



OHIO ASSOCIATION
OF CRIMINAL
DEFENSE LAWYERS

2720 Airport Drive, Suite 100
Columbus, OH 43219

DEATH PENALTY SEMINAR
NOVEMBER 14-16, 2012



OHIO ASSOCIATION
OF CRIMINAL
DEFENSE LAWYERS

Presents..

ANNUAL DEATH PENALTY SEMINAR

The seminar BY Defense Attorneys FOR Defense Attorneys

NOVEMBER 14-16, 2012

13.75 CLE HOURS

*Due to the nature of this seminar,
Prosecuting Attorneys are not permitted to attend.*

www.oacdl.org

The Westin Hotel • 310 South High Street • Columbus, OH 43215 • 614.228.3800 • www.westincolumbus.com



DEATH PENALTY SEMINAR

NOVEMBER 14-16, 2012

The Westin Hotel
310 South High Street
Columbus, OH 43215

DIRECTIONS TO THE THE WESTIN HOTEL

From the South:

Take I-71 North. Just before reaching the downtown area, exit I-70 East. Take the first exit, which is Front/High Street. Go straight to High Street and turn left. The Westin is approximately 3 blocks on your right. Parking entrance is on Main Street.

From the North:

Take I-71 South to I-670 West. Take 670 – Dayton/Airport exit, veer to right, merging with traffic in your left two lanes. Follow directions to Third Street. Take the Third Street exit and go 11 blocks to Mound Street and turn right on Mound. Go one block to High Street and turn right. The Westin is at the corner of High and Main Streets. Parking lot entrance is on Main Street.

From the West:

Take I-70 East to the Front/High Street exit. Go straight off the exit to High Street and turn left. Approximately 3 blocks you will see the Westin on your right at Main Street. Parking lot entrance is on Main Street.

From the East:

Take I-70 West to the Fourth Street exit. Stay in the middle lane. Proceed straight through the first light. Approximately 3 blocks turn right on to High Street. The Westin is at the corner of High and Main Streets. Parking lot entrance is on Main Street.

Westin Great Southern Hotel

310 South High Street
Columbus, OH 43215
614.228.3800
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AGENDA

WEDNESDAY, NOVEMBER 14

7:00 – 8:00 p.m. **The Basics of Capital Litigation:
The Ohio Statutes and the Guidelines**
Speakers: *Faculty Members*

THURSDAY, NOVEMBER 15

8:00 – 8:30 a.m. **Registration**

8:30 – 9:00 a.m. **Introduction - Recent Death Penalty Developments:**
Speaker: *David Stebbins, Columbus*

9:00 – 10:00 a.m. **United States Supreme Court Update**
Speaker: *George Kouros, New Haven, Connecticut*

10:00 – 10:15 am **Break**

10:15 – 11:15 **Ohio Supreme Court Update**
Speaker: *Kathleen McGarry, Glorieta, New Mexico*

11:15 – 12:15 a.m. **Legal, Financial and Other Assistance and Information from
the State Public Defenders Office**
Speaker: *Tim Young, Ohio Public Defender, Columbus*

12:15 – 1:15 p.m. **Lunch (Provided)**

1:15 – 2:15 p.m. **Litigating *Daubert* Challenges**
Speakers: *Lindsey Gutierrez, Cincinnati.
Candace Crouse, Cincinnati*

2:15 – 3:00 p.m. **Behind the DNA Report; How to Combat
The Evidence and Use it to Your Advantage**
Speakers: *Julie Heinig, DNA Diagnostic Center, Dayton
Andrew Stevenson, Lancaster*

3:00 – 3:15 p.m. **Break**

3:15 – 4:30 p.m. **DNA (continued)**

5:00 – 6:00 p.m. **Social Gathering – Westin Hotel**

UPCOMING SEMINARS

December 14, 2012 Hot Topics in Criminal Law, including substances abuse, ethics and professionalism | OCLC, *Dublin*

January 21, 2013 Current Issues in Criminal Law | University of Cincinnati School of Law, *Cincinnati*

February 1, 2013 Hot Topics in Criminal Law | Cuyahoga County Public Defender's Office, *Cleveland*

March 7-9, 2013 Advanced DUI Seminar | Westin Hotel, *Columbus*



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THURSDAY, NOVEMBER 15 ALTERNATIVE APPELLATE TRACK

- 1:00 – 2:00 p.m.** **Martinez v. Ryan: Ineffective Assistance of Post-Conviction Counsel as “Cause.”**
Speakers: *Randall Porter, Office of the Ohio Public Defender, Columbus*
Allen Bohnert, Capital Habeas Unit, Office of the Federal Public Defender, Columbus
- 2:00- 3:00 p.m.** **How to Approach Capital Appeals in the Ohio Supreme Court**
Speaker: *Kathleen McGarry, Glorieta, New Mexico*
- 3:00 – 3:15 p.m.** **Break**
- 3:15 – 4:15 p.m.** **Clemency; Last Minute Litigation; the Execution Process**
Speakers: *Pam Prude-Smithers - Office of the Ohio Public Defender, Columbus*
Kathy Sandford - Office of the Ohio Public Defender, Columbus

FRIDAY, NOVEMBER 16

- 8:30 - 9:30 a.m.** **Missouri v. Frye; Lafler v. Cooper; Padilla v. Kentucky: New Responsibilities for Trial Lawyers, Appellate Lawyers, Prosecutors, and Judges**
Speaker: *Russ Bensing, Cleveland*
- 9:30 - 10:30 a.m.** **Mounting a Batson Challenge**
Speaker: *Jay Ferguson, Durham, North Carolina*
- 10:30 - 10:45 a.m.** **Break**
- 10:45 – 12:00** **Veterans, PTSD, and Traumatic Brain Injuries**
Speaker: *John Matthew Fabian, Ph.D., J.D., Cleveland*
- 12:00 – 1:00 p.m.** **Lunch (Provided)**
- 1:00 – 2:00 p.m.** **Preparing and Presenting Closing Arguments**
Speaker: *Frederick D. Benton, Columbus*
- 2:00 – 3:00 p.m.** **Investigating and Litigating Claims of Intellectual Disability**
Speakers: *Jeffrey Lazarus, Assistant Federal Defender, Cleveland*
Luc LeCavalier, Ph.D., Columbus
Jim Crates, Mitigation Specialist, Granville
- 3:00 – 3:15 p.m.** **Break**
- 3:15 – 4:15 p.m.** **What Does It All Mean: The Rules and the ABA Guidelines and Applying them to Your Trial**
Speakers: *David Doughten, Cleveland*
John Parker, Cleveland

This seminar has been approved by the Rule XX Committee on Appointment of Counsel for Indigent Defendants in Capital Cases for 13.75 hours of training, including 6.50 hours of Appellate training.

Presentation of the DONALD C. SCHUMACHER LIFESAVER AWARD. This award honors Don's long service to the OACDL and recognizes his significant contributions to the defense of indigent defendants facing the death penalty and his services in teaching the criminal defense community about the latest ideas and techniques. The OACDL created the DONALD C. SCHUMACHER LIFESAVER AWARD for Excellence in Death Penalty Litigation. This yearly award is designed to recognize outstanding achievements in avoiding imposition of the death penalty through trial excellence, mitigation investigation and presentation, as well as appellate and post-conviction litigation, and education.

CLE Credit Hours: Pursuant to Rule X of the Government of the Bar, the Sponsor has requested 13.75 hours of credit from the Supreme Court Commission on Continuing Legal Education. Participants must apply through the CLE Seminar Sponsor for Credit. All attorney registrants must indicate their Ohio Registration Number (as issued by the Ohio Supreme Court) on the registration form. All attendees must return complete CLE forms to OACDL at the end of the seminar.



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REGISTRATION FORM

Name _____

Name for Badge _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Seminar Cost: \$325.00 OACDL Member \$350.00 Walk-in Rate
 \$375.00 OACDL Non-Member \$400.00 Walk-in Rate

Attending Wednesday evening session? Yes, I will No, I won't **Attending Habeas section?** Yes, I will No, I won't

Register online at www.oacdl.org and click on Seminars (to pay with credit card); or complete this registration form and mail to OACDL with either check made payable to OACDL or credit card information below. No telephone registrations accepted.

Charge my Visa MasterCard Discover in the amount of \$ _____

Card # _____

Expiration Date _____ 3 Digit Security Code _____

Signature _____

PAYMENT

SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required for individuals to participate in this seminar, please contact the OACDL at least 3 days prior to the course date at 800.443.2626.

PUBLIC DEFENDER/PRO BONO FUNDING PROVIDED BY THE OFFICE OF THE OHIO PUBLIC DEFENDER

If you have represented at least one client on a Pro Bono basis during the past year, you are entitled to attend this seminar FREE of CHARGE. You may not have used that case to attend any other seminar on a PRO BONO basis. However, any attorney, private or public defender, is limited to 2 seminars per fiscal year (July 1, 2012 – June 30, 2013) on this basis.

PRO BONO REPRESENTATION WAS PROVIDED IN THE FOLLOWING:

This is to certify that the attorney named at right provided representation for an indigent person charged with a criminal offense in my court. Further, the attorney did not submit a bill for payment for any services involved in that representation and represented the defendant on an appointed basis at no cost to the state.

All Pro Bono and Public Defenders MUST Be Pre-registered by Nov. 2, 2012. Space is limited to the first 50 people to apply.

State/City _____ vs. _____

Case # _____ County _____

Date Representation Provided _____

Offense Charged _____

Judge's Name _____

Judge's Signature (required) _____

OR Public Defender Information (do not complete if pro bono portion is filled out)

Name of Director or County Public Defender _____

County in which you serve as a public defender _____

County Public Defender's Signature (required) _____

There is limited scholarship money for Pro Bono and Public Defenders. Space is limited to the first 50 people to apply. You will receive notification via email if your registration is one of the first 50.