



Office of the State Public Defender
Indigent Defense Improvement Division

IDID Bulletin
April 2024

Indigent Defense Updates

DOJ Public Defense Resources Hub

DOJ Access to Justice launched the [Public Defense Resource Hub \(the “PD Hub”\)](#), a one-stop destination of federal resources and materials to support public defense. The Hub will collect existing resources for professionals providing public defense services, public defense commissions, and policymakers and host new tools to help defenders access resources, research, and guidance to support the constitutional right to counsel.

Job Opportunity

Lake County is Hiring for Deputy Public Defender I/II/III/SENIOR
For more information, please see [Job Posting](#).

Applications open for BJA’s ‘Postconviction Testing of DNA Evidence’ (Federal Grant)

This opportunity seeks to assist in defraying the costs associated with postconviction case review, evidence location, and DNA testing in violent felony cases (as defined by state law) where the results of such testing might show actual innocence. Grant activities can include: identifying potential postconviction DNA testing cases, reviewing appropriate postconviction cases to identify those in which DNA testing could prove the actual innocence of a person convicted of a violent felony offense as defined by state law, locating biological evidence associated with such postconviction cases and performing DNA analysis. **The deadline for submission on grants.gov is April 29.** There is an informational webinar on April 3, [Register to participate](#). Find more information on this funding and how to apply [BJA webpage](#).

Applications open for BJA’s ‘Justice and Mental Health Collaboration Program’ (Federal Grant)

This opportunity supports cross-system collaboration to improve outcomes for individuals with mental health disorders (MHDs) or co-occurring mental health and substance use disorders (MHSUDs) in the criminal legal system. The grant focuses on addressing the needs directly related to adults with mental health conditions, living in homelessness or marginalized communities with minimal access to treatment, needing wrap around services who are in the criminal legal system. Note that BJA will only accept applications that demonstrate the proposed program will be administered jointly by an agency with responsibility for criminal or juvenile justice activities and a mental health agency. **The deadline for submission on grants.gov is May 9.** There is an informational webinar on March 19, [Register to participate](#). Find more information on this funding and how to apply at the [BJA webpage](#).

Research Opportunity

Pregnancy Justice, the leading legal nonprofit addressing pregnancy criminalization, is [tracking Post-Dobbs](#) instances where an individual's pregnancy was a but-for factor in their arrest or justification for a criminal penalty (i.e., pregnancy-related arrests or penalties occurring on or after June 24, 2022). This research is inclusive of people facing charges related to all pregnancy outcomes (live births, stillbirths, miscarriages, abortions) or for any behavior that authorities believe puts a pregnancy at risk. If you are interested in sharing any instances with them, please reach out to Fikayo (fikayo.w@pregnancyjusticeus.org) and Dana (dana.s@pregnancyjusticeus.org).

If you would like to learn more about the issue of pregnancy criminalization in California and beyond, a three-part webinar series was conducted in collaboration with Pregnancy Justice in 2023, and recordings of those presentations are saved on the [IDID Training SharePoint](#).

Materials for attorneys filing Heard petitions.

IDID's [Training SharePoint](#) now includes a library of materials to support attorneys who are litigating petitions under *People v. Heard*, including:

- Practice pointers for *Heard* petitions.
- Sample petitions for recall of sentence pursuant to Penal Code § 1170(d)(1).
- Collected DA responses to petitions for recall of sentence.
- Arguments for reply briefs.
- Transfer hearing briefs and training materials on conducting transfer hearings for older individuals.
- Motions for expert funding.
- Recorded *Heard* focused webinars.

These materials add to a growing collection of resources available to attorneys doing post-conviction and resentencing work. OSPD is grateful to the collaborative *Heard* practitioners across the state who have generously shared their sample briefs and motions for inclusion in this resource library.

Heard practitioners are also invited to join LA's [listserv](#) focused on attorneys litigating *Heard* petitions and transfer hearings. This listserv is hosted by attorney Bess Stiffelman. She started it for Los Angeles practitioners but has generously invited attorneys from around the state to join to benefit from shared knowledge and resources.

2024 CARE Court Respondent's Counsel Summit

Event Date: April 29th and 30th, 2024

Event Location: [Hyatt Regency in Long Beach](#)

This training is free to attend all defenders and respondent counsel. Cohort 1 defender agencies and QLSP employees are also eligible to have their travel expenses reimbursed.

Cohort 1 Defenders/QLSP can [Register Here](#)

Other Defenders/QLSP can [Register Here](#)

This two day, in-person event will explore the developing picture of a respondent's counsel's role within the framework of CARE Courts. The training will equip all respondent counsel team members with the technical mental health treatment system knowledge necessary to be an effective advocate in CARE Courts. We will examine the subjective perspective of CARE Court clients and how counsel can improve advocacy by centering that experience in the courtroom. Group sessions will also examine developing issues experienced in the first CARE Court cases, basic procedure and strategy, data collection, and much more.

Cohort 1 defender agencies/QLSPs include:

County of Glenn
Homeless Advocacy Project (San Francisco Bar Association)
Legal Assistance to the Elderly
Los Angeles County Independent Defense Counsel
The Office of the Los Angeles County Public Defender
The Office of the Orange County Public Defender
The Office of the San Diego County Public Defender
The Office of the Riverside County Public Defender
The Office of the San Francisco County Public Defender
The Office of the Stanislaus County Public Defender
The Office of the Tuolumne County Public Defender

April 2024 IDID Training Events

4/2

Fundamentals of Direct Examination

(Part of the Trial Practice Series in collaboration with the Washington Office of Public Defense)

ANDRE VITALE, Trial Chief, New Jersey Office of the Public Defender



03:30 PM - 04:30 PM [Zoom Registration Link](#)

In this session, we will discuss how to present an effective, persuasive, and engaging direct examination. Sometimes public defenders struggle with direct examination, likely because we do it less frequently and may model poor examples we see in court of boring and forgettable testimony. This session will teach tools and styles to present a direct examination that grabs and keeps the jury's attention, and advances your case theory. Session attendees will learn techniques to present a compelling and dynamic direct examination which the jury will remember when they enter their deliberations.

1 hour of MCLE Credit is offered for this training

4/9

Fundamentals of Closing Argument

(Part of the Trial Practice Series in collaboration with the Washington Office of Public Defense)

IESHAAH MURPHY, Assistant Professor of Law, UDC School of Law



03:30 PM - 04:30 PM [Zoom Registration Link](#)

Closing argument is a public defender's final opportunity to speak directly with the jury about why they should accept the defense theory of the case. After this webinar, you will be empowered with tools and examples of how to present persuasive closing arguments.

1 hour of MCLE Credit and Legal Specialization Credit is offered for this training

4/15

Understanding the CARE Court Criteria

AUDREY DAY, Deputy Public Defender, San Diego County Public Defender

KLARECE GRUDZINSKI, Supervising Licensed Mental Health Clinician, San Diego County Public Defender

03:30 PM - 04:30 PM [Zoom Registration Link](#)

A CARE Court petition has been filed, now what? In this webinar, licensed mental health clinician Klarece Grudzinski and attorney Audrey Day will start from the beginning and discuss how to determine whether your client is eligible for CARE Court. At the end of this webinar, participants will be able to identify the CARE Court criteria and required diagnoses, recognize the records needed to review to aid in that determination, and develop the tools to work up a CARE Court petition.

1 hour of MCLE Credit is offered for this training

4/16

Trial Objections During Prosecution's Case-in-Chief

ILYA ALEKSEYEFF, Deputy Alternate Public Defender IV, Los Angeles Alternate Public Defender

TERESA DEAMICIS, Deputy State Public Defender, OSPD IDID

03:30 PM - 04:30 PM [Zoom Registration Link](#)

Making timely and specific objections is a crucial part of trial practice at any level. Join us to learn about some common trial objections that you can make during the presentation of evidence in the prosecution's case-in-chief. This webinar and the accompanying written materials will cover objections to: subject matter; the question; witnesses; and exhibits. Attendees will leave this webinar with an understanding of the authority for common objections, how to spot them, and some tips for handling objections in real time.

1 hour of MCLE and Legal Specialization Credit is offered for this training

4/18

Mitigating Future SVP Commitments *(Part of the Closer Look into SVP Webinar Series)*

JEFFREY LOWRY, Deputy Public Defender, San Bernardino County Public Defender

CHARLENE POWELL, Deputy Public Defender, San Bernadino County Public Defender

03:00 PM - 04:00 PM [Zoom Registration Link](#)

Your client is convicted of a crime that could result in a future SVP commitment, now what? What can you do to help prevent future SVP commitments? There are steps trial teams can take to mitigate SVP commitments of their clients. In this webinar, SVP attorneys Jeffrey Lowry and Charlene Powell will discuss what those steps are. Participants will leave with an understanding of how their investigations, trial presentations, and documents submitted at the sentencing could aid in the SVP defense.

1 hour of MCLE Credit is offered for this training

4/23

Unpacking SVP Trials *(Part of the Closer Look into SVP Webinar Series)*

MARJI KIRKWOOD, Senior Public Defender, County of Orange

JEFFREY LOWRY, Deputy Public Defender, San Bernardino County Public Defender

12:15 PM - 01:15 PM [Zoom Registration Link](#)

In this segment of IDID's SVP series, we will take a closer look at defending against SVP prosecutions. For this webinar, attorneys Jeff Lowry and Marji Kirkwood will unpack the SVP trial process. Participants will leave an understanding of what the process looks like, how to prepare for it, mistakes to avoid, and jury selection issues to consider.

1 hour of MCLE Credit is offered for this training

May 2024 IDID Training Events

5/2

People v. Renteria: How to Get Your Lone Actor Client Retroactive Relief in Gang Cases

GARY JOHNSTON, Deputy State Public Defender, Office of the State Public Defender

ALYSSA MELLOTT, Supervising Deputy State Public Defender, Office of the State Public Defender

12:15 PM - 01:15 PM [Zoom Registration Link](#)

People v. Renteria (2022) 13 Cal.5th 951 clarified and narrowed the requirements necessary to prove gang enhancements against lone actors. Last year OSPD attorneys filed a habeas petition arguing for retroactive application of Renteria to a final case and won relief for their client. In this webinar, those attorneys will discuss Renteria's application to lone actor cases and cases involving defendants with unknown or non-gang affiliated coparticipants, and the theory of retroactivity making Renteria applicable to final cases. They will also provide you with a model petition, walk through how to complete and file the petition for your own lone actor client, and discuss further proceedings in the trial court. OSPD is also looking for several cases to handle in-house and will share contact info to discuss potential cases prior to the Q & A.

1 hour of MCLE and Legal Specialization Credit is offered for this training

5/7

Public Service Loan Forgiveness: New Rules for Panel & Contract Lawyers

JASON GUNDEL, Capacity Building Attorney, OSPD

12:15 PM - 01:15 PM [Zoom Registration Link](#)

The federal Public Service Loan Forgiveness (PSLF) program allows qualifying federal student loans to be forgiven after 10 years of qualifying payments made while working for a qualifying public service employer. Recent changes to the PSLF program regulations expanded the definition of "qualifying employment" for purposes of loan forgiveness. OSPD cannot offer legal advice about this federal program, however, this webinar will provide our understanding of how these changes may apply to contract and panel attorneys who provide indigent defense outside of institutional public defender offices. It will also highlight programs from other places that have used the changes in the PSLF program regulations to benefit their contract and panel attorneys.

No MCLE and Legal Specialization Credit is offered for this training

5/14

Recognizing SVP Appellate Issues *(Part of the Closer Look into SVP Webinar Series)*

LINDA FABIAN, Staff Attorney, Appellate Defenders

RUDY KRAFT, SVP Appellate Attorney

12:15 PM - 01:15 PM [Zoom Registration Link](#)

In this segment of IDID's SVP series, we will take a closer look at defending against SVP commitments. For this webinar, appellate attorneys Linda Fabian and Rudy Kraft will discuss common appellate issues they see in their SVP appellate cases. Participants will leave with an understanding of common SVP appellate issues and relevant case law to help defend against SVP commitments.

1 hour of MCLE Credit is offered for this training

5/21

Understanding SVP Treatment Options *(Part of the Closer Look into SVP Webinar Series)*

MARJORIE KIRKWOOD, Senior Public Defender, County of Orange

TRICIA BUSBY, PhD, Clinical Psychologist, Department of State Hospitals

03:00 PM - 04:00 PM [Zoom Registration Link](#)

Part of OSPD's fundamentals of SVP webinar series, this session will focus on the treatment options available to your client once the SVP commitment process begins. This series is designed to provide a fundamental understanding of defending against SVP civil commitments. For many, the thought of getting assigned an SVP case is daunting. Inadvertent missteps can cause significant harm to clients. Understanding the available treatment options is critical to preventing lengthy and unwarranted commitment of your client. In this session, participants will learn what the available treatment options are, how those options might impact the defense of your client's commitment, and how to best advise your client how to proceed when it comes to treatment options.

1 hour of MCLE Credit is offered for this training

Other Training Opportunities

Provided for information only and are not affiliated with OSPD

Monthly Virtual Conversation Between Defenders Practicing in Juvenile Court

Hosted by Pacific Juvenile Defender Center

Second Thursday of (almost) every month from 4 PM – 5 PM

[Register here](#)

- ❖ April 11th, Primer on Less Restrictive Placements
- ❖ May 9th, Credits and Issues for Secure Youth Treatment Facilities
- ❖ June 13th, LGBTQ + Youth Representation
- ❖ August 8th, Utilizing Social Workers

If you have questions, feel free to contact Eileen Manning-Villar manningvillar.law@gmail.com.

Dogbook: Youth Defender Training Seminar *(in person)*

Co-hosted by the LA County Public Defender, Loyola Law School's Center for Juvenile Law & Policy, PJDC and California Defense Social Workers

April 26th & 27th at Loyola Law School (April 26th is for Social Workers)

[Register here](#)

Topics will include:

- ❖ Delinquency Case Law & Legislative Update
- ❖ Conditions of Confinement, Coerced Confessions
- ❖ Child Trafficking Victims at Juvenile Transfer Hearing
- ❖ Heard Litigation
- ❖ Strategizing School Discipline Challenges
- ❖ In Your Shoes (Experiential Simulation)
- ❖ Ethics
- ❖ How to testify as a Social Worker.

For more information, please contact Sampda Kedia skedia@pubdef.lacounty.gov.

Unlocking Justice: Navigating the Future of Law with Advance in Forensics, Technology, and Artificial Intelligence

Hosted the ABA Criminal Justice Section, co-sponsored by the Judicial Division, ABA Science and Technology Law Section and the San Diego County Bar Association

April 11 – 12, 2024, Bahia Resort Hotel, San Diego, CA

[Register here](#) *(Public Defender discount code DAPD. The normal cost is \$375, with code is \$200.)*

Join us for this cutting-edge CLE conference, "Unlocking Justice," where we delve into the dynamic intersection of law, technology, and forensics. This event promises to be a transformative experience for legal professionals seeking to stay ahead in an ever-evolving legal landscape.

This conference will explore the latest advancements in forensics, analyzing with practitioners how breakthroughs in DNA analysis, fingerprint identification, and digital forensics are reshaping investigative methodologies.

The Office of the State Public Defender is a state agency founded in 1976 to represent indigent criminal defendants on appeal. Today, the agency has two divisions. The Appellate Division provides high quality appellate representation for those convicted of capital offenses. The Indigent Defense Improvement Division supports trial level indigent defense systems across California by providing defense attorney training and assistance to counties with public defense systems. See Gov. Code Section 15420(b).
