

2019 Joint Annual Conference Registration

Register online or mail, fax or email your completed registration form with payment no later than April 22, 2019. Only prepaid attendees are guaranteed seating. Door registrations are permitted only as space and material are available. Contact information:

Online: www.pacdl.org Telephone: 717.234.7403
 Mail: PACDL Fax: 717.234.7462
 115 State Street, Email: pacdl@pacdl.org
 Harrisburg, PA 17101

Name _____
 Firm/PD Office _____
 Address _____
 City _____ State _____ Zip _____
 Email _____
 Attorney ID _____ Year Admitted to PA Bar _____
 Telephone Number _____ Fax Number _____
 Special Dietary Needs _____

Registration Fees

Seminar Registration: Includes meals, social events, and Pennsylvania CLE reporting fees.

	Nonmember	PACDL Member	PACDL Public Defenders* (Full-Time only)	
○ Thursday and Friday (12 credits)	\$725	\$525	\$450	\$ _____
○ Thursday only (6 credits)	\$525	\$425	\$325	\$ _____
○ Friday only (6 credits)	\$525	\$425	\$325	\$ _____

Course Materials

- Electronic Copy (uploaded for you to download and print) Free
- Thumb Drive (\$10) \$ _____
- Course Notebook (\$75 both days) \$ _____
- Course Notebook (\$40 single day) \$ _____

Total \$ _____

Social Events: Meals and the reception are included with your seminar registration. Please indicate your attendance.

- Thursday Happy Hour Reception Yes No
- Thursday Lunch Yes No
- Friday Lunch Yes No

Social Events Only Tickets for guests or unregistered attorneys

- Thursday Happy Hour Reception at the Ad Lib Craft Kitchen & Bar (\$50) \$ _____
 - Thursday Lunch (\$50) \$ _____
 - Friday Lunch Program (\$50) \$ _____
- Total** \$ _____

Payment Information

Pay by credit card or send a check payable to PACDL, 115 State Street, Harrisburg, PA 17101.

Name on Card _____
 Card Number _____
 Card Type _____ Expiration date _____
 Card Verification Code _____
 Card Billing Address _____
 City _____ State _____ Zip _____

* PDs must be employed full-time with the PD office and a current paid member of PACDL to be eligible for the discounted PD rate.

Cancellation Policy: All cancellation and refund requests must be made in writing (via email) to PACDL before close of business on April 22, 2019. A refund of the full conference fee, minus a \$75 administration fee, will be given for cancellations received by close of business on that date. No refunds will be granted for requests dated/postmarked after April 22, 2019. You may submit your cancellation via email to pacdl@pacdl.org. Refunds will not issue for no-shows.

Substitutions: The individual submitting the transfer request is responsible for all financial obligations (any balance due) associated with that substitution.

CLE Credits: This seminar has been approved for up to ten (10) substantive hours for law, practice, and procedure credits and two (2) ethics hours by the Continuing Legal Education Board of the Supreme Court of Pennsylvania. CLE reporting fees are included in the seminar price.

Consent to Use of Photographic Images: Registration and attendance at, or participation in PACDL meetings and activities constitutes an agreement by the registrant to the use and distribution of the registrant's image or voice in communication media by PACDL. No personal identifying information will be used.



115 State Street, Harrisburg, PA 17101

2019 Joint Annual Conference

Presented by the

**Pennsylvania Association of Criminal Defense Lawyers
 and the Public Defender Association of Pennsylvania**



**April 25 and 26, 2019
 Hilton Harrisburg
 Harrisburg, PA**



PACDL
 PENNSYLVANIA ASSOCIATION OF
 CRIMINAL DEFENSE LAWYERS

12 Pennsylvania CLE Credit Hours including 2 Hours of Ethics

8:30 a.m. Registration and Continental Breakfast

8:55 a.m. Welcome and Announcements

Capital Case Track

5 Substantive Law Credits and 1 Ethics Credit

- 9:00 a.m. Cracking the DNA Code**
This session will explore current technological advancements for human identification as they relate to forensic DNA analysis and challenges in the criminal courtroom and in post-conviction exoneration cases. It will highlight the DNA analysis process from extraction, biological source identification, and sequencing.
Presenter: Heather McKiernan, Center for Forensic Research and Education
- 10:15 a.m. Toxicology with an Emphasis on Drug and Alcohol Intoxication**
This presentation will focus on the forensic and medical-legal aspects of marijuana, opioid use and abuse, and alcohol intoxication by presenting real cases encountered by a medical toxicology expert. It will include information about opioid tolerance in overdose deaths and toxicity, the factors impacting marijuana use and alcohol intoxication, and challenges in specimen handling, storage, analysis and confirmation.
Presenter: Dr. Barry K. Logan of NMS Labs
- 11:15 a.m. Time for Change: The Findings of Scientific Bodies Evaluating Forensic Disciplines and Their Relevance to Legal Challenges**
Forensic science has been glorified in popular television dramas and gone unchallenged for decades in courtrooms across the country. But the larger independent scientific community has identified profound scientific weaknesses in long entrenched forensic disciplines and called the courts and forensic scientists to account. This session will identify critical work of the National Academy of Science, the Organization of Scientific Area Committees, the National Commission on Forensic Science, and the President's Council of Advisors on Science and Technology and how this body of work can and should be used to carry the wake-up call to the courts to stop the inflated and unsubstantiated claims by forensic examiners and ensure opinion testimony is limited to that which is supported by sound scientific assessment.
Presenter: Julia Leighton, Public Defender Service for the District of Columbia (Retired)
- 12:15 p.m. Lunch and Annual Meetings**
- 1:30 p.m. America's Original Sin, the Death Penalty and the Capital Lawyers' Duty of Competence: Ethical Obligations Tested Anew in the Era of Dog Whistles, Travel Bans and Walls** From *McClesky to Gregory*, with *Foster and Buck* in between, courts alert defense counsel of the obligation to understand the impact of race in a capital case. We examine the ethical obligation to understand, recognize and litigate race in your capital case. (Ethics)
Presenter: Henderson Hill of the 8th Amendment Project
- 2:45 p.m. A Review of the Death Penalty Across the Nation and Pennsylvania**
According to the Death Penalty Information Center, new death sentences and executions remained near historic lows in 2018 and public opinion polls reflect the continuing erosion of death penalty support. Learn more about Pennsylvania's capital cases and efforts to exercise the power of the King's Bench to capital sentencing in Pennsylvania.
Presenters: Marc Bookman, Atlantic Center for Capital Representation; Henderson Hill of the 8th Amendment Project, and Jules Epstein, Temple University, Beasley School of Law
- 3:50 p.m. Intellectual Disability: Atkins and Beyond**
This session will explore litigating your capital client's intellectual disability and ineligibility for the death penalty pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002). The session will discuss identifying and proving intellectual disability, correlations (comorbidity) with other disabilities, tie-ins with affirmative defenses and developing a narrative for both the guilt and penalty phases based on your client's intellectual disability.
Presenter: Lynn A. Ellenberger, The Office of the Federal Public Defender, CHU, Western District of Pennsylvania
- 5:00 p.m. Welcome Reception at the Ad Lib Craft Bar & Kitchen**
- 5:00 p.m. PDA of Pennsylvania and PACDL Board of Directors Meetings**

General Session Track

5 Substantive Law Credits and 1 Ethics Credit

- 9:00 a.m. Voir Dire Voo Doo: Using Psychology to Demystify Jury Selection**
This session addresses voir dire from a new perspective since in criminal work, we aren't typically given unlimited time to explore our jurors' backgrounds and mindsets. This program utilizes social psychology, cognitive psychology, and neuropsychology research to take a new look at the process of selecting jurors. It addresses the traditional goals of voir dire, and the obstacles to achieving those. It also focuses on alternative goals of voir dire that are reasonably attainable and more beneficial to trial outcomes.
Presenter: Kelli Childress, Kane County Public Defender Office, Illinois
- 10:45 a.m. Challenge Dog Sniff Evidence!**
The use of body cameras and other recording devices is on the rise. Verification that proper procedures were utilized when a detection dog was deployed for locating evidence is becoming critical to helping your client. This session will present a video demonstration showing how detection dogs are trained, what a valid dog "alert" should look like, and how a handler can give verbal and nonverbal direction cuing the dog to alert. Documents defense attorneys should request during discovery will be discussed.
Moderator and Presenter: Peter E. Kratsa, MacElree Harvey, Ltd. and Andy Falco Jimenez, Falco K9 Academy, California
- 12:15 p.m. Lunch and Annual Meetings**
- 1:30 p.m. Challenging Shaken Baby Syndrome and Other Child Abuse Cases**
Shaken-baby syndrome (SBS) and other child abuse convictions are receiving greater scrutiny and being overturned as the physical evidence and the absence of other physical indications of abuse are being challenged. Gain greater understanding of the medical diagnosis behind SBS and other child abuse issues and learn strategies for challenging the science and the experts in all litigation stages.
Presenters: Cyril Wecht, J.D., M.D., and John I. McMahon, Jr. of McMahon, Lentz, & Thompson
- 2:45 p.m. You Can't Handle the Truth - Conducting an Effective Interview of a Client**
Perseverance, communication, relatability, integrity, and demeanor are some of the skills necessary to be on good terms with your client. However, the nuances of an initial one-on-one interview can be difficult. How do you develop that initial rapport and keep it? Learn client-centric tactics that engender your client to be open with information, generate thorough and relevant responses, reduce barriers to encourage sharing of concerns, manage expectations, and provide support through an unfamiliar judicial process. This topic will also explore the ethical obligations, concerns and ramifications of learning the "whole truth."
Presenters: Lauren Dentone of Gawthrop Greenwood, PC and Kimberly F. Makoul, Chief, Lehigh County Office of the Public Defender
- 3:50 p.m. Meeting Your Ethical Obligation to Tackle Fines, Costs and Restitution**
Every year, criminal defendants in more than 100,000 cases incur fines, costs and restitution. Many defendants cannot pay these obligations and risk incarceration and parole or probation violations. This program will provide lawyers with the information necessary to reduce the initial assessment of fines and costs and ensure that low-income defendants are not punished down the road due to their poverty. (Ethics)
Presenters: Andrew Christy, ACLU of Pennsylvania and Nicole Sloane, Erie County Public Defender Office
- 5:00 p.m. Welcome Reception at the Ad Lib Craft Bar & Kitchen**
- 5:00 p.m. PDA of Pennsylvania and PACDL Board of Directors Meetings**

Overnight Room Accommodations: A small group of overnight sleeping rooms have been reserved at the Hilton Harrisburg for attendees at a room rate of \$142 plus taxes and parking. The deadline to reserve a sleeping room is March 25, 2019. If making your reservation by telephone, please call 717.233.6000 and mention PACDL or group code: CRIM4. The online booking link is: https://secure3.hilton.com/en_US/hil/reservation/book.htm?inputModule=HOTEL&ctyhocn=MDTHHHF&spec_plan=CRIM4&arrival=20190424&departure=20190427&cid=OM,WW,HILTONLINK,EN,DirectLink&fromId=HILTONLINKDIRECT

5 Substantive Law Credits and 1 Ethics CLE Credit

- 8:30 a.m. Registration and Continental Breakfast**
- 8:55 a.m. Welcome and Announcements**
- 9:00 a.m. DUI and Motor Vehicle Law Update**
This intensive case and statutory law presentation will give you the inside track on the changes impacting DUI and motor vehicle laws in Pennsylvania.
Presenter: Edward F. Spreha, Jr. of The Law Offices of Wagner and Spreha
- 10:15 a.m. What's Interrogation Got to Do With It: Defending False Confession Cases**
False confessions exist in 25% of all DNA exonerations. Not surprisingly, it's not easy to convince a jury that an innocent individual would confess to a serious crime and confession cases often seem an insurmountable challenge. This session discusses how police interrogate suspects, how those techniques persuade innocent persons to falsely confess, suppression motions, expert witnesses and trial strategies, including how to cross examine law enforcement officers who obtain confessions.
Presenter: Deja Vishny, Milwaukee, Wisconsin, criminal defense lawyer, consultant and author of *Suppressing Criminal Evidence*.
- 12:15 p.m. Lunch and Annual Awards**
- 1:30 p.m. 2019 Search and Seizure Update**
This session will give you an up-to-the-minute review of state and federal search and seizure law for immediate application to your caseload. It will also briefly address issues worth litigating where precedent currently does not support defense counsel's motions to suppress.
Presenter: Leonard Sosnov of the Defender Association of Philadelphia
- 2:45 p.m. New Policies, ICE Enforcement, Confounding Client Questions and Other Immigration Issues Addressed Head On**
Understanding U.S. immigration consequences presents unique challenges for defense practitioners, including knowing where to begin. The recent federal shutdown and Attorney General turnovers haven't helped. Recent changes in U.S. immigration policy, including heightened ICE enforcement coupled with an all-time-high case backlog, presents due process challenges and opportunities. Let's not forget that nagging *Padilla* question: will this plea get my client deported? Get an updated primer on these immigration issues and more.
Presenter: Peter J. Thompson of Thompson Law Advocates, P.C., Philadelphia
- 3:45 p.m. Ethics and Social Media**
The implications of an "always on" technological environment have created a variety of ethical challenges for defense attorneys. Join these presenters as they address: maintaining client confidences, researching witnesses and jurors on social media, handling jurors and clients who post case-related comments, and being Facebook friends with the judge (Ethics).
Presenters: Catherine M. Recker of Welsh and Recker, P.C. and Mira E. Baylson of Akin Gump, Philadelphia

Scholarships

Two scholarships to attend this conference are available to PACDL New Lawyer members. These scholarships are available because of the generosity of Montgomery McCracken Walker & Rhoads in Philadelphia and the Law Offices of Arthur T. Donato in Media. The scholarships will be directly applied to the conference registration fees. Travel costs remain the responsibility of the New Lawyer Member. Please submit your letter of interest indicating your experience and interest in the field of criminal defense to pacdl@pacdl.org. The deadline is March 15, 2019.