

REGISTRATION FORM: Assigned Counsel Appeals Training - April 5, 2019

NAME: _____ OFFICE: _____

ADDRESS: _____

CITY/STATE/ZIP CODE: _____

TELEPHONE: _____ EMAIL: _____

PREREGISTRATION IS REQUIRED. NO REGISTRATION AT THE DOOR. There is no fee for this seminar.

Please complete this form and return it to:

New York State Defenders Association
194 Washington Ave., Suite 500
Albany, NY 12210-2514
Fax: 518-465-3249
Email: AWalters@nysda.org

You must complete this form by **March 28, 2019** in order to attend.

If you have any questions, please call Alexandra Walters at 518-465-3524 ext. 25

MCLE Credit

NYSDA has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of Continuing Legal Education in the State of New York (2016-2019). This transitional/nontransitional program has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of 8.0 credit hours, of which 1.0 credit hour can be applied toward Ethics and Professionalism. No CLE credit may be earned for repeat attendance at any accredited CLE activity.

Appellate Division, Fourth Department
50 East Ave., Suite 200
Rochester, New York 14604-2299

Assigned Counsel Appeals Training

Presented by:

Appellate Division,
Fourth Judicial Department
Hon. Gerald J. Whalen
Presiding Justice



and the
New York State
Defenders Association



**Friday, April 5, 2019
9:00 am - 4:30 pm**

New York State Appellate Division
Fourth Department
2nd Floor Conference Room
45 East Avenue
Rochester, NY 14604

MCLE Credits 8.0, 1.0 of which is Ethics

8:50 - 9:00 am Registration sign-in

9:00 - 10:00 am

Tips for Starting and Perfecting an Assigned Appeal

Gary Muldoon

10:00 - 10:35 am

Examination of the New Uniform Rules Regarding Practice in the Fourth Department

Mark Bennett

10:35 - 10:45 am Break

10:45 - 11:45 am

Article 10 Appeals and Prominent Decisions

Patrick Marthage

11:45 am - 12:15 pm Lunch (Provided)

12:15 - 1:15 pm

Developing Successful Appellate Issues

Peter DiGiorgio, Jr.

1:15 - 2:40 pm

Court of Appeals Update

Timothy Murphy

2:40 - 2:50 pm Break

2:50 - 3:40 pm

Ethics: Tips and Tricks for Staying out of Trouble

Andrea Tomaino

3:40 - 4:30 pm

Practice and Procedure: Guidelines for Assigned Counsel

Kim Taylor

4:30 pm Conclusion

Mark W. Bennett is the Clerk of the Court for the Appellate Division, Fourth Department. Mr. Bennett previously served the Court as a two-year Court Attorney, Deputy Chief Appellate Court Attorney, Confidential Clerk to the Honorable Stephen K. Lindley, and finally Chief Appellate Court Attorney. He is a graduate of St. Lawrence University, and subsequently received a Master's Degree in International Affairs and his Juris Doctor degree from Georgetown University.

Peter J. DiGiorgio, Jr. is a graduate of Union College in 1984 and Suffolk University Law School in 1987. He has maintained a private practice in Utica since 1989, concentrating on Marital and Family Law and Civil and Criminal Appellate Work. He is a recipient of the Michael F. Dillon Award by the Supreme Court Appellate Division, Fourth Department for advocacy for children. He has argued a significant number of cases at the Appellate Division, Fourth Department and has also argued at the Court of Appeals. He resides in Utica with his wife, Liz and their three children.

Patrick Marthage is Chief Appellate Counsel for the Oneida County Public Defender's Office, Criminal Division, graduated magna cum laude, Phi Beta Kappa from Hamilton College in Clinton in 1982 and from New York Law School in Manhattan in 1986 where he wrote for its Human Rights Annual and was recognized by its Moot Court Board. He has practiced law privately, served as Assistant Corporation Counsel for the City of Utica and in 1997 became an Assistant Public Defender for Oneida County.

Gary Muldoon is a partner at Muldoon, Getz & Reston in Rochester, author of *Handling a Criminal Case in New York* (Thomson Reuters), and an adjunct instructor at SUNY Buffalo Law School.

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., representing indigent appellate clients in Erie, Orleans, Genesee, and Cattaraugus Counties. Named to Super Lawyers (Upstate NY edition) since 2014, he is Chair of the Appellate Practice Committee of the Bar Association of Erie County, board member for the New York Association of Criminal Defense Lawyers; member of the Committee on Courts of Appellate Jurisdiction for the New York State Bar Association; and member of the Tri-County Judicial Screening Committee for NYS Court of Appeals candidates.

Kim Taylor is currently the Administrator of the Assigned Counsel Program for the Fourth Department. A graduate of the University at Buffalo Law School, she previously clerked for the Supreme Court, Appellate Division, Fourth Department, served as a Monroe County Deputy County Attorney, and ultimately became Supervising Attorney for the Child Support Enforcement Unit, handling all appellate work for the Child Support Enforcement Unit and the Monroe County Juvenile Prosecutor's Office.

Andrea E. Tomaino is Principal Counsel for the Seventh Judicial District Attorney Grievance Committee, an agency of the Appellate Division, Fourth Department. She previously served as a Confidential Law Clerk to the Appellate Division, Fourth Department, before entering private practice, concentrating in family law with the firms of Chamberlain, D'Amanda, Oppenheimer & Greenfield, and Woods Oviatt Gilman LLP in Rochester.