

MASSACHUSETTS ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

EIGHTH POST-CONVICTION SEMINAR

NOVEMBER 8, 2013

**WILMER-HALE CONFERENCE CENTER
60 STATE STREET, BOSTON, MA.**

The Massachusetts Association of Criminal Defense Lawyers is the only statewide association devoted exclusively to serving the defense bar. Our mission statement :

MACDL'S mission is to preserve the adversary system of justice; to maintain and foster independent and able criminal defense lawyers and to insure justice and due process for persons accused of crimes. MACDL will be an advocate for the advocate.

If you practice criminal defense in Massachusetts, you belong in MACDL.

For more information and to join : please go to www.macdl.com .

SCHEDULE FOR THE EIGHTH MACDL POST-CONVICTION SEMINAR

- 8:30 -9:15 Registration and breakfast.
- 9: 15-9:30 Welcome .
*Lenore Glaser Esq., Victoria Kelleher Esq., MACDL CLE co-chairs,
Liza Lunt Esq. , MACDL President.*
- 9:30-10:45 Hot Legal Topics.
Retroactivity of Padilla and Beyond : Commonwealth v. Sylvain.
Wendy Wayne Esq.
SORB : Level 2 Infamy and Reclassification Process.
Michael Nam- Krane, Esq.
Proposed Jury Instructions and Procedures on EyeWitness
Identification.
Murray Kohn, Esq.
Hot topics in the Supreme Court.
Stephen Maidman, Esq.
- 10:45-11 BREAK.
- 11:00 - 1:00 Issue Spotting and Forensics.
Scientific research for lawyers with focus on Eyewitness ID
Forensic Aspects of the Drug Lab Scandal
Drug Lab litigation Issues
*Anne Goldbach Esq.,, Lisa Steele Esq.,
Nathan Tamulis Esq. , Nancy Caplan Esq.*
- 1:00 - 1:30 LUNCH.
- 1:30-2:00 Improper Prosecution Closing .
Shira Diner Esq.,Alison Bloomquist Esq. , Emily Cardy.Esq.
- 2:00 -2:15 Communications with defendant and trial counsel.
Chauncey Wood, Esq.

- 2:15- 2:30 BREAK
- 2:30- 4:30 Mechanics of Appellate Advocacy
Persuasive argument *Murray Kohn Esq.*
Persuasive facts *Cynthia Vincent Thompson Esq.*
Oral Argument Panel : *Wendy Sibbison Esq, Dave Nathanson, Esq.,
Jane White Esq., Hayne Barnwell Esq.*
Record reconstruction *Patricia deJeunas Esq.*
Reply brief Panel : *Ruth Greenberg Esq., Dana Curhan Esq.,
Leslie O'Brien Esq.*
- 4:30-5 :00 Preparing and filing a Petition for Writ of Certiorari in the U.S.
Supreme Court and a Certificate of Appealability in Federal Habeas
Corpus Cases.

David Mirsky
- 5:00 Closing.

Participants are invited to continue the conversation in a more informal setting afterwards. Location will be announced.

MACDL wishes to thank the planning committee of this seminar :

Laura Banwarth Esq., Dana Curhan Esq., Jim DiNatale, Esq., Lenore Glaser, Esq. Anne Goldbach, Esq., Victoria Kelleher, Esq., Lisa Steele, Esq.

MACDL also wishes to thank the presenters who generously donated their time and brains, to Wilmer Hale for letting us use their wonderful conference space and to Stephen Maidman, Esq. who carried the laboring oar for the first seven years of the seminar.

EIGHTH MACDL POST CONVICTION SEMINAR
FACULTY BIOGRAPHIES.

HAYNE BARNWELL is a sole practitioner focused on civil and criminal appeals in North Andover. She has worked for the criminal defense firms, Shea, LaRocque & Wood (now Shea and LaRocque), Wood & Nathanson and Carney & Bassil. In her seven years of practice, she has achieved the reversals of six state convictions and a reversal by the First Circuit Court of Appeals of a revocation sentence. She has argued before the Supreme Judicial Court three times and has two more arguments pending in that Court. She was named an "Up and Coming Lawyer" by Massachusetts Lawyers Weekly in 2011 and a "Rising Star" by SuperLawyers in 2012 and 2013.

ALLISON BLOOMQUIST is a staff attorney at CPCS. She graduated from law school in 2005.

NANCY J. CAPLAN is the attorney in charge of the CPCS Drug Lab Crisis Litigation Unit. She is a career public defender who previously served in the CPCS offices in Boston, Roxbury, Cambridge, and Springfield. A graduate of Northeastern University School of Law and Hamilton College, she is a frequent contributor to MCLE and CPCS training programs.

EMILY CARDY is a staff appellate attorney at CPCS. Before CPCS, she clerked for Justice James McHugh in the Mass. Appeals Court and for U.S. Magistrate Charles B. Day in the U. S. District Court of Maryland. Emily is a graduate of Yale University and of Boston University School of Law.

DANA CURHAN is in private practice, with a specialty in criminal appeals. He has worked as a staff attorney for the Board of Bar Overseers and has lectured on ethics. He graduated from law school in 1985.

PATTY DEJUNEAS is a partner in Sibbison & DeJuneas, a boutique firm specializing in civil and criminal appeals with offices in Boston and Greenfield. Ms. DeJuneas also has experience litigating civil and criminal cases in state and federal trial level courts, and was recognized several times as a "Rising Star Super Lawyer" in Law and Politics and Boston magazines.

SHIRA DINER is a staff attorney in the training unit of CPCS. She is also a member of the Board of MACDL. She graduated from law school in 2002.

ANNE GOLDBACH is the Forensic Services Director for CPCS. She was a staff attorney with the Massachusetts Defenders, and the Roxbury Defenders where she became a supervising attorney. She was the Attorney in Charge of the Boston trials office for 10 years, and has been CPCS' Director of Forensic Service since November 1997. Throughout her career, Anne has been actively involved in continuing legal education and criminal defense training programs, and has lectured on numerous forensics topics. She is a past president and current board member of MACDL.

RUTH GREENBERG, a graduate of the University of Chicago and the University of California at Berkeley, has been practicing criminal law in Massachusetts since 1989. She always wants the

last word.

MURRAY KOHN is the Senior staff attorney in the Appellate Unit of CPCS. He graduated from law school in 1987.

STEPHEN P. MAIDMAN is in private practice in Springfield. His practice is devoted primarily to criminal appeals and related collateral proceedings in the state and federal courts. He is on the CPCS post-conviction murder list. Stephen is the 2010 recipient of the Carol A. Donovan Award for Exceptional Advocacy given by CPCS.orney for the Committee for Public Counsel before striking out on his own.

DAVID NATHANSON has specialized in post-conviction criminal defense since 1997. He has also provided representation in trial-level cases from trespassing to double-murder. In 2005, he became the only public defender in the history of the Massachusetts public defender's office to win a case in the United States Supreme Court. Smith v. Massachusetts. He left CPCS to form Wood & Nathanson in December, 2007.

LESLIE O'BRIEN is in private practice in Winchester, MA. She graduated from law school in 1983.

WENDY SIBBISON is a partner in Sibbison & DeJuneas, a boutique firm specializing in civil and criminal appeals with offices in Boston and Greenfield. A Fellow of the American Academy of Appellate Lawyers, she is noted for vacating numerous criminal convictions, including eleven cases of first degree murder. Wendy is annually listed as a Super Lawyer in Law and Politics and Boston magazines and in the publication Best Lawyers in America in the area of appellate practice.

LISA STEELE is an attorney representing indigent criminal defendants on appeal in Massachusetts and Connecticut. She has written on and spoken at various training programs for CPCS, MCLE, the Connecticut Public Defender's Office, CCDLA, and others on eyewitness identification and forensic issues. She is a member of the Connecticut Judiciary Committee's Eyewitness Identification Task Force.

NATHAN TAMULIS joined CPCS as a Forensic Support Attorney in July of 2012. After graduating with his B.S. in Biology from UMass Dartmouth, he spent the next decade working in the biotech and environmental testing industries here in Massachusetts. He worked full days at the laboratory, and full evenings as a law student at Roger Williams in Bristol, RI, graduating with honors in 2008. His career at CPCS began with the closing of the DPH Jamaica Plain Drug Lab and has spent a great deal of time trying to assist CPCS staff and clients in understanding what happened there.

CYNTHIA VINCENT THOMPSON is in private practice in New Bedford, MA. She graduated from law school in 1087

WENDY WAYNE is the Director of the Immigration Impact Unit at CPCS .She has been with CPCS since 1989 and spent many years as a trial attorney in serious criminal cases. She served on the Board of Directors of MACDL from 1996 until 2001. Wendy lectures frequently on the interplay between criminal and immigration law. She was recently co-counsel in Commonwealth v. Sylvain,

JANE WHITE joined the Appeals Unit of the Mass. Defenders Committee (CPCS's predecessor agency) in 1981. Since that time, she has busied herself in the Appeals Unit most consistently, with full-time or part-time forays into the Trial Unit Salem office (briefly) and the Training Unit (for years of writing the CPCS Training Bulletins of old, and for drafting the updated CPCS Training Manual). Since July, 2013, she has been Chief Appellate Attorney, Public Defender Division, CPCS.

CHAUNCEY WOOD is in private practice in Boston with David Nathanson. He graduated from law school in 1995.