



2023

Direct File & Transfer Training

MARCH 2ND AND 3RD, 2023



AGENDA

VIRTUAL CONFERENCE

THURSDAY, MARCH 2ND

- 9:00 - 9:50 AM Nuts and Bolts of Direct File and Transfer Law
by *Lauryn Tully and Katie Hecker*
<https://us02web.zoom.us/j/88194449241>
- 10:00 - 10:50 AM They Want to Treat Our Kids Like Adults - What Do We Do?
by *Amy Kelso and Morgen Archer*
<https://us02web.zoom.us/j/82711926087>
- 11:00 - 11:50 AM Leveraging the Data and Fighting the Rhetoric Around the “Crime Wave” Narrative
by *Elise Logemann and Kevin Bishop*
<https://us02web.zoom.us/j/85878563402>
- 1:00 - 2:15 PM Let the Numbers do the Talking: Utilizing Data in Negotiation and Sentencing
by *Hollis Whitson, Hannah Seigel Proff, and Stacie Nelson Colling*
<https://us02web.zoom.us/j/89013915861>
- 2:30 - 3:20 PM YOS Must Change Practices That Are Out of Date, Ineffective and Harmful: Lessons from the Columbia Justice Lab’s 2022 Report to the Colorado Legislature
by *Lael Chester*
<https://us02web.zoom.us/j/88609962959>
- 3:30 - 4:30 PM Preparing for the Unthinkable: The Realities of Prison for a Teenage Girl
by *Cheyenne Babbitt, moderated by Effie Seibold*
<https://us02web.zoom.us/j/81219212573>



AGENDA

VIRTUAL CONFERENCE

FRIDAY, MARCH 3RD

9:00 - 9:50 AM How Can Desistance Research Inform the Work of Public Defenders in the Juvenile Justice System?
by *Dr. Lila Kazemian*

<https://us02web.zoom.us/j/83700459971>

10:00 - 10:50 AM Creative Approaches to Presenting Mitigation by *Tim McArthur*

<https://us02web.zoom.us/j/88046608043>

11:00 - 11:50 AM The Confluence of Cognitive and Communication Disorders and Youth Involvement in Adult Carceral Spaces by *Dr. Shameka Stewart*

<https://us02web.zoom.us/j/81392679581>

1:00 - 1:50 PM Courageously Raising Race in Court and Mitigation for Your Clients by *Nicole Duncan and Lindsey Sandoval*

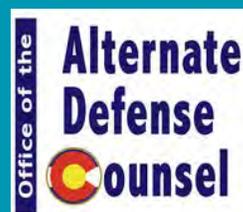
<https://us02web.zoom.us/j/84498983773>

2:00 - 3:00 PM Getting In, Getting Out, and Getting On: Gerardo Lopez is on a Mission to Decrease Community Violence through Compassionate Gang Prevention and Intervention by *Gerardo Lopez*

<https://us02web.zoom.us/j/81563927616>



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SESSION DESCRIPTIONS & LEARNING OBJECTIVES

THURSDAY, MARCH 2ND

Nuts and Bolts of Direct File and Transfer Law by Lauryn Tully and Katie Hecker

In this session, attendees will learn the basics of the law and practice related to direct file and transfer cases, such as: under what circumstances these cases can be filed, what factors the court is to consider in making jurisdictional decisions, burdens and standards of proof, and the roles of the various professionals involved in direct file and transfer cases.

They Want to Treat Our Kids Like Adults - What Do We Do? by Amy Kelso and Morgen Archer

This training will focus on the importance of front-ending direct file and transfer cases to include the multidisciplinary approach of fact and mitigation investigation. This training will provide strategies of how to effectively manage the first hours, days, and weeks of a case. There will be focus on record gathering, witness interviews, and developing mitigation themes and storytelling. The training will also provide examples from previous direct file cases.

Leveraging the Data and Fighting the Rhetoric Around the "Crime Wave" Narrative by Elise Logemann and Kevin Bishop

- Participants will learn about some of the history of how false narratives have been used in the past to enact bad legislation around youth involvement in the legal system
- Participants will learn about what tactics are being used to push the current narrative about an increase in violent crime committed by youth
- Participants will learn how to effectively use data in their advocacy for youth

This session will discuss recent data and trends impacting the youth legal system. Attendees will leave with an understanding of how to effectively use data in their advocacy, and how to debunk the "crime wave" fallacies.

Let the Numbers do the Talking: Utilizing Data in Negotiation and Sentencing by Hollis Whitson, Hannah Seigel Proff, and Stacie Colling

During this session, Stacie Colling will review the most recent data that the OADC received about kids charged as adults (through the end of 2022). Hollis Whitson and Hannah Proff will discuss proportionality reviews, how to collect data and statistics, and how to use it all to help your clients in plea negotiations, litigation and sentencing. During this session, you will learn the following:

- What a proportionality review is;
- How to collect data;
- Limitations and cautions regarding use of data;
- Ways to use data and statistics in plea negotiation, litigation, and sentencing.

YOS Must Change Practices That Are Out of Date, Ineffective and Harmful: Lessons from the Columbia Justice Lab's 2022 Report to the Colorado Legislature by Lael Chester

The session, led by the Director of the Emerging Adult Justice Project at the Columbia Justice Lab, will provide information about the burgeoning field of emerging adult justice and the opportunities and challenges presented by the Youthful Offender System in Colorado. The research is clear that youth do not fully mature until their mid-20's and that treating them in a similar manner as an older adult in the criminal legal system will harm youth, their families and their communities, as well as decrease public safety for all. YOS, a specialized sentencing provision, provides Colorado with an opportunity to provide more developmentally appropriate responses. But this promise is not yet realized, as many of the YOS practices and policies are contrary to supporting healthy development, maturation, and desistance. The session will present research as well as promising practices in other jurisdictions to support clients who are simultaneously navigating the critical path to adulthood and the criminal legal system.

Preparing for the Unthinkable: The Realities of Prison for a Teenage Girl by Cheyenne Babbitt, moderated by Effie Seibold

After being direct filed on at age 17 for homicide, Cheyenne Babbitt entered the Department of Corrections at age 18, having never been in trouble before in her life. Come join Cheyenne and Effie for a discussion about Cheyenne's experience as a teenage girl trying to navigate extreme deprivation and survival in a hostile, manipulative environment where every sliver of comfort came at a price. Learn about the community Cheyenne became a part of, the strong bonds she forged with the women around her, and her amazing journey towards healing through participation in the Prison Trained K9 Companion Program.

FRIDAY, MARCH 3RD

How Can Desistance Research Inform the Work of Public Defenders in the Juvenile Justice System? by Dr. Lila Kazemian

The presentation will provide an overview of the most salient findings emerging from the body of research on desistance from crime, particularly as it pertains to the transition between adolescence and adulthood, and discuss how these empirical findings can guide practices in the juvenile justice system.

Creative Approaches to Presenting Mitigation by Tim McArthur

Are you looking for new ideas to improve the persuasiveness and effectiveness of your writing? Do your mitigation reports feel formulaic and stale? This session will provide new inspiration for you to get those creative juices flowing and think outside of the box for new approaches to compiling and presenting mitigation in various formats.

The Confluence of Cognitive and Communication Disorders and Youth Involvement in Adult Carceral Spaces by Dr. Shameka Stewart

This session will discuss techniques, best practices, and alternative approaches to addressing the actions and needs of youth with cognitive and communication disorders. This session will begin with an introduction of what cognitive and communication disorders are, and expand to discuss the confluence between cognitive and communication disorders and youth behaviors, decisions, and justice system involvement. We will also discuss how judges and legal counsel's perception of their skills, abilities, and comprehension impact the approach and life decisions made about them. This session will discuss the role of speech-language pathology, key areas of counsel that may be impacted during client interaction, and the types of beneficial interventions that make the most impact on the lives of youth with cognitive and communication disorders. Lastly, this session will discuss racial and ethnic disparities and the cultural difference and implications and differences that should be recognized and taken into account when dealing with Black youth with cognitive and communication disorders.

Objectives: at the completion of this workshop, participants will be able to:

- Identify and recognize signs and symptoms of Cognitive and Communication Disorders (CCD)
- Understand the impact of CCD on youth decision-making skills
- Adjust the manner in which counsel communicate with youth as clients with CCD
- Adequately represent and explain CCD during transfer and legal defense
- Advocate for systemic reforms that better meet the needs of youth with CCD
- Work with speech-language pathologists to address CCD in youth involved with the legal system

Courageously Raising Race in Court and Mitigation for Your Clients by Nicole Duncan and Lindsey Sandoval

This training will not only address the importance of raising race and our duty to do so, but will show you how to do so both concisely and courageously. You will walk away with overall advocacy tips for your cases, more research on adolescent identity development especially for those overrepresented in the system, data ideas, and unique (and fun) ways to raise race on direct files and transfers. You'll walk away with a Toolkit as well as confidence to stand against the corroding thread of systemic racism in youth justice. "When we speak we are afraid our words will not be heard nor welcomed, but when we are silent we are still afraid, so it is better to speak." -Audre Lorde

Getting In, Getting Out, and Getting On: Gerardo Lopez is on a Mission to Decrease Community Violence through Compassionate Gang Prevention and Intervention by Gerardo Lopez

Mr. Lopez relies on his lived experience as a former MS-13 gang member in LA to inform his mentorship and empowerment strategies working with Denver youth. In his role as Executive Director of Homies Unidos, Mr. Lopez is out in the community every day working directly with youth and families to end violence and promote peace through gang prevention and intervention. Gerardo Lopez will discuss his own journey from becoming an MS-13 gang member to making the extraordinarily difficult decision to leave and how his lived experience has helped him mentor thousands of Denver youth since becoming the Executive Director of Homies Unidos Denver in 2015. He will discuss the common circumstances he observes in our community that lead young people to become gang involved and what his organization is doing on the ground to provide services and mentoring for these young people. He will describe the evidence based services required for youth to have a meaningful chance at intervention.



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SPEAKER BIOGRAPHIES

MORGEN ARCHER, Attorney

Morgen Archer (formerly Oswood) graduated from Santa Clara University and found her passion working for the Santa Clara County Public Defender's Office in the juvenile division during college. Morgen then spent a year after graduation in Kansas City, working for Legal Aid of Western Missouri, in their housing department. This decision reaffirmed her commitment to public defense. Morgen graduated from law school in 2016 from the University of Denver. Morgen interned for the Arapahoe Regional Office the summer before her 3L year and then returned as a practicing lawyer in the fall of 2016. Morgen has been in the Arapahoe office for nearly seven years and has represented clients in county, juvenile, and adult felony district court. Morgen has had the honor of representing many kids in the juvenile context, as well as the unfortunate adult world of direct files.

CHEYENNE BABBITT, Paralegal, Colorado Office of the Public Defender, Grand Junction

Cheyenne Babbitt was incarcerated for almost a decade after being direct-filed at 17 years old and sentenced as an adult. During her incarceration, she became a certified paralegal and successfully trained over 100 dogs in the Prison Trained K9 Companion Program. She continues her work on this side of the fence advocating for others as a paralegal in the Grand Junction Public Defender's office.

KEVIN BISHOP, LCSW Social Work Coordinator, OADC

Kevin Bishop, LCSW is the Social Worker Coordinator for The Office of the Alternate Defense Counsel. Kevin earned his Master's in Social Work in 2005 from the University of Maryland at Baltimore where he interned and went on to work as a forensic social worker with the Maryland Office of the Public Defender in Baltimore. He moved to Colorado in 2008 to become the capital mitigation specialist at the Colorado Office of the State Public Defender where he worked on several high profile capital and complex juvenile homicide cases until 2016. He shares oversight of OADC's social worker and clinical advocate program with Claire Polini, LCSW. The program consists of over 50 independently contracted social workers and clinical advocates, as well as several master's level social work interns, serving OADC clients.

LAEL CHESTER, Director, Emerging Adult Project, Columbia Justice Lab

Lael Elizabeth Hiam Chester, JD, is the Director of the Emerging Adult Justice Project at the Columbia University Justice Lab. A graduate of Barnard College and Harvard Law School, she worked as the Albert Martin Sacks Clinical Fellow at the Criminal Justice Institute at Harvard and then was an Assistant Attorney General in the Civil Rights and Civil Liberties Division of the Massachusetts Attorney General's Office. For 12 years, she served as Executive Director of Citizens for Juvenile Justice (CfJJ), a statewide non-profit dedicated to improving the juvenile justice system. She then served as a Research Fellow at Harvard Kennedy School's Program in Criminal Justice Policy and Management, where she focused her research on emerging adults (ages 18 – 25), and has continued this work at Columbia University's Justice Lab since 2017. In addition to conducting cutting-edge research and supporting states with systemic reform, she organizes the Emerging Adult Justice Learning Community, a first-of-its-kind, carefully orchestrated collaborative learning environment that brings together researchers, practitioners, policy makers and advocates from around the country to increase learning and policy innovation in this new field.

STACIE COLLING, Attorney, Juvenile Defense Coordinator for the OADC

Stacie is the Youth Defense Coordinator for the Office of the Alternate Defense Counsel. She serves on Colorado's Juvenile Justice and Delinquency Prevention Council, Youth Detention Continuum/Interstate Compact Advisory Board, Bridges Program Statewide Steering Committee, Restorative Justice Council, and as Western Region Chair of the Coalition for Juvenile Justice. She previously served on Colorado's Juvenile Justice Reform Committee and the Southwest Juvenile Defender Center Advisory Board.

NICOLE DUNCAN Attorney, Duncan Youth Legal Services

Nicole Duncan is a former State Public Defender and now is the founder and sole practitioner of The Duncan Youth Legal Services, LLC. Through her firm which began November 2022, she works to serve youth both in and outside the courtroom through direct defense as well as policy and legislation. Nicole's primary focus is Racial Justice and the importance of raising race in all aspects of Youth Defense to better honor her clients, their stories, and goals. Nicole also defends youth either charged as adults or facing the threat of being charged as adults, as well as emerging adulthood cases, and gave numerous trainings on advocacy and the power of data in the courtroom. She aims to use a holistic model of defense, and has begun to do so by connecting and actively participating with local youth organizations in Denver, CO, learning from them, and connecting her clients and their families with them. Nicole recently joined the Colorado Juvenile Defender Center Board ("CJDC"), is a board member for Bread and Roses Legal Center which supports social movements by working with activists and local community groups, and also assists the ACLU with policies, data, and legislation related to youth justice. She had the privilege of being named the Juvenile Defender of the Year in 2020 by the Colorado Juvenile Defender Center, and is a 2020 Georgetown Law Ambassador for Racial Justice Alumni, and is JTIP certified through the Gault Center.



KATIE HECKER, Youth Justice Attorney, OCR

Katie has dedicated her legal career to providing compassionate, competent, and proactive legal representation of the best interests of children, and the expressed interests of the accused. From 2011 to 2017, Katie was an attorney at the Brighton regional office of the Colorado State Public Defender, proudly serving as defense counsel for children accused of crimes in both delinquency and direct file cases. In 2018, after a year at the State Court Administrator's Office providing support and education to Colorado's problem solving court teams, Katie became a Guardian ad Litem. As a GAL, Katie specialized in delinquency and direct file proceedings. In September 2022, Katie started as OCR's first Youth Justice Attorney and will focus her work on creating a more compassionate and equitable system of justice for youth and their families.

LILA KAZEMIAN. Professor, Department of Sociology, John Jay College of Criminal Justice

Lila Kazemian is a Professor in the Department of Sociology at John Jay College of Criminal Justice and a faculty member in the doctoral program in Criminal Justice at the City University of New York. She is a graduate of Université de Montréal. She earned her Ph.D. at the Institute of Criminology of the University of Cambridge in 2005. Her research interests include desistance from crime, long-term incarceration, post-prison reintegration, life-course research, and comparative criminology.

AMY KELSO. LCSW, Arapahoe

Amy Kelso earned her master's degree in social work from Boston College and then found her passion working for the Massachusetts Public Defender's Office in the juvenile division. Amy worked for the Massachusetts Public Defender for five years before returning to Colorado in 2014 to join the newly created public defender social worker positions. Amy worked in the Pueblo office working on juvenile cases in southeast Colorado. Amy then moved to the Office of the Respondent's Parent's Counsel in 2016 as the Director of Social Work to develop a program for social workers to work as part of a multidisciplinary legal team in dependency cases. In 2018, Amy happily returned to the Colorado Public Defender's Office as a Mitigation Specialist in the Complex Crimes Unit and most recently transferred to the Arapahoe Trial Office and continues to work on complex cases throughout the state.

ELISE LOGEMANN, Attorney, Denver Public Schools

Slise Logemann is Senior Counsel for Denver Public Schools, and testifies as an expert witness on DYS, YOS, and DOC in transfer and reverse transfer hearings. She is the former Youth Policy Counsel for ACLU of Colorado, a former OADC contractor, and a prior Executive Director of the Colorado Juvenile Defender Center (CJDC). She has also previously worked as an Assistant Director and Adjunct Professor at the University of Denver Sturm College of Law. Elise began her career representing juveniles and adults with the Public Defender Service in Washington, D.C., returning to her home state as a trial attorney in the Colorado Springs Office of the Colorado State Public Defender before contracting with OADC. Elise is a former Chair of the CBA's Juvenile Law Section and currently serves on several juvenile justice committees.



GERARDO LOPEZ, Executive Director of Homies Unidos- Denver

Gerardo Lopez, a.k.a., Clever, has been working in gang intervention since 1998. Formerly of the notorious MS-13 from Los Angeles, Lopez escaped gang life and works to keep at-risk youth from making the same mistakes. After deciding to leave the gang, Lopez became involved with Homies Unidos in 1997. The organization works to end violence and promote peace through gang intervention and prevention. Concurrently, the Los Angeles Police Department was rocked by one of the largest scandals in its history. LAPD officer Rafael Perez was arrested for stealing 6 pounds of cocaine, which opened the door to countless stories of misconduct and harassment. In 2000, Lopez and three others sued the LAPD for having been searched without warrants, stopped on baseless charges, and beaten by officers. Two years into the lawsuit, Lopez moved to Colorado to start over and get away from the ongoing harassment from the LAPD.

In 2003 Lopez won the lawsuit, and had begun to establish himself and his young family in Colorado, receiving a degree in Criminal Justice and working with youth in halfway houses and mental health institutions. But his new life came to a screeching halt one day in February of 2009, when he was indicted on federal drug conspiracy charges. An LAPD officer accepted a lateral transfer to the Aurora P.D. in Colorado in 2002, shortly after Gerardo moved there from Los Angeles, and he led the investigation. While spending two years in jail, Lopez studied his case and began representing himself through court motions. He analyzed thousands of his own wiretapped phone calls and was able to challenge the evidence obtained through the intercepted calls and presented evidence that prosecutors presented false and misleading evidence to the grand jury to get him indicted. The case was dismissed by the U.S. Attorney's office and he was freed "in the interest of justice."

Currently Gerardo serves as the Executive Director of Homies Unidos- Denver. He works with youth on a daily basis doing gang intervention/prevention and talking to them about his history with gang violence, and how he was able to overcome the odds and leave that life behind.

In July of 2017, Lopez was appointed by Denver's Mayor as Commissioner for the Denver Office of Strategic Partnerships and he sits on Denver's District's Attorney's Law Enforcement and Community Relations Council. In May of 2018, Lopez was Mayor appointed to Denver's Police Chief Search Committee, to search and identify candidates for that position. In November of 2018, Lopez was Faculty for the Administrative Office of the United States Courts and presented at the Federal Death Penalty Strategy Session for Defense Attorney's. In September of 2019, Lopez was Faculty for the Administrative Office of the United States Courts and presented at the Fifth Annual Symposium on Race and Ethnicity for Defense Lawyers. In February of 2020, Lopez was Mayor appointed to the selection committee in Denver's search for a new Sheriff. He is also the subject of the award winning short documentary, Clever, which has played in film festivals in the U.S. and Mexico.

TIMOTHY MCARTHUR, LCSW, Colorado State Public Defender's Office

Timothy C McArthur, LCSW is the Supervisor for the Social Work Program with the Colorado State Public Defender's Office. Since 2006, he has worked throughout the state of Colorado with a diverse population of individuals including college students from under-represented cultural groups; children and adults with developmental disabilities, substance abuse, mental health issues, and criminal justice involvement; and elderly clients with varying degrees of dementia.

HANNAH SEIGEL PROFF, Attorney

Hannah is a trial attorney who has represented hundreds of adults and juveniles in criminal and delinquency cases over the last fifteen years. Hannah is the co-founder and acting executive director for the non-profit Learn Your Rights in the Community (LYRIC). Hannah has received formal recognition and awards over her career; from 2017-2022, 5280 Magazine named her a "Top Lawyer" in juvenile defense. In 2020, Hannah was added to the list of Colorado Super Lawyers. She was named an American Graduate Champion by Colorado Public Television in 2016, and in 2014, she received the University of Denver Alumni Award for Community Engagement. She is a proud ADC contract attorney working on cases across the state.

LINDSEY SANDOVAL, LCSW

Lindsey Sandoval is a licensed clinical social worker and has been practicing social work for seventeen years. She received her Bachelor of social work degree in 2006 and a Master of social work degree in 2014. Lindsey's experience includes child welfare, respondent parent advocacy, guardian ad litem social work, school social work, and defense-based forensic social work. In August 2014, Lindsey was hired as the first Juvenile Denver Public Defender social worker and helped to create the social work position at the Denver Trial Office. After leaving the Public Defender's office in March 2019, Lindsey became a contract forensic social worker with Alternate Defense Counsel. Currently, Lindsey is a private forensic social worker, a field instructor, and a supervising clinical consultant for ADC contractors. Lindsey has done training for the National Association for Public Defense, the Office of Child Representative, Alternate Defense Counsel, and the Juvenile Defender Center. Lindsey is also on the board for Chained Voices, supporting incarcerated adult and juvenile artists throughout Colorado. Lindsey specializes in juvenile/young adult cases and has worked on countless Direct Files, homicides, and detention cases with experience in both juvenile and adult criminal defense.

EFFIE SEIBOLD, Training Director, Office of the Public Defender

Effie Seibold is a training director at the Office of the Public Defender, a position she has held since 2018. Prior to that Effie was a trial lawyer in the Golden Public Defender's Office for 11 years, where she had the opportunity to practice in county and district court and to mentor and supervise new lawyers in her role as county court supervisor.

Dr. SHAMEKA STEWART, Professor

Dr. Shameka Stewart is an Associate Professor of Communication Sciences and Disorders and the Juvenile Forensic Speech-Language Pathologist(r). Dr. Stewart is also a special education advocate trained by the Wright's Law training center. Dr. Stewart's clinical and scholarly work specializes in Juvenile Forensics, Law Enforcement Interaction with youth with CD, child language disorders and augmentative and alternative communication (AAC). Her primary research focuses on the Confluence and Impact of cognitive and communication disorders on the school-to-confinement pipeline, status offenses, involvement with the criminal justice system, law enforcement interaction, and criminal recidivism in youth placed at-risk for delinquency and crime (especially Black and Brown youth from under-resourced areas). Dr. Stewart is also a clinically certified and licensed speech-language pathologist and is licensed to practice in Maryland, Washington, D.C, and multiple other states. Through her work, Dr. Stewart has created cutting edge social justice and juvenile justice specialty courses for graduate CSD students, nationally known training programs for law enforcement and legal counsel, and national and international CE workshops and training for licensed SLP clinicians, students, and families of children with special needs.

LAUREN TULLY, Attorney

Lauryn Tully received her bachelor's degree from San Jose State University and her juris doctorate from University of the Pacific, McGeorge School of Law. There, Ms. Tully graduated as a member of The Order of the Barristers, given to a select group of graduating seniors being recognized for their performance in trial advocacy, grades, and involvement on campus. While attending law school she obtained experience working on clients' behalf with the Yolo County Public Defender's Office and The Office of the Federal Public Defender's in the Eastern District of California. During Ms. Tully's final year of law school, she was asked to join the Colorado State Public Defender's Office. Working as a public defender, she handled both misdemeanor and felony dockets. In addition, Ms. Tully has represented many military members facing criminal charges, as well as, individuals who live out of the state of Colorado charged with a crime in the state.

HOLLIS WHITSON, Attorney

Hollis graduated from Yale Law School in 1984 and since then has worked almost exclusively in federal and state criminal law. At the New Mexico State Public Defender, she served as a felony trial attorney, the chief appellate defender, and as founder and head of the statewide Mental Health Division. In 2000, she came to Colorado to work at the Denver office of the Federal Defender. In 2014, she was honored by the Colorado Criminal Defense Bar with its prestigious Jonathan Olom Award and in 2013, received the Outstanding Legal Service Award from Coloradans for Alternatives to the Death Penalty. She is a frequent CLE presenter on a variety of criminal law topics.