



NORTH CAROLINA DEFENDER TRIAL SCHOOL

Monday, July 7 through Friday, July 11, 2025
UNC School of Government, Chapel Hill, NC
*Cosponsored by the UNC-Chapel Hill School of Government
& Office of Indigent Defense Services*

DRAFT AGENDA

Monday, July 7, 2025

8:00-8:45 *Check-in*

8:45-9:00 **Welcome, Introduction, and Description of Program**
Phil Dixon, Teaching Associate Professor
UNC School of Government, Chapel Hill, NC
Bob Burke, Indigent Defense Consultant and Trainer, Longmont, CO

9:00-10:00 **FACTUAL BRAINSTORMING/FACTBUSTING (PLENARY)**
Joseph Ross, Assistant Federal Defender, Raleigh, NC

At the conclusion of the plenary and workshop, participants will:

1. Know the elements of effective brainstorming/factbusting.
2. Understand the importance of effective factbusting to creation of a rich pool of facts from which to develop a persuasive theory of the case and story.
3. Be able to effectively bust the facts of a case.

10:00-10:15 *Break*

10:15-12:30 **BRAINSTORMING/FACTBUSTING (WORKSHOP)**

12:30-1:30 *Lunch*

1:30-2:30 **BRAINSTORMING/FACTBUSTING (WORKSHOP)**

2:30-2:40 *Break*

2:40-3:25 **DEVELOPING YOUR THEORY OF THE CASE AND THEMES (PLENARY)**
Sophorn Avitan, Assistant Public Defender, District Court
Misdemeanor Appeals Supervisor
Mecklenburg County Public Defender Office, Charlotte, NC

At the conclusion of the plenary, participants will:

1. Know and understand the definitions of, and differences between, a theory of the case (or defense story summary) and a theme.



2. Know and understand the purposes of a theory of the case/story summary and themes, especially the driving of a persuasive defense story.
3. Know and understand methods for developing a theory of the case/story summary and themes.

3:25-4:15 **ADVANCING YOUR THEORY BY TELLING YOUR CLIENT'S STORY**

Ira Mickenberg, Attorney & Consultant, Saratoga Springs, NY

At the conclusion of the plenary, participants will:

1. Know the elements of storytelling.
2. Understand how storytelling elements and skills can be persuasively used throughout trial to advance the case theory or defense story.
3. Know and understand basic persuasive techniques ("theory of the case and themes language," primacy and recency, repetition, chapters (clarity), hooks, vivid language, pictures or images, trilogies).

4:15-4:30 **Ethics in Criminal Defense: Trial Strategy**

Ira Mickenberg, Attorney & Consultant, Saratoga Springs, NY

Discussion of ethical issues in client relations related to trial theories and strategies.

4:30-4:40 *Break*

4:40-5:20 **THEORY OF THE CASE/DEFENSE STORY (WORKSHOP)**

After completion of these workshops, participants will have:

1. Developed a theory of the case/summary of defense story, and a full, persuasive story for a trial case.
2. Put in writing a theory of the case/story summary for their case that is consistent with the definition of a theory of the case.
3. Identified any supporting emotional theme or themes for their case.
4. Sketched out, in writing, a defense story for their case.

6:00 **Dinner @ Top of the Hill Restaurant & Brewery, Chapel Hill (Individual Pay)**



Tuesday, July 8, 2025

9:00-11:00 **THEORY OF THE CASE/DEFENSE STORY (WORKSHOP)**

11:00-11:15 *Break*

11:15-12:15 **THEORY OF THE CASE/DEFENSE STORY (WORKSHOP)**

12:15-1:00 *Lunch*

1:00-2:00 **JURY SELECTION: A JOURNEY OF DISCOVERY (PLENARY)**

Kevin Tully, Chief Public Defender
Office of the Public Defender, Dist. 26 Charlotte, NC

After completion of this session and the workshops, participants will:

1. Know and understand the purposes of voir dire (develop rapport, inform, educate, learn, introduce theory of case).
2. Know and understand questioning and conversational techniques for accomplishing the purposes of voir dire, such as open-ended, life experience questions, “get it and spread it,” and other techniques.
3. Be able to effectively use jury selection techniques in their own case, conducting a voir dire of real jurors, with an eye towards deciding whether those jurors would be receptive to the theory of the case the participants will be advocating in their cases.

2:00-2:45 **JURY SELECTION (DEMONSTRATION AND DISCUSSION)**

30-minute demo and 15-minute debrief

2:45-3:00 **Ethics in Criminal Defense: Jury Selection**

Kevin Tully, Chief Public Defender
Office of the Public Defender, Dist. 26 Charlotte, NC

Discussion of a factual supplement to the plenary fact problem related to lawyer and client decisions in jury selection.

3:00-3:15 *Break*

3:15-4:30 **BRAINSTORM VOIR DIRE (WORKSHOP)**



Wednesday, July 9, 2025

9:00-10:30 **CONDUCT VOIR DIRE (WORKSHOP)**

10:30-10:45 *Break*

10:45-12:15 **CONDUCT VOIR DIRE (WORKSHOP)**

12:15-12:30 **DEBRIEF JURY SELECTION**

12:30-1:30 *Lunch*

1:30-2:20 **OPENING STATEMENTS (PLENARY/DEMONSTRATION)**

Rebecca Chappell, Senior Assistant Public Defender
Public Defender's Office, Dist. 39, Shelby, NC

At the conclusion of this session, participants will:

1. Know and understand that an opening statement must present a factual and persuasive defense story that drives and supports the theory of the case and emotional themes.
2. Know and understand basic techniques for doing an opening statement that is factual, persuasive, and drives the theory of the case and themes (Hook, headline, primacy and recency, context, storyline, creation of inferences, use of "theory and theme language").

2:20-2:30 *Break*

2:30-3:00 **BRAINSTORM/PREPARE OPENING (WORKSHOP)**

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their opening statement, and how it advances their theory of the case and themes.
2. Be able to use basic techniques for the presentation of a factual and persuasive defense story that advances the theory of the case and themes (Hook, headline, primacy and recency, context, storyline, of inferences, use of "theory and theme language").

3:00-5:00 **CONDUCT OPENINGS (WORKSHOPS)**



Thursday, July 10, 2025

9:00-9:55 CROSS-EXAMINATION (PLENARY/DEMONSTRATION)

Johnna Herron, Assistant Public Defender
Guilford County, NC

At the conclusion of this session, participants will:

1. Know and understand that the goals of cross-examination, as well as the questions asked and language used, are determined by the theory of the case and supporting themes.
2. Know and understand techniques for effective cross-examination (chapters, transitions, use of “theory and theme language,” sequence, and leading, one-fact questions).
3. Know and understand techniques for impeachment with prior inconsistent statements and omissions.

9:55-10:10 Ethics in Criminal Defense: Cross-Examination

Johnna Herron, Assistant Public Defender
Guilford County, NC

Discussion of a factual supplement to the plenary fact problem related to lawyer and client decisions on cross-examination.

10:10-10:25 Break

10:25-10:55 BRAINSTORM/OUTLINE CROSS EXAMINATION (WORKSHOP)

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their cross-examination, and how it advances their theory of the case.
2. Be able to make use of techniques for the effective cross-examination of a government witness that advances the theory of the case and themes.

10:55-12:45 CONDUCT CROSS EXAMINATION (WORKSHOP)

12:45-1:30 Lunch

1:30-2:20 DIRECT EXAMINATION (PLENARY/DEMONSTRATION)

Timothy Heinle, Albert and Gladys Coates Term Professor
UNC School of Government, Chapel Hill, NC

At the conclusion of this session, the participants will:

1. Know and understand that all aspects of direct examination -- including the decision to call a particular witness (why is it important and what is important), the questions that should be asked, and the way those



questions should be asked -- must flow from the theory of defense and emotional themes.

2. Know and understand basic techniques for doing a direct examination (preparation of witness, chapters, anchoring questions, transitional questions, use of “theory of the case and themes language”, open-ended questions, practice, use of visuals, demonstrations).

2:20-2:35

Ethics in Criminal Defense: Direct Examination

Timothy Heinle, Albert and Gladys Coates Term Professor
UNC School of Government, Chapel Hill, NC

Discussion of a factual supplement to the plenary fact problem related to lawyer and client decisions on Direct Examination.

2:35-2:45

Break

2:45-3:15

BRAINSTORM DIRECT EXAMINATION (WORKSHOP)

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their direct examination, and how it advances their theory of the case.
2. Be able to effectively prepare a witness for direct and cross and effectively use direct examination techniques to advance the theory of the case, defense story, and supporting themes.

3:15-5:15

CONDUCT DIRECT EXAMINATION (WORKSHOP)



Friday, July 11, 2025

9:00-10:00 **CLOSING ARGUMENTS (PLENARY/DEMONSTRATION)**

Dennis D. Maxwell, Jr., Assistant Public Defender
Dist. 29B, Hendersonville, NC

At the conclusion of this session, participants will:

1. Know and understand that closing argument must be factual and persuasive and must flow from the theory of defense and emotional themes.
2. Know and understand basic persuasive techniques (use of “theory of the case and themes language,” primacy and recency, repetition, chapters (clarity), hooks, vivid language, pictures or images, trilogies) for closing argument.

10:00-10:15 *Break*

10:15-10:45 **BRAINSTORM/PREPARE CLOSING ARGUMENT (WORKSHOP)**

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their closing argument, and how it advances their theory of the case or defense story.
2. Be able to use basic persuasive techniques to effectively advance the theory of the case, defense story, and supporting themes in closing argument.

10:45-12:45 **CONDUCT CLOSING ARGUMENT (WORKSHOP)**

12:50-1:00 **CONCLUSION**



Small Group Facilitators

Sophorn Avitan, Assistant Public Defender, District Court, Misdemeanor Appeals Supervisor, Office of the Public Defender, Dist. 26 Charlotte, NC

Dawn Y. Baxton, Chief Public Defender, Dist. 16, Durham, NC

Jonathan Broun, Senior Staff Attorney, North Carolina Prisoner Legal Services, Inc. Raleigh, NC

Derek Brown, Attorney, The Derek K. Brown Law Firm, PC, Greenville, NC

Bob Burke, Attorney and Criminal Defense Consultant, Longmont, CO

Rebecca Chappell, Senior Assistant Public Defender, Office of the Public Defender, Dist. 39, Shelby, NC

Tucker Charns, Chief Regional Defender, OIDS, Durham, NC

Sharif A. Deveaux, Regional Defender, OIDS, Durham, NC

Phil Dixon, Teaching Associate Professor, UNC-SOG, Chapel Hill, NC

Fred Friedman, Attorney and Professor, Univ. of Minnesota, Duluth, MN

Laura Gibson, Chief Public Defender, Dist. 2, Washington, NC

Burcu Hensley, Assistant Public Defender, Office of the Public Defender (Wake County), Dist. 10, Raleigh, NC

Johnna Herron, Assistant Public Defender, Dist. 18, Greensboro, NC

Dennis D. Maxwell, Jr., Assistant Public Defender, Dist. 29B, Hendersonville, NC

Ira Mickenberg, Attorney and Consultant, Saratoga Springs, NY

Jason St. Aubin, Senior Trial Attorney, Marcilliat & Mills, PLLC, Charlotte, NC

Daniel Spiegel, Assistant Professor of Criminal Law, Procedure and Evidence, UNC-SOG, Chapel Hill, NC



Deonte L. Thomas, Chief Public Defender, Dist. 10, Raleigh, NC

Eddie Thomas, Assistant Public Defender, Violent Crimes Unit, Dist. 26, Charlotte, NC

Kevin Tully, Chief Public Defender, Office of the Public Defender, Dist. 26 Charlotte, NC

Antoan Whidbee, Attorney, Smithfield, NC

Becky Whitaker, Defender Policy and Planning Attorney, NC Indigent Defense Services, Durham, NC