

Below is the agenda for the

2011 MULTI-TRACK FEDERAL CRIMINAL DEFENSE SEMINAR

To view written materials produced in conjunction with a particular session at the seminar, click on the [blue link](#) to that agenda item.

Please note that the absence of a link for a specific session indicates that the presenter did not provide any written materials for that session.

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

***Multi-Track Federal Criminal Defense Seminar:
Strategies For Defending Complex Cases August
18-20, 2011***

**Fairmont Olympic Hotel
Seattle, Washington**

The agenda for the Multi-Track Federal Criminal Defense Seminar follows this cover page. The seminar is designed to offer in-depth instruction in a variety of substantive criminal defense areas. The five tracks for 2011 in Seattle are: 1) Immigration with a focus on *Padilla*; 2) Sentencing in a post-*Booker* world; 3) Experts, Forensics & Science; 4) Computer Crimes and Handling of Electronic Discovery; and 5) Drugs, Guns and Money. Tracks 1-4 will be presented in four distinct hour-long time blocks. These sessions will be presented on Thursday, August 18, 2011 and then repeated on Friday, August 19, 2011. This design will provide seminar participants with the opportunity to attend two of the four separate tracks taking place on Thursday and Friday.

On Saturday, August 20, 2011, seminar participants will have the opportunity to attend both plenary and small group breakout sessions for the 5th track, Drugs, Guns & Money. These Saturday sessions will address topics of general interest and importance to criminal defense practitioners and each session is provided twice so attendees may attend at least two areas of interest be it drugs, guns or money (fraud).

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

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

**Fairmont Olympic Hotel
Seattle, Washington
Final Agenda**

Thursday, August 18, 2011

7:30 to 8:30 A.M. **Registration - Spanish Foyer**

7:30 to 8:30 A.M. **Continental Breakfast - Spanish Foyer**

8:30 to 8:45 A.M. **Welcoming Remarks - Spanish Ballroom**
*Eric Vos, Attorney-Advisor, Office of Defender Services Training
Branch, Washington, D.C.*

8:45 to 9:30 A.M. **KEYNOTE ADDRESS: [Rethinking Probation, Supervised Release and
Helping Your Client Succeed Outside of Incarceration](#)**
Douglas Burris, Chief U.S. Probation Officer, St. Louis, MO
Spanish Ballroom

Spend an hour with one of the strongest client advocates imaginable and see what effectively helps defendants in a post-conviction world. An inspiring look at what clients *really* go through, what makes them succeed and a moving reminder of why we are committed to helping indigent defendants.

9:30 to 10:30 A.M. **Plenary: Facebook, Myspace, The Joys/Dangers of Internet Social
Networks and How to Use Them as a Litigation Tool**
Spanish Ballroom

*Kelly Scribner, Assistant National Litigation Support Administrator,
Office of Defender Services, Training Branch, Oakland, California*
*Alex Roberts, National Litigation Support Paralegal, Office of Defender
Services, Training Branch, Oakland, California*
*Lou Newberger, Federal Public Defender, Southern District of West
Virginia*

It seems like everyone these days has a darn Facebook page! What is with all these youngsters posting pictures of themselves on MySpace? Who wants to see strangers engaging in illegal activity, taking drugs, bragging about their exploits and making darn fools of themselves? **You do!!!!** There is a bevy of great material out there to impeach snitches, lay

witnesses, police officers and just about anyone who logged off the night before and showed up to testify against your client at trial the very next morning. An important look at the new frontier of Internet Social Networks and your next trial.

10:30 to 10:40 A.M. Break - Coffee & Tea

Track Descriptions

1. Immigration and a closer look at *Padilla*

*Immigration cases present a variety of issues often not encountered in the defense of other types of cases and with the new holding in **Padilla** immigration matters seem to have become even more complex. Defense attorneys are now directed, by the Supreme Court, to provide warnings as to how convictions will effect non-citizens and their immigration status. With the new case-law attendees will be able to attend sessions which will help clarify the Court's new requirements, as well as other specific defenses available in illegal reentry cases and how to make effective use of mitigation evidence. All of those issues and more will be covered during the sessions in this track.*

2. Sentencing in a post-Booker world

*Sentencing in federal criminal cases no longer is limited to a mere guideline calculation. This track highlights avenues available to defense counsel to obtain a better sentence for their clients. This track will look at guideline deconstruction, interpretations of sentencing statues by the Supreme Court and mitigation arguments now allowed in a **post-Booker** framework.*

3. Experts, Forensics & Science

The recently released NAS report has raised a number of questions regarding the "science" the government has used to support its prosecutions. These sessions will look at specific areas where the formerly relied upon and accepted science has been debunked. These sessions will also provide the basis for understanding the science itself, or the lack of it, to better prepare defense counsel to challenge the use of such evidence in their cases. Best of all, these sessions will help you find and attack experts in your upcoming cases.

4. Computer Crimes & Handling Electronic Discovery

Computer technology is playing an increasing role in criminal cases. Specific criminal offenses involve the use of computers, requiring increased knowledge of the technology and the forensic techniques utilized to evaluate evidence. The aim of these sessions is to provide an overview of some of the specific crimes associated with computers and the forensic science involved in evaluating the strengths and weaknesses of the government's case. Lastly, there will be sessions which look at the handling of electronic discovery.

5. Guns, Drugs & Money

Gun crimes, drug offenses and fraud still remain front and center as practitioners take on representing clients in federal courts. This tract, which will be available to all on Saturday, August 20, 2011, will include "hot" developing areas and new ways of looking at common offenses. Each session is given twice over so attendees will be able to attend at least two areas of interest.

Track Presentations

10:40 to 11:40 A.M.

1) Immigration - **Parliament**

[How a Criminal Conviction Will Impact Your Client's Future Immigration Status](#)

(Repeated again on Friday, August 19, at 9:45 AM)

Mary Kramer, Law Offices of Mary Kramer, Miami, FL

This session provides a careful examination of the types of convictions which lead to deportation of your clients who are not United States citizens. This is important information to consider when advising clients of their options in a criminal proceeding and important when living up to the Padilla requirements.

2) Sentencing - **Congress**

[Deconstructing the Guidelines and Constructing a Purpose-Driven Sentence](#)

(Repeated again on Friday, August 19, at 9:45 AM)

Jennifer Coffin, Research and Writing Specialist, National Sentencing

Resource Counsel, Nashville, TN

Amy Baron-Evans, National Sentencing Resource Counsel, Boston, MA

This presentation will demonstrate how to deconstruct some of the most frequently-applied and severe guidelines, showing that they are not based on national sentencing data or empirical research. Child Pornography, Immigration, Drugs, Relevant Conduct and Career Offender guidelines will be covered. Further discussions will be held concerning how to best construct a sentence which addresses specific goals.

3) Experts, Forensics & Science - **Spanish Ballroom**

[Fingerprints: Understanding & Challenging Science](#) *(Repeated again on Friday, August 19, at 9:45 AM)*

Robert Epstein, Assistant Federal Defender, Eastern District of PA

This presentation looks at the science behind fingerprint identification. Learn how an expert matches one fingerprint to another and how to challenge the accuracy of the identification. Fingerprints are not we know them to be and the science is far shakier than every imagined. An interesting session which goes far beyond the science of fingerprints.

4) [OTHER COMPUTER CRIMES - CHILD PORNOGRAPHY ISN'T THE ONLY GAME IN TOWN](#) *(Repeated again on Friday, August 19, at 9:45 AM)*

Council

G. Patrick Black, Federal Defender, Eastern District of Texas

Ken Hawk, Assistant Federal Public Defender, Eastern District of Texas

Computers are gifts which just seem to keep on giving when it comes to federal criminal

prosecutions. With desktops, laptops, iPads, smart-phones, etc. our clients have a bevy of ways to get indicted. And it certainly is not slowing down. Despite all the attention given to Child Pornography (CP) cases there is also a large increase in prosecutions concerning alleged computer crimes which have little to nothing to do with CP. This session will focus on federal computer and internet crimes such as hacking, identity theft, cyber-stalking, unauthorized password use, and fraud. **(This session will be presented in two parts. The second session, which covers Child Pornography Defense, will follow during the following 11:50 AM Track Presentations).**

Track Presentations

11:40 to 11:50 A.M. Break

11:50 to 12:50 P.M.

1) Immigration - Parliament

Sentencing Issues in Illegal Reentry Cases: Getting the Variances and Downward Departures Your Client Deserves *(Repeated again on Friday, August 19, at 11:00 AM)*

Kari Converse, Assistant Federal Defender, District of New Mexico

Important Note: *Immigration and sentencing will be divided into two sessions. The first, Fighting Aggravating CH & Upward Departures, will concentrate on attacking Guideline calculations. In essence, how to get the raw numbers down. The second sentencing session, Getting the Variances and Downward Departures Your Client Deserves, will help you attack a sentence once you have the Guideline calculations knocked down but you still need to convince the Court that the Guidelines are a poor alternative and sentencing should be lowered through variances and departures.*

So you have hammered the Guideline calculations as low as you can go and the numbers are still unacceptable - what do you do? Learn how to attack the validity of the Immigration Guidelines and demand variances and departures. This session will look at how the Immigration Guidelines are unsupported by the empirical data and how courts have now repeatedly held that when a Guideline is not based on studies and empirical evidence a Sentencing Court may disregard the Guidelines and sentence by statute. Attorneys must learn what these Guidelines are not based on and be ready to provide the Court with far more lenient alternatives. Learn how to eviscerate the Guidelines and provide the Court with reasonable variances and departures in immigration matters.

2) Sentencing - Congress

Litigating Mitigating Factors: Departures, Variances, and Alternatives to Incarceration *(Repeated again on Friday, August 19, at 11:00 AM)*

Jennifer Coffin, Research and Writing Specialist, National Sentencing Resource Counsel, Nashville, TN

Amy Baron-Evans, National Sentencing Resource Counsel, Boston, MA

The 2010 Guideline amendments specifically set forth sentencing possibilities which may serve as an alternatives to incarceration. Alternatives such as treatment for substance abuse and mental health conditions as well as departures for age, physical condition (including substance abuse), mental and emotional conditions, and military service must

be revisited and offered up to the sentencing court as appropriate alternative options to fulfill the sentencing requirements set forth in 18 U.S.C. § 3553(a). This session will explore the practical implications of the amendments and ways to advocate for options which move away from incarceration.

3) Experts, Forensics & Science - Spanish Ballroom

Firearm and Toolmark Identification (Repeated again on Friday, August 19, at 11:00 AM)

Jack Cunha, Cunha and Holcomb Attorneys at Law, Boston, MA

This session will address how to effectively challenge the lack of a scientific basis of "forensic" evidence presented in cases involving firearms/toolmark identification in light of the recent findings in the National Academy of Sciences (NAS) Report. Arguments to repudiate claims that firearms produce unique markings on bullets/casings, lack of standards for identifying so-called individual markings, lack of statistical basis for declarations of a match between a gun and bullet, and prejudice from unsupported "expert" testimony will be presented.

4) Computer Crimes - Council

Computer Based Sex Crimes: Defending Enticement and Child

Pornography Cases (Repeated again on Friday, August 19, at 11:00 AM)

G. Patrick Black, Federal Defender, Eastern District of Texas

Ken Hawk, Assistant Federal Public Defender, Eastern District of Texas

If you have ever had the chance to defend a Child Porn (CP) case you know how daunting the challenge is and how quickly the Guidelines shoot through the roof. Defending a CP case is filled with traps, escape routes and chock full of danger. This session will focus on issues which often arise in connection with the defense of internet-based sex crimes. Among other topics, this session covers the most commonly charged offenses, detention issues, pretrial motions, trial defenses, and sentencing issues.

12:50 to 2:00 P.M. LUNCH

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

BOOKER, GALL, KIMBROUGH & SPEARS: A VIEW FROM THE DISTRICT COURT BENCH - SPANISH BALLROOM

Judicial Panel:

Honorable George Z. Singal, District Court of Maine

Honorable Nicholas G. Garaufis, Eastern District of New York

Moderator:

Willie J. Epps, Jr., Esq., Shook, Hardy & Bacon, Kansas City, Missouri

In 2005, Booker redefined the sentencing landscape – or did it? Somewhere between rarely and never do attorneys get to hear from sentencing judges as to what works, hurts and/or is effective when parties advocate for a more favorable sentence. This very special panel discussion features the most important point of view - that of the District

Court Sentencing Judge. Our panel of judges comes from around the country and each judge will discuss his/her individual perspectives on the sentencing process post-Booker, Gall, Kimbrough and Spears.

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

Track Presentations

3:15 to 4:15 P.M.

1) Immigration - Parliament

Defending Against the Illegal Entry and Illegal Reentry Charges

(Repeated again on Friday, August 19, at 4:00 PM)

Jodi Linker, Assistant Federal Defender, Northern District of California

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

2) Sentencing - Windsor

Mitigation Experts/Tools/Tricks/Fireworks *(Repeated again on Friday, August 19, at 4:00 PM)*

Fredilyn Sison, Assistant Federal Defender, Federal Defenders of Western North Carolina

A lively romp through the fantastic possibilities of bringing your client’s story to life during the sentencing phase. There are a variety of experts and tools you can use in screaming to the court about mitigation. This well regarded presentation takes aim at opening your mind up to re-thinking strategies which may result in the court embracing your pitch for a variant/lesser sentence.

3) Experts, Forensics & Science - Council

Discovery and Challenges to Crime Labs *(Repeated again on Friday, August 19, at 4:00 PM)*

Eric Klein, Johnson & Brennan, PLLC, Boulder, CO

This session will detail how to meaningfully challenge the forensic evidence in your case by making specific discovery requests about the analyst, all information relied upon by the analyst in reaching a conclusion, manuals, protocols, databases, policies and accreditation of the lab and its personnel.

4) Computer Crimes - Congress

Computer Forensics and What Is, and Is Not, There On Your Client’s Computer

(Repeated again on Friday, August 19, at 4:00 PM)

Rick Lavaty, Computer Systems Administrator, District of Arizona

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

4:15 to 4:30 P.M. BREAK

Track Presentations

4:30 to 5:30 P.M.

1) Immigration - Parliament

Sentencing Issues in Illegal Reentry Cases: Fighting Aggravating Criminal History and other Upward Adjustments *(Repeated again on Friday, August 19, at 2:50 PM)*

James Langell, Assistant Federal Defender, District of New Mexico

Important Note: *Immigration and sentencing will be divided into two sessions. The first, Fighting Aggravating CH & Upward Departures, will concentrate on attacking Guideline calculations. In essence, how to get the raw numbers down. The second sentencing session, Getting the Variances and Downward Departures Your Client Deserves, will help you attack a sentence once you have the Guideline calculations knocked down but you still need to convince the Court that the Guidelines are a poor alternative and sentencing should be lowered through variances and departures.*

A Sentencing Court, according to *Gall*, must first calculate the Guidelines. Clients convicted of illegal reentry often face far longer sentences than they did when convicted of more serious offenses prior to their deportation based on prior aggravated felonies such as “violent crimes” and drug-trafficking offenses. Aggravating criminal histories are filled with land mines, loopholes and escape hatches. Learn how to dodge these draconian bullets when fending off upward adjustments and aggravating factors when opponents and courts try to add that 16-level upward adjustment.

2) Sentencing - Council

Recidivism, Recidivism, Recidivism: How to Mitigate Your Client's Criminal History *(Repeated again on Friday, August 19, at 2:50 PM)*

(Thursday, August 18, 2011 Continued)

Jane McClellan, Assistant Federal Defender, District of Arizona

Attacking the Guideline’s “second axis,” criminal history, requires a keen understanding of how the Sentencing Commission justified guideline range increases based on past convictions and how the “science” behind the guidelines may be lacking. This session will discuss some of the common tools used to predict recidivism (criminal history scores, actuarial risk assessments) and how attorneys can use them to advocate for lower sentences. It will also discuss common barriers to reentry and how they may be used to explain why your client may not be as “bad” as the criminal history score suggests. An important session, which explores how to advocate for departures based upon over

representation of criminal history and variances based on 18 U.S.C. § 3553(a) factors.

3) Experts, Forensics & Science - Spanish Ballroom

Attacking and Understanding DNA (*Repeated again on Friday, August 19, at 2:50 PM*)

Larry Tipton, Attorney-in-Charge, Norfolk County Office, CPCS

This session will cover ways to successfully challenge the presence of DNA evidence in your case. If the government claims to have located your client's DNA at the crime scene, your client may not have put it there. Evidentiary issues involved with certification, testing, and transfer will be covered.

4) Computer Crimes - Congress

Electronic Discovery: How Best to Receive, Organize and Handle the Possible Deluge of Data

Russ Aoki, Aoki Law, Seattle, WA

Tom O'Connor, Gulf Coast Legal Tech Center, New Orleans, LA

If not already, banker boxes filled with discovery documents may no longer be coming your way. Instead, if you're lucky, you are only receiving ONE CD-ROM which holds a puny 800 megabytes or merely 400,000 pages of text. Maybe you will just receive a terabyte of data which means you will have to sift through approximately 50,000,000 pages of discovery which is 200 miles of stacked printed pages!! NOW WHAT!!!?

This session looks at how best to receive this electronic discovery - as in formats. Not all formats are created the same and you may need to demand one format over another or even convert from one format to another. Even if the discovery you received is in a "good" format you will have to organize the electronic discovery so that you can search and find the facts hidden in this massive data collection.

It is an electronic discovery jungle out there and you do not want to show up to this electronic gun fight with a banker box mentality. Learn how to possess the right weapons and best handle what you get in the new world of digitized discovery.

5:30 P.M. Adjournment

Friday, August 19, 2011

7:30 to 8:30 A.M. Continental Breakfast - Spanish Foyer

8:30 to 9:30 A.M. Plenary: CJA Resources - Spanish Ballroom

Russ Aoki, Aoki Law, Seattle, WA

*Mark Cedrone, Esq., The Law Offices of Mark E. Cedrone,
P.C., Philadelphia, PA*

The CJA Guidelines specify how panel attorneys obtain funding for expert services and other resources to defend their clients in appointed criminal cases. This panel will help you make sense of it all. Learn some new ideas and tips on how to obtain technical and litigation-support funding and the best ways to use those funds. The panel will also explore potential roles of investigators, mitigation specialists and other experts, as well as resources available through www.fd.org and the Office of Defender Services Training Branch. This session offers CJA practitioners an opportunity to ask very knowledgeable and experienced panel experts/administrators any questions you have about CJA administrative policies.

9:30 to 9:45 A.M. Break

Repeat of Thursday Morning Track Presentations

9:45 to 10:45 A.M.

1) Immigration - Parliament

[How a Criminal Conviction Will Impact Your Client's Future Immigration Status](#)

Mary Kramer, Law Offices of Mary Kramer, Miami, FL

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

2) Sentencing - Windsor

[Deconstructing the Guidelines and Constructing a Purpose-Driven Sentence](#)

*Jennifer Coffin, Research and Writing Specialist, National Sentencing Resource Counsel,
Nashville, TN*

Amy Baron-Evans, National Sentencing Resource Counsel, Boston, MA

This presentation will demonstrate how to deconstruct some of the most frequently-applied and severe guidelines, showing that they are not based on national sentencing data or empirical research. Child Pornography, Immigration, Drugs, Relevant Conduct and Career Offender guidelines will be covered. Further discussions will be held concerning how to best construct a sentence which addresses specific goals.

3) [Experts, Forensics & Science Fingerprints](#) - Council

Robert Epstein, Assistant Federal Defender, Eastern District of PA

This presentation looks at the science behind fingerprint identification. Learn how an expert matches one fingerprint to another and how to challenge the accuracy of the identification.

4) Computer Crimes - Congress

[OTHER COMPUTER CRIMES - CHILD PORNOGRAPHY ISN'T THE ONLY GAME IN TOWN](#)

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Track Presentations

11:00 to 12:00 P.M.

1) Immigration - Parliament

[Sentencing Issues in Illegal Reentry Cases: Getting the Variances and Downward Departures Your Client Deserves](#)

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So you have hammered the Guideline calculations as low as you can go and the numbers are still unacceptable - what do you do? Learn how to attack the validity of the Immigration Guidelines and demand variances and departures. This session will look at how the Immigration Guidelines are unsupported by the empirical data and how courts

have now repeatedly held that when a Guideline is not based on studies and empirical evidence a Sentencing Court may disregard the Guidelines and sentence by statute. Attorneys must learn what these Guidelines are not based on and be ready to provide the Court with far more lenient alternatives. Learn how to eviscerate the Guidelines and provide the Court with reasonable variances and departures in immigration matters.

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Litigating Mitigating Factors: Departures, Variances, and Alternatives to Incarceration

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3) Experts, Forensics & Science

Firearm and Toolmark Identification - Council

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This session will address how to effectively challenge the lack of a scientific basis of "forensic" evidence presented in cases involving firearms/toolmark identification in light of the recent findings in the National Academy of Sciences (NAS) Report. Arguments to repudiate claims that firearms produce unique markings on bullets/casings, lack of

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12:00 to 1:30 P.M. Lunch

1:30 to 2:45 P.M. Plenary: Complying with Padilla Pursuant to the new Supreme Court Holding: What is Expected of Attorneys When Representing and Advising Non-Citizen Clients Facing Federal Convictions and What Does the Process Look Like
Spanish Ballroom

Panel Members:

Jodi Linker, Assistant Federal Defender, District of Northern California

Eleni Wolfe-Roubatis, Supervising Attorney, National Immigrant Justice Center, Chicago, IL

Moderator:

Jennifer Gilg, Research & Writing Specialist, District of Nebraska

The Supreme Court's recent holding in Padilla v. The Commonwealth of Kentucky now means the lawyer for an alien charged with crime has a constitutional obligation to tell the client that a guilty plea carries a risk that he will be deported. Yet, under what circumstances does this new constitutional obligation arise and to what degree must the criminal defense attorney delve into advising the client about civil immigration law? This session will help explain how attorneys can best handle not killing their client's chances of remaining in the country and to what degree a criminal defense lawyer must take on the new role of Immigration Lawyer.

Track Presentations

2:50 to 3:50 P.M.

1) Immigration - Parliament

Sentencing Issues in Illegal Reentry Cases and Fighting Aggravating Criminal History

James Langell, Assistant Federal Defender, District of New Mexico

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such as “violent crimes” and drug-trafficking offenses. Aggravating criminal histories are filled with land mines, loopholes and escape hatches. Learn how to dodge these draconian bullets when fending off upward adjustments and aggravating factors when opponents and courts try to add that 16-level upward adjustment.

2) Sentencing - **Spanish Ballroom**

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[Electronic Discovery: How Best to Receive, Organize and Handle the Possible Deluge of Data](#)

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3:50 to 4:00 P.M. Break

Track Presentations

4:00 to 5:00 P.M.

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Defending Against the Illegal Entry and Illegal Reentry Charges

Jodi Linkner, Assistant Federal Defender, District of Northern District of California

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5:00 P.M. Adjournment

Saturday, August 20, 2011

7:30 to 8:30 A.M. Continental Breakfast - Spanish Foyer

8:30 to 9:30 A.M. Plenary: Putting the Sentencing Memo Together using *Booker*, Guidelines, Variances and Mitigation - Spanish Ballroom

Eric Vos, Attorney-Advisor, Office of Defender Service

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

A 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.

9:30 to 9:40 A.M. Break

9:40 to 10:40 A.M. The following breakouts are for the Drugs, Guns and Money (fraud) Track. Each Session is repeated and thus, offered twice.

Drugs, Guns & Money:

1) The Nuts and Bolts of Trying Firearms Cases - Congress

(This session will be given again at 11:00 AM)

Rafael Andrade, Assistant Federal Defender, District of Puerto Rico

This session addresses the essentials of trying a gun case. The presentation will cover: jury selection issues (e.g., do you want gun owners, NRA members, ex-military members on your jury); how to handle firearms in court to demonstrate confidence and knowledge to the jury; firearms terms and the historical background of firearms laws; cross-examination of government witnesses; serialization of firearms as a defense; and a discussion of antique firearms.

2) The Fine Print & Not Letting Clients Be Doomed to Sentencing Conditions: Avoiding Courts Imposing Restrictive Conditions During Supervised Release or Probation - Windsor

(This session will be given again at 11:00 AM)

Jennifer Gilg - Research & Writing Specialist, District of Nebraska

At the end of a hard-fought sentencing you breathe a sigh of relief and a start to gather up your file. But wait! The judge is still talking! By checking out early, you may have doomed your client to years (or, in the case of some offenders, a lifetime!) of oppressive conditions of supervised release. Supervised release conditions are among the most litigated aspects of sentencing today. This session provides strategies for fighting special conditions, particularly the onerous conditions imposed on clients with current or past sex offenses. For these offenders there are issues abound – internet access, employment, housing, child visitation, and even access to movies and magazines. Learn the tricks of overzealous courts and probation officers and gain new tactics of your own as you

struggle to keep your clients free upon release.

3) LOSS CALCULATIONS IN FRAUD & WHITE COLLAR CASES - Parliament

(This session will be given again at 11:00 AM)

Kevin Tate, Assistant Federal Public Defender, Western District of North Carolina

Few sentencing issues can be more complex than getting to the bottom of what your client needs to own up to when loss comes to town. Loss drives the Guidelines and can chain your client to restitution for decades to come. Learn the tricks, pitfalls and danger zones when battling Probation, United States Attorneys and the Court's calculations.

**4) Defending Against Armed Career Criminal & Career Offender Designations
Council**

(This session will be given again at 11:00 AM)

Raquel Lazo, Assistant Federal Public Defender, District of Nevada

Brenda Weksler, Assistant Federal Public Defender, District of Nevada

Few areas of defense are more frustrating than dealing with this draconian fifteen year mandatory. We know the dread of seeing our client's three relevant prior convictions and yet, after that dread clears we can attack, defend and deflect the ACCA and Career Offender designations - learn how!

5) Reoccurring Issues With Drug

St. James

(This session will be given again at 11:00 AM)

Tim Watkins, Assistant Federal Defender, District of Massachusetts

Relevant conduct & 1B1.1, co-conspirators, mandatory sentences, safety valve, retroactivity, cutting deals, priors which can or can not double your sentence, etc...it's a drug case jungle out there and it is not getting easier. This session is an hour of explanations, caution signs and ideas on how to stay out or get out of the corner in drug cases.

10:40 to 11:00 A.M. Break - Coffee & Tea

Breakouts (repeated of morning session)

11:00 to 12:00 P.M.

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jury selection issues (e.g., do you want gun owners, NRA members, ex-military members on your jury); how to handle firearms in court to demonstrate confidence and knowledge to the jury; firearms terms and the historical background of firearms laws; cross-examination of government witnesses; serialization of firearms as a defense; and a discussion of antique firearms.

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12:10 to 1:10 P.M. Plenary: Panel Discussion “Ethical Issues Confronting Criminal Defense Attorneys” - Spanish Ballroom

Willie J. Epps, Jr., Esq., Shook, Hardy & Bacon, Kansas City, Missouri
Mark Cedrone, Esq., The Law Offices of Mark E. Cedrone,
P.C., Philadelphia, PA

Ethics does not have to be boring. Watch two experienced lawyers duke it out on how best to handle clients, even difficult ones, in different ways. While the speakers may not always agree on what is best, they provide meaningful questions, good answers and make us all laugh about the trials and tribulations we all know when trying to make even the most difficult clients happy - and all while making sure we meet our ethical obligations.

1:10 to 1:11 P.M. Closing Remarks and Adjournment - Spanish Ballroom

Eric Vos, Attorney-Advisor, Office of Defender Services Training Branch,
Washington, D.C.