

**THE ANDREA TAYLOR
SENTENCING ADVOCACY WORKSHOP**

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

**THE DESOTO
15 East Liberty Street
Savannah, Georgia
Nov. 30 to Dec. 2, 2017**

DRAFT AGENDA (10/4/2017)

Thursday, November 30, 2017

- 7:30 – 8:30 a.m.** **Registration - Continental Breakfast**
- 8:30 – 8:50 a.m.** **Welcoming Remarks**
Steven Beauvais, CJA Resource Counsel, Zipperer, Lorberbaum & Beauvais, Savannah, GA (invited)
- 8:50 – 9:00 a.m.** **Introduction to Workshop**
Frank Draper, Attorney Advisor, Training Division, Defender Services Office, Washington, DC
- 9:00 – 10:00 a.m.** **PLENARY SESSION: Fact-Busting the Case**
Joseph Ross, Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC (invited)
This session will concentrate on the elements of fact-busting, using a mock case, to demonstrate techniques for mining the facts of a case in a manner that maximizes the potential of developing a persuasive sentencing theory.
- 10:00 – 10:15 a.m.** **Break**
- 10:15 a.m. –
12:30 p.m.** **WORKSHOP SESSION I: Fact-Busting the Case**
Participants will meet with their small group facilitators to fact-bust their own cases as a basis for developing persuasive sentencing theories and themes.
- 12:30 – 1:45 p.m.** **Lunch - On Your Own**

- 1:45 – 2:30 p.m.** **PLENARY SESSION: Getting to Know Your Client & Interviewing for Mitigation**
Jim Tibensky, *Non-Capital Mitigation Specialist, Illinois Federal Defender Program, Inc., Chicago, Illinois (Ret.)*
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.
- 2:35 – 3:20 p.m.** **PLENARY SESSION: Locating and Analyzing Mitigation Documents**
Vickie Piontkowski, *Mitigation Investigator, Pennsylvania Western Federal Public Defender, Pittsburgh, Pennsylvania (invited)*
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.
- 3:20 – 3:30 p.m.** **Break**
- 3:30 – 4:55 p.m.** **WORKSHOP SESSION II: Interviewing for Mitigation/Records Collection**
Attendees will divide up into small breakout groups to practice their mitigation interviewing skills and identify records needed in their cases.
- 5:00 – 6:00 p.m.** **PLENARY SESSION: Developing Persuasive Theories and Themes/Storytelling**
Anthony “Tony” Natale, *Supervisory Assistant Federal Public Defender, Southern District of Florida, Miami, Florida*
Having a theory for sentencing and supporting themes is critical to your organization of the case and forms the basis of your sentencing story. This session will define a theory and theme, and will address how to develop theories and themes and weave them into your story of mitigation for sentencing. It will also discuss the elements of storytelling and how to effectively use storytelling to make a compelling argument at sentencing.
- 6:00 p.m.** **Adjourn for the Day**

Friday, December 1, 2017

- 7:30 – 8:30 a.m. Continental Breakfast**
- 8:30 – 10:15 a.m. WORKSHOP SESSION III: Theories and Themes/Storytelling**
Attendees will divide up into small breakout groups where Group Leaders will facilitate the process of applying theories, themes, and storytelling techniques to the facts of each attendee’s own case.
- 10:15 – 10:30 a.m. Break**
- 10:30 a.m. – noon WORKSHOP SESSION III: Theories and Themes/Storytelling (cont.)**
- 12:00 – 1:15 p.m. Lunch - On Your Own**
- 1:15 – 2:30 p.m. PLENARY SESSION: Persuasive Writing**
Fredilyn Sison, *Assistant Federal Defender, Federal Defenders of Western North Carolina, Asheville, NC (invited)*
This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case.
- 2:30 – 2:45 p.m. Break**
- 2:45 – 3:50 p.m. WORKSHOP SESSION IV: Persuasive Writing**
Attendees will divide up into small breakout groups and apply storytelling and persuasive writing techniques to the facts of their own cases. Each attendee will write the first two to three paragraphs of their sentencing memorandum, in a persuasive fact-based manner. Participants will receive feedback on their work and rewrite their memorandum based on feedback received.
- 3:50 – 4:00 p.m. Break**
- 4:00 – 5:30 p.m. WORKSHOP SESSION IV: Persuasive Writing (cont.)**
- 5:30 p.m. Adjourn for Day**

Saturday, Dec. 2, 2017

7:30 – 8:30 a.m. Continental Breakfast

8:30 – 9:30 a.m. PLENARY SESSION: Persuasive Sentencing Hearings

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

This session will discuss how to persuasively tell the client's story at the sentencing hearing. It will examine factors to consider in making decisions about what to present and how to conduct the hearing.

9:30 – 9:45 a.m. Break

9:45 – 10:30 a.m. WORKSHOP SESSION V: Persuasive Sentencing Hearings

Attendees will divide up into small breakout groups where they will discuss how each participant anticipates how they will conduct the sentencing hearing in their own case. Emphasis will be placed on the ideas developed in the morning plenary.

10:30 – 10:45 a.m. Break

10:45 a.m. –

12:15 p.m.

WORKSHOP SESSION V: Persuasive Sentencing Hearings (cont.)

12:15 – 1:15 p.m.

PLENARY SESSION: Using More Than Words to Persuade

Doug Passon, *Esq., President & Creative Director, D Major Films, LLC, Phoenix, AZ*

At sentencing, a picture is worth at least a thousand words, and will often add layers of credibility and emotion to your client's mitigation story. Moving pictures help the judge connect with and understand your client. This session will discuss how to incorporate powerful and persuasive images into your sentencing practice, ranging from inclusion of still photos in sentencing memoranda to the creation of mini-documentary films.

1:15 p.m.

Closing Remarks/Adjournment

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

CLE Accreditation