



FEDERAL CJA TRIAL SKILLS ACADEMY

DEFENDER SERVICES OFFICE TRAINING DIVISION

August 4-9, 2024

Draft Agenda

Sunday, August 4, 2024

10:00 – 11:00 a.m. Registration & Continental Breakfast

11:00 – 11:15 a.m. Welcome to Milwaukee and Trial Skills Academy (Plenary)
Akin Adepoju, Chief, Defender Services Training Content Branch, Washington, DC
Craig Albee, Executive Director, Federal Defender Services of Wisconsin, Milwaukee, WI
Robert LeBell, CJA Panel Representative, Eastern District of Wisconsin, Milwaukee, WI

11:15 a.m. – 12:15 p.m. Fact-busting (Plenary) (Use of TSA Model Case)
Juval O. Scott, Director, National Sentencing Resource Counsel, Charlottesville, VA

This presentation will explore the essential components of effective fact-busting, involving active participation from all attendees to dissect the facts of the model case.

12:15 – 12:30 p.m. Demo: Fact-busting
Dennis Candelaria, Assistant Federal Public Defender, Office of the Federal Public Defender for the District of New Mexico, Albuquerque, NM

12:30 – 1:45 p.m. Lunch (on your own)

1:45 – 5:30 p.m. Fact-busting (Small Group Breakouts)

In this breakout session, participants bust the facts of their own cases in small group discussions.

5:30 p.m. Adjourn for the Day

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

Monday, August 5, 2024

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

8:30 – 9:30 a.m. Using Theory and Themes to Tell Your Client’s Story (Plenary)

Kasha Castillo, *Executive Director, Federal Defenders of San Diego, Inc., San Diego, California*

Having a theory of the case and supporting themes allows one to effectively organize a case and tell a persuasive defense story. This session will define theory and theme and will present the elements of effective, persuasive storytelling. It will address how to develop theories and themes and weave them into a defense story.

Factual stories move us emotionally – and have for centuries. They capture and draw us in. Juries and judges can better empathize and sympathize with our clients, and agree with our advocacy, when a compelling argument is made with storytelling. This session will also discuss the elements and techniques of persuasive storytelling and explain how to integrate your client’s story into your legal theory and incorporate it in every aspect of your trial presentation.

9:30 – 10:00 a.m. Demo: Theory and Themes

Chandra Peterson, *Assistant Federal Public Defender, Office of the Federal Public Defender for the District of Oregon, Portland, OR*

10:00 – 12:00 p.m. Using Theory and Themes to Tell Your Client’s Story (Small Group Breakouts)

In this breakout session, participants will engage in hands-on exercises to develop theories, themes, and storytelling elements for their cases. By the end of the session, each participant will craft a clearly articulated theory of the case, presented as a captivating hook, headline, or concise three-sentence paragraph.

12:00 – 1:15 p.m. Lunch (on your own)

1:15 – 3:45 p.m. Using Theory and Themes to Tell Your Client’s Story (Small Group Breakouts continued)

During this ongoing breakout session, participants will continue to practice the development of theories, themes, and storytelling elements. At its conclusion, each participant should have a clearly articulated theory of the case in the form of a hook, headline, or short three-sentence paragraph.

3:45 – 4:00 p.m. Break

4:00 – 5:00 p.m. Jury Selection (Plenary)

Fernando Freyre, *Criminal Defense Lawyer, Denver, CO*

Jury selection is a critical aspect of any jury trial. This session will concentrate on the objectives of jury selection, such as advancing the theory of the case, as well as strategies for questioning prospective jurors and techniques for gathering information from them.

5:00 p.m. Adjourn for the Day

Tuesday, August 6, 2024

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

8:30 – 11:30 a.m. Jury Selection (Small Group Breakouts)

During this breakout session, participants will practice *voir dire* and receive valuable constructive feedback.

11:30 – 12:45 p.m. Lunch (on your own)

12:45 – 1:45 p.m. Opening Statements (Plenary)

Jennifer Uyeda, *Chief of Training, Office of the Federal Public Defender for the Central District of California, Los Angeles, CA*

Opening statement is one's first opportunity to tell the jury what our case is all about. It is a critical part of the trial. This session will focus on the goals of, and preparation for, an opening statement, how jurors perceive opening statements, and the nuts & bolts of how to construct an opening statement that will advance the theory of the case and defense story.

1:45 – 2:00 p.m. Break

2:00 – 5:00 p.m. Opening Statements (Small Group Breakouts)

During this breakout session, participants will prepare and deliver opening statements, followed by receiving constructive feedback. They will then refine their opening statements based on the feedback received and deliver revised versions.

5:00 p.m. Adjourn for the Day

Wednesday, August 7, 2024

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

8:30 – 9:30 a.m. Cross-Examination (Plenary)

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

This session will cover goals of, and preparation for, cross-examination. Participants will learn effective cross-examination techniques, how to impeach a witness properly and effectively, and how to advance the theory of the case and defense story using cross-examination, including demonstrations of the proper techniques.

9:30 – 9:45 a.m. Break Coffee & Tea Refresh

9:45 – 10:15 a.m. Impeachment (Plenary)

Kevin Tate, *Litigation Resource Counsel, Office of the Federal Public Defender for the District of Nevada, Las Vegas, NV*

This session will concentrate on the proper and effective techniques for impeaching a witness.

10:15 – 10:45 a.m. Demos: Prosecution Direct and Defense Cross (with impeachment)

For the Prosecution: Kia Sears, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Virgin Islands, St. Thomas, VI*

For the Defense: Michael Carter, *Executive Director, Federal Community Defender of the Eastern District of Michigan, Detroit, MI*

10:45 – 11:00 a.m. Break

11:00 a.m.

– 12:15 p.m. Cross-Examination, Impeachment, and Additional Evidentiary Issues (Small Group Breakouts)

During this breakout session, participants will practice cross-examination, witness impeachment, and the appropriate procedures for using and admitting evidence. They will also receive constructive feedback to refine their techniques.

12:15 – 1:30 p.m. Lunch (on your own)

12:30 – 1:15 p.m. Demonstrative Evidence and Aids (Plenary) (optional)

Kasha Castillo, *Executive Director, Federal Defenders of San Diego, Inc., San Diego, CA*

Sometimes, a picture is worth a thousand words. This session will address the elements of the effective use of audio-visual aids in litigation.

1:30 – 4:00 p.m. Cross-Examination, Impeachment, and Additional Evidentiary Issues (Small Group Breakouts continued)

In this ongoing breakout session, participants will continue practicing cross-examination, witness impeachment, and the appropriate procedures for using and admitting evidence.

4:00 p.m. Adjourn for the Day

Thursday, August 8, 2024

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

8:30 – 9:30 a.m. Direct Examination / Witness Prep (Plenary)

Sara Peloquin, *Senior Trial Attorney, Federal Defenders of San Diego, Inc., San Diego, CA*

Direct examination provides another opportunity to advance the theory of the case and defense story. This session will address techniques for preparing the witness, such as explaining the courtroom scene and basic law, appearance and communication, practicing direct and cross, and preparing for obvious questions. It will also cover how to persuasively present their testimony in the courtroom, including the use of chapters, detailed facts, keeping the focus on the witness, and effective organization and transitions.

9:30 – 10:00 a.m. Demos: Direct Examination of Defense Witness, Prosecution Cross, Defense Redirect

For the Defense: Alejandro Fernandez, *Staff Attorney, Federal Defender Program, Inc. for the Northern District of Georgia, Atlanta, GA*

For the Prosecution: Fredilyn Sison, *CJA Panel Attorney, Western District of North Carolina, Asheville, NC*

10:00 – 10:15 a.m. Break

10:15 a.m. – 12:00 p.m. Direct Examination / Witness Prep (Small Group Breakouts)

During this breakout session, participants will hone their skills in conducting direct examinations, focusing on techniques such as clear questioning, effective storytelling, and building rapport with witnesses. Constructive feedback will be provided to help refine their approach and enhance their performance.

12:00 – 1:15 p.m. Lunch (on your own)

1:15 – 2:45 p.m. Direct Examination / Witness Prep (Small Group Breakouts continued)

2:45 – 3:00 p.m. Break

3:00 – 4:00 p.m. Closing Arguments (Plenary)

Closing arguments are the last opportunity to communicate directly with the jury. This session will cover techniques that can be used to effectively and persuasively communicate the theory of the case and defense story.

4:00 – 5:00 p.m. Closing Arguments (Small Group Breakouts)

During this breakout session, participants will collaborate with faculty to craft closing arguments tailored to their own cases, which they will then deliver in their small groups.

5:00 p.m. Adjourn for the Day

Friday, August 9, 2024

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

8:30 – 11:00 a.m. Closing Arguments (Small Group Breakouts continued)

11:00 – 11:15 p.m. Break

11:15 – 12:15 p.m. Closing Argument Demonstration

For the Prosecution: *Kia Sears, Assistant Federal Public Defender, Office of the Federal Public Defender for the Virgin Islands, St. Thomas, VI*

For the Defense: *Byron Conway, Executive Director, Federal Defenders of the Middle District of Georgia, Inc., Macon, GA*

12:15 – 1:15 p.m. Jury Deliberations Observation

Participants will have the unique opportunity to observe jury deliberations following the closing arguments through closed circuit TV.

1:15 – 1:30 p.m. Closing Remarks

Trial Skills Academy Faculty

Akin Adepoju, Chief, Defender Services Training Content Branch, Washington, DC

Craig Albee, Executive Director, Federal Defender Services of Wisconsin, Milwaukee, WI

Tara I. Allen, Professor of Law, Roger Williams University School of Law, Bristol, RI

Dennis Candelaria, Assistant Federal Public Defender, Office of the Federal Public Defender for the District of New Mexico, Albuquerque, NM

Michael Carter, Executive Director, Federal Community Defender of the Eastern District of Michigan, Detroit, MI

Kasha Castillo, Executive Director, Federal Defenders of San Diego, Inc., San Diego, California

Mireille Clough, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Middle District of North Carolina, Winston Salem, NC*

Byron Conway, *Executive Director, Federal Defenders of the Middle District of Georgia, Inc., Macon, GA*

Craig Crawford, *Attorney Advisor, Defender Services Office Training Division, Washington, DC*

Alejandro Fernandez, *Staff Attorney, Federal Defender Program, Inc. for the Northern District of Georgia, Atlanta, GA*

Fernando Freyre, *Criminal Defense Lawyer, Denver, CO*

Michael Kennedy, *Law Office of Michael Jerome Kennedy, PLLC, Reno, NV*

Desiree Lassiter, *Attorney Advisor, Defender Services Office Training Division, Washington, DC*

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

Sara Peloquin, *Senior Trial Attorney, Federal Defenders of San Diego, Inc., San Diego, CA*

Chandra Peterson, *Assistant Federal Public Defender, Office of the Federal Public Defender for the District of Oregon, Portland, OR*

Juval O. Scott, *Director, National Sentencing Resource Counsel, Charlottesville, VA*

Kia Sears, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Virgin Islands, St. Thomas, VI*

Fredilyn Sison, *CJA Panel Attorney, Western District of North Carolina, Asheville, NC*

Kevin Tate, *Litigation Resource Counsel, Federal Public Defender’s Office for the District of Nevada, Las Vegas, NV*

K. Anthony Thomas, *Federal Public Defender, Office of the Federal Public Defender for the District of New Jersey, Newark, NJ*

Jennifer Uyeda, *Chief of Training, Office of the Federal Public Defender for the Central District of California, Los Angeles, CA*