

Power, Politics & Public Service: The Legal Ethics of Lawyers in Government

This conference will focus on two related topics concerning lawyers in government. First, the conference will seek to define and address the high priority regulatory and cultural reforms regarding the ethics of prosecutors. Second, the conference will discuss the ethical duties and limitations of government lawyers other than prosecutors who advise or litigate on behalf of public officials or public agencies.

“This will be our seventh legal ethics conference at Hofstra Law, but this is the first time the conference has focused on the legal ethics of lawyers in government. The public and the profession have increasingly focused on issues of government lawyers’ ethics over the past few years. The conference brings together speakers that have either written about these issues as judges or professors or lived through them as lawyers. The combination, will generate an intelligent and informed discussion that is intended to produce real changes and solutions.” —
Professor Monroe H. Freedman, Professor of Law, Hofstra Law School.

Keynote Speaker:

Cyrus Vance, Jr.

*Partner, Morvillo Abramowitz
Grand Iason Anello & Bohrer PC*

Conference Speakers Include:

John B. Bellinger, III

*Partner, Arnold & Porter LLP and
Former Legal Adviser, U.S. State
Department and National Security
Council*

I. Bennett Capers

*Associate Professor of Law, Hofstra
University School of Law*

Kathleen Clark

*Professor of Law, Washington
University in St. Louis School of Law*

Angela J. Davis

*Professor of Law, American University
Washington College of Law*

Monroe H. Freedman

*Professor of Law, Hofstra University
School of Law*

Bruce Green

*Louis Stein Professor at Fordham Law
and Director, Louis Stein Center for
Law and Ethics, Fordham University
School of Law*

Peter A. Joy

*Professor of Law and Director,
Criminal Justice Clinic, Washington
University in St. Louis School of Law*

Fred Klein

*Visiting Assistant Professor of Law,
Hofstra University School of Law*

Kevin C. McMunigal

*Judge Ben C. Green Professor, Case
Western Reserve University School of
Law*

Robert H. Mundheim

*Chair, ABA Standing Committee on
Ethics and Professional Responsibility
and Of Counsel, Shearman & Sterling
LLP*

Jamin Raskin

*Professor of Law and Director, The Law
and Government Program, American
University Washington College of Law*

The Honorable D. Brooks Smith

*Judge, United States Court of Appeals
for the Third Circuit*

Barry C. Scheck

*Professor of Law and Director,
Innocence Project, Benjamin N.
Cardozo School of Law*

Jeffrey Toobin

Author and CNN Analyst

The Honorable Mark Wolf

*Chief Judge, U.S. District Court for the
District of Massachusetts*


Ellen Yaroshefsky

*Clinical Professor of Law and Director,
Jacob Burns Center for Ethics in the
Practice of Law, Benjamin N. Cardozo
School of Law*

Sunday October 18, 2009

Noon-12:20 p.m.	Introduction	Hofstra Law School, Room 308
12:20-2:50 p.m.	Session I	Hofstra Law School, Room 308
	Peter A. Joy, “Best Practices for Prosecutors’ Offices to Overcome Cognitive Biases”	
	Jamin Raskin, “Active Justice, Passive Justice and Power: Three Models for the Work of Government Lawyers”	
	John B. Bellinger, III, “Dilemmas for the Government National Security Lawyer after 9-11”	
3:20-5 p.m.	Session II	Hofstra Law School, Room 308
	Kathleen Clark, “Unsound Barrier: How the Bush Administration Unconstitutionally Denied Congress the Right to Consult Counsel”	
	Hon. D. Brooks Smith, “Policing Prosecutors: What Role Can Appellate Courts Play?”	
5-6 p.m.	Reception for All Conference Participants	Faculty Lounge, Hofstra Law School, 3rd floor

Monday October 19, 2009

8-9:10 a.m.	Continental Breakfast	Hofstra Law School, Room 308
9:10 a.m.-Noon	Session I	Hofstra Law School, Room 308
	Angela J. Davis, "Strategies for Reform: How Prosecutors Can Prevent Racially Disparate Outcomes"	
	Barry C. Scheck, "Decisions that Make a Difference"	
	Hon. Mark Wolf, "Who Should Regulate Prosecutors?"	
Noon-2 p.m.	Lunch— Breakout Session on Reforming Prosecutors' Offices	Hofstra Law School, Rooms 202, 205 & 243
2-2:30 p.m.	Reports on Breakout Sessions	Hofstra Law School, Room 308
	Reporters: I. Bennett Capers, Fred Klein and Ellen Yaroshefsky	
2:30-5 p.m.	Session II	Hofstra Law School, Room 308
	Keynote Address by Cyrus Vance, Jr., "Ethical and Effective Prosecution: A Vision for the Future"	
	Mr. Vance is a Partner at Morvillo Abramowitz Grand Iason Anello & Bohrer PC. A graduate of Yale University and Georgetown University Law School, he is a former prosecutor and veteran trial lawyer who has served for over a quarter century in the courts, in his community and in government. He will speak about the future of ethical prosecution and discuss the legacy of Thomas C. Wales.	
	Jeffrey Toobin, "Investigating the Murder of Tom Wales"	
	Mr. Toobin authored The New Yorker article about Thomas C. Wales, titled "An Unsolved Killing," published August 6, 2007.	
		
	Thomas C. Wales was a member of Hofstra Law's Class of 1979 and Editor-in-Chief of the Hofstra Law Review, as well as an alumnus of Harvard University. As an Assistant United States Attorney, he was a leading prosecutor for major white collar and business fraud cases, as well as a leader in professional circles where he served as head of various bar association committees. Among his many civic and professional activities, Mr. Wales served as president of Washington CeaseFire, a handgun control group. He was shot and killed while working at his computer in his suburban Seattle home on October 11, 2001. His murder remains unsolved.	
	The Thomas C. Wales Memorial Foundation has been established to promote the ideals and activities that Tom represented and pursued during his lifetime, such as community involvement, public service, and justice.	
5:30 p.m.	Dinner in Honor of Thomas C. Wales	David S. Mack Hall, North Campus
	\$60 for conference participants, \$100 for non-participants	

Tuesday, October 20, 2009

8-9:10 a.m.	Continental Breakfast	Axinn Library, 10th floor
9:10 a.m.-12:30 p.m.	Session I	Axinn Library, 10th floor
	Kevin C. McMunigal, "The (Lack of) Enforcement of Prosecutor Disclosure Rules"	
	Bruce Green and Karen Bergreen, "The Civil Government Litigator: A View from the Jury Box"	
	Robert H. Mundheim, "A Treasury of General Counsel Experience: The (First) Chrysler Bail-Out, the (First) Iranian Hostage Negotiations, and Some 'Salomonic' Wisdom"	
	Monroe H. Freedman, "Who is the Government Lawyer's Client?"	
12:30-1 p.m.	Closing Remarks	Axinn Library, 10th floor

Schedule and speakers subject to change.