

NYSACDL

New York State Association of Criminal Defense Lawyers
An Affiliate of the National Association of Criminal Defense Lawyers

"Not for the few, but for the rights of All"

NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

PRESENTS

CROSS TO KILL

FEATURING

6 CLE CREDIT HOURS OF SKILLS

FRIDAY, APRIL 23, 2010

ST. FRANCIS COLLEGE

BROOKLYN, NEW YORK

NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

200 WEST 57TH STREET, SUITE 900

NEW YORK, NY 10019

TEL: 212/532-4434; FAX: 888/239-4665

NYSACDL.COM

NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Presents

CROSS TO KILL

FRIDAY, APRIL 23, 2010

ST. FRANCIS COLLEGE

BROOKLYN, NEW YORK

PROGRAM AGENDA

- 8:30 a.m. REGISTRATION
- 9:00-9:50 Cross Examination in Document -Intensive Cases: Use of the Computer as a
 "Weapon", Gerald Lefcourt, Esq.
- 10:00-10:50 Cross Examination of the Informant, Benjamin Brafman, Esq.
- 10:50-11:10 BREAK
- 11:10-12:00 Cross Examination of the Expert Witness, Michael Dowd, Esq.
- 12:00-1:10 LUNCH
- 1:10-2:00 Making Every Word Count: The Focused Cross Examination,
 JaneAnne Murray, Esq.
- 2:10-3:00 Preparing for Cross Examination: Getting the Goods, Martin Adelman, Esq.
- 3:00-3:10 BREAK
- 3:10-4:00 How to Exploit the Prior Inconsistent Statement, Susan Brune, Esq.

TABLE OF CONTENTS

Faculty Biographies

Materials

Cross Examination in Document Intensive Cases: Use of the Computer as a “Weapon”
Presented by Gerald Lefcourt, Esq.

Cross Examination of the Informant
Presented by Benjamin Brafman, Esq.

Cross-Examination of the Expert
Presented by Michael Dowd, Esq.

The Cross Examination of An Expert
Exhibit A – Curriculum Vitae
Exhibit B – Transcript

The Focused Cross Examination: Making Every Word Count
Presented by JaneAnne Murray, Esq.

A Cognitive Theory of Juror Decision Making: The Story Model, Nancy
Pennington and Reid Hastie
Seven Psychological Principles You Can Use to Become a Better Lawyer, Kim
MacInnis Munsinger and Harry L. Munsinger
Impact of Television on Cross Examination and Juror “Truth”, Kimberlianne
Podlas

Preparing for Cross Examination: Getting the Goods
Presented by Martin Adelman, Esq.

How to Exploit the Prior Inconsistent Statement
Presented by Susan Brune, Esq.

PROGRAM FACULTY

MARTIN ADELMAN, Esq. After two law school summers in Selma, Alabama, working on criminal and civil rights cases, Marty Adelman's amazing legal journey began in 1967, working with Henry Rothblatt, a noted Bronx criminal defense lawyer. Marty's entire 40-year legal career has been misspent as a criminal defense lawyer in private practice. He is a founding member and first treasurer of NYSACDL and served as President in 2002. He was President of the New York Criminal Bar Association and Chair of the New York State Bar Association Criminal Justice Section. He has written extensively on criminal law – including two chapters in the Appellate Division's Criminal Trial Advocacy handbook – and he lectures frequently at NYSACDL and other continuing legal education seminars throughout New York State. He has been listed in Barry Tarlow's *Directory of Criminal Lawyers* in the American Law Edition of *Who's Who*, in *Best Lawyers in America*, *New York Superlawyers*, and most recently in *New York Magazine*. Adelman has also been General Counsel to the American Zionist Movement of the World Zionist Organization, and has four times argued cases before the World Zionist Organization Supreme Court in Jerusalem.

BENJAMIN BRAFMAN, Esq. is the principal of six-lawyer firm **Brafman & Associates, P.C.** in Manhattan. Mr. Brafman's firm specializes in criminal law with an emphasis on White Collar defense. Mr. Brafman, a former Assistant District Attorney in the New York County District Attorney's Office, has been in private practice since 1980. He is a **Fellow** in the American College of Trial Lawyers and in 1997, was selected by *New York Magazine* as the "**Best Criminal Defense Lawyer in New York.**" He was also the recipient of the "**Outstanding Private Criminal Defense Practitioner Award**" for 2005 from the New York State Bar Association. In March 2006, Mr. Brafman received the **Norman Ostrow Award** for outstanding achievement in the field of White Collar Criminal Defense by the New York Council of Defense Lawyers. In January 2007, Mr. Brafman was presented with the "first" ever **Clarence Darrow Award** for Distinguished Practitioner by the New York State Association of Criminal Defense Lawyers. Mr. Brafman has represented a wide range of high-profile celebrities, business leaders, lawyers and other professionals in significant criminal cases throughout the country.

SUSAN BRUNE, Esq. is a partner in Brune & Richard, LLP in New York City. Her practice focuses on white-collar defense, commercial litigation, and internal investigations. Her criminal and civil cases have included allegations of securities fraud, accounting fraud, insider trading, health care and other government contract fraud, tax-related fraud, money laundering, antitrust violations, Foreign Corrupt Practices Act violations, customs violations, and bank fraud. She practices in federal and state court, and before the SEC, FINRA and other enforcement agencies. She has often served as a court-appointed SEC receiver and as a monitor. She has served as receiver for, among other entities, a broker-dealer, a hedge fund, trading entities, a

disgorgement fund, and an entertainment company. She has served as an outside monitor for a large seafood concern and for an electrical contractor. From 1990 to 1997, she served as an Assistant United States Attorney in the Southern District of New York, where she prosecuted numerous white-collar matters. While an Assistant U.S. Attorney, she taught trial techniques at the U.S. Department of Justice's Advanced Civil Trial Advocacy. From 1988 through 1990, Ms. Brune served as a law clerk to Judge Whitman Knapp in the U.S. District Court for the Southern District of New York. Ms. Brune is a 1988 honors graduate of Harvard Law School. In 1985, she received an M.A. in American history from Columbia University. In 1983, she received a B.A. from the Honors College of the University of Michigan. Ms. Brune speaks frequently on topics related to white-collar defense.

MICHAEL DOWD, Esq. is dedicated to confronting and fighting injustice. He has been long-recognized by his peers and the press for his courtroom skills, particularly his zealous courtroom advocacy on behalf of his clients. Mike Dowd is a pioneer in the battered women's movement. Back in the 1980 when the few heard of the problem of domestic violence, Mr. Dowd successfully defended a battered woman who killed her husband. He is the founding director of the Pace University Women's Justice Center and the recipient of awards for his work on behalf of battered women. He successfully defended Irish supporters of Irish Independence from England, successfully handled the trial of a woman using post-partum depression in an insanity defense and then kept the woman out of a psychiatric hospital. He has written articles for the Fordham Urban Law Journal, The Cardozo Woman's Law Journal and the Pace Law Review. Even before the scandal that rocked the Catholic Church in 2002, Mike Dowd singularly stood out as a tireless champion of victims of sexual abuse and since 2002, has represented more victims of clergy sexual abuse in the New York metropolitan area than any other attorney. In fact he was the first attorney after the scandal broke to actually go to trial against a New York area diocese, winning 11.45 million dollars on behalf of two persons who were molested by a youth minister in a Catholic parish. He also has represented victims against the Boy Scouts of America, the Harlem Boys Choir, a synagogue and a number of large corporations. Mr. Dowd has been practicing as a trial attorney in the New York City area for almost forty years. Mike attended Xavier High School, Fordham University and received his law degree from St. John's University School of Law in 1966. He is admitted to practice law in New York and U.S. District Court, Southern and Eastern Districts of New York.

GERALD B. LEFCOURT, Esq. is a past President of the National Association of Criminal Defense Lawyers and a past President of the New York Criminal Bar Association. He also is a founder of NYSACDL and one of the nation's best trial lawyers. He is head of a four-lawyer firm in New York City, Gerald B. Lefcourt, P.C., specializing in the defense of criminal cases and complex civil litigation. Long considered one of the defense bar's leading spokesmen and most passionate

advocates, he has defended clients as diverse as Abbie Hoffman, Harry Helmsley, former New York assembly Speaker Mel Miller and Michael Milken's co-defendant in one of the nation's largest securities cases. Recent victories include a full acquittal of rap mogul and Murder, Inc. Records founder Irv Gotti on federal money laundering charges. The NY State Bar gave him their "Outstanding Practitioner" Award in 1985 and again in 1993. In 1993, the National Association of Criminal Defense Lawyers gave him the Robert C. Heeney Memorial Award their highest honor. The New York State Association of Criminal Defense Lawyers presented the Thurgood Marshall Lifetime Achievement Award to Mr. Lefcourt in 1997.

JANEANNE MURRAY, Esq. is a criminal defense lawyer in New York City. She has had her own practice for the past five years, prior to which, she was an associate at two major New York law firms, and a staff attorney with The Legal Aid Society in its Criminal Defense and Federal Defender Divisions. She is a member of the New York Council of Criminal Defense Lawyers, the board of directors of the New York Association of Criminal Defense Lawyers, and the Professional Responsibility Committee of the Association of the Bar of the City of New York. She received her law degree from University College Cork in Ireland and her masters in law from the University of Cambridge in England. She writes the New York Federal Criminal Practice Blog.