



and the
Office of the Federal Public Defender for the District of Vermont

Present

**MENTAL HEALTH EVIDENCE AND MITIGATION:
EXPERTISE FOR EVERY PHASE OF CRIMINAL LITIGATION**

Friday, October 25, 2013

**Middlebury Inn, Middlebury, Vermont
8:30 a.m. Registration, 9:00 – 4:00 Program**

I. Before the Client Becomes Your Client

What should criminal defense lawyers know about mental health evidence and mitigation before clients with psychiatric illness require representation? What sorts of preparation keep counsel from having to run to the library or reinvent the wheel with each new case?

II. Subsequent to Arrest

How early can criminal defense lawyers begin to shape subsequent phases of litigation with the assistance of mental health experts and mitigation specialists? What can counsel do if such assistance is not forthcoming because of budgetary restrictions?

III. In Anticipation of Trial

What opportunities and barriers present themselves as criminal defense lawyers engage in settlement negotiations and hearings when mental health evidence is potentially an issue? How and when are the necessary evaluations and investigations best conducted?

IV. During Trial

In what fashion is mental health evidence best introduced and conveyed? What can criminal defense lawyers do to counter adverse mental health evidence? How should mitigation be telegraphed in advance against the possibility that clients are convicted?

V. Sentencing

What are the most relevant distinctions between mental health evidence and mitigation during the sentencing phase? How should criminal defense lawyers seek to balance these notions in those cases in which the verdict reflects a failed mental health argument?

VI. Post-Conviction and Appeal

Will the contributions of a consultant assist criminal defense lawyers in establishing how inadequate or mishandled mental health evidence and mitigation constitute grounds for a new trial? What treatment-oriented information should follow clients into the system?

Program:

Lunch will be from noon to 1:00, and there will be 15 minute breaks at 10:30 a.m. and 2:30 p.m.

Ms. Randall and Dr. Drogin will address how criminal defense lawyers can enlist the assistance of experts when pursuing mental health evidence and mitigation issues across the life span of a given case, with particular attention to such matters as deriving critical background information from the client and from significant others, identifying possible barriers to communication, recognizing the importance of social history data to the construction of an overarching mental health history, contextualizing the role of abuse, understanding psychological assessment, commissioning coherent and useful reports, developing effective direct and cross examination strategies, and artfully employing sentencing videos.

Speakers:

Eric Y. Drogin, J.D., Ph.D., ABPP is a board-certified forensic psychologist and attorney currently serving on the faculty of Harvard Medical School. He is a Fellow of the American Academy of Forensic Psychology, the American Psychological Association, and the American Bar Foundation. Dr. Drogin is the author of over 200 publications addressing issues at the intersection of law and mental health, and his professional roles have included such positions as President of the American Board of Forensic Psychology, Chair of the APA Committee on Legal Issues, Chair of the APA Committee on Professional Practice & Standards, Chair of the ABA Section of Science & Technology Law, Commissioner of the ABA Commission on Mental & Physical Disability Law, and President of the New Hampshire Psychological Association. He has lectured extensively throughout North America and in Europe, Asia, and Australia, and regularly presents continuing education seminars for attorneys and mental health professionals on such topics as forensic assessment, ethics, and professional development. Dr. Drogin's multidisciplinary practice encompasses mental health law, expert witness testimony, and trial consultation.

Email: eyd@drogin.net

Cell: 877-877-6692

Susan Randall has worked as a private investigator in Vermont for the past 15 years, working closely with a wide range of attorneys, on civil, state and federal cases. She has worked as a mitigation specialist on capital, federal and state cases. Susan has helped prepare countless cases for trial, and has spent the past two years working as an investigator and mitigation specialist with the Federal Public Defenders Office, in Burlington, Vermont. Prior to working as an investigator, she worked as a journalist with the MacNeil/Lehrer NewsHour and as a researcher and an associate producer for the A&E Television Network on the series *Biography*. Susan has also worked in radio for NPR and as a documentary filmmaker in New York City, producing pieces for the BBC. In the past five years, Susan has dovetailed her work as a filmmaker and investigator, producing over twenty mitigation sentencing videos, which have been used both before and at sentencing, to work toward downward departures. Susan Randall received a BA from Brown University in International Relations and Modern Culture and Media, and has continued to attend filmmaking and investigator trainings all over the country. She recently returned to private investigating, and running her PI agency, VTPrivateEye, LLC, out of Burlington, VT.

Email: vtprivateeye@gmavt.net

Cell: 802.793.9367



and

The Office of the Federal Public Defender for the District of Vermont

Present

**MENTAL HEALTH EVIDENCE AND MITIGATION:
EXPERTISE FOR EVERY PHASE OF CRIMINAL LITIGATION**

Friday, October 25, 2013

**Middlebury Inn, Middlebury, Vermont
8:30 a.m. Registration, 9:00 – 4:00 Program
6 hours CLE credits**

Registration Deadline: October 21st
Higher fees apply for on-site registration.

Register online at www.vtacdl.com

Seminar Fees (*includes morning refreshments, lunch and materials*)

By 10/17 By 10/21

VTACDL Member

\$100

\$125

Non-Member

\$150

\$175

Vermont Public Defenders: To register, contact Anna Saxman at 828-3168 or
anna.saxman@state.vt.us.

Name _____

Office _____

Address _____

City/State/Zip _____

Phone _____ Email _____

Checks payable to VTACDL and mailed to: 88 Beech Street, Essex Jct., VT 05452. The VTACDL office must receive notice of cancellation on or before October 21 to ensure a refund. No refund will be given thereafter. For questions, contact VTACDL Executive Director Kathy Finnie at 802-872-9757 or vtacdl@gmail.com.