

**THE OFFICE OF THE FEDERAL PUBLIC DEFENDER (TXN)
and
THE FEDERAL BAR ASSOCIATION (FORT WORTH)
*are pleased to sponsor the
2016 “Federal Criminal Law Practice” Refresher CLE
United States Federal Courthouse,
501 West 10th St., Jury Room
Fort Worth, Texas
Friday, April 08, 2016***

Overview

The Federal Public Defender for the Northern District of Texas has designed this one-day event to provide the experienced federal criminal defense practitioner with instruction in a broad array of procedural and substantive subject matter. The Federal Defender has submitted the appended agenda to the State Bar of Texas for certification and the course has been approved for 7.00 hours of continuing legal education credit, of which one (1) hour qualifies for Ethics credit.

Cost(s): All Attendees: Free
Lunch: TBD
Parking: On your own

Registration: Register online [here](#)

or

E-Mail the appended form to: txn_cle@fd.org

AGENDA

7:45 - 8:00 A.M.

Welcoming Remarks

*The Hon. Jeffrey Cureton, United States Magistrate
Judge Mr. Joe Cleveland, President, Federal Bar
Association Mr. Jason Hawkins, Federal Defender N.D.
of Texas*

8:00 - 9:30 A.M.

Sentencing Guideline Update

*Taylor Brown, Assistant Federal Defender N.D. of Texas
Jerry V. Beard, Staff Attorney, N.D. of Texas*

On November 1, 2015, the latest version of the United States Sentencing Guidelines went into effect. In this session we will review the recent amendments and identify practice-pointers that you can use to increase your sentencing effectiveness.

9:30 - 10:30 A.M.

Restitution

Matthew Wright, Assistant Federal Defender N.D. of Texas

One of the "high interest" items percolating recently at the Supreme Court, the Fifth Circuit, and the various Northern District's trial courts is court-ordered restitution. Matthew Wright will share insights into the application of the federal restitution statutes and highlight pitfalls for the unwary practitioner to avoid.

10:30 - 10:45 A.M.

BREAK

10:45 - 11:45 A.M.

Ethics/Discovery

*Christopher Curtis, Ass't Federal Defender, N.D. of Texas
Jessica Graf, Staff Attorney, N.D. of Texas (Fort Worth)*

A look at discovery issues confronting the federal practitioner from the combined trial- and post-conviction attorney perspectives. This session addresses the requirements of Rule 16 for prosecutors and for defense counsel, and we will also examine obtaining discoverable evidence from the perspective of a lawyer seeking post-conviction relief. We will learn about other avenues to discoverable evidence, and will

examine the newly-promulgated Texas Ethics opinion and the effect (or non-effect) it may have for the federal practitioner.

11:45 - 1:15 P.M.

LUNCH

1:15 – 3:15 P.M.

Sentencing Practice in the Post-*Johnson* Era

Brandon Beck, Staff Attorney, N.D. of Texas

Taylor Brown, Ass't Federal Defender, N.D. of Texas

Shery Kime-Goodwin, Ass't Federal Defender, N.D. of Texas

The Supreme Court's recent decision in *United States v. Johnson* (that the Armed Career Criminal Act's "residual clause" is void for vagueness) has worked a sea-change in federal sentencing practices. In this session we will first review Johnson's direct impact in ACCA cases. But we will also examine its possible effect in non-ACCA cases, which often involve the same type language which the Johnson Court found constitutionally-infirm. Johnson's reach is particularly far-reaching and the subject matter can be tedious. But the decision's importance to federal practitioners cannot be understated!

3:15 - 3:30 P.M.

BREAK

3:30 - 5:00 P.M.

Panel Discussion: Sentencing Considerations

Moderator: Christopher Curtis, Ass't Federal Defender

Jason D. Hawkins, Federal Public Defender (Panelist)

Shery Kime-Goodwin, Ass't Federal Defender (Panelist)

Peter Fleury, Ass't Federal Defender (Panelist)

Stephen Green, Ass't Federal Defender (Panelist)

Lauren Woods, Ass't Federal Defender (Panelist)

This directed Panel Discussion will focus on the critical need in federal sentencing to lay the groundwork for successful sentencing through: (1) comprehensive written Presentence Report (PSR) objections; and/or, (2) the proper drafting and submission of Section 3553(a) Sentencing Memoranda. Panelists will discuss the proper development of PSR objections and sentencing memo considerations as well as touch upon various techniques for persuading a sentencing court to exercise its discretion to sentence toward the *lower* ends of the advisory and statutory ranges.

FACULTY BIOGRAPHIES

Jerry V. Beard

Jerry Beard works as an Assistant Federal Public Defender/Staff Attorney in the Northern District of Texas as an appellate litigator, and he has submitted over 500+ merits briefs and presented 80+ oral arguments to the United States Court of Appeals for the Fifth Circuit. In 2008, he also appeared before the United States Supreme Court to argue *Regalado-Cuellar v. United States*. Jerry also serves as drafting and writing editor; helps train new assistant defenders; oversees Intern selections for the Defender's 4 offices; serves on the Defenders' national Supreme Court Resource & Assistance Panel; and occasionally works as a project officer for CLE seminars like this one. Jerry is a 1991 graduate of the Texas Tech University School of Law and, from 2004 to 2007, Jerry taught there as an adjunct law professor. He has also completed 20 years' service in the Air Force and Air Force Reserve as a Reserve Judge Advocate and an Airborne Battle Manager. Lt Col. Beard retired from reserve military service in 2006.

Brandon Beck

Brandon Beck is an appellate attorney with the Office of the Federal Public Defender for the Northern District of Texas and adjunct professor of legal practice at Texas Tech University School of Law. Before entering the world of federal criminal law, Professor Beck spent three years practicing civil trial and appellate litigation in Tyler, Texas. He has an undergraduate degree in classics from The University of Texas at Austin, a master's degree in religious studies from Boston University, and a law degree from Texas Tech. He is a 2012 inductee into both the National Order of Barristers and the National Order of Scribes.

Taylor W. Brown.

T.W. Brown is an Assistant Federal Public Defender in the Fort Worth Division of the Northern District of Texas. Before taking his current position, T.W. worked as a Research and Writing Specialist in the Fort Worth Division and an Assistant Public Defender for the Law Offices of the Public Defender in Las Cruces, New Mexico. T.W. is a 2013 graduate of the University of Arkansas School of Law.

Christopher A. Curtis

A 1986 graduate of Baylor University School of Law, and a 1983 graduate of Baylor University, Chris has been with the Federal Public Defender's office in the Northern District of Texas since February, 2002. Prior to that, Chris was an Assistant United States Attorney from December 1990 until July 2000. From July 2000 until February 2002, Chris worked in private practice and also worked for the Combined Law Enforcement Associations of Texas (CLEAT).

Chris has written and presented course materials for the State Bar of Texas, Advanced Criminal Law Course on the topics of Federal Criminal Practice and Federal Health Care Fraud Prosecutions. Chris has also written and presented course materials for the CJA panel training in the Northern District of Texas and the Dallas Federal Bar Association while he was in private practice and as an Assistant Federal Public Defender. For several years, Chris routinely prepared and presented course materials for the annual training in the U.S. Attorney's office in the

Northern District of Texas and has taught on the topic of health care fraud prosecutions for the Federal Bureau of Investigation Academy in Quantico, Virginia.

Jessica Graf

Jessica Graf joined the Federal Public Defender's Office in Fort Worth as a Research and Writing Specialist in July of 2015. Jessica graduated summa cum laude from Texas Tech School of Law in 2014, where she was a member of the Law Review and competed in multiple national moot court competitions. Following graduation, she clerked for Judge Cathy Cochran and Judge David Newell at the Texas Court of Criminal Appeals. In her spare time, Jessica enjoys watching sci-fi television shows with her husband and three dogs.

Jason D. Hawkins

Upon graduating from St. Mary's University School of Law in 1995, Jason became a law clerk and Pro Se Staff Attorney for the Greatest American, the Honorable Royal Furgeson, former United States District Judge for the Western District of Texas and current Dean of the University of North Texas Dallas College of Law.

His career in the Federal Public Defenders Office started in 1999, when he went to work in the Capital Habeas Unit in Phoenix, Arizona, representing death row prisoners. He won a ruling that Arizona's rules for restoring death row inmate to competency were unconstitutional in *Amaya-Ruiz v. Stewart*. Jason also drafted the briefly successful argument that the Supreme Court's decision in *Ring v. Arizona* (holding Arizona's death penalty sentencing scheme unconstitutional) should apply retroactively to all of Arizona's death row prisoners. Ultimately Justice Scalia disagreed and, writing for the majority, reversed the Ninth Circuit's decision.

Growing weary of the eternal sunshine, Jason left Phoenix in 2001 and accepted a position with the Federal Public Defenders Office in Dallas. He was named appellate chief in 2008 and his wins before the Fifth Circuit have generally come in either unpublished per curiam opinions or sweeping published opinions "limit[ing] the precedential value of [the] holding to cases presenting indistinguishable facts in all material respects." *United States v. Willis*, 563 F.3d 168 (5th Cir. 2009). In November 2011, he argued and lost before the Supreme Court in *Setser v. United States*, 10-7387. Justice Scalia once again proved to be Jason's nemesis.

He was later moved out of the appellate section and named First Assistant when former Federal Public Defender Richard Anderson became despondent over the new and creative ways Jason was making harmful precedent. Hoping to completely remove him from ever appearing in court again, the Honorable Carl Stewart, Chief Judge of the Fifth Circuit, sentenced Jason to 48 months as the Federal Public Defender on August 26, 2013. Jason is now in charge of making sure everyone has enough paper and pencils to go to court. In his spare time he and his wife can be found in a gym supporting their two daughters' club volleyball habits.

Shery Kime-Goodwin

Shery Kime-Goodwin joined the Office of the Federal Public Defender fifteen years ago after being in private practice for six years. Prior to joining the office, she worked for the law firms of Mullin Hoard & Brown, L.L.P., and Langston Law Offices, P.C., where her practice focused on bankruptcy, banking, and commercial litigation. For the past ten years, she has been an adjunct

professor at Texas Tech University School of Law teaching legal research and writing. She also coaches the Texas Tech Law School National Arbitration team and her teams have won the ABA national championships four times in the past eight years and her most recent teams were national semi-finalists.

Matthew Wright

Matthew Wright is an Assistant Federal Public Defender in Dallas, Texas. He practices primarily in appeals before the Fifth Circuit and U.S. Supreme Court. Matthew is a magna cum laude graduate of the University of Arkansas School of Law. He previously served as a law clerk to U.S. District Judge Kenneth Hoyt in Houston. Matthew has also worked as an associate at Sidley Austin in Washington D.C. and at Mullin, Hoard, & Brown in Amarillo, Texas.

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Registration Form

*Full Name:

*Complete Address:

*Telephone No. (including area code):

*E-Mail:

*CJA Panel Member (Yes / No):

*Years of Federal Experience (optional):

*Personal Seminar Objectives (optional):

**Required Information*

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