



FEDERAL CJA TRIAL SKILLS ACADEMY

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

Portland Marriott Downtown Waterfront
1401 SW Naito Pkwy, Portland, OR 97201

September 11-16, 2022

Final Agenda

Sunday, September 11, 2022

10:15 – 11:15 a.m. **Registration & Continental Breakfast**

11:15 – 11:30 a.m. **Welcome and Introduction to the Academy Reception (Plenary)***

The Honorable Ann Aiken, *Judge, United States District Court, District of Oregon, Eugene, OR*

Lisa Hay, *Federal Public Defender, Office of the Federal Public Defender for the District of Oregon, Portland, OR*

Lisa Lunt, *Attorney Advisor, Defender Services Office Training Division, Administrative Office of the U.S. Courts, Washington, D.C.*

11:30 a.m. – **Fact-busting (Plenary) (Use of Plenary Fact Problem)**

12:30 p.m. Michael Kennedy, *Law Office of Michael Jerome Kennedy, PLLC, Reno, NV*

This session will present the elements of effective fact-busting and include having all participants bust the facts of the plenary fact problem.

12:30 – 1:30 p.m. **Lunch (on your own)**

1:30 – 5:15 p.m. **Fact-busting (Small Group Breakouts)**

Participants bust the facts of their own cases in small group breakouts.

2:30 – 3:00 p.m. *Flexible Break (light snack available)*

4:00 – 4:30 p.m. *Flexible Break (light snack available)*

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

Monday, September 12, 2022

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

8:30 – 9:30 a.m. Attorney-Client Relations and Interviewing Skills (Plenary)

Fredilyn Sison, *Assistant Federal Defender, Office of the Federal Public Defender for the Western District of North Carolina, Asheville, NC*

This session will focus on important aspects of the attorney-client relationship, as well as the elements of effective interviewing. Participants will learn to obtain information from a client and others that will best allow the creation of a persuasive theory of the case.

9:30 – 9:45 a.m. Break

9:45 – 11:45 a.m. Interviewing Skills (Small Group Breakouts)

Participants practice interviewing techniques and skills and receive constructive feedback.

**11:45 a.m. –
1:15 p.m. Lunch (on your own)**

1:15 – 2:15 p.m. Using Theory and Themes to Tell Your Client’s Story (Plenary)

Norma Aguilar, *Supervising Trial Attorney, Federal Defenders of San Diego, San Diego, CA*

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 a 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.

2:15 – 2:30 p.m. Break

2:30 – 5:00 p.m. Development of Theory and Themes and Storytelling (Small Group Breakouts)

During this breakout, participants 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.

5:00 p.m. Adjourn for the Day

Tuesday, September 13, 2022

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

8:30 – 9:15 a.m. Demonstrative Evidence and Aids (Plenary)

Kasha Castillo, *Assistant Federal Defender, 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.

9:15 – 10:15 a.m. Jury Selection (Plenary)

Callie Glanton Steele, *Senior Litigator, Office of the Federal Public Defender for the Central District of California, Los Angeles, CA*

One of the most important aspects of any trial is jury selection. This session will focus on goals in selecting a jury (including advancing the theory of the case), approaches to questioning prospective jurors, and the methods by which you can gather information from prospective jurors.

10:15 – 10:25 a.m. Break

10:25 a.m.

– 12:30 p.m. Jury Selection (Small Group Breakouts)

Participants will practice voir dire and receive constructive feedback.

12:30 – 2:00 p.m. Lunch (on your own)

2:00 – 2:45 p.m. Opening Statements (Plenary)

Jennifer Uyeda, *Visiting Attorney Advisor, Defender Services Office Training Division, Administrative Office of the U.S. Courts, Washington, D.C.*

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.

2:45 – 2:50 p.m. Break

2:50 – 5:00 p.m. Preparation for and Presentation of Opening Statements (Small Group Breakouts)

Participants prepare and present opening statements and receive constructive feedback.

Wednesday, September 14, 2022

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

8:30 – 9:30 a.m. Preparation for and Presentation of Opening Statements (Small Group Breakouts continued)

9:30 – 9:40 a.m. Break

9:40 – 10:30 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 properly and effectively impeach a witness, and how to advance the theory of the case and defense story through the use of cross-examination, including demonstrations of the proper techniques.

10:30 – 11:15 a.m. Impeachment (Plenary)

Dumaka Shabazz, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Middle District of Tennessee, Nashville, TN*

This session will expand upon the cross-examination plenary and delve into how to properly and effectively impeach a witness.

11:15 – 11:30 a.m. Break

11:30 a.m.

– 12:00 p.m. Demos: Prosecution Direct, Defense Cross and Prosecution Redirect

For the Prosecution: Fidel Cassino-Ducloux, *Third Level Supervisory AFD, Office of the Federal Public Defender for the District of Oregon, Portland, OR*

For the Defense: Alejandro Fernandez, *First Assistant Federal Public Defender, Office of the Federal Public Defender for the District of New Mexico, Albuquerque, NM*

12:00 – 1:30 p.m. Lunch (on your own)

1:30 – 4:45 p.m. Cross-Examination and Evidence Issues (Small Group Breakouts)

Participants practice cross-examination, impeachment of witnesses, and proper procedures for the use and admission of evidence during cross-examination, and receive constructive feedback.

4:45 p.m. Adjourn for the Day

Thursday, September 15, 2022

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

8:30 – 9:15 a.m. Direct Examination / Witness Prep (Plenary)

Sara M. Peloquin, *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.

9:15 – 9:20 a.m. Break

9:20 – 10:00 a.m. Demos: Direct Examination of Defense Witness, Prosecution Cross, Defense Redirect

For the Defense: Sara M. Peloquin, *Trial Attorney, Federal Defenders of San Diego, Inc., San Diego, CA*

For the Prosecution: TBD

10:00 – 10:15 a.m. Break

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

Participants practice direct examinations and receive constructive feedback.

12:00 – 1:30 p.m. Lunch (on your own)

1:30 – 3:00 p.m. Direct Examination / Witness Prep (Small Group Breakouts continued)

3:00 – 3:15 p.m. Break

3:15 – 4:00 p.m. Closing Arguments (Plenary)

Juval O. Scott, *Federal Public Defender, Office of the Federal Public Defender for the Western District of Virginia, Roanoke, VA*

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. Preparation for Closing Arguments (Small Group Breakouts)

With the assistance of faculty, participants prepare closing arguments that will be performed in the following breakout.

5:00 p.m. Adjourn for the Day

Friday, September 16, 2022

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

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

10:00 – 10:30 a.m. Flexible Break (light snack available)

11:10 – 12:10 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, Staff Attorney, Georgia Federal Defender Program, Inc., Atlanta, GA*

12:10 – 12:20 p.m. Break (light snack available)

12:20 – 1:15 p.m. Jury Deliberations Observation

Participants have a rare opportunity to view jury deliberations after the closing arguments via closed circuit TV.

1:15 – 1:30 p.m. Closing Remarks, Certificate of Attendance Pick-up