

Below is the agenda for the

MARCH 2011 SENTENCING ADVOCACY WORKSHOP

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

“SENTENCING ADVOCACY WORKSHOP:
THINKING OUTSIDE THE GUIDELINE BOX”

RITZ-CARLTON HOTEL
181 PEACHTREE STREET
ATLANTA
MARCH 10-12, 2011

FINAL AGENDA

Thursday, March 10

- 8:00 a.m. Registration-Continental Breakfast *Ballroom Salon III/IV Foyer
- 8:30 a.m. Welcoming Remarks *Ballroom Salon III/IV
Vionnette Johnson, Assistant Federal Public Defender, Georgia Federal Defender Program, Inc., Atlanta, Georgia
Leigh Burton Finlayson, CJA Panel Attorney Representative, N.D. Georgia
- 8:40 a.m. Introduction to Workshop *Ballroom Salon III/IV
Andrea Taylor, Deputy Branch Chief, Office of Defender Services Training Branch, Administrative Office of the U.S. Courts, Washington, D.C.
- 8:45 a.m. [3553\(a\): Two Stories, One Goal](#) *Ballroom Salon III/IV
Molly Roth, Assistant Federal Public Defender, San Antonio, Texas
- This session will focus on using 18 U.S.C. §3553(a) and recent sentencing rulings from the Supreme Court and lower courts to advocate for and achieve below guidelines sentences.
- 9:35 a.m. Break
- 9:45 a.m. [Judging at Sentencing](#) *Ballroom Salon III/IV
Honorable Robert Pratt, U.S. District Court, Des Moines, Iowa
- A federal judge will give his perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that Booker and Gall have allowed them the discretion to consider more factors at sentencing.

- 10:50 a.m. [Getting to Know Your Client](#) *Ballroom Salon III/IV
Jim Tibensky, Non Capital Mitigation Specialist, Federal Defender Program,
Chicago, Illinois
- Just who is it that I am representing? How is her case different than the other hundred that I have represented? How do I uncover and develop the mitigating factors that will allow me to tell his story in a persuasive manner? This session will focus on developing an effective relationship with your client and demonstrate interviewing techniques which will allow you to obtain mitigating information from the client and other key figures.
- 11:45 a.m. Meet “Sam Bradshaw” - A Client’s Perspective on Sentencing Advocacy
*Ballroom Salon III/IV
Ron Bratcher, Chicago, Illinois
- 12:15 p.m. Lunch - On Your Own
- 1:30 p.m. [Brainstorming the Facts of the Case](#) *Ballroom Salon III/IV
Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina
- This session will explain the elements of brainstorming and use the facts of the mock case to demonstrate techniques for discussing and understanding the facts of a case in a manner which will maximize the potential of developing those facts into a persuasive sentencing theory.
- 2:30 p.m. Break
- 2:45 p.m. Small Group Sessions –Brainstorm Facts of Own Case
Workshop room and group assignments will be posted at the registration desk.
Frank Draper, Assistant Federal Public Defender, Baltimore, Maryland
Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada
Janet Hinton, Paralegal, Office of the Federal Public Defender, St. Louis,
Missouri
Tina Hunt, Assistant Federal Defender, Macon, Georgia
Steve Jacobson, Portland, Oregon
Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia
Lee Lawless, Federal Public Defender, St. Louis, Missouri
Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona
Molly Roth, Assistant Federal Public Defender, San Antonio, Texas
Jim Tibensky, Non Capital Mitigation Specialist, Federal Defender Program,
Chicago, Illinois
Ron Tyler, Assistant Federal Public Defender, San Francisco, California
Carlos Williams, Executive Director, Southern Federal Defender Program,
Mobile, Alabama

Participants will break into small groups led by a facilitator and brainstorm the facts of their own cases.

- 5:00 p.m. [Developing Persuasive Theories and Themes](#) *Ballroom Salon III/IV
Tony Natale, Assistant Federal Public Defender, West Palm Beach, Florida

Having a theory for sentencing and supporting themes is critical to your organization of the case and forms the basis of your sentencing story. This session will define a theory and theme and will address how to develop theories and themes and weave them into your story of mitigation for sentencing.

- 6:00 p.m. Adjourn for the Day

Friday, March 11

- 8:30 a.m. Continental Breakfast *Ballroom Salon III/IV Foyer

- 9:00 a.m. [Storytelling at Sentencing](#) *Ballroom Salon III/IV
Bert Nieslanik, Deputy Director, Alternate Defense Counsel, Grand Junction, Colorado

The story is what moves us. It is what captures us and draws us in. This session will discuss the elements and techniques of persuasive storytelling and explain how to incorporate them into your sentencing advocacy.

- 10:00 a.m. Small Group Sessions - Theories and Themes / Storytelling
Frank Draper, Assistant Federal Public Defender, Baltimore, Maryland
Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada
Janet Hinton, Paralegal, Office of the Federal Public Defender, St. Louis, Missouri
Tina Hunt, Assistant Federal Defender, Macon, Georgia
Steve Jacobson, Portland, Oregon
Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia
Lee Lawless, Federal Public Defender, St. Louis, Missouri
Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona
Molly Roth, Assistant Federal Public Defender, San Antonio, Texas
Jim Tibensky, Non Capital Mitigation Specialist, Federal Defender Program, Chicago, Illinois
Ron Tyler, Assistant Federal Public Defender, San Francisco, California
Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama

Participants will break into small groups led by a facilitator and apply theories, themes, and storytelling techniques to the facts of their own cases.

11:20 a.m. Break

11:30 p.m. [Persuasive Writing](#) *Ballroom Salon III/IV

Ron PP Tyler, Assistant Federal Public Defender, San Francisco, California

This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case

12:45 p.m. Lunch - On Your Own

2:00 p.m. Small Group Sessions - Persuasive Writing

Frank Draper, Assistant Federal Public Defender, Baltimore, Maryland
Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada
Janet Hinton, Paralegal, Office of the Federal Public Defender, St. Louis, Missouri

Tina Hunt, Assistant Federal Defender, Macon, Georgia

Steve Jacobson, Portland, Oregon

Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia

Lee Lawless, Federal Public Defender, St. Louis, Missouri

Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona

Molly Roth, Assistant Federal Public Defender, San Antonio, Texas

Jim Tibensky, Non Capital Mitigation Specialist, Federal Defender Program, Chicago, Illinois

Ron Tyler, Assistant Federal Public Defender, San Francisco, California

Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama

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

3:30 p.m. Break

3:40 p.m. Small Group Workshops - Persuasive Writing (cont.)

5:30 p.m. Adjourn

6:00 p.m. Reception *Georgian Room

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

Saturday, March 12

8:00 a.m. Continental Breakfast *Ballroom Salon III/IV Foyer

8:30 a.m. [Working With Probation](#) *Ballroom Salon III/IV
Doug Burris, Chief U.S. Probation Officer, St. Louis, Missouri
Lee Lawless, Federal Public Defender, St. Louis, Missouri

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

9:20 a.m. [Using "Moving Pictures" to Persuade](#) *Ballroom Salon III/IV
Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona

At sentencing, a picture is worth at least a thousand words, and will often add layers of credibility and emotion to your client's mitigation story. Moving pictures help the judge connect with and understand your client. This session will discuss how to incorporate powerful and persuasive images into your sentencing practice, ranging from inclusion of still photos in sentencing memoranda to the creation of mini-documentary films.

10:15 a.m. [Persuasive Sentencing Hearings](#) *Ballroom Salon III/IV
Tina Hunt, Assistant Federal Defender, Macon, Georgia

This session will discuss how to persuasively tell the client's story at the sentencing hearing. It will examine factors to consider in making decisions about what to present and how to conduct the hearing.

11:15 a.m. Break

11:20 a.m. Small Group Sessions - Persuasive Sentencing Hearings
Frank Draper, Assistant Federal Public Defender, Baltimore, Maryland
Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada
Janet Hinton, Paralegal, Office of the Federal Public Defender, St. Louis, Missouri
Tina Hunt, Assistant Federal Defender, Macon, Georgia
Steve Jacobson, Portland, Oregon
Vionnette Johnson, Assistant Federal Public Defender, Atlanta, Georgia
Lee Lawless, Federal Public Defender, St. Louis, Missouri
Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona
Molly Roth, Assistant Federal Public Defender, San Antonio, Texas
Jim Tibensky, Non Capital Mitigation Specialist, Federal Defender Program, Chicago, Illinois
Ron Tyler, Assistant Federal Public Defender, San Francisco, California
Carlos Williams, Executive Director, Southern Federal Defender Program, Mobile, Alabama

Participants will break into small groups and discuss how they will conduct the sentencing hearing in their own case.

12:50 p.m. Closing Remarks *Ballroom Salon II/IV
Andrea Taylor, Deputy Training Branch Chief, Office of Defender Services,
Administrative Office of the U.S. Courts, Washington, D.C.

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