



OHIO ASSOCIATION  
OF CRIMINAL  
DEFENSE LAWYERS

2720 Airport Drive, Suite 100  
Columbus, OH 43219

**THE ANNUAL  
DEATH PENALTY  
SEMINAR**

NOVEMBER 19-21

The Seminar By Defense Attorneys for Defense Attorneys



OHIO ASSOCIATION  
OF CRIMINAL  
DEFENSE LAWYERS

PRESENTS

**THE ANNUAL  
DEATH PENALTY  
SEMINAR**

13.50 CLE HOURS

NOVEMBER 19-21, 2014

*Due to the nature of this seminar, Prosecuting Attorneys are not permitted to attend.*

Sheraton Columbus Hotel at Capitol Square | 75 E. State Street | Columbus Oh 43215  
SHERATONCOLUMBUSCAPITOLSQUARE.COM | 614.365.4500

## DIRECTIONS TO THE SHERATON AT CAPITOL SQUARE

### FROM SOUTH (CINCINNATI)

- ▶ Follow Interstate 71 North to the 4th Street Exit.
- ▶ Turn left onto 4th Street and proceed 5 blocks to State Street.
- ▶ Turn left onto State Street and continue one block to 3rd Street.
- ▶ Turn left onto 3rd Street and proceed to the hotel which is on the right.

### FROM EAST (PITTSBURGH & ZANESVILLE)

- ▶ Follow Interstate 70 West to the 4th Street Exit.
- ▶ Turn right onto 4th Street and proceed 5 blocks to State Street.
- ▶ Turn left onto State Street and continue one block to 3rd Street.
- ▶ Turn left onto 3rd Street and the hotel entrance is ahead on the right.

### FROM WEST (DAYTON, INDIANAPOLIS)

- ▶ Follow Interstate 70 East to the 4th Street Exit.
- ▶ Turn left onto 4th Street and proceed 5 blocks to State Street.
- ▶ Turn left onto State Street and continue one block to 3rd Street.
- ▶ Turn left onto 3rd Street and the valet parking entrance is on the immediate right.

### FROM ROUTE 315 SOUTH

- ▶ Follow 315 South to Interstate 70 East to the 4th Street Exit.
- ▶ Turn left onto 4th Street and proceed 5 blocks to State Street.
- ▶ Turn left onto State Street and continue one block to 3rd Street.
- ▶ Turn left onto 3rd Street and the hotel is ahead on the right.

### FROM NORTH (CLEVELAND)

- ▶ Follow Interstate 71 South to Interstate 670 West towards downtown and the 3rd Street Exit.
- ▶ Follow 3rd Street for 7 traffic lights to State Street.
- ▶ The hotel is ahead on the right at 3rd Street and State Street.

RESERVATION NUMBER : 800-325-3535

## SEMINAR AGENDA

### WEDNESDAY, NOVEMBER 19

7:00 – 8:30 pm

#### The Basics of Capital Litigation:\*

The Ohio Statutes; the U.S. Constitution; The ABA Guidelines; Basics of Voir Dire

\* Note: these sessions are intended to give an overview for attorneys new to capital defense

Speakers

David Stebbins, Columbus  
Richard Vickers, Columbus  
Eric Allen, Columbus

### THURSDAY, NOVEMBER 20

8:00 – 8:30 am

#### Registration and Welcome

Speaker

Jeff Gamsco, President of OACDL

8:30 – 9:00 am

#### Introduction – Recent Death Penalty Development State and National

Speaker

David Stebbins, Columbus

9:00 – 10:30 am

#### Death Penalty Law Updates:

Supreme Court of the United States, Supreme Court of Ohio, Other Federal Courts

Speaker

Russ Bensing, Cleveland

10:30 – 10:45 am

#### BREAK

10:45 – 11:30 am

#### Report on the Findings and Recommendations of the Joint Task Force to Review the Administration of Ohio's Death Penalty

Speaker

John Parker, Cleveland

11:45 – 12:00 pm

#### Presentation of Schumacher Award

Speaker

David Stebbins, Columbus

12:00 – 1:00 pm

#### LUNCH (PROVIDED)

1:00 – 2:30 pm

#### Voir Dire in a Capital Case: The Colorado Method

Speaker

Chris Adams, Charleston, SC

2:30 – 2:45 pm

#### BREAK

2:45 – 3:45 pm

#### Getting Your Client's Life Story – From Your Client

Speakers

Don Malarcik, Akron  
Eric Allen, Columbus

3:45 – 4:30 pm

#### Resources Available from the Office of the Ohio Public Defender

Speaker

Tim Young, Ohio Public Defender, Columbus

5:00 – 6:00 pm

#### Social Gathering – Sheraton

## ALTERNATIVE APPELLATE TRACK

### THURSDAY, NOVEMBER 20

**1:00 – 2:00 pm**      **Investigating and Presenting Evidence in State Post-Conviction Proceedings**

*Speaker*                      *Randall Porter, Office of the Ohio Public Defender, Columbus*

**2:00 – 2:15 pm**      **BREAK**

**2:15 – 3:15 pm**      **Martinez v. Ryan, Trevino v. Thaler – Developments in IAC of PC Counsel as Cause – and Ethical Dilemmas that Martinez Raises.**

*Speaker*                      *Allen Bohnert, Capital Habeas Unit Office of the Federal Public Defender, Columbus*

**3:15 – 4:15 pm**      **Briefing and Oral Argument in the Sixth Circuit Court of Appeals**

*Speakers*                      *Kevin Schad – Appellate Director Office of the Federal Public Defender, Cincinnati*  
  
*Erin Barnhart – Capital Habeas Unit Office of the Federal Public Defender, Columbus*

## UPCOMING SEMINARS

December 12, 2014      Hot Topics in Criminal Law, including substances abuse, ethics and professionalism | OCLC, Dublin

January 19, 2015      Current Issues in Criminal Law | University of Cincinnati School of Law, Cincinnati

March 12-14, 2015      Advanced DUI Seminar | Columbus

## SEMINAR AGENDA

### FRIDAY, NOVEMBER 21

**8:30 – 9:30 am**      **Developing Compelling Mitigating Evidence from Your Client's Life and Circumstances:**

*Speaker*                      *Digging Through to the Real Story*  
  
*Cyndy Short, Kansas City, MO*

**9:30 – 10:30 am**      **Representing the Mentally Ill Client in a High-Publicity Capital Case: The Representation of Major Nidal Hasan**

*Speaker*                      *Lt. Col. Kris Poppe, United States Army Counsel for Nidal Hasan*

**10:30 – 10:45 am**      **BREAK**

**10:45 – 11:45 am**      **The Trial Lawyers' Ethical Obligations After the Trial is Over: Assisting Successor Counsel; Answering the Prosecutors' Inquiries**

*Speaker*                      *Jack Guttenberg, Capital University School of Law, Columbus*

**11:45 – 12:45 pm**      **LUNCH (PROVIDED)**

**12:45 – 1:45 pm**      **The Struggle to Make the System Work for an Innocent Death Row Inmate**

*Speakers*                      *Joe D'Ambrosio, Lorain*  
*Father Neil Kokoothe, Lorain*

**1:45 – 2:00 pm**      **BREAK**

**2:00 – 3:00 pm**      **Changes in DSM V**

*Speaker*                      *John Fabian, Ph.D., J.D., Cleveland*

**3:00 – 4:00 pm**      **Back to the Basics: Nothing Has Changed - Pretrial Motions, Voir Dire, Thinking Outside the Box, Creative Litigation, Jury Instructions, Mental Health Challenges.**

*Speakers*                      *David Doughten, Cleveland*  
*John Parker, Cleveland*

This seminar has been approved by the Rule XX Committee on Appointment of Counsel for Indigent Defendants in Capital Cases for 13.50 hours of training, including 7.75 hours of Appellate training.

Presentation of the DONALD C. SCHUMACHER LIFESAVER AWARD. This award honors Don's long service to the OACDL and recognizes his significant contributions to the defense of indigent defendants facing the death penalty and his services in teaching the criminal defense community about the latest ideas and techniques. The OACDL created the DONALD C. SCHUMACHER LIFESAVER AWARD for Excellence in Death Penalty Litigation. This yearly award is designed to recognize outstanding achievements in avoiding imposition of the death penalty through trial excellence, mitigation investigation and presentation, as well as appellate and post-conviction litigation, and education.

CLE Credit Hours: Pursuant to Rule X of the Government of the Bar, the Sponsor has requested 13.50 hours of credit from the Supreme Court Commission on Continuing Legal Education. Participants must apply through the CLE Seminar Sponsor for Credit. All attorney registrants must indicate their Ohio Registration Number (as issued by the Ohio Supreme Court) on the registration form. All attendees must return complete CLE forms to OACDL at the end of the seminar.

# DEATH PENALTY SEMINAR NOVEMBER 19-21, 2014

OACDL | 2720 AIRPORT DRIVE, SUITE 100 | COLUMBUS, OH 43219 | 800.443.2626 FAX 740.654.6097 | WWW.OACDL.ORG  
SHERATON COLUMBUS | 75 E. STATE STREET | COLUMBUS, OH 43215 | 614.365.4500

## REGISTRATION FORM

Name \_\_\_\_\_ Supreme Court # \_\_\_\_\_  
Name for Badge \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

**SEMINAR COST:**  \$350.00 OACDL Member  \$375.00 Walk-in Rate  
 \$400.00 OACDL Non-Member  \$425.00 Walk-in Rate

**I will attend the Wednesday evening session**  Yes  No

**I will attend the Appellate track Thursday**  Yes  No

Register online at [www.oacdl.org](http://www.oacdl.org) and click on Seminars (to pay with credit card); or complete this registration form and mail to OACDL with either check made payable to OACDL or credit card information below. No telephone registrations accepted.

Charge my  Visa  MasterCard  Discover in the amount of \$ \_\_\_\_\_

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_ 3 Digit Security Code \_\_\_\_\_

Signature \_\_\_\_\_

(CANCELLATIONS MUST BE RECEIVED BY MONDAY, NOVEMBER 17 TO RECEIVE A REFUND)

### SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required for individuals to participate in this seminar, please contact the OACDL at least 3 days prior to the course date at 800.443.2626.

### PUBLIC DEFENDER/PRO BONO FUNDING PROVIDED BY THE OFFICE OF THE OHIO PUBLIC DEFENDER

If you have represented at least one client on a Pro Bono basis during the past year, you are entitled to attend this seminar FREE of CHARGE. You may not have used that case to attend any other seminar on a PRO BONO basis. However, any attorney, private or public defender, is limited to 2 seminars per fiscal year (July 1, 2014 – June 30, 2015) on this basis.

#### PRO BONO REPRESENTATION WAS PROVIDED IN THE FOLLOWING:

This is to certify that the attorney named at right provided representation for an indigent person charged with a criminal offense in my court. Further, the attorney did not submit a bill for payment for any services involved in that representation and represented the defendant on an appointed basis at no cost to the state.

All Pro Bono and Public Defenders MUST Be Pre-registered by Nov. 2, 2014. Space is limited to the first 50 people to apply.

State/City \_\_\_\_\_ vs. \_\_\_\_\_

Case # \_\_\_\_\_ County \_\_\_\_\_

Date Representation Provided \_\_\_\_\_

Offense Charged \_\_\_\_\_

Judge's Name \_\_\_\_\_

Judge's Signature (required) \_\_\_\_\_

OR Public Defender Information (do not complete if pro bono portion is filled out)

Name of Director or County Public Defender \_\_\_\_\_

County in which you serve as a public defender \_\_\_\_\_

County Public Defender's Signature (required) \_\_\_\_\_

There is limited scholarship money for Pro Bono and Public Defenders. Space is limited to the first 50 people to apply. You will receive notification via email if your registration is one of the first 50.