

HOFSTRA UNIVERSITY SCHOOL OF LAW

in cooperation with the

HOFSTRA CULTURAL CENTER

presents the

2003 LEGAL ETHICS CONFERENCE

JUDGING JUDGES' ETHICS

Sunday, September 14 – Tuesday, September 16, 2003

Conference Co-Directors

Professor Roy D. Simon

Professor Monroe H. Freedman

Conference Coordinators

Natalie Datlof

Dawn Marzella

Nancy Rudolph

Margaret Sirot



HOFSTRA UNIVERSITY

HEMPSTEAD, NEW YORK 11549

JUDGING JUDGES' ETHICS

Stuart Rabinowitz

President
Andrew M. Boas and Mark L. Cluster
Distinguished Professor of Law
Hofstra University

Roy D. Simon

Professor of Law
Director of the Institute
for the Study of Legal Ethics
Hofstra University School of Law
Conference Co-Director

Monroe H. Freedman

Howard Lichtenstein
Distinguished Professor
of Legal Ethics
Hofstra University School of Law
Conference Co-Director

David N. Yellen

Dean and
Max Schmertz Distinguished Professor of Law
Hofstra University School of Law

KEYNOTE ADDRESS

The Honorable Roger J. Miner

Senior Judge of the U.S. Court of Appeals for the Second Circuit

“Judicial Ethics in the Twenty-First Century – Tracing the Trends”

BANQUET ADDRESS

Professor Alan M. Dershowitz

Felix Frankfurter Professor of Law
Harvard Law School

CONFERENCE FACULTY

Professor Leslie W. Abramson

University of Louisville Law School

Professor Paul Butler

George Washington University Law School

Mr. Adam Cohen

The New York Times

Professor Samuel Dash

Georgetown University Law Center

Professor Alan M. Dershowitz

Harvard Law School

Lawrence Fox, Esquire

Drinker Biddle & Reath

Professor Charles Fried

Harvard Law School

Professor Linda Galler

Hofstra University School of Law

The Honorable Nancy Gertner

U.S. District Court
District of Massachusetts

Cynthia Gray, Esquire

Director, Center for Judicial Ethics
American Judicature Society

Professor Bruce A. Green

Fordham University Law School

Professor Geoffrey C. Hazard, Jr.

University of Pennsylvania Law School

The Honorable Thomas Penfield Jackson

U.S. District Court
District of Columbia

Ms. Nancie Katz

New York Daily News

Professor Andrew Kaufman

Harvard Law School

Professor Richard Klein

Touro College Jacob D. Fuchsberg Law Center

Mr. Tony Kovaleski

KMGH-TV

The Honorable Alex Kozinski

U.S. Court of Appeals for the
Ninth Circuit

Professor Eric Lane

Hofstra University School of Law

Mr. Adam Liptak

The New York Times

Mr. Tony Mauro

Legal Times

The Honorable Roger J. Miner

U.S. Court of Appeals for the
Second Circuit

The Honorable John T. Noonan, Jr.

U.S. Court of Appeals for the
Ninth Circuit

Professor Jeffrey Rosen

George Washington University Law School

The Honorable Ellen F. Rosenblum

Oregon Circuit Court, Fourth Judicial District

Professor Ronald Rotunda

George Mason University School of Law

The Honorable Shira A. Scheindlin

U.S. District Court
Southern District of New York

Professor Abbe Smith

Georgetown University Law Center

The Honorable Thomas J. Spargo

New York Supreme Court, Third Judicial District

Gerald Stern, Esquire

Senior Counsel
New York State Commission on Judicial Conduct

The Honorable Jack B. Weinstein

U.S. District Court
Eastern District of New York

Dean David N. Yellen

Hofstra University School of Law

Isaiah Zimmerman, Ph.D.

National Judicial College

Professor Richard Zitrit

University of San Francisco School of Law

SUNDAY, SEPTEMBER 14, 2003

8 a.m.-4 p.m.

CONFERENCE REGISTRATION

Hofstra Cultural Center Foyer
Sondra and David S. Mack Student Center, North Campus

9-11 a.m.

BRUNCH

11-11:10 a.m.

WELCOMING REMARKS

Stuart Rabinowitz

President

Andrew M. Boas and Mark L. Claster

Distinguished Professor of Law

Hofstra University

David Yellen

Dean and

Max Schmertz Distinguished Professor of Law

Hofstra University School of Law

Roy D. Simon

Professor of Law

Director of the Institute for the Study of Legal Ethics

Hofstra University School of Law

Conference Co-Director

Monroe H. Freedman

Howard Lichtenstein Distinguished Professor of Legal Ethics

Hofstra University School of Law

Conference Co-Director

Speakers:

KEYNOTE ADDRESS

The Honorable Roger J. Miner

U.S. Court of Appeals for the Second Circuit

“Judicial Ethics in the Twenty-First Century – Tracing the Trends”

THE FUTURE OF JUDICIAL SPEECH:

Professor Geoffrey C. Hazard, Jr.

University of Pennsylvania Law School

“ ‘Announcement’ by Federal Judicial Nominees”

Gerald Stern, Senior Counsel

New York State Commission on Judicial Conduct

The Honorable Nancy Gertner, U.S. District Court

District of Massachusetts

The Honorable Thomas Penfield Jackson, U.S. District Court

District of Columbia

The Honorable Thomas J. Spargo, New York Supreme Court

Third Judicial District

1:55-2:10 p.m.

COFFEE BREAK

Speakers:

Professor Charles Fried

Harvard Law School

“The Office of Judge: Why it Is Special and the Concomitant Ethics”

Panel of Reporters/Observers of Judicial Conduct

Adam Cohen (*The New York Times* Editorial Page) (Moderator)

Nancie Katz (*New York Daily News*)

Tony Kovalski (KMGH-TV, Denver)

Adam Liptak (*The New York Times*)

Tony Mauro (*Legal Times*)

Professor Jeffrey Rosen (*The New Republic*)

6:30 p.m.

BANQUET

The New Huntington Townhouse

Banquet Address:

Professor Alan M. Dershowitz

Felix Frankfurter Professor of Law

Harvard Law School

MONDAY, SEPTEMBER 15, 2003

8 a.m.-3 p.m.

CONFERENCE REGISTRATION

Hofstra Cultural Center foyer
Sondra and David S. Mack Student Center, North Campus

8-8:45 a.m.

BREAKFAST

Speakers:

Professor Leslie W. Abramson

University of Louisville Law School

*“Judicial Disqualification Due to Relatives’ Association
with a Law Firm of Record”*

Dean David N. Yellen

Hofstra University School of Law

“Judges’ Ethics and Sentencing Guidelines”

Isaiah Zimmerman, Ph.D.

National Judicial College

“The Inner World of Judges”

Professor Paul Butler

George Washington University Law School

“Judicial Nullification: Judicial Ethics and Judges’ Morality”

12:15-1:15 p.m.

LUNCHEON

Joan and Donald E. Axinn Library

Speakers:

Lawrence Fox, Esquire

Drinker Biddle & Reath

*“Those Unpublished Opinions: An Appropriate Expedience or an
Abdication of Responsibility?”*

The Honorable Alex Kozinski

U.S. Court of Appeals for the Ninth Circuit

“The Real Issues of Judicial Ethics”

2:55-3:10 p.m.

COFFEE BREAK

Speakers:

Professor Abbe Smith

Georgetown University Law Center

“Defense-Oriented Judges”

Professor Richard Zitrin

University of San Francisco School of Law

*“The Judicial Function: Justice Between Parties,
or a Broader Public Interest?”*

8 a.m.-3 p.m.

CONFERENCE REGISTRATION

Barbara and Maurice A. Deane Law Library Foyer
Hofstra University School of Law

8:-8:45 a.m.

BREAKFAST

Speakers:

Professor Andrew Kaufman

Harvard Law School

*“Judicial Correctness Meets Constitutional Correctness:
Canon 2C of the Code of Judicial Conduct”*

Cynthia Gray, Esquire

Director, Center for Judicial Ethics, American Judicature Society

*“The Line Between Legal Error and Judicial Misconduct: Balancing
Judicial Independence and Accountability”*

The Honorable Shira A. Scheindlin

U.S. District Court, Southern District of New York

“Judicial Responsibility in a Time of Crisis”

12:15-1:15 p.m.

LUNCHEON

The Honorable John T. Noonan, Jr.

U.S. Court of Appeals for the Ninth Circuit

“Making the Case One’s Own”

Gerald Stern, Esquire

Senior Counsel, New York State Commission on Judicial Conduct

“Disciplining Judges for Failure to Ensure Due Process to Litigants”

2:55-3:10 p.m.

COFFEE BREAK

Professor Richard Klein

Touro College Jacob D. Fuchsberg Law Center

*“Due Process and the Ethical Responsibilities of the Judiciary
in Criminal Cases”*

The Honorable Jack B. Weinstein

U.S. District Court, Eastern District of New York

“Hamlet in the District Court: Facing Personal Ethical Dilemmas”

Hofstra University School of Law has been certified by the New York State Board of Continuing Legal Education as an accredited provider.

Substantial time will be set aside for questions and comments throughout each day of the conference.

REGISTRATION INFORMATION

CONFERENCE REGISTRANTS

Complete and return the registration form with a check made payable to Hofstra University School of Law. Please indicate the session(s) you plan to attend. Your official name tag and registration packet may be picked up at the Conference Registration Desk, which will be open during the following hours at the following locations.

Sunday, September 14, 2003
Hofstra Cultural Center Foyer
Sondra and David S. Mack Student Center
8 a.m.-4 p.m.

Monday, September 15, 2003
Hofstra Cultural Center Foyer
Sondra and David S. Mack Student Center
8 a.m.-3 p.m.

Tuesday, September 16, 2003
Barbara and Maurice A. Deane Law Library Foyer
Hofstra University School of Law
8 a.m.-4 p.m.

On-site registration will be available as space permits. Hofstra University facilities are 100 percent accessible to persons with disabilities.

HOFSTRA STUDENTS, FACULTY, ADMINISTRATORS AND STAFF

All events, with the exception of the brunch, banquet and luncheons, are free to Hofstra students, faculty, administrators and staff upon presentation of a current HofstraCard. However, admission to all conference events is limited to those who register in advance. Unfortunately, free admission to conference events cannot be extended to family and friends of members of the Hofstra University community.

Please complete and return the registration form to Dawn Marzella, Director of Special Projects, Hofstra University School of Law, 121 Hofstra University, Hempstead, NY 11549-1210.

CURRENT HOFSTRA LAW SCHOOL STUDENTS

Students currently enrolled at Hofstra University School of Law will receive separate registration materials at the end of August 2003.

MEMBERS OF THE PRESS

Complimentary press passes to all conference events will be provided to members of the press. Please notify Dawn Marzella, Director of Special Projects, by phone at (516) 463-6889 or by fax (516) 463-4802. Parking arrangements will be made if notification is received on or before August 30, 2003. Thereafter, every effort will be made to accommodate those with press credentials.

CONTINUING LEGAL EDUCATION CREDITS

Hofstra University School of Law is an accredited New York State CLE provider. New York CLE credits are available to satisfy the Ethics requirement for attorneys attending the conference. Please advise the CLE service secretary at the registration desk if you wish CLE credit. Lawyers admitted in jurisdictions other than New York should check with those jurisdictions to determine the status of CLE credits in their states.

Scholarships are available. To apply call Dawn Marzella at (516) 463-6889.

OFFICIAL CONFERENCE HOTELS

The Garden City Hotel and Wingate Inn in Garden City have been designated as the official conference hotels. Following are the room rates and cutoff dates for room reservations. All hotel reservations will be handled directly through the hotels.

THE GARDEN CITY HOTEL

An InterContinental Global Partner Hotel

45 Seventh Street

Garden City, NY 11530

Attention: Reservations Manager

Telephone: (516) 747-3000 or (800) 547-0400

Fax: (516) 747-1414

Room rate: \$185 per night, single or double occupancy.
(Rate guaranteed until August 25, 2003.)

WINGATE INN

821 Stewart Avenue

Garden City, NY 11530

Attention: Hotel Reservations

Telephone: (516) 705-9000

Room rate: \$135 per night, single or double occupancy.
(Rate guaranteed until August 13, 2003.)

You may also call the Long Island Marriott Hotel and Conference Center. There is no corporate rate available for this conference.

LONG ISLAND MARRIOTT HOTEL AND CONFERENCE CENTER

101 James Doolittle Boulevard

Uniondale, NY 11553

Attention: Reservations Manager

Telephone: (516) 794-3800 or (800) 832-6255

Fax: (516) 794-5936

Please make your reservations as early as possible as the number of rooms is limited. When making reservations, please identify yourself as a participant in the Hofstra Law School Ethics Conference.

All reservations will be held until 6 p.m. on the day of arrival unless the reservation is accompanied by payment with a major credit card.

LOCATION OF HOFSTRA UNIVERSITY

Hofstra University is located in Hempstead, Long Island, New York, about 25 miles east of New York City, less than an hour away by train or automobile. The campus is located approximately 30 minutes by car from either John F. Kennedy International Airport or LaGuardia Airport.

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). Travel on Meadowbrook Parkway to exit M4 (Hempstead Turnpike). Follow Hempstead Turnpike (Route 24) west to Hofstra, approximately 1-1/2 miles.

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). Travel on Meadowbrook Parkway to exit M4 (Hempstead Turnpike). Follow Hempstead Turnpike (Route 24) west to Hofstra, approximately 1 1/2 miles.

TRANSPORTATION FROM AIRPORTS

Please call in advance for reservations:
Horizon Transportation Service
Personalized Transportation Service (516) 438-4891

Executive Limousine
Personalized Transportation Service (516) 485-4399

U.S. Limousine and Car Service
Personalized Transportation Service (516) 352-2225 or
(800) 962- 2827

NOTE: There are no official fares charged by New York City yellow cabs between the airports and the Hofstra campus. Please confirm charges with driver before starting your trip.

TRANSPORTATION VIA THE LIRR:

The Long Island Rail Road (LIRR) has frequent commuter service to the Hempstead Station from Pennsylvania Station, located at 34th Street and 7th Avenue, New York City, and Flatbush Avenue Station in Brooklyn, New York. From the Hempstead Station use either the Hofstra University courtesy bus that meets every train at the Hempstead Station or a local taxi service to the Hofstra campus.

All Island Transportation
(516) 481-1111

Ollie's Airport Service
(516) 437-0505, (516) 352-6633, or (718) 229-5454

Pub Taxi Service
(516) 483-4433

Please return completed registration form on or before Friday, August 22, 2003, to:

Dawn Marzella
Director of Special Projects
Hofstra University School of Law
121 Hofstra University
Hempstead, NY 11549-1210

Please make check(s) payable to Hofstra University School of Law.
Registration fees are refundable until August 29, 2003. Thereafter, registration fees are nonrefundable.

Limited space is available.

However, if conditions permit, there will be on-site registration on a first-come, first-served basis.

For more information, please contact:
Hofstra University School of Law : phone (516) 463-6889; fax (516) 463-4802
Hofstra Cultural Center: phone (516) 463-5669; fax (516) 463-4793

For 24-hour information call the HOFSTRA EVENTS LINE at (516) 463-5533.

Visit the Hofstra Web site at www.hofstra.edu/academics/law/law_ethics_2003.cfm.

CONFERENCE REGISTRATION FEES

Early Registration

Registration forms postmarked by Friday, August 15, 2003, are entitled to a 10 percent discount.

FULL CONFERENCE FEE INCLUDES ALL CONFERENCE EVENTS AND MEALS (excluding the Sunday night banquet, with the exception of Category I attendees who are attending the entire conference).

On Tuesday, September 16, Hofstra University School of Law graduates will be admitted to the conference events at no charge.

	Full Conference	Individual Day
CATEGORY I	\$475*	\$125
<i>Law professors Attorneys in private practice Members of the general public</i>		
CATEGORY II	\$200	\$ 75
<i>Disciplinary counsel Government lawyers Bar Association staff/employees Public interest/non-profit/Legal Aid lawyers</i>		
CATEGORY III	\$100	\$ 50**
<i>Hofstra Law graduates</i>		
<i>Senior Citizens (over 65) Must include copy of Medicare card (per person cost includes all conference events and meals, excluding the banquet)</i>		
<i>Non-Hofstra students Must include copy of valid school ID (per person costs include all conference events and meals, excluding the banquet)</i>		
<i>Current Hofstra students**, faculty and staff *** Must include copy of current HofstraCard (does not include meals or banquet)</i>		NO FEE

* Full Conference Fee Includes Banquet for Category I attendees.

** Current Hofstra Law students will receive separate registration materials at the end of August 2003.

*** If you are a current Hofstra student or staff member and would like to attend the brunch on Sunday or the luncheon on Monday or Tuesday, additional fees are as follows:

Brunch

Sunday, September 14, 2003 \$15

Luncheon

Monday, September 15, 2003 \$15

Luncheon

Tuesday, September 16, 2003 \$15

REGISTRATION FORM

Your official conference name tag will reflect the information you provide on the first three lines below. Please type or print clearly.

NAME

TITLE

FIRM/ORGANIZATION

ADDRESS

CITY

STATE

ZIP

TELEPHONE

FAX

E-MAIL We will use your e-mail address only for purposes of communicating changes to this conference. We will not use it for any other purpose.

FORM OF PAYMENT

() CHECK
(Made payable to Hofstra University
School of Law)

() MASTERCARD

() VISA

CREDIT CARD NUMBER

EXPIRATION DATE

NAME AS IT APPEARS ON CREDIT CARD

SIGNATURE

New York State Continuing Legal Education Credits and Scholarships are available.

REGISTRATION FEES

Please fill in the amount paid.

CATEGORY I \$ _____

CATEGORY II \$ _____

CATEGORY III \$ _____

(Hofstra Students, faculty and staff)

Brunch/Luncheon \$ _____

The Sunday night banquet is included for all Category I registrants who attend the full conference. If you wish to attend the banquet, but not the full conference, please call Dawn Marzella at (516) 463-6889.

REGISTRATION FORM

FOR SEATING PURPOSES PLEASE CHECK THE EVENTS THAT YOU WISH TO ATTEND.

SUNDAY, SEPTEMBER 14, 2003

- () 9-11 a.m. Brunch
I prefer a _____ kosher _____ vegetarian meal.
- () 11-11:10 a.m. Welcoming Remarks
- () The Honorable Roger J. Miner (KEYNOTE ADDRESS)
- THE FUTURE OF JUDICIAL SPEECH
- () Professor Geoffrey C. Hazard, Jr.
- () Gerald Stern, Esquire
- () The Honorable Nancy Gertner
- () The Honorable Thomas Penfield Jackson
- () The Honorable Thomas J. Spargo
- () Professor Charles Fried
- () Panel of Reporters/Observers of Judicial Conduct
- () BANQUET
The New Huntington Townhouse
Banquet Speaker: Professor Alan M. Dershowitz
Huntington Station, New York

MONDAY, SEPTEMBER 15, 2003

- () Professor Leslie W. Abramson
- () Dean David Yellen
- () Isaiah Zimmerman, Ph.D.
- () Professor Paul Butler
- () Luncheon
I prefer a _____ kosher _____ vegetarian meal.
- () Lawrence Fox, Esquire
- () The Honorable Alex Kozinski
- () Professor Abbe Smith
- () Professor Richard Zitrin

TUESDAY, SEPTEMBER 16, 2003

- () Professor Andrew Kaufman
- () Cynthia Gray, Esquire
- () The Honorable Shira A. Scheindlin
- () The Honorable John T. Noonan, Jr.
- () Luncheon
I prefer a _____ kosher _____ vegetarian meal.
- () Gerald Stern, Esquire
- () Professor Richard Klein
- () The Honorable Jack B. Weinstein

Please indicate if you require a sign language interpreter.



HOFSTRA UNIVERSITY



Hempstead, New York 11549

SCHOOL OF LAW