



NON-CAPITAL SENTENCING MITIGATION SKILLS WORKSHOP

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

EMBASSY SUITES DENVER DOWNTOWN CONVENTION CENTER
1420 STOUT STREET
DENVER, CO 80202
May 17-19, 2018

DRAFT AGENDA (rev. 3/1/2018)

Thursday, May 17, 2018

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

8:30 – 8:50 a.m. Welcoming Remarks

Virginia Grady, *Federal Public Defender, Office of the Federal Public Defender for the District of Colorado, Denver, CO*

David Kaplan, *CJA Panel Representative for the District of Colorado, Haddon, Morgan and Foreman, Denver, CO*

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: Storytelling: A Framework for Mitigation

Akin Adepoju, *Assistant Federal Defender, Delaware Federal Public Defender, Wilmington, DE (invited)*

Vickie Piontkowski, *Mitigation Investigator, Pennsylvania Western Federal Public Defender, Pittsburgh, PA (invited)*

What is storytelling? Why is it of value in advocacy? This session focuses on effective storytelling techniques to unlock compassion, empathy, and mercy.

10:00 – 10:15 a.m. Break

10:15 - 11:30 a.m. PLENARY SESSION: Mitigation and the Role and Responsibilities of the Mitigation Specialist/Investigator/Social Worker in a Non-Capital Case

Denise Barrett, J.D., M.S.W., *National Sentencing Resource Counsel Project (invited)*

Michael Moore, *Mitigation Specialist, Federal Defender's Office for the District of Maryland, Baltimore, MD (invited)*

Amy Skrien, *Investigator, Office of the Federal Public Defender for the Eastern District of Missouri, St. Louis, MO (invited)*

This session will focus on the valuable mitigation work that can be done in a non-capital case. Topics covered will include creating an effective team, benefits of getting your client released, and how to make mitigation a part of every case. Also discussed will be how to obtain a mitigation specialist, discovery issues, and obligations on reporting abuse.

11:30 a.m. -

12:45 p.m. Lunch - On Your Own

12:45 – 1:45 p.m. PLENARY SESSION: Interviewing for Mitigation

Vivianne Guevara, *Director of Client & Mitigation Services, Federal Defenders of New York, Brooklyn, NY (invited)*

How do I uncover and develop the mitigating factors that will allow me to tell the client's 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 in your client's life.

1:45 – 2:00 p.m. Break

2:00 - 5:30 p.m. Small Groups - Interviewing Skills

Please see grouping list for assignments

Participants will meet with their small group facilitators to practice their interviewing skills using their own cases and playing the part as their respective clients.

5:30 p.m. Adjourn for the Day

Friday, May 18, 2018

8:00 – 9:00 a.m. Continental Breakfast

9:00 – 10:00 a.m. Locating and Analyzing Records for Mitigation Evidence

Vickie Piontkowski, *Mitigation Specialist, Office of the Federal Public Defender for the Western District of Pennsylvania, Pittsburgh, PA (invited)*

This session will provide an overview of the importance of records in developing mitigation evidence. Records are inherently credible because they were created by objective, neutral professionals 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. After this session we will break up into small groups to decipher and decode some records from a mock case.

10:00 – 11:00 a.m. Small Groups - Locating and Analyzing Records

Please see grouping list for assignments

Participants will meet with their small group facilitators to review the types of records and documents that are important to developing mitigation evidence. Participants will identify mitigation themes and potential mental health issues, hypotheses, questions, and brainstorm investigative follow-up tasks.

11:00 – 11:15 a.m. Break

11:15 – 12:30 a.m. Small Groups - Locating and Analyzing Records (continued)

12:30 – 2:00 p.m. Lunch

2:00 – 3:00 p.m. PLENARY SESSION: Substantive Mental Health Topic
TBA

3:00 – 3:15 p.m. Break

3:15 to 4:15 p.m. PLENARY SESSION: Writing the Story: Pen to Paper
TBA

This session will present the skills of writing an effective story and how to use persuasive techniques to tell our clients' mitigation stories.

4:15 to 5:30 p.m. Small Groups - Writing Skills –

Please see grouping list for assignments

Participants meet with their small group facilitators to write part of a Mitigation Report or Sentencing Memo based on the facts of the case brought by participants.

5:30 p.m. Adjourn for the Day

Saturday, May 19, 2018

8:00 – 9:00 a.m. Continental Breakfast

9:00 – 9:30 a.m. PLENARY SESSION: Telling the Story of Trauma

Colette Tvedt, *Tvedt Law, Denver, CO (invited)*

This session will use the story of trauma to incorporate the elements of storytelling and demonstrate its power.

9:30 – 10:30 a.m. PLENARY SESSION: Developing a Treatment Plan

Denise Barrett, J.D., M.S.W., *National Sentencing Resource Counsel Project (invited)*

Vivianne Guevara, *Director of Client & Mitigation Services, Federal Defenders of New York, Brooklyn, NY (invited)*

This session will focus on the need to include a treatment plan that addresses the underlying issues often associated with criminal behavior and it will explore the development and use of community resources to influence sentencing outcomes. This session will include an example of a formal treatment plan presented to the courts that includes a restorative justice aspect.

10:30 – 10:45 a.m. Break

10:45 – 12:30 p.m. Small Groups - Writing Skills (continued)

Please see grouping list for assignments

Participants meet with their small group facilitators to write part of a Mitigation Report or Sentencing Memo based on the facts of the case brought by participants.

12:30 to 1:00 p.m. Discussion

1:00 p.m. Closing Remarks and Program Adjournment

Frank Draper, *Attorney Advisor, Training Division, Defender Services Office, Washington, D.C.*

CLE Accreditation