

2024 FEDERAL CRIMINAL DEFENSE PRACTICE SEMINAR
EASTERN DISTRICT OF NORTH CAROLINA
Wrightsville Beach, NC

AGENDA

Thursday, November 7, 2024

8:00-9:00 **REGISTRATION/PROGRAM CHECK IN (SIGN IN)**

8:00-8:30 **WELCOME AND FPD REMARKS AND UPDATES**

Alan DuBois, Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC
(.5 General CLE)

8:30-9:30 **CLIMBING THE DISCOVERY MOUNTAIN: WHAT EVERY CRIMINAL DEFENSE ATTORNEY SHOULD KNOW**

Larry Dash, CJA Case Budgeting Attorney, US Court of Appeals, Richmond, VA

This session will cover the attorney's ethical obligations in managing a large volume of discovery, resources that are available to assist with the journey, and how to obtain those necessary resources. CJA issues and updates at the circuit level will be provided as well.

(1.0 General CLE)

9:30-10:30 **HOW CAN WE HELP?**

Kelly Scribner, Assistant National Litigation Support Administrator, Defender Services, Training Division, Oakland, CA

Discovery now comes in all shapes, sizes and formats. The challenge begins with knowing how to access all of the data you receive and continues with understanding what tools are available to federal criminal practitioners to organize and review that data. The National Litigation Support Team (NLST) is a national resources whose mission is to support CJA panel attorneys and Federal Defender Organizations in all aspects of eDiscovery management. This session will provide an overview of how the NLST can help. From the appointment of Coordinating Discovery Attorneys to leveraging national contracts for hosted review platforms to receiving direct assistance on a case, the NLST is available to assist in many capacities.

(1.0 General CLE)

10:30-10:45 **BREAK**

10:45-11:45 BEST PRACTICES FROM THE CLERK'S OFFICE

Alyssa Hockaday, Attorney Advisor to the Clerk of Court, Raleigh, NC

Lisa W. Lee, Criminal Case Management Supervisor, Greenville, NC

Scott Cannon, CM/ECF Administrator, Raleigh, NC

A review of best practices for filing and motion practice in criminal cases, including filing in the Eastern District of North Carolina's CM/ECF and eVoucher systems.

(1.0 General CLE)

11:45-1:00 LUNCH BREAK – ON YOUR OWN

1:00-2:30 WHAT THE RECORDS WILL REVEAL

Julie Smyth, Smyth Mitigation, Baltimore MD

The records we collect on behalf of our clients often hold the keys to case and mitigation strategy. This training will provide real examples of cases where the records presented a critical narrative. The training will remind attendees to turn over every stone and review records carefully, because oftentimes the key to a case is hidden on the page. The training will end with tips on how to best organize the records you collect.

(1.5 General CLE)

2:30-2:45 BREAK

2:45-4:45 ETHICS: ARTIFICIAL INTELLIGENCE AND THE LAW – ETHICAL DYSTOPIA OR UTOPIA?

Tony Gallagher, CJA Attorney, Great Falls, Montana

AI will raise complex and challenging ethical questions that implicate the principles of confidentiality, competence, practice management, and honesty. After this session, attendees may not be able to fully understand AI and its myriad applications in the law, but they will understand the parameters that the ethical rules impose on its use (or abuse).

(2.0 Ethics CLE)

Friday, November 8, 2024

8:00-9:00 **PROGRAM CHECK IN/SIGN IN FOR DAY TWO SESSION**

9:00-10:00 **ACHIEVING A BALANCED LIFE AS A ZEALOUS
ADVOCATE WHILE STILL DOING EXCELLENT WORK**

Fredilyn Sison, CJA Panel Attorney, Asheville, NC

Even before the pandemic, many workers were suffering from job burnout, which is often regarded as a personal issue. This session will discuss how to recognize when we as lawyers are maxed out and what we can do to avoid potential problems that come with stress, overwork and worry, including mental wellness and alcohol/substance abuse issues. This session will also touch upon producing at our best without falling prey to the consequences that come with a cortisol-heavy life.

(1.0 Substance Abuse/Mental Health CLE)

10:00-10:15 **BREAK**

10:15-11:45 **WORKING WITH AND NAVIGATING BOP FOR YOUR
TRANSGENDER CLIENTS**

Nicole Lybrand, Trial Unit Chief and Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of North Carolina, Charlotte, NC

(1.5 General CLE)

11:45-1:00 **LUNCH BREAK (ON YOUR OWN)**

1:00-2:30 **FEDERAL RULES OF EVIDENCE UPDATE**

Eric Placke, First Assistant Federal Public Defender, Office of the Federal Public Defender for the Middle District of North Carolina, NC

The Federal Rules of Evidence Update explains changes regarding the rule of completeness (FRE 106), exclusion of witnesses (FRE 615), and expert witnesses (FRE 702) that went into effect December 1, 2023, and how they changed our practice in the Fourth Circuit. The update also previews changes regarding illustrative aids (FRE 107), prior inconsistent statements (FRE 613), hearsay (FRE 801 and 804), and summaries of voluminous evidence (FRE 1006) that will go into effect December 1, 2024.

(1.5 General CLE)

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

2:45-3:45 **SUPREME COURT UPDATES/4CCA UPDATES**

Jackie Tarlton, Assistant Federal Public Defender, Eastern District of North Carolina, Raleigh, NC

Eric Brignac, Appellate Chief, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

The Supreme Court and Fourth Circuit update highlights relevant appellate criminal law decisions published between April 2024 and October 2024, 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 2024 term.

(1.0 General CLE)

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