

AGENDA

2006 Spring Public Defender Conference, May 17–19, 2006 Holiday Inn Sunspree, Wrightsville Beach, North Carolina

This program contains 12 CLE hours. All hours are general credit hours unless otherwise noted.

Wednesday afternoon and evening, May 17 (all sessions on Wednesday afternoon are in the main ballroom)

11:30 Registration

1:25 Welcome

1:30 Immigration Law Refresher (60 min.)

Kaci Bishop, Staff Attorney, North Carolina Justice Center, Immigrants' Legal Assistance Project; Anthony Monaghan, Assistant Public Defender, Mecklenburg County

2:30 Crawford Developments (60 min.)

Jessica Smith, School of Government

3:30 Break

3:45 Prison and Jail Credit (60 min.)

Beth McNeill, Staff Attorney; Tosha Swinney, Paralegal, Prisoners Legal Services

4:45 Adjourn

6:00 Reception (by the pool, weather permitting). Sponsored by the North Carolina Public Defender Association.

Thursday morning, May 18

7:45 Continental Breakfast (included in your registration fee; located outside main ballroom)

	BRIEF AND MOTION WRITING <i>Soundwatch</i>	GENERAL INTEREST <i>Causeway, Airlie, and Masonboro</i>	COMMITMENT AND JUVENILE <i>Tidewater</i>	MANAGEMENT <i>Turtle and Oceanwatch</i>
8:30	Writing Workshop (180 min.) Steven Stark <i>See description on next page.</i>	Computer Forensics (90 min.) Larry Daniel, President, YourTechnician.Com	Involuntary Commitment: Selected Topics (90 min.) Burt Sigmon, Rob Stranahan, Special Counsel; Dolly Whiteside, Administrative Office of Courts <i>See description on next page.</i>	Selected Management Issues (180 min.) <i>See description on next page.</i>
10:00	Break	Break	Break	Break
10:15	Writing Workshop (cont'd)	Eyewitness Identification (45 min.) Susan Brooks, Office of Indigent Defense Services	Juvenile Update and Workshop (90 min.) Eric Zogry, Office of Juvenile Defender <i>See description on next page.</i>	Selected Management Issues (cont'd)
11:00		General Case Update (45 min.) John Rubin, School of Government		

11:45 Lunch on your own, except Chief Public Defenders meet for lunch in the hotel restaurant (Veranda Alcove)

Description of Thursday morning sessions

Writing Workshop (8:30 to 11:45)

This workshop is open to attorneys doing appellate work. Limited space is also available to trial attorneys interested in working on their writing skills. *If you are a trial attorney and want to attend this session, please sign up beforehand at the registration table.*

This advanced litigation writing workshop will attempt to apply the principles of ad copy writing and fiction writing to the brief and motion writing process. Topics will include developing better facts through better description and characterization; writing more focused arguments; and invoking better counter-arguments. If things get slow, the instructor will regale the class with his predictions for the upcoming World Cup.

Involuntary Commitment: Selected Topics (8:30 to 10:00)

This session is for attorneys who are doing civil commitment work or, crazy as it may sound, who are interested in doing civil commitment work. Part of the session will be a nuts-and-bolts approach to handling involuntary commitment cases, utilizing a chapter from the new civil commitment manual (forthcoming this summer, we hope). Part of the session will be on cases involving respondents who are charged with a criminal offense and who have been found incapable of proceeding and are facing civil commitment. In the last part of the session we will brainstorm issues and problems that you are facing in your own districts. Please bring any challenges that you'd like to discuss.

Juvenile Update and Workshop (10:15 to 11:45)

This session is for public defenders and assistant public defenders that practice or are interested in practicing in juvenile delinquency court. The workshop will begin with introductions of the participants, followed by an update of the projects of the Office of the Juvenile Defender. Following the update will be a brainstorming session, where each participant can bring an issue with a pending case or systemic problem in their jurisdiction for the group to discuss. Finally, a presentation will be made by the Juvenile Defender on two special topics: the importance of detention advocacy and contact with your client in detention, and tips on getting your client to your office before court.

Management Session (8:30 to 11:45)

The management session is open to chief public defenders and their designees.

Thursday afternoon and evening, May 18

	FOCUS GROUPS <i>Soundwatch</i>	FELONY <i>Tidewater and Airlie</i>	MISDEMEANOR <i>Causeway and Masonboro</i>	CAPITAL <i>Turtle and Oceanwatch</i>
1:15	Evaluating Indigent Defense: Your Perspective (90 min.) Margaret Gressens, IDS <i>See description on next page.</i>	Local Treatment and Other Resources around the State Janna Wegner, Sentencing Services (30 min.)	Getting Control of Your Cases and Courtroom (45 min.) Kevin Jones and Chris Roberts, Assistant Public Defenders, Durham	Capital Update and Workshop (90 min.) Bob Hurley, Capital Defender, Durham, and Mark Rabil, Assistant Capital Defender, Winston-Salem <i>This session is mandatory for attorneys on the capital list. See description on next page.</i>
1:45		Record Preservation Issues (30 min.) Julie Lewis, Assistant Public Defender, Mecklenburg County		
2:00			Working with Hispanic Clients in Misdemeanor Cases (45 min.) Alyson Grine, Defender Educator, School of Government	
2:15		Beyond Blakely: Sentencing Issues under the Blakely Bill (30 min.) Dan Shatz, Assistant Appellate Defender, Office of Appellate Defender		
2:45	Break	Break	Break	Break

Thursday afternoon and evening schedule cont'd on next page

Thursday afternoon and evening, May 18 (cont'd)

	VIDEO REPLAY <i>Soundwatch</i>	FELONY <i>Tidewater and Airlie</i>	MISDEMEANOR <i>Causeway and Masonboro</i>	LEXIS-NEXIS <i>Turtle and Oceanwatch</i>
3:00		Getting Police Personnel Records (45 min.) Mike Klinkosum, Office of Capital Defender	Challenging Checkpoint Stops (45 min.) Chuck Alexander, Winston-Salem (45)	Using Lexis-Nexis Effectively (45 min.) Roy Turner
3:45	Break to change rooms	Break to change rooms	Break to change rooms	Break to change rooms
3:55	Replay of Substance Abuse Hour from 2004 Spring PD Conference (60 min. substance abuse credit) <i>See description on next page.</i>	Don't Despair: Jury Unanimity in Sex Cases after <i>Lawrence</i> and Developments in Habitual Felon Cases (45 minutes) Barbara Blackman, Assistant Appellate Defender Office of Appellate Defender, and Paul James, Assistant Public Defender, Forsyth County	Reading the Traffic Record and Getting it Cleaned Up (45 min.) Beth Toomes, Assistant Public Defender, Forsyth County)	Lexis-Nexis (repeat of earlier session)
4:40		Adjourn	Adjourn	Adjourn
4:55	Adjourn			

8:00 Advance Showing of the Documentary, “The Trials of Darryl Hunt” (8:00 pm) (in the hotel ballroom). Sponsored by the North Carolina Academy of Trial lawyers. There is no charge to attend. Darryl Hunt will be present to answer your questions after the film along with Mark Rabil, the attorney who represented him in his first trial. This is a unique opportunity to see a powerful chronicle that was received with enthusiasm at the Sundance Festival and the Full Frame Festival. We hope you will all be able to attend. (Does not count for CLE credit.)

Description of Thursday afternoon sessions

Evaluating Indigent Defense: Your Perspective (1:15 to 2:45)

This session is open to all who are interested in participating. *If you have not already signed up by email with Margaret Gressens, please sign up at the registration table.*

IDS is undertaking a project to develop an evaluation tool to measure how the indigent defense system is serving our clients. Since you get what you measure, our first step is to concretely define, in detail, the goals of the indigent defense system. In other words, if the system had unlimited resources, what would we want to accomplish?

To help IDS define the goals of North Carolina's indigent defense system, IDS is hosting a series of round table discussions across the state and asking our indigent defense attorneys, clients, and criminal justice partners, including judges, prosecutors, law enforcement, corrections officers, victims, and community members, to share their experiences and perspectives on indigent defense and the criminal justice system with us.

IDS wants to know what you think. The round table discussion is your opportunity to share your perspectives with us. What should the indigent defense system be doing to help our clients and to improve the criminal justice system? We urge you to attend this important event. We want to hear from you.

Capital Update and Workshop (1:15 to 2:45)

The capital update and workshop is mandatory for attorneys who are attending the conference and who are on the capital list.

Mark Rabil, Asst. Capital Defender, will give a presentation entitled "The Ethics of Pursuing Pleas in Capital Litigation." Mark's presentation will not only address the ethical issues surrounding pursuing pleas, but will also discuss what a competent attorney is expected to do in an attempt to obtain a plea offer under the ABA "Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases." Mark's presentation will be followed by a general discussion of problems or issues that Assistant Public Defenders are confronting in handling capital cases and what the Office of the Capital Defender can do to assist them. Bob Hurley will lead the discussion.

Replay of Substance Abuse Hour from 2004 Spring PD Conference (3:55 to 4:55)

If you received substance abuse credit at the 2004 Spring PD conference, you do not need substance credit again until the Spring 2007 conference. For those unfortunate few who missed that conference and still need substance abuse credit, this session is for you! *If you want to attend this session, you MUST sign up beforehand at the registration table.*

Friday morning, May 19 (all sessions on Friday are in the main ballroom)

7:45 Continental Breakfast (included in your registration fee; located outside main ballroom)

8:45 Ethics—Therapeutic Jurisprudence and the Expanding Professional Responsibilities of the Criminal Defense Lawyer (60 min. ethics credit)

David Wexler, Professor, University of Arizona and University of Puerto Rico

9:45 Indigent Defense Update

Danielle Carman, Assistant Director, Office of Indigent Defense Services

10:15 Break

10:30 North Carolina Public Defender Association Business Meeting (does not count for CLE credit)

James Williams, President

10:45 Employee Assistance Program (does count for CLE credit) (30 min.)

Gretchen Jones, Deer Oaks

11:15 Advocacy and Ethics: Prosecutorial Misconduct and the Role of the Defense Attorney (60 min. ethics credit)

Rich Rosen, Professor, UNC Law School

12:15 Adjourn