

2022 FEDERAL CRIMINAL DEFENSE PRACTICE SEMINAR
EASTERN DISTRICT OF NORTH CAROLINA
Holiday Inn Resort – Wrightsville Beach

AGENDA

Thursday, November 3, 2022

8:30-9:00 **REGISTRATION/PROGRAM CHECK IN**

9:00-9:15 **WELCOME AND INTRODUCTION**

Alan DuBois, Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

9:15-10:15 **DISCOVERING THE GOVERNMENT’S DISCOVERY**

Kelly Dagger, Attorney, Ellis & Winters, LLP, Raleigh, NC

(1.0 Technology Credit Hour)

The presentation will cover challenges defense counsel face when receiving electronic discovery from the Government, the responsibilities of defense counsel and the Government’s counsel with respect to electronic discovery, and tips for navigating electronic discovery

10:15-10:30 ***BREAK***

10:30-12:00 **THE PRACTICE OF EVERYDAY SELF-CARE FOR LEGAL PROFESSIONALS**

Isabel Sanchez-Cummings, Mitigation Specialist/Investigator, Office of the Federal Public Defender for the Northern District of Ohio, Cleveland, OH

(1.5 Wellness/Mental Health Awareness Credit Hour)

Helping indigent people navigate the criminal legal system is a rewarding endeavor, but it can be particularly difficult and challenging. Overworked. Compassionate fatigue. Overwhelmed. This was true pre-COVID but it has gotten harder with the pandemic. This session will provide strategies and advice on how to move through each day minimizing stress and maximizing calm and clarity. Attendees will learn about maintaining balance, well-being and cognitive health.

12:00-1:30 ***LUNCH BREAK – ON YOUR OWN***

1:30-2:30 **SUPREME COURT UPDATES**

*Ann Hester, Assistant Federal Public Defender, Appellate Division,
Office of the Federal Public Defender for the Western District of
North Carolina*

*Megan Hoffman, Assistant Federal Public Defender, Appellate
Division, Office of the Federal Public Defender for the Western
District of North Carolina*

(1.0 General Credit Hour)

The Supreme Court update highlights relevant appellate criminal law decisions published between September 2020 and October 2022, with guidance to practitioners as to how these decisions may be used to benefit clients. We will also preview cases of note coming before the Supreme Court in the October 2022 term.

2:30-2:45 ***BREAK***

2:45-3:45 **THE MOST CORROSIVE FORCE IN FEDERAL CRIMINAL JUSTICE**

*Josh Howard, Attorney, Gammon, Howard, & Zeszotarski, PLLC,
Raleigh, NC*

(1.0 General Credit Hour)

How *Busted by the Feds* makes everything terrible for everyone everywhere all the time. Much of the New Testament was written by men in jail. Unfortunately, tatters of *Busted* are also passed around jails as if they were Pauline letters despite the fact *Busted's* author returned to federal prison after its initial publication. This presentation will flag the most problematic assertions in *Busted* that you will inevitably have to address with clients susceptible to jailhouse lawyering.

3:45-4:00 ***BREAK***

4:00-5:00 **HAPPENING HOUR: BYO CASE TO A FACULTY MEMBER (Optional)**

Join any one of our faculty members to brainstorm an aspect of your own case.

Friday, November 4, 2022

9:00-11:00 THE ETHICS OF THE TELEWORK LAWYER

Katie Hurrelbrink, Appellate Attorney, Federal Defenders of San Diego, Inc.

(2.0 Ethics Credit Hour)

For better or for worse, the pandemic has changed the way we work. Many of us find ourselves working remotely one, three, or even five days a week. But have you ever considered how remote work affects your ethical obligations to your clients? For example, if you're barred only in North Carolina, are you allowed to practice law from your beach house in Florida? Is it ok to make a client call with your teenager in the room? And how about that lawyer who appeared in Zoom court looking like a cat—that can't be right, can it? In this training, we'll ask what the ABA and professional conduct rules have to say about this brave new world. And we'll think about strategies to maintain high ethical standards while keeping your flexibility.

11:00-11:15 BREAK

11:15-12:15 Cell Phone Forensics for Legal Professionals

Spencer McInville, Envista Forensics, Raleigh NC

(1.0 General Credit Hour)

Cell Phone Forensics for Legal Professionals will cover the proper handling of cell phone evidence, challenges in data recovery due to encryption, and how the data can be used to assist in legal matters. This course will provide legal professionals with the knowledge to better use digital evidence from cell phones to investigate their cases. This course will also show the legal professional the proper methods of obtaining and using this data. Examples will be used to further explain collection procedures, and how digital evidence obtained from cell phones can be used in the normal course of business for legal professionals.

12:15-1:30 LUNCH BREAK

1:30-2:30 **Show Me The Money! – Top 10 Pain Points for Attorneys and Court Staff - Plus Tips, Tricks and Best Practices to Help Ensure Voucher Payment**

Larry Dash, CJA Case Budgeting Attorney, US Courts of the Fourth Circuit, Richmond, VA

(1.0 General Credit Hour)

The Session will cover some of the issues encountered by CJA attorneys with case budgets and vouchers, as well as issues encountered by court staff and judges when reviewing vouchers submitted by CJA attorneys. It will include best practices for budget and voucher preparation. This will include a demonstration of the eVoucher system and the Electronic Case Budgeting Application.

2:30-2:45 ***BREAK***

2:45-3:45 **4CCA UPDATES**

Snayha Nath, Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

Jean-Paul Jacquet-Freese, Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

(1.0 General Credit Hour)

The Fourth Circuit update highlights relevant appellate criminal law decisions published between September 2021 and October 2022, with guidance to practitioners as to how these decisions may be used to benefit clients.

3:45-4:00 **CLOSING REMARKS AND ADJOURN**

Alan DuBois, Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

****5.0 General CLE hours, 2 Ethics CLE Hours, 1.5 Mental Health Awareness CLE hours and 1 Technology CLE hour****