

Below is the agenda for the

FEBRUARY 2011 WINNING STRATEGIES & FUNDAMENTALS 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**

**Fundamentals of Federal Criminal Defense Training
February 10, 2011 San Antonio, Texas
Final Agenda**

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

- 7:30 to 8:30 AM** **Registration - GUNTER TERRACE**
- 8:15 to 8:30 AM** **Welcoming Remarks - ROBERT JOHNSON BALLROOM**
Lori A. Green, Attorney-Advisor, Office of Defender Services Training Branch, Washington, D.C.
- 8:30 to 9:30 AM** **Bail Reform Act - ROBERT JOHNSON BALLROOM**
Francisco Morales, AFPD, 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 AM** **Client Interviews - ROBERT JOHNSON BALLROOM**
Christina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia
Our main goal as criminal defense attorneys is to learn our clients' stories. This session explores the way to create trust and respect in the attorney-client relationship. We will discuss the importance of first impressions, as well as subsequent contacts and frequency of visits with your client in improving communication and a good working relationship. We will also address common problems and ethical concerns that may arise in the attorney-client relationship.
- 10:30 to 10:45 AM** **Break**
- 10:45 to 11:45 AM** **Introduction to the Federal Sentencing Guidelines (Sentencing Guidelines 101) - CRYSTAL BALLROOM**
Stephen Marley, Attorney-Advisor, Office of Defender Services Legal, Policy & Training Division, Training Branch, Washington, D.C.,
Alan Dorhoffer, Esq., United States Sentencing Commission, Washington, D.C.

This session will cover the basics of applying the federal sentencing guidelines. Drug amount calculations, criminal history, and offense conduct will be included in this discussion.

11:45 to 1:00 PM LUNCH

1:00 to 2:00 PM [Discovery Issues With a Twist – Rule 16 and More](#)

ROBERT JOHNSON BALLROOM

Michael Kennedy, First Assistant FPD, District of Nevada

David Anthony, AFPD, Capital Habeas Unit, District of Nevada

A look at discovery issues from the combined perspectives of 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

2:05 to 3:05 PM [Plea Negotiations and Proffers](#)

ROBERT JOHNSON BALLROOM

Callie Glanton-Steele, AFPD, Central District of California

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.

3:05 to 3:20 PM BREAK

3:20 to 4:20 PM [The Affirmative Use of the Federal Rules of Evidence](#)

CRYSTAL BALLROOM

Omodare Jupiter, Visiting Attorney-Advisor, Office of Defender Services Legal, Policy & Training Division, Training Branch Washington, D.C.

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.

4:25 to 5:25 PM [Practical Tips if Your Client Faces Incarceration in a Federal Prison](#) - ROBERT JOHNSON BALLROOM

David Merchant, AFPD, District of Montana

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.

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

**Sheraton Hotel at Gunter
San Antonio, Texas**

February 10-12, 2011

AGENDA

Thursday, February 10, 2011

7:00-8:30 AM REGISTRATION & CONTINENTAL BREAKFAST - GUNTER TERRACE

8:15-8:30 AM WELCOMING REMARKS - CRYSTAL BALLROOM

Henry Bemporad, Chief Federal Public Defender, Western District of Texas

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

**8:30-9:30 AM KEYNOTE ADDRESS: Rethinking Probation, Supervised Release and Helping Your Client Succeed Outside of Incarceration
CRYSTAL BALLROOM**

*Douglas Burris, Chief U.S. Probation Officer, St. Louis, MO
Kevin Wayne Thomas, Community Resource Specialist, United States Probation, St. Louis, MO*

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.

**9:30-10:30 AM CLIENT-CENTERED REPRESENTATION
CRYSTAL BALLROOM**

Ronald Tyler, Assistant Federal Public Defender, Northern District of California

If you have been representing clients for even a short period of time you know how easy it is to fall into an attorney-centered mode of representation. We have too much work and too little time and this dangerous paradigm, where the attorney is the only voice, too often risks becoming our default mode. This energetic and dynamic presentation

(Thursday, February 10, 2011 Continued)

proposes reasons and ways to keep your client-centered representation focused and working. At the end of the day many of our biggest client issues are born out of using the wrong approach and this refreshing session will provide us with a good look at what works, dangerous moments and how we can help insure we meet our final objective - **Excellent Representation.**

10:30-10:45 AM *BREAK - COFFEE & TEA - GUNTER TERRACE*

10:45-11:45 AM **BREAK-OUT SESSIONS***

1. **[THE NUTS AND BOLTS OF FEDERAL FIREARMS LAW](#)**
BLUEBONNET

Richard O. Ely II, Assistant Federal Public Defender, Southern District of Texas

Rafael Andrade, Assistant Federal Public Defender, District of Puerto Rico

A look at common, and very uncommon, defenses when your client is charged with a firearm's offense. Common legal issues will be discussed with an additional look at defense possibilities from *a gun enthusiast's* intense point of view. Additionally, the presentation addresses sentencing issues pursuant to 18 U.S.C. §922(g) (1) (the felon in possession statute) prosecutions and the corresponding sentencing guidelines under USSG §2K2.1.

2. **[DISCOVERY AND CHALLENGES TO CRIME LABS](#)**
MAGNOLIA

Christopher McKee, Esq., Adjunct Professor, Colorado University School of Law at Boulder, former Special Counsel, Public Defender Service for the District of Columbia

This session will detail how to meaningfully challenge the forensic evidence in your case by making specific discovery requests concerning lab analysts, information relied upon by analysts in reaching their conclusions, used manuals, protocols, databases, policies and accreditations of the lab and its personnel.

3. **[OTHER COMPUTER CRIMES - CHILD PORNOGRAPHY ISN'T THE ONLY GAME IN TOWN](#)** - **ROBERT JOHNSON**

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

* "Breakout Sessions" allow attendees to choose from one of a number of simultaneously offered one-hour sessions. All sessions will be repeated twice allowing for attendance in two of the offered "breakout sessions" - one during the morning sessions and another during the afternoon sessions.

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.

4. **CROSS-EXAMINATION - ALAMO**

Ronald Tyler, Assistant Federal Defender, Northern District of California, San Francisco.

Cross-examination is the cornerstone of any good attorney's arsenal. This presentation explores cross-examination techniques, strategies, pitfalls and the need to fully investigate the background of the witness – including the details of government “deals” in order to neutralize important government witnesses.

5. **LITIGATING MITIGATING FACTORS: DEPARTURES, VARIANCES, AND ALTERNATIVES TO INCARCERATION - L. MAHNCKE**

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

Amy Baron-Evans, National Sentencing Resource Counsel

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.

6. **HOW FEDERAL CONVICTIONS WILL IMPACT YOUR CLIENTS' IMMIGRATION STATUS - LOOKING CLOSER AT PADILLA**

TC BAKER

Mary Kramer, Esq., 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.

(Thursday, February 10, 2011 Continued)

7. INTRODUCTION TO THE FEDERAL SENTENCING GUIDELINES
(SENTENCING GUIDELINES 101) - **CRYSTAL BALLROOM**

*Alan Dorhoffer, Senior Staff Attorney, United States Sentencing
Commission, Washington, D.C.*

*Stephen Marley, Attorney-Advisor, Office of Defender Services,
Training Branch, Washington, D.C.*

This session is the first of two Guidelines' presentations. The second one is offered during the next series of breakouts at 3:15 PM. This first session will cover the basics of applying the federal sentencing guidelines. Drug amount calculations, criminal history, and offense conduct will be included in this discussion. During the next break-out period an additional presentation, Guidelines 202, will be offered which builds on this session and addresses more complex sentencing issues. Attendees are invited to attend one or both sessions depending on one's individual level of experience. The more experienced practitioner may consider only going to the more advanced session.

11:45-1:00 PM **LUNCH**

1:00 - 2:00 PM **BOOKER, GALL, KIMBROUGH & SPEARS: A VIEW FROM THE DISTRICT
COURT BENCH - CRYSTAL BALLROOM**

Judicial Panel:

Honorable Gustavo Antonio Gelpi, Jr., District of Puerto Rico

Honorable Xavier Rodriguez, Western District of Texas

Honorable George Z. Singal, District Court of Maine

Moderator:

*Henry Bemporad, Chief Federal Public Defender, Western District
of Texas*

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*.

(Thursday, February 10, 2011 Continued)

2:00-3:00 PM

DEFENDING IMMIGRATION CASES - CRYSTAL BALLROOM

Jodi Linker, Assistant Federal Public Defender, Northern District of California

Immigration defense is filled with subtleties, tricks and sinkholes. A great session which explores how to get and understand critical documents in the A-file; 4th Amendment issues and current circuit split in 1326 cases; how to raise collateral attacks to deportation or removal; how to parole in a material witness matter; derivative citizenship and other alienship defenses. Learn ways of snapping back in what too many of us think as bad cases with no wiggle room.

3:00-3:15 PM

BREAK

3:15-4:15 PM

BREAK OUTS (Repeat of Morning Sessions 1-6. Session #7 is the more advanced Sentencing Guidelines' Session which builds on the morning Sentencing Guideline's Session - See footnote)

1. **THE NUTS AND BOLTS OF FEDERAL FIREARMS LAW**
BLUEBONNET
2. **DISCOVERY AND CHALLENGES TO CRIME LABS**
MAGNOLIA
3. **OTHER COMPUTER CRIMES - CHILD PORNOGRAPHY ISN'T THE ONLY GAME IN TOWN** - **LUDWIGS**
4. **CROSS-EXAMINATION - ALAMO**
5. **LITIGATING MITIGATING FACTORS: DEPARTURES, VARIANCES, AND ALTERNATIVES TO INCARCERATION**
ROBERT JOHNSON
6. **HOW FEDERAL CONVICTIONS WILL IMPACT YOUR CLIENTS' IMMIGRATION STATUS - LOOKING CLOSER AT PADILLA**
TC BAKER
7. **SENTENCING GUIDELINES 202* - CRYSTAL BALLROOM**
Alan Dorhoffer, Senior Staff Attorney United States Sentencing Commission, Washington, D.C.
Stephen Marley, Attorney-Advisor, Office of Defender Services, Training Branch, Washington, D.C.

Current federal criminal case law requires that sentencing courts properly calculate your client's Guideline Range, and also to evaluate other considerations. Thus, we all need to remain experts in this vital area of Federal Criminal Defense. This well designed session covers areas which are beyond the Guideline *basics*, and looks at the more complex issues involving the Federal Sentencing Guidelines.

4:15-4:30 PM

BREAK - GUNTER TERRACE

4:30-5:30 PM

SUPREME COURT UPDATE - CRYSTAL BALLROOM

Paul Rashkind, Supervisory Federal Defender, Southern District of Florida

While we toil away in the trenches there is a small group of people, far far away, we always need to keep well focused on - THE SUPREME COURT!! This important hour provides a critical update concerning Supreme Court decisions, trends and the possible future - all of which will undoubtedly affect our federal criminal trial practice, sentencing advocacy and possible appellate matters.

Friday, February 11, 2011

7:30-8:30 AM

CONTINENTAL BREAKFAST - GUNTER TERRACE

8:30-9:45 AM

INTRODUCTION TO MORTGAGE FRAUD TERMS, PLAYERS, DEFENSE STRATEGIES, PRETRIAL MOTIONS AND DEFENSES

CRYSTAL BALLROOM

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

Angela Parrott, First Assistant Federal Public Defender, Western District of North Carolina

With the recent housing market implosion and all those “creative” mortgages bubbling to the top, this new area is ripe for prosecution. A new and important wave we all need to learn about. This session will provide an overview of the unique terms and forms associated with the mortgage application process and the role of the different players in the typically charged mortgage fraud scheme.

9:45-10:00 AM

BREAK - COFFEE & TEA - GUNTER TERRACE

10:00-11:00 AM

BREAK OUTS

1. **INTRODUCTION TO DEFENDING COMPUTER BASED CHILD PORNOGRAPHY CASES - CRYSTAL BALLROOM**

Reggie Aligada, Assistant Federal Public Defender, Minnesota

If you have ever defended a Child Porn case, or think one may be in your future, you know how quickly even first time offenders with no "hands on" offenses may be facing a shockingly long potential sentence. These cases are being filed all over the country and anyone who will be taking on federal criminal matters should consider this session. This survey discussion focuses on issues which often arise in connection with the defense of internet based sex crimes and other commonly charged sex offenses. The session will address the basics of computer forensics, detention issues, pretrial motions, potential defenses, and important sentencing and mitigation issues.

(Friday, February 11, 2011 Continued)

2. **FIREARM AND TOOLMARK IDENTIFICATION** - **MAGNOLIA**

Jack Cunha, Esq., 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. With the new findings in the National Academy of Sciences (NAS) Report there is much more ammunition when attacking forensics and being able to repudiate laboratory claims. No longer can we merely accept such notions as firearms produce unique markings on bullets/casings when there is a 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. Simply a great presentation for helping attorneys shred experts who come into court and use bad science.

3. **RECURRING ISSUES WITH GANGS, RICO AND DEALING WITH CO-DEFENDANTS AND AVOIDING GUILT(Y) BY ASSOCIATION**
LUDWIGS

Jesse Gessin, Assistant Public Federal Defender, Central District of California

For a number of political and budgetary reasons, federal law enforcement agencies and prosecutors are increasingly devoting their attention and resources to the development of mega-cases filed against members of street gangs under federal racketeering statutes. This session will address a number of strategic challenges and opportunities that recur in these cases. Discovery, severance ("grouping"), cooperating informants, co-conspirator statements, 404(b) issues and jury instruction issues will all be addressed.

4. **DEFENDING AGAINST ARMED CAREER CRIMINAL & CAREER OFFENDER DESIGNATIONS** - **ALAMO**

Rene Valladares, Supervisory 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!

(Friday, February 11, 2011 Continued)

5. **STORYTELLING FOR TRIAL —HOW TO KEEP THE JUROR’S UNDIVIDED ATTENTION - BLUEBONNET**

Cynthia Roseberry, Executive Director, Federal Defenders of the Middle District of Georgia

In a world where criminal defense attorneys have to compete with CSI, video games and streaming video there is hope when trying to keep the jury’s receptive attention. This session explores dynamic ways of telling your client’s story, before the Court and jury, as to best present your theory of defense/sentencing. Our culture reveres “good” story tellers and loathes a narrator who just can not get the point across as they lose our fickle attention. Don’t get caught on the wrong side of the equation - be the best storyteller you can be.

6. **NAVIGATING THE CLIENT INTERVIEW - L. MAHNCKE**

Jim Skuthan, Chief Assistant Federal Public Defender, Middle District of Florida

“What’s in a client interview?” Tons of land mines, obstacles, misunderstandings and hard brick walls - that’s what! An important look at how to avoid a blow-up or running down the wrong alley and into a wall while you mine for gold and meet with a key player in your case - the client.

7. **LITIGATION SUPPORT: STRATEGIES FOR DEALING WITH ELECTRONIC DISCOVERY - TC BAKER**

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, CA

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.

11:00-11:15 AM BREAK

(Friday, February 11, 2011 Continued)

11:15-12:30 PM **RESOURCES FOR CJA PANEL ATTORNEYS: A PANEL DISCUSSION**
CRYSTAL BALLROOM

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

*Kelly Scribner, Assistant National Litigation Support Administrator,
Office of Defender Services, Training Branch, Oakland, CA*

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 resource available through www.fd.org and the Office of Defender Services Training Branch. Questions welcomed.

12:30-1:45 PM **LUNCH**

1:45-2:45 PM **BREAK OUTS (Repeat of Morning Sessions)**

1. **INTRODUCTION TO DEFENDING COMPUTER BASED CHILD PORNOGRAPHY CASES** - **BLUEBONNET**
2. **FIREARM AND TOOLMARK IDENTIFICATION** - **MAGNOLIA**
3. **RECURRING ISSUES WITH GANGS, RICO AND DEALING WITH CO-DEFENDANTS AND or Avoiding Guilt(y) by Association**
CRYSTAL BALLROOM
4. **DEFENDING AGAINST ARMED CAREER CRIMINAL DESIGNATION**
ALAMO
5. **STORYTELLING FOR TRIAL —HOW TO KEEP THE JUROR’S UNDIVIDED ATTENTION** - **LUDWIGS**
6. **NAVIGATING THE CLIENT INTERVIEW** - **L. MAHNCKE**
7. **LITIGATION SUPPORT: STRATEGIES FOR DEALING WITH ELECTRONIC DISCOVERY** - **TC BAKER**

2:45-3:00 PM **BREAK - GUNTER TERRACE**

3:00- 4:15 PM

EXPERTS: HOW TO USE THEM, ABUSE THEM AND KEEP THEM OFF THE STAND - **CRYSTAL BALLROOM**

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

“Experts win cases” and thus, attorneys must consider using experts with every theory of defense when presenting their case to the jury. There simply are few better tools when convincing a jury than a well presented expert.

In the alternative, when the government employs an expert a properly prepared defense attorney can turn the government’s devastating tool into a defendant’s advantage. This session will look at how best to prepare and use experts, both pretrial and during trial, including admissibility of evidence, qualifying the expert to testify and taking the government’s key witness and turning him into their train wreck.

4:15-5:30 PM

MITIGATION EXPERTS/TOOLS/TRICKS/FIREWORKS

CRYSTAL BALLROOM

Paula Xinis, Assistant Federal Public Defender, District of Maryland

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.

Saturday, February 12, 2011

7:30-8:30 AM

CONTINENTAL BREAKFAST

8:30-9:45AM

FACEBOOK, MYSPACE, THE JOYS/DANGERS OF INTERNET SOCIAL NETWORKS AND HOW TO USE THEM AS LITIGATION TOOLS

CRYSTAL 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.

9:45-10:00 AM

BREAK - GUNTER TERRACE

10:00- 11:00 AM

BREAK-OUTS

1. **UNRAVELING AND “DECONSTRUCTING” THE CAREER OFFENDER GUIDELINE - BLUEBONNET**

Amy Baron-Evans, National Sentencing Resource Counsel

Jennifer Coffin, National Sentencing Resource Counsel

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

(Saturday, February 12, 2011 Continued)

2. [HOW TO “CORRECTLY” UTILIZE INTERPRETERS: GETTING THE BIGGEST BANG FROM INTERPRETERS WHEN WORKING WITH CLIENTS, JURORS AND JUDGES](#) - **MAGNOLIA**

Javier A. Soler, Court Interpreter Program Specialist, District Court Administrator Division

Poor utilization of an interpreter can have grave consequences on your client’s freedom! Using a translator or interpreter is far from "plug and play." Many times lawyers unwittingly miss important cues or allow scenarios to unfold which greatly reduce the impact of an interpreter during trial, sentencing or even during client interviews. Most alarmingly attorneys have little to no idea how poorly they are utilizing their interpreters. This session will explore ways of making sure clients, attorneys, jurors and the Court get the full benefit of one of the most important tools out there - the interpreter. If you use interpreters this is a must see session.

3. **CRAWFORD: A SIXTH AMENDMENT REVOLUTION IN THE USE OF HEARSAY AT TRIAL** - **LUDWIGS**

Donna Coltharp, Assistant Federal Public Defender, Western District of Texas

Crawford is one of the most important evidentiary changes to come our way in years and this session reviews the right to confront witnesses now that *Crawford* and its progeny are the law. The session also provides important practical tips on using *Crawford* at trial and on appeal.

4. [DETERMINING “CRIMES OF VIOLENCE” & “VIOLENT FELONIES”](#)
ALAMO

Michael Meetze, Assistant Federal Public Defender, District of South Carolina

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. This session 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.

5. [THE ABC'S OF COMPUTER CRIMES' FORENSICS](#)

CRYSTAL BALLROOM

Rick Lavaty, Computer Systems Administrator, District of Arizona
Troy Schnack, Computer Systems Administrator, Western District of Missouri

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

6. **JURY INSTRUCTIONS - L. MAHNCKE**

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

Stop being forced to run to your colleagues for jury instructions from cases which you hope are similar. Learn how to prepare jury instructions and special verdict forms which address the issues that arise in criminal cases, including unanimity instructions, conspiracy instructions and other instructions relevant to multiple count and multiple defendant cases.

11:00-11:15 AM BREAK

11:15 - 12:15 PM BREAK OUTS (Repeat of Morning Sessions)

1. [Unraveling and “Deconstructing” The Career Offender Guideline](#) - **BLUEBONNET**
2. [How To “Correctly” Utilize Interpreters](#) - **MAGNOLIA**
3. **Crawford: A Sixth Amendment Revolution in the Use of Hearsay at Trial - ALAMO**
4. [Determining “Crimes of Violence” & “Violent Felonies”](#)
CRYSTAL BALLROOM
5. [ABC's of Computer Crimes' Forensics](#) - **LUDWIGS**
6. **JURY INSTRUCTIONS - L. MAHNCKE**

12:15-12:30 PM BREAK

12:30- 1:30 PM

**PANEL DISCUSSION: ETHICAL ISSUES CONFRONTING CRIMINAL
DEFENSE ATTORNEYS - CRYSTAL BALLROOM**

*Angela Parrott, First Assistant Federal Public Defender, Western District
of North Carolina*

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

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

An oddly fun, and funny, discussion of some of the recurring ethical
issues faced by criminal defense attorneys and tips on how to handle these
issues while continuing to provide a zealous defense.

1:30-1:35 PM

CLOSING REMARKS CRYSTAL BALLROOM

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