

**ADMINISTRATIVE OFFICE OF THE U.S. COURTS
OFFICE OF DEFENDER SERVICES TRAINING BRANCH**

**“SENTENCING ADVOCACY WORKSHOP:
THINKING OUTSIDE THE GUIDELINE BOX”**

**CROWNE PLAZA REDONDO BEACH AND MARINA HOTEL
300 N. HARBOR DRIVE
REDONDO BEACH, CALIFORNIA
MARCH 29-31, 2012**

DRAFT AGENDA

Thursday, March 29

8:00 a.m. Registration-Continental Breakfast

8:30 a.m. Welcoming Remarks

8:40 a.m. Introduction to Workshop

Andrea Taylor, Deputy Branch Chief, Office of Defender Services Training Branch,
Administrative Office of the U.S. Courts, Washington, D.C.

8:45 a.m. Using §3553(a)'s Spears: Fighting for and Winning Lower Sentences

This session will focus on using 18 U.S.C. §3553(a) and recent sentencing rulings from the Supreme Court and lower courts to help attorneys advocate for and achieve below guidelines sentences.

9:40 a.m. Break

9:50 a.m. Judging at Sentencing

A federal judge will give his perspective on how federal criminal defense lawyers can be more persuasive in their sentencing advocacy now that Booker and Gall have allowed judges the discretion to consider more factors at sentencing.

10:50 a.m. Getting to Know Your Client

Just who is it that I am representing? How is her case different than the other hundred that I have represented? How do I uncover and develop the mitigating factors that will allow me to tell his story in a persuasive manner? This session will focus on developing an effective relationship with your client and demonstrate interviewing techniques which will allow you to obtain mitigating information from the client and other key figures.

11:50 a.m. Meet “Sam Bradshaw” - A Client’s Perspective on Sentencing Advocacy

12:15 p.m. Lunch - On Your Own

1:30 p.m. Brainstorming the Facts of the Case

This session will explain the elements of brainstorming using the mock case to demonstrate techniques for discussing and understanding the facts of a case in a manner which will maximize the potential of developing those facts into a persuasive sentencing theory.

2:30 p.m. Break

2:40 p.m. Small Group Sessions –Brainstorm Facts of Own Case
Workshop room and group assignments will be posted at the registration desk.

Participants will break into small groups led by a facilitator and brainstorm the facts of their own cases.

4:50 p.m. Break

5:00 p.m. Developing Persuasive Theories and Themes

Having a theory for sentencing and supporting themes is critical to your organization of the case and forms the basis of your sentencing story. This session will define a theory and theme and will address how to develop theories and themes and weave them into your story of mitigation for sentencing.

6:00 p.m. Adjourn for the Day

Friday, March 30

8:00 a.m. Continental Breakfast

8:30 a.m. Storytelling at Sentencing

The story is what moves us. It is what captures us and draws us in. This session will discuss the elements and techniques of persuasive storytelling and explain how to incorporate them into your sentencing advocacy.

9:30 a.m. Small Group Sessions - Theories and Themes / Storytelling

Participants will break into small groups led by a facilitator and apply theories, themes, and storytelling techniques to the facts of their own cases.

12:00 p.m. Lunch - On Your Own

1:15 p.m. Persuasive Writing

This session will provide persuasive writing techniques to advance the sentencing theory using the facts of the mock case

2:30 p.m. Break

2:40 p.m. Small Group Sessions - Persuasive Writing

Participants will break into small groups led by a facilitator and apply storytelling and persuasive writing techniques to the facts of their own cases. Each participant will write the first two to three paragraphs of their sentencing memorandum or downward departure motion in a persuasive fact-based manner. Participants will receive feedback on the writing and rewrite it focusing on the feedback.

3:30 p.m. Break

3:40 p.m. Small Group Workshops - Persuasive Writing (cont.)

5:30 p.m. Adjourn for Day

6:00 p.m. Reception

Join us for light fare and the good company of your fellow workshop participants. Informal attire. Cash bar.

Saturday, March 31

8:00 a.m. Continental Breakfast

8:30 a.m. Using “Moving Pictures” to Persuade

At sentencing, a picture is worth *at least* a thousand words, and will often add layers of credibility and emotion to your client’s mitigation story. Moving pictures help the judge connect with and understand your client. This session will discuss how to incorporate powerful and persuasive images into your sentencing practice, ranging from inclusion of still photos in sentencing memoranda to the creation of mini-documentary films.

9:45 a.m. Working With Probation

The probation officer plays a critical role at sentencing which often influences the judge’s opinion. This session will discuss how to work with the probation officer in order to persuade them to adopt (or not oppose) your theory of sentencing.

10:45 a.m. Break

11:00 a.m. Persuasive Sentencing Hearings

This session will discuss how to persuasively tell the client's story at the sentencing hearing. It will examine factors to consider in making decisions about what to present and how to conduct the hearing.

12:00 p.m. Lunch - On Your Own

1:15 p.m. Small Group Sessions - Persuasive Sentencing Hearings

Participants will break into small groups and discuss how they will conduct the sentencing hearing in their own case.

3:30 p.m. Closing Remarks

Andrea Taylor, Deputy Training Branch Chief, Office of Defender Services,
Administrative Office of the U.S. Courts, Washington, D.C.

3:45 p.m. Program Adjourns

CLE Accreditation