



**FEDERAL DEFENDER
INVESTIGATOR AND PARALEGAL SEMINAR**
**ADMINISTRATIVE OFFICE OF THE U.S. COURTS
DEFENDER SERVICES OFFICE TRAINING DIVISION**

**DOUBLETREE BY HILTON BLOOMINGTON-MINNEAPOLIS SOUTH
7800 NORMANDALE BOULEVARD
MINNEAPOLIS, MN 55439
May 8-10, 2018**

DRAFT AGENDA (rev. 3/22/2018)

Tuesday, May 8, 2018

7:30 – 8:30 a.m.

Registration & Continental Breakfast

8:30 – 9:00 a.m.

Welcome and Opening Remarks

Katherian Roe, Federal Public Defender, Office of the Federal Public Defender, Minneapolis, MN

Ubong E. Akpan, Attorney Advisor, Defender Services Office, Training Division, Washington, DC

9:00 – 10:15 a.m.

Plenary: The Long Road to Innocence

Anthony Ray Hinton, former Alabama Death Row Inmate (Invited)
Anthony Ray Hinton chronicles his 30-year struggle to prove his innocence despite overwhelming odds, ineffective assistance of counsel, and prosecutorial misconduct.

10:15 – 10:30 a.m.

Break

10:30 – 11:45 a.m.

Concurrent Sessions - 1

1. Online Investigation: The Basics

Victor Gomez, Investigator, Office of the Federal Public Defender, Santa Ana, CA

Become more familiar with surface, deep, and dark Web search engines, in order to refine your searches and optimize search results. Discover new mapping service tools. Improve your public records database search techniques. And lastly, add a few more websites to your investigation tool set.

2. **Defending Veterans in the Criminal Justice System**

Brockton Hunter, Attorney, The Law Office of Brockton D. Hunter, P.A., Minneapolis, MN

For as long as warriors have returned from battle, some have brought their war home with them, bearing invisible wounds that haunt in the present. These echoes of war - manifested in self-destructive, reckless and violent behavior - reverberate through society, destroying not only the lives of these heroes, but their families and communities. A new generation of veterans, more than 2.6 million, is now returning home from Iraq and Afghanistan and there is good reason to believe more of them will bring their war home with them than ever before. Unlike previous generations, this one is relatively small, yet it has fought the two longest wars in our country's history - simultaneously. Many of this generation will have survived combat injuries that would have killed them in the past, but will nonetheless bear the psychological scars of their brush with death. This session will cover the history of combat trauma, its ties to criminal behavior, and how we can do a better job with this generation of veterans in the justice system this time around, from pre-trial strategies, to trial defenses and sentencing. It will also cover investigation approaches, including obtaining and interpreting military and VA records, building trust with veteran clients, and identifying and interviewing key witnesses.

3. **Getting to Know Your Client & Interviewing for Mitigation**

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

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.

4. **Hot Topics in Immigration – What You Need to Know**

Claudia Valenzuela, Detention Project Director, National Immigrant Justice Center, Chicago, IL

Diana Rashid, Attorney, National Immigrant Justice Center, Chicago, IL
Since the Trump administration took office, it has issued various Presidential Executive Orders and memoranda concerning immigration enforcement policies inside the United States and at the border. This session will provide paralegals and investigators with an update on the various immigration policies and the potential effects on noncitizen clients. The presentation will also cover common

federal charges and practice tips for helping noncitizens avoid deportation from the United States.

5. **Interpreter Track -- Translation & Transcription – Part 1**

Jeck Navarrete, J.D., Ph.D., Interpreter, Office of the Federal Public Defender, Omaha, NE

This session will provide a computer-based software demonstration on forensic recordings. Attend this session in order (1) to get an inventory of what you need to best work with video, analog or digital evidence, (2) to experience the timesaving digital revolution as it pertains to audio transcription and to (3) to see how a digital audio editor program can expedite the transcription process.

11:45 a.m. – 1:15 p.m.

Lunch

1:15 – 2:30 p.m.

Concurrent Sessions - 2

1. **Online Investigation: The Basics**

Victor Gomez, Investigator, Office of the Federal Public Defender, Santa Ana, CA

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5. **Interpreter Track -- Translation & Transcription – Part 2**

Jeck Navarrete, J.D., Ph.D., Interpreter, Office of the Federal Public Defender, Omaha, NE

In this session, we will cover the General Guidelines and Minimum Requirements for Transcript Translation in any legal setting as adopted by the National Association of Judiciary Interpreters & Translators (NAJIT). Attend this session to learn how to implement NAJIT's guidelines to create a reliable forensic transcript that meets and satisfies stringent requirements.

****1:15-4:00 p.m.**

Casepoint and Tools for Combating Large Volume Cases – Hands on Training, Session 1

Kalei Achiu, National Litigation Support Paralegal, Defender Services Office, Training Division, Oakland, CA

Sean Broderick, National Litigation Support Administrator, Defender

Services Office, Training Division, Oakland, CA

Alex Roberts, National Litigation Support Paralegal, Defender Services Office, Training Division, Oakland, CA

Kelly Scribner, Assistant National Litigation Support Administrator, Defender Services Office, Training Division, Oakland, CA

In this hands-on session participants will learn how the online review platform, Casepoint, enables defense teams to manage and review large volume discovery cases. Casepoint, which is available through the National Litigation Support Team (NLST) for select large discovery cases, has advance analytic tools as part of its platform as well an easy-to-use interface which makes it accessible to all types of end users. Trainers from Casepoint will provide hands-on training focused on the organization, review and analysis of discovery once a database is created. Trainers will discuss best file formats for the platform, what is actually meant by “processing data” and how to leverage Casepoint to immediately start analyzing your case. Since there are large cases which are not appropriate for this tool (due to file formats or size), the NLST will discuss other tools and strategies for large volume cases. Selection of the participants will be determined prior to the program. All participants must bring their own laptops.

2:30 – 2:45 p.m.

Break

2:45 – 4:00 p.m.

Concurrent Sessions - 3

1. **Social Media Investigations**

Victor Gomez, Investigator, Office of the Federal Public Defender, Santa Ana, CA

Learn how to conduct social media investigations across different platforms, preserve your findings and present them in court.

2. **Mental Health Issues in Child Pornography and Sex Offense Cases**

Elizabeth Griffin, MA, LMFT, Owner of Internet Behavior Consulting, Minneapolis, MN

This session will introduce defense teams to psychological concepts relevant to the online child pornography offender. The presenter will discuss how psychological and technological factors combine to create a perfect storm that facilitates illegal online sexual behavior. This session will emphasize the mitigating factors applicable to sentencing hearings, and will be based on the latest psychological research regarding risk, recidivism, and amenability to treatment of the online child pornography sexual offenders.

3. **Supreme Court Update**
Paul Rashkind, Chief of the Appellate Division, Office of the Federal Public Defender, Miami, FL
This session provides an update on recent developments in the Supreme Court and its decisions affecting federal criminal practice, as well as issues currently under consideration. Always enlightening and entertaining, this session's content is tailored to the needs and interests of paralegals and investigators.
4. **Legal Writing for Paralegals**
Vivianne Guevara, Director of Client & Mitigation Services, Federal Defenders of New York, Brooklyn, NY
This presentation will discuss the principles of persuasive writing, preparing participants to apply these principles to sentencing memos and mitigation reports.
5. **Interpreter Track - The Role of the Defender Interpreter: Ethics and Practices (2:45 pm to 4:15 pm)**
Moderator: Emma Hernandez, Paralegal, Office of the Federal Public Defender, Los Angeles, CA
Jeck Navarrete, J.D., Ph.D., Interpreter, Office of the Federal Public Defender, Omaha, NE
Alí Salcedo, Interpreter, Office of the Federal Public Defender, Phoenix, AZ
Sarah Seebeck, Interpreter, Office of the Federal Public Defender, Phoenix, AZ
Are all defender interpreters part of the defense team? Are they neutral interpreters that can be called by the AUSAs or court to help? Do we have the same mission? This session will answer those questions and more as we hear from our presenters and attendees.

4:00-4:15 p.m.

Break

4:15-5:30 p.m.

Plenary: Implicit Bias - Micro-Aggression Pathways

Hope Hill, Ph.D., Associate Professor, Department of Psychology, Howard University, Washington, D.C.

In this session, participants will understand the debilitating effects of micro-aggression and its effect on client relationships. This session will provide ways to become more client-centered and how micro-aggression can be used to tell a client's mitigation story.

5:30 p.m.

Adjourn

Wednesday, May 9, 2018

8:00 – 9:00 a.m.

Registration & Continental Breakfast

9:00– 10:15 a.m.

Plenary: Investigating and Understanding the Problem of False Confessions

Laura Nirider, Clinical Assistant Professor of Law, Northwestern University School of Law and Project Co-Director, Center on Wrongful Convictions of Youth, Chicago, IL

Laura Nirider, noted for her appearance in the documentary *Making a Murder*, will help participants understand how to use the social science research in evaluating and litigating suspected false confession cases. The session will address such topics as: evaluating an interrogation and a confession, presenting a false confession case, and using experts.

10:15 – 10:30 a.m.

Break

10:30 – 11:45 a.m.

Concurrent Sessions - 4

1.

Locating and Analyzing Mitigation Documents

Foongy Lee, Trial Investigator, Office of the Federal Public Defender, Los Angeles, CA

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.

2.

Bureau of Prisons Update: Practical Tips if Your Client Faces Incarceration in Federal Prison

David Merchant, Assistant Federal Defender, Federal Defenders of Montana, Billings, MT

This session will provide practical tips if your client faces federal imprisonment. It will include factors to consider for your client to obtain a federal sentence at the least restrictive facility as possible and receive the earliest feasible release date. In addition, the session will give an overview of BOP programs and eligibility requirements.

3.

Mobile Device Forensics

Jerry Grant, Digital Forensics Investigator, Federal Public Defender, Western District of New York, Rochester, NY

With modern smart phones, we carry a wealth of information in a small device. The smart phone in your pocket is a computer carrying your most personal details from location to love notes. The demand for cell phone forensics has grown tremendously over the last few years. Hidden location information that is stored even if the phone is not being used can be retrieved. Internet history, text messages, call detail and maps are just some of the additional information that can be used to present a timeline and/or profile of the user. With so many different types of phones in the marketplace, specialty software and hardware has been developed to extract this data. You will see a live demonstration of a cell phone extraction and how that information is used.

4. **Law Enforcement Training 101 – What the Defense Needs to Know**

Gregory Blackmon, Investigator, Federal Defenders of the Middle District of Georgia, Inc., Macon, GA

“Based on my training and experience” is a phrase we all have a read in a police report or heard from the witness stand. Learn from a former law enforcement trainer turned federal defender investigator about common types of training law enforcement receive during the course of their career. This session will discuss what defender investigators and paralegals should know about the core components of law enforcement training, ways to obtain documentation about a law enforcement officer’s training, and investigative tips on what you can do with that information for your investigation.

5. **Interpreter Track - Tips on Working with Interpreters/Bilingual Staff**

Co-Moderator: Marcia Resler, Interpreter, Office of the Federal Public Defender, Los Angeles, CA; and

Co-Moderator: Monica Giner, Chief Investigator, Office of the Federal Public Defender, Los Angeles, CA

Emma Hernandez, Paralegal, Office of the Federal Public Defender, Los Angeles, CA

Israel Aguilar, Interpreter, Office of the Federal Public Defender, Houston, TX

Investigators and paralegals are often assigned to non-English speaking clients and that adds a whole new element to their already difficult task. Through an open discussion, this session will provide answers, tips and ideas on how to get the job done with the help of an interpreter/bilingual staff member.

11:45 a.m. – 1:15 p.m.

Lunch

1:15 – 2:30 p.m.

Concurrent Sessions - 5

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5. Interpreter Track - Legal Terminology in the New Judicial Process in Latina America

Israel Aguilar, Interpreter, Office of the Federal Public Defender, Houston, TX

Mexico’s new criminal justice system shifted to an adversarial oral-based system and required many states implement the new system by 2016. This session will address the origins and foundation of the new terminology formulated and adopted by the new Oral Accusatory Penal Process in Latin American. This session will provide an opportunity for Federal Public Defender Interpreters to revise old glossaries and to understand how to implement the new resources at their disposal. In addition, attendees will receive a current and comprehensive outlook to achieve more accurate glossaries that reflect a higher level of accuracy.

****1:15-4:00 p.m.**

Casepoint and Tools for Combating Large Volume Cases – Hands on Training, Session 1

Kalei Achiu, National Litigation Support Paralegal, Defender Services Office, Training Division, Oakland, CA

Sean Broderick, National Litigation Support Administrator, Defender Services Office, Training Division, Oakland, CA

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2:30 – 2:45 p.m.

Break

2:45 – 4:00 p.m.

Concurrent Sessions - 6

1. **No Dropped Calls: Partnering with Your Smart Phones in the Field**

Herbert Duzant, Investigator, Office of the Federal Public Defender, Las Vegas, NV

This session will provide participants with helpful tips on how use smart phones and mobile devices while in the field, investigating cases. Materials will include applications used for mapping, GPS coordinates, online resources, audio-visual capture, note-taking, travel, organization, field safety, and more.

2. **Excel for Paralegals and Investigators**

Alex Roberts, National Litigation Support Paralegal, Defender Services Office, Training Division, Oakland, CA

Microsoft Excel is a powerful tool that has simple to complex features that can be useful for a host of tasks that paralegals and investigators face in their work. In this session, participants will learn how they can use Excel to maintain and organize discovery, track witnesses, exhibits and other important case information. Other topics covered will include creating and using a Discovery Log, using Excel's sort and filter functions, searching a spreadsheet and creating hyperlinks to external documents and media files.

3. **Theory and Themes for Paralegals and Investigators**

Rene Valladares, Federal Public Defender, Office of the Federal Public Defender, Las Vegas, NV

Brenda Weksler, Assistant Federal Public Defender, Office of the Federal Public Defender, Las Vegas, NV

This session will focus on the importance of conducting a focused investigation to advance the themes and theories of the case. We will discuss the basics of understanding the elements of the charged offense, and the necessary intent (general vs. specific intent) to prove

guilt, helping to shape the themes and theories of the legal team. This knowledge can then be applied to conducting focused witness interviews and investigation that advance the theme. This session will also touch upon best practices of working effectively together with attorneys, report writing and bringing creativity into the investigative process.

4. **Ethics for Paralegals and Investigators**

Manny Atwal, Assistant Federal Public Defender, Office of the Federal Public Defender, Minneapolis, MN

TBD, Paralegal, Office of the Federal Public Defender

TBD, Interpreter, Office of the Federal Public Defender

This session will address ethical issues that commonly arise in the work of paralegals and investigators.

5. **Interpreter Track – The Interpreter’s Role: Telling Clients Stories through Video**

Sarah Seebeck, Interpreter, Office of the Federal Public Defender, Phoenix, AZ

Alí Salcedo, Interpreter, Office of the Federal Public Defender, Phoenix, AZ

Foongy Lee, Trial Investigator, Office of the Federal Public Defender, Los Angeles, CA

Sentencing videos can often have a significant impact on the judge during the penalty phase. But what happens when you have a non-English speaking client? Or if the client's family members and witnesses -- the stars of your video -- don't speak English? This session will explore the unique issues non-English speaking clients face, and what steps you should take when creating and editing your sentencing video.

4:00 – 4:15 p.m.

Break

4:15 – 5:30 p.m.

Plenary: The Opioid Crisis and Its Effects on Criminal Defense

TBD

This session will address the opioid crisis, its effects on behavior and criminality and alternatives to incarceration.

5:30 p.m.

Award Presentation – Paralegal and Investigator of the Year

5:45 p.m.

Adjourn for the day

Thursday, May 10, 2018

7:45 – 8:45 a.m. Registration & Continental Breakfast

8:45 – 10:00 a.m. Concurrent Sessions -7

1. Risk Assessments

Laura Mate, National Sentencing Resource Counsel Project, Des Moines, IA

Have you encountered the use of risk assessments in your cases? Learn more about the history of risk assessments, current use by U.S. Probation of two risk assessment instruments, the Pre-Trial Risk Assessment, and the Post-Conviction Risk Assessment, and how risk assessment tools may work for and against our clients.

2. Race and the Fourth Amendment: Challenging Assumptions About Reasonableness for Investigators and Paralegals

Juval Scott, Attorney Advisor, Defender Services Office, Training Division, Washington DC

Often times the government resorts to the convenient but-your-client-said yes excuse to save an otherwise illegal search. Given changes in technology, the media has unprecedented access to documented instances of sometimes aggressive police practices, and then the general public has unfettered exposure to these recordings. We must now question whether officer-initiated contacts are ever consensual in this environment. This session will discuss framing Fourth Amendment challenges through a new lens in hopes of gaining true justice for the client.

3. Combatting Penalty Enhancements Where Death or Serious Bodily Injury Results from the Use of a Controlled Substance

George Couture, Attorney Advisor, Defender Services Office Training Division, Washington, D.C.

Deaths from drug overdoses have exploded in recent years, especially for opioids. This session examines strategies for defending clients who are charged with drug offenses that are subject to a 20-year minimum mandatory sentence where death or serious bodily injury results from the use of a controlled substance under 21 U.S.C. § 841. The session will focus on issues of causation requirements and legal developments related to what the government must prove to a jury beyond a reasonable doubt since *Burrage v. United States*, 134 S. Ct. 881 (2014).

4. **No Dead Ends: Team Building Strategies for Effective Attorney-Investigator Collaborations**

Kevin Tate, Senior Litigation Counsel, Office of the Federal Public Defender, Charlotte, NC

Herbert Duzant, Investigator, Office of the Federal Public Defender, Las Vegas, NV

This session will provide an overview of team issues and possible solutions that can help foster successful team-based results and work models. The solutions addressed will apply generally to all team members, with a special focus on the Attorney-Investigator dynamic. We will examine how team dysfunction can often lead to bad case results. We will also explore strategies that any non-attorney team member can employ to increase the effectiveness of their roles and have their voices heard.

5. **Interpreter Track - Form Letters & Correspondence: Translation Workshop**

Marcia Resler, Interpreter, Office of the Federal Public Defender, Phoenix, AZ

Alí Salcedo, Interpreter, Office of the Federal Public Defender, Phoenix, AZ

All across the nation bilingual staff and interpreters are often required to translate form letters and attorney-client correspondence. Oh, yes, those pesky “your-next-appearance-is,” “you-attorney-filed-a-motion-to...” letters. We will tackle actual office correspondence at the intersection where English and Spanish letter writing meet, from greetings and salutations to boilerplate language.

10:00 – 10:15 a.m.

Break

10:15 – 11:30 a.m.

Concurrent Sessions - 8

1. **So You Think You Can Dance: Mastering the Criminal History Rules for Investigators and Paralegals**

Laura Mate, National Sentencing Resource Counsel Project, Des Moines, IA

Rosie Brown, National Sentencing Resource Counsel Project, Greenville, SC

The criminal history rules play a significant role in determining the guideline-recommended sentence for your client. This session, using scenarios, provides an opportunity to both test and improve your ability to navigate these rules to help obtain the lowest possible sentence for your client.

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4. **Working with Mentally Ill Clients and Effectively Using Your Expert**

Manny Atwal, Assistant Federal Public Defender, Office of the Federal Public Defender, Minneapolis, MN

This session will provide an overview of mental health issues and tips on working effectively with mental health experts to enhance the client communication and defense goals.

11:30 – 11:45 a.m.

Break

- 11:45 a.m. – 1:00 p.m.** **Plenary: It's 1984 in 2018: The Orwellian Guide to Effective Criminal Defense in the Age of Mass Surveillance**
MiAngel Cody, Executive Director of The Decarceration Collective Law Office and Consultancy, Chicago, IL
This presentation will discuss current trends in law enforcement surveillance including often hidden collaborations between the intelligence community and local law enforcement – and what that means for our clients, our computers and our smartphones. With a defense practitioner's focus, the presentation will identify how to resist government overreach from the criminal defense podium.
- 1:00 p.m.** **Closing Remarks**
Ubong E. Akpan, Attorney Advisor, Defender Services Office, Training Division, Washington DC

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