



**WINNING STRATEGIES REGIONAL:
DEFENDING IMMIGRATION AND DRUG CASES
ON THE BORDER**

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

**EILAN HOTEL AND SPA
18603 LA CANTERA TERRACE
SAN ANTONIO, TX 78256
August 2-4, 2018**

DRAFT AGENDA (rev. July 16, 2018)

Thursday, August 2, 2018

- 7:30 – 8:30 a.m.** **Registration & Continental Breakfast – Grand Foyer**
- 8:30 – 8:45 a.m.** **Welcome and Opening Remarks – Incanto Ballroom**
*Maureen Scott Franco, Federal Public Defender, Office of the Federal
Public Defender, Western District of Texas*
CJA Panel Attorney District Representative, San Antonio, TX
*Ubong E. Akpan, Attorney Advisor, Defender Services Office
Training Division, Washington, DC*
- 8:45 – 9:45 a.m.** **Plenary: View from Ground Zero ---The Bridge Over the Rio Grande - Incanto Ballroom**
*Jennifer K. Harbury, Attorney, Texas RioGrande Legal Aid, Inc.,
Mercedes, TX*
Jennifer Harbury, human rights activist, author and long-time attorney in the Rio Grande Valley will present the view from the ground following the implementation of the “zero tolerance” policy of charging all who cross the border with federal criminal offenses. Jennifer Harbury has been on the front lines of the humanitarian crisis created by this and related immigration deterrence policies. Ms. Harbury’s presentation will provide the practitioner with a deeper knowledge of the harsh realities facing immigrants fleeing cartel violence, genocide and repression in their homelands, and the penalties imposed on them for seeking refuge. This session will present profoundly disturbing facts that will collectively inform us so

that we, as federal practitioners, can more effectively litigate on behalf of our noncitizen clients.

9:45 – 10:00 a.m.

Break - **Grand Foyer**

10:00 – 11:00 a.m.

Concurrent Sessions - 1

1. **Immigration – Who’s Going to Save Me from this Hell? Protection-Based Relief for Illegal Entry and Reentry Clients – Great Room**
(repeats Friday at 10:45 a.m.)
Claudia Valenzuela, Detention Project Director, National Immigrant Justice Center, Chicago, IL
Under the new administration, the Department of Justice will increase prosecutions of 8 U.S.C. § 1325 (illegal entry) and 8 U.S.C. § 1326 (illegal reentry) cases. This session will focus on the several forms of relief from removal for those charged with illegal entry and reentry. This session will specifically address asylum, withholding of removal, protection under the Convention Against Torture (CAT). Participants will obtain a working knowledge of such relief and the ability to take to preserve their rights.
2. **Drugs – Variances in Drug Case – How to Win! – Executive Boardroom**
(repeats today at 11:15 a.m.)
Kenneth L. Riggins, the Law Office of Kenneth L. Riggins, Indianapolis, IN
More often than not our clients charged in trafficking large quantities of drugs become involved in such conduct out of desperation and with little to no knowledge of the type, quantity or purity of the concealed drugs. This session will focus on variances that we should be routinely seeking on behalf of our clients, and how to fashion a powerfully persuasive argument which emotionally moves the sentencing judge to grant substantial variances in the face of directives to prosecutors to seek the most severe punishment in each and every case.
3. **Immigration – Evidentiary Challenges in Illegal Reentry Cases Sala Cristallo**
(only time offered)
Chloe S. Dillon, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA
This session will focus on the common --- and sometimes not so common --- evidentiary issues to watch out for in illegal reentry (8 U.S.C. § 1326) cases. From confrontation clause violations to the classification as testimonial or non-testimonial of certain A-file

documents, participants will learn what objections to raise and what arguments to make when confronted with the types of evidence commonly presented in illegal reentry cases.

4. **Immigration - Understanding Sanctuary Cities - Sala Vista**

(repeats today at 11:15 a.m.)

Annie Lai, Assistant Clinical Professor of Law, Co-Director, Immigrant Rights Clinic, University of California, School of Law, Irvine, CA

“Sanctuary cities” remains one of the most polarizing, yet misunderstood, concepts in immigration law and politics. Candidate Trump made “ending” sanctuary cities a mainstay of his campaign. Attacks on sanctuary since Trump took office have come in a variety of forms, from blustering speeches, an executive order and defunding threats by the Justice Department, to litigation (in the case of California) and state bans (in the case of Texas). Why all the fanfare? What is really at stake? This session will examine the history and origins of sanctuary debate, situating the current effort to disentangle local government functions from federal immigration enforcement in a decades long struggle over the appropriate relationship between immigration and crime control. The session will also catalog the major types of state and local criminal justice policies that have come to be associated with the “sanctuary” label, discuss their significance for community members and provide key updates from recent court battles.

11:00 – 11:15 a.m.

Break - Grand Foyer

11:15 a.m. – 12:15 p.m.

Concurrent Sessions - 2

1. **Drugs & Immigration -- So You Think You Can Dance: Mastering the Criminal History Rules - Sala Cristallo**

(repeats today at 3:00 p.m.)

Ebise Bayisa, Senior Training Attorney, U.S. Sentencing Commission, Washington, DC

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

2. **Drugs – Variances in Drug Case – How to Win! – Executive Boardroom**

(repeat from the morning)

Kenneth L. Riggins, the Law Office of Kenneth L. Riggins, Indianapolis, IN

More often than not our clients charged in trafficking large quantities of drugs become involved in such conduct out of desperation and with little to no knowledge of the type, quantity or purity of the concealed drugs. This session will focus on variances that we should be routinely seeking on behalf of our clients, and how to fashion a powerfully persuasive argument which emotionally moves the sentencing judge to grant substantial variances in the face of directives to prosecutors to seek the most severe punishment in each and every case.

3. **Immigration – Citizens Among Us: Derivative Citizenship as a Defense – Great Room**

(repeats today at 3:00 p.m.)

Chloe S. Dillon, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA

A client's status as a citizen is a defense to deportation and a defense to an illegal entry or reentry charge. Sounds simple, but many times clients do not know their citizenship status, especially if they were brought to the U.S. as a young child. Perhaps their parent or grandparent was a U.S. citizen, but always lived abroad. This session will explore derivative citizenship and provide tips on challenging deportation and illegal reentry charges based on derivative citizenship.

4. **Immigration - Understanding Sanctuary Cities - Sala Vista**

(repeat from the morning)

Annie Lai, Assistant Clinical Professor of Law, Co-Director, Immigrant Rights Clinic, University of California, School of Law, Irvine, CA

“Sanctuary cities” remains one of the most polarizing, yet misunderstood, concepts in immigration law and politics. Candidate Trump made “ending” sanctuary cities a mainstay of his campaign. Attacks on sanctuary since Trump took office have come in a variety of forms, from blustering speeches, an executive order and defunding threats by the Justice Department, to litigation (in the case of California) and state bans (in the case of Texas). Why all the fanfare? What is really at stake? This session will examine the history and origins of sanctuary debate, situating the current effort to disentangle local government functions from federal immigration enforcement in a decades long struggle over the appropriate relationship between immigration and crime control. The session will also catalog the major types of state and local criminal justice policies that have come to be associated with the “sanctuary” label, discuss their significance for community members and provide key updates from recent court battles.

12:15 – 1:45 p.m.

Lunch

1:45 – 2:45 p.m.

**Plenary: Culture Clash: Cultural Issues in Criminal Defense
Incanto Ballroom**

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

This presentation will explore how cultural factors can have a significant impact on defending a criminal case. This topic is of great importance given the high number of defendants from other cultures in the criminal justice system. The presentation will discuss how culture can serve as an important part of the theory of defense of the case, for instance, how culture can permeate an insanity or duress defense. The discussion will present practical ideas on how lawyers can tackle cultural issues when working a criminal case.

2:45– 3:00 p.m.

Break - Grand Foyer

3:00 – 4:00 p.m.

Concurrent Sessions – 3

1. **Immigration – “Trujillo Motions” Sweeping the Country ---
Choosing Between Complying with the Bail Reform Act and
Detention for Removal - Executive Boardroom**

(repeats tomorrow at 3:40 p.m.)

*Joan Politeo, Visiting Attorney Advisor, Defender Services Office,
Training Division, Washington, DC*

*Jared Westbroek, Assistant Federal Defender, Federal Defenders of the
Middle District of Georgia, Inc., Macon, GA*

Defense counsel in several districts have won their client’s release defeating the prosecutor’s arguments that our noncitizen clients are inherent flight risks because of their status as immigrants and the existence of ICE detainers. This session will dispel the myths that have blocked our clients’ path to bond which have circumvented the Bail Reform Act and reviews the case law which mandates release of the accused under the least restrictive conditions.

2. **Drugs & Immigration -- So You Think You Can Dance: Mastering
the Criminal History Rules - Sala Cristallo**

(repeat from the morning)

*Ebise Bayisa, Senior Training Attorney, U.S. Sentencing Commission,
Washington, DC*

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

3. **Immigration – Citizens Among Us: Derivative Citizenship as a Defense - Great Room**
(repeat from the morning)
Chloe S. Dillon, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA
A client's status as a citizen is a defense to deportation and a defense to an illegal entry or reentry charge. Sounds simple, but many times clients do not know their citizenship status, especially if they were brought to the U.S. as a young child. Perhaps their parent or grandparent was a U.S. citizen but always lived abroad. This session will explore derivative citizenship and provide tips on challenging deportation and illegal reentry charges based on derivative citizenship.
 4. **Immigration – Winning the Extradition Battle - Sala Vista**
(repeats tomorrow at 10:45 a.m.)
Callie Steele, Senior Litigator, Office of the Federal Public Defender, Los Angeles, CA
Matthew Larsen, Assistant Federal Public Defender, Federal Defenders of New York
Counsel for a Mexican national, who faced extradition based upon the testimony of two witnesses who were tortured by Mexican authorities, will present practical tips from this hard-fought case from initial appointment through to successful *en banc* review, before the Ninth Circuit Court of Appeals. This session will also provide a compelling look at common evidentiary issues and effective litigation strategies on how to overcome the government's probable cause arguments when practitioners confront this specialized area of federal criminal law.
- 4:00-4:15 p.m. **Break - Grand Foyer**
- 4:15-5:15 p.m. **Plenary: Racial Profiling in the War on Drugs Meets the Immigration Removal Process: The Case of *Moncrieffe v. Holder* Incanto Ballroom**
Dean Kevin R. Johnson, University of California at Davis School of Law, Davis, CA
In *Moncrieffe v. Holder*, the Supreme Court held that the immigration authorities could not remove a long-term lawful permanent resident from the United States based on a single misdemeanor conviction for possession of a small amount of marijuana. In the removal proceedings, Adrian Moncrieffe, a black immigrant from Jamaica, did not challenge his arrest and drug conviction. Consequently, the Supreme Court did not review the facts surrounding, or the lawfulness

[or unlawfulness] of the criminal prosecution. Nonetheless, the traffic stop resulting in his arrest, and the interactions with the police, provides a compelling illustration of how the modern criminal justice system works in combination with immigration removal proceedings to disparately impact communities of color in the United States. This session will provide an in-depth view of how people of color find themselves in the crosshairs of both the modern criminal justice and immigration removal systems.

5:15 p.m.

Adjourn

DRAFT

Friday, August 3, 2018

7:30 – 8:30 a.m.

Registration & Continental Breakfast - Grand Foyer

8:30– 9:30 a.m.

Plenary: Immigration – Law Enforcement Visas for Cooperating Witnesses - Incanto Ballroom*Mary E. Kramer, Attorney, the Law Offices of Mary E. Kramer, P.A., Miami, FL*

As criminal defense lawyers, we all know that law enforcement agencies and prosecutors depend in large part on informants and witnesses to build a case. At the same time, cooperation may lead to consequences in the form of retribution in the native country upon deportation. If a foreign-born national is a witness, an informant or has cooperated with law enforcement, their immigration status will be a key consideration in plea negotiations and sentencing stages. At the same time, negotiations may be complicated if the informant or witness is implicated in criminal activity that eventually subjects that person to removal proceedings. After covering the background and basics of “S”, “T” and “U” status, this session will delve deeper into strategies for negotiating “S”, “T” or “U” status, the timing of negotiations for status adjustment, and negotiating the government’s commitment to aid in protecting the witness-defendant from deportation to the home country. This presentation will also cover critical practice tips that will ensure that your foreign-born client is thoroughly informed about the immigration consequences and available forms of protective relief that stem from cooperation with law enforcement agencies and prosecutors.

9:30 – 10:30 a.m.

Plenary: Busted at the Border: Duress and Blind Mule Defenses in Border Crossing Cases - Incanto Ballroom*Walter I. Goncalves Jr., Assistant Federal Public Defender, Office of the Federal Public Defender, Tucson, AZ*

Duress and blind mule claims are often the only means to defend a drug case. For illegal entry and reentry cases, aside from a claim of U.S. citizenship, duress may be the only viable defense. Although mostly seen along the border, duress and blind mule defenses also apply to domestic contraband cases. The defenses are important to understand and master due to the prevalence of drug and immigration cases in border districts. This session will focus on duress jury instructions, experts, imperfect duress at sentencing and more. This session will also provide useful pointers for preparing and presenting a blind mule defense at trial.

10:30 – 10:45 a.m.

Break - Grand Foyer

10:45 – 11:45 a.m.

Concurrent Sessions - 4

1. **Drugs and Immigration – Categorical Analysis: A Step-By-Step Approach to Victory - Sala Cristallo**
(repeats today at 2:25 p.m.)
Kara Hartzler, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA
Joseph Camden, Assistant Federal Public Defender, Office of the Federal Public Defender, Richmond, VA
Now that the Supreme Court has unequivocally addressed how the “categorical analysis” must be applied through its decisions in *Moncrieffe v. Holder*, 133 S.Ct. 1678 (2013), *Descamps v. United States*, 133 S.Ct. 2276 (2013), and *Sessions v. Dimaya*, effectively overruling decades of past precedent to the benefit of our clients, it is crucial that we as defense lawyers become experts in applying the analysis. Our clients’ lives depend upon our ability to identify and challenge a conviction as a non-qualifying prior which may result in significant sentencing enhancements and in decades more prison time. This presentation will provide a step-by-step guide on how to use the categorical approach to protect our clients from recidivist sentencing enhancements such as career offender and Armed Career Criminal. If our client is not a citizen, this presentation will address how we follow the steps to challenge our client’s removability from the United States.
2. **Immigration – Who’s Going to Save Me from this Hell? Protection-Based Relief for Illegal Entry and Reentry Clients - Great Room**
(repeats from yesterday)
Claudia Valenzuela, Detention Project Director, National Immigrant Justice Center, Chicago, IL
Under the new administration, the Department of Justice will increase prosecutions of 8 U.S.C. § 1325 (illegal entry) and 8 U.S.C. § 1326 (illegal reentry) cases. This session will focus on the several forms of relief from removal for those charged with illegal entry and reentry. This session will specifically address asylum, withholding of removal, protection under the Convention Against Torture (CAT). Participants will obtain a working knowledge of such relief and the ability to take to preserve their rights.
3. **Immigration – Immigration Relief, Adjustments and Waivers Executive Boardroom**
(repeats today at 2:25 p.m.)
Javier N. Maldonado, Attorney, the Law Offices of Javier N. Maldonado, San Antonio, TX
Aside from protection based relief, such as asylum, withholding of removal, and Convention Against Torture, there are many other forms of immigration relief which will prevent your client from being

removed. This session will provide an overview of adjustment of status, cancellation of removal, deferred action, and other forms of relief a client facing removal for criminal grounds may be able to obtain. In addition, this session will cover waivers of certain grounds of inadmissibility.

4. **Immigration – Winning the Extradition Battle - Sala Vista**

(repeat from yesterday)

Callie Steele, Senior Litigator, Office of the Federal Public Defender, Los Angeles, CA

Matthew Larsen, Assistant Federal Public Defender, Federal Defenders of New York

Counsel for a Mexican national, who faced extradition based upon the testimony of two witnesses who were tortured by Mexican authorities, will present practical tips from this hard-fought case from initial appointment through to successful *en banc* review, before the Ninth Circuit Court of Appeals. This session will also provide a compelling look at common evidentiary issues and effective litigation strategies on how to overcome the government’s probable cause arguments when practitioners confront this specialized area of federal criminal law.

11:45 a.m. – 1:00 p.m. Lunch - Grand Foyer

1:00 – 2:15 p.m. Plenary: Brainstorming Creative Challenges to Directives of “Zero Tolerance” and More - Incanto Ballroom

Moderator: Kara Hartzler, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA

Ruthie Epstein, Senior Policy Analyst, American Civil Liberties Union (ACLU), New York, NY

Edgar Holguin, Assistant Federal Public Defender, Office of the Federal Public Defender, Western District of Texas, El Paso, TX

Dan Kesselbrenner, Executive Director, National Immigration Project of the National Lawyers Guild, Boston, MA

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

Considering the new “Zero Tolerance” policy the Department of Justice has issued, practical attacks on increased prosecutions of 8 U.S.C. § 1325 (illegal entry) and 8 U.S.C. § 1326 (illegal reentry) and other immigration offenses may not be enough. Foreign-born clients face many other legal challenges including denaturalization, immigration relief waivers in plea agreements, as well as non-legal but devastating separation from family members. This session will address these nuanced issues and provide creative ways to attack criminal charges and removal.

2:15 – 2:25 p.m.

Break - **Grand Foyer**

2:25 – 3:25 p.m.

Concurrent Sessions - 5

1. **Drugs and Immigration – Categorical Analysis: A Step-By-Step Approach to Victory - Sala Cristallo**
(repeat from the morning)
Kara Hartzler, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA
Joseph Camden, Assistant Federal Public Defender, Office of the Federal Public Defender, Richmond, VA
Now that the Supreme Court has unequivocally addressed how the “categorical analysis” must be applied through its decisions in *Moncrieffe v. Holder*, 133 S.Ct. 1678 (2013), *Descamps v. United States*, 133 S.Ct. 2276 (2013), and *Sessions v. Dimaya*, effectively overruling decades of past precedent to the benefit of our clients, it is crucial that we as defense lawyers become experts in applying the analysis. Our clients’ lives depend upon our ability to identify and challenge a conviction as a non-qualifying prior which may result in significant sentencing enhancements and in decades more prison time. This presentation will provide a step-by-step guide on how to use the categorical approach to protect our clients from recidivist sentencing enhancements such as career offender and Armed Career Criminal. If our client is not a citizen, this presentation will address how we follow the steps to challenge our client’s removability from the United States.
2. **Immigration – Release Me! – Practical Tips from *Zadvydas v. Davis* - Great Room**
(repeats tomorrow at 9:45 a.m.)
David L. Menninger, Deputy Federal Public Defender, Office of the Federal Public Defender, Los Angeles, CA
Recently, we have seen a greater number of practitioners succeed in obtaining release of clients detained in immigration custody upon the filing of “*Zadvydas* Petitions.” This session will provide a thorough review of the Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001) and will provide practice tips to participants on how to present compelling arguments to show that the government cannot establish, after the requisite six months, that “removal [will occur] in the foreseeable future” or other “special circumstances.”
3. **Immigration – Immigration Relief, Adjustments and Waivers Executive Boardroom**
Javier N. Maldonado, Attorney, the Law Offices of Javier N. Maldonado, San Antonio, Texas

(repeat from the morning)

Aside from protection based relief, such as asylum, withholding of removal, and Convention Against Torture, there are many other forms of immigration relief which will prevent your client from being removed. This session will provide an overview of adjustment of status, cancellation of removal, deferred action, and other forms of relief a client facing removal for criminal grounds may be able to obtain. In addition, this session will cover waivers of certain grounds of inadmissibility.

4. **Drugs – Drug Chemistry for the Defense - Sala Vista**

(only time offered)

Heather L. Harris, Assistant Professor of Forensic Science, Arcadia University & Forensic Chemistry Consultant, HLH Consulting, Philadelphia, PA

Defense attorneys generally do not have science backgrounds. The challenge of how to aggressively litigate against a conclusory laboratory analysis in a drug case is, therefore, daunting for most. This session will provide an overview of the laboratory analysis of controlled substances, to advance understanding and evaluation of various techniques routinely used in drug cases. From there, participants will be provided practice points to build a successful litigation strategy when faced with this evidence.

3:25 – 3:40 p.m.

Break - Grand Foyer

3:40 – 4:40 p.m.

Concurrent Sessions – 6

1. **Immigration – Defending Illegal Entry and Re-Entry Cases
Great Room**

(repeats tomorrow at 9:45 a.m.)

Edgar Holguin, Assistant Federal Public Defender, Office of the Federal Public Defender, Western District of Texas, El Paso, TX

With the increased 8 U.S.C. § 1325 and § 1326 cases, attorneys need to be prepared to try these cases. In this session, attendees will receive various trial tactics that could be helpful in defending these cases.

2. **Immigration & Drugs – Strategies for Defending Noncitizens:
Understanding Immigration Consequences of Drug “Convictions”
Sala Cristallo**

(only time offered)

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

Knowing whether your client’s conviction will be a crime involving moral turpitude versus an aggravated felony may make the difference

between remaining in the U.S. with their family and being deported. Many times, drug offenses fall into several removable categories. This session will address recent Supreme Court and Courts of Appeal decisions on criminal convictions under the Immigration and Nationality Act and educate attorneys on the deportable and inadmissible drug offenses, including admissions, conduct, and convictions. This session will also provide practical tips for plea negotiations.

3. **Immigration – “Trujillo Motions” Sweeping the Country --- Choosing Between Complying with the Bail Reform Act and Detention for Removal - Executive Boardroom**

(repeat from yesterday)

Joan Politeo, Visiting Attorney Advisor, Defender Services Office, Training Division, Washington, DC

Jared Westbroek, Assistant Federal Defender, Federal Defenders of the Middle District of Georgia, Inc., Macon, GA

Defense counsel in several districts have won their client’s release defeating the prosecutor’s arguments that our noncitizen clients are inherent flight risks because of their status as immigrants and the existence of ICE detainees. This session will dispel the myths that have blocked our clients’ path to bond which have circumvented the Bail Reform Act and reviews the case law which mandates release of the accused under the least restrictive conditions.

4. **Drugs – Fundamentals of Toxicology and Field Tests**

Sala Vista

(only time offered)

Heather L. Harris, Assistant Professor of Forensic Science, Arcadia University & Forensic Chemistry Consultant, HLH Consulting, Philadelphia, PA

Chemistry, toxicology, pharmacology, oh my! This session will cover the basic distinctions between various scientific disciplines used to analyze controlled substances, biological fluids and potential drug interactions. This session will cover the fundamentals of how the common types of laboratory and field tests work, including their strengths and limitations and how to spot analysis gone wrong. In addition, this session will cover non-laboratory testing conducted by police officers in controlled substance and DUI cases. These field tests include solid drug color test kits, breathalyzers, oral fluid screens and field sobriety performance tests.

4:40 – 4:50 p.m.

Break - **Grand Foyer**

4:50 – 5:50 p.m.

Plenary: Guarding Miranda and Waivers Rancheros: Cultural Considerations in the Suppression of Confessions – *Incanto Ballroom*

Francisco Morales, Assistant Federal Public Defender, Office of the Federal Public Defender, Corpus Christi, TX

So you say your client gave a full confession? But before getting there, your client understood his rights and waived those rights. Right? This lecture deals with various aspects of Miranda litigation, especially the influence of culture and language as it relates to intelligent and knowing waivers of Miranda rights and statements that are knowingly and intelligently given. For many, the time they are arrested is the first time that they have the benefit of hearing Miranda rights. Is it possible for someone to hear Miranda for the first time and still not understand it? We will delve into the different ways that language, education, culture, and machismo, among other things, play a role in the knowing and intelligent calculus as it relates to Miranda.

5:50 p.m.

Adjourn for the day

Saturday, August 4, 2018

7:30 – 8:30 a.m.

Registration & Continental Breakfast - Grand Foyer

8:30 – 9:30 a.m.

**Plenary: Greatest Hits in Defense of Our Noncitizen Clients
Incanto Ballroom***Claudia Valenzuela, Detention Project Director, National Immigrant Justice Center, Chicago, IL*

The National Immigrant Justice Center provides immigration advice to defenders and CJA panel attorneys across the nation and has answered common questions that occur in federal criminal cases. This session will provide an overview of the top questions defense attorneys have and provide practical tips in defending noncitizens, including providing defenses to fraud and denaturalization cases.

9:30 – 9:45 a.m.

Break - Grand Foyer

9:45 – 10:45 a.m.

Concurrent Session - 7**1. Drugs & Immigration - Defending Juveniles in Immigration and Drug Cases - Executive Boardroom**

(only time offered)

Tamara Mulembo, Assistant Federal Public Defender, Office of the Federal Public Defender, Tucson, AZ

This session will address the unique problems juvenile defendants face when charged with immigration and drug offenses.

**2. Immigration – Defending Illegal Entry and Re-Entry Cases
(repeat from yesterday)***Edgar Holguin, Assistant Federal Public Defender, Office of the Federal Public Defender, Western District of Texas, El Paso, TX*

With the increased 8 U.S.C. § 1325 and § 1326 cases, attorneys need to be prepared to try these cases. In this session, attendees will receive various trial tactics that could be helpful in defending these cases.

3. Immigration – Impact Litigation, 1325 and 1326 Cases*Kara Hartzler, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc., San Diego, CA**Joseph Camden, Assistant Federal Public Defender, Office of the Federal Public Defender, Richmond, VA*

For the past two days, defenders and panel attorneys have delved into the deep waters of illegal entry and reentry defenses. Where do we go from here? This session will provide creative litigation strategies that are forward-thinking, which defense counsel can immediately use in their cases.

4. **Immigration – Release Me! – Practical Tips from *Zadvydas v. Davis* - Sala Vista**

(repeat from yesterday)

David L. Menninger, Deputy Federal Public Defender, Office of the Federal Public Defender, Los Angeles, CA

Recently, we have seen a greater number of practitioners succeed in obtaining release of clients detained in immigration custody upon the filing of “Zadvydas Petitions.” This session will provide a thorough review of the Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001) and will provide practice tips to participants on how to present compelling arguments to show that the government cannot establish, after the requisite six months, that “removal [will occur] in the foreseeable future” or other “special circumstances.”

10:45 – 11:00 a.m.

Break - Grand Foyer

11:00 a.m. – 12:30 p.m.

**Plenary: Considering Conflicts in Federal Immigration Practice
Incanto Ballroom**

Professor Irene Oritseweyinmi Joe, University of California Davis School of Law, Davis, CA

This session will go over the ethical and professional rules that guide attorneys when representing individuals with certain immigration-related issues that implicate conflicts rules. It will discuss what attorneys should properly consider when the client’s family members or witnesses are undocumented or have legal status that is subject to change. It will also explain how the rules govern client decision-making in situations where the attorney and client disagree on the appropriate path forward. Finally, this session will provide an overview of how attorneys must approach their legal practice when they represent clients in multiple contexts - primarily criminal court and immigration proceedings.

12:30 p.m.

Closing Remarks - Incanto Ballroom

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