

Below is the agenda for the

MARCH 2012 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.

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

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

CROWNE PLAZA REDONDO BEACH AND MARINA HOTEL  
300 N. HARBOR DRIVE  
REDONDO BEACH, CALIFORNIA  
MARCH 29-31, 2012

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AGENDA

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Thursday, March 29

- 8:00 a.m.      Registration - Continental Breakfast \***Peninsula/Pacific Foyer**
- 8:30 a.m.      Welcoming Remarks \***Peninsula/Pacific**  
Sean Kennedy, Federal Public Defender, Central District of California, Los Angeles, California
- 8:40 a.m.      Introduction to Workshop \***Peninsula/Pacific**  
Bob Burke, Chief, Training Branch, Office of Defender Services, Administrative Office of the U.S. Courts, Washington, D.C. for Andrea Taylor
- 8:45 a.m.      [Attacking the Guidelines with Spears and Pepper](#) \***Peninsula/Pacific**  
Alison Siegler, Associate Professor, University of Chicago, Mandel Legal Aid Clinic, Chicago, Illinois
- This session will focus on using 18 U.S.C. §3553(a) and recent sentencing case law to advocate for and win below-guidelines sentences.
- 9:40 a.m.      Getting to Know Your Client \***Peninsula/Pacific**  
Cynthia Roseberry, Executive Director, Federal Defenders of the Middle District of Georgia, Inc., Macon, Georgia
- 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.

- 10:40 a.m. Break
- 10:45 a.m. Meet “Sam Bradshaw” - A Client’s Perspective on Sentencing Advocacy  
Ron Bratcher \*Peninsula/Pacific
- 11:10 a.m. Break
- 11:15 a.m. [Judging at Sentencing](#) \*Peninsula/Pacific  
Moderator, Marilyn Bednarski, Partner, Kaye, McLane & Bednarski, Pasadena, California  
Honorable George H. King, U.S. District Court, Central District of California, Los Angeles, California  
Honorable Robert W. Pratt, U.S. District Court, Southern District of Iowa, Des Moines, Iowa
- Federal judges will give their perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that Booker and Gall have allowed judges the discretion to consider more factors at sentencing.
- 12:15 p.m. Lunch - On Your Own
- 1:30 p.m. [Brainstorming the Facts of the Case](#) \*Peninsula/Pacific  
Joseph Ross, Assistant Federal Public Defender, Raleigh, North Carolina
- This session will explain the elements of brainstorming using 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
- 2:40 p.m. Small Group Sessions –Brainstorm Facts of Own Case  
**Workshop room and group assignments will be posted at the registration desk.**
- Rafael Andrade, Visiting Defender, Office of Defender Services Training Branch, Washington, D.C.  
Marilyn Bednarski, Partner, Kaye, McLane & Bednarski, Pasadena, California  
Michelle Engert, Assistant Professor of American Studies, America Institute, Ludwig-Maximilians University, Munich, Germany  
Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada  
Janet Hinton, Chief Paralegal, Office of the Federal Public Defender, St. Louis, Missouri  
Tina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia, Macon, Georgia  
Ira Mickenberg, Public Defender Trainer and Consultant, Saratoga Springs, New York

Doug Passon, Assistant Federal Public Defender, Phoenix, Arizona  
 Martin Richey, Third Level Supervisory Assistant Federal Public Defender,  
 Boston, Massachusetts  
 Jay Rorty, Chief, San Francisco Public Defender Misconduct Unit, San Francisco,  
 California  
 Fredilyn Sison, Assistant Federal Defender, Federal Defenders of Western North  
 Carolina, Inc., Asheville, North Carolina  
 Callie Glanton Steele, Third Level Assistant Federal Public Defender, Office of  
 the Federal Public Defender, Los Angeles, California  
 Ron Tyler, Assistant Federal Public Defender, San Francisco, California  
 Carlos Williams, Executive Director, Southern Federal Defender Program, Inc.,  
 Mobile, Alabama

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

4:50 p.m. Break

5:00 p.m. Developing Persuasive Theories and Themes \*Peninsula/Pacific  
 Ira Mickenberg, Public Defender Trainer & Consultant, Saratoga Springs, New  
 York

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 30

8:00 a.m. Continental Breakfast \*Peninsula/Pacific Foyer

8:30 a.m. [Storytelling at Sentencing](#) \*Peninsula/Pacific  
 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.

9:30 a.m. Small Group Sessions - Theories and Themes / Storytelling  
 Rafael Andrade, Visiting Defender, Office of Defender Services Training Branch,  
 Washington, D.C.  
 Marilyn Bednarski, Partner, Kaye, McLane & Bednarski, Pasadena, California  
 Michelle Engert, Assistant Professor of American Studies, America Institute,  
 Ludwig-Maximilians University, Munich, Germany Professor, Germany

Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada  
 Janet Hinton, Chief Paralegal, Office of the Federal Public Defender, St. Louis, Missouri  
 Tina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia, Macon, Georgia  
 Ira Mickenberg, Public Defender Trainer and Consultant, Saratoga Springs, New York  
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 Fredilyn Sison, Assistant Federal Defender, Federal Defenders of Western North Carolina, Inc., Asheville, North Carolina  
 Callie Glanton Steele, Third Level Assistant Federal Public Defender, Office of the Federal Public Defender, Los Angeles, California  
 Ron Tyler, Assistant Federal Public Defender, San Francisco, California  
 Carlos Williams, Executive Director, Southern Federal Defender Program, Inc., 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.

12:00 p.m. Lunch - On Your Own

1:15 p.m. [Persuasive Writing](#) \*Peninsula/Pacific  
 Ron 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

2:30 p.m. Break

2:40 p.m. Small Group Sessions - Persuasive Writing  
 Rafael Andrade, Visiting Defender, Office of Defender Services Training Branch, Washington, D.C.  
 Marilyn Bednarski, Partner, Kaye, McLane & Bednarski, Pasadena, California  
 Michelle Engert, Assistant Professor of American Studies, America Institute, Ludwig-Maximilians University, Munich, Germany  
 Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada  
 Janet Hinton, Chief Paralegal, Office of the Federal Public Defender, St. Louis, Missouri  
 Tina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia, Macon, Georgia  
 Ira Mickenberg, Public Defender Trainer and Consultant, Saratoga Springs, New York  
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Callie Glanton Steele, Third Level Assistant Federal Public Defender, Office of the Federal Public Defender, Los Angeles, California  
Ron Tyler, Assistant Federal Public Defender, San Francisco, California  
Carlos Williams, Executive Director, Southern Federal Defender Program, Inc., 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 for Day
- 6:00 p.m. Reception  
Join us for light fare and the good company of your fellow workshop participants. Informal attire. Cash bar. \*Seascape Ballroom

### Saturday, March 31

- 8:00 a.m. Continental Breakfast \*Peninsula/Pacific Foyer
- 8:30 a.m. [Using “Moving Pictures” to Persuade](#) \*Peninsula/Pacific  
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.

- 9:45 a.m. [Working With Probation](#) \*Peninsula/Pacific  
Doug Burris, Chief, U.S. Probation Office, Eastern District of Missouri, St. Louis, Missouri  
Kevin Thomas, Dorchester, Massachusetts

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.

10:45 a.m. Break

11:00 a.m. [Persuasive Sentencing Hearings](#) \*Peninsula/Pacific

Tina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia,  
Macon, Georgia

Fredilyn Sison, Assistant Federal Defender, Federal Defenders of Western North  
Carolina, Inc., Asheville, North Carolina

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.

12:00 p.m. Lunch - On Your Own

1:15 p.m. Small Group Sessions - Persuasive Sentencing Hearings

Rafael Andrade, Visiting Defender, Office of Defender Services Training Branch,  
Washington, D.C.

Marilyn Bednarski, Partner, Kaye, McLane & Bednarski, Pasadena, California

Michelle Engert, Assistant Professor of American Studies, America Institute,  
Ludwig-Maximilians University, Munich, Germany

Denise Hines, Paralegal, Office of the Federal Public Defender, Reno, Nevada

Janet Hinton, Chief Paralegal, Office of the Federal Public Defender, St. Louis,  
Missouri

Tina Hunt, Senior Litigator, Federal Defenders of the Middle District of Georgia,  
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the Federal Public Defender, Los Angeles, California

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

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

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

3:30 p.m. Closing Remarks \*Peninsula/Pacific

Bob Burke

3:45 p.m. Program Adjourns

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