

Below are the agendas for the

**2014 MULTI-TRACK FEDERAL CRIMINAL DEFENSE SEMINAR &
2014 FUNDAMENTALS OF 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
DEFENDER SERVICES OFFICE TRAINING DIVISION**

***Multi-Track Federal Criminal Defense Seminar:
Strategies For Defending Complex Cases
July 31-August 2, 2014***

**Hyatt Regency Hotel
Minneapolis, Minnesota**

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 four tracks for 2014 at the Hyatt in Minneapolis are: 1) Sentencing Strategies & Practices; 2) Computer Crimes & Technology Issues; 3) Mental Health & Psychological Issues; and 4) Staying Current With the Big Three - Drugs, Guns & Immigration. Tracks 1-3 will be presented in four distinct hour-long time blocks. These sessions will be presented on Thursday, July 31, 2014 and then repeated on Friday, August 1, 2014. This design will provide seminar participants with the opportunity to attend two of the three separate tracks taking place on Thursday and Friday.

On Saturday, August 2, 2011, seminar participants will have the opportunity to attend both plenary and small group breakout sessions for the 4th track, Staying Current With the Big Three - Drugs, Guns & Immigration. The Saturday sessions will address topics of general interest and importance to criminal defense practitioners and each session will be repeated so attendees may attend at least two areas of interest be it drugs, guns or immigration.

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

Multi-Track Federal Criminal Defense Seminar

**Hyatt Regency Hotel
Minneapolis, Minnesota**

July 31 - August 2, 2014

Thursday July 31, 2014

7:30 to 8:30 AM **Registration & Continental Breakfast - Greenway Foyer AJ, 2nd Floor**

8:30 to 8:45 AM **Welcoming Remarks - Greenway C-H, 2nd Floor**
*Eric Alexander Vos, Attorney-Advisor, Defender Services Office Training
Division, Washington, D.C.*
*Katherian Roe, Chief Defender, Federal Public Defenders, District of
Minnesota*
F. Clayton Tyler, CJA Representative for the District of Minnesota

8:45 to 9:45 AM **Plenary Session: Are Sentencing Guidelines Really Based on
Empirical Studies & Does It Matter? - Greenway C-H, 2nd Floor**

*Troy Stabenow, Assistant Federal Public Defender, Western District of
Missouri*

If you may be asking for a sentence below the Guideline range 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...” With this in mind, this session looks closely at how guidelines are based on neither empirical data or national experience and thus, arms you with tools to effectively argue for variant sentences.

9:45: to 10:00 AM **BREAK**

Track Descriptions

IMPORTANT NOTE: All track presentations, which take place on Thursday, July 31, 2014, will be repeated again on Friday, August 1, 2014. This will allow attendees to complete 2 of the 3 tracks during the first two days of the program. On the 3rd day of the program, Saturday, August 2, 2014, there will be four presentations, each given twice, concentrating on drugs, gun & immigration cases. Thus attendees will be able to complete 2 of the 4 sessions presented on Saturday, August 2, 2014.

1. Sentencing Strategies & Practices (July 31-August 1, 2014)

Sentencing in federal criminal cases is no longer limited to a mere guideline calculation. This track highlights avenues available to defense counsel to obtain better sentences for their clients. Track sessions will look at guideline deconstruction, interpretations of sentencing statutes and how to create a critical sentencing narrative by developing persuasive, fact-based, sentencing strategies.

2. Computer Crimes & Technology Issues (July 31-August 1, 2014)

Computer technology is playing a greater role in criminal cases with an increasing number of specific criminal offenses centered around the use of computers. This track will increase attorneys' technological knowledge to help evaluate case strategies when the crimes in question involve computers and will address the new wave of digitized evidence, how to organize this evidence and how to protect this evidence in a manner that meets attorneys' ethical obligations .

3. Mental Health & Psychological Issues (July 31-August 1, 2014)

Forty-five percent of federal prisoners have had a mental health problem and forty percent of federal prisoners have had symptoms of a mental health disorder. When clients have mental health issues it will impact communication, trial strategy and sentencing decisions. Aside from mental health issues, psychology plays a central role in many criminal cases as we investigate false memories and the manner in which humans attempt to recall what they experienced.

4. Guns, Drugs & Immigration (August 2, 2014)

Gun crimes, drug offenses and immigration matters still remain front and center as practitioners take on representing clients in federal court. This track, which will be available to all on Saturday, August 2, 2014 and will cover "hot" developing areas and new ways of looking at common offenses. Each session is repeated so attendees will be able to attend at least two areas of interest.

Track Presentations

10:00 to 11:00 AM

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Criminal History in Sentencing: Descamps, its Changes and Where the Supreme Court Goes Next. (Repeated again on Friday, August 1, at 9:45 AM)

Kate Menendez, Assistant Federal Defender, Federal Public Defenders Office, District of Minnesota

The landscape for calculating criminal history for purposes of plea negotiations and sentencing continually evolves. Developments in Supreme Court case law have enriched the practice of attacking predicates that enhance our clients' sentences in a myriad ways. This presentation surveys this ever-changing jurisprudence and provides tips to maximize benefits to our clients.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Child Pornography Isn't The Only Game in Town (Repeated again on Friday, August 1, at 9:45 AM)

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 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.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

Representing Veterans (Repeated again on Friday, August 1, at 9:45 AM)

Jim Skuthan, 1st Assistant Federal Public Defender, Middle District of Florida

Representing the men and women who previously served in our armed forces may seem like an entirely new group of clients - because it is. Previous service in the military may involve unique issues centered around past traumas, drug use, loss of comrades, reintegration, etc. All of these unique characteristics will influence strategies and certainly will effect your sentencing ideas. Yes, there is PTSD and yet, there is far more we need to consider when representing our veterans.

11:00 to 11:15 AM BREAK

Track Presentations

11:15 AM to 12:15 PM

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Multi-Media and Your Sentencing Presentation (Repeated again on Friday, August 1, at 11:00 AM)

Mary Lou Newberger, Assistant Federal Defender, District of West Virginia Southern

At sentencing, a picture is worth at *least* a thousand words and will often add layers of credibility and emotion to your client's story of mitigation. 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 photographs in sentencing memos to the creation of mini-documentary films. It's easy, it's fun, it's

inexpensive and it's powerful.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

[Handling the Electronic Discovery You Receive](#) (Repeated again on Friday, August 1, at 11:00 AM)

Kelly Scribner, Assistant National Litigation Support Administrator, Defender Services Office, Training Division, Oakland, California

Alex Roberts, National Litigation Support Paralegal, Defender Services Office, Training Division, Oakland, California

Banker boxes filled with discovery documents are becoming a thing of the past and 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.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

[The Science of False Recollection](#) (Repeated again on Friday, August 1, at 11:00 AM)

Shari R. Berkowitz, Ph.D., Assistant Professor of Criminal Justice Administration, California State University, Dominguez Hill

Clients, witnesses, officer and investigators are all susceptible to mistaken memories and attorneys need to understand this important part of human psychology if we are to deal with the recollections we rely on, as well as the ones we challenge. False identification is just the beginning as this session investigates and raises important questions about the false recollections we may all encounter.

12:15 to 1:45 PM LUNCH

1:45 to 2:45 PM Plenary Session: CJA RESOURCES - Greenway C-H, 2nd Floor

Geoff Cheshire, Assistant Federal Defender, District of Arizona

Eric Alexander Vos, Attorney-Advisor, Defender Services Office, Training Division, Washington, D.C.

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 Defender Services Office Training Division. This session offers CJA practitioners the opportunity to ask any questions they may have about CJA administrative policies.

2:45 to 3:00 PM BREAK

Track Presentations

3:00 to 4:00 PM

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Departures, Variances and Offering Up An Alternative To Incarceration (Repeated again on Friday, August 1, at 2:50 PM)

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

There are few things more persuasive than when an attorney can present a fact-based theory of mitigation. Yet, these theories will stand a far better chance of success when they can be linked to reasons for departures, variances and real alternatives to incarceration.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Cloud Computing and The Ethical Challenges All Attorneys Are Facing (Ethics Credit)

(Repeated again on Friday, August 1, at 2:50 PM)

Russell Aoki, Coordinating Discovery Attorney, Aoki Law, Seattle, Washington

Yes, you are storing client information on “the cloud” and yes, you have an ethical obligation to protect their information just like data in a file cabinet back at your office. Many of the programs, documents and databases you are using are accessed over the internet and reside on computers maintained by 3rd parties who can gain access to your information. If you are using DropBox and other cloud based services to communicate and maintain your practice, your state bar most likely has guidelines on protecting client confidentiality. Remember, not only is all this data accessible by the people running the machines, your office interns and new associates have access to this information and can pass it along like never before. Don’t risk your license, don’t risk your clients’ confidentiality, learn about your ethical obligations in this new frontier.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

Mental Health, Mitigation & Putting Together a Treatment Plan (Repeated again on Friday, August 1, at 2:50 PM)

Denise Barrett, National Sentencing Resource Counsel

With upwards of 45 percent of our clients being diagnosed with mental health issues, we need to understand how to spot the symptoms, tie psychological illnesses into a theory of mitigation and offer up treatment plans rather than incarceration. This session will help you ask the right questions, come up with a strategy, and offer judges a more effective sentencing alternative.

4:00 to 4:15 PM BREAK

Track Presentations

4:15 to 5:15 PM

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Employing Sentencing Professionals and How to Afford Them (Repeated again on Friday, August 1, at 4:00 PM)

William Spade, Spade Law, Philadelphia, Pennsylvania

The government uses a professional almost 100 percent of the time be it an agent, forensics expert, computer geek, etc. Yet, defense attorney only use them a fraction of the time. During sentencing there are a wide range of issues which may need to be addressed, be they psychological, health or drug related. Learn how to use your own experts when identifying these areas and using them when presenting your fact based theory of sentencing.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Challenging the Government's Conclusions Concerning Cell Phone Site Locations

(Repeated again on Friday, August 1, at 4:00 PM)

Aaron Romano, Aaron Romano PC, Bloomfield, Connecticut

The government has decided they have a surefire way of knowing where your client was/was not based on his cell phone use - but is that correct? This session will look at the technology which drives cell phone site location issues, the flaws, the strengths and the questions you need to ask the next time someone tells you where your client's cell phone was on the night in question.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

Be Careful What You Wish For: Competency to Stand Trial and the Insanity Defense

(Repeated again on Friday, August 1, at 4:00 PM)

Stephen McCue, Federal Defender, District of New Mexico

So your client seems to be presenting in a manner which leads you to believe there may be a psychological issue, do you start filing motions with the court? There are a host of issues we need to consider - such as losing your client to FMC-Butner for six months and having Butner issue a report which incorrectly labels your client as "malingering." Given the high percentage of clients who suffer from mental health issues, a practicing attorney should have a good understanding of competency and the issues triggered when you bring this question to the forefront.

5:15 PM Adjourn for the day

Friday, August 1, 2014

7:30 to 8:30 AM Registration & Continental Breakfast - Greenway Foyer AJ, 2nd Floor

**8:30 to 9:30 AM Plenary Session: Ineffectiveness of Counsel: Detecting, Avoiding, and Addressing Claims the Lawyer Screwed Up (Ethics Credit)
Greenway C-H, 2nd Floor**

Paul Rashkind, Assistant Federal Defender, Southern District of Florida

Avoid bad lawyering by identifying the duties of counsel, from arrest through Supreme Court review. How to litigate allegations of inadequate lawyering to benefit the client and what to do when you are a witness in collateral review proceedings questioning your own representation.

9:30 to 9:45 AM BREAK

9:45 to 10:45 AM NOTE: Repeat of Thursday Morning 10:00 AM Track Presentations

Track Presentations

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Criminal History in Sentencing: Descamps, its Changes and Where the Supreme Court Goes Next.

Kate Menendez, Assistant Federal Defender, Federal Public Defenders Office, District of Minnesota

The landscape for calculating criminal history for purposes of plea negotiations and sentencing continually evolves. Developments in Supreme Court case law have enriched the practice of attacking predicates that enhance our clients' sentences in a myriad ways. This presentation surveys this ever-changing jurisprudence and provides tips to maximize benefits to our clients.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Child Pornography Isn't The Only Game in Town

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 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.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

Representing Veterans

Jim Skuthan, 1st Assistant Federal Public Defender, Middle District of Florida

Representing the men and women who previously served in our armed forces may seem like an entirely new group of clients - because it is. Previous service in the military may involve unique issues centered around past traumas, drug use, loss of comrades, reintegration, etc. All of these unique characteristics will influence strategies and certainly will effect your sentencing ideas. Yes, there is PTSD and yet, there is far more we need to consider when representing our veterans.

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

11:00 AM to 12:00 PM NOTE: Repeat of Thursday Morning 11:15 AM Track Presentations

Track Presentations

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Multi-Media and Your Sentencing Presentation

Mary Lou Newberger, Assistant Federal Defender, District of West Virginia Southern

At sentencing, a picture is worth at *least* a thousand words and will often add layers of credibility and emotion to your client's story of mitigation. 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 photographs in sentencing memos to the creation of mini-documentary films. It's easy, it's fun, it's inexpensive and it's powerful.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Handling the Electronic Discovery You Receive

Kelly Scribner, Assistant National Litigation Support Administrator, Defender Services Office, Training Division, Oakland, California

Alex Roberts, National Litigation Support Paralegal, Defender Services Office, Training Division, Oakland, California

Banker boxes filled with discovery documents are becoming a thing of the past and 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.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

The Science of False Recollection

*Shari R. Berkowitz, Ph.D., Assistant Professor of Criminal Justice Administration,
California State University, Dominguez Hills*

Clients, witnesses, officer and investigators are all susceptible to mistaken memories and attorneys need to understand this important part of human psychology if we are to deal with the recollections we rely on, as well as the ones we challenge. False identification is just the beginning as this session investigates and raises important questions about the false recollections we may all encounter.

12:00 to 1:30 PM LUNCH

1:30 to 2:45 PM **Plenary Session: Electronic Surveillance - Extent & Protections**
Greenway C-H, 2nd Floor
Eric Vos, Attorney-Advisor, Defender Services Office Training
Division, Washington, D.C.

SmartPhones, GPS, wiretaps & pole cameras are able to capture every morsel of our lives and yet, most of this surveillance can be legally conducted by the government with little to no court supervision. Learn the scary extent to which modern technology may easily snoop, what protections we enjoy, and how to turn vulnerabilities on their head as you demand government discovery concerning your client and adverse witnesses.

2:50 to 3:50 PM **NOTE: Repeat of Thursday Afternoon 3:00 PM Track Presentations**

Track Presentations

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Departures, Variances and Offering Up An Alternative To Incarceration

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

There are few things more persuasive than when an attorney can present a fact-based theory of mitigation. Yet, these theories will stand a far better chance of success when they can be linked to reasons for departures, variances and real alternatives to incarceration.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Cloud Computing and The Ethical Challenges All Attorneys Are Facing (Ethics Credit)

Russell Aoki, Coordinating Discovery Attorney, Aoki Law, Seattle, Washington

Yes, you are storing client information on “the cloud” and yes, you have an ethical obligation to protect their information just like data in a file cabinet back at your office. Many of the programs, documents and databases you are using are accessed over the internet and reside on computers maintained by 3rd parties who can gain access to your information. If you are using DropBox and other cloud based services to communicate and maintain your practice, your state bar most likely has guidelines on protecting client confidentiality. Remember, not only is all this data accessible by the people running the machines, your office interns and new associates have access to this information and can pass it along like never before. Don’t risk your license, don’t risk your clients’ confidentiality, learn about your ethical obligations in this new frontier.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

Mental Health, Mitigation & Putting Together a Treatment Plan

Denise Barrett, National Sentencing Resource Counsel

With upwards of 45 percent of our clients being diagnosed with mental health issues, we need to understand how to spot the symptoms, tie psychological illnesses into a theory of mitigation and offer up treatment plans in lieu of incarceration. This session will help you ask the right questions, come up with a strategy, and offer judges a more effective sentencing alternative.

3:50 to 4:00 PM **BREAK**

4:00 to 5:00 PM **NOTE: Repeat of Thursday Afternoon 4:15 PM Track Presentations**

Track Presentations

1) Sentencing Strategies & Practices - Greenway A, 2nd Floor

Employing Sentencing Professionals and How to Afford Them

William Spade, Spade Law, Philadelphia, Pennsylvania

The government uses a professional almost 100 percent of the time be it an agent, forensics expert, computer geek, etc. Yet, defense attorney only use them a fraction of the time. During sentencing there are a wide range of issues which may need to be addressed, be they psychological, health or drug related. Learn how to use your own experts when identifying these areas and using them when presenting your fact based theory of sentencing.

2) Computer Crimes & Technology Issues - Greenway B, 2nd Floor

Challenging the Government's Conclusions Concerning Cell Phone Site Locations

Aaron Romano, Aaron Romano PC, Bloomfield, Connecticut

The government has decided they have a surefire way of knowing where your client was/was not based on his cell phone use - but is that correct? This session will look at the technology which drives cell phone site location issues, the flaws, the strengths and the questions you need to ask the next time someone tells you where your client's cell phone was on the night in question.

3) Mental Health & Psychological Issues - Greenway J, 2nd Floor

Be Careful What You Wish For: Competency to Stand Trial and the Insanity Defense

Stephen McCue, Federal Defender, District of New Mexico

So your client seems to be presenting in a manner which leads you to believe there may be a psychological issue, do you start filing motions with the court? There are a host of issues we need to consider - such as losing your client to FMC-Butner for six months and having Butner issue a report which incorrectly labels your client as "malingering." Given the high percentage of clients who suffer from mental health issues, a practicing attorney should have a good understanding of competency and the issues triggered when you bring this question to the forefront.

5:00 PM

Adjournment

Saturday, August 2, 2014

7:30 to 8:30 AM Registration & Continental Breakfast - Greenway Foyer AJ, 2nd Floor

8:30 to 9:30 AM Plenary Session: Prose For Pros - Greenway C-H, 2nd Floor
Randy Fiedler, Assistant Federal Defender, District of Nevada
Alina M. Shell, Assistant Federal Defender, District of Nevada

Motions, memos, appeals, etc. - lawyers are always writing and we need to make sure we are as effective as possible. This session will cover some of the basics we all too often forget and provide some new ideas which really can add to our written advocacy. Experience a refresher, get a new look at written advocacy and become better equipped to communicate with the court.

9:30 to 9:40 AM BREAK

9:40 to 10:40 AM The following breakouts are for the Drugs, Guns and Immigration Track. Each Session is repeated and thus, offered twice.

Track Presentations

The Big Three - Drugs, Guns & Immigration Track

1) Six Areas To Worry About in Firearms Cases - Greenway A, 2nd Floor

(This session will be repeated at 11:00 AM)

Leigh Skipper, Chief Federal Defender, Eastern District of Pennsylvania

Firearms prosecutions still make up much of the cases brought in federal criminal court and there are a multitude of issues which seem to keep repeating themselves. While an hour is not enough to cover all gun related issues, this session will take a look at six important areas of concern and how to go about addressing them.

2) Defending Immigration Cases - Greenway B, 2nd Floor

(This session will be repeated at 11:00 AM)

Francisco Morales, Assistant Federal Defender, Southern District of Texas, Corpus Christi, Texas

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 splits 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 of as bad cases with no wiggle room.

3) Ideas For More Effective Negotiating - Greenway I, 2nd Floor

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

Callie Steele, Third Level Supervisor, California Central Federal Defender Office

Before picking a jury, attorneys must do all they can to strike a deal which makes more sense than rolling the dice at trial. This session looks at options and strategies when dealing with government attorneys as you attempt to strike a deal which better serves your client’s needs.

4) Reoccurring Issues With Drug Cases - Greenway J, 2nd Floor

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

Manny Atwal, Assistant Federal Defender, District of Minnesota

Relevant conduct & 1B1.1, co-conspirators, mandatory sentences, safety valve, retroactivity, cutting deals, priors which may, or may 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 AM BREAK

Track Presentations (repeated of morning sessions)

11:00 AM to 12:00 PM

1) Six Areas To Worry About in Firearms Cases - Greenway A, 2nd Floor

Leigh Skipper, Chief Federal Defender, Eastern District of Pennsylvania

Firearms prosecutions still make up much of the cases brought in federal criminal court and there are a multitude of issues which seem to keep repeating themselves. While an hour is not enough to cover all gun related issues, this session will take a look at six important areas of concern and how to go about addressing them.

2) Defending Immigration Cases - Greenway B, 2nd Floor

Francisco Morales, Assistant Federal Defender, Southern District of Texas, Corpus Christi, Texas

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 splits 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 of as bad cases with no wiggle room.

3) Ideas For More Effective Negotiating - Greenway I, 2nd Floor

Callie Steele, Third Level Supervisor, California Central Federal Defender Office

Before picking a jury, attorneys must do all they can to strike a deal which makes more sense than rolling the dice at trial. This session looks at options and strategies when dealing with government attorneys as you attempt to strike a deal which better serves your client's needs.

4) Reoccurring Issues With Drug Cases - Greenway J, 2nd Floor

Manny Atwal, Assistant Federal Defender, District of Minnesota

Relevant conduct & 1B1.1, co-conspirators, mandatory sentences, safety valve, retroactivity, cutting deals, priors which may, or may 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.

12:00 to 12:15 PM BREAK

12:15 to 1:15 PM

Plenary Session: Immigration Status and the Consequences of Criminal Convictions - Greenway C-H, 2nd Floor

Hena Mansori, Detention Project Supervising Attorney, National Immigrant Justice Center's Defenders Initiative Program, Chicago, Illinois

This session will address immigration consequences to non-citizens resulting from criminal offenses. The presentation will provide an overview of criminal grounds of inadmissibility and deportability under the Immigration & Nationality Act and how certain crimes fit within these categories. It will address how criminal grounds of inadmissibility and deportability make a client removable and affect eligibility for applications to remain in the United States. The session will also address strategies for defense attorneys seeking to avoid adverse immigration consequences for their non-citizen clients.

1:15 PM

Closing Remarks and Adjournment - Greenway C-H, 2nd Floor

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

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

FUNDAMENTALS OF FEDERAL CRIMINAL DEFENSE TRAINING

**July 31-August 1, 2014
Minneapolis, Minnesota**

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

Thursday, July 31, 2014

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

8:15 to 8:25 AM WELCOMING REMARKS - Lake Superior, 5th Floor

*Lori Green, Attorney-Advisor, Defender Services Office, Training
Division, Washington, D.C.*

8:30 to 9:30 AM THEORIES & THEMES - Lake Superior, 5th Floor

*Francisco Celedonio, Law office of Francisco E. Celedonio, New
York, New York*

Federal cases are best driven by a theory of defense and a captivating theme. Otherwise, we risk suffering from entropy as we investigate, collect discovery, obtain sentencing data and face important decisions. Well developed theories and themes give us compelling structures which help us organize our case as we set critical, well defined, goals. Importantly, a structure provides a foundation for a compelling story which benefits our clients. This session will address how you develop theories and themes to best present at trial and/or sentencing.

9:35 to 10:35 AM NAVIGATING THE CLIENT INTERVIEW

Lake Superior, 5th Floor

*Jim Tibensky, Non-Capital Mitigation Specialist, Federal Defender
Program, Inc., Community Defender Organization for the
Northern District of Illinois, Chicago, Illinois (Ret.)*

“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. Many of us think we have interviewing covered and yet, this is one area we always need to rethink, review and take a fresh look at.

10:35 to 10:50 AM

BREAK

10:50 AM to 12:00 PM

THE BAIL REFORM ACT - Lake Superior, 5th Floor

Francisco Morales, Assistant Federal Defender, Southern District of Texas, Corpus Christi, Texas

Your performance at the bail hearing will be your first strut for your client. Win or lose, your ability to fight goes a long way. In this session you will learn to maximize your chances of getting your client released on bond under the Bail Reform Act while addressing pretrial interviews, third party custodians, favorable witnesses, good pre-discovery discovery, ethical issues, the detention hearing, the appeal of a detention order, and release pending appeal.

12:00 to 1:30 PM

LUNCH

1:30 to 2:30 PM

THE ESSENTIAL ROLE OF INVESTIGATION IN CJA CASES - Lake Superior, 5th Floor

Lori Green, Attorney-Advisor, Defender Services Office, Training Division Washington, D.C.

Kevin J. Murphy, Private Investigator, Philadelphia, Pennsylvania

An effective investigation can make all the difference in federal criminal defense and as cases continue to grow more complex, with more discovery, it is critical that you think about working with a trained and dedicated investigator. The presenters will discuss how an investigator can assist you throughout the life cycle of a case, including quickly locating and interviewing witnesses, and obtaining information from digital and paper records. Importantly, the presenters will discuss methods of finding and vetting an investigator, what you should expect from these professionals, how to best utilize their services, and how you can get funding from the court.

2:35 to 3:35 PM.

PRETRIAL MOTIONS: GET THE DISCOVERY YOU NEED - Lake Superior, 5th Floor

Jay McEntire, Assistant Federal Defender, Federal Defenders of Eastern Washington & Idaho, Spokane, Washington

This session will be divided into two parts. The first will be a series of helpful tips for getting discovery using Rule 16 and Rule 17, as well as how to protect you and your client from reciprocal discovery. The second part will focus on writing tips - specifically, how to craft memorable pretrial motions that both advance your theme and get you the discovery you need.

3:35 to 3:50 PM.

BREAK

3:50 to 4:50 PM

**GETTING THE MOST OUT OF PLEA AGREEMENTS,
COOPERATION, AND NAVIGATING THE DANGERS OF A
PROFFER - Lake Superior, 5th Floor**

*Patrick Ehlers, Assistant Federal Defender, District of Oregon,
Portland, 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. Additionally, like it or not, many of our clients intelligently decide cooperation is in their best interests. Unfortunately, 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.

4:50 PM

Adjournment

FRIDAY, AUGUST 1, 2014

7:30 to 8:30 AM

REGISTRATION & CONTINENTAL BREAKFAST

8:30 to 9:30 AM

FEDERAL SENTENCING GUIDELINES - 202

Lake Superior, 5th Floor

Geoff Cheshire, Assistant Federal Defender, District of Arizona, AZ

Current federal criminal law requires sentencing courts to properly calculate a client's Guideline range, and to evaluate various other considerations before imposing judgement. As a result, practitioners need to maintain an expertise in this critical aspect of federal criminal defense. This session will cover applications of the Guidelines previously discussed in Introduction to the Federal Sentencing Guidelines - Part 1, and it will look at common issues involving them by working through sample sentencing scenarios. NOTE: The webinar, Introduction to the Federal Sentencing Guidelines - Part 1 must be viewed by participants prior to admission to this session. Information on accessing the webinar will be sent to registrants in June, 2014.

9:35 to 10:35 AM

**THE END PRODUCT - IDEAS AS TO WHAT A
SENTENCING ARGUMENT/PACKAGE MAY LOOK LIKE**

Lake Superior, 5th Floor

*Callie Steele, Third Level Supervisor, California Central Federal
Defender Office*

*Eric Alexander Vos, Attorney-Advisor, Defender Services Office,
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 memos, letters, videos, photographs, client 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.

10:35 - 10:45 AM

**CLOSING REMARKS AND A QUICK LOOK AT
RESOURCES AVAILABLE AT WWW.FD.ORG.**

Lake Superior, 5th Floor

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

Learn about The Defender Service Office'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.