

SENTENCING

ADVOCACY WORKSHOP

Presented by the
Administrative Office of the United States Courts
Office of Defender Services, Training Branch



February 14-16, 2013

**Courtyard by Marriott
San Francisco, CA**

**An Extraordinary Opportunity For Attorneys
To Get Hands-On Training With Cutting Edge
Sentencing Advocacy Techniques**

For a complete list of training programs offered by
the Office of Defender Services, Training Branch
and registration/financial assistance information,
please visit WWW.FD.ORG

**THE ANDREA TAYLOR
SENTENCING ADVOCACY WORKSHOP:
THINKING OUTSIDE THE GUIDELINE BOX**

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

**COURTYARD BY MARRIOTT
299 2ND STREET
SAN FRANCISCO, CALIFORNIA
FEBRUARY 14-16, 2013**

DRAFT AGENDA

Thursday, February 14

8:00 a.m. Registration - Continental Breakfast

8:30 a.m. Welcoming Remarks
Steven Kalar, Federal Public Defender, Northern District of California, San Francisco, California

8:40 a.m. Introduction to Workshop
Eric Vos, Attorney Advisor, Training Branch, Office of Defender Services, Administrative Office of the U.S. Courts, Washington, D.C.

8:45 a.m. PLENARY SESSION: Putting the Sentencing Soup Together

This session will provide an overview on using 18 U.S.C. §3553(a), well thought out Sentencing Memos, the Guidelines, deconstruction, narratives, storytelling and other tools when advocating for sentences far below the set guidelines.

9:45 a.m. PLENARY SESSION: Getting to Know Your Client

Just who is it that I am representing? How is her case different than the other hundred that I have represented? How do I uncover and develop the mitigating factors which will allow me to tell her 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 better obtain mitigating information from both the client and other key figures in your client's life.

10:40 a.m. Break

10:45 a.m. PLENARY SESSION: Meet “Sam Bradshaw” - A Client’s Perspective on Sentencing Advocacy

11:10 a.m. Break

11:15 a.m. PLENARY SESSION: Judging at Sentencing

Moderator

TBA

Judges

TBA

Rarely do we get the luxury of hearing how sentencing judges feel about the effectiveness of our sentencing presentation as we attempt to convince the courts to impose a sentence below the Guideline Range. Hear federal judges give their perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that the Guidelines are *advisory* and courts may use discretionary factors when sentencing. This session will provide important judicial sentencing insights and help us understand where we may be hitting, or missing, our sentencing marks during this critical stage of advocacy.

12:15 p.m. Lunch - On Your Own

1:30 p.m. PLENARY SESSION: Brainstorming the Facts of the Case

This session will concentrate on the elements of brainstorming, 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.

2:30 p.m. Break

2:40 p.m. SMALL GROUP SESSIONS –Brainstorm Facts of Own Case

Attendees will divide up into small breakout groups to brainstorm the facts of their own cases as a basis for developing persuasive sentencing theories and themes.

4:50 p.m. Break

5:00 p.m. PLENARY SESSION: Developing Persuasive Theories and Themes

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.

6:00 p.m. Adjourn for the Day

Friday, February 15

8:00 a.m. Continental Breakfast

8:30 a.m. PLENARY SESSION: Storytelling at Sentencing

The story is what moves us. It is what captures us and draws us in. Judges, Probation, and even AUSA's can better sympathize with our clients, and agree with attorneys' sentencing advocacy, when a compelling argument is made with storytelling. This session will discuss the elements and techniques of persuasive storytelling and explain how to incorporate them into your sentencing advocacy.

9:30 a.m. SMALL GROUP SESSIONS - Theories and Themes / Storytelling

Attendees will divide up into small breakout groups where Group Leaders will facilitate the process of applying theories, themes, and storytelling techniques to the facts of each attendees' own case.

12:00 p.m. Lunch - On Your Own

1:15 p.m. PLENARY SESSION: Persuasive Writing

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

2:25 p.m. Break

2:40 p.m. SMALL GROUP SESSIONS - Persuasive Writing

Attendees will divide up into small breakout groups and apply storytelling and persuasive writing techniques to the facts of their own cases. Each attendee will write the first two to three paragraphs of their sentencing memorandum, or downward departure motion, in a persuasive fact-based manner. Participants will receive feedback on their work and rewrite their memorandum or motion based on feedback received.

3:30 p.m. Break

3:40 p.m. SMALL GROUP SESSIONS - Persuasive Writing (cont.)

5:30 p.m. Adjourn for Day

Saturday, February 16

8:00 a.m. Continental Breakfast

8:30 a.m. PLENARY SESSION: Using “Moving Pictures” to Persuade

At sentencing, a picture is worth *at least* a thousand words, and will often add layers of credibility and emotion to your client’s mitigation story. Moving pictures help the judge connect with and understand your client. This session will discuss how to incorporate powerful and persuasive images into your sentencing practice, ranging from inclusion of still photos in sentencing memoranda to the creation of mini-documentary films.

9:45 a.m. PLENARY SESSION: Working With Probation

The probation officer plays a critical role at sentencing which often influences the judge’s opinion. This session will discuss how to work with the probation officers in order to persuade them to adopt (or not oppose) your theory of sentencing.

10:45 a.m. Break

11:00 a.m. PLENARY SESSION: Persuasive Sentencing Hearings

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.

12:00 p.m. Lunch - On Your Own

1:15 p.m. SMALL GROUP SESSIONS - Persuasive Sentencing Hearings

Attendees will divide up into small breakout groups where Group Leaders will facilitate a discussion, amongst attendees, on how each participant anticipates how they will conduct the sentencing hearing in their own case.

3:45 p.m. PLENARY SESSION: Closing Remarks/Adjournment

Eric Vos, Attorney Advisor, Training Branch, Office of Defender Services,
Administrative Office of the U.S. Courts, Washington, D.C.

CLE Accreditation

FINANCIAL ASSISTANCE POLICY AND APPLICATION

Training Event and Date: [Sentencing Advocacy Workshop, February 14-16, 2013](#)
[San Francisco, CA](#)

THIS FORM SHOULD BE FILLED OUT AND SUBMITTED ELECTRONICALLY BY FOLLOWING THE INSTRUCTIONS BELOW.

There are limited funds available for financial assistance for travel and/or lodging to Office of Defender Services (ODS) training events. No financial assistance will be awarded without a showing of financial need; applicants are not guaranteed an award. This document includes an application form and post-award information and required actions. You must read this information in its entirety, provide all requested information and certify that the information provided is true and accurate. Applying for financial assistance does not register you for this program; ***you must*** register separately and should do so upon applying for assistance by referring to the announcement for this program and following its registration instructions. ***If you do not register by the financial assistance deadline noted in this document, your application for financial assistance will not be considered.*** Once registered, you will receive a notice either that you have been accepted or that you have been placed on a wait list. Regardless of your registration status, you should submit a financial assistance application before the deadline noted below; if no application is submitted before that deadline, you will not be eligible for financial assistance.

Name: _____

Employer/Firm Name: _____

Address: _____ City, State & Zip _____

Phone: _____ Fax: _____ Cell: _____

Email: _____

I am a member of the CJA Panel in the District(s) of: _____

Please provide information for all CJA appointed cases in which you are counsel, attaching additional pages if necessary:

Case Number(s):

District(s):

Circuit(s):

Approximately how many CJA cases have you been appointed on in the last five years?

FINANCIAL ASSISTANCE APPLICATION DUE DATE:

A completed application is due no later than close of business on **November 30, 2012**. **Late or incomplete applications will not be considered. Please email a completed application by clicking on the SUBMIT button at the end of this application and then send the email that will appear on your screen.** If an email does not appear on your screen, save this document and send it as an attachment to an email to: [Shemiah Schuler@ao.uscourts.gov](mailto:Shemiah_Schuler@ao.uscourts.gov). To do so: (1) Click on File and select Print; (2) Under printers, select Adobe PDF; (3) Click on Print - a dialog box will appear prompting you to save the document under a specific name; (4) Name the document as your last name, first initial [e.g. SmithJ]; (5) Click on Save; (6) Once the PDF document is saved, exit Adobe, open your email and attach the saved document to an email to: [Shemiah Schuler@ao.uscourts.gov](mailto:Shemiah_Schuler@ao.uscourts.gov). Award decisions will be made within 10 working days of the closing date for the receipt of applications. Applicants will be notified of the results shortly thereafter.

FINANCIAL ASSISTANCE REQUEST

I am requesting that the Administrative Office of the U.S. Courts pay some of my travel and/or lodging costs to attend this event. My estimated total household income range is:

- < \$25,000 \$25-50,000 \$50-100,000 \$100-150,000 \$150,000<

Please provide in the box below a narrative description of financial circumstances or hardships that may demonstrate a need for assistance (e.g., number of children in college, substantial student loans, large medical or other extraordinary expenses, etc.)

Please check the type of financial assistance you are seeking and indicate the number of hotel nights needed:

Airfare and Lodging

Airfare only

Lodging only

Number of hotel nights needed:

Please indicate any training programs for which you have been awarded financial assistance by ODS within the last three years:

POST-AWARD INFORMATION AND REQUIRED ACTIONS

If you are awarded financial assistance, you will receive a travel authorization four to six weeks prior to the program for which you are receiving assistance. **It is imperative that you read the authorization carefully to insure that you comply with AOUSC Travel Regulations.** Travel dates must match the dates listed on your travel authorization. If you wish to extend your travel dates, it will be at your own expense.

Lodging Reservations and Cancellation

If your financial assistance includes lodging, you will receive information about the contracted hotel and you are responsible for making your own reservations at that hotel by the published cut-off date. You will be responsible for your own incidentals (i.e. internet, transportation to/from airport and hotel, parking, etc.).

If you are unable to attend the program, to avoid being charged a no-show fee, you must contact the hotel to cancel your reservation within the time frame established by the hotel's cancellation policy. Please also notify Shemiah Schuler at Shemiah_Schuler@ao.uscourts.gov. **Failure to notify ODS may result in you not being considered for future financial assistance awards.**

Transportation

If your financial assistance award includes transportation, the travel authorization will include all information needed to purchase airline or train tickets through National Travel. **You are required to purchase the most cost effective round trip ticket at least two weeks in advance of the seminar. If you do so, fares will be charged to the “Defender Services” account. If you purchase your tickets after the two-week cutoff, you must pay for the ticket yourself and file for reimbursement, and you will be reimbursed no more than \$500 or the government fare, whichever is less.** All tickets purchased must be for round trip travel; one way tickets are not authorized, and no side trips to a city besides the conference city and your home city will be permitted. An alternate means of transportation (e.g., train, personal vehicle) may be used if it is the most cost effective method available. Reimbursement of costs for alternate forms of transportation will not exceed \$500.

By placing my name below, I certify that it would be a financial hardship to attend this training event without financial assistance, that the information I have provided is true and accurate.

Name

Date

