

Lessons from Michigan: Negotiating through Mitigation and Reentry

Sofia Nelson | snelson@sado.org

*DEEP SOUTH CAPITAL DEFENSE CONFERENCE / NLADA LIFE IN THE
BALANCE*
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Roadmap

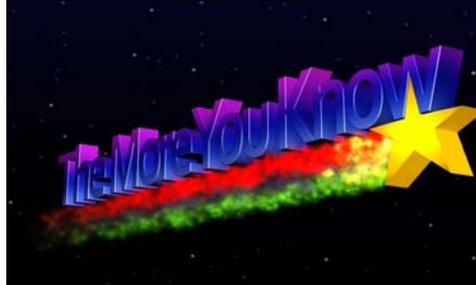
- I. Tips for successful negotiation
- II. What We've learned
- III. Risks
- IV. Discussion



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Knowledge is Power

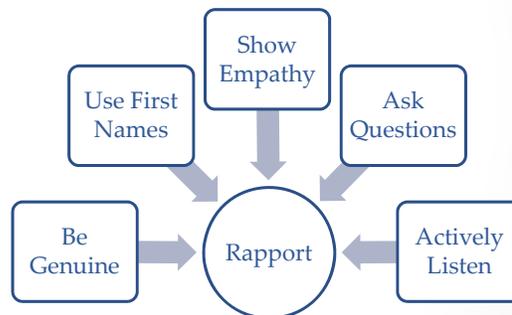
- Media
- Victim position
- Details of the offense
- Codefendants
- Reentry
- Prison record
- Mitigation / Life History
- The Law



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Build Rapport and Trust

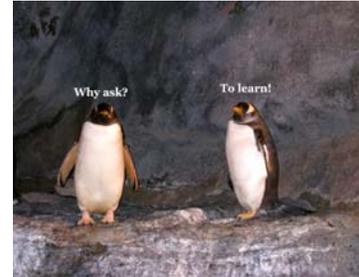
- Face to face
- Build a relationship
- Cooperation
- Be accessible
- Keep showing up



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Listen and Ask Questions

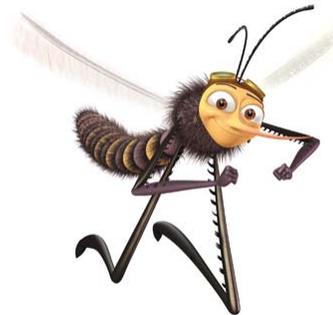
- Assume nothing
- Ask information seeking questions
 - Why do you think Iwop is appropriate in this case?
 - What would change your mind?
- Listen
 - Resist the urge to immediately counter
 - Repeat your understanding to clarify and seek additional information



5

Make Settlement The Easy Option

- Be a pleasant persistent pest
- Give them what they ask for
- Get in front of the judge
- Discovery demands
 - Police reports
 - Physical evidence
 - Witness list
- Litigation
 - Make it expensive
 - Motions practice
- Media



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What Do You Have to Offer?

- Access to client
- Medical records
- Reentry Plan
- Psych Eval
- Mitigation Memo
- One-pagers
- Understanding of the Law
- Information about how these cases are being handled in other counties and other states



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Mitigation Videos

8

Risks

- Giving away your *Miller* hearing strategy
- Brinkmanship
- Motivating the other side to be prepared



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Questions

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