









IDID Bulletin March 2025

Indigent Defense Updates

OSPD Legislative Tracking page – 2025 Bills

OSPD is tracking bills introduced in the California State Assembly and Senate that could have an impact on public defense and individuals experiencing the criminal legal system or incarceration. The last day to introduce new bills was Friday, 2/21/2025. We are in the process of adding bills to the tracker – check them out! Our tracker is on the Training SharePoint, which is for members of public defense teams only and requires prior registration. Register for the Training SharePoint. If you already have access, you can go to the OSPD Legislative Tracking page now.

NEW: California Standards for Contract and Panel Defense Systems

Almost half of California's counties rely on a panel or contract system to deliver indigent defense services. In February 2025, OSPD released new statewide standards for these panel and contract-based systems in an effort to promote and support high-quality representation across the state.

California Standards for Contract and Panel Defense Systems represents the culmination of an 18-month research and collaboration project combining national best practices with input and practical insight from panel, contract, and county leaders from across California.

Standards available <u>here</u> and the implementation guide for county administrators and panel leaders is available <u>here</u>. For technical assistance in implementing these new standards, please contact <u>capacitybuilding@ospd.ca.gov</u>.

Evaluation of the California County Resentencing Pilot Program

This report presents findings from the three years of the California County Resentencing Pilot Program, which was established to support and evaluate a collaborative approach to exercising prosecutorial discretion in resentencing. Nine California counties were selected and were provided with funding to implement the prosecutor-initiated resentencing (PIR) three-year pilot program. In each pilot county, participants in the pilot were to include a county district attorney (DA) office and a county public defender (PD) office and may have included a community-based organization. You can read more here.

Celebrating Gideon Day: A Guide for Public Defenders

Why is March 18th Gideon Day?

Gideon Day commemorates the landmark Supreme Court case *Gideon v. Wainwright*, which was decided on March 18th, 1963. The Court unanimously ruled that the Constitution entitles defendants to the assistance of a lawyer in their defense. "[L]awyers in criminal courts are necessities, not luxuries." 372 U.S. 335, 344. Gideon Day is a day to reflect on the importance of public defense in ensuring fairness within the criminal legal system.

Here are some suggestions for celebrating Gideon Day:

With the Defense Community:

- **Find community** in some organizations making a nationwide impact on the movement for improved public defense with This is Defense's Worthwhile Orgs list.
- Advocate for public defenders by connecting with organizations like the <u>California Public Defenders</u>
 <u>Association</u> and <u>California Attorneys for Criminal Justice</u> to expand your knowledge, share experiences, and access resources.
- Raise awareness about the importance of quality legal representation for all by participating in campaigns such as those sponsored by Zealous on their page This Is Defense.
- **Highlight the work of public defenders** and the importance of the right to counsel and connect with other defenders in your area with resources like <u>NACDL's Social Media Toolkit</u>.

With Your Office:

- Host a watch party of inspiring movies like <u>Defending Gideon</u>, or a favorite recorded training <u>hosted by OSPD</u> on our defender-only resources.
- Share your knowledge by organizing a training for your office to enhance skills in public defense.
- **Have honest conversations** about the challenges of this work with your colleagues and consider affirmative steps to avoid overwork like those compiled on the BeSustained.org website.
- **Create supportive spaces** within your office, or join an existing community care space such as the weekly drop in Be Well Wednesday.

On Your Own:

- **Learn** about efforts to expand the guarantees of *Gideon* such as <u>research compiled by the Deason Center into</u> the importance of having a defender from the start of the prosecution.
- **Embrace your inner scholar** and read about the expansion of the *Gideon* case over the past 61 years on <u>Georgetown Law's research library *Gideon*</u>.
- **Donate to public defense scholarships** at NACDL to <u>support the next generation</u> of public defenders.

March 2025 IDID Training Events

Unless otherwise noted these trainings are intended for criminal defense team members only, including attorneys, investigators, social workers, paralegals, mitigation specialists, law office professionals, and other job roles on defense teams.

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Fatal Peril: Research and Recommendations to Support Intimate Partner Violence Survivors Charged with Homicide Offenses

ANDREA CIMINO, PhD, MSW, Social Scientist
DEBBIN MUKAMAL, Executive Director, Stanford Criminal Justice Center at Stanford Law School

12:15 PM - 01:15 PM Zoom Registration Link

This webinar presents findings from a groundbreaking study of women incarcerated for homicide offenses in California. Key topics include the prevalence of intimate partner violence and homicide risk, and the incidence of probable traumatic brain injuries among respondents. Attendees will gain insight into the multiple pathways that lead survivors to incarceration and discuss strategies for defense attorneys to approach cases involving survivor-defendants with greater understanding and equity

1 hour MCLE Credit is offered for this training

3/7

Fundamentals of Competence – The Experts

JOHN PHILIPSBORN, Legal Forensic Mental Health Expert

This webinar will focus on working with expert witnesses in competence to stand trial cases. After this webinar, you will have a better understanding of how experts working for the defense, prosecutor or court may assess competency differently. You will gain skills to prepare your experts for the assessment and for any resulting testimony, including tools for planning the direct and cross examination of mental health experts addressing competence.

1.25 hour of MCLE and Legal Specialization Credit in Substantive Criminal Law and Procedure is offered for this training

Pretrial Writ Practice in RJA Claims

THOMAS HARTNETT, Senior Deputy, Ventura County Public Defender JOHN STOLLER, Principal Assistant Public Defender, Sacramento County Public Defender

12:15 PM - 01:30 PM Zoom Registration Link

Dealing with social media is often a necessary part of criminal defense cases. This presentation will focus on how the defense can obtain social media and how to introduce it in court.

1 hour of MCLE Credit is offered for this training

Litigating Access to Social Media Material

TROY BRITT, San Diego Primary Public Defender DONALD LANDIS, Defense Attorney and Appellate Attorney NADINE VALDECINI-ARNOLD, San Diego Primary Public Defender

12:15 PM - 01:30 PM Zoom Registration Link

Dealing with social media is often a necessary part of criminal defense cases. This presentation will focus on how the defense can obtain social media and how to introduce it in court.

1.25 hours of MCLE Credit is offered for this training

The New Age of Sentencing Part 1: Aggravating Factors *Rescheduled from 2/11*

KRISTEN HADEN, Assistant Supervisor and Recruitment Coordinator, San Diego Primary Public Defender

03:00 PM - 04:00 PM Zoom Registration Link

Learn the most recent statutory and caselaw updates in the ever-changing landscape of felony sentencing. From dealing with aggravating circumstances to preserving the best record for appeal, this lecture will provide you with the necessary tools to best represent your clients at felony sentencing. This is Part 1 of a two-part webinar series on recent changes in felony sentencing. *1 hours of MCLE Credit is offered for this training*

What Defenders Wish They Knew About Family Court: Representing Clients with 3/20 Concurrent Family Court Cases

MARY ANNE MENDENHALL, Director, Family Defense Initiatives, Office of the State Public Defender and Partners for Justice

12:00 PM - 01:15 PM Zoom Registration Link

Defenders often have clients who are dealing with their domestic violence or child abuse case in both criminal and family court. Come learn simple practical tools to help your clients maintain access to their children and have success in their criminal case, including how to handle the restraining orders issued at arraignment. The presenter will introduce a guide specifically created for public defenders and their clients who are navigating the family courts pro per.

1 hour of MCLE Credit in Competence Issues is offered for this training

Social Media Investigations Part 1: Overview of Materials Available On-line

3/24 MARIA SAPENE, Chief of Litigation Support, Office of the Federal Public Defender, Central District

03:00 PM - 04:30 PM Zoom Registration Link

Incorporating social media and online research into your fact and mitigation investigations can dramatically affect your understanding of a case. In this presentation, you will receive a general overview of materials available on-line and on social media. This is Part 1 of a two part series on social media investigations.

1.5 hours of MCLE Credit is offered for this training

The New Age of Sentencing Part 2: Enhancements and Beyond *Rescheduled from

KRISTEN HADEN, Assistant Supervisor and Recruitment Coordinator, San Diego Primary Public Defender

12:15 PM - 0:15 PM Zoom Registration Link

Learn the most recent statutory and caselaw updates in the ever-changing landscape of felony sentencing. From dealing with enhancements to preserving the best record for appeal, this lecture will provide you with the necessary tools to best represent your clients at felony sentencing. This is Part 2 of a two-part webinar series on recent changes in felony sentencing.

1 hours of MCLE Credit is offered for this training

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Social Media Investigations Part 2: From Planning to Live Search Techniques

MARIA SAPENE, Chief of Litigation Support, Office of the Federal Public Defender, Central District

03:00 PM - 04:30 PM Zoom Registration Link

Incorporating social media (and on-line) research into your fact and mitigation investigations can dramatically affect your understanding of a case. In this presentation, you will be walked through an on-line investigation from planning to live search techniques.

1.5 hour of MCLE Credit is offered for this training

April 2025 IDID Training Events

Unless otherwise noted these trainings are intended for criminal defense team members only, including attorneys, investigators, social workers, paralegals, mitigation specialists, law office professionals, and other job roles on defense teams.

Effectively Using the Circumstantial Evidence Instructions Throughout the Entire

TERESA DEAMICIS, Deputy State Public Defender, Office of the State Public Defender – Indigent **Defense Improvement Division**

GABY GURAIIB, Defense Attorney, San Mateo Private Defender Program

AVI SINGH, Deputy Public Defender, Santa Clara Public Defender

CARLIE WARE HORNE, Lecturer and Clinical Supervising Attorney, Stanford Law School Criminal Defense Clinic

02:00 PM - 03:00 PM Zoom Registration Link

Circumstantial evidence can be a defense attorney's best friend at trial. In this webinar, three experienced trial attorneys - Gaby Guraiib, Carlie Ware Horne, and Avi Singh - will share their experiences and strategies for using the circumstantial evidence instructions. Attendees will develop the tools to effectively weave these instructions from jury selection through closing argument.

Defending Civil Contempt Charges

JACOB GLUCKSMAN, Criminal Defense Attorney, The Law Offices of Jacob Glucksman

12:15 PM - 01:15 PM Zoom Registration Link

Civil contempt charges can intersect with criminal defense work, such as when a client fails to pay child or spousal support. Since many public defenders are now tasked with contempt appointments in their counties, it is crucial defenders understand how to litigate these cases. In this webinar, attorney Jacob Glucksman will give you a deeper understanding of civil contempt standards and concrete tools to use to defend in these proceedings. At the end of this webinar, attendees will be able to identify the codes that govern contempt charges, the elements of contempt, and the stages of contempt.

1 hour MCLE Credit is offered for this training

Talking About Race During Jury Selection

JANE BROWN, Assistant Public Defender/Racial Justice Act Unit Head, Alameda County Public Defender Office

3:30 PM - 4:30 PM Zoom Registration Link

Talking about race during jury selection is something all trial level public defenders need to be able to do, especially since the enactment of the Racial Justice Act. In this session, Assistant Public Defender Jane Brown will educate trial level attorneys on how to make race salient from the beginning of the trial. At the end of this webinar, attendees will develop the skills to talk about race during jury selection and effectively tie race to the theme and theory of the case. *1 hour MCLE Credit in Recognition and Elimination of Bias is offered for this training*

Suppressing Coerced Confessions: Utilizing the Social Science of False Confessions 4/15 and Working with the New "Deception Ban" Legislation Part 1

LAUREN GOTTESMAN, Staff Attorney, Innocence Project JASMIN HARRIS, Director of Policy and Development, The Innocence Center

12:00 PM - 01:00 PM Zoom Registration Link

This training aims to provide defense attorneys with new tools with which to litigate suppression of their clients' custodial statements. The first segment of this two-part training will address strategies for strengthening suppression arguments by using relevant social science to highlight the psychological coercion involved in clients' interrogations and/or clients' vulnerabilities to coercive interrogation tactics. The training will also include a brief discussion on the social science of Miranda comprehension and how to incorporate such science into pre-trial Miranda arguments, as well as tips for working with confession experts and proffering such expert testimony in both pre-trial hearings and at trial.

1 hour MCLE Credit is offered for this training

Suppressing Coerced Confessions: Utilizing the Social Science of False Confessions 4/16 Suppressing Coerced Confessions: Utilizing the Social Science of and Working with the New "Deception Ban" Legislation Part 2

LAUREN GOTTESMAN, Staff Attorney, Innocence Project JASMIN HARRIS, Director of Policy and Development, The Innocence Center

11:45 AM - 12:45 PM Zoom Registration Link

This training will provide defense attorneys with new tools to litigate suppression of their clients' custodial statements. In part 2 of the training, we will take a deep dive into the recent deception ban law, Assembly Bill 2644, which went into effect on July 1, 2024, and prohibits law enforcement from using threats, physical harm, deception, or psychologically manipulative interrogation techniques during a custodial interrogation of a person 17 years of age or younger. (Cal. Welf. & Inst. Code § 625.7.) The training will include strategies for: urging courts to expansively interpret the definitions of deception and false statements regarding leniency; responding to the State's opposition to suppression of statements; and opposing the admission of confessions elicited in response to polygraphs or other lie-detection tests, as well as statements elicited via deceptive Perkins operations.

1 hour MCLE Credit is offered for this training

Other Training Opportunities

Provided for information only and are not affiliated with OSPD



2025 Public Defender Tech Training Program

NACDL's Fourth Amendment Center

Spring 2025-Spring 2026 <u>Deadline to apply: March 3rd</u>

More Information and Registration



Mastering Disposition Advocacy & Challenging SYTF Commitments

presented by Pacific Juvenile Defender Center

3/6/2025, 3:00 PM - 5:00 PM

Virtual

More Information and Registration



Advancing Equal Justice in the New Federal Landscape (Town Hall)

presented by National Legal Aid & Defender Association

3/11/2025, 3:00 PM - 5:00 PM

Virtual

More Information and Registration



Strangulation: Evaluating Strangulation Evidence With A Medical Perspective

presented by Godoy Medical Forensics

3/11/2025, 1:00 PM - 2:00 PM

Virtual

More Information and Registration



SYTF Monthly Zoom Room

presented by Pacific Juvenile Defender Center

3/13/2025, 4:00 PM - 5:00 PM

Virtual

More Information and Registration



A Hearsay Primer: Learning the Hearsay Rules and Their Applications

presented by California Lawyers Association

3/13/2025, 12:00 PM - 1:00 PM

Virtua

More Information and Registration



Abusive Head Trauma: What We Know About Shaken Baby Syndrome

presented by Godoy Medical Forensics 3/18/2025, 11:00 AM - 12:00 PM

Virtual

More Information and Registration



Ask a Mitigation Specialist

presented by Advancing Real Change 3/19/2025, 3:00 PM - 4:00 PM

Virtual

More Information and Registration



2025 Virtual AI Conference

presented by National Association of Criminal Defense Lawyers 3/20/2025, 11:00 AM - 5:00 PM

Virtual

More Information and Registration



Racial Justice Webinar

presented by California Public Defenders Association 3/24/2025 – 3/28/2025

Virtual

More Information and Registration



Resentencing AI Tool Feedback Session

presented by Sonoma State University

3/28/2025, 10:30 AM - 11:30 AM

Virtual

More Information and Registration



2025 Virtual Train the Trainer

presented by National Legal Aid & Defender Association

4/2/2025 - 4/4/2025

Virtual

More Information and Registration



2025 Jacksonville Conference Reducing Harm Through Mitigation: Strength in Unity

presented by Advancing Real Change

4/9/2025 - 4/11/2025

Jacksonville, Florida

More Information and Registration



Capital Defense Community Resilience Discussion Forum

presented by Advancing Real Change

4/28/2025, 3:30 PM - 4:30 PM

Jacksonville, Florida

More Information and Registration

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).