

2. Curtis, Mallet-Prevost, Colt & Mosle LLP (“Curtis”) has retained me to provide a report stating my opinion in response to the plaintiffs’ motion to disqualify Curtis from acting as counsel to David Bodner in this matter.

3. Attached hereto is a true and correct copy of my report.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 2, 2019.



Bruce A. Green

EXPERT REPORT OF BRUCE A. GREEN

1. Plaintiffs, the Joint Official Liquidators (the “JOLs”) of Platinum Partners Value Arbitrage Fund LP (the “Fund”), seek to disqualify Curtis from representing defendant David Bodner on two grounds. Primarily, plaintiffs assert that Curtis should be disqualified to prevent it from using relevant confidential information that it acquired while representing the Fund. Additionally, plaintiffs contend that Curtis must be disqualified because “one or more Curtis lawyers will be core witnesses” and “at least some of [their] testimony will of necessity be harmful to Mr. Bodner.”

2. As discussed below, my opinion is that Curtis’s disqualification is not warranted on either ground.

QUALIFICATIONS

3. My qualifications to provide expert opinions on questions of lawyers’ professional conduct are set forth more fully in my curriculum vitae (Exhibit A). Since 1987, I have been a member of the full-time faculty of Fordham University School of Law. I previously served as a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit, as a law clerk to Justice Thurgood Marshall of the Supreme Court of the United States, and as an Assistant United States Attorney for the Southern District of New York. I am admitted to practice law in New York, the United States District Courts for the Southern and Eastern Districts of New York, and the Supreme Court of the United States.

4. I have regularly taught courses in legal ethics at Fordham and elsewhere since 1987. I speak frequently at CLE programs and have written extensively on this subject. I have written and spoken extensively, in particular, on conflicts of interest in litigation.

5. I have engaged in various other professional work relating to legal ethics. Nationally, I chair the Multistate Professional Responsibility Examination drafting committee.

Previously, I served on the ABA Standing Committee on Ethics and Professional Responsibility, chaired the ethics committees of both the ABA Litigation Section and the ABA Criminal Justice Section, served on the ABA Litigation Section's Task Force on Settlement Ethics, served as reporter to the ABA Commission on Multijurisdictional Practice and to the ABA Task Force on Attorney-Client Privilege, and chaired the Section on Professional Responsibility of the Association of American Law Schools.

6. On the state and local level, I currently chair the New York City Bar's Committee on Professional Ethics. Additionally, I serve as a member and past Chair of the New York State Bar Association's Committee on Professional Ethics and as a member of the New York State Bar Association's Committee on Standards of Attorney Conduct. I previously served on the Departmental Disciplinary Committee of the New York State Supreme Court, Appellate Division, First Department (the court-appointed body that reviews and investigates ethics complaints against lawyers in New York).

7. On occasion, I testify as an expert witness, give advice, draft amicus briefs, and render other professional services on issues of professional conduct. When serving as an expert witness, in this case and others, I render opinions in my individual capacity and do not speak on behalf of any of the entities with which I am, or have been, associated.

RELEVANT FACTS

8. For purposes of providing this opinion, I have reviewed the Complaint; Plaintiffs' Memorandum in Support of Motion to Disqualify Curtis, Mallet-Prevost, Colt & Mosle LLP ("Plaintiffs' Mem."); and the Declaration of Martin Trott and the accompanying unredacted Exhibits. Additionally, I have reviewed the Declaration of Curtis partner Jacques Semmelman and the accompanying exhibits; and the Declaration of Harvey Werblowsky, former in-house counsel at Platinum Management (NY) LLC ("Platinum Management"). For purposes

of rendering this opinion, I rely on Curtis's factual submissions, which appear to be uncontradicted by the plaintiffs' exhibits. Further, I note that plaintiffs have not provided any sworn factual narrative of their own as to the scope or terms of Curtis's prior engagements.

ANALYSIS

A. Plaintiffs have not met their heavy burden of demonstrating that Curtis's disqualification is necessary to prevent the misuse of the Fund's confidential information.

9. Plaintiffs seek Curtis's disqualification primarily on the ground that, in the course of representing the Fund, Curtis acquired relevant information that the firm is duty-bound to keep confidential but that it could use in this litigation for the benefit of Mr. Bodner and to the detriment of the Plaintiffs. As discussed below, the Plaintiffs' argument fails for multiple reasons.

10. Under this Circuit's relevant case law, plaintiffs have the heavy burden of establishing that Curtis's disqualification is necessary to protect against the misuse of the Fund's confidential information. In *Arista Records LLC v. Lime Grp. LLC*, No. 06 CV 5936 (KMW), 2011 U.S. Dist. LEXIS 17434 (S.D.N.Y. Feb. 22, 2011), the court described the general approach to disqualification motions as follows:

"District courts have broad discretion to disqualify attorneys, but it is a 'drastic measure' that is viewed with disfavor in this Circuit." . . . In particular, "[m]otions to disqualify based on an attorney's prior representation of a now adverse client are generally disfavored in this Circuit." . . . This is because such motions "are often tactically motivated, cause undue delay, add expense, and have 'an immediate adverse effect on the client by separating him from counsel of his choice.'" . . . For these reasons, "the Second Circuit has directed that courts faced with disqualification motions take a 'restrained approach that focuses primarily on preserving the integrity of the trial process.'" . . . "Although any doubts are to be resolved in favor of disqualification, the party seeking disqualification bears a heavy burden of demonstrating that disqualification is necessary."

Id. at *18-19 (citations omitted).

11. Plaintiffs argue that Curtis's disqualification is necessary because the law firm acquired relevant confidential information from the Fund, as a former client, that the law firm may not permissibly use in Mr. Bodner's defense. A law firm is not categorically forbidden from representing a new client or, as in this case, a long-time client, against a former client. However, a law firm generally may not undertake a representation against a former client where there is a significant risk that the firm will misuse the former client's confidential information to the former client's detriment. The party moving for disqualification need not identify specific confidential information acquired by its former lawyers that would be useful in the current adverse representation, since doing so would reveal the very information that they are seeking to protect. The moving party may rely on the legal presumption that, if the current, adverse representation is the same as or "substantially related" to the former representation, then its former lawyers would have acquired relevant confidential information. Invoking this legal presumption, the plaintiffs assert that "Curtis Mallet previously represented [the Fund] regarding many of the same matters that are now directly at issue in this Complaint" (Plaintiffs' Mem. at 1).

12. As Curtis's submissions show, the plaintiffs' argument fails on the facts, because the law firm represented the Fund in only two matters, neither of which is substantially related (if related at all) to the current lawsuit. The "substantial relationship" test requires a showing that "the relationship between issues in the prior and present cases is patently clear" and that "the issues involved have been 'identical' or 'essentially the same.'" *Gov't of India v. Cook Indus., Inc.*, 569 F.2d 737, 740 (2d Cir. 1978), quoted in *Monzon v. United States*, 13 Civ. 1943 (DLC), 2013 U.S. Dist. LEXIS 128129, 99, at *8 (S.D.N.Y. Sept. 9, 2013).¹ The two matters on

¹ "[T]his element is satisfied if central issues are common to both cases and if 'the

which Curtis represented the Fund – the first involving a bankruptcy case where the bankruptcy trustee made claims against the Fund, and the other involving an SEC investigation into a Fund affiliate’s investment in annuity insurance contracts – did not concern matters addressed in the Complaint in this case. Plaintiffs do not contend otherwise.

13. Plaintiffs’ assertion that “Curtis Mallet continuously represented [the Fund] in matters on behalf of [the Fund] and its affiliates” (Plaintiffs’ Mem. at 1) is not substantiated by the Exhibits submitted by the plaintiffs in support of their disqualification motion and is belied by Curtis’s sworn submissions. A lawyer-client relationship, and the scope of the representation, are established by agreement. *See, e.g., Catizone v. Wolff*, 71 F. Supp. 2d 365, 368 (S.D.N.Y. 1999) (“Under New York law, the relationship of an attorney and client is contractual, and the rules governing contract formation determine whether such a relationship has been created.”) (citations and internal quotation marks omitted). Curtis and the Fund (acting through Platinum Management) agreed that Curtis would represent the Fund as to specific, discrete matters, not as the Fund’s general counsel. Curtis did not agree to represent the Fund in

witnesses, testimony, and other evidence germane to one action are likely to be similar to the other.” *Pastor v. Trans World Airlines, Inc.*, 951 F. Supp. 27, 31 (E.D.N.Y. 1996), quoting *Red Ball Interior Demolition Corp. v. Palmadessa*, 908 F. Supp. 1226, 1244 (S.D.N.Y. 1995); *see also Mitchell v. Metro. Life Ins. Co.*, 01 Civ. 2112 (WHP), 2002 U.S. Dist. LEXIS 4675, at *21 (S.D.N.Y. Mar. 21, 2002) (recognizing that legal claims or theories or factual issues must be common to the prior and the current litigation). *See, e.g., G.D. Searle & Co. v. Nutrpharm, Inc.*, 98 Civ. 6890 (TPG), 1999 U.S. Dist. LEXIS 5963, at *6 (S.D.N.Y. Apr. 26., 1999) (finding that “the current trademark dispute is not substantially related to [former law firm’s] prosecution of the patents [in prior representation], even though the patents are for compounds which allegedly are the substance of the product whose name is the subject of this trademark dispute”); *Nat’l Westminster Bank PLC v. Empire Energy Mgmt. Sys., Inc.*, 93 Civ. 5331 (LMM), 1996 U.S. Dist. LEXIS 18286, at *20-21 (S.D.N.Y. Dec. 10, 1996) (that prior and current representation both related to non-payment by a customer of the same entity does not make them “substantially related”); *Metromedia Co. v. Fugazy*, No. 87 Civ. 2597 (RLC), 1988 U.S. Dist. LEXIS 14645, at *6-7 & n.3 (S.D.N.Y. Dec. 23, 1988) (no substantial relationship where law firm represented defendant corporation concerning tax liabilities that were different from the ones in issue in the present lawsuit).

every matter in which the law firm represented Platinum Management. As noted above in ¶ 12, the only two matters in which Curtis agreed to represent the Fund were unrelated to the present lawsuit. Tellingly, none of Platinum Management's former members or employees now assert that they sought to retain Curtis or believed they had done so on the Fund's behalf in matters other than the two identified by Curtis. That a portion of the payment made to Curtis for representing Platinum Management in certain matters (other than the two identified by Curtis) was made from Fund assets did not make the Fund a Curtis client with respect to those other matters. *See, e.g., Priest v. Hennessy*, 51 N.Y.2d 62, 70-71 (1980) ("Nor does the payment of legal fees by a third person, in and of itself, create an attorney-client relationship between the attorney and his client's benefactor sufficient to sustain a claim of privilege."); *Moran v. Hurst*, 32 A.D.3d 909, 911-12, 822 N.Y.S.2d 564 (2d Dep't 2006) (same). It is common for a lawyer's fees to be paid by a non-client – indeed, Rule 1.8(f) of the New York Rules of Professional Conduct expressly contemplates and addresses that possibility.

14. The current lawsuit is arguably related to certain matters in which Curtis represented Platinum Management and/or Mr. Bodner, *not* the Fund. In particular, the current lawsuit may be related to the law firm's representation of Platinum Management (not the Fund) in connection with government investigative inquiries in which, on behalf of Platinum Management, the law firm provided historical information relating to the Fund transactions in which Platinum Management served as investment advisor. Those transactions may be in issue in this lawsuit, although there is nothing to suggest that the particular information acquired and disclosed by Curtis in connection with the government investigations will itself be significant or contested. To the contrary, it has been described as "historical transactional information,"

consisting of “dates, parties, and assets transferred in both directions.” (Simmelman Decl. ¶ 18.) Nothing in Plaintiff’s evidentiary submission contradicts this description.

15. Curtis’s prior, and possibly “related,” representation of Mr. Bodner and Platinum Management (not the Fund) in responding to government investigations does not require the law firm’s disqualification. It is questionable whether the current lawsuit is “substantially related” to the earlier government investigations. But assuming there is a “substantial relationship” between certain past matters and the present matter, it is questionable whether Curtis received information that would be useful to its defense of Mr. Bodner. Even if the law firm acquired useful confidential information about the Fund from Platinum Management, the evidence of record establishes that Platinum Management may not foreclose Mr. Bodner from benefitting from it.

16. Mr. Werblowsky, a former in-house counsel at Platinum Management, has stated in his Declaration that Mr. Bodner “held a minority beneficial interest in Platinum Management,” and that “Mr. Bodner’s family-owned entities have held limited partnership interests in the Fund[.]” (Werblowsky Decl. ¶¶ 7-8.) Accordingly, explains Mr. Werblowsky, on any matter in which Curtis represented Platinum Management, there was no “restriction on Curtis’s ability to keep Mr. Bodner as informed as he wished to be with respect to such litigation matters.” (Werblowsky Decl. ¶ 9.) Mr. Semmelman confirms that “Mr. Bodner would inquire from time to time about litigation matters Curtis was handling on behalf of Platinum Management, the Fund, or both. Curtis would respond openly and without restriction. Any information known to Curtis about these litigation matters was available to Mr. Bodner. This sharing of information was known to, and approved by, a Platinum Management in-house

counsel, Mr. Harvey Werblowsky, and by senior persons at Platinum Management, including Mr. Nordlicht.” (Simmelman Decl. ¶ 13.)

17. Furthermore, (1) Curtis is not adverse to Platinum Management in this lawsuit but, on the contrary, Platinum Management is one of Mr. Bodner’s co-defendants; and (2) in any event, Platinum Management has not objected to the law firm’s representation of Mr. Bodner (and the Fund does not have authority to object on Platinum Management’s behalf).

18. Plaintiffs have not explicitly made the further objection that, in the course of representing Platinum Management, Curtis acquired confidential information of the Fund to which Mr. Bodner is not entitled but that would be useful in his defense. Assuming that objection is implicit in the plaintiffs’ disqualification motion, it is unavailing for the following reasons.

19. To begin with, the Fund cannot assert the attorney-client privilege with respect to what Curtis learned. The Fund had no personnel, but was an investment vehicle. Curtis lawyers’ communications were with individual members and employees of Platinum Management, from whom the government sought information (including by subpoena). Whatever Fund information the lawyers acquired, including documents and information derived from documents, came from Platinum Management.

20. Significantly, Plaintiffs have not shown that the Fund’s information, if otherwise confidential and useful to the defense, was information to which the defendants, including Mr. Bodner, were not entitled at the time of Curtis’s representation. To the contrary, as explained above, with the consent of Platinum Management (the general partner and adviser of the Fund), Mr. Bodner was accorded full access to any information obtained by Curtis in the course of its representations of Platinum Management. And certainly Mr. Bodner’s co-

defendants who ran Platinum Management had access to the Fund's information and are entitled to use it in their defense, *cf. Allegaert v. Perot*, 565 F.2d 246, 565 F.2d 250-51 (2d Cir. 1977); *Cohen v. Acorn Int'l*, 921 F. Supp. 1062, 1064 (S.D.N.Y. 1995), including by sharing it now with Mr. Bodner. Therefore, the Fund had no legitimate expectation that Mr. Bodner would be denied the information about the Fund that Curtis learned while helping Platinum Management and Mr. Bodner respond to government inquiries.

21. Plaintiffs suggest that, insofar as the Fund previously agreed to share information with Platinum Management and its members and employees, as well as with investors such as Mr. Bodner, the Fund was not adequately informed of the risks, and that consent was not given on the Fund's behalf by a disinterested representative. (Plaintiffs' Mem. at pp. 7, 11-12). Plaintiffs' suggestion is both irrelevant and unsupported by the evidence.

22. First, given that the Fund had no personnel but acted through Platinum Management, Platinum Management and its members and employees necessarily had the Fund's information, and indeed generated it. Second, it is irrelevant to the disqualification motion whether Platinum Management made an informed, disinterested decision on the Fund's behalf to share the Fund's information with Mr. Bodner and others. What matters is that the Fund's information was in fact made available to Mr. Bodner. That is enough to defeat Plaintiffs' disqualification motion, wholly apart from the other independent grounds. Third, it is irrelevant whether anyone made an informed, disinterested waiver on the Fund's behalf because Mr. Bodner is not relying on the Fund's "advance waiver" of conflicts of interest as yet another ground for defeating the Plaintiffs' motion. And, finally, the evidence of record is that a disinterested and sophisticated representative – namely, Harvey Werblowsky, a Platinum Management in-house counsel – in fact shared, and approved of Curtis's sharing with Mr.

Bodner of the Fund's information in litigated matters where Curtis was counsel. (Werblowsky Declaration ¶ 9.)

23. Finally, disqualification of counsel is an unnecessary and inappropriate remedy to protect non-privileged information that will be disclosed in routine discovery. *See, e.g., Pepper v. Little Switz Holdings, Inc.*, Civ. No. 2003-74, 2005 U.S. Dist. LEXIS 14453, * 11-12 n.6 (D.V.I. July 6, 2005); *Arctic Cat, Inc. v. Polaris Indus.*, Civ. No. 04-3419 ADM/RLE, 2004 U.S. Dist. LEXIS 25463, * 15 (D. Minn. Dec. 20, 2004). Even assuming (contrary to my opinion) that Mr. Bodner is not otherwise entitled to whatever Curtis learned about the Fund, any relevant Fund information previously acquired by Curtis will have to be produced by Plaintiffs in discovery in this lawsuit. As noted, the law firm assisted Platinum Management in responding to government requests for historical information, reflected in transactional documents, regarding Fund transactions, some of which might be implicated in this lawsuit. There is no reason to believe that there is a single relevant document – much less one that may be helpful to Mr. Bodner's defense – to which Curtis might previously have been privy but which Plaintiffs will not be obligated to produce in the course of discovery.

24. In sum: Curtis's two prior representations of the Fund are not substantially related to this litigation. Those representations did not give Curtis access to privileged or otherwise confidential information of the Fund that would be useful in Mr. Bodner's defense but to which Mr. Bodner is not entitled. As for Curtis's representations of Platinum Management, the evidence of record establishes that any information acquired by Curtis during the course of those representations – including the Fund's confidential information – was available to Mr. Bodner at that time, and may now be used for the benefit of Mr. Bodner, even to the detriment of the Fund. On the record evidence, there was no expectation of confidentiality that Fund

information provided by Platinum Management to Curtis would be shielded from Mr. Bodner. To the contrary. Under these circumstances, Mr. Bodner should not be denied his chosen counsel, with whom he has a decades' long relationship.

B. The plaintiffs' motion based on the advocate-witness rule is, at best, premature.

25. Plaintiffs argue that Curtis must be disqualified because one or more of its lawyers are likely to be fact witnesses at trial. The argument is, at best, premature.

26. Motions under the advocate-witness rule are subject to strict scrutiny. *Interpharm, Inc. v. Wells Fargo Bank*, 08 Civ. 11365 (GBD) (THK), 2010 U.S. Dist. LEXIS 28802, at *9 (S.D.N.Y. March 25, 2010) (citing, *inter alia*, *Murray v. Metro. Life Ins. Co.*, 583 F.3d 173, 178 (2d Cir. 2009) (observing that "Rule 3.7 lends itself to opportunistic abuse")).

27. Courts disqualify lawyers from serving as trial advocates only when there is a *compelling and legitimate necessity* for their testimony, such as when they were centrally involved in disputed events at the heart of the lawsuit and their testimony would be highly probative and non-cumulative. As Judge Sand has explained:

The advocate-witness rule carries the potential to be abused and invoked in a manner that actually distorts the adversary process. In recognition of the fact that a move to disqualify trial counsel has inherent tactical advantages particularly when it occurs after the culmination of extensive trial preparation, the Second Circuit has required a showing of necessity from the movant. . . . Moreover, that necessity must be compelling and legitimate.

United States v. Bin Laden, 91 F. Supp. 2d 600, 623 (S.D.N.Y. 2000) (citations and quotation marks omitted); *see also United States v. Alu*, 246 F.2d 29, 33 (2d Cir. 1957) ("Lawyers representing litigants should not be called as witnesses in trials involving those litigants if such testimony can be avoided consonant with the end of obtaining justice."); *Finkel v. Frattarelli Bros.*, 740 F. Supp. 2d 368, 375 (E.D.N.Y. 2010) ("[D]efendants have failed to establish that plaintiffs' counsel would be the only available witnesses on this topic. . . . Where counsel's

testimony would be merely cumulative of testimony provided by others, disqualification is not appropriate.”); *Ello v. Singh*, Case No. 05-CV-9625 (KMK), 2006 U.S. Dist. LEXIS 55542, at *23-24 (S.D.N.Y. Aug. 6, 2006) (finding that the movant “utterly failed to demonstrate with sufficient specificity what non-cumulative testimony from [the attorneys in question] is necessary”).

28. Even when the opposing party can plausibly speculate at the outset of a lawsuit that a trial lawyer’s testimony *may* become necessary, disqualification motions invoking the advocate-witness rule are ordinarily denied as premature. *See, e.g., Parlin Funds LLC v. Gilliams*, 11 Civ. 2534 (JSR) (MHD), 2011 U.S. Dist. LEXIS 151988, at *47-49 (S.D.N.Y. Nov. 28, 2011). For example, in *Interpharm, Inc. v. Wells Fargo Bank, supra*, 2010 U.S. Dist. LEXIS 2880, at * 16-17, the court explained:

[D]isqualification would be entirely premature at this stage. . . . [T]he concerns that justify disqualification of an attorney who will be a witness are not implicated at the pretrial stage. Even if the complaint survives Wells Fargo’s pending motion to dismiss, the matter is still a long way from trial. Discovery has yet to be completed, and, in all probability, summary judgment motions will have to be resolved before the matter is ready for trial. Even if Wurst had admissible, non-privileged and non-cumulative testimony, the motion to disqualify is simply premature at this point in time.

Accord Acker v. Wilger, 12 Civ. 3620 (JMF), 2013 U.S. Dist. LEXIS 47606, at *3-4 (S.D.N.Y. Mar. 29, 2013); *Burke v. Steinmann*, 03 Civ. 1390 (GEL), 2003 U.S. Dist. LEXIS 11109, at *8 (S.D.N.Y. June 24, 2003) (holding that disqualification, predicated on the possibility that the plaintiff’s lawyer would be a necessary witness for the plaintiff, was premature because “the lawyer-as-witness rule does not require disqualification of the lawyer from representing the client, conducting discovery or engaging in other pre-trial activities, or advising the trial lawyers, but only from appearing as an advocate”).

29. Further, even if any given Curtis lawyer were to become a necessary witness at trial – and plaintiffs have advanced no concrete reason why one ever would be – Curtis itself would not be disqualified unless its lawyer’s testimony would be prejudicial to Mr. Bodner, so that it would be difficult as a practical matter for another lawyer of the firm to conduct effective cross-examination. *See* New York Rules of Professional Conduct, Rule 3.7(b) (“A lawyer may not act as advocate before a tribunal in a matter if . . . another lawyer in the lawyer’s firm is likely to be called as a witness on a significant issue other than on behalf of the client, and it is apparent that the testimony may be prejudicial to the client”); *cf. Norman Reitman Co. v. IRB-Brasil Resseguros S.A.*, 01 Civ. 0265 (RCC), 2001 U.S. Dist. LEXIS 16073, at *10 (S.D.N.Y. Sept. 25, 2001) (“When determining whether the attorney and his firm should be disqualified for testimony that would prejudice his client, the projected testimony of a lawyer or firm member must be ‘sufficiently adverse to the factual assertions or account of events offered on behalf of the client, such that the client might have an interest in the lawyer’s independence in discrediting that testimony.’”).

30. Finally, even if a Curtis lawyer would necessarily testify at trial adversely to Mr. Bodner, so that other Curtis lawyers could not appear on Mr. Bodner’s behalf as trial counsel, its lawyers could still represent him in pretrial proceedings as well as behind the scenes during the trial without running afoul of the advocate-witness rule. *See, e.g., Rivera v. Inc. Vill. of Farmingdale*, 06-CV-2613 (PKC), 2013 U.S. Dist. LEXIS 181890, at *48-52 (E.D.N.Y. Dec. 31, 2013); *Solomon v. Siemens Indus.*, 11-CV-1321 (DLI-SMG), 2013 U.S. Dist. LEXIS 151735, at *13-14 (E.D.N.Y. Oct. 22, 2013); *Beechwood Restorative Care Ctr. v. Leeds*, 811 F. Supp. 2d 667, 696 (W.D.N.Y. 2011); *Burke v. Steinmann*, *supra*.

31. In sum, the plaintiffs speculate that, following discovery, they will be able to demonstrate that Curtis lawyers have crucial trial testimony that only they can provide, and that the lawyers' testimony will be so prejudicial to Mr. Bodner that a different law firm must conduct the trial on his behalf. But conjecture of this sort, at this early stage, does not justify disqualifying a party's chosen counsel.

CONCLUSION

Plaintiffs have not set forth a valid basis under the professional rules to disqualify Curtis from representing David Bodner in this action.

EXHIBIT A

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Bar Admissions

New York State (since 1982)
U.S. District Courts for the Southern and Eastern Districts of New York
U.S. Supreme Court

Education

Columbia University School of Law: J.D. 1981
Honors: James Kent Scholar; Harlan Fiske Stone Scholar
Associate Editor, *Columbia Law Review*

Princeton University: A.B. 1978, *summa cum laude*

Current Legal Employment

Fordham University School of Law:
Louis Stein Professor of Law, since 1997
Professor, 1996-97; Associate Professor, 1987-96
Director, Louis Stein Center for Law and Ethics, since 1997
Director, Stein Center for Ethics and Public Interest Law, 1992-97

Prior Full-time Legal Employment

New York University School of Law: Visiting Professor: January-May 2007

Office of the United States Attorney for the Southern District of New York:
October 1983 to August 1987, Assistant United States Attorney
Deputy Chief Appellate Attorney, 1986-87; Chief Appellate Attorney, 1987

U.S. Supreme Court: Law clerk to Justice Thurgood Marshall, 1982-83

U.S. Court of Appeals for the Second Circuit: Law clerk to Judge James L. Oakes, 1981-82

Other Legal Positions

Departmental Disciplinary Committee, App. Div., 1st Department: Member, 1997-2002

New York City Conflicts of Interest Board: Member, Nov. 1995 to March 2005

Handschu Authority: Civilian member, July 1994 to Nov. 1995

Office of Investigations Officer (U.S. v. I.B.T.): Special Counsel (part-time), 1991

Office of Independent Counsel Lawrence Walsh, Associate Counsel (part-time), 1988-91

N.Y.S. Commission on Government Integrity: Consultant and special investigator, 1988-90

Columbia University School of Law: Adjunct Professor (part-time), 1990

Office of the United States Attorney for the Southern District of New York: Special Assistant United States Attorney (part-time), September 1987 to June 1988

Fordham University School of Law: Adjunct Assoc. Professor (part-time), 1985-87

Professional Service

American Bar Association:

Commission on the American Jury Project: member, 2006-2008
Commission on Multijurisdictional Practice: reporter, 2000-2002
Coordinating Group on Bioethics and the Law: member, 1997-2003
Criminal Justice Section:
Chair: 2010-2011
Chair-elect: 2009-2010
Council: member, 2011-2017
Criminal Justice Standards Committee: chair, 2017 to present; member, 2013-
2017
First Vice Chair: 2008-2009
Ethics, Gideon and Professionalism Committee: co-chair, 2006-09
Death Penalty Representation Project: member, 2006-09, 2014-17
Section of Individual Rights and Responsibilities:
Chair, Committee on Privacy and Information Protection, 2014-15
Section of Litigation:
Task Force on Sound Advice, 2012-13
Task Force on Implicit Bias: member, 2011-12
Task Force on the Litigation Research Fund: Chair, 2007-2011
Division VII (Task Forces): Co-Director, 2007-2008
Council member, 2004-07
Committee on Law Faculty Involvement: co-chair, 1998-2001, 2003-2004
Civil Justice Institute: member, 2001-03
Task Force on Ethical Guidelines for Settlement Negotiations: member, 2000-02
Ethics 2000 Task Force: member, 1999-2000
Committee on Ethics and Professionalism: co-chair, 1995-1998
Task Force on the Independent Counsel Act: reporter, 1997-1999
Rep. to Sec./Div. Committee on Professionalism and Ethics, 1996-2003
Committee on Amicus Curiae Briefs: chair, 1991-1995
Standing Committee on Ethics and Professional Responsibility: member, 2008-2011
Standing Committee on Professionalism: reporter, 2000-2001
Steering Committee for the Symposium on the Multijurisdictional Practice of Law:
reporter, 1999-2000
Task Force on the Attorney-Client Privilege: reporter, 2004-2010
Task Force on Law Schools and the Profession: consultant, 1991-92

Association of American Law Schools: Chair, Section of Professional Responsibility, 1999-2000

Criminal Law Bulletin: Contributing editor, 1988-1998

Evan B. Donaldson Adoption Institute: Ethics Advisory Committee: member, 1998-2001

Federal Bar Council:

Second Circuit Courts Committee: member, 1994-1997; chair, Subcommittee on Criminal Law and Ethics

Federal Bar Council News: member of the Editorial Board, 1995-2005

Inn of Court: master, 2000-2002

International Association of Legal Ethics: Director, 2010-13; Chair, Conference Planning Advisory Committee, 2014-16

Legal Ethics: Member of Advisory Board, 2008 to present

National Conference of Bar Examiners, MPRE Drafting Committee, Member, 2001-2018; Chair, 2018 to present

New York City Bar:

Committee on Professional and Judicial Ethics: chair, 2016 to present; member, 1994-1997, 2003-2006, 2015-16

Executive Committee: 2010-14

Working Group on the NYS Bar Exam: 2014

White Collar Crime Committee: 2013-16

Council on Criminal Justice: member, 2009-13

Delegate to NYS Bar Association, 2003-07

Nominating Committee: member, 2005

Ethics 2000 Committee: member, 1999-2001

Jt. Committee on the Legal Referral Service: chair, 1993-96; member, 1996-2000

Committee on International Access to Justice: member, 1999-2000

Committee on Disaster Plan: member, 1996-1997

Marden Lecture Committee: member, 1991-1994

Criminal Law Committee: member, 1991-1994

Task Force on Lawyer Training: member, 1992-1994

Corrections Committee: member, 1988-1991

New York County Lawyers' Association:

Director, 2004-2007, 2008-2012, 2013-2017

Delegate to NYS Bar Association, 2009-2011

New York State Bar Association:

House of Delegates member, 2003-2007, 2009-2015

Committee on Professional Ethics: Chair, 1998-2001; member, 1991 to present

Committee on Standards of Attorney Conduct (formerly Special Committee to Review the Code of Professional Responsibility): member, 1997 to present

Task Force on Attorney Client Privilege, 2006-2008

Task Force on "Pay to Play" Concerns, member, 1998-2000

New York State Continuing Legal Education Board: Member, 2008-2011

New York State Task Force on Attorney Professionalism and Conduct: Member, 1996-1998

Awards

Michael Franck Professional Responsibility Award, given by the ABA Center for Professional Responsibility, May 31, 2018

Powell Pierpont Award, given by the N.Y.C. Conflicts of Interest Board “for outstanding service to the New York City Conflicts of Interest Board,” May 23, 2006

New York State Bar Association Criminal Justice Section Award for “outstanding contribution in the field of criminal law education,” Jan. 23, 2003

Sanford D. Levy Award, given by New York State Bar Association Committee on Professional and Judicial Ethics, 1990

PUBLICATIONS

Articles in Law Journals

Can the President Control the Department of Justice?, 70 Ala. L. Rev. 1 (2018) (with Rebecca Roiphe)

May Lawyers Assist Clients in Some Unlawful Conduct?: A Response to Paul Tremblay, 70 Fla. L. Rev. F. 1 (2018)

Foreword, Symposium, Can a Good Person Be a Good Prosecutor in 2018?, Fordham Law Review Online, vol. 27 (2018), available at:
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3257914

The price of judicial economy in the US, International Journal of the Legal Profession (2018), available at: <https://doi.org/10.1080/09695958.2018.1516841>

The Right to Two Criminal Defense Lawyers, 69 Mercer L. Rev. 675 (2018)

Urban Policing and Public Policy – the Prosecutor’s Role, 51 Georgia L. Rev. 1179 (2017)

Prosecutorial Ethics in Retrospect, 30 Geo. J. Legal Ethics 461 (2017)

The Price of Judicial Economy in the US, 7 Oñati Socio-Legal Series no.4, 790-808 (2017)
Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3035295

Rethinking Prosecutors’ Conflicts of Interest, 58 Boston College L. Rev. 463 (2017) (with Rebecca Roiphe)

Prosecutorial Accountability 2.0, 92 Notre Dame L. Rev. 51 (2016) (with Ellen Yaroshefsky)

Disciplinary Regulation of Prosecutors as a Remedy for Abuses of Prosecutorial Discretion: A Descriptive and Normative Analysis, 14 Ohio St. J. Crim. L. 143 (2016) (with Samuel Levine)

Should There Be a Specialized Ethics Code for Death-Penalty Defense Lawyers?, 29 Geo. J. Legal Ethics 527 (2016)

Candor in Criminal Advocacy, 44 Hofstra L. Rev. 1105 (2016)

Access to Criminal Justice: Where Are the Prosecutors?, 3 Tex. A&M L. Rev. 515 (2016)

The Lawyer as Lover: Are Courts Romanticizing the Lawyer-Client Relationship?, 32 Touro L. Rev. 139 (2016)

Legal Discourse and Racial Justice: The Urge to Cry “Bias!”, 28 Georgetown J. Legal Ethics 177 (2015)

Prosecutors’ Disclosure Obligations in the U.S., 42 Hitotsubashi J. L. & Politics 51 (2014) (with Peter Joy)

Judicial Regulation of US Civil Litigators, 16 Legal Ethics 306 (2013)

Gideon’s Amici: Why Do Prosecutors So Rarely Defend the Rights of the Accused?, 122 Yale L.J. 2336 (2013)

The Right to Plea Bargain With Competent Counsel After *Cooper* and *Frye*: Is the Supreme Court Making the Ordinary Criminal Process “Too Long, Too Expensive, and Unpredictable . . . in Pursuit of Perfect Justice”?, 51 Duquesne L. Rev. 735 (2013)

Lawyers’ Professional Independence: Overrated or Undervalued?, 46 Akron L. Rev. 599 (2013)

The Attorney-Client Privilege – Selective Compulsion, Selective Waiver and Selective Disclosure: Is Bank Regulation Exceptional?, 2013 Journal of the Professional Lawyer 85 (2013)

Unregulated Corporate Internal Investigations: Achieving Fairness for Corporate Constituents, 54 B.C. L. Rev. 73 (2013) (with Ellen S. Podgor)

Federal Criminal Discovery Reform: A Legislative Approach, 64 Mercer L. Rev. 639 (2013)

Rehabilitating Lawyers: Perceptions of Deviance and its Cures in the Lawyer Reinstatement Process, 40 Fordham Urb. L.J. 139 (2012) (with Jane Moriarty)

The Flood of U.S. Lawyers: Natural Fluctuation or Professional Climate Change?, 19 Int’ J. Legal Prof. 193 (2012)

Prosecutors and Professional Regulation, 25 Georgetown J. Legal Ethics 873 (2012)

The Community Prosecutor: Questions of Professional Discretion, 47 Wake Forest L. Rev. 285 (2012) (with Alafair S. Burke)

Foreword, Globalization and the Legal Profession, 80 Fordham L. Rev. 2305 (2012)

Developing Standards of Conduct for Prosecutors and Criminal Defense Lawyers, 62 Hastings L.J. 1093 (2011)

Prosecutors’ Ethical Duty of Disclosure *In Memory of Fred Zacharias*, 48 San Diego L. Rev. 57 (2011)

The Legal Ethics Scholarship of Ted Schneyer: The Importance of Being Rigorous, 53 Ariz. L. Rev. 365 (2011)

The Civil Government Lawyer: A View From the Jury Box, 38 Hofstra L. Rev. 883 (2010) (with Karen Bergreen).

Beyond Training Prosecutors About Their Disclosure Obligations: Can Prosecutors' Offices Learn From Their Lawyers' Mistakes, 31 Cardozo L. Rev. 2161 (2010)

Ethically Representing a Lying Cooperator: Disclosure as the Nuclear Deterrent, 7 Ohio St. J. of Crim. L. 639 (2010)

Fear of the Unknown: Judicial Ethics After *Caperton*, 60 Syracuse L. Rev. 229 (2010)

ABA Ethics Reform from "MDP" to "20/20": Some Cautionary Reflections, 2009 Journal of the Professional Lawyer 1 (2009)

Rationalizing Judicial Regulation of Lawyers, 70 Ohio St. L.J. 73 (2009) (with Fred C. Zacharias)

Regulating Federal Prosecutors: Let There Be Light, 118 Yale L.J. Pocket Part TK (2009), <http://thepocketpart.org/2009/TK/TK/green.html>.

The Duty to Avoid Wrongful Convictions: A Thought Experiment in the Regulation of Prosecutors, 89 Boston University L. Rev. 1 (2009) (with Fred C. Zacharias)

"Public Service Must Begin at Home": The Lawyer as Civics Teacher in Everyday Practice, 50 Wm. & Mary L. Rev. 1207 (2009) (with Russell Pearce)

Regulating Discourtesy on the Bench: A Study in the Evolution of Judicial Independence, 64 NYU Annual Survey of American Law 497 (2009) (with Rebecca Roiphe) (symposium on judicial transparency)

Prosecutorial Discretion and Post-Conviction Evidence of Innocence, 6 Ohio St. J. of Crim. L. 467 (2009) (with Ellen Yaroshefsky)

Foreword, The Lawyer's Role in a Contemporary Democracy, 77 Fordham L. Rev. 1229 (2009)

Remembering Mary Daly: A Legal Ethicist Par Excellence, 83 St. John's L. Rev. 23 (2009)

The Market for Bad Legal Scholarship: William H. Simon's Experiment in Professional Regulation, 60 Stanford L. Rev. 1605 (2008)

"The U.S. Attorneys Scandal" and the Allocation of Prosecutorial Power, 69 Ohio St. L.J. 187 (2008) (with Fred C. Zacharias)

- Some Realism About Bar Associations, 57 DePaul L. Rev. 425 (2008) (with Elizabeth Chambliss)
- Criminal Defense Lawyering at the Edge – A Look Back, 36 Hofstra Law Rev. 353 (2007)
- Teaching Lawyers Ethics, 51 St. Louis L.J. 1091 (2007)
- Permissive Rules of Professional Conduct, 91 Minn. L. Rev. 265 (2006) (with Fred C. Zacharias)
- Taking Cues: Inferring Legality from Others’ Conduct, 75 Fordham L. Rev. 1429 (2006)
- The Religious Lawyering Critique, 21 J. of Law & Religion 283 (2006)
- Representing Children in Families – Foreword, 6 Nevada L. Rev. 571 (2006) (with Annette R. Appell)
- “Anything Rather Than a Deliberate and Well-Considered Opinion”–Henry Lord Brougham, Written by Himself, 19 Georgetown J. Legal Ethics 1221 (2006) (with Fred C. Zacharias)
- Reconceptualizing Advocacy Ethics, 74 George Washington L. Rev. 1 (2005) (with Fred C. Zacharias)
- Foreword, Professional Challenges in Large Firm Practices, 33 Fordham Urb. L.J. 7 (2005)
- Prosecutorial Neutrality, 2004 Wisconsin L. Rev. 837 (with Fred C. Zacharias)
- Foreword, Colloquium, Deborah Rhode’s *Access to Justice*, 73 Fordham L. Rev. 841 (2004)
- Federal Court Authority to Regulate Lawyers: A Practice in Search of a Theory, 56 Vand. L. Rev. 1303 (2003) (with Fred C. Zacharias)
- Prosecutorial Ethics as Usual, 2003 Illinois L. Rev. 1573
- Criminal Neglect: Indigent Defense from an Ethics Perspective, 52 Emory Law Review 1169 (2003)
- Regulating Federal Prosecutors’ Ethics, 55 Vand. L. Rev. 381 (2002) (with Fred C. Zacharias)
- Bar Association Ethics Committees: Are They Broken?, 30 Hofstra L. Rev. 731 (2002)
- May Judges Attend Privately Funded Educational Programs? Should Judicial Education Be Privatized?: Questions of Judicial Ethics and Policy, 29 Fordham Urb. L.J. 941 (2002)
- John D. Feerick: The Dean of Ethics and Public Service, 70 Fordham L. Rev. 2165 (2002)

Judicial Rationalizations for Rationing Justice: How Sixth Amendment Doctrine Undermines Reform, 70 Fordham L. Rev. 1729 (2002)

Thoughts About Corporate Lawyers After Reading *The Cigarette Papers*: Has the “Wise Counselor” Given Way to the “Hired Gun”?, 51 DePaul L. Rev. 407 (2001)

Reflections on the Ethics of Legal Academics: Law Schools as MDPs; or, Should Law Professors Practice What They Teach?, 42 S. Tex. L. Rev. 301 (2001)

Public Declarations of Professionalism, 52 S. Car. L. Rev. 729 (2001)

The Disciplinary Restrictions on Multidisciplinary Practice: Their Derivation, Their Development, and Some Implications for the Core Values Debate, 84 Minn. L. Rev. 1115 (2000)

The Uniqueness of Federal Prosecutors, 88 Georgetown L.J. 207 (2000) (with Fred C. Zacharias)

Must Government Lawyers “Seek Justice” in Civil Litigation?, 9 Widener J. Pub. L. 235 (2000)

There But for Fortune: Real-Life vs. Fictional “Case Studies” in Legal Ethics, 64 Fordham L. Rev. 977 (2000)

Rationing Lawyers: Ethical and Professional Issues in the Delivery of Legal Services to Low-Income Clients, 67 Fordham L. Rev. 1713 (1999)

Why Should Prosecutors “Seek Justice”?, 26 Fordham Urb. L.J. 609 (1999)

The Criminal Regulation of Lawyers, 67 Fordham L. Rev. 327 (1998)

Lawyers as Nonlawyers in Child-Custody and Visitation Cases: Questions From a “Legal Ethics” Perspective, 73 Ind. L.J. 665 (1998)

Lawyer Discipline: Conscientious Noncompliance, Conscious Avoidance, and Prosecutorial Discretion, 66 Fordham L. Rev. 1307 (1998)

Less is More: Teaching Legal Ethics in Context, 39 Wm. & Mary L. Rev. 357 (1998)

Conflicts of Interest in Legal Representation: Should the Appearance of Impropriety Rule Be Eliminated in New Jersey--Or Revived Everywhere Else?, 28 Seton Hall L. Rev. 315 (1997)

The Role of Personal Values in Professional Decisionmaking, 11 Geo. J. of Legal Ethics 19 (1997)

Conflicts of Interest in Litigation: The Judicial Role, 65 Fordham L. Rev. 71 (1996)

Whose Rules of Professional Conduct Should Govern Lawyers in Federal Court and How Should the Rules Be Created?, 64 *George Washington L. Rev.* 460 (1996)

Foreword: Children and the Ethical Practice of Law, in *Ethical Issues in the Legal Representation of Children*, 64 *Fordham L. Rev.* 1281 (1996) (with Bernardine Dohrn)

Contextualizing Professional Responsibility: A New Curriculum for a New Age, 58 *Law & Contemp. Probs.* 193 (1995) (with Mary Daly & Russell Pearce)

Policing Federal Prosecutors: Do Too Many Regulators Produce Too Little Enforcement?, 8 *St. Thomas L. Rev.* 69 (1995)

Of Laws and Men: An Essay on Justice Marshall's View of Criminal Procedure, 26 *Ariz. St. L.J.* 369 (1994) (with Daniel Richman)

Foreword, *Ethical Issues in Representing Older Clients*, 62 *Fordham L. Rev.* 961 (1994) (with Nancy Coleman)

Foreword, *Urban Environmental Equity*, 21 *Fordham Urb. L.J.* 425 (1994)

Lethal Fiction: The Meaning of "Counsel" in the Sixth Amendment, 78 *Iowa L. Rev.* 433 (1993) [reprinted in 6 *Crim. Prac. L. Rev.* 183 (1994)]

"The Whole Truth?": How Rules of Evidence Make Lawyers Deceitful, 25 *Loyola of Los Angeles L. Rev.* 699 (1992)

"Power, Not Reason": Justice Marshall's Valedictory and the Fourth Amendment in the Supreme Court's 1990-91 Term, 70 *N.C.L. Rev.* 373 (1992)

After the Fall: The Criminal Law Enforcement Response to the S&L Crisis, 59 *Fordham L. Rev.* S155 (1991)

Zealous Representation Bound: The Intersection of the Ethical Codes and the Criminal Law, 69 *N.C.L. Rev.* 687 (1991) [reprinted in 4 *Crim. Prac. L. Rev.* 323 (1992)]

"Hare and Hounds": The Fugitive Defendant's Constitutional Right to Be Pursued, 56 *Brooklyn L. Rev.* 439 (1990) [reprinted in 4 *Crim. Prac. L. Rev.* 67 (1992)]

The Good-Faith Exception to the Fruit of the Poisonous Tree Doctrine, 26 *Crim. L. Bull.* 509 (1990)

Doe v. Federal Grievance Committee: On the Interpretation of Ethical Rules, 55 *Brooklyn L.Rev.* 485 (1989)

“Through a Glass, Darkly”: How the Court Views Motions to Disqualify Criminal Defense Lawyers, 89 Colum. L. Rev. 1201 (1989) [reprinted in 2 Crim. Prac. L. Rev. 551 (1990)]

Her Brother’s Keeper: The Prosecutor’s Responsibility When Criminal Defense Counsel Has a Conflict of Interest, 16 Am. J. Crim. L. 323 (1989)

“Package” Plea Bargaining and the Prosecutor’s Duty of Good Faith, 25 Crim. L. Bull. 507 (1989)

Limits on a Prosecutor’s Communications With Prospective Defense Witnesses, 25 Crim. L. Bull. 139 (1989)

A Prosecutor’s Communications With Represented Defendants: What Are the Limits?, 24 Crim. L. Bull. 283 (1988)

The Ethical Prosecutor and the Adversary System, 24 Crim. L. Bull. 126 (1988)

Note, Court Appointment of Attorneys in Civil Cases: The Constitutionality of Uncompensated Legal Assistance, 81 Colum. L. Rev. 366 (1981)

Note, A Functional Analysis of the Effective Assistance of Counsel, 80 Colum. L. Rev. 1053 (1980)

Articles in Legal Periodicals

“The Challenges and Rewards of Teaching Legal Ethics,” The Professional Lawyer, vol. 25, no. 2 (2018), p. 3, available at: https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/green_tpl_25_2.authcheckdam.pdf

“Threatening Litigation,” Litigation, vol. 44, no. 1, Fall 2017, p. 13

“Balancing Act,” ABA Journal, Nov. 2017, p. 24, available at: http://www.abajournal.com/magazine/article/opinion_gives_guidance_for_legal_services_lawyers_on_advising_with_nonlawyers

“Handle With Care,” Litigation, vol. 42, no. 4, Summer 2016, p. 9

“The Ethics of Global Litigation,” Litigation, vol. 41, no. 4, Summer 2015, p. 9

“The Litigator’s Monopoly,” Litigation, vol. 40, no. 4, Summer 2014, p. 10

“Experiential Learning: Practice Makes Perfect,” NYLJ, Apr. 21, 2014

“Two Wrongs Make it Worse in Cops’ Retrial,” Nat’l L.J., Sept. 13, 2013

“The Ethics-Procedure Dichotomy,” *Litigation*, vol. 39, no. 3, Summer 2013, p. 11

“Federal Litigation: A “No-Contact” Sport?,” *Litigation*, vol. 38, no. 4, Summer/Fall 2012, p. 11

“Prosecutors for Sale,” *Nat’l L.J.*, Oct. 1, 2012, p. 43

“Balancing Conscience and Confidentiality for Attorney Whistleblowers,” *Corporate Counsel*, June 6, 2012 (with Jordan Thomas), available at:
<http://www.law.com/jsp/cc/PubArticleFriendlyCC.jsp?id=1202557377777>

“The Perils of Sloppy Engagement Agreements,” *Litigation*, vol. 38, no. 1, Fall 2011, p. 7

“The Perils of New Technology,” *Litigation*, vol. 37, no. 4, Summer 2011, p. 6

“Criminal Justice: There’s Always More to Learn,” *Criminal Justice*, Summer 2011, p. 1

“What Use Are Legal Academics?,” *Criminal Justice*, Spring 2011, p. 1

“Criminal Justice—What’s Ahead? Roadblocks and New Directions,” *Criminal Justice*, Winter 2011, p. 1

“Thinking About White-Collar Crime and Punishment,” *Criminal Justice*, Fall 2010, p. 1

“Question of the Week – Unauthorized Practice of Law,” *BNA’s Corporate Counsel Weekly* 372 (Dec. 9, 2009) [reprinted in *BNA*, “Legal Ethics for In-House Corporate Counsel,” B-2601 (2010)]

Book Review [Peter A. Joy & Kevin C. McMunigal, *Do No Wrong - Ethics for Prosecutors and Defense Lawyers*], *The Champion* 59-60 (Feb. 2009)

“Prosecutors’ Professional Independence: Reflections on *Garcetti v. Ceballos*,” *Criminal Justice*, Summer 2010, p. 4

“Deceitful Silence,” *Litigation*, Winter 2007, p. 24

“Feeling a Chill,” *ABA Journal*, Dec. 2005, p. 61 (with David C. Clifton)

“Prosecuting Means More Than Locking Up Bad Guys,” *Litigation*, Fall 2005, p. 12

Articles in *Federal Bar Council News*: “Privileges in the Corporate Context,” vol. 12, no. 1, p. 4 (2005); “Ethics Reform in New York,” vol. 11, no. 2, p. 11 (2004); “MJP for Litigators,” vol. 10, no. 4, p. 14 (2003); “Privately-Funded Seminars for Judges,” vol. 9, no. 5, p. 1 (2002); “Multijurisdictional Issues,” vol. 7, no. 4, p. 11 (2000); “Moral Ambiguity/Ambiguous Morals: Morgan Stanley and the \$10,000 Payment,” vol. 6, no. 4, p. 1 (1999); “When Prosecutors Accuse

Criminal Defense Lawyers of Wrongdoing,” vol. 5, no. 5, p. 1 (1998); “Prosecuting Lawyers,” vol. 5, no. 4, p. 11 (1998); “A View From The ‘Ethics’ Front,” vol. 5, no. 3, p. 7 (1998); “Professional Detachment,” vol. 4, no. 4, p. 8 (1997); “The Philosophy of Our Ethical Rules,” vol. 4, no. 3, p. 23 (1997); “The President vs. Mrs. Jones,” vol. 4, no. 1, p. 11 (1997); “Should Judges Promote Professionalism?,” vol. 3, no. 4, p. 4 (1996); “Bad Arguments,” vol. 3, no. 1, p. 7 (1996); “The Sins of the Lawyer (and the Procedural Consequences),” vol. 2, no. 4, p. 9 (1995); “Attorney Discipline in the Second Circuit,” vol. 2, no. 2, p. 11 (1995)

“Interviewing Corporate Client Officers and Employees: Ethical Considerations,” ABA Section of Litigation, Committee on Corporate Counsel Newsletter, vol. 19, no. 1, p. 1 (Fall 2004) [reprinted in ABA Section of Litigation, Professional Liability Litigation [Newsletter], vol. 3, no. 1, p. 1 (Winter 2005)]

Client Confidences: Should Lawyers Be Allowed to Reveal Them to Prevent Death or Serious Bodily Harm?: Yes, *New York Lawyer*, Oct. 2001, p. 20

Adventures in the Mortgage Trade: A Case Study in Legal Ethics, 27 *N.Y. Real Property Law Journal* 49 (Spring, 1999) (with Joshua Stein) [also published in *Commercial Real Estate Financing: What Borrowers and Lenders Need to Know 1999* vol. 2, p. 749 (PLI 1999)]

Lying Clients: An Age-Old Problem, *Litigation*, Fall 1999, p. 19 [updated and reprinted in Priscilla Anne Schwab, ed., *The Litigation Manual, First Supplement* 1105 (2007)]
When Conflicts of Interest Arise Unexpectedly, *Litigation Ethics*, Spring/Summer 1998, p. 11

The "No-Contact" Rule in New York State--Some Less Contentious Questions, N.Y. Professional Responsibility Report, Aug. 1998, p.1

The Ten Most Common Ethical Violations, *Litigation*, Summer 1998, p. 48 [reprinted in *Trial* (March 1999), p. 70; updated and reprinted in Priscilla Anne Schwab, ed., *The Litigation Manual, First Supplement* 1077 (2007)]

Teaching Legal Ethics in Context, 70 *N.Y.S.B.J.* 6 (May/June 1998) (with Mary Daly)

Ethical Issues in Representing Children, 7 *The Professional Lawyer* 9 (1996)

Federal Prosecutors' Ethics: Who Should Draw the Lines?, 7 *The Professional Lawyer* 1 (1995)

Ethical Issues in Representing Older Clients, 5 *The Professional Lawyer* 18 (1994)

Crime and Punishment After the S&L Crisis, 46 *Consumer Finance L.Q. Rep.* 195 (1992)

Conflicts of Interest in Corporate Criminal Cases, 1 *Corp. Crim. & Const'l L. Rptr.* 98 (1990)

“Judge Kennedy Might Not Meet Expectations of Administration,” *Nat'l L.J.*, Dec. 21, 1987, p. 20

Books

Professional Responsibility: A Contemporary Approach (West, 3d ed. 2017) (with Russell G. Pearce, Renee Newman Knake, Peter A. Joy, Sung Hui Kim, M. Ellen Murphy & Laurel S. Terry)

Professional Responsibility: A Contemporary Approach (West, 2d ed. 2014) (with Russell G. Pearce, Daniel J. Capra, Renee Newman Knake & Laurel S. Terry)

Professional Responsibility: A Contemporary Approach (West, 2011) (with Russell G. Pearce & Daniel J. Capra)

Tax Fraud and Money Laundering (The John Marshall Publ. Co., 1993) (with Robert H. Hishon & Richard A. Westin)

Editor, *Government Ethics for the 1990's: The Collected Reports of the New York State Commission on Government Integrity* (Fordham Univ. Press, 1991)

Book Chapters

The flood of US lawyers: natural fluctuation or professional climate change?, *in Too Many Lawyers? The future of the legal profession* 71-86 (Eyal Katvan et al., ed.) (Routledge 2017)

Attorneys' Conflicts of Interest in International Arbitrations, *in Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2014* 73-89 (Arthur W. Rovine, ed.) (Brill Nijhoff 2015)

Prosecutors' Ethics in Context: Influences on Prosecutorial Disclosure," *in Lawyers in Practice: Ethical Decision Making in Context* 269-92 (Leslie C. Levin & Lynn Mather, ed.) (University of Chicago Press 2012) (with Ellen Yaroshefsky)

"Rule 1.10: Imputation of Conflicts of Interest," *in The New York Rules of Professional Conduct: Rules and Commentary* 235-66 (2010) (NYCLA Ethics Inst., ed.)

"Rule 1.11: Special Conflicts of Interest for Former and Current Government Officers and Employees," *in The New York Rules of Professional Conduct: Rules and Commentary* 267-86 (2010) (NYCLA Ethics Inst., ed.)

"Rule 1.12: Specific Conflicts of Interest for Former Judges, Arbitrators, Mediators or Other Third-Party Neutrals," *in The New York Rules of Professional Conduct: Rules and Commentary* 287-95 (2010) (NYCLA Ethics Inst., ed.)

"Ethical Issues in Dealing with Experts," *in Litigators on Experts* 126 (ABA 2010) (with Lawrence J. Fox)

“Ethics in Criminal Advocacy,” *in* *The State of Criminal Justice* 181 (2009) (with Ellen Yaroshefsky)

“Ethics in Criminal Advocacy,” *in* *The State of Criminal Justice* 123 (2007-2008) (with Ellen Yaroshefsky)

“The Ethics of Marketing Legal Services,” *in* *Effective Marketing for Lawyers* (N.Y.S. Bar Ass'n 1996) (with Russell Pearce), and *Effective Marketing for Lawyers* (N.Y.S. Bar Ass'n 2d ed. 2005) (with Russell Pearce)

Reporter to *Evidence in America: The Federal Rules in the United States* (1989-91 supp., Fed. R. Evid. 801, 802, and 804)

Other Legal Writings

“When the Prosecutor Becomes the Judge,” ACSblog, Feb. 25, 2016, <https://www.acslaw.org/acsblog/when-the-prosecutor-becomes-the-judge>

“A Professional Responsibility Perspective on Turner v. Rogers,” Concurring Opinions, June 2, 2011, <http://concurringopinions.com/archives/author/bruce-green>

“Interviewing Corporate Client Officers and Employees: Ethical Considerations,” *in* ABA Section of Litigation, 2004 Annual Conference

Report of the Commission on Multijurisdictional Practice (Aug. 2002)

“Representing Corporations Under Fire: Ethical Considerations – A Hypothetical,” and “Representing Corporations Under Fire: Ethical Considerations,” *in* MCLE Marathon 2002 521, 527 (PLI 2002)

Interim Report of the Commission on Multijurisdictional Practice (Nov. 2001)

“A Guide to Professionalism Commissions” report of the ABA Standing Committee on Professionalism (2001)

“Recent Federal Court Decisions in Professional Responsibility,” *in* Current Developments in Federal Civil Practice 2001 413 (PLI 2001) (with Mary Lu Bilek)

Editor, *Litigation Ethics: Course Materials for Continuing Legal Education* (ABA Section of Litigation 2000) (with John Q. Barrett)

“Assisting Clients with Multi-State and Interstate Legal Problems: The Need to Bring the Professional Regulation of Lawyers into the 21st Century” (report summarizing the proceedings of the Symposium on the Multijurisdictional Practice of Law) (June 2000)

“Recent Federal Court Decisions in Professional Responsibility,” *in* Current Developments in Federal Civil Practice 1999 311 (PLI 1999)

“The Duty to Report Ethical Misconduct,” *in* ABA Section of Family Law, *1998 Annual Meeting* 17 (July 31-Aug. 3, 1998)

“Local Rules Limiting Attorney Speech in Criminal Proceedings” (Federal Bar Council, June 1996) (principal author)

“Establishing Ethical Standards for Federal Prosecutors and Defense Attorneys,” 49 *The Record of the Assn. of the Bar of the City of New York* 21 (1994) (principal author)

“Ex Parte Contacts With Employees of a Corporate Party in Civil Litigation,” *in* ABA Section of Litigation, *Best Evidence Seminar* 41 (Apr. 19, 1991)

“Use of an Attorney’s Statements Against His or Her Client,” *in* ABA Section of Litigation, *Best Evidence Seminar* 35 (Mar. 9-10, 1990)

Articles in Non-legal Publications

“Pardoning Paul Manafort might not be such a bad idea if Donald Trump wants to take a risk,” *USA Today*, Aug. 27, 2018 (with Rebecca Roiphe), <https://www.usatoday.com/story/opinion/2018/08/27/paul-manafort-convicted-trump-pardon-obstruction-justice-column/1083646002/>

“Judge Kavanaugh and Justice Kennedy do not have conflicts of interest,” *The Hill*, July 13, 2018 (with Rebecca Roiphe), <http://thehill.com/opinion/judiciary/396922-judges-kavanaugh-and-justice-kennedy-do-not-have-conflicts-of-interest>

“The president is the chief executive, but does not control the Mueller probe,” *The Hill*, March 26, 2018 (with Rebecca Roiphe), <http://thehill.com/opinion/white-house/380036-the-president-is-the-chief-executive-but-does-not-control-the-mueller>

“Third Party Legal Fee Payments – A Problem for Trump But Not for Corporations (Perspective),” Oct. 3, 2017, <https://biglawbusiness.com/third-party-legal-fee-payments-a-problem-for-trump-but-not-for-corporations-perspective/>

“Are Systemic Legal Problems Like Public Health Problems? (Perspective),” June 9, 2017, <https://bol.bna.com/are-systemic-legal-problems-like-public-health-problems-perspective/>

“Trump Should Hire His Own Lawyers to Defend Emoluments Suit (Perspective),” May 3, 2017, <https://bol.bna.com/trump-should-foot-legal-bill-to-defend-emoluments-suit-perspective/>

“Justice Gorsuch Should Take Inspiration From John Adams (Perspective),” April 13, 2017, <https://bol.bna.com/justice-gorsuch-should-take-inspiration-from-john-adams-perspective/>

“Michael Flynn Should Listen to a Lawyer (Perspective),” Bloomberg Law, April 3, 2017, <https://bol.bna.com/michael-flynn-should-listen-to-a-lawyer-perspective/>

“Trump Loves ‘Fake Judges,’ Can’t Stand Real Judges (Perspective),” Bloomberg Law, March 28, 2017, <https://bol.bna.com/trump-loves-fake-judges-cant-stand-real-judges-perspective/>

“Bharara Firing Shows Trump’s Ethics Problem, Says Law Professor (Perspective),” Bloomberg Law, March 13, 2017, <https://bol.bna.com/bharara-firing-shows-trumps-ethics-problem-says-law-professor-perspective/>

“What Michael Bloomberg can teach Donald Trump about ethics,” Newsday, Jan. 21, 2017, <http://www.newsday.com/opinion/commentary/what-michael-bloomberg-can-teach-donald-trump-about-ethics-1.12991254>

Participation in Professional and Academic Programs (since January 2010)

Panelist, “Refresher Ethics: Steering Clear of Witness Minefields,” ABA Webinar, Dec. 18, 2018

Panelist, “The Ethics of Copyright Trolling (And More): A Game Show,” the Copyright Society of America, NY, NY, Dec. 13, 2018

Panelist, “Ethics for Corporate Counsel,” NYSBA Corporate Counsel Section, NY, NY, Nov. 30, 2018

Co-presenter, “May Federal Prosecutors Take Direction from the President?,” Faculty workshop, Rutgers Law School (Newark), Nov. 29, 2018

Moderator, “Lies, Damned Lies and ‘Alternative Facts,’” ABA Center for Professional Responsibility, Webinar, Oct. 11, 2018

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” N.Y. City Bar, Oct. 4, 2018

Panelist, “Polish Your Ethics: Legal Sand Traps Trial Lawyers Should Avoid,” 2018 Annual Meeting, American College of Trial Lawyers, New Orleans, Louisiana, Sept. 27, 2018

Discussant, “Discussion Group: The Ethics of Legal Education,” 2018 Annual Conference, Southeastern Association of Law Schools, Ft. Lauderdale, Florida, August 9, 2017

Moderator, “Discussion Group: Judging – 50 Years After the Chicago Seven Trial,” al Defense,” 2018 Annual Conference, Southeastern Association of Law Schools, Ft. Lauderdale, Florida, August 7, 2017

Discussant, “Discussion Group: Conversations on the Warren Court’s Impact on Criminal Justice,” 2018 Annual Conference, Southeastern Association of Law Schools, Ft. Lauderdale, Florida, August 6, 2017

Panelist, “Litigators’ Ethics CLE,” 2018 Second Circuit Judicial Conference, Saratoga Springs, NY, June 14, 2018

Presenter, “More than a Stern Rebuke: A ‘Broken Windows’ Strategy for Judges Policing Prosecutors,” Criminal Justice Ethics Schmooze, Brooklyn Law School, June 11, 2018

Panelist, “Ethics of Working with Witnesses, ABA Webinar, recorded June 6 2018, to be aired Aug. 15, 2018

Moderator, “Lies, Damned Lies and ‘Alternative Facts,’” 44th ABA National Conference on Professional Responsibility, Louisville, Kentucky, May 31, 2018

Panelist, “Social Media: Legal, Ethical and Practical Considerations for Lawyers,” Federal Bar Council, Bridgeport, Connecticut, May 21, 2018

Moderator, “An Ounce of Prevention: How to Reduce Liability, Disciplinary and Reputational Risks, N.Y. City Bar, May 16, 2018

Panelist, “Ethics: Financing Mass Torts,” 2018 Drug & Medical Device Seminar, Defense Research Institute, NY, NY, May 11, 2018

Presenter, “Professional Discipline of US Advocates,” Workshop on “Regulating Lawyers Through Disciplinary Systems,” International Institute for the Sociology of Law, Oñati, Spain, April 26, 2018

Panelist, “Sentencing Reform from the Bench: The Emerging Role of District Court Judges,” NYU Annual Survey of American Law, NYU School of Law, March 26, 2018

Panelist, “Prying Eyes: Think Confidential and Privileged Client Information is Safe at the Border: Think Again,” 32nd Annual National Institute on White Collar Crime, ABA, San Diego, CA, March 2, 2018

Moderator, “Creating Groundbreaking Research on Neuroscience and Law,” conference on The Future of Neuroscience and Law, Fordham Law School, Feb. 21, 2018

Panelist, Litigation Ethics and New Technology, Federal Bar Council 2018 Winter Bench & Bar Conference, Nevis, Feb. 16, 2018

Panelist, “Ethical Pitfalls and Pratfalls in Corporate Representations: Conflicts, Waivers, and Common Interest and Joint Defense Agreements,” Cardozo Law School, Feb. 7, 2017

Speaker, “Love in the Time of Cholera or Ethics in the Time of Trump?,” McNerney Inn of Court, U.S. Courthouse, SDNY, NY NY, Feb. 7, 2018

Panelist, “Whistleblowers, Reporting Up, and the Professional Rules of Ethics, NYS Bar Ass’n Annual Meeting, NY, NY, Jan. 24, 2018

Co-chair and co-moderator, “Ethical Issues in Pro Bono Representation,” PLI, Dec. 14, 2017

Organizer and commentator, “Regulation of Legal and Judicial Services Conference: Comparative and International Perspectives,” Stein Center for Law and Ethics, Fordham Law School, Dec. 8-9, 2017

Panelist, “Ethics in Legal Practice: An Update and Review of Recent Ethics Opinions in 2017,” NYS Bar Ass’n, Albany, NY, Dec. 6, 2017

Moderator, “Ethics and Criminal Justice Hypotheticals,” Appellate Division, Third Department, Albany, NY, Oct. 31, 2017

Panel moderator, “Access to Justice and the Legal Profession in an Era of Contracting Civil Liability,” Fordham Law School, Oct. 27, 2017

Panelist, “The Death of Conflicts,” Federal Bar Council Fall Bench & Bar Retreat, New Paltz, NY, Oct. 22, 2013

Speaker, “The Right to *Two* Criminal Defense Lawyers,” Symposium on Disruptive Innovation in Criminal Defense, Mercer University School of Law, Oct. 6, 2017

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” N.Y. City Bar, Sept. 27, 2017

Presenter, “Comparative Approaches to Regulation and Protection of Lawyers,” 2017 Seasonal Meeting of the NYSBA International Section, Antigua, Guatemala, Sept. 14, 2017

Panelist, “Prying Eyes: Think Confidential and Privileged Client Information is Safe at the Border? Guess Again.,” ABA CLE Showcase Program, ABA 2017 Annual Meeting, NY, NY, Aug. 11, 2017

Panelist, “Defending the Public’s Enemy: The Journey of Ramsay Clark,” 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 3, 2017

Discussant, "Discussion Group: Reflections on the 2016 ABA Report on the Future of Legal Services in the United States," 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 3, 2017

Discussant, "Discussion Group: Incorporating Developments in Forensic Science and Technology into the Criminal Justice System," 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 2, 2017

Discussant, "Discussion Group: Criminal Justice and Technology: Changes in Law, Practice, and Culture," 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 1, 2017

Moderator & organizer, "Discussion Group: Disruptive Innovation in Criminal Defense," 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, July 31, 2017

Co-presenter, "The President, the Department of Justice, and Prosecutorial Independence" (work-in-progress), Legal Ethics Schmooze, UCLA, July 21, 2017

Panelist, "Ethics for OAG Lawyers," Office of the NYS Attorney General, June 20, 2017

Moderator, "A Difference of Opinion: Federal-State Conflict in Lawyer Ethics Matters," ABA 43rd National Conference on Professional Responsibility, St. Louis, Missouri, June 2, 2017

Presenter, work-in-progress, "Academic Scholarship Roundtable," ABA 43rd National Conference on Professional Responsibility, St. Louis, Missouri, June 2, 2017

Presenter on Legal Ethics, Office of the Public Defender, Tel Aviv, Israel, May 22, 2017

"Candor to the Court and Client," Annual Lecture on Legal Ethics, The David Weiner Center for Lawyers' Ethics and Professional Responsibility, The Haim Striks School of Law - The College of Management and Academic Studies, Rishon LeZion, Israel, May 21, 2017

Moderator, "Ethical Issues in Criminal Defense and Prosecution: the Role of Rules, Standards, Case Law and Professional Judgment," ABA Criminal Justice Section Spring Meeting, Jackson Hole, Wyoming, May 5, 2017

Co-presenter, ethics training, Federal Defender - Eastern District of Pennsylvania, Philadelphia, PA, May 2, 2017

Panelist, "Common Ground on Criminal Discovery and the Future of Brady v. Maryland, 2017 Spring Symposium: Finding Common Ground: Preventing Errors in Criminal Justice, Quattrone Center for the Fair Administration of Justice, University of Pennsylvania Law School, April 21, 2017

Moderator, “Working Ethically with Non-Lawyer Professionals in Public Interest Settings,” Fordham Law School, March 30, 2017

Panelist, “Ethical Considerations for the Business and Corporate Attorney,” Cardozo Law School, March 7, 2017

Panelist, “Timely Ethics Issues: Interacting With Witnesses, Firm General Counsel,” 2017 Winter Bench & Bar Conference, Federal Bar Council, Palm Springs, California, Feb. 24, 2017

Presenter, “The Challenges and Rewards of Teaching Legal Ethics,” 2017 Legal Ethics Conference – New Challenges in Legal Ethics, California Western School of Law, Feb. 11, 2017

Presenter, Symposium, “Protect and Serve: Perspectives on 21st Century Policing,” Univ. of Georgia School of Law, Jan. 27, 2017

Panelist, “The Attorney’s Role in Promoting a Strong Corporate Culture,” NYSBA Annual Meeting, Business Law Section & Corporate Counsel Section, NY, NY, Jan. 25, 2017

Co-presenter, “Immigration Ethics,” Justice AmeriCorps Year 3 National Training, Potomac, Maryland, Jan. 11, 2017

Co-chair and co-moderator, “Ethical Issues in Pro Bono Representation,” PLI, Dec. 15, 2016

Panelist, “Managing Your Client’s Image in the Court of Public Opinion,” NYCLA, Nov. 16, 2016

Panelist, “Wearing Two Hats as a Neutral and an Attorney: How to deal with inconsistent mandates in the ethical codes for lawyers and neutrals,” NYSBA Dispute Resolution Section Fall Meeting, NY Law School, Oct. 28, 2016

Co-panelist, “Ethical considerations when representing clients with, or defending actions brought by individuals with, mental disabilities and impairments,” Disability Law Forum, N.Y. City Bar, Oct. 13, 2016

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” N.Y. City Bar, Sept. 21, 2016

Moderator & organizer, “Discussion Group: Re-imagining the Ideal Role of Prosecutors,” 2016 Annual Conference, Southeastern Association of Law Schools, Amelia Island, Florida, August 6, 2016

Discussant, “The Future of Legal Ethics Scholarship: Are We in the End Days or Just Getting Started?” 2016 Annual Conference, Southeastern Association of Law Schools, Amelia Island, Florida, August 5, 2016

Organizer, The Ethics and Regulation of Lawyers Worldwide: Comparative and Interdisciplinary Perspectives, Seventh biannual International Legal Ethics Conference, International Association of Legal Ethics, New York, July 14-16, 2016

Co-presenter, "Rethinking Prosecutors' Conflicts of Interest," CrimFest, Cardozo Law School, July 12, 2016

Presenter, "The Price of Judicial Economy in the US," Workshop on "Too Few Judges? Regulating the Number of Judges in Society," International Institute for the Sociology of Law, Oñati, Spain, July 1, 2016

Panelist, "Corruption Scandals, the Panama Papers, and the Transnational Lawyer in Latin America: Strengthening the Profession through Better Ethics Standards," NY City Bar, June 6, 2016

Moderator, "The Decision-Making Conundrum When Representing a Child or Mentally Impaired Adult," ABA National Conference on Professional Responsibility, Philadelphia, PA, June 3, 2016

Panelist, "Litigators' Ethics: An Interactive Discussion of Problems of Confidentiality and Disclosure," 2016 Second Circuit Judicial Conference, Saratoga, NY, May 25, 2016

Moderator, "Ethics Gumbo: First You Make a Roux," ABA National Legal Malpractice Conference, New Orleans, Louisiana, April 28, 2016

Panelist, "Surveillance and the Attorney-Client Relationship: Recent International Developments," Seventh International Professional Responsibility Conference, Association for Professional Responsibility Lawyers, Paris, France, April 13, 2016

Presenter, "Ethics in Class Actions: 2015-16 Update," Institute for Law & Economic Policy, 22nd Annual Symposium, April 8, 2016, Miami Beach, Florida

Moderator, "Brandeis and Lawyering (II)," Conference on Louis D. Brandeis: An Interdisciplinary Perspective, Touro Law Center, Mar. 31, 2016

Speaker, Georgetown Journal of Legal Ethics Symposium on "Remaining Ethical Lawyers in a Changing Profession," Georgetown Univ. Law Center, Mar. 18, 2016

Panelist, "Current Issues in Corporate Representation," Cardozo Law School, Feb. 9, 2016

Panelist, "Watch Out Below! Avoiding Ethical Pitfalls in Class Action Litigation," NYSBA Antitrust Law Section, Annual Meeting, NY, NY, Jan. 28, 2016

Moderator, "Ethics in Criminal Practice, The Hardest Questions Today: A Conversation in Honor of Monroe Freedman," AALS Annual Conference, NY, NY, Jan. 7, 2016

Co-chair and co-moderator, “Ethical Issues in Pro Bono Representation,” PLI, Dec. 11, 2015

Panelist, “Social Responsibility of Corporations,” CJS Global White Collar Crime Institute, ABA Criminal Justice Section & KoGuan Law School, Shanghai, China, Nov. 20, 2015

Presenter & Facilitator, Professional Responsibility and Ethics in the Global Legal Market, Moscow State University Law School, Moscow, Russia, Oct. 28-31, 2015

Panelist, “What Line? Reining in Prosecutorial Excesses: The Ethics and Strategy of Negotiations,” NACDL’s 11th Annual White Collar Crime Seminar, Fordham Law School, Oct. 22, 2015

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” N.Y. City Bar, Sept. 11, 2015

Discussant, “Keeping the Conversation Going on Intractable Problems in the Criminal Justice System,” 2015 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 1, 2015

Commentator, “Defense Attorneys,” CrimFest 2015, Cardozo Law School, July 20, 2015

Presenter, “Rethinking Prosecutors’ Conflicts of Interest,” 2015 Legal Ethics Schmooze, Stanford Law School, June 25, 2015

Moderator, “Attorney Privilege and Work Product,” New York State-Federal Judicial Counsel & the Second Circuit Judicial Counsel, Brooklyn, NY, June 18, 2015

Moderator, “Ethics and Corporate Social Responsibility,” Corporate Social Responsibility Leadership Course, Fordham Law School, June 11, 2015

Organizer, moderator and presenter, “Criminal Justice Ethics Schmooze,” Fordham Law School June 8-9, 2015

Moderator, “Ineffective Assistance of Counsel and Forensic Evidence,” 6th Annual Prescription for Criminal Justice Forensics, ABA Criminal Justice Section & Louis Stein Center for Law and Ethics, Fordham Law School, June 5, 2015

Panelist, “Ethics and Professionalism: Best Practices for Attorneys,” N.Y. City Bar, May 18, 2015

Panelist, “Ethical Issues in FCPA Compliance & Investigations,” Practical Advice from the Front Lines,” Fordham Law School, May 12, 2015

Panelist, "Negotiation Ethics: Pitfalls and Rules," NYSBA Committee on Women in the Law, NYC, May 5, 2015

Speaker, Conference on "Reconsidering Access to Justice," Texas A&M Law School, May 1, 2015

Co-interviewee, "The Power of the Prosecutor," Talks on Law, recorded April 22, 2015, available at: <http://www.talksonlaw.com/talks/26>

Moderator, Panel discussion: Thurgood Marshall's Legacy, NYCLA, April 15, 2015

Moderator, "Hot Topics: Ethical Issues in Public Interest Lawyering," Fordham Law School, March 31, 2015

Speaker, "Lawyers as Lovers: Are We Romanticizing the Lawyer-Client Relationship?," Conference on Billy Joel & the Law, Touro Law School, March 22, 2015

Moderator, "Ethical Issues in Insurance Law: 2015 Update," NYCLA, March 18, 2015

Panelist, "Developments in Ethics for Antitrust Lawyers," ABA teleseminar, Feb. 24, 2015

Presenter, "Prosecutorial Accountability in the Information Age" (work-in-progress), faculty workshop, Notre Dame Law School, Feb. 21, 2015

Panelist, "The Ethics of Conflicts of Interest," Clifford Law Offices Continuing Legal Education Program, Chicago, IL, Feb. 20, 2015

Panelist, "Current Ethical Issues in Corporate Representation," Cardozo Law School, Feb. 11, 2015

Panelist, "The Ethical Minefields of Witnesses: A Refresher," ABA Webinar, Dec. 19, 2014

Co-chair and co-moderator, "Ethical Issues in Pro Bono Representation," PLI, Dec. 16, 2014

Panelist, "Ethical Considerations for Corporate Investigations: Views from All Sides," N.Y. City Bar, Sept. 30, 2014

Panelist, "Taz, Morality & Ethics," The Taslitz Galaxy: A Gathering of Scholars at Howard, Howard University School of Law, Sept. 19, 2014

Panelist, "Supreme Court Update and Other Notable Developments in Criminal Law," Southeastern White Collar Crime Institute, ABA Criminal Justice Section, Braselton, Georgia, Sept. 12, 2014

Co-presenter, "Regulation of U.S. Prosecutors in the Information Age," International Legal Ethics Conference VI, London, England, July 11, 2014

Presenter, "Reforming the regulation of the prosecutors: A slightly comparative perspective," Conference of the International Working Group for Comparative Studies of the Legal Professions, Frauenchiemsee, Germany, July 7, 2014

Panelist, "International Ethics," Ninth Annual Fordham Law School Conference on International Arbitration and Mediation," June 12, 2014

Panelist, "Fifth Annual Prescription for Criminal Justice Forensics," ABA Criminal Justice Section, NY, NY, June 6, 2014

Panelist, "Ethics of Working With Witnesses," Professional Education Broadcast Network, May 16, 2014

Panelist, "Plenary: Twenty Years After the MacCrate Report: Revisiting the Continuum," NCBE Annual Admissions Conference, Seattle, WA, May 3, 2014

Moderator, "Conflicts: The Basics and Recent Developments," Ethics for In-House Counsel: New Developments & Future Challenges, Fordham Law School, March 20, 2014

Panelist, "Race and Access to Justice," Georgetown Univ. Law Center, Washington, D.C., March 18, 2014

Co-speaker, "Professional Ethics for Public Interest Lawyers," Brennan Center for Social Justice, NY, NY, Feb. 28, 2014

Panelist, "Attorney Client Privilege and Selective Waiver in Bank Regulation," Cardozo Law School, Feb. 24, 2014

Panelist, "Who Are They to Judge? Ethical and Professionalism Issues Facing the Bench," 11th Annual Legal Ethics & Professionalism Symposium, Univ. of Georgia Law School, Feb. 21, 2014

Panelist, "Bridge the Gap" C.L.E. Orientation Program, Committee on Character & Fitness (Supreme Court, Appellate Division, First Judicial Department), NYCLA, Feb. 19, 2014

Moderator, "Ethical Choices in Dealing with Crime Victims: What is a Prosecutor, Defender and Judge to Do?," 2014 ABA Midyear Meeting, Chicago, IL, Feb. 7, 2014

Panelist, "Stop, Frisk & Judicial Independence: An Ethics CLE," NY Chapters of the Puerto Rican Bar, Federal Bar and National Bar Associations, U.S. Courthouse, NY, NY, Jan. 8, 2014

Commentator, “The Lost Lawyer and the Lawyer-Statesman Ideal: A Generation Later – the Shifting Sands of Professional Identity,” AALS Annual Meeting, NY, NY, Jan. 4, 2014

Co-presenter, Workshop on Prosecutorial Ethics, Hitotsubashi Univ., Tokyo, Japan, Dec. 18, 2013

Co-presenter, Workshop on Prosecutorial Ethics, Japan Federation of Bar Associations, Tokyo, Japan, Dec. 17, 2013

Presenter, “Comparing the Honesty and Candor Obligations of U.S. Prosecutors and Defense Lawyers,” Chukyo Univ., Nagoya, Japan, Dec. 16, 2013

Moderator, panel on “Unbundled Legal Services,” “Until Civil Gideon: Expanding Access to Civil Justice,” Fordham Law School, Nov. 1, 2013

Moderator, “Ripped from the Headlines,” 9th Annual White Collar Seminar, NACDL, Washington, D.C., Oct. 24, 2013

Panelist, Federal Criminal Practice Institute, New York County Lawyers’ Association, Oct. 19, 2013

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” Association of the Bar of the City of New York, Sept. 25, 2013

Moderator, “Criminal Discovery Under *Brady v. Maryland*: Current Developments,” Association of the Bar of the City of New York, Sept. 19, 2013

Moderator, “Navigating the Ethical Challenges in Counseling Unaccompanied Minors,” DCS Legal Access Project Managers’ Meeting, Vera Institute of Justice, July 31, 2013

Presenter, Ethics Workshop, Annual Capital Defense Training Program, New York City Bar, July 15, 2013

Panelist, “Culpability and White Collar Crime,” 2013 AALS Midyear Meeting, San Diego, CA, June 10, 2013

Panelist, “The Ethics of Sub-Prime Lending,” conference on The Mortgage Crisis–Five Years Later, Coalition for Debtor Education, Fordham Law School, June 3, 2013

Moderator, “Prosecutors’ Ethical and Professional Decision Making – Is it Unique?,” 39th ABA National Conference on Professional Responsibility, San Antonio, TX, May 30, 2013

Co-presenter, “Hot Topics in Legal Ethics,” Fordham Law School, May 20, 2013

Panelist, “Criminal Law and Ethics,” NYCLA, April 23, 2013

Panelist, "Religion and the Practice of Law," 2013 Conference on Religious Legal Theory, Touro Law Center, April 11, 2013

Commentator, Conference on "The Ethical Infrastructure and Culture of Law Firms," Hofstra Law School, April 5, 2013

Presenter, "The Gideon Effect: Rights, Justice and Lawyers Fifth Years After Gideon v. Wainwright," Yale Law Journal Symposium, Yale Law School, March 9, 2013

Panelist, "Complying with Brady and Strategies for Defense Counsel," 27th Annual National Institute on White Collar Crime, Las Vegas, Nevada, March 8, 2013

Panelist, "Ethics in White Collar Cases," 27th Annual National Institute on White Collar Crime, Las Vegas, Nevada, March 7, 2013

Presenter, "Imagining Plea Bargaining Without Competent Counsel: Justice Scalia's Pursuit of Less Perfect Justice," conference on Plea Bargaining After Lafler and Frye, Duquesne Univ. School of Law, March 1, 2013

Moderator, "The Business and Ethics of Managing a 21st Century Law Firm: New, Smart and Ethical Business Models," Fordham Law School, Feb. 26, 2013

Panelist, "Representing Financial Institutions and their Employees in SEC Enforcement Actions," ABA Section of Business Law, White Collar Crime Committee, NY, NY, Feb. 13, 2012

Speaker, "New Developments in Attorney-Client Privilege," AALS 2013 Annual Meeting, New Orleans, LA, Jan. 5, 2013

Chair and moderator, "Ethical Issues in Pro Bono Representation 2012," PLI, Dec. 18, 2012

Panelist, "Ethical Issues for the Modern Day Prosecutor," Kings County District Attorney's Office, Nov. 20, 2012

Panelist, "Navigating Ethical Waters: Obstruction of Justice, Destruction of Evidence and False Statements," 8th Annual White-Collar Seminar, NACDL, Fordham Law School, NY, NY, Nov. 15, 2012

Lecture, "Lawyers' Professional Independence: Overrated or Undervalued?," Miller-Becker Center for Professional Responsibility Distinguished Lecture Series, Akron Law School, Nov. 9, 2012

Speaker, "Federal Criminal Discovery Reform: A Legislative Approach," symposium on Defining and Enforcing the Federal Prosecutor's Duty to Disclose Exculpatory Information, the

13th Annual Georgia Symposium on Ethics and Professionalism, Mercer Law School, Oct. 5, 2012

Moderator, “Ethical Issues for Criminal Practitioners,” National Law Journal/Legal Times & Fordham Law School, recorded webinar broadcast on Oct. 2, 2012

Panelist, “Ethical Considerations for Corporate Investigations: Updates 2012,” Association of the Bar of the City of New York, Sept. 12, 2012

Speaker, “Lawyers’ Professional Independence: Is it undervalued or overrated?,” International Legal Ethics Conference V, Banff, Alberta, July 13, 2012

Panelist, “Law Without Walls,” International Legal Ethics Conference V, Banff, Alberta, July 13, 2012

Presenter, “Ethical Practice in the Criminal Justice System: Finding Common Ground,” National Institute for Teaching Ethics & Professionalism, Seattle, WA, June 22-24, 2012

Panelist, “Parallel Proceedings: Emerging Issues & Best Practices,” Association of the Bar of the City of New York, June 13, 2012

Presenter, “Rehabilitating Lawyers: Perceptions of Deviance and Its Cures in the Lawyer Disciplinary Process,” 2012 International Conference on Law & Society, Honolulu, HA, June 5, 2012

Panelist, “So You Think You’re Up-to-Date on Attorney Client Privilege & Confidentiality,” 38th ABA National Conference on Professional Responsibility, Boston, MA, June 1, 2012

Panelist, “Conflicts in the Face of Corporate Representations and Government Investigative Techniques,” 1st Annual White Collar Crime Institute, Association of the Bar of the City of New York, May 14, 2012

Panelist, “Conflicts and Choice of Law Updates,” Professional Responsibility and Legal Ethics: Exploring the Similarities and the Differences Across Legal Systems, Association of Professional Responsibility Lawyers International Conference, Istanbul, Turkey, May 4, 2012

Co-speaker, “Rehabilitating Lawyers: Perceptions of Deviance and its Cures in the Lawyer Reinstatement Process,” The Law: Business or Profession? - The Continuing Relevance of Julius Henry Cohen for the Practice of Law in the Twenty-First Century, Fordham Law School, April 24, 2012

Speaker, “The Flood of U.S. Lawyers: Natural Fluctuation or Professional Climate Change?,” Too Many Lawyers? - Facts, Reasons, Consequences, and Solutions, International Institute for the Sociology of Law, Oñati, Spain, April 20, 2012

Presenter, "Prosecutors and Professional Regulation," faculty workshop, Fordham Law School, March 22, 2012

Speaker, "Ethics," Counseling Clients in the Entertainment Industry 2012, PLI, March 12, 2012

Panelist, "Ethics for Government Lawyers 2012," PLI, March 9, 2012

Speaker, "Ethics for Government Lawyers," U.S. Environmental Protection Agency, Region 2, Office of Regional Counsel, March 8, 2012

Moderator, "Top Ten Reasons You'll Wish You had Become a Trust & Estates Lawyer: Ethical Pitfalls and Blunders in White Collar Practice," 26th National Institute on White Collar Crime, ABA, Miami, Florida, March 1, 2012

Panelist, "Developments in Ethics for Antitrust Lawyers," live webinar and teleconference, ABA Section of Antitrust Law, Feb. 16, 2012

Panelist, "Prosecutorial Accountability in the Post-*Connick v. Thompson* Era: Reforms and Solutions," ABA Death Penalty Representation Project et al., New Orleans, Louisiana, Feb. 4, 2012

Speaker, "Ethical Issues in Federal Practice," Current Developments in Federal Civil Practice 2012, PLI, Feb. 1, 2012

Panelist, "Technology in Your Practice - Trends, Tools and Ethics Rules," NYSBA Annual Meeting, Jan. 26, 2012

Panelist, "Rules of Professional Conduct and the Government Lawyer," NYSBA Annual Meeting, Jan. 24, 2012

Panelist, "Ethical Considerations in Setting Attorney Fees," NYSBA Annual Meeting, Jan. 24, 2012

Speaker, "Government Lawyering," 2012 Annual Meeting, AALS, Washington, D.C., Jan. 5, 2012

Chair and moderator, "Ethical Issues in Pro Bono Representation 2010," PLI, Dec. 21, 2010

Panelist, "Ethical Issues with Group Representation," LEAP conference on Civil Justice as bedrock value in Difficult Times, Nov. 29, 2011

Panelist, "The Watergate CLE," U.S. District Court - EDNY, Nov. 15, 2011

Panelist, "Future Ethics: Who Will Regulate Lawyers in 2020?," New York Law School, Nov. 14, 2011

Panelist, "Community Prosecution & Community Defense," Wake Forest Univ. School of Law, Nov. 4, 2011

Panelist, "Multi-jurisdictional rules of ethics and professional conduct: Coping with conflicting legal rules and privileges in a global business environment," German-American Lawyers' Association, NY, Oct. 25, 2011

Panelist, "What to Do? Has the Potential Client (Who Will Not Disclose) Intentionally Misrepresented?", Working Group on Legal Opinions Fall 2011 Seminar, NY, Oct. 25, 2011

Panelist, "Sentencing Advocacy," 2011 Federal Criminal Practice Institute, NYCLA, Oct. 15, 2011

Moderator, "Representing Clients With Diminished Capacity," Association of the Bar of the City of New York, Oct. 13, 2011

Moderator, "The ABCs of D-efense in an E-lectronic Age: Ethics and Strategies," 7th Annual White Collar Seminar, NACDL, Fordham Law School, Sept. 22, 2011

Panelist, "Ethical Considerations for Corporate Investigations: Updates 2011," Association of the Bar of the City of New York, Sept. 15, 2011

Panelist, "Alternative Litigation Financing: A New Way to Help Pay for Lawsuits and Stay Out of Trouble While Doing It," NYCLA, Sept. 14, 2011

Panelist, "The Ethical and Practical Challenges of Representing a Controversial Client," Federal Bar Council & Stein Center, E.D.N.Y. federal courthouse, June 29, 2011

Panelist, "What is Good Lawyering?," Conference on Padilla and the Future of the Defense Function, NACDL, Cardozo Law School, June 20, 2011

Luncheon speaker, "Staying Ahead of the Curve: What Every Criminal Defense Lawyer Needs to Know," NYSBA, Albany, NY, June 17, 2011

Panelist, "Tackling Ethical Issues Arising in Criminal Cases," NYCLA, June 16, 2011

Panelist, "Third Party Funding of International Arbitration Claims: The Newest 'New New Thing,'" NYSBA Dispute Resolution Section & Fordham Law School ADR and Conflict Resolution Program, June 15, 2011

Panelist, "How the Rules of Professional Conduct Apply to Government Lawyers," Seventeenth Annual Seminar on Ethics in New York City Government, NYC COIB & Center for New York City Law, New York Law School, May 17, 2011

Panelist, "Hypothetically Speaking II: Issues in the Attorney-Client Relationship under the Rules of Professional Conduct," Association of the Bar of the City of New York, May 16, 2011

Moderator, "Ethics Update: Perspectives from the Federal and State Judiciary," N.Y.S. Federal Judicial Council - Advisory Group, E.D.N.Y. federal courthouse, May 11, 2011

Moderator, "Ethics Update: Perspectives from the Federal and State Judiciary," N.Y.S. Federal Judicial Council - Advisory Group, S.D.N.Y. federal courthouse, May 10, 2011

Panelist, "An Overview of Attorney Error: Malpractice, Breach of Ethical Rules and Ineffective Assistance of Counsel," Mental Hygiene Legal Service, May 3, 2011 (videotape)

Panelist, "The Top Five Ethical Violations and Resulting Claims for Legal Malpractice," Spring 2011 National Legal Malpractice Conference, ABA Standing Committee on Lawyers' Professional Liability, Boston, MA, April 28, 2011

Panelist, "Anatomy of a Trial: Young Lawyer Trial Skills Training," ABA Section of Litigation & Criminal Justice Section Annual CLE Conference," Miami, Florida, April 14, 2011

Panelist, "Ethics," IP Enforcement and Litigation 2011: Civil and Criminal Update, PLI, March 30, 2011

Panelist, "Ethical Implications of Legal Aid and Pro Se Assistance," Legal Aid Society, March 18, 2011

Speaker, "Criminal Defense Ethics," 25th Annual Metropolitan New York Trainer, NYS Defenders Ass'n, March 12, 2011

Moderator, "Criminal Defense?: The Ethical and Legal Line Between Zealous Advocacy and Obstruction of Justice," 25th National Institute on White Collar Crime, ABA Criminal Justice Section, Mar. 3, 2011, San Diego, CA

Panelist, "2011 Ethical Issues," 2011 Winter Bench & Bar Conference, Federal Bar Council, Los Cabos, Mexico, Feb. 21, 2011

Keynote Speaker, "Ted Schneyer's Impact on Legal Ethics Scholarship," The Ted Schneyer Ethics Symposium: Lawyer Regulation for the 21st Century, Univ. Of Arizona, James E. Rogers College of Law, Jan. 28, 2011

Panelist, "Ethical Pitfalls for Business Lawyers," Business Law Section, NYSBA Annual Meeting, Jan. 26, 2011

Co-speaker, "Legal Ethics & Professionalism," Nineteenth Annual London MCLE Fair, CLE Europe Limited, Jan. 15, 2011

Chair and moderator, "Ethical Issues in Pro Bono Representation 2010," PLI, Dec. 21, 2010

Moderator, "Ethical and Privilege Issues for Pharmaceutical Whistleblowers Counsel," Institutional Investor Educational Foundation, New York, NY, Dec. 9, 2010

Moderator, program on ethics and professionalism in criminal prosecution and defense, Multnomah County Courthouse, Portland, OR, Dec. 3, 2010

Panelist, "Ethics and the Construction Lawyer," NYCLA, Nov. 30, 2010

Speaker, "Ethical Practices for the Modern Prosecutor," Brooklyn District Attorney's Office. Oct. 26, 2010

Speaker, "Prosecutive Ethics," annual conference, National Association of Former United States Attorneys, Oct. 9, 2010

Moderator, "A Prosecutor's Brady/Discovery Obligations For Production of Documents," ABA Criminal Justice Section White Collar Crime Mid-Atlantic Regional Committee, Widener Law School, Wilmington, DE, Oct. 7, 2010

Panelist, "'Ethics and Litigation for Today's Trial Counsel," 2nd Annual Litigation Summit, Oct. 6, 2010

Panelist, "Ethical Considerations for Corporate Investigations: Updates 2010," Association of the Bar of the City of New York, September 15, 2010

Panelist, "Hot Ethics Issues for Young Trial Lawyers (and the Young at Heart)," ABA ANNUAL Meeting 2010, San Francisco, CA, August 7, 2010

Speaker, "Criminal; Defense Ethics," New York State Defenders Association 43rd Annual Meeting & Conference, Saratoga Springs, NY, July 27, 2010

Panelist, "Lawyers in Context: Ethical Decision Making in Practice," International Legal Ethics Conference IV, Stanford Law School, July 17, 2010

Moderator, "Prosecutors and their Disclosure Duties: A Regulatory Conundrum," 36rd National Conference on Professional Responsibility, ABA, June 3, 2010

Panelist, "Hypothetically Speaking: Considering Issues for the Practitioner under the New Rules of Professional Conduct," Association of the Bar of the City of New York, May 17, 2010

Panelist, "Bloomberg Corporate Internal Investigations: Ethical Considerations Seminar 2010," Bloomberg, NY, March 11, 2010

Panelist, "Protecting the Attorney-Client Privilege and Attorney Work Product," 24th Annual National Institute on White Collar Crime, Miami, Florida, Feb. 25, 2010

Panelist, "Half a Century of Advice," Committee on Professional Ethics, NYSBA Annual Meeting, Jan. 29, 2010