Lawyers’ Ethics
in an Adversary System

KEYNOTE ADDRESS
Alan M. Dershowitz
Felix Frankfurter Professor of Law
Harvard Law School

BANQUET ADDRESS
Monroe H. Freedman
Professor of Law
Hofstra University School of Law

CONFERENCE FACULTY

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

Steven Lubet, Professor of Law, Northwestern University School of Law

Thomas D. Morgan, Oppenheim Professor of Antitrust and Trade Regulation Law, The George Washington University Law School

Carol A. Needham, Professor, St. Louis University School of Law

Charles J. Ogletree, Jesse Climenko Professor of Law, Harvard Law School

Burne V. Powell, Dean and Miles and Ann Loadholt Professor of Law, School of Law, University of South Carolina

Deborah L. Rhode, Ernest W. McFarland Professor of Law, Stanford Law School

Stephen A. Saltzburg, Wallace and Beverley Woodbury University Professor, George Washington University Law School

Roy D. Simon, Howard Lichtenstein Distinguished Professor of Legal Ethics, Hofstra University School of Law

Charlotte (Becky) Stretch, Esq. Special Counsel and Associate Director for Administration, American Bar Association Center for Professional Responsibility

Honorable David G. Trager, Judge, U.S. District Court, Eastern District of New York

Steven Wechsler, Professor, College of Law, Syracuse University

W. Bradley Wendel, Associate Professor of Law, Cornell Law School

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

Ellen Yaroshefsky, Clinical Professor of Law and Executive Director, Jacob Burns Ethics Center, Benjamin N. Cardozo School of Law

Carol Ziegler, Adjunct Professor of Law, Brooklyn Law School

Laura Appleman, Visiting Assistant Professor, Hofstra University School of Law

Anita Bernstein, Sam Nunn Professor of Law, Emory University School of Law and Wallace Stevens Professor of Law, New York Law School

Lonnie T. Brown, Jr., Associate Professor, University of Georgia School of Law

Roger C. Cramton, Robert S. Stevens Professor of Law Emeritus, Cornell Law School

Alan M. Dershowitz, Felix Frankfurter Professor of Law, Harvard Law School

Monroe H. Freedman, Professor, Hofstra University School of Law

Linda Galler, Professor, Hofstra University School of Law

Barbara S. Gillers, Esq., Fried, Frank, Harris, Shriver & Jacobson LLP

Stephen Gillers, Emily Kempin Professor of Law, New York University School of Law

Roy D. Simon, Howard Lichtenstein Distinguished Professor of Legal Ethics, Hofstra University School of Law

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Carol Ziegler, Adjunct Professor of Law, Brooklyn Law School

Keynote Address
Alan M. Dershowitz
Felix Frankfurter Professor of Law
Harvard Law School

Banquet Address
Monroe H. Freedman
Professor of Law
Hofstra University School of Law

Conference Faculty

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Ellen Yaroshefsky, Clinical Professor of Law and Executive Director, Jacob Burns Ethics Center, Benjamin N. Cardozo School of Law

Carol Ziegler, Adjunct Professor of Law, Brooklyn Law School
Sunday, October 30, 2005

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

11-11:15 a.m.

WELCOMING REMARKS
Herman A. Berliner
Provost and Senior Vice President for
Academic Affairs
Hofstra University

Aaron D. Twerski
Dean and Professor of Law
Hofstra University School of Law

Roy D. Simon
Howard Lichtenstein
Distinguished Professor of Legal Ethics
Hofstra University School of Law

11:15 a.m.-12:15 p.m.

OPENING ADDRESS
Deborah L. Rhode
Ernest W. McFarland Professor of Law
Stanford Law School

"Legal Ethics in an Adversary System:
The Persistent Questions"

12:15-2:15 p.m.

AFTERNOON SESSION I
Steven Lubet
Professor of Law
Northwestern University School of Law

“The Loyalty Trilemma”
Barbara S. Gillers, Esq.
Fried, Frank, Harris, Shriver & Jacobson LLP

“The Duty of Zealous Representation and the Corporate Lawyer: Some Hard Issues”

COFFEE BREAK

2:15-2:30 p.m.

2:30-4:45 p.m.

KEYNOTE ADDRESS

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

“Cautionary Thoughts About Lawyer Liability As Fiduciaries”

6 p.m.

Alan M. Dershowitz
Felix Frankfurter Professor of Law
Harvard Law School

“Lawyers' Ethics in a Constitutionalized Adversary System”

BANQUET IN HONOR OF MONROE H. FREEDMAN
The Garden City Hotel

BANQUET ADDRESS

Monroe H. Freedman
Professor of Law
Hofstra University School of Law

“In Praise of Overzealous Representation: Lying to Judges, Deceiving Third Parties, and Other Ethical Conduct”
Monday, October 31, 2005

8 a.m.-3 p.m.

8-8:55 a.m.

9 a.m.-Noon

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

BREAKFAST

MORNING SESSION

Stephen A. Saltzburg
Wallace and Beverley Woodbury
University Professor
George Washington University Law School

“A Grand Slam of Professional Irresponsibility and Judicial Disregard”

Stephen Gillers
Emily Kempin Professor of Law
New York University School of Law

“The Perjurious Criminal Defendant: A Critique of Freedman’s Critique and All Other Solutions (or Why Do We Keep Talking About This?)”

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

“Dishonesty”

Noon-1:30 p.m.

LUNCHEON
Joan and Donald E. Axinn Library, 10th floor
South Campus

LUNCHEON ADDRESS

Charles J. Ogletree
Jesse Climenko Professor of Law
Harvard Law School

“Charles Hamilton Houston and the Ethics of Civil Rights Advocacy”
1:30-4:30 p.m.

AFTERNOON SESSION

Lonnie T. Brown, Jr.
Associate Professor
University of Georgia School of Law

“Reconsidering the Corporate Attorney-Client Privilege - A Response to the Compelled-Voluntary Waiver Paradox?”

Thomas D. Morgan
Oppenheim Professor of Antitrust and Trade Regulation Law
The George Washington University Law School

“The Corporate Lawyer and the ‘Three Hardest Questions’”

Anita Bernstein
Sam Nunn Professor of Law
Emory University School of Law and Wallace Stevens Professor of Law
New York Law School

“Zeal”

4:30-5:30 p.m.

INFORMAL GET-TOGETHER AND REFRESHMENTS
Tuesday, November 1, 2005

8 a.m.-3 p.m.

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

8-9 a.m.

BREAKFAST
Leeds Morelli & Brown Atrium
Hofstra University School of Law

9 a.m.-Noon

MORNING SESSION

Roger C. Cramton
Robert S. Stevens Professor of Law Emeritus
Cornell Law School

“How Counseling Non-Litigation Clients in an Adversary System”

Ellen Yaroshefsky
Clinical Professor of Law and Executive Director
Jacob Burns Ethics Center
Benjamin N. Cardozo School of Law

“How Secret Evidence Is Eroding the Adversary System”

Burnele V. Powell
Dean and Miles and Ann Loadholt Professor of Law
School of Law, University of South Carolina

“Creating Space to Be Ethical and Professional”

Noon-1:30 p.m.

LUNCHEON

LUNCHEON ADDRESS

Honorable David G. Trager
Judge, U.S. District Court for the Eastern District of New York

“Do Ethics Rules Protect Lawyers or Clients? Secret Taping and Some Other Illustrations”
1:30-3:30 p.m.

**AFTERNOON SESSION**

**W. Bradley Wendel**  
Associate Professor of Law  
Cornell Law School  

“Institutional and Individual Justification in Legal Ethics: The Problem of Client Selection”

**Roy D. Simon**  
Howard Lichtenstein  
Distinguished Professor of Legal Ethics  
Hofstra University School of Law  

“The Nuclear Option: Threatening a Grievance Against Opposing Counsel”

3:30-5 p.m.

**ROUNDTABLE DISCUSSION**

**Laura Appleman**  
Visiting Assistant Professor  
Hofstra University School of Law

**Linda Galler**  
Professor  
Hofstra University School of Law

**Carol A. Needham**  
Professor  
St. Louis University School of Law

**Charlotte (Becky) Stretch, Esq.**  
Special Counsel and Associate Director for Administration  
American Bar Association Center for Professional Responsibility

**Steven Wechsler**  
Professor  
College of Law, Syracuse University

**Carol Ziegler**  
Adjunct Professor of Law  
Brooklyn Law School

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

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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 these hours at the following locations.

Sunday, October 30, 2005
Hofstra Cultural Center Foyer
Sondra and David S. Mack Student Center
North Campus
8 a.m.-4 p.m.

Monday, October 31, 2005
Hofstra Cultural Center Foyer
Sondra and David S. Mack Student Center
North Campus
8 a.m.-3 p.m.

Tuesday, November 1, 2005
Barbara and Maurice A. Deane Law Library Foyer
Hofstra University School of Law
8 a.m.-3 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 Hofstra Card. 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 Joanne Ramirez, administrative assistant to the dean, Hofstra University School of Law, 121 Hofstra University, Hempstead, NY 11549-1210.

MEMBERS OF THE PRESS
Complimentary press passes to all conference events will be provided to members of the press. Please notify Joanne Ramirez by phone at (516) 463-5854, or by fax at (516) 463-6091. Parking arrangements will be made if notification is received on or before October 14, 2005. 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 CLE requirements in their states. Scholarships are available. To apply call Dawn Marzella at (516) 463-6889.

OFFICIAL CONFERENCE HOTELS
The Garden City Hotel in Garden City and the L.I. Marriott Hotel and Conference Center in Uniondale 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 Inter-Continental Global Partner Hotel
45 Seventh Street
Garden City, New York 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 October 10, 2005).

LONG ISLAND MARRIOTT HOTEL AND CONFERENCE CENTER
101 James Doolittle Boulevard
Uniondale, New York 11553
Attention: Reservations Manager
Telephone: (516) 794-3800 or (800) 832-6255
Fax: (516) 794-5936
Room rate: $169 per night, single or double occupancy. (Depending upon availability).

You may also call the Wingate Inn. There is no corporate rate available for this conference.
WINGATE INN
821 Stewart Avenue
Garden City, New York 11530
Attention: Hotel Reservations
Telephone: (516) 705-9000

Please make your reservations as early as possible as the number of rooms is limited. When making your 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, 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). Take Meadowbrook Parkway to exit M4 (Hempstead Turnpike). Follow Hempstead Turnpike (Route 24) west to Hofstra, approximately 1 ½ 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). Take Meadowbrook Parkway to exit M4 (Hempstead Turnpike). Follow Hempstead Turnpike (Route 24) west to Hofstra, approximately 1 ½ miles.

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

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) 481-0675

Please return completed registration form on or before October 14, 2005, to:
Joanne Ramirez
Administrative Assistant to the Dean
Hofstra University School of Law
121 Hofstra University
Hempstead, NY 11549-1210
lawethics@hofstra.edu

Please make check(s) payable to Hofstra University School of Law.
Registration fees are refundable until October 14, 2005. 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 Law School: phone (516) 463-5854; fax (516) 463-6091

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

### CONFERENCE REGISTRATION FEES

Full conference fee includes all conference events and meals (excluding the banquet, with the exception of Category 1 attendees).

*On Tuesday, November 1, Hofstra Law School graduates will be admitted to the conference events at no charge.*

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<tr>
<th>Category</th>
<th>Full Conference</th>
<th>Individual Day</th>
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<tr>
<td>CATEGORY I</td>
<td>$475*</td>
<td>$125</td>
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<td>Law Professors</td>
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<td>Attorneys in private practice</td>
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<td>Members of the general public</td>
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<td>CATEGORY II</td>
<td>$195</td>
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<td>Disciplinary counsel</td>
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<td>Government lawyers</td>
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<td>Bar Association staff/employees</td>
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<td>Public interest/non-profit/Legal Aid lawyers</td>
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<td>CATEGORY III</td>
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<td>Hofstra Law graduates</td>
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<td>Senior citizens (over 65)</td>
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<td>Must include copy of Medicare card</td>
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<td>Non-Hofstra students</td>
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<td>Must include copy of valid school ID</td>
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**Note:** Per person cost includes all conference events and meals, excluding banquet.

Current Hofstra students, faculty and staff ** NO FEE
Must include copy of current HofstraCard
(Does not include meals or banquet)

* Full conference fee includes banquet for category I attendees.

** 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, there will be additional fees as indicated below:

#### Brunch
Sunday, October 30, 2005 $15

#### Luncheon and Address
Monday, October 31, 2005 $15

#### Luncheon and Address
Tuesday, November 1, 2005 $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

FORM OF PAYMENT

☐ CHECK
(MADE PAYABLE TO HOFSTRA UNIVERSITY SCHOOL OF LAW)

☐ MASTERCARD ☐ Visa

NAME AS IT APPEARS ON CREDIT CARD

SIGNATURE

CREDIT CARD NUMBER EXPIRATION DATE

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 Joanne Ramirez at (516) 463-5854.
REGISTRATION FORM
FOR SEATING PURPOSES PLEASE CHECK THE EVENTS THAT YOU WISH TO ATTEND.

SUNDAY, OCTOBER 30, 2005

( ) 9-11 a.m.  BRUNCH
       ______ I prefer a kosher meal.

( ) 11-11:15 a.m.  WELCOMING REMARKS

( ) 11:15 a.m.-12:15 p.m.  OPENING ADDRESS
                           Deborah L. Rhode

( ) 12:15-2:15 p.m.  AFTERNOON SESSION I
                       Steven Lubet
                       Barbara S. Gillers

( ) 2:30-4:45 p.m.  AFTERNOON SESSION II
                     Charles W. Wolfram

( ) 6 p.m.  BANQUET IN HONOR OF
           MONROE H. FREEDMAN
           The Garden City Hotel
           Garden City, New York

MONDAY, OCTOBER 31, 2005

( ) 9 a.m.-Noon  MORNING SESSION
                  Stephen A. Saltzburg
                  Stephen Gillers
                  Lisa Lerman

( ) Noon-1:30 p.m.  LUNCHEON
                     I prefer a ______ kosher meal.
                     ______ vegetarian meal.

( ) 1:30-4:30 p.m.  LUNCHEON ADDRESS
                     Charles J. Ogletree

( ) 4:30-5:30 p.m.  INFORMAL GET-TOGETHER

TUESDAY, NOVEMBER 1, 2005

( ) 9 a.m.-Noon  MORNING SESSION
                  Roger C. Cramton
                  Ellen Yaroshesky
                  Burnele V. Powell

( ) Noon-1:30 p.m.  LUNCHEON
                     I prefer a ______ kosher meal.
                     ______ vegetarian meal.

( ) 1:30-3:30 p.m.  AFTERNOON SESSION
                     W. Bradley Wendel
                     Roy D. Simon

( ) 3:30-5 p.m.  ROUNDTABLE DISCUSSION

Please indicate if you require a sign language interpreter.