



NYSACDL

NEW YORK STATE ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS

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Presents

WEAPONS FOR THE FIREFIGHT 2011

6 CLE CREDIT HOURS IN SKILLS

Friday October 14, 2011 9:30 a.m. – 5:00 p.m. | Registration Begins at 9:00 a.m.

St. Francis College, 180 Remsen Street, Brooklyn, New York

PROGRAM DESCRIPTION

Litigating Eyewitness testimony in the 21st Century will explore defending an eyewitness identification both with and without the use of an expert witness and instruct on best practices for ensuring the reliability of pretrial identification procedures.

AGENDA

9:00 a.m. REGISTRATION

9:30 – 11:00 ***Eyewitness Identification Evidence: The State of the Science***, Amy Bradfield Douglass, Ph.D.

BREAK

11:20 – 12:10 ***Preparing for a Frye Hearing on the Admissibility of Expert Eyewitness Identification Testimony***, Kathleen Hardy, Esq.

12:20 -1:10 ***Ensuring that Reliability Remains the Linchpin for Admissibility of Eyewitness Identification Testimony***, Karen A. Newirth, Esq.

1:10 – 2:15 LUNCHBREAK

2:15 – 3:45 ***The Eyewitness Before (or, Without) the Expert***, James Doyle, Esq.

4:00 – 4:50 ***A New Legal Architecture: Lessons from State v. Henderson***, Barry Scheck, Esq.

THIS TRANSITIONAL PROGRAM IS APPROVED FOR NEW LAWYERS

PROGRAM FEES AND PAYMENT

NYSACDL GREEN OPTION. Full Program Materials in PDF format will be available online only and can be downloaded from our website prior to the Program. **Save \$15.00** by receiving materials as a PDF instead of printed materials. Due to volume of materials, only limited selections are printed. ***

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 \$125 _____; Non-Members \$175 _____ (Non-members: Join now to register for the Seminar at the Member rate)
Printed Materials: \$15.00 _____ (limited selections)
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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.



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PROGRAM FACULTY

Amy Bradford Douglass: A social psychologist with interests in the interface of psychology and law, specifically eyewitness testimony. In her research, she examines how eyewitness memory can be profoundly distorted by subtle interactions with other witnesses and investigators. In addition to her research, Dr. Bradford Douglas writes and presents frequently on issues relating to the litigation of eyewitness identification issues.

James M. Doyle: An attorney with Carney & Bassil, Boston, Mr. Doyle co-authored, with Elizabeth Loftus, *Eyewitness Testimony: Civil and Criminal*, the leading treatise for lawyers confronting eyewitness trials. He is also the author of numerous scholarly articles on evidence, expert testimony, and capital litigation and *True Witness: Cops, Courts, Science and the Battle Against Misidentification*.

Kathleen Hardy: A trial attorney with the at the Legal Aid Society's Criminal Practice office in New York County, Ms. Hardy successfully litigated a *Frye* hearing in *People v Abney*. She will talk about the process of preparing and litigating an identification expert hearing and trial.

Karen A. Newirth: Eyewitness Identification Litigation Fellow at the Innocence Project. Prior to joining the Innocence Project, Ms. Newirth was a criminal defense lawyer in private practice, most recently with Brafman & Associates, P.C. A member of NYSACDL's Board, Ms. Newirth also chairs the Criminal Law Committee of the Association of the Bar of the City of New York.

Barry Scheck: Co-founder and co-director of the Innocence Project, Barry Scheck along with Peter Neufeld have used DNA technology to free innocent people wrongly convicted throughout the country. Mr. Scheck has litigated and taught extensively in both the "hard" and the behavioral sciences. Through his work and the work of the Innocence Project, Mr. Scheck has raised public awareness of and sought to bring about change in the systemic problems in the criminal justice system, including seeking reform of police procedures and instituting other safeguards against mis-identification which is one of the leading causes of wrongful conviction.

**** Our speakers have graciously compiled extensive materials including motions, practice tips, briefs, reports and articles which are too voluminous to provide in printed packets. We have printed, therefore, an important selection which attendees may purchase for \$15.00. However, even if you purchase materials, please visit our website to download the full compliment of what has been provided. We encourage you to download and read these materials but print **only** that which you feel you need. NYSACDL thanks you for joining us in being **GREEN**.*