

**HOFSTRA UNIVERSITY  
SCHOOL OF LAW**

*in cooperation with the*

**HOFSTRA CULTURAL CENTER**

*presents*

**Legal Ethics:  
THE CORE ISSUES**

**A CONFERENCE**

to be held

**Sunday, March 10, 1996 -  
Tuesday, March 12, 1996**



**HOFSTRA UNIVERSITY**



# CONFERENCE FACULTY

The Honorable Ruth Bader Ginsburg  
*Associate Justice*  
*United States Supreme Court*

**Stuart Rabinowitz**  
*Dean and Alexander M. Bickel Distinguished Professor of Communications Law*  
*Hofstra University School of Law*

**Monroe H. Freedman**  
*Conference Codirector*  
*Howard Lichtenstein Distinguished Professor of Legal Ethics*  
*Associate Director of the Hofstra Institute for the Study of Legal Ethics*  
*Hofstra University School of Law*

**Roy D. Simon**  
*Conference Codirector*  
*Professor of Law*  
*Director of the Hofstra Institute for the Study of Legal Ethics*  
*Hofstra University School of Law*

**Robert H. Aronson**, *Professor of Law, University of Washington School of Law*

**Sheila Birnbaum, Esq.**, *Partner, Skadden, Arps, Slate, Meagher & Flom*

**Steven Brill, Esq.**, *CEO and Chairman, American Lawyer Media, L.P., and President and CEO, Court TV*

**Karen Burstein, Esq.**, *Former New York Family Court Judge*

**Teresa Stanton Collett**, *Professor of Law, South Texas College of Law*

**Louis A. Craco, Esq.**, *Partner, Willkie Farr & Gallagher*

**Robert Cummins, Esq.**, *Partner, Bickel & Brewer*

**Mary Daly**, *Professor of Law, Fordham University School of Law*

**Samuel Dash**, *Professor of Law, Georgetown University Law Center*

**Alan Dershowitz**, *Felix Frankfurter Professor of Law, Harvard Law School*

**Lawrence J. Fox, Esq.**, *Partner, Drinker Biddle & Reath*

**Marvin E. Frankel, Esq.**, *Partner, Kramer Levin Naftalis Nessen Kamin & Frankel*

**Stephen Gillers**, *Professor of Law, New York University School of Law*

**Jeanne P. Gray**, *Director, ABA Center for Professional Responsibility*

**Joseph P. Griffin, Esq.**, *Partner, Morgan, Lewis & Bockius*

**Geoffrey Hazard**, *Trustee Professor of Law, University of Pennsylvania School of Law*

**William Hodes**, *Professor of Law, Indiana University School of Law*

**Honorable Phyllis Gangel-Jacob**, *Justice, Supreme Court of New York County*

**Susan Koniak**, *Professor of Law, Boston University School of Law*

**Anthony Kronman**, *Dean and Edward J. Phelps Professor of Law, Yale Law School*

**Lisa Lerman**, *Professor of Law, Columbus School of Law, The Catholic University of America*

**Carrie Menkel-Meadow**, *Professor of Law, University of California at Los Angeles School of Law*

**Thomas D. Morgan**, *Oppenheim Professor of Law, The George Washington University National Law Center*

**Stephen Pepper**, *Professor of Law, University of Denver College of Law*

**Burnele Powell**, *Dean and Professor of Law, University of Missouri-Kansas City School of Law*

**Deborah Rhode**, *Professor of Law, Stanford Law School*

**Ronald Rotunda**, *Albert E. Jenner, Jr., Professor of Law, University of Illinois College of Law*

**Theodore J. Schneyer**, *Professor of Law, University of Arizona School of Law*

**Thomas L. Shaffer**, *Robert and Marion Short Professor of Law, University of Notre Dame Law School*

**Charles Wolfram**, *Charles Frank Reavis, Sr., Professor of Law, Cornell Law School*

**Richard Zitrin, Esq.**, *Adjunct Professor of Law, University of San Francisco School of Law and University of California Hastings College of Law*



# Sunday, March 10, 1996

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8:00 a.m. - 4:00 p.m.	<b>CONFERENCE REGISTRATION</b> The Atrium Hofstra University Student Center, North Campus
9:00 a.m. - 11:00 a.m.	<b>BRUNCH</b> Main Dining Room Hofstra University Student Center, North Campus
11:15 a.m. - 11:30 a.m.	<b>WELCOMING REMARKS</b> Multipurpose Room Hofstra University Student Center, North Campus  <b>Roy D. Simon</b> , <i>Conference Codirector, Professor of Law, Hofstra University School of Law</i>
11:30 a.m. - 12:15 p.m.	<b>OPENING ADDRESS</b> “IS LEGAL ETHICS ASKING THE RIGHT QUESTIONS?” Multipurpose Room Hofstra University Student Center, North Campus  <b>Alan Dershowitz</b> , <i>Felix Frankfurter Professor of Law, Harvard Law School</i>
12:30 p.m. - 3:30 p.m.	<b>PLENARY SESSION</b> “WHAT’S WRONG WITH THE ADVERSARY SYSTEM?” Multipurpose Room Hofstra University Student Center, North Campus
Speakers	<b>Marvin E. Frankel, Esq.</b> <i>Partner Kremer Levin Naftalis Nessen Kamin &amp; Frankel New York, New York</i>  “Clients’ Perjury and Lawyers’ Options”  <b>Geoffrey Hazard</b> <i>Trustee Professor of Law University of Pennsylvania School of Law</i>  “The Client Fraud Problem: A Justinian Quartet”  <b>Carrie Menkel-Meadow</b> <i>Professor of Law University of California at Los Angeles School of Law</i>  “The Trouble with the Adversary System in a Post-modern, Multi-cultural World”
4:00 p.m. - 5:00 p.m.	<b>THE HONORABLE RUTH BADER GINSBURG</b> <i>Associate Justice United States Supreme Court</i>  <b>KEYNOTE ADDRESS</b> “SUPREME COURT PRONOUNCEMENTS ON THE CONDUCT OF LAWYERS” John Cranford Adams Playhouse Hofstra University, South Campus  Tickets with assigned seating for the Keynote Address will be distributed with the registration materials on Sunday, March 10, 1996.
6:00 p.m.	<b>BANQUET HONORING JUSTICE RUTH BADER GINSBURG</b> Garden City Hotel Garden City, Long Island

# Monday, March 11, 1996

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8:00 a.m. - 3:00 p.m.

## CONFERENCE REGISTRATION

The Atrium  
Hofstra University Student Center, North Campus

8:00 a.m. - 8:45 a.m.

## CONTINENTAL BREAKFAST

Plaza Dining Rooms  
Hofstra University Student Center, North Campus

9:00 a.m. - 12:00 p.m.

## PLENARY SESSION

“CLIENTS, CONFLICTS, AND CONFIDENTIALITY”

Multipurpose Room  
Hofstra University Student Center, North Campus

Speakers

**Theodore J. Schneyer**

*Professor of Law  
University of Arizona School of Law*

“Clienthood”

**Thomas D. Morgan**

*Oppenheim Professor of Law  
The George Washington National Law Center*

“Suing a Current Client”

**Charles Wolfram**

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

“The Vaporous and the Real in Former-Client Conflicts”

12:15 p.m. - 1:30 p.m.

## LUNCHEON AND ADDRESS

“THE FAULT IN LEGAL ETHICS”

Multipurpose Room  
Hofstra University Student Center, North Campus

**Anthony Kronman**

*Dean and Edward J. Phelps Professor of Law  
Yale Law School*

1:45 p.m. - 4:45 p.m.

## CONCURRENT PANELS

PANEL I

“WORKING WITH CHILDREN AND FAMILIES”

Hofstra Cultural Center Theater  
Hofstra University Student Center, North Campus

Speakers

**Rob Aronson**

*Professor of Law  
University of Washington School of Law*

“What About the Children? Are Family Lawyers the Same (Ethically) as Criminal Lawyers?”

**Thomas L. Shaffer**

*Robert E. and Marion D. Short Professor of Law  
University of Notre Dame Law School*

“On Lying for Clients”

**Teresa Collett**

*Professor of Law  
South Texas College of Law*

“Life-and-Death Lawyering”



# Monday, March 11, 1996

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1:45 p.m. - 4:45 p.m.  
PANEL II

## "THE PROCESS AND PURPOSE OF LAWYER REGULATION"

Student Center Theater  
Hofstra University Student Center, North Campus

Speakers

**Deborah Rhode**

*Professor of Law  
Stanford Law School*

"Professionalism in Perspective: Alternative Approaches to Non-Lawyer Practice"

**Ronald Rotunda**

*Albert E. Jenner, Jr., Professor of Law  
University of Illinois College of Law*

"Sister Act: Conflicts of Interest With Sister Corporations"

**Susan Koniak**

*Professor of Law  
Boston University School of Law*

"Under Cloak of Settlement"

# Tuesday, March 12, 1996

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8:00 a.m. - 8:45 a.m.

## CONFERENCE REGISTRATION AND CONTINENTAL BREAKFAST

Library Foyer  
Hofstra University School of Law, South Campus

9:00 a.m. - 12:00 p.m.

## PLENARY SESSION

"THE FUTURE OF THE LEGAL PROFESSION"

Moot Courtroom, Room 308  
Hofstra University School of Law, South Campus

Speakers

**Burnele Venable Powell**

*Dean and Professor of Law  
University of Missouri-Kansas City School of Law*

"The Evolution From Lawyer Discipline to Lawyer Regulation"

**Stephen Gillers**

*Professor of Law  
New York University School of Law*

"Change Will Come: Transforming the Law Marketplace"

**Mary Daly**

*Professor of Law  
Fordham University School of Law*

"Thinking Globally: Will National Borders Matter to  
Lawyers a Century From Now?"



# REGISTRATION FORM

PLEASE CHECK THOSE EVENTS YOU WISH TO ATTEND.

## SUNDAY, MARCH 10, 1996

- ( ) 9:00 a.m. - 11:00 a.m. Brunch  
\_\_\_\_\_ I prefer a Kosher meal
- ( ) 11:15 a.m. - 12:15 p.m. Welcoming Remarks and Opening Address  
"Is Legal Ethics Asking the Right Questions?"
- ( ) 12:30 p.m. - 3:30 p.m. Plenary Session  
"What's Wrong with the Adversary System?"
- ( ) 4:00 p.m. - 5:00 p.m. Keynote Address  
Justice Ruth Bader Ginsburg
- ( ) 6:00 p.m. Banquet in honor of  
Justice Ruth Bader Ginsburg  
Garden City Hotel  
I prefer a \_\_\_\_\_ Kosher meal  
\_\_\_\_\_ Vegetarian meal

## MONDAY, MARCH 11, 1996

- ( ) 9:00 a.m. - 12:00 p.m. Plenary Session  
"Clients, Conflicts, and Confidentiality"
- ( ) 12:15 p.m. - 1:30 p.m. Luncheon and Address  
"The Fault in Legal Ethics"  
I prefer a \_\_\_\_\_ Kosher meal  
\_\_\_\_\_ Vegetarian meal
- ( ) 1:45 p.m. - 4:45 p.m. Concurrent Panels (Choose One)  
PANEL I: "Working with Children and Families"  
PANEL II: "The Process and Purpose of Lawyer Regulation"

## TUESDAY, MARCH 12, 1996

- ( ) 9:00 a.m. - 12:00 p.m. Plenary Session  
"The Future of the Legal Profession"

ROOM ASSIGNMENTS WILL BE LISTED IN THE FINAL PROGRAM WHICH WILL BE AVAILABLE AT THE CONFERENCE REGISTRATION DESK AND WILL BE DISTRIBUTED TO ALL CONFERENCE REGISTRANTS IN REGISTRATION PACKETS.

We have made application for MCLE certification in the following states: California, Florida, Pennsylvania, and Oregon. If there is another state to which you would like us to make application please indicate so here:

(PLEASE TYPE OR PRINT)

Your official conference name tag will reflect the information you provide on the first three lines below.

NAME

TITLE

FIRM/ORGANIZATION

ADDRESS

CITY

STATE

ZIP

TELEPHONE ( )

FAX ( )

## CONFERENCE REGISTRATION FEES

	Per person	Total Cost
<b>Conference Registrants</b> (per person cost includes all conference events and meals except banquet)	\$150.	_____
<b>Hofstra Law School Graduates</b> (per person cost includes all conference events and meals except banquet)	\$75.	_____
<b>Senior Citizens (over 65)</b> <b>must include copy of Medicare card</b> (per person cost includes all conference events and meals except banquet)	\$75.	_____
<b>Non-Hofstra Students</b> <b>must include copy of validated school ID</b> (per person cost includes all conference events and meals except banquet)	\$75.	_____
<b>Current Hofstra Students, Faculty, Staff</b> <b>must include copy of validated HUID</b> (does not include any meals or banquet)	NO FEE	_____

If you are a current Hofstra student, faculty, or staff member and would like to attend the brunch on Sunday or the luncheon on Monday, there will be an additional fee.

Brunch: Sunday, March 10, 1996	\$10.	_____
Luncheon: Monday, March 11, 1996	\$10.	_____

Members of the Hofstra community attending only the Keynote Address must preregister to receive a ticket for an assigned seat. Only those with tickets and an official conference registration badge will be admitted to conference events.

Current Hofstra Law School students will receive separate registration materials at the end of February.

**Banquet in honor of Justice Ruth Bader Ginsburg**  
The Garden City Hotel, Garden City, Long Island  
Limited reservations. Black Tie Optional.

Banquet Registrants	\$125.	_____
Recent Law School Graduates (Classes of 1991-1995 Only)	\$75.	_____
Current Hofstra Law School Students	\$75.	_____

TOTAL \$



## **Legal Ethics: THE CORE ISSUES**

The Conference on Legal Ethics at Hofstra University School of Law will host a gathering of law professors, lawyers, and judges who are interested in legal ethics. The Conference is presented to enhance the quality and foster the exchange of information in this area of law. Attendees will have the opportunity to formally and informally collect information and discuss current issues and problems in the area of legal ethics with nationally recognized legal ethics scholars and practitioners from around the country. Topics of the Conference include:

- \* **The Adversary System**
- \* **Conflicts of Interest and Confidentiality**
- \* **Working With Children and Families**
- \* **The Process of Lawyer Regulation**
- \* **The Future of the Legal Profession**

Conference faculty include recognized experts in legal ethics who will present plenary discussions and direct panel workshops open to audience participation. Each speaker will be followed by a distinguished commentator. Members of the academic and professional communities as well as members of the general public are cordially invited to attend.

**Conference registration materials are on pages 6 and 7 of this pamphlet.**

### **CONFERENCE CODIRECTORS**

**Monroe H. Freedman**, *Howard Lichtenstein Distinguished Professor of Legal Ethics, Hofstra University School of Law; Associate Director, Hofstra Institute for the Study of Legal Ethics*

**Roy D. Simon**, *Professor, Hofstra University School of Law; Director, Hofstra Institute for the Study of Legal Ethics*

### **KEYNOTE ADDRESS**

**The Honorable Ruth Bader Ginsburg**, *Associate Justice, United States Supreme Court*