

***Enhancing Outcomes in Dependency Cases Through  
Effective Courtroom Advocacy and  
Collaborative Skill Building  
September 27 and 28, 2022***

***Judicial Council of California  
2850 Gateway Oaks  
Tower Rooms A, B, and C  
Sacramento, CA 95833***

***Schedule and Program***

***Day One***

**8:30 to 8:45 – Faculty Meeting**

*All faculty meet.*

**8:45 to 9:00 – Welcome and Introductions**

*All participants and instructors meet in plenary session.*

**9:00 to 10:15 – Roles Lecture/ All participants meet in large group: Attorney and Social Worker Roles and Responsibilities within a Child Welfare Case (Beth and Laura)**

**10:15 to 10:30 – Break**

**10:30 to 11:00 – Case Theory/Case Assessment Lecture (Candi) All participants meet in large group**

**11:00 to 12:00 – Workshop #1: Case Theory/Case Assessment**

*Participants break out into 3 medium groups. Each group will be comprised of lawyers and social workers from the same “team” (Agency Lawyer/Emile Ryan; Ms. Peña’s Lawyer/Jaime Cruz; or Eva’s Lawyer/Kris Forrest).*

The development of a case theory is critical to every case. It establishes the framework for every part of the legal aspect of the case, from settlement negotiations, to witness examination, to closing arguments. The first part of the workshop centers on the theory of the case. This part initially focuses on an examination of facts, assembling them into categories that support or detract from your case. The factual theory places the facts into the context of the legal theory of the case and begins the process of crafting persuasive case theory and themes. The session then picks up on the factual analysis and presents a

process for blocking out facts to structure a direct examination that is persuasive, tells your client's story of the case, introduces and uses appropriate exhibits, and inoculates the witness from the effects of destructive cross examination. The session will also consider how to address facts that detract from your case and to structure a cross examination that generates admissions from other witnesses that support your client's story, illustrates why the witness could be mistaken about his or her testimony, and presents information that either attacks this witness' credibility or the credibility of another witness.

*Medium Group Faculty:*

*DFS Lawyer and Emile Ryan: Laura, Jennifer, Alissa*

*Maria Pena's Lawyer and Jamie Cruz: John, Mikaela, Sheelah & Nathan*

*Eva Pena's Lawyer and Kris Forrest: Mundy, Candi, Nanette*

### **12:00 to 1:00 - Lunch**

### **1:00 to 2:00 -- Lecture on Direct and Cross Examination (John and Candi)**

*All participants meet in a plenary session for a lecture. (Candi and John)*

### **2:00 to 2:45 – Workshop #2: Effective and Ethical Witness Preparation**

*Participants break out into 5 small groups with 2 faculty.*

*Small Group Faculty (Same faculty groups for remainder of Breakout workshops)*

**John and Sheelah**

**Mikaela and Nathan**

**Candy and Nanette**

**Jennifer and Laura**

**Mundy and Alissa**

Effective collaboration is required for a lawyer and social worker to prepare persuasive testimony. This interactive workshop begins with a facilitated discussion of the key aspects of good witness preparation, focusing on what information should be exchanged between the lawyer and social worker regarding courtroom procedures, practical concerns and testimony content. Social worker participants will then be given an opportunity to sit down with the lawyer participants who will be calling them as witnesses to prepare their direct testimony, and to prepare for any anticipated cross examination. During the last portion of this workshop, scenarios that presents ethical challenges will be discussed as a group. Additionally, participants should begin preparation of their Direct Examination questions.

### **2:45 to 3:00 – Break**

### **3:00 to 4:15 – Workshop #3: Trial Skills (Witness Examination and Testifying)**

*Participants break out into the same 5 small groups with 2 faculty. If possible, there should be a mix of lawyers (DFS lawyer, lawyer for Maria Peña, and lawyer for Eva Peña) and social workers (Emile Ryan, Jaime Cruz, and Kris Forrest) in each group.*

In this workshop lawyers will **practice direct examination**, and social workers will practice testifying. At the beginning of the session, lawyers and social workers will be given 10 to 15 minutes to do the final prep of their questions and testimony. The goals for the lawyers on direct examination include the use of short, newspaper style questions, use of simple language, exhaustion of topic, use of the persuasive aspects of witness accreditation, setting the scene and telling the action. Each question must be limited to one fact and not call for any conclusions. Organization and structure of the examinations are also important components of this workshop.

The goals for social workers include the use of plain language, adopting an appropriate demeanor, answering questions in a concise and direct manner, and answering only the question that is asked.

Problem 1: Testimony of Emile Ryan.  
DFS lawyers conduct a 10-minute direct examination.

Problem 2: Testimony of Jaime Cruz.  
Lawyers for Maria Peña conduct a 10-minute direct examination.

Problem 3: Testimony of Kris Forrest.  
Lawyers for Eva Peña conduct a 10-minute direct examination.

**4:15 to 4:30 – Final Meeting and Q and A for the day!** *Attendees will meet in a large, plenary group.*

**4:30 – Faculty meeting or happy hour?** *All faculty meet.*

## ***Day Two***

**8:30 to 8:45 – Faculty check in and readiness**

**8:45 to 9:00** - Welcome, Introduction and discussion of the day ahead.

**9:00 to 10:15 - Workshop #4: Trial Skills (Witness Examination and Testifying)**

*Participants break out into the same 5 small groups with 2 faculty. If possible, there should be a mix of lawyers (DFS lawyer, lawyer for Maria Peña, and lawyer for Eva Peña) and social workers (Emile Ryan, Jaime Cruz, and Kris Forrest) in each group*

In this workshop lawyers will **practice cross examination**, and social workers will practice testifying. At the beginning of the session, lawyers and social workers will be given 10 to 15 minutes to do the final prep of their questions and testimony. The goals for the lawyers on cross examination, questions should

focus on witness control by using leading questions with short, one fact declarative statements. Each question must be limited to one fact and not call for any conclusions. Organization and structure of the examinations are also important components of this workshop.

The goals for social workers include the use of plain language, adopting an appropriate demeanor, answering questions in a concise and direct manner, and answering only the question that is asked.

Problem 1: Testimony of Emile Ryan.  
Lawyers for Maria Peña conduct a 5-minute cross examination.  
Lawyers for Eva Peña conduct a 5-minute cross examination.

Problem 2: Testimony of Jaime Cruz.  
DFS lawyers conduct a 5-minute cross examination.  
Lawyers for Eva Peña conduct a 5-minute cross examination.

Problem 3: Testimony of Kris Forest.  
DFS lawyers conduct a 5-minute cross examination.

**10:15 to 10:30 – Break**

**10:30 to 10:45- Direct and Cross Examination Demo (Mikaela, John and Laura)**

**10:45 to 12:15 – Lecture on Recommendations and Arguments/ (John, Beth and Laura) *All attendees meet in large, plenary group.***

**12:15 to 1:15 – Lunch**

**1:15 to 2:30 – Workshop #5: Trial Skills (Argument and recommendation preparation and practice) *Participants will break into the same small groups from the morning.***

In this workshop, lawyers will begin preparation of legal argument either for a contested hearing with no additional evidence, or a closing argument for a contested hearing at which additional evidence and/or witnesses were presented. Social workers will discuss the elements and evidence necessary for their assessment or ultimate recommendation in a contested case.

Problem 1: Lawyers will practice their 5 to 10 minute argument in support of their client's position.

Problem 2: Social workers will practice their assessment and recommendation in response to a question to articulate their recommendation and supportive reasoning.

**2:30 to 3:00 - Final Plenary Session**

*Participants will meet in final large group to discuss issues, feedback and any Q and A for the whole session.*