



# 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

FINAL AGENDA (rev. 5/2/2018)

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## Thursday, May 17, 2018

- 7:30 – 8:30 a.m. Registration - Continental Breakfast – Silverton 3 Foyer**
- 8:30 – 8:50 a.m. Welcoming Remarks – Silverton 3**  
*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 – Silverton 3**  
*Frank Draper, Attorney Advisor, Training Division, Defender Services Office, Washington, DC*
- 9:00 – 10:00 a.m. PLENARY SESSION: Storytelling: A Framework for Mitigation – Silverton 3**  
*Akin Adepoju, Assistant Federal Defender, Delaware Federal Public Defender, Wilmington, DE*  
*Vickie Piontkowski, Mitigation Investigator, Pennsylvania Western Federal Public Defender, Pittsburgh, PA*  
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 – **Silverton 3****

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

Michael Moore, *Mitigation Specialist, New York, NY*

Amy Skrien, *Investigator, Missouri Eastern Federal Public Defender, St. Louis, MO*

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 – **Silverton 3****

Vivianne Guevara, *Director of Client & Mitigation Services, Federal Defenders of New York, Inc., Brooklyn, NY*

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. WORKSHOP SESSION I: 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 – Silverton 3 Foyer**

**9:00 – 10:00 a.m. PLENARY SESSION: Locating and Analyzing Records for Mitigation Evidence – Silverton 3**

Vickie Piontkowski, *Mitigation Specialist, Pennsylvania Western Federal Public Defender, Pittsburgh, PA*

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. WORKSHOP SESSION II: 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 a.m. –**

**12:30 p.m. WORKSHOP SESSION II: Locating and Analyzing Records (continued)**

Participants will continue to meet with their small group facilitators to review the types of records and documents that are important to developing mitigation evidence.

**12:30 – 1:45 p.m. Lunch**

**1:45 – 2:30 p.m. PLENARY SESSION: Demonstration – Telling Your Client’s Story in a Mitigating Way – Silverton 3**

Colette Tvedt, *Tvedt Law, Denver, CO*

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

**2:30 – 2:45 p.m. Break**

**2:45 – 3:45 p.m. PLENARY SESSION: Traumatic Brain Injury – **Silverton 3****  
Jaime Horsfall, MA, CBIS, *Corrections Program Manager, Brain Injury Alliance of Colorado, Denver, CO*  
Inmates living with traumatic brain injury (TBI) are an understudied, vulnerable population, and are overrepresented in correctional facilities. TBI has been linked to poor impulse control, aggressive behaviors, deficits in attention span, and higher risks for substance use disorders. Symptoms often negatively impact behavior within corrections and contribute to increased recidivism rates. This session will discuss TBI, and Colorado's efforts to increase identification of brain injury in youth and adults involved with corrections. The session will also address resource facilitation support to increase access to rehabilitation and other services necessary for a client to be successful outside of the corrections settings.

**3:50 – 4:50 p.m. PLENARY SESSION: Writing the Story: Pen to Paper – **Silverton 3****  
Craig Crawford, *Attorney Advisor, Training Division, Defender Services Office, Washington, DC*  
Jayme Feldman, *Assistant Federal Public Defender, New York Western Federal Public Defender, Buffalo, NY*  
This session will present the skills of writing an effective story and how to use persuasive techniques to tell our clients' mitigation stories.

**4:50 – 6:00 p.m. WORKSHOP SESSION III: 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.

**6:00 p.m. Adjourn for the Day**

**Saturday, May 19, 2018**

**8:00 – 9:00 a.m. Continental Breakfast – **Silverton 3 Foyer****

**9:00 – 10:15 a.m. WORKSHOP SESSION III: 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.

**10:15 – 11:15 a.m. PLENARY SESSION: Developing a Treatment Plan – **Silverton 3****

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

Vivianne Guevara, *Director of Client & Mitigation Services, Federal Defenders of New York, Inc., Brooklyn, NY*

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.

**11:15 – 11:30 a.m. Break**

**11:30 – 1:00 p.m. WORKSHOP SESSION IV: Treatment Plans and Sentences that Meet the Needs of the Client**

**Please see grouping list for assignments**

Participants meet with their small group facilitators to fashion appropriate sentence requests and treatment plans that meet the client's identified needs.

**1:00 p.m. Closing Remarks and Program Adjournment – **Silverton 3****

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

**CLE Accreditation**