



TRIAL SKILLS WORKSHOP Bail Boot Camp

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

InterContinental Hotel New Orleans
444 St. Charles Avenue, New Orleans, LA 70130

January 25-27, 2024

Agenda

Thursday, January 25, 2024

- 7:30 – 8:30 a.m. **Registration & Continental Breakfast** – *Grand Staircase Foyer & Frenchman Foyer, Floor 2*
- 8:30 – 8:45 a.m. **Welcome and Introduction** – *Melpomene Room, Floor 2*
Frank Draper, *Chief, Training Division, Defender Services Office, Washington, DC*
- 8:45 – 9:45 a.m. **PLENARY SESSION: Bail, Through the Lens of Pre-Trial Services** – *Melpomene Room, Floor 2*
Amaryllis Austin, *Supervisory Probation Officer, United States Probation and Pretrial Services, District of Minnesota, St. Paul, MN*
- Roughly three out of every four federal criminal defendants in the United States are held in pretrial detention, despite a presumption of innocence. Pre-Trial Services play a critical role in the determination of pre-trial release. Understanding their perspectives, methodologies, risk-assessment tools, policies, and concerns, will help us to better advocate for our client's release.
- 9:45 – 10:00 a.m. **Refreshment Break** – *Frenchman Foyer, Floor 2*
- 10:00 – 11:00 a.m. **PLENARY SESSION: Bail and Initial Appearance Lecture** – *Melpomene Room, Floor 2*
Alison Siegler, *Clinical Professor of Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

The bond stage is every bit as important as trial and sentencing and affects every other stage of the case. Yet, key provisions of the Bail Reform Act are routinely misinterpreted or ignored at initial appearances and detention hearings, resulting in the improper detention of our clients. This session will include a thorough discussion of these misconceptions and will provide tools for fighting detention, identifying cases where a detention hearing is not authorized, and obtaining release.

11:00 – 11:15 a.m. Demo of Initial Appearance – *Melpomene Room, Floor 2*

Francisco (“Frank”) Morales, *Senior Litigator, Office of the Federal Public Defender for the Southern District of Texas, Corpus Christi, TX*

11:15 – 11:30 a.m. Break

11:30 a.m. – 12:30 p.m. WORKSHOP SESSION I: Initial Appearance

Group assignments will be posted prior to this session

Participants will meet with their small group facilitators to discuss strategies on how to properly handle initial appearances and role-play with hypotheticals.

12:30 – 1:45 p.m. Lunch (on your own)

1:45 – 3:00 p.m. WORKSHOP SESSION II: Initial Appearance

Participants will meet with their small group facilitators to continue their discussions on strategies on how to properly handle initial appearances and role-play with hypotheticals.

3:00 – 3:15 p.m. Refreshment Break – *Frenchman Foyer, Floor 2*

3:15 – 4:15 p.m. PLENARY SESSION: Interviewing Your Client with an Eye Towards Bail – *Melpomene Room, Floor 2*

Akin Adepoju, *Branch Chief, Training Division, Defender Services Office, Washington, DC*

This session will break down how to conduct pretrial interviews that enable you to craft a compelling bond narrative, will demonstrate how to link your client’s story to the best aspects of the legal standard, and will ensure that you know the Bail Reform Act better than anyone else in the courtroom. This session will also focus on the importance of approaching client interviews with cultural competence and humility.

- 4:15 – 4:30 p.m.** **Demo of Client Interview – *Melpomene Room, Floor 2***
Fredilyn Sison, Moderator, *CJA Panel Attorney, Western District of North Carolina, Asheville, NC*
Jawara Griffin, *Assistant Federal Defender, District of Nevada, Las Vegas, NV*
Susan Lin, *Partner, Kairys, Rudovsky, Messing, Feinberg & Lin, Philadelphia, PA*
- 4:30 p.m.** **Adjourn for the day**

Friday, January 26, 2024

- 7:30 – 8:30 a.m.** **Check-In & Continental Breakfast – *Grand Staircase Foyer & Frenchman Foyer, Floor 2***
- 8:30 – 9:30 a.m.** **PLENARY SESSION: Creating and Supporting a Release Plan – *Melpomene Room, Floor 2***
Jennifer Uyeda, *Visiting Attorney Advisor, Training Division, Defender Services Office, Washington, DC*
- Obtaining pretrial release for our clients is the first and best step toward achieving a good result for our clients. This session will focus on the need to create a release plan that addresses the statutory concerns of public safety and flight as well as the standard conditions of release. The plan will provide specifics on many factors including where our clients will live, with whom, where they will work, and address other treatment and supervision concerns that will demonstrate they will be successful on pretrial release. The session will also provide ideas on how to support clients on pretrial release.
- 9:30 – 9:45 a.m.** **Refreshment Break – *Frenchman Foyer, Floor 2***
- 9:45 – 10:45 a.m.** **WORKSHOP SESSION III: Effective Interviewing**
- Participants will meet with their small group facilitators to practice their interviewing skills by role-playing with mock cases.
- 10:45 – 11:00 a.m.** **Break**
- 11:00 a.m. – 12:00 p.m.** **PLENARY SESSION: Detention Hearing Lecture – *Melpomene Room, Floor 2***
Alison Siegler, *Clinical Professor of Law, Director of the Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*

This session will provide tools for fighting detention, beating the presumptions, filing written bond motions, and obtaining release.

12:00 – 12:15 p.m. Demo of Detention Hearing – *Melpomene Room, Floor 2*

Michael Carter, *Executive Director, Michigan Eastern Community Defender, Detroit, MI*

12:15 – 1:30 p.m. Lunch (on your own)

1:30 – 2:45 p.m. WORKSHOP SESSION IV: Detention Hearing

Participants will meet with their small group facilitators to practice arguments to be made at detention hearings using mock cases.

2:45 – 3:00 p.m. Break

3:00 –4:00 p.m. PLENARY SESSION: No, Really, Noncitizens Are Eligible for Pretrial Release Too – *Melpomene Room, Floor 2*

Jory Burks, *Attorney, Federal Defenders of San Diego, Inc., San Diego, CA*

Daniel Lee, *Attorney, Federal Defenders of San Diego, Inc., San Diego, CA*

Do you waive pretrial release issues when your clients have immigration detainers (also called ICE holds or immigration holds)? Well, you don't have to! This session will provide practical tips on how to obtain bail despite the client's alleged unlawful presence in the United States.

4:00 – 4:15 p.m. Refreshment Break – *Frenchman Foyer, Floor 2*

4:15 – 5:30 p.m. WORKSHOP SESSION V: Detention Hearing

Participants will continue meeting with their small group facilitators to practice arguments to be made at detention hearings, on appeal or reconsideration motions using mock cases.

5:30 p.m. Adjourn for the day

Saturday, January 27, 2024

7:30 – 8:30 a.m. **Check-In & Continental Breakfast – *Grand Staircase Foyer & Frenchman Foyer, Floor 2***

8:30 – 9:30 a.m. **PLENARY SESSION: Don't Take No for an Answer/Many Bites at the Apple – *Melpomene Room, Floor 2***
Andrew Grindrod, Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of Virginia, Norfolk, VA

Dissatisfied with the magistrate judge's bail order? At least two options are available: move for reconsideration or appeal to the district court. The defense (or prosecution) may seek review of the detention (or release) order at any time. This session will layout the process of how to appeal a magistrate judge's detention order, requests for stays, and motions for reconsideration.

9:30 – 9:45 a.m. **Break**

9:45 – 10:45 a.m. **PLENARY SESSION: Ask the Experts – *Melpomene Room, Floor 2***
Moderator: Dennis Candelaria, Assistant Federal Public Defender, Office of the Federal Public Defender for the District of New Mexico, Albuquerque, NM
Ron Small, First Assistant, Office of the Federal Public Defender for the Middle District of Tennessee, Nashville, TN
Susan Lin, Partner, Kairys, Rudovsky, Messing, Feinberg & Lin, Philadelphia, PA
Francisco ("Frank") Morales, Senior Litigator, Office of the Federal Public Defender for the Southern District of Texas, Corpus Christi, TX
Fredilyn Sison, CJA Panel Attorney, Western District of North Carolina, Asheville, NC

How do I address race in a client-centered effective way? How can I use statistics about race to show the disparate impact on my client? What should I look for in the Pretrial Report or in the USAO/court's arguments that are proxies for race and poverty? What's the proper district court to review a federal magistrate judge's detention or release order – the district court in the district of arrest or the district court in the charging district? This diverse panel will discuss issues of race, ethnicity, and gender and answer common nuts and bolts questions, including out-of-district issues (stays, detention despite release), challenging mandatory detention after the change of plea hearing; challenging the government's use of proffer at the hearing or a witness that knows nothing about the case; investigation of sureties; sourcing bail resources; and crimes of violence.

10:45 – 11:00 a.m. Refreshment Break – *Frenchman Foyer, Floor 2*

11:00 a.m. – 12:00 p.m. PLENARY SESSION: Storytelling for Bail: Let My People Go! – *Melpomene Room, Floor 2*
Amy H. Rubin, *Managing Attorney, Federal Defenders of Eastern Washington, Spokane, WA*

Storytelling has always been a part of lawyering, but it has generally assumed an important role at trial and sentencing. This session will provide tips on how to organize and present facts in a way that resonates with the court as we make the case for release.

12:00 p.m. Closing Remarks and Program Adjournment

Additional Small Group Faculty

Myra Cause, *Assistant Federal Defender, Office of the Federal Public Defender, Western District of North Carolina, Charlotte, NC*

Craig Crawford, *Attorney Advisor, Training Division, Defender Services Office, Washington, DC*

Colleen Fitzharris, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of Washington, Seattle, WA*

Sarah Levin, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of Pennsylvania, Pittsburgh, PA*

Judith Miller, *Clinical Professor of Law, Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL*