



NYSBA

**Free CLE
Training on
Indigent Defense
in New York**

June 5, 2007
State Bar Center
Albany, NY



This program is co-sponsored by the Special Committee to Ensure Quality of Mandated Representation and the Committee on Continuing Legal Education.

The Program

8:30 – 9 a.m. Coffee and Registration

9 – 9:50 a.m. Client Relations (1.0 CLE skills credit)

Matthew W. Knecht, Esq.
*Neighborhood Defender Service of Harlem
New York, NY*

Client relations, particularly in regard to client expectations, are often different with indigent clients. (“If I had money I’d hire a real lawyer”; “you’re getting paid by the state like the DA, so you’re both in bed together”; “I won’t get good quality representation/you don’t care, because I’m not paying you”; etc.).

- Dealing with client expectations.
- Demonstrating that you are a “real lawyer.”
- Dealing with clients with mental health or substance abuse issues.
- Language and other communication barriers.

10 – 10:50 a.m. Collateral Consequences (1.0 CLE professional practice credit)

J. McGregor Smyth, Esq.
Civil Action Project, The Bronx Defenders

The collateral consequences of criminal proceedings are often more severe than the direct criminal consequences. They include such issues as the impact on eligibility for public housing, public benefits of various types, school loans, licensing of various types, immigration consequences, etc.

- Consequences in education, housing, immigration, civic participation, employment, and other areas.
- Advising clients on such issues.
- Using knowledge of these consequences for better results in your criminal case.

**11 – 11:50 a.m. Federal Implications of State Practice
(1.0 CLE professional practice credit)**

The need for criminal defense counsel in state and federal cases to communicate and coordinate with each other is more critical than ever before, particularly in four types of state/federal scenarios that regularly occur: 1) a state prosecution that could be adopted for federal prosecution; 2) effects/impact of state convictions/sentences on future federal charges; 3) coordination between counsel during simultaneous federal and state prosecutions; 4) coordination with federal defense counsel where the same conduct is the basis for a state parole violation.

These scenarios and related substantive and procedural issues will be discussed, emphasizing factors such as federal/state court differences, timing, preferred plea options, sentencing advocacy, future impact on later federal prosecutions, primary/secondary custody, prior custody credit, concurrent/consecutive sentencing, and parole issues. The need for early and ongoing communication between the respective attorneys will be emphasized.

Timothy W. Hoover, Esq.
*Federal Public Defender’s Office, Western District of New York
Buffalo, NY*

12 – 12:50 p.m. Luncheon will be provided. The Association has established an annual award for Outstanding Achievements in Promoting Standards of Excellence in Mandated Representation and will present the inaugural award during the luncheon.

1 – 1:50 p.m. Sentencing Issues (1.0 CLE professional practice credit)
Alan Rosenthal, Esq.
Center for Community Alternatives
Syracuse, NY

Preparation for sentencing should begin the first day you enter the case. Between the first day and the day of sentencing there are 30 essential task that should be addressed. One of the tasks involves understanding the sentencing possibilities and how the sentence will be calculated. This is critical in order to construct a plea bargaining strategy and accomplish the most favorable sentencing outcome for your client.

- The 30 essential tasks to prepare for sentencing.
- Sentencing advocacy.
- Sentence calculations.

2 – 2:50 p.m. Ethical Issues Specific to Indigent Defense (1.0 CLE ethics credit)
Prof. Ellen C. Yaroshefsky
Clinical Professor of Law and Director, Jacob Burns Center for Ethics in the Practice of Law
Benjamin N. Cardozo School of Law
New York, NY

There are many ethical issues specific to mandated representation, including conflicts, the client's right to make decisions, caseloads, and other issues.

3 – 3:50 p.m. Use of Experts, Investigators, and Other Resources (1.0 CLE skills credit)
Norman P. Effman, Esq.
Wyoming County-Attica Legal Aid Bureau

Many public defense programs do not use investigators and experts very much, perhaps due to a lack, or perceived lack, of funds. The vital importance of having them available and using them when necessary must be emphasized, and *how* they can be of help and, indeed, dispositive in certain cases, will be stressed.

- Appropriate uses of resources identifying and dealing with experts.
- Proper use of such experts.
- Paying for experts.

Please return the enclosed form by May 25, 2007, via mail, fax or e-mail with PDF to:
Pro Bono Affairs Department
New York State Bar Association
One Elk Street
Albany, NY 12207
Phone: 518-487-5640 / Fax: 518-487-5694



NEW YORK STATE BAR ASSOCIATION
One Elk Street, Albany, NY 12207
518.463.3200
www.nysba.org