

Friday, March 23, 2012

(3.5 hours MCLE)

11:00 — 12:00 **Board of Directors and Annual Membership Meeting**

12:00 — 1:45 **Lunch** with the Board of Directors and Project Directors (\$25, not included in conference fee)

2:00 — 3:30 **Project Directors Roundtable:** A panel discussion with Elaine Alexander (ADI), George Bond (CCAP), Jay Kohorn (CAP-LA), Michael Kresser (SDAP), Gary McCurdy (CCAP), Jon Steiner (CAP-LA), and Mat Zwerling (FDAP); moderated by CADC Court and Project Liaison Marcia Levine

3:45 — 4:45 **Tips and Tricks for a More Efficient Appellate Practice**
Sheri Cohen and Marcia Levine



5:00 — 6:00 **Keynote Address by Chief Justice of California Tani Cantil-Sakauye**

6:00 — 7:00 **Networking Reception** (no-host cocktails)

7:30 **Dinner** at HS Lordships Restaurant (\$55, not included in conference fee), followed by a CADC member talent show hosted by Harry Zimmerman

Saturday, March 24, 2012

(6 hours MCLE)

8:00 — 8:30 **Registration and Continental Breakfast**

8:30 — 9:30 **Weathering the Stress of Appointed Appellate Practice:** A panel discussion with David Annicchiarico, Carolyn Fershtman, Kyle Gee, Janice Jenkins, and Lisa M.J. Spillman, moderated by David Stanley. *Eligible for 1.0 hour substance abuse/emotional distress MCLE*

9:45 — 10:45 **Digging Diamonds in a World of Sludge: Crafting Persuasive Briefs**
Candace Hale

11:00 — 12:00 **Criminal Breakout: Sixth Amendment Ineffective Assistance of Counsel: History, Present Criteria, and Future Development**
Professor Peter Keane, Golden Gate University School of Law

Dependency Breakout: Tips from Experienced Advocates
Jonathan Grossman (SDAP)

12:00 — 1:30 **Buffet Lunch** (included in conference fee)

1:45 — 2:45 **Criminal Breakout: Captive on the Carousel of Crime: Everything You Always Wanted to Know about Homicide but Were Afraid to Ask**
George Schraer

Dependency Breakout: Working Effectively with Trial Counsel
Linda K. Harvie, Seth Gorman, Michelle Danley, Alan Siraco, and Mariko Nakanishi

3:00 — 4:00 **Criminal Breakout: Inspiration, Desperation, and Strategy: Sometimes It Works; What Can We Do When It Doesn't?**
Stephen Greenberg

Dependency Breakout: Post-P.C. Practice: An Interactive Discussion on Ethical Issues Raised by *In re P.C.*
Linda Rehm, Alice Shotton, and Carol Federighi
Eligible for 1.0 hour ethics MCLE

4:15 — 5:15 **Oral Advocacy: Vocal and Physical Persuasion Techniques**
Harry Zimmerman

Seminar Faculty

David Annicchiarico is a panel attorney in each appellate district and is co-leader of the Bay Area CADC chapter. Prior to practicing criminal appellate law, David clerked for the Appellate Division of the San Francisco Superior Court and represented plaintiffs in civil rights and employment discrimination suits. In his off time, he is a hiker, biker, guitarist, and singer.

Chief Justice Tani Gorre Cantil-Sakauye was appointed to the California Supreme Court by Governor Arnold Schwarzenegger. Following her confirmation hearing and statewide election, she was sworn into office on January 3, 2011 as the first Asian-Filipina-American and the second woman to serve as Chief Justice of California. She chairs the Judicial Council of California and the Commission on Judicial Appointments. Chief Justice Cantil-Sakauye served for more than 20 years on California appellate and trial courts before her appointment to the California Supreme Court. She received her B.A., with honors, from the University of California at Davis in 1980 and her J.D. from U.C. Davis School of Law in 1984.

Sheri Cohen has been a panel attorney since 1993 and formerly taught in the Communications Department of Loyola University of Chicago. Sheri recently received SDAP's Gerald Z. Marer Award for outstanding appellate advocacy. In her spare time, she likes to travel and salsa dance.

Michelle Engelhardt Danley graduated from NYU Law and then worked as an AmeriCorps attorney at the Legal Aid Society of Hawaii, both as a guardian ad litem for dependent children and assisting adults with public benefits. In 2006, she joined the dependency panel in San Mateo County, where she represents parents and children in dependency cases. She began taking dependency appeals in 2010.

Carol Federighi was appellant's trial counsel in *In re P.C.* She is a graduate of Stanford University and Hastings College of Law. She handles dependency trials in Alameda County.

Carolyn Shoshana Fershtman, J.D., Ph.D., is a clinical psychologist in private practice in Santa Rosa, specializing in Jungian therapy and mind-body approaches. She directed the Family Trauma Research and Treatment Program in Santa Rosa from 2006 to 2009, and currently teaches at Meridian University in Petaluma. She has been a panel attorney for the past 25 years, and spent many years as an attorney advocate for social justice, Native American, and environmental organizations.

Kyle Gee has been doing criminal appeals in Oakland since 1976, focusing on homicides. His name appears on more than 50 published cases, most of which made bad law. He is a Past President of CADC and is the current Chair of the CADC Government Relations Committee.

Seth Gorman is a frequent presenter on dependency, adoption, and parentage issues. He handles private and appointed appeals and writes in dependency and adoption cases, and some guardianships and adoptions at the trial level. His recent published decisions include *In re J.S.* (2011) (jurisdiction over married minor); *In re Karla C.* (2010) (jurisdiction in international placements);

and *In re Noreen G.* (2010) (Prob. Code 1516.5 constitutionality).

Stephen Greenberg has practiced California criminal appellate law since 1988 — long enough to win a very few cases, e.g., *King v. Superior Court* (2003) 107 Cal.App.4th 929, the first U.S. decision to examine the procedural due process limitations on forfeiture of the right to counsel. His analyses of instructional law have been published in *Forecite* and *CACJ Forum*.

Jonathan Grossman has been a staff member at the Sixth District Appellate Program since 1999. He worked as a deputy public defender in San Joaquin County from 1991 to 1999, where he handled both criminal and dependency cases. Some of his cases include *In re Gabriel G.* (2005) 134 Cal.App.4th 1428 and *In re E.O.* (2010) 188 Cal.App.4th 1149.

Candace Hale comes from a long line of writers including Edward Everett Hale, the 19th century New England abolitionist minister who wrote *Man Without a Country*. She fled the big-firm life in 1993 for the lucrative world of appointed criminal appeals and has never looked back. She practices law, plays the banjo, and works for the wild salmon in Marin.

Linda K. Harvie has been practicing juvenile dependency law since 1985. She worked for 11 years as a deputy public defender representing parents in Tulare, San Diego, and Santa Cruz Counties and has also represented minors as a private court-appointed attorney. Since 1997, Linda has been an appellate attorney, accepting mostly dependency appeals from every judicial district except the Second.

Janice A. Jenkins has been withstanding the stress of juvenile dependency appellate practice for twenty years. Currently, her appellate practice focuses on representing parents in the First and Second Districts. Among her notable successes in the dependency arena is *In re Cathina W.*, which established the exception to the writ requirement imposed by WIC 366.26. She is a former Vice-President of CADC.

Peter Keane is Dean Emeritus and Professor of Law at Golden Gate University School of Law. He is former President of the Bar Association of San Francisco and former Vice President of the State Bar of California. He was Chief Assistant Public Defender of San Francisco and has been a State Bar Certified Criminal Law Specialist for over 35 years. He wrote the Standards for Certification of California Criminal Law Specialists. Among many other positions and accomplishments, Professor Keane has been Chair of the Board of Directors of the First District Appellate Project.

Marcia Levine has represented indigent criminal appellants since 1986 and has even won reversals for some of them. She currently practices in San Francisco and is on the panels for the First, Second, Third, and Fifth Districts. In her extra-legal hours, she is a potter and enjoys traveling, especially to France.

Mariko Nakanishi is a staff attorney at Legal Aid of Marin and represents parents and children in juvenile dependency cases. She has been

practicing juvenile law for over six years; she previously represented indigent clients in criminal cases, worked with death row inmates in post-conviction proceedings, and advocated on behalf of California's prisoners regarding conditions of confinement.

Linda Rehm was appointed counsel in the recent dependency appeal *In re P.C.* She handles dependency appeals in three districts and is a former "big sister" to girls in foster group homes, where she witnessed the realities of the juvenile dependency system first hand.

George Schraer's first appointed appeal, *People v. Mayberry* (1975) 15 Cal.3d 143, resulted in a unanimous favorable decision establishing the defense of mistake of fact as to consent; his appellate career has been on a downward spiral since then. He has been counsel of record in more than 600 criminal appeals, including 14 in the California Supreme Court, and has been the author or co-author of 10 amicus briefs in the California Supreme Court and three in the United States Supreme Court.

Alice Shotton was a panel attorney for 12 years before becoming a staff attorney with Appellate Defenders in 2005. In 2001, she received the Paul Bell Award for excellence in appellate representation. Formerly a Youth Law Center staff attorney, she has been a legislative consultant, presenter at state and national youth conferences, and author of many publications on children's legal issues.

Alan Siraco began his career in dependency representation as appointed counsel in Alameda County. From 1995 to 2005, he represented dependency parents and children on appeal. From 2005 to 2010, Alan was a staff attorney at the First District Appellate Project, assisting dependency counsel and presenting a training program to Contra Costa Legal Aid on how to preserve dependency clients' rights for appellate review. He has since returned to private appellate practice.

Lisa M.J. Spillman clerked for Federal District Judge Manuel L. Real and has been doing appointed appeals since 2006. She is currently a CADC Vice-President. In her spare time, she raises her four young children, commiserates with her hubby, and tries not to go crazy.

David Stanley has been a panel attorney since 1994. Formerly he was, among other things, the executive director of the First District Appellate Project, the assistant director of the Central California Appellate Program, a deputy state public defender, and a county public defender. He is a member of the Appellate Indigent Defense Oversight Advisory Committee.

Harry Zimmerman has 30 years of experience as a trial and appellate practitioner with professional television, film, and stage credits. He has tried more than 100 jury cases in the New Mexico state courts and handled hundreds of appeals from the California courts. When not teaching, acting, or directing, he has a one-man trial and appellate practice in Albuquerque while he wrestles golden retrievers.

CADC Conference and Seminar 2012

JOIN CADC

Hotel Accommodations: The DoubleTree Berkeley Marina is offering a group rate of \$119 plus tax per night. To get the group rate, you must identify yourself as an attendee of the CADC Conference and must book the room by March 2, 2012. The hotel is located at 200 Marina Blvd, Berkeley, CA 94710, (510) 548-7920.

Transportation and Directions: The DoubleTree Berkeley Marina is 15 miles from the Oakland International Airport and 31 miles from the San Francisco International Airport. The Super Shuttle cost is typically \$35 from Oakland Airport and \$60 from SFO. Those arriving by car should take the University Avenue exit from Interstate 80 in Berkeley and drive toward the bay.



Parking: Self-parking is free to conference attendees.

MCLE and Specialization Credit: This activity provides 9.5 hours of MCLE, of which 1.0 hour satisfies the special requirement for substance abuse/emotional distress (joint session) and 1.0 hour satisfies the special requirement for ethics (dependency breakout). This activity provides 9.5 hours of appellate specialization credit and 4.0 hours of criminal specialization credit.

Questions? Contact Conference Committee Vice-Chair Randi Covin: rcovin13@gmail.com, (707) 459-2456.

Register online at www.cadc.net

California Appellate Defense Counsel is a nonprofit organization dedicated to advancing the interests of appointed appellate and post-conviction counsel in California and to improving the administration of justice in criminal and juvenile dependency appeals. Many appellate lawyers practice alone and lack ready access to professional advice and support. CADC is the solution to this problem. We are a dedicated and talented group of lawyers who offer each other advice on matters ranging from substantive law, brief writing, and a court's unwritten procedural rules, to matters of technology and billing. By sharing ideas, we become more efficient in our practices and more effective at protecting the rights of our clients. **For more on the benefits of CADC membership, see www.cadc.net.** Membership is not open to those affiliated with prosecutorial or law enforcement agencies.

Mail Registration and CADC Membership Form

2012 Conference Registration Fee Schedule

CADC Member: \$150 (\$175 after 3/10/12)
Non-Member: \$175 (\$200 after 3/10/12)
Sustaining Member: \$0

Fee includes syllabus, continental breakfast, and Saturday lunch. Friday lunch: \$25/person. Friday dinner: \$55/person.

A limited number of scholarships are available to CADC members; contact Laurie Wilmore: LWilmore@rocketmail.com, (650) 867-3546.

CADC Membership Dues Schedule

First-time Member: \$135 first year
Regular Member: \$170 per year
Sustaining Member: \$445 per year (in 1 or 2 payments)

Join CADC now and pay the member rate to register for the seminar. Join now as sustaining member (with a single payment of \$445 or a first payment of \$225 with a second payment of \$225 due in six months) and pay nothing extra for the seminar! **CADC membership and conference attendance are not open to those affiliated with prosecutorial or law enforcement agencies.**

Name _____

State Bar No. _____

Telephone _____

Email _____

CADC Member? Yes No

Payment Enclosed:

Registration fee \$ _____

Membership dues \$ _____

Friday lunch (\$25/person) \$ _____

Friday dinner (\$55/person) \$ _____

Total \$ _____

Make check payable to CADC. Return form and payment to: CADC, Suite 110, PMB 142, 323 East Matilija St., Ojai, CA 93023. (Mail registrants will not receive confirmation of registration.)

Refunds will be made up to 30 days before the conference, subject to a \$30 processing fee.

California Appellate Defense Counsel

323 East Matilija Street

Suite 110, PMB 142

Ojai, CA 93023

**Statewide Conference
and Seminar 2012**



**California Appellate Defense Counsel
Nineteenth Annual**

**STATEWIDE CONFERENCE
AND SEMINAR**

DoubleTree Berkeley Marina, Berkeley, California

March 23 & 24, 2012

Approved by the State Bar for 9.5 hours MCLE credit