



THE OFFICE OF THE
FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF NEBRASKA, THE
FEDERAL PRACTICE COMMITTEE
AND THE NEBRASKA STATE BAR ASSOCIATION

PRESENTS

Federal Criminal Defense

A SEMINAR FOR DEFENSE ATTORNEYS PRACTICING IN
THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

LIED LODGE, NEBRASKA CITY, NEBRASKA
SEPTEMBER 26-27, 2013

Approved for 10 hours MCLE including
2 Hours of Ethics/Professional Responsibility

AGENDA

THURSDAY, September 26th

8:30am - 9:00am

REGISTRATION

9:00am - 10:00am

GIDEON V. WAINWRIGHT: A MULTIMEDIA PRESENTATION OF THE HISTORY, ORAL ARGUMENTS AND AFTERMATH OF A LANDMARK CASE

Paul Rashkind, Supervisory Assistant Federal Public Defender and Chief of the Appellate Division of the Federal Public Defender, Southern District of Florida

A multimedia presentation marking the 50th anniversary of the *Gideon* decision, featuring original memorabilia, vintage film-clips, and interviews of Clarence Earl Gideon, his Supreme Court counsel Abe Fortas, counsel for Florida Bruce Jacob, and retrial counsel W. Fred Turner; excerpts of the 3-hour oral argument before the Supreme Court; and the current reflections of Jacob, Turner, and constitutional scholar John Hart Ely, who played a significant role in the original Supreme Court briefing.

10:00-10:15am

Wi-Fi for Lawyers in Federal Court –Aimee Bataillon, Attorney at Law, Chair, Federal Practice Committee. Ms. Bataillon will discuss the availability and application of the public Wi-F installed by the Federal Practice Committee of the United States District Court for the District of Nebraska in the Roman L. Hruska U.S. Courthouse in Omaha and the Robert V. Denney Federal Building and Courthouse in Lincoln.

10:15-10:30am

CELL PHONE AND COFFEE BREAK

10:30am - 11:15am

Necessary and Successful Motion Practice in Federal Court, Jeffrey L. Thomas, Senior Litigator, Federal Public Defender Office.

11:15am - 12:00pm

PROPER USE OF EXPERT WITNESSES, Joseph Howard, Attorney at Law. What is permissible in light of Daubert, Crawford, and Melendez-Diaz? Attacking police officer opinion testimony, chemical testing results, and other common tactics.

12:00pm - 1:00pm

LUNCHEON PRESENTATION

CJA PANEL UPDATE: ALAN STOLER, Attorney at Law, CJA Panel Representative

eCJA VOUCHER SYSTEM PREVIEW: DAVID R. STICKMAN, Federal Public Defender, District of Nebraska

- 1:00pm - 2:00pm 1:00 -2:00 p.m. **SUPREME COURT UPDATE**
Paul Rashkind, *Supervisory Assistant Federal Public Defender and Chief of the Appellate Division of the Federal Public Defender, Southern District of Florida*
This session provides an update on recent Supreme Court decisions affecting federal criminal practice, and reviews issues currently under consideration.
- 2:00pm - 3:00pm **2:00 - 3:00 FIGHTING FICTION WITH FACT TO ATTAIN LOWER SENTENCES – MYTHS YOU CAN DEBUNK WITH CURRENT RESEARCH**
Laura E. Mate, *National Sentencing Resource Counsel*
Too often, the assumptions underlying sentencing recommendations and decisions not only lack empirical support but actually contradict what has been proven to work. Criminologists, psychologists, psychiatrists, and related professionals have published a wealth of information about identifiable risk factors for criminal behavior and what programs have been most effective in dealing with them. In this session, we will “truth squad” some common sentencing misconceptions, setting the record straight with recent research that you can use to argue for more efficacious and just sentences.
- 3:00pm - 3:15pm **CELL PHONE AND COFFEE BREAK**
- 3:15pm - 3:45pm **Sentencing Advocacy in the Nebraska Federal Courts**, John C. Vanderslice, Assistant Federal Public Defender, Lincoln, Nebraska
- 3:45pm - 4:15pm **A Prosecutor’s Perspective: Department of Justice Initiatives and the Realities of Practice in the U.S. District Court for the District of Nebraska**, Deborah Gilg, U.S. Attorney for the District of Nebraska
- 4:15 pm-5:15pm 4:15 - 5:15 **View from the Bench, What the Judge Wants and Has to Hear, and the Best Way to Say It**, The Honorable John Gerrard, U.S. District Judge, District of Nebraska
- 5:15pm - 6:30pm **SOCIAL HOUR**
- 6:30pm - **OPTIONAL BANQUET**

FRIDAY, September 27th

- 8:00am – 8:30am **BREAKFAST IS SERVED**
- 8:30am –9:00am **United States Sentencing Guidelines Update**, David R. Stickman, Federal Public Defender, District of Nebraska
- 9:00am – 10:00am **The Anatomy of a Traffic Stop, Fourth Amendment Postmortem**, Shannon P. O'Connor, First Assistant Federal Public Defender.
- 10:00am – 10:45am **The Power of the Pen: Tips and Techniques for Persuasive Legal Writing**, Jennifer L. Gilg, Research and Writing Specialist, Office of the Federal Public Defender for the District of Nebraska
- 10:45am - 11:00am **CELL PHONE AND COFFEE BREAK**
- 11:00am-12:00pm **Ethics for the Federal Criminal Defense Attorney**, Willie Epps, Attorney at Law, Dowd Bennett LLP St. Louis, Missouri.