

2023 PACDL and PDA of PA Joint Annual Conference

Presented
April 27 and 28, 2023

2023 Joint Annual Conference Registration

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 Harrisburg, PA 17101

Name _____
 Firm/PD Office _____
 Address _____
 City _____ State _____ Zip _____
 Email _____
 Telephone Number _____
 Special Dietary Needs _____

Registration Fees

Day(s)	PACDL Public Defender (FT) Member Fees	PACDL Regular Member Fees	Nonmember Fees
Thursday	<input type="radio"/> \$350.00	<input type="radio"/> \$375.00	<input type="radio"/> \$575.00
Friday	<input type="radio"/> \$350.00	<input type="radio"/> \$375.00	<input type="radio"/> \$575.00
Thursday and Friday	<input type="radio"/> \$495.00	<input type="radio"/> \$575.00	<input type="radio"/> \$775.00
Course Materials			
	PDF file		Free _____
	Thumb Drive		\$20 _____
	Notebook – 1 Day		\$75 _____
	Notebook – 2 Days		\$150 _____
Tracks and Events (indicate tracks attending)			
	Thursday Capital Case Track	<input type="radio"/>	
	Thursday General Session Track	<input type="radio"/>	
	Thursday Welcome Reception (Free to registrants)	<input type="radio"/>	
	Friday General Session Track	<input type="radio"/>	

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 _____
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 City _____ State _____ Zip _____

Overnight Room Block. A small block of overnight sleeping rooms has been reserved at the Harrisburg Hilton. Room cost is \$151 per night plus taxes. The deadline to secure a room in this block is **April 4**. Please use the Group Code CRIM23. A reservation can be made by calling 717-233-6000 or 1-800-HILTONS or online at this link: [PACDL 2023 Annual Meeting Reservation Link](#).

Cancellation Policy. Cancellation and refund requests must be emailed to PACDL before close of business on April 15, 2023. A refund of the full conference fee minus a \$95.00 administrative fee per day will be returned for cancellations received after April 15, 2023. No refunds will issue for no shows or requests dated after April 15, 2023. You may ask to substitute another individual from your firm. Email your cancellation to pacdl@pacdl.org.

Substitutions. If you cannot attend, a colleague may take your seat, or your course materials will be sent to you. The individual submitting the transfer request is responsible for all balances due.

CLE Credits. The CLE Board of the Supreme Court of Pennsylvania has approved this seminar for 12 CLE credits including 2 ethics hours. The Capital Case Track is approved for six Rule 801 Credits. CLE reporting fees are included in the registration fee.

Photos and Recording. This seminar may be recorded, and attendees photographed. Registration and attendance at or participation in PACDL conferences, seminars, or meetings constitutes an agreement by the registrant or attendee to use and distribute his/her image, voice, or likeness in communications by PACDL or its agents. No personal identifying information will be used unless approved by the attendee.

COVID. By attending PACDL seminars, you voluntarily assume all risks related to exposure to COVID-19 and agree not to hold PACDL or any of its directors, officers, employees, agents, contractors, or volunteers liable for any illness or injury.



12 Pennsylvania CLE Credit Hours including 2 Ethics Hours

Capital Case Track

- 8:55 a.m. Welcome and Announcements**
- 9:00 a.m. A Case Overview and Motions Practice in the Parkland, Florida Case**
On February 14, 2018, Nikolas Cruz entered his former high school armed with a semi-automatic AR-15 rifle and opened fire. Cruz fired more than 100 rounds in a shooting that lasted five minutes and 32 seconds. Arrested an hour later, Cruz was charged, eventually pled guilty to 17 counts of pre-meditated first-degree murder and 17 counts of attempted first degree murder, and then proceeded to the penalty phase trial. Cruz's defense team - which successfully prevented death sentences during the penalty phase - will discuss initial steps, negotiations with the prosecution to remove the death penalty, and motions including disqualifying the judge because of animosity toward the defense, from legal, practical, and ethical perspectives.
Presenters of the Track: Parkland, Florida Defense Team, Jules Epstein, Temple University, and Marc Bookman, The Atlantic Center for Capital Representation
- 10:00 a.m. Break**
- 10:15 a.m. Victim Survivor Issues**
The victims' families expressed feelings of anguish and outrage over the jury's verdict including accusing the jurors who voted for life of lying about being open to the death penalty. During sentencing, the court heard victim impact statements and overruled defense counsel's objections to letting the victims' families impugn the defense and the jury. This session will discuss victim impact testimony, outreach to victim survivors, and other victim-related issues in and out of court.
- 11:15 a.m. Jury Selection, Preparation, and Conduct**
Jury selection took almost three months and was fraught with jury issues. This session will describe jury selection issues including re-starting the jury selection process, juror accusations regarding discussions outside the court room, threats, and proactive measures regarding the crime scene view.
- 12:15 p.m. Lunch (included in registration)**
- 1:15 p.m. Mitigation and Witnesses**
After the 7-man, 5-woman jury heard testimony from 26 witnesses over 11 days, visited the crime scene, and listened to defense counsel's plea to focus on Cruz's life circumstances, it recommended life in prison without parole. According to news reports, the jury could not unanimously agree that the aggravating factors outweighed the mitigators. The defense team and the mitigation specialist will detail the case and mitigation resources, witnesses, and strategies.
- 2:15 p.m. Break**
- 2:25 p.m. Mitigation and Witnesses Session (Continued)**
- 3:25 p.m. Break**
- 3:35 p.m. Lessons Learned in Parkland Applied to Pennsylvania Capital Case Practice**
This session will discuss the trial strategies in the Parkland case and their applicability to Pennsylvania capital cases. (Ethics)
- 4:40 p.m. PACDL Board of Directors Meeting**
- 5:00 p.m. Happy Hour**

General Session Track

- 8:55 a.m. Welcome and Announcements**
- 9:00 a.m. Forensics – It Isn't What It is Cracked Up to Be**
Forensics is not foolproof, despite its portrayal on CSI-type television shows. This session will discuss litigating forensic science issues, pre-discovery and discovery of forensic testing and results, the type of forensic information to request and what you will receive, troubling flaws in forensic techniques, casting doubt on forensic evidence and other defense challenges, and obtaining all relevant, material information to defend your client such as bench notes and avenues for evidence acquisition through right-to-know requests.
Presenter: Jason D. Tulley, The Public Defender Service for the District of Columbia
- 10:30 a.m. Break**
- 10:45 a.m. Pardons in Pennsylvania: The Straightened Path to Second Chances**
Beginning in 2019, the meaning of a pardon and the pathway to it have undergone complete changes. In this program, you will get an overview of the pardon process, requirements, forms and what lies behind them, and hear from the chief administrative officer about new developments and further reforms that might be considered. The pardon process is administrative, the forms easy, the law non-existent, and the lawyer's principal contributions are as counselor, fact-organizer, and storyteller. With Pennsylvania being among the national leaders in percentage of its population with criminal records, and now a leader in pardon reform, this is both a profitable practice area and an easy way to do pro bono.
Presenters: Shelly Watson, Pennsylvania Board of Pardons, Carl (Tobey) Oxholm III, Director, The Pardon Project, and Suzanne Sennett Smith, Fresh Start Law
- 12:15 p.m. Lunch (included in registration)**
- 1:15 p.m. Probation and Parole Advocacy in the Time of Mass Incarceration**
Over 35,000 Pennsylvanians under probation and parole supervision and often struggle to transition. This session will review changes to probation and parole laws and rules, eliminating post-release barriers to successful re-entry, challenging conditions of probation, advocacy strategies in parole hearings, and debunking other legal myths of probation and parole.
Presenters: Alexandra Fensterer, Delaware County Office of the Public Defender and Alison M. Lipsky, Defender Association of Philadelphia
- 2:15 p.m. Break**
- 2:25 p.m. Sentencing Mitigation - Channeling El Mago**
We can't change the facts of our cases, but we can uncover persuasive, mitigating evidence the court must consider to our client's benefit. In this interactive session, we will workshop a prepared case to learn mitigation strategies you can use at every step of the defense process. Learn interview practices to maximize information gathering, how to harness the power of mitigation records, and considerations for creating the most effective mitigation presentations.
Presenter: Vickie Piontkowski, Insight Mitigation
- 3:25 p.m. Break**
- 3:35 p.m. Mindfulness Meditation, Maintaining Emotional Balance, and Avoiding Common Ethical Pitfalls**
Self-care is not a luxury for attorneys, it is an ethical imperative for the profession. This session will address looking for recharging opportunities, improving coping and resilience, avoiding ethical pitfalls and maintaining emotional balance. (Ethics)
Presenters: Marc R. Steinberg, Rubin, Glickman, Steinberg & Gifford, P.C. and John I. McMahon Jr., McMahon, Lentz & Thompson
- 4:40 p.m. PACDL Board of Directors Meeting**
- 5:00 p.m. Happy Hour**

General Session Track

- 8:55 a.m. Welcome and Announcements**
- 9:00 a.m. 2023 DUI and Motor Vehicle Update**
Staying current on changes to Pennsylvania's DUI laws is important to minimize the life-changing consequences that can result from a DUI conviction. Get the latest changes on the law from the courts and the legislature.
Presenter: Edward F. Spreha, Jr., Law Offices of Wagner and Spreha
- 10:00 a.m. Break**
- 10:15 a.m. Annual Search and Seizure Update**
The Fourth Amendment plays a critical role in criminal defense cases. This session will offer insight on the principles related to consent searches, warrant issuance, exigent circumstances, and other exceptions. This session analyzes recent search and seizure cases and outlines the main evidentiary issues that confront criminal defense lawyers. It is an indispensable seminar in preparing a case for trial.
Presenter: David Rudovsky of Kairys, Rudovsky, Messing, Feinberg & Lin, LLP
- 11:15 a.m. Leveraging Technology to Heighten Trial Skills**
The use of courtroom technology can enhance storytelling and showcase demonstrative evidence. While it is important to not diminish your credibility or jeopardize the admissibility of your evidence, modern technology can give access to a variety of evidence and offer engaging ways to present it. This session will review offering of evidence, evidence authentication and relevancy, and benefits and risks of courtroom technology on jury decision making. It will also include a demonstration of how to use iPads during trial and tips on PowerPoint use.
Presenter: Elizabeth Lippy, Fairlie & Lippy, P.C.
- 12:15 p.m. Lunch (included in registration)**
- 1:30 p.m. Medical Records Review**
Obtaining and reviewing medical records is an essential process in many criminal cases. This session will cover the type of documents to expect, which records should be requested for both the complaining witness and for your client, identifying other experts that may be helpful, and making sure you have all the pertinent information needed for you to make your case.
Presenter: Tristan Wristen, TW Forensic Consulting
- 2:30 p.m. Break**
- 2:40 p.m. Defining Reasonable Doubt After Commonwealth v. Drummond**
In *Commonwealth v. Drummond*, the Pennsylvania Supreme Court recently condemned the trial court's use of an analogy to define "reasonable doubt" for the jury. Because such analogies will continue to be used for the foreseeable future where *Drummond* stopped short of invalidating them completely, it is important for Pennsylvania practitioners to be prepared to handle the use of such rhetorical devices when they arise. This presentation will examine the *Drummond* decision and its implications, propose strategies for defining or challenging the definition of reasonable doubt, and offer ideas for related arguments to make down the road.
Presenter: Brian A. McNeil, York County Public Defender's Office
- 3:40 p.m. Break**
- 3:45 p.m. Avoiding Malpractice and an Ethics Update**
The ABA reports four out of five attorneys will be sued for malpractice during their careers and seventy percent of claims are filed against firms with 1 to 5 attorneys. This session will discuss best practices in developing and using systems to lessen the risks. It will also highlight how close and consistent attention to rules of professional conduct can lessen the risks and recent ethics issues will be noted. (Ethics)
Presenter: Ed Schwartz, McNees, Wallace & Nurick, LLC