

National Conference of Metropolitan Courts
2012 Conference Agenda and Educational Program
Criminal Case Management for Trial Court Leaders
New Developments in the Law, Science, and Technology

Unless otherwise noted, education sessions will be conducted at these downtown Pittsburgh locations

Monday: Judicial Conference Center, 300 Frick Building, 437 Grant Street, Third Floor

Tuesday: Duquesne University Power Center, 1015 Forbes Avenue

**(Registrants requiring special needs transportation are asked to notify
 NCMC representatives at the time of conference check in on 10/8/12.)**

Sunday, October 7

Welcome and Getting Started

2:00 pm to 4:00 pm

NCMC Board of Directors Meeting

- By invitation only
- Judicial Conference Center, 300 Frick Building, 437 Grant Street

Monday, October 8

Sparking Criminal Caseflow Improvement by Trial Court Leaders

8:00 am to 8:30 am

Registration and Continental Breakfast

Judicial Conference Center, 300 Frick Building, 437 Grant Street

8:30 am to 8:45 am

Opening Remarks and Conference Overview

Hon. Rufus King, III, Chairman, NCMC

Hon. Donna Jo McDaniel, President, NCMC

Raymond L. Billotte, Court Administrator

What do presiding judges, criminal leadership judges, and court executives need to know and do to spark criminal caseflow reform where trial court delay has become a problem? What are the proven practices in high performing metro courts? How do judicial leaders effectively motivate, supervise, and develop criminal trial judges? These and other questions will be explored throughout the Conference.

8:45 am to 10:00 am

Fundamental Truths about Criminal Caseflow Management

David Steelman, Principal Court Consultant, National Center for State Courts

Unnecessary delay in moving criminal cases from filing to disposition continues to be a major problem for urban courts nationwide. Time to disposition data over 40 years substantiates that through effective leadership courts can greatly improve, but often eventually slip back into a delay culture. Why? How can court leaders sustain improvements and avoid periodic crash programs? What are the costs of delay and how can judicial leaders generate efficiency, cost savings and political support to promote bench and stakeholder support? What are the best practices in dealing with special case types such as capital offenses and gang crimes?

10:00 am to 10:15 am

Break

10:15 am to 12 Noon

Exercise: Criminal Caseflow Problem Identification

*Gordon Griller; David Steelman, National Center for State Courts
Judge David S. Wesley, Assistant Presiding Judge, Superior Court, Los Angeles County*

Here, the day's activities will employ a hands-on, problem-solving focus practiced in many executive leadership settings nationwide, but not widely used in courts. Participants will concentrate on an existing criminal case management dilemma in their home jurisdictions identified prior to attending the conference. Discussions will take place in small groups assisted by faculty. The intent is to help small group participants understand the dimensions of the problems presented and frame the issues and decisions necessary to improve the situations.

12:00 pm to 1:30 pm

Working Lunch and Discussion: New Plea Bargaining Requirements

Topic: The Impact of *Missouri v. Frye* and *Lefler v. Cooper*
*Valerie R. Newman, Esq., Michigan State Appellate Defender Office and Counsel of Record, Lefler v. Cooper, U.S. Supreme Court Case
Hon. David S. Wesley, Assistant Presiding Judge, Superior Court, Los Angeles County*

Ms. Newman and Judge Wesley will look at the impact of the recent U.S. Supreme Court decisions regarding the ineffective assistance of counsel in plea negotiations. Ms. Newman argued the *Lefler v. Cooper* case in the United States Supreme Court on October 31, 2011. On March 21, 2012, the Court ruled in her client's favor in a 5-4 decision. Judge Wesley will become Presiding Judge of the LA Superior Court in January 2013. For 15 years, he presided over criminal cases in the Superior Court, and prior to his judgeship practiced criminal law for 20 years.

1:30 pm to 3:00 pm

Exercise: Criminal Caseflow Problem Diagnosis and Action Plans

*Gordon Griller; David Steelman, National Center for State Courts
Judge David S. Wesley, Assistant Presiding Judge, Superior Court, Los Angeles County*

As the small group sessions continue, the center of discussion is directed at diagnosis and action steps. What are the underlying issues? Are there applicable, recognized solutions that work? What information is lacking that is critical to the solution? Where is the resistance and why? Is it possible to create a guiding coalition to work toward a solution? Can a pilot program be developed to experiment with solutions? What would success look like?

3:00 pm to 3:15 pm

Break

3:15 pm to 4:30 pm

Closing Plenary Discussion: Now What?

Led by Judge Wesley; including other faculty as well

Lessons learned from empirical research on criminal caseflow, case law and the experiences of court leaders will culminate Monday's program by addressing such questions as...

- Implementing Major Change – Pilot Programs; Systemwide Initiatives
- Sustaining Improvements and Avoiding Periodic Crash Programs
- How to Effectively Educate New Judges in Caseflow Skills
- Leadership Factor – Tendency for the Urgent to Drive Out the Important
- Meaningful Case Processing Data – What Is It? How Do I Get It?
- Technology Helps – The Range of Interactive Video Hearings

4:30 pm to 5:00 pm

Travel to Reception

5:00 pm to 7:00 pm

Special Reception (hosted)

Senator John Heinz History Center, 1212 Smallman Street, Pittsburgh

7:00 pm to 8:30 pm

Dinner on Your Own

Tuesday, October 9

New Developments in Forensic Science Impacting Criminal Cases

Co-Hosted by the Cyril H. Wecht Institute of Forensic Science and Law and Duquesne University

Duquesne University Power Center

1015 Forbes Avenue (corner of Forbes and Chatham Square)
Fifth Floor, Fides Shepperson Suite

9:00 am to 9:30 am

Welcome and Introduction

*Ken Gormley, J.D., Dean and Professor, Duquesne University School of Law
Frederick W. Fochtman, PhD, Director, Cyril H. Wecht Institute of Forensic Science and Law*

Ben Wecht, Program Administrator, Cyril H. Wecht Institute of Forensic Science and Law

9:30 am to 10:45 am

The Growing Role of Forensic Science in Criminal Investigations

Dr. Henry Lee

Dr. Henry Lee is the founder and professor of Forensic Sciences at the University of New Haven and internationally acclaimed forensic expert. He has served as the Commissioner of the Connecticut Department of Public Safety and Chief Criminalist for the State of Connecticut amid other high ranking government positions related to forensic investigation. Dr. Lee holds a PhD in Biochemistry from New York University, forensic science and law enforcement degrees from various universities, and has investigated more than 6,000 criminal cases including such high-profile matters as O.J. Simpson, Elizabeth Smart, the suicide of Vince Foster (President Clinton's former White House attorney), and war crimes trials in Bosnia and Croatia. He has written numerous books and academic articles.

10:45 am to 11:00 am

Break

11:00 am to 12 Noon

The Scientific Burden After the National Academy of Sciences Report

Dr. Cyril H. Wecht

Dr. Wecht is a nationally renowned medical-legal and forensic pathologist consultant in both criminal and civil cases. He holds degrees from the

University of Pittsburgh School of Medicine and University of Maryland School of Law. Dr. Wecht served for a number of years as the elected coroner for Allegheny County and has provided expert evidence regarding the deaths of President John F. Kennedy, Robert F. Kennedy, Sharon Tate, Elvis Presley, Jonbenet Ramsey, Sunny von Bulow, Laci Peterson, and Anna Nicole Smith. He has authored numerous books and scholarly articles.

12:00 pm to 1:00 pm

Group Luncheon and Discussion

How Jurors Deal with Contemporary Science and Technology

Paula Hannaford-Agor, Director, Center of Jury Studies, National Center for State Courts

Much of the current focus on science and the law involves either how judges should evaluate expert evidence or how court personnel should employ emerging technologies to improve court performance. Less attention has been paid to the issue of how judges, lawyers and court staff can help trial jurors understand and interpret complex scientific and technological evidence, and how they can prevent jurors from misusing some of these technologies. This discussion focuses on what is known about juror comprehension of complex evidence and testimony, how jurors' expectations about science and high-tech forensics affect their interpretation of trial evidence, what techniques and procedures improve juror comprehension, and how judges and court leaders can best educate jurors about their unique role in the justice system.

1:00 pm to 4:00 pm

Conviction Integrity

1:00 pm to 1:15 pm

Introduction and Program Overview

Professor John T. Rago, Duquesne University School of Law

Professor Rago teaches Criminal Law and Procedure at Duquesne University School of Law where he also directs a post-conviction DNA project. Professor Rago served as chair and principal author of the 2011 Report to the Advisory Committee of the Joint State Government Commission of Pennsylvania on the Underlying Causes of Wrongful Convictions. He works extensively in the area of wrongful convictions and conviction integrity policy. The afternoon program will focus on the central aspects of the Report which are relevant to every jurisdiction in the nation.

1:15 pm to 1:45 pm

Case Review: Bruce Godschalk Conviction and Exoneration

Mr. Bruce Godschalk, Pennsylvania Exonoree

Hon. William Carpenter, Administrative Judge, Montgomery County Criminal Division (Pennsylvania)

In 1987, Judge Carpenter, then First Assistant District Attorney in Montgomery County, Pennsylvania, successfully and fairly prosecuted Bruce Godschalk on two counts of rape and related charges. In 2002 (15 years later), Mr. Godschalk was released based on conclusive DNA testing. Judge Carpenter met Mr. Godschalk for the first time since his prosecution when they were part of a similar program for the Pennsylvania courts. It is believed that this is the only time anywhere that a former prosecutor (and now sitting as a judge) has made a joint presentation with an exonoree that he/she prosecuted.

1:45 pm to 2:15 pm

Policy Considerations for Conviction Integrity in Pennsylvania: An Opportunity for our Courts and Legislatures to Respond

Hon. Stewart J. Greenleaf, Senate District 12 serving (part) Buck and Montgomery Counties. Chair, Senate Judiciary Committee

Senator Greenleaf is the prime sponsor of Senate Resolution 381 (2006) directing the Joint State Government Commission to assemble an advisory board to study wrongful convictions and make recommendations to eliminate or reduce the incidents of error in criminal investigations and trial proceedings. Senator Greenleaf entered public office in 1979 and has chaired the Senate Judiciary Committee for more than two decades. Throughout his professional and political career, Senator Greenleaf has devoted himself to promoting the integrity of our criminal justice system.

2:15 pm to 2:30 pm

Break

2:30 pm to 3:45 pm

Eyewitness ID Procedures and Perspectives on Wrongful Convictions: Identification Evidence and Eyewitness Memory

Associate Professor Jennifer E. Dysart, PhD, Department of Psychology, John Jay College of Criminal Justice

Dr. Dysart is widely regarded as national expert on eyewitness identifications and memory science. She has consulted with law enforcement and criminal justice stakeholders throughout the country and her work has led to the establishment of many policy reforms across all branches of government.

3:45 pm to 4:00 pm

Questions and Answers

4:00 pm to 4:45 pm

NCMC Board and Members Business Meeting

6:30 pm to 9:00 pm

Closing Hosted Dinner

LeMont Restaurant, 1114 Grandview Avenue, Pittsburgh
(Bus departs Doubletree Hotel (1 Bigelow Square) at 5:45 PM and the City-County Building (414 Grant Street) at approximately 6:00 PM)

50 Year NCMC Anniversary Conference (1963-2013)
2013 Annual Meeting and Educational Conference
First Judicial District of Pennsylvania
October 2013 (dates to be determined)
Philadelphia, Pennsylvania