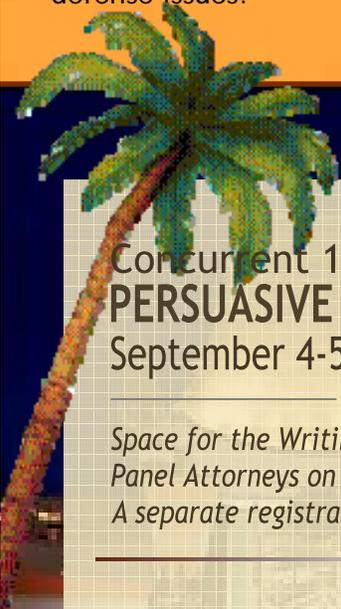


# MULTI-TRACK FEDERAL CRIMINAL DEFENSE SEMINAR

The Multi-Track Federal Criminal Defense Seminar is designed to offer in depth instruction in a variety of substantive criminal topic areas. Several of the tracks will be presented in four distinct hour-long time blocks. The sessions will be presented on Thursday and then repeated on Friday. This design will allow seminar participants the opportunity to attend two of the separate tracks. On Saturday, seminar participants will have the opportunity to select from four additional topics. In addition to the above-referenced tracks, the seminar will also include plenary sessions addressing topics of general interest and importance to criminal defense practitioners, along with the opportunity to attend small group breakouts covering a variety of substantive criminal defense issues.

**Marriott.**  
LOS ANGELES  
DOWNTOWN

September 4-6, 2008



Concurrent 1 and 1/2 day  
**PERSUASIVE WRITING WORKSHOP**  
September 4-5, 2008

*Space for the Writing Workshop is limited to 24 CJA Panel Attorneys on a first come, first served basis. A separate registration is required.*

Concurrent 1 day  
**FUNDAMENTALS of FEDERAL  
CRIMINAL DEFENSE PROGRAM**  
September 5, 2008

*Opportunity for new federal practitioners to receive instruction on topics essential to defending clients in federal criminal cases.*



Registration forms,  
draft agenda and  
financial assistance  
applications are  
available at  
[WWW.FD.ORG](http://WWW.FD.ORG)

**Limited financial assistance  
will be offered.**

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

*Multi-Track Federal Criminal Defense Seminar:  
Strategies For Defending Complex Cases*  
September 4-6, 2008

*and*

*Persuasive Writing Workshop for Trial Lawyers*  
September 4-5, 2008

**Los Angeles Marriott Downtown  
Los Angeles, California**

The Multi-Track Federal Criminal Defense Seminar is designed to offer in depth instruction in a variety of substantive criminal topic areas. Four of the tracks - Gangs, Computer Crimes, Immigration, and Trial Skills - will be presented in four distinct hour-long time blocks. The sessions will be presented on Thursday, September 4, 2008, and then repeated on Friday, September 5, 2008. This design will allow seminar participants the opportunity to attend two of the separate tracks. In addition, on Thursday, September 4, 2008, there will be a full day track - "Fundamentals of Federal Criminal Practice"- that offers practitioners who are new to federal criminal defense practice the opportunity to receive instruction on the areas most vital to providing an effective defense for their clients. On Saturday, September 6, 2008, seminar participants will have the opportunity to select from four additional tracks, including Mental Health, Noncapital Mitigation, and Mortgage Fraud.

In addition to the above-referenced tracks, the seminar will also include plenary sessions addressing topics of general interest and importance to criminal defense practitioners, along with the opportunity to attend small group breakouts covering a variety of substantive criminal defense issues.

Also on September 4-5, 2008, in conjunction with the Multi-Track Seminar, the Persuasive Writing Workshop for Trial Lawyers will offer CJA panel attorneys the opportunity to participate in an intensive writing program. During the course of this 1 and a half-day workshop, participants will learn how to use storytelling techniques to make legal writing persuasive, and how to make their writing clear and concise. The workshop combines interactive group discussion with a hands-on exercise in drafting a typical trial level motion and memorandum in support. **Participants will have assignments prior to the start of the workshop. Participation in this workshop is limited to 24 panel attorneys. A separate registration is required.** CJA panel attorneys are welcome to participate in either the Multi-Track Seminar, the Persuasive Writing Workshop, or both.

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

*Multi-Track Federal Criminal Defense Seminar:  
Strategies For Defending Complex Cases*

September 4-6, 2008  
Los Angeles, California

Draft Agenda  
(July 8, 2008)

Thursday, September 4, 2008<sup>1</sup>

7:30 to 8:30 A.M.     **Registration**

8:30 to 8:45 A.M.     **Welcoming Remarks**

*Lori A. Green, Attorney-Advisor, Office of Defender Services Training  
Branch, Washington, D.C.*

8:45 to 9:45 A.M.     **Keynote Speech**

*“Who's Who in Court - The Faces Behind the Cases,”  
Heather Williams, First Assistant AFPD, District of Arizona*

9:45 to 10:45 A.M.

**Track Presentations**

**1. Gangs**

*During this track learn how to defend a gang case from bond hearing to sentencing, with a specific focus on creative motions and cross-examination of “gang” experts. The sessions will also provide tips on how to investigate gang cases and how to develop defenses for use at trial, plea negotiations and sentencing, such as whether an “enterprise” even exists and whether the acts attributed to your client were in furtherance of the enterprise or were actually gang activities.*

**2. Immigration**

*Immigration cases present a variety of issues often not encountered in the defense of other types of cases. Learn some of the specific defenses available in illegal reentry cases and how to make effective use of mitigation evidence. Alien smuggling cases may*

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<sup>1</sup>A persuasive writing workshop will take place on Thursday, September 4, 2008, from 8:30 A.M to 5:00 P.M and Friday, September 5, 2008. Advance registration is required for this program and space is limited to no more than 24 CJA panel attorneys. In addition, a full day Fundamentals of Federal Criminal Defense track presentation takes place on Thursday, September 4, 2008. No advance registration is required to attend that program.

*present opportunities to attack the specific elements of proof and pretrial motions may play a large role in the defense. All of those issues and more will be covered during the sessions in this track.*

### **3. Trial Skills**

*Although the majority of federal criminal cases are resolved by pleas, it is imperative that a defense attorney have the skills needed to be successful at trial. This track highlights some of the areas that are essential to an effective trial presentation.*

### **4. Computer Crimes**

*Computer technology is playing an increasing role in criminal cases. Specific criminal offenses involve the use of computers requiring increased knowledge of the technology and forensic techniques utilized to evaluate evidence. The aim of these sessions is to provide an overview of some of the specific crimes associated with computers and the forensic science involved in evaluating the strengths and weaknesses of the cases.*

## **Track Presentations**

**9:45 to 10:45 A.M.**

### **1) Gangs:**

#### **Defining the Gang**

*Kate Corrigan, Esq., Corrigan Law Corporation, APLC, Newport Beach, CA*

This session explores whether an “enterprise” even exists and whether the acts attributed to your client were in furtherance of the enterprise or were properly characterized as gang activities.

### **2) Immigration**

#### **Defending Against the Illegal Entry and Illegal Reentry Charges**

*Dennis Candelaria, AFD, District of New Mexico*

Element by element, this session will discuss concrete defenses to raise against a charge of illegal entry or illegal reentry. Participants will gain an understanding of defenses related to derivative and acquired citizenship, collateral attacks on prior removals, the required *mens rea*, inadequate corroboration of a confession, permission to reapply for admission, and voluntariness. Participants will also gain an understanding of the documents contained in an “A-file” and learn how to use information found within them.

### **3) Trial Skills**

#### **Developing Theories and Themes and How to Use Them Effectively in Opening Statements and Closing Arguments**

*Anthony Natale, AFD, Southern District of Florida (invited)*

Having a theme and/or theory of defense organizes your presentation and helps you tell a compelling story that benefits your client. This session will address how you develop theories and themes and weave them into your defense.

### **4) Computer Crimes**

#### **An Overview of Computer Crimes**

*G. Patrick Black*

This presentation will focus on federal computer and internet crimes

including hacking, identity theft, cyberstalking, unauthorized password, and fraud. It will also provide tips on how to investigate an alleged computer crime. Additionally, the session will focus on child pornography cases with an in-depth discussion of statutes, constitutional issues, search and seizure, pretrial detention, sentencing guidelines and other related issues.

**10:45 to 11:00 A.M. BREAK**

## **Track Presentations**

**11:00 to 12 noon**

### **1) Gangs**

#### **Investigation and Developing a Defense**

*Ellen Barry, Esq., Law Office of Ellen Barry, Los Angeles, CA*

A large part of the defense in a gang case may depend on the results of the investigative efforts. This session explores how those efforts can shape the defense, and the importance of gathering facts to either attack the government's theory or develop the defense theory.

### **2) Immigration**

#### **Grounds of Deportability and Inadmissibility Related to Crimes**

*Dan Kesselbrenner, Director, National Lawyers Guild Immigration Project, Boston, MA*

This session provides a careful examination of the types of convictions that can lead to deportation of your clients who are not United States citizens. This is important information to consider when advising your client of his or her options in a criminal proceeding.

### **3) Trial Skills**

#### **Cross-Examination**

*Juval O. Scott, AFD, Southern District of Indiana Community Defender, Inc.*

This presentation will provide a discussion of cross-examination techniques, and the need to fully investigate the background of the witness – including the details of his/her deal with the government.

### **4) Computer Crimes**

#### **Computer Based Sex Crimes: Defending Enticement and Child Pornography Cases**

*Kim Savo, AFD, Central District of California*

This session will focus on some of the issues that often arise in connection with the defense of internet-based sex crimes. Among other topics, this session will cover the most commonly charged offenses, detention issues, pretrial motions, trial defenses, and sentencing issues.

**12:00 to 1:00 P.M.**

**1) Gangs**

**Pretrial Motions**

*Correen Ferrentino, Esq., Law Offices of Correen Ferrentino, Costa Mesa, CA*

This presentation looks at the specific types of motions that might be successful in the defense of a client charged in a gang case. Specific types of discovery motions might be applicable in the context of a gang case and, motions *in limine* might be a major component of the defense. These and other defense motions will be explored.

**2) Immigration**

**Defending Against Charges of Alien Smuggling, Alien Transporting, and Alien Harboring**

*Selena Solis, AFPD, Western District of Texas*

Key to the government's prosecution is the testimony from "material witnesses," who are themselves alleged undocumented immigrants. Learn how to interview these witnesses and prepare effectively for cross-examination (either in a deposition or at trial) and challenge the use of deposition testimony. This session will also suggest pretrial motions and trial strategies that will help you counter the assertion that your client knew the people with whom he was traveling were undocumented immigrants, and the allegation that the offense charged was committed for profit.

**3) Trial Skills**

**Evidence Meets Hollywood: A Workshop for Training the Litigator Ear to Make, Meet, and Win Trial Objections**

*Francisco Morales, AFPD, Western District of Texas*

Making, meeting, and winning trial objections starts with listening to everything that occurs in the courtroom setting. The goal of this presentation is to train the litigator's ear in spotting, meeting, and winning evidentiary objections. It will use a multimedia approach (television, movies, music, etc.) to train the litigator's ear in determining proper objections and a winning strategy for making and meeting objections.

**4) Computer Crimes**

**Forensics**

*Instructor TBA*

All is not as it seems when it comes to computers. Is what's on the screen really there? And how did it get there? Does it belong to your client? Who put it there and when did it get there? These questions may be key to your defense. This session addresses those and similar issues that arise in cases involving computers.

**1:00 to 2:30 P.M.**

**LUNCH**

## Track Presentations

2:30 to 3:30 P.M.

### 1) Gangs

#### **Cross Examination of Gang Experts**

*Martin Sabelli, Esq., Law Offices of Martin Sabelli, San Francisco, CA*

Gang prosecutions often rely on the use of expert testimony to classify certain types of behavior as “gang related” or “gang activity”. Learn what types of questions to ask the “expert” about both his or her background and the conclusions he or she is drawing from the prosecution’s allegations.

### 2) Immigration

#### **Sentencing Defenses in Illegal Entry and Illegal Reentry Cases: Gathering Evidence to Show Favorable § 3553(a) Factors, Understanding §2L1.2, and Fighting the Aggravated Felony Enhancements**

*Instructor TBA*

Clients convicted of illegal reentry often face far longer sentences than they did when convicted of more serious offenses prior to their deportation. This session will help you assert § 3553(a) factors post- *Rita*, *Gall*, and *Kimbrough*; argue against upward adjustments based on prior aggravated felonies and drug-trafficking offenses; and make creative sentencing presentations to the court.

### 3) Trial Skills

#### **Using PowerPoint to Create Effective and Dynamic Closing Arguments**

*Thomas C. Plunkett, Esq., St. Paul, Minnesota*

Technology can be a powerful tool in the courtroom. Learn how to use Powerpoint to make your closing arguments come alive for the jury.

### 4) Computer Crimes

#### **Identity Theft**

*Martin Richey, AFD, District of Massachusetts*

Identity theft is the crime du jour. This session will provide an overview of federal identity theft and identity fraud cases, including review of the relevant statutes and sentencing guidelines, and potential pretrial, trial, and sentencing issues.

3:35 to 4:35 P.M.

### **Supreme Court Update**

*Paul Rashkind, AFD, Southern District of Florida*

This session provides an update on recent Supreme Court decisions affecting federal criminal practice, and reviews issues currently under consideration

4:35 to 4:50 P.M.

### **BREAK**

**4:50 to 5:50 P.M.      Where We Stand with the Amended Crack Cocaine Guideline:  
Effectively Advocating for Clients Retroactively and Prospectively**

*Martin Richey, AFPD, District Of Massachusetts*

*Molly Roth, AFPD, Western District of Texas*

This session will focus on the effective representation of clients who benefit from the retroactive application of the new (lower) crack cocaine sentencing guideline and of clients who have been recently convicted of crack cocaine charges.

**5:50 P.M.                      Adjournment**

Friday, September 5, 2007

**8:30 to 9:30 A.M. Plenary Session: Sentencing Update Panel Discussion  
Sentencing Update Panel Discussion**

*Amy Baron-Evans, National Sentencing Resource Counsel, Boston, MA  
Paul Hofer, Former Senior Analyst, United States Sentencing  
Commission, Washington, D.C.,*

The panelists will discuss the impact of the Supreme Court's decisions in *Rita, Gall* and *Kimbrough*; the changes to the Sentencing Guidelines effective November 1, 2007; and the potential areas for Guideline amendments in 2008.

**Repeat of Thursday Track Presentations Through 3:00 p.m.**

**9:40 to 10:40 AM 1) Gangs:**

**Defining the Gang**

*Kate Corrigan, Esq., Corrigan Law Corporation, APLC, Newport Beach, CA*

This session explores whether an “enterprise” even exists and whether the acts attributed to your client were in furtherance of the enterprise or were properly characterized as gang activities.

**2) Immigration**

**Defending Against the Illegal Entry and Illegal Reentry Charges**

*Dennis Candelaria, AFPD, District of New Mexico*

Element by element, this session will discuss concrete defenses to raise against a charge of illegal entry or illegal reentry. Participants will gain an understanding of defenses related to derivative and acquired citizenship, collateral attacks on prior removals, the required *mens rea*, inadequate corroboration of a confession, permission to reapply for admission, and voluntariness. Participants will also gain an understanding of the documents contained in an “A-file” and learn how to use information found within them.

**3) Trial Skills**

**Developing Theories and Themes and How to Use Them Effectively in Opening Statements and Closing Arguments**

*Anthony Natale, AFPD, Southern District of Florida (invited)*

Having a theme and/or theory of defense organizes your presentation and helps you tell a compelling story that benefits your client. This session will address how you develop theories and themes and weave them into your defense.

**4) Computer Crimes**

**An Overview of Computer Crimes**

*G. Patrick Black*

This presentation will focus on federal computer and internet crimes including hacking, identity theft, cyberstalking, unauthorized password, and fraud. It will also provide tips on how to investigate an alleged computer crime. Additionally, the session will focus on child pornography cases with an in-depth discussion of statutes, constitutional issues, search

and seizure, pretrial detention, sentencing guidelines and other related issues.

**10:40 to 10:55 AM Break**

## **Track Presentations**

**10:55 A.M. to 11:55 1) Gangs**

### **Investigation and Developing a Defense**

*Ellen Barry, Esq., Law Office of Ellen Barry, Los Angeles, CA*

A large part of the defense in a gang case may depend on the results of the investigative efforts. This session explores how those efforts can shape the defense, and the importance of gathering facts to either attack the government's theory or develop the defense theory.

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#### **Grounds of Deportability and Inadmissibility Related to Crimes**

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### **4) Computer Crimes**

#### **Computer Based Sex Crimes: Defending Enticement and Child Pornography Cases**

*Kim Savo, AFD, Central District of California*

This session will focus on some of the issues that often arise in connection with the defense of internet-based sex crimes. Among other topics, this session will cover the most commonly charged offenses, detention issues, pretrial motions, trial defenses, and sentencing issues.

**11:55 to 1:00 PM LUNCH**

**Track Presentations**

**1:00 PM to 2:00 PM**

**1) Gangs**

**Pretrial Motions**

*Correen Ferrentino, Esq., Law Offices of Correen Ferrentino, Costa Mesa, CA*

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*Selena Solis, AFPD, Western District of Texas*

Key to the government's prosecution is the testimony from "material witnesses," who are themselves alleged undocumented immigrants. Learn how to interview these witnesses and prepare effectively for cross-examination (either in a deposition or at trial) and challenge the use of deposition testimony. This session will also suggest pretrial motions and trial strategies that will help you counter the assertion that your client knew the people with whom he was traveling were undocumented immigrants, and the allegation that the offense charged was committed for profit.

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*Instructor TBA*

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## Track Presentations

**2:00 to 3:00 P.M.**

### **1) Gangs**

#### **Cross Examination of Gang Experts**

*Martin Sabelli, Esq., Law Offices of Martin Sabelli, San Francisco, CA*

Gang prosecutions often rely on the use of expert testimony to classify certain types of behavior as “gang related” or “gang activity”. Learn what types of questions to ask the “expert” about both his or her background and the conclusions he or she is drawing from the prosecution’s allegations.

### **2) Immigration**

#### **Sentencing Defenses in Illegal Entry and Illegal Reentry Cases:**

#### **Gathering Evidence to Show Favorable § 3553(a) Factors, Understanding §2L1.2, and Fighting the Aggravated Felony Enhancements**

*Instructor TBA*

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*Thomas C. Plunkett, Esq., St. Paul, Minnesota*

Technology can be a powerful tool in the courtroom. Learn how to use Powerpoint to make your closing arguments come alive for the jury.

### **4) Computer Crimes**

#### **Identity Theft**

*Martin Richey, AFD, District of Massachusetts*

Identity theft is the crime du jour. This session will provide an overview of federal identity theft and identity fraud cases, including review of the relevant statutes and sentencing guidelines, and potential pretrial, trial, and sentencing issues.

**3:00 to 3:15 P.M.**

**BREAK**

**3:15 to 4:15 P.M.**

**Breakout Sessions**

### **1) The Nuts and Bolts of Federal Firearms Law**

*Leigh Skipper, APD, Defender Services of Philadelphia*

This presentation will cover the most common legal issues arising during both the guilt-innocence phase and the sentencing phase of federal firearms cases, with particular emphasis on prosecutions under 18 U.S.C.

922(g)(1) and 924(e) (the felon in possession statutes) and the corresponding sentencing guideline, USSC 2K2.1. Common trial defenses and sentencing enhancements, including the statutory enhancement for "armed career offenders," will be discussed in detail. Two papers -- one covering guilt-innocence issues and the other addressing the firearms sentencing guideline -- will be distributed.

## **2) Attacking Wiretaps**

*Liliana Coronado, AFPD, Central District of California*

*Callie Glanton Steele, AFPD, Central District of California*

A step-by-step discussion of how to attack wiretap evidence.

## **3) Conspiracy, Rico and Co-Defendant Issues**

*Instructor TBA*

Most of the cases that are being paneled are co-defendant cases, primarily conspiracies. These cases are increasingly focusing on gangs and charging CCEs and RICO. This session will discuss what the government has to show to prove a bona fide conspiracy; what motions (severance, bill of particulars, exclusion of evidence, etc.) to file; how to find out who the government's informants are; and how to get interviews with them.

## **4)The Adam Walsh Act**

*Nicole Kaplan, AFPD, Northern District of Georgia*

The Adam Walsh Child Protection and Safety Act of 2006 was enacted on July 27, 2006. In addition to establishing a national sex offender registry law, the Act made significant changes to sexual abuse, exploitation, and transportation crimes. The Act created new substantive crimes, expanded federal jurisdiction over existing crimes, and increased statutory minimum and/or maximum sentences. This session will provide an overview of the Act and discuss bail, discovery and prophylactic measures.

## **5) CJA Case Budgeting and Resource Issues**

*Randall Schnack, CJA Supervising Attorney, Central District of California (Invited)*

This session will discuss how to obtain funding when you need technical and other litigation support and offer you an opportunity to ask very knowledgeable and experienced panel experts/administrators any questions you have about CJA administrative policies.

## **6) Jury Instructions**

*Jay L. Lichtman, Esq., Law Offices of Jay L. Lichtman, Los Angeles, CA*

A discussion of how to prepare jury instructions and special verdict forms that address the issues that arise in criminal cases, including unanimity instructions, conspiracy instructions and other instructions relevant to multiple count and multiple defendant cases.

## **7) Experts: When You Should Consider Using Them**

*Eric Vos, AFPD, District of Maine*

A discussion of the use of experts in a criminal case, both pretrial and

during trial, including admissibility of evidence, qualifying the expert to testify and cross-examining the government's expert.

**4:20 to 5:20 P.M.    How to Discover and Challenge Warrantless Digital Searches and Seizures**

*Jennifer Granick, Esq., Electronic Frontier Foundation, San Francisco, CA*

*Matt Zimmerman, Esq., Electronic Frontier Foundation, San Francisco, CA*

A discussion of novel issues of statutory and constitutional digital search and seizure law, including remote searches of data stored on computer networks, access to copies of e-mail and text messages with less than probable cause, warrantless tracking of suspects via cell phone information, and dragnet surveillance of internet traffic.

**5:20 P.M.    Adjournment**

**Saturday, September 6, 2007**

## **Track Presentations**

### **1) Non-Capital Mitigation**

*In Booker/Fanfan, the Supreme Court confirmed the relevance of the nature and circumstances of the offense and the history and characteristics of the defendant. (18 USC Section 3553(a)) These sessions are designed to help the defense attorney in the development and presentation of mitigating factors, including narrative approaches to telling the client's story, interpretation of life history records, utilizing community resources, and effective strategies in sentencing presentations.*

### **2) Mortgage Fraud**

*As a result of issues in the housing industry a new breed of fraud prosecutions has emerged. Defending these cases requires defense counsel to learn a new industry complete with its own unique terms and specialized forms. This track looks at those terms, the documents involved in the transactions and offers suggestions on how to best defend against the charges in these types of cases.*

### **3) Mental Health**

*This track discusses the various types of mental health issues which can impact the defense of your client. Learn the signs which may signal the need for the services of a mental health expert. What you learn can impact how you interact with your client, the defense you pursue and the sentencing factors you present to the court.*

## **Track Presentations**

**8:30 to 9:30 A.M.**

### **1) Non-Capital Mitigation Conceptualizing Mitigation**

*Robert Dunham, Assistant Federal Defender, PAE*

*Stuart Lev, Assistant Federal Defender, PAE*

This session will provide an integrated framework for understanding what mitigating evidence is, and how to investigate and present it. It will start with a summary of recent Supreme Court case law reaffirming the core principle that defendants have a constitutionally protected right to present mitigating evidence, and that state statutes, instructions, and evidentiary rules must provide juries a meaningful opportunity to give effect to what makes the evidence mitigating. The session will teach new lawyers how to "think large" about mitigating circumstances: describing the multiple dimensions and interrelatedness of what may sometimes appear to be different kinds of mitigating evidence; explaining how to investigate and develop testimony from family and lay witnesses, institutional records, case-related institutional witnesses, and defense social history and mental health experts to most persuasively present interrelated mitigation themes. It will use age, poverty, and antisocial personality disorder as stepping-off points to illustrate the personal, social, psychological, and neuropsychological dimensions of mitigating evidence and explore the

differences between the type of superficial investigation and presentation of these factors that are frequently seen at trial and the type of thorough investigation and presentation the constitution requires and our clients deserve.

## **2) Mortgage Fraud**

### **Introduction to Mortgage Fraud, Terms and Players**

*Angela Parrott, AFD, Western District of North Carolina*

*Kevin Tate, AFD, Western District of North Carolina*

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.

## **3) Mental Health**

### **Recognizing and Confronting Mental Health Issues**

*Instructor TBA*

Is your client a difficult personality? Does he/she have mental health issues that impact his/her ability to assist the defense? Does the condition provide a defense or significant mitigation evidence? Learn about the signs that could indicate the need for further evaluation and what to do with the information once you have it.

## **4) Track Presentations**

### **9:30 to 10:30 A.M. 1) Non-Capital Mitigation**

#### **Telling Your Client's Story**

*Melissa Kupferberg, Investigator, Middle District of Florida (Invited)*

*Lori James-Monroe, Investigator, Mitigation Specialist, Lori James-Monroe and Associates, Baltimore, MD (Invited)*

An effective mitigation presentation requires the services of a mitigation specialist/investigator. This presentation details the skills and services that those professionals can provide to the defense team. Learn how to work as a team to uncover those aspects of your client's life experiences that may play a significant role in sentencing and the overall defense strategy. This session explores narrative approaches to telling the client's story and how to use these techniques to support lower sentences.

## **2) Mortgage Fraud**

### **Obtaining Critical Documents Outside of Discovery In Preparation For A Dispute On Loss**

*John Nicholson, AFD, Northern District of Texas*

This session will provide an introduction to determining loss and will

outline critical documents that should be obtained that are not ordinarily provided in discovery

### **3) Mental Health**

#### **Recognizing and Understanding Mental Retardation, Learning Disabilities and A.D.D.**

*Nancy Cowardin, Ph.D., Educational Diagnostics, Whittier, California*

This session will help you determine if a client suffers from mental retardation, learning disabilities and/or attention deficit disorder. It will show you how you can use this information to help you formulate your defense or sentencing theory. (NOTE: Participants should plan to attend both the 9:30 a.m. and the 10:45 a.m. sessions. The 9:30 a.m. session will deal with mental retardation, and the 10:45 a.m. session will deal with learning disabilities and attention deficit disorder.)

10:30 to 10:45 A.M. **Break**

### **Track Presentations**

**10:45 to 11:45 A.M. 1) Non-Capital Mitigation**

#### **Working With Life History Records**

*Melissa Kupferberg, Investigator, Middle District of Florida (Invited)*

*Lori James-Monroe, Investigator, Mitigation Specialist, Lori James-Monroe and Associates, Baltimore, MD (Invited)*

Social history records are key in the presentation of mitigating evidence at sentencing, and are objective tools to document life experiences. Participants in this hands-on workshop will discuss techniques for obtaining client records and personal history; how to decipher life history records including recognizing signs of adverse developmental experiences such as mental illness, developmental disorders including mental retardation, learning disabilities, and abuse; and identification of additional lay witnesses and records referenced in collected documents.

#### **2) Mortgage Fraud**

##### **Litigation Tactics and Defending A Mortgage Fraud Case**

*Kevin Tate, AFPD, Western District of North Carolina*

This session will discuss defense strategies, pretrial motions, defenses to the offense of mortgage fraud.

### **3) Mental Health**

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11:50 to 12:50 PM     **Plenary: Panel Discussion “Ethical Issues Confronting Criminal Defense Attorneys”**

*Moderator TBA*

*Panelists: TBA*

*D. Majeeda Snead, Esq., Associate Clinical Professor of Law Loyola University, New Orleans, LA*

12:50 to 1:00 PM     **Closing Remarks and Adjournment**

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

**Persuasive Writing for Trial Lawyers**

**AGENDA**

Los Angeles, CA, September 4-5, 2008

**Thursday, September 4, 2008**

8:30 to 9:15    **Putting the Persuasion in Persuasive Writing – Writing Factually and Telling a Story that Lets You Win (Even When You Are Writing About Law and Motions)**

9:15 to 10:00    **Putting the Writing in Persuasive Writing – Techniques to Make Sure Your Writing is Clear, Logical and Persuasive**

10:00 to 10:15    **BREAK**

10:15 to 11:00    **Discussing the Pre-Conference Assignment Problem**

11:00 to Noon    **Group Reviews and Edits of Writing Assignments**

Noon to 1:15    **LUNCH**

1:15 to 2:00    **Group Reviews and Edits of Writing Assignments**

2:00 to 3:00    **Written Sentencing Advocacy: What Works and What Doesn't Work**

3:15 to 3:15    **BREAK**

3:15 to 4:15    **Discussion of the Writing Assignment Problem for Tomorrow**

**Homework: Write the Pre-Sentence Memorandum in Deems**

**Friday, September 5, 2008**

9:00 to 10:30    **Group Discussion and Editing of Sentencing Memoranda**

10:30 to 10:45    **BREAK**

10:45 to Noon    **Enhancing Written Advocacy With Pictures, Charts and Graphics**

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

*Multi-Track Federal Criminal Defense Seminar:  
Strategies For Defending Complex Cases*

September 4-6, 2008  
Los Angeles, California

**Fundamentals of Federal Criminal Defense Track**

**Draft Agenda**

**(June 24, 2008)**

**Fundamentals of Federal Criminal Defense**

*Designed to give an overview to new federal practitioners, this track addresses topics that are essential to defending clients in federal criminal cases.*

**9:00 to 10:00 A.M.**

**Bail Reform Act**

*Frank Morales, AFPD, Western District of Texas*

How can you maximize your chances of getting your client released under the Bail Reform Act? This session will address pretrial interviews, third party custodians, other favorable witnesses, the detention hearing, the appeal of a detention order and release pending appeal

**10:00 to 10:15 A.M.**

**BREAK**

**10:15 to 11:15 A.M.**

**Discovery Issues With a Twist – Rule 16 and More**

*Michael Kennedy, First Assistant Federal Public Defender,  
District of Nevada*

*David Anthony, AFPD, Capital Habeas Unit, District of Nevada*

A look at discovery issues from the combined perspectives of a trial attorney and attorneys working on cases post-conviction. This session addresses the requirements of Rule 16, but goes beyond it by looking at discoverable evidence from the perspective of a lawyer seeking post conviction relief. Learn about other avenues to discoverable evidence that might be helpful if considered while mounting a defense to criminal charges

**11:20 to 12:20 P.M.**

**Introduction to the Federal Sentencing Guidelines**

**Sentencing Guidelines 101**

*Stephen L. Marley, Attorney-Advisor, Training Branch, Office of Defender Services, Washington, D.C.*

*Alan Dorhoffer, United States Sentencing Commission, Washington, D.C.*

This session will cover the basics of applying the federal sentencing guidelines.

**12:20 to 2:00 P.M.**

**LUNCH**

**2:00 to 3:00 P.M.**

**Plea Negotiations and Proffers**

*Yasmin Cader, AFPD, Central District of California*

A discussion of how to negotiate a plea, with a particular focus on providing charge alternatives that limit a client's exposure, and avoiding pitfalls as you guide your client through proffers to the government.

**3:05 to 4:05 P.M.**

**The Lazy Susan: Federal Rules of Evidence 404 and 405**

*Omodare Jupiter, AFPD, Southern District of Mississippi*

This session reviews the basics of Rule 404(b), but wait: what could be more fun than turning the tables on the prosecutor? While we are naturally more comfortable playing defense in trial, this presentation also explores the benefits of going on offense by using rules 404 and 405 to introduce character evidence of an alleged victim or a government witness.

**4:05 to 4:20 P.M.**

**BREAK**

**4:20 to 5:20 P.M.**

**Fundamentals of Federal Criminal Defense Track**

**"Oh Acquittal Where Art Thou: Using Fed.R.Crim.P. 29, 30, 32, 33, 34, and 35 to Win Trials and Influence Sentencing**

*Robert Truitt, Staff Attorney, Federal Community Defenders for the Northern District of Indiana*

*Windy Venable, Attorney-Advisor, Office of Defender Services, Legal Policy Branch, Washington, D.C.*

This presentation will examine Federal Rules of Criminal Procedure 29, 30, 32, 33, 34, and 35 in the context of trial and sentencing. The session will examine how these rules work together to form a defense strategy which will either terminate the

litigation in our client's favor or provide the necessary support for a new trial in the event of a faulty conviction. The sentencing process found in Rules 32 and 35 arm the defense with the tools to obtain the lowest possible sentence for our clients. The session will also examine the implications of Rita v. United States on the courts' sentencing process.

**5:20 P.M.**

**Adjournment**



**MULTI-TRACK FINANCIAL ASSISTANCE APPLICATION**

I am requesting that the Administrative Office of the U. S. Courts pay some of my travel and/or lodging costs to attend the 2008 Multi-Track Seminar in Los Angeles, California. I have attached a letter which 1) describes my financial situation and need for assistance (including the amount of taxable income for the past three years) and 2) provides detailed information about my appointments in federal criminal cases (include the number of appointments for the past three years). I have detailed every financial hardship which is pertinent to this application .

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Date

If you have received financial assistance from the Administrative Office of the U.S. Courts to attend any other programs, please indicate which program, the date of the program and the amount of assistance received. **(Applications without letters explaining need for financial assistance will not be considered). All information will be kept confidential.**

Airfare and Lodging

Airfare only

Lodging only

*Requests for financial assistance must be received by **Friday, July 25, 2008, 2008.** Applicants will be notified by **Monday, August 1, 2008.** Late applications will not be considered.*

Fax financial assistance application form to:

Stephen L. Marley,  
Attorney Advisor  
Training Branch,  
Office of Defender Services  
202-502-1577  
202-502-2911 (fax)

