

NHACDL's Fall CLE and Annual Meeting – Real Life Cases/Real Life Consequences

October 21, 2022 at the Derryfield Country Club, Manchester, NH

Topics and Speaker include:

Leah Goodmark and Gary Apfel – Domestic Violence Paradigm - The criminal legal system is the primary response to intimate partner violence in the United States. But there is little if any data that suggests that the criminal legal system is decreasing or deterring that violence, and much reason to believe that criminalization (arrest, prosecution, and incarceration) is exacerbating the correlates of intimate partner violence. Moreover, criminalization has had serious negative consequences for communities of color and for survivors of violence. Professor Goodmark will outline the case against criminalizing intimate partner violence and argue that we should instead treat such violence as an economic, public health, and community issue. Apfel will join for an interactive discussion about shifting the paradigm in NH.

Tony Naro – Racial Trauma – Past trauma based on racism can impact how our clients respond to various situations. Naro has used the services of an expert on racial trauma to educate the prosecution about the impact of racism, what kinds of experiences can result in trauma and the reasons behind certain kinds of behavioral responses. He has also used this information to help better his client relationships and develop sentencing arguments for clients of color.

Steve Mirkin and Jay Duguay - Lessons Learned in State v. Zhukovskyy - Mirkin and Duguay will discuss use of experts, strategy and persuasion of judge and jury that led to dismissed charges and a not guilty verdict after a tragic traffic accident.

Tony Sculimbrene and Will Styler - Suppression and Miranda with a Linguistics Twist – Sculimbrene litigated a motion to suppress in federal court, which involved a significant linguistics issue. Could a defendant whose native tongue does not include tenses understand the future-facing rights in a Miranda waiver? Find out here!

Gilles Bissonnette – Bodycams – New Hampshire has a bodyworn camera statute that will inevitably impact your cases. Bissonnette will discuss its scope, how it's being used in NH and the use of the public records components of the statute.

David Rothstein and Brian Civale – Hold the Line - Update on developing issues of Gagne review and the need to protect the defendant's right to discovery.

Maya Dominguez – Child Suggestibility - The problems of child witnesses providing accurate, uncorrupted testimony in court is an age-old problem. Learn about the signs of faulty testimony, how innocent attempts at helping a child can mislead a young mind and what to do when your client becomes a victim. Dominguez will also discuss Child Advocacy Center interviews and procedures.