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April 1, 2021

**MEMORANDUM TO: CAPITAL DEFENSE ATTORNEYS, INVESTIGATORS,
AND MITIGATION SPECIALISTS**

**FROM: Frank Draper, Chief, Training Division, Defender
Services Office**

**SUBJECT: "The Development and Integration of Mitigation
Evidence in Capital Cases" (Online)**

The Habeas Assistance and Training Counsel and the Training Division of the Administrative Office of the U.S. Courts' (AO) Defender Services Office, are pleased to announce the "Eighteenth National Seminar on the Development and Integration of Mitigation Evidence in Capital Cases." This unique training initiative will bring together nationally recognized mental health experts, mitigation specialists, and capital defense attorneys to discuss new developments and recurring issues related to social history investigation and the comprehensive development and integration of mitigation evidence at all stages of representation in capital cases.

The program will be held **online** May 6th, 7th, 13th and 14th, 2021. There will be four introductory track presentations on May 3rd and 4th for persons new, or relatively new to capital representation. This seminar is designed for, and attendance is limited to, federal defenders, CJA panel attorneys, mitigation specialists, investigators, and attorneys interested in representing an inmate in federal collateral review, and state court practitioners who are currently appointed or seeking appointment in a capital proceeding in federal court. Continuing Legal Education (CLE) accreditation for attorneys will be sought in all applicable jurisdictions. **There will be no tuition and materials will be provided to participants free of charge. Space is limited to 500 total participants.**

PROGRAM DESCRIPTION

This seminar has been held annually since the Supreme Court decision in *Wiggins v. Smith*, 539 U.S. 510 (2003), which recognized the need for thorough mitigation investigation and acknowledged the importance of the non-lawyer who had compiled the mitigation in the successful post-conviction presentation. A decade and a half after *Wiggins*, this year's seminar will address cutting edge scientific research relevant to the development and presentation of mitigating evidence, changes in the constantly evolving

legal landscape, and new empirical research addressing how jurors respond to sentencing phase evidence. The program will also include presentations on the use of narrative, finding and telling humanizing stories, the use of social history investigation in litigating *Atkins* claims, the importance of pleas, how to select appropriate experts and frame referral questions for mental health evaluations, and strategies for obtaining adequate time and funding. As always, the faculty will include university-based researchers as well as litigators, mitigation specialists, and mental health experts. Breakout sessions will include a beginners' track on mitigation basics as well as advanced workshops on specialized problems. Individual case consultations will also be available, upon request, during separately scheduled online meetings. Details on how to schedule a case consultation will be provided in your confirmation email.

CLE (Please read before registering)

For us to report your attendance for CLE purposes, during online registration, you must provide the following information:

- Bar numbers, including their respective states. Only include those states where you are seeking credit.
- Sign-In Sheets will be emailed daily. In order to receive CLE attendance credit, you must sign in for each session(s) attended and submit a daily sign-in sheet to Rakita_Johnson@ao.uscourts.gov.

Failure to follow these steps will result in us being unable to process your CLE credits.

SEMINAR REGISTRATION

We are now using a new registration system which does not require a log-in and password to register for our events. We ask that you use your work email address for registration purposes and to help eliminate duplication.

When registering for the conference, you will need to pre-register for all sessions including which breakout sessions you plan to attend. Please only register for the sessions you can attend. This will assist us with reporting CLE as accurate as possible. If things change, you can always update your registration.

For registration, please [REGISTER HERE](#). If assistance is needed with registration, please email Rakita Johnson at Rakita_Johnson@ao.uscourts.gov.

Last day to register for the introductory sessions is April 29th and last day to register for the main conference is May 3rd. Space is limited to 500 total participants. We ask that you register as early as possible.

SCHEDULE

This main online program will begin at 12:45 p.m. (EDT) on Thursday, May 6th, 2021. Closing remarks will take place from 3:35 – 3:45 p.m. (EDT) on Friday, May 14th, 2021. As noted above, there will be an introductory series of presentations on May 3rd and 4th beginning at 1 p.m. (EDT) each day. Each registered participant will receive a link and password to the virtual meetings. Please do not share this information with others.

Thank you for your interest in this very important program. If you have any logistical questions or require additional information, please contact Chastain Smith via email at Chastain_Smith@ao.uscourts.gov. All registration and CLE inquiries should go to Rakita Johnson at Rakita_Johnson@ao.uscourts.gov.