

# NORTH CAROLINA DEFENDER TRIAL SCHOOL

Monday, July 10 – Friday, July 14, 2023

Sponsored by the UNC School of Government and Office of Indigent Defense Services

## PREPARATION FOR DEFENDER TRIAL SCHOOL: A GUIDE FOR PARTICIPANTS

All participants in the 2023 Defender Trial School must do four things to prepare for the program:

1. Choose one of your own pending cases and thoroughly familiarize yourself with the facts of that case. This case will form the basis for the work you will be doing in all the small group workshop sessions. Here is the type of case to bring:
  - **The case must be an open, pending, non-capital, criminal case at the trial level.** You also may bring an open, pending juvenile delinquency case at the trial level (but not an abuse, neglect, dependency, or termination of parental rights case). The case **must** be an appointed case. It must **not** be an appeal to the appellate division, a post-conviction case, a case you have already tried (unless it's a case you are appealing for a trial de novo), a case that was pled out, a case that has been dismissed, or a case awaiting sentence. It should **not** be another attorney's case unless you are second chair and are actively involved in preparing the case, as you will not know the facts as well as you will in one of your own cases.
  - You should have already interviewed your client and done enough investigation to be familiar with the client and the basic facts and witnesses of the case. You also should review any discovery or other information you have received from the State.
  - The case may be either a felony or a misdemeanor. If you bring a misdemeanor case for which there is no right to statutory discovery, or a felony case for which you have not yet received discovery materials, you will need to do additional investigation so that you will know the State's version of the facts. The workshops will be much more meaningful if you are familiar with the State's evidence as well as your client's side of the case.
  - You do not have to prepare any parts of your trial performance in advance. For example, you do not have to arrive at the program prepared to do an opening or closing. All you need to do in advance is know the facts of your case and be prepared to discuss them in detail.
  - If you have questions, please feel free to contact Bob Burke at [oldhoopster@hotmail.com](mailto:oldhoopster@hotmail.com). Bob is working with the School of Government to plan this year's Trial School.
2. Using the attached Case Summary Form, please write a one-page summary of the facts of your case (not the law), email it to Bob Burke, and **bring 8 copies** of it with you to the program.
3. Please bring the following with you to the program: (a) the indictment or other charging instrument in your case; (b) any police reports; (c) any other discovery or *Brady* material you

have received; and (d) any witness or client statements. (All participants will sign confidentiality agreements to ensure that information shared at the Trial School is subject to attorney confidentiality obligations.)

4. **Read the Plenary Session Fact Problem (which will be emailed to you before the program). This is the problem we will be discussing in the large group sessions,** and it will form the basis for the demonstrations the faculty will be doing in the large group sessions. You do not have to do any additional research, writing, or preparation concerning the Plenary Session Fact Problem.

This program may be unlike any other skills programs or CLE courses you have attended in the past. All of the sessions are interactive and **require** your attendance and participation. This is not the type of program where participants can attend some sessions and skip others. In the plenary sessions, we will be working together on the plenary fact problem, with the aim of teaching skills that you will be able to apply to your own cases in the small group workshops. The plenary sessions will involve your participation and will include demonstrations by faculty members. In the small group workshops, you will be working on your own case, practicing the skills taught in the plenaries, and assisting the other members of your group to develop their cases. (Please note that if you are an appointed attorney, the Office of Indigent Defense Services will allow you to bill for the time spent working on your own case during the program [but not the time spent on other participants' cases], up to a maximum of 5 hours.

**North Carolina Defender Trial School**  
**Monday, July 10 to Friday, July 14, 2023**

## **Summary of the Facts of Your Case**

**Lawyer's name** \_\_\_\_\_

**Client's name** \_\_\_\_\_

**Charges (indicate whether the most serious charge is a felony or misdemeanor):**

**Elements of the crimes charged:**

**Summary of the facts (not the law) of your case (use an extra sheet if necessary):**

In preparing your summary, consider interviews you've had with your client, police reports, discovery you've obtained, investigation you've conducted, and any other sources of information. Indicate the source of the information, such as police report, witness statement, client, etc., particularly if the versions of events differ.

**Tell us about your client (use an extra sheet if necessary):** Please provide basic demographic information about your client, including age, gender, race, marital status, children, residence, etc., as well as other personal information, such as employment, schooling, military experience, disabilities, mental health or substance abuse issues, family and community ties, prior criminal justice involvement, and other matters of significance in your client's life.