

**ADMINISTRATIVE OFFICE OF THE U.S. COURTS
OFFICE OF DEFENDER SERVICES TRAINING BRANCH
“WINNING STRATEGIES 2010”**

**Holiday Inn Hotel
San Francisco, California
February 4-6, 2010**

Final Agenda

Thursday, February 4, 2010

7:45-8:15 AM Registration & Continental Breakfast
Emerald Ballroom Foyer

8:15-8:30 AM WELCOMING REMARKS
Emerald Ballroom
Mary McNamara, CJA Panel Rep., Northern District of California
Barry Portman, Federal Public Defender, Northern District of California
Jerry V. Beard, Visiting Attorney-Advisor, Office of Defender Services
Legal, Policy & Training Division, Training Branch, Washington, D.C.

8:30-9:00 AM KEYNOTE ADDRESS
Emerald Ballroom
Thomas Jacobs, Law Offices of Thomas Jacobs, Tucson, Arizona
(Counsel of Record: *Arizona v. Gant*, 509 U.S. ____ (2009), in which the Supreme Court, limiting *Belton*, ruled that police may conduct a warrantless vehicle search incident to an arrest only if the arrestee is within reaching distance of the vehicle or the officers have reasonable belief that evidence of the offense of arrest might be found in the vehicle.)

**9:00-10:00 AM PLENARY SESSION:”ISMS AND -SCHISMS—HOW WE UNKNOWINGLY
MAKE DECISIONS WHICH IMPLICATE OUR DECISIONS”**
Emerald Ballroom
*Cynthia Roseberry, Executive Director, Federal Defenders of the Middle
District of Georgia, Inc.*

A defense attorney’s exercise of professional strategy is influenced by his or her experience. This session will explore how, when representing clients, our decision-making is impacted by our subconscious minds. In so doing, the presentation will encourage attorneys to think about how they represent people whose backgrounds differ from their own. It will challenges defense attorneys to be aware of—and to evaluate how—personal experiences influence defense strategies.

10:00-10:15 AM Break

10:15-11:15 AM BREAK-OUT SESSIONS

1. **DEFENDING AGAINST A FEDERAL FIREARMS PROSECUTION (18 U.S.C. § 922(G)).**
Emerald Ballroom
Tim Henry, Ass't Federal Public Defender, District of Kansas

This presentation will cover factual and legal issues that arise during the more common section 922(g) prosecutions, and will include what issues to preserve for appeal through pretrial motions, and what defenses/trial issues are potentially viable and should be preserved through requested jury instructions. This presentation will also explain how the Supreme Court's decisions in *Lopez* (interstate commerce limitations), *Heller* (common law defenses), and *Flores-Figueroa* (mens rea proof requirements) may expand theories of defense in firearms cases.

2. **NAVIGATING THE PAPER CHASE: DEFENDING A MORTGAGE FRAUD PROSECUTION.**
Portola
John Nicholson, Ass't Federal Public Defender, Northern District of Texas

This presentation will explain the basics of typical mortgage fraud cases. For example, attendees will learn how mortgage fraud "schemes" make money for potential defendants, why the schemes are a crime from the government and prosecutor's view, who the various players are, what to expect in discovery, and how to interpret key pieces of evidence. This session is designed to allow an attorney to hit the ground running in a mortgage fraud case instead of spending time trying to translate what the prosecutor and FBI are even talking about.

3. **IDENTITY THEFT.**
Gold Rush A
Martin Richey, Third Level Supervisory Ass't Federal Defender, District of Massachusetts

This session focuses on the (relatively new) identity theft and identity fraud offenses. It will review the relevant statutes, discuss various theories of prosecution, and then turn to defending against those theories at pretrial, trial, and sentencing.

4. **GANGS.**

Pacific Ballroom

Kate Corrigan, Esq., Corrigan Law Corp., APLC, Newport Beach, CA.

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

To confront what it perceives as far-reaching “gang” activity, AUSAs are increasing their conspiracy and RICO prosecutions. So, CJA panel lawyers will increasingly face massive “takedowns” of local (and some not-so-local) street gangs. This session will focus on issues that arise in these cases and suggest strategies to defending the alleged gang member client against conspiracy and/or RICO charges. A gang may well be gang but is a gang a RICO enterprise? Maybe not!

5. **DEBUNKING “JUNK” EXPERT TESTIMONY.**

Redwood

James Smith, Ass’t Federal Defender, Middle District of Florida

This session focuses on neutralizing and dispatching the government’s “junk experts.” Smith will emphasize the need to challenge the government’s increasing practice of qualifying a law enforcement officer as an “expert” and to then, in violation of evidentiary rules, eliciting testimony on the ultimate issue(s). The session will also advise on drafting and litigating motions *in limine* and offer strategies for dealing with these so-called “expert” at trial. Smith’s presentation will also address issues relating to fingerprints, tool marks, and other less-than-reliable forms of expert testimony.

11:20-12:20 PM

PLENARY SESSION: “CJA RESOURCES: HOW TO GET WHAT YOU NEED TO DEFEND YOUR CLIENT.” (PANEL DISCUSSION)

Emerald Ballroom

Mary McNamara, CJA Panel Representative, Northern Dist. of California
Sean Broderick, National Litigation Support Administrator,

Office of Defender Services Training Branch, Oakland, California
Randall Schnack, CJA Supervising Attorney, Central Dist. of California

Has the government *ever* lacked money to prosecute a case? Have you ever had anywhere near the same resources to defend against those charges? CJA Guidelines allow for panel-appointed attorneys to obtain funding for expert services and other defense-related strategies. But some requests are more effective than others. An experienced CJA practitioner, a Supervising CJA Attorney, and the National Litigation Support Administrator will discuss how best to obtain technical and litigation-support funding and suggest the best

ways to use those funds. They will also address your use of investigators and mitigation specialists. (The Panel will entertain questions from the audience.)

12:20-01:30 PM

Lunch

01:30-2:45 PM

PLENARY SESSION: “COMPUTER CRIMES”

Emerald Ballroom

Pat Black, Federal Public Defender, Eastern District of Texas

Ken Hawk, Ass’t Federal Public Defender, Eastern District of Texas

This presentation will focus broadly on federal computer and internet crimes, including child pornography, hacking, identity theft, cyber-talking, unauthorized password use, and fraud. The session will provide strategies on investigating an alleged computer crime and will also cover pertinent statutory, constitutional, search and seizure, pretrial detention, and sentencing issues.

2:45-3:00 PM

Break

3:00-4:00 PM

BREAK OUT SESSIONS (Repeat of Morning Breakout Sessions 1-5).

1. **DEFENDING AGAINST A FEDERAL FIREARMS PROSECUTION.**
Emerald Ballroom
2. **DEFENDING A MORTGAGE FRAUD PROSECUTION.**
Portola
3. **IDENTITY THEFT.**
Gold Rush A
4. **GANGS.**
Pacific Ballroom
5. **DEBUNKING “JUNK” EXPERT TESTIMONY.**
Redwood

4:05-5:05 PM

PLENARY SESSION: “DISCOVERY AND CHALLENGES TO CRIME LABS”

Emerald Ballroom

*Christopher McKee, Esq., Prof., Colorado Univ. School of Law
former Special Counsel, Public Def. Service for the
District of Columbia*

This session will teach you how to meaningfully challenge forensic evidence. It will instruct as to what specific discovery requests you need make concerning the laboratory analyst and about the information relied upon by the analyst to reach conclusions. The presentation will also focus on how defense discovery requests can—and should—encompass not only a laboratory’s manuals, protocols, databases, policies, and accreditations but also various information about the laboratory personnel, too.

5:05-5:10 PM **ADMINISTRATIVE REMARKS; ADJOURN FOR DAY**
Emerald Ballroom

Friday, February 5, 2010

07:45-8:15 AM **CONTINENTAL BREAKFAST**
Emerald Ballroom Foyer

08:15-09:15 AM **PLENARY SESSION: SUPREME COURT UPDATE**
Emerald Ballroom
*Paul Rashkind, Third Level Supervisory Ass’t Federal Defender,
Southern District of Florida*

This session will provide an in-depth and entertaining update on the High Court’s recent criminal law and criminal procedure decisions. The presentation will not only summarize recent decisions but will also update you on the impending docketed cases. The session will also touch upon any legal issues which “court-watchers” think might be in play and which you should consider when properly preserving your record for appeal.

09:20-10:20 AM **BREAK-OUT SESSIONS**

1. **EFFECTIVE FOURTH AMENDMENT CHALLENGES.**
Gold Rush A
Benjamin L. Coleman, Coleman and Balogh, L.L.P., San Francisco

The Fourth Amendment lives, even if, more than ever, defense counsel must kick start it. This session will focus on addressing new government encroachments and devising strategies to protect individual liberty and privacy. We will address electronic monitoring, consent, searches of electronic media, and vehicle searches. Successful suppression motions, recent trends, and recent cases will be discussed.

2. **DEFENDING AGAINST ILLEGAL REENTRY PROSECUTIONS.**

Portola

Jodi Linker, Assistant Federal Defender, Northern Dist. CA
Elizabeth Falk, Assistant Federal Defender, Northern Dist. CA

Dramatic increases in federal immigration “sweeps” in non-border districts have catapulted the number of Illegal Reentry prosecutions. These cases present unique legal issues; this session will demonstrate how to properly review an immigration “A-file,” recognize key documents, and to identify critical facts. It will also help you develop dismissal motions based on faulty deportation proceedings, identify trial defenses, and – if all else fails – provide tips for securing the lowest possible sentence.

3. **DEVELOPING THEORIES AND THEMES AND HOW TO USE THEM EFFECTIVELY IN OPENING STATEMENTS AND CLOSING ARGUMENTS.**

Redwood

Douglas C. Greene, Esq., The Greene Law Firm, Arlington, Texas

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. **OF LOOKERS, TRAVELERS, AND DOERS: PRESENTATION AND MITIGATION IN COMMON FEDERAL SEX OFFENSES.**

Emerald Ballroom

Nancy Joseph, Ass’t Community Defender, Milwaukee, Wisconsin

While defense in federal sex crimes such as child pornography, travel for the purpose of sex with a minor, or child enticement certainly requires an attack on the applicable guideline, defense counsel must not lose sight of the client himself. This session will present methods for humanizing the client: selecting the appropriate expert witness; circumnavigating the pre-sentence interview (how to decline the sex questionnaire); and general preemptive mitigation in light of the *Adam Walsh Act*.

5. **DRAFTING SKILLS: TIPS FOR MORE EFFECTIVE & EFFICIENT WRITING.**

Pacific Ballroom

Jerry V. Beard, Visiting Attorney-Advisor, Washington D.C.

This session will present a series of concrete, easy-to-learn writing techniques that will minimize your “down time” and improve your written advocacy. These drafting tips will work equally well in your motion and/or appellate practice.

6. **LITIGATION SUPPORT: STRATEGIES FOR DEALING WITH ELECTRONIC DISCOVERY.**

Gold Rush B

Sean Broderick

Alex Roberts

National Litigation Support Branch

Kelly Scribner

As an increasing number of CJA panel attorneys are finding out, the information provided in any given case continues to grow in size and complexity. Cases that were a few folders of paper are now CDs, DVDs and hard drives of electronic files of various types that may prove difficult to open on your computer. The National Litigation Support Team will present a primer on various file formats that are being provided in discovery, and some of the options available for reviewing and analyzing the discovery more effectively.

10:20-10:35 AM

BREAK

10:35-11:50 PM

PLENARY: DETERMINING “CRIMES OF VIOLENCE” & “VIOLENT FELONIES”

Emerald Ballroom

Lisa Call, Ass’t Federal Defender, Middle Dist. of Florida

Craig Crawford, Ass’t Federal Defender, Middle Dist. of Florida

Margaret Katze, Ass’t Federal Defender, District of New Mexico

Moderator: Steven Kalar, Assistant Federal Defender, North. Dist. CA.

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*, has significantly empowered defense counsel to combat these designations. These panelists actually argued those cases; these lawyers 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.

11:55-12:55 PM

BREAK-OUT SESSIONS (Repeat of Morning Sessions)

1. **EFFECTIVE FOURTH AMENDMENT CHALLENGES.
Gold Rush A**
2. **DEFENDING AGAINST ILLEGAL REENTRY PROSECUTIONS.
Portola**
3. **DEVELOPING THEORIES AND THEMES AND HOW TO USE THEM
EFFECTIVELY IN OPENING STATEMENTS AND CLOSING ARGUMENTS
Redwood**
4. **OF LOOKERS, TRAVELERS AND DOERS: PRESENTATION AND
MITIGATION IN COMMON FEDERAL SEX OFFENSES.
Emerald Ballroom**
5. **DRAFTING SKILLS: TIPS FOR MORE EFFECTIVE & EFFICIENT
WRITING
Pacific Ballroom**
6. **LITIGATION SUPPORT: STRATEGIES FOR DEALING WITH
ELECTRONIC DISCOVERY
Gold Rush B**

12:55-2:00 PM

Lunch

2:00-2:45 PM

**PLENARY: “THE ART OF THE SENTENCING MEMORANDUM” A.K.A.
“STRATEGIES TO OVERCOME PROBATION’S SENTENCE”**

Emerald Ballroom

Jason Hawkins, First Assistant, Federal Defenders Office, NDTX

This session will emphasize the increasing importance of the Sentencing Memorandum and the critical need to submit one in advance of sentencing. The presentation will give practice-pointers And provide you with new ideas for making a presentation that moves the court away from the guideline-driven recommendations and toward a sentence that is sufficient, but not greater than necessary, in a given case.

2:50-3:50 PM

BREAK-OUT SESSIONS

1. **PEELING BACK THE CHILD PORNOGRAPHY GUIDELINES:
UNDERSTANDING THE INHERENT FLAWS.**

Gold Rush A

*Troy Stabenow, Ass't Federal Public Defender, Western Dist. Of
Missouri*

Troy Stabenow's groundbreaking exposé into the child pornography guidelines' structural flaws sets the stage for understanding how best to advocate for below-guidelines sentences. This presentation will demonstrate how the child pornography guidelines' failure to achieve their stated goals renders them deficient to comply with Section 3553(a) sentencing requirements. By understanding how and why the child pornography guidelines don't work, defense counsel can then begin the process of convincing a sentencing court why *those* guidelines don't work when sentencing *this* defendant.

2. **THE FALLACIES UNDERLYING THE IMMIGRATION GUIDELINE
2L1.2.**

Redwood

*Maureen Franco, Ass't Federal Defender, Western Dist. Of Texas
Judy Madewell, Deputy Federal Defender, Western Dist. Texas*

The immigration offense guidelines levy some of the most severe enhancements in the entire sentencing guideline scheme. And yet, this guideline does not necessarily reflect a studied or rational reasoning for doing so. This session will critique this guideline and provide defense counsel with the insights necessary to argue for—and justify—below guideline sentences.

3. **A FIREARMS DISMANTLING EXERCISE.**

Gold Rush B

Melissa Day, Ass't Federal Defender, Southern Dist. Illinois

This presentation will walk you through the basics of dismantling the federal firearms guidelines. We will discuss the relationships—or lack of relationships—between these guidelines and broader sentencing goals such as protection of the public and retribution. We'll also discuss whether the guidelines are consistent with prior practice and how we can use prior practice and statutory purpose arguments to argue for lower sentences.

4. **UNRAVELING AND “DECONSTRUCTING” THE CAREER OFFENDER GUIDELINE.**

Portola

Amy Baron-Evans, National Sentencing Resource Counsel

Paul J. Hofer, National Sentencing Resource Counsel

Sentences recommended by the career offender guideline are among the most severe and least likely to promote the purposes of sentencing. This presentation identifies how the current guideline is not the result of empirical evidence, careful study, or independent expertise and will equip practitioners with powerful, critical arguments for below-guideline sentences.

5. **PUTTING THE SENTENCING SOUP TOGETHER.**

Emerald Ballroom

Eric Vos, Attorney-Advisor, Office of Defender Services

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

Designed primarily for the “*Fundamental Track Participants*” this session gives practical look, at how to address de-construction of the Guidelines during the sentencing phase, new ways to enter the Post-Booker World and how best to present Sentencing arguments to the court in writing, multi-media content, and during oral argument.

3:50-4:05 PM

BREAK

4:05- 5:15 PM

**PLENARY: THE “NEW” 3553(A) SENTENCING: VIEWS FROM THE BENCH
Emerald Ballroom**

Judicial Panel:

The Hon. Deborah Batts, United States District Judge (SDNY)

The Hon. Marilyn Hall Patel, United States District Judge (NDCA)

The Hon. Edward Prado, United States Circuit Judge (5th Circuit)

Moderator: Mary McNamara, CJA Panel Representative

The Supreme Court’s recent judicial quartet (*Booker, Rita, Gall, and Kimbrough*) have re-established Section 3553(a) as the statutory touchstone for sentencing and have increasingly reemphasized sentencing courts’ enhanced discretion. This judicial panel will share perspectives on the “new” federal sentencing practice and provide insights that will allow for more effective sentencing advocacy on behalf of defendants.

5:15-5:20 PM

**ADMINISTRATIVE REMARKS; ADJOURN FOR DAY
Emerald Ballroom**

Saturday, February 6, 2010

08:00-8:30 AM **CONTINENTAL BREAKFAST**
Emerald Ballroom Foyer

8:30-9:30 AM **PLENARY SESSION: “MENTAL HEALTH”**
Emerald Ballroom
Rikki Lynn Halavonich, MD., LowCountry Forensic Psychiatry,
Charleston, South Carolina

Forty-five percent of Federal prisoners have had a mental health *problem*, and 40% of federal prisoners have had symptoms of a mental health *disorder*. Does your client have mental health issues that impact his/her ability to assist the defense? Learn about the signs that could indicate the need for further evaluation and what to do with the information once you have it.

9:35-10:35 AM **BREAK-OUTS (Repeat of Friday Afternoon session)**

1. **PEELING BACK THE CHILD PORNOGRAPHY GUIDELINES: UNDERSTANDING THE INHERENT FLAWS**
Gold Rush A
2. **THE FALLACIES UNDERLYING THE IMMIGRATION GUIDELINES**
Redwood
3. **A FIREARMS DISMANTLING EXERCISE.**
Gold Rush B
4. **UNRAVELING AND “DECONSTRUCTING” THE CAREER OFFENDER GUIDELINE.**
Portola
5. **PUTTING THE SENTENCING SOUP TOGETHER**
Emerald Ballroom

10:35-10:50 AM **BREAK**

10:50 - 11:50AM **PLENARY SESSION: SENTENCING UPDATE DISCUSSION**
Emerald Ballroom
Anne Blanchard, National Sentencing Resource Counsel
Sara Noonan, National Sentencing Resource Counsel

In the context of guideline sentencing, these speakers will discuss recent developments and a forecast of things-yet-to-come. They will also look at the changes to the Sentencing Guidelines effective November 1, 2009, and the potential areas for Guideline amendments in 2010.

11:50-12:50 PM

PLENARY SESSION: “ETHICAL CONSIDERATIONS IN A FEDERAL CRIMINAL CASE”

Emerald Ballroom

Richard A. Anderson, Federal Public Defender, N.D. of Texas

Mr. Anderson, recognized nationally for his expertise in legal ethics, will cover several situations that commonly arise in the preparation, trial, and appeal of a Federal criminal case. Among other subjects he will touch upon communication, confidentiality, conflicts of interest, fees, termination of representation, and something that NEVER arises in a criminal case: perjury.

12:50-1:00 PM

CLOSING REMARKS & FINAL ADJOURNMENT

Emerald Ballroom

Jerry V. Beard, Visiting Attorney-Advisor, Office of Def. Services
Legal, Policy & Training Div., Training Branch, Washington, D.C.

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

Fundamentals of Federal Criminal Defense Training

**February 4, 2010
San Francisco, CA**

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
Emerald Ballroom Foyer

8:15 to 8:30 A.M.

Welcoming Remarks
Gold Rush B
*Lori A. Green, Attorney-Advisor, Training Branch, Office of
Defender Services, Washington, D.C.*

8:30 to 9:30 A.M.

Bail Reform Act
Gold Rush B
Frank Morales, AFD, 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

9:30 to 10:30 A.M.

Client Interviews
Gold Rush B
*Callie Glanton-Steele, AFD, Central District of California
Ronald Tyler, AFD, Northern District of California*

Arguing for pretrial release, negotiating a plea that really serves your client's best interests, making sentencing arguments and assessing culpability are all areas where knowing your client makes a huge difference. This session looks at the ways we create trust and respect in the attorney-client relationship and how we go about learning what we need to know to provide the best defense.

10:30 to 10:45 A.M.

Break

10:45 to 11:45 A.M.

Discovery Issues With a Twist – Rule 16 and More

Gold Rush B

*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

Gold Rush B

*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.

12:45 to 2:00 P.M.

LUNCH

2:00 to 3:00 P.M.

Plea Negotiations and Proffers

Gold Rush B

Yasmin Cader, AFPD, Central District of California

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

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.

Anything You Can Do, I Can Do Better: The Affirmative Use of Federal Rule of Evidence 404(b).

Gold Rush B

Jennifer Gilg, Research and Writing Attorney, District of Nebraska

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

Gold Rush B

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

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

Gold Rush B

Paula Xinis, AAFP, District of Maryland

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.

Winning Strategies

FACULTY BIOGRAPHIES

RICHARD ANDERSON. Richard Anderson is a past Chairman of the Dallas Bar Association Criminal Justice Committee, past Chairman of the Criminal Justice Section of the State Bar of Texas, past President of the Dallas Criminal Defense Lawyers Association, past President of the Texas Criminal Defense Lawyers Association, and a former member of the Judicial Advisory Council of the Texas Board of Criminal Justice. He is a former notary public and class clown. He has been listed in Best Lawyers in America in white collar criminal defense for over 10 years. He recently received the Lifetime Achievement Award for excellence and professionalism from the State Bar of Texas. He is currently the Federal Public Defender for the Northern District of Texas.

DAVID ANTHONY. David Anthony is an Assistant Federal Public Defender in the Capital Habeas Unit of the Federal Public Defender's Office in Las Vegas, Nevada, since 2002. Mr. Anthony has represented capital clients during all stages of the trial and appellate habeas corpus proceedings in state and federal court. He supervises junior attorneys in the unit, and consults and provides other assistance to panel attorneys in Nevada and throughout the country regarding capital case law and civil/criminal discovery practice. Mr. Anthony specializes in appellate practice and assists panel attorneys with moot court arguments in preparation for oral argument. Mr. Anthony has been a faculty presenter at Criminal Justice Act and Federal Defender conferences for the past four years where he has given lectures on discovery practice, motion practice, procedural issues in federal habeas corpus proceedings, and electronic document storage. In 2006, Mr. Anthony successfully briefed and argued the retroactivity of a state supreme court ruling regarding felony murder aggravating circumstances in *Bejarano v. State*, 122 Nev. 1066, 146 P.3d 235 (2006), which subsequently resulted in penalty phase relief for ten individuals under a sentence of death in the State of Nevada.

AMY BARON-EVANS. Amy Baron-Evans is Sentencing Resource Counsel for the Federal Public and Community Defenders. She represents the Defenders' interests on sentencing policy, provides litigation support, and teaches sentencing advocacy. She has authored numerous articles, papers and briefs on federal sentencing issues, and other criminal law issues. She is a cum laude graduate of Harvard Law School, clerked for the Honorable Hugh H. Bownes on the First Circuit Court of Appeals, and was a partner at Dwyer & Collora LLP before joining the Defenders as Sentencing Resource Counsel in 2005. Ms. Baron-Evans is a former Co-Chair of the Federal Sentencing Guidelines Committee of the National Association of Criminal Defense Lawyers, and of the United States Sentencing Commission's Practitioners' Advisory Group.

ETHAN BALOGH. Ethan A. Balogh is a founding partner of Coleman & Balogh LLP and maintains his office in San Francisco. Mr. Balogh graduated with honors from Harvard College and from the Yale Law School. He served as a judicial law clerk to the Honorable Marilyn L. Huff, United States District Judge, and trained as a defense attorney in the state and federal courts, first at the San Diego Office of the Public Defender, and then at Federal Defenders of San Diego, Inc. Mr. Balogh maintains a trial and appellate practice, primarily handling criminal and quasi-criminal matters in the federal courts. His notable cases include the celebrated habeas corpus proceedings establishing the innocence of John J. Tennison, and a string of four district court victories in Los Angeles, San Francisco, and Las Vegas finding the government had “callously disregarded” the constitutional rights of professional athletes to keep their drug-testing records private, and requiring the return of seized records to the testing agency; Mr. Balogh also successfully defended those orders on appeal, obtaining complete affirmances from an en banc panel of the Ninth Circuit. *United States v. Comprehensive Drug Testing, Inc.*, 579 F.3d 989 (9th Cir. 2009) (en banc).

THE HON. DEBORAH A. BATTS. Deborah A. Batts is a United States District Judge for the Southern District of New York. As a Clinton nominee, Judge Batts was sworn in on June 23, 1994 by the Honorable Lawrence W. Pierce of the United States Court of Appeals for the Second Circuit. Judge Batts received her undergraduate degree from Radcliffe College in 1969 and graduated from Harvard Law School in 1972. Upon graduation, she clerked for Judge Pierce, then a United States District Court Judge. In 1973, Judge Batts became an associate at Cravath, Swaine. In 1979, she became an Assistant United States Attorney in the Southern District of New York in the Criminal Division. In 1984, Judge Batts joined the faculty at Fordham University School of Law; she became a tenured Associate Professor of Law in May, 1990. From 1973 to the present, Judge Batts has been a member of various bar associations including The Bar Association of the City of New York, the Metropolitan Black Bar Association and the Lesbian and Gay Law Association of Greater New York (LeGal). She is currently a member of the CUNY School of Law Board of Visitors. In June, 2001, Judge Batts was a Team Member of the Crowley Program in International Human Rights' Mission to Ghana to observe the impact of the status of women in the area of inheritance of PNDCL 111, passed in 1985. In October, 2001, an oil portrait of Judge Batts by Simmie Cox, which had been commissioned by the Harvard Law School Association's Gay, Lesbian, Bisexual Alumni/ae Committee, was unveiled at Harvard Law School and accepted on behalf of the school by Dean Robert C. Clark. From May 2004 until June 2006, Judge Batts was a Member of the Scientific Committee for the International Conference on LGBT Human Rights, which took place in Montreal, Canada in July, 2006. Judge Batts served as the Moderator at the Plenary Session on Canada and the United States and was a Panelist in the Workshop "The Judicial Role in Protecting Human Rights." Judge Batts was Conference Chairperson of the Second Circuit Judicial Conference in 2007 and 2008. On April 28, 2008, Judge Batts received the William M. Tendy Award from the Robert B. Fiske, Jr. Association and on May 14, 2008, she was awarded Jurist of the Year as an African American Federal Judge by the Metropolitan Black Bar Association. On July 16, 2008, her identical twin sister, Professor Diane Batts Morrow, University of Georgia at Athens, accepted on Judge Batts' behalf the M.Ashley Dickerson Diversity Award from the National Association of Women Lawyers. On October 1, 2008, Judge Batts was appointed to the national Judicial Conference Committee on Defender Services.

JERRY V. BEARD. For the last 15 years Assistant Federal Defender Jerry Beard has worked primarily as an appellate litigator in the Northern District of Texas during which time he has briefed hundred of cases, argued 30+ times at the Fifth Circuit Court of Appeals, and argued (successfully) at the United States Supreme Court. Recently retired from the United States Air Force Reserve, Jerry flew overseas combat and combat-support missions for 17 months immediately following 9-11. He also has served "combat academic tours" as an adjunct law professor at Texas Tech University School of Law where he routinely engaged in hand-to-hand combat with arrogant 2L and 3L law students. The proud father of two children (Amber, age 20—an aspiring lawyer, and Aaron, age 12—an aspiring collector of every purchasable iTune known to humankind), Jerry was recently identified by an employer-sponsored consulting company as an extreme extrovert. He is known to drink rum or, better yet, vodka martinis (dirty with extra olives). Jerry is currently on assignment to the Office of Defender Services' Training Branch, where he works as a Visiting Attorney-Advisor.

G. PAT BLACK. Pat Black was appointed Federal Defender for the Eastern District of Texas in 1996 after 11 years in private practice and 2 years in the United States Attorneys Office. He has become an expert in Computer related crimes and spoken across the country and around the World on this issue. He has represented Criminal Defendants charged with all types of Federal crimes, up to and including Federal Capital Murder. He received his J.D. in 1979 from Texas Tech University School of Law in Lubbock, Texas and is admitted to practice in the Supreme Court of Texas, Supreme Court of Texas, the Supreme Court of Colorado, United States District Court for the Eastern District of Texas, United States Court of Appeals for the Fifth Judicial Circuit, United States Court of Appeals for the Armed Forces, and United States Supreme Court.

ANN BLANCHARD. Anne E. Blanchard serves in the Sentencing Resource Counsel Project which advocates for the interests of the Federal Public and Community Defenders before the United States Sentencing Commission, supplies research and analysis on sentencing law and practice, and provides training in all-things-sentencing, just to name a few. Before becoming Sentencing Resource Counsel, Ms. Blanchard was an Assistant then a Supervisory Attorney in the Office of the Federal Public Defender for the District of New Jersey, which she joined in 1990. Ms. Blanchard is a member of the Training Expert Panel for the Office of Defender Services of the Administrative Office of the United States Courts and lived to tell the tale of visiting defender stints at both ODS and the United States Sentencing Commission in 1999. Ms. Blanchard received her B.A. from the College of William and Mary in 1986, her M.A. from the Eagleton Institute of Politics and Public Policy at Rutgers University in 1988, and her J.D. from Rutgers School of Law in 1989.

SEAN BRODERICK. Sean Broderick is the National Litigation Support Administrator for the Office of Defender Services. He provides guidance and recommendations to federal courts, federal defender organization staff and court appointed attorneys on complex cases, including evidence organization, document management and trial presentation. Prior to this position, Sean worked as an investigator, mitigation specialist and paralegal on numerous complex cases for more than 15 years. In these different capacities, he dealt with a wide range of criminal and civil cases, including multi-defendant, white collar fraud, federal trial, capital trial and habeas corpus death penalty cases.

YASMIN CADER. Yasmin Cader, a graduate of Yale Law School, has represented juveniles and adults in all stages of criminal proceedings, in both state and federal court. After clerking for the Honorable Damon J. Keith on the Sixth Circuit Court of Appeals, she worked as a staff attorney for the Civil Rights Division of the U. S. Department of Justice, for the Public Defender Service of the District of Columbia, and for the Federal Defender Office in the Southern District of New York. Currently, she is an assistant federal defender in Los Angeles. Ms. Cader serves on the faculty of the National Criminal Defense College, and has taught trial skills to criminal defense lawyers nationwide.

LISA CALL. Lisa Call has been an Assistant Federal Defender in the Jacksonville Division of the Middle District of Florida for almost 10 years. Lisa graduated from the University of Florida with a Bachelor of Science in Business Administration (with high honors) and a Juris Doctor (with honors). Lisa is on the Board of Directors of the Florida Association of Criminal Defense Lawyers and has written several articles and book reviews for the FACDL Defender Magazine. Although a trial attorney in real life, Lisa argued *Johnson v United States* at the United States Supreme Court and survived the experience relatively intact.

BENJAMIN COLEMAN. Benjamin L. Coleman is a founding partner of Coleman & Balogh LLP and maintains his office in San Diego. He has tried approximately 25 federal jury trials and has argued before the Supreme Court of the United States, *see Ohler v. United States*, 529 U.S. 753 (2000), two en banc panels of the Ninth Circuit, *see United States v. Buckland*, 289 F.3d 558 (9th Cir. 2002) (en banc); *United States v. Lombera-Camorlinga*, 206 F.3d 882 (9th Cir. 2000) (en banc), and approximately 50 three-judge panels of the Ninth Circuit. Mr. Coleman attended Dartmouth College and New York University School of Law, where he graduated magna cum laude and Order of the Coif. After law school, he clerked for the Honorable Joseph W. Hatchett, of the United States Court of Appeals for the Eleventh Circuit, and, upon completing his clerkship, became a litigation associate with Shearman & Sterling in New York. Mr. Coleman ultimately moved to California, where he first worked as an assistant federal defender in San Diego and then for a boutique criminal defense firm in Los Angeles before starting his own firm. Mr. Coleman's notable Fourth Amendment decisions include *United States v. Lopez-Soto*, 205 F.3d 1101 (9th Cir. 2000), *United States v. Gantt*, 194 F.3d 987 (9th Cir. 1999), and *United States v. Heckenkamp*, 482 F.3d 1142 (9th Cir. 2007).

KATHERINE CORRIGAN. Kate Corrigan is a member of Corrigan Law Corporation, APLC, located in Newport Beach, CA. Her practice is limited to criminal defense matters in state (California) and federal courts. Kate is a member of the C.A. Panel for the Central District of California - Southern Division. She serves on the Board of Directors for the Federal Bar Association (OC Chapter), and has served on a variety of Orange County Bar Association committees. Her firm is AV rated by Martindale-Hubbell and is listed in the Martindale- Hubbell Bar Registry of Preeminent Lawyers. Kate is a former prosecutor and has been in private practice since 1995. She earned her Bachelor of Arts degree from the University of California, Irvine, and her law degree from Pepperdine University School of Law. She is admitted to practice by the State of California, the United States District Courts for the Central, Southern, and Northern Districts of California, and the Ninth Circuit Court of Appeals. In 1998, she was admitted to the Massachusetts State Bar (currently inactive). She has been active in several legal groups over the course of her career, and has participated in continuing education panels relating to both federal and state criminal law and procedure topics. A sample of the organizations to which she is a current or past member include the NACDL, FBA, ABA, Peter M. Elliott Inn of Court, Banyard Inn of Court, California state Bar (Criminal Law Section).

CRAIG CRAWFORD. Craig has served as an Assistant Federal Defender for the past 14 years. He has worked in the Federal Defender's Office in both the Northern District and Middle District of Florida. During his 14 years with the Office, he has served as an appellate litigator, arguing primarily in the Eleventh Circuit Court of Appeals. In addition to his arguments in the Eleventh Circuit, Craig argued *James v. United States*, 550 U.S. 192 (2007), in the Supreme Court of the United States. Although the decision did not end favorably for his client, he did have an unusual coalition of Justices supporting his argument - Justices Stevens, Scalia, Thomas, and Ginsburg. Craig currently serves on the Board of Legal Specialization & Education (BLSE) for The Florida Bar. Prior to the BLSE, he served on the Criminal Law Certification Committee, where he was chair for several years. He is board certified in Criminal Appellate Law by The Florida Bar. In addition to practicing law, Craig has taught undergraduate courses in criminology and criminal justice, and he has lectured on federal criminal practice throughout the country.

MELISSA A. DAY. Melissa has been a defender since 1988, first as an assistant state public defender in Wichita, Kansas, then as an assistant federal public defender in the Districts of Hawaii and Illinois. For the past 7 years, she has been the Senior Litigator for the Southern District of Illinois. Melissa serves as a co-chair of the education committee for the Federal Bar Association for the Central and Southern Districts of Illinois and has presented locally to panel attorneys in Illinois and Indiana. Prior to working as a public defender, Melissa attended the University of Kansas School of Law. The mother of three – Katie, 20 (studying nursing), Bruce, 17 (at 6'6", an aspiring basketball player), and Anthony, 13 (the brains of the operation) – Melissa is married to PGA Professional Michael Day.

ALAN DORHOFER. Mr. Dorhoffer is a Senior Staff Attorney in the Office of Education and Sentencing Practice. He has been on the staff of the U.S. Sentencing Commission, Washington, D. C. since 1995. He analyzes appellate court decisions interpreting the federal sentencing guidelines and conducts training programs for judges, probation officers, and attorneys. Mr. Dorhoffer has also served on numerous policy development teams including those studying immigration issues, federal drug sentencing policies, homicide, white collar crimes and he is currently the Chair of the Sexual Offenses Team. Mr. Dorhoffer is an Adjunct Professor at the George Mason School of Law, where he teaches Legal Research and Writing. He previously served as a law clerk to the Honorable Edmund A. Sargus in Columbus, Ohio. Mr. Dorhoffer is a graduate of SUNY Binghamton and the George Washington University School of Law.

ELIZABETH FALK. Elizabeth Falk has been an Assistant Federal Public Defender in the Northern District of California since November 2003. She is a 1995 Harry S. Truman Public Interest Scholar and graduated from Duke University in 1996, following internships at North Carolina Prisoner Legal Services and the United States Attorney's Office in Washington, D.C.. She graduated from Harvard Law School in 2000, then served as a law clerk to the Hon. Jerry Buchmeyer, U.S. District Court for the Northern District of Texas from 2000-2001. Before joining the Federal Defender's office, Ms. Falk worked from 2001-2003 as a general litigation associate at Orrick, Herrington & Sutcliffe LLP representing individuals and corporations in state and federal courts.

MAUREEN FRANCO. Maureen Franco joined the El Paso office of the Federal Public Defender for the Western District of Texas in July 1993 as an Assistant Federal Public Defender. She left the office for private practice in November, 2001 but returned in December, 2002 as all the cases she enjoyed doing were the C.A. appointed cases. In 2004, she was made a Supervisory Assistant and on September 11, 2007, she became the Deputy Defender for the Western District of Texas. Maureen graduated from the University of Texas in Austin with a BA in government with honors and received her Juris Doctor from Baylor University School of Law.

JENNIFER GILG. Jennifer Gilg has served alternately as a Research and Writing Attorney and an Assistant Federal Public Defender for the Nebraska Federal Public Defender's Office since 1997. She currently handles the majority of the appellate cases in her office. Ms. Gilg graduated with distinction from the University of Nebraska College of Law, and then served as a law clerk to the Honorable Arlen C. Beam on the United States Court of Appeals for the Eighth Circuit. Ms. Gilg has given lectures to the panel attorneys in her district on various issues of federal criminal law. She is a contributor to the newly-revised manual *Defending a Federal Criminal Case*, to be published in 2010.

CALLIE GLANTON-STEELE. Callie Glanton Steele has devoted her career to the defense of indigent federal criminal clients at the Office of the Federal Public Defender in Los Angeles since 1992, and from February of 2002 to the present, she has been a Supervising Deputy Federal Public Defender. From November of 2000 to May of 2001, she was Special Counsel to the United States Sentencing Commission, and from May to October of 2001, she was a Visiting Defender at Defender Services Division with the Administrative Office of the U.S. Courts in Washington D.C. Prior to working at the Federal Public Defender's Office, she was a judicial extern for the Honorable Terry J. Hatter, Jr., United States District Judge in the fall of 1990. She graduated from UCLA School of Law in 1991. Ms. Steele and her husband have three boys, ages 5, 8 and 10.

LORI GREENE. Lori A. Green is an Attorney-Advisor with the Training Branch of the Office of Defender Services. Prior to joining the training branch in April of 2005, Lori was an attorney in private practice in the New Orleans area and a member of the C.J.A. panel from 1999 to 2004. She was a federal prosecutor in New Orleans and Washington, D.C. for approximately nine years. Lori has been an instructor of Trial Advocacy at Tulane Law School and with several other women criminal defense lawyers, she participated in a weekly New Orleans cable access program advising the community of their legal rights. Lori is a graduate of Mount Holyoke College and Yale Law School.

RIKKI LYNN HALAVONICH. Rikki Lynn was born and raised in Northern Alabama. After suffering through being a Tennessee Volunteer fan living in Alabama during a tortuous streak of losses to the Crimson Tide, she moved to Knoxville where she received her undergraduate education at the University of Tennessee. She completed pre-medicine course work and obtained a Bachelor of Arts Degree in Psychology, earning the distinction as the top graduating senior in her class. Rikki Lynn attended medical school at the University of Alabama School of Medicine in Birmingham (not Tuscaloosa, and therefore entirely separate from the Tide), and at the completion of her senior year of medical school was honored with the Award for Excellence in Pediatrics and the Award for Excellence in Psychiatry. After graduating from medical school in 2001, Rikki Lynn moved to Charleston, South Carolina where she completed a 4-year residency program in General Psychiatry followed by a 1-year fellowship in Forensic Psychiatry at the Medical University of South Carolina

(MUSC). At the conclusion of her fellowship in 2006, she became an Assistant Professor of Psychiatry and Behavioral Sciences at the MUSC Institute of Psychiatry. For the next two years, she served as the Associate Fellowship Director of Forensic Psychiatry, and for the 2007-2008 academic year she served as the Director of the Department of Forensic Psychiatry. In July 2008, she transitioned from MUSC to Lowcountry Forensic Psychiatry, where she is currently practicing. Rikki Lynn is board certified in General Psychiatry and Forensic Psychiatry. Her forensic experience includes the performance of evaluations pertaining to both civil and criminal legal issues. She has been qualified as an expert in General Sessions, Family, Common Pleas, Probate and Federal Courts. Rikki Lynn has an adorable son, Logan, who just turned four years old on New Years Eve. He's the sweetest thing in the world yet a perpetual tornado. When he thinks he's gone too far, he says, "I think you need a glass of wine, Mama...maybe two." He's usually right. Last but not least, Tennessee should have beaten Alabama in 2009, thus knocking them out of the running for the national championship. It was a 12-10 loss for Tennessee, in which they missed three field goals. Rikki Lynn does not want to talk about it.

KEN HAWK. Ken Hawk joined the Federal Defender's Office for the Eastern District of Texas in 2006 after 18 years as both a prosecutor and criminal defense attorney in Texas. He has tried in excess of 100 criminal jury trials involving cases of all shapes and sizes and has experience in the prosecution and defense of drug cases, weapons cases, and violent crimes up to and including Capital Murder. He has represented Defendants charged in Federal Court with a variety of computer crimes including Distribution, Production, and Possession of Child Pornography. He received his J.D. in 1989 from Texas Tech University School of Law in Lubbock, Texas and is admitted to practice in the Supreme Court of Texas, the United States District Court for the Northern and Eastern Districts of Texas, and the United States Court of Appeals for the Fifth Circuit.

JASON HAWKINS. Jason Hawkins is the First Assistant with the Federal Public Defenders Office for the Northern District of Texas. He represents indigent clients at trial and on appeal to both the United States Court of Appeals and the Supreme Court of the United States. His few wins before the appellate courts have generally come in either unpublished per curiam opinions or in sweeping published opinions "limit[ing] the precedential value of [the] holding to cases presenting indistinguishable facts in all material respects." *United States v. Willis*, 563 F.3d 168 (5th Cir. 2009). But his main focus has been on the United States Sentencing Guidelines and he has been one of the leading advocates for obtaining retroactive relief for people sentenced under the crack cocaine guidelines. He recently testified before the United States Sentencing Commission and is also a frequent lecturer at seminars. He is a panel member with the Defender's Supreme Court Resource and Assistance Panel (DSCRAP) and Vice-Chair of the National Association of Criminal Defense Lawyers (NACDL) Amicus Curiae Committee. He is also a member of both the Texas Criminal Defense Lawyers Association (TCDLA) and the Dallas Criminal Defense Lawyers Association (DCDLA). Previously, Jason was an Assistant Federal Public Defender in the Capital Habeas Unit in Phoenix, Arizona where he represented people on Arizona's death row. After graduating from St. Mary's University School of Law in 1995, he began his career as a law clerk to the Honorable Royal Furgeson, United States District Judge for the Northern District of Texas. In his spare time he mediates property disputes between his two beautiful daughters, "Mine" and "Give That Back!"

TIMOTHY HENRY. Tim received his J.D. from the University of Kansas School of Law in 1986. Prior to his present position as an assistant federal public defender in the District of Kansas (which he's held since 1994), Tim spent three years as an assistant state public defender in Wichita, Kansas from 1986-89, was in private practice from 1989-91, and was an assistant federal public defender in the Northern District of Texas (Fort Worth division) from 1991-1994 where he practiced with distinguished AFPDs Tim Crooks and Peter Fleury. His experience consists of both a trial and appellate practice, the latter of which is not that unusual if you practice the former in the federal courts in Kansas.

PAUL HOFER. Dr. Paul J. Hofer is an independent sentencing consultant, expert witness, and Senior Lecturer in the Department of Psychological and Brain Sciences at Johns Hopkins University. He formerly worked at the U. S. Sentencing Commission, where he authored the Commission's Fifteen Year Review.

THOMAS F. JACOBS. Thomas Jacobs is an attorney in private practice in Tucson, Arizona. A Tucson native, and 1990 graduate of the University of Arizona, College of Law, Thomas has been practicing criminal trial and appellate law (State and Federal) as a solo-practitioner since January 1991. Thomas has been a C.A. Panel member since 1994. In 2001, Thomas commenced his representation of Rodney Gant, and began a legal journey to the United States Supreme Court that spanned nearly a decade, culminating in the landmark decision of *Arizona v. Gant* (2009). Thomas is the middle child among three siblings; all lawyers. His older brother Henry is a 2005 graduate of UNLV Law School, and his younger sister Jane graduated from Arizona State University, College of Law, in 2006. Their father is a physicist. Go figure.

NANCY JOSEPH. Nancy Joseph is an attorney with the Federal Defender Services of Wisconsin, Inc. She has practiced with the office since its inception in 2000. She represents clients at the district court and on appeal before The United States Court of Appeals for the Seventh Circuit. She graduated magna cum laude with a B.A. from Howard University and earned her law degree from Rutgers University School of Law. Prior to joining the Federal Defenders, Ms. Joseph worked for the Wisconsin State Public Defenders. She is currently a board member of the Eastern District Bar Association and co-chair of its Criminal Law Section. She is also the Wisconsin chair for the Committee on Criminal Law and Procedure of the Seventh Circuit Bar Association.

STEVE KALAR. After graduating from Harvard College in 1988, Steve Kalar served in the Peace Corps in Mali, West Africa. Upon his return stateside he worked for several years in civil rights, as a fair housing advocate. In 1996 Steve received his J.D. from U.C. Hastings, and then clerked for Ninth Circuit Judge Harry Pregerson. After a brief term at Morrison & Foerster, he began as an Assistant Federal Public Defender in the Northern District of California in 1998. Steve has taught at national defense seminars on a variety of subjects, including *Apprendi*, technology in trial, and challenges to expert testimony. He has also written several articles for the Champion, the magazine of the National Association of Criminal Defense Attorneys. In 2003 Steve was made Senior Litigator of the N.D. Cal. Federal Public Defender's Office. He is a frequent contributor to the Ninth Circuit blog (www.circuit9.blogspot.com), authors a nationally-distributed "Case o' The Week" memo on notable Ninth Circuit decisions, and maintains the Federal Defender's website at www.ndcalfpd.org.

MARGARET KATZE. Margaret, a native New Yorker, worked in the criminal defense division of the Legal Aid Society in Brooklyn before shifting major gears and accepting a position with the Navajo Nation. In 1995, she joined the Federal Defender's staff and has worked in the Western District of Texas (El Paso) and the District of New Mexico (Las Cruces and now, Albuquerque).

MICHAEL J. KENNEDY. Mr. Kennedy, First Assistant Federal Defender for the District of Nevada, has worked almost exclusively in federal courts in the west (Nevada, California and Washington state) since 1992 defending individuals accused of a variety of federal crimes (guns, drugs, murders, white collar offenses, RICO, VICAR, artifacts and anthrax to name a few) in some high profile, more low profile and often no profile cases. He teaches trial skills each year at the National Criminal Defense College and/or other similar programs. He was honored to be selected by his peers as an outstanding federal defender at the national conference in Los Angeles in 2001. Mr. Kennedy has successfully defended numerous individuals accused by the government of committing crimes. He successfully defended in 1998 Larry Wayne Harris (who U.S. News and World Report had identified in a 1997 article as the "Next Unabomber") in Las Vegas and Columbus, Ohio against charges identifying Harris as a domestic terrorist relating to an alleged plot to use anthrax as a weapon. In 2006, he obtained a complete victory for Sohn Regas in both the state and federal Hells Angels prosecutions in Las Vegas arising from an incident in Harrah's Laughlin casino between the Mongols and Hells Angels which left 3 dead. In 2007, he spent four months in trial in Las Vegas in a nine-defendant 162 count trial where the federal government failed to obtain a conviction against any defendant for any count. In 2008, he obtained back-to-back acquittals in Reno in two attempt murder prosecutions, one of which arose from a shoot-out inside his client's (David Lantry) home where two law enforcement officers were shot. Most recently, in 2009, he spent three months in trial in Las Vegas, and, as the case often is for all us folks who try cases in the trenches, got his ass kicked when the guilty verdicts far outnumbered the not guilty verdicts. Mr. Kennedy has been selected for inclusion in the 2008 and 2009 Nevada Super Lawyers for the practice of criminal defense. He began his career in 1988 as an associate with Holland & Hart in Denver, Colorado after graduating from the University of Minnesota Law School and is an active member of the Colorado, California and Nevada state bars.

JODI LINKER. Jodi Linker has been an Assistant Federal Public Defender in the Northern District of California since April 2007. She graduated from the University of California, Los Angeles in 1995, and then served as legislative assistant to U.S. Senator Barbara Boxer for nearly five years. Ms. Linker graduated Order of the Coif from Stanford Law School in 2003. She served as law clerk to the Hon. Charles R. Breyer, U.S. District Court for the Northern District of California and as an extern for the Hon. Susan Illston, U.S. District Court for the Northern District of California. Before joining the Federal Defender's office, Ms. Linker worked as a trial and appellate lawyer at Clarence & Dyer, where she represented individuals, public officials and corporations in state and federal courts. Ms. Linker is the co-author of a chapter focusing on criminal law issues in a treatise, "Advising and Defending Corporate Directors and Officers," Continuing Education of the Bar (CEB), October 2006 Update.

JUDY MADEWELL. Judy Madewell has been an Assistant Federal Public Defender in the Western District of Texas in the Appellate Section since 1998. She is an adjunct professor at St. Mary's School of Law in San Antonio, Texas, teaching Constitutional Criminal Procedure and Federal Criminal Law. She is also an instructor in the annual Appellate Writing Workshop for Federal Defenders, in Washington D.C. Judy graduated from the University of Texas in Austin with a BA (highest honors) and a JD (honors).

STEPHEN MARLEY. Stephen joined the Office of Defender Services Training Branch of the Administrative Office of the U.S. Courts in 2005 after a long career as an assistant public defender in Philadelphia, PA. In 1988, he joined the Defender Association of Philadelphia's state court trial unit after graduating from Temple University School of Law. Beginning in 1992, he worked for many years as an Assistant Federal Defender in its Federal Court Division, initially in the trial unit, and eventually moving to the "dark side" with the capital habeas corpus unit. Additionally, he has served as Special Counsel to the United States Sentencing Commission, an Attorney Adviser with the Office of Defender Services Legal & Policy Branch of the Administrative Office of the U.S. Courts, adjunct faculty at Temple University School of Law, and has spoken at local and national training programs.

MARY MCNAMARA. Mary McNamara is a trial and appellate lawyer specializing in white-collar criminal defense and commercial litigation matters. She is AV-rated by Martindale Hubbell, is profiled in Chambers USA America's Leading Lawyers, is a Northern California Super Lawyer in white-collar criminal defense and has been named as one of the top 50 women lawyers in Northern California. She represents both entities and individuals in federal and state courts around the country.

CHRISTOPHER MCKEE. Chris is the former Special Counsel to the Director at the Public Defender Service for the District of Columbia (PDS), where he served as a senior advisor to the Director and all other divisions of PDS on forensic evidence issues. Mr. McKee led the agency's Forensic Practice Group, supervised staff forensic fellows and the staff forensic scientist, and served as the primary reviewer of requests for expert services in all PDS cases. In addition to his advisory and supervisory roles, Mr. McKee served as lead or special counsel in cases involving important forensic issues, as well as maintaining his own personal caseload of complex homicide cases. Mr. McKee has litigated cases involving challenges to DNA, glass composition, firearms toolmark impressions, fingerprints, alleged arson evidence, alleged sexual assault injuries and numerous forensic pathology issues. Before joining the Trial Division at the Public Defender Service, Mr. McKee was a Staff Attorney at the DeKalb County Public Defender's Office in Decatur, Georgia, where he handled all levels of criminal cases before trial and appellate courts. Mr. McKee received his B.A. from the University of North Carolina at Greensboro and J.D./M.T.S. at Emory University. Mr. McKee is currently on leave from PDS and will be an adjunct law professor at the University of Colorado at Boulder during the 2009-2010 academic year.

FRANK MORALES. Frank Morales has been an assistant federal public defender for the past 11 years. He started off his AFPD career in the Western District of Texas, Del Rio Division where he battled the Border Patrol and was partially responsible for the resignation of former Attorney General Alberto Gonzalez (he'd like to think). Since August 2009, Frank has taken up the fight from the Southern District of Texas, Corpus Christi Division, where the foes (Border Patrol, ICE, DEA) are the same but the vistas are slightly different. Aside from the practice of law, Frank is an avid poker player whose courtroom persona is very similar to the poker persona of Humberto Brenes. When he's

not practicing law or playing poker, he is restoring a 1970 Boss Hogg Cadillac convertible (with horns). **JOHN NICHOLSON.** John has worked as a trial attorney in the Dallas division of the Northern District of Texas for over for four years. He was previously a naval officer in the JAG corps where he defended sailors and marines at courts-martial and was the Officer-In-Charge for the Naval Legal Services Office in Gulfport, Mississippi. His creativity is not conducive to writing witty self-biographies but, on the other hand, he makes fantastic margaritas.+

SARA E. NOONAN. Sara Noonan is a Research and Writing Attorney working with the National Sentencing Resource Counsel to the Federal Public and Community Defenders. She represents Defenders' interests in matters of sentencing policy, provides litigation support in sentencing cases before the United States Supreme Court and Courts of Appeals, and provides training in sentencing advocacy. She is a cum laude graduate of Boston University School of Law and clerked for the Honorable Boyce F. Martin, Jr. of the U.S. Court of Appeals for the Sixth Circuit. Prior to joining the Defenders, Sara worked for the Boston firm of Dwyer & Collora, LLP representing criminal defendants in state and federal court.

THE HON. MARILYN HALL PATEL. Judge Marilyn Hall Patel has served as a judge on the United States District Court for the Northern District of California, sitting in San Francisco, since August 1980. She was the first woman to sit on the Court in the history of the District, which was established in 1850. She remained the only woman on the court until 1988. She was the first woman to serve as Chief Judge of the Court and held that position from 1997 to 2004. Prior to her joining the federal bench, Judge Patel served on the state court bench in California. Judge Patel received her B.A. degree from Wheaton College in 1959 and her J.D. from Fordham University School of Law in 1963. She has been admitted to the Bars of New York and California. During her years on the bench, Judge Patel has presided over many intellectual property cases including patent, copyright, trademark and trade secret actions.. Among them was the litigation involving the original peer-to-peer file sharing system, Napster. Currently, an action between Real Networks and a large number of movie studios regarding DVD copying is pending before her. Judge Patel hears all types of civil and criminal cases and has sat with the Federal Circuit hearing appeals in patent and other litigation. She has presided over a number of precedent setting cases in the District including:

- overturning the conviction of a Japanese-American who had been interned during World War II
- finding use of the gas chamber to be cruel and unusual punishment in death penalty cases in violation of the United States Constitution
- striking down federal export regulations that restrain the transmission of computer encryption programs as unlawful restrictions on the First Amendment
- rendering the first decision defining the obligations of retailers to provide access to their online websites to the legally blind under the ADA
- finding that the San Francisco Fire Department discriminated on the basis of race, sex and national origin and entering a consent decree ordering its desegregation

- setting aside the conviction of a defendant who had already served 18 years based upon police misconduct, manipulation of evidence and other constitutional violations

Judge Patel has been involved in a number of advanced legal education programs instructing within and outside the United States on litigation, civil practice, securities law and intellectual property law as well as a number of other subjects. She has participated in programs conducted by Loyola School of Law and California Institute of Technology delving into the intersection of technology and other important issues of the day including human genome research, communication and globalization. She also has been one of the initiators of judicial education programs in our state and federal courts dealing with gender bias, leading to the first gender bias studies and commissions in these courts.

BARRY PORTMAN. Barry Portman attended Georgetown Law Center and spent his first years as a lawyer in Louisiana doing civil rights and poverty law work. He joined the Los Angeles Federal Defender Office when it opened in 1971 and has been a defender ever since. In 1974, he joined the San Francisco Defender Office and became the Federal Public Defender in 1987. He was an adjunct professor at Boalt Hall for fifteen years and participated in State Department Rule of Law programs in South and Central America, Africa and the Middle East.

THE HON. EDWARD PRADO. Judge Edward C. Prado is a United States Circuit Judge for the Fifth Circuit Court of Appeals. He previously had been a United States District Court Judge in the Western District of Texas for 19 years. Prior to becoming a Federal Judge he served as United States Attorney for the Western District of Texas. He temporarily filled an unexpired term as State District Court Judge in the 187th District Court in Bexar County. He also served as an Assistant Federal Public Defender in the Western District of Texas and as an assistant District Attorney in Bexar County, Texas. Judge Prado graduated from the University of Texas with a B.A. in Government and received his J. D. from the University of Texas School of Law. He has served on numerous ABA and Texas Bar committees and has also served on several Judicial Conference of the United States Committees. He is past president of the Fifth Circuit District Judges Association and presently sits on the Executive Board of the Federal Judges Association. Judge Prado is a frequent speaker at C. L. E. programs. He has spoken throughout Latin America at international judicial conferences on numerous topics involving the United States Judicial process. He is known as one of the most innovative users of technology in the courtroom and in the handling of his docket.

PAUL RASHKIND. Paul M. Rashkind is a Supervisory Assistant Federal Public Defender and Chief of Appeals for the Office of the Federal Public Defender, Southern District of Florida (1992-present). He was previously a partner in the law firm of Bailey, Gerstein, Rashkind & Dresnick (1984-92), an associate of Sams, Gerstein & Ward (1978-84), and an Assistant State Attorney of the Eleventh Judicial Circuit of Florida (1975-78). He is Board Certified as a Specialist in Criminal Trial Law by both The Florida Bar and the National Board of Trial Advocacy and has served as a member of the Board of Examiners of NBTA. Paul is admitted to practice in Florida, New York and the District of Columbia. He is President of the Florida Association of Criminal Defense Lawyers-Miami. He is Vice Chair for Publications of the American Bar Association's Criminal Justice Section, and has previously served a three-year term on the Criminal Justice Section Council. He is a member of The Florida Bar Federal Court Practice Committee, and serves by appointment of the Chief Judge as a member of the Local Rules Committee of the Southern District of Florida. Paul writes "Cert Alert," a quarterly column for the American Bar Association's Criminal Justice Magazine. He also publishes the U.S. Supreme Court Review-Preview-Overview, Web "Cites" for Federal Defenders <www.rashkind.com>, and the web sites for the U.S. Sentencing Commission, Practitioners' Advisory Group <www.usscpag.com>, Florida Association of Criminal Defense Lawyers-Miami <www.facdl.com and www.facdl-miami.org> and the Office of the Federal Public Defender, Southern District of Florida <www.miamidefender.com>. He serves on the Adjunct Faculty of the University of Miami School of Law, has written extensively on the subjects of criminal law and legal ethics, and lectures frequently on behalf of the Federal Judicial Center, the American Bar Association, and The Florida Bar.

J. MARTIN RICHEY. Martin Richey has been an Assistant Federal Public Defender with the Federal Public Defender Office in Boston since 1997. Prior to that, he was a staff attorney with the Massachusetts state public defender office. Martin graduated from the University of South Carolina in 1987 and received his J.D. from Northeastern University in 1991. After graduating from law school Martin clerked with the Alaska Court of Appeals. He was a clinical instructor at the Criminal Justice Institute at Harvard Law School in 1998-1999.

ALEX ROBERTS. Alex focuses on the technical areas of litigation support and can assist with identifying what technology to use and when to use it. Alex has more than 10 years of experience in the field of litigation support. Prior to joining us, Alex was a litigation support technical analyst and workflow coordinator for Foster Pepper, PLLC, a law firm in Seattle, Washington where he supervised and coordinated electronic discovery workflow, litigation software training, provided advanced legal database support and gave trial presentation consulting. Of particular note, Alex has worked in the past with C.A. panel attorneys in the Western District of Washington, consulting and participating in a number of complex C.A. matters.

CYNTHIA ROSEBERRY. Originally from Atlanta, Georgia, Cynthia W. Roseberry graduated from Georgia State University College of Law. Cynthia has taught across the country for various organizations including the National Association of Criminal Defense Lawyers, the Georgia Association of Criminal Defense Lawyers, the Georgia Bar Association, the Wisconsin Public Defenders, the Washington D. C. Public Defenders, the Alabama Association of Criminal Defense Lawyers, the Rainbow Push Coalition and many more. She is on faculty at the National Criminal Defense College and the William Daniel Trial Advocacy Program. Ms. Roseberry is a founding board member of the Georgia Innocence Project and serves on the board of the Georgian Association of Criminal Defense Lawyers for which she has received commendation. After practicing federal and state criminal defense in Georgia for nearly a decade, Cynthia relocated to Chicago to establish a misdemeanor clinic at the DePaul University College of Law. In addition to teaching the clinic, Cynthia currently coaches the award winning BLSA Mock trial team at DePaul.

MARTIN SABELLI. Martin Sabelli has represented individuals accused of crimes in federal and state courts since 1993 in cases ranging from complex federal white collar matters to street crimes including many gang-related offenses. He served as a federal public defender in San Francisco, as the first Director of Training for the San Francisco Public Defender's Office, and as a law clerk to the late Honorable Robert F. Peckham. He has also practiced criminal defense with Patrick Hallinan and as a partner Winston & Strawn in San Francisco. He teaches regularly at the National Criminal Defense College and for the National Institute for Trial Advocacy as well as numerous other criminal defense/public defense programs around the country and has participated in criminal justice reform in Africa, the Middle East and Latin America. He has authored law review articles on the dangers of self representation and prosecutorial discretion. He graduated from Harvard College, the London School of Economics and Political Science, and Yale Law School and is a member of the Board of Directors of NACDL.

RANDALL SCHNACK. Randall Schnack has worked in the federal government as an attorney for the past 15 years. Prior to joining the Central District Court of California, Randall was with the FDIC/RTC where he served as Counsel (Section Chief) covering nine western states. He managed the staff attorneys and fee counsel handling the civil litigation for 48 failed financial institutions under his control. In June 1997, Randall began work as the C.A. Supervising Attorney for the court. In that capacity he reviews for reasonableness and approves for payment over 5000 C.A. vouchers a year. He also handles complex cost bills for the court and manages the Capital Habeas Law Clerks. Randall has prepared substantive materials that have been published for the California State Bar and the Continuing Education of the Bar ("CEB") and has appeared on educational panels for the CEB, Federal Public Defender's Office, Chief Judges Circuit Conference and District Court.

KELLY SCRIBNER. Kelly specializes in case management, workflow design and vendor relations. Prior to working with us, Kelly was the Director of Litigation Support Services for Loxodrome Solutions, Inc., a litigation support vendor which works with civil law firms in the United States on document management and discovery needs. Prior to this position, Kelly was a senior litigation paralegal for Affymetrix, Inc., a biotech company, and at Pillsbury Winthrop LLP in San Francisco. She has ten years of litigation support and legal experience relevant to our national needs, including project management of multi-national civil cases, overseeing onsite document collection, the assessment and selection of technology vendors, training end-users on litigation support software, and the supervision of large teams of attorneys conducting the review of legal documents.

JAMES SMITH, III. James Smith is an Assistant Federal Public Defender in the Office of the Federal Public Defender for the Middle District of Florida's Orlando Division. Prior to joining the office James was an Assistant Professor of Law at the Florida A&M University College of Law where he taught several courses including Criminal Law & Procedure, Trial Practice, and Evidence. James served on active duty for eight years as commissioned officer and attorney in the United States Army Judge Advocate Generals Corps. During his time in the JAG Corps James held a variety of positions including prosecutor, defense counsel, senior defense counsel, and chief of military justice. James is a graduate of Hampton University and Duke Law School. James is married and is the proud father of two children. James loves to read anything written by George Pelacanos, Naomi Klein, and Michael Eric Dyson, and is a big fan of the music of Sting, Maxwell, Sade, and Shaw Colvin.

TROY STABENOW. Troy Stabenow, Assistant Federal Public Defender, is a member of the 8th Circuit Jury Instructions Subcommittee, and a co-editor of West's Federal Forms for District Courts-Criminal (2010 supplement). He authored *Deconstructing the Myth of Careful Study: A Primer on the Flawed Progression of the Child Pornography Guidelines*. After graduating from the University of Iowa College of Law, Mr. Stabenow entered active duty in the U.S. Army JAG Corps. As a JAG Corps officer, he acted as a roving prosecutor for the 1st Infantry Division in the German state of Bavaria and was then selected to be the head prosecutor for the 1st Armored Division, located in the German States of Hesse and the Rhineland-Palatinate. In these roles he worked extensively with U.S. and German authorities in the prosecution of child pornography offenders. After almost six years abroad, Mr. Stabenow returned to the United States to serve as the senior defense attorney at Fort Riley, Kansas. In addition to trying dozens of contested child pornography cases, Mr. Stabenow regularly provided training for Department of Defense agencies in how to investigate, prosecute, and defend child pornography offenses. Mr. Stabenow joined the Office of the Federal Public Defender in 2005, and continues to defend child pornography defendants in federal court. He is a Major in the U.S. Army Reserves.

ROBERT TRUITT. Robert Truitt is currently a staff attorney with the Northern District of Indiana Community Defender, South Bend Division, and has just completed six months as a visiting Attorney Advisor in the Office of Defender Services, Training Branch. He served as a C.A. panel attorney from 1974-2000. A graduate of Loyola University of Chicago and Valparaiso University School of Law, Robert has served as an adjunct professor in both the Valparaiso College of Business (business law) and Valparaiso University School of Law (pretrial skills and products liability). In addition to his normal case duties, he serves as the Training Director and Sentencing Coordinator for the Northern District of Indiana Defender's Office. Robert's previous experience has been in general practice of law, including a specialized practice in insurance defense. Additionally, he served as Superior Court Judge for Porter County, Indiana Superior Court # 6 as well as Circuit Court Magistrate in Starke County, Indiana. Robert is very involved in the Special Olympics organization in his community and serves on the state Board of Directors.

RON TYLER. Ron Tyler is a native of Cheyenne, Wyoming. He received his B.S. degree in Computer Science and Engineering from the Massachusetts Institute of Technology in 1981. His honors at M.I.T. included the Weisner Award for Achievement in the Performing Arts. After a brief career in high technology, he turned away from industry to focus on public interest advocacy. He began law school as a Tony PatiZo Fellow at Hastings College of the Law and then earned his J.D. from U.C. Berkeley's Boalt Hall in 1989, where he served as Notes and Comments Editor on the Ecology Law Quarterly. After law school, he clerked for U.S. District Court Judge Marilyn Hall

Patel. In 1990, he joined the office of the Federal Public Defender for the Northern District of California, where he has remained ever since. He appears in trial and appellate courts covering the full gamut of federal criminal cases. Mr. Tyler is an active lecturer in law. He is an Adjunct Professor of Law at Hastings College of the Law and a member of the faculty of the National Criminal Defense College in Macon, Georgia. He lectures regularly at national and regional seminars for criminal defense attorneys, investigators and paralegals. Aside from his law practice, Mr. Tyler is active in the American Civil Liberties Union of Northern California, most recently serving as Chairperson of the Board of Directors and previously serving on the ACLU National Board of Directors.

ERIC VOS. Eric Vos work an Attorney Advisor at the Office of Defender Services Legal Policy and Training Branch. In that capacity he designs and oversees the training of federal criminal defense attorneys nationwide. For over a dozen years prior to being an Attorney Advisor Eric was an Assistant Federal Defender in Maine and in Philadelphia. Eric has represented hundreds of federal defendants, nationally and abroad, at all levels of prosecution, and for all imaginable types of federal crimes. Over the last six years Eric has been researching and concentrating on the use of experts and technology in the courtroom to both defend and present matters in federal court. Combining his practical experience, and his research, Eric has lectured extensively, both nationally and internationally, on the use of experts in federal litigation, general trial techniques and the use of technology in defending and presenting matters in federal court. In 2006 Eric was Special Counsel to the United States Sentencing Commission in Washington, D.C. and an Attorney Advisor at the Office of Defender Services' Training Branch in Washington, D.C. Eric Vos received his BA degree in Geography & International Development from Clark University in 1984 and graduated from Temple University - James E. Beasley School of Law in 1992. From 2000-2006 Mr. Vos also taught law at his alma mater. Prior to working with the Federal Defenders Mr. Vos was in private practice where he specialized in Federal Civil Rights litigation.

PAULA XINIS. Paula is a 1997 graduate of Yale Law School. After law school, Paula clerked for the Honorable Diana Gribbon Motz on the United States Court of Appeals for the Fourth Circuit. She then joined the Office of the Federal Public Defenders for the District of Maryland in August of 1998 as an Assistant Federal Public Defender. Since that time, she has presented at both misdemeanor and felony C.A. panel training within the District of Maryland and elsewhere. She has also taught an appellate advocacy course at the University of Maryland School of Law.