Thursday, August 17, 2023

7:30 – 8:30 a.m. Registration & Continental Breakfast – 4th Floor Atrium

8:30 – 8:45 a.m. Welcoming Remarks – LSR – Grand Portage Ballroom 1&2 (4th Fl)
Frank W. Draper, Chief, Training Division, Defender Services Office, Washington, DC
Hon. Kate M. Menendez, U.S. District Judge, District of Minnesota, St. Paul, MN
Katherian D. Roe, Federal Public Defender for the District of Minnesota, Minneapolis, MN
Robert Richman, CJA Panel Attorney Representative, St. Louis Park, MN

8:45 – 10:00 a.m. PLENARY 1 – LSR – Grand Portage Ballroom (4th Fl)
Racial Profiling and the Fourth Amendment
Juval Scott, Director, National Sentencing Resource Counsel, Charlottesville, VA

People dying at the hands of law enforcement officers has become all too commonplace. The deceased are disproportionally Black and/or Brown. Although this phenomenon is not new, it is being caught on camera and disseminated via mass and social media. While there are differing views on how these matters should be handled and what they mean for society as a whole, there is no question these deaths have brought to light the important crossroad of Race and the Fourth Amendment. It is time for criminal defense attorneys to dig in and fight for change in our system. This plenary will address racial profiling, its impact on our clients’ life experiences, both individual and collective, and our role as attorneys to ensure race is factored in to Fourth Amendment analysis.
10:00 – 10:15 a.m. REFRESHMENT BREAK – 4th Floor Atrium

TRACK PRESENTATION DESCRIPTIONS

1. Forensics: A Primer on Science, Discovery, and Litigation – LSR

This track is designed to provide defense practitioners with a foundational understanding of forensic science and forensic litigation. From DNA, toolmark analysis, and historical cell site data to cyber crime and artificial intelligence, participants will receive foundational knowledge of forensics. Participants will also learn to spot issues, create substantive and pertinent requests for discovery, and litigate forensic challenges.

2. Pretrial: Setting the Course for a Winning Case

This track is designed to encourage defense professionals to plan early, think creatively, and work collaboratively from the onset of their clients’ cases. Participants will learn how to engage in culturally competent interviewing, re-educate the courts on the Bail Reform Act, create effective release plans that kickstart and develop post-offense rehabilitation and conduct, and build strategic litigation plans.

3. Litigation: Daubert, Sell, and Other Trial Strategies

Elevating the level of litigation in federal court is necessary to ensure clients receive the due process they deserve and stem the tide of increasing prosecutorial power (and misuse) in federal courts. This track aims to assist defense professionals seeking to advance their litigation strategies. The topics covered in this track include Daubert proceedings, Sell hearings, and trial planning and strategies.

4. Sentencing: Guidelines & Beyond

Although courts are no longer bound by the Sentencing Guidelines, the guidelines serve an important function in the sentencing process. As the Supreme Court has stated, the guidelines are to be the sentencing court’s starting point and initial benchmark. This track will examine specific guideline issues and explore recent amendments to the guidelines.

5. Appeals, Supreme Court Practice, & Post-Conviction

Think a case is over after the judgment is filed? Think again. This track will explore creative and persuasive ways to zealously represent your client on appeal, navigate the certiorari stage in order to maximize the odds of obtaining review by the United States Supreme Court, and tackle the daunting and sometimes seemingly insurmountable hurdles in representing clients in 28 U.S.C. §§ 2254 and 2255 cases.
10:15 – 11:15 a.m. TRACK PRESENTATIONS 1

1. **Forensics – LSR – Grand Portage Ballroom 1&2 (4th Fl)**
   A Primer on DNA
   Jennifer Friedman, Deputy Federal Public Defender, Capital Habeas Unit, Federal Public Defender’s Office for the Central District of California, Los Angeles, CA
   (Only time offered)

   DNA evidence has become commonplace in criminal investigations across the country. In this session, attendees will recognize the role forensic DNA evidence plays in federal criminal investigations and develop the foundational knowledge necessary to understand the issues and learn how to effectively investigate and litigate cases involving DNA evidence. Participants will also learn to identify the parts of a standard DNA casefile and develop the vocabulary necessary to engage experts on DNA related issues.

2. **Pretrial – Grand Portage Ballroom 3 (4th Fl)**
   Interviewing with Cultural Competence and Humility
   Fredilyn Sison, CJA Panel Attorney, Western District of North Carolina, Asheville, NC
   (Only time offered)

   This session will discuss critical components of effective interviewing, with a focus on cultural competency concerns. Participants will learn to obtain information from a client and others that will best allow the creation of a persuasive theory of the case.

3. **Litigation – Grand Portage Ballroom 4 (4th Fl)**
   Defending Federal Gun Charges
   Kevin Tate, Legal Resource Counsel, Federal Public Defender’s Office for the District of Nevada, Las Vegas, NV
   (Only time offered)

   This presentation will discuss the use of pretrial motions, methods of cross examination, and evidentiary attacks against the essential elements required to prove § 922(g) and § 924(c) offenses.

   The Firearms Guidelines: Trying to Avoid the Flood of Enhancements
   Jeffrey Lazarus, Assistant Federal Public Defender, Federal Public Defender’s Office for the Northern District of Ohio, Cleveland, OH
   (Only time offered)
This presentation will focus on United States Sentencing Guideline Section 2K2.1, and discuss how to properly calculate the base offense level and possible enhancements in firearms offenses. In addition to the text, there will be an overview of the categorical approach, the application notes, and tips on how to effectively challenge increases to the offense level. This presentation aims to be equal parts lecture and interactive discussion.

5. Appeals & Post-Conviction – Pine/Cedar/Birch/Maple (4th Fl)
Appellate Essentials: A Holistic Approach to Federal Criminal Appeals
(Only time offered)

Representing an indigent client in the Court of Appeals following a conviction and sentence or the denial of a post-conviction motion can often be a daunting, or at least a frustrating, task. This presentation takes a holistic overview of federal appellate litigation in an attempt to make the process less challenging. The presentation explores some basic topics such as how representation of an indigent defendant client differs on appeal, how to measure success on appeal, basic concepts and rules governing federal appeals, standards of review and Anders briefs. The presentation will also cover some of the more common issues raised on appeal, how to avoid common pitfalls raising those issues, ways to make those issues stronger on appeal and why some issues are generally more successful on appeal. The presentation will touch on some general strategies to make oral argument stronger and more persuasive. Finally, the presentation will cover post-opinion options and strategies.

11:15 – 11:30 a.m. BREAK

11:30 a.m. – 12:30 p.m. Supreme Court Update
Andrew Adler, Assistant Federal Public Defender, Federal Public Defender’s Office for the Southern District of Florida, Miami, FL

This session provides an update on recent Supreme Court decisions affecting federal criminal practice, and reviews issues currently under consideration.

12:30 – 1:45 p.m. Lunch – on your own
1:45 – 2:45 p.m.  TRACK PRESENTATIONS 2

1. Forensics – *(LSR – Grand Portage Ballroom 1&2 (4th Fl))*

   Litigating DNA in Federal Court

   Jennifer Friedman, *Deputy Federal Public Defender, Capital Habeas Unit, Federal Public Defender’s Office for the Central District of California, Los Angeles, CA*

   (Only time offered)

   This session will provide: a detailed discussion of DNA-related discovery; a review of the challenges to the admissibility of DNA evidence; and an exploration of trial defenses – all to counter or to incorporate DNA evidence in your case.

2. Pretrial – *(Grand Portage Ballroom 3 (4th Fl))*

   Misconceptions of the Bail Reform Act

   Erin Murphy, *Deputy Federal Public Defender, Federal Public Defender’s Office for the Central District of California, Los Angeles, CA*

   (Only time offered)

   In all kinds of cases, including complex ones, key provisions of the Bail Reform Act are routinely misinterpreted or ignored at initial appearances and detention hearings, resulting in the improper detention of our clients. This session will include a thorough discussion of these misconceptions and reinforce your ability to fight detention, beat the presumptions, file bond motions, and obtain release.

3. Litigation – *(Grand Portage Ballroom 4 (4th Fl))*

   The Art & Science of Trial Preparation

   Kia Sears, *Assistant Federal Public Defender, Federal Public Defender’s Office for the District of Virgin Islands, St. Thomas, VI*

   (Repeats Friday at 2:45-3:45 p.m.)

   There is a method to the madness. A fine-tuned and well-organized preparation strategy is key to prevailing at trial, especially given the volume of discovery and the complexity of law attorneys face in federal court. In this session, attendees will learn the art and science behind methodically preparing for trial. Participants will get a step-by-step guide on how to break down the elements of each offense for easy use at trial, organize and respond to the government’s facts, effectively incorporate facts beyond change, prepare witness lists with anticipated points of impeachment, proactively organize evidential issues that will come up at trial, and much more. The goal of this session is to provide attorneys with winning methods for trial preparation.

Effectively Using Sentencing Resource Counsel: Understanding the 2023 Amendments, Applying the Guidelines & Beyond
Juval Scott, Director, National Sentencing Resource Counsel, Charlottesville, VA
Shelley Fite, National Sentencing Resource Counsel, Madison, WI
(Repeats today at 3:00-4:00 p.m.)

In this session, Sentencing Resource Counsel will provide an overview of the sentencing litigation strategies making headway across the country. Resource Counsel will also identify key areas of litigation support they offer to the federal defense community and discuss how they can assist attorneys nationwide in their sentencing practice. This session will then transition into an overview of the 2023 Sentencing Guideline Amendments, which will go into effect on November 1, 2023, including a review of the most important amendments promulgated by the Commission this year.

5. **Appeals & Post-Conviction – Pine/Cedar/Birch/Maple (4th Fl)**

Navigating the Certiorari Stage
Andrew Adler, Assistant Federal Public Defender, Federal Public Defender’s Office for the Southern District of Florida, Miami, FL
(Repeats Friday at 2:45-3:45 p.m.)

This presentation will help federal criminal defense practitioners navigate the certiorari stage in order to maximize the odds of obtaining review by the U.S. Supreme Court. Topics will include: framing an effective petition for certiorari; parsing briefs in opposition by the Solicitor General; drafting an effective certiorari reply; understanding the Court’s distribution schedule and annual calendar; securing amicus support; and determining whether and when to co-counsel with an outside firm/organization.

2:45 – 3:00 p.m.  REFRESHMENT BREAK – 4th Floor Atrium

3:00 – 4:00 p.m.  TRACK PRESENTATIONS 3

1. **Forensics – LSR – Grand Portage Ballroom 1&2 (4th Fl)**

Toolmark
Emily Prokesch, Forensic Practice Team Leader, NYSDA Public Defense Back-up Center, Capital Defense Trial Attorney, Office of the Georgia Capital Defender, Adjunct Professor, Emory School of Law, Atlanta, GA
(Only time offered)

This session will provide an overview of firearms and toolmarks comparison (“FATM”), including the nuts and bolts of firearms, the method used, the underlying assumptions, as well as the limitations and flaws. This information will provide the understanding necessary for litigating and challenging the admissibility and weight of the evidence.
2. **Pretrial – Grand Portage Ballroom 3 (4th Fl)**
Creating and Supporting a Release Plan
Byron Conway, *Director of Diversity, Equity, Inclusion, & Belonging, The Office of Respondent Parents’ Counsel, Denver, CO*
Luli Buxton, *Mitigation Specialist, Federal Defender Services for the Eastern District of Wisconsin, Milwaukee, WI*
(Repeats on Friday at 2:45-3:45 p.m.)

Obtaining pretrial release is the first and best step toward achieving a good result for a client. This session will focus on the need to create a release plan that addresses the statutory concerns of public safety and flight, as well as the standard conditions of release. The presentation will provide specifics on many factors including where and with whom clients will live and work, and address other treatment and supervision concerns that will demonstrate they will be successful on pretrial release. The session will also provide ideas on how to support clients on pretrial release.

3. **Litigation – LSR – Grand Portage Ballroom 1&2 (4th Fl)**
Toolmark
Emily Prokesch, *Forensic Practice Team Leader, NYSDA Public Defense Back-up Center, Capital Defense Trial Attorney, Office of the Georgia Capital Defender, Adjunct Professor, Emory School of Law, Atlanta, GA*
(Only time offered) (Combined with Forensics Track)

This session will provide an overview of firearms and toolmarks comparison (“FATM”), including the nuts and bolts of firearms, the method used, the underlying assumptions, as well as the limitations and flaws. This information will provide the understanding necessary for litigating and challenging the admissibility and weight of the evidence.

Effectively Using Sentencing Resource Counsel: Understanding the 2023 Amendments, Applying the Guidelines & Beyond
Juval Scott, *Director, National Sentencing Resource Counsel, Charlottesville, VA*
Shelley Fite, *National Sentencing Resource Counsel, Madison, WI*
(Repeated from today at 1:45-2:45 p.m.)

In this session, Sentencing Resource Counsel will provide an overview of the sentencing litigation strategies making headway across the country. Resource Counsel will also identify key areas of litigation support they offer to the federal defense community and discuss how they can assist attorneys nationwide in their sentencing practice. This session will then transition into an overview of the 2023 Sentencing Guideline Amendments, which will go into effect on November 1, 2023, including a review of the most important amendments promulgated by the Commission this year.
5. Appeals & Post-Conviction – Pine/Cedar/Birch/Maple (4th Fl)
Does that New Supreme Court Decision Provide a Basis for § 2255 Relief?
Janice Bergmann, Assistant Federal Public Defender, Federal Public Defender’s Office for the Southern District of Florida, Fort Lauderdale, FL
(Only time offered)

Every time the Supreme Court issues an opinion touching on federal criminal law, clients will contact you and ask you to file a § 2255 motion for them. How do you know if that new decision provides a basis for § 2255 relief? And if it does, how do you determine which clients might benefit? This session will describe the analysis you should use to help you answer those questions.

4:00 – 4:15 p.m. BREAK

4:15 – 5:15 p.m. PLENARY 3 – LSR – Grand Portage Ballroom 1&2 (4th Fl)
Speaking Truth to Power: Practical Approaches for De-Biasing the Court
Callie G. Steele, Deputy Trial Chief, Santa Barbara County Office of the Public Defender, Santa Barbara, CA

To provide effective and impactful representation for our clients, defense attorneys must address racial injustice directly. This session will provide practical advocacy approaches to de-biasing the court at various stages of the case, including bail, pretrial, and sentencing hearings.

5:15 p.m. Adjourn for the Day

Optional Evening Activity

5:30 p.m. Visit to George Floyd Global Memorial

The world changed on May 25, 2020 – the day George Floyd was murdered at the hands of the Minneapolis Police Department. His death spurred international protests against police brutality, rekindled calls to reimagine policing, and inspired a global movement for racial justice.

For those interested in paying their respects by visiting his memorial, at 5:30 p.m., we will meet in the lobby of the hotel to travel together (via Uber/Lyft/Taxi) to the intersection of 38th Street E and Chicago Avenue S (George Floyd Av).

https://www.georgefloydglobalsmemorial.org/
Friday, August 18, 2023

7:30 – 8:30 a.m.  Check-in & Continental Breakfast – 4th Floor Atrium

8:30 – 9:30 a.m.  PLENARY 4 – LSR – Grand Portage Ballroom 1&2
Channeling Mr. Rogers
Jay McEntire, Senior Litigator, Federal Defenders of Eastern Washington and Idaho, Spokane, WA

On May 1, 1969, Fred Rogers testified before a Senate subcommittee to save PBS from budget cuts. In just 6 minutes, Mr. Rogers turned the subcommittee from deep skeptics into passionate supporters. In this talk, we’ll discuss how to blend the moral psychology that Mr. Rogers relied on with classy writing to craft persuasive motions and briefs – no matter the audience.

9:30 – 9:45 a.m.  BREAK

9:45 – 10:45 a.m.  TRACK PRESENTATIONS 4

1.  Forensics – LSR – Grand Portage Ballroom 1&2
Cell Site Evidence: Understanding the Data, Discovery, and Its Limitations
Christian Lassiter, Capital Fellow, Federal Death Penalty Resource Counsel Project, Baltimore, MD
(Only time offered)

Cell site evidence has become commonplace in federal criminal cases. To represent clients effectively in federal court, attorneys must understand what cell site data is, what cell site discovery entails and the true limitations of how cell site evidence can be used by the prosecution. This session will provide an overview of how cell sites work, what cell site data is, how to interpret the cell site data received in discovery, and the common issues to spot in cases involving cell site data. The information provided in this session will lay the groundwork for understanding the current litigation and admissibility challenges being made to cell site data in federal court.

2.  Pretrial – Grand Portage Ballroom 3
Haga un Plan, Special Bond Considerations for Non-Citizen Clients
Daniel S. Dena, Assistant Federal Public Defender, Federal Community Defender for the Eastern District of Michigan, Detroit, MI
(Repeats Saturday at 9:45-10:45 a.m.)

Non-citizens are some of the most vulnerable clients we represent, not just because of what they endure to get to the United States, but because of the culture of over-detention they face when charged with any federal crime. This session equips defense professionals with the knowledge needed to
challenge the unlawful culture of over-detention for non-citizen clients and empowers the defense team with resources and practical advice for representing non-citizens released on bond.

3. **Litigation – Grand Portage Ballroom 4**
   **Litigating Toolmark**
   Emily Prokesch, *Forensic Practice Team Leader, NYSDA Public Defense Back-up Center, Capital Defense Trial Attorney, Office of the Georgia Capital Defender, Adjunct Professor, Emory School of Law, Atlanta, GA*  
   (Only time offered)

   This session will focus on the evolution of the FATM admissibility challenge, focusing on the current state of law and studies. Attendees will learn about the latest studies and growth of academic thought, as well as common government arguments, and ways to respond. The session will then walk through the elements of the FATM admissibility challenge under *Daubert* and the Federal Rules of Evidence, as well as other challenges ripe for litigation.

4. **Sentencing – Elk & Deer Lakes**
   **Grouping & Relevant Conduct**
   Cherrelle Herbert, *National Sentencing Resource Counsel (on detail), San Juan, PR*  
   (Repeats Saturday at 9:45-10:45 a.m.)

   Just when you thought you had finished calculating the sentencing guidelines properly, the dreaded issue of grouping and relevant conduct rears its ugly head! Never fear, this session is aimed at helping attorneys grasp the concept of grouping and walks through how to spot relevant conduct issues early and incorporate relevant conduct into sentencing and grouping calculations.

5. **Appeals & Post-Conviction – Pine/Cedar/Birch/Maple**
   **Writing, With Style: Achieving a Flow State**
   Jay McEntire, *Senior Litigator, Federal Defenders of Eastern Washington and Idaho, Spokane, WA*  
   (Only time offered)

   In this talk, we’ll dive into details as we unpack the writer’s struggle — that is, it’s easy to recognize good writing, but it’s hard to know why. We’ll discuss why a reader experiences “flow,” as well as how to create it. Concepts we’ll cover: intros (crafting compelling openings that explain why you win), headers, cohesion, coherence, and the clarity nucleus.

10:45 – 11:00 a.m. **REFRESHEMNT BREAK – 4th Floor Atrium**
11:00 a.m. – 12:00 p.m. TRACK PRESENTATIONS 5

1. **Forensics – LSR – Grand Portage Ballroom 1&2**
   
   **Expert Disclosures Worthy of the Name: Making Effective Use of the New and Improved Rule 16**
   
   Jami Johnson, *Appellate Attorney*, Federal Defenders of San Diego, Inc., San Diego, CA
   (Only time offered)

   On December 1, 2022, amendments to Fed. R. Crim. P. 16 took effect that promise to effect profound changes on both the procedure and substance of expert litigation in federal criminal cases. While they stop short of requiring disclosure equivalent to that of civil practice, the new rules promise much more robust disclosure of expert opinions than was previously required. These changes, consequently, offer new vehicles to protect our clients from junk science and to guard against unfair surprise.

   This session will discuss the *Daubert* rule within the context of the new amendments to Rule 16. It will provide an overview of the changes to the rule and will give practical advice for how to use the amended rule to win victories for your clients.

2. **Pretrial – Grand Portage Ballroom 3**
   
   **Mitigation, It's Not Just a Phase**
   
   Erin Murphy, *Deputy Federal Public Defender*, Federal Public Defender’s Office for the Central District of California, Los Angeles, CA
   (Only time offered)

   Mitigation is at the heart of a client-centered approach. At its core, it means knowing our clients well enough to convey who they are – and why that matters – to prosecutors, probation officers, judges, and juries. In this session, we will discuss when to start working on mitigation (hint: immediately), how to take advantage of resources to build your client’s story, and how to creatively thread that story through each phase of the case, not just sentencing.

3. **Litigation – Grand Portage Ballroom 4**
   
   **Litigating Sell Hearings: A Client Centered Approach**
   
   Fredilyn Sison, *CJA Panel Attorney*, Western District of North Carolina, Asheville, NC
   (Only time offered)

   A client’s mental health and competency to stand trial can trigger the government to seek authorization to forcibly medicate our clients. In these instances, it is of paramount importance that attorneys understand the laws, limitations, strategy, and advocacy at play in *Sell* hearings. This session aims to educate attorneys on both the law and client-centered advocacy.
4. **Sentencing – Elk & Deer Lakes**  
Criminal History Computation: A Tale of Form Over Substance  
Jeffrey Lazarus, Assistant Federal Public Defender, Federal Public Defender's Office for the Northern District of Ohio, Cleveland, OH  
(Only time offered)

This presentation will focus on United States Sentencing Guideline Sections 4A1.1 and 4A1.2, and provide a discussion on how to properly calculate your client’s criminal history score. There will be an overview of the guidelines, texts, the application notes, and strategies to best represent your client. This presentation aims to be equal parts lecture and interactive discussion.

5. **Appeals & Post-Conviction – Pine/Cedar/Birch/Maple**  
Writing, With Style: The Rules of Replies  
Jay McEntire, Senior Litigator, Federal Defenders of Eastern Washington and Idaho, Spokane, WA  
(Only time offered)

Replies serve a vital role in the briefing process, shedding light for your reader on why the government’s arguments fall short. In this talk, we’ll unpack how to craft a reply in a structured, replicable format, allowing you to efficiently take down arguments and put your points across the finish line.

12:00 – 1:30 p.m.  
**LUNCH – on your own**

1:30 – 2:30 p.m.  
**PLENARY 5 – LSR – Grand Portage Ballroom 1&2**  
From Presentence to Release – Avoiding the BOP Pitfalls So Your Client Doesn’t Serve More Time Than Necessary  
Stephen Sady, Chief Deputy Federal Defender, Federal Public Defender’s Office for the District of Oregon, Portland, OR

This session will provide practical tips if your client faces federal imprisonment. It will include factors to consider for your client to receive the earliest feasible release date.

2:30 – 2:45 p.m.  
**REFRESHMENT BREAK – 4th Floor Atrium**

2:45 – 3:45 p.m.  
**TRACK PRESENTATIONS 6**

1. **Forensics – LSR – Grand Portage Ballroom 1&2**  
Litigating Cell Site Data  
Christian Lassiter, Capital Fellow, Federal Death Penalty Resource Counsel Project, Baltimore, MD  
(Only time offered)

Cell site data and the technology behind it has serious limitations, especially when it comes to the data’s use in criminal investigations. This
session aims to provide criminal defense practitioners with an overview of cell site litigation in federal court to date and the current areas ripe for litigation and challenge. This session will also discuss how criminal defense attorneys can limit the use of cell site data in court.

2. **Pretrial – Grand Portage Ballroom 3**  
Creating and Supporting a Release Plan  
Byron Conway, **Director of Diversity, Equity, Inclusion, & Belonging, The Office of Respondent Parents’ Counsel, Denver, CO**  
Luli Buxton, **Mitigation Specialist, Federal Defender Services for the Eastern District of Wisconsin, Milwaukee, WI**  
(Repeated from Thursday at 3:00-4:00 p.m.)

Obtaining pretrial release for our clients is the first and best step toward achieving a good result for our clients. This session will focus on the need to create a release plan that addresses the statutory concerns of public safety and flight as well as the standard conditions of release. The plan will provide specifics on many factors including where our clients will live, with whom, where they will work, and address other treatment and supervision concerns that will demonstrate they will be successful on pretrial release. The session will also provide ideas on how to support clients on pretrial release.

3. **Litigation – Grand Portage Ballroom 4**  
The Art & Science of Trial Preparation  
Kia Sears, **Assistant Federal Public Defender, Federal Public Defender’s Office for the District of the Virgin Islands, St. Thomas, VI**  
(Repeated from Thursday at 1:45-2:45 p.m.)

There is a method to the madness. A fine-tuned and well-organized preparation strategy is key to prevailing at trial, especially given the volume of discovery and the complexity of law attorneys face in federal court. In this session, attendees will learn the art and science behind methodically preparing for trial. Participants will get a step-by-step guide on how to break down the elements of each offense for easy use at trial, organize and respond to the government’s facts, effectively incorporate facts beyond change, prepare witness lists with anticipated points of impeachment, proactively organize evidential issues that will come up at trial, and much more. The goal of this session is to provide attorneys with winning methods for trial preparation.

4. **Sentencing – Elk & Deer Lakes**  
Defending White Collar Offenses & the Interplay between Loss Amount, Forfeiture, and Restitution at Sentencing  
Kevin Tate, **Legal Resource Counsel, Federal Public Defender’s Office for the District of Nevada, Las Vegas, NV**  
(Only time offered)
This session will focus on white collar offenses including guideline loss calculations and post-sentence forfeiture and restitution.

5. Appeals & Post-Conviction – Pine/Cedar/Birch/Maple
Navigating the Certiorari Stage
Andrew Adler, Assistant Federal Public Defender, Federal Public Defender’s Office for the Southern District of Florida, Miami, FL
(Repeated from Thursday at 1:45-2:45 p.m.)

This presentation will help federal criminal defense practitioners navigate the certiorari stage in order to maximize the odds of obtaining review by the U.S. Supreme Court. Topics will include: framing an effective petition for certiorari; parsing briefs in opposition by the Solicitor General; drafting an effective certiorari reply; understanding the Court’s distribution schedule and annual calendar; securing amicus support; and determining whether and when to co-counsel with an outside firm/organization.

3:45 – 4:00 p.m. BREAK

4:00 – 5:00 p.m. PLenary 6 – LSR – Grand Portage Ballroom 1&2
Artificial Intelligence, Algorithms, and Tech Trends in Policing
Giselle Pomerleau, Litigation Technology Attorney, Federal Public Defender’s Office for the District of New Jersey, Camden, NJ

This is a bonus, lunchtime session aimed at surveying the current artificial intelligence (AI), algorithms and emerging technologies being utilized by law enforcement. Attendees will learn to distinguish between artificial intelligence, algorithms, and other technology-based tools, as well as brainstorm ways AI could change policing in the near future. This presentation will be interactive, utilize hypotheticals and review case examples as a basis for group discussion.

5:00 p.m. Adjourn for the Day
Saturday, August 19, 2023

7:30 – 8:30 a.m.  Check-in & Continental Breakfast – 4th Floor Atrium

8:30 – 9:30 a.m.  PLENARY 7 – LS (Not Recorded) – Grand Portage Ballroom 1&2

Communicating with Clients Living with Mental Illness: A Holistic, Compassionate, Client-Centered Approach
Andrea George, Executive Director, Federal Defenders of Eastern Washington and Idaho, Spokane, WA

When appointed to represent a client with mental illness, we must be mindful that communication styles that we normally engage in may create friction that will undermine the attorney-client relationship. This session provides a method of communication which is centered on compassion, empathy and respect. Participants will learn how this method translates into a partnership between attorney and client that fosters trust and understanding. By employing the practice tips learned through this session, in the context of competency, the insanity defense, Sell hearings and diminished capacity, participants will be able to put into practice a communication method that will enable a strong relationship to grow.

9:30 – 9:45 a.m.  REFRESHMENT BREAK – 4th Floor Atrium

9:45 – 10:45 a.m.  TRACK PRESENTATIONS 7

1.  Forensics – LSR – Grand Portage Ballroom 1&2
Cyber Crime and Child Exploitation: How to Navigate and Challenge New Law Enforcement Tools and Tactics
Gisela Garcia, Litigation Support Specialist, Federal Public Defender’s Office for the District of New Jersey, Camden, NJ
Giselle Pomerleau, Litigation Technology Attorney, Federal Public Defender’s Office for the District of New Jersey, Camden, NJ
(Only time offered)

Understanding the origins and investigative tactics of law enforcement in cybercrime and child exploitation cases is key to finding ways to mitigate the outdated guidelines for these crimes. This session will provide an overview of: the forensics of how these crimes are committed; new investigative tactics and tools being used to combat these crimes; potential legal challenges to these tactics and tools; how to navigate the discovery in these cases and what to request; using the forensic data to your client’s advantage through guideline mitigation; and knowing when to consult a forensic expert.
2. **Pretrial – Grand Portage Ballroom 3**  
*Haga un Plan, Special Bond Considerations for Non-Citizen Clients*  
Daniel S. Dena, *Assistant Federal Public Defender, Federal Community Defender for the Eastern District of Michigan, Detroit, MI*  
(Repeated from Friday at 9:45-10:45 a.m.)

Non-citizens are some of the most vulnerable clients we represent, not just because of what they endure to get to the United States, but because of the culture of over-detention they face when charged with any federal crime. This session equips defense professionals with the knowledge needed to challenge the unlawful culture of over-detention for non-citizen clients and empowers the defense team with resources and practical advice for representing non-citizens released on bond.

3. **Litigation – Grand Portage Ballroom 4**  
*Winning Your Daubert Challenges*  
Jami Johnson, *Appellate Attorney, Federal Defenders of San Diego, Inc., San Diego, CA*  
(Only time offered)

When should I file my *Daubert* motion? What should my motion say? Do I need to ask for a hearing? Should I have my own expert? How do I prepare them? This session will provide practical advice for how to craft your *Daubert* motions and how to conduct your *Daubert* hearings to give your client the best chance at victory.

4. **Sentencing – Elk & Deer Lakes**  
*Grouping & Relevant Conduct*  
Cherrelle Herbert, *National Sentencing Resource Counsel (on detail), San Juan, PR*  
(Repeated from Friday at 9:45-10:45 a.m.)

Just when you thought you had finished calculating the sentencing guidelines properly, the dreaded issue of grouping and relevant conduct rears its ugly head! Never fear, this session is aimed at helping attorneys grasp the concept of grouping and walks through how to spot relevant conduct issues early and incorporate relevant conduct into sentencing and grouping calculations.

5. **Appeals & Post-Conviction – Pine/Cedar/Birch/Maple**  
*Effectively Litigating 2254 Petitions*  
(Only time offered)

Federal habeas corpus petitions pursuant to U.S.C. § 2254 are often the last line of defense for clients in custody under state court judgments. This session will review the current state of § 2254 law, identify the necessary
components for effectively writing a § 2254 petition, and winning strategies to incorporate into your litigation. This session will also focus on how to maintain a client-centered approach in § 2254 proceedings.

10:45 – 11:00 a.m. BREAK

11:00 a.m.  PLENARY 8 – *LSR – Grand Portage Ballroom 1&2*
   – 12:00 p.m.
   
   **Ethics & Professionalism**
   Fredilyn Sison, *CJA Panel Attorney, Western District of North Carolina, Asheville, NC*

   This ethics and professionalism session will address issues related to conflicts of interest, confidentiality, the scope of representation, and practical ways to diffuse unethical and/or unprofessional conduct or situations.

12:00 p.m.  Closing Remarks/Adjournment
   Frank W. Draper, *Chief, Training Division, Defender Services Office, Washington, DC*

   CLE Accreditation