**OFFICE OF THE DEFENDER GENERAL**

**2018 GREEN MOUNTAIN JUVENILE AND**

**CRIMINAL DEFENSE INSTITUTE**

**By Invitation Only**

**Co-Sponsored by the Vermont Association of Criminal Defense Lawyers and the Vermont Bar Association**

**AGENDA**

**SALONS II AND III IN THE MANSION**

**TUESDAY JUNE 5TH**

**ALL Day 9:00-5:00** 6.5 CLE

MINI–Trial/Cross-examination

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**SALONS II AND III IN THE MANSION**

**WEDNESDAY JUNE 6TH**

**ALL Day 9:00-5:00** 6.5 CLE

\*MINI–Trial *continued*

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**ATRIUM**

***\*Juvenile all day***

9:00 - 10:15 Speech Crimes, Kids, and the First Amendment,

*Rebecca Turner* is Vermont’s Chief Appellate Defender and has litigated several significant Vermont Supreme Court cases involving First Amendment defenses to threat, false information, and disorderly conduct offenses.

*Marshall Pahl* is Vermont’s Chief Juvenile Defender.

Many of the most common charges in juvenile court include a significant speech component – like criminal threatening, false information to law enforcement, disorderly conduct, sexting, and dissemination of indecent material. This workshop will look at the First Amendment limits to criminal liability, techniques for raising facial and as-applied challenges to vague and broad statutes, and defenses that are particularly relevant to juvenile clients. 1.25 CLE

10:15 - 10:30 Break

10:30 - 12:00 Keynote: Representing Children and Young Adults in Serious Felony Cases,

*Stephen Harper* is a Florida International University law professor, a defense attorney with decades of experience in capital cases, the former coordinator of Florida’s Juvenile Death Penalty Initiative, and the former Chief of the Juvenile Division for the Miami-Dade County Public Defenders.

This workshop will address strategies and techniques for approaching complex and serious felonies for juveniles and young adults. 1.5 CLE

12:00 - 1:00 Lunch

1:00 - 2:45 Using Adolescent Development to Challenge Mens Rea in Delinquency, YO and Adult Court, [PPT](https://vodgsearch.org/Training18/Atrium/Mens%20Rea%20VT%20June%202018.pptx)

*Wendy Wolf* is the Training Director for the Youth Advocacy Division of the Massachusetts Committee for Public Counsel Services, a former trial attorney and supervising attorney at YAD, and the co-director of the New England Juvenile Defender Center.

*Christopher Northrop* is a professor at the University of Maine School of Law where he founded and directs the Juvenile Justice Clinic and has worked on juvenile defense issues for the National Juvenile Defender Center since its inception. He is a co-author of a law review article, *Kids Will be Kids: Time for a “Reasonable Child” Standard for the Proof of Objective Mens Rea Elements*, 69 Me. L. Rev. 109 (2017).

*Laura Edmunds* is a Massachusetts attorney specializing in serious juvenile cases in the trial courts and on appeal. She has won huge cases including a DNA exoneration in a 14-year-old rape case and a Massachusetts Supreme Court decision preventing automatic registration of juvenile sex offenders.

Even while courts around the country have woken up to the science behind the diminished culpability of juveniles and young adults in the context of sentencing and jurisdiction, most still treat kids just like adults when it comes to the intent element of criminal offenses. This session will look at intent analysis through the lens of adolescent brain development. 1.75 CLE

2:45 - 3:00 Break

3:00 - 5:00 Ethics Panel: Real Problems, Real Answers, and Prizes!

What do you do when a prosecutor threatens to “tie your client up in court for years” with frivolous charges? How do you manage a client that lies to all her service providers about what you have advised her to do? What should you do when your client – right before he is taken from the courtroom in handcuffs – slips a bag of pot out of his pocket and into your hand?

This workshop will address ethical issues that come up in juvenile defense using real examples. There will be teams, competition, and prizes. 2 Ethics CLE

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**MORNING SESSIONS IN THE ATRIUM**

**THURSDAY JUNE 7TH**

9:00 - 10:30 Defender General Matt Valerio 1.5 CLE

[LEGISLATIVE SUMMARY](https://vodgsearch.org/Training18/Atrium/Legislation%20Passed%20Summaries%202018.pdf)

10:30 - 10:45 Break

10:45 - 12:00 USSCT IN REVIEW, Federal Defenders Paul Rashkind and David McColgin present the ups and downs of the USSCT. [Outline PDF](https://vodgsearch.org/Training18/Atrium/Vermont%20Supreme%20Court%20Outline%202018.pdf) 1.25 CLE

12:00 - 1:00 Lunch

1:00 - 2:30 **TWO TRACKS** 1.5 CLE

**ATRIUM**

**TRACK A** Challenging Government Searches of Computers: Internet and Cybertipline and More! Eric Eckes, an experienced defender – former public defender and now in private practice, has litigated important internet search cases.[PPT](https://vodgsearch.org/Training18/Atrium/presentation.pptx)

**SALONS II AND III IN THE MANSION**

**TRACK B** Juvenile Law Legislative and Practice Update: Get all the information about new YO laws, new Woodside admission statutes and policies, more changes to the age of juvenile court jurisdiction, and CHINS updates from the central office Juvenile Defenders.

2:30 - 2:45 Break

2:45 - 4:00 **TWO TRACKS** 1.25 CLE

**ATRIUM**

**TRACK A** Hold Their Feet to the Fire! Strategies for getting the discovery you want in state and federal courts. Experienced criminal defense litigators share their secrets and practices to force the government to provide discovery. [PDF](https://vodgsearch.org/Training18/Atrium/Materials.pdf), [Nolen PPT1](https://vodgsearch.org/Training18/Atrium/2018%20DG%20Training%20-%20Nolan%20re%20Federal%20Criminal%20Discovery.pptx), [Nolen PPT2](https://vodgsearch.org/Training18/Atrium/2018%20DG%20Training%20-%20Nolan%20re%20Brady-Giglio.pptx)

**SALONS II AND III IN THE MANSION**

**TRACK B** Juvenile Law: Successes in the Vermont Supreme Court! Rebecca Turner and Marshall Pahl

4:00 - 5:00 **TWO MINI TRACKS** 1 CLE

**ATRIUM**

**TRACK A** Do You Know the Rules of Evidence? Test your knowledge against your comrades! Larry Novins, VLS Evidence Labs and Intensive Trial Practice Professor, and a cast of willing contestants! Prizes will be awarded. [PPT](https://vodgsearch.org/Training18/Atrium/JeoPARODY%202016%20Scoreboard%20evidenceAS.ver1%20%281%29.pptx)

**SALONS II AND III IN THE MANSION**

**TRACK B** Immigration Issues in Family Court, Dawn Seibert will cover the important topics such as:  Children can get deported, too!  Learn how you can prevent it. Participate in an in-depth discussion with immigration expert Dawn Seibert on how to stabilize your family court client's immigration status to protect against deportation. [PPT](https://vodgsearch.org/Training18/Manor/Fam%20Imm%202018.pptx)

5:00 VTACDL meeting **SALONS II AND III IN THE MANSION**

6:30 Cocktail hour

7:00 Dinner

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**FRIDAY JUNE 8TH**

9:00 - 10:30 **TWO TRACKS** 1.5 CLE

**ATRIUM**

**TRACK A** VTSCT IN REVIEW, Appellate Defenders

[PPT1](https://vodgsearch.org/Training18/Atrium/app%20slides.pptx), [PPT2](https://vodgsearch.org/Training18/Atrium/Appellate%202018.pptx), [PPT3](https://vodgsearch.org/Training18/Atrium/AppellateCriminal.060718.pptx), [PPT4](https://vodgsearch.org/Training18/Atrium/The%20Vermont%20Supreme%20Court%20in%20Review%20-%20Josh.pptx), [DS-PDF1](https://vodgsearch.org/Training18/Atrium/CourtRedactedEldred%2C%20No.%20SJC-12279%2C%20Defendant%27s%20brief%2C%2006-16-17%20REDACTED.pdf), [DS-PDF2](https://vodgsearch.org/Training18/Atrium/REDACTED%20WAKEMAN%20AFF..pdf)

**SALONS I IN THE MANSION**

**TRACK B** Doing More with Less: Highly Effective Investigation, Mike Rucker, a Supervisory Investigator and Director of Training for the Public Defender Services in D.C. For investigators and lawyers [PPT](https://vodgsearch.org/Training18/Manor/TRAINING%20VERMONT.pptx)

10:30 - 10:45 Break

10:45 - 12:00 **THREE TRACKS** 1.25 CLE

**ATRIUM**

**TRACK A** How to Enter Canada With a Prior Conviction, Marisa Feil, Quebec immigration attorney, presents the roadmap for entry. [PPT](https://vodgsearch.org/Training18/Atrium/Post%20Conviction%20PPT.ppt-3.pptx) [Brouchure](https://vodgsearch.org/Training18/Atrium/brochure%202%20-%20Draft%202.pdf) [Postcard](https://vodgsearch.org/Training18/Atrium/Postcard%20%282%29.pdf)

**SALONS II AND III IN THE MANSION**

**TRACK B** Criminal Immigration Issues - updates!! Rebecca Turner, Dawn Matthews and Dawn Seibert [PPT](https://vodgsearch.org/Training18/Manor/Defending%20Immigrants%20in%20Assault%20cases.pptx) [PDF1](https://vodgsearch.org/Training18/Manor/Imm-Consq-checklist-2017-v3.pdf), [PDF2](https://vodgsearch.org/Training18/Manor/Intake.pdf)

**SALONS I IN THE MANSION**

**TRACK C** Investigator Roundtable: Bring your difficult cases and issues to discuss with a panel of experienced investigators.

12:00 - 1:00 Lunch

**ATRIUM**

1:15 - 3:15 New Issues in Ethics, Matt Valerio and Michael Kennedy 2 Ethics CLE