

“Criminal ESI:” Electronic Information in Criminal Investigations and Proceedings

Thursday, January 11, 2018 | 9:00 a.m. - 1:00 p.m. | Live & Webcast

CFA Society New York | 1540 Broadway #1010 (entrance on 45th Street) | New York, NY

Electronic information is everywhere. At the same time, volumes and varieties of that information seem to grow exponentially. Unsurprisingly, electronic information is now a common feature in the commission, investigation, and prosecution of crimes. The Commercial & Federal Litigation Section and the White Collar Criminal Litigation Committee of the NYSBA will host a program live in New York City and webcast across the State on January 11, 2018 to address how the criminal justice system approaches electronic information.

Electronic information raises issues involving the Warrant and Particularity requirements of the Fourth Amendment and corresponding protections under New York law. Compelling access to encrypted electronic information raises issues of self-incrimination under the Fifth Amendment. Electronic information also leads to disputes about preservation and spoliation by law enforcement and “cooperation” during discovery, admissibility, and competence of counsel under the Sixth Amendment.

Join us for this timely program which will include 50 minutes of ethics CLE.

Program Co-sponsors

Commercial and Federal Litigation Section
Criminal Justice Section
Committee on Technology and the Legal Profession
Committee on Continuing Legal Education

Webcast

This program will also be
streamed as a live webcast.

4.0 MCLE Credits

1.0 Skills
2.0 Professional Practice
1.0 Ethics



NEW YORK STATE BAR ASSOCIATION

PROGRAM AGENDA

8:30 a.m. – 9:00 a.m.	Registration
9:00 a.m. – 9:10 a.m.	Welcome and Introductions
9:10 a.m. – 10:00 a.m.	The Warrant and Particularity Requirements <i>1.0 MCLE Credit in Professional Practice</i>
10:00 a.m. – 10:50 a.m.	The Privilege Against Self-Incrimination <i>1.0 MCLE Credit in Professional Practice</i>
10:50 a.m. – 11:05 a.m.	Refreshment Break
11:05 a.m. – 11:55 a.m.	Spoliation and Admissibility of Electronic Information, Cooperation Between Prosecution and Defense, and Researching Prospective Jurors <i>1.0 MCLE Credit in Skills</i>
11:55 a.m. – 12:45 p.m.	Effective Assistance of Counsel and Competence with Electronic Information <i>1.0 MCLE Credit in Ethics</i>
12:45 p.m. – 12:50 p.m.	Closing Remarks

Program Chair

Ronald J. Hedges, Esq., Senior Counsel, Dentons US LLP, New York, NY

Program Faculty

Joseph V. DeMarco, Esq., Partner, DeVore & DeMarco, New York, NY

Brenda Fischer, Esq., Assistant District Attorney, Chief of Cybercrime and Identity Theft Bureau, New York County District Attorney's Office, New York, NY

Thomas J. Hibarger, Esq., Managing Director, Stroz Friedberg, Washington, DC

Hon. John J. Leventhal, Appellate Division, Second Judicial Dept., Brooklyn, NY

NEW PROGRAM!

Amendments to the Statewide Commercial Division Rules 2018

featuring Jonathan Lupkin, Esq. and Rebecca Smithwick, Esq.

Thursday, January 18, 2018 | 12:30 p.m. – 1:30 p.m.

1.0 MCLE Credit in Professional Practice | www.nysba.org/Amendments2018

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NYSBA Member: \$150 | Non-Member: \$250

Commercial and Federal Litigation Section Member: \$110

Criminal Justice Section Member: \$110

Register online at www.nysba.org/CriminalESICLE

Please Note: Registrations cancelled less than three business days from the program date will be assessed a \$25.00 cancellation fee.

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NEW YORK STATE BAR ASSOCIATION

CONTINUING LEGAL EDUCATION

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