

Below is the agenda for the

FEBRUARY 2012 WINNING STRATEGIES & FUNDAMENTALS SEMINARS

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  
WINNING STRATEGIES SEMINAR

Santa Fe, New Mexico  
Eldorado Hotel  
February 2-4, 2012

AGENDA

Thursday, February 2, 2012

7:15-8:15 AM      **REGISTRATION & CONTINENTAL BREAKFAST  
CONCOURSE SOUTH**

8:15-8:30 AM      WELCOMING REMARKS    **ANASAZI SOUTH**

Stephen McCue, Chief Federal Public Defender, District of New Mexico  
Ken Gleria CJA Panel Representative for the District of New Mexico  
Eric Vos, Attorney-Advisor, Office of Defender Services, Training Branch,  
Washington, D.C.

8:30-9:30 AM      [JUDGING EXPERTS: A VIEW FROM THE BENCH AS TO HOW TO ATTACK,  
QUESTION AND DEFEND AGAINST THE ADMISSION OF JUNK SCIENCE](#)

The Honorable Nancy Gertner, District of Massachusetts (Ret.)

**ANASAZI SOUTH**

United District Court Judge Nancy Gertner, before her recent retirement, issued a standing order effecting all prosecutors and defense attorneys who came before her - the parties were ordered, before the pre-trial conference, to identify whether they would seek to admit trace evidence, whether a Daubert hearing was necessary and to identify expert witnesses and evidence before the hearing. Parties were ordered not to assume either the validity or the admissibility of traditionally accepted forensic science disciplines. In essence, Judge Gertner “ordered” a vigorous challenge must take place over admissibility of fingerprints, bullet identification, handwriting, and other trace evidence. Defense attorneys were further ordered to either challenge the introduction of such expert testimony or provide the Court with a reason why no such challenge was being mounted.

Hear how, and why, this historic order came to be and learn how to credibly attack the introduction of trace evidence and experts in your next case.

9:30-10:30 AM      DECONSTRUCTION/DESTROYING CHILD PORN GUIDELINES  
Troy Stabenow, Assistant Federal Public Defender, Western District of  
Missouri  
**ANASAZI SOUTH**

If you think you may possibly be defending a Child Pornography matter

any time soon this is a must see presentation. Courts have held that where a guideline was not developed based on “empirical data and national experience,” it is not an abuse of discretion for a sentencing judge to conclude that the Guideline used “yields a sentence ‘greater than necessary’ to achieve § 3553(a)’s purposes...” This enlightening session looks closely at how empty the Child Pornography Guidelines are and how they are based neither on empirical data or national experience. A great new tool to help effectively argue for variant sentences during Child Pornography sentencing presentations.

10:30-10:45 AM **BREAK**

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

1. [ATTACKING FINGERPRINTS WITH A VENGEANCE: SHOWING THE COURT AND THE JURY WHY THIS “JUNK SCIENCE” SHOULD NOT BE CONSIDERED!](#)

Jack Cunha, Esq., Cunha and Holcomb Attorneys at Law, Boston, MA  
**ANASAZI SOUTH**

In the world of CSI, fingerprints are as good as a confession and better than gold. In real life, and according to many experts, fingerprints are the lesser cousin of a lie detector and shouldn't be anywhere near a courtroom. Learn what makes this evidence “junk,” learn how the National Academy of Sciences attacks “fingerprint science,” and arm yourself with the tools for addressing, attacking and presenting this otherwise deadly evidence.

2. **LOSS CALCULATIONS IN FRAUD & WHITE COLLAR CASES**

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

**ZIA A**

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

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

Rick Lavaty, Computer Systems Administrator, District of Arizona

**TURQUOISE**

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

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\* “Breakout Sessions” allow attendees to choose from one of a number of simultaneously offered one-hour sessions. Sessions 1-5 will be repeated twice per day allowing for attendance in two of the offered “breakout sessions” - one during the morning sessions and another during the afternoon sessions. Session 6 is a two part computer presentation which has an hour in the morning and a hour in the afternoon. This two part session is repeated on Friday, February 3<sup>rd</sup>. The two sessions are appropriate together or apart depending on the attendee's needs.

and when did it get there? These questions may be key to your defense. This session addresses these and similar issues which arise in cases involving computers.

4. [IMPEACHMENT COBBLER: HOW TO EAT UP GOVERNMENT WITNESSES WITH A TOOL THAT BEARS FRUIT](#)

Francisco Morales, Assistant Federal Public Defender, Southern District of Texas

**CHAPARRAL**

Prior statements, criminal records, reports, plea agreements, grand jury testimony.....you got it all! How do you use these lovely tools to take the government's damaging witness and have them for breakfast along with a good steaming cup of coffee? Learn how to utilize effective impeachment to beef up the most important tool available to any criminal defense trial attorney - your cross examination!

5. [LITIGATING MITIGATING FACTORS: DEPARTURES, VARIANCES, AND ALTERNATIVES TO INCARCERATION](#)

Amy Baron-Evans, National Sentencing Resource Counsel  
Jennifer Coffin, National Sentencing Resource Counsel

**DEVARGUS**

The 2010 Guideline amendments specifically set forth sentencing possibilities which may serve as 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. [COMPUTER CRIMES 101 - CHILD PORNOGRAPHY ISN'T THE ONLY GAME IN TOWN](#)

G. Patrick Black, Chief Defender, Eastern District of Texas  
Ken Hawk, Assistant Federal Public Defender, Eastern District of Texas

**ZIA B**

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 this trend will not be slowing down. Despite all the attention given to child pornography cases there is also a large increase in prosecutions concerning other alleged computer crimes. This session will focus on federal computer and internet crimes such as hacking, identity theft, cyber-stalking, unauthorized password use, and fraud.

\*\*\*NOTE\*\*\*

This is a two part session with [Computer Crimes 101 - Child Pornography Isn't the Only Game in Town](#) taking place during the morning and during the afternoon, there will be [Computer Crimes 202 - Defending Computer Based Child Pornography Cases](#). Attendees are welcomed to come to one or both sessions. The two sessions are designed to be attended either as a pair or alone depending on the attendee's needs. Both of these sessions will be repeated on Friday,

February 4, 2012 in the same format - Computer Crimes 101 on Friday morning and Computer Crimes 202 on Friday afternoon.

11:45-1:00 PM

**LUNCH**

1:00 - 2:00 PM

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

Judicial Panel:

The Honorable Sarah Evans Barker, Southern District of Indiana

The Honorable Nancy Gertner, District of Massachusetts (Ret.)

The Honorable Martha Vazquez, District of New Mexico

Moderator:

Stephen McCue, Chief Federal Public Defender, District of New Mexico

**ANASAZI SOUTH**

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 defense attorneys advocate for 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 her individual perspective on the sentencing process post-Booker, Gall, Kimbrough and Spears.

2:00-3:00 PM

DEFENDING IMMIGRATION CASES

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

**ANASAZI SOUTH**

Immigration defense is NOT “plug and play” but rather filled with subtleties, highly effective defense tactics and possible 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 1-5)

1. ATTACKING FINGERPRINTS WITH A VENGEANCE: SHOWING THE COURT AND THE JURY HOW THIS “JUNK SCIENCE” SHOULD NOT BE CONSIDERED! **ANASAZI SOUTH**
2. LOSS CALCULATIONS IN FRAUD & WHITE COLLAR CASES **ZIA A**
3. THE ABC’S OF COMPUTER CRIMES’ FORENSICS **TURQUOISE**
4. IMPEACHMENT COBBLER: HOW TO EAT UP GOVERNMENT WITNESSES WITH A TOOL THAT BARES FRUIT **CHAPARRAL**
5. LITIGATING MITIGATING FACTORS: DEPARTURES, VARIANCES,

AND ALTERNATIVES TO INCARCERATION **DEVARGUS**

6. COMPUTER CRIMES 202-DEFENDING COMPUTER BASED CHILD PORNOGRAPHY CASES

G. Patrick Black, Chief Defender, Eastern District of Texas  
Ken Hawk, Assistant Federal Public Defender, Eastern District of Texas

**ZIA B**

\*\*\*NOTE\*\*\*

Computer Crimes 202 is not a repeat of the morning session. This is the second half of Computer Crimes 101 from the morning. Computer Crimes 101 and 202 are designed to be attended together or alone depending on attendees' needs. Both morning and afternoon sessions of Computer Crimes will be repeated during Friday's program.

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 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.

4:15-4:30 PM

**BREAK**

4:30-5:30 PM

SUPREME COURT UPDATE

Paul Rashkind, Supervisory Federal Defender, Southern District of Florida

**ANASAZI SOUTH**

While we toil in the trenches there is a small group of people, far far away, who we must always 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 3, 2012

7:30-8:30 AM **CONTINENTAL BREAKFAST CONCOURSE SOUTH**

8:30-9:45 AM [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](#)

Panel Members:

Jodi Linker, Assistant Federal Defender, District of Northern California

Sarah Rose Weinman, National Immigrant Justice Center , Chicago, IL

Moderator:

Jennifer Gilg, Research & Writing Specialist, District of Nebraska

**ANASAZI SOUTH**

The Supreme Court's recent holding in Padilla v. The Commonwealth of Kentucky now means a lawyer for an alien charged with crime has a constitutional obligation to tell the client that a guilty plea carries a risk the client may be deported. Yet, under what circumstances does this 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 role of immigration lawyer in accordance with this new Supreme Court holding.

9:45-10:00 AM **BREAK CONCOURSE SOUTH**

10:00-11:00 AM **BREAK OUTS**

1. [LITIGATION SUPPORT: STRATEGIES FOR DEALING WITH ELECTRONIC DISCOVERY](#)

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

**ZIA B**

We are all experiencing how 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, some of the options available for reviewing and analyzing the discovery more effectively and how to handle a possible avalanche of data.

2. **SENTENCING GUIDELINES 202**  
Alan Dorhoffer, Senior Staff Attorney United States Sentencing Commission,  
Washington, D.C.  
Robert Truitt, Assistant Federal Defender, Indiana Federal Community Defender  
**ANASAZI SOUTH**  
Current federal criminal case law requires that sentencing courts properly calculate your client's Guideline Range and 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.
3. [GETTING THE MOST OUT OF COOPERATION AND NAVIGATING THE DANGERS OF A PROFFER](#)  
Patrick Ehlers, Assistant Federal Defender, District of Oregon  
**ANASAZI NORTH**  
Like it or not, many of our clients intelligently decide cooperation is in their best interests. Unfortunately, too many clients make this the trickiest of areas and proffer sessions can quickly devolve into train wrecks with clients getting no benefit and all the added risk we lose sleep over. This session explores common benefits and dangers associated with cooperation while addressing the many land mines just waiting for your client in the proffer room.
4. [UNRAVELING AND "DECONSTRUCTING" THE CAREER OFFENDER GUIDELINE](#)  
Amy Baron-Evans, National Sentencing Resource Counsel  
Jennifer Coffin, National Sentencing Resource Counsel  
**DEVARGUS**  
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. Thus, this session will equip practitioners with powerful/critical arguments for advocating below-guideline sentences in Career Offender Cases.
5. **BATTLING 851 NOTICES: AVOID MANDATORY MINIMUM SENTENCES OF 10 YEARS, 20 YEARS OR LIFE!**  
Jim Skuthan, Chief Assistant Federal Public Defender, Middle District of Florida  
**ZIA A**  
Section 851 notices can either double your client's mandatory minimum or subject them to mandatory LIFE! There are fewer things scarier in a mandatory minimum drug case than getting one, two, or more Section 851 notices. Know how to battle back and help your client avoid unwarranted and horrific mandatory sentences. Just because the government files a §851 notice doesn't mean you have to grin and bear it. Learn how to possibly fight back!
6. [COMPUTER CRIMES 101 - CHILD PORNOGRAPHY ISN'T THE ONLY GAME IN TOWN](#)  
G. Patrick Black, Chief Defender, Eastern District of Texas

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

## SUNSET

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 this trend will not be slowing down. Despite all the attention given to child pornography cases there is also a large increase in prosecutions concerning other alleged computer crimes. This session will focus on federal computer and internet crimes such as hacking, identity theft, cyber-stalking, unauthorized password use, and fraud.

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11:00-11:15 AM      **BREAK**

11:15-12:15 PM      RESOURCES FOR CJA PANEL ATTORNEYS: A PANEL DISCUSSION  
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

### ANASAZI SOUTH

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](http://www.fd.org) and the Office of Defender Services Training Branch. Questions welcomed.

12:15-1:45 PM      **LUNCH**

1:45-2:45 PM      BREAK OUTS (Repeat of Morning Sessions 1-5)

1. [LITIGATION SUPPORT: STRATEGIES FOR DEALING WITH ELECTRONIC DISCOVERY](#) **ZIA B**
2. SENTENCING GUIDELINES 202 **ANASAZI SOUTH**
3. [GETTING THE MOST OUT OF COOPERATION AND NAVIGATING THE DANGERS OF A PROFFER](#) **ANASAZI NORTH**
4. [UNRAVELING AND "DECONSTRUCTING" THE CAREER OFFENDER GUIDELINE](#) **DEVARGUS**
5. BATTLING 851 NOTICES: AVOID MANDATORY MINIMUM SENTENCES OF 10 YEARS, 20 YEARS OR LIFE! **ZIA A**
6. [COMPUTER CRIMES 202-DEFENDING COMPUTER BASED CHILD PORNOGRAPHY CASES](#)

G. Patrick Black, Chief Defender, Eastern District of Texas  
Ken Hawk, Assistant Federal Public Defender, Eastern District of Texas

**SUNSET**

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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 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.

2:45-3:00 PM

**BREAK CONCOURSE NORTH**

3:00- 4:00 PM

[FACEBOOK, MYSPACE, THE JOYS/DANGERS OF INTERNET SOCIAL NETWORKS AND HOW TO USE THEM AS LITIGATION TOOLS](#)

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

Mary Lou Newberger, Chief Federal Public Defender, Southern District of West Virginia

**ANASAZI SOUTH**

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.

4:00-5:15 PM

[DEFENDING AGAINST ARMED CAREER CRIMINAL & CAREER OFFENDER DESIGNATIONS](#)

Rene Valladares, Chief Federal Defender, District of Nevada

Brenda Weksler, Assistant Federal Public Defender, District of Nevada

**ANASAZI SOUTH**

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!

Saturday, February 4, 2012

7:30-8:30 AM **CONTINENTAL BREAKFAST CONCOURSE SOUTH**

8:30-9:30AM **EXPERTS: HOW TO USE THEM , ABUSE THEM AND KEEP THEM OFF THE STAND**

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

**ANASAZI SOUTH**

“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.

9:30 - 9:45 AM **BREAK CONCOURSE SOUTH**

9:45 - 10:45 AM **BREAK-OUTS**

1. [SENTENCING ISSUES IN IMMIGRATION CASES: UNDERSTANDING THE SUBTLETIES OF THE GUIDELINES, DOWNWARD DEPARTURE, VARIANCES AND DECONSTRUCTION](#)

Kari Converse, Assistant Federal Defender, District of New Mexico  
James Langell, Assistant Federal Defender, District of New Mexico

**ANASAZI SOUTH**

According to the re-entry Guidelines, 2L1.2, your client has a net offense level of 8, 12, 16, 20 or 24! How do you attack this sliding level? Not to mention the re-entry Guidelines are ripe for categorical attacks since they are based in little more than the Commission’s desire to jack them up. This session provides important ways of taking these Guidelines apart and providing your clients with sentencing arguments which better address the offenses in question.

2. **FALSE RECOLLECTIONS: MISTAKEN MEMORIES AND HOW THEY WILL IMPACT YOUR NEXT CRIMINAL CASE**

Shari R. Berkowitz, Ph.D., Assistant Professor of Psychology, Roosevelt Univ., Chicago, IL

**ZIA A**

If memory was a vital organ most of us would drop dead on the spot. All of us are highly susceptible to false memories based on suggestive police interviews and interrogations as well as the mere passing of time. Everyday people are called upon to identify your clients, clients provide confessions of alleged acts and witnesses take the stand to “recollect” - sometimes months, if not years, after the

fact. Spend an hour hearing about important research and real-life cases to better understand memory and how memory is malleable and reconstructive, and that this is a result of the natural way memory works. It's not that memories or witnesses are "bad" per se, but instead the memories are simply false.

3. [HOW FEDERAL CONVICTIONS WILL IMPACT YOUR CLIENTS' IMMIGRATION STATUS](#)

Mary Kramer, Esq., Law Offices of Mary Kramer, Miami,

**ANASAZI NORTH**

If I plea my client to the indictment what will happen to his immigration status? A question we must be prepared to answer! This session provides a careful examination of the types of convictions which lead to the deportation of your clients who are not United States citizens. This is important information to consider when negotiating options and then advising clients.

4. REOCCURRING ISSUES IN DRUG CASES: NEW WAYS OF LOOKING AT THESE IMPORTANT AND NAGGING ISSUES

Tim Watkins, Assistant Federal Defender, District of

**DEVARGUS**

Relevant conduct & 1B1.1, co-conspirators, mandatory sentences, safety valve, retroactivity, cutting deals, priors which can result in a mandatory sentence of LIFE and the list goes on...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.

5. SHREDDING THE GOVERNMENT'S FIREARM AND TOOLMARK IDENTIFICATION EVIDENCE

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

**SUNSET**

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.

6. THE NUTS AND BOLTS OF FEDERAL FIREARMS LAW

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

**ZIA B**

Don't show up to your next "gun fight" with the wrong weapon! 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) (felon in possession statute) prosecutions and the corresponding sentencing guidelines under §2K2.1.

10:45 - 11:00 AM **BREAK**

11:00 - 12:00 PM **BREAK OUTS (Repeat of Morning Sessions)**

1. [SENTENCING ISSUES IN IMMIGRATION CASES](#) **ANASAZI SOUTH**
2. **FALSE RECOLLECTIONS: MISTAKEN MEMORIES AND HOW THEY IMPACT YOUR NEXT CRIMINAL CASE** **ZIA A**
3. [HOW FEDERAL CONVICTIONS WILL IMPACT YOUR CLIENTS' IMMIGRATION STATUS](#) **ANASAZI NORTH**
4. **REOCCURRING ISSUES IN DRUG CASES: NEW WAYS OF LOOKING AT THESE IMPORTANT AND NAGGING ISSUES** **DEVARGUS**
5. **SHREDDING THE GOVERNMENT'S FIREARM AND TOOLMARK IDENTIFICATION Evidence** **SUNSET**
6. **THE NUTS AND BOLTS OF FEDERAL FIREARMS LAW** **ZIA B**

12:00-12:15 PM **BREAK CONCOURSE NORTH**

12:15- 1:15 PM **PANEL DISCUSSION: ETHICAL ISSUES CONFRONTING CRIMINAL DEFENSE ATTORNEYS WHEN DIFFICULT CLIENTS TRY TO HIGHJACK REPRESENTATION WITH UNTENABLE DEMANDS**

Honorable Carmen J. Garza, United States Magistrate Judge,  
District of New Mexico

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

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

**ANASAZI SOUTH**

Just because someone else is grabbing at the helm, what is the attorney's ethical obligations when steering the ship? An oddly fun, and funny, discussion, with invited audience participation, as to how best to deal with troublesome clients, their demands, your obligations and all while providing the most effective representation in an ethical way.

1:15 PM **CLOSING REMARKS ANASAZI SOUTH**

Eric Vos, Attorney-Advisor, Office of Defender Services,  
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 2, 2012  
Santa Fe, New Mexico  
Eldorado Hotel**

**SUNSET ROOM**

**Designed as an overview for new federal CJA practitioners, this program addresses topics which are essential to defending clients in federal criminal cases.**

**7:15 to 8:15 AM    REGISTRATION & CONTINENTAL BREAKFAST**

**8:15 to 8:25 AM    WELCOMING REMARKS**  
*Rafael Andrade, Attorney-Advisor, Office of Defender Services, Training Branch, Washington, D.C.*

**8:30 to 9:30 AM    BAIL REFORM ACT**  
*Francisco Morales, Assistant Federal Public Defender, 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. Life and representation are so much easier when your client is free, learn how to keep them out!

**9:30 to 10:30 AM    NAVIGATING THE CLIENT INTERVIEW**  
*Jim Skuthan, Chief Assistant Federal Public Defender, Middle District of Florida*

“What’s in a client interview?” Tons of gold, 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.

**10:30 to 10:45 AM    BREAK - COFFEE & TEA**

**10:45 to 11: 45 AM INTRODUCTION TO THE FEDERAL SENTENCING GUIDELINES (SENTENCING GUIDELINES 101)**

*Alan Dorhoffer, Esq., United States Sentencing Commission, Washington, D.C.*

*Robert Truitt, Assistant Federal Defender, Indiana Federal Community Defender*

The Supreme Court still requires each sentencing court to correctly determine the appropriate Guideline Calculations and even if the Guidelines are “advisory” attorneys must still know them front to back. This session will cover the basics of applying the Federal Sentencing Guidelines while taking a close look at areas such as drug amount calculations, criminal history, and offense conduct.

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

**1:00 to 2:00 PM CROSS-EXAMINATION**

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

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

**2:05 to 3:05 PM GETTING THE MOST OUT OF PLEA AGREEMENTS, COOPERATION AND NAVIGATING THE DANGERS OF A PROFFER**

*Patrick Ehlers, Assistant Federal Defender, District of Oregon*

With an overwhelming percentage of clients entering pleas, this session will take a hard look at how to get the most out of deals with the government. Additionally, like it or not, many of our clients intelligently decide cooperation is in their best interests. Unfortunately, some clients make this the trickiest of areas and proffer sessions can quickly devolve into train wrecks with clients getting no benefit and all the added risk we lose sleep over. This session explores common benefits and dangers associated with cooperation while addressing the many land mines just waiting for your client in the proffer room.

**3:05 to 3:20 PM**

**BREAK**

**3:20 to 4:20 PM**

**DETERMINING “CRIMES OF VIOLENCE” &  
“VIOLENT FELONIES”**

*Rene Valladares, Chief Federal Defender, District of  
Nevada*

*Brenda Weksler, Assistant Federal Public Defender,  
District of Nevada*

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* have 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.

**4:25 to 5:25 PM**

**PUTTING THE SENTENCING SOUP TOGETHER**

*Eric Vos, Attorney-Advisor, Office of Defender  
Services Legal, Policy & Training Division,  
Washington, D.C.*

Despite all of our excellent efforts the numbers may not be ignored - over 95% of our clients will be sentenced. Sentencing is both a science and an art where Guidelines, downward departures and variances must all come together in well written memo, letters, videos, photographs, allocation and heart-felt oral arguments. This session explores how to begin the sentencing process from the first day you meet your client and how to bring all these variables and concepts together in one highly effective sentencing proposal.

**5:25 - 5:35 PM**

**CLOSING REMARKS AND A QUICK LOOK AT  
RESOURCES AVAILABLE AT [WWW.FD.ORG](http://WWW.FD.ORG).**

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

Learn about The Office of Defender Services’s robust Internet site which provides educational/seminar announcements, employment opportunities, a wide range of filing examples and a host of other important defense orientated resources.