

2022 INDIGENT DEFENSE ANNUAL CONFERENCE



The 2022 Public Defender Services Indigent Defense Annual Conference will be held on June 16th & 17th at the Marriott at Waterfront Place in Morgantown, WV.

The conference has been submitted to the West Virginia State Bar for CLE certification credit and will offer 10.8 total hours of CLE credit, including 1 hour in ethics.

All conference materials will be provided electronically and will be available for you to download from our website at www.pds.wv.gov prior to the conference. You are responsible for obtaining and printing your own materials to bring with you.

To register, please go to our website at www.pds.wv.gov and use the link provided.

CONFERENCE REGISTRATION FEE:

\$300 for lawyers
\$150 for non-lawyers
\$75 for interns

Registration must be completed online. We cannot process registrations or payments for you. No exceptions will be made.

****REGISTRATION FEES ARE NON-REFUNDABLE**

****DEADLINE FOR REGISTRATION IS JUNE 2**

We have reserved a block of rooms for your convenience but you are responsible for reserving your own room. Please go to our website at www.pds.wv.gov and use the link provided to reserve your room. The deadline the Marriott has imposed for reserving your room is Friday, May 27, by 6pm. Please call the Marriott at (304) 296-1700 or (800) 630-2594 if you have any problems reserving your room.

In the event that the block of rooms at the Marriott are filled, there are multiple hotels in the area that are near the Marriott.

SPEAKERS AND TOPICS OF INTEREST WILL INCLUDE:

-Legal Aid of West Virginia

Speakers: Adrienne Worthy, Executive Director; Marie Bechtel, Supervising Attorney, Beckley Office; and Katheryn Marcum, Attorney, Elkins Office, Legal Aid of West Virginia, Inc.

EXPUNGEMENT ODDS AND ENDS

A brief overview will be provided of the mission, services and programs provided by Legal Aid of West Virginia, Inc. A brief overview will also be provided of the Mountaineers Rental Assistance Program. A comprehensive presentation will be made on expungement opportunities through Legal Aid of West Virginia, Inc.

-David Pence, Zerbe & Pence, PLLC

DEFENDING DUI AND REFUSAL CASES AFTER JULY 2022

In July of 2020, the West Virginia Legislature eliminated the administrative process at the DMV for defendants charged with driving under the influence. In its place, the Legislature empowered local Magistrates to adjudicate DUI cases from start to finish. Included in the Magistrate's jurisdiction is the authority to adjudicate civil charges of refusing a

secondary breath test following a DUI arrest. During this presentation, the process of defending a DUI case under the new system will be discussed and strategies to best defend clients charged with refusing a secondary breath test will be offered.

-The Fletcher Group

Speakers: Kathy Taylor, MS & Jennifer White, MSW

UTILIZING RECOVERY HOUSING TO SUPPORT CLIENTS WITH SUBSTANCE USE DISORDERS AND IMPROVE CRIMINAL LEGAL OUTCOMES

In this session, we will explore all levels of recovery housing, evidence-based options in West Virginia, the appropriateness of this type of recovery support, and how it improves long-term outcomes. We will engage in discussion to answer questions, dispel myths, and provide you with tools to best support and represent your clients. Recovery Housing is a feasible alternative to incarceration or transient living. Why Recovery Housing? Inconsistent, unsafe, and non-supportive housing increases the difficulty for most to achieve and maintain recovery. Unstable housing affects one's ability to appear in court, maintain employment, pursue education, foster relationships, and envision a future. This leaves a sense of hopelessness, prompting one to accept

incarceration as a part of life. Recovery Housing is a solution to reduce recidivism and improve the lives of many in West Virginia.

-Dana F. Eddy, Executive Director, Public Defender Services

ATTORNEYS AND SOCIAL WORKERS: FRENEMIES? THE TENSION BETWEEN LEGAL ETHICS AND MANDATORY REPORTING

This presentation will focus on the requirement of mandatory reporting and its application, if any, when a social worker is employed by, or contracted by, an attorney in his or her representation of a client for the purpose of providing services related to treatment assessments or mitigation of sentences.

-Robert M. Bastress, John W. Fisher II Professor of Law, College of Law, West Virginia University, and a member of the West Virginia Access to Justice Commission

ISSUES FOR THE REENTERING POPULATION

The presentation will discuss issues and barriers that persons coming out of prison are likely to face when reentering the population and what their criminal

defense lawyers can do to prevent or at least mitigate some of the difficulties.

-Kirsha Trychta, Teaching Professor and Director of the Academic Excellence Center, College of Law, West Virginia University

UPDATE ON STATE SUPREME COURT OPINIONS AFFECTING CRIMINAL DEFENSE

A summary will be provided of the opinions issued by the Supreme Court of Appeals of West Virginia, that impact representation of defendants in criminal proceedings.

-Matthew D. Brummond, Gary A. Collias, and Andrew Mendelson, Appellate Advocates, Public Defender Services
RECIDIVISM EXPLORED

The panel will engage the audience in a discussion of the legal issues that arise with the application of the recidivist statutes.

-Calissa N. Carper, MFS, FA-AFTE, Firearm/Toolmark Section Supervisor, West Virginia State Police Forensic Laboratory

SHOOTING STRAIGHT: FORENSIC FIREARM EXAMINATIONS

There are a multitude of different examinations that can be requested for firearms related evidence that may not be known within the justice system or to what extent information can be gained from firearms and ammunition components. The presentation will cover what examinations can be performed using firearms related evidence, and what results and opinions can be rendered based on those examinations. An understanding of those reported laboratory results from the Firearm/Toolmark Section of the WVSP Forensic Laboratory will also be covered.

-Ryan Donovan, Hissam, Forman, Donovan, Ritchie, PLLC
"NOW COMETH": MAKING YOUR CASE IN PLAIN ENGLISH

The best briefs tell the court what you want – and why – in plain English. This presentation will focus on improving your legal writing by rejecting ponderous prose and incorporating new strategies for effective and efficient persuasion.

-Envista Forensics
Speakers: Lars E. Daniel, EnCE, CCO, CCPA, CTNS, CTA, CIPTS, CWA Practice Leader - Digital Forensics
Spencer J. McInville, Digital Forensic Examiner,

Historical Cell Site and Forensic Cell Site Survey

CELL PHONE FORENSICS

With billions of cell phones in the world and millions of phone applications, the amount of evidence created by cell phones can be daunting. This program will explain the common types of evidence that can be recovered from cell phones, including deleted data. Some evidence types that will be discussed include location information, text messages, multimedia, voice mails, cloud backups, and more. Real-life case examples will be used to illustrate how evidence recovered from cell phones can be used in cases and investigations. The proper methods to forensically acquire cell phone evidence will be covered, and how evidence can be challenged in court.

-Bronx Defenders

Speakers: Justine Olderman and Lauren Harris

HOLISTIC DEFENSE: CLOSING PLENARY

For 25 years, The Bronx Defenders has been continuing to innovate our holistic defense model, a ground-breaking way to represent clients that achieves better outcomes. Our work redefining public defense means looking beyond individual cases to address the complex web of legal

and non-legal issues that drive people into the criminal, civil, family, and immigration systems. By seeking to address the drivers of system involvement along with the devastating impacts experienced, our teams of interdisciplinary advocates learn about the challenges that clients face and help them tackle the issues that stand in the way of the futures they seek. In this session we'll share the evolution of our nationally recognized model, along with examples and ideas from other jurisdictions of what holistic defense looks like in practice across the United States.

-John Snyder and Mike Folio
LEGISLATIVE UPDATES THAT IMPACT FORENSIC AND CIVIL COMMITMENTS -

"An overview of recent changes to W.Va. Code 27-6A-1 et seq. and W.Va. Code 27-5-1 et seq."

-Jon Lyon
A TO Z INTERNET SEARCHING FOR THE DEFENSE TEAM

This session will cover web sites and software you probably never knew existed or could access, that can provide

necessary information needed for your client, right at your fingertips. Each letter of the alphabet has a website, and, as a bonus, you'll see a piece of software and an app as well. All this will happen in a fast-paced, fun, and useful presentation that can impact your cases today!

Don't forget to stop and check out the following resources that are available to you on our website

Here are just a few links to the resources that Public Defender Services offers:

- [WV Defense Motion Bank](#)
- [Jury Instruction Manual](#)
- [Mitigation Resources](#)
- [Juvenile Law Resources](#)
- [Reentry Checklist](#)
- [Sentencing Brochure](#)
- [Collateral Consequences Brochure](#)
- All of these pages can be found on the [Legal resources](#) page which contains more information on Crafting a Defense, Drugs and Drug Court, Mental Health Resources and Links, and Sentencing and Post-Conviction.

THE 2022 INDIGENT DEFENSE ANNUAL CONFERENCE WOULD LIKE TO ANNOUNCE THE FOLLOWING VENDORS THAT WILL BE AVAILABLE TO YOU!



BEHAVIORAL MEDICINE & PSYCHIATRY

FORENSIC PSYCHIATRIC & PSYCHOLOGICAL SERVICES