
**Below is the agenda for the
2006 Winning Strategies Seminar - Miami Beach, Florida.**

**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.**

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

2006 WINNING STRATEGIES SEMINAR

Deauville Beach Resort, Miami Beach, Florida

February 9-11, 2006

FINAL AGENDA

Thursday, February 9, 2006

- 7:30 am to 8:15 am** **CONTINENTAL BREAKFAST AND REGISTRATION**
Outside Napoleon I, Lobby Level
- 8:15 am to 8:30 am** **WELCOME - Napoleon I, Lobby Level**
Lori A. Green, Attorney-Advisor, Training Branch, Office of Defender Services, Washington, D.C.
Kathleen Williams, Federal Public Defender, Southern District of Florida
- 8:30 am to 9:00 am** **KEYNOTE SPEAKER - Napoleon I, Lobby Level**
Bryan Stevenson, Esq., Executive Director, The Equal Justice Initiative of Alabama, Montgomery, Alabama
- 9:00 am to 10:00 am** **NEW AND PENDING FEDERAL CRIMINAL LEGISLATION:
WHAT TO EXPECT, CHALLENGES TO RAISE**
Napoleon I, Lobby Level
Amy Baron-Evans, National Sentencing Resource Counsel, Boston, Massachusetts
This session will outline the federal criminal law bills introduced and enacted over the preceding year. This includes legislation dealing with gangs, sex crimes, terrorism, methamphetamine penalties and habeas corpus to name a few. Learn how to challenge prosecutions under the new legislative acts.
- 10:00 am to 10:15 am** **BREAK**
- 10:20 am to 11:15 am** **COMMUNICATING WITH CLIENTS: DIFFERENCES ARE
NOT A BARRIER - Napoleon I, Lobby Level**
Cecilia Alfonso, Alfonso Consultants, Troy, New York
Clients' backgrounds and experiences often vary from those of the attorneys representing them. This session focuses on understanding the different experiences of our clients and overcoming any resulting obstacles in order to provide the best representation possible.

11:20 am to 12:15 pm BREAK-OUT SESSIONS (Choose One)

1) Experts - When You Should Consider Using Them and How to Obtain Them - Napoleon I, Lobby Level

Eric Vos, AFD, Federal Community Defender Office for the Eastern District of Pennsylvania, Special Counsel, United States Sentencing Commission

A discussion of the use of experts in a criminal case, both pretrial and during trial, including admissibility of evidence, qualifying the expert to testify and cross-examining the government's expert.

2) Discovery Issues – Getting What You Need and Figuring Out What To Do With It Once You Have It - Charlemagne Room, Lobby Level

Ramon Acosta, AAFP, District of Nevada

A discussion of the discovery mandated by Rule 16 and how the defense lawyer should respond when the prosecution does not comply. Included in the discussion will be bills of particulars, specific requests for Brady and Giglio information and other means by which the defense can seek discoverable information.

3) Developing Theories and Themes and How to Use Them Effectively in Opening Statements and Closing Arguments Cavalier II, Mezzanine Level

Anthony Natale, Supervisory AAFP, Southern District of Florida

Having a theme and/or theory of defense organizes your presentation and helps you tell a compelling story that benefits your client. This session will address how you develop them and weave them into your defense.

4) Plea Negotiations and Proffers - Baccarat I, Mezzanine Level

Suzanne Lachelier, Esq., Lachelier Law Office, San Diego, California

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

5) Bail Reform Act - Cavalier I, Mezzanine Level

Francisco Morales, AAFP, Western District of Texas

How can you maximize your chances of getting your client released under the Bail Reform Act? This session will address pretrial interviews, third party custodians, other favorable witnesses, the detention hearing, the appeal of a detention order and release pending appeal.

6) The Ethical (and Zealous) Representation of a Federal Criminal Defendant - Margaux Room, Lower Lobby Level

****This session will not be repeated during the afternoon****

David Markus, Esq., Miami Florida

Learn about the ethical issues that arise during trial and how to address them while still zealously representing your client.

12:15 pm to 1:30 pm

LUNCH (on your own)

1:30 pm to 2:30 pm

REPEAT OF 11:20 A.M. BREAK-OUT SESSIONS

2:35 pm to 3:30 pm

USING A MITIGATION SPECIALIST AND PRESENTING A COMPREHENSIVE CASE FOR MITIGATION AT SENTENCING - Napoleon I, Lobby Level

Sarah Gannett, Staff Attorney, District of Maryland

This session will discuss the development of mitigation evidence, what a mitigation specialist does and offer practical advice on how to use one. It will also provide tips on how you or your investigator/paralegal can do the mitigation legwork. Finally, there will be a discussion on how to effectively present mitigation evidence through the sentencing memo and at a sentencing hearing.

3:30 pm to 3:45 pm

BREAK

3:45 pm to 4:45 pm

ETHICS AND PROFESSIONALISM - Napoleon I, Lobby Level
“Beyond the Sorting Hat: What Muggle Lawyers Can Learn about Professionalism and Ethics at Hogwarts School”

The Honorable Helen G. Berrigan, Chief Judge, United States District Court for the Eastern District of Louisiana

This presentation on legal ethics uses the Harry Potter stories and its characters to illustrate ethical conduct and suggestions on how to deal with unethical behavior by opposing counsel.

4:45 pm

ADJOURN FOR THE DAY

5:00 pm to 6:30 pm

EVENING RECEPTION - Richelieu Room, Lobby Level

Friday, February 10, 2006

7:45 am to 8:30 am **CONTINENTAL BREAKFAST AND REGISTRATION**

8:30 am to 9:30 am **COMPUTER CRIMES - Napoleon I, Lobby Level**

G. Patrick Black, Federal Public Defender, Eastern District of Texas
This session 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.

9:30 am to 10:30 am **BREAK-OUT SESSIONS (Choose One)**

1) Introduction to Courtroom Technology - Cavalier I, Mezzanine Level

Lori A. Green, Attorney-Advisor, Office of Defender Services, Training Branch, Washington, D.C.

Chris Feaster, CSA, Federal Defender Office, Southern District of Alabama

If you ask, "How Did They Do That?" when you see case documents used in courtroom presentations, this presentation is for you. Learn how to scan documents and incorporate them into your courtroom presentation. See how to make use of Adobe Acrobat document organizational software.

2) Defending Methamphetamine Cases - Napoleon I, Lobby Level

John Rhodes, AFD, District of Montana

This session will focus on defending methamphetamine cases from the initial client contact through sentencing. Most of these cases are a result of the client's addiction, thus obtaining treatment for your client will likely be an early issue. Like many other types of drug cases, methamphetamine cases often turn on suppression issues and gaining information on cooperating informants. Following that overview, this presentation will address issues relevant to deciding whether to enter a plea or go to trial. Finally, this presentation will consider sentencing issues in methamphetamine cases, particularly the application of the Sentencing Guidelines and the interplay between the Guidelines and the statutory mandatory minimums.

3) Introduction to the Federal Sentencing Guidelines - Cavalier II, Mezzanine Level

Alan Dorhoffer, Esq., United States Sentencing Commission

Fredilyn Sison, AFD, Federal Defenders of Western North Carolina

Judges still rely heavily on the now "advisory" guidelines. In this session we will explain how to do the calculations and where to find the jewels that can help your client.

4) Cross-Examination - Baccarat I, Mezzanine Level

Renee Raymond, Deputy Trial Chief, Training, Public Defender Service for the District of Columbia, Washington, D.C.

A discussion of cross-examination techniques. The session will also cover the need to fully investigate the background of the witness prior to cross-examination, including the details of the witness's cooperation with the government prior to cross-examination.

5) Writing Effective Sentencing Memorandum - Normandy Room, Mezzanine Level

Brett Sweitzer, AFD, Federal Community Defender Office for the Eastern District of Pennsylvania

This session will address the nuts and bolts of writing an effective sentencing memorandum that tells a compelling story using vivid language and incorporating the law in a way that grabs the judge's attention. Be an effective advocate at sentencing before you enter the courtroom.

6) Suppression Motions: Automobile Searches During Roadside Encounters - Margaux Room, Lower Lobby Level

Omodare Jupiter, AFPD, Southern District of Mississippi

Explore the benefits and risks of filing and litigating suppression motions in cases where evidence was discovered pursuant to warrantless automobile searches.

10:30 am to 10:45 am BREAK

10:45 am to 11:45 am REPEAT OF 9:30 A.M. BREAK-OUT SESSIONS

11:45 am to 12:45 pm THE GANG'S ALL HERE – DEFENDING CONSPIRACY CASES (A SPECIAL LOOK AT GANG, RICO AND CCE CASES) - Napoleon I, Lobby Level

Jon Sands, Federal Public Defender, District of Arizona

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 violations. 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 obtaining interviews with them; and the benefits of joint defense agreements.

12:45 pm to 2:00 pm LUNCH (on your own)

2:00 pm to 3:00 pm

BREAK-OUT SESSIONS (Choose One)

1) Fingerprints - Cavalier II, Mezzanine Level

Robert Epstein, AFD, Federal Community Defender Office for the Eastern District of Pennsylvania

Learn how a fingerprint is analyzed and the basis for fingerprint identification. After you've learned the basics, you are in a better position to challenge fingerprint evidence when it's presented against your client.

2) Getting Paid: All You Need to Know About CJA Guidelines and Procedures - Normandy Room, Mezzanine Level

Donna Shearer, CJA Supervising Attorney, District of Maryland

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.

3) Affirmative Defenses: "Yes, I did it but . . ." - Baccarat I, Mezzanine Level

Dan Stiller, AFD, District of Maryland, Visiting Attorney, Office of Defender Services, Training Branch, Washington, D.C.

How can the government prove every element of the charged offense but the defendant still be innocent? This discussion of affirmative defenses – self defense, duress, entrapment and other – will focus on what they are and, more importantly, what it takes to permit a jury to consider them.

4) Crawford: A Sixth Amendment Revolution in the Use of Hearsay at Trial - Napoleon I, Lobby Level

Anne Blanchard, National Sentencing Resource Counsel

Cathy Henry, AFD, Federal Community Defender Office for the Eastern District of Pennsylvania

This session reviews the Supreme Court's Crawford decision regarding confrontation of witnesses and its implications, and provides tips on using Crawford at trial and on appeal.

5) Mental Health Issues: Caring for the Mentally Challenged Client – Someone's Knockin' - Cavalier II, Mezzanine Level

Stewart Abrams, AFD, Southern District of Florida

Kelly Morris, United States Probation Officer, Mental Health Specialist, Southern District of Florida

This session discusses how you can guide your mentally challenged client through the system from initial appearance before a magistrate judge to either release, conditional release or transfer to a state mental hospital and out of federal jail.

3:05 pm to 4:00 pm

IMMIGRATION LAW & CONSEQUENCES OF CONVICTIONS

Linda Osberg, Esq., Miami, Florida - **Napoleon I, Lobby Level**

Knowing the consequences of a particular conviction on your client's immigration status makes a difference. Find out whether a conviction subjects your client to deportation and factor that into your plea negotiations and considerations.

4:00 pm to 5:00 pm

THE "CONSTITUTIONAL" RULES OF EVIDENCE: KEEPING EVIDENCE OUT AND GETTING IT IN UNDER THE CONFRONTATION CLAUSE, COMPULSORY PROCESS CLAUSE AND DUE PROCESS CLAUSE - Napoleon I, Lobby Level

Brent Newton, AFPD, Southern District of Texas

This session will address constitutional objections to the admission of evidence, constitutional arguments supporting the right to obtain evidence and introduce it at trial, and constitutional grounds for dismissal of charges resulting from the destruction of potentially exculpatory evidence.

5:00 pm

ADJOURN FOR THE DAY

Saturday, February 11, 2006

- 8:30 to 9:00 am** **CONTINENTAL BREAKFAST**
- 9:00 am to 10:00 am** **ATTACKING WIRETAPS - Napoleon I, Lobby Level**
Steven Kalar, Senior Litigator, Northern District of California
Josh Cohen, AFPD, Northern District of California
A step by step discussion of how to attack wiretap evidence and how to deal with minimization issues.
- 10:05 am to 11:45 am** **BREAK-OUT SESSIONS - Brainstorming Cases: Bring Your Own Case -Group Assignments will be posted at the registration desk**
Group 1 - Napoleon I, Lobby Level
Group 2 - Cavalier I, Mezzanine Level
Group 3 - Cavalier II, Mezzanine Level
Group 4 - Normandy Room, Mezzanine Level
Group 5 - Baccarat I, Mezzanine Level
Group 6 - Charlemagne Room, Lobby Level
These small group sessions will provide attorneys an opportunity to discuss one of their cases with seminar faculty and participants in small group settings. Learn various brainstorming techniques which can be used to analyze, structure and present the case for trial. Use the experience, ideas and approaches of seminar faculty and participants to improve how you defend your cases. (Cases summaries were submitted by participants prior to the start of the conference.)
- 11:50 am to 12:50 pm** **SUPREME COURT UPDATE - Napoleon I, Lobby Level**
Paul Rashkind, Supervisory AFPD, Southern District of Florida
Have there been other criminal cases since Booker/Fanfan? Find out what other significant criminal decisions have been handed down and what others are forthcoming.
- 12:50 pm to 1:00 pm** **CLOSING REMARKS AND ADJOURNMENT - Napoleon I, Lobby Level**
Lori A. Green, Attorney-Advisor, Training Branch, Office of Defender Services, Washington, D.C.