



Trial Advocacy Clinic

Benton County Office of Public Defense

Spring 2017

A playbook for dealing with recanting witnesses with practical sessions on Jury Selection and Cross Examination

Interested in taking your trial skills to the next level?

The Spring 2017 Defender Trial Advocacy Clinic, will be held **Friday, April 28, 2017, from 8 am to 5 pm** at the **Benton County Justice Center**. Sponsored and presented by the Benton County Office of Public Defense, this dynamic and intensive program will combine classroom sessions with realistic, practical simulation exercises in a real courtroom, to hone your trial advocacy skills.

Ideal for public defenders with six months to three years of trial experience, this year's Clinic will focus on a very common strategic issue: recanting witnesses. Practical sessions will be based on this theme and will help to hone two critical trial skills: **Jury Selection and Cross Examination**. This Clinic is open only to public defenders employed by or contracting with the

Benton County Office of Public Defense, and is pending approval for **7.5 General CLE Credits (including 1.0 hrs of ethics credits)**.

Program Outline

8:00 – 9:00 (Health Department Classroom)
Lecture/presentation on “A story-based approach to jury selection. Eric Hsu & Scott Johnson

9:00 – 9:15 **Break**

9:15 – 12:00 (Superior Courtroom TBD)
Practical session applying principles from lecture to mock jury selection

12:00 – 1:00 **Lunch**

1:00 – 2:00 (Health Department Classroom)
Lecture/presentation on “Systematic cross examination of a recanting witness” Scott Johnson

2:00-2:15 **Break**

2:15 – 5:00 (Superior Courtroom TBD)
Practical session on Cross Examination of Recanting Witness

Eligibility

This Clinic is **ONLY** open to public defenders who are employed by, or hold a public defense contract with, the Benton County Office of Public Defense.

Space is limited to 8 participants and slots are filled on a **first come first served** basis. All applicants (other than BCOPD staff) must fill out an Application Form (next page) and if you are interested, your early application is encouraged.

Just what is a “Practical Session” you ask?

It is an intensive, hands-on session in a simulated trial environment designed to give participants the opportunity to apply what they learn in lecture sessions. The Practical Sessions at the Trial Advocacy Clinic will be held in actual Superior Court courtrooms and will benefit from the assistance of local actors who will be playing various roles to make the training that much more realistic.

Practical Sessions follow this sequence:

- Student participates in timed simulation of particular trial component (eg Jury Selection). *This is videotaped.*
- The in-court faculty member provides a live critique mostly focusing on *substantive* aspects of the simulation.
- The student views the videotape of their simulation in another room with the video critique faculty member who provides critique on *stylistic* aspects of the simulation.
- In certain Practical Sessions, students are afforded the opportunity for a short “do-over” after the critiques if they desire.

Practical Sessions have been shown to be one of the best ways to develop excellent trial advocacy skills and they are regularly used in intensive trial advocacy courses and clinics around the country!

Faculty Profiles

Scott Johnson, Attorney at Law

Scott has been in private practice, focusing on serious, high-profile, and complex felonies, since 2009. He holds one of Benton County's homicide/persistent offender defense contracts. His practice focuses on criminal defense of complex and high profile cases. Prior to his entry into private practice, Scott was a Deputy Prosecutor at the Benton County Prosecutor's Office for over 12 years, spending the last 5 of them as Chief Deputy Prosecutor. His experience at the Benton County Prosecutor's Office has not only intimately acquainted him with the local criminal justice system, but has also given him exposure, often in a supervisory capacity, to the full range of misdemeanor and state crimes, from simple cases to complicated homicides.

Scott has tried over 150 criminal cases to juries, has argued before the Washington State Supreme Court and Court of Appeals and has volunteered his time to coach mock court teams.

Eric Hsu, Attorney at Law

Eric is the Public Defense Manager for the Benton & Franklin Counties Office of Public Defense, a position he has held since 2008. Previous to that, Eric's criminal justice career spanned almost nine years and included time spent as a police officer, police academy legal instructor, police legal advisor, and felony prosecutor.

As a felony prosecutor, Eric tried over 80 cases to juries, ranging from DUIs to Attempted Murder and Murder cases and was a graduate of four week-long trial advocacy courses at the National Advocacy Center in Columbia, SC. Eric also spent four years as adjunct faculty with the National District Attorney's Association and was an invited lecturer and instructor for numerous training conferences throughout the country including intensive trial advocacy clinics at the National Advocacy Center.

Application

To be considered for this outstanding training opportunity, please complete this application in its entirety and return it as soon as you can to BFOPD. Since slot priority is on a first-come first-served basis, scanning and returning it by email to Eric.Hsu@co.benton.wa.us is recommended over courier or mail.

Name	<input type="text"/>	WSBA No.	<input type="text"/>
Current Public Defense Assignment	<input type="text"/>	Assignment End Date	<input type="text"/>
Years as a Public Defender	<input type="text"/>	Number of Jury Trials	<input type="text"/>
Years of Criminal Trial Experience	<input type="text"/>		

Qualified, under Supreme Court Public Defense Standards for (check all that apply):

- Misdemeanors Class B/C Felonies Violent Felonies
 Sex Offense Felonies

I hereby certify that I do not currently provide prosecution services for any jurisdiction, do not have immediate plans for doing so, and will take reasonable steps to ensure that materials provided during this training opportunity are not available to prosecuting authorities.

Applicant

Date

After completion, please return by: 1) Scanning and emailing to Eric.Hsu@co.benton.wa.us; or 2) Sending by legal courier to Benton County Office of Public Defense, Kennewick Justice Center Office.