

Schedule of Events

FRIDAY, MARCH 27, 2009 (1.5 hrs. MCLE)

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| <p>1:00-2:30 "View From The Directors' Chair" A panel discussion with the Project Directors: Elaine Alexander (ADI), Jon Steiner (CAP/LA), George Bond (CCAP), Mat Zwerling (FDAP), and Michael Kresser (SDAP), moderated by CADC Project/Panel Liaison Marcia Levine</p> <p>2:45-3:45 The Joint CADC Board/Annual Membership Meeting</p> <p>4:30-5:30 "Understanding The State Budget Process" California State Senator Denise Moreno Ducheny</p> | <p>5:30-6:30 Reception - No-Host Cocktail Hour Meet other CADC members and reestablish contact with friends</p> <p>6:30 Dinner at the Bahia (\$45 per person, paid guests welcome. Not included in conference fee.)</p> <p>After Dinner Cruise Around Mission Bay On The Bahia Belle (No charge – no-host cocktails)</p> |
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SATURDAY, MARCH 28, 2009 (5 hrs. MCLE)

- 8:00-8:30 Registration and Continental Breakfast
- 8:30-8:45 Welcoming Remarks
- 8:45-9:45 "The Difficult Client: Tips For Fulfilling Your Duty To Communicate" Nancy King, Panel Attorney, Alice Shotton & Dave Rankin, Appellate Defenders, Inc. Staff Attorneys

Breakout Sessions

Criminal

- 9:45-10:45 "Winning Cases And Influencing Judges (Legally): The Many Facets Of Arguing IAC On Appeal" Charles Sevilla and George Schraer, Appellate Attorneys
- 10:45 - 11:00 Break
- 11:00 - noon "Constitutional Challenges In Gang Cases – Exposing 'Problems Of Proof'" Constance Istratescu, Senior Deputy & Supervisor, Writs and Appeals, Orange County Alternate Defender
- Noon - 1:45 Buffet Lunch (included in conference fee)
- 2:00 - 3:00 "Reply Briefs – The One Free Shot" Clay Seaman, Appellate Attorney
- 3:00 - 3:15 Break
- 3:15 - 4:15 "Navigating The Labyrinth Of The Department Of Corrections And Rehabilitation" Richard Valdez, Associate Warden, Richard J. Donovan Correctional Facility, San Diego

Dependency

- 10:00-11:15 "Recent Changes In The Juvenile Dependency Statutory Scheme And Relevant Case Law" Neale Gold Bachman, Christopher Booth, Robert Gulemi, & Andrea St. Julian, Moderator.
- 11:15 - 11:30 Break
- 11:30 - noon "The Representation Of Relatives, De Facto Parents And Other Non-Parties: Achieving Standing And Avoiding Mootness – Part One" Susan Bookout, William Caldwell, Gary Plavnick, & Andrea St. Julian, Moderator.
- Noon-1:45 Buffet Lunch (included in conference fee)
- 2:00-2:45 "The Representation Of Relatives, De Facto Parents And Other Non-Parties: Achieving Standing And Avoiding Mootness— Part Two" Susan Bookout, William Caldwell, Gary Plavnick, & Andrea St. Julian, Moderator.
- 2:45 - 3:00 Break
- 3:00 - 4:30 "The Representation Of Minors: Conflict Of Interest and The Ineffective Assistance Of Counsel" Julie Braden, Carolyn Levenberg, Kathleen Murphy Maling, Andrea St. Julian, Moderator.

Approved by the
State Bar for 6.5
Hours of MCLE
and for Legal
Specialization
Credit

California Appellate Defense Counsel
323 East Matilija St., Suite 110, PMB 142
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CALIFORNIA APPELLATE DEFENSE COUNSEL

Presents its

20th Anniversary Celebration and 16th Annual Statewide Conference & Seminar

Friday and Saturday, March 27 - 28, 2009

THE BAHIA RESORT HOTEL - SAN DIEGO, CALIFORNIA

Benefits of CADC Membership

Approximately 450 panel attorneys have joined CADC, and in this era of budget constraints, your membership allows your voice to be heard. CADC is dedicated to improving appellate advocacy in criminal and dependency cases, and improving the lives of counsel representing indigent parties on appeal. CADC represents the interests of panel attorneys before the Legislature, the AOC and AIDOAC. CADC has lobbied on issues of compensation, appellate policy and appellate procedure. CADC speaks for panel attorneys before the appellate projects and works to improve relations with the projects. CADC maintains a Web site [www.cadc.net], with a members-only Brief Bank of more than 2,500 legal ar-

guments. CADC maintains Internet list serves where members communicate on issues of criminal law, dependency law, death penalty, new attorney, and appellate practice in general. CADC hosts MCLE events, locally and statewide. CADC publishes a quarterly newsletter on issues of interest to members, as well as a monthly flyer announcing local chapter meetings and late-breaking appellate news. CADC provides members-only access to affordable legal malpractice insurance for appellate criminal defense and dependency counsel, covering non-appointed legal services. CADC also provides a network of experienced appellate attorneys, an invaluable resource for the sole practitioner.

Seminar Faculty

Neale Gold Bachman currently represents parents and children in juvenile dependency appeals in the First through Fifth Districts. She clerked for the presiding judge for the San Diego Juvenile Court and completed an intensive internship in the Child Abuse Trauma Unit of Rady Children's Hospital in San Diego. In 2007, she received the Paul Bell Fellowship from ADI for Promising New Attorney.

Susan Bookout has been a panel attorney for nineteen years. Prior to attending law school she worked as a social worker for Lok Sevak Sangh, in Horshiarpur, India and for the National Organization of Women. Her husband, Randy, formerly with ADI, is currently a panel attorney. Her greatest accomplishment is raising three interesting and intelligent children, none of whom have ever needed their parents' legal services.

Christopher Booth represents juvenile dependency appellants in the First, Second, and Fourth District Courts of Appeal. He served as Assistant Attorney General for the Pascua Yaqui Tribe outside of Tucson, Arizona, working closely with the Tribal Council, clarifying, re-asserting, and reinforcing the Tribe's sovereign status vis-à-vis the state and federal governments, and later represented the Tribe's interests in California ICWA proceedings.

Julie Braden is in private practice focusing on court-appointed juvenile delinquency and freedom from custody and control cases, dependency appeals, and adoptions. She is an attorney for the Catholic Charities Adoption Agency handling termination of father's rights and other legal services, including contested adoptions. A Judge Pro Tem for the juvenile court from 1990 through 1998, she practices before the Third through Sixth Appellate Districts.

William Caldwell maintains a trial and appellate private practice in Venice, California and specializes in juvenile dependency law. For sixteen years, he has represented parents, children, relatives, and non-relatives. Recently, he successfully argued for reversal in *In re Vincent M.* (2008) 161 Cal.App.4th 943, where he represented de facto parents appealing a juvenile court's orders giving reunification services to an absent father.

Denise Moreno Ducheny has represented the 40th District in the California State Senate since 2002. She chairs the Senate Committee on Budget and Fiscal Reviews as well as the Joint Legislative Budget Committee. She served in the California State Assembly from 1994 to 2000, in which she served as Chair of the Assembly Budget Committee between 1997 and 2000, and as Vice-Chair in 1996. Prior to her entry into the California political landscape, she practiced as an appellate panel attorney in the Fourth Appellate District.

Robert Gulemi has practiced in the area of juvenile dependency for over nine years, primarily representing parents as a Deputy Alternate Public Defender. Since February 2006, he has been the Supervising Attorney for

the Conflict Parent-Child Office. He is an experienced trial attorney having handled in excess of 500 dependency trials.

Constance Istratescu has been a staff attorney with the Orange County Office of the Alternate Defender since 1995, and has been the supervising attorney for Writs and Appeals since 2003. Prior to that, she was a staff attorney for the United States District Court, Central District and the Orange County Public Defender. She has specialized in gang cases since 1995, and has developed a gang outline on "Fighting Gang Allegations: A Conceptual and Methodical Approach," – which has become the "practice manual" on gang defense in California.

Nancy King was appointed second counsel on a death penalty appeal by the California Supreme Court in 1995. She has been a panel attorney since 1996, and takes appointed cases from the Fourth and Second Districts. She was the first recipient of the Paul Bell Fellowship from Appellate Defenders, Inc.

Carol Levenberg has represented parents and minors in the dependency system for over seven years. Currently, she works with the Office of Children's Counsel representing minors in the dependency system in the trial courts and preparing writs on their behalf. Her published Master's Thesis was on Professional Identity and Child Abuse Disclosures. She is a Child Welfare Law Specialist (CWLS), certified through the National Association of Counsel for Children.

Kathleen Murphy Malinger has represented parents, children, relatives and others since 1990 in juvenile dependency proceedings in the Third, Fourth, and Fifth Appellate Districts. She successfully argued *In re S.B.* (2004) 32 Cal.4th 1287, in support of continued parental visitation for children in guardianships. In January 2009, she will argue for the parent in *In re Nolan W.* (S159524) as to the use of incarceration as part of a substance abuse treatment program. She represents disabled children in disputes with school districts pro bono.

Gary S. Plavnick represented minors and parents in the juvenile court from 1984 through 1998, and has represented parents and children on dependency matters in the Fourth Appellate District. From 1988 through 1998, he sat as a Pro Tem referee in the juvenile court, presiding over dependency hearings and juvenile traffic and delinquency matters. Since 1998, he has represented children in the family court, and he regularly represents relatives and foster parents in the juvenile court on a retained basis.

David Rankin has been a staff attorney at Appellate Defenders, Inc., since 1994. He practices both criminal and dependency law, and has argued before the California Supreme Court with one win. He also defends ADI and panel attorneys against malpractice cases filed by former clients. His practice before 1994 included civil litigation, bankruptcy, and indigent criminal appeals.

George Schraer's first appointed appeal, *People v. Mayberry* (1975) 15 Cal.3d 143, resulted in a unanimous favorable decision establishing the defense of mistake of fact as to consent. He has been counsel of record in more than six hundred criminal appeals, including thirteen in the California Supreme Court; has been the author or co-author of ten amicus briefs in the California Supreme Court and three in the United States Supreme Court; and has been counsel of record in more than fifty published Court of Appeal cases.

Clay Seaman was in the Navy for twenty years, and had many tours of duty, some of which included serving in the JAG Corps and serving as senior counsel in the Navy's Appellate Division. After leaving active duty, Clay spent almost two years as a staff attorney at Appellate Defenders, and he is nearing twenty years as a solo criminal appellate practitioner. For the last ten years, his practice has been devoted almost entirely to California capital appeals.

Charles Sevilla has been in criminal defense practice since 1971. In addition to writing legal briefs, he has published two novels and two humor anthologies. From 1983-2004, he was partner in the criminal defense firm of Cleary & Sevilla. He has also served as Chief Deputy State Public Defender for California, Chief Trial Attorney for Federal Defenders, San Diego, President of California Attorneys for Criminal Justice (1979-1980), and San Diego Criminal Defense Lawyers Club.

Alice Shotton was an appellate panel attorney for twelve years, representing parents and children in dependency appeals, and minors in delinquency appeals before joining ADI as a staff attorney in May 2005. In 2001, she received the Paul Bell Memorial Award. She was on the SB 243 Task Force to revise California's dependency law and the Judicial Council's Juvenile Law Committee. She has authored numerous publications on legal issues involving children.

Andrea St. Julian has been a panel attorney for over thirteen years, representing parents and children in juvenile dependency appeals for the Second and Fourth Appellate Districts. She is a Certified Appellate Specialist. She was a Court Appointed Special Advocate (CASA) with Voices for Children in San Diego for over seven years, and has authored numerous articles in many Lawyers Cooperative publications as well as the Bancroft Whitney publication, *Proof of Facts, Third*.

Richard Valdez is an Associate Warden for the California Department of Corrections & Rehabilitation (CDCR) assigned to the Richard J. Donovan Correctional Facility, San Diego. He is currently responsible for the implementation and monitoring of institutional procedures as relating to federal court cases and the Americans with Disabilities Act (ADA). He has been a Correctional Counselor, Parole Agent, and Corrections Officer. He is a recognized expert in the classification process, and was Kings County Peace Officer "Citizen of the Year."

Important Seminar Information

Accommodations and Travel:

The Bahia Resort Hotel is located at 998 West Mission Bay Drive, San Diego.

The hotel offers a CADC rate of \$139.00 plus tax (single or double). Reservations must be made by February 24, 2009, to obtain the discounted rate. Reservations can be made online at: https://shop.evanshotels.com/ca_0326b9.html or by phone: 800-576-4229. Reference the CADC Annual Meeting and ask for the group rate.

Driving directions and additional information about the hotel can be obtained from the Bahia Hotel's Web site (www.bahiahotel.com). The hotel recommends 24-hour airport transportation via Cloud 9 Shuttle, which offers the special rates of \$12 per person each way (taxis are approximately \$25). Pickup the vans near the taxis, buses, and other ground transportation outside the airport. Get more information by calling 1-800-9-SHUTTLE or 1-800-974-8885. Prices subject to change without notice. Parking is complimentary to all hotel guests.. For conference attendees not staying at the hotel, public parking can be found on Gleason Road, adjacent to the hotel.

MCLE and Specialization Credit:

CADC is a California State Bar approved MCLE provider, and criminal and appellate law specialist provider. CADC certifies that this activity is deemed approved for 6.5 hours of MCLE credit, of which 1 hour is in the category of "ethics." This activity is also deemed approved for 5.0 hours of criminal law specialization credit (subcategory of writs, appeals and ancillary proceedings) and 6.5 hours of appellate law specialization credit (subcategory of appellate practice).



Registration and CADC Membership Form

Registration Fee Schedule

Fee includes syllabus, continental breakfast, and lunch

| Registration Fees | Late Registration Fees (after 3/17/09) |
|-----------------------|--|
| CADC Member \$150 | CADC Member \$170 |
| Non-Member \$175 | Non-Member \$195 |
| Sustaining Member \$0 | |

Membership Dues Schedule

Join CADC now as a:

- Regular Member and pay the member rate.
- Sustaining Member and pay nothing more for the seminar.

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| Regular Member | \$115 per year |
| Sustaining member | \$345 per year |

CADC membership and conference attendance are not open to those affiliated with prosecutorial or law enforcement agencies.

Friday Dinner

\$45 per person, NOT included in registration fee.

Reservations must be made by March 17, 2009

After dinner 20th Anniversary Celebration Cruise on Mission Bay Aboard the Bahia Belle (no-host cocktails)

Register online

Register online with your credit card at www.cadc.net

Register by mail

Name _____
 State Bar No. _____
 Telephone _____
 Email _____

CADC Member? Yes No

Payment Enclosed

Registration fee \$ _____
 Membership dues \$ _____
 Friday night dinner \$ _____
 Total \$ _____

Make check payable to CADC. Return form and payment to: CADC, Suite 110, PMB 142, 323 East Matilija St., Ojai, CA 93023

Registrants will not receive confirmation of registration, except those who register at the CADC Web site using PayPal.

Questions? Contact a Conference Coordinator

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