



THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW

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# CAPITAL DEFENSE

## 3 CONCURRENT SEMINARS

- Punishment Phase of a Capital Trial
- Habeas Corpus Litigation
- Mitigation Issues

*This program is  
funded by a grant  
from the Texas Court  
of Criminal Appeals*



March 23 & 24, 2007

THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW  
PLANO, TEXAS

### *Featuring*

- ▶ A Seminar designed for:
  - Mitigation Specialists and Capital Trial Lawyers
  - Capital Trial Lawyers in Punishment Phase
  - Lawyers involved in Habeas Corpus Litigation

- ▶ 14.75 hours of MCLE credit including 1.25 hours of ethics available for Punishment Phase & Habeas Corpus Litigation
- ▶ 19.5 hours of MCLE credit available for Mitigation Issues

**Does your client live or die?** The answer to this important question will likely depend on the quality of the trial team’s presentation of mitigating evidence during the punishment phase of the capital trial. In spite of the efforts of the trial team, some clients are sentenced to death. Their fate is then in the hands of the post-conviction team.

The Texas Criminal Defense Lawyers Project, Texas Defender Service, Gulf Region Advocacy Center, and the Center for American and International Law have jointly planned this two-day event. The program will bring together trial lawyers, mitigation specialists and post-conviction lawyers to learn about techniques and strategies that can help to save the life of a client.

The trial seminars will focus on evidence that can be presented to the jury to humanize the client and explain behavior that many jurors who, without your persuasion, may not want to understand. Mitigation lawyers will learn techniques and strategies to develop critical punishment phase evidence. Post Conviction lawyers will learn how the Guidelines and Standards for Texas Capital counsel – important at all phases of capital litigation – have particular importance for representation after the verdict.

This seminar will provide an opportunity to learn from some of the best, to network with others who are working to save a life, and to raise the level of your practice. The Punishment and Habeas programs share some sessions and have been approved for 14.75 hours of MCLE credit, including 1.25 hours of ethics. The Mitigation program has been approved for 19.5 hours of MCLE credit. Let’s learn together!

## THE PUNISHMENT PHASE AT TRIAL; HABEAS CORPUS LITIGATION; AND MITIGATION

**MARCH 23 - FRIDAY**

### PUNISHMENT PHASE OF A CAPITAL TRIAL

### HABEAS CORPUS LITIGATION

8:00

Registration

8:45

Opening Remarks

*Mark Smith, Center For American and International Law*

9:00

“Teamwork at Trial and Habeas”

*Katy O’Donnell, Esq., Chief Capital Defense Division, Baltimore, MD*  
*Lori James Monroe*  
*Dr. Janice Stevenson*

10:15

Break

10:30

**Brainstorming and Coordinating the Theory and Themes for Life**  
*Richard Jaffe, Esq., Birmingham, AL*

10:30

**“Meeting the client: Intake interviews and more”**

11:30

**Voir Dire with a View Towards Punishment**  
*Kathryn Kase, Esq., Texas Defender Service, Houston, TX*

11:30

**How to find the Documents to Make Your Case**

12:15

Lunch Presentation

(Includes 30 minute lunch)

“A Survey of the Literature on Risk Factors for Juvenile Offenders”  
*Dr. John Fabian*

### Habeas Corpus Litigation FACULTY

**Maurie Levin, Esq.**  
Texas Defender Service

**James Marcus, Esq.**  
University of Texas  
School of Law

**Morris Moon, Esq.**  
Texas Defender Service

**Mandy Welch, Esq.**  
Burr & Welch

*“Good materials—  
excellent presenters—  
very pragmatic and  
useful information.”*

*“Very well developed.  
Very pertinent subtopics  
and good help with  
persuasive advocacy.”*

**— 2006 Punishment  
Phase participants**

## MARCH 23 - FRIDAY

### PUNISHMENT PHASE OF A CAPITAL TRIAL

- 2:00 **Anticipating and Dealing with Prosecution Strategies at Punishment**  
*Robert Morrow, Esq., Spring, Texas*
- 3:00 **Break**
- 3:15 **Capital Defense in our MultiCultural Society**  
*Dr. German Nunez,*  
*Texas Tech University, Lubbock, Texas*
- 4:30 **Challenging Aggravating Evidence**  
*John Niland, Esq.,*  
*Texas Defender Service, Austin, TX*
- 5:30 **Recess**

### HABEAS CORPUS LITIGATION

- 2:00 **Working With the Trial Team**
- 3:00 **Break**
- 3:15 **Developing an Investigation Plan**
- 4:30 **Litigating Funding & Working with Experts**
- 5:30 **Recess**

## MARCH 24 - SATURDAY

### PUNISHMENT PHASE OF A CAPITAL TRIAL

- 8:30 **Opening Statement – Preparation and Presentation**  
*Stephen Rench, Esq., Denver, Colorado*
- 9:30 **Break**
- 9:45 **Planning and Delivery of the Closing Statement**  
*Deb Grohs, Esq.,*  
*Colorado Springs, Colorado*
- 10:45 **Explaining the Brain and Behavior:**  
*Susan Snyder, L.C.S.W., President of MitigationPlus*  
*Judy Humble, L.C.S.W., C.E.A.P., Clinical Director,*  
*Croney @ Clark, Inc.*

### HABEAS CORPUS LITIGATION

- 8:30 **Developing legal theories and writing effective pleadings**
- 9:30 **Break**
- 9:45 **Federal Habeas: What to do when you are appointed**
- 10:45 **Overcoming Exhaustion & Procedural default**

11:45 **Presentation on Legal Ethics (lunch presentation)**  
(Includes 30 minute lunch)  
*Kirsten Jacobvitz, Esq., Texas Defender Service, Austin, TX*

- 1:30 **Punishment Phase Charge and Motion for New Trial**  
*John Wright, Esq., Huntsville, Texas*
- 2:30 **Break**
- 2:45 **“The Answers to the Fifteen Questions Capital Defense Counsel Must Ask”**  
*Steve Harmon, Esq., Riverside, California*

- 1:30 **Litigating 2254(d) & (e)**
- 2:30 **Break**
- 2:45 **Litigating 5th Cir appeals**
- 3:45 **Supreme Court Litigation: Identifying Certworthy issues**

4:15 **Closing Argument Demonstration**  
*Allen Isbell, Esq., Houston, Texas*

4:45 **Closing Remarks**

4:45 **Closing Remarks**

5:00 **Adjourn**

## MITIGATION PROGRAM

### MARCH 23 - FRIDAY

- 8:00 Registration
- 8:45 Opening Remarks  
*Danalynn Recer, Esq., Gulf Region Advocacy Center*
- 9:00 “Teamwork at Trial and Habeas: Hiring, Paying and Working with a Mitigation Specialist, What to Expect and Demand from Each Other.” (Plenary presentation)  
*Philip Wischkaemper, Esq., TCDLA Capital Assistance Attorney, Lubbock, TX*  
*Danalynn Recer, Esq., Gulf Region Advocacy Center*
- 10:15 Break
- 10:30 Overview of the mitigation track, introduction to basic standards and themes
- 11:00 Client Interviews: First Meeting through Social History Intake
- 12:15 Lunch & Roundtable discussion of Client Relationships  
led by *Russ Stetler and Liz Vartkessian* (Includes 30 minute lunch)
- 1:30 Small Groups: Client Intake Interview Skills  
*Russ Stetler, Danalynn Recer, Liz Vartkessian, Neil Hartley, Aimee Solway*
- 2:45 Break
- 3:00 Protocols for Team Communication
- 4:00 Scorched Earth Record Collection
- 5:30 What to Do With All that Paper Once You’ve Got it: the Masterdocs System
- 6:30 Break
- 6:45 Mitigator’s Community Dinner, led by *Russ Stetler and Liz Vartkessian*,  
“Building Our Community and Supporting Each Other” (includes 60 minute dinner)
- 8:45 Recess

### MARCH 24 - SATURDAY

- 8:30 Finding People – Directories, Internet databases and other resources
- 9:30 Working with Experts – How and When to Bring Mental Health Professionals onto the Team
- 10:30 Break
- 10:45 Investigation Protocols – Getting in the Door
- 11:30 “Life History Witnesses – Interview Techniques”
- 12:30 Lunch with Presentation on Recognizing Signs of Mental Illness (includes 30 minute lunch)
- 1:30 Small Groups: Family Interview Skills  
*Russ Stetler, Danalynn Recer, Liz Vartkessian, Neil Hartley and Aimee Solway*
- 3:30 Break
- 3:45 Document Management II – Theory memos, witness prepping and trial notebooks
- 5:00 Case Brainstorming
- 6:30 Dinner With Experts: Private Case Consultation led by *Russ Stetler* (includes 60 minute dinner)
- 8:30 Adjourn

## FACULTY

Neil Hartley, Esq.  
Gulf Region Advocacy  
Center, Houston, TX

Danalynn Recer, Esq.  
Gulf Region Advocacy  
Center, Houston, TX

Aimee Solway, Esq.  
Gulf Region Advocacy  
Center, Houston, TX

Russ Stetler, Esq.  
Federal Public Defender  
Office, Oakland, CA

Liz Vartkessian  
Gulf Region Advocacy  
Center, Houston, TX

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*“Really enjoyed the fact that this symposium also focused on biological/physiological aspects of behavioral issues.”*

— 2006 Capital Trial  
Mitigation participant

## FOUR WAYS TO REGISTER

### THREE WAYS TO REGISTER

- **ONLINE**

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- **FAX**

972.244.3401  
credit card only

- **MAIL**

The Center for American  
and International Law  
5201 Democracy Drive  
Plano, TX USA 75024  
check or credit card

CONFIRMATIONS WILL BE SENT TO  
ALL REGISTRANTS.

Payment must accompany registration.

**CANCELLATION** - Written cancellation must be received by March 16, 2007. Email lgaspar@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted with prior approval. Call Karen: 972.244.3415. Registrants not entitled to a refund will receive the course materials.

**HOUSING** - The cost of housing is not included in the course registration fee. However, rooms (in limited number) have been reserved at the Hampton Inn Hotel, 4901 Old Shepard Place, Plano, TX 75093. Registrants should call 972-519-1000 and advise them that you are attending a CAIL program. A reduced room rate of \$89 is available if you advise the hotel that you are attending this program. The last day to obtain this special rate is March 8, 2007. Information about additional Plano hotels is available on our website at www.cailaw.org.

**NONDISCRIMINATION POLICY** - The Center for American and International Law does not discriminate on the basis of race, sex, sexual orientation, color, religion, national origin or ancestry, age, disability, veteran status or any other protected status.

**MCLE CREDIT** - Capital Defense: Punishment Phase & Habeas Corpus course has been approved by The State Bar of Texas for 14.75 hours of MCLE credit, including 1.25 hrs. of ethics. Course #900018631. The Capital Defense: Mitigation course has been approved by The State Bar of Texas for 19.5 hours (no ethics) Course #900018633. Sign-in sheets and/or certificates of attendance will be available for ALL states.

Attendance is limited to Criminal Defense  
Lawyers and those who assist in their work.

## REGISTRATION

### CAPITAL DEFENSE: THE PUNISHMENT PHASE AT TRIAL; HABEAS CORPUS LITIGATION; AND MITIGATION

March 23 & 24, 2007

at The Center for American and International Law • Plano, Texas

Please choose only 1 of the following:

- Punishment Phase at Trial
- Habeas Corpus Litigation
- Mitigation
  
- \$200, including \$100 tuition (for all classes, meals and materials) plus a \$100 voluntary payment to support The Center for American and International Law.
- If you do not wish to make the voluntary payment, please remit only \$100 and mark this box.

Name \_\_\_\_\_

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City, State, Postal Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

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**DIRECTIONS TO THE CENTER FOR AMERICAN AND INTERNATIONAL LAW** - For a detailed map and directions, please visit www.cailaw.org or call 972.244.3400. The Center is located at 5201 Democracy Drive, Plano, Texas 75024.

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**SEE CONFERENCE SCHEDULE FOR OPTIONAL CONCURRENT SESSIONS**



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