



Michigan State Appellate Defender Office
and Criminal Defense Resource Center

and Michigan Appellate Assigned Counsel System



3-Day Appellate Writing Workshop

Thursday May 17 – Saturday May 19, 2018

Location: Wayne State University Law School, 471 W Palmer, Detroit

MAACS Roster Attorneys and SADO Assistant Defenders are invited to attend this 3-day writing workshop designed specifically for criminal appellate practitioners. At the conclusion of the workshop, attendees will walk away with practical tools and skills for improving the quality of their writing. Attendees will learn how to develop a compelling statement of facts, identify and select persuasive legal issues, and improve oral advocacy skills. Attendees will use a mock trial case file or a case from their own caseload to work on during the small group brainstorming and writing sessions.

Additional Information

- This workshop is for court-appointed appellate lawyers only. Exceptions may be made with prior approval.
- Registrants must attend all three days of the workshop.
- Attendees will receive 18.5 hours of CLE.
- The workshop is free to all attendees. For attendees traveling over 50 miles, overnight lodging and meals will be covered. (Do not book any accommodations until you get registration confirmation and express instructions).
- Register by filling out the attached registration form. Last day to apply for registration is 5/4/18; **Space is extremely limited; early registration is highly recommended.**

Past Participant Feedback

"Every one of the instructors was kind, knowledgeable, and seemed eager to help us become better appellate attorneys. Their energy made it enjoyable to be there, even on a Saturday morning."

"I can't say enough positive things about my experience in this workshop. Before leaving the parking lot Saturday after the training, I actually sent a text message to a friend on the MAACS list telling her to make sure she signs up next time the workshop is offered!"

"The seminar was life-altering for me. I learned new ways to analyze my cases, to write briefs, and to prepare for oral arguments, as well as new methods to develop and maintain good client relationships."

Agenda

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Register here: <https://secure.obsurvey.com/survey/71AF4E96-C129-476B-BBB6-5D576467D45A>

Day 1: Thursday May 17

- | | |
|------------------|--|
| 8:30 – 9:00 am | Check-In and Workshop Welcome |
| 9:00 – 9:30 am | <p>Plenary: Relationship Goals
<i>Marilena David-Martin</i></p> <p>Instructor and trainees will engage in a discussion on client-centered values and the importance of forming meaningful relationships that begin at case assignment and last throughout and beyond representation.</p> |
| 9:30 – 10:50 am | <p>Plenary: Using Facts to Tell Your Client’s Story and to Develop a Case Theory, <i>Brad Hall</i></p> <p>Trainees will learn how to view the facts of a case through the lens of an advocate and to present an accurate and compelling view of a client’s case using facts that are material to the theme and theory of the case.</p> |
| 10:50 – 11:00 am | Break |
| 11:00 – 12:15 pm | <p>Small Groups: Brainstorming the Facts</p> <p>Trainees and instructors will brainstorm facts with the goal of developing and identifying the facts of the case that will be used to tell the client’s story.</p> |
| 12:15 – 1:30 pm | <p>Working Lunch Plenary: Issue Spotting Strategies and Techniques
<i>Marilena David-Martin</i></p> <p>Lunch is provided. Instructor will discuss strategies for identifying legal errors and issues and will provide guidance on effective ways to raise and frame legal issues.</p> |
| 1:30 – 3:00 pm | <p>Small Groups: Issue Spotting Identification and Development</p> <p>Instructors and trainees will brainstorm the legal issues of the case while keeping in mind the principles of strategic issue spotting.</p> |
| 3:00 – 3:15 pm | Break |

- 3:15 – 4:30 pm **Pen to Paper: Drafting of Statement of Facts**
Trainees will begin drafting the first two themed paragraphs of their statement of facts. Email completed exercise to small group leader and members.
- 4:30– 5:00 pm **Group Exercise, TBA**
- 5:15 pm **Optional Social Hour – Location TBA**
- Homework:** Read statement of facts of each small group member and be prepared to give feedback.

Day 2: Friday May 18

- 9:00 – 10:00 am **Plenary: From Good to Better to Best**
Marilena David-Martin
Instructor will discuss the importance of proofreading and editing with the goal of increasing credibility, reliability, and clarity in legal pleadings.
- 10:00 – 11:30 am **Small Groups: Feedback on Draft Statement of Facts**
Instructors and trainees will provide feedback on the draft statement of facts and trainees will have an opportunity to make revisions.
- 11:30 – 11:40 am **Break**
- 11:40 – 12:30 pm **Plenary: Extending the Theory of Your Case**
Brad Hall
Instructor will guide trainees through theory development and persuasive storytelling.
- 12:30 – 2:00 pm **Working Lunch: Pen to Paper, Drafting of Issue Headings and Arguments**
Lunch is provided. Participants will begin drafting issue headings and the first two paragraphs of the argument section. Email completed issue headings and arguments to small group leader and members.
- 2:00 – 3:00 pm **Plenary: Legal Analysis**
Kathy Swedlow
Instructor will discuss how to use case law effectively and the importance of analysis and application of law to facts.
- 3:00 – 3:15 pm **Break**
- 3:15 – 4:45pm **Pen to Paper: Paring Down and Feedback**

Trainees will pare down their Statement of Facts to 3-4 sentences that meet the goals of storytelling as discussed throughout training. Instructors and Trainees will provide feedback to ensure the pared down sentences contain only necessary facts and tell a compelling story.

4:45 – 5:15 pm

Group (Writing) Exercise

5:30 pm

Optional Social Hour – Location TBA

Homework:

Read issue headings and arguments of each small group member and be prepared to give feedback.

Day 3: Saturday May 19

9:00 – 10:00

Plenary: Looks Matter
Kathy Swedlow

Instructor will discuss the importance of styling briefs to improve the appearance and professionalism of legal pleadings and will update trainees on the writing requirements and preferences of the court.

10:00 – 11:00 am

Small Groups: Feedback on Issue Headings and Arguments

Instructors and trainees will provide feedback on the issue heading and argument section of the brief. Trainees will further develop their fact and argument sections, incorporating instructor feedback.

11:00 – 11:10

Break

11:10 am – 1:00 pm

Lunchtime Plenary: Practical Oral Advocacy Tips and Demonstrations
Marilena David-Martin

Lunch is provided. Through discussion and demonstration, instructor will deliver techniques for effective oral advocacy in Michigan's appellate courts. Trainees will also view oral argument techniques.

1:00 – 1:30 pm

Oral Argument Prep

Trainees will return to small group rooms and prepare for mock oral arguments.

1:30 – 3:00 pm

Small Groups: On Your Feet

Trainees will engage in mock oral arguments with feedback from instructors and group members.

3:00 – 3:30 pm

Group Close-Out, Final Feedback, Reflections, and Q&A

About the Instructors

Marilena David-Martin is the Training Director at the State Appellate Defender Office. She started her career at SADO after law school and has been representing clients on appeal for the past 9 years. She chairs SADO's Client and Public Outreach Committee and has launched "Family Outreach Night" and "Project Reentry," two sustained projects aimed at improving the lives of our clients. She serves on the Council of the Prisons and Corrections Section of the State Bar, the Board of Directors for the Wayne County Criminal Advocacy Program and the Criminal Defense Attorneys of Michigan, and CDAM's Education Committee. She is a regular faculty member for local and national trainings.

Contact: mdavid@sado.org | 313-256-9833

Brad Hall is the Administrator of MAACS. Prior to MAACS, Brad worked as an attorney at the Federal Defender Office in Detroit where he specialized in habeas corpus cases and appeals in the U.S. Sixth Circuit Court of Appeals. He is co-chair of the CDAM Amicus Curiae Committee, and in that capacity has filed briefs and presented oral argument in the Michigan Supreme Court on important issues of criminal law and procedure. Brad has published articles on criminal procedure and wrongful convictions in the Wisconsin Law Review, Drake Law Review and the Journal of Criminal Law and Criminology. He recently received the Cooley Law School's Distinguished Brief Award and is the past author of SADO's Defender Habeas Book.

Contact: hallb@mimaacs.org | 517-334-1200

Kathy Swedlow is the Deputy Administrator of MAACS. Prior to joining MAACS, Kathy was a Professor and Assistant Dean at WMU-Cooley Law School, where she taught Criminal Law and Procedure, Death Penalty Law, and Civil Procedure. She is the former co-director of the school's Innocence Project, and was co-counsel on the Project's first DNA exoneration case. Kathy has also worked as an Assistant Federal Defender with the Capital Habeas Corpus Unit of the Defender Association of Philadelphia, and as a Staff Attorney in the U.S. Courts of Appeal for the Second and Third Circuits. Kathy is a former contributing editor for death penalty cases for the ABA publication, "Preview of United States Supreme Court Decisions," and is a current member of the ABA's Standing Committee on the Silver Gavel Awards for Media and the Arts.

Contact: swedlowk@mimaacs.org | 517-334-1200

Registration Form
3-Day Appellate Writing Workshop
May 17 - 19, 2018

THE LAST DAY TO APPLY FOR REGISTRATION IS MAY 4, 2018

Your registration is not confirmed until you receive express confirmation from SADO.

Contact Information:

Name: _____ P Number: _____

Street Address: _____ City: _____

State: _____ Zip: _____ County: _____

Telephone: _____ E-mail address: _____

No. of Years in Criminal Appellate Practice: _____ No. of Years on MAACS Roster: _____

No. of oral arguments in the appellate courts: _____

Additional Information:

Is your residence 50 miles or more from the training site (471 W Palmer, Detroit, MI)? Yes No

If so, how many miles will you have to travel to the training? _____

If over 50 miles, are you requesting hotel lodging for the training? Yes No

Do you have any dietary restrictions? If so, please explain: _____

Do you have any accommodation requests? If so, please detail your request: _____

Do you have a laptop you can bring with you to the training? Yes No

Do you have your own case (with a post-May 20 deadline) to bring to the workshop? Yes No

If yes, what kind of case is it: Plea appeal Trial appeal 6.500 Other

Please provide any additional information we should know about your case: _____

3 WAYS TO REGISTER BEFORE MAY 4:

1. **Return this form by email to:** MariaRosa Juarez Palmer, palmermr@mimaacs.org or
 2. **Return this form by mail to:** SADO, c/o CDRC, 645 Griswold Street, Suite 3300, Detroit, MI 48226 or
 3. **Register online here:** <https://secure.obsurvey.com/survey/71AF4E96-C129-476B-BBB6-5D576467D45A>
- Questions? Call or email Heather Waara, (313) 256-9833, hwaara@sado.org.