

**PETITION FOR REINSTATEMENT
THERESA M. SQUILLACOTE**

I. Nature and Circumstances of Misconduct

A. Facts

I was convicted on October 23, 1998 after a jury trial on espionage-related charges based on secretive contact I had in the 1980s with East German associates of my then-husband Kurt Stand and his parents, including one individual who worked for East German foreign intelligence, Lothar Ziemer. This contact was the basis for a successful FBI Sting operation in the 1990's. On January 5, 1997, I gave an FBI undercover agent 4 classified documents. I was arrested on October 4, 1997 and was convicted October 23, 1998. I received a 262 month sentence. The conviction and sentence were affirmed. A post-conviction petition, alleging a right to testify claim, went to an evidentiary hearing and ultimately was dismissed.

In its disbarment order, the Board of Professional Responsibility drew facts from the Fourth Circuit affirmance in my direct appeal. As is standard, the Fourth Circuit viewed the evidence in the light most favorable to the government. However, in my Motion to Vacate Sentence under 28 U.S.C. § 2255, the Fourth Circuit found a reasonable probability that my testimony would have altered the evidentiary picture and undercut the reliability of the conviction. 183 Fed. Appx. 393. My testimony would have addressed my understanding of this political activity as presented by my husband and by my in-laws (an underground political movement stemming from their anti-Hitler underground resistance, to provide political analysis and to have a reserve of cadre if fascism re-emerged), the mental health crisis I was experiencing during the Sting and my interactions with the undercover

agent while in it. This information explains my reasonable basis for challenging the charges. I do not seek here to relitigate my conviction, but I can provide the Board more detailed information should it so desire.

B. Elaboration of Circumstances of Conviction

There are circumstances that fairly present a basis for mitigation, and even to find a reasonable basis for my having pursued a claim of innocence.

First, no classified information or any documents were provided to any foreign government. The government knows this. My case might thus be legitimately distinguished from other espionage convictions where, for example, many highly sensitive materials were given over many years, causing significant damage or even death. Mine is not an Aldrich Ames or Robert Hansen case. The government will say the intent was the same, but under any lens the impact of my conduct was not. This point of distinction is clear and should weigh favorably for mitigation.

Second, there was a significant mental health component to the offense and related conduct. I was quite unwell. One only has to listen to a few of the surveillance tapes. Even now, it is searing. The FBI Sting operation was expressly designed to exploit these issues, which later generated extensive discussion in psychological journals of the ethical propriety of such use.

I had been demonstrating maladaptive behavior for a long time. My treating psychiatrist and our experts identified multiple mental health illnesses, primarily Borderline Personality Disorder and Major Depression. They linked the personality disorders to the childhood trauma I had experienced from dozens of childhood surgeries to correct multiple birth defects (I was born missing my lower right leg, with a clubbed left

foot, dislocated hips and shortened, webbed fingers on my right hand – much later we learned these were all part of the familial connective tissue disorder). Aspects of Borderline Personality Disorder are directly relevant to the offense conduct. At the top of that list is a lack of identity. You don't know who you are and, like a chameleon, you shape yourself to what you perceive the other person wants you to be. Dependencies develop easily. You overstep boundaries with others. You have difficulty with empathy, because you do not view the other person as separate from yourself. There are rapid mood swings, anger and impulsive behaviors. There are reality distortions (the word "borderline" means the border between neurosis and psychosis.)

When your identity is so fragile, you struggle to speak or even fundamentally to know your own, authentic desires. I knew, for instance, how badly my father wanted me to be active, and so I would push myself even to the point of physical damage to meet his expectations. I remember our parish priest once came to visit me in the hospital when I was young. He pointed to the crucifix over my bed, stating Jesus never complained, so I shouldn't either. My aunt told my original defense counsel I never cried through those many childhood surgeries, to an unnatural degree. I really, really did not want to be in an extramarital affair with Lothar but I could not articulate that or even see a path out. Nor did I want to give those documents to the undercover agent. It felt dirty. It was cheating. No one can go inside me to see that but I know it. I felt propelled down a road. I know I was not cognitively impaired. I know, as the government said, there were many exits ramps. But it still seemed like a compulsion, a route to having an identity without which I would have had none.

Narcissism and grandiosity are tied to a lack of self. I did not know who I was

absent a figure around which I could fashion an identity by winning their approval, prominently my Dad, Kurt, and Lothar. This dependency was an explicit feature of the Sting operation; the agent was expressly chosen to mimic a father role. When I felt abandoned by Lothar, for example, I kept saying on the phone "I've been erased." It wasn't a cliché. It was real, and terrifying. And the chameleon-like behaviors: you will turn yourself into whatever the other wants you to be. The undercover agent made clear what persona they wanted in the Sting operation, and I met it. I made ridiculous and grossly exaggerated statements to the undercover agent: "I've violated title 18 lots and lots." Really? The entire federal criminal code? "In the old days, I would have closed the door and photographed these." I had never done such a thing and wouldn't have had a clue how. But I wanted to inflate myself to be important and valuable to these new people. I thought it would lead me back to Lothar where I would be whole and strong again. (I had been in a severe depression before and during the Sting, triggered by a perceived rejection by Lothar. I despaired that I could not meet my family responsibilities.) Thankfully, as stated in the mental health reports and as discussed below, I have undergone significant cognitive training and these diagnoses do not present now, but at the time I did not have the skills to address them.

Third, my interactions showed some ambiguity as to what I thought was the exact purpose of my association with Lothar Ziemer and that of Kurt's family. The government's theory was clear: I may not have actually committed espionage with the East Germans, but that was the ultimate purpose of our secretive connection and I jumped at the first opportunity to do so. Because I was predisposed, no entrapment existed. The purpose of our contacts with the East German was thus critical. The jury wrestled with it. They stayed out three days and submitted questions as to predisposition.

It may be ludicrous that someone should believe what my in-laws first told me about this activity but I did, certainly initially. When at age twenty I met my husband Kurt Stand, he educated me about Marxism-Leninism as a framework to understand human suffering. He was so smart and knew so much more than I did. The Stands presented themselves as special, "true revolutionaries" with profound intellectual powers and a heroic background. His mother's family were communists in the Ruhr. Her father was "at the barricades" in the 1918 German revolution. Her uncle was part of the underground network that got messages to and from communist leader Ernst Thalman in a Nazi concentration camp. I thought I was in the presence of left-wing royalty, as contrasted to our rather normal, Middle American background. They traveled in Europe for vacations. We went camping. They drank fine wines. My Dad might have a glass of Manischewitz from the fridge. Theirs was a fantasy world, but I was in complete awe of it. Against their background, I accepted what I was told completely - that we were part of an underground, anti-imperialist secretive effort. We were continuing the "heroic anti-fascist struggle." In this context, I accepted the legitimacy of clandestine communication methods used by my in-laws (sending messages by small film or radio, traveling under different names, etc.).

Parts of the record corroborated this was my belief. In important respects, I acted inconsistently with being a spy. For the time in which I did have access to classified information and was still in touch with Lothar, I gave him nothing. I quit my DoD job to support my boss ousted for her reform efforts. Quitting civil service wholly contradicted any espionage goal. Yes, I tried to make it palatable to the undercover agent by stating (in horrific terms) I might later get a better position if I supported her, but realistically, no spy will quit a career civil service position at the Department of Defense. If my boss later had

gotten a higher political appointment elsewhere, she simply could have transferred me to join her. In the months after I quit, with my knowledge of all the new acquisition laws, I could readily have gotten work with access to highly classified information. But as I told the agent, I wanted policy work and that is what I sought it out. I applied for Capitol Hill positions, such as one at an African policy subcommittee. I applied for one nonsensitive job at OMB but was redirected by a colleague to a sensitive one. (I emphasized this possibility to the agent, to keep his interest in me.)

I made many inculpatory comments to the undercover agent, but I also made exculpatory ones. One can see I am trying to guide the contact a certain way, towards political and policy analysis. Often they are very soft-spoken statements – “peeps” - but they are there. I repeatedly told the undercover agent I wanted to work in policy and make analysis. It was what I had seen Kurt engage in with Lothar during our visits in the 1980s (i.e., giving him political essays) and for years I had fashioned myself around approval and acceptance in this activity. I gave him a book, “The Dead Stay Young,” in which the communist protagonist is planted in Nazi rank and file to be there upon liberation, telling him “it reminds me of us” (meaning this underground activity). I gave the agent my study group outline as an example of the political analysis I wanted to do. He was not interested. He wanted me to cross a line I had not crossed before (“we need scoops,” he said).

Defense counsel mistakenly focused only on inducement and my in-laws were too fearful to assist us. Therefore, we did not present an alternative version to counter the inference the government sought to make – that the only purpose of our contact with the East Germans was to commit espionage. But there was at least some basis to support an alternate version. This is why the Fourth Circuit concluded my explanation, had it been provided, could

have affected the outcome and ordered an evidentiary hearing on my 2255 petition.

II. Recognition of Seriousness of Misconduct

A. Acknowledgment of Harm

My conduct was inexcusable. I want to be clear: I do believe there are legitimate mitigation issues. But whether I had mental health issues, whether no damage ultimately was caused, whether there was a legitimate basis to pursue innocence – none of this justifies blameworthy misconduct. It does not excuse me. These factors provide a context and help one assess, but that is all. Had I succeeded in my defense at trial, my conduct would nonetheless have been grossly irresponsible and inexcusable.

I hurt my country, my occupation, and many individual people by my conduct. I hurt my family, the people I loved most in the world. I placed a terrible burden on my then-husband and my children, my father, brother and sister. The burden they had to carry because of me was indescribable. My father was elderly. We were extremely close. He was so proud that I was an attorney, particularly working in his field. He felt strongly that federal service was one of the best ways to help others. I was supposed to be caring for him at this stage of his life, but I could not do so. My family was financially drained. My father's and brother's savings disappeared as they had to cover legal and other costs. My children were devastated. There is no stage at which deserting your children is not horribly damaging. I was the one they looked to for security. My son had multiple handicaps, particularly neurological disabilities from a rare form of encephalitis he contracted at age three. I handled his medical and educational matters. He was just transitioning to regular education when the arrests occurred. He sobbed and sobbed: why this, when his life was just becoming normal after years of severe illness? He suffered even more when his mental illness onset in

2005 while I was in prison. He had numerous hospitalizations and struggled. The initial damage my conduct caused compounded itself; I tried my best to help him but ultimately I was not there. All of this is at my door.

But the party injured by my conduct fundamentally was my country. I recognized this immediately in my January 20, 1999 letter to Judge Claude Hilton: "I am extremely sorry to have put the government to so much trouble. My conduct was stupid and highly irresponsible, damaging to myself and my family and my country. I castigate myself as a government lawyer and as a mother. I also sullied my own deeply held beliefs about justice and fair play." That letter was published in a Milwaukee newspaper as an open statement. Because we had pursued trial and were then in direct appeal, I felt obligated to state at the end of my 60 Minutes interview that responsibility also lay with the government. But I understood, and understand now, the seriousness of my misconduct. Even if predominantly a personal connection, I was involved with the intelligence agency of another government at odds with my own. By itself, that is serious misconduct. I also put a tremendous burden on government resources in investigating and prosecuting my case. I wanted to explore a possibility of plea, thinking it might be best for my family. But my plea offer was tied to that of my then-husband, who refused to consider it. We also believed it important to litigate the FISA surveillance, particularly whether we could have been deemed active foreign agents six years after East Germany disappeared, and this meant we had to contest the charge.

I am an American. My loyalty, then and now, is to my country. Whatever my perceptions were, or what my mental state was, I was responsible for my own conduct. I gave documents related to our national security to someone I thought was an agent of a foreign government. I never wanted to damage my country, but even

acknowledging my mental health condition, this was egregious misconduct that breached my responsibilities as a U.S. citizen. I am wholly ashamed of it.

B. Recognition of Heightened Responsibilities as Attorney

My conduct was particularly serious because I engaged in it as a government attorney. Any member of the bar swears to uphold the Constitution and to faithfully discharge their duties. Any violation of law violates that duty. Conduct compromising our national security strikes at the heart of it. It violates integrity and honesty. I took advantage of my position and friendships to do so. A government attorney has the unique responsibilities of a public employee. You are serving the public good. I was a career federal civil service employee, so I had sworn to “support and defend the Constitution ... against all enemies, foreign and domestic; [to] bear true faith and allegiance to the same; [and to] faithfully discharge [my] duties....” I violated that oath and the public trust.

My father was a federal attorney for his entire career, from 1947 to 1985. There never was a person more dedicated to public duty. He felt it was so important to do the best you can, every day, because you are serving the people. That is exactly what he did. He was widely respected for it. I so admired him. When he came to visit, and would hear good things about me at work, he was so proud. There were co-workers who thought: “she’s carrying on just as her dad would do.” It meant the world to me. I broke all of that. I saw co-workers standing next to the prosecution table at trial, looking at me with disbelief: “how could you?” The thought I had hurt these and other people was devastating. I have apologized, but I can never fully remedy that hurt.

III. Conduct During Disbarment or Suspension to Remedy Past Wrongs

A. Remedial Actions

When I was arrested, it was a wake-up from this fantasy world I had been in. It made me see reality.

I immediately wanted to get on the right side and stay there. As I stated, taking a plea was essentially not an option because Kurt would not accept it. But after trial, I tried to remedy my misconduct as best I could. I offered to debrief the government, to provide whatever help I could. It meant little, because I had told the undercover agent everything there was to tell. However, I thought a debrief by Lothar could be helpful, so I convinced him to cooperate. He made an offer to the U.S. government to do so but it was not accepted.

Through the entirety of my eighteen years of incarceration, and continuing to this day, I have assisted the government when I could, in whatever fashion, whether big or small, with little or no likelihood of benefit. And I continue this conduct in my own community now, when there is no benefit to me (quite the opposite - when there is risk). These cumulative efforts over twenty years are substantial. I made them in good faith, to show consistent behavior on the right side. I would like the opportunity to present them to the Board in a confidential manner.

The other effort I made, as I describe in answering Question 26 of the Questionnaire, was to apologize. It may not seem like much, but it is necessary. I apologize now to the bar. I am extremely sorry for what I did.

Remedy also meant addressing my mental health problems. They had been publicly displayed, front and center. There was conduct, and interaction with my loved ones, of which I was ashamed. Either you deny and block it out or look it square in the face and try honestly

to come to grips with it. I chose the latter.

I focused intently on addressing my mental health issues. I studied what had been stated at trial, and I looked at my behavior. I discussed it in therapy. I availed myself of whatever therapeutic opportunities I had: groups, individual therapy, and wellness work. I did not hide from anything. Of particular value was the Bureau of Prisons six-month, 500 hour cognitive rehabilitation program. It was life-changing.

I worked on developing my own identity, on deciding what beliefs were genuinely mine, as opposed to pre-programmed ones. I could retrieve my religious beliefs and a sense of what my country meant to me. Left-wing beliefs are not incompatible with love of country. America is diverse. Someone with left-wing beliefs can root for our team at the Olympics, rage at terrorist acts towards fellow citizens and salute the flag. I made a lot of progress.

B. Criminal Justice Reform and Other Work

I contributed wherever I could. I performed my tasks conscientiously. I made up fun, new recipes for the soft-serve ice cream machine at FCI Tallahassee; the warden commented about it. My corner of the compound was spotless. I helped organize a formal Catholic parish there, St. Martha's, visited by the local bishop. I helped start an inmate magazine. When I was leaving for Danbury, CT to be nearer my children, the warden's executive assistant wanted me to stay. At Danbury, I deep-cleaned and was looked to for special inspection assistance. I handled visitation set-up and cleaning. When I cleaned showers, there was a line waiting for me to finish. I worked laundry. During water outages, I kept bathrooms free of human waste. Staff had me clean their own rest areas. I cleaned floors on my hands and knees, and cleared cobwebs and dust from 30-foot ceilings. I served on an inmate council. I made elaborate holiday decorations. When I left

Danbury, I gave the executive assistant a map of the camp with needed physical plant repairs marked out for the entire facility. I was proud that, at my age and with my physical disabilities, I could still work hard and be reliable and well-regarded.

My law degree factored into my work assignments. At Alexandria Detention Center, the Commander assigned me to the law library, to order up the chaotic jumble of books. Inside the BOP, staff was wary of having an attorney being pressured by other inmates to do legal work for them but they would become familiar with me and then want me at the law library. In Tallahassee I was assigned to organize the law book overload and reallocate space. I worked with an architect-inmate and we drew up a set of plans to install new carrels and bookcases. I worked at the law library in Carswell, and at Danbury.

In Danbury I worked on developing inmate training materials, on basic legal research and civics. I consistently found a major issue for many inmates was a lack of understanding of basic concepts, the three branches of government, etc. There was pressure on me by other inmates to do work for them. But it was not ethical or even safe to do so. If you do legal work for another inmate, and it does not turn out well for them, you are at serious physical risk. But you can give guidance. You can explain about a final conviction, about what a habeas petition is. You can explain about the Sixth Amendment, the right to effective assistance of counsel and what might be a violation of that right. You can show a person the basics of understanding a case holding, and give them research guides to common habeas issues. You can explain what a sworn statement does, that it creates a record, and that a statement might be as simple as writing down your view of what happened in your case and in your relationship with your defense attorney. You get the tools to them and then let go.

In the midst of all this, I learned a lot. I learned 2255/post-conviction law inside

out. I learned more broadly about the criminal justice system. I came to see the common problems inmates faced in it, in dealing with the system, with their counsel, or with a lack of resources or knowledge.

I also learned about the federal sentencing statutes. I learned federal parole had been repealed and we served day-for-day, with a 15% good time credit and a possible one-year reduction for drug rehabilitation. When in 2001, Rep. Patsy Mink introduced a lengthy federal parole restoration bill, I studied it. I saw federal parole had never been wholly repealed but rather kept in legislative limbo. Inmates convicted of offenses before November 1, 1987, so-called "old law" inmates, were still eligible for parole and good-time under the old scheme. If one wanted to reinstate parole, simply repealing the few sentences keeping parole in limbo would, by operation of law, restore it. Another inmate and I sat down and wrote this up. We then tweaked the old eligibility definition so you had one chance at parole and if revoked you were no longer eligible. Thus, we called it "the One Shot" bill. My sister formatted it, and some friends and I produced a good brochure. I enlisted the aid of Bishop Tom Gumbleton in Detroit, a peace leader in the Catholic Church. We wrote up a press release over his signature, and the package was mailed by my friend in Tallahassee to every single member of Congress. It was circulated on the internet. In 2011, I updated it and Bishop Gumbleton sent it to President Obama's Supercommittee on budget reduction. Most recently, a NYC area nonprofit had me update it again, so it is current as of 2020. I am sending it to various presidential campaigns.

I became active in criminal justice and sentencing reform groups. I joined CURE, Charlie Sullivan's well-respected group, and others. I learned about criminal justice reform as a national and global issue. I became familiar with various proposals, both realistic ones or

ones less effective. There is a lot of micromanagement in recent legislation, too much detail that hampers more than it helps. I also could evaluate which groups were effective or simply absorbing funding. Last, I saw prisoner abuse from a “cottage industry” of so-called advocates –ex-inmates or persons who declared themselves “paralegals” – who made wild, unsubstantiated offers of support to inmates and their families desperate for help. They would squeeze the last few thousand dollars from those already financially depleted and at their wits’ end. Some – very few – offered credible support. Most offered nothing.

Attorney-client communication was a topic of particular concern to me. It is routinely very difficult for inmates to communicate with their attorneys, in defense cases or civil matters such as termination of parental rights. There are formal, written procedures but availability is the exception not the rule. Regular mail took days; even expedited mail sits in the mail room after receipt and then goes through further distribution. Regular mail also does not allow for spontaneous interaction, the give-and-take of a real conversation. This communication requires a phone call or in-person visit. Phone calls require staff time, an increasingly rare commodity with overcrowding and budget reductions. The attorney must call in and request it, leave a voicemail and then wait days for a call back. Staff often require showing a pending litigation deadline. Written policy does not require it, but inmates and attorneys do not know this, so calls are wrongly denied on this basis. If you do get a call, it is often within staff hearing distance even though formal process requires a private area only visualized by staff. In-person visitation is time-consuming and expensive for defense counsel, particularly as many prisons are in isolated areas.

These problems are impactful. There are any number of subtleties, make-or-break differences in a case, which cannot be picked up without careful communication with the

client. As an educated person with outside support, I knew how to assert myself and obtain what my case required. But the vast majority of inmates do not. Routinely, if an issue required immediate communication, an prisoner simply uses the monitored unit phones or email, thereby arguably waiving privilege. But realistically that prisoner is between a rock and a hard place. As I explain below, I want to develop a national study of this issue. A colleague and I have developed a proposal for it. I want to dedicate the remainder of my professional life to the study of the issues faced by the incarcerated.

IV. Present Character

I believe I do now have the necessary character and integrity to be an asset to the bar and to my profession. I do not in the least minimize the severity of my misconduct. It was abhorrent to our profession. I am fully aware of it. But I can guarantee there is absolutely no chance of such misconduct occurring again.

The twenty-five years since my conviction have been a time of deep introspection and growth. I witnessed the pain I caused. I was presented full force with my own behavioral issues. I faced and worked through them. I believe I have been largely successful. I have, through hard work, insights I did not think possible decades ago.

I also did not shy away from other responsibilities. I tried as best as I could to remain present in my children's lives. There were any number of letters I wrote or calls I made where my first words were: "I am an incarcerated parent and I am contacting you regarding my child..." You swallow your pride and ask for help. In particular with my son's mental health illness from 2005 onward, I learned humility. I saw my own child struggle desperately to hold onto his sanity, forced to deal with trauma and loss the product of my own behavior. He faced repeated hospitalizations in horrible conditions, struggling with

medication, trying to understand what had happened to him. Staff helped me, by making sure I could update my phone list, or sometimes giving me extra telephone minutes. There was not one day where I could not reach my son or the nurses' station by phone. I could even reach the head of New York Office of Mental Health in New York.

The process of re-entry these past five years has also been character-building. It has been very challenging, and frightening. I had to rebuild from ground zero. My son was fed up with congregate mental health housing and wanted something he could call home. Therefore, I could not utilize transitional housing just for myself. I wanted to provide both my children the support they had not received from me for eighteen years. But a household requires silverware and dishes and linens and appliances and so on. I got a disabled half-fare MetroCard and accessed Craigslist Free Stuff and thrift stores. I got to know the NYC boroughs quickly. It was physically challenging. At one point, I did not know I had caught pneumonia; I walked 2 miles to see my son in-patient in Westchester to save cab fare, carrying packages for him. It sounds maudlin, but it was true. Other medical issues arose. I had chest pains late 2015, and when the ER learned of our family aneurysm history, they thoroughly scanned me. I was diagnosed with bilateral carotid aneurysms and dissection in December 2015. We were all terrified. The premature deaths from aneurysm that had swept through my mother's family were now appearing in the next generation. My younger cousin had literally dropped dead from aneurysms two weeks before I was diagnosed. I was so scared. I did not know what physical activity was safe. My short, residual right leg

limb was also becoming ischemic. I was scared I would lose the little bit of leg I have left. I applied for assistance but it took months to come through. The first half of 2016 was the most difficult period I faced. There were times my body shook with anxiety. This was when I got into the argument with the staff person at Home Depot. I was sarcastic and quick to snap back at him, resulting in an arrest and a disorderly conduct charge, though later dismissed.

But I worked my way through this. I kept my wits about me and methodically located sophisticated medical expertise. Because of my efforts our familial connective tissue disorder was formally diagnosed by my genetic testing. Now everyone can get easily tested and take prophylactic measures. A prosthetic adjustment resolved my stump issue. All this was character-building, too. I am working with New York State vocational rehabilitation services to build sensible and sustaining employment options for myself.

Lastly there are the relationships I built, or rebuilt. All these letters you have received – they are real. I have built a wide range of community contacts: my church friends, the local parks support group, the local post office, my area grocery stores, the UPS delivery persons, my assemblyman’s office, the 52nd Precinct community board and outreach officers, Covid-19 support networks, and so on. These relationships are based on me, as I really am, not some false identity pasted on top of me.

Coping with and humbly working through deep shame and hardship does rebuild character. I am a good person, a better person for what I went through. I would never again abuse the privileges of this profession.

V. Present Qualifications and Competence

A. Paralegal Work and LLM Completion

I am confident I am qualified and competent to resume practicing as an attorney at a

high level. I have worked on many projects under attorney supervision that have honed my skills and kept me current. These include prisoner advocacy, criminal defense, civil rights and commercial matters. Many have attested to the high level of my research, writing and advocacy skills. You can review those projects directly should you wish to do so.

My May 2020 successful completion of my LL.M. degree at George Washington University Law School also demonstrates my qualifications and competence. I worked at length with the Graduate Services director and with Senior Associate Dean Molinengo to arrange my re-admission into the law school. My first two credits were an independent writing assignment under the supervision of Dean Molinengo. I addressed Constitutional Issues in Attorney-Incarcerated Client Communication. I have indicated how and why I believe this issue to be so important. I developed that paper on my own, giving it a coherent structure and a broad, deep scope. I completed it (with a few extra weeks – my son, on top of everything, had to cope with a 2019 pancreatic cancer diagnosis, lengthy surgery and chemo). Dean Molinengo was very pleased. I also completed a Supreme Court seminar with Professor Jonathan Turley in Fall 2019, for which I received an A+. I completed Professional Responsibility in Spring 2020. I took and passed the MPRE on March 12, 2020, with a score of 126 which I believe puts me in about the top 8th percentile nationally. I am confident I can perform as an attorney on a par with my peers.

B. Bar Admission to Further Rehabilitative Justice Work

As a licensed attorney, I could work more deeply in my areas of interest, particularly criminal justice reform. I could contribute, much more than I can do now. I do not now have the professional credibility or heft for my efforts to carry much weight.

I am eager to follow up on the issues I developed in my Attorney-Incarcerated Client

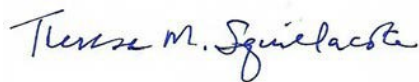
Communication paper. There are many stories about abuse of attorney-client privilege – in local jails, state or federal prisons, in software management of privately-run facilities – but they remain largely anecdotal. There has been periodic litigation, sometimes on a large- scale. It occurred in 2016 in the Eastern and Southern Districts of New York, when federal prosecutors announced they would utilize all inmate email content, even attorney-client. That litigation led to a proposed ABA resolution seeking a privileged BOP email channel, and comparable proposed legislation. Widespread breach of privilege at Leavenworth was litigated in 2019 in the District of Kansas. However, there is no systemic, nationwide study of these abuses, no social scientific, quantitative analysis to provide evidence of the problem and need for relief. This needs to be undertaken. My friend and colleague, Jack Donson, and I have proposed such a study and are seeking to organize it. While attorney-client privilege is rooted in the common law, it protects multiple constitutional rights. A constitutionally required minimum level of attorney contact can be ascertained. Perhaps a concomitant model code could be developed. As a licensed attorney I could work on a peer basis with other attorneys in the field. I could take initiatives I cannot currently undertake or in which I am very limited.

I also would like to work on criminal defense and post-conviction cases, and on sentencing reform generally. I have a deep, first-hand understanding of the conflicts and issues faced by a criminal defendant, from indictment through to release and re-entry. As a licensed attorney I could assist many of these individuals through direct representation. I have seen the systemic issues we face from mass incarceration. I have an excellent understanding of the criminal justice reform movement over decades and have a good sense of what steps are effective and lay the groundwork for further progress.

Conclusion

I respectfully request re-admission to the District of Columbia bar. I apologize profoundly for my misconduct. I understand the errors in my behavior and thinking that underlie this misconduct. They will not re-occur. I can monitor and understand my behavior with cognitive skills I never had before, and never knew existed. I can look much more objectively at my conduct, at my emotional and intellectual responses. I am comfortable in doing so; it is a healthy, normal process. I have my own, independent identity that did not exist beforehand. It is a product of my own values and assessments, not wholesale, artificial adoption of another's. It is ironic, but genuine, that my sense of self grew out of my existence as a criminal defendant and inmate. I still have a love of others. I still have a deep desire to contribute to a better world. It was why I became an attorney, because we are so well-equipped to bring about positive change. I have a lot to offer as a licensed attorney, particularly in assisting with criminal justice reform. I humbly request the opportunity to do so. I will not let you down.

Thank you.

A handwritten signature in blue ink that reads "Theresa M. Squillacote". The signature is written in a cursive style with a large, looped 'T' at the beginning.

Theresa M. Squillacote
October 21, 2020