

Joy Malby Bertrand  
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## **PROFESSIONAL LICENSES AND MEMBERSHIPS**

### **Licenses**

State Bar of Wisconsin

State Bar of Arizona

Appointed to the State Bar of Arizona Sexual Orientation and Gender Identity Committee, 2011-2017

Appointed to the Criminal Defense and Procedure Committee 2014-17

Appointed to the Criminal Justice Executive Committee Fall 2017

State Bar of California

### **Courts of Admission**

United States Supreme Court

Second Circuit Court of Appeals

Fifth Circuit Court of Appeals

Seventh Circuit Court of Appeals

Ninth Circuit Court of Appeals

District of Columbia Circuit Court of Appeals

Arizona District Court

Northern District of California

Southern District of California

District of Colorado

District of Columbia U.S. District Court

Eastern District of Wisconsin

Western District of Wisconsin

### **Professional Organizations**

National Association of Criminal Defense Lawyers

American Association for Justice

Arizona Attorneys for Criminal Justice

Gerry Spence Trial Lawyers College Faculty

## LEGAL WORK EXPERIENCE

Owner, Joy Bertrand, Esq., LLC

2005-present

National federal trial practice, with a focus on defense of complex criminal matters and plaintiffs'-side civil rights litigation.

Notable Cases:

*United States v. Annino*, Arizona District Court Number 17CR932. Conspiracy and bringing illegal alien into the U.S. for profit **reduced to one misdemeanor count and a \$150 fine.**

*Mendiola-Martinez v. Arpaio*, Ninth Circuit Case Number 14-15189, \_\_\_ F.3d \_\_\_, (9<sup>th</sup> Cir. 2016), 2016 WL 4729476. Published decision finding, in part, that a reasonable jury could find that shackling a woman during labor and her post-partum recovery violates the Constitution.

*State v. Manoukian*, Maricopa County Superior Court Number CR2013425191001 – second degree murder and wrongful disposal of a corpse. Pled to negligent homicide (non-dangerous) and wrongful disposal of a corpse. **56-month sentence.**

*United States v. Bonetto*, Arizona District Court Number 13-CR-65 -- public corruption. **Dismissed after two hung juries.**

*United States v. Maddox*, Southern District of California Number 11-CR-4156 – marijuana trafficking (client was the landlord of a medical marijuana dispensary). **Dismissed** and approximately **\$1.1 million in seized real property returned** to client.

*United States v. Lewis*, Arizona District Court Number 11CR540 – possession with intent to deliver 200+ pounds marijuana. **Hung Jury**, subsequent 11(c)(1)(C) plea agreement for 45 days time-served.

*United States v. Paddock*, Arizona District Court Number 10-CR-8001 – child abuse and endangerment. **Sentence of probation.**

*United States v. Parker*, Arizona District Court Number 10CR757 – criminal tax prosecution with \$1.7 million alleged tax debt. **Dismissed.**

*United States v. Talashoma*, Arizona District Court Number 10CR8149 – second degree murder. Plea agreement for voluntary manslaughter, **41-month sentence.**

*J.M. v. Department of Commerce*, EEOC, sealed settlement valued as the **largest EEOC-level settlement in the Agency’s history.**

*Mederos v. DHS*, Merit Systems Protection Board Number NY-0752-10-0117-I-1, appeal of unpaid, indefinite suspension of federal employee. **Published decision in favor of employee** with award of attorney fees.

*Litzkow v. DHS*, Eastern District of New York Number 06CV3857, **sealed settlement in favor of Plaintiff** in case of same-sex, white-on-white discrimination, hostile work environment, and retaliation.

**Assistant District Attorney, Milwaukee County, Wisconsin**

1998-2005

Prosecuted felony and misdemeanor matters ranging from drunk driving to sexual assaults.

Tried approximately twenty state-court jury trials.

Taught Milwaukee Police Department academy recruits regarding courtroom testimony and investigative techniques.

Acting Team Captain for a five-attorney child protection and delinquency team during supervisor’s long-term leave.

**Special Assistant United States Attorney, Eastern District of Wisconsin**

2001-2003

Assigned as a cross-designated prosecutor to the United States Department of Justice, United States Attorney’s Office for the Eastern District of Wisconsin with the CEASEFIRE Task Force.

Chaired and won four federal jury trials.

Handled approximately eight appeals to the Seventh Circuit, to include one Solicitor General appeal. *United States v. Cranley*, 350 F.3d 617 (7<sup>th</sup> Cir. 2003).

Trained U.S. Department of Justice legal support personnel regarding litigation ethics.

**Cook County Office of the Public Guardian**

Summer 1995, Summer 1994

Worked on a trial team and in the long-term litigation unit for the largest child law and policy office in North America.

Organized and managed inter-disciplinary staffings regarding special-needs juvenile clients.

Interviewed and inspected homes in which children in need of protection and services were placed by the court.

In the second summer, I worked as a provisionally-licensed law student, under Illinois Supreme Court Rule 711.

**OTHER PROFESSIONAL EXPERIENCE**

**Statewide Coordinator, Wisconsin Coalition Against the Death Penalty**

1997-1998

Raised funds from individuals and organizational donors.

Organized two statewide conferences.

Coordinated educational events regarding the death penalty throughout Wisconsin.

**Administrative Analyst, Blue Cross and Blue Shield of Wisconsin**

Summer 1993

Advised health insurance company as it assumed the administration of the Wisconsin Health Insurance Risk Sharing Plan regarding underwriting and claims payment issues.

**Policy Analyst, State of Wisconsin Commissioner of Insurance**  
1992-1993

Provided statistical and public policy analysis regarding the Wisconsin Health Care Liability Plan (WHCLP) and the Wisconsin Health Insurance Risk Sharing Plan (HIRSP).

Presented reports to the WHCLP and HIRSP Boards of Governors.

Participated in the preparation of two publications regarding medical malpractice litigation behavior, listed below.

Prepared the "Guide to Your HIRSP Policy," distributed to several thousand HIRSP customers.

**Statewide Volunteer Coordinator, Mahoney for Secretary of State**  
Summer 1989

**EDUCATION**

**Gerry Spence Trial Lawyers College**

Graduated October 1, 2011

Completed the August 10-17, 2012 Graduate Course (Grad 1)

**Indiana University-Bloomington**

Juris Doctorate, May 1996

*Federal Communications Law Journal*  
Notes Editor

Note selected for publication, but pre-empted by the  
Telecommunications Act of 1996

Completed my third year as a visiting student at the University of Arizona, after my father died the summer between my second and third years.

**University of Wisconsin-Madison, LaFollette Institute of Public Affairs**

May 1993, M.A., Public Affairs and Policy Analysis, May 1993

Worked part- to full-time to finance graduate education

**Saint Mary-of-the-Woods College**

B.A., *cum laude*, Political Science, May 1991

Editor, Writer, The Woods Magazine

Received several first- and second-place statewide awards from the Indiana Collegiate Press Association for my contributions as a reporter and editor to The Woods Magazine.

Kappa Gamma Pi – National Catholic Honor Society

Pi Delta Phi – National French Honor Society

National Deans List

SMWC Presidential Scholar

Founded the College's Amnesty International chapter

Served on the College's Peace and Justice Committee

Rode for the College's equestrian team

One of three delegates for SMWC to the National Association of Catholic Colleges and Universities

Studied Russian and National Security Policy at Rose-Hulman Institute of Technology, the second-ranked engineering school in the U.S.

Started on scholarship as a vocal performance major. Changed after my first semester to political science and maintained academic scholarships, instead.

Started college at sixteen-years-old

## **PUBLICATIONS AND PRESENTATIONS**

Spence Trial Lawyers College Teaching Faculty, *Voir Dire*, February 21-24, 2019, Santa Fe, New Mexico.

Spence Trial Lawyers College Teaching Faculty, Closing Argument, October 25-28, 2018, Leavenworth, Washington.

Spence Trial Lawyers College Teaching Faculty, Ranch Program Third Week, September 30 – October 5, 2018.

Spence Trial Lawyers College Teaching Faculty, Opening Statement, February 9-11, 2018, Jupiter, Florida.

“Labor of Love: Shackling Pregnant Women, Even During Delivery, While in Custody and What it Took to Change that Law,” *The Warrior: Journal of the Trial Lawyers College*, Winter 2018.

“Using Litigation to Create Strong Public Policy,” November 20, 2017, University of Wisconsin-Madison LaFollette Institute of Public Affairs

“Legal Issues Presented by Pregnant Women in Custody,” November 18, 2017, Wisconsin Public Defender’s Conference

Spence Trial Lawyers College, Ranch Program Second Week, July 10-18, 2017.

“Legal Issues Presented by Pregnant Women in Custody,” June 22, 2017, Arizona Federal Defender’s Office

“Legal Issues Presented by Pregnant Women in Custody,” February 23, 2017, Los Angeles Federal Defender’s Office

“Opening Statement,” Spence Trial Lawyers College Teaching Faculty, Newport Beach, California, January 22-24, 2017.

Spence Trial Lawyers College, Ranch Program First Week, September 7-12, 2016.

“Storytelling and How to Make Your Story Come Alive,” Arizona Trial Lawyers Association, Philosophy of Persuasion Seminar, March 18, 2016, Phoenix, Arizona

“Closing Argument,” Spence Trial Lawyers College Teaching Faculty, Atlanta, Georgia, February 25-28, 2016.

“Cross Examination,” Spence Trial Lawyers College Teaching Faculty, San Diego, California, January 28-30, 2016.

“On Vulnerability and Voir Dire,” American Association for Justice Annual Convention, Montreal, Quebec, Canada, July 12, 2015.

“Seeking the Divine Light in Others and Myself,” *The Warrior: Journal of the Trial Lawyers College*, December 2012.

“E-Discovery in Federal Criminal Practice: Practical and Ethical Concerns,” April 18, 2012, Arizona Federal Defender CLE Presentation.

“E-Discovery in Criminal Practice,” American Inns of Court Horace Rumble Inn Meeting, March 2012.

"We Have the Right to Use the Free Market to Uphold our Values," Madison, Wisconsin Capital Times, March 17, 2011, available at [http://host.madison.com/ct/news/opinion/mailbag/article\\_827e8983-0efc-5228-84c8-4c5d260627cf.html](http://host.madison.com/ct/news/opinion/mailbag/article_827e8983-0efc-5228-84c8-4c5d260627cf.html) .

"Experts: Fried and Tested," with Barry Uhrman, Edie Lucero, John Todd, Lyzette Bullock, Keith Berkshire, and Kevin Kane, American Inns of Court Horace Rumble Inn Meeting, Spring 2011.

"Justice for the Pro Per Litigant," w/ B. Sandweg, P. Hall, F. Johansen, S. Pineda, D. DeLaTorre, J. Giannopoulos, American Inns of Court Horace Rumble Inn Meeting, Spring 2010.

"EEO Supervisor Tips," Federal Law Enforcement Officers Association Milwaukee Meeting, March 2009.

"Misdemeanor Crimes of Domestic Violence and Federal Firearms Prohibitions: Don't 'Take your Chances,'" Arizona Public Defender Association Conference, June 2009, June 2008, and June 2007.

"Litigation Ethics for Support Staff," United States Department of Justice National Support Staff Conference, April 2003, Tampa, Florida.

"The Intersection of Law and Literature: A Comparison of Legal Decisions and Twentieth Century Feminist Fiction," Midwest Women's Studies Conference, Rose-Hulman Institute of Technology, Terre Haute, Indiana, April 1996

"The Good, the Bad, and the Unconstitutional: The Regulation of Internet Pornography," *Federal Communications Law Journal*, Spring 1996, pre-empted by the Telecommunications Act of 1996.

"Why Kill all the Lawyers?: Repeat Playing and Strategic Advantage in Medical Malpractice Litigation," with Mary Grossman and Stephen Daniels, American Bar Foundation Working Papers Series, Fall 1994.

"An Empirical Analysis of Wisconsin Medical Malpractice Litigation," with Mary Grossman and Stephen Daniels, *American Bar Foundation Working Papers Series*, Fall 1994.

## **HONORS/RECOGNITIONS**

Seventh Circuit Court of Appeals Indigent Representation Honor List, May 2007



Certificate of Commendation, United States Attorney's Office, Eastern District of Wisconsin, November 2003.

Outstanding Record of Prosecution award, Federal Bureau of Investigation, May 2001

## **SOCIAL ACTIVISM**

Featured interview, "The Anti-Poverty Project," a documentary about homelessness in Milwaukee, Wisconsin, formal release pending, information available at <http://batpoweredproductions.com/wordpress/>.

Speaker, Marcia Powell Memorial, May 2009, information available at [http://blogs.phoenixnewtimes.com/bastard/2009/05/charles\\_ryan\\_attends\\_marcia\\_po.php](http://blogs.phoenixnewtimes.com/bastard/2009/05/charles_ryan_attends_marcia_po.php) and <http://becausehematters.blogspot.com/2009/06/powell-memorial.html>

Detained by Maricopa County Sheriff's Office deputies, while serving as a legal observer during one of the office's "Crime Sweeps," August 2009, video footage available at <http://www.youtube.com/watch?v=BahVuiLKdRU&playnext=1&list=PLC3E1C1A95954DC35>.

SMWC National Alumnae Association Board of Directors, 2000-2006

SMWC Class Agent, Class of 1991, 2006-2015

## **HOBBIES/OTHER INTERESTS**

Member of the St. Mary's Basilica Parish, Phoenix, Arizona

Animal Welfare

Volunteer for Pei People, Lucky Dog, and Ohana animal rescues. Previously a volunteer for Rescue a Shar-Pei (Midwest Shar-Pei Rescue), 2000-2005

Provide a foster home for homeless dogs, many of whom had special medical and/or behavioral needs.

Conduct home visits for prospective adoptive homes.

Pull dogs from kill shelters and provide transport for the rescues from shelters to receiving veterinarians or adoptive placements.

Donor, American Society for the Prevention of Cruelty to Animals

### Yoga, Fitness, and Nutrition

Lost approximately 75 pounds between November 2009 and the present.

Nationally certified yoga instructor since 2001

Yoga Instructor, Wisconsin Athletic Club, 2001-2005

Graduate, Surf Diva Women's Surfing School, June 2001

Regularly surf, ride horses, and practice yoga