

Best Practices Forum: Federal Criminal Case Management

Program Description: This seminar will address how criminal cases are progressed in the Federal Court, and the due process, statutory, and rule-based reasons for that progression. The seminar will further explore how the court and counsel can work cooperatively to better serve the interests of the public and defendant is reaching a speedy, just, and fair determination of every case.

When and where: Quarry Oaks, Gretna, Nebraska
April 6, 2018, 9:30 a.m. to noon.

Instructors:

Cheryl Zwart, U.S. Magistrate Judge
Susan Bazis, U.S. Magistrate Judge
Michael D. Nelson, U.S. Magistrate Judge

Participants: Lawyers practicing before the Federal Court in Criminal cases.

Topics covered:

- ✓ Trial settings: the Sixth Amendment, the Federal Speedy Trial Act
 - The benefits of early designation of “unusual and complex” cases;
 - Co-defendant exclusions;
 - Trial settings: Service of subpoenas; notice to witnesses and the Marshal
- ✓ Detention and Release of criminal detainees: The Eighth Amendment, Due Process Clause, Bail Reform Act, and Interstate Agreement on Detainers Act.
 - Presumptions of detention
 - Government v. Sua sponte motions to detain
 - The impact of delaying detention hearings on likely recidivism
 - Drug treatment options available in Nebraska
 - Public law placements for SR defendants
 - Release conditions and penalties: Court review and inquiry.
 - Waiver of IADA right to remain in federal custody
 - IADA: Writs and detainers—Is there a difference?
- ✓ Initial hearings: The Fifth and Sixth Amendments and Federal Rules 5, 5.1, 32.1
 - Colloquy requirements: The functions of counsel and the court
 - “Without unnecessary delay:” The rules and their due process implications
 - Preliminary hearings: Probable cause findings based on in-court evidence
 - Knowing and voluntary waivers of rights
- ✓ Consular Notifications: The purpose and the risks of failing to provide them.
- ✓ Plea colloquies: Necessary elements, the risk associated with cooperator agreements, and the methods used by the court to respond to those risks.
- ✓ Evidence review while in detention: Current efforts to address the problem.