

# World Class Defenders & World Class Skiing

2013 Winter Seminar

**March 7-9, 2013**  
Sun Valley Inn



IDAHO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

I A C D L

STANDING TALL FOR THE ACCUSED

P.O. Box 2047

Boise, ID 83701

**World Class Defenders  
& World Class Skiing**



# PROGRAM AGENDA

## Thursday, March 7, 2013

6:30 pm Board Meeting in the Sage Room, Sun Valley Lodge


## Friday, March 8, 2013

7:30 am Registration & Continental Breakfast, Continental Room, Sun Valley Inn  
8:00 Introductory Remarks – President **Steve Richert**  
8:15-9:45 **Laura Hogue** ✓  
Closing Arguments: Get prepared. Get focused. Get into it.  
9:45-10:00 Break  
10:00-11:30 **James D. Doyle** ✓  
40 Years a Loser – Litigating Eyewitness Cases  
11:30-12:00 **Justice Roger Burdick** ✓  
Update on Technology Committee and Advancing Justice Committee  
12:00 – 1:30 pm Lunch on Your Own  
1:30– 2:15 **Gabriel McCarthy** – Legislative Update ✓  
2:15–2:30 Break  
2:30 – 3:30 **Erik Lehtinen** – Case Update ✓  
3:30–4:30 **Shane Evans, IDOC** ✓  
Pathways to Success, Long Term Change & Public Safety, Part 1  
6:30 pm No host cocktails – Limelight C Promenade  
7:30 pm Dinner & Awards  
Speaker: **David Z. Nevin**


## Saturday, March 9, 2013


7:30 am Registration & Continental Breakfast, Continental Room Sun Valley Inn  
8:00 Introductory Remarks – President **Michael Bartlett**  
8:15 – 9:45 **Aaron Thompson & Dr. John Christensen** ✓  
Crime and the Teenage Brain: Exploring Frontal Lobe Development and the Interplay with *Mens Rea*  
9:45 Break  
10:00 – 11:00 **Shane Evans, IDOC** ✓  
Pathways to Success, Long Term Change & Public Safety, Part 2  
11:00-12:00 **Skip Carter** ✓  
Administrative License Suspension Overview  
12:00 – 1:00 Honorable **David Kress**  
Criminal Mediation – Rule 18.1


# ABOUT THE SPEAKERS


 **Laura Hogue** graduated *magna cum laude* from the Walter F. George School of Law at Mercer University, Macon, Georgia, in 1991. Following graduation, Laura joined the international law firm of Jones, Day, Reavis, and Pogue, in their Atlanta office, assisting in the litigation division. In early 1994, Laura was appointed as an Assistant District Attorney for the Macon Judicial Circuit. She prosecuted major felony offenses, including violent crimes, sex offenses, and crimes against children and co-directed the appellate division of the office. In September 1997, Laura left the District Attorney's office to join her husband, Franklin J. Hogue, to form the law firm of Hogue & Hogue, LLP. The firm handles exclusively criminal defense matters, trying cases in both state and federal courts, and handling appeals and post-conviction matters in the Georgia Court of Appeals, the Georgia Supreme Court, the Eleventh Circuit Court of Appeals, and the United States Supreme Court. Laura is co-author of the Annual Survey of Criminal Law for the Mercer University Law Review Annual Survey of Georgia Law. She serves as adjunct professor at the Walter F. George School of Law, team-teaching with her law partner and husband an Advanced Criminal Trial Practice course every Spring. Laura is a frequent speaker on criminal law and trial practice and procedure issues, having lectured for the National Association of Criminal Defense Lawyers, the Georgia Association of Criminal Defense Lawyers, Mercer Law School, Georgia Capital Defenders, and the Institute of Continuing Legal Education. Laura serves on the faculty of the William "Bill" Daniels Criminal Defense College in Athens, Georgia, and the National Criminal Defense College.


 **David B. Kress** was born in Soda Springs, Idaho in 1967. He graduated from Idaho State University in 1991 with a Bachelor of Science Degree in Political Science and received a JD from the University of Idaho in 1994. After law school he began work with the firm of Ward, Maguire and Bybee, which later became the law firm of Maguire and Kress. He practiced all types of litigation in both civil and criminal courts until 2009 when he was appointed as a Sixth District Magistrate for Caribou County. Judge Kress was formerly a Sixth District Bar President, a member of the board of directors and regional director for ITLA, a member of the board of IACDL and Inns of Court, a CIA panel attorney, and a volunteer for CASA. More recently, Judge Kress has trained in criminal mediation under ICR 18.1 and has to date settled over a dozen criminal cases using this mediation.


 **E.W. "Skip" Carter** earned a B.A. in English at Columbia University in 1981 and a J.D. from the University of Tulsa College of Law in 1989. He was a public defender from 1989 to 1991 and a prosecutor from 1991 to 2002. He was in private practice until 2010 in Pocatello. He has been a hearing officer with the Idaho Transportation Department in Boise since 2010.

 **James Doyle**, a Visiting Fellow at the National Institute of Justice this year, is a veteran litigator and writer. The former head of the statewide Public Defender Division of the Committee for Public Counsel Services in Massachusetts, he practices law in Boston as counsel to the firm of Carney & Bassil, concentrating on defending indigent defendants in homicide cases. He is the author of TRUE WITNESS, the history of the collision between the science of memory and the legal system and the co-author (with Elizabeth Loftus) of EYEWITNESS TESTIMONY: CIVIL AND CRIMINAL, a treatise for lawyers in eyewitness cases. He has published numerous articles on evidence, race in criminal justice, and capital punishment. He served as the founding Director of The Center For Modern Forensic Practice at the John Jay College of Criminal Justice. He received his B.A. from Trinity College, in 1972, J.D. from Northwestern University School of Law in 1975, and LL.M from Georgetown University Law Center, where he was an E. Barrett Prettyman/LEAA Fellow, in 1979.


 **Shane Evans** was born in South Los Angeles, California, in one of the most interesting and challenging environments that became critical to his career choice. Upon completing high school, he joined the US Navy where he served as a shipboard navigator and a certified boat driver for small boat operations. Upon discharge, he enrolled at California State University, Fullerton with an international business major. He ended up with a BA in Criminal Justice Administration with a minor in Business Management from Boise State University. He has completed a Master's in Business Administration and is about to wrap up a MA in Criminal Justice. Shane began his experience in the private sector in California as a program manager for a private treatment facility for at risk youth. Upon coming to Idaho, he served as a juvenile parole officer working with violent juvenile offenders and juvenile sex offenders. From juvenile parole, he moved to adult populations as a probation and parole officer. He then served as a program manager in the development and implementation of best practice programs and currently, serves as the Division Chief of Education, Treatment & Reentry for the Idaho Department of Correction. He has oversight of all education, treatment, health care, reentry and community work centers for all felony offenders and the staff who deliver the necessary services to meet the mission of the agency to promote community safety through offender change. He serves on many executive committees in the areas of substance abuse service delivery, mental health service delivery, judicial reform, and best practices.

 **Aaron Thompson** is a law partner in the firm May, Rammell and Thompson, Chtd in Pocatello, Idaho. He has litigated many high profile criminal felony cases throughout Southeast Idaho. In 2007, he litigated with his firm the now infamous case of State v. Adamcik, a first degree murder case, by which the defendants were 16 years old and the victim being a 16 year old female classmate. The defendants videotaped portions of the murder and reactions to it. This case involved many complex issues regarding Adamcik's age, his mental and psychological development, and the appropriateness of a life sentence with no possibility of parole. Aaron is married to Kimberly, and has two children, Logan and Peyton Marie.

 **John Christensen** is a clinical psychologist and owner/director of Psychological Assessment Specialists in Pocatello, Idaho. His practice primarily consists of providing psychological and neuropsychological evaluations for children and adults who are typically referred by physicians or the Court. Forensically, he has been involved in many cases related to competency to stand trial, competency to waive Miranda rights, and child custody evaluations.

 **Erik Lehtinen** earned a Bachelor of Science degree at Cornell University and attended the College of William & Mary Marshall-Wythe School of Law, where he obtained a Juris Doctor in 2000. Upon moving west and becoming a member of the Idaho Bar, Erik started out at Idaho's oldest and largest law firm, Hawley Troxell Ennis & Hawley. While there, he practiced in the field of civil litigation, working primarily on environmental and construction cases. In early 2004, after approximately 3 1/2 years with Hawley Troxell, Erik left private practice and joined the Office of the Idaho State Appellate Public Defender. In 8 years with SAPD, Erik has handled all manner of felony direct and post-conviction appeals, writing hundreds of appellate briefs and arguing dozens of cases before the Idaho Supreme Court and Court of Appeals. He was recently promoted to Chief of the Appellate Unit and now oversees all of the attorneys at the SAPD who handle non-death penalty appeals. On the side, he also taught a course on criminal law and procedure at Boise State University.

 **Gabriel McCarthy** is a 2006 graduate of the University of Idaho College of Law and a former Boise City Prosecutor. Gabe has been in private practice in Boise since 2008. He is also Editor of IACDL's Best Cases and a co-chair of the Legislative Committee.

 **David Nevin** has defended criminal cases throughout the United States for 30 years. He has obtained acquittals in a number of high profile prosecutions which implicated issues of civil rights and government overreaching, including the 1993 Ruby Ridge case, and the 2004 terrorism prosecution of a Saudi Arabian graduate student, Sami Omar Al-Hussayen. As part of the John Adams Project, jointly sponsored by the ACLU and the National Association of Criminal Defense Lawyers, Mr. Nevin currently assists in the defense of Khalid Sheikh Mohammed, one of the "high value detainees" at Guantanamo Bay, Cuba. In 2008, Mr. Nevin joined with legendary trial lawyer Gerry Spence in the successful defense of Geoffrey Fieger, a prominent and outspoken Detroit trial lawyer. Mr. Fieger was charged in a vindictive political prosecution with violation of campaign finance laws. In a 2 month trial in the spring of 2008 in Federal District Court in Detroit, Mr. Fieger was acquitted of all charges. Mr. Nevin received the Idaho State Bar's Distinguished Lawyer Award for 2008. The award is made "in recognition of your years of service to the public and the legal profession of the State of Idaho." Mr. Nevin was also honored to serve as commencement speaker for the University of Idaho College of Law's Class of 2005. He received the Clarence Darrow Award from the American Civil Liberties Union of Idaho for his defense of Sami Al-Hussayen. Mr. Nevin is a founder and past President of the Idaho Association of Criminal Defense Lawyers, and is the namesake of its Nevin Professionalism Award, which the organization awards annually to a criminal defense lawyer who has advanced the ideals of the profession. Mr. Nevin has twice received the organization's President's Award for outstanding service to criminal justice.

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2012 Winter Seminar

**March 2-3, 2012**  
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Jet,  
Friday

# PROGRAM AGENDA

## Thursday, March 1, 2012



6:30 pm Board Meeting in the Sage Room, Sun Valley Lodge

## Friday, March 2, 2012



7:30 am Registration & Continental Breakfast, Continental Room, Sun Valley Inn  
 8:00 Introductory Remarks - President **Michael Palmer**  
 8:15-10:00 **Jeffrey Weiner** - Drug Searches & K-9's  
 10:00 Break  
 10:15-11:45 **Andrea George** - Search, Seizures and Statements - A Return to the Basics  
 11:45-12:00 **Sam Yost**, President Walker Center Board of Directors  
 12:00 - 1:30 pm Lunch on Your Own  
 1:30 - 2:45 **Honorable Karen Vehlow and Debra Alsaker-Burke** - Nuts & Bolts of Child Protection  
 2:45 Break  
 3:00 - 4:30 **Andrea George & Dick Rubin** - The Ethical Dilemma  
 6:30 pm No host cocktails  
 7:30 pm Dinner & Awards  
 8:30 pm **Guest speaker Steve Mims, co-director**  
**Movie: Incendiary: The Willingham Case**  
 Limelight Salon B, Sun Valley Inn

## Saturday, March 3, 2012



7:30 am Registration & Continental Breakfast, Continental Room, Sun Valley Inn  
 8:00 Introductory Remarks - President **Steve Richert**  
 8:15 - 10:15 **Maria Andrade & Hans Meyer** - Unmasking the Immigration Boogymen:  
 Essential Immigration Concepts for Defense Attorneys  
 10:15 Break  
 10:30 - 11:30 **Sarah Tompkins** - Appellate Case Update  
 11:30-12:00 **Gabriel McCarthy** - Legislative Update  
 12:00-1:00 **Honorable Molly Huskey & Dennis Benjamin** - Nuts & Bolts of Post Conviction

# ABOUT THE SPEAKERS



**Jeff Weiner** is the Managing Partner of Jeffrey S. Weiner, P.A., in Miami, Florida. Mr. Weiner has been a practicing criminal defense attorney since 1974. For more than 38 years, Jeffrey S. Weiner has been a staunch advocate for the preservation of our constitutional rights. Mr. Weiner is a nationally Board Certified Criminal Trial Lawyer by the National Board of Legal Specialty Certification. Mr. Weiner represents United States citizens and foreign nationals in international criminal law matters, and members of various professions before regulatory agencies. Many of his cases are "high profile" in which he represents fellow attorneys, professional athletes, politicians and business executives. Mr. Weiner has argued trials and appeals throughout the country including appeals before the United States Supreme Court, the Florida Supreme Court, and numerous Florida and Federal courts of appeal. Mr. Weiner had the distinction of arguing *Florida v. Jimeno*, 500 U.S. 248 (1991) before the United States Supreme Court. Mr. Weiner's distinguished legal career includes terms as president of NACDL, president of the Florida Criminal Defense Attorneys Association, chair of the Dade County Bar Criminal Courts Committee, chair of the Academy of Florida Trial Lawyers' Criminal Law Section and Fellow of the American Board of Criminal Lawyers. He is also a former Regent of the National Criminal Defense College. Mr. Weiner was voted by fellow lawyers as one of the 2012 Best Lawyers in America®, and as a "Florida Super Lawyer"®, is named in Florida Trend's "Legal Elite"®, which singles out less than 2% of the nearly 63,000 Florida Bar members practicing in Florida, is named in the 2012 South Florida Legal Guide's "Top Lawyers" and enjoys an AV-rating by Martindale-Hubbell.



**Judge Karen Vehlow** graduated from Michigan State University and received her J.D. from Wayne State University Law School. She practiced law at Wayne County Neighborhood Legal Services, Detroit, before moving to Boise and becoming a deputy at the Ada County Prosecutor's Office. In 1977 she became a Magistrate Judge for the Fourth Judicial District. She is presently a Senior Judge sitting primarily in the Third and Fourth Judicial Districts.



**Debra Alsaker-Burke** received her law degree from the University Of Idaho School Of Law. She clerked for District Judge Gerald Schroeder, followed by fifteen years in private practice with a focus on general civil litigation and family law. Debra subsequently developed a mediation practice. She is currently the Child Protection Manager for the Idaho Supreme Court. She has published articles in the University of Idaho Law Review, the Advocate and the Family Law Handbook. She is a past Chair and Current Vice Chair of the Family Law Section. She was awarded the Family Law Section's Award of Distinction in 2010.



**Maria E. Andrade** has practiced immigration law for over 14 years focusing upon removal defense, detention cases, and federal litigation. She is a frequent speaker on the intersection of immigration and criminal law, removal defense topics and litigation strategies for immigration and criminal defense bars across the country. Ms. Andrade serves on the board of the National Immigration Project, the national amicus committee of the American Immigration Lawyers Association (AILA) and the advisory committee for the Legal Action Center of the American Immigration Council. Ms. Andrade's writings on immigration matters appear in Benders Immigration Law Bulletin, and the Immigration & Nationality Handbooks published by the American Immigration Lawyers Association and The Advocate. Ms. Andrade received her J.D. from the University of Notre Dame Law School and her BA from Loyola Marymount University, Los Angeles. Information regarding Ms. Andrade's firm can be found at [www.andradelegal.com](http://www.andradelegal.com).



**Hans C. Meyer** has a private law practice specializing in immigration law, criminal defense, and advisements regarding the immigration consequences of criminal convictions. Formerly a trial attorney for the Colorado Public Defender, he was the statewide immigration law expert for all Colorado Public Defenders while handling misdemeanor, juvenile, and felony cases for four years. Currently Hans serves the same role for Colorado's Alternate Defense Counsel system. In addition to his private practice, Hans is the Public Policy Director for the Colorado Immigrant Rights Coalition and an active member of the American Immigration Lawyers Association, the National Immigration Project, the National Lawyers Guild, the ACLU of Colorado, and the Colorado Criminal Defense Bar. [hansmeyerlaw@gmail.com](mailto:hansmeyerlaw@gmail.com), (303) 831-0817.



**Andrea George** is the Executive Director of the Federal Defenders of the Eastern District of Washington and Idaho. From 1989 to 2011, she was an Assistant Federal Defender for the District of Minnesota and held the position of Senior Litigator from 2005 to 2011. Ms. George received her B.A. degree from the University of Wisconsin - Madison, 1984, and her J.D. degree from Hamline University School of Law - St. Paul, 1989. She is on the faculty of the National Criminal Defense College, Macon, GA, the Wisconsin Trial Academy, and the Trial Academy sponsored by the Office of the Alternate Defense Counsel, Denver, CO. She also speaks nationally for the Federal Judicial Center, the Office of Defender Services, Washington, D.C., and various other defender organizations.



**S. Richard Rubin** attended college and law school at the University of Iowa. After private practice for 25 years in Atlanta mostly with the firm he founded, he is now the Executive Director of the Federal Defender Services of Idaho. He and Suzanne have been married for over forty years and have two children, Amy and Daniel, and two grandchildren, Ellis and Atticus.



**Gabriel McCarthy** is a 2006 graduate of the University of Idaho College of Law and a former Boise City Prosecutor. Gabe has been in private practice in Boise since 2008. He is also Editor of IACDL's Best Cases and a co-chair of the Legislative Committee.



**Sarah Tompkins** graduated from University of Idaho College of Law in Moscow, Idaho in 2005. She worked as a judicial clerk at Division III of the Washington State Court of Appeals for a two-year term. Thereafter, Ms. Tompkins joined the Appellate Unit of the State Appellate Public Defender's Office in September of 2007, where she has handled all manner of non-capital criminal and post-conviction appeals.

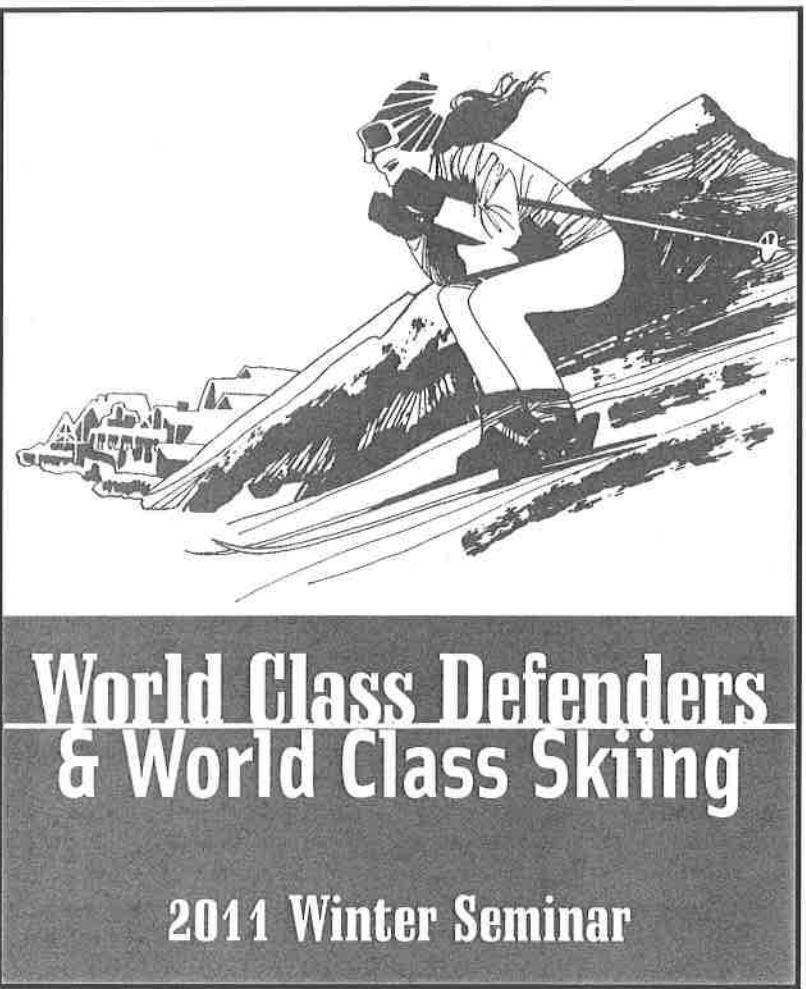


**Judge Molly Huskey** graduated from the University of Idaho College of Law in 1993. She worked as a deputy public defender and then as a deputy prosecutor in Bonneville County before joining the Office of the Idaho State Appellate Public Defender as a staff attorney in 1998. She was the Chief of the Appellate Unit at the SAPD before her appointment as the State Appellate Public Defender by Gov. Kempthorne in 2003. She was reappointed as the SAPD by Gov. Otter in 2007 and 2011. In 2012, Gov. Otter appointed Ms. Huskey to the district court bench in the Third Judicial District.



**Dennis Benjamin** is a partner at Nevin, Benjamin, McKay & Bartlett LLP and practices criminal defense with an emphasis on appeals and post-conviction proceedings. He was awarded a B.A. in 1981 and a J.D. in 1984, both from the University of Washington. After law school, he clerked for Justice Stephen Bistline at the Idaho Supreme Court. He practiced law in both San Francisco and Seattle before joining the firm in 1993. Dennis has an AV rating from Martindale-Hubbell and is also listed in "The Best Lawyers in America." However, he is most proud of being the 2002 and 2006 recipient of the Idaho Association of Criminal Defense Lawyers President's Award. He is also a former member of the Board of Directors of the IACDL and of the Idaho Supreme Court's Evidence Rules Advisory Committee. Dennis is married to attorney Deborah Whipple. They have a son, David.





**March 4-5, 2011**

**Sun Valley Inn**



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at,  
Friday



# PROGRAM AGENDA

## Thursday, March 3, 2011



6:30 pm Board Meeting in the Sage Room, Sun Valley Lodge

## Friday, March 4, 2011



7:30 am	Registration & Continental Breakfast, Continental Room, Sun Valley Inn
8:00	Introductory Remarks - President Gus Cahill
8:15 - 9:30	<b>Doug Peters</b> - Defense of the Child Molestation Case: The First 60 Days
9:30	Break
9:45-11:00	<b>Bob Rubin</b> - Defense of the Child Molestation Case: The Last 60 Days
11:00-12:00	<b>Brian Elkins</b> - Ethics in the Criminal World
12:00 - 1:30 pm	Lunch on Your Own
1:30 - 3:30	<b>Marcus Lawson and Josiah Roloff</b> - <b>Global CompuSearch</b> - Computer Forensics for Criminal Law Specialists Part I + II "Effectively using your computer evidence expert in every case"
3:30 - 4:30	<b>Jodie English</b> - Micro Narrative & Rhetoric In Opening & Closing: Part I
6:30 pm	No host cocktails, dinner & awards - <b>Guest speaker Tom Hillier</b> Limelight Salon B, Sun Valley Inn

## Saturday, March 5, 2011



7:30 am	Registration & Continental Breakfast, Continental Room, Sun Valley Inn
8:00	Introductory Remarks - President Michael Palmer
8:15 - 9:15	<b>Jodie English</b> - Micro Narrative & Rhetoric In Opening & Closing: Part I
9:15 - 10:15	<b>Gabriel McCarthy</b> - Legislative Update
10:15	Break
10:30-11:30	<b>Jason Pintler</b> - Case Law Update
11:30-1:00	<b>Aaron Lucoff</b> - Federal Firearms Prohibitions for Civil Protection Orders and Misdemeanor Domestic Violence Convictions

# ABOUT THE SPEAKERS



**Jodie English** has been practicing criminal law for thirty years. She is in private practice in Indianapolis, handling serious felonies, including death penalty cases - the latter at times as a trial defender, a mentor in post conviction and, most recently, as a mitigation specialist. From 1998-2009, in addition to her practice, Jodie was employed as a consultant to IPDC as Director of Training and as a mentor to dozens of young defenders throughout the state. Jodie has served as a faculty member for the National Criminal Defense College summer Trial Practice Institutes annually since 1981, for NCDC's advanced programs in Cross Examination, Theories and Themes of Persuasion, Voir Dire and Closing Argument; for the Institute for Criminal Defense Advocacy in San Diego; as well as the Western Trial Advocacy Institute in Laramie, Wyoming; and capital trial advocacy programs run by NLADA, the DePaul Center for Justice in Capital Cases, Bryan Schechmeister Death Penalty College in San Jose, California, and more. Jodie has taught criminal defense lawyers in twenty seven states and was part of a team of criminal defense lawyers that were invited to Moscow to facilitate the Russians' transition from three judge panels to juries. She is a single mom to two compassionate and talented college graduates. In her spare time she is pursuing an MFA in poetry.



**Bob Rubin** has been practicing criminal defense in state and federal courts for 25 years. His practice has involved all areas of criminal law, with an emphasis on the representation of individuals accused of crimes against children, and the representation of healthcare professionals in criminal cases and licensing board hearings. A graduate of Emory University School of Law, Bob is a frequent lecturer throughout Georgia and has taught Criminal Litigation at Emory for the past 18 years. Bob is currently the Treasurer of the Georgia Association of Criminal Defense Lawyers and is the past Chairman of the Criminal Law Section of the Atlanta Bar Association. In addition to his selection to Georgia Super Lawyers in 2010 and 2011, Bob has been named one of Georgia's Top Lawyers by Georgia Trend Magazine and by Ten Leaders Cooperative.



**Doug Peters** is nationally recognized for his expertise in the defense of citizens accused of crimes against children; and, in Georgia, Doug was selected by his peers as one of the top 10 practicing criminal defense lawyers by Ten Leaders Cooperative. In 2007 Doug was the recipient of the Georgia Association of Criminal Defense Lawyers' Reese Smith Achievement for Excellence Award, an award presented to only six lawyers in the association's 31-year history. He is the author of The Defense of the Child Molestation Case in Georgia and lectures nationally and locally to judges, lawyers, and other professionals and also organizes, moderates and serves as keynote speaker for his annual Georgia seminar on child abuse defense. Doug is the past president of the Georgia Association of Criminal Defense Lawyers, is AV rated, is a member of the American College of Trial Lawyers, and is also listed in The Best Lawyers in America.



**Aaron Lucoff** is currently the Criminal Chief for the U.S. Attorney's Office in the District of Idaho. He has worked as an Assistant United States Attorney since 2002. Prior to being Criminal Chief, he prosecuted federal firearms, drug trafficking, and criminal immigration violations. During this time, he served as the office's Project Safe Neighborhoods and Anti-Gang coordinator. Before becoming an AUSA, he served as a Canyon County deputy prosecutor for a little over five years.



**Marcus K. Lawson (J.D.)** is the President of Global CompuSearch LLC. Marcus was employed as a Special Agent with the United States Customs Service (now Department of Homeland Security) for twelve years. Previous to his employment with the Customs Service, he was employed as a Special Agent with both the Drug Enforcement Administration and U.S. Secret Service for five years. His education consists of a Bachelor of Science Degree in Administration of Justice from Portland State University and a Juris Doctor from Pepperdine University School of Law.



**Josiah P. Roloff, EnCE** is the Vice President and Senior Computer Forensics Examiner at Global CompuSearch LLC. As a Computer Forensics Examiner with Global CompuSearch Mr. Roloff has conducted examinations on thousands of pieces of digital evidence to include: hard drives, CDs, DVDs, floppy diskettes, thumb drives, flash cards, magnetic tapes, cell phones, SIM cards, and PDAs/smart phones. He has conducted examinations of the aforementioned media types for hundreds of diverse case matters. Mr. Roloff's educational background includes an A.A.S. degree in Network Engineering, a currently in progress B.A. in Program Management from Whitworth University, a Professional Certificate in computer forensics from Oregon State University, a computer forensic certification from NTI (New Technologies Institute) and he is certified by Guidance Software as an EnCase Certified Forensic Examiner (EnCE).



**Brian Elkins** has been a sole practitioner in Ketchum since 1988. 80% of his practice is devoted to criminal defense with most of that directed at DUI defense. Before going into private practice, he was a law clerk to the Hon. Douglas D. Kramer, Blaine County District Court Judge from 1983 to 1985. Mr. Elkins was a public defender for Blaine County from 1986 to 1990. He is certified as a Criminal Trial Specialist by the Idaho Trial Lawyers Association, is a member of the National Association of Criminal Defense Lawyers, the Idaho Association of Criminal Defense Attorneys and the National College of DUI Defense (State Delegate). He is Martindale-Hubbell AV rated and was voted Best of the Valley - Attorney in 2010 by the Sun Valley Guide. He lives out East Fork Canyon with his wife Melissa and their dog Lola.



**Jason Pintler** graduated from Northwestern School of Law of Lewis and Clark College in Portland, Oregon in 2000. He worked as a floater clerk in the Multnomah County Courthouse in early 2001 before moving to Boise. In July of 2001, Mr. Pintler joined the Ontario, Oregon firm of Rader and Rader which later became Rader Stoddard and Perez, where he practiced criminal law at the trial and post-conviction level in Malheur County, Oregon. He joined the Appellate Unit of the State Appellate Public Defender's Office in February of 2004 where he has handled all manner of non-capital criminal and post-conviction appeals.



**Gabriel McCarthy** is a 2006 graduate of the University of Idaho College of Law and a former Boise City Prosecutor. Gabe has been in private practice in Boise since 2008. He is also Editor of IACDL's Best Cases and a co-chair of the Legislative Committee.





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et,  
Friday

# PROGRAM AGENDA

## Thursday, March 4, 2010

6:30 pm Board Meeting in the Sage Room, Sun Valley Lodge

## Friday, March 5, 2010

7:30 am	<b>Registration &amp; Continental Breakfast</b> , Limelight Salon C, Sun Valley Inn
8:00	<b>Introductory Remarks</b> - President Kelly Kumm
8:15 - 10:15	<b>Deja Vishny</b> - What's Interrogation Gotta do With It? Cross Examining Law Enforcement in Confession Cases
10:15	<b>Break</b>
10:30-12:00	<b>Antoinette Kavanaugh, Ph.D.</b> - Obtaining Clinical Psychological Evidence
12:00 - 1:30 pm	Lunch on Your Own
1:30 - 3:30	<b>Richard Ofshe, Ph.D.</b> - Admissibility of False Confession/Improper Interrogation Expert
3:30 - 4:30	<b>David Nevin</b> - 5 common but uncommonly sticky ethics problems
6:30 pm	<b>No host cocktails, dinner &amp; awards</b> - Guest speaker Charles Lempesis
	Continental Room, Sun Valley Inn

## Saturday, March 6, 2010

7:30 am	<b>Registration &amp; Continental Breakfast</b> , Limelight Salon C, Sun Valley Inn
8:00	<b>Introductory Remarks</b> - President Gus Cahill
8:15 - 9:00	<b>Dennis Benjamin</b> - Legislative Update
9:00 - 10:00	<b>Sara Thomas</b> - Case Law Update
10:00	<b>Break</b>
10:15 - 11:45	<b>Lisa Kirsch Satawa</b> - Filtering Facts, Fantasy and Fibs: Evaluating Testimony of the Child and the Expert Witness
11:45 - 12:45	<b>Richard Ofshe, Ph.D.</b> - How to Get Improperly Obtained Statements Suppressed

# ABOUT THE SPEAKERS

**Deja Vishny** has practiced criminal defense for almost 30 years with the Wisconsin Office of the State Public Defender. She heads the Homicide Practice Group at the Milwaukee Trial Office and is also a training coordinator for that agency. She has studied police interrogation and attended the Reid School of Interrogation course in 2004. She is a nationally known lecturer on the subject of defending false confession cases, focusing on motion practice and cross examination of police interrogators and published an article on the subject in The Champion. She is currently writing a book on litigating suppression motions which will be published by James Publishing Company. She is a faculty member at the National Criminal Defense College in Macon, Georgia, and an Adjunct Professor of Trial Advocacy at Marquette Law School. She is on the Board of the National Association of Criminal Defense Lawyers and the Wisconsin State Bar Criminal Law Section.

**Lisa Kirsch Satawa**, Partner at Kirsch & Satawa, PC in Southfield, Michigan, is a criminal defense attorney specializing in defending allegations of child sexual assault and child abuse. Her multistate practice includes trials, consultation and appeals. Ms. Kirsch Satawa's unique multidisciplinary approach to this specialty focuses on linguistics, forensic interviewing, psychology and medicine coupled with the law. She is a frequent lecturer on topics of child competency, child witnesses, nuts and bolts of criminal defense, using experts that help and that don't, and suggestibility of children. She has been on the faculty of Criminal Defense Attorneys of Michigan (CDAM) Criminal Trial College from 2005-present. Ms. Kirsch Satawa is an adjunct professor at Thomas A. Cooley Law School in Lansing, Michigan where she teaches pre-trial skills and Moot Court. She obtained her undergraduate degree in International Economics from Boston University in 1987; she is a 1994 graduate of Detroit College of Law and a member of The National Association of Criminal Defense Lawyers, Criminal Defense Attorneys of Michigan, Oakland County Bar Association, National Association of Child Abuse Defense Resources. Ms. Kirsch Satawa has two junior partners, Meggie and Justin.

**Dr. Antoinette Kavanaugh** earned her Ph.D. in clinical psychology from Northwestern University. She completed a Fellowship in Adolescent Psychology at Cook County Hospital and a Forensic Psychology Postdoctoral Fellowship at the University of Massachusetts Medical Center. For ten years, Dr. Kavanaugh served as the Clinical Director of the Juvenile Justice Division of the Cook County Juvenile Court Clinic and was a clinical professor at Northwestern University's School of Law. Currently, she is adjunct faculty at the Northwestern University's School of Law. Dr. Kavanaugh has been in private practice since 1999. Dr. Kavanaugh consults with legal parties regarding forensic methods, preparing witnesses, and mental health documents. She also conducts evaluations of youths and adults on matters related to competence to comprehend Miranda rights, competence to stand trial, disputed confessions, mitigation, and evaluations to be used in civil matters. Additionally, Dr. Kavanaugh consults nationally in the areas of juvenile justice and juvenile mental health.

**Richard Ofshe** is a Professor at the University of California at Berkeley. He shared in the 1979 Pulitzer Prize for Public Service for his work on the analysis of violent cult groups. His research on the misuse of influence in psychotherapy contributed to the demise of what was known as the recovered memory problem -- which was caused by idiot psychotherapists convincing vulnerable patients that they were recovering repressed memories of sexual abuse (which, in truth, had never happened). He has been working on the problem of police interrogation leading to coerced and/or false confessions since the mid-1980's. He pioneered the application of rational decision theory to the analysis of police interrogation in courtrooms across America. He has qualified and testified on this subject over 300 times in 37 states and in Federal and military court. He has consulted for and/or appeared on behalf of more innocent defendants than any social psychologist in America (the cases include the West-Memphis Three, the Phoenix Temple murder case, the Central Park Jogger case, the Austin Texas Yogurt Shop case and far too many unknown and indigent victims of police misconduct. His publications on interrogation influence are cited by the Supreme Courts of Massachusetts, Utah and Canada.

**David Nevin** has handled criminal cases throughout the United States for 30 years. He has obtained acquittals in a number of high profile prosecutions which implicated issues of civil rights and government overreaching, including the 1993 Ruby Ridge case, and the 2004 terrorism prosecution of a Saudi Arabian graduate student, Sami Omar Al-Hussayen. As part of the John Adams Project, jointly sponsored by the ACLU and the National Association of Criminal Defense Lawyers, Mr. Nevin currently assists in the defense of Khalid Sheikh Mohammed, one of the "high value detainees" at Guantanamo Bay, Cuba. In 2008, Mr. Nevin joined with legendary trial lawyer Gerry Spence in the successful defense of Geoffrey Fieger, a prominent and outspoken Detroit trial lawyer. Mr. Fieger was charged in a vindictive political prosecution with violation of campaign finance laws. In a 2 month trial in the spring of 2008 in Federal District Court in Detroit, Mr. Fieger was acquitted of all charges. Mr. Nevin received the Idaho State Bar's Distinguished Lawyer Award for 2008. The award is made "in recognition of your years of service to the public and the legal profession of the State of Idaho." Mr. Nevin was also honored to serve as commencement speaker for the University of Idaho College of Law's Class of 2005. He received the Clarence Darrow Award from the American Civil Liberties Union of Idaho for his defense of Sami Al-Hussayen. Mr. Nevin is a founder and past President of the Idaho Association of Criminal Defense Lawyers, and is the namesake of its Nevin Professionalism Award, which the organization awards annually to a criminal defense lawyer who has advanced the ideals of the profession. Mr. Nevin has twice received the organization's President's Award for outstanding service to criminal justice.

**Dennis Benjamin** is a partner in the firm Nevin, Benjamin, McKay & Bartlett and practices criminal defense, with an emphasis on appeals. He has argued many cases before the appellate courts of both Washington and Idaho as well as before the Ninth Circuit Court of Appeals. In addition, he has also been privileged to appear before both the Idaho and Washington Supreme Courts as amicus curiae in cases of constitutional importance. Dennis is the 2002 and 2006 recipient of the Idaho Association of Criminal Defense Lawyers President's Award for outstanding service to the criminal defense community. He is also a former member of the Board of Directors of IACDL and of the Idaho Supreme Court's Evidence Rules Advisory Committee. He is married to attorney Deborah Whipple and they have a son.

**Sara Thomas** entered the appellate law began during her first year of law school, when she received the Idaho Trial Lawyer Association's Excellence in Legal Research and Writing award. Her interest in legal writing continued as she became a member of the Idaho Law Review, ultimately becoming its managing editor. In addition, Ms. Thomas worked as a Legal Intern in the University of Idaho's Legal Aid Clinic, Appellate Division, from 1997 to 1998. This internship provided her with the opportunity to handle active appellate cases and to present an oral argument before the 9th Circuit Court of Appeals. Ms. Thomas graduated cum laude from the University of Idaho College of Law in 1998. Thereafter, she clerked for the Honorable Alan Schwartzman at the Idaho Court of Appeals. In 1999, Ms. Thomas joined the State Appellate Public Defenders' Office as a staff attorney, and became the Chief of the Appellate Unit in 2002. She has successfully argued appeals in cases before both the Idaho Supreme Court and the Idaho Court of Appeals, including State v. Henage, Swader v. State, State v. Young, State v. Babb, and State v. Kerley. Ms. Thomas appears here today to discuss recent state and federal precedent, albeit from an "ivory tower" sort of view.

**Charles Lempesis (Chuck)** is a practicing attorney and trial lawyer, admitted to practice law in the State of Idaho, the Federal District Courts and the 9th and 3rd Circuit Court of Appeals. He received his undergraduate degree from the University of California-Irvine in 1977 (Cum Laude) and received his Juris Doctor from Gonzaga University School of Law in 1979 (Cum Laude). He has received the highest rating in Martindale-Hubbell and has been listed in the Best Lawyers in America since 2006. He served as the Kootenai County Public Defender for eight years and as City Attorney for several North Idaho cities. He has represented more than a thousand felony defendants, including the Argan Nation bombing defense in the 1980's, defended Medco Pharmaceuticals (a fortune 500 company charged with murder), and a dozen First Degree murder cases. Chuck also has a broad range of public and private sector experience. He served as Vice Chairman for the Idaho Republican Party for eight years and was a candidate for Lieutenant Governor in 1986. He was appointed Chief of Staff of an independent federal agency during the term of President George H. W. Bush. Currently, Chuck focuses much of his time in alternative dispute resolution, acting as a mediator and arbitrator. He has three adult children, Troy, Christopher and Stephanie and resides in Post Falls, Idaho.





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# PROGRAM AGENDA

## Thursday, March 5, 2009

6:30 pm Board Meeting in the Sage Room, Sun Valley Lodge

## Friday, March 6, 2009

7:30 am	<b>Registration &amp; Continental Breakfast</b> , Limelight Salon C, Sun Valley Inn
8:00	<b>Introductory Remarks</b> - President Gary Amendola
8:15 - 9:15	<b>SFSTs - Stupid Human Tricks</b> - Mimi Coffey
9:15 - 10:15	<b>Withheld Judgments &amp; Expungements</b> - Brian Elkins
10:15 - 10:30	<b>Break</b>
10:30 - 12:00	<b>Ethics</b> - Brooks Holland
12:00 - 1:30 pm	Lunch on Your Own
1:30 - 2:30	<b>DUI, ALS and BAC Hearings</b> - Kathleen Elliott
2:30 - 3:30	<b>DUI - Beat the Machine</b> - Mimi Coffey & Robert LaPier
3:30 - 4:30	<b>Restoration of Gun Rights</b> - Leo Griffard, Jr.
6:30 pm	<b>Past Presidents Reception, Dinner &amp; Awards</b>

## Saturday, March 7, 2009

7:30 am	<b>Registration &amp; Continental Breakfast</b>
8:00	<b>Introductory Remarks</b> - President Kelly Kumm
8:15 - 8:45	<b>Legislative Update</b> - Michael Bartlett
8:45 - 9:15	<b>Adam Walsh Update</b> - Clark Peterson
9:15 - 10:30	<b>Winning Trial Strategy</b> - Mimi Coffey
10:30 - 10:45	<b>Break</b>
10:45 - 12:00	<b>Case Law Update</b> - Sara Thomas

# ABOUT THE SPEAKERS

**Mimi Coffey** is a sustaining member and Texas delegate of the National College of DUI Defense, a member of the Dallas Criminal Defense Lawyers, Tarrant County Criminal Defense Lawyers, and Texas Criminal Defense Lawyers and the College of the State Bar. She is Board Certified by the National College of DUI Defense. She is published nationally and statewide on DWI. She has appeared as a legal analyst on Fox News: Neil Cavuto, the Pulse with E.D. Hill, and CNN's Headline Prime News with Mike Galanos. She is frequently interviewed regarding Texas DWI issues on local Dallas-Fort Worth affiliates. She has taken the NHTSA practitioner and instructor courses, the Intox. 5000 operator course, and has attended 2 Borkenstein sessions for state technical supervisors on DWI alcohol and drugs. She has spoken at numerous statewide DWI seminars along with some out of state speaking engagements in Florida and Arizona. She has a highly impressive jury trial record and also plays an active role within the Texas State Legislature regarding DWI legislation. She is the owner of the Coffey Firm with offices located in Dallas and Fort Worth.

**Brooks Holland** is an assistant professor of law at Gonzaga University School of Law, where he teaches criminal law, criminal procedure, constitutional law, and professional responsibility. Prior to joining the faculty at Gonzaga law school, Brooks practiced criminal law for eleven years as a public defender in New York City. Brooks continues to practice while teaching, handling federal criminal appeals by CJA appointment in the Ninth Circuit Court of Appeals. Brooks also sits on the board of directors of the Washington State ACLU.

**Robert LaPier** is the owner of LaPier & Associates and is a qualified NHTSA instructor in Standardized Field Sobriety Testing, is a Drug Recognition Expert, an advanced accident investigator, an expert witness, is currently certified on the Intox 5000 and is a breath testing specialist.

**Brian Elkins** has been a sole practitioner in Ketchum since 1988. 80% of his practice is devoted to criminal defense with most of that directed at DUI defense. Before going into private practice, he was a law clerk to the Hon. Douglas D. Kramer, District Court Judge from 1983 to 1985. Mr. Elkins was a deputy prosecutor for Blaine County in 1985; and a public defender for Blaine County from 1986 to 1990. He is certified as a criminal trial specialist by the Idaho Trial Lawyers Association, is a member of the National Association of Criminal Defense Lawyers, the Idaho Association of Criminal Defense Lawyers and the National College of DUI Defense. He is the author of "Idaho's Repeal of the Insanity Defense: What are We Trying to Prove?" 31 Idaho L. Rev. 151 and has written extensively on Idaho's Expungement Statute. He has been selected by his peers to be included in "The Best Lawyers in America" and listed in Mountain States Super Lawyers Magazine which features the top 5% of lawyers in Idaho, Utah, Montana, Wyoming and Nevada.

**Leo Griffard, Jr.** is a sole practitioner in Boise, Idaho. He has been a criminal defense attorney since 1987 in Idaho and Missouri. Since moving to Idaho in 1993, he has been an active member of the CJA panel for the U.S. District Court, representing many indigent clients in federal drug conspiracy and firearms cases. He has also represented several death sentenced clients in capital case appeals and post conviction litigation. He serves on the Board of Directors of the Idaho Association of Criminal Defense Lawyers, is a member of the National Association of Criminal Defense Lawyers, and is a member of the National Organization for the Reform of Marijuana Laws Legal Committee. He graduated from St. Louis University School of Law in 1983.

**Kathleen Elliott** is a partner in the firm of Hampton & Elliott in Boise, Idaho. Her practice includes the defense of individuals in federal and state courts. Since graduating from the University of Colorado School of Law and serving a clerkship in Colorado, Ms. Elliott has been active in criminal defense, for both public and private clients. She attended the National Criminal Defense College in 1992 and is a member of the Idaho Association of Criminal Defense Lawyers and National Association of Criminal Defense Lawyers and received the 2005 IACDL President's Award.

**Michael Bartlett** is a partner in the Boise law firm of Nevin, Benjamin, McKay & Bartlett LLP, and practices criminal defense. He joined the firm in 1998 after completing a two year clerkship with the Hon. Karen Lansing of the Idaho Court of Appeals. He has attended the National Criminal Defense College in Macon, Georgia, and has served as an adjunct professor in the Criminal Justice Department of Boise State University. He served on the board of directors for Idaho Legal Aid Services, Inc., an organization whose purpose is to provide legal representation and community education to low income Idahoans, from 2000 through 2003. He is a lifetime member of IACDL and currently serves on its governing board. Mr. Bartlett is a member of the legal committee of the Idaho Chapter of the ACLU and serves on the Fourth Judicial District Magistrate Commission. He earned a B.S. from Willamette University in 1992 and a J.D. from the University of Idaho, College of Law in 1996.

**Clark Peterson** is an experienced trial attorney who focuses on high profile criminal jury trials. Clark was previously a Chief Deputy District Attorney in Las Vegas, Nevada, where he was the Capital Case Coordinator handling all death penalty cases in Southern Nevada, a member of the Sexual Assault Unit focusing on high profile sex crimes, and the head of the Vehicular Crimes Unit responsible for prosecuting all alcohol and drug related driving offenses in Las Vegas. Clark graduated in the top of his class from Loyola Law School in Los Angeles. He was selected for the Law Review where he was an editor and author. Clark won the AmJur Award for Trial Advocacy and was the winner of the William S. Byrd Trial Advocacy Competition. Clark has taught trial advocacy nationally to other attorneys at the National Advocacy Center in South Carolina and has taught search and seizure law to prosecutors and law enforcement. Clark is licensed in Idaho, California and Nevada. Clark is now in private practice in North Idaho and is a partner in the law firm of Amendola & Doty.

**Sara Thomas's** interest in appellate law began during her first year of law school, when she received the Idaho Trial Lawyer Association's Excellence in Legal Research and Writing award. Her interest in legal writing continued as she became a member of the Idaho Law Review, ultimately becoming its managing editor. In addition, Ms. Thomas worked as a Legal Intern in the University of Idaho's Legal Aid Clinic, Appellate Division, from 1997 to 1998. This internship provided her with the opportunity to handle active appellate cases and to present an oral argument before the 9th Circuit Court of Appeals. Ms. Thomas graduated cum laude from the University of Idaho College of Law in 1998. Thereafter, she clerked for the Honorable Alan Schwartzman at the Idaho Court of Appeals. In 1999, Ms. Thomas joined the State Appellate Public Defenders' Office as a staff attorney, and became the Chief of the Appellate Unit in 2002. She has successfully argued appeals in cases before both the Idaho Supreme Court and the Idaho Court of Appeals, including *State v. Henage*, *Swader v. State*, *State v. Young*, *State v. Babb*, and *State v. Kerley*. Ms. Thomas appears here today to discuss recent state and federal precedent, albeit from an "ivory tower" sort of view.

