



Michigan State Appellate Defender Office
Appellate Defender Annual Fall Training
October 7, 15, 21 and 22, 2021

Day 1: Thursday, October 7, 2021 (5.5 CLE) – [Register here](#)

9:15 – 9:30 am	Welcome
9:30 - 10:30 am	MAACS Town Hall, <i>Brad Hall and Patricia Maceroni</i>
10:30 - 10:45 am	Break
10:45 - 11:45 am	Litigating Forensic Science Issues on Appeal, <i>Imran Syed</i>
11:45 - 12:00 pm	Break
12:00 - 2:00 pm	Race, Trauma, and the Fourth Amendment, <i>Kristin Henning</i>
2:00 - 2:30 pm	Break
2:30 - 4:00pm	Ethical Conundrums on Appeal, <i>Meryl Carver-Allmond</i>

Day 2: Friday, October 15, 2021 (5.5 CLE) – [Register here](#)

9:45 - 10:00 am	Welcome
10:00 - 11:00 am	Improper Vouching in CSC Cases and Michigan Supreme Court Precedent, <i>Katherine Marcuz</i>
11:00 - 11:15 am	Break
11:15 - 12:15 pm	Cell phones and Fourth Amendment, <i>Jason Eggert</i>
12:15 - 1:00 pm	Break
1:00 - 2:30 pm	Our Perspective: Voices of Appellate Clients, <i>Darryl Woods, Sr., DeAndre Carter, Kenneth Nixon</i>
2:30 - 2:45 pm	Break
2:45 - 4:45 pm	Secondary Trauma Awareness, <i>Alia Berry, MSW, LSW</i>

Day 3: Thursday, October 21, 2021 (4 CLE) – [Register here](#)

9:45 - 10:00 am	Welcome
10:00 - 11:00 am	Preparing for the PSIR Interview, <i>Anna White</i>
11:00 - 11:15 am	Break
11:15 - 12:15 pm	Using Story Structure in Sentencing Arguments, <i>Keeley Blanchard</i>
12:15 - 1:30 pm	Break
1:30 - 2:30 pm	Feedback Loops, <i>Patrick Barry</i>
2:30 - 2:45 pm	Break

2:45 - 3:45 pm U.S. Supreme Court Update, *David Moran*

Day 4: Friday, October 22, 2021 (4.5 CLE) – [Register here](#)

9:45 – 10:00 am	Welcome
10:00 - 11:00 am	Michigan Case Law Update, <i>Adrienne Young</i>
11:00 - 11:15 am	Break
11:15 - 12:15 pm	Sentencing Case Law Update, <i>Angeles Meneses</i>
12:15 - 1:00 pm	Break
1:00 - 2:00 pm	Post-Conviction Remedies, <i>Matthew Monahan</i>
2:00 – 2:15 pm	Break
2:15 – 3:45 pm	The Importance of Cultural Competency in Appellate Work – Why it Matters, <i>Angie Martell</i>

Registration Information

This training is for defense attorneys and defense attorney team members only.

Advanced registration is required. You will receive a confirmation email with Zoom connection information immediately after you register. Save that information and use it to join the program at least 5 minutes prior to the scheduled start time. You will receive a reminder email prior to the session.

CLE Information

Over the course of 4 days (October 7, 15, 21, 22), 19.5 CLE hours are available in Michigan.

Questions?

Contact Marilena David-Martin at mdavid@sado.org | 313-670-0309

See below for Session Descriptions and Faculty Bios

Thursday, October 7, 2021

MAACS Town Hall

In this session, MAACS Administrator Brad Hall and Litigation Support Counsel Patty Maceroni will provide an update on the appellate indigent defense system and roster, including caseload trends, system reforms, regional assignment list expansion, Zoom video client visits, court rule changes, litigation support, mitigation and reentry support, and future goals. There will be time for questions and answers about appointed appellate practice and procedure (non-substantive).

Brad Hall is the MAACS Administrator. Brad is a graduate of Northwestern University Pritzker School of Law, where he gained practical experience working at the Southern Center for Human Rights, Cook County Public Defender Office, and Center on Wrongful Convictions. After a clerkship with Judge Nancy G. Edmunds on the United States District Court for the Eastern District of Michigan, he spent eight years as a staff attorney at the Federal Defender Office in Detroit, handling trials, appeals, and habeas corpus cases. As amicus counsel for the Criminal Defense Attorneys of Michigan, he has briefed and argued several significant cases in the Michigan Supreme Court and Michigan Court of Appeals, one of which was awarded a Distinguished Brief Award by Cooley Law School. Brad is Chair of the SBM Appellate Practice Section.

Patricia Maceroni is the MAACS Litigation Support Counsel. She is an experienced defense attorney with 30 years of experience representing clients in state and federal court at the trial and appellate levels.

Litigating Forensic Science Issues on Appeal

This session will discuss legal claims that can be raised on appeal in cases where forensic science played a part in the conviction. Litigating forensic science issues on appeal can seem daunting, but really just involves slight extrapolations of well-known legal claims like *Strickland* and *Cress*. This session will discuss relevant precedent and strategies for succeeding in this exciting and challenging category of cases.

Imran Syed is a clinical assistant professor at the University of Michigan Law School and serves as co-director of the Michigan Innocence Clinic. He also teaches a law school seminar on forensic science and conducts labs for first-year criminal law courses. Imran serves on the executive board of the national Innocence Network and also co-chairs the Network's amicus committee. As part of teaching in the Innocence Clinic, Imran has supervised students investigating and litigating a wide variety of post-conviction and direct appellate cases, including several of the Clinic's forensic science-based innocence cases. He has also written law review articles discussing the novel

litigation strategies needed to address wrongful convictions based on outdated scientific evidence.

Race, Trauma, and the Fourth Amendment

For many people of color, the daily, discriminatory, and unnecessary encounters with police are overwhelming and traumatic. In this interactive workshop, appellate defenders will think about how to incorporate research on racial bias, trauma, and stereotype threat into their search and seizure litigation. This workshop will focus on several contexts in which racial bias and trauma affect the Fourth Amendment analysis, including seizure, consent to search, reasonable articulable suspicion and probable cause, and the court's "commonsense interpretation" of "suspect" behaviors. Drawing upon recent advances in cognitive science and psychology, this training attempts to bring the search and seizure doctrine into line with what we know about implicit racial bias and contemporary relationships between people of color and the police.

Kristin Henning is the Blume Professor of Law and Director of the Juvenile Justice Clinic and Initiative at Georgetown Law, where she and her law students represent youth accused of delinquency in Washington, DC. Kris was previously the Lead Attorney for the Juvenile Unit of the D.C. Public Defender Service and is currently the Director of the Mid-Atlantic Juvenile Defender Center.

Kris has trained state actors across the country on the impact of racial bias and trauma in the juvenile and criminal legal systems. Her workshops help stakeholders recognize their own biases and develop strategies to counter them. Kris also worked closely with the McArthur Foundation's Juvenile Indigent Defense Action Network to develop a 41- volume *Juvenile Training Immersion Program (JTIP)*, a national training curriculum for defenders. She now co-hosts, with the National Juvenile Defender Center (NJDC), an annual week-long JTIP summer academy for trial lawyers and a series of "Train the Trainer" programs for experienced defenders. In 2019, Kris partnered with NJDC to launch a Racial Justice Toolkit for youth advocates, and again in 2020, to launch the Ambassadors for Racial Justice program, a year-long program for juvenile defenders committed to challenging racial injustice in the juvenile legal system through litigation and systemic reform.

Kris writes extensively about race, adolescence, and policing. Her new book, [*The Rage of Innocence: How America Criminalizes Black Youth*](#), is forthcoming with Penguin Random House on September 28, 2021. Henning serves on the Board of Directors for the Center for Children's Law and Policy, the ABA's Juvenile Justice Standards Task Force, and ALI's Restatement on Children and the Law project. She has won several awards including the 2021 Juvenile Leadership Prize by the Juvenile Law.

Ethical Conundrums on Appeal

While all the ethical rules that apply to trial attorneys also apply to appellate attorneys, the posture of an appeal can create issues you may not have considered before. Come prepared for an active discussion of some of the common pitfalls and best practices to ethically represent your clients on appeal.

Meryl Carver-Allmond is a Kansas capital appellate defender. Meryl began her career as a research attorney for the Honorable Gary Rulon, former Chief Judge of the Kansas Court of Appeals. After four years with the Appellate Defender Office, she transitioned to capital defense in 2012. There she has had the honor of representing clients charged with the most serious crimes in both the Kansas Supreme Court, and — as a member of the defense teams for *Kansas v. Carr and Gleason*, and *Kahler v. Kansas* — at the United States Supreme Court.

In addition to capital defense, Meryl has also been deeply involved in advocating for attorney well-being in Kansas. She founded and co-chairs the Well-Being Committee for the Kansas public defender system, and additionally co-chairs the Women and Minorities Subcommittee of the larger Kansas Task Force for Lawyer Well-Being.

Friday, October 15, 2021

Improper Vouching in CSC Cases and Michigan Supreme Court Precedent

Our Supreme Court has repeatedly recognized that vouching for the credibility of a witness is improper and can be reversible error, particularly in criminal sexual conduct cases which often amount to credibility contests. This session will outline common forms of vouching and the appropriate appellate arguments. We will also discuss the recent Michigan Supreme Court decisions on this topic including *People v. Thorpe/Harbison*, *People v. Hawkins*, and *People v. Uribe*.

Katherine Marcuz is a Managing Attorney at the State Appellate Defender Office in Detroit. She joined SADO in 2012 following a clerkship at the District of Columbia Court of Appeals for the Honorable Catharine F. Easterly. In 2018, Katherine began co-teaching the Criminal Appellate Practice Clinic at the University of Michigan Law School.

Katherine is a graduate of Sarah Lawrence College and the University of Michigan Law School. She also holds a master's degree in education from Brooklyn College. Before law school, she worked as a high school English teacher in Brooklyn, New York. Katherine lives in Detroit with her husband and two sons.

Cell Phones and the Fourth Amendment

This training will address common Fourth Amendment issues with cellular phones and Michigan's new constitutional amendment requiring warrants for electronic devices.

Jason Eggert is an Assistant Defender at the State Appellate Defender Office in Detroit, Michigan.

Our Perspective: Voices of Appellate Clients, Darryl Woods, Sr., DeAndre Carter, and Kenneth Nixon

In this session, appellate lawyers will hear from people directly impacted by the system. The panelists will share their views on what it was like to be represented by appointed counsel on appeal.

Min. Darryl Woods dedicated his life to Christ earlier on during his 29 years of incarceration. He became a minister and helped lead countless men to salvation. He organized church services; revivals; gospel concerts; mentoring program and many baptismal and other Christian outreach programs. He Chaired the NAACP Detroit Branch Prison Program Committee for over a decade and served on the Board of Directors of Chance for Life.

On any given day you might find him speaking to an audience of thousands or urban planning with politicians, billionaires and pastors. Not quite what you would expect from an inmate who up until recently was serving a life sentence without the possibility of parole. And in a city at the mercy of violence and repeat offenders, where no parolee is guaranteed successful reform, Darryl Woods Sr. is proving himself the ultimate bounce-back story and proof that any person can not only rebuild their lives, but commit themselves to building the community around them.

While incarcerated, Woods led thousands of youth and prisoners to transformation. Through his RESTART Youth Deterrent™ Program and PRISON Deterrent™ Program, Woods worked tirelessly to both close the school to prison pipeline and reduce recidivism for parolees. Darryl collaborated with judges and community leaders to bring in 30-50 at risk youth per month to participate workshops and trainings. Darryl partnered with the FBI, DEA, US Attorney Office, city officials and countless leaders who flocked to volunteer at sessions and special events. Through various fundraising campaigns, Darryl raised over \$100,000 for scholarships, school supplies and other charitable causes. In addition, Darryl partnered with corporations to provide summer jobs for youth and permanent positions for returning citizens.

DeAndre Carter is an Educational Instructor at Youth Development Corporation, USA in Saginaw, Michigan. YDC is a non-profit organization whose mission is to advance underserved youth and adults by expanding

accessibility in education, training, and career placement within the skilled trades industry. This is a pre and post option for individuals, where we provide tools to prevent those going to prison and give access to resources to assist others that have already entered that world. We here at YDC take pride in putting the work in with our students. DeAndre is a Certified Instructor in NCCER (National Center for Construction and Research), and also helps students gain their GED and High school diploma. DeAndre previously served 17 years in prison for drug possession and has only been home for about six months. Since returning, he has been going to school fulltime as well as working fulltime. While incarcerated, he managed to get an Associates in Small Business Management and Entrepreneurship that he's continuing to build upon. DeAndre's journey into re-entry and society has just begun. "I'm looking forward to putting in the work to play my part in helping the same society that I've taken so much from."

Secondary Trauma Awareness

This session will define Secondary and Vicarious Trauma and dig deep into its impact on the mental health of professionals who serve traumatized populations. Attendees will learn how to manage their own trauma working within an often-triggering system, know how to identify warning signs and lean into ways to cope with the effects of secondary/vicarious trauma.

Alia Berry is a licensed clinician, has over 20 years' experience serving ages 0-60 in a variety of settings from daycares to group homes to correctional facilities. As an LSW, Alia is also dually certified in Elementary/Special Education, a certified School Social Worker and holds a Master's Degree which focused on Violence Against Women and Children with a concentration on Perpetrators. Alia's focus is serving individuals before, during and after incarceration using a trauma-informed approach and leveraging frameworks such as art-based restorative justice and self-directed leadership lending itself to peer-to-peer support. As a full time, national level consultant (with Seeds & Berries LLC) and community-based social worker, Alia brings a micro-level view of the streets to the macro-level strategy table through program development, training and direct clinical services in schools, nonprofits and the government sector.

Thursday, October 21, 2021

Preparing for the PSIR Interview

Participating in the PSIR Interview is an incredibly important part of representing our clients well, but the most important work actually takes place prior to the interview. In this session, we will talk about what will be covered in the PSIR Interview, how to ensure your client has provided all the necessary paperwork and documentation, and how to prepare your client to put their best foot forward in the interview itself.

Anna C. White is an Assistant Public Defender with the Ottawa County Office of the Public Defender and has been practicing since 2012. Anna has been on faculty for PSIR training as well as trial skills training. Before becoming an attorney, Anna practiced as a Social Worker working with victims of Domestic and Sexual Violence. Anna believes strongly in client-centered representation and the importance of seeing our clients as the unique individuals they are in each and every case.

Using Story Structure in Sentencing Arguments

Learn how to use story structure to motivate judges to want to give your clients a better result at sentencing, and how to enhance your storytelling to make your arguments more compelling.

Keeley Blanchard is a trial lawyer at Blanchard Law in Greenville, Michigan. Her practice is focused on criminal defense, juvenile defense, and civil rights cases. She has tried dozens of criminal cases in counties throughout the state of Michigan and across the country. Keeley is a longtime member of CDAM, former board member, and skills instructor for Evidence Boot Camps and Trial College. She has also been a faculty member of the Trial Lawyer's College since 2015 and teaches trial skills at TLC programs across the country throughout the year. Keeley is the program manager for the Michigan Indigent Defense Commission's grant-funded Trial Skills Simulation Program. She was recently named a Crain's Detroit 2021 Notable Woman in Law. Keeley focuses her teaching on the use of storytelling in trial skills.

Feedback Loops

This workshop focuses on one of the most important—and unfortunately one of the most under taught—skills a legal writer can develop: how to give and get quality feedback.

Patrick Barry is a clinical assistant professor and the director of digital academic initiatives at the University of Michigan Law School. His teaching and research focus on creating a new vocabulary to talk about advocacy. He is the author of *Good with Words: Writing and Editing*, *Notes on Nuance*, and the multivolume series *The Syntax of Sports*. Material from each is included in two sets of online courses he has created for the educational platform Coursera: "[Good with Words: Writing and Editing](#)" and "[Good with Words: Speaking and Presenting](#)."

U.S. Supreme Court Update

This session will discuss significant Supreme Court criminal procedure decisions from the 2020-2021 term and give a preview of cases the Court has agreed to review for the 2021-2022 term.

Dave Moran is a clinical professor at U-M Law School. In 2009, he and Bridget McCormack co-founded the Michigan Innocence Clinic to litigate claims of

actual innocence by prisoners where DNA evidence is not available. In its first twelve years, the clinic's work resulted in the exoneration of 23 men and 4 women who had served a total of more than 350 years of wrongful incarceration. In addition to his work in the clinic, Professor Moran teaches courses in Criminal Law and Criminal Procedure. He has published many articles about various aspects of criminal procedure, especially search and seizure. He has argued six times before the U.S. Supreme Court. After graduating from Michigan Law and clerking for the Honorable Ralph B. Guy, Jr., on the Sixth, Circuit, he served for eight years as an assistant defender at the State Appellate Defender Office. He then became an associate professor and the associate dean for academic affairs at Wayne State University Law School before he joined the faculty Michigan in 2008.

Friday, October 22, 2021

Michigan Case Law Update

A non-exhaustive summary of cases from the Michigan Court of Appeals and the Michigan Supreme Court in 2021.”

Adrienne Young is an Assistant Defender at the State Appellate Defender Office (SADO). Adrienne has represented indigent people in courts across the state, including the Michigan Supreme Court. She regularly trains on appellate case law for judges and practitioners. Adrienne enjoys brainstorming about how best to assist young adults on appeal and advocate for individuals who are mentally ill short of legal insanity. Before joining SADO, Adrienne clerked on the Michigan Supreme Court. Adrienne is a graduate of the University of Chicago Law School where she was awarded the Pro Bono Service Award of Excellence for her hundreds of volunteer hours. Prior to attending law school, Adrienne earned her Master in Education while serving as a special education teacher. She is a graduate with distinction from the University of Michigan. Adrienne has completed twelve marathons and in 2016 was elected to the Birmingham Board of Education. She and her husband, Jeffrey Bozell, are the proud parents of three kids. They are the usually proud, sometimes embarrassed, owners of a rambunctious rat terrier. Adrienne can be reached at ayoung@sado.org.

Sentencing Case Law Update

An overview of sentencing cases out of our appellate courts.

Angeles Meneses has been an assistant defender at the State Appellate Defender Office since 2016. She has also been an adjunct professor at Wayne State University Law School since 2020, teaching the Appeal and Post-Conviction Advocacy Clinic.

Post-Conviction Remedies

This session will take a deep dive into litigating a 6.500 motion and a shallower dive into how 6.500 intersects with federal habeas corpus.

Matthew Monahan was born in Chicago to two lawyers who made him file briefs in order to come to dinner. When he grew up, he taught high school in Chicago but eventually found his way to law school, hoping to become a public defender. He married a Detroitier, moved to the Detroit area, worked for a judge on the Eastern District, and then started at SADO in 2019.

The Importance of Cultural Competency in Appellate Work - Why it Matters

As appellate attorneys you are often tasked with looking through many lenses things regular attorneys may miss. You are not just reviewing transcripts of a case but rather examining the case from a multitude of perspectives. This presentation focuses on why cultural competency matters in appellate review and what collateral issues appellate attorneys need to be mindful of. We will address how to view multicultural perspectives including cross multicultural identities and perspectives—through different lenses (i.e., Race, Ethnicity, Gender, Gender Identity, Sexual Orientation, Gender Fluidity, Religion (Traditional and Non-Traditional), Age, Disability, and Privilege).

Angie Martell is an LGBTQ Puerto Rican/Boriqua lawyer and is the founder and managing partner of Iglesia Martell Law Firm, PLLC and Colibri Institute of Social Justice. Angie has practiced law for 30 years providing innovative legal solutions to complex legal challenges. She is admitted to practice in Michigan, New York, Massachusetts, and the Federal Bars of Puerto Rico, New York, Massachusetts, Michigan, and the United States Supreme Court.

In her holistic law practice, she works in a variety of areas, including business formation and business law, family, criminal, civil, civil rights, mediation, employment law, social justice issues, and estate planning. She advocates for the LGBTQIA, Spanish-speaking, Latinx, Immigrant, Indigenous, and Deaf communities.

In 2014, she was the recipient of The Washtenaw County Bar Association's Martin Luther King "I Have a Dream" Award for her work building trust between the community and the legal system, and for tireless devotion to securing fair and equal treatment for all individuals under the law. Angie has received also an award from the City of New York Comptroller's office for her LGBTQIA work.

She is currently the chair elect of the State Bar of Michigan LGBTQ Section and a member of family law section of the National LGBT Bar Association,

both in the United States and Latin America. She has served as Co-Chair of Washtenaw County's LGBTQ Rights section in the State of Michigan. She is a past Cooperating Attorney with LAMBDA Legal Defense and Education Fund and the National Center for Lesbian Rights: co-wrote the amicus brief, In the Matter of Sharon Kowalski, Court of Appeals for the State of Minnesota. Angie has worked extensively in the areas civil rights, family law, LGBT issues, employee rights, criminal defense, mediation, and arbitration. She has presented both Nationally and Internationally on LGBT matters.

Angie is certified as a conscious contracts practitioner and utilizes these approaches to contracts in both in her legal practice and social justice organization. Angie is an active participant in peacekeeping circles and has been trained as a peacekeeper. Angie graduated with a Masters of Law from Harvard Law School and a Juris Doctor from the City University of New York Law School.