



HOFSTRA UNIVERSITY®

SCHOOL OF LAW

121 Hofstra University, Hempstead, New York 11549-1210

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PAID
Hofstra University

Hofstra Law

2007 Legal Ethics Conference



**Sunday, Monday and Tuesday
October 14, 15 and 16, 2007**

Conference Director
Professor Roy D. Simon

Conference Coordinator
Dawn Marzella

REGISTRATION PROGRAM



**HOFSTRA
UNIVERSITY®**

School of Law

LEGAL ETHICS: LAWYERING AT THE EDGE

UNPOPULAR CLIENTS, DIFFICULT CASES, ZEALOUS ADVOCATES

Stuart Rabinowitz

President and Andrew M. Boas
and Mark L. Cluster Distinguished
Professor of Law, Hofstra University

Nora V. Demleitner

Interim Dean and Professor of Law
Hofstra Law School

Roy D. Simon

Howard Lichtenstein Distinguished
Professor of Legal Ethics
Hofstra Law School
Conference Director

KEYNOTE ADDRESS

Michael E. Tigar

Research Professor of Law, Washington College of Law,
Visiting Professor, Duke Law School
Professeur Invite, Universite Paul Cezanne

BANQUET ADDRESS

Gerald B. Lefcourt

Law Offices of Gerald B. Lefcourt
New York, NY

CONFERENCE SPEAKERS

Lonnie T. Brown, Jr.

Associate Professor of Law
University of Georgia School of Law

Raymond Brown

Attorney, Greenbaum, Rowe, Smith & Davis
Woodbridge, NJ

Alafair S. Burke

Associate Professor of Law
Hofstra Law School

James Farragher Campbell

Attorney, Campbell, DeMetrick & Jacobo
San Francisco, CA

I. Bennett Capers

Associate Professor of Law
Hofstra Law School

Angela J. Davis

Professor of Law, Washington College of Law
American University

Eric M. Freedman

Maurice A. Deane Distinguished Professor of
Constitutional Law, Hofstra Law School

Monroe H. Freedman

Professor of Law, Hofstra Law School

Leon Friedman

Joseph Kushner Distinguished Professor of
Civil Liberties Law, Hofstra Law School

Stephen Gillers

Emily Kempin Professor of Law
New York University School of Law

Glenda Grace

Visiting Assistant Professor
Hofstra Law School

Jeanne P. Gray

Director, Center for Professional Responsibility
American Bar Association

Bruce Green

Stein Professor of Law, Fordham University
School of Law

Joel Hirschhorn

Attorney, Hirschhorn & Bieber P.A.
Coral Gables, FL

Ronald Kuby

Law Offices of Ronald Kuby, New York, NY

Gerald B. Lefcourt

Law Offices of Gerald B. Lefcourt
New York, NY

Lisa Lerman

Professor, Columbus School of Law
The Catholic University of America

Adam Liptak

National Legal Correspondent
The New York Times

Richard P. Mauro

Attorney at Law, Salt Lake City, UT

Kevin McMunigal

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

Maj. Daniel Mori

United States Marine Corps

Andrew Perlman

Associate Professor
Suffolk University Law School

Burnele V. Powell

Miles and Ann Loadholt Professor of Law
University of South Carolina School of Law

Roy D. Simon

Howard Lichtenstein Distinguished Professor
of Legal Ethics, Hofstra Law School

Abbe Smith

Professor of Law, Georgetown University Law
Center; Co-Director, Criminal Justice Clinic
and E. Barrett Prettyman Fellowship Program

Clive Stafford-Smith

Founder and Legal Director
Reprieve, London, England

John Steele

Fish & Richardson P.C.
Silicon Valley, CA

Lynne Stewart

New York, NY

Ralph J. Temple

Attorney, Ashland, OR

Charles W. Wolfram

Charles Frank Reavis Sr. Professor of Law
Emeritus, Cornell Law School

Ellen Yaroshefsky

Clinical Professor of Law and
Executive Director, Jacob Burns Ethics Center,
Benjamin N. Cardozo School of Law

Sunday, October 14, 2007

SESSION I

8 a.m.-4 p.m.	CONFERENCE REGISTRATION Barbara and Maurice A. Deane Law Library Foyer Hofstra Law School
9-10:30 a.m.	BRUNCH Leeds Morelli & Brown Atrium Hofstra Law School, Second Floor
10:30-10:45 a.m.	WELCOMING REMARKS Sidney R. Siben and Walter Siben Moot Courtroom Hofstra Law School, Room 308 Stuart Rabinowitz President and Andrew M. Boas and Mark L. Claster Distinguished Professor of Law Hofstra University Nora Demleitner Interim Dean and Professor of Law Hofstra Law School Roy Simon Howard Lichtenstein Distinguished Professor of Legal Ethics Hofstra Law School Conference Director
10:45 a.m.-12:35 p.m.	MORNING SESSION Sidney R. Siben and Walter Siben Moot Courtroom Hofstra Law School, Room 308 Stephen Gillers Emily Kempin Professor of Law New York University School of Law <i>The First Thing We Do, Let's Get Their Lawyers: Assaults on the Bar From the Civil Rights Era to Charles Stimson and KPMG</i> Ellen Yaroshefsky Clinical Professor of Law and Executive Director of the Jacob Burns Ethics Center Benjamin N. Cardozo School of Law <i>Lawyering at the Edge of the Rule of Law</i>

12:35-1:45 p.m.	KEYNOTE ADDRESS Sidney R. Siben and Walter Siben Moot Courtroom Hofstra Law School, Room 308
Introduction	Monroe Freedman Professor of Law Hofstra Law School
Keynote Speaker	Michael E. Tigar Research Professor of Law, Washington College of Law Visiting Professor, Duke Law School Professeur Invite, Universite Paul Cezanne <i>The Torturers' Legal Advisers: Professional Responsibility and Human Rights</i>
1:45-2:15 p.m.	COFFEE BREAK Dorothy R. and Adolph J. Eckhardt Faculty Conference Room Hofstra Law School, Room 303
2:15-5 p.m.	AFTERNOON SESSION Sidney R. Siben and Walter Siben Moot Courtroom Hofstra Law School, Room 308 Clive Stafford-Smith Founder and Legal Director, Reprieve, London, England <i>Ethical Challenges at Guantanamo</i> Abbe Smith Professor of Law, Georgetown University Law Center Co-Director, Criminal Justice Clinic and E. Barrett Prettyman Fellowship Program <i>Client Counseling at the Edge: The Lawyer's "Conscience" and the Limits of Persuasion</i> Maj. Daniel Mori United States Marine Corps <i>Persistence, Professionalism, and Freedom</i>
6 p.m.	BANQUET The Garden City Hotel Garden City, New York
Banquet Speaker	Gerald B. Lefcourt Law Offices of Gerald B. Lefcourt <i>Why One Wired Phone Call Is Worth \$500,000 of Investigation, and Why I Represent "Those People"</i>

Monday, October 15, 2007 SESSION II

- 8:30 a.m.-3 p.m. **CONFERENCE REGISTRATION**
Barbara and Maurice A. Deane Law Library Foyer
Hofstra Law School
- 8-9:15 a.m. **BREAKFAST**
Leeds Morelli & Brown Atrium
Hofstra Law School, Second Floor
- 9:15 a.m.-12:15 p.m. **MORNING SESSION**
Sidney R. Siben and Walter Siben Moot Courtroom
Hofstra Law School, Room 308
- Bruce Green**
Stein Professor of Law
Fordham University School of Law
Criminal Defense Lawyering on the Edge: A Look Back
- John Steele**
Fish & Richardson P.C.
How to Handle a Scandal
- Monroe H. Freedman**
Professor of Law
Hofstra Law School
*Lawyering at the Edge: Henry Lord Brougham's
Controversial Campaigns for Human Rights*
- 12:15-2 p.m. **LUNCHEON**
Leeds Morelli & Brown Atrium
Hofstra Law School, Second Floor
- Luncheon Speaker **James Farragher Campbell**
Campbell, DeMetrick & Jacobo
Ethical Considerations on Witness Grooming

2-5 p.m.

AFTERNOON SESSION

Sidney R. Siben and Walter Siben Moot Courtroom
Hofstra Law School, Room 308

Glenda Grace

Visiting Assistant Professor
Hofstra Law School

*Representing Capital Clients & the Elusive Quest for
"Meaningful Access to Justice"*

Angela J. Davis

Professor of Law
Washington College of Law, American University

*Prosecutorial Misconduct: Does the Disciplinary
Process Provide an Adequate Remedy*

Andrew Perlman

Associate Professor, Suffolk University Law School

Zealous Obedience and the Subordinate Lawyer: Lessons From Social Psychology

Tuesday, October 16, 2007 SESSION III

- 8 a.m.-3 p.m. **CONFERENCE REGISTRATION**
Barbara and Maurice A. Deane Law Library Foyer
Hofstra Law School
- 8-9:15 a.m. **BREAKFAST**
Leeds Morelli & Brown Atrium
Hofstra Law School, Second Floor
- 9:15 a.m.-Noon **MORNING SESSION**
Sidney R. Siben and Walter Siben Moot Courtroom
Hofstra Law School, Room 308
- Kevin McMunigal**
Judge Ben C. Green Professor
Case Western Reserve University School of Law
Corrupt Scientific Evidence
- Burnele V. Powell**
Miles and Ann Loadholt Professor of Law
University of South Carolina School of Law
Lawyering "Through" Fear: When the Edge Is All That's Left

MORNING SESSION CONTINUED

Charles Wolfram

Charles Frank Reavis Sr. Professor of Law Emeritus
Cornell Law School

Competitor Conflicts

Noon-1:30 p.m.

LUNCHEON

Leeds Morelli & Brown Atrium
Hofstra Law School, Second Floor

Luncheon Speaker

Raymond Brown

Greenbaum, Rowe, Smith & Davis

*Prosecutors, Power, and Professional Ethics:
From the Thompson Memorandum to the International
Criminal Court in Sierra Leone*

1:30-4:15 p.m.

AFTERNOON SESSION

Sidney R. Siben and Walter Siben Moot Courtroom
Hofstra Law School, Room 308

Lynne Stewart

Lawyering on the Edge

Richard P. Mauro

Attorney at Law

*Sanctions as a Deterrent to Post-Conviction Relief for
Wrongfully Convicted Defendants*

Ronald Kuby

Law Offices of Ronald Kuby

*Lawyering at the Edge — How to Make Sure that
When the Trial Ends You Are Not Going to Jail*

REGISTRATION INFORMATION

**Hofstra Law School is an accredited NYS CLE provider.
Continuing Legal Education credits and scholarships are available.***

CONFERENCE REGISTRANTS

Complete and return the registration form with a check made payable to Hofstra Law School. Please indicate the session(s) you plan to attend. Your official name tag and registration packet may be picked up at the Conference Registration Desk, which will be open from 8 a.m. to 4 p.m. at the Barbara and Maurice A. Deane Law Library Foyer, Hofstra Law School.

On-site registration will be available as space permits. Hofstra University facilities are 100-percent accessible to persons with disabilities.

HOFSTRA STUDENTS, FACULTY, ADMINISTRATORS AND STAFF

All events, with the exception of the brunch, banquet and luncheons, are free to Hofstra University students, faculty, administrators and staff upon presentation of a current HofstraCard. Advance registration is recommended because seating is limited. Unfortunately, free admission to conference events cannot be extended to family and friends of members of the Hofstra University community.

Please complete and return the registration form to Dawn Marzella, Director of Special Projects, Hofstra Law School, 121 Hofstra University, Hempstead, NY 11549-1210.

CURRENT HOFSTRA LAW SCHOOL STUDENTS

Students currently enrolled at Hofstra Law School will receive separate registration materials at the end of September 2007.

MEMBERS OF THE PRESS

Complimentary press passes to all conference events will be provided to members of the press. Please notify Dawn Marzella by phone at (516) 463-6889, or by fax at (516) 463-6091. Parking arrangements will be made if notification is received before October 1, 2007. Thereafter, every effort will be made to accommodate those with press credentials.

OFFICIAL CONFERENCE HOTELS

The Garden City Hotel in Garden City and the L.I. Marriott Hotel and Conference Center in Uniondale have been designated as the official conference hotels. Following are the room rates and cutoff dates for room reservations. All hotel reservations will be handled directly through the hotels.

THE GARDEN CITY HOTEL

An Inter-Continental Global Partner Hotel
45 Seventh Street
Garden City, New York 11530
Attention: Reservations Manager
Telephone: (516) 747-3000 or (800) 547-0400
Fax: (516) 747-1414
Room rate: \$190 per night, single or double occupancy.
(Rate guaranteed until September 21, 2007.)

LONG ISLAND MARRIOTT HOTEL AND CONFERENCE CENTER

101 James Doolittle Boulevard
Uniondale, New York 11553
Attention: Reservations Manager
Telephone: (516) 794-3800 or (800) 832-6255
Fax: (516) 794-5936
Room rate: \$169 per night, single or double occupancy.
(Rate guaranteed until September 17, 2007.)

You may also call Wingate by Wyndham in Garden City. There is no corporate rate available for this conference.

WINGATE BY WYNDHAM

821 Stewart Avenue
Garden City, New York 11530
Attention: Hotel Reservations
Telephone: (516) 705-9000

Please make your reservations as early as possible as the number of rooms is limited. When making your reservations, please identify yourself as a participant in the Hofstra Law School Legal Ethics Conference.

All reservations will be held until 6 p.m. on the day of arrival unless the reservation is accompanied by payment with a major credit card.

*CLE Credit is not available for the 1:30-4:15 p.m. sessions on 10/16.

CONFERENCE REGISTRATION FEES

Early Registration

Registration forms postmarked by Friday, September 28, 2007, are entitled to a 10-percent discount.

Full conference fee includes all conference events and meals (excluding the banquet, with the exception of Category I attendees).

**On Tuesday, October 16, Hofstra Law School graduates will be admitted to all conference events at no charge.*

	Full Conference	Individual Day
CATEGORY I	\$475*	\$125
Law professors Attorneys in private practice Members of the general public		
CATEGORY II	\$195	\$75
Disciplinary counsel Government lawyers Bar Association staff/employees Public interest / non profit / Legal Aid lawyers		
CATEGORY III	\$100	\$50
Hofstra Law School graduates Senior citizens (over 65) Must include copy of Medicare card		
Non-Hofstra students Must include copy of valid school ID		
Current Hofstra students, faculty and staff ** Must include copy of current HofstraCard (does not include meals or banquet)	NO FEE	

*Full conference fee includes banquet for category I attendees.

**If you are a current Hofstra student or staff member and would like to attend the brunch on Sunday, or the luncheon on Monday or Tuesday, there will be additional fees as indicated below:

Brunch Sunday, October 14, 2007	\$15
Luncheon and Address Monday, October 15, 2007	\$15
Luncheon and Address Tuesday, October 16, 2007	\$15

LOCATION OF HOFSTRA UNIVERSITY

Hofstra University is located in Hempstead, Long Island, New York, about 25 miles east of New York City, less than an hour away by train or automobile. The campus is located approximately 30 minutes by car from either John F. Kennedy International Airport or LaGuardia Airport.

BY CAR

From Eastern Long Island: Take Northern State Parkway to Meadowbrook Parkway South (exit 31A), or Southern State Parkway to Meadowbrook Parkway North (exit 22N). Continue on Meadowbrook Parkway to exit M4 (Hempstead Turnpike). Follow Hempstead Turnpike (Route 24) west to Hofstra, approximately 1 ½ miles. Turn left on California Avenue and continue for about 1/4 mile. The Law School will be on the right.

From New York City: Take the Long Island Expressway to exit 38, Northern State Parkway, to Meadowbrook Parkway South (exit 31A), or Southern State Parkway to Meadowbrook Parkway North (exit 22N). Continue on Meadowbrook Parkway to exit M4 (Hempstead Turnpike). Follow Hempstead Turnpike (Route 24) west to Hofstra, approximately 1 ½ miles. Turn left on California Avenue and continue for about 1/4 mile. The Law School will be on the right.

TRANSPORTATION FROM AIRPORTS

Please call for reservations in advance:

Horizon Transportation Service
Personalized Transportation Service (516) 438-4891

U.S. Limousine and Car Service

Personalized Transportation Service (516) 352-2225 or
(800) 962- 2827

NOTE: There are no official fares charged by New York City yellow cabs between the airports and the Hofstra campus. Please confirm charges with driver before starting your trip.

TRANSPORTATION VIA THE LIRR:

The Long Island Rail Road (LIRR) has frequent commuter service to the Hempstead Station from Pennsylvania Station, located at 34th Street and 7th Avenue, New York City, and Flatbush Avenue Station in Brooklyn, New York. From the Hempstead Station use either the Hofstra University courtesy bus that meets every train at the Hempstead Station or a local taxi service to the Hofstra campus.

All Island Transportation
(516) 481-1111

Ollie's Airport Service
(516) 437-0505, (516) 352-6633, or (718) 229-5454

Pub Taxi Service
(516) 481-0675

Please return completed registration form on or before October 5, 2007, to:

Dawn Marzella
Director of Special Projects
Hofstra Law School
121 Hofstra University
Hempstead, NY 11549-1210

Please make check(s) payable to Hofstra Law School.

Registration fees are refundable until October 5, 2007. Thereafter, registration fees are nonrefundable.

Limited space is available.

However, if conditions permit, there will be on-site registration on a first-come, first-served basis.

For more information, please contact Dawn Marzella at Hofstra Law School,
Phone (516) 463-6889; Fax (516) 463-6091
E-mail: lawethics@hofstra.edu

For 24-hour information, call the HOFSTRA EVENTS LINE at (516) 463-5533.

Visit www.law.hofstra.edu/EthicsConference for more information.

REGISTRATION FORM

Your official conference name tag will reflect the information you provide on the first three lines below.
Please type or print clearly.

NAME

TITLE

FIRM/ORGANIZATION

ADDRESS

CITY

STATE

ZIP

TELEPHONE

FAX

E-MAIL

FORM OF PAYMENT:
 CHECK (made payable to Hofstra Law School)

 MASTERCARD

 VISA

NAME AS IT APPEARS ON CREDIT CARD

SIGNATURE

CREDIT CARD NUMBER

EXPIRATION DATE

REGISTRATION FEES

Please indicate the amount paid.

CATEGORY I \$ _____

CATEGORY II \$ _____

CATEGORY III \$ _____

Brunch/Luncheon(s) \$ _____

(Hofstra students, faculty and staff)

Additional Fees for Banquet

Banquet Address by

Gerald B. Lefcourt

Law Offices of Gerald B. Lefcourt

The Garden City Hotel

Limited reservations.

Black-tie optional.

Banquet Attendance \$250

\$ _____

Current Hofstra

\$ _____

Law School

Students and Recent

Graduates

(2002-2007 only)

\$125

TOTAL:

\$ _____

REGISTRATION FORM

FOR SEATING PURPOSES, PLEASE CHECK THE EVENTS THAT YOU WISH TO ATTEND.

SESSION I, SUNDAY, OCTOBER 14, 2007
 9-10:30 a.m.

BRUNCH I prefer a kosher meal vegetarian meal.

 10:30-10:45 a.m.

WELCOMING REMARKS

 10:45 a.m.-12:35 p.m.

MORNING SESSION

Stephen Gillers

Ellen Yaroshefsky

 12:35-1:45 p.m.

KEYNOTE ADDRESS

Michael Tigar

 2:15-5 p.m.

AFTERNOON SESSION I

Clive Stafford-Smith

Abbe Smith

Maj. Daniel Mori

 6 p.m.

BANQUET

The Garden City Hotel

Garden City, New York

BANQUET ADDRESS

Gerald Lefcourt

SESSION II, MONDAY, OCTOBER 15, 2007
 9:15 a.m.-12:15 p.m.

MORNING SESSION

Bruce Green

John Steele

Monroe H. Freedman

 12:15-2 p.m.

LUNCHEON I prefer a kosher meal vegetarian meal.

LUNCHEON ADDRESS

James Farragher Campbell

 2-5 p.m.

AFTERNOON SESSION

Glenda Grace

Angela J. Davis

Andrew Perlman

SESSION III, TUESDAY, OCTOBER 16, 2007

() 9:15 a.m.-Noon

MORNING SESSION

Kevin McMunigal
Burnele V. Powell
Charles Wolfram

() Noon-1:30 p.m.

LUNCHEON I prefer a () kosher meal () vegetarian meal.

LUNCHEON ADDRESS

Raymond Brown

() 1:30-4:15 p.m

AFTERNOON SESSION

Lynne Stewart
Richard Mauro
Ronald Kuby

Please indicate if you require a sign language interpreter. _____