



NON-CAPITAL SENTENCING MITIGATION SKILLS WORKSHOP

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

Hilton San Francisco Financial District
750 Kearny Street
San Francisco, CA 94108
November 3-5, 2022

Draft Agenda

Thursday, November 3, 2022

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

8:30 – 9:00 a.m. Welcoming Remarks and Introduction to Workshop
Jodi Linker, *Federal Public Defender for the Northern District of California, San Francisco, CA*
Martha Boersch, *CJA Panel Representative for the Northern District of California, Oakland, CA*
Craig Crawford, *Attorney Advisor, Training Division, Defender Services Office, Washington, DC*

9:00 – 10:00 a.m. PLENARY SESSION: Storytelling: A Framework for Mitigation
Akin Adepoju, *Attorney Advisor, Training Division, Defender Services Office, Washington, DC*
Vickie Piontkowski, *Mitigation Specialist, Insight Mitigation, Pittsburgh, PA*

At sentencing, every client's story matters and how we tell that story can mean the difference between success and failure. This session focuses on effective storytelling techniques and its integration into persuasive sentencing advocacy to unlock compassion, empathy, and mercy.

10:00 – 10:15 a.m. Break

10:15 – 11:15 a.m. PLENARY SESSION: Effective Interviewing for Mitigation

Moderator: Carlos Williams, *Executive Director, Southern Federal Defender Program, Inc., Mobile, AL*

Marcos Barbery, *Mitigation Specialist, Federal Defender Program for the Northern District of Illinois, Chicago, IL*

Dana Harrison, *Mitigation Specialist, Office of the Federal Public Defender for the Eastern District of Arkansas, Little Rock, AR*

How do I uncover and develop the mitigating factors that will allow me to tell the client's story in a persuasive manner? This panel discussion will focus on developing an effective relationship with your client and demonstrating interviewing techniques which will allow you to obtain mitigating information from the client and other key figures in your client's life.

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

11:30 a.m. –

12:30 p.m. PLENARY SESSION: Developing Clients' Trust

LaRonda Martin, *Assistant Federal Defender, Office of the Federal Public Defender for the District of Nevada, Las Vegas, NV*

Who am I representing? How do I distinguish her from the hundreds of other clients the court is sentencing? How do I discover and develop the information necessary to tell my client's mitigation story? This session will discuss critical components of an effective mitigation investigation, including gathering records and interviewing considerations, with a focus on cultural competency concerns.

12:30 – 1:45 p.m. Lunch – On Your Own

1:45 – 4:00 p.m. WORKSHOP SESSION I: Interviewing Skills

Please see grouping list for assignments

Participants will meet with their small group facilitators to practice their interviewing skills using their own cases and playing the part of their respective clients.

4:15 – 5:15 p.m. PLENARY SESSION: Wait Wait . . . Don't (Just) Tell Me. Show Me! The Importance of Sentencing Mitigation Videos

Marcos Barberly, *Mitigation Specialist, Federal Defender Program for the Northern District of Illinois, Chicago, IL*

Good sentencing videos tell an important and powerful story – one that embodies the dynamic potential of human beings to suffer, err, grow, and change. Through the use of visual images, text and sound, sentencing videos present our clients as complex people who care about other people (who care about them too) and are therefore worthy of the sentencing courts' empathy, not just sympathy.

5:15 p.m. Adjourn for the Day

Friday, November 4, 2022

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

8:30 – 9:30 a.m. PLENARY SESSION: Locating and Analyzing Records for Mitigation Evidence

Vickie Piontkowski, *Mitigation Specialist, Insight Mitigation, Pittsburgh, PA*

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. After this session we will break up into small groups to decipher and decode some records from a mock case.

9:45 – 11:45 a.m. WORKSHOP SESSION II: Locating and Analyzing Records

Participants will meet with their small group facilitators to review the types of records and documents that are important to developing mitigation evidence. Participants will identify mitigation themes and potential mental health issues, hypotheses, questions, and brainstorm investigative follow-up tasks.

**11:45 a.m. –
1:00 p.m. Lunch – On Your Own**

1:00 – 2:15 p.m. PLENARY SESSION: Writing the Story: Pen to Paper
Fredilyn Sison, Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of North Carolina, Asheville, NC

This session will present the skills of writing an effective story and how to use persuasive techniques to tell our clients' mitigation stories.

2:15 – 2:30 p.m. Break

2:30 – 5:15 p.m. WORKSHOP SESSION III: Writing Skills

Participants meet with their small group facilitators to write part of a Mitigation Report or Sentencing Memo based on the facts of the case brought by participants.

5:15 p.m. Adjourn for the Day

Saturday, November 5, 2022

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

8:30 – 9:30 a.m. PLENARY SESSION: Developing a Treatment Plan
Vivianne Guevara, Director of Client & Mitigation Services, Federal Defenders of New York, Inc., Brooklyn, NY
Rena' Ross, Investigator, Middle District of Alabama Federal Defenders Program, Inc., Montgomery, AL

This session will focus on the need to include a treatment plan that addresses the underlying issues often associated with criminal behavior and it will explore the development and use of community resources to influence sentencing outcomes. This session will include an example of a formal treatment plan presented to the courts that includes a restorative justice aspect.

9:30 – 9:45 a.m. Break

9:45 – 11:45 a.m. WORKSHOP SESSION IV: Treatment Plans and Sentences that Meet the Needs of the Client

Participants meet with their small group facilitators to fashion appropriate sentence requests and treatment plans that meet the client's identified needs.

11:45 a.m. Closing Remarks and Program Adjournment
Akin Adepoju, Attorney Advisor, Training Division, Defender Services Office, Washington, DC

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