



TRIAL SKILLS WORKSHOP Bail Boot Camp

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

**Hilton Houston Post Oak by the Galleria
2001 Post Oak Blvd., Houston, TX 77056**

January 26-28, 2023

Agenda

Thursday, January 26, 2023

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

9:00 – 9:10 a.m. Welcome and Introduction

Marjorie A. Meyers, Federal Public Defender for the Southern District of Texas, Houston, TX

David Adler, CJA Panel Representative for the Southern District of Texas, Bellaire, TX

Frank Draper, Chief, Training Division, Defender Services Office, Washington, DC

9:10 – 9:35 a.m. PLENARY SESSION: Why Bail Matters

The Honorable Genesis E. Draper, Presiding Judge, Harris County Criminal Court, Houston, TX

Bail is inherently intertwined with the presumption of innocence. It is also critical because it permits a client to effectively assist in their defense, whether to locate witnesses, review documents, prepare to testify, etc. Studies have demonstrated a correlation between pretrial release and acquittal at trial. Pretrial release also permits the client to put their medical, financial, personal and family affairs in order while awaiting their day in court.

9:35 – 10:35 a.m. PLENARY SESSION: Bail and Initial Appearance Lecture

Alison Siegler, Clinical Professor of Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL

The bond stage is every bit as important as trial and sentencing and affects every other stage of the case. Yet, key provisions of the Bail Reform Act are routinely misinterpreted or ignored at initial appearances and detention hearings, resulting in the improper detention of our clients. This session will include a thorough discussion of these misconceptions and will provide tools for fighting detention, identifying cases where a detention hearing is not authorized, and obtaining release.

10:35 – 10:45 a.m. Demo of Initial Appearance

Francisco (“Frank”) Morales, *Senior Litigator, Office of the Federal Public Defender for the Southern District of Texas, Corpus Christi, TX*

10:45 – 11:00 a.m. Break

11:00 a.m. – 12:15 p.m. WORKSHOP SESSION I: (Small Group Breakout)

Please see grouping list for group assignments

Participants will meet with their small group facilitators to discuss strategies on how to properly handle initial appearances and role-play with hypotheticals.

12:15 – 1:30 p.m. Lunch (on your own)

1:30 – 3:00 p.m. WORKSHOP SESSION II: (Small Group Breakout)

Participants will meet with their small group facilitators to continue their discussions on strategies on how to properly handle initial appearances and role-play with hypotheticals.

3:00 – 3:15 p.m. Break

3:15 – 4:05 p.m. PLENARY SESSIONS: Interviewing Your Client with an Eye Towards Bail

Alison Siegler, *Clinical Professor of Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

This session will break down how to conduct pretrial interviews that enable you to craft a compelling bond narrative, will demonstrate how to link your client’s story to the best aspects of the legal standard, and will ensure that you know the Bail Reform Act better than anyone else in the courtroom.

Interviewing with Cultural Competence and Cultural Humility
Fredilyn Sison, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of North Carolina, Asheville, NC*

This session will discuss critical components of effective interviewing, with a focus on cultural competency concerns.

4:05 – 4:15 p.m. Demo of Client Interview
Fredilyn Sison, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of North Carolina, Asheville, NC*
George Couture, *Attorney Advisor, Defender Services Office, Washington, DC*

4:15 – 5:15 p.m. WORKSHOP SESSION III: Practicing Effective Interviewing
Participants will meet with their small group facilitators to practice their interviewing skills by role-playing with mock cases.

5:15 p.m. Adjourn for the day

Friday, January 27, 2023

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

9:00 – 9:30 a.m. PLENARY SESSION: Creating and Supporting a Release Plan
Erica Zunkel, *Clinical Professor of Law, Associate Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

Obtaining pretrial release for our clients is the first and best step toward achieving a good result for our clients. This session will focus on the need to create a release plan that addresses the statutory concerns of public safety and flight as well as the standard conditions of release. The plan will provide specifics on many factors including where our clients will live, with whom, where they will work, and address other treatment and supervision concerns that will demonstrate they will be successful on pretrial release. The session will also provide ideas on how to support clients on pretrial release.

9:30 – 10:15 a.m. PLENARY SESSION: Detention Hearing Lecture
Alison Siegler, *Clinical Professor of Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

This session will focus on how to keep your client out of jail. This session will provide tools for fighting detention, beating the presumptions, filing written bond motions, and obtaining release.

10:15 – 10:30 a.m. Demo of Detention Hearing

Alison Siegler, *Clinical Professor of Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

10:30 – 10:45 a.m. Break

10:45 – 12:00 p.m. WORKSHOP SESSION IV: Detention Hearing Workshop

Participants will meet with their small group facilitators to practice arguments to be made at detention hearings using mock cases.

12:00 – 1:15 p.m. Lunch (on your own)

1:15 – 2:00 p.m. PLENARY SESSION: No, Really, Noncitizens Are Eligible for Pretrial Release Too

Colleen Fitzharris, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of Washington, Seattle, WA*

Do you waive pretrial release issues when your clients have immigration detainers (also called ICE holds or immigration holds)? Well, you don't have to! This session will provide practical tips on how to obtain bail despite the client's alleged unlawful presence in the United States. This session will also address clients charged with alleged crimes of violence.

2:00 – 2:45 p.m. PLENARY SESSION: Don't Take No for an Answer/Many Bites at the Apple

Andrew Grindrod, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of Virginia, Norfolk, VA*

Dissatisfied with the magistrate judge's bail order? At least two options are available: move for reconsideration or appeal to the district court. The defense (or prosecution) may seek review of the detention (or release) order at any time. This session will layout the process of how to appeal a magistrate judge's detention order, requests for stays, and motions for reconsideration.

2:45 – 3:00 p.m. Break

3:00 – 4:30 p.m. WORKSHOP SESSION V: Detention Hearing Workshop

Participants will continue meeting with their small group facilitators to practice arguments to be made at detention hearings, on appeal or reconsideration motions using mock cases.

4:30 p.m. Adjourn for the day

Saturday, January 28, 2023

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

9:00 – 10:30 a.m. PLENARY SESSION: Ask the Experts About the Snafus

Moderator: Jennifer Uyeda, *Visiting Attorney Advisor, Training Division, Defender Services Office, Washington, DC*

Susan Lin, *Partner, Kairys, Rudovsky, Messing, Feinberg & Lin, Philadelphia, PA*

Francisco (“Frank”) Morales, *Senior Litigator, Office of the Federal Public Defender for the Southern District of Texas, Corpus Christi, TX*

Amy H. Rubin, *Managing Attorney, Federal Defenders of Eastern Washington, Spokane, WA*

Ron Small, *First Assistant, Office of the Federal Public Defender for the Middle District of Tennessee, Nashville, TN*

Have you wondered which is the proper district court to review a federal magistrate judge's detention or release order – the district court in the district of arrest or the district court in the charging district? Or even where to have the hearing in the first place? Join this diverse panel discussion on the nuts and bolts of several bail related issues, including out-of-district issues (stays, detention despite release), challenging mandatory detention after the change of plea hearing; challenging the government's use of proffer at the hearing or a witness that knows nothing about the case; investigation of sureties; sourcing bail resources; addressing issues concerning the undocumented client with bail transfers to ICE or gets deported. This panel will engage in discussions and answer questions on all bail related questions, from initial appearance to supervised release violations hearing.

10:30 – 10:45 a.m. Break

10:45 – 11:45 a.m. PLENARY SESSION: Storytelling for Bail: Let My People Go!
Akin Adepoju, Attorney Advisor, Training Division, Defender Services Office, Washington, DC

Storytelling has always been a part of lawyering, but it has generally assumed an important role at trial and sentencing. This session will provide tips on how to organize and present facts in a way that resonates with the court as we make the case for release.

11:45 a.m. Closing Remarks and Program Adjournment
