

MILITARY DEFENSE COUNSEL TRIAL LITIGATION
THE CENTER FOR AMERICAN AND INTERNATIONAL LAW – PLANO, TEXAS
AUGUST 10-14, 2015

AGENDA

MONDAY, AUGUST 10

- 8:00 A.M.** **REGISTRATION, MEET AND GREET**
- 8:30 A.M.** **WELCOME**
MG Mike Marchand, USA (Ret.)
RADM John G. Hannink, JAGC, USN
- 8:45 A.M.** **INTRODUCTION AND PROGRAM OVERVIEW**
MG Mike Marchand, USA (Ret.)
- 9:00 A.M.** **DEVELOPING THE THEORY OF THE CASE & STORYTELLING**
LtCol Colby Vokey, USMC (Ret.)
- 9:50 A.M.** **BREAK**
- 10:00 A.M.** **PRE-TRIAL INVESTIGATION & DISCOVERY**
LtCol Colby Vokey, USMC (Ret.)
- 11:45 P.M.** **WORKING LUNCH: INTELLIGENT VOIR DIRE IN A SEXUAL ASSAULT CASE (INCLUDING SAPR) & DEMONSTRATION (TIME INCLUDES 30 MINUTE LUNCH AND TWO 10 MINUTE BREAKS)**
Maj Victor Kelley, USMC (Ret.)
- 1:45 P.M.** **BRAINSTORMING YOUR CASES: SMALL GROUP PRACTICE SESSION ON OPENING STATEMENTS & DEVELOPING THE THEME (TIME INCLUDES ONE 10 MINUTE BREAK)**
[NJS PROVIDED A MOCK CASE FOR THE COURSE/TO BE USED BY STUDENTS W/O A CASE TO BRAINSTORM]
- 3:45 P.M.** **HOW TO MAKE THE BEST USE OF AN INVESTIGATOR**
CDR Stephen C. Reyes, JAGC, USN
- 4:45 P.M.** **DISCUSSION OF TOMORROW'S PRACTICE SESSIONS ON VOIR DIRE**
MG Mike Marchand, USA (Ret.)
- 5:00 P.M.** **RECEPTION**
- 6:00 P.M.** **RECESS**

TUESDAY, AUGUST 11

- 9:00 A.M.** **BRAINSTORMING YOUR CASES: SMALL GROUP PRACTICE SESSION ON VOIR DIRE**
- 9:50 A.M.** **BREAK**
- 10:00 A.M.** **SMALL GROUP PRACTICE SESSION ON VOIR DIRE (CONTINUED)**
- 10:50 A.M.** **BREAK**

- 11:00 A.M. **CASES & STATUTES UPDATE & NEW DEVELOPMENTS**
MAJ JASON WAREHAM, USMC
- 12:00 P.M. **WORKING LUNCH: EVIDENCE (TIME INCLUDES 30 MINUTE LUNCH AND ONE 10 MINUTE BREAK)**
Prof. Dave Schlueter, LTC, JAGC, USAR (Ret.)
- 2:30 P.M. **TOP 10 GOOD PRETRIAL MOTIONS (TIME INCLUDES ONE 10 MINUTE BREAK)**
Col Stephen Newman, USMC
- 4:00 P.M. **MODERATED DISCUSSION: DEALING WITH SPECIAL VICTIMS COUNSEL**
Facilitators: Brian Bouffard and LtCol Colby C. Vokey, USMC (Ret.)
- 5:00 P.M. **BREAK**
- 5:05 P.M. **ETHICS: ROUNDTABLE DISCUSSION WITH Q&A: HOW TO WORK WITH CIVILIAN DEFENSE COUNSEL (5:05-5:35 ETHICS)**
Facilitator: LtCol Colby C. Vokey, USMC (Ret.)
Panel Members: Brian Bouffard
Maj Victor Kelley, USMC (Ret.)
Maj Patrick J. McLain, USMC (Ret.)
Capt Russell Shinn, USMC (Ret.)
- 5:45 **RECESS**

WEDNESDAY, AUGUST 12

- 9:00 A.M. **LECTURE ON CROSS-EXAMINATION & IMPEACHMENT IN A SEXUAL ASSAULT CASE**
Brian Bouffard
- 10:15 A.M. **BREAK**
- 10:25 A.M. **THE SEXUAL ASSAULT EXAMINATION (TIME INCLUDES ONE 10 MINUTE BREAK)**
Anita L. Brown, RN, MSN, WHNP-BC, SANE-A
- 12:05 P.M. **CROSS-EXAMINATION OF THE SANE (TIME INCLUDES 30 MINUTE LUNCH & ONE 10 MINUTE BREAK)**
Brian Bouffard
- 1:15 P.M. **ETHICS: LAWYER/CLIENT CONSIDERATIONS IN SEXUAL ASSAULT CASES**
Maj Victor Kelley, USMC (Ret.)
- 2:15 P.M. **BREAK**
- 2:25 P.M. **LECTURE –THE NCIS INVESTIGATION & QUESTIONS TO FOCUS ON DURING CROSS; PITFALLS OF THE REID TECHNIQUE (TIME INCLUDES ONE 10 MINUTE BREAK)**
Thomas Streed, Ph.D. and Kate Coyne, USMC HQE
- 4:25 P.M. **BREAK**
- 4:35 P.M. **CONSENT AND MISTAKE OF FACT AS TO CONSENT**
Zachary D Spilman
- 5:45 P.M. **RECESS**

THURSDAY, AUGUST 13

- 9:00 A.M. POWERPOINT FOR LITIGATORS
 William Earnest, Ph.D.
- 10:00 A.M. BREAK
- 10:15 A.M. OVERVIEW OF CHILD SEXUAL ABUSE CASES
 Sue Clemens, USMC HQE East
- 11:30 A.M. BREAK
- 11:40 A.M. LECTURE ON TOXICOLOGY IN A SEXUAL ASSAULT CASE (TIME INCLUDES 30 MINUTE
LUNCH AND TWO 5 MINUTE BREAKS)
 Lt Col Gerardo Ramos, USAF, BSC, Ph.D.
- 1:45 P.M. LECTURE AND DEMONSTRATION OF A DEFENSE CLOSING ARGUMENT IN A SEXUAL
ASSAULT CASE (TIME INCLUDES ONE 10 MINUTE BREAK)
 Barry Sorrels and Bob Jarvis
- 2:55 P.M. ADVANCED CLASS ON SENTENCING, INCLUDING SO REGISTRATION AND OTHER
CONSEQUENCES OF A SEXUAL ASSAULT CONVICTION (TIME INCLUDES ONE 10
MINUTE BREAK)
 Col Terri Zimmermann, US Marine Corps Reserve
- 5:10 P.M. RECESS

FRIDAY, AUGUST 14

- 9:00 A.M. BLACKOUTS VERSUS PASS-OUTS, AND HOW TO OBTAIN AND USE A FORENSIC
PSYCHOLOGY EXPERT
 Kyle M. Clayton, Ph.D.
- 10:30 A.M. BREAK
- 10:45 A.M. DEFENDING PEOPLE: THE RIGHT MINDSET TO BE THE MOST EFFECTIVE DEFENSE
LAWYER YOU CAN BE
 Mark Bennett
- 11:45 A.M. PUTTING IT ALL TOGETHER
 MG Mike Marchand, USA (Ret.)
- 12:00 P.M. ADJOURN
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