

THE NEW YORK CRIMINAL BAR ASSOCIATION

An Affiliate of the National Association of Criminal Defense Lawyers



NYCBA Members Newsletter

Vol. 1, No. 6

March, 2004

Greetings and welcome to the March 2004 issue of our Newsletter.

President's Message:

Congratulations to Carolyn Wilson, Fred Sosinsky, Dan Hochheiser and Neil Checkman on their re-election to the Board of Directors of the NYCBA. This is also an excellent opportunity to thank, on behalf of the entire membership, all of the members of the Board for their hard work and commitment to the organization.

I also want you, our membership, to know that you are always invited to become involved. This newsletter is only one example of the various projects we are in the midst of and we are always open to new ideas. I look forward to hearing from you.

Upcoming Events:

April 29, 2004 - Richard Ware Levitt's Annual Seminar on Recent Developments in the Second Circuit.

We are delighted to announce that Richard Ware Levitt will be presenting his annual Criminal Law Update covering Recent Developments in the Second Circuit in the field of criminal law during the calendar year 2003. This year's Forum will be held on Thursday evening, **April 29, 2004**, from 5:40 pm to 7:20 pm in the Ceremonial Courtroom on the 9th floor of the NEW FEDERAL COURTHOUSE, at 500 Pearl Street, New York.

More details of this much anticipated event will be sent to you shortly; but we would ask that you note the time and date on your calendar. Two hours of the New York State MCLE credit will be awarded on the area of Professional Practice for those who attend - but we remind you that MCLE rules prohibit awarding any credit to late-comers.

June 2 , 2004 - The NYCBA Annual Dinner

Once again, we have scheduled our annual dinner at the beautiful Tavern on the Green in Central Park. This year's event will be held on Wednesday evening, June 2, 2004, starting with cocktails at 6:00 pm, followed by dinner at 7:30. As most of you know, this event is one of the highlights of the year. So please make sure to mark your calendar today to reserve the date and then call or send in your reservations as soon as possible.

Our honoree this year will be one of our former Presidents - Martin B. Adelman; and our Guest Speaker will be former U.S. District Court Judge John A. Martin, who resigned from the Bench last June, stating that he "[no longer wanted to be part of our unjust criminal system.](#)"

The cost of the dinner is \$150.00 for Members and \$170.00 for Guests (but if you pay before May 1st the price is reduced by \$20.00). To reserve your seats, either send a check to our Treasurer, Leonard J. Levenson, Esq. at 225 Broadway, Suite 1804, New York, NY 10007 - or call his office at (212) 732-0522 to charge your seats to your credit card (American Express, Visa or Mastercard only.)

A Reminder About Your Access Codes:

All of our members who are current in their dues are entitled to use the Member's portion of our Web site at www.nycrimbar.org/. However, to access that site fully (and to access some of the hypertext links contained in this Newsletter), you will need to use your assigned access codes.

If you are receiving this Newsletter but have not yet received your access codes to our Web site, please send us an email at: nycba@fedcrimlaw.com - and we will promptly send them to you. Those codes entitle you to use our own Web site and to use the two **Punch and Jurists** Web sites described below.

One of the benefits of Membership in the New York Criminal Bar Association is that your Membership automatically entitles you **free** access to each of the following resources:

- A copy of this Newsletter each month via email
- Unlimited access to our own Web site - the indispensable legal research resource for the busy criminal defense attorney in the Metropolitan New York area
- Unlimited access to the two legal research Web sites maintained by Punch and Jurists, Ltd - at www.fedcrimlaw.com and www.ussguide.com - and
- A copy of the electronic version of **Punch and Jurists**, the weekly newsletter that summarizes the latest developments in the field of Federal criminal law.

CrimeTime Software:

We remind our readers that they can download the 2003 version of CrimeTime Software by clicking [here](#). This much-acclaimed **free** software package was created by Tompkins County District Attorney George Dentes. The program helps you calculate quickly the permissible sentences for New York crimes, "taking into account the conviction and the defendant's age and criminal history." The site also contains versions of the same software for each of the years from 1996 through 2003.

Web Site Features:

While we make changes on the NYCBA Web site on an almost daily basis, we try - each month - to point out some of the most significant new features that should be of interest to our Members.

At the top of each page of our Web site there is a MAIN MENU BAR listing various "buttons," most of which contain sub-menus. This month we feature the following items:

People Locators:

Click on the "Investigative Tools" button which appears within the MAIN MENU BAR, then click on the item called MENU II to view several subfolders containing a broad range of links that we believe should prove invaluable to you from time to time. For example, scroll down to "[People Locators](#)." Here you will be able to search for information about people, including those licensed by both the New York State Department of State or the New York State Education Department.

Within this page, we note that there are 22 different professions that are licensed and regulated by the Department of State - including such diverse "professions" as notary publics, private investigators, security guards, bail enforcement agents, real estate brokers/salespersons, and telemarketers. At one of the sites we have listed, there is a [search engine](#) where you can check to determine whether the person in question actually has a valid license from the Department of State.

Also there are 44 different professions (some very surprising - and maybe even amusing) that are licensed by the Education Department - including doctors, dentists, chiropractors, accountants, social workers, massage therapists and those engaged in "athletic training." There is an [online verification search engine](#) that allows you to check the status of a person's license by name or by license number. There is also a separate [search engine](#) where you can check to see if any disciplinary actions have been taken against any person licensed by the Education Department since January 1, 1994.

Miscellaneous Links:

Under the "Other Links" button (also within the MAIN MENU BAR), there is an item called "[Miscellaneous](#)" which contains a broad range of features that might prove useful. For example, we have collected a large number of non-criminal research resources from New York State and New York City. As always, we need your help and ideas in order to expand this section. Thus far, we have listed hypertext links to resources such as:

- [New York State Resources on Forms, Permits, Registrations, Licenses and Certifications](#) (an amazing, all-encompassing site)
- [New York State - Business Permits by Agency](#)
- [New York State - Department of Health - Vital Records](#)
- [New York City Parking Violations Portal](#)

- [New York City Fire Department Records](#) - including information about how to subpoena records from the Fire Department

After you have had a chance to review some of the sites listed under "Miscellaneous," please send us your own favorites or any other topics that you feel should be included on your Web site.

Briefs:

Under the "Briefs and Motions" button on the MAIN MENU BAR, we have listed a number of sources where you can obtain copies of Briefs filed in pending and past **Supreme Court** cases. Included in that listing are the following:

- The [Findlaw site](#) offers briefs for cases from the 1999-2000 term to the current 2003-2004 term.
- The [American Bar Association](#) site offers briefs in cases decided since the October, 2003 term - but it usually posts the most recent briefs much more quickly than the Findlaw site and it often makes available many amicus briefs that are not available on the Findlaw site.
- Most of the briefs filed in the Supreme Court on behalf of the Government by the Office of the Solicitor General are available on the [Dept. of Justice site](#).

Please let us know of other similar sites that should be added to the Briefs and Motions Section of our Web site.

Notable Decisions:

Under the "Decisions" button on the MAIN MENU BAR, we continue to add the full text of decisions that we feel are of significant interest to our Members. In that connection, we recently posted Judge Weinstein's Final Report on the 500 Federal Habeas Corpus cases that were assigned to him, which was filed sub nom. [In Re Habeas Corpus Cases, 289 F.Supp.2d 303 \(JBW\) \(E.D.N.Y. Dec. 11, 2003\)](#). In his much publicized review of those cases, some of which had been languishing on the Court's docket for years, he granted Writs in a total of nine cases (or 1.8% of the total number of cases he reviewed). Of particular interest, we have posted a copy of Judge Weinstein's excellent, 60 page annotated memorandum entitled "[Legal Issues Raised in Section 2245 Petitions](#)."

We hope that all of our Members will keep this section of our Web site in mind whenever they come across new decisions of interest.

I am looking forward to seeing all of you at the above-noted "coming events."

Yours for a better defense,

Harvey Fishbein
President

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