

National Defender Training Project 2016 Public Defender Trial Advocacy Program

HOW TO PREPARE FOR THE CONFERENCE: A GUIDE FOR PARTICIPANTS

Dear Registrant:

As director of the National Defender Training Project's 2016 Trial Advocacy Program, I would like to take this opportunity to welcome you to the program, and to give you an idea of what you will need to do get ready for the conference.

The conference begins for participants with registration from 7:30 to 8:15 A.M. on Saturday, June 4, 2016. The first session starts promptly at 8:15 A.M. on Saturday, June 4, 2016. The conference takes place at the University of Dayton School of Law (not at the Marriott). The conference ends at 1:00 P.M. on Thursday, June 9, 2016.

Learning at this program is cumulative. Each session builds upon the previous sessions. Attendance is therefore mandatory for all sessions of the program.

All participants in the 2016 Public Defender Trial Advocacy Program must do four things to prepare for the conference.

1. Thoroughly familiarize yourself with the facts of one of your real, pending cases that you expect to go to trial. This case will form the basis for the work you will be doing in all the small group workshop sessions. **The case must be an open, pending, criminal case at the trial level.** It can be either a felony or a misdemeanor, or a juvenile case. It must *not*, however, be an appeal, a post-conviction or habeas corpus case, a case you have already tried, a case that has pleaded out, a case that has been dismissed, or a case awaiting sentencing or retrial. **The defendant must be an indigent person you are representing in your capacity as a public defender, assigned counsel, or pro bono.** If you are a public defender who is also permitted to represent private clients, or if you are in private practice, **do NOT bring a private case.** You should already have interviewed your client and done enough investigation to be familiar with the basic facts and witnesses of the case. You do not have to prepare any parts of your trial performance in advance. For example, you do not have to arrive at the conference prepared to do an opening or a closing. All you must do in

advance is know the facts of the case, and be prepared to discuss them in detail.

2. Using the enclosed Case Summary Form, please write a one page summary of the facts of your case (*not the law*) and bring 12 hard copies with you to the conference.
3. Please bring the following with you to the conference:
 - a. The indictment or other charging instrument in your case.
 - b. Any police reports you have concerning the case.
 - c. Any other discovery or Brady material you have received concerning the case.
 - d. Any depositions, hearing transcripts, witness statements, client statements, or investigation reports.
4. Read the Plenary Session Fact Problem that is included in this packet. This is the problem we will be discussing in the large group sessions. It will also form the basis for the demonstrations the faculty will be doing in the large group sessions.

The National Defender Training Project's Trial Advocacy Program may be unlike any other skills programs or CLE courses you have attended in the past. All of the sessions are interactive, and require your attendance and participation. In the large group sessions, we will be working together on a fact problem (The Plenary Session Fact Problem, see #4, above), with the aim of learning skills that you will then be able to apply to your own real cases in the small group workshops. None of these plenary sessions are lectures. They will involve your participation, and may include demonstrations by faculty members. In the small group workshops, you will be working on your own real cases, and using those cases to practice the skills taught in the plenaries. You will also be assisting the other members of your group to develop their cases. You should also be aware that you will be assigned homework every evening -- usually to prepare your performances in the following day's workshops.

I am delighted that you will be attending the national Defender Training Project's 2016 Trial Advocacy Program, and look forward to meeting you in Dayton. If you have any questions before then, please feel free to call me at (518) 583-6730.

Sincerely yours,

Ira Mickenberg
Director, National Defender Training Project