

R E S U M E

Norton Tooby
Attorney at Law
Private Practice 1971 to Present

Bar Memberships:

Active member of the State Bar of California from January, 1971 to the present.

Also admitted to practice before:

** the United States Court of Appeals for the Ninth Circuit;

** the United States District Courts for the Northern, Central, and Southern Districts of California and the District of South Dakota, and

** the Oglala Sioux Tribal Court, Pine Ridge, South Dakota.

Professional Associations:

American Immigration Lawyers Association
California Attorneys for Criminal Justice
California Public Defenders Association
National Association of Criminal Defense Lawyers
National Lawyers Guild
National Lawyers Guild National Immigration Project

Educational Background:

J.D., Stanford School of Law, 1970

President, Stanford Law Review, 1969-1970

B.A., Harvard University, 1967, with Honors

National Merit Scholarship, 1963-1967

Criminal Defense Experience:

Almost exclusive criminal law practice since 1971, including:

- * Appeals: Approximately 85 criminal appeals, including one capital appeal before the California Supreme Court (under C.J. Malcolm Lucas) in which all convictions were reversed.
- * Post-Conviction Work: Approximately 250 petitions for writs of habeas corpus, petitions for coram nobis, motions to vacate, expungements, and other federal and state actions for post-conviction relief.
- * Representation of Non-Citizens: Since 1986, specializing in representation of immigrants (non-U.S. citizens) in criminal courts to minimize adverse immigration effects of criminal cases and to obtain post-conviction relief to erase convictions or eliminate immigration consequences.
- * Trials: Approximately 60 jury trials and 10 court trials in state and federal court. Two homicide trials, one of which resulted in acquittal on all charges.
- * Expert Witness Experience: Frequent consultation concerning immigration consequences of criminal convictions; service as expert witness about 10 times in last five years in habeas corpus cases.

Employment History:

Law Offices of Norton Tooby, 1989 - Present

East Oakland Community Law Office, 1976-1988 (Founding Partner and Trial Attorney)

Romines, Wolpman, Tooby, Eichner, Sorensen, Constantinides
& Cohen, 1970-1976 (Founding Partner and Trial Attorney)

Selected Published Appellate Cases:

1. People v. Totari (2003) 111 Cal.App.4th 1202, 4 Cal.Rptr.3d 613 (reversing trial court's order denying a motion to vacate a conviction under Penal Code § 1016.5).
2. People v. Totari (2002) 28 Cal.4th 876, 123 Cal.Rptr.2d 76 (holding that denial of a motion to vacate a conviction under Penal Code § 1016.5 is appealable).
3. In re Resendiz (2001) 25 Cal.4th 230 (holding that defense counsel's misadvice concerning actual immigration consequences of plea constitutes ineffective assistance of counsel, resulting in reversal if prejudice is shown, even if the defendant was given the advice on possible immigration consequences required by Penal Code § 1016.5).
4. People v. Jaspal (5th Dist. 1991) 234 Cal.App.3d 1446, 286 Cal.Rptr. 337 (reversal of first-degree murder conviction).
5. People v. Huynh, In re Huynh (6th Dist. 1991) 229 Cal.App.3d 1067, 281 Cal.Rptr. 785 (second-degree murder, habeas corpus order to show cause granted).
6. People v. Marks (1988) 45 Cal.3d 1335, 248 Cal.Rptr. 874, 756 P.2d 260 (death penalty murder conviction reversed).
7. State v. Catch the Bear, In re Ellison (S.D. 1983) 352 N.W.2d 640 (contempt conviction reversed).
8. People v. Kay (1973) 36 Cal.App.3d 759, 11 Cal.Rptr. 894 (reversal).

Selected Publications:

* N. Tooby, POST-CONVICTION RELIEF FOR IMMIGRANTS (National Edition, 2004).

* N. Tooby, Update Editor, D. Kesselbrenner & L. Rosenberg, IMMIGRATION LAW AND CRIMES (West Group, 1998-2002).

* N. Tooby, AGGRAVATED FELONIES (2003).

* N. Tooby, J. Rollin & J. Foster, CRIMES OF MORAL TURPITUDE (2d ed. 2005).

- * N. Tooby, CRIMINAL DEFENSE OF IMMIGRANTS (Nat'l ed. 2003).
- * N. Tooby, Reducing Felonies to Misdemeanors in California for Immigration Purposes, Annual AILA California Chapters Conference Handbook 228 (14th ed., M. Mucha, ed. 2001).
- * N. Tooby, CALIFORNIA POST-CONVICTION RELIEF FOR IMMIGRANTS (2002).
- * N. Tooby, Chapter 8 on Post Conviction Relief, and co-author, Chapter 9 on Aggravated Felonies in K. Brady, et al., CALIFORNIA CRIMINAL LAW AND IMMIGRATION (Immigrant Legal Resource Center 2004).
- * K. Brady, Judge Dana Marks Keener, & N. Tooby, Chapter 48, Representing the Noncitizen Criminal Defendant, in CALIFORNIA CRIMINAL LAW PROCEDURE AND PRACTICE (Continuing Education of the Bar, 4th edition, 1998, 5th edition, 2000, 6th edition, 2002, 7th edition 2005 -- forthcoming).
- * N. Tooby, CALIFORNIA EXPUNGEMENT MANUAL (2002).
- * N. Tooby, VACATING FEDERAL CONVICTIONS: A CASE STUDY (2000).
- * N. Tooby, Representing the Noncitizen in Juvenile Court, in seminar materials for California Public Defender's Association, January, 1998 Seminar, Monterey, California.
- * N. Tooby, Evaluating the Chances of Obtaining Post-Conviction Relief: What Immigration Lawyers Need to Know, in American Immigration Lawyers Ass'n, PRACTICE UNDER IIRAIRA: ONE YEAR LATER 223 (R. Murphy, ed. 1997).
- * N. Tooby, Vacating Criminal Convictions, in American Immigration Lawyers Ass'n, II IMMIGRATION AND NATIONALITY LAW: ADVANCED PRACTICE 339 (1997).
- * K. Brady & N. Tooby, How to Protect Defendants from Immigration Consequences, 24 California Attorneys for Criminal Justice FORUM, No. 3, 42 (August, 1997).
- * N. Tooby, Article, "Criminal Defense of Noncitizens," National Lawyer's Guild National Immigration Project 22 Immigration Newsletter, Nos. 3 and 4 (1995).

* N. Tooby, Article, "Raising Federal Issues in State Court," in materials published by the Bay Area Community Law Foundation and the National Lawyers Guild for MCLE Seminar entitled, How to Preserve and Strengthen Issues for Appeal, October 1, 1994.

Selected Seminars and Presentations:

“Changing Times for Immigration: Life After INS Reorganization,” at American Immigration Lawyers Association Convention, San Diego, California, November 2003.

“Like Bridge Over Troubled Water” – Post Conviction Relief, with Dan Kesselbrenner and Wayne McMillan at American Immigration Lawyers Annual Conference on Immigration Law, New Orleans, Louisiana, June 2003.

“Challenges to Deportation and Removal: Selected Advanced Issues.” Seminar sponsored by National Lawyers Guild. Pasadena: October 16, 2002.

“Immigration Consequences of Criminal Cases,” cosponsored with National Immigration Project of National Lawyers Guild and Immigrant Legal Resource Center. San Francisco: June 14, 2002.

"Immigration Consequences of Criminal Convictions" and "Post-Conviction Relief for Immigrants," with K. Brady and the Immigrant Legal Resource Center, Statewide Seminars held in Los Angeles and San Francisco, Spring, 1998, Fall 1998, Spring 1999, Fall, 1999, Spring 2000, Fall 2000, Spring 2001, Fall 2001, Spring 2002, Fall 2002, Spring 2003.

"Vacating Criminal Convictions," talk at workshop on "Avoiding the Consequences of Criminal Convictions," at American Immigration Lawyers' Association Convention, Orlando, Florida, June 1997.

"Immigration Consequences of Criminal Convictions." Seminar sponsored by ILRC, National Lawyers Guild, and others. San Francisco: June 25, 1994.

"The Immigration Consequences of Criminal Convictions." Seminar sponsored by the ILRC and the California Bar Association, Criminal Law Section. San Francisco: April 3, 1993.

"The Immigration Consequences of Criminal Convictions." Seminar sponsored by the ILRC and the California Bar Association, Criminal Law Section. Los Angeles: June 12, 1993.

"The Immigration Consequences of Criminal Convictions." Seminar sponsored by the ILRC and the California Bar Association, Criminal Law Section. Davis: March 6, 1993.

"Immigration Consequences of Criminal Offenses." Seminar sponsored by the ILRC; State Bar Association; National Lawyers Guild; American Immigration Lawyers Association; and the U.C. Davis Immigration Law Clinic. Davis: October 26, 1991.

"Immigration Consequences of Crimes." Seminar sponsored by the ILRC. Hastings College of Law. San Francisco: October 5, 1991.

"Post-Conviction Relief and Its Impact on Immigration Cases." Seminar sponsored by the ILRC and Golden Gate Law School. San Francisco: September 18, 1990; San Jose: September 25, 1990.

[Updated 2/17/2005]