

THEODORE ROOSEVELT INN OF COURT

A NIGHT AT THE MOVIES

May 22, 2013

Our program examines how lawyers and the trial process are portrayed in the movies. We have covered introductions of counsel, selecting the jury, openings, examinations of witnesses (direct, cross, redirect, rebuttal), and summation, with the hope of highlighting both evidentiary issues and ethical issues which arise during trials. The written materials regarding cross-examination were taken almost completely from a presentation made, in January, 2010, by the George Mason American Inn of Court, whose work we happily, and gratefully, acknowledge. The citations to New York statutes were added for our group. We have added portions of the New York Rules of Professional Conduct also, the full text of which (without annotations) is located at: 22 NYCRR 1200. We also direct our members to our prior series of programs on trial practices, which provided extensive information on trial techniques, tactics and issues.

We must also acknowledge that we are using a fabulous DVD prepared by another Inn, credits of which are on the DVD. Of course, we have supplemented those clips with additional film clips which we believe warrant viewing and discussion by our group.

Among the films from which clips were taken for tonight's program are:

Laws of Attraction
Philadelphia
My Cousin Vinny
Witness for the Prosecution
The Verdict
Runaway Jury
The Young Philadelphians
Bananas
Adam's Rib
Legally Blonde

We hope you enjoy our Night at the Movies.

TONIGHT'S PROGRAM IS BROUGHT TO YOU BY:

Moderators:

Marjorie Bornes, Esq.

A *summa cum laude* graduate of SUNY at Albany (B.S.) and a *cum laude* graduate of Brooklyn Law School (J.D.), Marjorie is a solo practitioner who specializes in litigation of insurance issues, personal injury actions, and landlord/tenant proceedings. She also extensively litigates issues as to insurer's regulatory obligations with regard to evaluation and payment of

automobile property losses under Insurance Department Regulation 64. She practices on the appellate and trial levels in both New York state and federal courts. Currently President of the Theodore Roosevelt Inn of Court, Marjorie previously served as Recording Secretary of the Inn, is a past President of Yashar, the Lawyers and Judges' Chapter of Hadassah, a member of the Nassau County Bar and a member of the New York State Bar Association.

Debora Nobel, Esq.

Debora Nobel is an associate with the law firm of Albanese & Albanese, LLP in Garden City. Ms. Nobel is a *magna cum laude* graduate of Yeshiva University and a graduate of New York University Robert F. Wagner School of Public Service, where she received a Master of Public Administration with a concentration in Health Policy and Administration. She received her law degree from New York Law School. Ms. Nobel was admitted to the New York Bar and to the U.S. District Courts for the Southern and Eastern Districts of New York in 1980. She has devoted her legal career to the representation of health care providers, including physicians, hospitals, dentists and podiatrists in the defense of medical malpractice litigation. Prior to her admission to the Bar, Ms. Nobel was the Assistant Director for Medical Review and Evaluation Office of Health Systems Management of the New York State Department of Health. In that capacity, she was responsible for the establishment of medical standards for the New York City Medicaid Ambulatory Care Program. Since 2006, Ms. Nobel has served as a member of the Executive Committee of the Theodore Roosevelt American Inn of Court.

Panel Members:

John L. Kase is the former supervising Judge of the County Court and Former President of the Theodore Roosevelt Inn of Court. He is currently a partner in Kase & Druker, Garden City.

Hon. Fred J. Hirsh, a graduate of Brooklyn Law School and Hamilton College, is a Judge of the Nassau County District Court, Second District. He served as a District Court Judge, as an interim appointee, from March to December, 2002, and was appointed to the bench in March, 2008. He was elected to a full term in the November 2008 election. Since September, 2008, he has been assigned to Civil Part 3, handling all civil matters within the District Court jurisdiction besides landlord-tenant actions and small claims cases.

Prior to his interim appointment, Judge Hirsh was in private practice, concentrating in personal injury and commercial litigation, real estate and estate matters and appellate practice. From January, 2003 to March, 2008, he was Law Secretary to the Hon. Leonard B. Austin, who was then assigned to the Commercial Division of the Supreme Court Nassau County.

Judge Hirsh has been a presenter at CLE programs for the New York State and Nassau County Bar Associations, the Theodore Roosevelt Inn of Court and the Commercial Law League on programs involving First Party No-Fault Benefits, debtor-creditor issues, contract litigation and issues involving the self-represented.

Judge Hirsh is presently a member of the Board of Directors of East Meadow Kiwanis and Chair of East Meadow Kiwanis Community Service Committee.

Kenneth L. Gartner is a commercial and appellate litigator with the law firm of Lynn, Gartner, Dunne & Covello, LLP, where his practice, in addition to general trial and appellate work, includes representing judges, lawyers and law firms in criminal, civil and disciplinary matters, and serving as an expert witness or special counsel on legal ethics issues.

For seven years, until 2006, he was a civil and criminal trial judge in the Nassau County District Court, where he earned the distinction of being the most published judge in the history of the New York State District Court. Judge Gartner is a Special Professor of Legal Ethics at Hofstra Law School. He is also an Adjunct Professor at Touro Law School, where he oversees the Judicial Externship program, and teaches a seminar for judicial externs examining the judge's role, in theory and practice. Judge Gartner has for almost a decade been the Chair of a national committee of judges, law professors, and practicing attorneys which annually chooses a law school Moot Court brief for recognition by *Scribes* - the American Association of Legal Writers.

Judge Gartner is a member of the New York State Bar Association ("NYSBA") Committee on Professional Ethics. He is a past Chair and continuing member of the NYSBA Committee on Standards of Attorney Conduct ("COSAC"), and is the Chair of the Nassau County Bar Association Professional Ethics Committee. He has been a member of the New York City Bar Association Committee on Professional Responsibility. He served on the NYSBA Statewide Task Force on Non-Lawyer Ownership of Law Firms. Judge Gartner is a member of the Federalist Society Professional Responsibility Practice Group, and the American Association of Professional Responsibility Lawyers. Judge Gartner's most recent publications include "Electronic Communications and the Ethical Obligation to Preserve Confidentiality," *Nassau Lawyer*, December 2011, at 3, col. 2; and "Admission by Motion Rule Distorted by ABA's Interest in Monopoly," *N.Y. Law Journal*, September 16, 2011, at 6, col. 4.

Judge Gartner received both his B.A., and his J.D., *cum laude*, from the State University of New York at Buffalo, where he was Managing Editor of the Law Review. Prior to his election as a judge, he served as an antitrust/litigation associate of the Manhattan law firm of Breed, Abbott & Morgan, and, subsequently, 17 years as first an associate and then a partner, in the law firm of Meyer, Suozzi, English & Klein, P.C. Judge Gartner previously attended the State University of New York at Stony Brook, where, as was subsequently the case at Buffalo, he was a member of the school's NCAA varsity soccer team.

Evelyn Kalenscher is a retired attorney emeritus, who, since 2009, has worked as a pro-bono attorney for the Nassau/Suffolk Law Services Volunteer Lawyers Project in the Landlord/Tenant Part of the Nassau County District Court, representing indigent clients who are at risk of being evicted from their homes. In 2012, she was honored as the Nassau County Pro Bono Attorney of the Year. Prior to retiring, Evelyn was a founding member and partner in the law firm of Genoa, Kalenscher & Noto, P.C., where she practiced Matrimonial and Real Estate Law.

Evelyn is a member of the Nassau County Bar Association and serves on its Ethics Committee, having been its Vice Chair from 2008-2010, and its Chair from 2010-2012. She is now Chair of the Domus House Committee. Evelyn is also a member of the New York State Bar Association, where she is on the Real Property Committee.

In addition to being a long time member of the Theodore Roosevelt American Inn of Court, Evelyn sits on the executive board of Yashar Hadassah, the attorneys' and judges' chapter of Hadassah. She has been a member of the Board of Managers of her condominium community for ten years and has served as its president for the past six years.

Evelyn received a Bachelor of Business Administration Degree from Hofstra University and her JD degree from Hofstra University School of Law in 1989. She is admitted to practice in the State of New York and the United States District Court for the Eastern District of New York.