



NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

presents

Ethical Considerations for the Criminal Practitioner

4 CLE CREDIT HOURS IN ETHICS

Friday, February 5, 2010 1:00 - 5:00 p.m.

Registration Begins at 12:30 p.m.

Nassau County Courthouse, Mineola, New York

PROGRAM DESCRIPTION

This program examines the Rules of Professional Conduct with particular emphasis on recent changes and their applicability to criminal defense practitioners. Analysis includes duties of confidentiality and communication, retainer agreements, pre-trial publicity, and in-depth analysis of numerous conflict of interest situations which can arise during the representation. Joseph Gentile, member of the Grievance Committee for the Tenth Judicial District will instruct on the grievance process: issues which arise and the procedure to follow if a grievance is filed against the attorney.

AGENDA

- 12:30 -1:00 REGISTRATION
- 1:00 - 1:50 Pitfalls for Practitioners: A View from the Grievance Committee, Joseph Gentile, Esq.
- 2:00 - 2:50 New Rules: Changes in the Rules of Professional Conduct, Thomas O. Rice, Esq.
- 2:50 - 3:10 BREAK
- 3:10 - 4:00 Avoiding Conflicts: Recognizing and Addressing the Myriad Conflict of Interest Situations that Arise in the Course of Representation, John S. Wallenstein, Esq.
- 4:00 - 4:50 Symposium: Practical Application of the Rules to the Criminal Practitioner, John S. Wallenstein, Esq., Joseph Gentile, Esq., and Thomas O. Rice, Esq.

PROGRAM FEES AND METHOD OF PAYMENT

MEMBERS: \$75; NON-MEMBERS \$95 (non-members join now and pay the membership rate)

CHECK IN THE AMOUNT OF \$_____ (payable to NYSACDL); CHARGE \$ _____

NAME _____

CARD NUMBER _____

EXPIRATION _____

ADDRESS _____

CITY _____ STATE ____ ZIP _____

PHONE _____ E-MAIL _____

NYSACDL has been approved by the New York State Continuing Legal Education Board as an approved provider. Tuition assistance will be provided to those attorneys who show need.

THIS TRANSITIONAL PROGRAM IS APPROVED FOR NEW LAWYERS

PITFALLS FOR PRACTITIONERS: *A View from the Grievance Committee. Joseph Gentile, Esq., Criminal Defense Attorney, and Member of the Grievance Committee, Tenth Judicial District.* In addition to discussing substantive Rules of Professional Conduct violations which give rise to complaints filed against attorneys, Mr. Gentile will review the procedure before the Grievance Committee including the manner in which cases are referred to the Committee, the procedure for filing a written response and the conduct of investigative hearings, decisions, and the right to appeal sanctions.

NEW RULES: *Changes in the Rules of Professional Conduct. Thomas O. Rice, Esq., Former President of the New York State Bar Association; Adjunct Professor of Ethics, St. John's University School of Law.* Mr. Rice will explore the New York State Rules of Professional Conduct and recent changes in the Rules with particular focus on areas of applicability to criminal practitioners.

AVOIDING CONFLICTS: *Recognizing and Addressing the Myriad Conflict of Interest Situations that Arise in the Course of Representation. John S. Wallenstein, Esq., Criminal Defense Attorney, Member of the Board of Directors of NYSACDL, Past President of the Queens County Criminal Courts Bar Association.* Mr. Wallenstein will identify and discuss circumstances which may give rise to a conflict of interest for the attorney in the course of representation and will conduct a review of relevant case law governing actual and potential conflicts of interest.

SYMPOSIUM: PRACTICAL APPLICATION OF THE RULES TO THE CRIMINAL DEFENSE PRACTITIONER *Panel discussion of the Rules of Professional Conduct as They Apply to Issues Confronting the Criminal Defense Practitioner.* Faculty will discuss the practical application of the rules to situations which arise in the course of representation of the criminal defendant including third party fee arrangements, duties of disclosure or non-disclosure, privilege, and conflict of interests. The Discussion will be in the context of compliance with the Rules and responding to grievance complaints.

PROGRAM FACULTY

JOSEPH GENTILE, Esq. has been a criminal defense attorney for twenty-seven years after serving as an Assistant District Attorney in Nassau County including the Rackets Bureau for five years. He has been involved in extensive criminal litigation matters ranging from the defense of New York City Police Officers and Correction Captains involving allegations of excessive force and corruption to Federal criminal litigation involving allegations of organized criminal activity. He is a past president of the Nassau County Criminal Courts Bar Association as well as a former chairman of the Criminal Law and Procedure Committee at the Bar Association. He is also a member of the Grievance Committee for the Tenth Judicial District and an adjunct professor at St. John's University undergraduate division relating to criminal justice courses.

THOMAS O. RICE, ESQ., is a former President of the New York State Bar Association and an Adjunct Professor of Ethics at St. John's University School of Law. He has served as an Adjunct Professor of Law at the Touro College Jacob D. Fuchsberg Law Center and the Long Island University Graduate School of Business Administration. Mr. Rice is a partner in the law firm of Albanese and Albanese, LLP, Garden City, New York where he concentrates his practice in corporate, commercial, banking, real estate and trusts and estates law.

Mr. Rice is a frequent lecturer on ethics – related topics.

JOHN S. WALLENSTEIN, Esq. is a Director of the New York State Association of Criminal Defense Lawyers and a member of its CLE Committee. He is a Past President of the Criminal Courts Bar Association of Queens County, a member of NACDL, and a former Supervising Assistant District Attorney in Queens, New York. A graduate of Hofstra University School of Law, he has been in private practice since leaving the DA's office in 1982, with a practice concentrating primarily in Federal and State criminal defense and commercial litigation. He is also General Counsel to the New York State Monument Builders Association and a leading expert on cemetery and "death care industry" law.

Mr. Wallenstein has tried more than 150 cases to verdict, in State and Federal Courts, and has been co-counsel in three Federal capital cases. He represented the infamous "Zodiac Killer" in New York State court, and has been lead counsel in a number of other high profile homicide cases. Mr. Wallenstein has been an Instructor at the National Institute for Trial Advocacy, and at the Intensive Trial Advocacy Program at the Cardozo School of Law, as well as a lecturer for NYSACDL, the Nassau County Bar Association and the Queens County Bar Association. He maintains his office in Garden City, New York.