

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

**“SENTENCING ADVOCACY WORKSHOP:
THINKING OUTSIDE THE GUIDELINE BOX”**

**SAN FRANCISCO
RITZ-CARLTON HOTEL
JULY 29-31, 2010
DRAFT AGENDA**

Thursday, July 29

- 8:00 a.m. Registration-Continental Breakfast**
- 9:00 a.m. Welcoming Remarks**
- 9:10 a.m. Introduction to Workshop**
- 9:15 a.m. Using 3553(a)'s Spears: Fighting For and Winning Lower Sentences**
This session will focus on using 18 U.S.C. §3553(a) and recent sentencing rulings from the Supreme Court and lower courts to advocate for and achieve below guidelines sentences.
- 10:20 a.m. Break**
- 10:30 a.m. Judging at Sentencing**
A panel of federal judges will give their perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that Booker and Gall have allowed them the discretion to consider more factors at sentencing.
- 11:30 a.m. Getting to Know Your Client**
Just who is it that I am representing? How is this client different than the other hundred that I have represented? How do I uncover and develop the mitigating factors that will allow me to tell my client's story in a persuasive manner? This session will focus on developing an effective relationship with your client and demonstrate interviewing techniques which will allow you to obtain mitigating information from the client and other key figures.
- 12:30 p.m. Meet Sam Bradshaw - A Client's Perspective on Sentencing Advocacy**
- 1:00p.m. Lunch - On Your Own**
- 2:15 p.m. Brainstorming the Facts of the Case**
This session will explain the elements of brainstorming and use the facts of the mock case to demonstrate techniques for discussing and understanding the facts of a case in a manner which will maximize the potential of developing those facts into a persuasive sentencing theory.

- 3:00 p.m. Break**
- 3:10 p.m. Small Group Sessions –Brainstorm Facts of Own Case**
Participants will break into small groups led by a facilitator and brainstorm the facts of their own cases.
- 5:10 p.m. Developing Persuasive Theories and Themes**
Having a theory for sentencing and supporting themes is critical to your organization of the case and forms the basis of your sentencing story. This session will define a theory and theme and will address how to develop theories and themes and weave them into your story of mitigation for sentencing.
- 6:00 p.m. Adjourn for the Day**

Friday, July 30

- 8:00 a.m. Registration-Continental Breakfast**
- 8:30 a.m. Storytelling at Sentencing**
The story is what moves us. It is what captures us and draws us in. This session will discuss the elements and techniques of persuasive storytelling and explain how to incorporate them into your sentencing advocacy.
- 9:20 a.m. Small Group Sessions - Theories and Themes / Storytelling**
Participants will break into small groups led by a facilitator and apply theories, themes, and storytelling techniques to the facts of their own cases.
- 11:00 a.m. Break**
- 11:10 a.m. Uncovering, Creating and Developing Effective Mitigation Evidence**
What is mitigation evidence? How do we uncover it? How do we create it? How do we develop it? This session will provide a framework for understanding how to think about mitigating factors and how to uncover, create and develop them for sentencing. It will use the facts of the mock case to demonstrate how to gain critical information from records, develop social histories and work with experts to support your theory and theme.
- 12:00 p.m. Persuasive Writing**
This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case
- 1:15 p.m. Lunch - On Your Own**
- 2:30 p.m. Small Group Sessions - Persuasive Writing**

Participants will break into small groups led by a facilitator and apply storytelling and persuasive writing techniques to the facts of their own cases. Each participant will write the first part of their sentencing memorandum in a persuasive fact-based manner. Participants will receive feedback on the writing and rewrite it focusing on the feedback.

5:30 p.m. Adjourn

6:00 p.m. Cocktail Reception

Join us for light fare and the good company of your fellow workshop participants. Informal attire. Cash Bar.

Saturday, July 31

8:00 a.m. Registration - Continental Breakfast

8:30 a.m. Small Group Sessions - Sam Bradshaw Sentencing Memo

Participants will break into small groups and discuss the Sam Bradshaw sentencing memo which they prepared.

10:00 a.m. Using Images to Persuade

An image is worth a thousand words. We look at photos to get a better perspective of what is being portrayed. We take videos to remember the events. We watch movies to feel a connection to the story. This session will discuss how to present images to persuasively tell your client's story of mitigation for sentencing.

11:00 a.m. Working With Probation

The probation officer plays a critical role at sentencing which often influences the judge's opinion. This session will discuss how to work with the probation officer in order to persuade them to adopt (or not oppose) your theory of sentencing.

12:00 a.m. Practical Tips if Your Client Faces Incarceration in a Federal Prison

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.

12:50 p.m. Closing Remarks

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