

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

WINNING STRATEGIES SEMINAR

January 28-30, 2016

Wyndham San Antonio Riverwalk

San Antonio, Texas

Thursday, January 28, 2016

7:30 to 8:30 a.m. Registration & Continental Breakfast - **Texas Foyers**

8:30 to 8:45 a.m. INTRODUCTIONS & WELCOMING REMARKS - **Texas Ballroom B**

Maureen Franco, *Federal Public Defender, Western District of Texas, San Antonio, Texas*

John Convery, *Panel Representative for the Western District of Texas, Hasdorff & Convery, P.C., San Antonio, Texas*

Juval O. Scott, *Attorney Advisor, Defender Services Office Training Division, Washington, DC*

8:50 to 10:05 a.m. **ADDRESSING ISSUES OF RACE WITH THE JURY PANEL**

**Texas Ballroom B**

The Honorable Mark W. Bennett, *United States District Judge, United States District Court for the Northern District of Iowa, Sioux City, Iowa*

Judge Bennett's article "*Unraveling the Gordian Knot of Implicit Bias in Jury Selection: the Problems of Judge-Dominated Voir Dire, the Failed Promise of Batson, and proposed solutions*" offered a new and courageous vision on how to address racial bias with jurors. His frank approach and discussion of the issue with the jury panels in his courtroom is widely admired. In this presentation, Judge Bennett will discuss the importance of addressing implicit bias and the effect it has had on trials in his courtroom.

10:05 to 10:20 a.m. Break - **Texas Foyers**

## 10:20 to 11:20 a.m. Break-Out Sessions

1. **CHALLENGING PATTERN RECOGNITION EVIDENCE - FINGERPRINTS & FIREARM TOOLMARK ANALYSIS (AKA "BALLISTICS") - Texas Ballroom A**

John H. Cunha, Esq., *Cunha & Holcomb, P.C. Boston, Massachusetts*

This session will address how to challenge pattern-recognition evidence/examiners, focusing on attacking the assumptions made by examiners and exposing the lack of a scientific basis when claims of individualization are made. With the findings in two National Academy of Sciences (NAS) Reports, there is now authority to use when attacking such forensics. No longer can we merely accept the notion that examiners can individualize latent fingerprints and markings on bullets/casings by detecting "unique" characteristics, particularly when both are usually damaged and partial. If you cannot exclude it, where there is a lack of standards for identifying and quantifying so-called individualizing characteristics and a lack of statistical bases for declarations of a match, the jury must be taught that these "experts" are wearing the Emperor's new clothes when they subjectively declare "I know it when I see it."

2. **DEFENDING THOSE WHO DEFEND US: CONSIDERATIONS WHEN DEFENDING VETERANS - Executive Salon 1**

Christian Capece, *Federal Defender, Southern District of West Virginia, Charleston, West Virginia*

This session will identify key considerations for counsel representing veterans, particularly wounded veterans suffering from service connected Post Traumatic Stress Disorder and Traumatic Brain Injury. The presenter will provide tips on how to maximize the impact of a client's honorable military service during sentencing. Further, this session will assist counsel unfamiliar with the military to recognize whether their client's record offers a rich bounty of mitigating and extenuating factors, or contains information that could hurt their client if not handled with care.

3. **THE ART OF EFFECTIVE PERSUASION IN THE COURTROOM  
Executive Salon 3**

Harry Zimmerman, *Law Office of Harry Zimmerman, Albuquerque, New Mexico*

This small interactive workshop will show how use of voice, use of body (by lawyer, by witness, judge, or juror), and using improvisational skills--allow the lawyer to move around the courtroom with greater comfort, gain a

psychological advantage on the opponent, and become a more persuasive advocate in presentation. (Limited to 20 attendees)

4. **SEARCH AND SEIZURE IN THE ROBERTS' COURT**

**Texas Ballroom B**

Rene Valladares, *Federal Public Defender, District of Nevada, Las Vegas, Nevada*

This session will look at the key Fourth Amendment cases decided by the Roberts' Court in its ten year tenure. During this time, the Roberts' Court has radically changed whole areas of search and seizure law. While many of these changes have weakened the exclusionary rule, others have given us new avenues to challenge searches and seizures. We will discuss the good and the bad cases focusing on how to minimize the impact of the negative ones and how to maximize the opportunities presented by the positive ones.

5. **WHERE'S THE JUSTICE: YOU'RE CLIENT'S "ILLEGAL," HE WAS STOPPED ILLEGALLY BY BORDER PATROL, YET THERE'S NO LEGAL REMEDY? Executive Salon 4**

Selena Solis, *Assistant Federal Defender, Western District of Texas, El Paso, Texas*

Undocumented clients are being stopped by U.S. Border Patrol in the United States. District courts have often found these stops unconstitutional. However, because of *INS v. Lopez-Mendoza*, a 1984 U.S. Supreme Court case, some circuits have held that identity-related evidence such as statements, fingerprints, and photographs cannot be suppressed even if the seizure was illegal. In other words, there is no legal remedy in these cases. This session will review the current circuit law on this issue as well as discuss the legal issues and arguments that are ripe for review to pave the way path for a just legal remedy for these particular clients.

**11:20 to 11:35 a.m. Break**

11:35 a.m.  
to 12:35 p.m.

## Break-Out Sessions

1. **GETTING YOUR CLIENT THE LOWEST SENTENCE POSSIBLE**

**Executive Salon 4**

Amy Baron-Evans, *Sentencing Resource Counsel, Boston, Massachusetts*

Learn about pending legislation, new DOJ policies, recent Sentencing Commission reports, new guideline amendments, and the latest policy research, and how to use them to get the lowest sentence possible.

2. **DEFENDING THOSE WHO DEFEND US: CONSIDERATIONS WHEN DEFENDING VETERANS - Executive Salon 1**

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3. **TRYING CHILD PORNOGRAPHY CASES - Executive Salon 3**

David Bungard, *First Assistant Federal Public Defender, Southern District of West Virginia, Charleston, West Virginia*

This session will suggest various pretrial measures for attorneys to take when faced with the prospect of going to trial. The presentation will also discuss evaluation of the strengths and weaknesses of the forensic evidence in the case and the approaches for handling the cross-examination of the Government's forensic expert.

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12:35 to 1:45 p **Lunch**

1:45 to 2:45 p.m. **Plenary: LITIGATING DRUG CASES IN AN ERA OF FEDERAL REFORM Texas Ballroom B**

*Erica Zunkel, Assistant Clinical Professor and Associate Director of the Federal Justice Clinic, University of Chicago Law School, Chicago, Illinois*

Drug cases comprise a large portion of our caseload, totaling approximately 31% of federal prosecutions in 2014. The harsh laws and Guidelines governing federal drug sentencing were put into place in the late 1980s and early 1990s and have been widely criticized by the federal defender and CJA community. In recent years, the frustration with the laws and Guidelines has caught fire in the political mainstream and reform is afoot. This session will explore new developments and reforms and how we can best take advantage of them to help our clients.

2:45 to 3:00 p.m. **Break - Texas Foyers**

**3:00 to 4:00 p.m. WINNING YOUR CASE THROUGH MOTIONS Texas Ballroom B**

Kevin Tate, *Assistant Federal Defender, Charlotte, North Carolina*

This session focuses on the type of pretrial motions, primarily in drug offenses and white collar/fraud cases, that defense counsel should consider filing, as well as, discussion on how to effectively investigate and litigate those motions pretrial.

**4:00 to 4:15 p.m. Break**

**4:15 to 5:15 p.m. Break-Out Sessions**

**1. THE “MY CLIENT IS A PIMP, NOT A SEX TRAFFICKER” DEFENSE: SOCIO-LEGAL CHALLENGES - Texas Ballroom A**

Kathleen Williamson, J.D., Ph.D., LL.M., *Law Office of Williamson and Young, P.C., Tucson, Arizona*

This breakout session will provide a cursory overview of defending Sex Trafficking cases. Such cases involve a terrain fraught with many extremely complex legal and deeply embedded cultural, social, and racial biases alongside sentences that often exceed those of homicides. This is a relatively new, increasing, and selective prosecution “war,” and this session will warn of the expensive and time consuming pitfalls of defending these cases. We will discuss the changing law and strategies dealing with issues of selective prosecution/enforcement, racial and cultural biases, electronic discovery, spoliation and forensics, Daubert challenges, objections to government uses of FRE 404(b) and 412, typical Government strategies with cooperating codefendants (so called “bottoms”) and alleged victims, the sociological, economic, and anthropological expert testimony, some jurisdictional and vagueness issues, the history of the Sex Trafficking laws and government media campaigns, voir dire and jury instructions, sentencing and SORNA issues, and plea negotiations. There will also be a discussion for CJA panel about the need for ample time for complex investigation, motion practice and trial preparation as well as obtaining sufficient funding for your work, staff, resources, and experts. A bibliography including jurisprudential, social science and history articles will be provided with materials.

2. **THE ART OF EFFECTIVE PERSUASION IN THE COURTROOM**

**Executive Salon 3**

Harry Zimmerman, *Law Office of Harry Zimmerman, Albuquerque, New Mexico*

This small interactive workshop will show how use of voice, use of body (by lawyer, by witness, judge, or juror), and using improvisational skills--allow the lawyer to move around the courtroom with greater comfort, gain a psychological advantage on the opponent, and become a more persuasive advocate in presentation. (Limited to 20 attendees)

3. **HOW TO LOSE AN APPEAL BEFORE EVEN FILING: TOP 10 WAYS TO DESTROY THE APPELLATE RECORD (Does Not Repeat) -**

**Executive Salon 1**

Donna Coltharp, *First Assistant Federal Public Defender, Western District of Texas, San Antonio, Texas*

The best case for appeal has not got a chance if the record is not preserved. Not only are there technical requirements, but care must be taken to ensure that the record will allow for a persuasive presentation to the court of appeals. This session will cover the key legal requirements for preserving an appeal as well as practical tips for maximizing the persuasive value of an appellate record.

4. **WHERE'S THE JUSTICE: YOU'RE CLIENT'S "ILLEGAL," HE WAS STOPPED ILLEGALLY BY BORDER PATROL, YET THERE'S NO LEGAL REMEDY? Executive Salon 4**

Selena Solis, *Assistant Federal Defender, Western District of Texas, El Paso, Texas*

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5. **ATTACKING DRUG CONSPIRACIES - Texas Ballroom B**

Kenneth Riggins, *Law Office of Kenneth L. Riggins, Indianapolis, Indiana*

This session will discuss a comprehensive plan for attacking drug conspiracies, including when the government adds the sentencing enhancement for causing death. The program will provide analysis, along with pretrial and trial motions to consider when defending clients charged in drug conspiracies. It will further discuss pooling resources among defendants for common issues, and how to file those motions during trial without losing too much sleep. It will cover cross examining a cooperating witness to define your client's involvement in the conspiracy and how it impacts your client's role in the conspiracy.

**5:15 p.m. Adjournment**

**Friday, January 29, 2016**

**7:30 to 8:30 a.m. Continental Breakfast - Texas Foyers**

**8:30 to 9:30 a.m. SUPREME COURT UPDATE - Texas Ballroom B**

Paul Rashkind, *Supervisory Assistant Federal Public Defender and Chief of the Appellate Division of the Federal Public Defender, Southern District of Florida, Miami, Florida*

This session provides an update on recent Supreme Court decisions affecting federal criminal practice, and reviews issues currently under consideration.

**9:35 to 10:35 a.m. JIU JITSU, JOHNSON, AND HOW TO MAXIMIZE THE DESTRUCTION OF THE RESIDUAL CLAUSE - Texas Ballroom B**

Kirk Redmond, *First Assistant Federal Public Defender, District of Kansas, Topeka, Kansas*

Residual clause precedent is the junk drawer of crimes of violence litigation. Now that *Johnson* has ripped away the government's favorite hidey-hole for characterizing crimes as violent, how do we best take advantage?

**10:35 to 10:50 a.m. Break- Texas Foyers**

**10:50 to 11:50 a.m. Break-Out Sessions**

**1. LOSS CALCULATIONS IN FRAUD AND WHITE COLLAR CASES - Texas Ballroom B**

Kevin Tate, *Assistant Federal Defender, Western District of North Carolina, Charlotte, North Carolina*

Few sentencing issues can be more complex than getting to the bottom of what your client needs to own up to when loss comes to town. Loss drives the Guidelines and can chain your client to restitution for decades to come. Learn the tricks, pitfalls and danger zones when battling Probation, United States Attorneys and the Court's calculations.

2. **PRACTICAL TIPS IF YOUR CLIENT FACES INCARCERATION IN A FEDERAL PRISON - Texas Ballroom A**

David Merchant, *Assistant Federal Defender, Federal Defenders of Montana, Billings, Montana*

This session will provide practical tips if your client faces federal imprisonment. It will include factors to consider for your client to obtain a federal sentence at the least restrictive possible facility and receive the earliest feasible release date.

3. **TRYING CHILD PORNOGRAPHY CASES - Executive Salon 1**

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This session will suggest various pretrial measures for attorneys to take when faced with the prospect of going to trial. The presentation will also discuss evaluation of the strengths and weaknesses of the forensic evidence in the case and the approaches for handling the cross-examination of the Government's forensic expert.

4. **CONDITIONALLY SPEAKING: CHALLENGING STANDARD AND SPECIAL CONDITIONS OF SUPERVISED RELEASE**

**Executive Salon 4**

Johanna Christiansen, *Assistant Federal Defender, Central District of Illinois, Peoria, Illinois*

Although mandatory in fewer than half of cases, most defendants convicted in federal court will receive terms of supervised release in addition to their sentences of imprisonment. The conditions of supervised release imposed at sentencing will have a tremendous impact on the defendant's life after release from imprisonment but most are vague, overly broad, ambiguous, and unnecessary. This session will demonstrate how to successfully challenge both standard and special conditions of supervised release in the district court and on appeal.

5. **CURRENT ILLEGAL REENTRY DEFENSE STRATEGIES: THAWING THE ICE-STORM - Executive Salon 5**

Raul Ayala, *Visiting Attorney Advisor, Defender Services Office Training Division, Assistant Federal Defender, Central District of California, Los Angeles, California*

Donna Coltharp, *First Assistant Federal Public Defender, Western District of Texas, San Antonio, Texas*

The prosecution of the reentry of deported aliens (Title 8 U.S.C. Section 1326) has been second only to drug offenses in all federal criminal charges for the past several years. In Fiscal Year 2014, for example, the United States Sentencing Commission reported that 29.3% of all federal criminal cases were immigration-related, or more than 22,000 cases. Section 1326(d) limits the collateral attack on underlying deportation orders unless the defendant can show that all administrative remedies have been exhausted, the deportation proceedings deprived the alien the opportunity for judicial review, and that the entry of the order was fundamentally unfair. This session will review the elements of the offense, outline diligent trial preparation and discovery strategies, and examine current examples of effective 1326(d) challenges to prior deportation orders that have led to dismissal of charges or other favorable outcomes for the non-citizen defendant.

6. **THE ART OF INTERVIEWING FOR MITIGATION  
Executive Salon 2**

Jim Tibensky, *Non-Capital Mitigation Specialist, Illinois Federal Defender Program, Inc., Chicago, Illinois (Ret.)*

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

11:50 a.m.  
to 1:00 p.m.

**Lunch**

1:00 to 2:00 p.m.

**GUARDING MIRANDA AND WAIVERS RANCHEROS: CULTURAL CONSIDERATIONS IN THE SUPPRESSION OF CONFESSIONS**

**Texas Ballroom B**

Francisco Morales, *Assistant Federal Defender, Southern District of Texas, Corpus Christi, Texas*

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.

2:00 to 2:10 p.m. **Break - Texas Foyers**

2:10 to 3:10 p.m. **Break-Out Sessions**

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2. **NOT QUITE A GET OUT OF JAIL FREE CARD, BUT: INSIDER TIPS ON ALLOCATION AND OTHER SENTENCING ISSUES**

**Texas Ballroom B**

The Honorable Mark W. Bennett, *United States District Judge, United States District Court for the Northern District of Iowa, Sioux City, Iowa*

Judge Bennett has written extensively on allocution—as the first federal judge to write for a national magazine (The Champion) and the first to publish an empirical study (University of Alabama L. Rev.), along with Professor Ira Robins, on federal judges' views and practices with regard to allocution. His presentation will discuss what factors and strategies actually help and hurt defendants in their allocutions. Judge Bennett has sentenced more than 4000 defendants in four different districts spanning the Northern District of Iowa to the District of the Northern Mariana Islands.

3. **GETTING YOUR CLIENT THE LOWEST SENTENCE POSSIBLE**

**Executive Salon 4**

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Learn about pending legislation, new DOJ policies, recent Sentencing Commission reports, new guideline amendments, and the latest policy research, and how to use them to get the lowest sentence possible.

4. **10 THINGS YOU SHOULD KNOW ABOUT GUN CASES, BUT MIGHT NOT - Executive Salon 1**

Craig Albee, *Senior Litigator, Eastern District of Wisconsin, Milwaukee, Wisconsin*

The government is filing firearms cases by the dozens, and as litigators we need an arsenal of our own weapons to successfully defend our clients. This session focuses on ten things every attorney should know about firearms cases so they are properly armed to mount a defense.

5. **ATTACKING DRUG CONSPIRACIES - Executive Salon 3**

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3:20 to 4:20 p.m. **Break-Out Sessions**

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**4:20 to 4:30 p.m. Break**

**4:30 to 5:30 p.m. THE HARD CELL: FOURTH AMENDMENT IN THE 21<sup>ST</sup> CENTURY  
Texas Ballroom B**

Madeline Larsen, *Investigator, Northern District of California, Oakland, California*

Ellen Leonida, *Assistant Federal Public Defender, Northern District of California, San Francisco, California*

In *Riley v. California* and *United States v. Jones*, the Supreme Court grappled with applying Fourth Amendment privacy protections to a digital age. At a time when most people have a tracking device with them all day, every day, courts are struggling to define the limits of the government’s ability to access the location information cell phones provide. This session will discuss the current state of Fourth Amendment law regarding government access to cell site location information, as well as litigation strategies.

**5:30 p.m. Adjournment**

**Saturday, January 30, 2016**

**7:30 to 8:30 a.m. Continental Breakfast - Texas Foyers**

**8:30 to 9:30 a.m. RESOURCES FOR CJA PANEL ATTORNEYS - Texas Ballroom B**

John H. Cunha, Esq., *Cunha & Holcomb, P.C. Boston, Massachusetts*

Lori A. Green, *Chief, Defender Services Office, Training Division, Washington, D.C.*

The CJA Guidelines specify how panel attorneys obtain funding for expert services and other resources to defend their clients in appointed criminal

cases. This panel will help you make sense of it all. Learn some new ideas and tips on how to obtain technical and litigation support funding and the best ways to use those funds. The panel will also explore potential roles of investigators, mitigation specialists and other experts, as well as resource available through [www.fd.org](http://www.fd.org) and the Defender Services Office Training Division. Questions welcomed.

**9:30 to 9:40 a.m. Break - Texas Foyers**

**9:40 to 10:40 a.m. A TO Z INTERNET SEARCHING FOR THE DEFENSE ATTORNEY - NO SEARCH ENGINE WILL BE HARMED DURING THIS LECTURE**

**Texas Ballroom B**

Jonathan Lyon, *Chicago, Illinois*

While most of us can find basic information online, this session will go beyond the basics and provide immediately useful sites for your cases. Within the framework of the alphabet and a site per letter, we will get your case in a better place just by you walking into the room. Buckle your seatbelt, launch your favorite browsers, and have your pens ready for these hidden gems on the net.

**10:45 to 11:45 a.m. ASSISTANCE OF COUNSEL: ETHICS AND THE SIXTH AMENDMENT - Texas Ballroom B**

Melody Brannon, *Federal Public Defender, District of Kansas, Topeka, Kansas*

A tension exists between *Gideon* and *Faretta*. The “guiding hand of counsel” is, at times, at odds with our clients’ autonomous right to “personally . . . make his defense.” These differing and sometimes discordant perspectives require us to mark boundaries in the attorney/client relationship. Who makes the critical decisions? Who controls the defense? These decisions are often polarizing, charged with emotion, and clouded by an unpredictable judicial system. As attorneys, even with our clients’ best interest at heart, we sometimes slip from the role of legal counsel into that of an overly paternalistic guardian. Here we discuss the ethics of decision-making—the difference between what we can do ethically and what we should do to respect our clients’ autonomy.

**11:45 a.m. to noon Closing Remarks**

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

***FUNDAMENTALS OF FEDERAL CRIMINAL DEFENSE***

**January 28, 2016**

**Wyndham San Antonio Riverwalk**

**San Antonio, Texas**

**EXECUTIVE SALON 2**

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**8:30 to 8:45 a.m. INTRODUCTIONS & WELCOMING REMARKS**

*Lori A. Green, Chief, Defender Services Office, Training Division,  
Washington, D.C.*

**8:45 to 10:00 a.m. THE ESSENTIAL ROLE OF INVESTIGATION IN CJA  
CASES**

*Lori A. Green, Chief, Defender Services Office, Training Division,  
Washington, D.C.*

*Jim Tibensky, Non-Capital Mitigation Specialist (Ret.), Northern  
District of Illinois, Chicago, Illinois*

As cases continue to grow complex with more discovery and information regarding the guilt phase as well as the sentencing phase, the services of a trained and dedicated investigator can be invaluable. Hear from a long time indigent defense investigator about the road map towards a successful investigation in all phases of a CJA case. An attorney will join the discussion of how the investigator can assist throughout the life cycle of a case, including quickly locating and interviewing witnesses, obtaining information from digital and paper records and seeking out information that can be important factors for the court to consider at sentencing. The discussion will include information about how to obtain funding for investigative and other expert services.

**10:00 to 10:10 a.m. Break - Texas Foyers**

**10:10 to 11:10 a.m. THE BAIL REFORM ACT**

*Francisco Morales, Assistant Federal Defender, Southern District of  
Texas, Corpus Christi, Texas*

Your performance at the bail hearing will be your first strut for your client. Win or lose, your ability to fight goes a long way. In this session, you will learn to maximize your chances of getting your client released on bond under the Bail Reform Act. This session will address pretrial interviews, third party custodians, favorable witnesses, good pre-discovery discovery, ethics issues, the detention hearing, the appeal of a detention order, and release pending appeal.

**11:10 to 11:20 a.m. Break**

**11:20 a.m. to 12:35 p.m. [PRETRIAL MOTIONS: STUFF TO KNOW TO GET THE DISCOVERY YOU NEED](#)**

Michael Kennedy, *Chief Assistant Federal Defender, Nevada Federal Public Defender, Reno, Nevada*

David Anthony, *Assistant Federal Defender, Nevada Federal Public Defender, Las Vegas, Nevada*

Tired of simply begging the federal prosecutor for the discovery and materials you need? This session will explore the advantages to taking a proactive, rather than a passive, approach to using multiple pretrial motions in combination with third party subpoenas to get more of the discovery and evidence you need. Learn from the combined perspective of a trial lawyer and a death penalty post-conviction attorney about other avenues, in addition to Rule 16, to obtain discoverable evidence that might be helpful if considered while mounting a defense to any federal criminal prosecution.

**12:35 to 1:45 p.m. Lunch**

**1:45 to 2:45 p.m. [GETTING THE MOST OUT OF PLEA AGREEMENTS, COOPERATION, AND NAVIGATING THE DANGERS OF A PROFFER](#)**

Callie Glanton Steele, *Senior Litigator, California Central Federal Public Defender, Los Angeles, California*

With an overwhelming percentage of clients entering pleas, this session will take a hard look at how to get the most out of deals with the government. Additionally, like it or not, many of our clients intelligently decide cooperation is in their best interests. Unfortunately, proffer sessions can quickly devolve into train

wrecks with clients getting no benefit and all the added risk we lose sleep over. This session explores common benefits and dangers associated with cooperation while addressing the many land mines just waiting for your client in the proffer room.

**2:45 to 3:00 p.m. Break - Texas Foyers**

**3:00 to 4:00 p.m. INTRODUCTION TO THE FEDERAL SENTENCING GUIDELINES**

Stephen Marley, *Attorney Advisor, Defender Services Office, Training Division, Washington, D.C.*

This uncomplicated session will cover the basics of applying the federal sentencing guidelines. Offense conduct, drug amount calculations, criminal history, and safety valve criteria are some of the topics included in this presentation. All federal criminal defense practitioners are invited to participate, but depending on one's individual level of federal experience, this session may be rudimentary.

**4:00 to 4:15 p.m. Break**

**4:15 to 5:15 p.m. SENTENCING 201 - SENTENCING SCENARIOS**

Stephen Marley, *Attorney Advisor, Defender Services Office, Training Division, Washington, D.C.*

Current federal criminal law requires sentencing courts to properly calculate a client's advisory guideline range, and to evaluate various other considerations before imposing judgement. As a result, practitioners need to maintain expertise in this critical aspect of federal criminal defense. This session will cover applications of the advisory guidelines previously discussed in Introduction to the Federal Sentencing Guidelines, and it will look at common issues involving them by working through sample sentencing scenarios.

**5:15 p.m. Adjournment**