

# THE NEW YORK CRIMINAL BAR ASSOCIATION

An Affiliate of the National Association of Criminal Defense Lawyers



## *NYCBA Members Newsletter*

Vol. 1, No. 7

April, 2004

**Greetings** and welcome to the April 2004 issue of our Newsletter.

### **President's Message:**

This coming Thursday marks the eighteenth straight year that we welcome Richard Ware Levitt for his annual lecture on recent developments in criminal law in the Second Circuit. His compilation of case summaries has become legendary; and his annual lecture is one of the highlights of the year for many practicing attorneys.

We are deeply indebted to Richard for his scholarship and for his contribution to the New York Criminal Bar Association; and we marvel at Richard's ability to keep up with his busy trial and appellate practice and still prepare his detailed analysis of the state of criminal law in our Circuit.

### **Upcoming Events:**

#### **April 24, 2004 - Invitation to Spring Retreat on Confessions**

The Council on Criminal Justice of The Association of the Bar of the City of New York is sponsoring an all day retreat entitled "Are Confessions Reliable? A Forum on Truth and Falsity in the Interrogation Process." The program will be held at 42 West 44th Street, New York, NY on Saturday, April 24, 2004 from 9:00 a.m. to approximately 4:30 p.m. There is a registration fee of \$25.00.

If you are interested in attending this forum on Confessions, please click [here](#) for complete details about the speakers and the topics to be covered; as well as details about registering.

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

We remind you 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 in the past year. This year's Program will be held next week on Thursday evening, **April 29, 2004**, from 5:30 pm to 7:10 pm in the Ceremonial Courtroom on the 9th floor of the NEW FEDERAL COURTHOUSE, at 500 Pearl Street, New York.

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.)

## Class Action Lawsuit:

On November 24, 2003, Judge Shira A. Scheindlin of the S.D.N.Y. handed down a decision in [Vives v. The City of New York, 2003 Dist LEXIS 21148 \(S.D.N.Y. 2003\)](#). In her ruling, Judge Scheindlin held Penal Law 240.30(1) (aggravated harassment in the 2nd degree) to be unconstitutional.

We have been advised by Eric Broutman of the Law Office of David A. Zelman (a fellow Member of the NYCBA) that, despite Judge Scheindlin's ruling, the NYPD is still arresting people for this crime, and in some instances, the DA's office is still prosecuting.

Mr. Broutman is seeking to bring a class action suit against the City to immediately enjoin it from arresting people for this crime. He is looking for anyone who has been arrested since November 24, 2003 (the date of Judge Scheindlin's decision) for a violation of § 240.30(1) of the Penal Law who would be interested in becoming a plaintiff in that lawsuit. If you can help Mr. Broutman in this matter, please contact him by telephone at (212) 791-7795, or by e-mail at [broutman1@yahoo.com](mailto:broutman1@yahoo.com).

## 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:

## New York Judges' Part Rules:

Click on the "Investigative Tools" button which appears within the MAIN MENU BAR, then click on the item called MENU I, and then choose the button called "[Judges](#)." Among the many resources that are noted on this page, you will find a link to the [New York Law Journal's New York Judges' Part Rules](#).

This comprehensive - and free - resource lists the published Rules of the Judges in both State and Federal Courts in New York. Counties included are New York,

Bronx, Kings, Queens, Richmond, Suffolk, Nassau, Westchester, Dutchess, Orange, Putnam and Rockland. Also provided are the rules for both Southern and Eastern District Judges' as well as the Second Circuit Court of Appeals.

The site includes vital information about such things as required motion procedures, settlements and adjournments, certification and filing of papers, instructions on communicating with chambers, and much more - all in a user-friendly searchable format!

To access these Rules, you must register - but registration is free - and easy - and once you are registered you are given immediate access to all the Rules that are posted.

## Legal Forms:

Under the "Other Links" button (also within the MAIN MENU BAR), there is an item called "[Legal Forms](#)" which contains a growing number of links to sources of forms that may be of interest to our Members.

## Telephone Directories:

We have totally revised and updated the links to the telephone numbers of all the New York State Courts. To see the new listings, click on the "Telephone Directories" button on the MAIN MENU BAR, and then go to "[State Courts](#)."

## Briefs:

Under the "Briefs and Motions" button on the MAIN MENU BAR, we have recently added the following items:

A copy of the Reply Brief filed by the Defendant in **People v. Martin Tankleff** in support of his [Motion for a New Trial Based on a False Confession](#)

A copy of the [Motion Seeking to Unseal Criminal Records](#) of a Juror filed by **Martha Stewart** in the Criminal Court of the City of New York

I am looking forward to seeing all of you at Richard Ware Levitt's seminar next Thursday evening, April 29.

Yours for a better defense,

Harvey Fishbein  
President

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### Internet and Newsletter Committee:

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