



RACE IN THE FEDERAL CRIMINAL COURT: STRATEGIES IN PURSUIT OF JUSTICE

**September 5-7, 2024
Atlanta, Georgia**

Draft Agenda

Wednesday, September 4, 2024

6:00 p.m. Pre-conference Social Gathering (optional): Lobby

A great chance to mingle, meet fellow attendees, make new connections, reconnect with old friends, and set the tone for our exciting days together!

Thursday, September 5, 2024

7:30 – 8:30 a.m. Registration and Continental Breakfast

8:30 – 9:00 a.m. Welcoming Remarks and Introduction to Conference

Elizabeth Luck, Chief, Defender Services Office, Washington, D.C.

Akin Adepoju, Chief, Training Division Content Branch, Defender Services Office, Washington, D.C.

9:00 – 10:00 a.m. PLENARY: Reflections and Lessons on Race and Criminal Defense

Tanya Greene, Director, US Program, Human Rights Watch, New York, NY

This presentation will be a survey discussion of challenges and achievements in the struggle for racial justice in the criminal defense arena. Our conversation will highlight the persistent barriers that defenders face in advocating for racial justice, as well as the significant strides we have made as a community. This session aims to foster a deeper understanding of these issues and inspire continued progress toward a more equitable legal system.

10:00 – 10:15 a.m. Refreshment Break

10:15 – 11:15 a.m. PLENARY: A Brief Look at the Latine Experience in the American Criminal “Justice” System

Jessica Oliva, *Trial Attorney, Federal Defenders of San Diego, San Diego, CA*

Roxana Sandoval, *Trial Attorney, Federal Defenders of San Diego, San Diego, CA*

A critical understanding of the Latine experience is important for defense professionals. This session is designed to delve into the history of U.S. international and domestic policies and institutions, and the lasting impact they have had on Latine communities within the United States. By exploring the roots of these policies and institutions, we can better understand how they have contributed to the challenges faced by Latine communities today and better represent our clients.

11:15 – 1:00 p.m. Lunch – On Your Own

Optional Lunch Gathering Spaces – The Rooms Where It Happens

11:45 – 12:45 p.m. COMMUNITY ENGAGEMENT ROOM

Antonio Howard, *Paralegal, Federal Public Defender Office for the Western District of Pennsylvania, Erie, PA*

Vickie Piontkowski, *Mitigation Specialist, Insight Mitigation, Pittsburgh, PA*

Collaboration and trust are key to achieving our shared vision. Do you have ideas on how defense professionals can develop or deepen relationships and trust with community members, organizations, and institutions (e.g., schools, housing, health care providers, and employers) to improve case and life outcomes for clients, and to strengthen families and communities? Please come by to share ideas or simply come to learn what others are doing. Let’s build a stronger, more connected community.

11:45 – 12:45 p.m. LITIGATION ROOM

Want to discuss ideas swirling around in your head before you attended the conference or reflect on what has inspired you today? Whether you want to share the name of an expert or a skill you successfully used in a case, or simply talk about an interesting article you recently read, this is the place to connect with like-minded people. So, grab your lunch and join us for an informal conversation. You can listen in on litigation topics, share your own insights, or simply connect with new friends.

11:45 – 12:45 p.m. OFFICE ISSUES ROOM

Rachelle D. Williams, *Director of Mitigation & Social Work, Federal Defenders of New York, New York, NY*

To truly serve our staff and clients, we must actively work to create an environment of inclusion within our offices. This means looking beyond superficial diversity initiatives and committing to long-term strategies that foster a sense of belonging for all. This is no small feat. Come join the conversation on how we can create a more inclusive and sustainable practice. Your voice matters, and we look forward to hearing your ideas.

1:00 – 2:15 p.m. PLENARY: The War on Drugs and Federal Drug Policy Reform

Maritza Perez Medina, *Director, Office of Federal Affairs, Drug Policy Alliance, Washington, D.C.*

Do you know the real history of the war on drugs in the U.S.? Do you know what major federal drug policy changes are coming down the pike this year? This presentation delves into the racially charged origins of the war on drugs and ways in which racial disparities are present today. We will also discuss the major drug policy issues being considered at the federal level, from federal marijuana reform to punitive laws for synthetic drugs. This session provides a deeper understanding of the evolving landscape of federal drug policy and its impact on the work defense professionals do.

2:15 – 2:30 p.m. Refreshment Break

2:30 – 3:45 p.m. PLENARY: Coloring in the Fourth Amendment

Daniel Harawa, *Professor of Clinical Law and Director of the Federal Appellate Clinic, New York University School of Law, New York, NY*

This session seeks to help attendees understand the importance of contemplating race within criminal cases, especially within the context of the Fourth Amendment. The session will provide practical guidance on how to litigate race in light of the Supreme Court's ruling in *SSFA v. Harvard* and its colorblind jurisprudence more broadly. The hope is to empower us as criminal defense professionals to litigate our clients' full experiences, race and all, during a time of racial retrenchment.

3:45 – 4:00 p.m. Break

4:00 – 5:15 p.m. PLENARY: Engaging Defender Nation in Criminal Justice Reform Advocacy

Moderator: Liliana Coronado, *Vice President, Brimley Group, Los Angeles, CA*

Milagros Cisneros, *Third Level Supervisory Assistant Federal Public Defender, Federal Public Defender Office for the District of Arizona, Phoenix, AZ*

Jesselyn McCurdy, *Executive Vice President for Government Affairs, The Leadership Conference of Civil and Human Rights, Washington, D.C.*

This session will provide an overview of the state of criminal justice reform efforts in Congress and the Biden Administration. Public defenders are important stakeholders in reforming the criminal justice system, however, our voices are not always heard on Capitol Hill. Learn about the state of play in Washington, D.C., and strategies on how your involvement can help ensure that issues of racial bias, sentencing inequities, and inclusive practices are prioritized. While the justice reform movement saw some momentum with the passage of the First Step Act in 2019, rising crime rates and a sea change in Congress have slowed down progress. Featuring insights from former Federal Defender detailees and key partners in the field, this discussion will offer a forward-looking perspective on how reforms might unfold in 2025 and how defenders can shape these developments to foster a more just and inclusive system.

5:15 p.m. Adjourn for the day

6:00 p.m. Social Gathering (optional): Lobby

Join us for another fun, casual meetup in the lobby! It's a perfect opportunity to mingle with fellow attendees, forge new connections, catch up with old pals, and maybe even plan a stellar dinner together to wrap up our first day of conferencing!

Friday, September 6, 2024

8:00 – 9:00 a.m. Check-in and Continental Breakfast

9:00 – 9:15 a.m. Welcoming Remarks

Natasha Perdeu Silas, *Executive Director, Federal Defender Program Inc., Atlanta, GA*

9:15 – 10:15 a.m. PLENARY: Black Drivers Have a Problem in Richmond, Virginia: How to Win a Selective Enforcement Claim

In selective enforcement cases, the party challenging prosecution carries a heavy burden. They must show discriminatory effect and discriminatory intent in order to prove that the police targeted a person because of their race, ethnicity, or other impermissible factor. So how do you prove a selective enforcement claim based on the police selectively stopping black drivers, for example? This session will discuss how to investigate, develop, and present a winning selective enforcement claim, including use of experts to prove discriminatory effect and discriminatory purpose.

10:15 – 10:30 a.m. Refreshment Break

10:30 – 12:00 p.m. PLENARY: From Struggle to Strength: Aspirational Stories of Resilience

Moderator: Jarrett Adams, *Author of Redeeming Justice and Founding Partner, The Law Offices of Jarrett Adams, Chicago, IL*
Javier Reyes, *Founder and CEO, Challenge II Change, Chicago, IL*
Crystal Werner, *Dover, DE*

The session will provide an opportunity to hear directly from those who have experienced the unnecessary cruelty of the law firsthand. They will share their experiences, answer questions, and provide valuable insights on building trust and productive client relationships, effective communication between client and defense team, and address the issue of race in their cases.

12:00 – 1:30 p.m. Lunch

1:30 – 2:45 p.m. PLENARY: Beyond Intentions: A Practical Guide to Diversity, Equity, and Inclusion

Malia C. Lazu, *Author of From Intention to Impact: A Practical Guide to Diversity, Equity, and Inclusion, and Founder & CEO, The Urban Labs, Boston, MA*

This presentation delves into the essential steps that organizations, leaders, and individuals at every level must take to create more inclusive environments that genuinely honor and value diversity. Through a comprehensive seven-stage guide alongside a 3L model—listening, learning, and loving—Defender Nation will learn practical ways on how to go from the initial reluctance or excitement of doing “something” to overcoming inevitable obstacles and persevering through challenges. This session goes beyond the “feel good” PR-centric actions to showcase the real DEI work that must be done to create true and lasting changes within our workspaces.

2:45 – 3:00 p.m. Refreshment Break

3:00 – 4:00 p.m. Concurrent Breakout Sessions I

1. An Expansive Look at Cultivating a Culture of Inclusion

Donetta Bray, *Chief Paralegal, Federal Public Defender Office for the Northern District of Ohio, Cleveland, OH*

Jacqueline A. Johnson, *First Assistant Federal Public Defender, Federal Public Defender Office for the Northern District of Ohio, Cleveland, OH*

(Repeats at 4:15 p.m.)

How do *you* contribute to cultivating and maintaining an inclusive work environment in your office? And why is this an important component of federal criminal defense? In this session, we will explore the ways every team member can take to create, cultivate, and maintain an inclusive work environment. We will also discuss the connection between office inclusivity and zealous client representation, providing practical tips and resources. To help ensure a safe space and encourage honest communication, the information shared during this session will be confidential.

2. Rooted in Racism: Immigration Based Prosecutions and their Disproportionate Impact on Our Latinx Community

Diana Rashid, *Managing Attorney, National Immigrant Justice Center’s Detention Project, Chicago, IL*

(Repeats at 4:15 p.m.)

Over the past two decades, unauthorized entry and re-entry prosecutions have become the most prosecuted federal crimes. The statutes, 8 U.S.C. § 1325 and 8 U.S.C. § 1326, were passed into law over a century ago with

overtly white supremacist goals and rhetoric directed disproportionately at Latinx people. In keeping with their racist origins and application, these laws cruelly punish immigrants and fuel the mass incarceration of Black and Brown people; waste government resources; destroy families; hurt communities; and deprive migrants seeking to come to the United States of vital protections. In this session, the presenter will provide context and an overview of the law, the compelling stories directly from the community, and litigation strategies to employ in the fight for justice.

3. Closing The Gap Between Intention and Impact

Malia C. Lazu, *Author of From Intention to Impact: A Practical Guide to Diversity, Equity, and Inclusion, and Founder & CEO, The Urban Labs, Boston, MA*

(Only time offered)

Following the plenary session, this complimentary consulting session offers a roadmap on how to create inclusive environments in defender offices that are conducive to progress and will address questions about existing or potential programs aimed at bridging the gap between intention and impact. Whether you're a leader in your office seeking guidance on program development or an individual looking to enhance existing programs in your workplace, this session offers valuable insights and support.

4. Recruiting and Retaining Diverse Talent

Doris Randle-Holt, *Federal Public Defender for the Western District of Tennessee, Memphis, TN*

José Morales-Crispin, *Director of Diversity, Equity and Inclusion, Office of the Ohio Public Defender, Columbus, OH*

Travis Southworth-Neumeyer, *Personnel Administrator, Federal Public Defender Office for the District of Oregon, Portland, OR*

(Repeats at 4:15 p.m.)

What can offices do to recruit and retain their diverse talent? Sometimes offices place such a heavy emphasis on the attraction piece, pouring so much time and resources into it, that the retention aspect is neglected. Join us for a dynamic panel discussion exploring strategies for recruiting and retaining diverse talent within offices. This panel will delve into three key areas: (A) Best practices and strategies for effectively recruiting candidates from diverse backgrounds; (B) Steps to identify an appropriate retention strategy tailored to your organization's needs; (C) Behavioral changes necessary to enhance retention. Don't miss this opportunity to gain valuable insights and practical solutions for recruiting and retaining diverse talent.

5. **Bananas And Rice: When Culture and Language Go to Court**
Rafael Carrillo, *Interpreter, Federal Public Defender Office for the District of New Mexico, Las Cruces, NM*
(Repeats at 4:15 p.m.)

Have you ever reviewed government’s transcription of calls which directly implicate your client only to later discover significant translation inaccuracies and errors? The phrase “lost in translation” is more than a metaphor—it can have profound impact on our cases. Translation errors may depend upon who transcribes your client’s words, their biases favoring law enforcement, questionable skill levels, or a lack of understanding of indigenous languages and cultural nuances. This session will equip you with strategies to recognize these translation issues and explore practical strategies to addressing them.

4:00 – 4:15 p.m. Refreshment Break

4:15 – 5:15 p.m. Concurrent Breakout Sessions II

1. **An Expansive Look at Cultivating a Culture of Inclusion**
Donetta Bray, *Chief Paralegal, Federal Public Defender Office for the Northern District of Ohio, Cleveland, OH*
Jacqueline A. Johnson, *First Assistant Federal Public Defender, Federal Public Defender Office for the Northern District of Ohio, Cleveland, OH*

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hurt communities; and deprive migrants seeking to come to the United States of vital protections. In this session, the presenter will provide context and an overview of the law, the compelling stories directly from the community, and litigation strategies to employ in the fight for justice.

3. Decolonizing Your Defense: Representing Indians in Federal Court

Jami Johnson, *Assistant Federal Defender, Federal Public Defender Office for the District of Arizona, Phoenix, AZ*

Carla Stinnett, *President and Owner, Stinnett Law, Sapulpa, OK*

(Only time offered)

Native American clients are over-represented at every stage of the federal legal process. Yet, Native Americans are vastly underrepresented in positions of authority within the system that oversees that process—judges, prosecutors, probation officers, and defense lawyers. This presentation aims to give practitioners representing Native clients tools to communicate in a culturally competent manner with and about their Native clients with the ultimate goal of improving outcomes for those clients.

4. Recruiting and Retaining Diverse Talent

Doris Randle-Holt, *Federal Public Defender for the Western District of Tennessee, Memphis, TN*

José Morales-Crispin, *Director of Diversity, Equity and Inclusion, Office of the Ohio Public Defender, Columbus, OH*

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5. Secondary-Trauma and Practical Tips on Addressing Burnout in Criminal Defense Practice

Criminal defense professionals often represent people who have been traumatized as victims of abuse, crime or other adversity. As the case unfolds, we are often exposed to emotional stories, highly charged

situations, as well as gruesome and disturbing evidence, which can lead to secondary or vicarious trauma. Symptoms include burnout, PTSD, irritability, as well as difficulties with sleep and diminished concentration. This session will include strategies to implement a trauma-informed approach and provide practical tips on addressing burnout.

5:15 p.m. Adjourn for the day

Saturday, September 7, 2024

8:00 – 9:00 a.m. Continental Breakfast

9:00 – 10:15 a.m. PLENARY: Confronting Courtroom Bias: New Practical Approaches for De-Biasing the Court

Tara I. Allen, *Incoming Federal Defender for the Districts of Massachusetts, New Hampshire, and Rhode Island, Providence, RI*
Callie Steele, *Chief Trial Deputy, Santa Barbara County Public Defender's Office, Santa Barbara, CA*

This session will empower defense professionals with practical advocacy strategies to directly confront racial injustice in the courtroom. It will focus on implementing effective approaches at key stages of the case, such as bail hearings, pretrial proceedings, and sentencing, ensuring impactful representation for our clients.

10:15 – 10:30 a.m. Refreshment Break

10:30 – 11:45 a.m. PLENARY: Redeeming Justice

Jarrett Adams, *Author of Redeeming Justice and Founding Partner, The Law Offices of Jarrett Adams, Chicago, IL*

Speaking from experience as a civil rights and criminal defense lawyer, experienced investigator, and an exoneree, this presentation discusses the need for criminal justice reform and approaches on how to end racial injustice in our legal system. This presentation highlights the racist tactics used to convict young men of color, the unique challenges facing exonerees once released, and the lack of equal representation in our courts, illustrating how upholders of the law have a collective responsibility to push reform forward and how they must be more proactive in the space.

11:45 a.m. Closing Remarks

Joan Politeo, *Attorney Advisor, Training Division, Defender Services Office, Washington, D.C.*

