



# Our Clients, Our Constitution, Ourselves

Capital Defense Teams are True American Heroes

**February 14–17, 2003  
Monterey, CA**

Sponsored by

**California Attorneys for  
Criminal Justice**

and

**California Public  
Defenders Association**

2003 CAPITAL CASE DEFENSE SEMINAR

**Michael Adelson**  
Los Angeles, CA

**Larry Ainsbinder**  
San Diego, CA

**Bicka Barlow**  
San Francisco, CA

**Michael Belter**  
Riverside, CA

**Kerry Bensinger**  
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Federal Defender—Habeas Unit  
Philadelphia, PA

**Dorothy Bischoff**  
San Francisco Public Defender  
San Francisco, CA

**John Blume**  
Columbia, SC

**Pamela Blume Leonard**  
Multi-County Public Defender  
Atlanta, GA

**Oscar Bobrow**  
Martinez, CA

**Father Greg Boyle**  
Los Angeles, CA

**John Briere**  
LAC + USC Medical Center  
Los Angeles, CA

**Sean Broderick**  
Office of the Federal Public Defender  
San Francisco, CA

**Professor Edward J. Bronson**  
California State University, Chico  
Chico, CA

**Michael N. Burt**  
Office of the Public Defender  
San Francisco, CA

**Lesli Caldwell**  
Office of the Public Defender  
Martinez, CA

**Linda Carter**  
McGeorge School of Law  
Sacramento, CA

**Vianne Castellano, Ph.D.**  
South Pasadena, CA

**Robert Caturegli**  
Alameda County Public Defender  
Oakland, CA

**Carlos Cerecedo**  
California Court Interpreter's Association  
Ventura, CA

**Michael Cervi**  
Hayward, CA

**Lorena M. Chandler**  
Habeas Corpus Resource Center  
San Francisco, CA

**Christopher Chaney**  
Glendale, CA

**Barbara Cort Counter, Ph.D.**  
Beverly Hills, CA

**Nancy Cowardin, Ph.D.**  
Educational Diagnostics  
Whittier, CA

**Jacqueline Crowle**  
El Cajon, CA

**Lisa Dahl**  
Lawrence, KS

**Mark Davis**  
Office of the Public Defender  
Santa Ana, CA

**Michael Dealy**  
Office of the Alt. Public Defender  
San Diego, CA

**John Delgado**  
So. Carolina Assoc. of Criminal  
Defense Lawyers  
Columbia, SC

**Marcenus Earl**  
John Brown & Associates  
Los Angeles, CA

**Jack M. Earley**  
Irvine, CA

**Jim Ellis**  
Albuquerque, NM

**Jean Farley**  
Ventura, CA

**Walter C. Farrell, Jr., Ph.D., M.S.P.H.**  
University of No. Carolina at  
Chapel Hill

Chapel Hill, North Carolina

**Steve Feldman**  
San Diego, CA

**Simon Ford, Ph.D.**  
Lexigen Science & Law Consultants  
San Francisco, CA

**Timothy K. Ford**  
Seattle, WA

**William Forman**  
Office of the Federal Public Defender  
Los Angeles, CA

**David Freedman**  
Office of the Federal Public Defender  
San Francisco, CA

**Karen Bronk Froming, Ph.D.**  
San Francisco, CA

**Leslie Ganghi**  
Center for Capital Assistance  
San Francisco, CA

**Charles A. Gessler**  
Office of the Public Defender  
Los Angeles, CA

**Peter Giannini**  
Los Angeles, CA

**Roseann Dueñas Gonzalez**  
Tucson, AZ

**Francisco C. Gomez, Jr., Ph.D.**  
San Diego, CA

**Denise Gragg**  
Santa Ana, CA

**John Grele**  
San Francisco, CA

**Milton Grimes**  
Los Angeles, CA

**Julie S. Hall**  
Tucson, AZ

**Craig Haney, J.D., Ph.D.**  
University of California  
Santa Cruz, CA

**Steve Harmon**  
Riverside, CA

**Neil Haskell, M.D.**  
Rensselaer, IN

**Scharlette Holdman, Ph.D.**  
Center for Capital Assistance  
San Francisco, CA

**Shonda Hollinger**  
Habeas Corpus Resource Center  
San Francisco, CA

**Robin Kallman**  
State Public Defender  
San Francisco, CA

**Nancy Kaser-Boyd**  
Studio City, CA

**Saul Kassir, Ph.D.**  
Williamstown, MA

**Scott F. Kauffman**  
California Appellate Project  
San Francisco, CA

**George Kendall**  
NAACP Legal Defense Fund  
New York, NY

**Francie Koehler**  
Special Circumstances  
Oakland, CA

**Tammy Krause**  
Eastern Mennonite University  
Harrisonburg, VA

**Kim Kruglick**  
Mill Valley, CA

**Lynda Larsen**  
Larsen AVR Group  
Los Angeles, CA

**Regina Laughney**  
Los Angeles County Public Defender  
Torrance, CA

**Denise LeBoeuf**  
Capital Post–Conviction Project of  
Louisiana  
New Orleans, LA

**Thomas Lee, Psy.D.**  
San Diego, CA

**Paul K. Leung, M.D.**  
OHSU Department of Psychiatry  
Portland, OR

**William Locke**  
Office of the Public Defender  
Oakland, CA

**Andrew S. Love**  
Office of the State Public Defender  
San Francisco, CA

**Mona Lynch, Ph.D.**  
San Jose State University  
San Jose, CA

**Barbara McDaniel**  
L.A. County Alt. Public Defender–Long Beach  
Long Beach, CA

**Michael McMahon**  
Chief Deputy Public Defender  
Ventura, CA

**James McWilliams**  
Office of the Public Defender  
Oakland, CA

**Michael L. Miller**  
Alternate Public Defender  
Los Angeles, CA

**Rahn Minagawa, Ph.D.**  
San Diego, CA

**Marcia A. Morrissey**  
Law Office of Marcia A. Morrissey  
Santa Monica, CA

**Charles Morton**  
Forensic Analytical Lab  
Hayward, CA

**Tony Moss**  
Miami, FL

**Eric Multhaup**  
Mill Valley, CA

**Scarlet Neraid**  
Center for Capital Assistance  
San Francisco, CA

**Peter Neufeld**  
New York, NY

**Richard Neuhoff**  
New Britain, CT

**Jeanne Nidorf, Ph.D.**  
San Diego, CA

**William Nieves**  
Philadelphia, PA

**Michael Ogul**  
Office of the Public Defender  
Oakland, CA

**Mark Olive**  
Tallahassee, FL

**Mark Overland**  
Los Angeles, CA

**Don Paradis**  
Boise, Idaho

**Wendy Peoples**  
Office of the State Public Defender  
San Francisco, CA

**Stan Perlo**  
Torrance, CA

**George Peterson**  
San Diego Alt. Deputy Public Defender  
San Diego, CA

**Roderick W. Pettis, J.D., M.D.**  
San Francisco, CA

**Nancy S. Pemberton**  
San Francisco, CA

**Kevin Phillips**  
Office of the Public Defender  
Santa Ana, CA

**John T. Philipsborn**  
San Francisco, CA

**Christopher Plourd**  
San Diego, CA

**Jay Pultz**  
San Francisco, CA

**Neil Quinn**  
Chief Deputy Public Defender  
Ventura, CA

**Tom Quinn**  
Fresno, CA

**Michael Radelet**  
University of Colorado  
Boulder, CO

**D. Jay Ritt**  
Pasadena, CA

**Richard Rogers, Ph.D.**  
University of North Texas  
Denton, TX

**Katherine Lund Ross**  
Mukilteo, WA

**Dale Rubin**  
San Marino, CA

**Ed Rucker**  
Santa Monica, CA

**Norah Rudin, Ph.D.**  
Berkeley, CA

**Michael Ryan**  
Public Defender Services  
Washington, D.C.

**Peter Scalisi**  
Riverside, CA

**Laura Schaefer**  
San Diego, CA

**Barry Scheck**  
Cardoza School of Law  
New York, NY

**Karl Schwartz**  
Defender Assoc. of Philadelphia  
Philadelphia, PA

**Elisabeth Semel**  
UC–Berkeley School of Law  
Berkeley, CA

**Robert Shomer, Ph.D.**  
Encino, CA

**Michael Snedeker**  
California Appellate Project  
San Francisco, CA

**Gary Sirbu**  
Oakland, CA

**Lorelei Sontag**  
Berkeley, CA

**Sita Jo-Ann Sovin**  
Capital Case Project  
Van Nuys, CA

**Gary Sowards**  
Habeas Corpus Resource Center  
San Francisco, CA

**Alex Stalcup**  
New Leaf Treatment Center  
Concord, CA

**Jeannie Sternberg**  
Habeas Corpus Resource Center  
San Francisco, CA

**Russell Stetler**  
New York Capital Defender Office  
New York, NY

**Mary Ann Tally**  
Center for Death Penalty Litigation  
Durham, NC

**Jeff Thoma**  
Mendocino County Public Defender  
Ukiah, CA

**William Thompson**  
University of California, Irvine  
Irvine, CA

**Terri Towery**  
Los Angeles County Public Defender  
Los Angeles, CA

**Brian Vogel**  
Ventura County Public Defender  
Ventura, CA

**Kathleen Wayland, Ph.D.**  
Habeas Corpus Resource Center  
San Francisco, CA

**Gail Weinheimer**  
San Anselmo, CA

**Ricardo Weinstein, Ph.D.**  
Encinitas, CA

**Charles D. Weisselberg**  
UC–Berkeley School of Law  
Berkeley, CA

**Gretchen White, Ph.D.**  
Oakland, CA

**Jean Wilkinson**  
Office of the Public Defender  
Westminster, CA

**Mark Windham**  
Los Angeles County Public Defender's Office  
Los Angeles, CA

**Denise Young**  
Tucson, AZ

**Evan Young**  
State Public Defender  
San Francisco, CA

## KEYNOTE PANEL

**Don Paradis** was a member of the Gypsy Jokers motorcycle gang when he stopped a fight between two bikers at his house in Spokane, Washington, back in 1980. One of those bikers later turned up dead in Paradis' house, and his girlfriend's dead body was found across the border in Idaho. After Paradis was acquitted of the biker's murder in Washington, the State of Idaho tried him for the murder of the girlfriend on the theory that she was still alive when she was taken to Idaho. He was sentenced to death for a crime he didn't commit, didn't attempt, and had nothing to do with. Three times he signed his own death warrant, coming within 48 hours of his execution. After more than 20 years in prison, he was finally able to win his release with the help of Edwin Matthews, whose law firm represented him *pro bono* in his post conviction proceedings.

**William Nieves** was convicted and sentenced for a murder he did not commit. Although numerous witnesses, including an eyewitness who was a personal friend of the victim, flatly ruled him out as the killer, the police and prosecutors in Philadelphia successfully hid this evidence from Nieves and his lawyer, who the Pennsylvania Supreme Court found was incompetent for

other reasons. Once the concealed eyewitness evidence came to light at the retrial, Nieves was finally acquitted after being incarcerated for 10 years despite his innocence.

**Michael Cervi** is the son of a Sheriff's Detective who found himself arrested in Iowa in March, 1977, for a murder which occurred in Georgia two days before. He spent three years in a Georgia jail awaiting trial before he was convicted of robbery, kidnapping and murder in May, 1980, receiving a separate death sentence for each crime. After the Georgia appellate courts cut it to a single death sentence for the murder charge, he turned to the federal courts. With the help of George Kendall, the 11<sup>th</sup> Circuit overturned his death sentence in 1989 because his confession was unlawfully obtained in violation of his Fifth Amendment rights. The next year he pled guilty as charged in a settlement which saw him gain his freedom in 1992 after serving 15 years in custody.

These men can describe the truth of life and death in prison like nobody else. Their triumphs of life over death are not only heroic and inspirational, but remind us of why capital defense is so important to our clients, our constitution, and ourselves.

## CACJ/CPDA CAPITAL DEFENSE SEMINAR PLANNING COMMITTEE

**Charles A. Gessler, Co-Chair**

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2 0 0 3 C A P I T A L C A S E D E F E N S E S E M I N A R

## Our Clients, Our Constitution, Ourselves

### The Capital Case Defense Seminar

California Attorneys for Criminal Justice (CACJ) and the California Public Defenders' Association (CPDA) are pleased to invite you to participate in the 2003 Capital Case Defense Seminar (CCDS). CCDS is an intensive education opportunity for anyone involved in, or considering taking on, the defense of a capital case. It is designed not only for lawyers, but also for sentencing consultants, paralegals, investigators, and experts working in capital defense.

The CACJ/CPDA Capital Case Defense Seminar is the largest of its kind in the nation. CCDS is unique in that it offers lectures as well as specialized workshops that give participants the chance to brainstorm and exchange information with other participants. Experienced practitioners in any jurisdiction and those just entering the field can benefit from the lectures and workshops featuring experienced lawyers and experts, from both California and across the nation.

### FRIDAY, FEBRUARY 14, 2003

2:00 p.m.

**Registration – Monterey Conference Center, Portola Lobby**

3:00 – 5:00 p.m.

#### WORKSHOPS

**Investigators & Attorneys: First Trial Case** (including sustaining relationship with client; special problems in Public Defender cases)

*Lesli Caldwell, Robert Caturegli*

**Bring Your Case—Brainstorming in Small Groups**

*Tony Moss, Members of the Planning Committee*

**Parents Who Kill Their Children**

*Jean Farley, Jean Wilkinson, Barbara McDaniel*

**Nuts and Bolts of Dealing with Voluminous Evidence—Using Databases**

*Sean Broderick, George Peterson*

**Asian-American Street Gangs**

*Katherine Ross, Jeanne Nidorf, Ph.D., Rahn Minagawa, Ph.D.*

**State Post-Conviction: Using Limited Resources Effectively**

*Evan Young, Andy Love*

**Interpreting Crime Scenes Even When They are Very Old**

*Jeff Thoma, Chuck Morton*

**Stages of Development in the Relationship of Attorneys with Mentally Ill Clients**

*Russ Stetler, Jeannie Sternberg, Stan Perlo*

7:15 – 7:30 p.m.

**Welcome – Charlie Gessler**

7:30 – 8:30 p.m.

#### Keynote Speaker

*Panel of former death row prisoners with their lawyers*

- *Don Paradis and Barbara McDaniel*
- *William "Bill" Nieves and Ellen Berkowitz*
- *Michael Cervi and George Kendall*

8:30 – 11:30 p.m.

**Reception**

### SATURDAY, FEBRUARY 15

7:00 a.m.

**Registration**

8:30 – 10:30 a.m.

**Plenary: Winning Issues from Recent Developments**

*George Kendall, Michael Burt, Gail Weinheimer*

Saturday, February 15th continued

8:30 – 10:30 a.m.	<b>Plenary for Investigators, Mental Health Professionals and Paralegals: Investigations for Kelly-Frye and Daubert Challenges</b>	<i>Barbara McDaniel, David Freedman</i>
10:30 – 10:45 a.m.	<b>Break – Coffee</b>	
10:45 a.m. – 12:15 p.m.	<b>Plenary: Post Conviction Direct Appeal: How to Work With Habeas Counsel and What to Do When There is No Habeas Counsel</b>	<i>Robin Kallman, Michael Snedeker, Shonda Hollinger</i>
10:45 a.m. – 12:15 p.m.	<b>W O R K S H O P S</b>	
	<b>Forensics—Bloodstains</b>	<i>Kim Kruglick, Charles Morton</i>
	<b>ABC's of the DSM IV</b>	<i>Larry Ainbinder, Kathleen Wayland, Ph.D.</i>
	<b>Surviving the Case—Spouses, Significant Others and Children</b>	<i>Thomas Lee, Psy.D., Regina Laughney</i>
	<b>Basic DNA</b>	<i>Norah Rudin, Bicka Barlow, Simon Ford</i>
	<b>Working with Mental Health Experts</b>	<i>Jack Earley, Scharlette Holdman, Ph.D</i>
	<b>Suicidality of Our Clients: Spotting and Coping with It</b>	<i>Lorelei Sontag, Ph.D., D. Jay Pultz</i>
	<b>The Science of Eyewitness Identification</b>	<i>Jean Farley, Robert Shomer, Ph.D.</i>
	<b>Application of International Law to Capital Cases for Foreign Nationals and U.S. Citizens</b>	<i>Linda Carter, Karl Schwartz</i>
	<b>Future Dangerousness</b>	<i>Neil Quinn, Richard Rogers, Ph.D.</i>
	<b>Jury Instructions—The Cutting Edge</b>	<i>Mark Overland, Ed Rucker</i>
	<b>Informants—Federal and State</b>	<i>Robert Berke, Lynda Larsen</i>
12:15 – 1:15 p.m.	<b>Lunch</b>	
1:15 – 2:45 p.m.	<b>Plenarettes:</b>	
	<b>Addiction, Brain Injury, and Behavior Disinhibition: Overview and Recent Findings</b>	<i>Alex Stalcup</i>
	<b>Institutional Issues—How They Impact Cases</b>	<i>Craig Haney, Ph.D.</i>
	<b>Storytelling</b>	<i>Milton Grimes, John Delgado</i>
	<b>Malingering</b>	<i>Richard Rogers, Ph.D., Michael Ryan</i>
	<b>AEDPA Primer: What State and Federal Post-Conviction Counsel Need to Know</b>	<i>Denise Young, Timothy Ford</i>
	<b>Litigating Mental Retardation at Trial—What Procedures Do We Use Without a Statute</b>	<i>Jim Ellis, John Philipsborn</i>



2 0 0 3 C A P I T A L C A S E D E F E N S E S E M I N A R

## Our Clients, Our Constitution, Ourselves

Saturday, February 15th continued

2:45 – 3:00 p.m.

Break

3:00 – 4:30 p.m.

### W O R K S H O P S

**Attacking DNA that Implicates Your Client, including STR**

*Chris Plourd, William Thompson*

**Dealing with Cluster “b” Personality Disorders including Anti-Social Personality**

*Denise Gragg, Nancy Kaser-Boyd, Ph.D.*

**The Impact of Trauma on Child Development Issues**

*Marcia Morrissey, John Briere*

**Jury Selection in Capital Cases, including Questionnaires**

*Michael Adelson, Lisa Dahl*

**Conditions of Confinement and Their Effect on Mental Health**

*Craig Haney, Ph.D., Julie Hall*

3:00 – 4:30 p.m.

**Autopsy Reports—Understanding What They Really Tell Us**

*Steve Feldman, Neal Haskell, M.D.,  
Laura Schaefer*

**Obtaining Funding in the Trial Court and on Habeas**

*Michael Belter, Jay Ritt*

**Paralegal Workshop—How to Be Most Effective**

*Dorothy Bischoff, Barbara McDaniel*

**Motions—Special Circumstances, Aggravation, Penalty**

*Jacqueline Crowle, Kevin Phillips*

**African-American Street Gangs**

*Marcenus Earl, Francie Koehler,  
Jeannie Sternberg*

**Discovery 101 from the Prosecution, including Brady**

*Jeff Thoma, Terri Towery*

**Relationship between Trial and Appeal/Habeas Corpus**

*Michael McMahon, Mark Olive*

**District Court Practice I: Pre-Petition Concerns (Funds/Tolling/Exhaustion/Abeyance/Pleading and Amending the Petition)**

*Richard Neuhoff, William Forman,  
John Grele*

4:30 – 4:45 p.m.

Break

4:45 – 6:15 p.m.

**Plenary: Mental Retardation, Developmental & Learning Disabilities—What They Are and Why They Matter**

*Jim Ellis, Nancy Cowardin, Ph.D.*

## SUNDAY, FEBRUARY 16

8:45 – 10:15 a.m.

**PLENARY: COERCED STATEMENTS**

*John Philipsborn, Saul Kassin, Ph.D.,  
Charles Weisselberg*

10:15 – 10:30 a.m.

Break

10:30 a.m. – 12:00 p.m.

### W O R K S H O P S

**Investigating and Presenting Evidence of Mental Retardation**

*John Blume, Pamela Blume-Leonard,  
Jim Ellis*

**Neuropsychological Testing Including PETSCAN and Related Kelly-Frye and Daubert Issues**

*Karen Froming, Ph.D., Terri Towery*

10:30 a.m. – 12:00 p.m.

**Handling the Stress of a Capital Case**

*Tony Moss, Lorena Chandler,  
Kathleen Wayland, Ph.D.*

Sunday, February 16th continued

10:30 a.m. – 12:00 p.m.

<b>Hispanic Street Gangs</b>	<i>Father Greg Boyle</i>
<b>Interviewing Victims' Families</b>	<i>Tammy Krause, Regina Laughney</i>
<b>DNA—Post Conviction</b>	<i>Peter Neufeld, Barry Scheck</i>
<b>Documenting Your Client's Life History</b>	<i>Barbara Counter, Ph.D., Sita Jo-Ann Sovin</i>
<b>Mental Health Assessments and Non-English Speaking and ESL Clients</b>	<i>Francisco Gomez, Ricardo Weinstein</i>
<b>False Statements</b>	<i>William Locke</i>
<b>Moratorium and Political Action Issues</b>	<i>Mike Farrell, Michael Radelet, Gary Sirbu</i>
<b>Uncovering and Presenting Evidence of the Sexual Abuse of our Clients</b>	<i>Vianne Castellano, Mark Windham</i>
<b>State Habeas I: Developing and Pleading Claims</b>	<i>Mark Olive</i>

12:00 – 1:00 p.m.

**Lunch**

1:00 – 2:30 p.m.

**Plenarettes**

<b>Challenging Forensic Evidence</b>	<i>Michael Burt</i>
<b>Interviews with Real Capital Jurors (videotape)</b>	<i>Mark Windham, Michael Dealy</i>
<b>Competency Issues</b>	<i>John Philipsborn, Denise LeBoeuf, Roderick Pettis</i>
<b>Language and Cultural Issues</b>	<i>Paul Leung, Ph.D., Walter Farrell, Carlos Cerecedo</i>
<b>State Habeas II: What to Do When An OSC is Granted</b>	<i>Kerry Bensinger, Scott Kauffman</i>
<b>District Court Practice II: Post-Petition (Discovery/Summary Judgment/ Evidentiary Hearings)</b>	<i>Gary Sowards, Peter Giannini</i>

2:30 – 2:45 p.m.

**Break**

2:45 – 4:15 p.m.

**W O R K S H O P S**

<b>Investigating and Maximizing School Records—What They Can Reveal</b>	<i>Nancy Cowardin, Ph.D., Russ Stetler</i>
<b>Mitigating Institutional Violence</b>	<i>Michael Belter, Craig Haney, Ph.D.</i>
<b>Foreclosing and Dealing with Rebuttal</b>	<i>John Delgado, Denise Gragg</i>
<b>Masked Faces of Major Mental Illness/Axis 1 Personality Disorders</b>	<i>Mark Davis, Roderick Pettis, J.D., M.D.</i>
<b>Achieving Settlements in Capital Cases</b>	<i>John Blume, Dale Rubin</i>
<b>Preparing your Opening Penalty Statement</b>	<i>Steve Harmon, Mary Ann Tally</i>
<b>Reliability Issues Concerning Cross Language or Cross Cultural Statements, including Clients Whose First Language is Spanish</b>	<i>Jacqueline Crowle, Roseann Dueñas Gonzalez</i>





# Our Clients, Our Constitution, Ourselves

Sunday, February 16th continued

2:45 – 4:15 p.m.

**Team Building**

*Charles Gessler, Barbara Counter, Ph.D., Nancy Pemberton*

**How AEDPA Affects the Responsibility of Making a Record at Trial**

*Gary Sowards*

**Jury Debriefing**

*Lesli Ganghi, Scarlet Nerad*

**Co-Defendant Cases**

*Michael Miller, Ed Rucker*

**Interviewing Inmates**

*Tom Quinn, Sita Jo-Ann Sovin*

**Ninth Circuit: Nuts and Bolts**

*Timothy Ford, Denise Young*

4:15 – 4:30 p.m.

**Break**

4:30 – 6:00 p.m.

**Plenary: Racial and Gender Discrimination in Jury Selection—Batson, Willis, Miller-EI Issues**

*Eric Multhaupt, Elisabeth Semel, Peter Scalisi*

## MONDAY, FEBRUARY 17

8:30 – 9:00 a.m.

**Plenary: Opening Statement Demonstration**

*Milton Grimes*

9:00 – 9:15 a.m.

**Break**

9:15 – 10:45 a.m.

### W O R K S H O P S

**Bring your DNA Case—Brainstorming with the Experts**

*Bicka Barlow, William Thompson, Jeff Thoma*

**Change of Venue Motions and Grand & Petit Jury Composition Issues**

*Oscar Bobrow, Ed Bronson, Brian Vogel*

**Retrials after Hung Juries or Reversals**

*Christopher Chaney, Jean Wilkinson*

**Investigators & Attorneys: First Trial Case** (special problems in private counsel cases, including funding of experts and developing & sustaining relationships with clients)

*Nancy Pemberton, Kim Kruglick*

**Bring Your Case—Brainstorming Mental Health Issues**

*Denise LeBoeuf, Denise Gragg, Kathleen Wayland, Ph.D.*

**Preserving and Protecting the Record**

*Wendy Peoples, Michael Ogul*

**Creating your Closing Penalty Argument, including Countering Prosecution Arguments**

*John Delgado, Mona Lynch*

**Putting Together Social Histories**

*James McWilliams, Gretchen White, Ph.D.*

**Federal Habeas: District Court Brainstorming**

*Post-Conviction Speakers*

10:45 – 11:00 a.m.

**Break**

11:00 a.m. – 12:00 p.m.

**Plenary—Closing Argument Demonstration**

*Marcia Morrissey*



Please check the boxes beside the workshop(s) you are interested in attending. You are not obligated to attend the checked workshop(s), but CAJ will need this information to process your registration and make facility arrangements.

**FRIDAY, FEBRUARY 14**

**3:00 – 5:00 p.m.**

- Investigators & Attorneys: First Trial Case
- Bring Your Case—Brainstorming in Small Groups
- Parents Who Kill Their Children
- Nuts and Bolts of Dealing with Voluminous Evidence—Using Databases
- Asian-American Street Gangs
- State Post-Conviction: Using Limited Resources Effectively
- Interpreting Crime Scenes Even When They Are Very Old
- Stages of Development in the Relationship of Attorneys with Mentally Ill Clients

**7:30 – 8:30 p.m.**

- Keynote Panel

**8:30 – 11:30 p.m.**

- Reception

**SATURDAY, FEBRUARY 15**

**8:30 – 10:30 a.m.**

- Plenary: Winning Issues from Recent Developments
- Plenary: Investigations for Kelly-Frye and Daubert Challenges

**10:45 a.m. – 12:15 p.m.**

- Plenary: Post Conviction
- Direct Appeal: How to Work With Habeas Counsel and What To Do When There is No Habeas Counsel
- Forensics—Bloodstains
- ABC's of the DSM IV
- Surviving the Case—Spouses, Significant Others and Children
- Basic DNA
- Working with Mental Health Experts
- Suicidality of Our Clients: Spotting and Coping with It
- The Science of Eyewitness Identification
- Application of International Law to Capital Cases for Foreign Nationals and U.S. Citizens
- Future Dangerousness
- Jury Instructions—The Cutting Edge
- Informants—Federal and State

**1:15 – 2:45 p.m.**

- Addiction, Brain Injury, and Behavior Disinhibition: Overview and Recent Findings
- Institutional Issues—How They Impact Cases
- Storytelling
- Malingering
- AEDPA Primer: What State and Federal Post-Conviction Counsel Need to Know
- Litigating Mental Retardation at Trial—What Procedures Do We Use Without a Statute

**3:00 – 4:30 p.m.**

- Attacking DNA that Implicates Your Client, including STR
- Dealing with Cluster “b” Personality Disorders including Anti-Social Personality
- The Impact of Trauma on Child Development Issues
- Jury Selection in Capital Cases, including Questionnaires
- Conditions of Confinement and Their Effect on Mental Health
- Autopsy Reports—Understanding What They Really Tell Us
- Obtaining Funding in the Trial Court and on Habeas
- Paralegal Workshop—How to be Most Effective
- Motions—Special Circumstances, Aggravation, Penalty
- African-American Street Gangs
- Discovery 101 from the Prosecution, including Brady
- Relationship between Trial and Appeal/Habeas Corpus
- District Court Practice I: Pre-Petition Concerns (Funds/Tolling/Exhaustion/Abeyance/Pleading and Amending the Petition)

**4:45 – 6:15 p.m.**

- Plenary: Mental Retardation, Developmental & Learning Disabilities—What They are and Why They Matter

**SUNDAY, FEBRUARY 16**

**8:45 – 10:15 a.m.**

- Plenary: Coerced Statements

**10:30 a.m. – 12:00 p.m.**

- Investigating and Presenting Evidence of Mental Retardation
- Neuropsychological Testing Including PETSCAN and Related Kelly-Frye and Daubert Issues
- Handling the Stress of a Capital Case
- Hispanic Street Gangs
- Interviewing Victims' Families
- DNA—Post Conviction
- Documenting Your Client's Life History
- Mental Health Assessments & Non-English speaking & ESL Clients
- False Statements
- Moratorium and Political Action Issues
- Uncovering and Presenting Evidence of the Sexual Abuse of our Clients
- State Habeas I: Developing and Pleading Claims

**1:00 – 2:30 p.m.**

- Challenging Forensic Evidence

- Interviews with Real Capital Jurors (videotape)
- Competency Issues
- Language and Cultural Issues
- State Habeas II: What to Do When an OSC is Granted
- District Court Practice II: Post-Petition (Discovery/ Summary Judgment/Evidentiary Hearings)

**2:45 – 4:15 p.m.**

- Investigating and Maximizing School Records—What They can Reveal
- Mitigating Institutional Violence
- Foreclosing and Dealing with Rebuttal
- Masked Faces of Major Mental Illness/Axis 1 Personality Disorders
- Achieving Settlements in Capital Cases
- Preparing Your Opening Penalty Statement
- Reliability Issues Concerning Cross Language or Cross Cultural Statements, including Clients Whose First Language is Spanish
- Team Building
- How AEDPA Affects the Responsibility of Making a Record at Trial
- Jury Debriefing
- Co-Defendant Cases
- Interviewing Inmates
- Ninth Circuit: Nuts and Bolts

**4:30 – 6:00 p.m.**

- Plenary: Racial and Gender Discrimination in Jury Selection—Batson, Willis, Miller-El Issues

**MONDAY, FEBRUARY 17**

**8:30 – 9:00 a.m.**

- Plenary: Opening Statement Demonstration

**9:15 – 10:45 a.m.**

- Bring your DNA Case—Brainstorming with the Experts
- Change of Venue Motions and Grand & Petit Jury Composition Issues
- Retrials after Hung Juries or Reversals
- Investigators & Attorneys: First Trial Case (special problems in private counsel cases, including funding of experts and developing & sustaining relationships with clients)
- Bring your Case—Brainstorming Mental Health Issues
- Preserving and Protecting the Record
- Creating Your Closing Penalty Argument, including countering prosecution arguments
- Putting Together Social Histories
- Federal Habeas: District Court Brainstorming

**11:00 a.m. – 12:00 p.m.**

- Plenary—Closing Argument Demonstration

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# SEMINAR REGISTRATION

This form, including the **Workshop Checklist**, must be fully completed and payment included before CACJ/CPDA is able to process your registration. Registration forms not fully completed will not be processed. Preregistration will be accepted **ONLY** until Monday, February 3, 2003, at 5:00 p.m.  
**Make check payable to CACJ/CPDA and return form to address listed below.**

Name: \_\_\_\_\_ Date Admitted to Bar: \_\_\_\_\_  
Firm: \_\_\_\_\_ Bar Number: \_\_\_\_\_  
Address: \_\_\_\_\_ New Address?  yes  no  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

## Schedule of Fees

	Preregistration (Until February 3)	Late Registration (After February 3)
Attorney	\$285	\$310
Investigator/Other	\$175	\$200

Contribution to Death Penalty Focus  \$10  \$25  \$50  Other \$ \_\_\_\_\_

(There is a \$35 fee for checks returned for insufficient funds or credit cards declined.)

Total amount enclosed: \$ \_\_\_\_\_  Check Enclosed Charge my:  Visa  Mastercard

Account Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## Confidentiality Pledge

This pledge **MUST** be read and signed before CACJ is able to process your registration!

I hereby acknowledge that materials and information provided in this seminar are confidential information and may not be disclosed except to other defense practitioners. This information reflects thoughts, opinions, impressions and strategies with regard to previous and ongoing cases and, as such, is protected under the attorney-client privilege and work product doctrine. The materials provided at the seminar are licensed to participants for use in defense of criminal cases only, and any other use or distribution is a violation of copyright laws and the attorney's ethical obligation. By signing this pledge, I agree to abide by this understanding and to keep all information privileged. My signature also indicates that I am involved exclusively in the defense of persons accused in criminal cases.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In order for CACJ and CPDA to avoid being charged meeting room fees, we need to tally how many room nights have been used in the City of Monterey during the seminar. **IF (and only if)** you have already made hotel/motel/B&B reservations, please indicate the facility at which you will be staying.

Hotel/Motel/B&B: \_\_\_\_\_

In (name of city): \_\_\_\_\_

## CACJ/CPDA CAPITAL CASE DEFENSE SEMINAR

1225 Eighth Street, Suite 150, Sacramento, CA 95814 Tel: (916) 448-8868 Fax: (916) 448-8965



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# M C L E C R E D I T S

This program is co-sponsored by approved providers of MCLE activities and legal specialization in appellate and criminal law. This is an organized program of learning that has significant current intellectual and practical content related to legal subjects and the legal profession. Each year's program is unique. All required written materials, course evaluation forms, and certificates of attendance, will be provided in a timely manner.

**California MCLE Credits:** This activity provides 22.75 hours of California MCLE credit including a maximum of 1.5 hours in legal ethics focused upon the professional responsibility of attorneys, 8 hours in elimination of bias, and 1.5 hours in substance abuse.

**California Appellate Specialization Credits:** The activity also provides 15.5 hours of Appellate Law Legal Specialization credits including a maximum of 11 hours in appellate/writ practice.

**California Criminal Law Legal Specialization Credits:** The activity also provides 22.75 hours in Criminal Law Legal Specialization credits including a maximum of 15.5 hours in Evidence; 16.5 hours in Trial Advocacy; 8 hours in Substantive Criminal Law and Procedure; 15.5 hours in Writs, Appeals and Ancillary Proceedings; and 7.75 hours in other subjects related to criminal law.

## S E M I N A R I N F O R M A T I O N

### Discounts

Groups of five (5) or more from the same office or organization who preregister AS A GROUP by February 3, 2003, are eligible for a 15% discount. The discounted tuition is \$242 for attorneys and \$149 for associated professionals. Preregistration forms must be received together.

CACJ and CPDA are also offering a 15% discount to first-time Capital Case Defense Seminar participants. If you will be taking advantage of this discount, your registration cannot be processed unless you enclose a signed statement attesting to your first-timer status.

Participants cannot combine discounts.

Law students who volunteer for this seminar may be eligible for seminar tuition assistance.

### At-Door Registration

Those not prepaid by February 3, 2003 at 5:00 pm must register at the door and will be charged an additional \$25. At-door registration begins at 2:00 pm on Friday, February 14, and again at 7:00 am on Saturday, February 15. At-door registrants MUST bring proof that they work exclusively for the defense of criminal cases.

### Cancellations

Refunds, less a \$30 processing fee, will be sent only for those cancellations received by February 3, 2003. No refunds will be sent after that date. Substitutions, however, are permitted.

### Accommodations

The seminar is being hosted by both the Monterey DoubleTree and the Monterey Marriott hotels and each will be used for workshops throughout the weekend. To make reservations, call the DoubleTree at (831) 649-4511 or (800) 222-8733 or the Marriott at (800) 228-9290. Rooms at both the Marriott and DoubleTree will be held for seminar participants at the group rate of \$155 per night for single/double occupancy. **You must call by January 23, 2003 and mention California Attorneys for Criminal Justice in order to be eligible for this rate. However, even before the January 23 cutoff, there is no guarantee of room availability at the conference rate if the room blocks sell out. Both hotels sell out each year – so reserve early!**

### The Monterey Airport

If you intend to fly into the Monterey Airport, you are encouraged to make reservations as far in advance as possible. Several airlines service the airport, including American, United and Delta. A taxi from the Monterey Airport to the convention center costs approximately \$12.

### Parking

Guests of the DoubleTree or the Marriott will have their parking fees charged to their rooms with unlimited in-and-out access. Parking at the Marriott is \$15 per day, valet only. DoubleTree parking is \$13 per day for self parking or \$15 per day for valet. For those staying elsewhere, public parking structures are available in the area surrounding the conference center for \$5–\$8 per day.

**California Attorneys for Criminal Justice  
California Public Defenders Association**

1225 Eighth Street, Suite 150  
Sacramento, CA 95814

RETURN SERVICE REQUESTED



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