



KENTUCKY PUBLIC DEFENDER COLLEGE

2013 COURSE CATALOG

Commonwealth of Kentucky
Department of Public Advocacy
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INTRODUCTION

The Department of Public Advocacy's commitment to training its attorneys and staff is an integral part of its commitment to professional excellence and to client-centered representation.

DPA training reflects the realities unique to providing criminal defense representation as a public defender. Although DPA public defenders provide the same defense representation as would be provided by a private defense practitioner, public defenders face some realities not faced by private attorneys: huge caseloads, concentration on a specific part of the law, and the absence of any need to compete with other attorneys for clients. This makes the training of a public defender different from the training a private attorney might receive. Public defenders need a lot of information very quickly in order to get started. They do not have time to learn as they go, one case at a time, and certainly cannot afford to learn at the expense of their clients. Their training must reflect their relative specialization in criminal law and juvenile law. And since they do not compete with one another for clients, all DPA attorneys are expected continually to educate one another as they grow in their profession. DPA training centralizes the collective wisdom and experience of all its employees. This is what makes public defenders different and what makes DPA training different.

DPA encourages all employees, in any position, to begin the task of being a leader from where they are. DPA expects that this will also be apparent in the attitude which employees bring to participating and excelling in training events. Leadership in excellence and client-centered representation means taking training seriously, coming prepared, doing assignments conscientiously, and participating actively.

Much of the training DPA offers is also professionally accredited. Lawyers, social workers and investigators can receive professional CLE/CEU credit with their own professional organizations by attending and completing DPA training.



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OVERVIEW OF TRAINING AVAILABLE THROUGH DPA

Orientation

First Day on the Job	Twice a month	1 day
Orientation to DPA	2-3 times per year	1 day

Attorneys: Year One

District Court Training	Every 6 months	3.5 days
Juvenile Court Training	Every 6 months	3.5 days
Faubush Litigation Persuasion Institute	Yearly (October)	5 days
Circuit Court Training	Yearly	5 days
Other Requirements for Graduation from Year One	Distance Learnings	

Attorneys: Year Two-Three

Advanced Topic Survey	Yearly	4 days
Faubush Essentials of Defense Investigation	Yearly (October)	5 days

Attorney's Expertise Development Electives

Post Conviction Institute	Every other year	4 days
Appeals Institute	Every other year	4 days
Juvenile Summits	Yearly	1 day
Collateral Consequences	Yearly	2 days
Forensics	Yearly	2 days

Leadership Development

Client Centered Leadership	Yearly	1 day
New Supervisors	As needed	2.5 days
Nuts and Bolts	Every 2-3 years	3 days
Quarterly Leadership	3 times a year	1 day
Train the Trainer - The Presentation	Yearly	1 day
Train the Trainer - Small Group Coaching	Yearly	1 day
Train the Trainer - Designing Programs	Every other year	2 days

GSC Courses Required for New Supervisors

Performance Matters	See GSC Catalog	1 day
Hiring and Selection Process: Best Practices	See GSC Catalog	1 day
Structured Behavioral Interviewing	See GSC Catalog	1 day



Death Penalty Litigation

Death Penalty Institute	Every 1-2 years	5 days
Capital Voir Dire	1-2 times a year	3 days
Regional Training	Yearly	1 day

Technology

Using PowerPoint in the Courtroom	Yearly	1 day
Using OneNote	Yearly	1 day

Office Workshops

Teambuilding	As requested	1 day
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Social Workers

Online Orientation	As needed	
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Investigators

Online Orientation	As needed	
Faubush Essentials of Defense Investigation	Yearly (October)	5 days

Administrative and Secretaries

Online Orientation	As needed	
Statewide Conference	Every other year	2 days
Regional Training	Every other year	1-2 days

Annual Conference

Yearly (June)	2.5 days
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Periodic Distance Learning Sessions

As needed

Outside DPA Training Opportunities

- Kentucky Governmental Services Center
- Kentucky Employee Assistance Program
- National Criminal Defense College
- NLADA Appellate Conference
- NLADA Life in the Balance
- Federal Habeas Training
- Kentucky Bar Association Annual Conference
- Other Opportunities

NEW PUBLIC DEFENDER CAREER DEVELOPMENT PATH

Below is an example of the arc of training available to new public defenders in the DPA. This may vary based on the experience level of the new public defender, date of hire, and needs of the work unit. Post Trial attorneys will get additional training in their field.

Within the first few months

First day on the job	1 day
Orientation	1 day
District Court	3.5 days
Juvenile Court	3.5 days

Within the first year

Faubush Litigation Institute	5 days
Circuit Court	4 days
Annual conference (plus every year thereafter)	2.5 days
Juvenile Summit (if practicing in Juvenile Court, plus every year thereafter)	1 day

Between First and Second Year

Advanced Topics Survey	5 days
Expertise Training [per direction of supervising attorney, public defenders will attend additional training in expertise area(s)].	1-2 days

Second and Third Year

Faubush Essentials in Defense Investigation	5 days
Continued Expertise Training	
Train the Trainer	
Begin giving back by becoming a trainer and/or contributing to the Advocate.	

Fourth Year and Beyond

Client Centered Leadership	1 day
Death Penalty Litigation Trainings	Varies by training



FREQUENTLY ASKED QUESTIONS

What if something comes up and I have to miss part of a mandatory training event? Training participants can be excused from training with the authorization of direct supervisors. Those conducting the training and their supervisors retain the authority to decide if an absence will require that the training, or parts of it, be taken over again.

How do I sign up for classes? For mandatory training, a registration e-mail will be sent out to those expected to attend. For other trainings, an announcement will be sent out with instructions for registration.

When do I claim normal work hours for attending training and when do I have to take comp time to attend? You can claim normal work hours and, in some instances, comp time as well for most of the training you will attend. Consult your supervisor and DPA Policy 12.07 for details.

When does DPA furnish lodging and reimburse for mileage related to training events? DPA pays for lodging, meals, and mileage for most training events. However, if you live close to a certain training event you may be asked to commute instead of staying overnight.

If DPA pays for me to attend out-of-state training, what are my obligations to the agency as a result? If DPA pays for you to attend any non-DPA training costing more than \$500 in total costs, DPA may require that you re-pay those costs, in part or in full, if you voluntarily resign from DPA within two years from the date of the end of the training. You may also be required to do a presentation or other training on what you learned.

Can I pick a non-DPA training event I would like to attend and ask DPA to pay for me to go to it? Feel free to ask. While it is not always out of the question, it will be decided on a case-by-case basis. For instance, if the training is likely to be beneficial to other DPA employees as well, DPA may prefer to invite the trainer to give a presentation at the annual conference so that more than just one person will benefit.

Are all courses listed in the catalog guaranteed to be offered? Mandatory training is guaranteed to be offered. Provision of any other training may be subject to demand and the needs of the agency.

Will the courses always contain exactly the content listed in the catalog? All course content is subject to revision without notice. DPA training is constantly modified to meet the needs of the agency and the challenges we face statewide. Certain fundamental subjects and skills will always be included in training.



ORIENTATION

The DPA strives to provide a comprehensive introduction to working in this organization. This is done through three components.

Class Name: **First Day on the Job** 1 day

Course Objective: Provide Orientation to State Government and the DPA. Participants will receive passwords and have the opportunity to fill out necessary paperwork.

Topics include:

- ◆ Agency Structure
- ◆ Policies
- ◆ Information Technology
- ◆ HR Forms and Information
- ◆ Education Resources
- ◆ Fiscal forms

Intended Audience: All DPA employees

Class Name: **Orientation for DPA Employees** 1 day

Course Objective: Provide an overview of the mission and values of the DPA and the opportunity to meet members of the leadership team.

Topics include:

- ◆ The Past, Present, and Future of the DPA
- ◆ Work-Styles and Joining a New Team
- ◆ Appropriate Workplace Behavior
- ◆ Education Resources
- ◆ The Vital Role of Kentucky Advocates

Intended Audience: All DPA employees

Online Orientation Modules

Investigators, Social Workers and Administrative Professionals have additional orientation training available through the Orientation page on the Trumpet.



ATTORNEYS: YEAR 1

Class Name: **District Court** 3.5 days

Course Objective: To provide new attorneys with their first basic training for actually representing clients in court, assuming no prior knowledge of Kentucky law or procedures, by offering introductory-level lectures, overviews, and interactive scenarios containing basic legal issues for the attorneys to identify and argue on behalf of their clients.

Topics include:

- ◆ **What Is a Public Defender?**
 - * The Role of the Public Defender in the Criminal Justice System
 - * The Commitment to Professionalism and Excellence
 - * Representing the Whole Client
 - * Meeting and Exceeding Standards
- ◆ **Courts, Crimes, and Other Legal Basics for New Attorneys**
 - * An overview of Types of Offenses, Types of Courts, Jurisdictions and Types of Cases Handled, and Basic Criminal Procedure from Arrest to Trial as it Applies to Practice in District Court
 - * New Legislation
 - * The Good and Bad Concerning the Green Books (West's Criminal Law of Kentucky)
- ◆ **Conducting Preliminary Hearings**
 - * Basic Law: Purpose of the Hearing, Witnesses Who Do Not Show Up, Being Denied the Right to Question, Etc.
 - * Preparing for a Hearing: Interviews, Investigation, Identifying Possible Legal Issues
 - * Questioning During the Hearing: Chapters, When to Use Open-ended and Close-ended Questions, Use of Pronouns, Closing Statement
 - * Re-Addressing Bond Issues
- ◆ **Understanding Pretrial Risk Assessments and Litigating Pretrial Release**
 - * Tara Boh Klute, Chief Operating Officer, AOC Pretrial Services co-teaches this session
 - * Brief History of Pretrial Release in Kentucky and of the Development of the Pretrial Risk Assessment Tool Used by AOC Pretrial Services
 - * Review of Typical Pretrial Risk Assessment Reports and the Information They Contain
 - * Basic Overview of Kentucky Law Concerning Bond and Pretrial Release
 - * Levels of Risk and the Law Concerning Pretrial Release
 - * Confidentiality of Pretrial Release Interview Information
 - * Setting Up and Pursuing an Appeal
- ◆ **Initial Client Interviews and Pre-Arrestment Interviews**
 - * NLADA Guidelines on Interviewing
 - * The Basic Pre-Arrestment Interview Format
 - * Information to Get from the Client
 - * Information to Give to the Client
 - * Small Group Practice of Pre-Arrestment Interviews with Feedback from Coaches
- ◆ **Basics of Negotiating**
 - * NLADA Guidelines on Negotiating
 - * Common Mistakes
 - * Three Tips
 - * Small Group Practice Negotiating with a Prosecutor with Feedback from Coaches
- ◆ **The Client Decision Interview**
 - * NLADA Guidelines on Presenting a Plea Offer to a Client
 - * Formats for Different Kinds of Client Decision Interviews
 - * Legal Basics Concerning Advice of Counsel and Plea Agreements
 - * Laying Out the Options and Explaining Them
 - * Using Appropriate Language the Client Can Understand
 - * Asking for Decision
 - * Preparing the Client for What Will Happen Before the Judge
- ◆ **Calling the District Court Docket** – District Court training ends with a day and a half of calling a typical district court docket: the arraignment docket (jail docket), the show cause docket (old fines, etc.), the preliminary hearing docket, and the pretrial conference docket. Coaches play the roles of judge and county attorney (prosecutor) while each new attorney comes before the court to represent his or her client as that client's name is called on the docket. Each new



attorney has a client in jail and will argue for a bond reduction as his or her client comes up on the arraignment docket. Each new attorney also has at least one other client on one of the other dockets and will represent that client as that client's name is called as well. The exercise includes training on:

- * Rules and Tips for Addressing a Judge
 - * Standard Arraignment Language and What It Means
 - * The Importance of the Record
 - * Feedback from Coaches
- ◆ **Topics in the District Court Docket** – Each client will have a file for the attorney to copy and which will lay out the charges against the client and facts surrounding the case. These files will be assigned at the beginning of the training. Each file contains at least one basic legal issue which is common to district court and which the attorney should identify after being given time to research the issue. The attorney should then be prepared to address this issue to the court as it affects the client's bond or other legal considerations. The legal issue is then reviewed and discussed with the entire group so that everyone learns. The topics covered in the district court client scenarios include:
- * Adversarial Bond Hearings
 - * Alternative Sentences
 - * Appeals to Circuit Court
 - * Appointment of a Public Defender in Kentucky
 - * Basic Law of Arrest in Kentucky
 - * Basic Law of Capacity and Competency
 - * Collateral Consequences
 - * Conflicts
 - * Basic Law of Contempt in Kentucky
 - * Continuances
 - * Court Costs, Jail Fees, Fines, and Restitution
 - * Concurrent versus Consecutive Sentencing
 - * Discovery Issues
 - * Basic Double Jeopardy Issues in District Court
 - * DUI Issues Common in District Court
 - * Enhanceable Offenses
 - * Extradition
 - * Failure to Appear
 - * Failure to Indict
 - * Issues Involving Immigrants and Interpreters, Other Collateral Consequences
 - * Pleas and Detrimental Reliance
 - * Probable Cause at Arrest, in a Warrant, and at Arraignment
 - * Probation Revocation
 - * Prosecutorial Misconduct
 - * Statute of Limitations
 - * Unnecessary Delay
- ◆ **The District Court Black Letter Law Review** – This is one of the main training manuals given to new attorneys during new attorney education. It is updated every year and handed out during District Court training. It contains all the basic law one might need to begin practice in District Court including all the “answers” to the legal scenarios. New attorneys go through the Black Letter Law Review while the docket is called.

Intended Audience: All newly hired public defenders

Class Name: **Juvenile Court** 3.5 days

Course Objective: To provide new attorneys or other attorneys not familiar with defense practice in juvenile court a thorough introduction to juvenile law and procedure in Kentucky highlighting particular areas of concern based upon common practices by judges and prosecutors. This introductory-to-mid-level training stresses that juvenile law is a specialized area of practice requiring its own expertise.

Topics include:

- ◆ **The Role of the Juvenile Defender** – An Overview of the Ethical Considerations and Expectations of Those Representing Juveniles in Delinquency and Status Offenses
- ◆ **Guiding Principles of Juvenile Defender Practice** – Guidance from Experienced Juvenile Defenders

- ◆ **History of the Juvenile Justice System in Kentucky and Recurring Systemic Problems and Issues**
- ◆ **Adolescent Development** – Emphasizing the Importance of Educating the Judge, Prosecutor, and Others on the Why Juveniles Behave as They Do
- ◆ **Contempt** – A Review of Contempt in the Context of Juvenile Court
 - * What Is Contempt?
 - * The Limits on Contempt Power
 - * Procedural Rights
 - * Juvenile Court Continued
 - * Defenses to Contempt
 - * Valid Court Orders
 - * Appealing a Finding of Contempt
 - * A Contempt Checklist
- ◆ **Defending Status Offense Cases**
 - * What Is a Status Offense?
 - * Procedural Safeguards
 - * Limits on Detention
 - * Appealing an Adjudication
 - * Status Offense Checklist
- ◆ **Handling Transfer and Competency Hearings**
 - * The Law Regarding Transfer
 - * Litigating Transfer Prior to Transfer
 - * Litigating Transfer After Transfer
 - * Situations Requiring Remand to District Court
 - * Competency Issues Arising Throughout the Juvenile Court Process
 - * Evaluations and Competency
 - * Introducing Evidence Regarding Competency
 - * Transfer and Competency Checklist
- ◆ **Handling Detention and Disposition Hearings**
 - * The Law, Practice, and Strategies Surrounding These Important Hearings
 - * Detention and Disposition Checklists
- ◆ **Adjudication Hearings**
 - * With Examples of Actual Adjudications
 - * Checklist for Appealing a Adjudication to Circuit Court
- ◆ **Ethics: Holistic Representation and Enhancing the Heart**
- ◆ **Ethics: Interactive Student Participation in Ethics Scenarios Involving Juveniles**
- ◆ **Juvenile Jeopardy** – A Review of Kentucky Law and the Major Supreme Court Cases Involving Juvenile Law in the Format of the Popular Game Show.
- ◆ **The Case Problem** – New attorneys will be given a case problem to work on during the training. Groups will sign up to handle different procedural steps in the case: one group will handle the detention hearing, another will handle the competency hearing, then another will do the transfer hearing, etc. Time for research and preparation is provided once each group knows what part of the process it will be handling. On the final day of training the groups go in order arguing the client’s case as it progresses through the process of juvenile court. They explain the law to the judge and argue on behalf of the client.
- ◆ **Juvenile Law Manual** – This is a major reference work compiled by the Juvenile Post Disposition Branch which has been provided to each of the field offices and which is also available for new attorneys to consult during Juvenile Court training.

Intended Audience: All newly hired public defenders. Experienced attorneys looking for refresher are also welcome.

Class Name: **Faubush Litigation Institute** 5 days

Course Objective: Participants work their way through the stages of a trial using either a case problem or one of their own cases. Each topic is presented in a plenary session then followed with extensive practice and feedback in small groups. Faculty includes outstanding trial skills coaches from across the country.

Topics include:

- ◆ **Storytelling**
- ◆ **Theory and Theme**
- ◆ **Voir Dire**
- ◆ **Openings**
- ◆ **Cross Examination**
- ◆ **Direct Examination**
- ◆ **Closings**

Intended Audience: All newly hired public defenders

Class Name: **Circuit Court** 5 days

Course Objective: To provide medium-to-advanced-level training in litigation especially with regard to the handling of cases and representing clients in circuit court.

Topics include:

- ◆ **Lessons Learned So Far: The Principle of Training One Another**
- ◆ **Introduction to Microsoft OneNote**
 - * Setting Up OneNote
 - * A Template for Organizing Criminal Defense Cases is Provided
 - * Using OneNote In and Outside of the Office
 - * Advanced Features
- ◆ **Client Relationships and Working with Post-Conviction**
 - * The Challenges of Establishing a Professional Relationship of Trust with Clients Facing Serious Criminal Charges
 - * The Continuing Duty to the Client During Post-Conviction Challenges to the Conviction (Including Challenges to the Performance of Trial Counsel)
 - * Sharing the Client's File with Post-Conviction
 - * Client Requests After Conviction
 - * 11.42 Issues - Whose Side Is Everyone On?
- ◆ **Analyzing Cases and Kentucky Evidence Law - ½ day**
 - * The Steps of Basic Case Analysis
 - Facts Beyond Change
 - Good and Bad Facts and Dealing with Each
 - Defenses (law), Theories (facts), and Themes (story)
 - * Evidence Law. Evidence Analysis, and Evidence Blocking
 - * Identifying Evidentiary Issues in a Case Problem
 - * Anticipating Prosecution Objections
 - * Shaping An Outcome with Motions in Limine
 - * Issues Surrounding Preserving the Record
 - * New attorneys familiarize themselves with their copy of the **Evidence Manual** during this session
- ◆ **Kentucky Trial Law - ½ day**
 - * Trial Law Scenarios Assigned to Different Groups with Time Provided to Find the Correct Answers Using the **Trial Law Notebook**
 - * Review of Various Scenarios which Commonly Occur during Trial and the Proper Response to them Under Kentucky Law
 - * Topics Include:
 - The Right to Trial in Kentucky
 - The Right to Conceal a Defense/Present a Defense
 - The Defendant in Shackles
 - Continuing a Trial
 - Bench Trials
 - Number of Jurors for Trial
 - Jury Selection Procedure
 - Strikes for Cause
 - Peremptory Strikes
 - Topics for Voir Dire
 - Challenging for Cause
 - Preserving the Record on the Use of Peremptories
 - Announcing "Ready"
 - Bifurcated Trials
 - Separation of Witnesses
 - Prosecution Opening Arguments
 - Law Concerning Cross-Examination
 - Jury Instructions
 - Prosecution Closing Argument Misconduct
 - Jury Deliberations
- ◆ **Discovery in Circuit Court**
 - * Discovery under Kentucky Rules of Criminal Procedure
 - * Latest Kentucky Court Opinions Regarding Discovery

- * Federal Caselaw Regarding Discovery
- * Reciprocal Obligations Under Kentucky Law
- * Dealing with "Open File" Discovery and Failures to Provide Discovery
- * This material is contained in the **Trial Law Notebook**
- ◆ **Litigating Parole and Probation Revocations**
 - * Procedural Safeguards and Entitlements in Kentucky and Federal Caselaw
 - * Review of Current Law Regarding Revocations
 - * Appealing a Revocation
 - * This material is contained in the Trial Law Notebook
- ◆ **Case Reviews and Working with Investigators**
 - * Review of Investigator Policy 19.00
 - * Attorney Ethical Obligations and Investigators
 - * Situations Which Arise When Working with Investigators
 - * Using a Case Review Form
- ◆ **Mental Health Defenses and Working with Experts** - ½ day
 - * Overview of Mental Health Defenses Available in Kentucky
 - * Looking for, Choosing, and Obtaining a Mental Health Expert
 - * The Right to Funds and Arguing a Motion for Funds
 - * Understanding a DSM Diagnosis
 - * Different Types of Tests Experts Perform and Their Strengths and Weaknesses
 - * Issues Dealing with Incompetent Clients
 - * New attorneys use the **Mental Health and Experts Manual** and the **Funds for Experts and Resources Manual** in this session
- ◆ **Handling Civil Contempt Cases**
 - * Appointment to Cases Involving Civil Contempt
 - * The Law Concerning Civil Contempt, Including Review of Most Recent Cases
 - * Kinds of Cases Involving Civil Contempt
 - * The Law Concerning Child Support and Handling Child Support Cases
 - * Appealing a Civil Contempt Order
- ◆ **Westlaw Training**
 - * Searching by Citation or Case Name
 - * Searching by Natural Language or Terms & Connectors
 - * Searching by KeyCite
 - * Searching with Research Trails and MyWestlaw
 - * Database Selection
 - * Additional Resources Provided to Kentucky Public Defenders by Westlaw
- ◆ **Search, Seizure, and Suppression** - ½ day
 - * Basic Search and Seizure Analysis
 - * Planning a Suppression Hearing
 - * Anticipating Prosecution Tactics
 - * Review of a Video of a Successful Suppression Hearing
- ◆ **Sentencing Law and Advocacy** - ¾ day
 - * Recent Changes in Legislation Effecting Sentencing
 - * Aggregating Sentences
 - * Consecutive versus Concurrent Sentences
 - * Sentences Which Must Run Consecutively
 - * Probation Eligibility
 - * Levels of Supervision and Requirements of Probation
 - * Parole Eligibility
 - * Persistent Felony Offender Law
 - * Sentencing at Trial Under the Felony Sentencing Statute
 - * Violent Offenses
 - * Collateral Consequences
 - * Issues at Final Sentencing
 - * Alternative Sentencing Plans and Hearings
 - * The Presentence Investigation Report
 - * Calculating Sentences
 - * New attorneys use the **Guide to Kentucky Sentencing Law** in this session
- ◆ **The Trial Law Notebook and Guide to Kentucky Sentencing Law** - This is another of the main training manuals given to new attorneys. It is updated every year. It covers all the prevailing Kentucky law regarding pretrial litigation in circuit court as well as taking the reader from the beginning to end of a circuit court trial. The sentencing law portion of the Notebook is also updated yearly. This Notebook goes out to legislators, judges, and others throughout the state.

Intended Audience: All newly hired public defenders

The DPA also requires new public defenders to complete a series of distance learning modules and quizzes available on the DPA's [Moodle](#) page during the first year.

ATTORNEYS: YEARS 2 - 3

Class Name: **Advanced Topics Survey** 5 days

Course Objective: Second and third year participants come back to continue their development focused on more complex areas of litigation.

Topics include:

- ◆ Sex Offenses
- ◆ Daubert and Forensics
- ◆ Eyewitness Identification
- ◆ False Confessions
- ◆ Review of Sentencing Laws
- ◆ Writs and Appeals
- ◆ 11.42s

Intended Audience: Second and third year public defenders

Class Name: **Faubush Essentials of Defense Investigation** 5 days

Course Objective: Using a complex case problem, teams consisting of an investigator and an attorney are trained in investigation and file organization techniques as they solve the case problem by following the proper method of defense investigation.

Topics include:

- ◆ **3 Hours - Two Sessions** - on Attorney/Investigator Ethics including Confidentiality, Attorney/Investigator Communications, Dealing with 3rd Parties, and Ethics Concerning Physical Evidence, citing ABA Criminal Defense Standards, including Specific Ethical Scenarios
- ◆ **Discovery Analysis and Planning an Investigation**
- ◆ **Client Relationships and Client Interviewing**
- ◆ **Different Types of Witnesses and How to Deal with Each** (with actual witnesses playing each type)
- ◆ **Advanced Case Organization for Big Cases using Microsoft OneNote** (a template for defense investigation especially made for OneNote will be provided)
- ◆ **Basics of Report Writing**, including What Can Be Handed Over to the Prosecution
- ◆ **Taking Witness Statements**
- ◆ **Testifying in Court**
- ◆ **Subpoena Use and Abuse**
- ◆ **Internet Resources for Investigators**
- ◆ **Safety in the Field**
- ◆ **What Happens During an Autopsy/Interviewing a Medical Examiner/Common Medical Terms**
- ◆ **Police Crime Scene Investigation**
- ◆ **Defense Crime Scene Investigation**
- ◆ **The Criminal Defense Investigator's Toolbag** - what to carry with you
- ◆ **Decoding Discovery Using Police 10 codes, and Creating Timelines**
- ◆ **National Standards for Criminal Investigation** - from the U.S. Department of Justice
- ◆ **Participants Receive a Copy of the Essentials of Defense Investigation Training Manual**

Intended Audience: Second and third year public defenders, first year investigators and non-DPA participants

ATTORNEY EXPERTISE DEVELOPMENT

Class Name: Appeals Institute 3-4 days (every other year)

Course Objective: An institute format with a mix of plenary sessions and small group practice on the participant's own case.

Topics include:

- ◆ Ethics
- ◆ Brainstorming
- ◆ Brief Writing
- ◆ Federalizing Arguments
- ◆ Oral Arguments

Intended Audience: Post Trial Appellate Attorneys

Class Name: Post Conviction Institute 3-4 days (every other year)

Course Objective: An institute format with a mix of plenary sessions and small group practice on the participant's own case or a case problem.

Topics include:

- ◆ Ethics
- ◆ Brainstorming Theory
- ◆ Working with Trial Counsel
- ◆ Direct Examination
- ◆ Evidence issues

Intended Audience: Post Trial Post Conviction Attorneys

Class Name: Juvenile Summits 1 day (4 times a year)

Course Objective: Regionally based training based on current trends in juvenile practice.

Past Topics have included:

- ◆ Caselaw and Legislative update
- ◆ Transfer hearings
- ◆ Status Offenders
- ◆ Sex Offenses

Intended Audience: Attorneys and Social Workers practicing in Juvenile Court

Class Name: Immigration Issues & Collateral Consequences 1-2 days (yearly)

Course Objective: Regular training for attorneys developing an expertise in this area of the law. This training supplements additional training on the topic at the annual conference.

Intended Audience: Attorneys with Collateral Consequences Expertise

Class Name: Forensics 1-2 days (yearly)

Course Objective: Regular training for attorneys developing an expertise in this area of the law. This training supplements additional training on the topic at the annual conference.

Intended Audience: Attorneys with Forensics Expertise



LEADERSHIP DEVELOPMENT

The DPA recognizes that a key element in providing high quality representation for our clients is active supervisors supporting the work of their staff, providing coaching and feedback and playing a critical role in their local criminal justice community. The DPA encourages all staff to view themselves as leaders and provides education in leadership and training to both potential future leaders and present leaders.

Class Name: **Client Centered Leadership** 1 day (1-2 times a year)

Course Objective: Provide future leaders and new supervisors with an overview of the supervisor's role in ensuring high quality representation, leadership theories and techniques relevant to our work and trends in public defense nationally.

Topics include:

- ◆ Making the Transition from Litigator to Leader
- ◆ Client Centered Leadership
- ◆ Reframing Organizations Problem Solving Techniques
- ◆ Organization of Other Public Defense Systems
- ◆ National Trends in Indigent Defense

Intended Audience: Future leaders and newly hired supervisors

Class Name: **New Supervisor Education** 2 days (1-2 times a year)

Course Objective: Provide newly hired supervisors with the information they need to be a manager in state government and play their role as a leader in the DPA and their local justice system.

Topics include:

- ◆ Successful Hiring
- ◆ Orienting New Staff
- ◆ Online Resources
- ◆ Day to Day Management of the office
- ◆ Coaching
- ◆ Evaluations and Discipline
- ◆ Facilitating Staff Meetings
- ◆ Creating an Attorney Network
- ◆ Building Relationships in Your Community
- ◆ Issues Involving Appointment and Waiver of Counsel

Intended Audience: Newly hired supervisors

Class Name: **Nuts and Bolts** 2-3 days (every other year)

Course Objective: Partnering with the National Alliance of Indigent Defense Educators, the DPA hosts a national conference on public defender leadership. The conference brings in a national faculty is held in an institute format with small group practice after plenary sessions.

Topics will vary and may include:

- ◆ Client Centered Leadership
- ◆ Public Defender Leadership Theory
- ◆ Coaching
- ◆ Evaluations and Discipline
- ◆ Building Relationships in Your Community

Intended Audience: All DPA supervisors, future leaders, out of state supervisors

Class Name: **Quarterly Leadership** 1 day (three times a year)

Course Objective: All DPA supervisors come together for a day of leadership training, reports from the Public Advocate and networking.

Intended Audience: All DPA Supervisors and invited future leaders

Class Name: **Train the Trainer - The Presentation** 1 day (yearly)

Course Objective: Provide potential presenters with training on developing and delivering a high quality presentation. Participants will bring a presentation they are developing and have the opportunity to work on the presentation through the day.

Topics will vary and may include:

- ◆ Adult Learning Theory
- ◆ Utilizing a Variety of Active Training Techniques
- ◆ Writing Learning Objectives
- ◆ Structuring the Presentation
- ◆ Utilizing PowerPoint Effectively
- ◆ Delivery and Performance Techniques

Intended Audience: Future presenters at DPA training events

Class Name: **Train the Trainer - Small Group Coaching** 1 day (yearly)

Course Objective: Provide potential small group coaches with training on facilitation of small groups and providing effective feedback. Frequently, this session will be offered before an institute format conference and offer participants the opportunity to work with an experienced small group coach.

Topics include:

- ◆ Adult Learning Theory
- ◆ Group Dynamics
- ◆ Providing Feedback
- ◆ Institute Formats
- ◆ Faculty member ethics

Intended Audience: Future small group at DPA training events

Class Name: **Train the Trainer - Training Directors** 2 days (every other year)

Course Objective: Partnering with the National Alliance of Indigent Defense Educators, the DPA hosts a national conference on developing and delivering training programs.

Topics will vary and may include:

- ◆ Adult Learning Theory
- ◆ Conducting Needs Assessments
- ◆ Writing Learning Objectives
- ◆ Creating the Schedule
- ◆ Developing Faculty

Intended Audience: Experience DPA trainers, training directors from other states

GSC REQUIRED COURSES FOR NEW SUPERVISORS

The Kentucky Governmental Service Center offers general courses for state government employees. The following courses are **required** for new supervisors within their first year.

Class Name: Performance Matters 1 day (several times a year)

This training is mandated by law for all supervisors who complete performance evaluations unless provided by your agency personnel. DPA's HR branch will set up the training shortly after a new supervisor is appointed.

For more information see <http://personnel.ky.gov/gsc/perfmgmt/>

Class Name: Hiring & Selection Process: Best Practices 1 day (several times a year)

Intended Audience: The target audience is hiring managers in Kentucky state government. This workshop provides an overview of best practices in the selection process from the beginning preparation steps; through a behavioral interview process; evaluating candidates' qualifications and recommending the selected candidate; and concluding the process.

Course Objectives: At the end of this session, participants will be able to:

- ◆ Establish screening criteria based on knowledge, skills, and experience necessary to be successful in a given position;
- ◆ Utilize structured behavioral interviewing techniques to maximize the value of the interview process;
- ◆ Recognize acceptable and unacceptable legal practices;
- ◆ Evaluate and recommend candidates for appointment or promotion in compliance with applicable statutes and regulations; and
- ◆ Understand information that should be maintained for documenting the selection process.

Intended Audience: DPA Supervisors prior to first hire of new staff member

To sign up for a session see GSC Course Catalogue at <http://personnel.ky.gov/gsc/empdev/register/>

Contact Lisa Blevins to register you for the date you select.

Class Name: Structured Behavioral Interviewing 1 day (several times a year)

If you participate on interviewing panels for new hires, you won't want to miss this workshop. Structured behavioral interviewing is a process that helps you predict probable future behavior based on the applicant's past behavior.

Course Objectives: This workshop will help you:

- ◆ Learn how to do a job analysis;
- ◆ Design behavioral questions to get you the information you need for your job;
- ◆ Practice note taking;
- ◆ Understand the legal parts of the hiring process; and
- ◆ Be more confident in identifying the best person for any position.

Intended Audience: DPA Supervisors prior to first hire of new staff member

To sign up for a session see GSC Course Catalogue at <http://personnel.ky.gov/gsc/empdev/register/>

Contact Lisa Blevins to register you for the date you select.



DEATH PENALTY LITIGATION

The DPA has adopted the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. Pursuant to the guidelines, the DPA offers training for members of capital defense teams a minimum of every other year.

Class Name: Capital Voir Dire 3 days (2 times a year)

Course Objective: Provide capital defense teams knowledge and practice in conducting individual capital voir dire utilizing the Colorado Method modified for Kentucky. Teams are encouraged to take the workshop close to trial and to repeat the workshop before each trial.

Topics include:

- ◆ The Colorado Method Overview
- ◆ Rating System
- ◆ Conducting the Individual Voir Dire
- ◆ Litigating Voir Dire Conditions
- ◆ Arguing Both Sides of Motions to Strike for Cause

Intended Audience: Capital Defense Teams 1-5 months from trial date

Class Name: Death Penalty Institute 5 days (every other year)

Course Objective: Provide capital defense teams with opportunity to extensively case review one of their cases through an institute format with plenary sessions and small group break out practice with nationally recognized faculty.

Topics will vary from institute to institute and may include:

- ◆ Developing Integrated Theory for Life
- ◆ Investigation and Creation of Social History Report
- ◆ Presenting Mitigating Evidence
- ◆ Communicating with Clients
- ◆ Negotiating

Intended Audience: Capital Defense Teams

Class Name: Regional Death Penalty Training 1 day (4-5 times a year)

Course Objective: These one day events vary from year to year depending on trends in capital litigation.

Past topics have included:

- ◆ Making Objections in Openings and Closings
- ◆ Instructions
- ◆ Using OneNote
- ◆ Litigating Exclusion of Death Penalty
- ◆ Presenting Mitigating Evidence
- ◆ Communicating with Clients
- ◆ Negotiating

Intended Audience: Capital Defense Teams



TECHNOLOGY

The DPA is committed to aiding staff in using the technology provided at a high level. There are a number of online tutorials and resources available on the DPA Technology Page on the Trumpet. In addition to the courses below, The DPA will be offering technology courses at other conferences and in day-long sessions in Frankfort. Watch for DPA-All email announcements for the additional sessions.

Class Name: **Using PowerPoint in the Courtroom** 1 day (1-2 times a year)

Course Objective: Participants use their laptops in this hands-on workshop to learn techniques to use PowerPoint to supplement their courtroom advocacy.

Topics include:

- ◆ Examples of Use in the Courtroom
- ◆ Inserting Video and Audio
- ◆ Pull Outs in Documents
- ◆ Creating Timelines
- ◆ Step by Step through Navigating PowerPoint Program
- ◆ Creating and Sharing Slides

Intended Audience: All staff who use or prepare PowerPoint presentations

Class Name: **Using OneNote** 1 day (1-2 times a year)

Course Objective: OneNote is a powerful software on all of our computers that enables a high level of organization and sharing of case files in complex cases.

Topics include:

- ◆ Inserting and Tagging Documents
- ◆ Inserting and Tagging Video and Audio
- ◆ Creating Reports and Timelines
- ◆ Conducting Searches
- ◆ Using Template to Organize File

Intended Audience: All staff

OFFICE WORKSHOPS

Class Name: **Teambuilding Workshop** 1 day (as requested)

Course Objective: Participants discuss the natural development of teams as well as the perfectly normal role of conflict in the team's evolution. We all bring our own talents, skills, personality and work-styles to the team. It is understandable that differences in our work-styles can rub individuals the wrong way and lead to communication problems.

Participants use the Kersey Temperaments as a way to lead to a discussion of how different work-styles respond to situations in different ways.

Intended Audience: All staff

SOCIAL WORKERS

All present DPA social workers have attended several specialized training events for their needs. The DPA will continue to offer special events for social workers as needed and permitted by budget. The DPA is committed to providing opportunities for social workers to obtain enough CEU credits to meet their requirements.

Online Resources: On **The Trumpet** there are numerous documents and videos from previous training events for social workers. This includes a special orientation page for new social workers to catch up on previous training.

Annual Conference: Every annual conference will have a track of sessions tailored to the needs of DPA social workers.

INVESTIGATORS

Class Name: **Faubush Essentials of Defense Investigation** 5 days

Course Objective: Using a complex case problem, teams consisting of an investigator and an attorney are trained in investigation and file organization techniques as they solve the case problem by following the proper method of defense investigation.

Topics include:

- ◆ 3 Hours - Two Sessions - on Attorney/Investigator Ethics including Confidentiality, Attorney/Investigator Communications, Dealing with 3rd Parties, and Ethics Concerning Physical Evidence, citing ABA Criminal Defense Standards, including Specific Ethical Scenarios
- ◆ Discovery Analysis and Planning an Investigation
- ◆ Client Relationships and Client Interviewing
- ◆ Different Types of Witnesses and How to Deal with Each (with actual witnesses playing each type)
- ◆ Advanced Case Organization for Big Cases using Microsoft OneNote (a template for defense investigation especially made for OneNote will be provided)
- ◆ Basics of Report Writing, including What Can Be Handed Over to the Prosecution
- ◆ Taking Witness Statements
- ◆ Testifying in Court
- ◆ Subpoena Use and Abuse
- ◆ Internet Resources for Investigators
- ◆ Safety in the Field
- ◆ What Happens During an Autopsy/Interviewing a Medical Examiner/Common Medical Terms
- ◆ Police Crime Scene Investigation
- ◆ Defense Crime Scene Investigation
- ◆ The Criminal Defense Investigator's Toolbag - what to carry with you
- ◆ Decoding Discovery Using Police 10 codes, and Creating Timelines
- ◆ National Standards for Criminal Investigation - from the U.S. Department of Justice
- ◆ Participants Receive a Copy of the Essentials of Defense Investigation Training Manual

Intended Audience: Second and third year public defenders, first year investigators and non-DPA participants

Online Resources: On the Trumpet there are numerous documents and videos from previous training events for investigators. This includes a special orientation page for new investigators to catch up on previous training.

Annual Conference: Every annual conference will have a track of sessions tailored to the needs of DPA investigators.



ADMINISTRATIVE AND SECRETARIES

Class Name: **Statewide Conference** 2 days (every other year)

Course Objective: Participants from across the state come together for two days of training and networking.

Past Topics included:

- ◆ Technology sessions
- ◆ Confidentiality and Unauthorized Practice of Law
- ◆ Time Management
- ◆ Resilience
- ◆ Working with difficult clients

Intended Audience: All administrative and secretarial staff

Class Name: **Regional Training** 1-2 days (every other year)

Course Objective: Participants from across the state come together for training and networking.

Past Topics included:

- ◆ Technology sessions
- ◆ Confidentiality and Unauthorized Practice of Law
- ◆ Time Management
- ◆ Resilience
- ◆ Working with difficult clients

Intended Audience: All administrative and secretarial staff

ANNUAL CONFERENCE

Every June, the DPA offers a 2-3 day conference for all attorneys, investigators, social workers, mitigation specialists, contract public defenders and members of the private defense bar. The conference offers a mix of simultaneous and plenary sessions usually totaling well over 40 choices of sessions. Sessions are tailored to meet the various needs of the different areas and job types within the DPA.

The conference is usually held in conjunction with the Kentucky Bar Association Seminar and DPA attorneys are able to attend part of the KBA seminar.

Videos and materials from past annual conferences are available on **The Trumpet**, the DPA's private Internet resource for public defenders and other DPA employees.



DISTANCE LEARNING

The DPA offers hundred of hours of videos and presentations to further employees' knowledge in a variety of areas. Attorneys, Social Workers, Investigators, and Administrative Support staff can access presentations tailored specifically for them.

Some of Distance Learning presentations currently available to DPA staff:

- ◆ Numerous Conference and Training Event Videos
- ◆ Kentucky HB 463 Agency Updates
- ◆ Death Penalty Institute Videos
- ◆ Ethics Presentations
- ◆ Administrative Support Presentations
- ◆ Computer Software Training Modules

TRAINING OPPORTUNITIES OUTSIDE THE DPA

The DPA also offers opportunities for staff to attend training produced by other entities.

Staff is encouraged to become familiar with Policies [12.07](#) & [12.16](#).

Some of the non-DPA training staff has attended include:

- ◆ [Kentucky Governmental Services Center](#)
- ◆ [Kentucky Employee Assistance Program](#)
- ◆ [Kentucky Association of Criminal Defense Lawyers](#)
- ◆ [National Criminal Defense College](#)
- ◆ [NLADA Appellate Defender Training](#)
- ◆ [NLADA Life in the Balance](#)
- ◆ Federal Habeas Training

Employee Education Assistance

DPA offers employee education assistance pursuant to state and DPA policy. DPA has very limited funds for this benefit and prioritizes staff utilizing the assistance for foreign language courses.

For more information see <http://personnel.ky.gov/gsc/eeap/>





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