

Power, Politics & Public Service



The Legal Ethics of Lawyers in Government

October 18 – 20, 2009
Sunday, Monday & Tuesday

17
Ethics CLE
Credits Available

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17 Ethics CLE Credits Available
Hofstra Law School is an accredited New York State CLE provider. Conference attendees for all three days will receive a total of 17 ethics CLE credits for non-transitional attorneys. CLE credits are available for each full day of the conference. Please contact the conference organizers if you are in need of a scholarship.

20680:9/09

Kami Crary
Hofstra University School of Law

Director of Special Events:

Roy D. Simon
Howard Lichtenstein Distinguished Professor of Legal Ethics Hofstra University School of Law

Conference Director:

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



Hofstra Law School recognizes the importance of environmental stewardship and sustainability. To ensure the future use of natural resources and decrease our carbon footprint on the world, this piece was printed on paper manufactured with a minimum of 30% post-consumer waste fiber.



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121 Hofstra University, Hempstead, New York 11549-1210



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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 highest 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 who 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 University School of Law.*

Keynote Speaker:

Cyrus Vance, Jr.

*Manhattan District Attorney
Candidate and 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*

Barry C. Scheck

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

The Honorable D. Brooks Smith

*Judge, U.S. Court of Appeals for the
Third Circuit*

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

5 Ethics CLE credits

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|------------------------|---|---|
| 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 | Hofstra Law School, 3rd floor, Faculty Lounge |

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|----------------|---|---|
| 8-9:10 a.m. | Continental Breakfast | Hofstra Law School, Room 308 |
| 9:10 a.m.-Noon | Session III | 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 IV | Hofstra Law School, Room 308 |
| | Keynote Address by Cyrus Vance, Jr., "Ethical and Effective Prosecution: A Vision for the Future" | |
| | Mr. Vance is a candidate for Manhattan District Attorney and 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 Mr. Wales represented and pursued during his lifetime, such as community involvement, public service and justice. | |
| 5 p.m. | Dinner in Honor of Thomas C. Wales | Hofstra University Club, David S. Mack Hall, North Campus |
| | \$60 for conference participants, \$100 for non-participants | |

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|----------------------|---|---|
| 8-9:10 a.m. | Continental Breakfast | Lowenfeld Conference and Exhibition Hall, Axinn Library, 10th floor |
| 9:10 a.m.-12:30 p.m. | Session V | Lowenfeld Conference and Exhibition Hall, 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 | Lowenfeld Conference and Exhibition Hall, Axinn Library, 10th floor |

Schedule and speakers subject to change.

Official Conference Hotels:

The Garden City Hotel and the Long Island Marriott Hotel and Conference Center have been designated the official conference hotels. The following are the special discounted rates for room reservations. Reservations at the discounted rate are subject to availability. All reservations will be held until 6 p.m. on the day of arrival unless accompanied by the first night's room deposit or secured by a major credit card. When making your reservations, please identify yourself as a participant in the Ethics Conference at Hofstra Law School.

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.

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.

LA QUINTA INN & SUITES

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

(There is no corporate rate available at this hotel).

Travel Directions to Hofstra University:

Most GPS units allow you to select or search for Hofstra University in the Points of Interest section. If you need an address for navigation, use: 900 Fulton Avenue • Hempstead, NY 11550

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.

BY TRAIN

The Long Island Rail Road (LIRR) has frequent trains to the Hempstead Station from Pennsylvania Station, located at 34th Street and 7th Avenue, New York City, as well as from the Flatbush Avenue Station in Brooklyn, New York. From Hempstead Station use local taxi service to the Hofstra campus.



To register by credit card online, visit law.hofstra.edu/Conferences.
Online registrants do not need to turn in a hard copy of this form.

To register by check, please return this completed registration form with your check made payable to Hofstra University School of Law on or before **Monday, October 12, 2009** to:

Hofstra Law

Attn: Kami Cray, Director of Special Events
121 Hofstra University
Hempstead, New York 11549-1210

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Title _____

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Payment Categories:

- Category I** – Law professors, attorneys in private practice, members of the general public:
\$350 Full Conference, \$100 One Day
- Category II** - Disciplinary counsel, government lawyers, bar association employees, public interest/non-profit attorneys:
\$150 Full Conference, \$75 One Day
- Category III** - Hofstra Law alumni, Seniors (age 65+), Non-Hofstra students:
\$100 Full Conference, \$50 One Day
- Category IV** - Hofstra student, faculty or staff member, FREE
- Dinner in Honor of Thomas C. Wales**
\$60 for conference participants
\$100 for non-participants

Notification of cancellation must be received by October 2, 2009 to receive a refund. On-site registration will be available as space permits. Hofstra University is 100% accessible to persons with disabilities. Please e-mail lawethics@hofstra.edu with questions about the conference or visit law.hofstra.edu/Conferences.

Registration