

REGISTRATION FORM: Criminal Appeals and Post-Conviction Practice | May 17, 2019

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PREREGISTRATION IS REQUIRED. NO REGISTRATION AT THE DOOR. This program is for assigned counsel, public defense and legal aid attorneys. **The program fee is \$100.**

Please complete this form and return it to:
New York State Defenders Association
194 Washington Ave., Suite 500
Albany, NY 12210-2314
Fax: 518-465-3249
Email: AWalters@nysda.org

You must complete this form by **May 10, 2019** in order to attend. If you have any questions, please call Alexandra Walters at 518-465-3524 ext. 25

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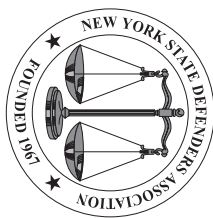
**Criminal Appeals
and
Post-Conviction
Practice**

Presented by

The New York State
Defenders Association

in conjunction with the

Office of Indigent Legal Services
Appellate Defender Council



Friday, May 17, 2019
8:30 am - 4:35 pm

Holiday Inn Express
16 Wolf Road
Albany, NY

8:30 am - 9:00 am Registration

9:00 - 9:15 am

Welcoming Remarks

Hon. Elizabeth A. Garry

9:15 - 10:05 am

Implied Bias in Appellate Practice

Tammy Feman

Jane Yoon

10:05 - 10:20 am Break

10:20 am - 12:00 pm

Brief Writing and Oral Argument

Michael J. Hutter

12:00 - 1:00 pm Lunch (*provided*)

1:00 - 2:15 pm

Guilty Pleas and Waivers of Appeal

Drew Dubrin

Tim Murphy

2:15 - 3:05 pm

Sex Offender Registration Act

Appeals

William Kastin

3:05 - 3:20 pm Break

3:20 - 4:35 pm

CPL Article 440 Motions

Claudia Trupp

Drew Dubrin is the Special Assistant Public Defender in charge of the Appeals Section of the Monroe County Public Defender's Office, where he has worked since 1987. He has lectured extensively on a wide range of topics, including appellate advocacy, statutory speedy trial issues, avoiding immigration consequences of criminal convictions, and preservation of error. Prior to joining the Monroe County Public Defender's Office, he was a trial and appellate attorney for the Fulton County (Georgia) Public Defender.

Tammy Feman is the Bureau Chief of the Appeals Bureau of the Legal Aid Society of Nassau County, New York and has been an attorney with the Legal Aid Society since 1996. She specializes in criminal law, family law, the Sex Offender Registration Act and complex special litigation. She has argued and briefed cases before the New York State Court of Appeals, the Appellate Division, Second Department, and the Appellate Term, Ninth and Tenth Judicial Districts. She briefed and argued the seminal case on misdemeanor accusatory instruments, *People v. Casco*, 95 N.Y.2d 354 (2000), and briefed and argued *People v. Best*, 19 N.Y.3d 739 (2012), which held "that the rule governing visible restraints [handcuffs or shackling] in jury trials applies with equal force to non-jury trials." She has authored and published articles in the *New York Law Journal* and in the *Defense Counsel Journal*. She is a member of the Office of Indigent Legal Services, Appellate Standards and Best Practices Working Group and part of the team that drafted the New York State Appellate Standards released in January, 2015. Ms. Feman is a member of the Office of Indigent Legal Services Appellate Defender Council, the Office of Indigent Legal Services Parental Representation Advisory Council and the Nassau County Bar Association Judiciary Committee. Ms. Feman is admitted to practice law in the States of New York and New Jersey, the United States Court of Appeals for the Second Circuit, and the United States District Court for the District of New Jersey. She holds a B.A. degree with honors in Literature Rhetoric from Binghamton University (1993) and Juris Doctor from Hofstra University School of Law (1997).

Hon. Elizabeth A. Garry is the 16th Presiding Justice of the Appellate Division, Third Department, appointed to that post by Governor Andrew Cuomo on January 1, 2018, after serving on the Third Department since March 19, 2009. She graduated from Alfred University and Albany Law School, with honors. PJ Garry previously served as Confidential Law Clerk to the Hon. J. Earl S. Ingraham, Justice of the Supreme Court, 1990-1994. She was engaged in private practice with the Joyce Law Firm in central New York, 1995-2006; served on the Planning Board for the Town of New Berlin, Chenango County, 1999-2001. She was elected to serve two terms as Town Justice in the Town of New Berlin in 2001 and 2005, and elected to the Supreme Court Justice for the Sixth Judicial District in 2006. PJ Garry is the current Commissioner and past Co-Chair of the Richard C. Falla LGBTQ Commission of the New York Courts having served on various boards and professional associations including: International Association of LGBTQ Judges, Director, 2015-present; New York State Bar Association Committee on Courts of Appellate Jurisdiction, 2013-present; Special Committee on LGBT People and the Law, 2011-present; Albany Law School, National Alumni Association Board, 2011-present; New York State Continuing Legal Education Board, member, 2012-2015; Third Department CLE Committee, Chair, 2010-2014; Association of Justices of Supreme Court of New York State, Treasurer, 2012-2015, 6th District Representative 2008-2016, Bench Book Committee, 2011-2013; and Del-Chen-O Chapter of Women's Bar Association of the State of New York, founding member.

Michael J. Hutter is a Professor of Law at Albany Law School, where he has been a member of the faculty since 1976. Professor Hutter served as law clerk to Judge Matthew J. Jasan, an associate judge of the New York Court of Appeals, and formerly practiced law concentrating in antitrust and unfair competition litigation. He is active in the Litigation Section and the Committee on Antitrust and Unfair Competition of the American Bar Association (ABA), a member of the advisory group to the American Law Institute Restatement of the Law of Unfair Competition, and a member of the New York State Law Revision Commission. He authored the book *Monopolies and Mergers: Cases And Materials* (1981), served as Editor of *Model*

Jury Charges in Business Torts Cases (ABA 1981), and has published numerous other books and articles. Professor Hutter was one of seven nominees for the New York Court of Appeals in 1998 as selected by the State Commission of Judicial Nomination.

William Kastin is a Supervising Attorney at Appellate Advocates in New York City, where he oversees the Sex Offender Registration Act practice. He has been a criminal defense attorney since 2002, and has handled SORA hearings and appeals since 2005, successfully litigating numerous SORA issues. Mr. Kastin graduated from New York Law School cum laude in 1993, where he was the Editor in Chief of the *Journal of Human Rights* and received an American Jurisprudence Award for Constitutional Law and Appellate Advocacy. Following law school, he clerked in the United States Court of Appeals for the Second Circuit and in the New York State Supreme Court. He attended college at Boston University and received his B.A. in Political Science with honors.

Timothy Murphy has been practicing law for 22 years, and is presently Chief Attorney of the Appeals and Post-Conviction Unit of the Legal Aid Bureau of Buffalo, Inc., overseeing the state's largest criminal appeals department outside New York City. The office represents indigent appellate clients in Erie, Orleans, Genesee, and Cattaraugus Counties. He is the Chair of the Appellate Practice Committee of the Bar Association of Erie County; a board member for the New York Association of Criminal Defense Lawyers; a member of the Committee on Courts of Appellate Jurisdiction for the New York State Bar Association; and a member of the Tri-County Judicial Screening Committee for NY's Court of Appeals candidates.

Claudia Trupp is a Senior Supervising Attorney at The Center for Appellate Litigation (CAL) in New York City and is the director of CAL's Justice First Project, a program designed to detect wrongful convictions at the earliest stages of the appellate process in order to reinvestigate those cases. In 2015, the Justice First Project received the New York State Bar Association's award for Excellence in Mandated Representation. Since its inception in 2002, the project has achieved impressive results, exonerating several clients and earning new trials for many more. Ms. Trupp also developed CAL's parole advocacy project as well as the office's client reentry program. Having practiced appellate public defense for over 25 years, she regularly speaks on criminal law matters and has taught appellate advocacy. A magna cum laude graduate of NYU Law School, she is the recipient of an Outstanding Public Service Award from the New York County Lawyer's Association and the Reginald Heber Smith Award from N.Y.A.A.

Jane Yoon is currently a Statewide Implementation Attorney with the New York State Office of Indigent Legal Services. Ms. Yoon previously worked in both the trial and appellate bureaus at the Monroe County Public Defender's Office. She also spent several years at the Rochester office of Legal Assistance of Western New York (formerly, the Monroe County Legal Assistance Center), where, among other things, she contributed to the office's expansion into representation on re-entry matters. Ms. Yoon is a graduate of SUNY Geneseo and the Benjamin N. Cardozo School of Law.

MCLE Credit

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