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

"SENTENCING ADVOCACY WORKSHOP: THINKING OUTSIDE THE GUIDELINE BOX"

SANTA FE
MARCH 26-28, 2009
DRAFT AGENDA

Thursday, March 26

8:00 a.m. **Registration-Continental Breakfast**

9:00 a.m. **Welcoming Remarks**

9:15 a.m. **Introduction to Workshop**
Andrea Taylor, Office of Defender Services, Deputy Training Branch Chief
Administrative Office of the U.S. Courts, Washington, D.C.

9:20 a.m. **Having the *Gall:* Using §3553(a) to Win Below-Guideline Sentences**

This session will focus on using the Supreme Court's recent sentencing jurisprudence and 18 U.S.C. §3553(a) to advocate for and achieve below-guidelines sentences, and to argue that particular Guidelines do not meet the §3553(a) purposes of punishment. `

10:30 a.m. **Break**

10:45 a.m. **Judging at Sentencing**

A panel of federal judges will give their perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that Booker and Gall have allowed them the discretion to consider more factors at sentencing.

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

1:15 p.m. **Brainstorming the Facts of the Case**

This session will explain the elements of brainstorming and use the facts of the mock case to demonstrate techniques for discussing and understanding the facts of a case in a manner which will maximize the potential of developing those facts into a persuasive sentencing theory.

2:00 p.m. **Developing Persuasive Theories and Themes**

This session will use the facts brainstormed in the previous session to explain and

develop a persuasive sentencing theory and theme.

2:45 p.m. **Break**

3:00 p.m. **Small Group Sessions –Brainstorm Facts of Own Case**

Participants will break into small groups led by a facilitator and brainstorm the facts of their own cases.

4:45 p.m. **Storytelling at Sentencing**

This session will discuss storytelling techniques and use the facts of the mock case to explain their importance to advancing a persuasive sentencing theory.

5:30 p.m. **Adjourn for the Day**

Friday, March 27

8:00 a.m. **Registration-Continental Breakfast**

8:30 a.m. **Small Group Sessions - Theories and Themes, Storytelling**

Participants will break into small groups led by a facilitator and apply theories and themes to the facts of their own cases.

9:45 a.m. **Break**

10:00 a.m. **Development of Effective Mitigation Evidence**

This session will discuss how an attorney, investigator, or mitigation specialist develops effective mitigation evidence in preparation for sentencing. It will also offer practical advice on how to obtain a mitigation specialist for use in your case.

11:15 a.m. **Persuasive Sentencing Hearing**

This session will discuss how to persuasively present mitigation evidence at the sentencing hearing. It will include the power of images and the use of sentencing videos and pictures, and 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. **Persuasive Writing**

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

2:30 p.m. **Break**

2:45 p.m. **Small Group Sessions - Persuasive Writing**

Participants will break into small groups led by a facilitator and apply storytelling and persuasive writing techniques to the facts of their own cases. Each participant 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 the writing and rewrite it focusing on the feedback.

5:00 p.m. **Adjourn for the Day**

Saturday, March 28

8:00 a.m. **Registration - Continental Breakfast**

8:30 a.m. **Small Group Sessions - Sam Bradshaw Sentencing Memo**

Participants will break into small groups and discuss the Sam Bradshaw sentencing memo which they prepared.

9:50 a.m. **Break**

10:00 a.m. **Practical Tips if Your Client Faces Incarceration in a Federal Prison**

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.

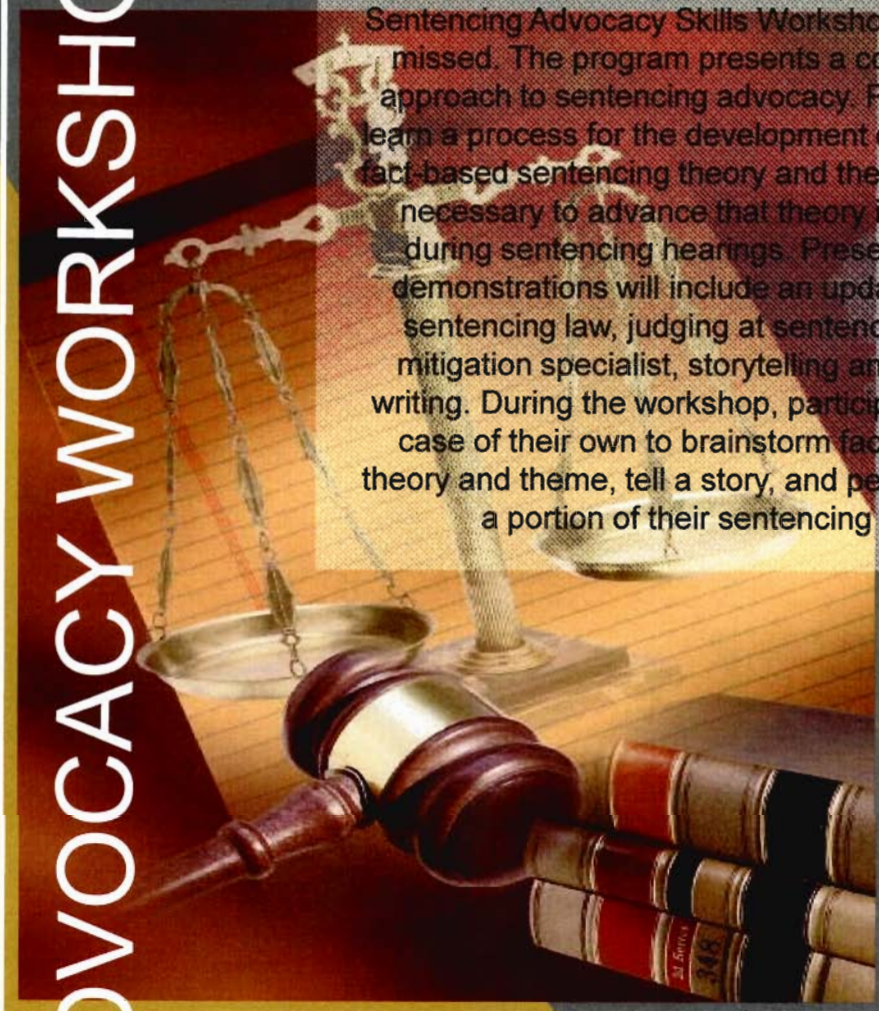
11:00 a.m. **Closing Remarks**
Andrea Taylor, Deputy Training Branch Chief, Office of Defender Services, Administrative Office of the U.S. Courts, Washington, D.C.

11:10 a.m. **Program Adjourns**

CLE Accreditation

SENTENCING ADVOCACY WORKSHOP

Since approximately 95% of federal criminal defendants are sentenced and the Supreme Court recently affirmed judicial sentencing discretion and "advisory" sentencing guidelines, participation in the Sentencing Advocacy Skills Workshop should not be missed. The program presents a comprehensive approach to sentencing advocacy. Participants will learn a process for the development of a persuasive, fact-based sentencing theory and the advocacy skills necessary to advance that theory in writing and during sentencing hearings. Presentations and demonstrations will include an update on federal sentencing law, judging at sentencing, use of a mitigation specialist, storytelling and persuasive writing. During the workshop, participants will use a case of their own to brainstorm facts, develop a theory and theme, tell a story, and persuasively write a portion of their sentencing memo.



MARCH 26-28, 2009
HILTON SANTA FE HISTORIC PLAZA
SANTA FE, NEW MEXICO

Financial Assistance for lodging and transportation is available for this program.

" I have been to roughly 15 CLE seminars and this one was the best so far. It was 10 times better than the next best seminar I have been to. . . ."

" I've [practiced federal criminal defense] for 24 years and learning this much at a seminar is rare."

" Very informative and well presented. Thought provoking and a reason to rethink techniques."

-- Testimonials from Sentencing Advocacy Skills Workshops

To register for this workshop online and for a complete list of training programs offered by the Office of Defender Services Training Branch, please visit our website at **WWW.FD.ORG**

Early registration is encouraged. Enrollment for this program is limited to 64 panel attorneys certified to accept Criminal Justice Act appointments in federal court.