WINNING STRATEGIES SEMINAR

Hilton Houston Post Oak
2001 Post Oak Blvd.
Houston, Texas
February 5-7, 2026

Draft Agenda
All times listed are in Central Standard Time (CST)
All meeting rooms are on the first floor unless indicated otherwise
LSR = Live Streamed & Recorded Session

Thursday, February 5, 2026

7:30 – 8:30 a.m.   **Registration & Continental Breakfast | Ballroom Foyer**

8:30 – 8:45 a.m.   **Introduction & Welcoming Remarks – Ballroom | LSR**
Philip Gallagher, *Federal Defender, Federal Public Defender for the Southern District of Texas, Houston, TX*
David Adler, *CJA Panel Representative, Southern District of Texas, Bellaire, TX*
George Couture, *Attorney Advisor, Defender Services Office Training Division, Washington, D.C.*

8:45 – 9:45 a.m.   **Plenary 1: Winning Release at Initial Appearance Hearings**
Ballroom | LSR (Joint Fundamentals presentation)
Alison Siegler, *Lillian E. Kraemer Clinical Professor in Public Interest Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

When we win pretrial release, our clients get lower sentences and have a better shot at trial. But Professor Siegler's *Freedom Denied* study revealed that the Bail Reform Act is routinely misinterpreted or ignored at initial appearance hearings and detention hearings, and our clients are detained unlawfully. This session provides concrete tools to keep your client out of jail and combat unlawful practices at initial appearance. It also trains you to identify cases where the law does not even allow the judge to hold a detention hearing, let alone lock your client in jail.

9:45 – 10:00 a.m.	**Break**
10:00 – 11:00 a.m.	**Plenary 2: Supreme Court Update | Ballroom | LSR** Andy Adler, *Assistant Federal Defender, Federal Defender 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.
11:00 – 11:15 a.m.	**Break with refreshments provided | Ballroom Foyer**
11:15 a.m. – 12:15 p.m.	**Concurrent Breakout Sessions 1** **(Repeats at 1:30 p.m.)**
1.	**Breathing Fire Into Your Cross Examination: Getting and Using Impeachment Evidence and Using it to Melt ICE – Ballroom | LSR** Chandra Peterson, *Supervisory Assistant Federal Defender, Federal Defender for the District of Oregon, Portland, OR* Agents are just like us. They have social media and an internet presence that reveals their feelings, views, and biases about many things, including our clients. But many times, we struggle to cross examine the agent about an anti-immigrant or anti-protester post that is not about our client. This session will provide tools for searching for evidence of agent bias online and a framework for getting this evidence in and effectively crossing the agent.
2.	**Own the Narrative: Making Experts Work for Your Case Concorde** Norma Aguilar, *Training Director, Federal Defenders of San Diego, Inc., San Diego, CA* Experts sometimes offer us our best (or only) hope for a defense! In this session we will review the recent amendments to the rules of evidence and criminal procedure. We'll talk about how to frame the expert direct to develop a persuasive narrative and to avoid cross pitfalls.

3. **Investigating the Open-Source Intelligence World in 2026**
   Post Oak
   Maria Sapene, *Chief of Litigation Support, Federal Public Defender for the Central District of California, Los Angeles, CA*

   In the ever-changing digital age, looking for online and social media evidence is essential to any criminal defense investigation. This session will cover the latest techniques and tools to help all federal trial teams confidently navigate digital pursuits for useful information in 2026. Participants will learn the latest search engine hacks, AI tools, advanced social media search strategies and resources to enhance your examinations. Investigators, paralegals and other defense team members will receive practical guides, handouts, and a curated collection of OSINT bookmarks to use in their own cases.

4. **Under the Gun: Second Amendment Defense in the Post-*Bruen* and *Rahimi* Era | San Felipe (2nd floor)**
   Adeel Bashir, *Attorney, National Sentencing Resource Counsel, Tampa, FL*

   This presentation offers criminal defense attorneys a practical look at how Second Amendment law is shifting after the Supreme Court's *Bruen* and *Rahimi* decisions. We'll examine the wave of challenges to § 922(g) firearm prohibitions — including the latest cases pending before the Supreme Court — and discuss key procedural strategies such as when and how to raise as-applied constitutional challenges.

12:15 – 1:30 p.m.   **Lunch (on your own)**

1:30 – 2:30 p.m.   **Breakout Sessions 2 (Repeats Breakout Session 1)**

1. **Own the Narrative: Making Experts Work for Your Case**
   Ballroom | LSR
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2:30 – 2:45 p.m. **Break**

2:45 – 3:45 p.m.   **Plenary 3: Unmasking Facial Recognition Technology**
Ballroom | LSR
Dr. Michael King, *Associate Professor, Florida Institute of Technology, College of Engineering and Science, Melbourne, FL*
Sidney Thaxter, *Senior Litigator, NACDL Fourth Amendment Center, Washington, DC*

Facial recognition technology is increasingly utilized by law enforcement to identify people captured on video or in photos. Despite its widespread use, the technology is fraught with issues related to reliability and inconsistencies in application. This session will delve into the challenges of facial recognition cases, exploring the technology's limitations, legal implications, and effective strategies for contesting the evidence.

3:45 – 4:00 p.m.   **Break with refreshments provided | Ballroom Foyer**

4:00 – 5:00 p.m.   **Plenary 4: Trending Fourth Amendment Issues in Digital Technology and Data Collection Methods**
Ballroom | LSR (Joint Fundamentals presentation)
Sidney Thaxter, *Senior Litigator, NACDL Fourth Amendment Center, Washington, DC*

The Fourth Amendment has entered the digital age. New surveillance technologies and programs — from GPS tracking devices to automated license plate readers to bulk data collection — have upended traditional law enforcement practices and created new challenges for defense lawyers. This session will highlight substantive areas of concern related to new technological and legal changes that impact Fourth Amendment protections in criminal cases.

5:00 p.m.   **Adjourn for the Day**

Friday, February 6, 2026

7:30 – 8:30 a.m.	**Registration & Continental Breakfast	Ballroom Foyer**

8:30 – 9:30 a.m. **Plenary 5: Winning Release at Detention Hearings**
Ballroom | LSR (Joint Fundamentals presentation)
Alison Siegler, *Lillian E. Kraemer Clinical Professor in Public Interest Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

After this session, you will understand the Bail Reform Act (BRA) better than anyone in the courtroom—including the judge. This session provides tools for fighting detention, beating the presumptions, advocating for non-citizen clients, filing written bond motions, and winning release.

9:30 – 9:45 a.m. **Break**

9:45 – 10:45 a.m. **Breakout Sessions 3**
(Repeats at 11:00 a.m.)

1. **Effective Use of Sentencing Data Analytics**
Ballroom | LSR
Allison Bruning, *Data Analyst, Sentencing Resource Counsel, Brooklyn, NY*
Tina Woehr, *Attorney, Sentencing Resource Counsel, Phoenix, AZ*

Sentencing data analytics is the process of analyzing court and criminal justice data to understand sentencing patterns based on factors such as crime types, offender characteristics, and jurisdictions. Defense attorneys can effectively use analytics tools to make legal arguments and provide objective, data-driven insights to judges with respect to sentencing determinations. In this session, participants will learn about analytics tools which draw from various sources, including government databases like the U.S. Sentencing Commission's Interactive Data Analyzer (IDA), Bureau of Justice Statistics, Judiciary Sentencing Information (JSIN) platform, and Sentencing Resource Counsel's new Data Analyzer Tool. After this session, participants will understand the strengths and weaknesses of various data analytics tools and how to leverage them to advocate for the lowest possible sentence for our clients.

2. **Ethics of Vouching** | Concorde
Alison Guernsey, *Clinical Professor of Law and Director of the Federal Criminal Defense Clinic, Iowa College of Law, Iowa City, IA*

Vouching occurs when an attorney intrudes on the fact finder's decision-making as to the credibility of a witness or evidence. *Berger v. United States*, 295 U.S. 78 (1935). After this session, participants will: understand what rules prohibit vouching; be able to identify various instances of vouching; and understand various vouching remedies and how those remedies interact with ethical obligations under the Rules of Professional Conduct.

3. **Defending Illegal Reentry Cases (§ 1326)** | Post Oak
Bridget Kennedy, *Assistant Federal Defender, Federal Public Defender for the Southern District of Ohio, Cincinnati, OH*

This presentation will walk participants through the basic steps for defending a § 1326 case. This session will be focused on litigating § 1326 cases from the discovery stage through trial. Participants will get a basic overview of the common legal and factual issues in a § 1326 case, the unique discovery and investigation required to defend these cases, and an overview of trial defenses. After this session participants should come away with a concrete framework for representing clients charged with § 1326.

4. **Strategies for Defending § 1325 Cases**
San Felipe (2nd floor)
Doug Keller, *Partner, Flowers Keller LLP, Washington, DC*

Your client isn't a citizen and allegedly crossed the border illegally in violation of 8 U.S.C. § 1325? Seems like an open and shut case. Not so! The § 1325 statute is poorly written with multiple subsections and defenses abound! This session will cover the statute's unique subsections. We'll discuss trial strategies as well as potential constitutional challenges. Come learn how to make the government regret bringing these prosecutions.

5. **Elevating Litigation on Race through Our Historians: Best Practices on How to Work with Experts**
Richmond (2nd floor)
Kara Hartzler, *Assistant Federal Defender, Federal Defenders of San Diego, Inc., San Diego, CO*

A few years ago, the Defender and academic communities joined

forces to raise Fifth Amendment equal protection challenges to the illegal reentry statute under the standard articulated in *Village of Arlington Heights v. Metropolitan Housing Development Corp.* This motion to dismiss provided an in-depth historical perspective on the racist origins of 8 U.S.C. 1326 (the reentry after deportation statute) through the lens provided by historian Kelly Lytle Hernández. Now, as the community faces an onslaught of immigration prosecutions, the presenters will address the effective use of historian experts, best practices in briefing and navigating cross-examination, emerging data showing that 96% of deportations are from the non-white community and where we go from here to seek justice for the community.

10:45 – 11:00 a.m.   **Break with refreshments provided** | **Ballroom Foyer**

11:00 a.m. – 12:00 p.m.   **Breakout Sessions 4 (repeats in Breakout Session 3)**

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12:00 – 1:15 p.m. **Lunch** *(on your own)*

1:15 –2:15 p.m. **Plenary 6: Human Factors in Forensic Science**
Ballroom | LSR
Jeff Kukucka, *Ph.D., Associate Professor, Towson University, Towson, Maryland*

Cognitive bias is a natural psychological phenomenon that can lead people to interpret the very same information in different ways. In this talk, I will explain how this normally adaptive feature of human cognition can subvert forensic science and medicolegal decisions, including common sources of bias in forensic contexts and research-based safeguards that experts can (but often neglect to) implement. Attendees will learn how to evaluate lab reports and other case materials for indications of bias, as well as how to effectively convey those weaknesses to non-experts.

2:15 – 2:25 p.m. **Break**

2:25 – 3:25 p.m. **Breakout Sessions 5 (presented only once)**

1. **Behind the Screens: Identifying and Litigating Digital Forensic Problems in Search Warrants** | Ballroom | LSR
John Ellis, *Law Offices of John C. Ellis, Jr., & Coordinating Discovery Attorney, San Diego, CA*

This presentation provides defense attorneys with practical strategies for challenging search warrants that fail to adequately explain the digital-forensic basis for probable cause. It highlights common deficiencies in warrant affidavits: such as boilerplate assertions about device capabilities, unsupported assumptions about what data may exist, and vague references to analysis. The presentation shows how these gaps undermine both probable cause and particularity. Through real-world examples and recent cases, attendees will learn how to dissect affidavits, expose flawed forensic reasoning, and craft effective suppression arguments that push courts to scrutinize digital-forensic claims rather than accept them at face value.

2.   **How to Get in the Bad Stuff: Impeachment by Untruthful Character, Reputation, and Bias | Concorde**
Craig Albee, *Federal Defender, Federal Defender Services of Wisconsin, Milwaukee, WI*

In many cases, our client's fate turns on our ability to destroy the credibility of a key witness of questionable character. But too often lawyers have a tenuous grasp of the rules of evidence and miss opportunities to obtain and present evidence that is damaging to the witness. A better understanding of those rules, particularly the underutilized Rule 608, greatly assists the defense in identifying what types of information to pursue and in establishing the foundation necessary to use the information in court. This presentation covers the rules governing impeachment evidence and provides suggestions for uncovering bias and untruthful character where the credibility of an informant or other star witness is a key issue in the case.

3.   **Forensic Evidence Gone Wrong: When DNA Evidence Snares the Innocent | Post Oak**
Kasha Castillo, *Executive Director, Federal Defenders of San Diego, Inc., San Diego, CA*

You have fought a good fight. You filed an impeccable motion to exclude the government's DNA evidence under Daubert. You hired an expert. You had an evidentiary hearing where you made persuasive and compelling arguments. But, alas, the DNA evidence is coming in. This presentation covers what to do next. How a trial with DNA evidence can still be a winning trial. We will cover ways to combat the DNA evidence at trial and discuss how the government is pushing DNA evidence too far.

4.   **JURY (DE)SELECTION: How to identify and eliminate jurors who will never see your case the way you do**
San Felipe (2nd floor)
Francisco Morales, *Senior Litigator, Federal Public Defender for the Southern District of Texas, Corpus Christi, TX*

In federal court, we have a limited amount of time in which to "select" a jury, if at all. Since time is of the essence, we have choices to make. If you expose good people in the panel, the government strikes them for you. But, if you expose people who are antagonistic to the themes of your case, you can more easily strike them for cause and make efficient and effective use of your time. Those who attend this lecture will walk away with the following: one solid rule (in four parts) that will stay with them

the rest of their practice (guaranteed) and a working ability to deselect jurors. Don't get stuck with trash. Toss it out!

3:25 – 3:40 p.m.   **Break with refreshments provided | Ballroom Foyer**

3:40 – 4:40 p.m.   **Plenary 7: Putting Your Client on the Stand: Practical Strategies and Ethical Considerations for Effective Testimony | Ballroom | LSR**
Juval Scott, *Executive Director, The Bronx Defenders, Bronx, NY*

Criminal defense attorneys sometimes struggle with the question of the client testifying at trial. The ultimate decision on whether a client testifies at trial rests with the client, but it's a crucial strategic choice heavily influenced by their attorney, who advises on risks (like cross-examination) and benefits (explaining their side). This session will explore practical strategies and ethical considerations in making this high-stakes decision and preparing the client to testify.

4:40 – 4: 45 p.m.   **Break**

4:45 – 5:45 p.m.   **Plenary 8: eDiscovery Survival Guide for CJA Panel Attorneys**
Ballroom | LSR
Sean Broderick, *National Litigation Support Administrator, Oakland, CA*

Cases continue to grow, in size and complexity. Files are no longer paper, but are all types of digital information, including audio and video recordings which you cannot easily open to review. Discovery previously provided in a banker box is now delivered digitally via the cloud or on DVDs and hard drives. This presentation will give a primer on eDiscovery in federal criminal cases in 2026. It will cover strategies relevant to reviewing PDFs, cellphone forensic reports, and audio-video recordings. It will provide tips and tricks for using tools such as Adobe Acrobat, dtSearch, and Cellebrite Reader to search and review the discovery in your case.

5:45 p.m.   **Adjourn for the Day**

Saturday, February 7, 2026

8:00 – 9:00 a.m.	**Registration & Continental Breakfast	Ballroom Foyer**

9:00 – 10:00 a.m.   **Plenary 9: Ethically Leveraging Generative Artificial Intelligence to Enhance CJA Representation**
Ballroom | LSR
John Ellis, *Law Offices of John C. Ellis, Jr., & Coordinating Discovery Attorney, San Diego, CA*

Lawyers have an ethical duty of technological competence that requires them to understand and use relevant technology to effectively and efficiently represent clients, all while upholding core professional responsibilities like confidentiality and candor to the tribunal John Ellis will discuss the emerging technology of generative artificial intelligence, addressing and how it may be used to enhance CJA representation while also highlighting the technology's limitations and the legal and ethical considerations necessary for its successful use.

10:00 – 10:15 a.m.   **Break**

10:15 – 11:15 a.m.   **Plenary 10: Utilizing the Inadequacy of BOP's Healthcare Services at Sentencing | Ballroom | LSR**
Fritz Scheller, *Fritz Scheller, P.L., Orlando, FL*

Many of our clients suffer from serious medical and/or mental health conditions. The government often asserts, without evidence, that BOP's health services are more than adequate to meet client needs. Yet, BOP medical services are widely criticized as "bad" due to chronic, systemic issues like severe staffing shortages (leaving critical roles vacant), underfunding, poor planning, inadequate technology, low pay for medical staff, and a bureaucratic culture that prioritizes cost-cutting over patient care, leading to delayed or denied treatments, backlogs, and poor outcomes, with oversight reports repeatedly confirming these failures for decades. This session provides defense attorneys with resources and strategies to educate federal judges about the realities of BOP health services, which is important for ensuring that sentences are humane, tailored to individual needs, and grounded in a realistic understanding of available care.

11:15 – 11:30 a.m.   **Break with refreshments provided | Ballroom Foyer**

11:30 a.m. – 12:30 p.m.	**Plenary 11: A Defender's Guide to Top Ten Evidence Issues** **Ballroom** | **LSR** Rene Valladares, *Federal Defender, Federal Public Defender for the District of Nevada, Las Vegas, NV* Evidence has a reputation for being hard and inaccessible. This presentation will debunk that myth and will show that anyone can master evidence with hard work and determination. We will cover the top evidence issues that impact our clients such as prior bad acts, flawed government expert evidence, key hearsay exclusions and exceptions and significant recent changes to the Federal Rules of Evidence. This presentation will equip you with the tools you need to fight for your client.
12:30 p.m.	**Closing Remarks — Adjournment** | **Ballroom** George Couture, *Attorney Advisor, Defender Services Office Training Division, Washington, D.C.* Sara Peloquin, *Attorney Advisor, Defender Services Office Training Division, San Diego, CA*