

2012 NDIA Conference, Atlanta, GA

We are excited to announce the agenda for the 2012 National Defender Investigator (NDIA) National Conference which is being held at The Grand Hyatt in Atlanta, GA from April 19 and 20, 2012. The NDIA conference's theme this year is "*Seeing Is Believing - Or Is It? Challenging Assumptions to Better Defend Our Clients.*" We will examine how assumptions affect our work, regardless of whether it is the prosecution, witnesses, or we ourselves making those assumptions.

A prominent example of assumptions in the criminal justice system is eyewitness identification. It is among the most common and compelling evidence brought against criminal defendants, and it comes into play in all jurisdictions. Misleading lineup methods have been used for decades. Today, eyewitness identification is the most common element in all wrongful convictions later overturned by DNA evidence. For the first time in 34 years, the U.S. Supreme Court heard arguments on eyewitness identification evidence (*Perry v. New Hampshire*), and last year the New Jersey Supreme Court issued new rules to make it easier for defendants to challenge such evidence. This year we have two speakers, **Jennifer Dysart** and **James M. Doyle**, who will discuss this critical issue.

Jennifer Dysart is an Associate Professor at John Jay College of Criminal Justice in New York City. An experimental forensic psychologist, Professor Dysart conducts research on eyewitness accuracy, the use of show-ups and mug shot searching on identification accuracy, false confessions, interrogator suggestibility, double-blind administration, and cross-race identification. Professor Dysart will discuss how specific eyewitness identification procedures can lead to an increased rate of false identification of innocent suspects and safeguards that may be implemented to reduce identification errors.

James M. Doyle is a criminal defense attorney from Boston, Massachusetts. He is a leading legal authority on eyewitness testimony, the author of *True Witness: Cops, Courts, Science, and the Battle against Misidentification*, and the coauthor, with Elizabeth Loftus, of the influential *Eyewitness Testimony: Civil and Criminal*. Mr. Doyle will discuss eyewitness identification from the legal perspective. He will explain how mistaken eyewitness identifications are much more common than people (including jurors and judges) think, and that standard safeguards (such as cross examination) can be ineffective in protecting against mistaken identifications.

The keynote speakers for this year will be **Henderson Hill**, the recently appointed Executive Director of the Federal Defenders of Western North Carolina, Inc., and **Jake Sussman**, a partner at the law firm of Tin Fulton Walker & Owen. Henderson Hill and Jake Sussman (along with attorneys Penny Marshall, Robert McGlasson and Josh Moore and private investigators Watani Tyemba and Nancy Smith) represented Brian Nichols, who was capitally charged for the murder of a judge, court reporter and deputy sheriff during an escape from an Atlanta courthouse and killing a federal agent, and kidnapping a young mother before his arrest. In spite of remarkably difficult facts, their work allowed Mr. Nichols to be spared the death penalty. Their presentation, entitled "(Re)Active Investigation: How Not To Be A Potted Plant," will discuss how to plan and successfully execute a defense investigation while reacting to the prosecution's on-going investigation.

Besides these offerings, there will be concurrent sessions on topics such as on-line investigations; sentencing advocacy; investigating and preparing cases with immigration consequences; cellular telephone forensics, triangulation and investigation; computer forensics; lessons learned from innocence cases (including examples of why seeing is not necessarily believing); ethical issues and investigative best practices; international investigation; pathology and homicide investigations; ethics and strategies involved with interviewing child witnesses; obtaining social history records; habeas investigation and organization; hands-on introduction to firearms; and new technology and mobile computing. The faculty, composed of a mix of experts and practitioners, bring a wealth of experience that is directly relevant to investigators' and paralegals' day-to-day work.

As the only national organization whose constituency is dedicated solely to the investigative arm of indigent defense, NDIA is committed more than ever to providing timely and relevant continuing education to criminal defense personnel. If you have any questions about the NDIA National Conference in Atlanta, Georgia, or to access the detailed conference agenda, please view the NDIA website at www.ndia.net. Questions may also be directed to executive secretary Beverly Davidson at (860) 635-5533.

For federal employees, the Federal Judicial Center will holding its training the day prior (Wednesday, April 18) at the same location. It is anticipated that an agenda for that day's training will be announced shortly.

See you in Atlanta!

Mark Neer and Sean Broderick, NDIA Conference Committee Co-Chairs

2012 NDIA National Conference Agenda
Atlanta, GA
(draft 1/31/2012)

April 19, 2012 (Thursday)

8:30 am - 9:00 am - Plenary Session

NDIA Welcome and Opening Remarks

Local Defender and NDIA Conference Committee

9:00 am - 10:15 am - Plenary Session

Eyewitness Identification: A Psychological Perspective

Jennifer Dysart, Associate Professor, John Jay College of Criminal Justice, New York, NY

10:30 am - 11:45 pm - Concurrent Sessions

1. GPS, New Technology and Issues of Search and Seizure

Justin Murphy, Attorney, Crowell & Moring, Washington, DC

James Strupp, Investigator, Federal Public Defender, District of Oregon, Portland, OR

2. Complying with *Padilla* Pursuant to the New Supreme Court Holding: What is Expected of Attorneys When Representing and Advising Non-Citizen Clients Facing Federal Convictions

Jodi Linker, Assistant Federal Public Defender, Northern District of California, San Francisco, CA

Sarah Rose Weinman, Equal Justice Works Fellow, National Immigrant Justice Center, Chicago, IL

3. Computer Forensics

Jim Persinger, Owner and Chief Executive Officer, PM Investigations, Atlanta, GA

1:15 pm - 2:30 pm - Concurrent Sessions

1. Freeing the Innocent: Real Life Examples of Why Seeing Is Not Necessarily Believing

Aimee Maxwell, Executive Director, Georgia Innocence Project, Decatur, GA

2. Failure to Investigate: In Search of Best Practices and a Standard of Care in Investigations

Dean Applegate, Investigator, Federal Public Defender, Northern District of Mississippi, Oxford, MS

Kevin Murphy, Chief Investigator, Federal Public Defender, District of New Jersey, Camden, NJ

Karen Jackson, Chief Investigator, Public Defender Services, Washington DC

Brendan Wells, Deputy Chief Investigator, Public Defender Services, Washington DC

Irma Whiteley, Investigator, Federal Public Defender, Western District of Texas, El Paso, TX

3. Cellular Triangulation and Forensics

K. Gus Dimitrelos, Digital Forensics, Risk Assessment & Electronic Countermeasures Director, DDF - Division of Regency Consulting, Davie, Florida

****1:15 pm - 5:15 pm - Special Concurrent Session**

4. Taking Charge of Your Discovery: Hands-on Evidence Review Platform (ERP)

Instruction - Part II

Kelly Scribner, Assistant National Litigation Support Administrator, Office of Defender Services

Training Branch, Oakland, CA

Alex Roberts, National Litigation Support Paralegal, Office of Defender Services Training Branch, Oakland, CA

Michelle Kovitch, Director, Litigation Support Training, AccessData, Lindon, UT

****NOTE:** *In order to attend this class, you must attend the prior session (Part I) on April 18, and be a federal public defender employee. Contact the National Litigation Support Team (either kelly_scribner@fd.org or alex_roberts@fd.org) for further information about this exciting opportunity.*

2:45 pm - 4:00 pm - Concurrent Sessions

1. International Investigations

Susy Johnson, Mitigation Specialist, Investigator and Attorney, Alba S. Johnson, Esq. Mitigation Services, Ithaca, NY

Herbert Duzant, Investigator, Federal Public Defender, District of Nevada, Las Vegas, NV

2. Hands-on Introduction to Firearms

Philip Crumbacker, Certified Firearms Instructor, Reisterstown, MD

3. Habeas Investigation and Case Organization

James Strupp, Investigator, Federal Public Defender, District of Oregon, Portland, OR

Donetta Bray, Paralegal, Federal Public Defender, Northern District of Ohio, Cleveland, OH

4:15 pm - 5:15 pm

General Business Meeting

NDIA Board of Directors

6:00 pm - 9:00 pm

President's Reception

April 20, 2012 (Friday)

8:30 am - 10:00 am - Plenary

(Re)Active Investigation: How Not To Be A Potted Plant

Henderson Hill, Executive Director, Federal Defenders of Western North Carolina, Inc, Charlotte, NC

Jack Sussman, Partner, Tin Fulton Walker & Owen, Charlotte, NC

10:15 am - 11:45 am - Concurrent Sessions

1. Ethics and Strategies for Interviewing Child Witnesses

Craig Hickein, Staff Attorney, Public Defender Service, Washington, DC

2. Obtaining Social History Records

Herbert Duzant, Investigator, Federal Public Defender, District of Nevada, Las Vegas, NV

Debra Nelson, Investigator and Mitigation Specialist, New York, NY

3. Pathology and Homicide Investigations

Dr. Darinka Miluesnic-Polchan, The University of Tennessee Graduate School of Medicine, Department of Pathology, Knoxville, TN

4. Sentencing Advocacy

TBA

1:15 pm - 2:30 pm - Concurrent Sessions

1. Internet Sleuthing

Jonathan Lyon, Private Investigator, Chicago, IL

2. Hands-on Introduction to Firearms

Philip Crumbacker, Certified Firearms Instructor, Reisterstown, MD

3. New Technology and Mobile Computing

Natasha Silas, Assistant Federal Public Defender, Federal Public Defender, Northern District of Georgia, Atlanta, GA

Jesse Wallis, Chief of Information Technology, Federal Public Defender, Central District of California, Los Angeles, CA

Alex Roberts, National Litigation Support Paralegal, Office of Defender Services Training Branch, Oakland, CA

2:45 pm - 4:15 pm - Plenary

Eyewitness Identification: A Legal Perspective

James M. Doyle, Attorney at Law, Carney & Bassil, Boston, MA

4:15 pm - 4:30 pm

NDIA Closing Remarks

NDIA Conference Co-Chairs