



**THE ANDREA TAYLOR
SENTENCING ADVOCACY WORKSHOP**

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

**HILTON SAN FRANCISCO FINANCIAL DISTRICT HOTEL
750 KEARNY STREET
SAN FRANCISCO, CA
March 8-10, 2018**

DRAFT AGENDA (rev. 1/10/2018)

Thursday, March 8, 2018

7:30 – 8:30 a.m. Registration - Continental Breakfast

8:30 – 8:50 a.m. Welcoming Remarks

Steven Kalar, *Federal Public Defender, Office of the Federal Public Defender for the Northern District of California, San Francisco, CA*

Mary McNamara, *CJA Panel Representative for the Northern District of California, Swanson, McNamara & Haller, San Francisco, CA (invited)*

8:50 – 9:00 a.m. Introduction to Workshop

Frank Draper, *Attorney Advisor, Training Division, Defender Services Office, Washington, DC*

9:00 – 10:00 a.m. PLENARY SESSION: Fact-Busting the Case

Joseph Ross, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC (invited)*

This session will concentrate on the elements of fact-busting, using a mock case, to demonstrate techniques for mining the facts of a case in a manner that maximizes the potential of developing a persuasive sentencing theory.

10:00 – 10:15 a.m. Break

10:15 a.m. –

12:30 p.m. WORKSHOP SESSION I: Fact-Busting the Case

Participants will meet with their small group facilitators to fact-bust their own cases as a basis for developing persuasive sentencing theories and themes.

12:30 – 1:45 p.m. Lunch - On Your Own

1:45 – 2:30 p.m. PLENARY SESSION: Getting to Know Your Client & Interviewing for Mitigation

Jim Tibensky, *Non-Capital Mitigation Specialist, Illinois Federal Defender Program, Inc., Chicago, Illinois (Ret.)*

Just who is it 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 her story in a persuasive manner? This session will focus on developing an effective relationship with your client. It will also demonstrate interviewing techniques that will allow you to better obtain mitigating information from both the client and other key figures in your client's life.

2:35 – 3:20 p.m. PLENARY SESSION: Locating and Analyzing Mitigation Documents

Foongy Lee, *Investigator, Federal Public Defenders for the Central District of California, Los Angeles, CA*

This session will provide an overview of the importance of records in developing mitigation evidence. Records are inherently credible because objective, neutral professionals created them long before the client faced criminal charges. They reveal sensitive information that clients and their family members are reluctant to disclose -- and sometimes information that the client and their family members know nothing about.

3:20 – 3:30 p.m. Break

3:30 – 4:55 p.m. WORKSHOP SESSION II: Interviewing for Mitigation/Records Collection

Attendees will divide into small breakout groups to practice their mitigation interviewing skills and identify records needed in their cases.

5:00 – 6:00 p.m. PLENARY SESSION: Developing Persuasive Theories and Themes/Storytelling

Fredilyn Sison, *Assistant Federal Defender, Federal Defenders of Western North Carolina, Asheville, NC (invited)*

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. It will also discuss the elements of storytelling and how to effectively use storytelling to make a compelling argument at sentencing.

6:00 p.m. Adjourn for the Day

Friday, March 9, 2018

7:30 – 8:30 a.m. Continental Breakfast

8:30 – 10:15 a.m. WORKSHOP SESSION III: Theories and Themes/ Storytelling
Attendees will divide into small breakout groups where Group Leaders will facilitate the process of applying theories, themes, and storytelling techniques to the facts of each attendee's own case.

10:15 – 10:30 a.m. Break

10:30 a.m. – noon WORKSHOP SESSION III: Theories and Themes/ Storytelling (cont.)

12:00 – 1:15 p.m. Lunch - On Your Own

1:15 – 2:30 p.m. PLENARY SESSION: Persuasive Writing
Ronald Tyler, *Associate Professor of Law, Director, Criminal Defense Clinic, Stanford Law School, Stanford, CA (invited)*
This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case.

2:30 – 2:45 p.m. Break

2:45 – 3:50 p.m. WORKSHOP SESSION IV: Persuasive Writing
Attendees will divide into small breakout groups and apply storytelling and persuasive writing techniques to the facts of their own cases. Each attendee will write the first two to three paragraphs of their sentencing memorandum, in a persuasive fact-based manner. Participants will receive feedback on their work and rewrite their memorandum based on feedback received.

3:50 – 4:00 p.m. Break

4:00 – 5:30 p.m. WORKSHOP SESSION IV: Persuasive Writing (cont.)

5:30 p.m. Adjourn for Day

Saturday, March 10, 2018

7:30 – 8:30 a.m. Continental Breakfast

8:30 – 9:30 a.m. PLENARY SESSION: Using More Than Words to Persuade
Callie Steele, *Senior Litigator, Federal Public Defenders for the Central District of California, Los Angeles, CA*
At sentencing, a picture is worth at least a thousand words, and can bring life and emotion to your client’s story. This session will look beyond the written word and examine ways to include powerful and persuasive images into your sentencing presentations.

9:30 – 9:45 a.m. Break

9:45 – 10:30 a.m. WORKSHOP SESSION V: Persuasive Sentencing Hearings
Attendees will divide into small breakout groups where they will discuss how each participant anticipates how they will conduct the sentencing hearing in their own case. Emphasis will be placed on the ideas developed in the morning plenary.

10:30 – 10:45 a.m. Break

**10:45 a.m. –
12:15 p.m. WORKSHOP SESSION V: Persuasive Sentencing Hearings
(cont.)**

12:15 – 1:15 p.m. PLENARY SESSION: Persuasive Sentencing Hearings
Tina Hunt, *Executive Director, Federal Defenders of the Middle District of Georgia, Inc., Macon, GA*
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.

1:15 p.m. Closing Remarks/Adjournment
Frank Draper, *Attorney Advisor, Training Division, Defender Services Office, Washington, DC*

CLE Accreditation