

# THE PUBLIC DEFENDER SERVICE

*for the District of Columbia*



CHAMPIONS OF LIBERTY

**2008  
PUBLIC DEFENDER SERVICE  
FOR THE DISTRICT OF COLUMBIA  
CRIMINAL DEFENDER TRAINING PROGRAM  
SUMMER SERIES**

**JUNE – JULY 2008  
Moot Court Room  
(Courtyard Side)  
601 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20004  
(202) 628-1200**

**2008**  
**PUBLIC DEFENDER SERVICE**  
**CRIMINAL DEFENDER TRAINING PROGRAM**  
**SUMMER SERIES**

**COURSE DESCRIPTIONS**

**NAVIGATING THE MURKY WATERS OF BOP: ADVOCATING FOR THE BEST POSSIBLE BOP PLACEMENT AND DESIGNATION FOR YOUR CLIENTS**

**Presenters:** Brian Roberts, Coordinator, Institutional Services Program  
Almo Carter, Staff Attorney, Community Defender Division  
EJ Hurst II, Attorney at Law

**Materials:** [Now Available](#)

**THURSDAY, JUNE 5, 2008**  
**5:30 – 8:30 p.m.**

The PDS Institutional Services Program will host this session to give D.C. Superior Court attorneys a greater understanding of Federal Bureau of Prisons (BOP) policies and procedures. The program will answer frequently asked questions on topics such as classification of D.C. Code offenders, BOP treatment of judicial recommendations, BOP self-surrenders, and how the information in the Pre-Sentence Report affects a client's future status in BOP.

**INTERROGATIONS OF A DANGEROUS KIND: AN EXAMINATION OF POLICE PSYCHOLOGICAL TACTICS**

**Presenters:** Santha Sonenberg, Supervising Attorney, Trial Division  
Parisa Dehghani-Tafti, Staff Attorney, Special Litigation Division  
Scott Grant, Forensic Fellow, Special Litigation Division

**Materials:** [Now Available](#)

**TUESDAY, JUNE 10, 2008**  
**5:30 – 8:30 p.m.**

No two interrogations are the same. However, most play on the psychological weaknesses of the client. In this session we will move beyond the coercive interrogation tactics set forth in *Miranda* and discuss the actual interrogation techniques used by police, how these techniques lead to false or coerced confessions, and the personal characteristics that might make your client more susceptible to coercion, with a focus on issues affecting juvenile clients. The session will also help show you how to turn your knowledge of the interrogation process into a boon for your client – from proper investigation of a confession case through convincing a judge to suppress or a jury to discount your client's confession.

## SEXUAL ASSAULT CASES IN THE AGE OF THE WALSH ACT AND CIVIL COMMITMENT

**Presenters:** Renee Raymond, Training Director, Trial Division  
Rashida Ogletree, Staff Attorney, Special Litigation Division  
Brian Roberts, Coordinator, Institutional Services Program

**Materials:** [Now Available](#)

**THURSDAY, JUNE 12, 2008**  
**5:30 – 8:30 p.m.**

The Adam Walsh Act is coming to D.C. Do you know what this will mean for your clients, those both currently facing criminal charges *and* those who are serving time for such offenses? We will show you how to determine if your client is eligible for civil commitment under the Walsh Act. We will also teach you how to advise and protect your clients pre-disposition in the age of the Walsh Act. Specific attention will be paid to advising and protecting clients who are currently incarcerated on covered offenses. We will conclude with an update on the challenges to the constitutionality of the Walsh Act civil commitment provisions. Don't miss this crucial and highly informative session.

### SIXTH ANNUAL FORENSIC SCIENCE CONFERENCE

**Bullet Proof?: Firearm Forensics from Fingerprints to Toolmark Identifications**  
Friday, June 13, and Saturday, June 14, 2008

Firearms and the District of Columbia are at the center of a national debate this year with the Supreme Court taking aim at the question of whether an individual even has the right to possess a gun in the case of *Parker v. District of Columbia*. But, right or no right, and ban or no ban, firearms and evidence connected to firearms have long been and will continue to be issues at the center of many of our criminal cases.

Questions abound: Were fingerprints recovered on that gun allegedly found in the car or near our client? What method was used to recover fingerprints? Were the prints of "value"? Is it possible to exclude the client from any prints left behind, even those deemed to be of "no value"? How about recovering DNA from a gun? How about gun powder residue, or lack thereof, from the hands of someone who allegedly just fired a gun? What does stippling on the clothing or around the gunshot wound mean? Can a toolmark examiner look at a bullet or shell casing and determine which gun it was shot from to the exclusion of all other guns in the world? How do crime scene re-constructionists assist in piecing together the events of a shooting? Is Shot Spotter technology, now in full force in the District of Columbia, the wave of the future in gun cases? All of these questions and more will be explored at this year's conference.

We will kick off the conference with a Friday night cocktail reception hosted at PDS and sponsored by Arnold & Porter LLP. The format for Friday will be informal where we will discuss firearm basics like common guns, how they work and what ammunition markings may

be left behind by the guns on that evidence left at the scene (or, unfortunately, maybe, in someone). Saturday will be a full-day event, hosted at the Kellogg Conference Center at Gallaudet University, devoted to answering all the above questions and more.

A final itinerary will be sent to registered attendees. For those interested in DC and other jurisdictions' CLE credits, we will provide Certificates of Attendance on the day of the conference for your convenience. Registration is limited to 120 participants. Please register as soon as possible to guarantee your space. **RSVP by May 30, 2008, by sending an email to Nell G. Hidalgo, at [nhidalgo@pdsdc.org](mailto:nhidalgo@pdsdc.org).** In your registration email, please include, where applicable, your name, firm name, mailing address, email address, telephone number, fax number, and D.C. Bar number.

### **CREATIVE STRATEGIES FOR LITIGATING JUVENILE BENCH TRIALS: MAKING LEMONADE OUT OF LEMONS**

**Presenters:** Kristin Henning, Associate Professor of Law, Deputy Director,  
Juvenile Justice Clinic, Georgetown University Law Center  
Matthew Mazur, Staff Attorney, Trial Division

**Materials:** [Now Available](#)

**TUESDAY, JUNE 17, 2008  
5:30 – 8:30 p.m.**

This session will focus on strategies for litigating bench trials in juvenile court. Presenters will talk about techniques to minimize the special challenges presented in a bench trial and to take advantage of the role of judge as fact-finder. Participants will be encouraged to share creative strategies they have used in bench trials as well.

### **MOVE IT, MOVE IT, MOVE IT: EVIDENCE BLOCKING, COUNT KNOCKING, AND ACCUSATION SOCKING FOR FUN AND PROFIT**

**Presenters:** Larry Kupers, Supervising Attorney, Trial Division  
Cortney Lollar, Staff Attorney, Trial Division

**Materials:** *Electronic Materials Available to Session Participants Only*

**THURSDAY, JUNE 19, 2008  
5:30 – 8:30 p.m.**

This presentation will discuss several types of pretrial motions, suggesting when and how these motions might profitably be filed, and spelling out the role of such motion in an overall defense strategy. Among the types of motions to be discussed are: motion for a bill of particulars, motion for severance of counts or defendants, *Gregory* motion, motion to suppress tangible evidence, motion to suppress statements, and a host of other intriguing motions.

## **BEST PRACTICES FOR PRESERVING THE RECORD**

**Presenters:** Jonathan Anderson, Staff Attorney, Appellate Division  
Jaclyn Frankfurt, Lead Attorney, Appellate Division  
Eric Klein, Staff Attorney, Trial Division

**Materials:** [Now Available](#)

**TUESDAY, JUNE 24, 2008**  
**5:30 – 8:30 p.m.**

Plain error? Non-constitutional *Kotteakos* error? Constitutional error? The standard of review on appeal can make all the difference for chances of reversal. That standard depends completely on what you do and say as the trial lawyer to preserve the error and apprise the trial judge of the issue. Come find out the magic words you need to say to make your best record so that you can either (1) convince the trial judge to rule as you want or (2) make a record so that the Court of Appeals is more likely to give you a second shot.

## **THE RIGHT TO AN IMPARTIAL JURY: JURY SELECTION IN SUPERIOR COURT**

**Presenters:** Jason Tulley, Supervising Attorney, Trial Division  
Nina Chernoff, Staff Attorney, Special Litigation Division

**Materials:** *Materials Available to Session Participants Only*

**THURSDAY, JUNE 26, 2008**  
**5:30 – 8:30 p.m.**

This session will examine the operation of the District's jury selection system and what problems may prevent it from producing jury venires that represent a fair cross section of the community. We will also discuss the basics of raising a fair cross section challenge as well as using a written questionnaire during voir dire.

## **REDISCOVERING DISCOVERY: MAKING THE RULES WORK FOR YOU AND YOUR CLIENT**

**Presenters:** Vida Johnson, Staff Attorney, Trial Division  
Eugene Ohm, Staff Attorney, Trial Division  
Larry Kupers, Supervising Attorney, Trial Division

**Materials:** *Electronic Materials Available to Session Participants Only*

**TUESDAY, JULY 8, 2008**  
**5:30 – 8:30 p.m.**

In a jurisdiction where discovery is limited, familiarity with the discovery rules is paramount to successfully defending clients. We've all written a pro forma *Rosser* letter, but how do we more effectively and creatively use discovery in our cases? Come to this session and learn how to

look at Rule 16 with new eyes and take a more proactive approach in confronting the government over discovery issues.

## **EFFECTIVE STRATEGIES FOR A WINNING CLOSING ARGUMENT**

**Presenters:** **Renee Raymond, Training Director, Trial Division**

**Materials:** [Now Available](#)

**THURSDAY, JULY 10, 2008**

**5:30 – 8:30 p.m.**

Worried about keeping the jury interested in your case until the end? Then join us for a session with an experienced practitioner who will share her expertise in closing arguments. This session will help you craft closings that will keep the jury engaged, focused, and interested in your theory of the case. We will discuss themes, content, and organization of the closing statement, as well as tricks of the trade in giving the best performance you can. Prepare to leave this session with new insight on delivering your closing arguments. And bring your own ideas and questions to share.

## **HOW TO CROSS EXAMINE AND WIN...THE DO'S AND DON'TS OF CROSS EXAMINATION!**

**Presenters:** **Heather Pinckney, Deputy Chief, Trial Division**

**Brandi Harden, Supervising Attorney, Trial Division**

**Materials:** [Now Available](#)

**TUESDAY, JULY 15, 2008**

**5:30 – 8:30 p.m.**

Cross examination is a defense attorney's best tool during trial. Please come out and join us for an "on your feet" session, where mock cross examinations will be performed by volunteer participants. This session will show you how to insert favorable facts, develop persuasive theories, and undermine the opponent's theory all through cross examination. This is an evening that you won't want to miss!

**HAVING TROUBLE FINDING AN INVESTIGATOR? GO TO WWW.CJADC.ORG –  
CONNECTING ATTORNEYS WITH INVESTIGATORS**

**Investigators are encouraged to attend**

**Presenters:** Brendan Wells, Deputy Chief, Investigations Division  
Alvin Brown, Chief Information Officer

**Materials:** [Now Available](#)

**THURSDAY, JULY 17, 2008  
5:30 – 8:30 p.m.**

The CJA attorney/investigator website will provide a dynamic, interactive method for CJA panel attorneys to select an appropriate certified CJA investigator to investigate their case. The website will allow the CJA attorney to post a case in need of investigation. Certified CJA investigators will have the opportunity to apply to work on the posted case. The attorney will be able to review all prospective investigator resumes, a list of attorneys the investigators have worked with in the past, prior feedback on cases completed, and other appropriate information the investigator wishes to submit to show his or her credentials. This process will allow the panel attorney to make an informed hiring decision in completing the investigation for his or her case. Please join us for the unveiling of this fantastic system.

**WINNING FROM THE BEGINNING: IN SEARCH OF REASONABLE DOUBT IN THE  
OPENING STATEMENT**

**Presenters:** Michael Satin, Supervising Attorney, Trial Division  
Maribeth Raffinan, Supervising Attorney, Trial Division

**Materials:** *No Materials will be posted for this Session*

**TUESDAY, JULY 22, 2008  
5:30 – 8:30 p.m.**

Many jurors say that they make up their minds by the end of opening statements. In this session, we will teach you how to ensure that they're thinking "not guilty" before the government calls its first witness. We will discuss techniques to convey the theory and theme, ways to highlight the good facts and take on the bad ones, and strategies for responding to the government's opening. We will discuss legal issues and objections that affect openings. Finally, we will talk about different approaches for different kinds of cases (e.g., self-defense, fabrication, misidentification, and so forth).

## **IN DEFENSE OF THEORY: PREPARE THE END GAME FIRST**

**Presenters:** Arthur Ago, Supervising Attorney, Trial Division  
J. Christopher McKee, Special Counsel to the Director  
**Materials:** *No Materials will be posted for this Session*

**THURSDAY, JULY 24, 2008**  
**5:30 – 8:30 p.m.**

Before we write a single cross examination question, before we formulate a single sentence of our opening, before we decide what evidence we are going to seek to admit, we always begin with one burning question: What is our theory of the case? Although it is the one question common to every trial, it is frequently the hardest one to answer. Should we allege that the police are mistaken, or that they planted the evidence? Should we argue that our client was innocently present, mistakenly identified, or acted in self-defense? The defense theory is the foundation of the case and informs every aspect of the trial. This session will explore the development of a defense theory, from incorporating bad facts into our theory to using cross examinations to advance it.

## **APPELLATE COURT ROUND-UP: RECENT DEVELOPMENTS IN THE DCCA AND SUPREME COURT AFFECTING DC CRIMINAL PRACTICE**

**Presenters:** Sandra Levick, Chief, Special Litigation Division  
Lee Goebes, Staff Attorney, Appellate Division  
Joshua Deahl, Staff Attorney, Appellate Division  
**Materials:** [Now Available](#)  
[Motion to Dismiss Counts of the Indictment under the Second Amendment and the Due Process Clause of the Fifth Amendment \(Heller Model Motion\)](#)

**TUESDAY, JULY 29, 2008**  
**5:30 – 8:30 p.m.**

Come and learn about the most important Supreme Court and District of Columbia appellate cases of the term. Discussion will include cases involving the admission of evidence seized during an illegal arrest, *Miranda*, anti-deadlock instructions given in pre-deliberation charges, the Confrontation Clause (and the forfeiture by wrongdoing exception to it), the requisite proof to support probable cause and reasonable articulable suspicion findings, “no duty” and “absence of evidence” instructions, and the Second Amendment.

## **NEW DEVELOPMENTS IN JUVENILE LAW**

**Presenters:** Premal Dharia, Supervising Attorney, Trial Division  
Hannah McElhinny, Deputy Trial Chief, Juvenile Section

**Materials:** *No Materials will be posted for this Session*

**THURSDAY, JULY 31, 2008**  
**5:30 – 8:30 p.m.**

In this session we will introduce you to the newest developments in the practice of juvenile law in the District of Columbia. Together, we will explore these changes through discussion and skills exercises designed to put the new knowledge into practice.

<b>Seminar</b>	<b>Date</b>	<b>Time</b>	<b>Attendance (check below)</b>
<b>NAVIGATING THE MURKY WATERS OF BOP: ADVOCATING FOR THE BEST POSSIBLE BOP PLACEMENT AND DESIGNATION FOR YOUR CLIENTS</b>	<b>6/5/2008</b>	<b>5:30 to 8:30</b>	
<b>INTERROGATIONS OF A DANGEROUS KIND: AN EXAMINATION OF POLICE PSYCHOLOGICAL TACTICS</b>	<b>6/10/2008</b>	<b>5:30 to 8:30</b>	
<b>SEXUAL ASSAULT CASES IN THE AGE OF THE WALSH ACT AND CIVIL COMMITMENT</b>	<b>6/12/2008</b>	<b>5:30 to 8:30</b>	
<b>CREATIVE STRATEGIES FOR LITIGATING JUVENILE BENCH TRIALS: MAKING LEMONADE OUT OF LEMONS</b>	<b>6/17/2008</b>	<b>5:30 to 8:30</b>	
<b>MOVE IT, MOVE IT, MOVE IT: EVIDENCE BLOCKING, COUNT KNOCKING, AND ACCUSATION SOCKING FOR FUN AND PROFIT</b>	<b>6/19/2008</b>	<b>5:30 to 8:30</b>	
<b>BEST PRACTICES FOR PRESERVING THE RECORD</b>	<b>6/24/2008</b>	<b>5:30 to 8:30</b>	
<b>THE RIGHT TO AN IMPARTIAL JURY: JURY SELECTION IN SUPERIOR COURT</b>	<b>6/26/2008</b>	<b>5:30 to 8:30</b>	
<b>REDISCOVERING DISCOVERY: MAKING THE RULES WORK FOR YOU AND YOUR CLIENT</b>	<b>7/8/2008</b>	<b>5:30 to 8:30</b>	
<b>EFFECTIVE STRATEGIES FOR A WINNING CLOSING ARGUMENT</b>	<b>7/10/2008</b>	<b>5:30 to 8:30</b>	
<b>HOW TO CROSS EXAMINE AND WIN...THE DO'S AND DON'TS OF CROSS EXAMINATION!</b>	<b>7/15/2008</b>	<b>5:30 to 8:30</b>	
<b>HAVING TROUBLE FINDING AN INVESTIGATOR? GO TO WWW.CJADC.ORG – CONNECTING ATTORNEYS WITH INVESTIGATORS</b>	<b>7/17/2008</b>	<b>5:30 to 8:30</b>	
<b>WINNING FROM THE BEGINNING: IN SEARCH OF REASONABLE DOUBT IN THE OPENING STATEMENT</b>	<b>7/22/2008</b>	<b>5:30 to 8:30</b>	
<b>IN DEFENSE OF THEORY: PREPARE THE END GAME FIRST</b>	<b>7/24/2008</b>	<b>5:30 to 8:30</b>	
<b>APPELLATE COURT ROUND-UP: RECENT DEVELOPMENTS IN THE DCCA AND SUPREME COURT AFFECTING DC CRIMINAL PRACTICE</b>	<b>7/29/2008</b>	<b>5:30 to 8:30</b>	
<b>NEW DEVELOPMENTS IN JUVENILE LAW</b>	<b>7/31/2008</b>	<b>5:30 to 8:30</b>	

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**Registration Form**

MAIL TO: PUBLIC DEFENDER SERVICE  
c/o CRIMINAL DEFENDER TRAINING SUMMER SERIES  
633 Indiana Avenue, NW  
Suite 248  
Washington, DC 20004

OR EMAIL TO: [ccontact@pdsdc.org](mailto:ccontact@pdsdc.org)

Name: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

***Registrations are due by May 30, 2008, for June sessions and by June 27, 2008, for July sessions. **Space is limited**, so please register early to guarantee seating. Late registrations will be accepted on a space-available basis. **Course materials will not be given out at the sessions**, but will be available before each session on the web at [www.pdsdc.org](http://www.pdsdc.org).***

***All sessions are free.***

***CLE credits are available.***