

12 CLE CREDITS INCLUDING CAPITAL CASE AND ETHICS CREDITS
PBI IS AN APPROVED PROVIDER FOR PA CONTINUING JUDICIAL EDUCATION

CRIMINAL LAW SYMPOSIUM 2018

THE BIGGEST AND BEST CRIMINAL LAW EDUCATION EVENT
IN PENNSYLVANIA

HIGHLIGHTS OF THIS YEAR'S SYMPOSIUM

- ▶ **Professor Rudovsky** fills you in on all that's new in search and seizure law
- ▶ **Pennsylvania judges** share winning tips—what an opportunity
- ▶ So many choices — **lots of great sessions!**
- ▶ Be updated on **everything** that's **NEW** in criminal law



Harrisburg Thu. & Fri., June 7 & 8, 2018

Hilton Harrisburg, One North Second Street (2nd and Market Sts.)

8:30 am to 4:35 pm both days; check-in & continental breakfast begin at 7:45 am



Continuing Legal Education Arm
of the Pennsylvania Bar Association

HARRISBURG

Thu. & Fri.

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One North Second Street

8:30 am to 4:35 pm both days;
check-in and continental breakfast
begin at 7:45 am

13 JUDGES SHARE TIPS FROM THE BENCH

Judges from around the Commonwealth, from both the appellate and trial courts, will share their insights on a wide range of topics, including ethics, throughout the Symposium. What a great opportunity to learn directly from the judges!

HON. WALLACE H. BATEMAN, JR.
BUCKS COUNTY COURT OF COMMON PLEAS

HON. ALEXANDER P. BICKET
ALLEGHENY COUNTY COURT OF COMMON PLEAS

HON. MARY JANE BOWES
SUPERIOR COURT OF PENNSYLVANIA

HON. CAROLYN TORNETTA CARLUCCIO
MONTGOMERY COUNTY COURT OF COMMON PLEAS

HON. WILLIAM R. CARPENTER
MONTGOMERY COUNTY COURT OF COMMON PLEAS

HON. JEFFREY L. FINLEY
PRESIDENT JUDGE
BUCKS COUNTY COURT OF COMMON PLEAS

HON. MARC F. LOVECCHIO
LYCOMING COUNTY COURT OF COMMON PLEAS

HON. ANTHONY M. MARIANI
ALLEGHENY COUNTY COURT OF COMMON PLEAS

HON. EDWARD M. MARSICO, JR.
DAUPHIN COUNTY COURT OF COMMON PLEAS

HON. BARBARA MCDERMOTT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

HON. CAROLYN H. NICHOLS
SUPERIOR COURT OF PENNSYLVANIA

HON. RICHARD K. RENN
YORK COUNTY COURT OF COMMON PLEAS

HON. VICTOR P. STABILE
SUPERIOR COURT OF PENNSYLVANIA

CRIMINAL LAW SYMPOSIUM 2018

The Criminal Law Symposium is a highly acclaimed event! At the Symposium you will have a rich educational experience – one that will help you stay up-to-date on all of the important developments in criminal law. You'll have a chance to network with some of the best and brightest criminal lawyers, judges and academics anywhere. We invite you to be among the crowd of the more than 400 criminal lawyers who attend this event each year.

CATCH UP ON ALL OF THE NEW DEVELOPMENTS

An annual favorite, the Symposium gets off to a quick-paced start with **Professor Bruce Antkowiak**, the **Honorable Anthony Mariani** and the **Honorable Edward Marsico** presenting the **Year in Review**. From the latest Pennsylvania case law to the newest U.S. Supreme Court decisions, you will go back to your office with the assurance that you're up to speed with the information your clients need you to have.

WATCH OUT FOR THE ETHICAL PITFALLS IN CRIMINAL PRACTICE

Take the opportunity at the Symposium to meet your ethics requirement. You will have your choice of five thought-provoking and relevant criminal law ethics topics.

- ▶ What Were You Thinking? Ethical Issues in the Course of Your Representation
- ▶ Ethical Considerations in Post Trial Practice
- ▶ A Criminal Practitioner's Ethical Obligations in a World of Technology
- ▶ Ethics and the Opioid Crisis
- ▶ Capital Case Ethics: Tricky Ethical Issues in Death Penalty Cases
- ▶ The Ethics of Dealing with a High Publicity Case

SO MANY CHOICES!

With **45 sessions** in this year's lineup, you'll have so many exciting workshops from which to choose. Select the ones that are most important to your practice and you'll have a program that is a perfect fit for you. All of our presenters will be focused on providing you with practical information and practice tips to make you better at what you do.

BETTER UNDERSTAND IMPLICIT BIAS AND ITS IMPACT IN OUR CRIMINAL JUSTICE SYSTEM



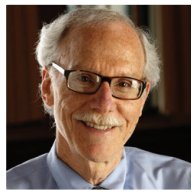
Join Professor David Harris, a preeminent authority on issues related to race and criminal justice, as he addresses the oft-discussed, hot topic of implicit racial bias.

AN INSIDE LOOK AT THE PA DEPARTMENT OF CORRECTIONS



Hear directly from Secretary John Wetzel about how some of the toughest issues in the correctional system are being addressed. Much has been happening!

PROFESSOR RUDOVSKY IS BACK BY POPULAR DEMAND!



Professor David Rudovsky will fill you in on everything that's new in search and seizure law. The insights and perspectives shared will round out your knowledge on this critical topic.

EARN YOUR CAPITAL CASE CREDITS **BOTH SUBSTANTIVE AND ETHICS!**

In the all-day, 6 credit capital case track on Friday, you will learn about Rule 404(b) issues, litigating an *Atkins* claim, prosecutors' perspectives, wrongful capital convictions and more!



YOU'RE INVITED TO THURSDAY'S RECEPTION

**SPONSORED BY
THE PBA CRIMINAL JUSTICE SECTION**

See page 4 for details.

THURSDAY, JUNE 7

7:45 - 8:30 Registration and Continental Breakfast

8:30 - 8:40 Welcoming Remarks

8:40 - 10:10

The Year in Review

PROF. ANTOKOWIAK, JUDGE MARIANI, JUDGE MARSICO

10:10 - 10:30

Break

10:30 - 12:00

Search and Seizure Update

PROF. RUDOVSKY

12:00 - 1:15

Lunch (on your own)

BASICS TRACK

CAPITAL CASE TRACK

ETHICS

1:15 - 2:15

1 repeated at #16	2	3 repeated at #13	4	5 ETHICS	6 BASICS TRACK
DUI Update	Direct and Cross Examination for Narcotics Cases	Sentencing Update	What Can Dead People Tell Us: Postmortem Toxicology for Attorneys	What Were You Thinking?: Ethical Issues in the Course of Your Representation	Trial Tactics: The Unwritten Game Within the Game
Sr. Asst. D.A. Dailey Mr. Spreha	D.A. Arnold Mr. Newman Mr. Wilson	Mr. Suss	Dr. Muller	Judge Bateman Judge Carpenter Judge Tornetta Carluccio Judge Finley Ms. Henry Mr. Steinberg	Mr. Bush Mr. Kelly

2:15 - 2:25 Break

2:25 - 3:25

7	8	9	10	11	12 BASICS TRACK
What Every Criminal Law Practitioner Should Know about Medical Marijuana in Pennsylvania	Litigating Innocence Claims	Starting Your Own Practice: Ideas, Ethics, Pitfalls and Success!	Drug Law Update	Cross Examination Techniques in Hazing and Sexual Assault Cases	The Nuts and Bolts of Preliminary Hearings
Ms. Taylor Brann D.A. Chardo Mr. Ferro	Ms. DeLosa Mr. Tanski Deputy D.A. Wabby	Ms. Palissery Mr. Palissery	Mr. Wilson Mr. Newman	Mr. Ambrose	Mr. Perry Chief Deputy D.A. Gettle Ms. Weisenberger

3:25 - 3:35 Break

3:35 - 4:35

13 repeat of #3	14 ETHICS	15	16 repeat of #1	17	18 BASICS TRACK
Sentencing Update	Ethical Considerations in Post-Trial Practice	Choosing and Using Experts in Litigating Forensic Science Issues	DUI Update	Reasonable Doubt: Maybe He Did It, But So What?	Starting Your Trial Off Right: Voir Dire and Opening Statements
Mr. Suss	Judge Bateman Mrs. Brill Keagy	Ms. Sanghvi Mr. Bresch	Sr. Asst. D.A. Dailey Mr. Spreha	Mr. Asteak	Ms. Cutaia

4:35 - 5:35 Join in the fun at the reception! Sponsored by the PBA Criminal Justice Section



A BIG **THANK YOU**
TO THE PBA CRIMINAL JUSTICE SECTION
FOR SPONSORING THURSDAY'S RECEPTION

You're invited to the always popular reception courtesy of the PBA Criminal Justice Section which immediately follows Thursday's sessions. It's a great opportunity to relax and unwind at the end of the day.

7:45 - 8:30

Registration and Continental Breakfast

8:30 - 9:30

19	20	21	22 repeated at #39	23 CAPITAL CASE TRACK
Special Issues in Sex Cases Involving Children D.A. Barrett Mr. Machen	Criminal Jury Instruction Update Judge Carpenter Prof. Chanenson	Admissibility of Evidence: Cell Phones, Texts and Social Media Judge Mariani Mr. Dietz	2018 SORNA Update Mr. Marcus	Rule 404(b) - the Most Problematic Issue in Capital Cases <small>1 CAPITAL CASE CREDIT - SUBSTANTIVE</small> Prof. Epstein

9:30 - 9:45 Break

9:45 - 10:45

24	25 SUPER WORKSHOP	26 ETHICS	27 CAPITAL CASE TRACK
Essential Questions in Firearms Law: Why the Gun Laws Are What They Are? Mr. Goldstein	Mitigating Implicit Bias for Lawyers & Judges in the Criminal Justice System Prof. Harris	A Lawyer's Ethical Obligations in a World of Technology Mr. Siegel Ms. Cutaia	Capital Case Update <small>1 CAPITAL CASE CREDIT - SUBSTANTIVE</small> Mr. Dunham, Asst. D.A. Toal

10:45 - 11:00 Break

11:00 - 12:00

28	29 SUPER WORKSHOP	30	31 CAPITAL CASE TRACK
Annual Update on Pennsylvania's Sentencing Guidelines Mr. Bergstrom	Department of Corrections Update Secretary Wetzel	Crimmigration - Representing the Non-Citizen Defendant Mr. Sachs Ms. Stambaugh	Tricky Ethical Issues in Death Penalty Cases <small>1 CAPITAL CASE CREDIT - ETHICS</small>

12:00 - 1:15 Lunch (on your own)

1:15 - 2:15

32	33	34 ETHICS	35	36 CAPITAL CASE TRACK
Inside the Courtroom Doors – a View from the Bench Judge Renn Judge McDermott Judge Lovecchio Judge Bicket	Persuasive Advocacy through Objections & Motions Practice Ms. Lippy	Ethics and the Opioid Crisis Mr. Kauffman Mr. Zeiger	When Evidence Vanishes: Arguing Beyond <i>Brady</i> Mr. Goldberg	Prosecutors' Perspectives on the Death Penalty <small>1 CAPITAL CASE CREDIT - SUBSTANTIVE</small> D.A. Adams D.A. Ebert D.A. Stedman

2:15 - 2:25 Break

2:25 - 3:25

37	38 SUPER WORKSHOP	39 repeat of # 22	40 CAPITAL CASE TRACK
Expert Opinions: Everybody Has One Mr. Fairlie Mr. Narducci D.A. Weintraub	Perspectives from the Superior Court of Pennsylvania: A Roundtable Discussion Judge Bowes Judge Nichols Judge Stabile Mr. Yoon	2018 SORNA Update Mr. Marcus	Causes of Wrongful Capital Convictions and How to Avoid Them <small>1 CAPITAL CASE CREDIT - SUBSTANTIVE</small> Ms. Cummings Mr. Dunham Prof. Epstein

3:25 - 3:35 Break

3:35 - 4:35

41	42	43 ETHICS	44	45 CAPITAL CASE TRACK
Pennsylvania Board of Probation and Parole – Practice Pointers Mr. Robinson Mr. Crowley	Second Chances: Expungement and Pardon Hearings Ms. Smith	When You Make the Headlines: The Ethics of Dealing with a High Publicity Case Judge Renn Mr. Costopoulos D.A. Ebert	The Latest on Risk Assessments at Sentencing Mr. Bergstrom	Litigating an <i>Atkins</i> Claim: Rebutting the Prosecution's Case after <i>Moore v. Texas</i> <small>1 CAPITAL CASE CREDIT - SUBSTANTIVE</small> Assist. Fed. Public Defender Henderson

THURSDAY JUNE 7

8:40 - 10:10 am

The Year in Review

Prof. Antkowiak, Judge Mariani, Judge Marsico

It's your annual opportunity to catch up on all the latest developments in criminal law. Judge Mariani, Professor Antkowiak and Judge Marsico team up to fill you in on all the latest significant case law. In this lively session, they will offer their perspectives on how the developing case law should change the way you try your cases.

10:30 am – 12:00 pm

Search and Seizure Update

Prof. Rudovsky

Back again this year, Professor Rudovsky will provide you with a thorough analysis of all of the recent Supreme Court cases, as well as updates on federal and state constitutional issues involving stops, arrests, searches and seizures. You won't want to miss it!

1:15 – 2:15 pm

1. DUI Update [repeated at #16]

Sr. Asst. D. A. Dailey, Mr. Spreha

Join us for a discussion of the recent case law developments affecting driving under the influence in Pennsylvania. We will provide you with up-to-date information necessary to effectively represent your clients' charges with DUI and other related offenses. Learn about trends that are likely to affect your future cases.

2. Direct and Cross Examination for Narcotics Cases

D.A. Arnold, Mr. Newman, Mr. Wilson

Some of the most litigated cases in criminal court involve narcotics cases. This class is designed to take you inside of a typical narcotics case and review the proper way to conduct direct and cross examination of the key player in such cases: the arresting officer. See how this is done from the prosecutor and defense attorney perspective.

3. Sentencing Update [repeated at #13]

Mr. Suss

Stu Suss knows sentencing inside and out. He will guide you through the latest developments in sentencing. Join him as he reviews significant rulings from the past 12 months.

4. What Can Dead People Tell Us: Postmortem Toxicology for Attorneys

Dr. Muller

Was there a drug overdose? Did use of a street drug contribute to the death? Was a prescription medication responsible for the fatality? Was the person impaired prior to a fatal accident? Join us for a presentation on the basics of postmortem toxicology and get answers

to the questions about your case. Among other things, we will discuss what happens in the body after death, how postmortem changes affect drug levels, what the different sources of drug levels are in dead people and how drug levels can, (and cannot be), tied to cause of death.

ETHICS

5. What Were You Thinking? Ethical Issues in the Course of Your Representation

Judge Bateman, Judge Tornetta Carluccio, Judge Carpenter, Pres. Judge Finley, Ms. Henry, Mr. Steinberg

What are the ethical obligations we face as Judges, prosecutors and defense attorneys in the course of a criminal case? Are we obligated to notify the Disciplinary Board if we believe there has been an ethical breach? What are each of us – judges, prosecutors and defense attorneys, thinking when faced with these and other ethical issues? Our discussion will include situations taken from real criminal cases.

BASICS

6. Trial Tactics: The Unwritten Game Within the Game

Mr. Bush, Mr. Kelly

Winning your case begins with the initial interview and requires careful preparation and maneuvering throughout. Our basic session will discuss tactical considerations at various stages of a case, including trial. Allow us to help you more effectively represent your client and clinch victory in the end.

2:25 – 3:25 pm

7. What Every Criminal Law Practitioner Should Know About Medical Marijuana in Pennsylvania

Ms. Taylor Brann, D.A. Chardo, Mr. Ferro

Pennsylvania's Medical Marijuana Program is impacting numerous areas of law, and criminal law practice is no exception. Explore the issues and implications that the Medical Marijuana Act will have on your clients and practice.

8. Litigating Innocence Claims 101

Ms. DeLosa, Mr. Tanski, Deputy D.A. Wabby

Experts estimate that anywhere from 1% to 3% of all individuals convicted in the United States each year are factually innocent—meaning they did not commit the crime for which they were convicted. If not raised well, innocence claims in post-conviction litigation can fall on deaf ears. This session will focus on the basics of litigating innocence claims, including: federal and state actual innocence law; relevant PCRA standards; and the different considerations for first and successive petitions.

9. Starting Your Own Practice: Ideas, Ethics, Pitfalls and Success!

Ms. Palissery, Mr. Palissery

Starting your own practice, whether you have just passed the bar or have been a practicing attorney for years with a firm or agency, can be intimidating, harrowing, frustrating, but highly rewarding on many fronts. This program will provide ideas and advice to guide attorneys who may be just starting their practice or who may be thinking about starting a private practice, as well as ethical considerations and potential pitfalls based upon actual experience.

10. Drug Law Update

Mr. Wilson, Mr. Newman

Examine recent narcotics cases from both the Pennsylvania and Federal Court level. We will discuss the pertinent drug and search and seizure cases that may have a significant impact on your own narcotics criminal cases.

11. Cross Examination Techniques in Hazing and Sexual Assault Cases

Mr. Ambrose

Hazing cases are becoming more and more prevalent every year. The Penn State case is a vivid example of this. The renewed emphasis on victim rights has also lead to more frequent introduction of victim impact testimony in order to enhance the credibility of the alleged victim. Join Mr. Ambrose and learn cross examination techniques to make you more effective in these types of cases.

BASICS

12. The Nuts and Bolts of Preliminary Hearings

Mr. Perry, Chief Deputy D.A. Gettle, Ms. Weisenberger

Explore the basics of preliminary hearings: the law (prima facie and hearsay), expectations (client, client's family, victim, defense attorney and prosecutor), answer when and why you want to have a hearing, when and why you want to waive a hearing, dealing with MDJs, summary ARD in various MDJ offices, guilty pleas and collateral consequences, plea agreements at preliminary hearings, preparation before a hearing, and working with co-defendant counsel.

3:35 – 4:35 pm

13. Sentencing Update [repeat of #3]

Mr. Suss

ETHICS

14. Ethical Considerations in Post-Trial Practice

Judge Bateman, Mrs. Brill Keagy

Join Mrs. Keagy and Judge Bateman for a one hour ethics presentation regarding the representation of clients after trial. Discussion will include fee agreement language both before and after trial representation, scenarios where attorneys can become trapped in an appeal, Anders Briefs and Finley letters and other ways of dealing with frivolous issues. The session will be taught using scenarios that will be put out into the room for "what if" discussion with clarification using the Rules of Professional Conduct as a guide.

15. Choosing and Using Experts in Litigating Forensic Science Issues

Ms. Sanghvi, Mr. Bresch

The reliability of forensic sciences such as bite mark evidence, arson evidence, and Shaken Baby Syndrome evidence have been called into question in recent times. Our panel will focus on how to best use and choose expert witnesses to assist in litigating forensic science issues in both the trial and post-conviction contexts. Issues covered will include: when you need an expert, how to find the best one, and the different considerations in using experts in the trial and post-conviction arenas.

16. DUI Update [repeat of #1]*Sr. Asst. D. A. Dailey, Mr. Spreha***17. Reasonable Doubt: Maybe He Did It, But So What?***Mr. Asteak*

Anyone can try a case with an obvious defense; it takes a real lawyer to persuade a jury to acquit on the basis of reasonable doubt. We will explore defenses lying in the shadows, empowering the conscience of the community; develop storylines and the rhetorical skills necessary to snatch victory from the jaws of defeat.

BASICS

18. Starting Your Trial off Right: Voir Dire and Opening Statements*Ms. Cutaia*

Start your trial off right! Learn about organizing your case for trial, get tips for picking the right jury, and ideas on how to give exciting opening statements that help jurors understand your case. Examples of jury questionnaires and opening statements will be provided.

FRIDAY
JUNE 8

8:30 – 9:30 am

19. Special Issues in Sex Cases Involving Children*Mr. Barrett, Mr. Machen*

Sex cases involving children can present special problems for both defense counsel and the prosecution. Pick up helpful practice tips as we discuss the nuances of dealing with child testimony, the tender years statute, confrontation clause issues, techniques for preparing child witnesses, and ways to deal with the problems resulting from delays in sex offender evaluations.

20. Criminal Jury Instruction Update*Judge Carpenter, Prof. Chanenson, Members of the Jury Instruction Committee*

Jury instructions are at the heart of every criminal trial. Pennsylvania's Suggested Standard Jury Instructions have long guided attorneys and judges in crafting charges to the jury. Updated and revised instructions will be released in 2018. This session will feature members of the jury instruction committee and practitioners discussing these changes and how they can improve criminal trials across the Commonwealth.

21. Admissibility of Evidence: Cell Phones, Texts and Social Media*Judge Mariani, Mr. Dietz*

Now more than ever, technology is pervasive in our daily lives, including in the courtroom. Join us for a discussion about the admissibility and authenticity of text messages and social media postings at trial. Admissibility of this evidence turns on a number of factors including, but not limited to, its relevance, the prejudicial impact of such evidence, whether it's hearsay and whether it satisfies the best evidence rule. Most importantly, however, is that the evidence is authentic. We will discuss both state and federal law as it applies to the admission of this type of evidence.

22. 2018 SORNA Update [repeated at #39]*Mr. Marcus*

Come to learn about the challenges to SORNA over the past year. We will examine the new decisions and offer insights into the developing case law surrounding SORNA.

1 CAPITAL CASE CREDIT - SUBSTANTIVE

23. Rule 404(b) – The Most Problematic Issue in Capital Cases*Prof. Epstein*

Rule 404(b) is among the most litigated and contentious Rules of Evidence in capital cases. The determination of whether evidence of other acts [usually criminal in nature] will be admitted affects not only the determination of guilt but also the jury's view of what punishment is appropriate. This session will break down the Rule and address its future, particularly in light of the 2017 ruling in *Commonwealth v. Hicks* that showed a divide in the Pennsylvania Supreme Court about how far-reaching 404(b) proof may be.

9:45 – 10:45 am

24. Essential Questions in Firearms Law: Why the Gun Laws Are What They Are?*Mr. Goldstein*

Why aren't background checks universal? What is the "gun show loophole?" Is Pennsylvania's Castle Doctrine working as intended? Are more people dying from guns than at any time in history? What do we know about who commits crime with firearms? What do we know about who commits murder? Where does murder happen? In this session, we will use a data driven approach to understanding why Pennsylvania and federal firearms laws are configured in the way they are. This session is designed to help both the practitioner trying to understand the "why" behind Pennsylvania's firearms laws as well as assisting attorneys interested in firearms public policy to understand the current state of play in firearms regulation.

SUPER WORKSHOP

25. Mitigating Implicit Bias for Lawyers & Judges in the Criminal Justice System*Prof. Harris*

Don't miss this opportunity to join Professor David Harris, a preeminent authority on issues related to race and criminal justice, as he addresses the oft-discussed, hot topic of implicit racial bias. Find out what implicit bias is and the scientific basis for what we know about the subject. Professor Harris will discuss some of the

ways that implicit bias may manifest itself in the criminal justice system and some strategies that we can use to counter its influence.

ETHICS

26. A Lawyer's Ethical Obligations in a World of Technology*Mr. Siegel, Ms. Cutaia*

Recent changes to the Rules of Professional Conduct mean that lawyers can no longer stick their heads in the sand and avoid the issues that accompany the use of technology. Whether securing a firm's network, or communicating with a client using a Smartphone, lawyers have an ethical obligation to be aware of relevant technology and assure that they do not disclose confidential information. This session will discuss the latest issues impacting criminal law lawyers' use of technology.

1 CAPITAL CASE CREDIT - SUBSTANTIVE

27. Capital Case Update*Mr. Dunham, Asst. D.A. Tol*

You won't want to miss hearing about what the courts have been deciding in capital case litigation during the past year. Key state and federal case developments, legislative action and trends that are likely to affect the future litigation of capital cases in Pennsylvania will be highlighted.

11:00 am – 12:00 pm

28. Annual Update on Pennsylvania's Sentencing Guidelines*Mr. Bergstrom*

Hear about the latest changes to the sentencing guidelines that took effect this year, including sentencing enhancements for home invasion burglary, VUFA, and both aggravated assault by vehicle and homicide by vehicle while texting, as well as increased recommendations for delivery by a practitioner and PWID involving fentanyl and its derivatives/analogues. This session will also address issues being discussed as part of a comprehensive review of the sentencing guidelines, including changes proposed during the second phase of the Justice Reinvestment Initiative.

SUPER WORKSHOP

29. Department of Corrections Update*Secretary Wetzel*

It's been another year packed full of changes at the Department of Corrections. An annual favorite, Secretary John Wetzel makes sure you know about the latest developments and how they impact your clients. This is your chance to hear firsthand about what has transpired and what is on the horizon.

30. Crimmigration – Representing the Non-Citizen Defendant*Mr. Sachs, Ms. Stambaugh*

This panel will help practitioners identify and respond to recurring issues which lie at the intersection of criminal and immigration law, including plea bargaining and sentencing advocacy strategies designed to avoid or mitigate immigration consequences.

1 CAPITAL CASE CREDIT - ETHICS

31. Tricky Ethical Issues in Death Penalty Cases

Faculty TBA

An attorney's ethical obligations in a non-capital criminal case are complicated enough. Representation in a death penalty case, however, raises unique ethical obligations not encountered by other litigators. Join us for this session and learn how to address both the most common and the most unusual ethics questions raised during these types of cases.

1:15 – 2:15 pm

32. Inside the Courtroom Doors – A View from the Bench [repeated at #41]

Judge Bicket, Judge Lovecchio, Judge McDermott, Judge Renn

Get insightful perspectives from a panel of trial court judges on various topics: presentation of motions, jury selection – does anyone use a Dr. Bull?, the best (and worst) opening statements you ever heard, perspectives on direct and cross examination, good closing arguments, and effects of television and social media on trials.

33. Persuasive Advocacy Through Objections & Motions Practice

Ms. Lippy

For many practitioners, persuasive advocacy comes to mind when thinking about brief writing or opening statements and closing arguments. However, the proper use of objections and motions are important tools of persuasion and without question an important part of gaining an edge in your case. Join Ms. Lippy as she provides “real world” insights about the how, what and when of making objections and arguing motions more effectively in your practice.

ETHICS

34. Ethics and the Opioid Crisis

Mr. Zeiger, Mr. Kauffman

How do practitioners deal with the opioid crisis in practice? Judges, prosecutors, defense attorneys, witnesses, and jurors, may have their own opioid addictions. What are your ethical duties when dealing with these issues?

35. When Evidence Vanishes: Arguing Beyond Brady

Mr. Goldberg

All too often, dash cam video or other evidence is “lost” or destroyed before the defense can review it. *Brady v. Maryland*'s nasty secret is that it only provides for dismissal of criminal charges when exculpatory evidence is lost or destroyed. What happens in most cases, where the attorney cannot prove that the evidence is exculpatory? This course will teach attorneys how to create win-win situations by giving them the tools to preserve evidence and, should that fail, get the case dismissed.

1 CAPITAL CASE CREDIT - SUBSTANTIVE

36. Prosecutors' Perspectives on the Death Penalty

D.A. Adams, D.A. Ebert, D.A. Stedman

Why do Prosecutors seek the Death Penalty? When will Prosecutors seek the Death Penalty? How can I avoid the Prosecution from seeking the Death Penalty? For practitioners who handle homicide cases, this is your opportunity to hear from a number of District Attorneys who make those decisions. Certainly, the Death Penalty is being sought less and less in recent years. Why is that? Those questions and more will be answered in this session.

2:25 - 3:25 pm

37. Expert Opinions: Everybody Has One

Mr. Fairlie, Mr. Narducci, D.A. Weintraub

Analyze and compare the statute and cases allowing, regulating and prohibiting the use of expert testimony in the area of victim responses to sexual assault, eyewitness identification, and false confessions. The panel will consist of both a defense and prosecution view of these emerging areas.

SUPER WORKSHOP

38. Perspectives from the Superior Court of Pennsylvania: A Roundtable Discussion

Judge Bowes, Judge Nichols, Judge Stabile, Mr. Yoon

There is no better way to learn about appellate practice in the Superior Court of Pennsylvania than directly from the Judges who decide the cases. Join this impressive panel of judges as they discuss current topics of interest to practitioners. Take advantage of this opportunity to ask the Judges a few questions of your own!

39. SORNA Update [repeat of #22]

Mr. Marcus

1 CAPITAL CASE CREDIT - SUBSTANTIVE

40. The Causes of Wrongful Capital Convictions and How to Avoid Them

Ms. Cummings, Mr. Dunham, Prof. Epstein

How do innocent people end up on—and get released from—death row? This session will discuss the most common causes of wrongful convictions in death-penalty cases, propose reforms to reduce the likelihood that they will occur, and suggest measures defense lawyers and prosecutors can take to discover and redress them.

3:35 – 4:35 pm

41. Pennsylvania Board of Probation and Parole – Practice Pointers

Mr. Robinson, Mr. Crowley

This session will address issues frequently confronted by practitioners who represent clients under the jurisdiction of the Pennsylvania Board of Probation and Parole. The presentation will provide insight into the state parole process, technical and criminal parole violations, sentencing issues for convicted parole violators, sentence calculation issues, and recent appellate court decisions involving the Board.

42. Second Chances: Expungement and Pardon Hearings

Ms. Smith

With an increased focus by the public on criminal justice reform and the options for those with a criminal record, now more than ever is the time to have a complete understanding of expungements and pardons and how these processes can be used to assist your clients. This session will discuss the nuances to seeking and getting an expungement or pardon, including a thorough discussion of what it takes to be successful at an expungement or pardon hearing. PA's Limited Access Law will also be addressed.

ETHICS

43. When You Make the Headlines: the Ethics of Dealing with a High Publicity Case

Judge Renn, D.A. Ebert, Mr. Costopoulos

Not everyone will represent Bill Cosby, but most attorneys will, sooner or later, have a case which makes the local headlines. Examine the ethical considerations from the defense and prosecution perspectives when your case makes the front page.

44. The Latest on Risk Assessments at Sentencing

Mr. Bergstrom

Don't miss the opportunity to get the latest update on the Sentence Risk Assessment Instrument proposed by the PA Commission on Sentencing. Since publishing a draft of the Instrument in the PA Bulletin in April 2017, the Commission has since undertaken additional research and worked with various counties on implementation processes. The Commission published the proposed Instrument in April 2018 and will be holding a final round of public hearings in June. If adopted during the Commission's June 14, 2018 meeting and not rejected by the General Assembly, the Sentence Risk Assessment Instrument will likely take effect January 1, 2019.

1 CAPITAL CASE CREDIT - SUBSTANTIVE

45. Litigating an *Atkins* Claim: Rebutting the Prosecution's Case after *Moore v. Texas*

Assist. Fed. Public Defender Henderson

Building on the United States Supreme Court's reliance on prevailing clinical standards for intellectual disability in *Hall v. Florida*, *Moore v. Texas* was a significant step forward for those litigating *Atkins* claims. This seminar will discuss the implications of *Moore* in dealing with arguments frequently raised by the prosecution or concerns articulated by courts during *Atkins* litigation. The session will conclude by using *Commonwealth v. VanDivner* as a case study examination of how the Pennsylvania Supreme Court just months ago applied *Moore*, *Hall*, and *Atkins*.

WE'VE ASSEMBLED A **FACULTY** COMPRISED
OF SOME OF THE **BRIGHTEST** AND MOST **FORWARD-THINKING** CRIMINAL LAWYERS,
ACADEMICS AND JUDGES ANYWHERE TO MAKE THIS YEAR'S SYMPOSIUM THE BEST YET

SYMPOSIUM PLANNING TEAM

D.A. John T. Adams

BERKS COUNTY DISTRICT ATTORNEY'S
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