



FEDERAL CJA TRIAL SKILLS ACADEMY

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

INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW
530 WEST NEW YORK STREET
INDIANAPOLIS, IN
July 15-20, 2018

DRAFT AGENDA (rev. 5/4/2018)

Sunday, July 15, 2018

10:30 – 11:30 a.m. Registration

11:30 a.m. – Reception
12:30 p.m.

12:30 – 12:45 p.m. Welcome and Introduction to the Academy (Plenary)*
Juval O. Scott, Attorney Advisor, Defender Services Office Training Division, Administrative Office of the U.S. Courts, Washington, DC

12:45 – 1:45 p.m. Factbusting (Plenary)(Use of Plenary Fact Problem)
Michael Kennedy, Law Office of Michael Jerome Kennedy, PLLC, Reno, Nevada

This session will present the elements of effective factbusting and include having all participants bust the facts of the plenary fact problem.

1:45 – 2:00 p.m. Break

2:00 – 5:30 p.m. Factbusting (Small Group Breakouts)

Participants bust the facts of their own cases in small group breakout.

*All plenary sessions will be conducted in the Moot Court Room

Monday, July 16, 2018

8:30 – 9:30 a.m. Attorney-Client Relations and Interviewing Skills (Plenary)
Fredilyn Sison, *Assistant Federal Defender, Western District of North Carolina, Asheville, North Carolina*

This session will focus on important aspects of the attorney-client relationship, as well as the elements of effective interviewing. Participants will learn to obtain information from a client and others that will best allow the creation of a persuasive theory of the case.

9:30 – 9:45 a.m. Break

9:45 – 11:45 a.m. Interviewing Skills (Small Group Breakouts)

Participants practice interviewing techniques and skills and receive constructive feedback.

11:45 a.m. – 1:15 p.m. Lunch

1:15 – 2:30 p.m. Using Theory and Themes to Tell Your Client’s Story (Plenary)

Anthony “Tony” Natale, *Supervisory Assistant Federal Public Defender, Southern District of Florida, Miami, Florida*

Having a theory of the case and supporting themes allows one to effectively organize a case and tell a persuasive defense story. This session will define a theory and theme and will present the elements of effective, persuasive storytelling. It will address how to develop theories and themes and weave them into a defense story.

Factual stories move us emotionally – and have for centuries. They capture and draw us in. Juries and judges can better empathize and sympathize with our clients, and agree with our advocacy, when a compelling argument is made with storytelling. This session will also discuss the elements and techniques of persuasive storytelling and explain how to integrate your client’s story into your legal theory and incorporate it in every aspect of your trial presentation.

2:30 – 2:45 p.m. Break

2:45 – 5:30 p.m. Development of Theory and Themes and Storytelling (Small Group Breakouts)

During this breakout, participants practice the development of theories, themes and storytelling elements. At its conclusion, each participant should have a clearly articulated theory of the case in the form of a hook, headline or short three-sentence paragraph.

Tuesday, July 17, 2018

8:30 – 9:15a.m. Demonstrative Evidence and Aids (Plenary)

Norma Aguilar, Assistant Federal Public Defender, Federal Defenders of San Diego, Inc. San Diego, California

Sometimes, a picture is worth a thousand words. This session will address the elements of the effective use of audio-visual aids in litigation.

9:15– 10:00 a.m. Jury Selection (Plenary)

Kyana Givens, Assistant Federal Public Defender, Western District of Washington, Seattle, Washington

One of the most important aspects of any trial is jury selection. This session will focus on goals in selecting a jury (including advancing the theory of the case), approaches to questioning prospective jurors, and the methods by which you can gather information from prospective jurors.

10:00 a.m. – 12:00 p.m. Jury Selection (Small Group Breakouts)

Participants will practice voir dire and receive constructive feedback.

12:00 – 1:30 p.m. Lunch

1:30 – 2:15 p.m. Opening Statements (Plenary)

Callie Glanton Steele, Senior Litigator, California Central Federal Public Defender, Los Angeles, California

Opening statement is one's first opportunity to tell the jury what our case is all about. It is a critical part of the trial. This session will focus on the goals of, and preparation for, an opening statement, how jurors perceive opening statements, and the nuts & bolts of how to construct

an opening statement that will advance the theory of the case and defense story.

2:15 – 2:20 p.m. Break

2:20– 5:30 p.m. Preparation for and Presentation of Opening Statements (Small Group Breakouts)

Participants prepare and present opening statements and receive constructive feedback.

Wednesday, July 18, 2018

8:30–9:15 a.m. Cross-Examination (Plenary)

Francisco (“Frank”) Morales, *Assistant Federal Public Defender, Southern District of Texas, Corpus Christi, Texas*

This session will cover goals of, and preparation for, cross-examination, effective cross-examination techniques, how to properly and effectively impeach a witness, and how to advance the theory of the case and defense story through the use of cross-examination, including demonstrations of the proper techniques.

9:15 –9:45 a.m. Impeachment (Plenary)

TBD

This session will expand upon the cross-examination plenary and delve into how to properly and effectively impeach a witness.

9:45 – 10:00 a.m. Break

10:00 –10:35 a.m. Demos– Prosecution Direct, Defense Cross and Prosecution Redirect

10:35 – 10:40 a.m. Break

**10:40 a.m. –
12:10 p.m. Cross-Examination and Evidence Issues (Small Group Breakouts)**

Participants practice cross-examination, impeachment of witnesses, and proper procedures for the use and admission of evidence during cross-examination, and receive constructive feedback.

12:10–1:30 p.m. Lunch

1:30–3:15 p.m. Cross-Examination and Evidence Issues (Small Group Breakouts Continued)

3:15 p.m. Adjourn for the Day

Thursday, July 19, 2018

8:30 – 9:15 a.m. Direct Examination /Witness Prep (Plenary)

Jason Ser, Assistant Federal Defender, Federal Defenders of New York, New York, New York

Direct examination provides another opportunity to advance the theory of the case and defense story. This session will address techniques for preparing the witness, such as explaining the courtroom scene and basic law, appearance and communication, practicing direct and cross, and preparing for obvious questions. It will also cover how to persuasively present their testimony in the courtroom, including the use of chapters, detailed facts, keeping the focus on the witness, and effective organization and transitions.

9:20 – 10:00 a.m. Demos – Direct Examination of Defense Witness, Prosecution Cross, Defense Redirect

10:00 – 10:15 a.m. Break

**10:15 a.m.–
12:00 p.m. Direct Examination / Witness Prep (Small Group Breakouts)**

Participants practice direct examinations and receive constructive feedback.

12:00 – 1:30 p.m. Lunch

1:30 – 3:00 p.m. Direct Examination/Witness Prep (Small Group Breakouts continued)

3:00 – 3:15 p.m. Break

3:15 – 4:00 p.m. Closing Arguments (Plenary)

Juval O. Scott, Attorney Advisor, Defender Services Office Training Division, Administrative Office of the U.S. Courts, Washington, DC

Closing arguments are the last opportunity to communicate directly with the jury. This session will cover techniques that can be used to effectively and persuasively communicate the theory of the case and defense story.

4:00 – 5:00 p.m. Preparation for Closing Arguments (Small Group Breakouts)

With the assistance of faculty, participants prepare closing arguments that will be performed in the following breakout.

Friday, July 20, 2018

8:30 – 11:00 a.m. Closing Arguments (Small Group Breakouts continued)

**11:00 a.m. – Brunch
12:15 p.m.**

12:15 – 2:45 p.m. Closing Argument Demonstration and Jury Deliberations Observation

Participants observe a closing argument demonstration and view jury deliberations via closed circuit TV.

2:50 – 3:00 p.m. Break

3:00 – 4:00 p.m. Ethics Session (Plenary)

4:00 – 4:15 p.m. Closing Remarks

4:30 – 5:30 p.m. Reception

Additional Small Group Faculty

Craig Albee, Federal Defender, Eastern and Western District of Wisconsin, Milwaukee, Wisconsin

Melody Brannon, Federal Public Defender, District of Kansas, Topeka, Kansas

Kevin Butler, Federal Public Defender, Northern District of Alabama, Birmingham, Alabama

Lori Green, Chief, Defender Services Office Training Division, Washington, D.C.

Carlton Gunn, Esq., Kaye, McLane, Bednarski, and Litt, Los Angeles, California

Glennon Threath, Assistant Federal Public Defender, Northern District of Alabama, Birmingham, Alabama