



NYSACDL

NEW YORK STATE ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS

NEW YORK ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Presents

5 CLE CREDIT HOURS IN SKILLS | 1 CLE CREDIT HOUR IN ETHICS

Saturday June 25, 2011 9:00 a.m. – 3:40 p.m.

Registration Begins at 8:30 a.m.

Holiday Inn Ithaca Downtown, 222 So. Cayuga Street Ithaca, New York

PROGRAM DESCRIPTION

This 6 hour program will give in depth treatment to issues encountered in DUI and Sex Crime cases with 2 hour lectures on each set of crimes. Prosecutorial misconduct takes many forms: recognizing, addressing and preserving the record will be the focus of one hour while an ethics hour specifically geared to criminal defense practitioners will examine conflicts of interest.

AGENDA

8:30 a.m. REGISTRATION

9:00 – 9:50 Recognizing and Avoiding Conflicts of Interest: Criminal Defense Ethics, John Wallenstein, Esq.

10:00 – 11:40 Ignition Interlock Devices: Perils, Pitfalls ... and Opportunities, Tim Donaher, Esq.

11:40 – 1:00 Lunch (on your own)

1:00 - 1:50 Prosecutorial Misconduct: No Blood, No Foul?, Gary Muldoon, Esq.

2:00 - 3:40 Defending Sex Crimes: Discovery, Cross, SANE's and Spicola, Donald Rehkopf, Jr., Esq.

THIS TRANSITIONAL PROGRAM IS APPROVED FOR NEW LAWYERS

PROGRAM FEES AND PAYMENT

NYSACDL is going **GREEN**. Program Materials in PDF format will be available to pre-paid registrants for download directly from our website approximately one week before the Program. Save \$15.00 by receiving materials as a PDF instead of printed materials.

Register & Pay Online: NYSACDL.org; fax this form with credit card payment: 888-239-4665; Mail your check payable to NYSACDL: NYSACDL, 2 Wall Street, Third Floor, NY, NY 10005.

Tuition: NYSACDL Members \$90 _____; Non-Members \$140 _____ (Non-members: Join now to register for the Seminar at the Member rate)

Printed Materials: \$15.00 _____

I will download the PDF files: _____

Check Enclosed _____ | Charge my credit card \$ _____

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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.



PROGRAM DETAILS

Mandatory Ignition Interlock, Timothy Donaher, Esq. In August 2010, New York joined an increasing number of states that require the installation of an ignition interlock device for first time DWI offenders. The Child Passengers Protection Act (“Leandra’s Law”) created new crimes, imposed new obligations on DWI offenders, and created perils (and opportunities) for criminal defense attorneys representing DWI offenders. This 2 hour lecture will discuss Leandra’s Law, the new penalties for DWI offenders, ignition interlock devices, and provide helpful hints on how best to serve the client who faces the installation of an ignition interlock device.

Prosecutorial Misconduct: No Blood, No Foul? Gary Muldoon, Esq. Some prosecutors have been known to mislead the court and jurors during trial and to stray from the proper bounds of rhetorical comment on summation. This presentation will evaluate types of misconduct and how to address, undress, and redress them.

Recognizing and Avoiding Conflicts of Interest: Ethics for the Criminal Defense Practitioner, John S. Wallenstein, Esq. 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.

Defending Against Sex Crimes, Donald Rehkopf, Esq. This talk will cover specific discovery requests, developing the cross, SANE issues and the impact of the recent *Spicola* decision

PROGRAM FACULTY

Timothy Donaher, Esq. After spending six years in a small civil litigation firm, Donaher started his career as an assistant public defender as an appellate attorney in the office of the Monroe County Public Defender in 2000. During his eight years as an assistant public defender, he argued numerous cases in front of the Appellate Division and Court of Appeals. In February 2008, he was appointed the Monroe County Public Defender where he oversees an office of sixty attorneys who provide indigent representation in the criminal and family courts of Monroe County. Donaher is a frequent CLE lecturer and is also an adjunct faculty member of SUNY Brockport where he teaches courses on constitutional law and the court system.

Gary Muldoon, Esq., is a partner with Muldoon & Getz in Rochester, focusing on appellate practice. He is a graduate of Skidmore College and of Buffalo Law School, where he is an adjunct instructor. He is the author of *Handling a Criminal Case in New York*.

Donald Rehkopf, Jr., Esq. Mr. Rehkopf is associated with Brenn a, Brenna & Boyce, PLLC in Rochester, NY where he concentrates on criminal defense and military law. From 1981-85, Mr. Rehkopf was in private practice in Frankfurt am Main, Germany, where his practice was limited to defending U.S. military personnel before courts-martial and administrative proceedings. From 1985-96, he was a staff attorney in the Violent Felony Offender section of the Monroe County Public Defenders Office in Rochester concentrating in complex forensic science and medical issues affecting those accused of



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serious crimes. Mr. Rehkopf is a frequent lecturer on military justice, criminal law, criminal trial techniques, and professional ethics. He is admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Armed Forces, and in New York State. He has tried over 225 cases to a verdict and argued countless appeals. He is Co-Chair of the Military Law Committee of the NACDL and a former Vice-President and current Director of NYSACDL. He was an *amicus curiae* party as one of the “Experts of the Law of War” at the Supreme Court in *Hamdi v. Rumsfeld*, 124 S.Ct. 2633 (2004), while simultaneously representing another *amicus curiae*, People to Enforce the Geneva Conventions, in that case.

John S. Wallenstein, Esq. John S. Wallenstein is an Officer of the NYSACDL 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, concentrating primarily in Federal and State criminal defense and commercial litigation. He is 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 numerous 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.

About NYSACDL

NYSACDL is dedicated to protecting the rights of criminal defendants through a strong, united and well-trained criminal defense bar. Our guiding principle is that vigorous defense is the strongest bulwark against error and injustice in the criminal justice system. In an era when the United States has the highest incarceration rate in the world, we expand on the question often posed to our members and ask “how can we defend those people *most effectively*?” Our goals are to:

- ⚖️ **Promote the rights of criminal defendants.**
- ⚖️ **Advocate for individual and systemic accountability in the criminal justice system.**
- ⚖️ **Serve as a leader and partner in advancing humane criminal justice policy and legislation.**
- ⚖️ **Develop a broad, inclusive and vibrant membership throughout New York State.**
- ⚖️ **Provide a forum for our members to exchange ideas and information.**
- ⚖️ **Defend our members via strike force assistance.**
- ⚖️ **Provide quality continuing legal education.**