
Below is the agenda for the

2007 MULTI-TRACK FEDERAL CRIMINAL DEFENSE SEMINAR

To view written materials produced in conjunction with a particular session at the seminar, click on the [blue link](#) to that agenda item.

Please note that the absence of a link for a specific session indicates that the presenter did not provide any written materials for that session.

Note for Mac Users: The links in this agenda will only function on a PC. If you do not have access to a PC and would like to view the materials in conjunction with a particular session, please send a request to [Lisa Porcari](#). Select materials from this program are also accessible through the Topics Menu on the left side of the Training Materials & Other Publications Page on www.fd.org.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS
OFFICE OF DEFENDER SERVICES TRAINING BRANCH

*Multi-Track Federal Criminal Defense Seminar:
Strategies For Defending Complex Cases*

September 6-8, 2007
Baltimore, Maryland

FINAL AGENDA

Thursday, September 6, 2007¹

7:30 to 8:30 A.M. **Registration**

8:30 to 8:45 A.M. **Welcoming Remarks**
*Lori A. Green, Attorney-Advisor, Office of Defender Services Training
Branch, Washington, D.C.*
James Wyda, Federal Public Defender, District of Maryland
*The Honorable Benson Everett Legg, Chief Judge, United States District
Court for the District of Maryland*
Stadium Ballroom, 2nd Floor

8:45 to 9:30 A.M. **Keynote Speech**
*Christina A. Swarns, Esq., Director, Criminal Justice Project, NAACP
Legal Defense & Education Fund, New York, New York*
Stadium Ballroom, 2nd Floor

9:30 to 9:45 A.M. **Break**

Track Presentations

1. Gangs

During this track learn how to defend a gang case from bond hearing to sentencing, with a specific focus on creative motions and cross-examination of “gang” experts. The sessions will also provide tips on how to investigate gang cases and how to develop defenses for use at trial, plea negotiations and sentencing, such as whether an “enterprise” even exists and whether the acts attributed to your client were in furtherance of the enterprise or were actually gang activities.

2. The Adam Walsh Act

The Adam Walsh Child Protection and Safety Act of 2006 was enacted on July 27, 2006. In addition to establishing a national sex offender registry law, the Act made significant changes to sexual abuse, exploitation, and transportation crimes. The Act created new

¹An all day persuasive writing workshop will take place on Thursday, September 6, 2007, from 8:30 A.M to 5:00 P.M. Advance registration is required for this program and space is limited to no more than 16 CJA panel attorneys.

substantive crimes, expanded federal jurisdiction over existing crimes, and increased statutory minimum and/or maximum sentences. These sessions will provide an overview of the Act and discuss bail, discovery and prophylactic measures. In addition, presentations will help the criminal defense attorney understand the science in federal civil commitment of sexually dangerous person and explore litigation strategies in these proceedings.

3. Non-Capital Mitigation

In Booker/Fanfan, the Supreme Court confirmed the relevance of the nature and circumstances of the offense and the history and characteristics of the defendant. (18 USC Section 3553(a)) These sessions are designed to help the defense attorney in the development and presentation of mitigating factors, including narrative approaches to telling the client's story, interpretation of life history records, utilizing community resources, and effective strategies in sentencing presentations.

4. Computer Crimes

Computer technology is playing an increasing role in criminal cases. Specific criminal offenses involve the use of computers requiring increased knowledge of the technology and forensic techniques utilized to evaluate evidence. The aim of these sessions is to provide an overview of some of the specific crimes associated with computers and the forensic science involved in evaluating the strengths and weaknesses of the cases.

9:45 to 10:45 A.M.

1) Gangs:

Defining the Gang

Katherine Corrigan, Esq., Corrigan Law Corporation, APLC, Newport Beach, CA

Stadium Ballroom 1, 2nd Floor

This session explores whether an “enterprise” even exists and whether the acts attributed to your client were in furtherance of the enterprise or were properly characterized as gang activities.

2) Adam Walsh

Understanding the Adam Walsh Act

Amy Baron-Evans, National Sentencing Resource Counsel, Boston, MA

Stadium Ballroom 2, 2nd Floor

This session provides an overview of the Adam Walsh Act. It outlines how the legislation changed the substantive law and the sentencing landscape.

3) Non-Capital Mitigation

What Is Mitigating Evidence? And Utilizing Community Resources

Robert Biddle, Esq., Nathans and Biddle, LLP, Baltimore, MD

Betsy Biben, Public Defender Service, Washington, D.C.

Lori James-Monroe, Investigator, Mitigation Specialist, Lori James-Monroe and Associates, Baltimore, MD

Stadium Ballroom 3, 2nd Floor

Booker/Fanfan provided for the consideration of Section 3553 (a) factors by the sentencing court. Understand that it's more than just asking for a specific sentence. Mitigating evidence provides an empathic basis for the court to look at the specific life experiences and impairments that affect clients. This session explores the legal basis for presenting mitigating evidence. In addition, it explores the many community resources that are available pretrial to assist in the development of mitigating factors. Identification and selection of community treatment providers can assist the client in early intervention of biopsychosocial issues such as substance abuse, mental disorders, trauma, and sexual dysfunction. Utilizing available resources will support arguments at sentencing that the client is knowledgeable of his/her impairments, demonstrates the desire to work on those issues, and thus will be successful on community supervision. Session attendees will acquire skills to identify appropriate clients, select and obtain the appropriate resources, and present the information during sentencing. Community resources in the Baltimore/DC metro area will illustrate specific case examples.

4) Computer Crimes

An Overview of Computer Crimes

G. Patrick Black

Stadium Ballroom 4, 2nd Floor

This presentation will focus on federal computer and internet crimes including hacking, identity theft, cyberstalking, unauthorized password, and fraud. It will also provide tips on how to investigate an alleged computer crime. Additionally, the session will focus on child pornography cases with an in-depth discussion of statutes, constitutional issues, search and seizure, pretrial detention, sentencing guidelines and other related issues.

Track Presentations

10:50 to 11:50 A.M.

1) Gangs

Pretrial Motions

Richard G. Novak, Esq., Pasadena, CA

Stadium Ballroom 1, 2nd Floor

This presentation looks at the specific types of motions that might be successful in the defense of a client charged in a gang case. Specific types of discovery motions might be applicable in the context of a gang case and motions *in limine* might be a major component of the defense. These and other defense motions will be explored.

2) Adam Walsh

Bail, Discovery and Prophylactic Measures

Craig Albee, Esq., Glynn, Fitzgerald and Albee, Milwaukee, WI

Stadium Ballroom 2, 2nd Floor

How the new Adam Walsh Act actually plays out in the context of the defense in a criminal case is the focus of this presentation. Learn what you can do to get your client released on bail, how to obtain meaningful discovery and other means of putting together an effective defense.

3) Non-Capital Mitigation

Telling Your Client's Story

Melissa Kupferberg, Investigator, Middle District of Florida,

Lori James-Monroe, Investigator, Mitigation Specialist, Lori James-Monroe and Associates, Baltimore, MD

Stadium Ballroom 3, 2nd Floor

An effective mitigation presentation requires the services of a mitigation specialist/investigator. This presentation details the skills and services that those professionals can provide to the defense team. Learn how to work as a team to uncover those aspects of your client's life experiences that may play a significant role in sentencing and the overall defense strategy. This session explores narrative approaches to telling the client's story and how to use these techniques to support downward departures.

4) Computer Crimes

Defending Child Pornography Cases

Colin Feiman, AFPD, Western District of Washington

Stadium Ballroom 4, 2nd Floor

A discussion of how to defend a client charged with child pornography

11:50 to 1:00 P.M. **Lunch**

Track Presentations

1:00 to 2:00 P.M. **1) Gangs**

Cross Examination of Gang Experts

James G. Connell, III Esq., Devine & Connell, PLC, Fairfax, VA

Stadium Ballroom 1, 2nd Floor

Gang prosecutions often rely on the use of expert testimony to classify certain types of behavior as "gang related" or "gang activity". Learn what types of questions to ask the "expert" about both his or her background and the conclusions he or she they are drawing from the prosecution's allegations.

2) Adam Walsh

Understanding the Science in Federal Civil Commitment of “Sexually Dangerous Persons”

Dr. Luis B. Rosell, Psy.D., LBR Psychological Consultants, Mt. Pleasant, Iowa

Stadium Ballroom 2, 2nd Floor

The conclusion of the criminal proceeding is not the end for clients whose cases are impacted by the Adam Walsh Act. Criminal proceedings can be followed by a federal civil commitment if the client is determined to be a “sexually dangerous person.” This session discusses the scientific basis for concluding that a defendant is a “sexually dangerous person” to better prepare you to challenge that characterization.

3) Non-Capital Mitigation

Working With Life History Records

*Melissa Kupferberg, Investigator, Middle District of Florida,
Lori James-Monroe, Investigator, Mitigation Specialist, Lori James-Monroe and Associates, Baltimore, MD*

Stadium Ballroom 3, 2nd Floor

Social history records are key in the presentation of mitigating evidence at sentencing, and are objective tools to document life experiences. Participants in this hands-on workshop will discuss techniques for obtaining client records and personal history; how to decipher life history records including recognizing signs of adverse developmental experiences such as mental illness, developmental disorders including mental retardation, learning disabilities, and abuse; and identification of additional lay witnesses and records referenced in collected documents.

4) Computer Crimes

Forensics

Troy Schnack, CSA, Western District of Missouri

Stadium Ballroom 4, 2nd Floor

All is not as it seems when it comes to computers. Is what’s on the screen really there? And how did it get there? Does it belong to your client? Who put it there and when did it get there? These questions may be key to your defense. This session addresses those and similar issues that arise in cases involving computers.

2:00 to 3:00 P.M.

1) Gangs

Investigation and Developing a Defense

Gary Christopher, AFPD, District of Maryland

Stadium Ballroom 1, 2nd Floor

A large part of the defense in a gang case may depend on the results of the investigative efforts. This session explores how those efforts can shape the defense, and the importance of gathering facts to either attack the government’s theory or develop the defense theory.

2) Adam Walsh

Litigation Strategies in Federal Civil Commitment of “Sexually Dangerous Persons”

*Robert LeBell, Esq., LeBell, Dobroski and Morgan, LLP,
Milwaukee, Wisconsin*

Stadium Ballroom 2, 2nd Floor

Practical strategies for dealing with the federal civil commitment aspects of the Adam Walsh Act are the focus of this presentation. Learn what to do when the government seeks a ruling that your client is a “sexually dangerous person” and want to have him/her civilly committed. Be prepared to continue the battle even after the conclusion of the criminal case.

3) Non-Capital Mitigation

Presentation at Sentencing

*Carlos Williams, Executive Director, Southern Federal Defender
Program, Mobile, Alabama*

*Jackie Page, Mitigation Specialist, Southern Federal Defender
Program, Mobile, Alabama*

Stadium Ballroom 3, 2nd Floor

Social history investigation yields multiple factors relevant for sentencing; however, presentation of the information developed will determine its effectiveness in securing a downward departure. Through case examples, participants will learn the role of effective sentencing memorandum, using social history documents as exhibits, and working with digital demonstrative evidence such as genograms and PowerPoint. Effective presentation at sentencing involves more than just oral arguments at the sentencing hearing and this session outlines tools to demonstrate mitigating factors.

4) Computer Crimes

Identity Theft

Martin Richey, AFPD, District of Massachusetts

Stadium Ballroom 4, 2nd Floor

Identity theft is the crime du jour. This session will provide an overview of federal identity theft and identity fraud cases, including review of the relevant statutes and sentencing guidelines, and potential pretrial, trial, and sentencing issues.

3:00 to 3:15 P.M.

Break

3:15 to 4:15 P.M.

Multiple Breakout Sessions

1) CJA Case Budgeting and Resource Issues

Donna Shearer, CJA Supervising Attorney, District of Maryland
Randall Schnack, CJA Supervising Attorney, Central District of California

Jeane Dekelver, CJA Supervising Attorney, Northern District of California

Stadium Ballroom 1, 2nd Floor

This session will discuss how to obtain funding when you need technical and other litigation support and offer you an opportunity to ask very knowledgeable and experienced panel experts/administrators any questions you have about CJA panel administrative policies.

2) BOP Issues

Timothy G. Watkins, AFD, District of Massachusetts

Stadium Ballroom 2, 2nd Floor

There are a number of factors which influence where your client is placed by the Bureau of Prison. This session discusses some of those issues and how you can insure that the necessary information is considered.

3) Plea Negotiations

Callie Glanton Steele, AFD, Central District of California

Stadium Ballroom 3, 2nd Floor

A discussion of how to negotiate a plea, with a particular focus on providing charge alternatives that limit a client's exposure, and avoiding pitfalls as you guide your client through proffers to the government.

4) Jury Instructions

Susan Jewell Walsh, Esq., Moskowitz and Book, LLP, New York, NY

Stadium Ballroom 4, 2nd Floor

A discussion of how to prepare jury instructions and special verdict forms that address the issues that arise in criminal cases, including unanimity instructions, conspiracy instructions and other instructions relevant to multiple count and multiple defendant cases.

5) Using PowerPoint to Create Effective and Dynamic Closing Arguments

Thomas C. Plunkett, Esq., St. Paul, Minnesota

Stadium Ballroom 5, 2nd Floor

Technology can be a powerful tool in the courtroom. Learn how to use Powerpoint to make your closing arguments come alive for the jury.

6) Challenging Venue in Multi-Jurisdictional Offenses

Kevin Tate, AFPD, Federal Defenders of Western North Carolina University 4, 1st Floor

This presentation outlines the application and limits of 18 U.S.C. 3237 which governs venue for offenses that are considered "continuing" in nature, as well as congressional amendments enacted in 2001 as part of the USA Patriot Act expanding the venue provisions of 18 U.S.C. 1956 (I) as it relates to money laundering offenses. Emphasis will be placed on offenses involving conspiracy, wire fraud and money laundering.

4:15 pm to 5:15 P.M. **Plenary Session: Supreme Court Update**

Paul Rashkind, AFPD, Southern District of Florida

Stadium Ballroom, 2nd Floor

What criminal cases has the Supreme Court decided during the past few terms? What criminal cases have been granted cert.? This sessions gives an update on criminal cases.

5:45 to 7:00 P.M. **Evening Reception**

Friday, September 7, 2007

- 8:30 to 9:30 A.M. **Plenary Session: Sentencing Update Panel Discussion**
Barry Boss, Esq., Cozen O'Connor, Washington, D.C.
Denise Barrett, AFPD, District of Maryland
Stephen Bunnell, Esq., O'Melveny and Meyers, Washington, D.C.
Stadium Ballroom, 2nd Floor
The panelists will discuss: the Supreme Court's decision in *United States v. Rita*; how the sentencing landscape could be changed by the Courts' decisions in *United States v. Gall* and *Kimbrough v. United States*; the changes to the Sentencing Guidelines effective November 1 (primarily crack and criminal history); and the potential areas for Guideline amendments in 2008.
- 9:40 to 10:40 A.M. **Repeat of Thursday Track Presentations Through 3:00 p.m.**
- 9:40 to 10:40 AM **1) Gangs:**
Defining the Gang
Katherine Corrigan, Esq., Corrigan Law Corporation, APLC, Newport Beach, CA
Stadium Ballroom 1, 2nd Floor
This session explores whether an “enterprise” even exists and whether the acts attributed to your client were in furtherance of the enterprise or were properly characterized as gang activities.
- 2) Adam Walsh**
Understanding the Adam Walsh Act
Amy Baron-Evans, National Sentencing Resource Counsel, Boston, MA
Stadium Ballroom 2, 2nd Floor
This session provides an overview of the Adam Walsh Act. It outlines how the legislation changed the substantive law and the sentencing landscape.
- 3) Non-Capital Mitigation**
What Is Mitigating Evidence? And Utilizing Community Resources
Stephen Marley, Attorney-Advisor, Training Branch, Washington, D.C.
Betsy Biben, Public Defender Service, Washington, D.C.
Melissa Kupferberg, Investigator, Middle District of Florida,
Stadium Ballroom 3, 2nd Floor
Booker/Fanfan provided for the consideration of Section 3553 (a) factors by the sentencing court. Understand that it's more than just asking for a specific sentence. Mitigating evidence provides an empathic basis for the court to look at the specific life experiences and impairments that affect clients. This session explores the legal basis for presenting mitigating evidence. In addition, it explores the many community resources that are available pretrial to assist in the development of mitigating factors. Identification and selection of community treatment providers can assist the client in early intervention of biopsychosocial issues such as substance abuse, mental disorders, trauma, and sexual dysfunction. Utilizing available resources will support arguments at sentencing that the client is knowledgeable of his/her impairments, demonstrates the desire to work on

those issues, and thus will be successful on community supervision. Session attendees will acquire skills to identify appropriate clients, select and obtain the appropriate resources, and present the information during sentencing. Community resources in the Baltimore/DC metro area will illustrate specific case examples.

4) Computer Crimes

An Overview of Computer Crimes

G. Patrick Black, FPD, Eastern District of Texas

Stadium Ballroom 4, 2nd Floor

This presentation will focus on federal computer and internet crimes including hacking, identity theft, cyberstalking, unauthorized password, and fraud. It will also provide tips on how to investigate an alleged computer crime. Additionally, the session will focus on child pornography cases with an in-depth discussion of statutes, constitutional issues, search and seizure, pretrial detention, sentencing guidelines and other related issues.

10:40 to 10:55 AM **Break**

Track Presentations

10:55 A.M. to 11:55 **1) Gangs**

Pretrial Motions

Richard G. Novak, Esq., Pasadena, CA

Stadium Ballroom 1, 2nd Floor

This presentation looks at the specific types of motions that might be successful in the defense of a client charged in a gang case. Specific types of discovery motions might be applicable in the context of a gang case and motions *in limine* might be a major component of the defense. These and other defense motions will be explored.

2) Adam Walsh

Bail, Discovery and Prophylactic Measures

Craig Albee, Esq., Glynn, Fitzgerald and Albee, Milwaukee, WI

Stadium Ballroom 2, 2nd Floor

How the new Adam Walsh Act actually plays out in the context of the defense in a criminal case is the focus of this presentation. Learn what you can do to get your client released on bail, how to obtain meaningful discovery and other means of putting together an effective defense.

3) Non-Capital Mitigation

Telling Your Client's Story

*Melissa Kupferberg, Investigator, Middle District of Florida,
Betsy Biben, Public Defender Service, Washington, D.C.*

Stadium Ballroom 3, 2nd Floor

An effective mitigation presentation requires the services of a mitigation specialist/investigator. This presentation details the skills and services that those professionals can provide to the defense team. Learn how to work as a team to uncover those aspects of your client's life experiences that may play a significant role in sentencing and the overall defense strategy. This session explores narrative approaches to telling the client's story and how to use these techniques to support downward departures.

4) Computer Crimes

Defending Child Pornography Cases

Colin Feiman, AFD, Western District of Washington

Stadium Ballroom 4, 2nd Floor

A discussion of how to defend a client charged with child pornography.

11:55 to 1:00 PM Lunch

Track Presentations

1:00 PM to 2:00 PM

1) Gangs

Cross Examination of Gang Experts

James G. Connell, III Esq., Devine & Connell, PLC, Fairfax, VA

Stadium Ballroom 1, 2nd Floor

Gang prosecutions often rely on the use of expert testimony to classify certain types of behavior as "gang related" or "gang activity". Learn what types of questions to ask the "expert" about both his or her background and the conclusions he or she they are drawing from the prosecution's allegations.

2) Adam Walsh

Understanding the Science in Federal Civil Commitment of "Sexually Dangerous Persons"

Dr. Luis B. Rosell, Psy.D., LBR Psychological Consultants, Mt. Pleasant, Iowa

Stadium Ballroom 2, 2nd Floor

The conclusion of the criminal proceeding is not the end for clients whose cases are impacted by the Adam Walsh Act. Criminal proceedings can be followed by a federal civil commitment if the client is determined to be a "sexually dangerous person." This session discusses the scientific basis for concluding that a defendant is a "sexually dangerous person" to better prepare you to challenge that characterization.

3) Non-Capital Mitigation

Working With Life History Records

*Melissa Kupferberg, Investigator, Middle District of Florida,
Betsy Biben, Public Defender Service, Washington, D.C.*

Stadium Ballroom 3, 2nd Floor

Social history records are key in the presentation of mitigating evidence at sentencing, and are objective tools to document life experiences. Participants in this hands-on workshop will discuss techniques for obtaining client records and personal history; how to decipher life history records including recognizing signs of adverse developmental experiences such as mental illness, developmental disorders including mental retardation, learning disabilities, and abuse; and identification of additional lay witnesses and records referenced in collected documents.

4) Computer Crimes

Forensics

Troy Schnack, CSA, Western District of Missouri

Stadium Ballroom 4, 2nd Floor

All is not as it seems when it comes to computers. Is what's on the screen really there? And how did it get there? Does it belong to your client? Who put it there and when did it get there? These questions may be key to your defense. This session addresses those and similar issues that arise in cases involving computers.

Track Presentations

2:00 to 3:00 P.M.

1) Gangs

Investigation and Developing a Defense

Gary Christopher, AFPD, District of Maryland

Stadium Ballroom 1, 2nd Floor

A large part of the defense in a gang case may depend on the results of the investigative efforts. This session explores how those efforts can shape the defense, and the importance of gathering facts to either attack the government's theory or to develop the defense theory.

2) Adam Walsh

Litigation Strategies in Federal Civil Commitment of "Sexually Dangerous Persons"

*Robert LeBell, Esq., LeBell, Dobroski and Morgan, LLP,
Milwaukee, Wisconsin*

Stadium Ballroom 2, 2nd Floor

Practical strategies for dealing with the federal civil commitment aspects of the Adam Walsh Act are the focus of this presentation. Learn what to do when the government seeks a ruling that your client is a "sexually dangerous person" and want to have him/her civilly committed. Be prepared to continue the battle even after the conclusion of the criminal case.

3) Non-Capital Mitigation

Presentation at Sentencing

Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama

Jackie Page, Mitigation Specialist, Southern Federal Defender Program, Mobile, Alabama

Stadium Ballroom 3, 2nd Floor

Social history investigation yields multiple factors relevant for sentencing; however, presentation of the information developed will determine its effectiveness in securing a downward departure. Through case examples, participants will learn the role of effective sentencing memorandum, using social history documents as exhibits, and working with digital demonstrative evidence such as genograms and PowerPoint. Effective presentation at sentencing involves more than just oral arguments at the sentencing hearing and this session outlines tools to demonstrate mitigating factors.

4) Computer Crimes

Identity Theft

Martin Richey, AFPD, District of Massachusetts

Stadium Ballroom 4, 2nd Floor

Identity theft is the crime du jour. This session will provide an overview of federal identity theft and identity fraud cases, including review of the relevant statutes and sentencing guidelines, and potential pretrial, trial, and sentencing issues.

3:00 to 3:15 P.M.

Break

3:15 to 4:15 P.M.

Breakout Sessions

1) The Nuts and Bolts of Federal Firearms Law

Brent Newton, AFPD, Southern District of Texas

Stadium Ballroom 1, 2nd Floor

This presentation will cover the most common legal issues arising during both the guilt-innocence phase and the sentencing phase of federal firearms cases, with particular emphasis on prosecutions under 18 U.S.C. 922(g)(1) and 924(e) (the felon in possession statutes) and the corresponding sentencing guideline, USSC 2K2.1. Common trial defenses and sentencing enhancements, including the statutory enhancement for "armed career offenders," will be discussed in detail. Two papers -- one covering guilt-innocence issues and the other addressing the firearms sentencing guideline -- will be distributed.

2) Attacking Wiretaps

Liliana Coronado, AFPD, Central District of California

Callie Glanton Steele, AFPD, Central District of California

Stadium Ballroom 2, 2nd Floor

A step by step discussion of how to attack wiretap evidence.

3) Conspiracy, Rico and Co-Defendant Issues

Jon Sands, FPD, District of Arizona

Stadium Ballroom 3, 2nd Floor

Most of the cases that are being paneled are co-defendant cases, primarily conspiracies. These cases are increasingly focusing on gangs and charging CCEs and RICO. This session will discuss what the government has to show to prove a bona fide conspiracy; what motions (severance, bill of particulars, exclusion of evidence, etc.) to file; how to find out who the government's informants are; and how to get interviews with them.

4) The Other 8% Of Federal Criminal Cases: Advanced Trial Skills For When You Need Them

Omodare Jupiter, AFD, Southern District of Mississippi

Stadium Ballroom 4, 2nd Floor

Although less than 8% percent of federal criminal cases actually go to trial, the ones that do often present challenging issues. Knowing the substantive area is important, but it is just as important to have the skills needed for an effective courtroom defense. Areas covered include cross examination and defense theories.

5) CJA Case Budgeting and Resource Issues

Donna Shearer, CJA Supervising Attorney, District of Maryland

Randall Schnack, CJA Supervising Attorney, Central District of California

Jeane DeKolver, CJA Supervising Attorney, Northern District of California

Stadium Ballroom 5, 2nd Floor

This session will discuss how to obtain funding when you need technical and other litigation support and offer you an opportunity to ask very knowledgeable and experienced panel experts/administrators any questions you have about CJA administrative policies.

6) A “Devil’s Advocate” Approach to Brainstorming: Seven Unconventional Ideas that will Help You Write a Better Brief on Appeal

Alan Dubois, AFD, Eastern District of North Carolina

Beverly Dyer, AFD, District of the District of Columbia

University 4, 1st Floor

Don't know where and how to get started with an appeal? This presentation provides creative approaches to getting started and to putting together an effective written product.

4:20 to 5:50 P.M.

Plenary: Client Centered Representation

Ronald Tyler, AFPD, Northern District of California

Stadium Ballroom, 2nd Floor

This presentation focuses on the recognition of the commonplace loss of perspective on who controls the defense in our cases. The session explores the disadvantages of the often-dominant paradigm and suggests possible alternatives, using practical tools. Attendees can expect an engaging, interactive session.

Saturday, September 8, 2007

Track Presentations

1) Immigration

Immigration cases present a variety of issues often not encountered in the defense of other types of cases. Learn some of the specific defenses available in illegal reentry cases and how to make effective use of mitigation evidence. Alien smuggling cases may present opportunities to attack the specific elements of proof and pretrial motions may play a large role in the defense. All of those issues and more will be covered during the sessions in this track.

2) Effective Use of Federal Rules of Criminal Procedure and Evidence

Knowledge of the Federal Rules of Criminal Procedure and Federal Rules of Evidence is paramount to successfully defending clients. We've all read the rules, but how do we closely examine how to make more effective use of them in our cases. Make sure that you are adequately protecting your client's interests in moving for judgements of acquittal and new trials along with preserving issues for appeal and filing jury instructions. Learn how to look at Rule 16 and others with new eyes and take a more proactive approach in confronting the government over discovery issues. We'll also take a look at requirements when affirmative defenses are contemplated. In addition, we'll discuss evidentiary rules and how to make use of them whether to exclude evidence or to admit evidence favorable to your client.

3) Mental Health

This track discusses the various types of mental health issues which can impact the defense of your client. Learn the signs which may signal the need for the services of a mental health expert. What you learn can impact how you interact with your client, the defense you pursue and the sentencing factors you present to the court.

4) Specialty Jurisdiction

Crimes aboard airplanes, ships and in special federal enclaves like national parks or military bases may present special challenges. Representation of juveniles in federal criminal cases is another area not often encountered. This track takes a look at the issues which arise in cases involving special jurisdictions.

Track Presentations

8:30 to 9:30 A.M.

1) Immigration

Advanced Defenses in Defending Illegal Reentry Cases

Edgar Holguin, AFPD, Western District of Texas

Stadium Ballroom 1, 2nd Floor

This session discusses how to get and understand critical documents in the A-file; 4th Amendment issues and current circuit split in 1326 cases; how to raise collateral attacks to deportation or removal; how to parole in a material witness matter; derivative citizenship and other alienship defenses

2) Rules

Discovery Issues With a Twist – Rule 16 and More

Michael Kennedy, First Assistant Federal Public Defender, District of Nevada

Brian Abbington, Chief of the Capital Habeas Unit, District of Nevada

David Anthony, AFPD, Nevada Capital Habeas Unit, District of Nevada

Stadium Ballroom 2, 2nd Floor

A look at discovery issues from the combined perspectives of a trial attorney and attorneys working on cases post conviction. This session addresses the requirements of Rule 16, but goes beyond it by looking at discoverable evidence from the perspective of a lawyer seeking post conviction relief. Learn about other avenues to discoverable evidence that might be helpful if considered while mounting a defense to criminal charges.

3) Mental Health

Recognizing and Confronting Mental Health Issues

Jeffrey Lindy, Esq., Law Office of Jeffrey M. Lindy, Philadelphia, PA

Dr. Kirk Heilbrun, Department of Psychology, Drexel University, Philadelphia, PA

Stadium Ballroom 3, 2nd Floor

Is your client a difficult personality? Does he/she have mental health issues that impact his/her ability to assist the defense? Does the condition provide a defense or significant mitigation evidence? Learn about the signs that could indicate the need for further evaluation and what to do with the information once you have it.

4) Specialty Jurisdiction

Planes and Maritime

Randy Alden, AFPD, Western District of Tennessee

Stadium Ballroom 4, 2nd Floor

This session discusses cases which arise out of occurrences on airplanes and ships on the high seas in federal court. Learn whether there are any special defenses and challenges to venue and/or jurisdiction which could be effective defense tools.

Track Presentations

9:30 to 10:30 A.M.

1) Immigration

Confronting Issues in Alien Smuggling Cases

Francisco Morales, AFPD, Western District of Texas

Stadium Ballroom 1, 2nd Floor

This session will address the issues that arise in alien transporter cases, including a discussion of the elements of proof, potential pretrial motions and the use of deposition testimony.

2) Rules

The Lazy Susan: Federal Rules of Evidence 404 and 405

Michael Maloney, AFPD, District of Nebraska

Pamela Hamrin, AFPD, Western District of Tennessee

Stadium Ballroom 2, 2nd Floor

What could be more fun than turning the tables on the prosecutor? While we are naturally more comfortable playing defense in trial, this presentation explores the benefits of going on offense by using rules 404 and 405 to introduce character evidence of an alleged victim or a government witness.

3) Mental Health

Recognizing and Understanding Mental Retardation, Learning Disabilities and A.D.D.

Nancy Cowardin, Ph.D., Educational Diagnostics, Whittier, California

Stadium Ballroom 3, 2nd Floor

This session will help you determine if a client suffers from mental retardation, learning disabilities and/or attention deficit disorder. It will show you how you can use this information to help you formulate your defense or sentencing theory.

(NOTE: Participants should plan to attend both the 9:30 a.m. and the 10:45 a.m. sessions. The 9:30 a.m. session will deal with mental retardation, and the 10:45 a.m. session will deal with learning disabilities and attention deficit disorder.)

4) Specialty Jurisdiction

Federal Enclave Jurisdiction

Susan Bauer, AFPD, District of Maryland

Stadium Ballroom 4, 2nd Floor

A discussion of the variety of federal enclaves that exist throughout the country, as well as the jurisdictional authority of the United States government over these areas. Particular emphasis will be placed on the applicability of various regulations and statutes to federal enclaves, and the unique challenges of defending clients charged with misdemeanor and felony offenses occurring in these pockets of federal jurisdiction.

10:30 to 10:45 A.M. **Break**

Track Presentations

10:45 to 11:45 A.M.

1) Immigration

Grounds of Deportability and Inadmissibility Related to Crimes
Dan Kesselbrenner, Director, National Lawyers Guild Immigration Project, Boston, MA

Stadium Ballroom 1, 2nd Floor

This session provides a careful examination of the types of convictions that can lead to deportation of your clients who are not United States citizens. This is important information to consider when advising your client of his or her options in a criminal proceeding.

2) Rules

"O Acquittal, Where Art Thou?: Using the Rules and Rita to Win Trials and Influence Sentencing." Federal Rules of Criminal Procedure 29, 30, 32, 33, 34, 35

Robert Truitt, Staff Attorney, Federal Community Defenders for the Northern District of Indiana
Windy Venable, Attorney, Office of Defender Services, Washington, D.C.

Stadium Ballroom 2, 2nd Floor

This presentation will examine these Rules in the context of defendants' trial and potential sentencing. It will examine how these Rules work together to form a defense strategy which will either terminate the litigation in our client's favor or provide the necessary support for a new trial in the event of a faulty conviction. The sentencing process found in Rules 32 and 35 arm the defense with the tools to obtain the lowest possible sentence for our clients. Lastly, we will examine the implication of the recent Supreme Court opinion of U.S. v Rita on the courts' sentencing process.

3) Mental Health

Recognizing and Understanding Mental Retardation, Learning Disabilities and A.D.D.

Nancy Cowardin, Ph.D., Educational Diagnostics, Whittier, California

Stadium Ballroom 3, 2nd Floor

This session will help you determine if a client suffers from mental retardation, learning disabilities and/or attention deficit disorder. It will show you how you can use this information to help you formulate your defense or sentencing theory. (NOTE: Participants should plan to attend both the 9:30 a.m. and the 10:45 a.m. sessions. The 9:30 a.m. session will deal with mental retardation, and the 10:45 a.m. session will deal with learning disabilities and attention deficit disorder.)

4) Specialty Jurisdiction
Defense of Juveniles in Federal Court
Sandra Jenkins, Esq., New Orleans, LA
Stadium Ballroom 4, 2nd Floor

This presentation examines the issues which arise when a juvenile is prosecuted in federal court.

- 11:50 to 12:50 PM **Plenary: Panel Discussion “Ethical Issues Confronting Criminal Defense Attorneys”**
Moderator: Dan Stiller, Assistant Federal Public Defender, District of Maryland
The Honorable Carmen Garza, United States Magistrate Judge, District of New Mexico
A.J. Kramer, Federal Public Defender for the District of Columbia
Francis Carter, Esq., Partner, Zuckerman, Spaeder LLP, Washington, D.C.,
Stadium Ballroom, 2nd Floor
- 12:50 to 1:00 PM **Closing Remarks and Adjournment**