Preaching the Blues
So Your Clients Don't Sing the Blues

Pending Approval by the TN CLE Commission for a maximum of 15.0 credit hours (with 3.0 Dual / .05 Ethics)

TACDL'S 44TH ANNUAL MEETING & SEMINAR

AUGUST 3-5, 2017 • MEMPHIS, TN
Thursday  August 3  
6:00 PM  
Reception  
Blues Hall of Fame  
Wine/Beer/Cocktails  
Food and Blues  
21 South Main Street Memphis, TN

Friday  August 4  
7:30 AM- 7:50 AM  
Registration, Exhibits and Continental Breakfast

7:50 AM- 8:00 AM  
Welcome Remarks

8:00 AM- 9:00 AM  
As the Years Go Passing By (Gary Moore)  
Case Law Update presented by Judge Mark Ward  
1.0 General

9:00 AM- 10:00 AM  
Key to the Highway (Big Bill Broonzy)  
Disqualification of the DA and the Court presented by Michael Working  
1.0 General

10:00 AM- 10:15 AM  
Break

10:15 AM - 11:15 AM  
Eyesight to the Blind (Sonny Boy Williams II)  
Brady, Giglio and Proscutoral Misconduct presented by Valerie Corder  
1.0 Dual

11:15 AM - 12:15 PM  
Shake your Money Maker (Elmore James)  
Funding and Using Experts presented by Paul Bruno  
1.0 General

12:15 PM- 1:30 PM  
Lunch (TACDL Board Meeting)

1:30 PM - 2:30 PM  
Please Please Don't Go (Big Joe Williams)  
An Immigration Primer with Ethical Considerations presented by Tatine Darker  
1.0 Dual

2:30 PM - 3:30 PM  
Sue Me Sue Yo Blues (George Harrison)  
Identifying Viable 1983 actions in your client's criminal case presented by Brice M. Timmons  
1.0 General

3:30 PM- 3:45 PM  
Break

3:45 PM - 5:00 PM  
Hideaway (Freddie King)  
Subpoenoing Digital Communications in Criminal Cases presented by Stephen Ross Johnson  
1.25 General

6:00 PM-  
Reception  
High Cotton Brewery  
Wine/Beer/Cocktails  
Food and Music  
598 Monroe Ave Memphis, TN
# SEMINAR PROGRAM

## Saturday August 5

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 AM - 7:50 AM</td>
<td>Registration, Exhibits and Continental Breakfast</td>
</tr>
<tr>
<td>7:50 AM - 8:00 AM</td>
<td>Welcome Remarks</td>
</tr>
<tr>
<td>8:00 AM - 8:30 AM</td>
<td>Crazy Blues (Mamie Smith) TLAP, Stress and Getting Help presented by Laura McClendon, 0.5 Ethics</td>
</tr>
<tr>
<td>8:30 AM - 9:30 AM</td>
<td>Back Door Man (Willie Dixon) Stops, Searches, and Seizures presented by Rob McKinney, 1.0 General</td>
</tr>
<tr>
<td>09:30 AM - 10:30 AM</td>
<td>Phone Booth (Robert Cray) Attacking Search Warrants and Wire Taps presented by Michael Scholl, 1.0 General</td>
</tr>
<tr>
<td>10:30 AM - 10:45 AM</td>
<td>Break</td>
</tr>
<tr>
<td>10:45 AM - 11:45 PM</td>
<td>Give Me Back my Wig (Lightnin Hopkins) Identification Issues at Trial presented by Leslie Ballin, 1.0 General</td>
</tr>
<tr>
<td>11:45 PM - 1:30 PM</td>
<td>Luncheon and Annual Meeting at the Peabody Hotel Skyway Ballroom Keynote Address presented by Richard Jaffe</td>
</tr>
<tr>
<td>1:30 PM - 2:30 PM</td>
<td>Ball and Chain (Big Mama Thornton) Don't Get Weighted Down with your Client's Confessions presented by Claiborne Ferguson, 1.0 General</td>
</tr>
<tr>
<td>2:30 PM - 3:30 PM</td>
<td>Come in My Kitchen (Robert Johnson) Cooking up the Winning Arguments presented by William Massey, 1.0 Dual</td>
</tr>
<tr>
<td>3:30 PM - 3:45 PM</td>
<td>Break</td>
</tr>
<tr>
<td>3:45 PM - 5:00 PM</td>
<td>What You See is What You Get (Lil' Ed &amp; the Blues Imperials) Effective Use of Visuals and Demonstrations presented by Rich McGee and Kevin McGee, 1.25 General</td>
</tr>
</tbody>
</table>
Mark Ward has served as Judge of Division IX of the Shelby County Criminal Court since 2004. Judge Ward received his undergraduate degree in Law Enforcement as well as his Master of Arts in Criminal Justice from the University of Memphis and is a 1978 graduate of the Cecil C. Humphreys School of Law at the University of Memphis. Judge Ward served as law clerk to Presiding Judge Mark A. Walker of the Court of Criminal Appeals of Tennessee from 1979 to 1981. From 1981 to 2004 Judge Ward practiced law in Memphis as a private practitioner and as an Assistant Public Defender. Judge Ward currently teaches Criminal Procedure II as an Adjunct Instructor at the School of Law at the University of Memphis. He is the author of Tennessee Criminal Trial Practice, published by West Publishing Company, which is designed to serve the needs of judges, prosecutors, and defense attorneys. He is a former Life Member of TACDL, served on its Board of Directors from 1996-2003, and was President of the Board 2001-2002.

Mike Working is a former college football coach who became a lawyer in search of higher stakes competition. Since 2006, he is the owner of the Working Law Firm in Memphis. He serves on TACDL's Board of Directors, the Capital Defense Committee, and writes a column in "For the Defense" that features other TACDL members. He is a proud donor to the Blues Hall of Fame, and serves as the Minister of Endless Boogie for the Memphis Blues Society.

Valerie Corder is a trial lawyer in private practice in Memphis, Tennessee since 1981. She practices criminal defense and civil litigation, both at trial and on appeal. She has successfully represented lawyers charged with contempt and is a member of the Strike Force Committee. Her recent work is reflected in two seminal opinions from the Tennessee Supreme Court, one in domestic law and the other in criminal law.

Paul Bruno, J.D./M.B.A., is an attorney with Bruno Newsom PLLC in Nashville, Tennessee. He handles criminal cases in the state and federal trial and appellate courts. He is a past president of the Tennessee Association of Criminal Defense Lawyers and is a life member of the National Association of Criminal Defense Lawyers. He has handled death penalty cases since 2002, including trials, appeals, post-convictions, and federal habeas corpus petitions. His article, “The Mitigation Specialist”, was published in NACDL's The Champion.

Tatine Darker’s practice focuses on helping non-citizens mitigate the immigration consequences of criminal offenses. She is a member of the CJA panel for the 6th Circuit Court of Appeals and the Western District of TN. Before law school, Tatine served as a Spanish and French interpreter in immigration court and other forums. Upon graduating, she worked for the Federal Defender’s Office as an appellate writer and then a trial lawyer for 6 years. She is the founder of Darker & Associates, a Memphis law firm that handles a wide range of immigration and criminal matters at the trial, appellate, and post-disposition stages, as well as before federal agencies.

Brice M. Timmons practices in the areas of general civil litigation, family law, civil rights litigation, student and educational rights law and commercial litigation. He has been admitted to practice before all courts of the state of Tennessee. Mr. Timmons received a B.A. in Political Science from the University of Memphis in 2007. He earned a Juris Doctor degree from the University of Memphis, Cecil C. Humphreys School of Law in 2010. Mr. Timmons has served as a member of the Graduate Faculty of the Department of Political Science at the University of Memphis. Mr. Timmons is a member of the Memphis Bar Association, Tennessee Bar Association, and American Bar Association. Mr. Timmons served in the 173rd Airborne Brigade of the United States Army. He focuses his pro bono practice on representing victims of domestic violence.

Stephen Ross Johnson is Past-President of TACDL, a current Board Member of NACDL, and a partner with Ritchie, Dillard, Davies & Johnson, PC in Knoxville, TN. His practice is focused on federal and state criminal defense at trial, appeal, and collateral review. In addition, he directs the Innocence and Wrongful Convictions Clinic at UT College of Law, where he serves as an adjunct professor.
SPEAKERS

Laura McClendon, MA, CEAP  Laura is the Executive Director of the Tennessee Lawyers Assistance Program. She has worked with TLAP for fifteen years, and has over twenty-five years experience in the alcohol and drug field as a counselor, trainer, and educator. She has served on the Board of Directors for the Alcohol and Drug Council of Middle Tennessee, United Way, and Nashville Prevention Partnership. She was president of the Middle Tennessee Employee Assistance Professionals chapter, winning counselor of the year from all Tennessee chapters. She chaired the ABA/CoLAP national conference in 2010 (The American Bar Association’s Commission on Lawyer’s Assistance Programs), and hosted the Conference in Nashville in 2014. Presently, she is an Advisory Board member for CoLAP, where she serves as Chair of CoLAP’s Communication Committee, and is CoLAP’s liaison for the ABA’s Law Practice Management Division. She has authored numerous articles in the field of substance abuse, stress, mood disorders, lawyer assistance programs, treatment, and more. She regularly speaks at conferences throughout the United States.

Rob McKinney  is a past president of TACDL. He is in private practice in Nashville, his practice handles a wide scope of criminal cases. His cases range from capital murder to misdemeanor charges, such as shoplifting. Mr. McKinney has been a trial lawyer since 1994 and he has earned an AV rating—the top ranking from Martindale-Hubbell and a preeminent lawyer listing.

Michael Scholl is in private practice in Memphis as a partner with the Scholl Law Firm. His practice is devoted to both white collar and general criminal defense in state and federal courts. He is a former member of TACDL’s Board of Directors.

Leslie Ballin  is in private practice as a partner with the Memphis law firm of Ballin, Ballin & Fishman, P.C., where he concentrates in the area of criminal defense in state and federal courts.

Claiborne Ferguson  is licensed to practice in Tennessee and Arkansas and is certified as a Criminal Trial Specialist by the National Board of Trial Advocacy. He is the Senior Litigation Partner in his firm which limits its work to criminal defense. He is a past board member of TACDL.

William D. Massey  is in private practice in Memphis as a partner with Massey McClusky. McClusky and Fuchs and is a past president of TACDL, a faculty member and dean of the Tennessee Criminal Defense College, and formerly served on the Board of Directors of the National Association of Criminal Defense Lawyers.

Richard McGee  is in private practice in Nashville and is a past president of TACDL. He serves TACDL as Chair of the Strike Force Committee and is a faculty member of the Tennessee Criminal Defense College. His practice is devoted to defending cases at trial and appeal in federal and state courts.

Kevin McGee is a criminal defense lawyer in Nashville, Tennessee, practicing in both state and federal court. After years of practicing the chapter cross examination method of Pozner and Dodd as well as Terry McCarthy’s “Look Good” cross examination method, Kevin has been studying and practicing the “Dynamic” cross examination method for the last two years and has been trained in this method by its creator and author, Jim McComas. Kevin has lectured on cross examination at Vanderbilt Law School, the Nashville School of Law, and has specifically taught Dynamic cross in trial colleges in San Francisco and Guam.
IMPORTANT REGISTRATION INFORMATION ENCLOSED

EARLY BIRD PRICING GOOD TILL JULY 20TH
SEMESTER INFORMATION

Annual Meeting, Luncheon and Awards Ceremony

TACDL will have the election of its board of directors and officers and conduct other association business, including submitting proposed amendments to its bylaws, during the luncheon and awards ceremony at the Peabody Hotel Skyway Ballroom on Saturday, August 5, 2017 at 11:45 pm. The keynote Speaker will be Richard Jaffe. (see bio below)

Keynote Speaker

Richard S. Jaffe is the Senior Partner of the Birmingham, Alabama law firm of Jaffe, Hanle, Whisonant & Knight, P.C. The firm concentrates in the area of criminal defense and personal injury, with Mr. Jaffe specializing in the areas of white collar criminal defense and criminal litigation in the federal and state courts. Mr. Jaffe has been board certified by the National Board of Trial Advocacy as a Criminal Trial Specialist since January 31, 1984. (Copyright 2006 by Woodward/White, Inc., of Aiken, S.C.). Mr. Jaffe began his career as an Assistant Attorney General for the State of Alabama, then served as a Deputy District Attorney, before entering the private practice of law in 1978.

He is past president of the Alabama Criminal Defense Lawyers Association, and the founder of the Greater Birmingham Criminal Defense Lawyer’s Association. Best lawyers of America named Mr. Jaffe “Lawyer of the year” in non-white-collar criminal defense in Birmingham for 2010 and 2015 and “Lawyer of the year” in white-collar criminal defense for Birmingham for 2013. In 2014 Super Lawyers listed him among the top 10 Super Lawyers in Alabama. Mr. Jaffe is a sought after speaker to legal organizations and trains lawyers on trial strategies and communication skills throughout the United States. In 2015 Best Lawyers of America lists him in both white-collar and non-white collar criminal defense. He is serving his 4th term as a Board Director for the National Association of Criminal Defense Lawyers (NACDL). Mr. Jaffe has handled over sixty capital cases, including 5 federal death penalty cases. Only one of his clients has ever received the death penalty, and none have been executed. His acquittal rate is among the highest in the country. He is the only attorney in the nation who has successfully defended three death row inmates at new trials after they had previously been sentenced to death. He and his firm have participated in numerous other acquittals of individuals facing serious punishment, both at trial and on appeal. In addition, Mr. Jaffe has successfully represented many individuals and corporations facing significant sentences for violations of Federal Criminal Offenses. From 2000 until 2008 Mr. Jaffe served as co-counsel as the personal lawyer of Birmingham Mayor Bernard Kincaid.

Seminar Location Information

The Seminar will take place at the Cecil C. Humphreys School of Law located at 1 N Front St, Memphis, TN 38103

Reception Information

Join us Thursday night at 6:00 pm at the Blues Hall of Fame for Wine/Beer/Cocktails Food and Blues
Location: 421 South Main Street Memphis, TN 38103

Join us Friday night at 6:00 pm at the High Cotton Brewing Company for Wine/Beer/Cocktails Food and Music
Location: 598 Monroe Ave Memphis, TN 38103

Scholarship

We would like to make sure that everyone who wants to attend the annual meeting can attend. We have a limited number of scholarships available. Please email thawk@tacdl.com for more information.
REGISTRATION INFORMATION

Early Bird Special Pricing Good Through July 20, 2017
After July 20th add $100.00 to the prices

<table>
<thead>
<tr>
<th>Registration Categories</th>
<th>FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular and Affiliate Members</td>
<td>$395.00</td>
</tr>
<tr>
<td>Public Defender</td>
<td>$295.00</td>
</tr>
<tr>
<td>New Member</td>
<td>$295.00</td>
</tr>
<tr>
<td>Law Student</td>
<td>$100.00</td>
</tr>
<tr>
<td>2017 TACDL Trial College Graduates</td>
<td>$110.00</td>
</tr>
<tr>
<td>Post- 1993 Life Member</td>
<td>$100.00</td>
</tr>
<tr>
<td>Pre- 1993 Life Member</td>
<td>Free</td>
</tr>
</tbody>
</table>

***Registration above includes the luncheon and both receptions. If you are not attending the seminar, or have a guest that would like to attend the luncheon or receptions, the following amounts should be paid (per person):***

<table>
<thead>
<tr>
<th>Event</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday Reception Only</td>
<td>$40.00</td>
</tr>
<tr>
<td>Friday Reception Only</td>
<td>$40.00</td>
</tr>
<tr>
<td>Saturday Luncheon Only</td>
<td>$40.00</td>
</tr>
<tr>
<td>All Receptions and Luncheon Only</td>
<td>$110.00</td>
</tr>
</tbody>
</table>

Seminar Total: ____________________

Please register online at [www.tacdl.com/upcoming-events](http://www.tacdl.com/upcoming-events), mail registration form or email form to thawk@tacdl.com

The Peabody Hotel has a block of rooms available for TACDL. The Room Rate is $185.00 per night and we have 5 state rate rooms available. Rooms must be reserved by July 14th.

Link to register  [https://reservations.travelclick.com/95096?groupID=1769056&hotelID=95096#guestsandrooms](https://reservations.travelclick.com/95096?groupID=1769056&hotelID=95096#guestsandrooms) or call 901-529-4173 and speak to Jackie Ingram

Name: ____________________________________________

Email: ___________________________________________

Guest(s): _________________________________________

Registration Total: _______________________________

Credit Card Information:

Name on Card _______________________________________

Card Number _______________________________________

Billing Address ____________________________________

City __________________ State ______________ Zip ______

Authorized Signature _______________________________

Please mail checks payable to:

TACDL
530 Church Street
Suite 300
Nashville, TN 37219
615-329-1338 fax:615-329-1339

Copyright © 2017 Tennessee Association of Criminal Defense Lawyers. No unauthorized reproduction, transmission, or distribution of these materials is permitted. All rights reserved. No copyright is claimed in the text of statutes, regulations, and excerpts from court opinions quoted within this work. Cover artwork used under a license agreement with the artist and is copyright by the artist.