

Profile: Michael Haddad and Julia Sherwin

Husband-and-wife civil rights lawyers make huge strides in the fight against police misconduct

By Stephen Ellison

In this modern era of law enforcement misconduct and abuse of power, the husband-and-wife team of Michael Haddad and Julia Sherwin has proved to be at once compassionate, smart and relentless in their advocacy for victims of such wrongdoings.

For more than two decades, the founding partners of Haddad & Sherwin LLP, based in Oakland, have been fighting against police brutality, unlawful use of force, law enforcement misconduct and in-custody abuse causing injury or death. It's a mission and journey the couple has worked on together for much longer than their time in California.

"My parents taught me about the history of discrimination in the country and about social justice issues," Haddad said about his upbringing in Detroit. "It wasn't like we were an activist family or anything. It's just that I was kind of raised with certain ideals. And then as I came into adulthood and saw that our country wasn't measuring up to the ideals I learned and that I thought our Constitution and our country stood for, that's when I felt like I wanted to become involved."

Both Haddad and Sherwin began their law careers at Goodman, Eden, Millender & Bedrosian in Detroit, a firm that had been in existence for about 40 years at the time and happened to be the first racially integrated law firm in the U.S., Haddad said. It was there where the two cut their teeth on police misconduct cases, and that case work would soon become their life's work.

Sherwin and Haddad not only have obtained several seven- and eight-figure decisions for their clients, but they've also made great strides in the area of critical police reforms. Sherwin has had a particular focus on busting the myth of what law enforcement refers to as "excited delirium," a common defense used for officers who deploy restraint asphyxia or fire stun guns while encountering who they deem to be combative subjects and trying to place them in custody.



Julia Sherwin and Michael Haddad

Haddad and Sherwin have successfully debunked the excited delirium theory a number of times in court. Sherwin calls the theory "junk science" and a racist means for law enforcement to pin deaths resulting from police restraint on the victim rather than holding the officers accountable.

"Proponents of (the) theory claim that a person in 'excited delirium' is delirious, has psychomotor agitation, may engage in violence, displays superhuman strength, has a very high body temperature and then dies. But there is no medical, psychological or peer-reviewed research to support this assertion," Sherwin wrote on the firm's blog in a February 2021 post.

Excited delirium was used as a defense in the infamous murder case against former Minneapolis police officer Derek Chauvin in the May 2020 death of George Floyd after Chauvin pressed his knee on Floyd's neck for nearly 10 minutes as a means of restraint. Floyd, who also was handcuffed and lying face down while two other officers helped Chauvin hold him down, died of "cardiopulmonary arrest" from "law enforcement subdual, restraint, and neck compression," according to the coroner's report. Chauvin was sentenced to 21 years in prison for violating Floyd's civil rights.

Haddad, meanwhile, has spent time establishing precedent for and applying the newly amended Bane Act to a couple of high-profile cases. As of January 2022, the Bane Act removed "qualified immunity" for law enforcement and corrections officers from claims of false arrest, malicious prosecution and injuries to prisoners.

Before the amendment, Haddad had been fighting for years against qualified immunity.

"Reform or abolishing qualified immunity must happen to hold police accountable for their actions when they violate an individual's constitutional rights," he wrote in June 2021 on the firm's blog, where he breaks down multiple ways qualified immunity prevents justice, including fostering an environment that empowers law enforcement officers to act maliciously against individuals – even when those individuals are innocent.

Motor City transplants

Sherwin and Haddad both were born and raised in Detroit in middle class families. They attended rival colleges for their undergrad studies, Sherwin graduating from University of Michigan and Haddad from Michigan State University. Haddad went to law school in Ann Arbor while Sherwin chose Wayne State University School of Law.

Haddad said when he was young, he was looking to enter a career that would have a meaningful impact, and he was especially interested in constitutional law. But there wasn't much emphasis on that area during his time in law school – until he connected with the Goodman firm.

"I went to University of Michigan Law School, which kind of steers all their students towards big law," he recalled. "And I flirted with that. I interviewed with one or two places, but it really wasn't what I wanted to do. The placement office wasn't much help for social justice careers,

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so I found the local law firm in Detroit that handled civil rights cases.

"I was lucky enough to get hired there as a law clerk, and then just started kind of stewing in the amazing work that was happening there," Haddad continued. "I would do legal research for current cases at that time, and I'd read the opinions from the court of appeals, and so many of them had lawyers from that firm on them. So, it was a really exciting time, and I had a lot of great mentors at that time."

Not much later, Sherwin came aboard, and the two joined forces in the civil rights law arena. They married in 1998, and that was the same year they became Californians.

The move west came as part necessity, part opportunity. The Detroit firm dissolved after nearly 50 years in business, and the pair basically were unemployed. They had visited the Golden State multiple times, and both already were members of the State Bar of California. It made perfect sense to try for a fresh start in the Bay Area, where their area of expertise would be welcome and appreciated by victims' advocates.

"Initially, we got jobs at a different law firm, and it became apparent within several months that we weren't a good fit with that firm," Haddad said. "So, we left that firm and just opened up our own firm at that point.

"It was pretty scary, frankly, because I imagined myself kind of on a partnership track with an established firm like where I'd come from in Detroit, and I didn't feel ready to start my own firm," he continued. "But we were kind of forced in that direction. Jobs just weren't coming. We started out with about five cases and worked out of our dining room for a while and then had a virtual office and moved into a different house that had a nice big basement. And that was our office for the next five years."

By 2004, the couple had saved enough to buy their current offices in downtown Oakland.

High-profile cases

Since then, Sherwin and Haddad have recorded numerous victories for victims of police and custodial misconduct, including a $12.75 million settlement in August for the family of a Shasta County man who died by "slow-motion" suicide while in custody. Most of the settlement, about $11 million, was paid by Wellpath, a national, for-profit correctional health care company.

The case involved a 56-year-old painter with a disabling, work-related injury who tried to intentionally overdose on methamphetamine, Haddad said. A friend who discovered him called 911, and Redding police officers responded. The officers turned away paramedics that were ready to provide medical aid and instead arrested the man for public intoxication.

While the man was in custody, still showing elevated vital signs, Wellpath's receiving nurse falsified the man's medical intake form, and he was placed in a holding cell despite his obvious need for medical attention. His condition deteriorated over the next 36 hours, and his attempted suicide was allowed to succeed as jail staff, Wellpath nurses and a social worker did not intervene.

"That case resolved first against the county and the police for about $1.6 million," Haddad said. "We were all set to go to trial, focused against Wellpath. … We'd gone against Wellpath many times, and one of the things that we'd fought with them about is that they staff LVNs (licensed vocational nurses) instead of RNs (registered nurses), so the inmates are getting pseudo medical care from people who are unqualified to make medical decisions. We ended up settling with Wellpath five days before trial for the largest settlement in the history of Wellpath – $11.1 million."

REDIRECT:

Getaway Spot: Oakland hills parks or in Crescent City on the Smith River
Go-To Music or Artist: Bruce Springsteen
Recommended Reading: "The Dreamt Land" by Mark Arax or anything by John Steinbeck or Jim Harrison
Dream Job: My job
Words to Live By: "Little man whip a big man every time if the little man's in the right and keeps a'comin." – Terry Southern

Mario Gonzalez case

Sherwin and Haddad next were preparing for trial in the notorious case of Mario Gonzalez that made national headlines in April 2021. Gonzalez, 26, known as a gentle man with a substance abuse problem, died during a confrontation with Alameda police officers at a public park. Residents who lived near the park didn't like him being there even though he wasn't hurting anyone, Haddad said.

On that fateful day, three Alameda officers responded to one of those complaints and decided to arrest Gonzalez. He was unarmed.

"They got him face down on the ground and put a lot of pressure on his back," Haddad said. "He's a big man, but he couldn't breathe. They kept him face down with knees on his back for almost four minutes after he was handcuffed, and they ended up asphyxiating him."

The Alameda County District Attorney's Office determined the officers were "lawful and objectively reasonable" in their handling of Gonzalez and would not face criminal charges.

Haddad & Sherwin, representing Gonzalez's son, commissioned a second autopsy in the civil case that disputed the results of the initial autopsy, which found meth in Gonzalez's system and was recorded as an overdose. Results of that second autopsy showed there wasn't enough of the drug in his system to cause an overdose, according to the coroner, and Gonzalez died of restraint asphyxia caused by the officers kneeling on him.

Haddad was hoping his team's typical approach would provide justice for Gonzalez's son.

"One of our approaches is that we always demonstrate to the jury what are the standards and what was the training that the officers were required to follow," he said. "Then we demonstrate how they failed to follow their own training or their own standards."

Fly fishing and redwoods

When Sherwin and Haddad are not hard at work for their clients, they like to take their two rescue dogs on hikes in the hills overlooking Oakland or in parks

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around the state. Haddad said he enjoys fly fishing, and it's something he does whenever the opportunity is there. Sherwin, meanwhile, also loves the outdoors, especially any place where she can enjoy the state's great redwood trees.

"I like to go to Northern California coastal rivers, like the Smith River and the Klamath River," Haddad said. "And Julia loves going up there too because there's some of the biggest redwood trees up there and some amazing redwood parks. So, you know, I'll go fly fishing for steelhead in the morning, and then we'll get together in the afternoon and take a hike somewhere with our dogs. For us, that's a great day."

When asked about dishing out advice to the next generation of lawyers, Haddad said quite simply: "I would tell them to choose to do the kind of work that's important to them, that they believe matters, and do it for the side that they want to win."

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