

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

**FUNDAMENTALS OF FEDERAL CRIMINAL DEFENSE
TRAINING**

**February 2, 2012
Santa Fe, New Mexico
El Dorado Hotel**

Designed as an overview for new federal CJA practitioners, this program addresses topics which are essential to defending clients in federal criminal cases.

**7:15 to 8:15 AM REGISTRATION & CONTINENTAL
BREAKFAST**

8:15 to 8:25 AM WELCOMING REMARKS
*Rafael Andrade, Attorney-Advisor, Office of Defender
Services, Training Branch, Washington, D.C.*

8:30 to 9:30 AM BAIL REFORM ACT
*Francisco Morales, Assistant Federal Public
Defender, Southern 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. Life and representation are so much easier when your client is free, learn how to keep them out!

9:30 to 10:30 AM NAVIGATING THE CLIENT INTERVIEW
*Jim Skuthan, Chief Assistant Federal Public
Defender, Middle District of Florida*

“What’s in a client interview?” Tons of gold, land mines, obstacles, misunderstandings and hard brick walls - that’s what! An important look at how to avoid a blow-up or running down the wrong alley and into a wall while you mine for gold and meet with a key player in your case - the client.

10:30 to 10:45 AM BREAK - COFFEE & TEA

10:45 to 11: 45 AM INTRODUCTION TO THE FEDERAL SENTENCING GUIDELINES (SENTENCING GUIDELINES 101)

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

*Robert Truitt, Assistant Federal Defender, Indiana
Federal Community Defender*

The Supreme Court still requires each sentencing court to correctly determine the appropriate Guideline Calculations and even if the Guidelines are “advisory” attorneys must still know them front to back. This session will cover the basics of applying the Federal Sentencing Guidelines while taking a close look at areas such as drug amount calculations, criminal history, and offense conduct.

11:45 to 1:00 PM LUNCH

1:00 to 2:00 PM CROSS-EXAMINATION

Cynthia Roseberry, Executive Director, Federal Defenders of the Middle District of Georgia, Inc.

Cross-examination is the cornerstone of any good trial attorney’s arsenal. This highly regarded presentation explores cross-examination techniques, strategies, pitfalls and the need to fully investigate the background of the witness – including the details of government “deals” all in order to neutralize important government witnesses.

2:05 to 3:05 PM GETTING THE MOST OUT OF PLEA AGREEMENTS, COOPERATION AND NAVIGATING THE DANGERS OF A PROFFER

Patrick Ehlers, Assistant Federal Defender, District of Oregon

With an overwhelming percentage of clients entering pleas, this session will take a hard look at how to get the most out of deals with the government. Additionally, like it or not, many of our clients intelligently decide cooperation is in their best interests. Unfortunately, some clients make this the trickiest of areas and proffer sessions can quickly devolve into train wrecks with clients getting no benefit and all the added risk we lose sleep over. This session explores common benefits and dangers associated with cooperation while addressing the many land mines just waiting for your client in the proffer room.

3:05 to 3:20 PM

BREAK

3:20 to 4:20 PM

**DETERMINING “CRIMES OF VIOLENCE” &
“VIOLENT FELONIES”**

*Rene Valladares, Chief Federal Defender, District of
Nevada*

*Brenda Weksler, Assistant Federal Public Defender,
District of Nevada*

No single sentencing calculation inflicts more harm than a determination that a client’s previous conviction(s) qualifies as a “crime of violence” or “violent felony.” Such a finding exposes the client to huge guideline offense-level enhancements and/or to increased statutory minimum sentences. But recent Supreme Court jurisprudence in *Johnson, James*, and *Begay* have significantly empowered defense counsel to combat these designations. This session will teach you how to determine whether a previous conviction actually qualifies as a crime of violence or violent felony and how to defend against any such erroneous characterization.

4:25 to 5:25 PM

PUTTING THE SENTENCING SOUP TOGETHER

Eric Vos, Attorney-Advisor, Office of Defender

*Services Legal, Policy & Training Division,
Washington, D.C.*

Despite all of our excellent efforts the numbers may not be ignored - over 95% of our clients will be sentenced. Sentencing is both a science and an art where Guidelines, downward departures and variances must all come together in well written memos, letters, videos, photographs, allocation and heart-felt oral arguments. This session explores how to begin the sentencing process from the first day you meet your client and how to bring all these variables and concepts together in one highly effective sentencing proposal.

5:25 - 5:35 PM

**CLOSING REMARKS AND A QUICK LOOK AT
RESOURCES AVAILABLE AT WWW.FD.ORG.**

Eric Vos, Attorney-Advisor, Office of Defender

Services, Training Branch, Washington, D.C.

Learn about The Office of Defender Services’s robust Internet site which provides educational/seminar announcements, employment opportunities, a wide range of filing examples and a host of other important defense orientated resources.