

CALIFORNIA ATTORNEYS FOR CRIMINAL JUSTICE

2009

Appellate Practice Seminar

SATURDAY, OCTOBER 17, 2009

—NEW LOCATION—

**University of California - Irvine
Law School Campus
Bren Hall**

SEMINAR CO-CHAIRS
Jorge Alvarado and John Zitny

Appellate Practice Seminar Approved for 6.0 hours of MCLE Credits

2009 APPELLATE PRACTICE SEMINAR SCHEDULE AND TOPICS

SATURDAY, OCTOBER 17, 2009

****NEW LOCATION — University of California, Irvine • Law School Campus • Bren Hall****

8:00 – 8:30 am

Registration

8:30 – 9:45 am

Recent Developments in Case Law
Al Menaster

9:45 – 10:00 am

BREAK

10:00 – 11:45 am

Breakout Sessions:

BEGINNING AN APPELLATE PRACTICE

Moderators: Kristin Erickson, Elaine Alexander, Jonathan Steiner and Alice Shotton

PERSUASIVE BRIEF WRITING

Moderators: Edward Jessen and Katharine Sloan*

THE BENCH PERSPECTIVE

Moderators: Justice Douglas Miller and Federal District Court Judge Stephen Larson

WRIT PRACTICE

Gary Nichols

11:45 - 1:00 pm

LUNCH

1:00 – 2:00 pm

Ethics

Lauri Ferguson and Charles Murray

2:00 – 3:00 pm

Prosecutorial Misconduct at the Appellate Level
Dean Erwin Chemerinsky

3:00 – 3:15 pm

BREAK

3:15 – 4:15 pm

Substance Abuse

Martha (Marty) Roof and Hal Nevitt

6.0 MCLE HOURS

**Edward Jessen is the author of the California Style Manual, the official handbook of legal style for the California Courts. He works for the California Supreme Court as the Reporter of Decisions and is speaking on Persuasive Brief Writing today. To purchase a copy onsite, please include the costs of the manual (\$18.43) with your registration — and check the order box in Step 4 of the registration form.*

SPEAKERS

Elaine A. Alexander

Beginning an Appellate Practice



Elaine A. Alexander has been the Executive Director of Appellate Defenders, Inc., (ADI) since 1979. ADI administers the system of appointed representation on appeal for the California Court of Appeal, Fourth Appellate District and handles about 3,000 appeals a year, managing a panel of about 300 attorneys.

This program, established under Ms. Alexander's leadership in 1983, served as the model for the appellate project programs in all of the other appellate districts in the state.

Dean Erwin Chemerinsky

Prosecutorial Misconduct at the Appellate Level



Erwin Chemerinsky, assumed the position of Dean and Professor of Law, UC Irvine School of Law in July of 2008. Prior to this, he was the Alston & Bird Professor of Law and Political Science, at Duke University; joining the Duke faculty in July 2004 after 21 years at the USC Law School, as the Sydney

Irmas Professor of Public Interest Law, Legal Ethics, and Political Science. He practiced law as a trial attorney, US Department of Justice, and at Dobrovir, Oakes & Gebhardt in Washington, D.C. Mr. Chemerinsky is a graduate of Harvard Law School. He is the author of six books and over 100 law review articles and currently writes a regular column on the Supreme Court for California Lawyer, LA Daily Journal and Trial Magazine.

Kristin A. Erickson

Beginning an Appellate Practice



Kristin Erickson, has been in private practice since 2000 in law and motion and writs and appeals on both a retained and appointed basis. Ms. Erickson was a Deputy Alternate Defender for Orange County from 1995-2000, both as a trial attorney and as a writs and appeals attorney. She has also

served as a panel lawyer for Appellate Defenders Inc.

Lauri Ferguson

Ethics



Lauri Ferguson is the Assistant Public Defender for San Bernardino County. She began her legal career with the Public Defender's Office in 1989, after graduating from the University of San Diego School of Law. She has represented clients in juvenile delinquency, adult criminal matters, mentally disordered offenders petitions and not guilty by reason of insanity cases. She joined the management team as Supervising Deputy in 1997, was promoted to Chief Deputy in 2003, and since 2006 has been the Assistant Public Defender.

Edward Jessen

Persuasive Brief Writing



Edward Jessen, currently a Reporter of Decisions for the Supreme Court and Courts of Appeal, since 1989; he has presided over the reporting of over 250 volumes of California's appellate decisional law and is also the content manager, responsible for providing public access via the appellate courts' website for all opinions. In 2000, Mr. Jessen authored the 4th edition of the California Style Manual, used by appellate courts and for publication of the Official Report.

Federal District Court Judge Stephen G. Larson

The Bench Perspective



The Honorable Stephen G. Larson is a US District Judge for the Central District of California. Judge Larson presides in the District's Eastern Division in Riverside, California, where he hears both civil and criminal cases. Judge Larson has sat by designation on multiple panels of the U.S. Court of Appeals for the Ninth Circuit. He is presently chair of the District's Attorney Liaison committee, co-chair of the District's Capital Case committee, and a member of the District's Executive and Magistrate Judge committees, as well as the Ninth Circuit's Jury Instructions Committee, which is presently engaged in revising the Ninth Circuit Model Jury Instructions for criminal cases.

Al Menaster

Recent Developments in Case Law



Albert Menaster has served as a Deputy Public Defender in Los Angeles County since 1973, and was named CPDA's "Defender of the Year" in 1987, and chosen as Defense Attorney of the year by the LA County Bar Association in 2007. Al writes books, articles and lectures frequently on a

wide range of defense topics, including computer technology for defense attorneys, juvenile court practice, Proposition 115, Three Strikes, Proposition 36, Courtroom Evidence and Motion Practice. Al has argued before the United States Supreme Court and repeatedly before the California Supreme Court. He has served on many committees for CACJ and CPDA over the years, and has authored *amicus* briefs with a remarkable success rate.

Justice Douglas P. Miller

The Bench Perspective



Justice Douglas Miller currently serves on the Fourth District Court of Appeal, Division Two, appointed by Governor Schwarzenegger in June of 2006; and on the Riverside Superior Court, appointed by Governor Pete Wilson in 1995. Justice Miller was the Presiding Judge of the Riverside County Superior Court 2003-04, and the Asst Presiding Judge from 2001-02; and the Supervising Judge of Riverside County Superior Court, Desert Judicial District 1999-02. Justice Miller also has extensive judicial teaching experience including

continued....

SPEAKERS CONTINUED

Brigham Young University, School of Law, Trial Advocacy Program, and the Orrin Hatch Distinguished Trial Lawyer Program, 2004. Justice Miller graduated from Pepperdine University School of Law.

Charles A. Murray

Ethics



Charles Murray serves as a Deputy Trial Counsel for the State Bar of California, resolving complaints of attorney misconduct and presenting and arguing disciplinary cases before the State Bar Court. He handles disciplinary matters involving serious misconduct, complex issues, and high-profile attorneys. He currently focuses on attorney disciplinary problems that involve substance use or mental health issues and was instrumental in the development of an alternative track called the Other Bar. He was previously in private practice representing clients in Civil and Criminal matters in both State and Federal Courts.

Hal M. Nevitt - LCSW/CEAP

Substance Abuse



Hal Nevitt holds licensure in Arizona, for Clinical Social Work, and Independent Substance Abuse Counseling. He is certified nationally, as an Employee Assistance Professional and has 18 years of experience providing therapy to individuals, couples, and families; he is currently employed as the Director of the Member Assistance Program (MAP), for the State Bar of Arizona. Mr. Nevitt's clinical experience includes the assessment and treatment of substance abuse/dependency disorders, including those with concurrent psychiatric diagnoses, depression, anxiety, and other stress related symptoms, and currently facilitates group therapy for impaired attorneys and physicians.

Gary Nichols

Writ Practice



Gary Nichols has been practicing law for 30 years, primarily as a public defender, first in Ventura County, and since 1989, in San Diego County. He has tried over 100 jury trials, from vandalism to death penalty cases, but for the last 17 years he has been in the Writs & Appeals unit, which he now supervises. He has several published opinions from the Supreme Court and the Court of Appeal to his credit. Gary is a career-long member of CPDA and is on their telephone hot line for both appellate and ethical issues.

Martha (Marty) A. Roof

Substance Abuse



Ms. Roof, currently a sole practitioner in Santa Ana; has been a member of The Other Bar since 1982 and a member of the American Bar Association Commission on Lawyer Assistance Programs (COLAP); she has a wealth of experience in matters relating to substance abuse. Ms. Roof graduated from Loyola Law School with honors.

Alice C. Shotton

Beginning an Appellate Practice



Alice Shotton is currently a staff attorney with Appellate Defenders, Inc., joining them in 2005; she was an appellate panel attorney for 12 years, in dependency and delinquency appeals. In 2001, Ms. Shotton received the Paul Bell Memorial Award for excellence in indigent representation on appeal.

Formerly a staff attorney with the Youth Law Center in San Francisco, Ms. Shotton has been a legislative consultant and a presenter at state and national conferences on laws impacting youth, and authored numerous publications involving children's legal issues. Ms. Shotton received her B.A. from UCLA and her J.D. from Southwestern University School of Law in Los Angeles.

Katharine Sloan

Persuasive Brief Writing



Katharine Sloan currently writes mitigation reports for the Los Angeles Public Defender's office and has given joint trainings on writing style with Al Menaster. She will demonstrate how to write a persuasive appellate or writ petition by using techniques that professional script and fiction writers incorporate using her eight years of experience as a screen writer for Disney, with 75% of her rewrites making it to film.

Jonathan B. Steiner

Beginning an Appellate Practice



Jonathan Steiner has served as the Executive Director of the California Appellate Project since 1988; prior to that he was a partner in Steiner and Gerstein for three years. Mr. Steiner was the Chief Assistant State Public Defender from 1980–85; and the Deputy State Public Defender from 1976–80, and as a Staff Attorney for the Greater Watts Justice Center from 1970–76. Mr. Steiner has several published opinions from the Supreme Court and the Court of Appeal to his credit; and since 1994 has served on the Appellate Indigent Defense Oversight Advisory Committee. He currently serves as President and long time member of the California Academy of Appellate Lawyers, and has been a member of CACJ since 1977, and was a member of CACJ's Board of Governors from 1979–85.

2009 APPELLATE SEMINAR REGISTRATION FORM

REGISTER ONLINE AT WWW.CACJ.ORG

STEP 1

Preregistration Deadline: Friday, October 10, 2009 at 5:00 p.m.

Preregistration not accepted after October 10, 2009

Payment must be included with form

Late registration is subject to a \$20 late fee

RETURN FORM TO:

California Attorneys for Criminal Justice
1540 River Park Dr. Suite 224A
Sacramento, CA 95815
Phone: (916) 643-1800 • Fax: (916) 643-1869

NAME »	DATE ADMITTED TO BAR »		
FIRM »	BAR NUMBER »		
ADDRESS »			
CITY »	STATE »	ZIP »	EMAIL »
PHONE (AREA CODE) »	FAX (AREA CODE) »		

Please check here if you would prefer a Vegetarian Lunch

STEP 2

REGISTRATION FEES: Registration includes continental breakfast, lunch and syllabus.

To preregister for these seminars, CACJ must receive your preregistration form and payment by **Friday, October 10, 2009, at 5:00 p.m.** Postmark after that date will not be accepted. Late registration includes a \$20 fee.

	Prepaid	Late Registration		Prepaid	Late Registration
CACJ Attorney Member	\$145	\$165	Investigator/Other Non-Member	\$145	\$155
Attorney Non-Member	\$185	\$205	CACJ Law Student	\$45	\$65
CACJ Investigator/Other	\$115	\$135	Student Non-Member	\$65	\$85

STEP 3

MEMBERSHIP FEES: Join now and pay the member rate for seminar tuition.

Dues are normally paid July 1st of each year.

Life Member *†	\$5000	Out-of-State Attorney	\$100
Patron *†	\$600	Attorney in practice 1–2 years	\$35*
Sustaining Member	\$300	Attorney in practice 3–5 years & Associate Member	\$70*
Attorney in private practice over 5 years	\$175	Friend of CACJ (not engaged in legal profession)	\$40
Public Defender in practice over 5 years and Law Professor	\$120	Law Student	\$10*
Attorney over 5 years and in Patron's or Life Member's firm	\$120	Gift Membership	\$50

* These rates include attendance at one CACJ seminar per year at no additional cost; free annual seminar includes syllabus CD and does not include food/beverage at event; free seminar does not include the Capital Case Defense Seminar or the Annual Forensic Science & Technology Seminar

By adding a \$50 donation to the above dues, you will support the California Attorneys for Criminal Justice Political Action Committee, which supports our position on issues and candidates for state elective offices who are committed to the protection of individual rights and the improvement of the criminal justice system. Dues and PAC contributions are not deductible as charitable contributions for Federal Income Tax purposes.

STEP 4

CONFIDENTIALITY PLEDGE : This pledge **MUST** be read and signed before CACJ is able to process your registration!

I hereby acknowledge that materials and information provided in this packet, at the seminar, and syllabus materials, are confidential information and may not be distributed or disclosed except to other defense practitioners. This information reflects thoughts, opinions, impressions and strategies with regard to previous and ongoing cases and, as such, is protected under the attorney-client privilege and work product doctrine. The materials provided at the seminar are licensed to participants for use in defense of criminal cases only, and any other use or distribution is a violation of copyright laws and the attorney's ethical obligation. By signing this pledge, I agree to abide by this understanding and to keep all information privileged. My signature also indicates that I am involved exclusively in the defense of persons accused in criminal cases.

Signature: _____ Date: _____

STEP 5

PAYMENT:

Registration Fee	\$ _____
Late Fee (add \$20 if after October 10, 2009)	\$ _____
Membership Fee (if signing up today)	\$ _____
___ California Style Manuals at \$18.43 each	\$ _____
TOTAL	\$ _____

Check enclosed (payable to CACJ)
 Charge my (circle one): **Visa** **MC**

CREDIT CARD NUMBER » _____ EXP. DATE » _____
 SIGNATURE » _____

There is a \$35 fee for check returned for insufficient funds or credit cards declined.

Group Discounts: Groups of five or more from the same organization who pre-register AS A GROUP by Friday, **October 10th, 2009 at 5:00 pm** are eligible for a 15% discount. The discounted tuition is \$123.25 for members and \$157.25 for non-members. Pre-registration forms must be received together. This offer does not apply to student registrants.

Cancellations: Refunds, less a \$30 processing fee will be sent only for those cancellations received by 5:00 pm Friday, October 10, 2009. No refunds will be issued for cancellations received after that date.

* Life Members and Patrons may attend two of CACJ's one-day seminars each year free of charge.

† Call CACJ for payment options

California Attorneys for Criminal Justice

1540 River Park Drive, Suite 224A
Sacramento, CA 95815

RETURN SERVICE REQUESTED

Seminar Information Enclosed

**Don't Miss These
Upcoming CACJ
Seminars ...**

2009 ANNUAL FALL SEMINAR
CHARLES GARRY
MEMORIAL LECTURE

Friday, December 11th, 2009 and
Saturday, December 12th, 2009
St Francis Hotel San Francisco

CAPITAL CASE DEFENSE
SEMINAR

Friday, February 12th –
Monday February 15th, 2010
Monterey California

2009 CACJ & NACDL'S
3RD ANNUAL FORENSIC
SCIENCE & TECHNOLOGY

Friday, April 2nd and
Saturday, April 3rd, 2010
Harrah's Hotel and Casino
Las Vegas NV

MCLE AND SPECIALIZATION CREDITS

CACJ certified that this activity has been approved for MCLE credit by the state Bar of California in the amount of 6.0 hours of which 1 hour applies to Legal Ethics and 1 hour applies to Substance Abuse. This activity has also been approved for Certification and/or Recertification as a Criminal Law Specialist and Appellate Law Specialist by the California Board of Legal Specialization in the amount of 6.0 hours of which 6.0 hours applies to Appellate Law Legal Specialization and 1.75 applies to Writs, Appeals and Ancillary Proceedings.

ACCOMMODATIONS

Guest rooms have been reserved at the **Atrium Hotel at Orange County Airport, 18700 MacArthur Blvd., Irvine, for October 16th-October 17th** at \$104/single/double occupancy/night; **Deadline is: October 1st, 2009**: For reservations call: (949) 833-2770 or (800) 854-3012. For additional hotel information go to: www.atriumhotel.com <<http://www.atriumhotel.com/>

PARKING/UCI CAMPUS MAP

Campus Parking is \$10/day. A map of the UCI campus is available at www.uci.edu — and on the CACJ website: www.cacj.org on the Appellate Seminar registration page.

■ **REGISTER ONLINE: GO TO WWW.CACJ.ORG** ■