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Legal Ethics: THE CORE ISSUES

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Preface

In July of 1992, during my first week as a professor at Hofstra University School of Law, Monroe Freedman stopped by my office to talk about an idea. Professor Freedman's idea was that Hofstra Law School should organize and host a major conference to explore and debate the core issues in legal ethics. Professor Freedman said we should invite leading lawyers and scholars in the field of legal ethics to speak about the problems that concerned them most. He also said that we should invite a sitting Justice of the United States Supreme Court to deliver a keynote address, and that we should invite Professor Alan Dershowitz of Harvard Law School to give an opening address.

On March 10th through 12, 1996, after nearly four years of planning, Monroe Freedman's vision became a reality. Hofstra University School of Law held a major conference titled "Legal Ethics: The Core Issues," featuring many of the most prominent names in the field of legal ethics. The conference marked both the end of Hofstra's first twenty-five years as a law school and the beginning of the law school's new Institute for the Study of Legal Ethics ("ISLE"). Hundreds of people — professors, judges, practicing lawyers, bar counsel, and members of the general public — gave up three beautiful Spring days to listen to speeches and to discuss the most pressing issues in the field of legal ethics. We are all indebted to Monroe for his vision, and for his guidance and persistence in seeing his dream come true.

This volume contains the professional papers submitted by the featured speakers at the Hofstra conference. The papers, of course, speak for themselves. They cover a wide range of subjects — prosecutorial misconduct, the adversary system, conflicts of interest, alternative systems of dispute resolution, class actions, legal education, the role of non-lawyers, international law practice, the Supreme Court's views on lawyers, and the future of the legal profession. We hope that you learn as much by reading these papers as the people at the conference learned by listening to the speeches based on these papers.

If you wish to listen to the speeches themselves, you may order audiotapes of the conference by calling Corporate Audio Visual Services at 800/488-8408. The audiotapes include not only the major speeches but also commentaries by distinguished scholars, judges, and practicing lawyers, as well as questions and comments from the audience.

In addition, many of the speakers gathered at Hofstra University's television studios in September of 1995 to videotape three programs on legal ethics for the American Bar Association's PBS television series titled "Inside the Law." Those shows have since been broadcast on more than 100 PBS stations across the country.

Looking to the future, Hofstra is planning another major legal ethics conference for the 1997-1998 academic year. We hope you will be able to join us in person at that conference.

—*Professor Roy Simon*

Acknowledgments

A major three-day conference attended by a thousand people requires the hard work of many people. The Preface to this volume has already acknowledged the vision of Professor MONROE FREEDMAN, the Howard Lichtenstein Distinguished Professor of Legal Ethics at Hofstra University School of Law. These Acknowledgments recognize some of the many other people who made the conference possible.

First and foremost, Monroe Freedman's vision could not have become reality without the unstinting support of STUART RABINOWITZ, the Dean of Hofstra Law School. When Monroe proposed this major conference, the Dean said yes without hesitation. The Dean continued to support the conference, in every way possible, through every stage of its planning and development.

Nor could this conference have happened without the incredible hard work of Senior Assistant Dean IVY LEIBOWITZ and her capable assistant LAURIE CHLEBEK GORDON. Ivy and Laurie, in turn, depended on many dedicated secretaries and administrative assistants, including ROSLYN WEISS, ELLIE MILACK, MARY LOU O'CONNOR, MARIE BURNS, MARIE LEUCI, and JO ELLEN RYAN, who did endless day-to-day work to prepare the conference and see it through to its conclusion.

In addition, PROFESSOR ROY SIMON, who teaches legal ethics at Hofstra, made scores of phone calls and wrote dozens of letters to assemble the speakers and guide them in developing their papers and speeches, and he moderated the programs and introduced the speakers at the conference itself.

Others helped as well. GARY MOORE, the law school's Director of Physical Plant and Information Systems put the conference on the World Wide Web with a home page, which included audio clips thanks to the help of LEN THON of Hofstra University's School of Communications. NATALIE DATLOF, Director of Liaison and Cultural Development at the Hofstra Cultural Center, provided the benefit of her experience in all phases of planning. DANIEL MAY, TRICIA KASTING, and CONNIE LENZ of the Library at Hofstra Law School gathered and displayed books and assembled a comprehensive bibliography of works by the conference

faculty. DAN SORRENTI and GLENN VALLACH of Ghiorso & Sorrenti alerted the press and the public about the conference. MELISSA HEILIG provided exceptional editorial assistance in the production of this Journal. Many others helped with the hundreds of details that made the conference a success, and we thank them all.

Acknowledgments

I want to acknowledge the crucial role played by my colleague, Roy Simon, in creating this conference.

Roy is the first and only Professor that Hofstra has brought in on a lateral transfer with full tenure, and I think it's the smartest personnel move we have ever made. He is intelligent, creative, tireless and painstaking.

I am delighted and honored to have my name all over the conference program, but it's misleading. This is, of course, a team effort. The Dean was key to making the success here. Ivy Leibowitz and the people in her office were essential. Hofstra's Cultural Center was important. But I don't think anyone would contradict me in saying that this is Roy Simon's Conference. He is the Director of the Conference. He is the one who put it together and he is truly the one who deserves the credit for it.

—Professor Monroe Freedman

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