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Below is the agenda for the

**2008 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](http://www.fd.org).

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

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

**CHICAGO  
Hyatt Chicago  
March 13-15, 2008**

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**Thursday, March 13**

**8:00 a.m. Registration-Light Breakfast \*\*Truffles Room**

**9:00 a.m. Welcoming Remarks \*\*\*Truffles Room**  
Ken Cunniff, Panel Attorney Representative, Chicago, Illinois  
Carol Brook, Deputy Director, Federal Defender Program, Chicago, Illinois

**9:15 a.m. Introduction to Workshop \*\*\*Truffles Room**  
Andrea Taylor, Office of Defender Services, Assistant Training Branch Chief  
Administrative Office of the U.S. Courts, Washington, D.C.

**9:20 a.m. [Having the Gall: Using §3553\(a\) to Win Below-Guideline Sentences](#)  
\*\*\*Truffles Room**  
Alison Siegler, Assistant Federal Defender, Chicago, Illinois

This session will focus on using the Supreme Court’s recent sentencing jurisprudence and 18 U.S.C. §3553(a) to advocate for and achieve below-guidelines sentences, and to argue that particular Guidelines do not meet the §3553(a) purposes of punishment. `

**10:30 a.m. Break**

**10:45 a.m. Judging at Sentencing \*\*\*Truffles Room**  
A.J. Kramer, Federal Public Defender, Washington, D.C.  
Honorable Stanley R. Chesler, U.S. District Court, Newark, New Jersey  
Honorable David H. Coar, U.S. District Court, Chicago, Illinois  
Honorable Robert W. Pratt, U.S. District Court, Des Moines, Iowa

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 and Gall have 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](#) \*\*\*Truffles Room**  
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](#) \*\*\*Truffles Room**  
Tina Hunt, Assistant Federal Defender, Spokane, Washington

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

**2:45 p.m.      Break**

**3:00 p.m.      Small Group Sessions –[Brainstorm Facts of Own Case](#)**

Manny Atwal, Assistant Federal Public Defender, Minneapolis, Minnesota  
Michelle Engert, Visiting Attorney-Advisor, Office of Defender Services Legal & Policy Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada

Tina Hunt, Assistant Federal Defender, Spokane, Washington

Steve Jacobson, Assistant Federal Public Defender, Portland, Oregon

Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia

Judith Mizner, Assistant Federal Public Defender, Boston, Massachusetts

Martin Richey, Assistant Federal Public Defender, Boston, Massachusetts

Jay Rorty, Deputy Director, ACLU Drug Law Reform Project, Santa Cruz, California

Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina

Molly Roth, Visiting Attorney-Advisor, Office of Defender Services Training Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Fredi Sison, Assistant Federal Defender, Asheville, North Carolina

Andrea Taylor, Assistant Training Branch Chief, Office of Defender Services, Administrative Office of the U.S. Courts, Washington, D.C.

Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois

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

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](#) \*\*\*Truffles Room**

Bert 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**

**Friday, March 14**

**8:00 a.m. Registration-Light Breakfast\*\*Plaza Foyer**

**8:30 a.m. Small Group Sessions - Theories and Themes, Storytelling**

Manny Atwal, Assistant Federal Public Defender, Minneapolis, Minnesota  
Michelle Engert, Visiting Attorney-Advisor, Office of Defender Services Legal & Policy Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada

Tina Hunt, Assistant Federal Defender, Spokane, Washington

Steve Jacobson, Assistant Federal Public Defender, Portland, Oregon

Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia

Judith Mizner, Assistant Federal Public Defender, Boston, Massachusetts

Martin Richey, Assistant Federal Public Defender, Boston, Massachusetts

Jay Rorty, Deputy Director, ACLU Drug Law Reform Project, Santa Cruz, California

Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina

Molly Roth, Visiting Attorney-Advisor, Office of Defender Services Training Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Fredi Sison, Assistant Federal Defender, Asheville, North Carolina

Andrea Taylor, Assistant Training Branch Chief, Office of Defender Services, Administrative Office of the U.S. Courts, Washington, D.C.

Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois

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

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\*\*Plaza Ballroom**

Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois

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\*\*Plaza Ballroom**

Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona

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](#) \*\*Plaza Ballroom**

Jimmy Klein, Chief, Appellate Division, Public Defender Service of D.C.,  
Washington, D.C.

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](#)**

Manny Atwal, Assistant Federal Public Defender, Minneapolis, Minnesota  
Michelle Engert, Visiting Attorney-Advisor, Office of Defender Services Legal &  
Policy Branch, Administrative Office of the U.S. Courts,  
Washington, D.C.

Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada

Tina Hunt, Assistant Federal Defender, Spokane, Washington

Steve Jacobson, Assistant Federal Public Defender, Portland, Oregon

Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia

Judith Mizner, Assistant Federal Public Defender, Boston, Massachusetts

Martin Richey, Assistant Federal Public Defender, Boston, Massachusetts

Jay Rorty, Deputy Director, ACLU Drug Law Reform Project, Santa Cruz,  
California

Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina

Molly Roth, Visiting Attorney-Advisor, Office of Defender Services Training  
Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Fredi Sison, Assistant Federal Defender, Asheville, North Carolina

Andrea Taylor, Assistant Training Branch Chief, Office of Defender Services,  
Administrative Office of the U.S. Courts, Washington, D.C.

Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois

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

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 15**

**8:00 a.m. Registration-Light Breakfast\*\*Plaza Foyer**

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

Manny Atwal, Assistant Federal Public Defender, Minneapolis, Minnesota  
Michelle Engert, Visiting Attorney-Advisor, Office of Defender Services Legal & Policy Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada

Tina Hunt, Assistant Federal Defender, Spokane, Washington

Steve Jacobson, Assistant Federal Public Defender, Portland, Oregon

Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia

Judith Mizner, Assistant Federal Public Defender, Boston, Massachusetts

Martin Richey, Assistant Federal Public Defender, Boston, Massachusetts

Jay Rorty, Deputy Director, ACLU Drug Law Reform Project, Santa Cruz, California

Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina

Molly Roth, Visiting Attorney-Advisor, Office of Defender Services Training Branch, Administrative Office of the U.S. Courts, Washington, D.C.

Fredi Sison, Assistant Federal Defender, Asheville, North Carolina

Andrea Taylor, Assistant Training Branch Chief, Office of Defender Services, Administrative Office of the U.S. Courts, Washington, D.C.

Jim Tibensky, Mitigation Specialist, Federal Defender Program, Chicago, Illinois

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

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. [Practical Tips if Your Client Faces Incarceration in a Federal Prison](#)**

**\*\*Plaza Ballroom**

Manny Atwal, Assistant Federal Public Defender, Minneapolis, Minnesota

This session will provide practical tips if your client faces federal imprisonment. It will include factors to consider for your client to obtain a federal sentence at the least restrictive possible facility and receive the earliest feasible release date.

**11:00 a.m. Closing Remarks\*\*Plaza Ballroom**

Andrea Taylor, Assistant Training Branch Chief, Office of Defender Services,  
Administrative Office of the U.S. Courts, Washington, D.C.

**11:10 a.m. Program Adjourns**

**CLE Accreditation**