

The Advocate

Louisiana Association of Criminal Defense Lawyers

Volume 4, Issue 1

www.lacdl.org

Winter 2007

**LOUISIANA ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS**

**17th Annual LAW & ALL THAT JAZZ
CLE SEMINAR**

**April 26-28, 2007
Astor Crowne Plaza Hotel
739 Canal Street
New Orleans, LA**

**Sponsored by:
Louisiana Association of
Criminal Defense Lawyers**

**Seminar Co-Chairs:
James Boren
Laurie White**

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Photo Credit: New Orleans CVI - Photographer Carl Purcell

INSIDE:

**PRESIDENT'S LETTER
EXECUTIVE DIRECTOR'S MESSAGE
21ST ANNUAL TATE BANQUET PICTURES**

LACDL, P.O. Box 82531, Baton Rouge, LA 70884
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FROM THE PRESIDENT, John DiGiulio

We Are All Public Defenders

Old enough to have been there at the birth of LACDL, I can say it has been rewarding, to say the least, to witness its growth and accomplishments. And over time, a common theme has emerged. It is that we are all public defenders, in more ways than one.

Of course, we are the frontline of defense of the protections our constitutions promise to citizens, particularly those embodied in the Fourth, Fifth, Sixth, and Eighth Amendments to the federal constitution. Our legislative committee and our lobbyist work every year to protect these rights from legislative tinkering, just as we defend them in courthouses around the state and beyond.

But we are also Public Defenders in the more specific sense that we all represent indigent citizens whether as pro bono cases, appointed ones, or because we hold positions funded by the public for the defense of indigents. The criminal justice system itself is primarily concerned with the prosecution of the underprivileged, whether we like it or not.

And so I would like our goal in our legislative efforts and in the evolution of our underlying principles to continue to be the elevation of our work as Public Defenders in the eyes of the public. And while this organization, unlike many others attempting to influence legislative action, has never been about money, we do not need to be ashamed to demand that the defense of indigents by lawyers be compensated according to its rightful place in the system.

We have seen how the creation of federal public defender offices, well funded and competitively staffed, has elevated the status of this work. There is no reason, particularly when the state has surplus funds, that state public defender work should not be prestigious and compensated in line with its importance.

That said, let me make a request, as a draftee to this position: Join a committee and help with this work. And recruit a new member or two. There is strength in numbers and a unified voice.

John DiGiulio
2007 LACDL President

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Executive Director's Message

By: David Tatman

LACDL is off to a tremendous year, thanks to the Membership support! At this point Membership totals are over 50% of the total number of Members at the end of 2006. Thank you for supporting the Association and we look forward to your continued involvement in 2007.

What promises to be the best ever Law & All That Jazz seminar is scheduled for April 26-28, 2007 at the Astor Crowne Plaza Hotel in New Orleans. Check out the listing of Nationally recognized speakers who have defended some of the most publicized clients. An agenda and registration form is located on pages 11 and 12. The brochure is also posted on the LACDL website www.lacdl.org. The 2007 Jazz Fest schedule is out and features an all star line-up!

Mark your calendar now to attend the LACDL Death Penalty CLE Seminar scheduled for July 26-27, 2007 in Marksville at the Paragon Casino and Resort.

Make plans to join LACDL in Baton Rouge on September 13-15, 2007 for the September CLE Seminar.

Make plans also to celebrate the beginning of the holiday season in New Orleans on December 6-7, 2007 for the Last Chance CLE Seminar and the 22nd Annual Tate Awards Banquet.

Under the leadership of the Board of Directors and Committees LACDL is looking ahead to an eventful and exciting year for its Members. Please join in and be a part of this great group!

Justice Albert Tate Banquet Wrap Up

The 21st annual Justice Albert Tate Banquet was held at the beautiful Hotel Monteleone on Friday evening, December 8, 2006. The holiday celebration began with a reception and followed with dinner sponsored by John DiGiulio, Julie Kilborn, Elton Richey, Rick Schroeder, Michael Walsh, Laurie White, Denise LeBoeuf, Kerry Cuccia, George Pugh, Walt Sanchez, Thomas Lorenzi, David Price, Charles Tate and Judge Calvin Johnson. The Queen Anne Ballroom was festively decorated and a wonderful meal was enjoyed by one of our largest crowds ever. Not only was this evening special to the award recipients and members but also to the many new public defenders invited as guests. Please mark your calendars now for Friday, evening December 7, 2007 to attend this years' 22nd Annual Justice Tate Banquet at the beautiful Hotel Monteleone. It will truly be one you will not want to miss and celebrate the accomplishments of your fellow members and award recipients.

A NOTE OF THANKS.....

“To: The Louisiana Association of Criminal Defense Lawyers

August 8, 2006

“Thank you” cannot capture my appreciation for the award of the 2006 Scholarship to attend the National Criminal Defense College. It was an amazing experience for me as a Criminal Defense Attorney. The faculty, staff, instruction, and participants were of stellar quality. For me, the division into small groups with critiques by both faculty and fellow participants was highly effective. It made me think “on my feet” and caused me to develop a better way of doing things based on their critique and instruction. Again, I appreciate your generosity and belief in me to assist our clients indigent defendants.”

Sincerely,
Amber Mitchell

DNA Testing Services

WHAT DEFENSE ATTORNEYS NEED TO KNOW

The American Bar Association (ABA) approved a new set of Criminal Justice Standards on DNA Evidence at the annual ABA meeting in August. These new standards address DNA evidence, collection, testing, databasing, and their use in court proceeding and are now available for viewing at the technical service and download section of Chromosomal Laboratories' website.

The use of DNA and DNA profiling has become a very powerful tool that has become embraced by the legal and law enforcement communities. Currently the FBI's CODIS database contains over 3.3 million offender profiles. High profile cases, as well as the explosion of crime dramas appearing on television and in movies, has created high expectations from both prosecution and defense to have tested a considerable amount of DNA evidence and to understand the implications. The FBI now lists 36,100 cases nationally where DNA testing has aided their investigations. As a result, the laboratory at Chromosomal Laboratories, Inc. has seen an increased amount of requests for confirmation of DNA profiles from government tested evidence, as well as new evidence testing to augment work that has already been performed.

Chromosomal Laboratories is one of the fastest growing forensic DNA laboratories in the United

States. The cutting edge facility adheres to the same guidelines as federal and state laboratories, and holds an accreditation from FQS-I, an ISO 17025 program to provide forensic DNA services.

Many defense attorneys have turned to our services because:

- Our results are of the highest quality in the industry.
- Our normal turn around time of several weeks.
- Costs are among the most competitive in the industry.
- We perform a 16 marker Identifiler DNA profile (meets and exceeds the FBI requirements for CODIS).
- Experience with difficult samples and mixed profiles.
- Ability to perform additional high resolutionY chromosome testing, seldom available in city crime laboratories to enhance specificity or exclude arrestees.
- All work performed confidentially in a secure facility.
- Will in unusual cases offer Pro bono testing services.
- Will provide experienced Expert witness testimony.
- Will provide up to 2 hours of free case review involving DNA evidence.

continued on page 5

DNA Testing Servicescontinued

Through the Presidents DNA Initiative, over \$1 Billion has been earmarked to provide improved use of DNA in the criminal justice system. There are an increased number of states that are now adding arrestees to the CODIS database in advance of trials or conviction. There exists regulation in these same states that allow for acquitted individuals name and profile to be purged from the state and federal databases. Processes for having records expunged may vary from state to state and may require legal assistance. Prosecution will undoubtedly have vast DNA resources to bring to bear in the courtroom. Chromosomal Laboratories invites you to discover how we can assist your efforts in any and all DNA related cases. Please contact us at 877-434-0292, [email us](mailto:info@chromosomal-labs.com), or view our website at www.chromosomal-labs.com with any questions regarding our services or to request a copy of our Forensic Analytical Service Guide.

Thank you for your time and we look forward to assisting you with your legal services when we can be of assistance.

Sincerely,

[Jim Bentley](#)

Vice President Chromosomal Laboratories, Inc.

www.chromosomal-labs.com

LACDL would like to congratulate Phyllis Mann for receiving the following awards in 2006:

Arthur von Briesen Award, National Legal Aid & Defender Association, November 2006 for "extraordinary commitment to the reform of Louisiana's indigent defense system."

The Arthur von Briesen Award honors a private attorney who has made substantial volunteer contributions in support of the delivery of civil legal aid or indigent defense representation. The award celebrates the achievements of the first president of NLADA.

Equal Justice Award, Southern Center for Human Rights, November 2006.

President's Commendation, National Association of Criminal Defense Lawyers, July 2006.



Shown left to right: Leonard Noisette, Chair of Board of Directors of NLADA; Phyllis Mann, NLADA Arthur von Briesen award recipient; Heather Hall, award nominator and presenter. Photo courtesy of National Legal Aid & Defender Association.

2006 Criminal Defense CLE Seminar Success

The LACDL Criminal Defense CLE Seminar was held in, July 2006 in Baton Rouge, LA, with, one of the largest number of attendees. This year's seminar was titled Criminal Defense: What You Must Know About Crime Lab Fraud, Computer Forensics, Criminal Investigations and More! Attendees were updated with great insight on Ethics-Brady Violations: and the New Rule 3.8 (D) by a panel including La. Supreme Court Justice John Weimer and the



Pictured above; Justice John Weimer, Victoria Cranford and Geary Aycock

seminar chair, Victoria Cranford along with Geary Aycock. Also on the program was Paul Ciolino, author and well-known speaker on criminal defense and fraud investigations, as well as, wrongful conviction investigations. Mr. Ciolino, has been called, "One of America's top five investigators" by CBS News Anchor, Dan Rather. In addition to Mr. Ciolino, the seminar featured Fred Whitehurst, who currently works with the Forensic Justice Project in Washington, D.C. presenting an enlightening presentation on Crime Lab Fraud-Autopsy of a Crime Lab. Thank you to LACDL members who were part of the program including Elton Richey, Walt Sanchez, Paul Marx and George Steimel, evaluations from the seminar credited LACDL with a wonderful job in offering the best available continuing education.

LACDL CLE Road Show Success

LACDL decided to hit the Road in an effort to reach members in the Northern part of Louisiana. The first stop was the Bossier Parish Courthouse on September 22nd. There was a good turnout and the local LACDL members expressed their interest in future Roadshow CLE seminars. There were 20 in attendance at the Bossier Roadshow and we were taken on a tour of the new and very impressive Courthouse. After the Bossier/Shreveport Seminar, LACDL headed to Alexandria and held the seminar at the Rapides Parish Courthouse. The Road Shows went very well and were well received. LACDL would like to thank Elton Richey, John Calmes, George Steimel and David Tatman for their time and efforts. They attendees were able to learn what LACDL has to offer and obtain a few hours of CLE credit in the meantime. LACDL received favorable comments from the attendees of both shows stating "it's a great idea, excellent idea especially on a Friday P.M., I would be more inclined to attend local seminars, good idea, need seminars in Lafayette." The Road Shows brought in a total of \$640 in profit. John Calmes commented that they had learned the importance of having a local host to promote and pass out flyers, grassroots.

Orleans Indigent Defender Program

WHAT'S NEW AT OIDP?

A lot. The new board of the Orleans Indigent Defender Program has been at work for a while now and has already implemented a number of changes, including the following.

New name. The Orleans Parish Indigent Defender Program is now known as “Orleans Public Defenders.” The board felt that the term “public defender” is more descriptive and less pejorative than the term “indigent defender.”

New leadership. In May, the board unanimously selected Denny LeBouef selected as chair, Phil Wittmann as Secretary and Derwyn Bunton as Treasurer. In June, the board was honored (and lucky) to hire Professor Ronald Sullivan of the Yale Law School as Counsel to the Board. In this capacity, “Sully” will assist the board in addressing critical short-term issues and longer-term plans to restructure indigent defense in New Orleans.

New direction. The board is committed to establishing a client-centered public defender office that delivers quality legal representation with adequate staff compensation and public accountability. To do so, the board plans to implement computerized case and document management, to coordinate the activities of volunteer lawyers through the Orleans Public Defenders Volunteer Panel and to hire competent and enthusiastic lawyers, investigators and support personnel dedicated to public defense. The board has much to do, but is optimistic about the work that lies ahead.

New Board Members:

Chair, Denise LeBoeuf, a capital lawyer;
Dane Ciolino, who teaches at Loyola Law School;
Pamela Metzger, associated with Tulane Law School;
Kim Boyle, who practices with Phelps Dunbar;
Derwyn Bunton, a Juvenile Justice Project of Louisiana lawyer;
Roy Cheatwood, a Baker Donelson attorney;
Phillip Wittmann, a lawyer with Stone Pigman Walther Wittman;
John Fuller, a seasoned criminal defense attorney; and
Harry Rosenberg, former U.S. Attorney, now practicing with Phelps Dunbar.

Criminal Law Post-Katrina: A Legal Disaster Area CLE Seminar Success...

The Last Chance CLE Seminar, Criminal Law Post-Katrina: A Legal Disaster Area, highlighted many Katrina topics and brought professional insight into Due Process Speedy Trials and Evidence Issues at two of the sessions. Katrina Fraud and Corruption Claims and Healthcare Fraud Crimes were also discussed. LACDL was pleased to have Greg Riley who gave a Legislative Update on Criminal Law, and also media representatives with clever ideas. Rick Schroeder, LACDL Treasurer and Seminar Chair did a wonderful job putting the program together to a well-attended seminar and John DiGiulio assistance. Please mark your calendars now and plan to attend the 2007 Last Chance CLE Seminar scheduled for December 6 -7, 2007 at the Hotel Monteleone in New Orleans.



In Memory of Neal Walker



LACDL

*would like to congratulate the
2006 Justice Albert Tate
Award Recipients*

*Denise LeBoeuf
Justice Albert Tate, Jr. Award*

*Mike Small
Sam Dalton Capital Defense Award*

*Neal Walker
Criminal Justice Act Panel Attorney Award*

*Frank Neuner
Public Defender Gideon Award*

*Elton Richey, Jr.
President's Award*

21st Justice Albert Tate Banquet Memories



LACDL Upcoming Events

LAW & ALL THAT JAZZ CLE Seminar

April 26-28, 2007
Astor Crowne Plaza
New Orleans, LA

Death Penalty CLE Seminar

July 26-28, 2007
Paragon Casino & Resort
Marksville, LA

September CLE Seminar

September 13-15, 2007
Location: TBD
Baton Rouge, LA

Last Chance CLE Seminar

December 6-7, 2007
Hotel Monteleone
New Orleans, LA

Justice Albert Tate Awards Banquet

December 7, 2007
Hotel Monteleone
New Orleans, LA

Contact LACDL at 225-767-7640 for more information.

www.lacdl.com

JAZZ 2007 SCHEDULE

THURSDAY, APRIL 26, 2007

- 8:00 - 9:00 a.m. **Registration/ Continental Breakfast**
- 9:00 - 9:30 a.m. **Welcome**
- 9:30 - 10:30 a.m. **"A Flooded Evidence Room: Defense Lawyers Dream...or Not?"**
Katherine Mattes, New Orleans, LA
- 10:30 - 11:30 a.m. **What makes "Death Different?"**
Richard Jaffee, Birmingham, AL
- 11:30 - 12:30 p.m. **Lunch (on your own)**
- 12:30 - 1:30 p.m. **"Making the Courtroom Your Living Room": Trial Tips From 31 Years of the Good and the Bad**
Rusty Hardin, Houston, TX
- 1:30 - 2:30 p.m. **The Trial Terrorist Bill: What Does it Really Say?**
Pamela Robillard Mackey, Denver, CO
- 2:30 - 2:45 p.m. **Break**
- 2:45 - 3:45 p.m. **Crawford, Phase II: The Rise of Davis/Hammon**
Marvin Schechter, New York, NY
- 3:45 - 4:45 p.m. **Jury Selection in Child Sex Cases**
Craig Jett, Dallas, TX
- 6:30 - 8:30 p.m. **Welcome Cocktail Reception**
Location TBD

IMPORTANT NOTE: The schedule listed in this brochure is accurate at the time of printing. We make every effort to present the topics as listed at the assigned times. Due to unforeseen circumstances, times, speakers and/or presentations are subject to change.

FRIDAY, APRIL 27, 2007

- 7:30 - 8:00 a.m. **Continental Breakfast**
- 8:00 - 9:00 a.m. **Federal Sentencing and the Perfect Presentence Report**
Richard Crane, Nashville, TN
- 9:00 - 10:00 a.m. **"In Defense of Andrea Yates: The Verdict's Impact"**
George Parnham, Houston, TX
- 10:00 - 11:00 a.m. **Professionalism: "It's a Small World After All"**
Will Korman, Boston, MA
- 11:00 - 11:15 a.m. **Break**
- 11:15 - 12:15 p.m. **Ethics: "There are Things You Can Do You Ought Not"**
Mike DeGeurin, Houston, TX
- 12:15 - 1:15 p.m. **The Fourth Amendment as the Roberts Bench Sees It: Search and Seizure**
Cynthia Hujar Orr, San Antonio, TX

SATURDAY, APRIL 28, 2007

- 8:00 - 9:00 a.m. **Professionalism: "Being A Lawyer To Be Reckoned With"**
Jeff Weiner, Miami, FL
- 9:00 - 10:30 a.m. **The Rings of Immigration Hell: The Collateral Consequences of Criminal Convictions to Aliens**
Robert McWhirter, Phoenix, AZ
- 10:30 - 11:30 a.m. **Freud 101 for the Lawyer: How Do You Relate to Your Client?**
Debra DePrato, MD, Baton Rouge, LA
Laurie White, New Orleans, LA

**** This schedule will allow 14.5 hours of Louisiana CLE credit. Other States may vary.**

New Orleans

For New Orleans Jazz and Heritage Festival information please see their website at:

www.nojazzfest.com

JAZZ FEST

SEMINAR FEES *Registration (A CD of materials is included with registration)*

- Life Member No Charge \$35- w/ Printed Materials* *
 - LACDL Member \$200 \$235- w/ Printed Materials* *
 - Non-Member \$475 \$510- w/ Printed Materials* *
 - One Day Only \$225 \$260- w/ Printed Materials* *
 - New Member Joining* \$200 \$235- w/ Printed Materials* *
- *New Member joining must pay membership dues with seminar registration. Membership Dues: Sustaining \$250, Regular \$ 150 and Indigent Defender \$75.
 **Written materials will not be provided at the seminar. If you would like printed materials, they must be purchased in advance by April 11, 2007.
 (Registrations received after April 11, 2007 will incur a \$50 late fee)*

Name _____

State Bar # _____ State(s) * _____

*** Please list any other State you would like to apply for CLE credit.**

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

E-mail _____

METHOD OF PAYMENT

- Check # _____ MasterCard VISA Discover AmExpress
- (Please make checks payable to LACDL)**

Cardholder's Name _____

Billing Address for Card _____

Account # _____

Expiration Date _____ V-Code* _____ (*3-5 digit code on the front or back of the credit card.)

Signature _____

If paying after April 11th, add the \$50 late fee \$ _____

TOTAL AMOUNT ENCLOSED \$ _____

HOTEL ACCOMMODATIONS - Located along historic Canal Street, **The Astor Crowne Plaza** is the gateway to the most exciting destination, the **New Orleans' French Quarter**. Located where Bourbon Street meets Canal Street. Due to the high demand for hotel rooms during the Jazz and Heritage Festival, **please make your room reservation NOW** by calling the hotel directly at 504-962-0500. Be sure to mention that you are attending the Louisiana Association of Criminal Defense Lawyers LACDL seminar to receive the special rate of \$189 for a single/double guest room and \$239 for a club level room. **The deadline for receiving the special room rate is March 25, 2007.** Reservations made after this date will be accepted based on hotel availability. **ROOMS ARE LIMITED, PLEASE REGISTER EARLY!**

CLE INFORMATION - This course is pending approval by the Louisiana Continuing Legal Education Committee for a maximum of 14 1/2 credit hours, including 1 hour of Ethics and 2 hours of Professionalism based on a 60-minute hour. LACDL programs are normally accredited by state bar associations which grant CLE. The amount of credit varies by state.

CANCELLATION POLICY & LATE REGISTRATION - Seminar registrations cancelled after April 11, 2007 will be charged a \$100 cancellation fee. There will be no refunds for no-shows. Registrations received after April 11, 2007 will incur a \$50 late registration fee.

THE JAZZ & HERITAGE FESTIVAL - The New Orleans Jazz & Heritage Festival is one of the world's greatest musical celebrations and a showcase of Louisiana culture. It's been more than three decades of singing, swinging, eating, dancing and frolicking in the sun! For 10 days, over 4,000 musicians assemble to share their music with over 500,000 music and fun lovers from throughout the world. Enjoy 12 stages of soul-stirring music: traditional and contemporary jazz, rock and roll, cajun, pop, zydeco, folk, country and gospel music. Festival goers can also enjoy regional foods and a giant arts and crafts display. For more information contact the Jazz & Heritage Festival's web page at www.nojazzfest.com.

NOTE - Since Jazz Fest begins on Friday, April 28, 2006, LACDL has expanded the Thursday seminar schedule to allow for shorter schedules on Friday and Saturday. Make plans to enjoy the festival while you're in the Big Easy. We are proud to contribute to tourism and the rebuilding of New Orleans. LACDL is committed to helping Louisiana rebuild after the storms and we thank you for aiding in our efforts.

Please mail this form with your remittance to:
 LACDL, P.O. Box 82531, Baton Rouge, LA 70884
 Or
 If paying with a credit card, you may fax the completed form to: (225) 767-7648

LOUISIANA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

2007 Board of Directors & Committees

IF YOU ARE INTERESTED IN BECOMING MORE INVOLVED WITH LACDL, PLEASE CONTACT THE LACDL OFFICE, A BOARD MEMBER OR A COMMITTEE CHAIR LISTED BELOW.

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