



CRIMINAL DEFENDER TRAINING PROGRAM
June – July 2011

Presented by the Public Defender Service for the District of
Columbia

601 Indiana Avenue, NW
Moot Court Room
Washington, DC 20004
(202) 628-1200

JUNE “MINISERIES” COURSE DESCRIPTIONS

WEEK 1: CROSS-EXAMINATION IN ASSAULT AND SEX CASES

*Tuesday, June 7, 2011 (Evening 1)
5:30 to 7:30 p.m.*

EFFECTIVE USE OF MEDICAL RECORDS

Presenter: Laura Rose, Staff Attorney and Mental Health Liaison, Trial Division

Materials: [Now Available](#)

The first evening of this series will address how to deal with the medical record as evidence in your trial, including how to read and assess medical records and how to prepare an evidentiary foundation for their admission. Emphasis will be on the physical injuries alleged in the record and how to construct an appropriate cross-examination based thereon. This session will address the unique problems that arise in the context of using medical records effectively in trying assault and sex cases and will provide creative solutions and strategies for getting the most out of this underutilized discovery tool.

*Wednesday, June 8, 2011 (Evening 2)
5:30 to 7:30 p.m.*

CROSS-EXAMINING THE MEDICAL PROFESSIONAL

Presenters: Tom Dybdahl, Supervising Attorney, Trial Division
Katerina Semyonova, Supervising Attorney, Trial Division

Materials: [Now Available](#)

The second evening of this series will address how to deal with the medical professional in your trial, including the emergency room physician and the SANE nurse. Case strategy, preparation, and evidentiary issues related to such witnesses will be addressed in particular, including how to

get evidence in under the “statements made for medical diagnosis” hearsay exception and how to keep evidence out that falls outside the scope of the exception.

*Thursday, June 9, 2011 (Evening 3)
5:30 to 7:30 p.m.*

CROSS-EXAMINING THE COMPLAINING WITNESS

Presenter: Renee Raymond, Supervising Attorney, Trial Division

Materials: [Now Available](#)

More often than not, the government’s most damaging evidence in assault and sex cases is the testimony of the complaining witness. This session will discuss the issues that arise in cross-examining the complaining witness, whether a young girl or adult, and provide solutions for overcoming them, including how to cross-examine witnesses whom you haven’t interviewed and crying witnesses, among other considerations.

WEEK 2: DEVELOPMENT OF THE DEFENSE THEORY

*Tuesday, June 14, 2011 (Evening 1)
5:30 to 7:30 p.m.*

CASE THEORY EVALUATION

Presenters: James Whitehead, Staff Attorney, Trial Division

Elizabeth Logemann, Staff Attorney, Trial Division

Materials: [Now Available](#)

The one question common to every trial is what will be the theory of the case. Although the defense theory is the foundation of the case and informs every aspect of trial, it is frequently the hardest question to answer. In this session, we will discuss self-defense, third party perpetrator defenses, accident, consent, alibi, mistaken identification, and character evidence. We will also explore the development of a defense theory, from incorporating bad facts into the theory to using cross-examination to advance it.

*Wednesday, June 15, 2011 (Evening 2)
5:30 to 7:30 p.m.*

OPENING STATEMENT THEMES

Presenter: Janet Mitchell, Chief, Trial Division
Materials: No Materials will be Posted for this Session

A juror's mind about your case is often made up by the end of opening statements. Therefore, it is crucial to make your opening and defense theory as cohesive and clear as possible. This session will focus on themes, content, and organization, thereby helping you craft openings that will keep the jury interested, engaged, and focused on your theory of defense. 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. Particular attention will be paid to areas to cover in crafting the opening, including subject areas to consider. Emphasis will be placed on creating outlines to assist in the drafting of effective opening statements.

*Thursday, June 16, 2011 (Evening 3)
5:30 to 7:30 p.m.*

DRAFTING WORKSHOP: OPENING STATEMENTS

Presenters: Premal Dharia, Supervising Attorney, Trial Division
Andrew Stanner, Staff Attorney, Trial Division
Materials: [Now Available](#)

In this session, participants will use the skills discussed and developed during the first two evenings to build opening statements that dovetail with the defense theory. The atmosphere will be seminar-like, and all attendees will be encouraged to participate.

WEEK 3: TRYING GUN AND DRUG CASES

*Tuesday, June 21, 2011 (Evening 1)
5:30 to 7:30 p.m.*

EFFECTIVE USE OF POLICE RECORDS: EVIDENTIARY REQUIREMENTS

Presenters: Dana Page, Staff Attorney, Trial Division
Sean Brebbia, Staff Attorney, Trial Division
Materials: [Now Available](#)

This session will address how to effectively use the police record (e.g., PD-163 and PD-251) when trying gun and drug possession cases. A complete overview on using police records as impeachment documents and substantive evidence will be included. Participants will be provided

with strategies on overcoming hearsay objections within a document. The presenters will cover the foundational requirements for admitting police reports and how to utilize and compare key police documents.

*Wednesday, June 22, 2011 (Evening 2)
5:30 to 7:30 p.m.*

CROSS-EXAMINING ON THE POLICE RECORD

Presenter: Michael Satin, Training Director, Trial Division
Materials: No Materials will be Posted for this Session

In this session, the presenter will discuss and develop how to use the police record to bring out defense themes and theories. Using a fact pattern and visual aids, the presenter will illustrate how to prepare a comprehensive and effective cross-examination using the police record. Emphasis will be placed on pre-trial preparation for cross-examination.

*Thursday, June 23, 2011 (Evening 3)
5:30 to 7:30 p.m.*

CROSS-EXAMINING THE POLICE OFFICER

Presenters: Jia Cobb, Supervising Attorney, Trial Division
Jason Downs, Staff Attorney, Trial Division
Materials: No Materials will be Posted for this Session

In this third session on gun and drug cases, we will continue to develop relevant cross-examination and further explore the defense theory. Issues covered will be police records as well as other themes, including bias issues, fabrication, general police investigation, high drug areas, inadequate police work and the MPD orders as standards of compliance.

WEEK 4: CLOSINGS AND JURY INSTRUCTIONS

*Tuesday, June 28, 2011 (Evening 1)
5:30 to 7:30 p.m.*

CLOSINGS IN JUVENILE AND BENCH TRIALS

Presenter: Hannah McElhinny, Supervising Attorney, Juvenile Section, Trial Division
Materials: No Materials will be Posted for this Session

Making closing arguments in bench trials presents special challenges and issues that will be addressed in this informative session. Covered in particular will be how and when to use exhibits, how and when to refer to legal principles and standards, and how and when to make

objections. This session will teach you how to prepare for and execute thorough and compelling closing arguments aimed at persuading the professional fact finder – the judge – to find reasonable doubt.

*Wednesday, June 29, 2011 (Evening 2)
5:30 to 7:30 p.m.*

CLOSINGS IN JURY TRIALS

Presenter: Michael Satin, Training Director, Trial Division
Materials: No Materials will be Posted for this Session

Join us for a dynamic review of the principles of closing argument. We will begin with a review of closing techniques such as arguing the absence of evidence as a reason to doubt the government's case and without making a missing witness argument. We will then discuss themes, content, and organization of the closing statement, as well as tricks of the trade in giving the best performance you can. Additionally, we will discuss the nuts and bolts of drafting and presenting a closing argument, paying close attention to structure and content. Be prepared to leave this session with new insight on delivering your closing arguments.

*Thursday, June 30, 2011 (Evening 3)
5:30 to 7:30 p.m.*

EFFECTIVE JURY INSTRUCTION PRACTICE

Presenter: Andrew Ferguson, Assistant Professor of Law, University of the District of Columbia, David A. Clarke School of Law
Materials: No Materials will be Posted for this Session

Jury instructions are a crucial part of the criminal trial because they contain the principles of law that the jurors swear to apply in their deliberations, and many appellate reversals are based on erroneous jury instruction. As such, jury instructions should be carefully considered from the very beginning of trial preparation. In this session, we will discuss strategy in selecting instructions and tailoring them for clarity and to meet the unique facts of your client's case. Procedural mechanisms will also be covered, including how to advocate for your version of a particular instruction, when and how to broach the subject of instruction, and how to effectively object to the government's proposed version and the court's preferred approach.

JULY “BROWN BAG” COURSE DESCRIPTIONS

FINDING THE PERFECT INVESTIGATOR

*Wednesday, July 6, 2011
1:00 to 2:00 p.m.*

Presenters: Brendan Wells, Deputy Chief, Investigations Division
Additional Presenter TBD

Materials: No Materials will be Posted for this Session

The CJA attorney/investigator website – www.cjadc.org – provides a dynamic, interactive method for CJA panel attorneys to select appropriate certified CJA investigators to investigate their cases. The website allows CJA attorneys to post cases in need of investigation and certified CJA investigators to have the opportunity to apply to work on posted cases. Through the website, attorneys are able to review all prospective investigator resumes, a list of attorneys with whom the investigator applicants have worked in the past, feedback that the investigators have received on past completed cases, and appropriate information the investigator wishes to submit to support his or her credentials. This process enables panel attorneys to make informed hiring decisions on a case-by-case basis for their cases. Please join us for training on how to make this system work for you and your client.

CONFRONTING COLLATERAL CONSEQUENCES: HOW CRIMINAL DEFENSE ATTORNEYS CAN GET BETTER RESULTS FOR CLIENTS

*Thursday, July 7, 2011
12:30 to 2:00 p.m.*

Presenters: Paula Scott, Chief, Civil Litigation Division
April Frazier, Community Reentry Coordinator, Community Defender
Division

Materials: [Now Available](#)

This session will present a look into the expansive world of civil matters that arise from or are related to criminal proceedings. The session will explore the growing list of hidden post-arrest civil sanctions and how criminal and delinquency defense attorneys can partner with civil legal services lawyers to minimize the consequences posed by the sanctions. Special attention will be given to how defense attorneys can better protect their clients' rights in both criminal and civil proceedings, and how they can help clients achieve the best outcome in matters such as civil forfeiture, child support, housing evictions, employment, and neglect proceedings. In addition, the discussion will include guidance on how to counsel clients on the consequences of certain categories of crimes, including violent offenses, sex offenses, intrafamily offenses, drug-related convictions, and prostitution convictions.

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

*Tuesday, July 12, 2011
12:30 to 2:00 p.m.*

Presenters: Alice Wang, Supervising Attorney, Appellate Division
Jon Anderson, Staff Attorney, Appellate Division
Materials: No Materials will be Posted for this Session

Come and learn about the most recent important Supreme Court and District of Columbia appellate cases impacting criminal defense. Discussion will include cases decided within the past year involving the Fourth Amendment, suppression of statements, the Confrontation Clause, and late disclosure of *Brady*.

GETTING YOUR CLIENT A SECOND CHANCE AFTER CONVICTION

*Wednesday, July 13, 2011
12:30 to 2:00 p.m.*

Presenters: Brian Roberts, Coordinator, Institutional Services Program
Additional Presenter TBD
Materials: No Materials will be Posted for this Session

Want to obtain the best possible placement for clients who will be serving a sentence in the Federal Bureau of Prisons (BOP)? Want to increase your clients' likelihood of an earlier release to a halfway house and a smoother transition back into the community? This session, hosted by the PDS Institutional Services Program, will focus on advocacy strategies to optimize clients' BOP designation and opportunities within the BOP and increase clients' opportunities for greater success upon their return to the community, as well as gain earlier release to a halfway house. The program will include a discussion of educational vocational programs within the BOP, the types of medical facilities that are available to your clients, how the information in the Pre-Sentence Report and on the Judgment and Commitment Order affects the future status of clients in the BOP, as well as ways in which the Second Chance Act can be used to advocate on behalf of your clients.

**COMMUNITY SUPPORT RESOURCES: COMPLETING YOUR REPRESENTATION
TOOLBOX**

*Thursday, July 14, 2011
12:30 to 2:00 p.m.*

Presenter: Betsy Biben, Chief, Office of Rehabilitation and Development (ORD)
Materials: No Materials will be Posted for this Session

The outcome of a client's life often depends on his community support system. Knowing what services are available to the client is an essential part of defense practice. This session will provide you with free and available client services and other mitigation tools for your practice.

**THE COMMUNITY STATUS REVIEW HEARING PROCESS: HOW "REVOCATION"
HEARINGS IMPACT ATTORNEYS AND THEIR CLIENTS COMMITTED TO DYRS**

*Tuesday, July 19, 2011
12:30 to 2:00 p.m.*

Presenters: Jamie Rodriguez, Coordinator, Juvenile Services Program
Michael Bonner, Staff Attorney, Juvenile Services Program
Jason Szanyi, Skadden Fellow/Staff Attorney, Juvenile Services Program
Tara Mikkilineni, Staff Attorney, Special Litigation Division
Kristin Henning, Co-Director, Georgetown University Law Center Juvenile
Justice Clinic
Fred Rogers, DYRS Revocation Specialist
Materials: No Materials will be Posted for this Session

This training will focus on the Community Status Review Hearing Process governed by 29 DCMR § 1200 et seq. Attorneys from the PDS Juvenile Services Program and Special Litigation Division and the Georgetown University Law Center's Juvenile Justice Clinic will provide practical tips regarding strategy and case development to equip attorneys to successfully advocate for their clients in this administrative forum. In addition to the litigation skills training, the DYRS Community Status Review Hearing Chairperson will provide insight as to the decision-making process and what factors contribute to committed youth being revoked and removed from the community.

**IMMIGRANT DEFENSE POST-PADILLA: PROVIDING EFFECTIVE ASSISTANCE OF
COUNSEL TO NON-CITIZEN CLIENTS**

*Wednesday, July 20, 2011
12:30 to 2:00 p.m.*

Presenters: Gwendolyn McDowell Washington, Staff Attorney, Civil Legal Services
Division

Materials: [Now Available](#)

The Supreme Court recently issued a landmark decision in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), recognizing that deportation is an integral part of the penalty that may be imposed on non-citizen clients who plead guilty to specified crimes. As a result of the *Padilla* decision, defense attorneys have an affirmative duty to advise their non-citizen clients of the adverse immigration consequences that may flow from a guilty plea. This session will involve an in-depth discussion on the types of adverse consequences that non-citizen clients may face. Immigration detention issues that arise from criminal matters will also be discussed. This training will include hypothetical scenarios to assist defense attorneys in the full comprehension of how immigrant defense plays a major role in each area of their representation of their non-citizen clients. This will be a highly informative session not to be missed by any criminal defense attorney representing non-citizen clients.

**MENTALLY ILL AND “DANGEROUS”: WHEN CAN THE GOVERNMENT RESTRICT
LIBERTY?**

*Thursday, July 21, 2011
12:30 to 2:00 p.m.*

Presenters: Kimberly Clark, Staff Attorney, Mental Health Division
Sherry Trafford, Staff Attorney, Mental Health Division

Materials: No Materials will be Posted for this Session

Come hear about the law involving the involuntary commitment process for those with mental illness and how to advocate to protect this maligned yet sympathetic class. In this session, we will begin with a discussion of the legal definition of mental illness and dangerousness. We will then provide a general description of psychotropic medications and how they can both help and hurt our clients. Discussed in particular will be the procedural framework of our civil commitment statute. Join us for an enlightening and informative session on how best to advocate for our clients dealing with mental illness.

A JUVENILE MENTAL HEALTH REFRESHER

*Tuesday, July 26, 2011
12:30 to 2:00 p.m.*

Presenters: Hannah McElhinny, Supervising Attorney, Juvenile Section, Trial Division
Additional Presenters TBD

Materials: No Materials will be Posted for this Session

In this session, we will concentrate on the basics of mental health evaluations for our juvenile clients, including DSM criteria, Axis diagnoses on mental health evaluations, and the meaning and significance of various mental health terms. We will cover the various types of psychological and psychiatric examinations the court might order for our clients and the importance of having specific referral questions. This information is relevant to pre- and post-disposition cases, whether they are on regular calendars or the new Juvenile Behavioral Diversion Program calendar.

NAVIGATING CSOSA'S SEX OFFENDER UNIT

*Wednesday, July 27, 2011
12:30 to 2:00 p.m.*

Presenters: David Taylor, Staff Attorney, Special Litigation Division
Mona Asiner, Staff Attorney, Parole Division
April Frazier, Community Reentry Coordinator, Community Defender
Division

Materials: No Materials will be Posted for this Session

Representatives from PDS's Parole, Community Defender and Special Litigation Divisions will provide an overview of the practices and procedures of CSOSA's Sex Offender Unit along with advice on how to challenge conditions imposed by CSOSA and/or the United States Parole Commission on probationers, parolees, and supervised releasees within the Unit.

**KEEPING AN EYE ON YOUR ETHICAL OBLIGATIONS: RECENT DC AND ABA
ETHICS OPINIONS**

*Thursday, July 28, 2011
12:30 to 2:00 p.m.*

Presenter: Julia Leighton, General Counsel

Materials: [Now Available](#)

Did you know that the ABA issued an opinion last summer detailing what an attorney may and may *not* do when asked by the government to provide information about a case in which a former client files a claim for ineffective assistance of counsel? Have you read the recent DC Ethics Committee opinion relating to clients with diminished capacity? Are you prepared for the arguments you must make in a potential insanity case in which the client does not wish to present an insanity defense, but the court believes there is a basis for an insanity defense? In this session, we will address a number of recent opinions impacting our practice and we will present some concrete strategies in reducing the most common bar complaints against criminal defense attorneys.

**2011
PUBLIC DEFENDER SERVICE
CRIMINAL DEFENDER TRAINING PROGRAM
SUMMER SERIES**

Registration Form

Please note that this is a two-page registration form and that your registration will not be considered complete until both pages are received.

You can register online, via email or through regular mail. You may also drop off by hand your registration at the address below.

Register online at: www.pdsdc.org or www.cjadc.org
Register via email to: ccontact@pdsd.org
Register via mail at: Public Defender Service
c/o Criminal Defender Training Summer Series
633 Indiana Avenue, NW
Suite 248
Washington, DC 20004

Please complete the following:

Name: _____

Bar Number: _____

Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Email (please type) _____

Registrations are due by May 27, 2011, for June sessions and by June 24, 2011, for July sessions. **Space is limited, particularly for the brown bag luncheons**, 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.

All sessions are free. Evening sessions will begin promptly at 5:30 p.m. Lunchtime sessions will begin promptly at 12:30 p.m.

Please note that the doors to the building will close at 6:00 p.m. and that participants arriving after 6:00 p.m. for the evening sessions will not be granted entrance.

CLE credits are available.

Please note that the evening sessions will run for two (2) hours. The brown bag sessions will run for one-and-one-half hours (1.5). CLE credit will be authorized accordingly.

Seminar	Date	Time	Attendance (Check)
Cross-Examination in Assault and Sex Cases: Evening 1	6/7/2011	5:30 to 7:30 p.m.	
Cross-Examination in Assault and Sex Cases: Evening 2	6/8/2011	5:30 to 7:30 p.m.	
Cross-Examination in Assault and Sex Cases: Evening 3	6/9/2011	5:30 to 7:30 p.m.	
Development of the Defense Theory: Evening 1	6/14/2011	5:30 to 7:30 p.m.	
Development of the Defense Theory: Evening 2	6/15/2011	5:30 to 7:30 p.m.	
Development of the Defense Theory: Evening 3	6/16/2011	5:30 to 7:30 p.m.	
Trying Gun and Drug Cases: Evening 1	6/21/2011	5:30 to 7:30 p.m.	
Trying Gun and Drug Cases: Evening 2	6/22/2011	5:30 to 7:30 p.m.	
Trying Gun and Drug Cases: Evening 3	6/23/2011	5:30 to 7:30 p.m.	
Closings and Jury Instructions: Evening 1	6/28/2011	5:30 to 7:30 p.m.	
Closings and Jury Instructions: Evening 2	6/29/2011	5:30 to 7:30 p.m.	
Closings and Jury Instructions: Evening 3	6/30/2011	5:30 to 7:30 p.m.	
Finding the Perfect Investigator	7/6/2011	1:00 to 2:00 p.m.	
Confronting Collateral Consequences: How Criminal Defense Attorneys Can Get Better Results for Clients	7/7/2011	12:30 to 2:00 p.m.	
Appellate Court Round-Up: Recent Developments in the DCCA and Supreme Court Affecting DC Criminal Practice	7/12/2011	12:30 to 2:00 p.m.	
Getting Your Client a Second Chance After Conviction	7/13/2011	12:30 to 2:00 p.m.	
Community Support Resources: Completing Your Representation Toolbox	7/14/2011	12:30 to 2:00 p.m.	
The Community Status Review Hearing Process: How "Revocation" Hearings Impact Attorneys and Their Clients Committed to DYRS	7/19/2011	12:30 to 2:00 p.m.	
Immigrant Defense Post- <i>Padilla</i> : Providing Effective Assistance of Counsel to Non-Citizen Clients	7/20/2011	12:30 to 2:00 p.m.	
Mentally Ill and "Dangerous": When Can the Government Restrict Liberty?	7/21/2011	12:30 to 2:00 p.m.	
A Juvenile Mental Health Refresher	7/26/2011	12:30 to 2:00 p.m.	
Navigating CSOSA's Sex Offender Unit	7/27/2011	12:30 to 2:00 p.m.	
Keeping an Eye on Your Ethical Obligations: Recent DC and ABA Ethics Opinions	7/28/2011	12:30 to 2:00 p.m.	