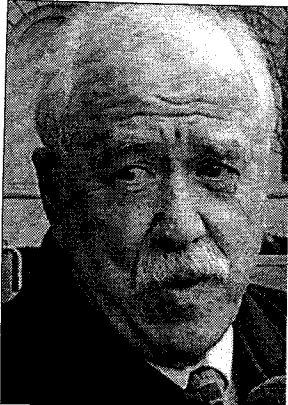
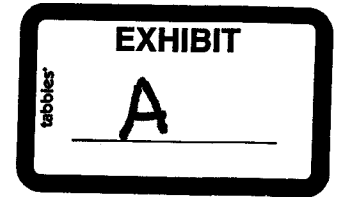


Sirens & Gavels

Federal public defender's job opens

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The future of the top federal public defender in Eastern Washington and North Idaho could be in doubt, with the board that oversees the **attorney's** office advertising for his replacement even as the attorney, Roger Peven, prepares to represent domestic terrorism suspect Kevin W. Harpham.

The federal public defender's office is facing a civil lawsuit by three former employees, who essentially claim that they were fired in retaliation after they raised concerns about a lack of leadership on the part of Peven.

The lawsuit also claims the three employees forced an **intervention** that resulted in Peven seeking inpatient treatment for alcohol abuse.

Peven did not respond last week or Monday to interview requests.

But Jeffrey Finer, who chairs the board that oversees the Federal Public Defenders of Eastern Washington and Idaho, said the advertisement for a new executive director is not related to the pending lawsuit. He said Peven is not among the current applicants, but that applications will be accepted until July 1.

"I anticipate he will apply. He is certainly welcome to apply" for the \$155,000-a-year job, Finer said.

Peven has held the top job at the federal public defender's office since 2002, when Judy Clarke stepped down.

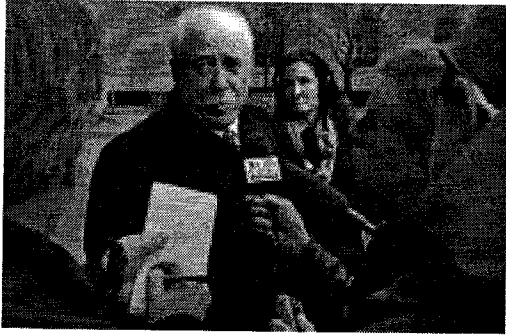
Finer said he hopes to hire Peven or the next executive director in time to start by Jan. 1, 2012. Harpham's trial is currently expected to take place before the end of the year, so Finer said the hiring should "in no way" affect Peven's representation of the domestic terrorism suspect, who faces several charges in connection with a bomb located along the planned route of the Martin Luther King Jr. Unity March in downtown Spokane.

Finer said the board has started a process to change oversight of the office from a local board to federal court.

"What we have used has worked very well," Finer said. "But we are way out of step with the general procedures used elsewhere."

Finer said he could not comment about his view of Peven's performance.

Seattle attorney Mitchell Riese, who along with colleague Judith Lonquist filed the suit against the federal defenders office in January 2010, said the advertisement for the top job "seems curious ... but I have no knowledge that they are connected."



Riese added, "Certainly, a number of things or actions we allege in the lawsuit reflect poorly on Roger's performance as a director. To what extent the board of directors has taken that into consideration in deciding to make those changes that Jeff Finer describe, I just don't know."

The suit – which is currently set for trial in February before Superior Court Judge Jerome Leveque – was brought on behalf of three federal defenders, Stephen Hormel, Lisa Werner and Billy Proctor, each of whom had at least 16

years experience in the office.

"Throughout much of 2007, plaintiffs observed Mr. Peven progressively withdraw from active management," the suit states. "Mr. Peven informed plaintiffs of serious personal problems he was experiencing. This resulted in a nearly complete disengagement from his day-to-day activities as executive director."

In the late fall that year, Hormel, Werner and other staff conducted an intervention and Peven agreed to an evaluation that resulted in a 30-day inpatient stay for alcohol abuse treatment. After a leave of absence, he was reinstated as executive director on Jan. 22, 2008.

Upon his return, according to the suit, Peven conducted a "personal investigation" into the actions of Hormel – who had been named interim director – including the termination of a staff attorney.

In June 2009, Finer, the board president, wrote his colleagues about how Hormel and Werner "expressed fear of retaliation by Mr. Peven."

Following a series of reviews and help from an outside facilitator, Hormel, Werner, Proctor and other staff members voiced their opinions that Peven should be removed because of continued absences from the office, favoritism and lack of support to Hormel and other supervisors.

The bad blood continued until Aug. 6, 2009, when Hormel sent a "retaliation/harassment" complaint to the board and Peven. Later that same day, Peven called Hormel into his office and fired him. He fired Werner about 30 minutes later and Proctor the next morning.

The three former staffers filed the wrongful termination lawsuit in January last year.