

PAST PROGRAMS

Friday 1/9/2015

1:00 - 2:30PM

Total 1.5 CLE credits including 1.5 enhanced ethic credits

Awareness For Lawyers - Spotting Substance-Related Disorders

Speakers:

R. Judson Scaggs, Jr., Esquire

Chairman of the Delaware State Bar Association's Lawyer Assistance Committee,

Morris Nichols Arsht & Tunnell LLP

<http://www.mnat.com/attorneys-57.html>

Carol P. Waldhauser

Executive Director Delaware Lawyers Assistance Program

<http://www.de-lap.org>

Program Contents

Many people, including those in the legal profession, find themselves struggling with unhealthy, expensive, and often life-threatening addictions and/or other compulsive behaviors. These include, but are not limited to, alcohol, drugs, compulsive gambling and compulsive sex. These are diseases that can affect anyone, regardless of age, cultural background, or profession. The National Drug and Alcohol Commission describes substance abuse and addiction as a national public health problem that affects millions of people and imposes enormous financial and social burdens on society. These behaviors destroy families, harms both individuals and communities, and chokes the criminal justice system. Lawyers can play a significant role in the primary identification and referral to subsequent treatment of an individual by becoming familiar with the signs and symptoms of these maladies. Of course, it is the role of the clinician to diagnose and treat such problems, but lawyers who fail to identify, assess, and advise the client who is a problem drinker and may be an alcoholic cannot adequately serve that client, and may unwittingly do more harm than good. Delaware Professional Conduct Rule 2.1 places the lawyer in the role of advisor, referring not only to law but other considerations such as moral, economic, and social that are relevant to the clients situation . Lawyers who are struggling with these addictions themselves place themselves in a position to violate many of the Professional Conduct Rules. Most

notably Rule 1.1 (Competence), Rule 1.3 (Diligence) and Rule 1.4 (Communication). Lawyers are in a natural position to make a difference in the lives of their clients, their co-workers, their communities and even themselves.

Friday 2/6/2015

1:00 - 4:15PM

Program includes a 15 minute break

Total 3 CLE credits including 0.30 enhanced ethic credit

You must attend the entire program to receive the ethics credit.

Hashtags, Selfies, & Electronic Sharing: A How-To on Social Media Investigation and Electronic Ethical Considerations

Speakers:

Tim Curry J.D., LL.M.

Managing Attorney, National Juvenile Defender Center

<http://njdc.info/about-njdc/njdc-staff/>

Sarah E. Young B.A.

Investigations Supervisor and Director of the Investigative Internship Program Criminal Justice Clinic, Georgetown Law

<http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/Criminal-Justice-Clinic/cjc-staff-contact-us.cfm>

Program Contents

Have you ever heard of Vine? How about Ice Rocket? Backpage? Tinder? Do you know what to look for on Instagram, Twitter, or Face Book? In a world where our clients' lives—and the lives of witnesses—play out publicly for nearly anyone to see on the internet, criminal defense attorneys have to be savvy about how to use this technology to advance their cases. Criminal defense attorneys also must be aware of how to advise their clients about using such media while the case progresses. This is especially important since the police and prosecutors are already using social media in their investigations. Participants will learn the latest in social media investigation, get tips for streamlining searches, and discuss criminal defense ethics and strategy related to an online presence as well as how to prepare a defense in these cases.

Attendance limited to professionals whose practice includes criminal defense

Friday 3/6/2015

1:00 - 2:30PM

Program includes a 15 minute break

Total 1.5 CLE credits including 0.30 enhanced ethic credits

You must attend the entire program to receive the ethics credits.

Behavioral Healthcare in the Correctional System:

What it can do for Your Clients

Speaker:

Judith A. Caprio, JD, MS

Director of Community Health Services

Delaware Department of Correction

<http://doc.delaware.gov/BCHS/index.shtml>

Program Contents

On any given day Delaware Department of Correction (DOC) supervises between 6,500 – 7,000 inmates housed within the state's correctional facilities. This task must be accomplished in fulfillment of the DOC's mission is to Protect the public by supervising adult offenders through safe and humane services, programs and facilities.

The speaker will provide an overview of Commissioner Robert Coup's vision for the transformation of behavioral health services for the Delaware Department of Correction. Participants will be provided with a description of all the behavioral health services that are offered in Level 5 (24 hour incarceration) as well as Level 4 (Work Release Centers, Home Confinement, Violation of Probation Centers) facilities. Being equipped with this knowledge will assist defense attorneys with an enhanced understanding of the services available to their clients behind the walls of the institution.

Attorneys are often confronted with plea offers which include participation in DOC programing. It is imperative to comply with the Delaware Rules of Professional Responsibility (Rule 1.2 Competence, Rule 1.4(b) and Rule 2.1) that all criminal defense attorneys have knowledge of the relevant behavioral health services that are being recommended in a plea offer so that they may communicate this information competently to their clients and advocate appropriately.

Friday 12/5/2014

1:00 - 4:15PM

This presentation will include a 15 minute break

3 CLE credits including 1 enhanced ethic credit applied for

You must attend the entire program to receive the ethics credit.

Cultural Competence and Your Ethical Duty: A Road Map for the Criminal Defense

Speaker:

Larry Purnell, PhD, RN, FAAN

Professor Emeritus University of Delaware

Program Contents

Larry Purnell would be discussing and defining cultural competence as it applies to criminal defense, including a detailed review about how culture is pervasive in all parts of a person's life including a client's interaction with the criminal justice system. As an example he is going to go into detail on the specific aspects which are pertinent with regard to Hispanic Cultures with comparison to European American Culture. He will also be providing an in-depth overview of the Purnell Model of Cultural Competence as it applies to the criminal justice system. This model includes an overview of heritage, communication, family roles and organization, workforce issues, high-risk health behaviors, nutrition, pregnancy and the childbearing family, death rituals, spirituality, and healthcare practices. This information is pertinent to all criminal defense attorneys with particular emphasis on those attorneys and others working with clients facing the death penalty.

As referenced in The American Bar Association (ABA) Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases , ABA Supplementary Guidelines for the Mitigation Function

of Defense Teams in Death Penalty Cases (2008), National Legal Aid and Defenders Association (NLADA) Performance Guidelines for Criminal Defense Representation, NALDA and National Juvenile Defender Center and Strickland v. Washington 466 U.S. 668, all criminal defense attorneys, especially those involved in death penalty litigation are ethically required to be familiar with cultural competence and apply it in their work with their clients. Although nothing in the Delaware Rules of Professional Conduct explicitly addresses cultural competency, Rules 1.1, 1.4 and 2.1 may be interpreted to imply the need for cultural competence.

About the speaker

Larry Purnell has served as the U.S. Representative to the European Union Commission on Intercultural Communication. He has consulted and made presentations in cultural competence in over 15 countries on 4 continents. Larry has consulted extensively with universities, and healthcare organizations. Within the legal arena he has consulted with law firms and a correctional center as to making provisions for cultural competence. Larry is the author of the 12 Step Purnell Model for Cultural Competence. Noted researchers, educators, and clinicians from a wealth of backgrounds use the Purnell twelve-step model.

Although the model was originally developed and used in healthcare settings it is easily applied in a criminal defense setting . Larry has over 100 publications in journals, over 100 book chapters, and 14 books including; Guide to Culturally Competent Health Care (2nd ed) (2009), Transcultural Health Care: A Culturally Competent Approach (4th ed)(2013), Developing Cultural Competence in Physical Therapy Practice (2012) and Clinical Spanish for Medical Professionals (1993). His professional expertise includes Panamanian, Mexican Italian, Turkish and Appalachian cultural groups

Friday 11/7/2014

1:00 - 2:30PM

Total 1.5 CLE Credit

Fetal Alcohol Spectrum Disorders and their impact on Juvenile Justice: What Attorneys Should Know

Speakers:

Heather L. Alford, Psy. D.

Licensed Clinical Psychologist

Certified School Psychologist

Clinical Neuropsychologist

Administrator, Office of Evidence-Based Practice

Division of Family Services, Dept. of Services to Children, Youth and Families

Kelly Ensslin, MSW, Esq., CWLS

Deputy Child Advocate

Office of the Child Advocate

It is important that we continue to recognize clients in both our youth and adult populations with FASD as it can be helpful to identify these individuals as we seek an explanation for their behaviors. Of course there are minimal studies devoted to the population we serve and the potential that they may have FASD BUT - One study in back in 2004 estimated that at least 28,000 incarcerated individuals were exposed as a fetus to the effects of alcohol and had FASD. Other studies show that a person with FASD are 19 times more likely to end up in prison than those not affected. A Canadian study showed that more than 1/5 of young offenders are behavioral impaired due to pre-natal alcohol consumption. Research at the University of Washington have estimated that more than half of FASD sufferers encounter trouble with the law, while 35% are incarcerated at some stage during their lifetime. The subsequent brain damage from FASD results in behaviors such as lack of impulse control, trouble identifying future consequences of their current behavior, difficulty planning and connecting cause and effect, difficulty empathizing with others and taking responsibility for their actions, difficulty delaying gratification or making good judgments, a tendency toward explosive episodes, vulnerability to social influences such as peer pressure and therefore may commit a crime and confess to crime they did not commit in-order to please others.

Please call at the locations below on the day of the program to confirm videophone availability

Sykes Building

45 The Green Dover, Delaware 19901 (302) 739-4476

And

14 The Circle, 2nd Floor Georgetown, Delaware 19947 (302) 856-5310, (302) 856-5324

Questions 302-577-5150

This program is presented in partnership with DHSS and The FASD Taskforce of Delaware

Friday 9/5/2014

1:00 - 2:30PM

Total 1.5 CLE Credit

The Good, the Bad, and the Ugly:

2013-2014 Updates on Delaware Criminal Case Law and Legislation

Office of the Public Defender Speakers:

Lisa Minutola, Chief of Legal Services

Dawn Williams, Director of Training

Nicole Walker, Appellate Unit

2013-2014 was a season of many new releases by both our state legislature and Delaware Supreme Court.

Our speakers will bypass the movie trailers

And get right to the wrap up of relevant legislative changes (including Title 10 and 11 changes) and pertinent Delaware Supreme Court decisions affecting criminal law practitioners.

As a second feature, the speakers will advise how these decisions affect current criminal law practice in all Delaware State Courts.

This program is essential viewing for all Delaware Criminal Defense Attorneys. Don't miss out!