



California Appellate Defense Counsel

4470 West Sunset Blvd.

PMB 708

Los Angeles, CA 90027

March 10-11, 2017

CALIFORNIA APPELLATE DEFENSE COUNSEL
presents its 24th Annual
STATEWIDE CONFERENCE AND SEMINAR
San Diego Marriott Mission Valley

Friday, March 10, 2017 (3.5 hours MCLE)

11:30-12:00	Board of Directors and Annual Membership Meeting
12:00-1:00	Lunch with the Board of Directors and Project Directors (\$29, not included, pre-registration required)
1:10-1:55	Appellate Project Directors Roundtable Part I Q & A moderated by Marcia Levine
1:55-2:40	Appellate Project Directors Roundtable Part II Informal Breakout Discussions with Project Directors
2:50-3:50	Bending Toward Justice: Assessing the Long Arc of our Legal Universe Chuck Sevilla
4:00-5:00	Keynote Address: "Reflections on a Changing Court," featuring the Honorable Kathryn M. Werdegar, Associate Justice of the California Supreme Court, followed by responses to members' questions
5:00-6:00	Networking Reception (no-host cocktails)
6:00-9:00	Dinner – A Taste of Old Town Barra Barra Mexican Saloon in San Diego's Historic Old Town (\$39, not included in conference fee, pre-registration required)
8:00-11:00	Post-Appeals Café After-Dinner Coffee, Dessert, and no-host bar at the hotel



Saturday, March 11, 2017

8:00-8:30 Registration and Continental Breakfast (welcoming remarks at 8:15)

Breakout Sessions

Criminal (5.5 hours MCLE)

Dependency (6 hours MCLE)

8:30-9:30 State and Federal Legislative History Research (Criminal and Dependency) Michelle Peña

9:40-10:40

Under the Microscope: An Inquiry Into the Current State of Forensic Evidence
Hon. Christopher Plourd

How to Obtain Mexican Jurisdiction Over a Child in the California Dependency System through the UCCJEA Adrian Martinez, Alfonso Sepúlveda, and Andrea St. Julian

10:50-11:50

Protecting the Civil Rights of Criminal Defendants Gene Iredale and Michael Merrinan for special Elimination of Bias MCLE

Obtaining a Near Victory through Relative Placement
Seth Gorman and William D. Caldwell

12:00-1:40

Lunch

Protecting the Civil Rights of Parents and Children in Dependency Cases
Shawn A. McMillan and Donnie R. Cox for special Elimination of Bias MCLE

2:00-3:00

What I've Learned About Writing; Who Says Judges Aren't Educable?
Hon. William W. Bedsworth

1:50-2:50

3:10-4:40

Getting Effective Assistance from Trial Counsel: Cooperating for the Client's Benefit
Pat Ford, Moderator, with Brooke A. Schafer, Rebecca Jones, and Jane Gilbert for special Ethics MCLE

3:00-4:00

Forget the Old Case Law! The Americans with Disabilities Act really does apply to Juvenile Dependency Proceedings
Michael Lombardi, Rosemary Bishop, and Matt Thue

4:10-5:10

Yes, there is still more to learn about the ICWA Joanne Willis Newton

Seminar Faculty

The Honorable William W. Bedsworth is an Associate Justice of the Fourth District Court of Appeal. A former prosecutor, trial judge, and law professor, Justice Bedsworth is an accomplished writer on and off the bench. His monthly humor column, "*A Criminal Waste of Space*," is nationally syndicated, and Justice Bedsworth has won multiple awards for his writing. He is a recipient of the Times of London's Judicial Wisdom of the Year award and the coveted Green Bag award from George Mason University.

Rosemary Bishop is a graduate of Boalt Hall and is currently a Dependency panel attorney with Appellate Defenders, Inc. Working for non-profit agencies such as the Legal Aid Society of San Diego, her cases have included a challenge to evictions of Medi-Cal nursing home residents, enforcing the state's duty to provide in-home care to disabled children, and challenging unlawful denials of health benefits to eligible immigrants.

William D. Caldwell maintains a private practice specializing in juvenile dependency law. For over 25 years, he has represented parents, children, relatives and foster parents in the juvenile and appellate courts. Recently Mr. Caldwell successfully argued for relative placement preference in *In re Isabella G.* following the denial of grandparents' petition to have their granddaughter placed with them. Mr. Caldwell received his law degree from the University of California, Davis.

Donnie R. Cox is a civil rights attorney who represents families who have had their rights violated by Child Protective Services and other law enforcement agencies. He has been counsel of record or participated in briefing and argument in most of the relevant cases in this field, including *Wallis v. Spencer* (9th Cir. 2000) 202 F.3d 1126 and *Greene v. Camreta* (9th Cir. 2009) 558 F.3d 1011.

Jane Gilbert is a graduate of California Western School of Law. Ms. Gilbert has worked for the San Diego County Office of the Public Defender as both a misdemeanor and felony trial attorney before entering Management. Over the past six years, she has been part of the Collaborative Courts in San Diego County – Drug Courts, Reentry Courts and all aspects of Realignment (AB-109), Prop 47 and Prop 64.

Seth Gorman is a frequent presenter at conferences on juvenile dependency, adoption, and parentage appeals. He is a coauthor of the appeals and writs updates of the treatise: *Handling Child Custody, Abuse and Adoption Cases*. He serves on CADC's Amicus Committee and handles appointed and retained dependency and adoption appeals that have resulted in numerous published opinions in dependency and adoption law.

Gene Iredale, a graduate of Columbia and Harvard Law, began his career as a federal public defender, ultimately becoming the Chief Trial Attorney at Federal Defenders of San Diego. In private practice for over twenty-five years, Mr. Iredale has taught at the National Criminal Defense College and lectured to The National Association of Criminal Defense Lawyers, California Attorneys for Criminal Justice, and California Public Defenders

Association. He is a certified specialist in federal criminal law.

Rebecca Jones is an appellate attorney in private practice, handling indigent appeals in the state and federal courts, including death penalty cases. She tried cases in the state and federal courts for 10 years before turning exclusively to appellate work.

Michael Lombardi is a graduate of Rutgers Law School. He has spent most of his career in public service in New Jersey and California. In early 2014, Mr. Lombardi started working for Disability Rights California on special education, regional center and mental health matters. He is now a full time staff attorney at Disability Rights California in the San Diego Youth Practice Group.

Adrian Martinez is senior counsel with Procopio, Cory, Hargreaves, & Savitch, with a practice focused on advising and representing clients in litigation matters and specializing in cross-border disputes. He regularly collaborates with counsel in other states and countries to prepare for and engage in cross-border and multi-jurisdictional controversies. He is presently a legal consultant for the Mexican Consulates in San Diego and Calexico.

Mike Merrinan has been a civil rights and criminal defense attorney since 1979. Mr. Merrinan specializes in federal civil rights litigation, representing victims of police abuse. A graduate of the Gerry Spence Trial Lawyers College, where he also has served on the faculty, Mr. Merrinan has received three Outstanding Trial Lawyer awards from Consumer Attorneys of San Diego. He was named Trial Lawyer of the Year in 2008.

Shawn A. McMillan maintains a civil rights litigation practice concentrating primarily on suing government social workers and their employers for violating the constitutional rights of parents and children. Mr. McMillan has obtained multi-million dollar verdicts against Orange and Los Angeles Counties. In addition, he was lead appellate counsel in *Arce v. Children's Hospital Los Angeles* (2012) 211 Cal.App.4th 1455 and *Kemper v. County of San Diego* (2015) 242 Cal.App.4th 1075, among others.

Joanne Willis Newton specializes in federal Indian and tribal law, focusing on Indian child welfare and gaming regulation. She has served as the first Chief Judge of the San Manuel Tribal Court, an Appellate Judge to the Redding Rancheria Tribal Court and as a Pro Tempore Judge of the Intertribal Court of Southern California and of the San Diego County Superior Court. Ms. Willis Newton has law degrees from the University of San Diego and the University of Ottawa.

Michelle Peña is an appellate attorney specializing in juvenile dependency law who also has training and experience in mental health and juvenile delinquency appeals. She represents indigent clients on the Appellate Defenders, Inc. panel. A graduate of the University of San Diego School of Law, Ms. Peña received the D'Angelo Outstanding Child Advocate Award and CALI Awards in Family Law and Corrections and Sentencing while in law school.

The Honorable Christopher J. Plourd was appointed by Governor Jerry Brown to the Imperial County Superior Court in 2011. Previously, Judge Plourd was a certified criminal law specialist in San Diego and El Centro. A litigator for 31 years, Judge Plourd specialized in cases involving Forensic Scientific Evidence. He also engaged extensively in scientific evidence consulting in legal matters involving DNA testing throughout the United States and was considered one of a handful of attorneys proficient in the use of forensic DNA technologies.

Alfonso Sepúlveda is a founding partner of the Mexican firm SEPLAW Sepúlveda y Diaz Noriega, S.C., which specializes in complex cross-border litigation and dispute resolution. He has extensive experience handling disputes in areas such as products liability, recalls, forum non conveniens, the taking of evidence abroad and the recognition and enforcement of international arbitration awards and court orders. Mr. Sepúlveda has handled many civil, commercial, and family law cases before the Mexican State and Federal Courts.

Andrea St. Julian's appellate practice spans twenty years and includes the representation of clients in federal civil and criminal appeals as well as in state civil appeals. A certified appellate specialist, she is the author of a range of articles in various legal publications. Currently, Ms. St. Julian is pro bono amicus counsel for Nuclear Watch New Mexico in an action filed by The Republic of the Marshall Islands against the United States.

Matt Thue is a member of all five of California's dependency appeals panels. An adjunct professor of ethics and business law at Utah State University, he has authored several published articles examining employment law and dependency law issues.

Brooke A. Schafer is a prosecutor with the California State Bar, Office of Chief Trial Counsel, which litigates charges of attorney misconduct and handles related disciplinary proceedings. Mr. Schafer attended the University of Oregon School of Law and has previous experience in both big firm civil practice and criminal prosecution. He has been in practice since 1989 in both Washington and California.

Chuck Sevilla is a long-time criminal defense attorney. Other than his briefing in the state and federal Courts of Appeal, his works of fiction include two satiric novels, *Wilkes on Trial* (1993) and *Wilkes: His Life and Crimes* (1990), and three anthologies of trial humor: *Law and Disorder* (2014), *Disorder in the Court* (1992, 1999), and *Disorderly Conduct*, co-editor with Rod Jones and Jerry Uelmen (1987, 1999).

The Honorable Kathryn M. Werdegar has served as an Associate Justice of the California Supreme Court since 1994. She was previously an appellate court justice; a law professor and associate dean; Senior Staff Attorney with the Court of Appeal and the Supreme Court; and Director of the Criminal Law Division of the California Continuing Education of the Bar. As a Justice Department attorney, she worked on speeches for Attorney General Robert Kennedy, civil rights legislation, and an amicus brief urging Martin Luther King, Jr.'s release from jail.

Important Conference Information

For web registration and expanded information, go to the conference webpage at cadc.net.

Hotel Accommodations: The San Diego Marriott Mission Valley is offering a special CADC Conference rate of \$149 plus tax available until **February 16, 2017**. Use our dedicated link to register at the San Diego Marriott Mission Valley: (<https://resweb.passkey.com/go/CADCMar2017>) or call 877-622-3056 and mention CADC to get our special rate. The hotel features an outdoor patio, a heated outdoor pool, a 24-hour fitness center, and wifi in guest rooms (complimentary to Marriott Rewards Members who book at the group rates; \$12.95 to non-Marriott Rewards Members).

Self-Parking Rates: \$12/overnight; \$8/day for attendees who book at the group rates.

Please Note: Wifi will not be available in the seminar rooms this year, but it will be accessible from common areas of the hotel. Please plan accordingly.

Location and Directions: The San Diego Marriott Mission Valley is at 8757 Rio San Diego Drive, San Diego, CA 92108, and is 8 miles from San Diego International

Airport. Ground transportation by shuttle service and taxi is available at the airport.

MCLE and Specialization Credit:

This activity provides 9 hours of MCLE credit, including 7 hours of appellate specialization, 3.5 hours of criminal specialization, 1.5 hours of special ethics, and 1 hour of special elimination of bias, for conferees attending the criminal breakout sessions; OR 9.5 hours of MCLE credit, including 7 hours of appellate specialization, and 1 hour of special elimination of bias, for conferees attending the dependency breakout sessions.

Conference Syllabus Materials will be provided electronically to all attendees and will be available for download one week prior to the conference. **Attendees who want printed copies of the materials must print their own;** CADC will not be selling copies of the conference materials.

Questions? Please contact Steve Schorr at schorr126312@gmail.com or sschorr@san.rr.com.

For the health and comfort of others, please don't wear scents while attending conference sessions and social events.

Social Events

Friday Night Dinner, 6-9pm: A Taste of Old Town at the Barra Barra Mexican Saloon in Old Town San Diego. Preregistration required.

Friday Night Post-Appeals Café, 8-11pm: Featuring complimentary coffee & dessert plus no-host bar in private setting at the hotel. Feel free to bring along a musical instrument or other talent you care to share!

Saturday Lunch, 12-1:40pm: Featuring presentation of awards and other exciting news and updates. Included in full or Saturday-only conference attendance.

JOIN CADC

California Appellate Defense Counsel is a nonprofit organization of more than 400 attorneys handling indigent criminal and dependency appeals in state and federal court. The mission of CADC is to improve the professional lives of appointed appellate and post-conviction counsel and to promote the fair administration of appellate justice. Member benefits include full access to CADC's website, member discussion forums, brief bank, quarterly newsletter, monthly e-flyer, and local chapter meetings, as well as discounted registration at CADC's annual conference and seminar. For more information, visit cadc.net.

Registration and CADC Membership

2017 Conference Registration Fee Schedule

	<u>CADC Member</u>	<u>Non-Member</u>
Friday and Saturday early:	\$179	\$229
After 2/17/17:	\$219	\$269
Friday only:	\$49	\$69
Saturday only early:	\$149	\$199
After 2/17/17:	\$189	\$239

Registration fee includes electronic program materials, Saturday continental breakfast and Saturday plated lunch.

Friday lunch and dinner not included. Friday lunch deluxe deli buffet: \$29; Friday dinner: \$39; Optional Round Trip Trolley for dinner: \$5 per person. Please RSVP for dinner and trolley by 2/17/17.

Join CADC now and pay member rates for the conference.

First-time Member:	\$ 95 first year
Regular Member:	\$180 per year
Sustaining Member:	\$455 per year (or 2 payments of \$230)

Sustaining Members attend for free! Join now as a sustaining member and pay nothing extra for the conference!

60% of membership dues are currently allocated to the lobbying fund and are not tax-deductible.

CADC membership and conference attendance are not open to those affiliated with prosecutorial or law enforcement agencies.

REGISTER ONLINE AT CADC.NET or mail this form and a check payable to CADC to California Appellate Defense Counsel, 4470 West Sunset Boulevard, PMB 708, Los Angeles, CA 90027. Mail registrants will not receive confirmation of registration.

Name _____

State Bar No. _____

Telephone _____

Email _____

I am interested in: Criminal Dependency

CADC Member? Yes No

Payment Enclosed:

Registration fee \$ _____

Membership dues \$ _____

Friday lunch (\$29/person) \$ _____

Friday dinner (\$39/person) \$ _____

Choose one: Chicken Fish
 Vegetarian Vegan/Gluten-Free

Optional Trolley Ride (\$5/person) \$ _____

Saturday lunch (included)

Choose one: Chicken Vegetarian

Total \$ _____

Cancellation Policy: Refunds available through 2/17/17.