

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

**Fundamentals of Federal Criminal Defense Training
Draft Agenda**

**February 4, 2010
San Francisco, CA
(October 30, 2009)**

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

7:30 to 8:15 A.M. Registration

8:15 to 8:30 A.M. Welcoming Remarks

8:30 to 9:30 A.M. Bail Reform Act

Frank Morales, AFPD, Southern District of Texas (confirmed)
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

9:30 to 10:30 A.M. Client Interviews

Frediyn Sison, AFD, Federal Defenders of Western North Carolina (confirmed)
Our main goal as criminal defense attorneys is to learn our clients' stories. This session explores the way to create trust and respect in the attorney-client relationship. We will discuss the importance of first impressions, as well as subsequent contacts and frequency of visits with your client in improving communication and a good working relationship. We will also address common problems and ethical concerns that may arise in the attorney-client relationship.

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

10:45 to 11:45 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

11:45 to 12:45 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. (confirmed)
Alan Dorhoffer, United States Sentencing Commission,
Washington, D.C.*

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

12:45 to 2:00 P.M.

LUNCH

2:00 to 3:00 P.M.

Plea Negotiations and Proffers

Yasmin Cader, AFPD, Central District of California (confirmed)

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.

3:00 to 4:00 P.M.

The Affirmative Use of the Federal Rules of Evidence

Jennifer Gilg, AFPD, District of Nebraska (confirmed)

We spend so much of our time and effort trying to exclude evidence that we tend to forget many evidentiary rules that allow us to tell our client's side of the story. This presentation will explore how criminal defense attorneys can use the evidentiary rules to admit favorable evidence at trial.

4:00 to 4:15 P.M.

BREAK

4:15 to 5:15 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 (confirmed)*

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.

5:15 to 6:15 P.M.

**Practical Tips if Your Client Faces Incarceration in a Federal
Prison**

Paula Xinis, AFD, District of Maryland (confirmed)

This session will provide practical tips if your client faces federal imprisonment. It will include factors to consider for your client to obtain a federal sentence at the least restrictive possible facility and receive the earliest feasible release date.