



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

**FUNDAMENTALS OF FEDERAL CRIMINAL DEFENSE I
January 25-26, 2018, Hilton New Orleans Riverside
New Orleans, Louisiana**

Dates and Times of Sessions Subject to Change

Thursday, January 25, 2018

7:30 to 8:30 a.m. Registration & Continental Breakfast

8:30 to 8:45 a.m. Introduction & Welcoming Remarks

Claude Kelly, Federal Public Defender, Eastern District of Louisiana, New Orleans, Louisiana

Billy Gibbens, Panel Representative, Eastern District of Louisiana, New Orleans, Louisiana

Craig Crawford, Attorney Advisor, Defender Services Office Training Division, Washington, D.C.

8:45 to 9:45 a.m. Representing the Indigent Defendant as a Team: Struggles for Justice and Defense Team Roles

Derwyn Bunton, Chief Public Defender, Orleans Public Defenders, New Orleans, Louisiana

This session will address the challenges in representing indigent defendants. The presentation will focus on how to define success as a defense team while achieving justice for clients.

9:45 to 10:00 a.m. Break

10:00 to 11:15 a.m. The Essential Role of Investigation in CJA Cases

Sharon Samek, Attorney Advisor, Defender Services Office Legal & Policy Division, Washington, D.C.

Herbert Duzant, Investigator, Office of the Federal Public Defender for the District of Nevada, Las Vegas, Nevada

As cases continue to grow complex with more discovery and information regarding the guilt phase as well as the sentencing phase, the services of a trained and dedicated investigator can be invaluable. Hear from a defense investigator about the road map towards a successful investigation in all phases of a CJA case. An attorney will join the discussion of how the investigator can assist throughout the life cycle of a case, including quickly locating and interviewing witnesses, obtaining information from digital and paper records and seeking out information that can be important factors for the court to consider at sentencing. The discussion will include information about how to obtain funding for investigative and other expert services.

11:15 to 11:30 a.m. Break

11:30 to 12:30 p.m. The Bail Reform Act

Francisco "Frank" Morales, *Assistant Federal Defender, Southern District of Texas, Corpus Christi, Texas*

Your performance at the bail hearing will be your first strut for your client. Win or lose, your ability to fight goes a long way. In this session, you will learn to maximize your chances of getting your client released on bond under the Bail Reform Act. This session will address pretrial interviews, third party custodians, favorable witnesses, good pre-discovery discovery, ethics issues, the detention hearing, the appeal of a detention order, and release pending appeal.

12:30 to 1:45 p.m. Lunch

1:45 to 3:00 p.m. Pretrial Motions: Stuff to Know to Get the Discovery You Need

David Anthony, *Assistant Federal Defender, Nevada Federal Public Defender, Las Vegas, Nevada*

Michael Kennedy, *Law Offices of Michael Jerome Kennedy, PLLC, Reno and Las Vegas, Nevada*

Tired of simply begging the federal prosecutor for the discovery and materials you need? This session will explore the advantages to taking a proactive, rather than a passive, approach to using multiple pretrial motions in combination with third party subpoenas to get more of the discovery and evidence you need. Learn from the combined perspective of a trial lawyer and a death penalty post-conviction

attorney about other avenues, in addition to Rule 16, to obtain discoverable evidence that might be helpful if considered while mounting a defense to any federal criminal prosecution.

3:00 to 3:15 p.m. Break

3:15 to 4:15 p.m. Getting the Most Out of Plea Agreements, Cooperation, and Navigating the Dangers of a Proffer

Callie Glanton Steele, Senior Litigator, California Central Federal Public Defender, Los Angeles, California

With an overwhelming percentage of clients entering pleas, this session will take a hard look at how to get the most out of deals with the government. Additionally, like it or not, many of our clients intelligently decide cooperation is in their best interests. Unfortunately, proffer sessions can quickly devolve into train wrecks with clients getting no benefit and all the added risk we lose sleep over. This session explores common benefits and dangers associated with cooperation while addressing the many land mines just waiting for your client in the proffer room.

4:15 to 4:30 p.m. Break

4:30 to 5:30 p.m. Attacking Bias through Motions Practice: Revealing and Litigating Unfair Targeting of People of Color in Federal Court

Alison Siegler, Clinical Professor of Law, University of Chicago School of Law, Chicago, Illinois

People of color are often the targets of unfair law enforcement and prosecution practices. This presentation addresses how to investigate and litigate the lawfulness and constitutionality of those practices, including bringing motions for selective enforcement and selective prosecution.

5:30 p.m. Adjournment

Friday, January 26, 2018

7:30 to 8:30 a.m. Registration & Continental Breakfast

8:30 to 9:30 a.m. Supreme Court Update

Paul Rashkind, *Supervisory Assistant Federal Public Defender and Chief of the Appellate Division of the Federal Public Defender, Southern District of Florida, Miami, Florida*

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

9:30 to 9:40 a.m. Break

9:40 to 10:40 a.m. Telling Your Client's Story

Christina Hunt, *Executive Director, Federal Defenders of the Middle District of Georgia, Inc., Macon, Georgia*

Factual stories move us emotionally – and have for centuries. They capture and draw us in. Juries and judges can better empathize and sympathize with our clients, and agree with our advocacy, when a compelling argument is made with storytelling. This session will discuss the elements and techniques of persuasive storytelling and explain how to integrate your client's story into your legal theory and incorporate it in every aspect of your client's case.

10:40 to 10:50 a.m. Break

10:50 to 11:50 a.m. The Federal Sentencing Guidelines: Walking Before We Run

Daniel Stiller, *DStillerLLC, Milwaukee, Wisconsin*

The key to mastering the application of the federal sentencing guidelines, and then avoiding the full brunt of what they call for, is understanding their fundamentals: the theories upon which they operate. A solid grasp of those fundamentals is equally important to helping clients better understand their place on the sentencing table. This session focuses on a big picture understanding of the guidelines. It is ideal for the less seasoned federal practitioners, but useful as a refresher for everyone.

11:50 a.m. to 1:00 p.m. Lunch

1:00 to 2:00 p.m. The Federal Sentencing Guidelines: Let's Run
Daniel Stiller, *DStillerLLC, Milwaukee, Wisconsin*

Working from the fundamentals that were the focus of the earlier session, this hour will explore particular aspects of guideline application. As importantly, time will be devoted to mitigating the guidelines: effectively communicating to the sentencing judge how and why, on case-specific terms, the correct calculation of a client's offense level and criminal history score produces a recommended sentence greater than necessary to serve the goals of federal sentencing.

2:00 p.m. Adjournment (Winning Strategies Seminar continues)