

Presented by:

Criminal Defense Attorneys of Michigan

CDAM

Advanced Criminal Defense Practice Conference

November 13 - 15, 2008

Park Place Hotel Plaza
300 E. State Street • Traverse City, MI 49684
1-800-748-0133



GETTING DISCOVERY

**DEMYSTIFYING MENTAL
HEALTH EXPERTS' TESTING
AND EVALUATIONS**

CDAM

PO Box 18098 • Lansing • MI 48901

ABOUT THE CONFERENCE

The Criminal Defense Attorneys of Michigan (CDAM) announces an advanced skills conference for criminal defense lawyers in Traverse City, Michigan. Our focus will be Getting Discovery, Investigation in a High Tech World, Demystifying Mental Health Experts' Testing and Evaluations, Practice and Ideas for Getting Experts for Indigent Defense, New Developments in Michigan Criminal Law, Motions in Limine, Hot Tips, and Michigan Sentencing Guidelines.

JACK LITMAN

Jack Litman is a Past-President of the New York State Association of Criminal Defense Lawyers and a Past-President of the New York Criminal Bar Association. In 1986, he was given the award for Outstanding Criminal Defense Lawyer in the State of New York by the New York State Bar Association. In January 2000, Mr. Litman received the Thurgood Marshall Outstanding Practitioner Award from the New York State Association of Criminal Defense Lawyers. In 2008, Jack Litman received the first ever Lifetime Achievement Award for Excellence as a criminal defense and trial attorney and for his contributions to the Bar. He has served on the Board of Directors of the National Association of Criminal Defense Lawyers and writes and lectures extensively throughout the country on criminal trial advocacy, law and procedure. Most of Mr. Litman's work ranges from defending complex homicide cases to defending white-collar clients (especially professionals – doctors, lawyers, securities dealers, accountants). He tries matters all over the country.

KENNETH MURRAY

Kenneth Murray is currently an Assistant Federal Public Defender with the Capital Habeas Unit, Federal Public Defender for the District of Arizona. Prior to that he was in private practice, accepting countless CJA appointments, and was the CJA representative for the Southern District of Ohio to the Defender Services Advisory Group. He has been involved in criminal defense for over 20 years and has represented defendants in trials, appeals, post-convictions, and habeas proceedings in numerous state and federal jurisdictions. Ken argued *Schiro v Summerlin* before the United States Supreme Court. He has written numerous articles on criminal defense issues. As the Gary Schweickhart Chair Professor, he taught an advanced criminal litigation class on death penalty defense at Capital University Law School (Columbus, OH) and has been asked to lecture at criminal defense and death penalty defense training programs throughout the country. Mr. Murray has degrees in Social Welfare (B.A.), Psychology (M.A.), and is currently the Chair of the NACDL Mental Health Committee. He is a field instructor for the Arizona State University School of Social Work and serves on the Advisory Board for the ASU forensic social work program.

ABOUT CDAM

The Criminal Defense Attorneys of Michigan was formed by criminal defense attorneys from across the state in 1976 to provide an educational, resource sharing forum for criminal defense practitioners in Michigan. A primary goal is to enhance the quality of representation of indigent defendants. This conference is one of a series of conferences geared to providing a nuts and bolts approach to national practitioners experienced in practical teaching as well as criminal defense work. Our programs are structured in a lecture, workshop and demonstration format. Small group workshops provide the opportunity to devise trial strategy and observe the techniques of others. It is a mutual education effort as well as a chance to consider the comments by the faculty.

The Conference is planned by CDAM's Educational Committee and financially supported by registration fees and a grant from the Michigan Commission on Law Enforcement Standards. The grant is administered by the State Appellate Defender Office's Criminal Defense Resource Center (CDRC), which provides support services to criminal defense attorneys (www.sado.org). Key personnel on the project include F. Randall Karfonta (CDAM's Education Director), Dawn Van Hoek (SADO Deputy Director and CDRC Director), Bill Moy (CDRC Coordinator), Yvonne Fleener (CDAM Executive Director), and Sheila Dean Connors (Administrative Assistant). Each summer, CDAM also hosts the grant-funded Trial College, through a partnership with Thomas M. Cooley Law School.

REGISTRATION & CONFERENCE MATERIALS

Due to a grant from the Michigan Commission on Law Enforcement Standards, your only cost to attend the conference is \$50 for CDAM members and \$90 for non-members. Please note that this fee is not refundable (unless your cancellation is by U.S. mail postmarked on or before October 20, 2008). This fee includes the cost of your conference materials and the Friday group luncheon. Accommodations can be arranged with the Park Place Hotel at your expense. Our grant provides for limited distribution of conference materials at cost. The cost to order conference materials on disk is \$15.00.

OPTIONAL THURSDAY • NOVEMBER 13, 2008

ALTERNATE SESSIONS

9:30 - 5:30 A IS FOR ATTORNEY

CDAM's acclaimed new lawyer session. All, or at least some, of what a new lawyer needs to know to begin practicing criminal defense: interviewing a client, setting up a file, basic nuts and bolts of criminal court procedures, QUESTIONS AND ANSWERS. Morning session is procedure, working lunch; afternoon session is trial skills.

*JAMES R. SAMUELS, BIG RAPIDS
LISA KIRSCH SATAWA, SOUTHFIELD*

2:30 - 6:30 SMALL GROUP TRIAL PRACTICE WORKSHOP

Prior to the lecture session of the conference, CDAM is offering an expanded small group trial practice workshop. It is an opportunity to devise trial strategy and observe techniques of others. The subject matter is opening statement.

CDAM WORKSHOP FACULTY

4:00 - 6:00 FEDERAL PRACTICE SESSION WORKSHOP

Demystifying and debunking the guidelines after recent amendments and Kimbrough and Gall; and Detention hearings/bond issues.

*PENNY R. BEARDSLEE, FEDERAL DEFENDER OFFICE, DETROIT
CLARE LYON, FEDERAL DEFENDER OFFICE, GRAND RAPIDS
RICHARD STROBA, FEDERAL DEFENDER OFFICE, GRAND RAPIDS
SHEILA OSBORN, US PROBATION & PRETRIAL SERVICES OFFICER, GRAND RAPIDS*

4:00 - 6:00 POWER UP YOUR TRIAL PRESENTATIONS

Learn how to use widely-available software to more effectively challenge prosecution evidence and present your own case for the defense. John will explain and demonstrate how to make your own charts, maps and timelines, and use graphics to explain your theories.

JOHN POWELL, DETROIT

4:00 - 6:00 THE NUTS AND BOLTS OF DELINQUENCY PROCEEDINGS

Standard cases, initiation, discovery, motions, plea, adjudication, disposition; competency/criminal responsibility; and juveniles in adult court; QUESTIONS & ANSWERS.

LYNN D'ORIO, ANN ARBOR

4:00 - 6:00 APPELLATE PRACTICE

Working with facts, issue framing, concurrent jurisdiction, preserving issues for habeas corpus.

*JEANICE DAGHER MARGOSIAN, SADO, LANSING
RICHARD GINSBERG, ANN ARBOR*

FRIDAY • NOVEMBER 14, 2008

7:30 AM REGISTRATION

9:00 - 11:00 GETTING DISCOVERY

Discovery toward an adequate defense and a fair trial. Pressing broad requests and specific requests, meeting the issues of witness tampering, intimidation, and obstruction of justice. Fundamental fairness, adequate notice, adequate disclosure and the disparity of resources.

JACK LIITMAN, NEW YORK, NY

11:00 - 11:15 BREAK

11:15 - 12:45 INVESTIGATION IN A HIGH TECH WORLD

High tech and traditional forms of investigation.

*ADAM KELLY AK+ COMPUTER CONSULTING, LANSING
BEVERLY SOLOMAN, FEDERAL DEFENDER OFFICE, DETROIT*

12:45 - 1:45 GROUP LUNCHEON OR LUNCHTIME HOT TIPS A& TOPICS

JOHN POWELL, DETROIT

1:45 - 2:00 PUBLIC DEFENSE & CRIMINAL DEFENSE COMMUNITY UPDATE

MARGARET SIND RABEN, CDAM PRESIDENT

2:00 - 4:30 DEMYSTIFYING MENTAL HEALTH EXPERTS' TESTING AND EVALUATIONS

Both psychology and law are concerned with human behavior. Law depends on what everyone knows and believes about human behavior, upon common knowledge. In contrast, psychology distrusts common knowledge and substitutes knowledge based on empirical data systematically gathered and rationally analyzed. This conflict may cause misunderstanding between law and psychology.

I don't Remember Nothin'; Don't know why I confessed; I'm too tired, I give up; Let God sort out this mess; I got the blues; and my voices got them too!; you're harboring a fugitive, whose harboring a grudge; I'd much rather hear the voices than listen to you, judge!

KENNETH MURRAY, PHOENIX, AZ

3:30 - 3:45 BREAK

4:30 - 5:30 IDEAS AND PRACTICE FOR GETTING EXPERTS FOR INDIGENT DEFENSE

*TIMOTHY IDSSINGA, KENT COUNTY DEFENDER OFFICE
KALEN LIPE, IRON MOUNTAIN
KENNETH MALKIN, BAY CITY DEFENDER OFFICE*

5:30 RECEPTION AND CORNUCOPIA DRAWING

SATURDAY • NOVEMBER 15, 2008

- 9:00 - 9:45** **RECENT DEVELOPMENTS IN MICHIGAN CRIMINAL LAW**
MARTIN TIEBER, LANSING
- 9:45 - 10:30** **SHAPING YOUR CASE: MOTIONS IN LIMINE**
THOMAS LOEB, FARMINGTON HILLS
- 10:30 - 10:45** **BREAK**
- 10:45 - 11:30** **HOT TIPS FROM THE TRENCHES**
- 5 minute segments of great practice ideas from attendees for use next week.
An idea solicitation form will be given to attendees.
- 11:30 - 12:30** **MICHIGAN SENTENCING GUIDELINES**
ANNE YANTUS, DETROIT

VENDORS & EXHIBITORS

Please remember to visit our vendors and exhibitors, Friday, 8:00 a.m. - 5:00 p.m. and stay for the drawing of products and services during our reception/informal dinner.

CDAM appreciates the generous support of our sponsors.

CDAM CONSTITUTIONAL WARRIORS

*Thank you to all
Constitutional
Warriors. Your
continued and
generous support
allows CDAM to work
towards its mission
and goals.*



Matthew R Abel
Penny R Beardslee
Thomas W Cranmer
Frank D Eaman
Michael D Elkins
James L Feinberg
Mitchell T Foster
Rhonda B Ives
Gregory B Jones
F Randall Karfonta
Lisa B Kirsch-Satawa
Thomas M Loeb
Patricia A Maceroni
John R Minock

Douglas R Mullkoff
Jill Leslie Price
Margaret Sind Raben
Marjorie P Russell
James R Samuels
Kenneth R Sasse
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Michael L Steinberg
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F Martin Tieber
Andrew N Wise

REGISTRATION FORM

Please register me for the November 13-15, 2008 CDAM conference. I have enclosed a check payable to CDAM as follows:

- \$50.00 CDAM Member \$90.00 for Non-Member

Please note: The conference fee is non-refundable. The conference fee is required in advance due to space limitations, last-minute cancellations and the limited capacity of these conferences. We will refund your fee only if you cancel by U.S. mail postmarked on or before October 20, 2008.

Please indicate your preference for the alternate sessions:

- A is for Attorney, 9:30 – 5:30, Thursday, Nov. 13, 2008**
- Small Group Trial Practice Workshop, 2:30 – 6:30**
Thursday, Nov. 13, 2008
- Federal Practice Session, 4:00 – 6:00**
Thursday, Nov. 13, 2008
- Power Up Your Trial Presentations, 4:00 – 6:00**
Thursday, Nov. 13, 2008
- The Nuts and Bolts of Delinquency Proceedings, 4:00 – 6:00**
Thursday, Nov. 13, 2008
- Michigan Appeals, 4:00 – 6:00**
Thursday, Nov. 13, 2008
- Lunch-time Hot Tips and Tactics, 12:00 – 1:00**
Friday, Nov. 14, 2008 – John Powell
- I DO NOT WISH TO TAKE AN ALTERNATE SESSION**
- Please send me conference materials on disk ONLY. I have enclosed a check payable to CDAM in the amount of \$15.

NAME: _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

Fees can be paid on line: www.cdam.net (click on Fall Conference Link)

Please return this form to: Criminal Defense Attorneys of Michigan
Attn: Fall Conf. Registration • P.O. Box 18098 • Lansing • Michigan 48901-8098