

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her how to handle a criminal filing. Later, the same judge assigned her a client.

The young female defendant had no prior criminal history when she was stopped by police. She had in her possession a pipe with drug residue in it. In doing her research, Kelley discovered the woman faced a maximum penalty of a year in prison under Ohio law.

"She didn't want to fight the charge at all," Kelley said of the defendant. "I literally felt like I had someone's life in my hands."

After entering a guilty plea, the judge gave Kelley's client a probationary sentence.

"I used every argument in the book. I was as prepared and as persuasive as my young attorney mind would allow me to be," she said with a laugh.

Years later, in a courtroom in rural Ohio around 2004, Kelley had a court-assigned defendant who had an intellectual disability.

"This was a young man who was forced by his so-called streetwise

friends to be the lookout during a series of robberies," she said.

The young man's case worker was so pleased with the work Kelley put in on the case that he quickly began passing along her business cards to other people who had family and friends who suffered from intellectual disabilities and mental illness and were facing criminal charges.

Almost immediately, she became a resource for other attorneys and judges.

"I don't have a volume practice. I don't do case after case after case. I have a few big cases that are involved that I work," she said.

One of those current cases is the post-conviction case of a South Dakota man who she believes has been wrongly incarcerated since the mid-1980s. She's been working on the case for five years.

A common misbelief is that her clientele ranges from indigent to low income at best. Nothing is further from the truth, she said.

"Autism, bipolar disorder, mental illness ... they cross all socioeconomic and ethnic boundaries," she said. "All my clients are retained."

Kelley said she never anticipated returning to Spokane after leav-

ing for college. By the early 2000s, though, she increasingly began returning to Spokane as her parents grew older.

After her mother died in 2011, Kelley continued to return to Spokane to settle estate-related matters, and Spokane continued to "grow on her," she said.

In many respects, Kelley said the legal profession was ahead of the times as it related to virtual work.

"During that period, judges were very good about letting me appear telephonically for various court proceedings," she said.

"More and more courts around the country were accepting electronic filing."

All this transpired at about the same time she began carving out a wider nationwide niche of representing criminal defendants with developmental disabilities, she said.

"I was getting calls from families and attorneys all over the country," she said. "It was a perfect time to reimagine and remake my law practice."

Kelley said she returned to Spokane for good in December 2012.

"Bar none, it's the best decision I ever made," she said.