



**CRIT TRIBAL COURT CRIMINAL OPIOID TRIAL ADVOCACY TRAINING  
July 16-18, 2019 – Phoenix, AZ**

**PROGRAM SCHEDULE**

***DAY 1 - Tuesday, July 16, 2019:***

- 8:00 - 8:30 a.m.     **PARTICIPANT REGISTRATION**  
All Participants must check in at the Registration Table to pick up a name badge and make sure they have all the materials needed for this training. We will have CLE sign-in sheets for each day of the training, for those who want CLE credit.
- 8:30 - 9:00 a.m.     **WELCOME/OPENING REMARKS & INTRODUCTIONS**  
All Participants and Faculty are together in the main conference room for this session. Faculty will provide some brief remarks about what to expect over the next 3 days, and everyone (Participants and Faculty) will have an opportunity to introduce themselves.
- 9:00 - 9:30 a.m.     **OVERVIEW OF CASE & NOTABLE CHALLENGES**  
**(Mark Stratton, Ruth Bahe-Jachna, Craig Duewall, Obi Madubuko, Mike Nicodema)**  
All Participants and Faculty are together in the main conference room for this session. First, we will assign half of the Participants as A's (Prosecution) and the other half as B's (Defense) for all the workshops today. Mark and Obi will talk about notable challenges from the Prosecution perspective, and Ruth, Craig, and Mike will discuss notable challenges from the Defense perspective.
- 9:30 - 10:50 a.m.     **CASE ANALYSIS & TRIAL PREPARATION**  
All Participants and Faculty remain together in the main conference room for this session. During the first 40 minutes, Mark and Obi will lead case analysis focused on the Prosecution side, and then Ruth, Craig, and Mike will lead case analysis focused on the Defense side. Because all Participants will be playing both the Prosecution and Defense roles at some time during this training, it is important that everyone have a strategic understanding of the strengths and weaknesses of each side.
- 10:50 - 11:00 a.m.     **BREAK**
- 11:00 a.m. - Noon     **LECTURE: CHARGING DECISIONS (Kiyoko Patterson, AUSA)**  
All Participants and Faculty are together in the main conference room for this session. Kiyoko will identify and discuss various considerations that come into play when one is preparing a charging document, including among other things consideration of the relationship between western law and unwritten Tribal Code.



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- Noon - 1:00 p.m.     LUNCH  
Lunch is provided for all Participants and Faculty. Details to be announced on-site.
- 1:00 - 1:30 p.m.     WORKSHOP: CHARGING DECISIONS  
Each Participant will draft their own charging document during this session, which means that all Participants will play the role of Prosecutor for this exercise. Faculty will be available to help by answering questions, facilitating discussion and analysis of the evidence, Tribal Code, etc. Participants should refer to the police reports, medical records, EMT reports, witness interviews, and Tribal Code in preparing their charging document.
- 1:30 – 2:15 p.m.     BRADY DETERMINATIONS DISCUSSION  
(Kiyoko Patterson, Obi Madubuko, Ruth Bahe-Jachna)  
All Participants and Faculty are together in the main conference room for this session, which will focus on considerations related to *Brady* materials and a practical application of the disclosure requirements.
- 2:15 - 2:30 p.m.     BREAK
- 2:30 - 4:15 p.m.     LECTURE & DEMONSTRATION: PRE-TRIAL WITNESS PREPARATION OF EXPERT & LAY WITNESSES  
(Mark Stratton, Craig Duewall, Mike Nicodema)  
All Participants and Faculty are together in the main conference room for this session, which is intended to help the Participants effectively prepare witnesses for hearings and trials. Mark will discuss effective preparation techniques for lay witnesses and then do a short demonstration. Craig will then discuss effective preparation techniques for expert witnesses and give a short demonstration. Mike will talk briefly about how to use experts effectively in a trial setting.
- 4:15 - 5:15 p.m.     LECTURE & DEMONSTRATION: OPENING STATEMENT  
(Ruth Bahe-Jachna)  
All Participants and Faculty are together in the main conference room for this session. Ruth will discuss various techniques for delivering an effective opening statement and will give a short demonstration. **Each Participant will present an opening statement tomorrow, for the side to which they were assigned earlier today.** This evening, Participants will prepare a complete opening statement of about 8 minutes in length for tomorrow’s workshop. Each Participant will be provided with various



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reference materials, including an e-copy of Mauet’s trial book and a handout on opening statements.

5:15 p.m.

**TRAINING CONCLUDES FOR TODAY**

Participants are reminded that tomorrow during the workshops they will be delivering an opening statement as well as a direct examination, and are expected to use some time this evening to prepare for those workshops.

***DAY 2 - Wednesday, July 17, 2019:***

8:30 - 10:00 a.m.

**WORKSHOP: OPENING STATEMENT (VIDEOTAPED)**

Participants will be divided into 3 groups for this session, and Faculty will be assigned to each group. Room assignments will be announced on-site. Each group will have approximately equal numbers of A’s (Prosecution) and B’s (Defense). Faculty will be assigned to each break-out room, and each break-out room will have a video camera. Faculty or one of the Participants will need to run the video camera to record each opening statement (instructions will be provided). We will have one video review room, and Participants will be instructed on-site as to when they will meet one-on-one with Faculty for video review. We will alternate the opening statements, starting with an A, followed by a B, and then repeat until all Participants in the room have delivered their opening statements. If there is extra time at the end, Faculty will have each Participant get up again and deliver just the first minute or two of their opening statement, having incorporated feedback just received from the Faculty.

10:00 - 10:15 a.m.

**BREAK**

10:15 - 11:45 a.m.

**LECTURE & DEMONSTRATION: DIRECT EXAMINATION  
(Obi Madubuko)**

All Participants and Faculty are together in the main conference room for this session. Obi will discuss direct examination of both lay and expert witnesses. She will also cover refreshing recollection, which is a tool frequently needed especially with law enforcement witnesses for details that may be contained in police reports, witness interviews, etc. Obi will then do short demonstrations of direct examination of a lay and an expert witness, including an example of effectively refreshing recollection of a witness.



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- 11:45 a.m. - 1:00 p.m. LUNCH  
Lunch is provided for all Participants and Faculty. Details to be announced on-site.
- 1:00 - 2:15 p.m. LECTURE & DEMONSTRATIONS: EXHIBITS, EVIDENTIARY FOUNDATIONS & DEMONSTRATIVE AIDS (Mike Nicodema)  
All Participants and Faculty are together in the main conference room for this session. Mike will discuss and demonstrate techniques for getting various types of exhibits into evidence, as well as when, why, and how to use demonstrative aids.
- 2:15 - 2:30 p.m. BREAK
- 2:30 - 3:40 p.m. WORKSHOP: DIRECT EXAMINATION (VIDEOTAPED)  
Participants will be divided into 3 groups for this session, and Faculty will be assigned to each group. Room assignments will be announced on-site. Faculty will be assigned to each break-out room, and each break-out room will have a video camera. Faculty or one of the Participants will need to run the video camera to record each direct examination (instructions will be provided). We will have one or more video review rooms, and Participants will be instructed on-site as to when they will meet one-on-one with Faculty for video review. Representing the same side they did for their opening statement, each Participant will conduct a direct examination of a witness from the case file. (The specific witnesses we are using will be announced on-site.) Each Participant must also introduce 1 exhibit into evidence during the direct examination.
- 3:40 - 3:55 p.m. GROUP DEMONSTRATION OF DIRECT EXAMINATION  
All Participants and Faculty are together in the main conference room for this session. During the workshop on direct examination, each break-out group used a different witness. During this short session, 1 Participant from each break-out group will conduct a brief direct examination of that group's witness.
- 3:55 - 4:10 p.m. BREAK
- 4:10 - 5:10 p.m. LECTURE & DEMONSTRATION: CROSS EXAMINATION (Mike Nicodema)  
All Participants and Faculty are together in the main conference room for this session. Mike will discuss various techniques for conducting an effective cross examination and then will give a short demonstration. **Each Participant will conduct a cross examination tomorrow, for the side**



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**opposite of that they represented today (so tomorrow the A's will be B's and the B's will be A's).** This evening, Participants will prepare a complete cross examination of about 8 minutes in length for tomorrow's workshop. Participants will have various reference materials, including an e-copy of Mauet's trial book and a handout on cross examination.

5:10 - 5:30 p.m.

**A VIEW FROM THE BENCH (Judge Lawrence King)**

All Participants and Faculty are together in the main conference room for this session. We will be joined by the Honorable Lawrence C. King, Chief Judge of the CRIT Tribal Court, who will share some thoughts on effective trial advocacy and various considerations from the perspective of the judge overseeing the proceedings.

5:30 p.m.

**TRAINING CONCLUDES FOR TODAY**

Participants are reminded that tomorrow during the workshops they will be conducting a cross examination as well as delivering a closing argument, and are expected to use some time this evening to prepare for these workshops. **For these workshops, Participants will represent the side opposite of that represented for their opening statements.** Participants will be advised on-site of the witness whom they will be cross examining. Participants should prepare both a cross examination and a complete closing argument, each about 8 minutes in length.

***DAY 3 - Thursday, May 16, 2019:***

8:30 - 9:30 a.m.

**LECTURE & DEMONSTRATION: IMPEACHMENT  
(Ruth Bahe-Jachna)**

All Participants and Faculty are together in the main conference room for this session. Ruth will review the technique for effective impeachment of a witness and do a demonstration. We will then do a "conga line" practice session on impeachment. Each Participant asks 1 question in the impeachment process and we continue until the impeachment is completed; we will do this using different impeachment scenarios. Faculty will play the role of the witness being impeached.

9:30 - 10:40 a.m.

**WORKSHOP: CROSS EXAMINATION (VIDEOTAPED)**

Participants will be divided into 3 groups for this session, and Faculty will be assigned to each group. Room assignments will be announced on-site. Faculty will be assigned to each break-out room, and each break-out room will have a video camera. Faculty or one of the Participants will need to run the video camera to record each cross examination (instructions will



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be provided). We will have one or more video review rooms, and Participants will be instructed on-site as to when they will meet one-on-one with Faculty for video review. **Using the opposite side they represented for their opening statement, each Participant will conduct a cross examination of a witness from the case file.** (The specific witnesses we are using will be announced on-site.)

- 10:40 - 11:00 a.m. **GROUP DEMONSTRATION OF CROSS EXAMINATION**  
All Participants and Faculty are together in the main conference room for this session. During the workshop on cross examination, each break-out group used a different witness. During this short session, 1 Participant from each break-out group will conduct a brief cross examination of that group’s witness.
- 11:00 - 11:15 a.m. **BREAK**
- 11:15 a.m. - Noon **LECTURE: PERSUASIVE COURTROOM COMMUNICATION SKILLS (Mike Nicodema)**  
All Participants and Faculty are together in the main conference room for this session. Mike will discuss various techniques to “up your game” in the courtroom.
- Noon - 1:15 p.m. **LUNCH**  
Lunch is provided for all Participants and Faculty. Details to be announced on-site.
- 1:15 - 2:15 p.m. **LECTURE & DEMONSTRATION: CLOSING ARGUMENT (Mark Stratton)**  
All Participants and Faculty are together in the main conference room for this session. Mark will discuss various techniques for delivering an effective closing argument and then will give a short demonstration. **Each Participant will present a closing argument in the next workshop, for the same side they represented for the cross examination workshop.** Participants should be prepared to deliver a complete closing argument of about 8 minutes in length. Participants will have various reference materials, including an e-copy of Mauet’s trial book and a handout on closing arguments.
- 2:15 - 2:45 p.m. **BREAK & FINAL PREPARATION FOR CLOSING ARGUMENT**  
Participants should use this time for final preparation of their closing arguments, which they will deliver in the final workshop.



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- 2:45 - 4:45 p.m.      WORKSHOP: CLOSING ARGUMENT (VIDEOTAPED)  
Participants will be divided into 3 groups for this session, and Faculty will be assigned to each group. Room assignments will be announced on-site. Each group will have approximately equal numbers of A's (Prosecution) and B's (Defense). Faculty will be assigned to each break-out room, and each break-out room will have a video camera. Faculty or one of the Participants will need to run the video camera to record each closing argument (instructions will be provided). We will have one or more video review rooms, and Participants will be instructed on-site as to when they will meet one-on-one with Faculty for video review. Using the opposite side they represented for their opening statement, each Participant will deliver a closing argument of about 8 minutes in length.
- 4:45 - 5:00 p.m.      WRAP-UP & CLOSING COMMENTS  
All Participants and Faculty are together in the main conference room for this wrap-up session.