

Below is the agenda for the

2009 NATIONAL SEMINAR FOR FEDERAL DEFENDERS

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@ao.uscourts.gov. 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.

Draft Agenda, 5/20/09
The Federal Judicial Center presents a
National Seminar for Federal Defenders
May 27-29, 2009
Minneapolis, Minnesota

Wednesday, May 27

8:30 a.m. **Welcome and Opening Remarks (Plenary)**

Hon. Michael J. Davis, Chief Judge, U. S. District Court (D. Minn.)
Chuck Arberg, Education Division, FJC
Katherian Roe, Federal Defender (D. Minn.)

9:00 a.m. **Keynote—Litigating Race-Based Claims (Plenary)**

Christina Swarns, Director, Criminal Justice Project
NAACP Legal Defense & Education Fund, Inc.

10:15 a.m. **Break**

10:30 a.m. **Concurrent Sessions I (choose one)**

(1) The Fifth Amendment and Sex Offender Polygraph Exams

Doug Passon, Assistant Federal Defender (D. Ariz.)

(2) Defending Alien Smuggling Cases

Manuel Acosta, Assistant Federal Defender (W. D. Tex.)
Reggie Trejo, Assistant Federal Defender (W. D. Tex.)

(3) Setting Up and Litigating Sentencing Appeals

Denise Barrett, Sentencing Resource Counsel (D. De.)
Judy Madewell, Assistant Federal Defender (W. D. Tex.)
Meghan Skelton (D. Md.)

(4) Mortgage Fraud: Along with defense strategies, this session will provide an overview of the unique terms and forms associated with the mortgage application process and the role of the different players in the typically charged mortgage fraud scheme.

Kevin Tate, Assistant Federal Defender (W.D.N.C.)

(5) *Begay and Chambers*—What “Crime of Violence” Means Today

Lisa Freeland, Federal Defender (W. D. Pa.)
Kate Menendez, Assistant Federal Defender (D. Minn.)

11:45 a.m. **Lunch Break**

1:00 p.m. **Recognition Awards (Plenary)**

1:15 p.m. **The Scientific Community Speaks – Using the NAS Report to Keep the Government’s Junk Science Out of the Courtroom**

Robert Epstein, Assistant Federal Defender (E. D. Pa.)

2:30 p.m. **Break**

2:45 p.m. **Concurrent Sessions II (choose one)**

(1) Defending 1326s: What You Need to Know About Your Client’s Immigration Proceedings

Saul Huerta, Assistant Federal Defender (D. Ariz.)
Deirdre Mokos, Assistant Federal Defender (D. Ariz.)

(2) What’s Hot on Appeal

Vicki Mandell-King, Chief, App. Div., Off. of the Federal Defender (D. Colo.)
David McColgin, Chief, App. Div., Off. of the Federal Defender (E. D. Pa.)

(3) The Purpose Driven Sentence: Insisting on the Standards in *Gall* and *Kimbrough*

Anne Blanchard, Sentencing Resource Counsel (D.N.J.)
Melissa Day, Assistant Federal Defender (S. D. Ill.)
Sara Noonan, Staff Attorney, Sentencing Resource Counsel Project (D. Mass.)

(4) Litigating “Junk Science” – Practical Tips for Taking Advantage of the NAS Report

Robert Epstein, Assistant Federal Defender (E. D. Pa.)
Eric Vos, Assistant Federal Defender (D. Me.)

(5) Child Pornography – Fighting for a Lower Sentence

Reggie Aligada, Assistant Federal Defender (D. Minn.)
Troy Stabenow, Assistant Federal Defender (W. D. Mo.)

4:00 p.m. **Break**

4:15 p.m. **Circuit Breakouts:** Attorneys from each circuit will meet separately to discuss issues of mutual concern.

Circuit Discussion Leaders

D.C.—Beverly Dyer

First—Joseph Laws (D.P.R.) and Judy Mizner (D. Mass.)

Second—Melissa Tuohey (N.D.N.Y.) and David Lewis (E.D.N.Y.)

Third—Felicia Sarner (E.D. Pa.) and Tom Patton (W.D. Pa.)

Fourth—Fran Pratt (E.D. Va.) and Joseph Gilbert (E.D.N.C.)

Fifth—Henry Bemporad (W.D. Tex.) and Tim Crooks (S.D. Tex.)

Sixth—Charles Fleming (N. D. Ohio) and Mary Cay Jermann (M. D. Tenn.)

Seventh—Melissa Day (S. D. Ill.) and Bob Truitt (N. D. Ind.)

Eighth—Jerome Kearney (D. Ark.) and TBA

Ninth—Carl Gunn (C. D. Cal.) and Kevin McCoy (D. Alaska)

Tenth—Tim Henry (D. Kan.) and Vicki Mandell-King (D. Colo.)

Eleventh—Don Bethel (M. D. Ala) and Jim Skuthan (M.D. Fla.)

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

Thursday, May 28

8:30 a.m. **Supreme Court and Other Significant Cases Update (Plenary)**

Prof. Erwin Chemerinsky, University of California, Irvine— School of Law

Prof. Susan Herman, Brooklyn Law School

Paul Rashkind, Chief, App. Div., Off. of the Federal Defender (S. D. Fla.)

10:00 a.m. **Break**

10:15 a.m. **Concurrent Sessions III (choose one)**

(1) Sentencing Film Festival: Exploring the power and persuasiveness of film to humanize your clients and effectively advocate for them. Participants will choose the festival winning film.

Doug Passon, Assistant Federal Defender (D. Ariz.)

(2) Keeping Your Client Out of Prison by Pushing for Alternatives to Incarceration

Denise Barrett, Sentencing Resource Counsel (D. De.)
Sara Noonan, Staff Attorney, Sentencing Resource Counsel Project (D. Mass.)
Molly Roth, Assistant Federal Defender (W. D. Tex.)

(3) Child Pornography—Fighting for a Lower Sentence

Reggie Aligada, Assistant Federal Defender (D. Minn.)
Troy Stabenow, Assistant Federal Defender (W. D. Mo.)

(4) Mortgage Fraud

Kevin Tate, Assistant Federal Defender (W.D.N.C.)

(5) Challenging Mandatory Minimums

Alan DuBois, Assistant Federal Defender (E.D.N.C.)
James Egan, Staff Attorney, Office of the Federal Defender (N.D.N.Y.)
Nicole Kaplan, Assistant Federal Defender (N. D. Ga.)

(6) The Brain 101: How it Works, When it Doesn't, and What That Means for Clients

Dr. Shawn Agharkar, Emory University and Morehouse College

11:30 a.m. **Lunch Break**

12:45 p.m. **Confrontation Clause Issues after Melendez-Diaz (Plenary)**

Prof. Jeff Fisher, Stanford Law School

1:45 p.m. **Break**

2:00 p.m. **Concurrent Sessions IV (choose one)**

(1) Motivation Impeachment, Part I

Terry MacCarthy, Defender Emeritus (N. D. Ill.)

(2) *Begay and Chambers* – What “Crime of Violence” Means Today

Lisa Freeland, Federal Defender (W. D. Pa.)
Kate Menendez, Assistant Federal Defender (D. Minn.)

(3) Defending 1326s: What You Need to Know About Your Client's Immigration Proceedings

Saul Huerta, Assistant Federal Defender (D. Ariz.)
Deirdre Mokos, Assistant Federal Defender (D. Ariz.)

(4) Challenging Mandatory Minimums

Alan DuBois, Assistant Federal Defender (E.D.N.C.)
James Egan, Staff Attorney, Office of the Federal Defender (N.D.N.Y.)
Nicole Kaplan, Assistant Federal Defender (N. D. Ga.)

(5) Taking Your Client's Social History: Why, How, and When to Do It

Dr. Shawn Agharkar, Emory University and Morehouse College
Sarah Gannett, Assistant Federal Defender (E. D. Pa.)

(6) Guideline Deconstruction: Special Focus on Career Offender, Drug, and Firearm Offenses

Louise Arkel, Assistant Federal Defender (D.N.J.)
Anne Blanchard, Sentencing Resource Counsel (D.N.J.)
Sara Noonan, Staff Attorney, Sentencing Resource Counsel Project (D. Mass.)

3:00 p.m. **Break**

3:15 p.m. **Concurrent Sessions V (choose one)**

(1) Motivation Impeachment, Part II

Terry MacCarthy, Defender Emeritus (N. D. Ill.)

(2) What Defenders Want: Development of Short and Long Term Sentencing Priorities: Come give the Guidelines Committee and Sentencing Resource Counsel your take on the thorniest Guidelines issues and help us identify priorities for the upcoming Guidelines amendment cycle.

Denise Barrett, Sentencing Resource Counsel (D. De.)
Anne Blanchard, Sentencing Resource Counsel (D.N.J.)
Jon Sands, Federal Defender (D. Ariz.), Chair

- (3) **Write or Wrong? Becoming a More Persuasive Writer:** In the words of Elmore Leonard, “My most important piece of advice to all you would-be writers: when you write, try to leave out all the parts readers skip.”

Beverly Dyer, Assistant Federal Defender (D.D.C.)

Jerry Beard, Assistant Federal Defender (N. D. Tex.)

- (4) **Sentencing Film Festival:** Exploring the power and persuasiveness of film to humanize your clients and effectively advocate for them. Participants will choose the festival winning film.

Doug Passon, Assistant Federal Defender (D. Ariz.)

- (5) **Re-entry Courts—The New Frontier:** A discussion that will explore the move toward re-entry courts in the federal system and the new opportunities and challenges presented to those involved, especially to clients and defenders.

Cathy Byrne, Assistant Federal Defender (D. Mass.)

Gail Ivens, Assistant Federal Defender (C. D. Cal.)

Sharon Turek, First Assistant Federal Defender (W. D. Mich.)

- (6) **Desperate Times Call for Desperate Measures: Challenging Interstate Commerce Before the Jury in Hobbs Act Robbery and Firearm Trials.**

Leigh Skipper, Federal Defender (E. D. Pa.)

Cathy Henry, Assistant Federal Defender (E. D. Pa.)

4:15 p.m. **Break**

4:30 p.m. **Defending a Federal Criminal Case—2009 Edition (Plenary)**

Chantel Doakes, Assistant Federal Defender (S. D. Fla.)

Celeste Siblesz Higgins, Assistant Federal Defender (S. D. Fla.)

Patrick Hunt, Assistant Federal Defender (S. D. Fla.)

Richard Klugh, Esq., Miami, Florida

Neison Marks, Assistant. Federal Defender (S. D. Fla.)

Jackie Shapiro, Assistant. Federal Defender (S. D. Fla.)

Daryl Wilcox, Assistant Federal Defender (S. D. Fla.)

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

Friday, May 29

8:30 a.m. **20 Years After Mistretta: Past is Prologue (Plenary)**

Anne Blanchard, Sentencing Resource Counsel (D.N.J.)
Jon Sands, Federal Defender (D. Ariz.)

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

10:00 a.m. **Ethics Issues Arising in Federal Criminal Practice (Plenary)**

Michael Sokolow, First Assistant Federal Defender (S. D. Tex.), Moderator
Leigh Skipper, Federal Defender (E. D. Pa.)
Karen Wilkinson, Assistant Federal Defender (D. Ariz.)

11:30 a.m. **Closing Remarks, Completion of Evaluations, and Adjournment**