

2012  
*Idaho Prosecuting Attorneys Association*  
**WINTER CONFERENCE AGENDA**



The Grove Hotel,  
245 S. Capitol Blvd, Boise, ID 83702  
208.333.8000

**IPAA BOARD OF DIRECTORS MEETING**  
**Tuesday, February 7th**  
**9:00 a.m., in the Cattails Room**

*NO guests, deputies, or designees unless scheduled to speak.*

**Day 1**  
**Wednesday, February 8**

7:30 - 8:30	<b>Mezzanine</b> Registration / <b>Continental Breakfast</b>	
8:30 - 9:00	<b>Aspen Room</b> Welcome and Opening Remarks	<b>(.50 CLE)</b>
	IPAA Prosecutor of the Year Award	
9:00 - 10:30	<b><u>A Story of Triumph Over Tragedy: Understanding Your Role in The Journey</u></b> <i>(Co-sponsored by the Idaho Council on Domestic Violence &amp; Victim Assistance)</i> Ms. Corrao will convey one experience of being sexually assaulted and highlight the value of victim communication and the positive impact prosecutors can make in the lives of victims. <b>Michelle Corrao, Director of Community Relations for Prevail Inc., Noblesville, Indiana</b>	<b>(1.50 CLE)</b>
10:30 - 10:45	<b>Break/Vendor Visits</b>	

Wednesday Agenda Continued

10:45 - 12:15

**The Use of Technology in Stalking & Harassment Cases** (1.50 CLE)

The ability to stalk, monitor, track and bully victims has been greatly extended with technologies that are readily available and easy to use. We know many stalking offenders use the information they gain to harass, defame and endanger their victims. Furthermore, some offenders use technology to assist them in committing a further crime, such as sexual assault. This presentation focuses on how offenders use technologies such as cell phones, computers, cameras and global positioning systems. Considerations for evidence collection and documentation will be discussed

**Rebecca Dreke, Stalking Resource Center  
The National Center for Victims of Crime**

12:15 - 2:15

**Lunch (on your own)**

**BUSINESS MEETING LUNCHEON**

**Wednesday, February 8**

12:15 - 2:15 p.m.

(a hosted, working lunch)

IVY Room (2<sup>nd</sup> Floor)



**For Elected/Appointed Prosecutors**

*NO guests, deputies, or designees unless scheduled to speak.*

2:15- 2:25

**Steve Bywater - Lifetime Achievement Award**

2:25 - 3:45

**Idaho Appellate Update** (2.50 CLE)

The Idaho appellate courts have made several important rulings in the last twelve months. Being aware of these decisions and how they affect your cases is the subject of this presentation by Ken Jorgensen, head of the AG's appellate unit.

**Ken Jorgensen, Deputy Attorney General**

3:45 - 4:00

**Break/Vendor Visits**

4:00 - 5:10

**Idaho Appellate Update** (continued)

# LEGISLATIVE SOCIAL

Hosted by the Idaho Prosecuting Attorneys Association,  
Idaho Association of Counties & Idaho Sheriff's Association



**Wednesday, February 8<sup>th</sup>**

**5:30 – 7:00 p.m.**

Taxi Service to/from provided by Boise City Taxi – meet in front of hotel entrances

**The Riverside Hotel**  
(formerly the Doubletree)  
2900 Chinden Blvd.  
Boise, ID 83714

◆Lobbying & Networking  
d'oeuvres

◆Hearty hors

◆2 beverage tickets & cash bar

## Day 2 Thursday, February 9

- 8:00 - 8:30** **Mezzanine**  
**Registration / Continental Breakfast**
- 8:30** **Aspen Room**  
**2011 Prosecutor Award of Excellence for Service to Vulnerable Children**  
Presented by Kirt Naylor, Governor's Task Force on  
Children At Risk
- 8:40 - 10:10** **Building Blocks for Jury Selection** **(1.50 CLE)**  
Jury selection is the foundation upon which a solid criminal case rests. Without a strong voir dire, any prosecutor's trial is starting out in hostile territory. This presentation will develop the base for a strong voir dire from helpful tips and strategies, to interacting with jurors, to the effective use of technology in the courtroom, and many other helpful, and not so helpful, voir dire practices. In addition, this presentation will explore challenges facing prosecutors in courts including strikes for cause, peremptory strikes, and **Batson** issues. All prosecutors, from beginners to advanced, will learn new and developing tactics in jury selection and how to be a more effective communicator in the courtroom.  
**Warren Diepraam, Chief Prosecutor of the Trial Division, Montgomery County, Texas**
- 10:10 - 10:20** **Break /Vendor Visits**

**Thursday Agenda Continued**

**10:20 - 11:50**

**Your State Lab and YOU**

**(1.50 CLE)**

Much of what the lab does or can do is a mystery to many line prosecutors. What do you need to know about the present and future operations of the Idaho State Lab? This panel discussion will provide information that is both useful and essential to cases involving all of the various scientific disciplines within the Lab. Questions will be taken to help ensure everyone has a level of comfort with what to expect from the Lab and what limitations there are on their resources. Current procedures for analysis reporting, testimony, and discovery responses will be discussed as well as changes that are on the near horizon that will improve efficiency and access to the lab services. Discussion will include uncertainty of measurement, information requests for discovery compliance, video testimony, electronic records delivery, and recent Brady disclosures.

**Facilitator: Scott Bandy, Deputy Ada County Prosecuting Attorney**  
**Panelists: Matthew Gamette, Lab Improvement Manager Jared Olson, Idaho Traffic Safety Resource Prosecutor, Heather Reilly, Deputy Ada County Prosecuting Attorney, Christine Starr, Assistant Boise City Attorney**

**11:45 - 1:00**

**Lunch (on your own)**

**1:00 - 2:30**

**CIVIL TRACK - Aspen Room**

**Indigency Practices and Procedures Including Medical Reviews**

**(1.50 CLE)**

This presentation will include an analysis of the use of indigency forms, standard language, necessary medical services, utilization management vs. medical review, medically necessary but non-covered services, discovery of other resources, preparing for the hearing, and other topics from the perspective of the Idaho Catastrophic Health Care Costs Program and examine a variety of current trends and issues arising in the Idaho Medical Indigency Program. The presentation assumes a basic knowledge of medical indigency law.

**Claire Tardiff, Deputy Ada County Prosecuting Attorney,**  
**Dr. Douglas Dammrose, Kathryn Mooney, Idaho Catastrophic Health Care Costs Program**

**2:30 - 2:45**

**Break/Vendor Visits**

**2:45 - 3:45**

**Idaho Recorder's Duties**

**(1.00 CLE)**

Your Recorder has called you wondering if it is okay to record a lien against a federal district court judge in the amount of five billion dollars. This presentation will review the statutes applicable to the recorder's function in Idaho, the discretion available to the recorder, and the consequences recording or not recording "non-traditional" documents. Also covered will be a discussion about mortgage servicers, the trend towards use of mortgage clearing houses, and their effect on recorder's offices.

**Susan Thomas, Deputy Ada County Prosecuting Attorney.**

**3:45 - 4:00**

**Break/Vendor Visits**

**4:00 - 5:00**

**Case Review**

**(1.00 CLE)**

A review of a variety of cases decided in the last six months by the Idaho State Supreme Court, the U.S. Supreme Court, the Ninth U.S. Circuit Court of Appeals, or other courts and tribunals, of relevance to the Idaho local government attorney.

**Ax Yewer, Deputy Ada County Prosecuting Attorney**

Thursday Agenda Continued

**CRIMINAL TRACK - Evergreen Room**

1:00 - 2:30

**Presentation of Crash Reconstruction Evidence**

**(1.50 CLE)**

One of the most difficult cases you will ever try has landed on your desk – a vehicular fatality. You have prepared, you know every detail intimately. Now it is time to create a compelling visual presentation to make your case come alive. Warren Diepraam leads a group of prosecutors highly trained in crash reconstruction, field sobriety testing and other aspects of prosecuting cases against impaired or reckless drivers who kill. Warren uses his experience to teach you how to become an effective visual communicator in the courtroom when presenting crash reconstruction evidence.

**Warren Diepraam, Chief Prosecutor of the Trial Division, Montgomery County, Texas**

2:30 - 2:45

**Break/Vendor Visits**

2:45 - 4:15

**Prosecuting the Drugged Driver**

**(1.50 CLE)**

With the incidence of drug impaired driving on the rise, a greater number of Idaho officers are participating in the drug recognition expert (DRE) program and/or receiving specialized training in recognizing the drug impaired driver (i.e. ARIDE). Consequently, Idaho prosecutors face an increased caseload with new and unique challenges. This presentation explores what prosecutors need to know about the DRE program and will debunk the Top 10 drug impaired driving myths. Prosecutors will also learn what Idaho is doing to combat this growing trend.

**Warren Diepraam, Chief Prosecutor of the Trial Division, Montgomery County, Texas & Jared Olson, Idaho Traffic Safety Resource Prosecutor**

**Please join us for the  
2012 IPAA President's Reception**

**5:00 – 7:00 p.m. – immediately after class, in the Evergreen Room**



**\*\*\*2012 President to be announced\*\*\***

**Keynote presentation:  
“In Defense of Prosecutors”**



**Warren Diepraam, TX**

**(.50 CLE)**

*Knob with the 2012 IPAA President, all of your statewide colleagues & friends. Enjoy a variety of tasty hors d'oeuvres & 2 free beverages!*

# Day 3

## Friday, February 10

8:00 - 8:30 **Mezzanine**  
**Registration / Continental Breakfast**

8:30 - 11:45 **Aspen Room**  
**Ethics - The Movie II: The Sequel** **(3.00 ETHICS CLE)**

This is the follow-up to the highly successful ETHICS: THE MOVIE presentation. Judge Steve Wilson and Commonwealth's Attorney Tom Lockridge will present a whole new movie and crime sequence and will build on the issues raised in the first ethics movie. Young Assistant Prosecutor Andy Simpson returns to face ethical issues raised during a complicated drug investigation. Detective Owens works the new crime scenario and continues to create situations that cause ethical problems for Andy. The issues raised are a little more complicated this time and are ripe for lots of discussion of ways to help Andy overcome his problems and keep his law license. This time, Andy's boss Tom Locker is there to provide more layers to the issues and opportunities to discuss the responsibilities created by the supervisor/subordinate relationship. This presentation will utilize the Rules of Professional Responsibility from the host state and will make occasional reference to the National Prosecution Standards published by the NDAA.

**Thomas Lockridge Commonwealth Attorney for the 13<sup>th</sup> Judicial Circuit in Kentucky & Judge Steve Wilson, Circuit Judge for the 8<sup>th</sup> Judicial Circuit in Warren County, Kentucky**

10:00 - 10:15 **Break/Vendor Visits**

10:15 - 11:45 **Ethics - The Movie II: The Sequel (continued)**

11:45 - 1:00 **Lunch (on your own)**

1:00 - 4:15 **Evergreen Room**  
**Civil Roundtable** **(3.00 CLE)**

**Includes break**

This will be a moderated roundtable discussion. You are encouraged to share your issues, network with other prosecutors, and discuss potential solutions with the panel and other members of the audience. Initial topics will include advising governing boards regarding land use matters after the recent decision of the Idaho Supreme Court in **County of Boise v. Idaho Counties Risk Management Program**, current issues in land use law, Boards of Community Guardian, Mental Commitments - abeyances, Board of Tax Appeal representations, recorder's office issues carryover discussion, and dealing with "difficult" elected officials.  
**Panel Members: Theodore E. Argyle, Chief Civil Deputy Ada County Prosecuting Attorney, Jerry Mason, Mason & Stricklin, LLP; Adrienne Willems, Deputy Latah County Prosecuting Attorney**

**IPAA CONFERENCE ADJOURNED**

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**Mark your Calendars!**  
**2012 IPAA Summer Conference**  
**August 15-17**  
**August 14 (Board Meeting)**



(formerly the Doubletree Riverside) - Boise