



The Andrea Taylor Sentencing Advocacy Workshop – Virtual Style

**Administrative Office of the U.S. Courts,
Defender Services Office Training Division**

December 11-15, 2023 (Draft Agenda 9/20/2023)

This is the fifth virtual Andrea Taylor Sentencing Advocacy Workshop (SAW). In contrast to the in-person 2½-day program, virtual SAW will be a course that engages participants in multiple ways over the course of five consecutive days, from Monday, December 11 through Friday, December 15, 2023.

This virtual course will use a combination of pre-recorded presentations and live workshop sessions. Each of the recorded presentations will correspond with one or more of the workshop sessions. The recording corresponding to the workshop session must be viewed prior to attending the workshop session. For example, for Day 1, prior to attending the live Workshop Session 1, “Fact-Busting the Case,” on December 11, 2023, participants must view the 60-minute Recording 1, “Fact-Busting the Case.” All recordings will be available to view approximately two weeks prior to the corresponding live workshop session. Instructions for watching the pre-recorded videos and attending the workshop sessions will be provided in advance of the start of this program.

The five live 120-minute workshop sessions will be led by skilled facilitators in small group settings. These sessions will be held from 3:30 – 5:30 PM Eastern Standard Time (EST), on five consecutive days, Monday, December 11 through Friday, December 15, 2023.

As with our traditional in-person workshops, participants will get on their (virtual) feet and practice skills and receive peer feedback. Participants are encouraged to bring their own case to this program.

We have a limited number of spots in this workshop; therefore, we require each participant to commit to timely watching the recorded presentations (total of 7 hours, plus 1 optional hour) and to actively attending all live workshop sessions (total of 10 hours).

Thank you for joining us on our fifth virtual iteration of SAW.

DAY 1: **Recording 1 must be viewed prior to attending Session 1**

60 minutes

RECORDING 1: 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*

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.

Live session

Monday, 12/11

3:30-5:30 PM EST

WORKSHOP SESSION 1: 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.

DAY 2: **Recordings 2 & 3 must be viewed prior to attending Session 2**

60 minutes

RECORDING 2: Getting to Know Your Client & Interviewing for Mitigation

Vickie Piontkowski, *Mitigation Investigator, Pittsburgh, PA*

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.

60 minutes

RECORDING 3: Locating and Analyzing Mitigation Documents

Rena' Ross, *Chief Investigator, Middle District of Alabama Federal Defenders Program, Inc., Montgomery, AL*

This session will provide an overview of the importance of records in developing mitigation evidence. Records are inherently credible because objective, neutral professionals created them 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.

Live session

Tuesday, 12/12

3:30-5:30 PM EST

WORKSHOP SESSION 2: Interviewing for Mitigation/Records Collection

Participants will divide into small breakout groups to practice their mitigation interviewing skills and identify records needed in their cases.

DAY 3: Recordings 4 and 5 must be viewed prior to attending Session 3

60 minutes RECORDING 4: Developing Persuasive Theories and Themes/ Storytelling

Fredilyn Sison, *CJA Panel Attorney, Asheville, NC*

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.

60 minutes RECORDING 5: Persuasive Writing

Fredilyn Sison, *CJA Panel Attorney, Asheville, NC*

This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case.

Live session
Wednesday, 12/13
3:30-5:30 PM EST
WORKSHOP SESSION 3: Theories and Themes/Storytelling & Persuasive Writing

Participants will divide into small breakout groups apply theories, themes, and storytelling techniques to the facts of their own cases.

DAY 4: Continuation of Session 3

Live session
Thursday, 12/14
3:30-5:30 PM EST
WORKSHOP SESSION 4: Theories and Themes/Storytelling & Persuasive Writing

Participants will divide into small breakout groups and apply storytelling and persuasive writing techniques to the facts of their own cases. *Each participant will have written, prior to the beginning of this workshop session, 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 memoranda based on feedback received.

DAY 5: Recordings 6 & 7 must be viewed prior to attending Session 5. Recording 8 is optional.

60 minutes **RECORDING 6: Using More Than Words to Persuade**
Callie Steele, *Deputy Trial Chief, Santa Barbara County Office of the Public Defender, Santa Barbara, CA*

At sentencing, a picture is worth at least a thousand words, and can bring life and emotion to your client’s story. This session will look beyond the written word and examine ways to include powerful and persuasive images into your sentencing presentations.

60 minutes **RECORDING 7: Persuasive Sentencing Hearings**
Tina Hunt, *Assistant Federal Defender, Oklahoma Northern Federal Public Defender, Tulsa, OK*

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. Various techniques will be explored.

60 minutes optional **RECORDING 8: Wait Wait . . . Don’t (Just) Tell Me. Show Me! The Importance of Sentencing Mitigation Videos**
Marcos Barbery, *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.

Live session
Friday, 12/15
3:30-5:30 PM EST **WORKSHOP SESSION 5: Persuasive Sentencing Hearings**
Participants will divide into small breakout groups where they will discuss how each participant anticipates how they will conduct the sentencing hearing in their own case. Participants will also discuss incorporating more than words in their memoranda and hearing presentation. Emphasis will be placed on the ideas developed in Recording 6.