

CRIMINAL JUSTICE SECTION

The Unified Voice of Criminal Justice



2018 Spring CLE Program

(Complimentary Program)

Tampa, FL

April 5-6, 2018



Section Chair: Morris “Sandy” Weinberg, Jr.

Tampa Marriott Waterside Hotel & Marina
700 S Florida Ave
Tampa, FL 33602

Thursday, April 5

4:30 – 6:00 pm White Collar Crime Townhall: Lessons Learned from Handling High Profile White Collar Cases

Highly experienced trial lawyers discuss their handling of recent high profile white collar cases including allegations of public corruption, (i.e Senator Menendez and Governor Mc Donnell among others), healthcare fraud, and other criminal issues. This roundtable discussion will address issues that frequently arise in high profile investigations and prosecutions, including interacting with the Department of Justice, how to handle the “politician” client, addressing the media, getting paid (and other ethical issues) and other important issues white collar lawyers face daily.

Panelists: Henry Asbill, Jones Day, Washington, DC

Raymond M. Brown, Greenbaum, Rowe, Smith & Davis, Woodbridge, NJ

Kirk Ogrosky, Arnold & Porter, Washington, DC

Joseph Warin, Gibson Dunn, Washington, DC

Moderator: Claire Rauscher, Womble Bond Dickinson, Charlotte, NC

Reception immediately following: 2901 South Beach Drive, Tampa, FL 33629

Friday, April 6

8:30 -8:40 am Welcome, Sandy Weinberg, Section Chair

8:40 – 9:00 am The 150th Anniversary of the 14th Amendment: Glass Half Empty or Half Full?

Keynote Speaker: P. David Lopez, Harvard Professor

Former General Counsel, EEOC

9:05 – 10:05 am Dark Hours, Difficult Days & Daunting Challenges -King's Legacy Lives!

2018 marks the 150th Anniversary of the 14th Amendment to the U.S. Constitution. Ratified in 1868, the 14th Amendment provides that no state can “deny a person within its jurisdiction the equal protection of the laws.” The 14th Amendment, along with the 13th and 15th Amendments, the Reconstruction Amendments, marked America’s second founding. 100 years after passage of the 14th Amendment, Dr. Martin Luther King, Jr. sacrificed his life trying to fulfill the promises of equality embodied within the 14th Amendment – voting rights, fair housing, education, employment, criminal justice, and environmental. The panel will discuss the King agenda – past struggles, accomplishments, and the unfinished agenda.

Panelists:

Hon. Mary Scriven, U. S. District Court, Tampa FL

John Steele, Community Activist & Oral Historian

Delano Stewart, Hillsborough County

Moderator – Hon. Bernice Donald, U.S. Circuit Court of Appeals, Memphis, TN

10:05-10:15 am Break

10:15 – 11:45 am Clash of the Titans-Prosecutor's Discretion vs the Executive's Duty to Enforce Law

Prosecutors are free to exercise discretion but what happens when that discretion is used to take a stance on a category of cases? Please join us for an in-depth conversation on whether foregoing individualized assessments of a category of criminal cases is an abdication of the prosecutor's office or upholding policy intended to increase fairness in the system. Panelists will also specifically address Governor Rick Scott's authority to take death penalty cases away from Orange-Osceola State Attorney Aramis Ayala.

Panelists:

Aramis Ayala, State Attorney, Ninth Judicial Circuit Court of Florida

Joshua Marquis, Clatsop County District Attorney, Astoria, OR

Hon. Cynthia A. Stafford, Florida House of Representatives, Tallahassee, FL

Marcos Hasbun, Zuckerman Spaeder, Tampa, FL

Moderator: Melba Pearson, Deputy Director, ACLU Florida

11:45 – 1:15 pm Direct File in Florida: The Perils of Prosecuting Children as Adults

Florida transfers more children to the adult criminal justice system than any other state in the United States. Children as young as 12 years old have been charged in adult courts. Like only a handful of other states, Florida allows transfers without the input from a judge; 99% of children in adult court are sent there by a prosecutor's decision alone, also known as "direct file." With their different perspectives on this important issue in mind, our panelists will engage in a discussion on the consequences the legal fiction of treating children as adults in criminal proceedings has on the children and the community.

Panelists:

Rosemary Armstrong, Executive Director, Crossroads for Florida Kids, Tampa, FL

Julianne Holt, Public Defender, Law Office of Julianne M. Holt, Thirteenth Judicial Circuit, Florida

Hon. Sean Shaw, State Representative, Florida House of Representatives, District 61

Andrew Warren, State Attorney, Office of the State Attorney, Thirteenth Judicial Circuit, Florida

Moderator: Carla Laroche, Law Fellow, Southern Poverty Law Center

1:15 – 2:00 pm (Lunch)

2:00 -4:00 pm Migration, Globalization and Criminal Law: The Differing US and EU Approaches to Unauthorized Migration

Panelists will address and contrast the different approaches adopted by the United States and the European Union to refugees and unauthorized migrants. How does an illegal alien or unauthorized migrant establish legal status and access protection from the host country and when is this appropriate? If a migrant is detained, how do they arrange for representation upon arrival? Does popular sentiment from citizens and legal residents impact the government's ability to develop and implement pragmatic solutions to address a rise in migrant populations? Practitioners will benefit from the "view from the bench" on immigration matters that will be provided by a US District Court Judge and US Magistrate Judge.

Panelists:

Chris Rickerd, Policy Counsel, American Civil Liberties Union, Washington, DC

Hon. Carlos Mendoza, Middle District of Florida, Orlando, FL

Hon. Anthony E. Porcelli, Middle District, FL

Markus Rubenstahl, WisteV, Frankfurt, Germany

Moderator: Tyler Hodgson, Co-Chair, International Committee, Criminal Justice Section, Washington, DC

4:05 – 5:35 pm Border Insecurity – The Changing Legal and Technical Landscape of Border Searches of Electronic Devices

This panel will address the legal, technical, and practical issues related to border searches of electronic devices – both entering and leaving the United States – and the implications for U.S. citizens, non-citizens, lawyers, journalists, and those carrying proprietary or other confidential information on electronic devices when they travel internationally. The panel will discuss current Customs and Border Patrol policies and practices, potential reforms, the distinctions among different persons (i.e, lawyers, citizens, etc.), and current litigation challenging certain CBP procedures.

Panelists:

Laura Donohue, Georgetown Law School, Washington, DC

Bennett Courey, U.S. Customs & Border Protection, Washington, DC

Alexandra Ellberbeck, Committee to Protect Journalists, Washington, DC

Nathan Freed Wessler, ACLU Speech, Privacy and Technology Project, New York, NY

Moderator: Joshua Dratel, New York, NY

5:45 pm Reception

MCLE INFORMATION

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 9 CLE credit hours in 60-minute states, and 10.8 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states.

For more information about CLE accreditation in your state, visit http://www.americanbar.org/publications_cle/mandatory_cle.html or contact Carol.Rose@americanbar.org.

See here for more information and to register:

https://www.americanbar.org/groups/criminal_justice/events_cle/spring2018.html