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Michigan State Appellate Defender Office
Sentencing Mitigation Fall Training
November 18, 19, 20 and December 2, 2020 (EST)

Day 1: Wednesday November 18, 2020 – [Register here](#)

9:45 – 10:00 am	Welcome
10:00 – 11:00 am	Tools of the Trade, <i>Katherine Root</i>
11:00 – 12:00 pm	Reentry and Parole Preparation, <i>Allison Gorine and Jose Burgos</i>
12:00 – 12:10 pm	Break and Reflection
12:10 – 1:00 pm	A Michigan Department of Corrections Primer, <i>Jessica Zimbelman</i> (working lunch period)
1:00 – 2:00 pm	Record Collection 101, <i>Chelsea Richardson</i>
2:00 – 2:30 pm	Reflection and Discussion

Day 2: Thursday November 19, 2020 – [Register here](#)

SCHEDULE AMENDED 11/16/20

11:30 – 11:45 am	Welcome
11:45 – 12:45 pm	Managing Client Suicidality, <i>Athena Kheibari</i>
12:45 – 1:15 pm	Lunch Break
1:15 – 2:15 pm	Mitigating Mental Health, <i>Alexandra Becnel</i>
2:15 – 2:45 pm	Reflection and Discussion
RESCHEDULED: Cultural Mindfulness Storytelling: Capturing the Lived Experiences of our Clients, <i>Lori James-Townes</i> - this session will be rescheduled for another time. Stay tuned.	

Day 3: Friday November 20, 2020 – [Register here](#)

9:45 – 10:00 am	Welcome
10:00 – 11:00 am	Client-Centered Teams: How a Case can Inspire Leadership, Creativity, and Courage, <i>Pat Shelton and Ashlee Metilor</i>
11:00 – 11:10 am	Break and Reflection
11:10 - 12:10 pm	A Practical Guide to Understanding Defense Initiated Victim Outreach, <i>Cara Venning</i>
12:10 – 12:30 pm	Lunch Break
12:30 – 1:30 pm	Testing, Testing, 1-2-3: Basic Steps for Psychological Testing and Working with Experts, <i>Dana Mertz</i>
1:30 – 1:45 pm	Break and Reflection
1:45 - 2:45 pm	How Neuroscience and Neurodevelopment can Inform Mitigation, <i>Robert Walker</i>
2:45 – 2:55 pm	Break and Reflection
2:55 – 4:00 pm	<i>Continued:</i> How Neuroscience and Neurodevelopment can Inform Mitigation, <i>Robert Walker</i>

4:00 – 4:30 pm	Reflection and Discussion
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Day 4: Wednesday December 2, 2020 – [Register here](#)

9:45 – 10:00 am	Welcome
10:00 – 11:00 am	Best Interviewing Practices and Developing Relationships with Mitigation Witnesses, <i>Denise Smith</i>
11:00 – 11:10 am	Break and Reflection
11:10 – 12:40 pm	Writing an Effective Mitigation Memo and Interview Memo, <i>Sarah Forte</i>
12:40 – 1:00 pm	Lunch Break
1:00 – 2:00 pm	Your Turn: Open Forum for Questions on Mitigation Processes, <i>Robert Walker</i>
2:00 – 2:15 pm	Break and Reflection
2:15 – 3:15 pm	Addressing Trauma, Loss, and Resilience in Criminal Defense, <i>Elizabeth Vartkessian and Katherine Atkins</i>
3:15 – 3:30 pm	Reflection and Discussion

Registration Information

This complimentary training is open to all SADO staff and contractors, and all mitigation specialists, social workers, investigators, and client advocates in Michigan public defender offices or in any out-of-state offices affiliated with any of the presenters.

Advanced registration is required. You will receive a confirmation email with Zoom connection information immediately after you register. Save that information and use it to join the program at least 5 minutes prior to the scheduled start time. You will receive a reminder email prior to the session. These sessions are “meeting” style and your camera is expected to be on throughout the course of the training.

CLE/CEU Information

Over the course of 4 days (November 18, 19, 20 and December 2), 21 CLE hours are available in Michigan. CLE for other jurisdictions and CEUs are not available.

Questions?

Contact Marilena David-Martin at mdavid@sado.org | 313-670-0309

See below for Session Descriptions and Faculty Bios

Wednesday November 18, 2020

Tools of the Trade

Presenters will use SADO juvenile lifer cases to apply online investigative tools, including ancestry.com, GenoPro, newspapers.com, background searching, and social media.

Katherine Root has been a Mitigation Attorney and licensed social worker with the Michigan State Appellate Defender Office since 2014, and the SADO Juvenile Lifer Unit since its inception in 2016. Mitigation personnel at SADO and the JLU are responsible for presenting their clients as three-dimensional individuals, with unique pasts, presents, and futures, and who are more than the sum of the allegations against them. Katherine was part of the creation and development of SADO's Project Reentry, which assists SADO clients and other returning citizens in Michigan in their transition from prison to the world. Katherine is the Chair of the State Bar of Michigan's Prisons & Corrections Section.

Reentry and Parole Preparation

Attendees will learn about SADO's Project Reentry, how reentry planning fits into the team defense, and how reentry planning can help achieve positive client outcomes during litigation and during one's return back to the community. Attendees will also learn the importance and mechanics of helping a client prepare for parole.

Jose Burgos is a Reentry Specialist at SADO. He is a formerly incarcerated juvenile lifer who served 27 years in prison. Jose develops Comprehensive Reentry Plans for SADO and MAACS direct appeal and juvenile lifer clients and helps prepare them for parole board interviews. Jose also conducts hands-on post-incarceration support to assist people who are returning home from prison. Aside from his duties at SADO, he also works with organizations such as ICAN (Incarcerated Children's Advocacy Network), CFSY (Campaign for the Fair Sentencing of Youth) and YJF (Youth Justice Fund) advocating on behalf of incarcerated children.

Allison Gorine is Project Reentry's Reentry Coordinator. She began her career at SADO two years ago as an intern with the University of Michigan School of Social Work and was hired for the Reentry Coordinator position upon graduating school with her Master of Social Work degree. Although new to SADO, she has spent the last 10 years in social work positions, volunteering and working for community organizations. Outside of social work, she enjoys running, cooking, live music, and spending time with family. Allison believes she has finally found her niche at SADO and is doing the work she is most passionate about, supporting and advocating for people who have been traumatized by mass incarceration. The best part about being the Reentry Coordinator is having the privilege to work with people who defy the stigma that society has placed on formerly incarcerated people.

A Michigan Department of Corrections Primer

The MDOC is a behemoth of an organization, with countless rules that govern the minutes of our clients' days. This session will explore some of the most common practices and policies of the DOC, and how they affect our clients' lives. Attendees will learn about: placement considerations, security levels, jobs, programming, mental health care, client funds, misconducts, grievances, and more.

Jessica Zimbelman is an Assistant Defender with the State Appellate Defender Office, representing indigent criminal defendants statewide as they appeal their convictions and sentences. She has appeared before the Michigan Court of Appeals and Michigan Supreme Court multiple times, as well as trial courts throughout the state. Prior to SADO, she was the Senior Analyst in the Legislative Corrections Ombudsman's Office, monitoring the Michigan Department of Corrections on behalf of the State Legislature. Her experiences allowed her to be the primary author of the Defender Guide for Attorneys: Policies and Procedures of the Michigan Department of Corrections (MDOC)", published by the Criminal Defense Resource Center at SADO. For eight years she was an Adjunct Professor at MSU College of Law, instructing 1L and 2L students in writing and oral advocacy. Prior to law school, Jessica was a legislative aide in the Michigan House of Representatives. Jessica is a member of the Representative Assembly of the State Bar of Michigan, representing Ingham County. She is also on the Board of Directors of the Ingham County Bar Association.

Record Collection 101

Attendees will receive an overview of various types of records, how to request them to get what you want, and how to analyze and dissect those records to help build the mitigation story for your client.

Chelsea Richardson is a Mitigation Specialist with the Michigan State Appellate Defender Office's Juvenile Lifer Unit in Detroit, MI. Prior to joining SADO, she worked as a Mitigation Specialist on pre-trial and trial phase capital cases for the Northern Virginia Capital Defender Office. She received her B.A. in Political Science from Haverford College. During her time at Haverford, she volunteered to tutor incarcerated students with the Petey Greene Program, interned with the innocence organization Centurion Ministries, and organized on campus to improve institutional resources for LGBTQ students. As an undergraduate, Chelsea conducted original research for her senior thesis which examined the race- and class-based forces behind the geographic arbitrariness of the Virginia death penalty. Chelsea is passionate about conducting high-quality, exhaustive, and creative life history investigations that humanize her clients and improve their sentencing outcomes.

Thursday November 19, 2020

Cultural Mindfulness Storytelling: Capturing the Lived Experiences of our Clients

Familiarity and sensitivity to culture is relevant to many questions regarding effective public defense representation, including: How do clients' cultural backgrounds affect what they are willing to tell their defense teams, how they communicate, or what kind of defenses can be raised in court? How are certain practices or actions that are criminal offenses in our state and country handled or perceived in immigrants' home countries? How do different communities or neighborhoods perceive the criminal justice system and public defense team? How do defense teams build a trusting relationship with their clients or witnesses who may have information critical to effective defense representation? If you don't consider the above factors in representation, you may find yourself in the middle of an ethical dilemma. Sessions Goals: This session will lead us in discussions that will increase our knowledge and awareness of the importance of sharing our client's unique story. You will learn ways to gather the story in a culturally informed way. From small group discussions you will learn from others' experiences and challenges when addressing cultural barriers.

Lori James-Townes is President & CEO of Expand-Now, LLC. She also serves as an Assistant Training Director for National Association of Public Defense. Lori's passion is adding value to others through speaking, training, development activities, coaching and consulting. Lori has over 25 years of teaching, clinical social work, leadership, and management experience in juvenile justice, mental health, and public defender settings. Her most recent public defender position was Director of Social Work, Leadership and Program Development, with Maryland Office of Public Defender. With over more than 800 employees, she served as one of the first Directors of Leadership in a public defender setting. While in this position, she demonstrated her ability to help others grow in the areas of teamwork, leadership, and management. She also led the agency's social work staff, consultants, and interns. She is an adjunct clinical instructor at Towson University, Department of Family Studies and Community Development. Lori is a certified John Maxwell Trainer, Coach and Speaker. She has developed programs that are now national models for other agencies. In 2015, The Daily Record Newspaper named her as one of Maryland's Top 100 Women. As a speaker, she is requested both nationally and internationally. She resides in Maryland with her daughter, Maya.

Managing Client Suicidality

In this presentation, attendees will learn about suicidality among justice-involved populations, risk and protective factors for suicide, and strategies for how to address and manage suicidal ideation and behavior in their clients.

Athena Kheibari joined the Wayne State University School of Social Work faculty in Fall 2019 as an assistant professor. She received her PhD in social work from the University of Kentucky, her MA in social psychology from Ball State University, and her BA in psychology from the University of Michigan-Dearborn. Dr. Kheibari has diverse experiences in social work practice and research. She has over three years of direct practice experience as a capital mitigation specialist working with capital defendants and public defenders to advocate for a sentence less than death in capital murder cases. She also has a record of working in collaborative teams to conduct and publish quantitative and qualitative research on a range of topics – suicide attitudes, substance use among incarcerated women, suicide risk assessment in jails, mitigating evidence in criminal cases, among others. Dr. Kheibari also teaches a course on behavioral health and the criminal/legal systems at Wayne State University.

Mitigating Mental Health

This session will cover the basics on interviewing witnesses and clients to elicit mental health information. The session will include common mental health symptoms to look for and how to document your observations. We will discuss how to use the information you uncover in the furtherance of your investigation and in the course of litigation.

Alexandra Becnel is a private investigator and mitigation specialist in Baltimore, Maryland with Dinolt Becnel & Wells Investigative Group. Prior to going into Private Practice, Alexandra was a mitigation investigator for the Northern Virginia Capital Defender Office, based in Fairfax, Virginia. There, she did investigations on behalf of people facing the death penalty in Virginia. She also interned with the Federal Public Defender Office in Baltimore, Maryland. She earned a bachelor's degree in fine arts from the Maryland Institute College of Art and her master's in social work from the University of Maryland, Baltimore. She is a licensed private detective in Maryland and D.C., as well as a licensed social worker and certified forensic social worker. She is also a part-time law student at The University of Baltimore School of Law. Alexandra conducts interviews for criminal investigations in and around Washington, D.C., and Baltimore, Maryland. She specializes in mitigation investigations, serious felonies, and cases involving aspects of mental health.

Friday November 20, 2020

Client-Centered Teams: How a Case can Inspire Leadership, Creativity, and Courage

This presentation is very much about team defense. It centers around one particular case that motivated legal assistants, client advocates, investigators and lawyers to

work together as a team and to think creatively. It led us to sharing innovative ideas and thoughts, to speaking up even if our voices were low. Ultimately this case and the work that we all shared required us to speaking louder so that we could be heard and inspired us to leadership.

Pat Shelton is a native Nashvillian. She has worked for the Public Defender's Office for almost 28 years. She started her career as a Clerk typist (although she could not type), then as a Client Intake Specialist, spent 5 years working in the juvenile office as a legal assistant, then came the Client Advocate position and finally Director of the Social Services Program in 2019. Pat earned her BS in Criminal Justice in 2014 and her Masters in Conflict Resolution in 2016 from Bethel College in McKenzie, TN.

Ashlee Metilor received her Bachelor of Science Degree in Criminal Justice, from Tennessee State University in 2007. Prior to joining the Public Defender's office as an Investigator in 2017, Ashlee began her professional career as a social services coordinator for Diersen Charities. Ashlee also served with the Davidson County Sheriff's Office and as a Police Officer with the City of Franklin Police Department. While working with underprivileged young adults in the Youth Can program, Ashlee's professional growth and her journey into leadership started to blossom. Ashlee learned how important it is to see both sides of a story while working with domestic violence victims during her tenure with The Office of Family Safety; which is an ability that has served her and her clients well over the years. Ashlee's diligence and hard work throughout her career paid off in January 2020 when she was promoted to Chief Investigator, where she currently manages a team of 7.

A Practical Guide to Understanding Defense Initiated Victim Outreach

Defense initiated victim outreach (DVO) is based on restorative justice principles and provides a bridge of communication between the defense team and families of murder victims and survivors of violent crime. For those interested in defense-victim outreach, this presentation will guide and provide you with the tools necessary to make respectful engagement with victim survivors, understanding their needs throughout the judicial process, giving voice to their concerns, and offering responses and information from the defense team.

Cara Venning is the founder, CEO, and principal mitigation specialist of Venning and Associates, LLC, headquartered in Louisville, KY. She holds a Bachelor of Arts in Political Science from Indiana University and a Juris Doctorate from the University of Dayton School of Law. She has worked almost exclusively on capital cases, both at the State and Federal level; in Ohio, Missouri, Tennessee, Indiana, and Kentucky. In 2019, Cara was certified as a defense victim outreach specialist and more recently received certification to operate as a Federal lead on victim

outreach cases. She has extensive knowledge of client-based biopsychosocial analysis, trauma-informed interaction, expert communication, rapport building techniques, and extensive knowledge of the judicial process.

Testing, Testing, 1-2-3: Basic Steps for Psychological Testing and Working with Experts

Participants will learn how to be prepared with the right information to provide to their psychological experts in order to get the most accurate and useful evaluation possible. This includes developing an on-going and working relationship with your expert, understanding how to formulate the right referral question, and how to better understand psychological tests. Participants should be able to walk away from the session with a better idea of how to feel more in control of the process of retaining a psychological expert and how to best utilize the results of the evaluation.

Dana Mertz is the Mitigation Specialist at the Federal Defender Office in the Eastern District of Michigan. Dana earned her BA from Albion College and a Master's Degree in Forensic Psychology from the Chicago School of Professional Psychology. As a graduate student and following graduation, Dana worked in prisons as a mental health clinician and psychometrician. She then moved into her role of Sentencing Advocate at the Office of the Public Defender in Arlington County, Virginia. She has worked both capital and noncapital cases in her career and has pioneered a number of other initiatives, including the development of the Arlington County Reentry Program serving individuals leaving jail and the development and implementation of the first adult drug treatment court program in the Arlington Circuit Court. After her ten-year career in Arlington, she has returned to Michigan to join the Federal Defender's Office as the mitigation specialist.

How Neuroscience and Neurodevelopment can Inform Mitigation

Attendees will learn about key regions of the human brain that are affected by maltreatment during childhood and adolescences and how maltreatment can contribute to criminal acts. Attendees will see how life history information can be associated with neurodevelopmental corollaries to result in more robust mitigation arguments. In addition, I will recommend interviewing approaches that can elicit history information that can provide a framework for neurodevelopmental inferences.

Robert Walker, MSW, LCSW is a retired faculty member of the Department of Behavioral Science, College of Medicine, and member of the Center on Drug and Alcohol Research at the University of Kentucky. He has almost 30 years' experience

in community mental health as a practitioner, 20 of which were as the agency director. In addition, following community mental health practice, he was a research assistant professor at the University of Kentucky for 20 years, studying alcohol and drug treatment outcomes and domestic violence victimization. He has just over 100 peer reviewed scientific publications and has taught graduate courses in the College of Social Work at the University of Kentucky for over 30 years. He also serves as a mental health consultant for the defense on death penalty cases in Kentucky, having worked on over 70 cases in the past 10 years.

Wednesday December 2, 2020

**Best Interviewing Practices and Developing
Relationships with Mitigation Witnesses**

Attendees will gain insight on interviewing to build rapport and an atmosphere/rapport where the client/witnesses are engaged and there is a conversation with a purpose.

Denise Smith is a 2002 graduate of the University Of Maryland School Of Social Work (UMSSW). Denise has refined her clinical practice in the areas of forensic social work, mental health treatment, and social work education. Denise launched Smith Consulting Group, LLC in 2011 providing Forensic Social Work and Mitigation services focused on defended-based advocacy- giving a voice to truth and restoring dignity to the accused. She is also a Field Liaison with UMSSW Office of Field Education as well as a mental health therapist primarily serving persons struggling with substance use disorders. Additionally, Denise partners with the Maryland Office of the Public Defender as a Social Work Field Education Instructor. As a teacher and mentor, Denise devotes her work to shaping and influencing student professional growth in the areas of understanding systemic oppression, and cultural humility as they relate to the criminal justice system and mass incarceration. Social justice, defended-based advocacy, social work education, and launching new social workers into the field, inspire and highlight her practice.

Writing an Effective Mitigation Memo and Interview Memo

This session will discuss the importance of documenting and communicating information learned through mitigation investigation with a specific focus on memorializing interviews with clients and witnesses. We will review the crucial components of effective memos and discuss how to convey information learned in a compelling and clear way. The session will also touch on navigating team dynamics around expectations for written work product and consideration of diverse educational backgrounds, learning and processing styles.

Sarah Forte is the Senior Investigator at the Southern Center for Human Rights in Atlanta, GA. She joined SCHR in June 2006 upon graduating from Northwestern University's Medill School of Journalism where she worked for the Medill Innocence Project investigating possible wrongful murder convictions and other miscarriages of justice. At SCHR, Sarah investigates death penalty cases at the trial level and in post-conviction proceedings. Sarah has been on the faculty of numerous national trainings for public defenders and other legal professionals engaged in sentencing work. In July 2015, Sarah became a member of the Executive Committee of the National Alliance of Sentencing Advocates and Mitigation Specialists.

Your Turn:

Open Forum for Questions on Mitigation Processes

In this one-hour session, the presenter will make just a few opening remarks then open the group to questions that mitigation specialists have about any aspect of the mitigation process. Rather than addressing what we *think* you need to know, this session *invites you to raise questions* based on your experiences or concerns about your practice. Topics may include questions about mental illnesses, interview approaches, how to develop social histories, or other topics.

Robert Walker, MSW, LCSW is a retired faculty member of the Department of Behavioral Science, College of Medicine, and member of the Center on Drug and Alcohol Research at the University of Kentucky. He has almost 30 years' experience in community mental health as a practitioner, 20 of which were as the agency director. In addition, following community mental health practice, he was a research assistant professor at the University of Kentucky for 20 years, studying alcohol and drug treatment outcomes and domestic violence victimization. He has just over 100 peer reviewed scientific publications and has taught graduate courses in the College of Social Work at the University of Kentucky for over 30 years. He also serves as a mental health consultant for the defense on death penalty cases in Kentucky, having worked on over 70 cases in the past 10 years.

Addressing Trauma, Loss, and Resilience in Criminal Defense

When everything goes wrong, what is your role and what are your resources? Individuals at risk of extreme sentences face some of the toughest odds in the criminal legal system. And yet our clients' lives are, quite literally, at stake. So how do we prepare for and respond to losses? With a particular eye to our continuing responsibilities to clients, taking our own brokenness seriously, and building resilience for the work ahead, this session explores the ways that we, both as individual practitioners and as members of defense teams and offices, can respond to our toughest losses.

Elizabeth Vartkessian has been investigating the life histories of those facing the most severe penalties possible in the United States since 2004. She started working as a mitigation specialist in Houston, Texas at a time when it was the epicenter of capital punishment. There she learned and developed skills aimed at helping decision-makers have a full picture of her clients.

After starting a successful private practice and obtaining her Ph.D. in Law from the University of Oxford, Dr. Vartkessian and several colleagues created Advancing Real Change, Inc. (ARC, Inc.) a national non-profit located in Baltimore, MD dedicated to conducting high-quality life history investigations in criminal cases. As the founding Executive Director, Dr. Vartkessian is committed to having the history of an accused at the forefront of their criminal case. She has worked as a mitigation specialist with defense teams in trial and post-conviction cases in state and federal jurisdictions and is an international expert on the collection and effective presentation of mitigating evidence, as well as the standard of care required by the defense in death penalty and juvenile cases.

Dr. Vartkessian's approach to investigating and presenting evidence is informed by research. She is currently a Research Fellow at the University at Albany in the School of Criminal Justice where she is a researcher with the Capital Jury Project (CJP). The CJP is an ongoing research project sponsored by the National Science Foundation that seeks to understand how capital jurors make their sentencing decisions and whether those decisions are made in keeping with the law. The results of her research were widely cited by the American Bar Association's review of the Texas capital sentencing system. Her publications, which include articles in law reviews, peer review journals, and opinion pieces focus on receptivity to mitigating evidence.

In addition to having received her Ph.D. in Law from the University of Oxford, Dr. Vartkessian also holds a M.S. in Comparative Social Policy from the University of Oxford and B.A.s in Philosophy and Political Science from the George Washington University where she was a Presidential Scholar. In 2015 she was awarded the J.

M. K. Innovation Prize for her efforts to bring mitigation to all areas of the criminal justice process. In 2018, the City Council of Baltimore passed a resolution praising Dr. Vartkessian's efforts to bring human dignity into the justice system.

Katherine Atkins is a mitigation specialist and the Director of the Baltimore office of Advancing Real Change, Inc. Katherine has worked on capital cases in both federal and state courts, juvenile resentencing cases, and sentencing modifications for those convicted of crimes as children. In addition to her case work, Katherine supervises staff members based in ARC's Baltimore office. Katherine has a background in community-based advocacy and direct service to individuals experiencing homelessness and became involved with mitigation work during an internship with the University of Texas School of Law's Capital Punishment Clinic. She joined ARC, Inc. after receiving her Master of Science in Social Work degree (MSSW) from the University of Texas at Austin and her Master of Divinity degree (MDiv) from Austin Presbyterian Theological Seminary. Katherine is a Licensed Master Social Worker (LMSW).

Training brought to you by the
State Appellate Defender Office, Criminal Defense Resource Center
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