

AT THE SAINTE CLAIRE HOTEL  
IN DOWNTOWN SAN JOSE

Friday & Saturday, March 28 & 29, 2008

FIFTEENTH ANNUAL  
STATEWIDE  
CONFERENCE & SEMINAR

Presents its

CALIFORNIA APPELLATE  
DEFENSE COUNSEL



CADC Conference – March 28 and 29, 2008  
San Jose, California

SCHEDULE OF EVENTS

FRIDAY, MARCH 29, 2008

1:00-2:00 “Tips for a More Productive Practice—A Panel Discussion with the Project Directors,” moderated by Marcia Levine, CADC Court & Project Liaison. (1 hr. MCLE credit.)

2:00-3:00 CADC Board of Directors Open Meeting and Annual Membership Meeting.

3:00-4:15 **Thomas Quinn** - “The Hidden History of California’s Super-Max (SHU) Prisons.” A presentation of the little known history of the emergence of the nation’s deadliest Security Housing Units (SHU). Using parts of his award winning documentary, “Maximum Security University,” about four shooting deaths on Corcoran’s SHU yards, and parts of other documentaries and videos, Mr. Quinn will explain how and why these units emerged, and the improbable, almost happy conclusion to the story. (1.25 hrs. MCLE credit.)

4:30-5:30 **Presiding Justice Conrad Rushing** - “A Few Thoughts on Pirandello’s, ‘Sicilian Honor.’” An interactive discussion about the short story posted at [www.cadc.net](http://www.cadc.net) (1 hr. MCLE credit.)

5:30-6:30 **Reception-No-Host Cocktail Hour**  
The cocktail hour and the Friday-night dinner provide the best opportunities to get acquainted with other CADC members and seminar attendees and reestablish contacts with colleagues and friends.

7:00 **Dinner** 19 Market, a modern Vietnamese bistro, at 19 North Market Street. Delicious fusion of traditional Vietnamese with California cuisine. The restaurant is a healthy walk from the hotel.

(\$45.00 per person, significant others are welcome - Not included in conference fee)

SATURDAY, MARCH 29, 2008

8:15-9:00 Registration and Continental Breakfast

9:00-10:00 **Joseph Baxter** - “Mastering Harmless Error and the Appellate Standard of Review—A Magic Lantern Show.”

Morning Break-out Sessions

10:15-11:15

**Michael Nava** - “Petitions for Review from the Court’s Perspective.”

**David Meyers** - “Training Trial Attorneys for the 21st Century: Standardized Curriculum for Dependency Practice.”

11:15-11:30 Break

11:30-12:30

**Ephraim Margolin** - “Ethical Conundrums on the Road to Reversal.”

**Linda Harvie, Michele Fahley, and Dorothy Alther** - “The Indian Child Welfare Act and *In re M.M.*: Transferring Dependency Cases to Tribal Courts.”

12:30-2:00 Lunch (included in conference fee).

Afternoon Break-out Sessions

2:15-3:15

**Kyle Gee** - “Derivative Liability: Neck Deep in Someone Else’s Crime, and Thoughts on Digging Your Way Out.”

**Janet Sherwood, Kathleen Mallinger, and Carole Greeley** - “Responding to Recent Trends and New Challenges in Dependency Law, Part I.”

3:15-3:30 Break

3:30-4:30

**Shelley Sandusky** - “Litigating IAC Claims on Appeal and on Habeas.”

**Janet Sherwood, Kathleen Mallinger, and Carole Greeley** - “Responding to Recent Trends and New Challenges in Dependency Law, Part II.”

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## SEMINAR FACULTY

**Dorothy Alther**, a Senior CILS Staff Attorney, is a member of the Oglala Sioux Tribe. She represents tribes, tribal entities, and individuals on a variety of legal issues including housing, health, tribal government and sovereignty, employment, land, environmental, elder, trust resources, administrative, business, fee-to-trust, cultural resources protection, ICWA, TANF, non-profit corporations, and litigation matters.

**Joseph Baxter** is a certified civil and criminal appellate specialist with offices in Santa Rosa and San Diego. His 36 years of practice have encompassed trials, and civil, criminal, and capital appeals, which have resulted in a number of victories in both the United States and California Supreme Courts. Mr. Baxter is a former Commissioner on the Board of Legal Specialization Appellate Law Advisory Commission and a co-author of the appellate specialist exam.

**Michele Fahley**, a CILS Staff Attorney, has a joint degree in Law and American Indian Studies. She has worked with UCLA's American Indian Studies Center, Tribal Legal Development Clinic, and the Tribal Law and Policy Institute. Since joining CILS, Ms. Fahley has focused on ICWA, updating CILS' ICWA Benchguide for California Judges, tribal court development, and gaming and economic development.

**Kyle Gee** has handled appointed criminal appeals, including appeals from murder convictions, for more than 30 years and is a Certified Specialist in Appellate Law. He is a Past-President of CADC and the current Chair of the CADC Government Relations Committee. He is counsel on more than 50 published cases, most of which – in his words – “made bad law.”

**Carole Greeley** has handled dependency appeals since 1979, when she won *In re Jeannette S.*, the first dirty-house case. In 1984, she won *In re David C.*, the first case discussing the role of minors' counsels. In 1993, she convinced the California Supreme Court to reverse two parental rights termination decisions. She represents CADC on the DRAFT Oversight Committee.

**Linda Harvie** has focused her practice primarily on dependency appeals since 1997, but also handles delinquency and criminal appeals. Previously, she was a full-time public defender in Tulare, San Diego, and Santa Cruz Counties where she handled dependency, felony, and misdemeanor caseloads. She represented the biological father on appeal in *In re M.M.*

**Kathleen Mallinger** has handled hundreds of appellate cases representing children, parents, and relatives in appeals and writs arising from juvenile dependency proceedings. She successfully argued *In re S.D.*, in support of

continued parental visitation for children in guardianships. She also represents children involved in domestic custody disputes and foster and adopted children with disabilities seeking to secure educational rights.

**Ephraim Margolin**, Adjunct Professor at Hastings School of Law and Past President of the California Academy of Appellate Lawyers, is the author of numerous articles and books on criminal defense issues. Mr. Margolin represents lawyers and judges in ethical matters and litigates an array of post-conviction cases. He is among the most-respected lawyers in America.

**David Meyers**, Senior Attorney with the AOC Center for Families Children and the Courts, develops curriculum and training facilitation for professionals engaged in juvenile dependency practice as part of the DRAFT Program. He was an Assistant Attorney General in Tucson representing their Child Protective Services Division, worked for Sacramento Child Advocates, and was the supervising Attorney of Parent Advocates of Sacramento.

**Michael Nava** was a member of the California Supreme Court Criminal Central Staff from January 1999 until July 2004. He left that post to join the staff of Justice Carlos R. Moreno upon his appointment to the Court. Mr. Nava is also an author of mystery novels.

**Thomas Quinn**, a private investigator, worked with his wife, attorney Catherine Campbell, on a prison civil-rights case that led to his award-winning film, Maximum Security University, a documentary about the Corcoran SHU. Tom and Catherine received a Soros Senior Justice Fellowship to research the state's SHUs. Tom's presentation reflects work in progress.

**Justice Conrad Rushing** serves as Presiding Justice for the Court of Appeal of the Sixth Appellate District. Justice Rushing has taught seminars in law and literature at the University of Santa Clara Law School and has been a guest lecturer at the Stanford and Boalt Hall Schools of Law.

**Shelley Sandusky** has been involved in conducting state and federal capital habeas corpus litigation since 1992. She has worked as an attorney at the Habeas Corpus Resource Center in California since that state agency opened its doors in 1999, and currently holds the position of Senior Habeas Corpus Counsel.

**Janet Sherwood**, an NACC Certified Child Welfare Law Specialist and a Certified Appellate Law Specialist, is a consultant, trainer, and frequent speaker on juvenile dependency issues. She wrote *California Juvenile Dependency Case Law Updates, 1991-2006* [updated yearly], and a chapter on representing children in *California Juvenile Dependency Practice* (2002). She regularly sits as a judge pro tem in dependency courts.

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## IMPORTANT SEMINAR INFORMATION

**ACCOMODATIONS AND TRAVEL** — The Sainte Claire Hotel, 302 S. Market Street, San Jose, CA 95113 (tel. (408) 295-2000) is offering a group rate of \$129.00 plus tax per night. **To get the group rate, you must identify yourself as attending the CADC conference, the room must be booked on or before February 27, 2008.**

**TRANSPORTATION AND DIRECTIONS** — Southwest Airlines offers reasonably priced fares to and from San Jose Airport (SJC).

Mass transit: From San Jose Airport (SJC), the Airport Flyer bus (VTA Route #10) leaves terminals every 15 minutes. Take it to the Metro Light Rail Station and transfer to Metro Light Rail (VTA); get off on “Convention Center.” Current VTA fare is \$1.75. See [www.vta.org](http://www.vta.org).

The Amtrak and Caltrain station is 1.5 miles from the hotel.

Valet parking at The Sainte Claire is \$18.00 per day; \$21.00 for overnight with in and out privileges. A lot with free parking on Saturdays and less expensive parking at other times is located at 325 S. Market Street (near the Convention Center); other inexpensive lots can be found within healthy walking distance of the hotel. Beware of the actual Convention Center lot, which is up to \$18/day. See [www.sjdowntownparking.com/parking\\_map.php](http://www.sjdowntownparking.com/parking_map.php).

**SDAP OPEN HOUSE** — The Sixth District Appellate Program, 100 N. Winchester Blvd., Suite 310, Santa Clara, CA., welcomes you to visit the folks at SDAP before the conference, Friday, March 28 from 10 am - 12:30 pm.

To drive to the Sixth District Appellate Program (SDAP) Open House, take 280 and exit Saratoga Ave. North/Santa Clara, bear right on Pruneridge Ave., turn right onto N. Winchester Blvd. The building has a free parking lot. From SDAP, go back to 280 and take it South.

Driving from 280 South, exit Vine Street/Almaden Blvd. onto Grant St., turn right on Balbach St., turn left on S. Market St.

Driving from 280 North, exit 7th St., continue on Margaret Way; bear right on 5th St., turn left on E. Reed St., turn right on S. 1st St., bear left to follow CA-82 which turns into S. Market St.

**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 MCLE credit in the amount of 8.25 hours. This activity is approved for criminal law specialization credit (subcategory of writs, appeals and ancillary proceedings) in the amount of 4.25 hours, appellate law specialization credit (subcategory of appellate practice) in the amount of 6 hours, and Legal Ethics in the amount of one hour (Criminal Law session).

There are also 4 hours of separate dependency MCLE, all of which qualify for appellate law specialization credit.

**The Benefits of CADC Membership** — Approximately 450 panel attorneys have joined CADC. CADC's purpose is to address matters relating to the lives of appointed criminal and dependency appellate counsel. CADC is also interested in protecting clients' rights to quality representation. CADC lobbies for its membership's interests at the legislative, judicial, and administrative levels, and is the most active and vocal group concerned with salary issues faced by panel attorneys. In an era of budget constraints, your support and membership ensures your voice will be heard.

Members receive a monthly flyer, a quarterly newsletter, frequent, low-cost MCLE seminars, and discounts on malpractice insurance. In addition, they have access to the CADC brief bank and the “members only” discussions at the CADC Web site. CADC also provides a network of experienced appellate attorneys, an invaluable resource for the sole practitioner.

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## REGISTRATION / MEMBERSHIP

Name \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail \_\_\_\_\_ CADC member?  Yes  No

### SCHEDULE OF FEES

#### Registration Fees

Before March 18, 2008	After March 18, 2008
CADC Member \$150	CADC Member \$170
Non-Member \$175	Non-Member \$195
Sustaining Member Registration Fee \$0	

(Seminar registration fee includes syllabus, continental breakfast, and lunch. Friday dinner is NOT included in conference fee. Reservations for Friday dinner must be made by March 18, 2008.)

#### Membership Fees

Join now as a Regular Member and pay the member rate.

Join now as a Sustaining Member and pay nothing more for seminar.

Regular Member \$115/year. Sustaining member \$345/year

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

#### Payment (see schedule above)

\_\_\_\_\_ Registration fee \_\_\_\_\_ Membership dues

\_\_\_\_\_ Friday night dinner - \$45.00 per person.

(Remember to include significant others)

\_\_\_\_\_ **Total** (Make checks payable to California Appellate Defense Counsel)

#### Return form and payment to:

California Appellate Defense Counsel, 323 East Matilija St, Suite 110, PMB 142, Ojai, CA 93023

Questions? Contact Meredith Fahn (408) 267-1141 or [faahn@sbcglobal.net](mailto:faahn@sbcglobal.net)

Or check the CADC website for updates.