
Below is the agenda for the
2007 SENTENCING ADVOCACY WORKSHOP

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**

**“SENTENCING ADVOCACY WORKSHOP:
THINKING OUTSIDE THE GUIDELINE BOX”**

**PHOENIX, ARIZONA
Wyndham Hotel
March 8-10, 2007**

Thursday, March 8

8:00 a.m. Registration - 2nd Level Foyer

9:00 a.m. Welcoming Remarks - Salons 3-4, 2nd Level
Jon Sands, Federal Public Defender, District of Arizona, Phoenix, Arizona
Vince Lacsamana, Panel Attorney District Representative, District of Arizona,
Tucson, Arizona

9:20 a.m. Introduction to Workshop - Salons 3-4, 2nd Level
Lisa Porcari, Attorney-Advisor, Office of Defender Services,
Administrative Office of the U.S. Courts, Washington, D.C.

**9:30 a.m. How to Get a Below-Guideline Sentence in a Post-Booker World -
Salons 3-4, 2nd Level**
Alison Siegler, Assistant Federal Defender, Chicago, Illinois

This session will provide an update of the current state of federal sentencing law and will discuss how to use statistics, studies, and legislative history to show that particular guidelines, and the guidelines in general, do not comply with the §3553(a) purposes of sentencing.

10:30 a.m. Break - 2nd Level Foyer

10:45 a.m. Judging at Sentencing - Salons 3-4, 2nd Level
Moderator Jon Sands, Federal Public Defender, Phoenix, Arizona
Honorable Beverly B. Martin, U.S. District Court, Atlanta, Georgia
Honorable John A. Woodcock, U.S. District Court, Bangor, Maine

A panel of federal judges will give their perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that Booker has allowed them the discretion to consider more factors at sentencing.

12:00 p.m. Lunch - On Your Own

1:15 p.m. **Brainstorming the Facts of the Case - Salons 3-4, 2nd Level**
Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina

This session will explain the elements of brainstorming and use the facts of the mock case to demonstrate techniques for discussing and understanding the facts of a case in a manner which will maximize the potential of developing those facts into a persuasive sentencing theory.

2:00 p.m. **Developing Persuasive Theories and Themes - Salons 3-4, 2nd Level**
Ira Mickenberg, Public Defender Trainer & Consultant, Saratoga Springs, New York

This session will use the facts brainstormed in the previous session to explain and develop a sentencing theory and theme.

2:45 p.m. **Break - 2nd Level Foyer**

3:00 p.m. **Small Group Sessions –Brainstorm Facts of Own Case**
Room assignments will be posted at Registration Desk
Andrea Gambino, Law Office of Andrea E. Gambino, Chicago
Steven Jacobson, Assistant Federal Public Defender, Portland, Oregon
Vionnette Johnson, Assistant Federal Defender, Atlanta, Georgia
Judy Mizner, Assistant Federal Public Defender, Boston, Massachusetts
Alonzo Padilla, Assistant Federal Public Defender, Albuquerque, New Mexico
Jackie Page, Mitigation Specialist, Southern Federal Defender Program, Mobile, Alabama
John Rhodes, Assistant Federal Defender, Missoula, Montana
Martin Richey, Visiting Assistant Federal Public Defender, United States Sentencing Commission, Washington, D.C.
Jay Rorty, Branch Chief, Federal Public Defender, San Jose, California
Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina
Alison Siegler, Assistant Federal Defender, Chicago, Illinois
Fredilyn Sison, Assistant Federal Public Defender, Asheville, North Carolina
Callie Glanton Steele, Deputy Federal Public Defender, Los Angeles, California
Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois
Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama
Heather Williams, Assistant Federal Public Defender, Tucson, Arizona

Participants will break into small groups led by a facilitator and brainstorm the facts of their own cases.

4:45 p.m. **Storytelling at Sentencing - Salons 3-4, 2nd Level**
Roberta Nieslanik, Deputy Alternate Defense Counsel, Grand Junction, Colorado

This session will discuss storytelling techniques and use the facts of the mock case to explain their importance to advancing a persuasive sentencing theory.

5:30 p.m. **Adjourn for the Day**

6:00 p.m. **Reception - Goldwater Room, Lobby Level** (*across from Starbucks*)

Friday, March 9

8:30 a.m. **Small Group Sessions - Theories and Themes, Storytelling**
Meeting rooms will be posted at Registration Desk

- Andrea Gambino, Law Office of Andrea E. Gambino, Chicago
- Steven Jacobson, Assistant Federal Public Defender, Portland, Oregon
- Vionnette Johnson, Assistant Federal Defender, Atlanta, Georgia
- Judy Mizner, Assistant Federal Public Defender, Boston, Massachusetts
- Alonzo Padilla, Assistant Federal Public Defender, Albuquerque, New Mexico
- Jackie Page, Mitigation Specialist, Southern Federal Defender Program, Mobile, Alabama
- John Rhodes, Assistant Federal Defender, Missoula, Montana
- Martin Richey, Visiting Assistant Federal Public Defender, United States Sentencing Commission, Washington, D.C.
- Jay Rorty, Branch Chief, Office of the Federal Public Defender, San Jose, California
- Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina
- Alison Siegler, Assistant Federal Defender, Chicago, Illinois
- Fredilyn Sison, Assistant Federal Public Defender, Asheville, North Carolina
- Callie Glanton Steele, Deputy Federal Public Defender, Los Angeles, California
- Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois
- Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama
- Heather Williams, Assistant Federal Public Defender, Tucson, Arizona

Participants will break into small groups led by a facilitator and apply theories and themes to the facts of their own cases.

9:45 a.m. **Break**

- 10:00 a.m. **Development of Effective Mitigation Evidence - Salons 3-4, 2nd Level****
Jackie Page, Mitigation Specialist, Southern Federal Defender Program, Mobile, Alabama
Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois
Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama
This session will discuss how an attorney, investigator, or mitigation specialist develops effective mitigation evidence in preparation for sentencing. It will also offer practical advice on how to obtain a mitigation specialist for use in your case.
- 11:15 a.m. **Persuasive Sentencing Hearing - Salons 3-4, 2nd Level****
Martin Richey, Visiting Assistant Federal Public Defender, United States Sentencing Commission, Washington, D.C.

This session will discuss how to persuasively present mitigation evidence at the sentencing hearing. It will include the power of images and the use of sentencing videos and pictures, and will examine factors to consider in making decisions about what to present and how to conduct the hearing.
- 12:00 p.m. **Lunch - On Your Own****
- 1:15 p.m. **Persuasive Writing - Salons 3-4, 2nd Level****
Ira Mickenberg, Public Defender Trainer & Consultant, Saratoga Springs, New York

This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case.
- 2:30 p.m. **Break****
- 2:45 p.m. **Small Group Sessions - Persuasive Writing****
Meeting rooms will be posted at Registration Desk
Andrea Gambino, Law Office of Andrea E. Gambino, Chicago
Steven Jacobson, Assistant Federal Public Defender, Portland, Oregon
Vionnette Johnson, Assistant Federal Defender, Atlanta, Georgia
Judy Mizner, Assistant Federal Public Defender, Boston, Massachusetts
Alonzo Padilla, Assistant Federal Public Defender, Albuquerque, New Mexico
Jackie Page, Mitigation Specialist, Southern Federal Defender Program, Mobile, Alabama
John Rhodes, Assistant Federal Defender, Missoula, Montana
Martin Richey, Visiting Assistant Federal Public Defender, United States Sentencing Commission, Washington, D.C.
Jay Rorty, Branch Chief, Office of the Federal Public Defender, San Jose, California
Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina
Alison Siegler, Assistant Federal Defender, Chicago, Illinois

Fredilyn Sison, Assistant Federal Public Defender, Asheville, North Carolina
Callie Glanton Steele, Deputy Federal Public Defender, Los Angeles, California
Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois
Carlos Williams, Executive Director, Southern Federal Defender Program,
Mobile, Alabama
Heather Williams, Assistant Federal Public Defender, Tucson, Arizona

Participants will break into small groups led by a facilitator and apply storytelling and persuasive writing techniques to the facts of their own cases. Each participant will write the first two to three paragraphs of their sentencing memorandum or downward departure motion in a persuasive fact-based manner. Participants will receive feedback on the writing and rewrite it focusing on the feedback.

5:00 p.m. Adjourn for the Day

Saturday, March 10

8:30 a.m. Small Group Sessions - Sam Bradshaw Sentencing Memo

Meeting rooms will be posted at Registration Desk

Andrea Gambino, Law Office of Andrea E. Gambino, Chicago
Steven Jacobson, Assistant Federal Public Defender, Portland, Oregon
Vionnette Johnson, Assistant Federal Defender, Atlanta, Georgia
Judy Mizner, Assistant Federal Public Defender, Boston, Massachusetts
Alonzo Padilla, Assistant Federal Public Defender, Albuquerque, New Mexico
Jackie Page, Mitigation Specialist, Southern Federal Defender Program, Mobile,
Alabama

John Rhodes, Assistant Federal Defender, Missoula, Montana
Martin Richey, Visiting Assistant Federal Public Defender, United States
Sentencing Commission, Washington, D.C.

Jay Rorty, Branch Chief, Office of the Federal Public Defender, San Jose,
California

Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina
Alison Siegler, Assistant Federal Defender, Chicago, Illinois
Fredilyn Sison, Assistant Federal Public Defender, Asheville, North Carolina
Callie Glanton Steele, Deputy Federal Public Defender, Los Angeles, California
Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois
Carlos Williams, Executive Director, Southern Federal Defender Program,
Mobile, Alabama

Heather Williams, Assistant Federal Public Defender, Tucson, Arizona

Participants will break into small groups and discuss the Sam Bradshaw sentencing memo which they prepared.

9:50 a.m. Break

**10:00 a.m. Bureau of Prison Issues Affecting Our Clients Before and After Sentencing
Salons 3-4, 2nd Level**

Stephen Sady, First Assistant Federal Public Defender, Portland, Oregon

This session will provide an update on Bureau of Prisons issues affecting our clients before and after the sentencing stage. It will include factors to consider regarding how your client can serve a federal sentence at the least restrictive possible facility and obtain the earliest feasible release date.

11:00 a.m. Closing Remarks - Salons 3-4, 2nd Level

Lisa Porcari, Attorney-Advisor, Office of Defender Services,
Administrative Office of the U.S. Courts, Washington, D.C.

11:10 a.m. Program Adjourns

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