

New York State Bar Association
Trial Academy 2024

Saturday, April 6 – Wednesday, April 10, 2024

New York State Bar Association
1 Elk Street, Albany, New York 12207

31.0 MCLE Credits: 22.0 Skills, 1.5 Ethics, 7.5 Areas of Professional Practice

This program is transitional and suitable for newly admitted attorneys.

Program Agenda

Saturday, April 6 (Day 1)

Registrants: Please review the Pre-Recorded “Jury Selection” webinar created for Trial Academy as part of your preparation.

1:30 p.m. – 2:00 p.m. **Check in – NYSBA, 1 Elk Street, Albany, New York**

2:00 p.m. – 2:30 p.m. **Welcome and Introductions – Great Hall**

Sherry Levin Wallach, Esq.

Immediate Past President, NYSBA
Trial Academy Co-Founder
Deputy Executive Director
The Legal Aid Society of Westchester County
White Plains, NY

Tucker C. Stanclift, Esq.

Trial Academy Co-Founder & Program Co-Chair
Stanclift Law PLLC
Queensbury, NY

2:30 p.m. – 3:20 p.m. **Storytelling & Developing Your Case Theory**

Presenter:

Steven B. Epstein, Esq.

Barket Epstein Kearon Aldea & Loturco, LLP
Garden City, NY

1.0 MCLE Credit in Areas of Professional Practice

3:20 p.m. – 3:30 p.m. **Break**

3:30 p.m. – 4:20 p.m.

Faculty Demonstration of Jury Selection

Presenter:

Marc Gann, Esq.

Collins Gann McClosky & Barry, PLLC
Mineola, NY

No MCLE Credit

4:20 p.m. – 5:10 p.m.

How to Introduce Evidence

Presenters:

Laurie Vahey, Esq. (Civil)

Vahey Law Offices PLLC
Rochester, NY

Hon. Jerald S. Carter (ret.) (Criminal)

Nassau County Supreme Court

1.0 MCLE Credit in Skills

5:30 p.m. – 7:30 p.m.

**Welcome Cocktail Reception & Founders' Award Presentation –
Hinman Library & Patio (NYSBA)**

All Trial Academy students, faculty and volunteers are invited to attend this complimentary reception. Beer, wine and soda and light refreshments will be served. Come and meet your fellow students and faculty and network over a drink!

Special remarks by **NYSBA President, Richard Lewis**

Special Remarks by **Third District Administrative Judge, Hon. Gerald Connolly**

Sunday, April 7 (Day 2)

Program will take place at NYSBA all day

7:30 a.m.

Continental Breakfast – NYSBA, 1 Elk Street, Great Hall

8:00 a.m. – 12:00 p.m.

Team Meetings – Jury Selection Presentations

Please go directly to your designated Team Room to check in. Team rooms will remain the same each day for students.

Each team member will present a demonstration to the Team of a Jury Selection/Voir Dire based on the provided fact pattern. The critique faculty will provide constructive feedback and guidance following each presentation. In addition, a recording of each presentation will be used during a one-on-one critique session with a rotating faculty of experienced trial attorneys and judges.

**Please note that students and faculty must check in at their Team Room each day of the program to receive MCLE credit.*

Team Meetings will take place at 1 Elk Street today only

Team A – Great Hall | **Playback Room:** Cromwell, 1st Floor

Team B – Lawyers Lounge | **Playback Room:** Office on Mezzanine Level

Team C – Peck Room | **Playback Room:** Jenny’s Parlor (1st floor)

Team D – City View | **Playback Room:** Podcast Office, Mezzanine

4.5 MCLE Credits in Skills

12:00 p.m. – 1:00 p.m.

Lunch – Great Hall

**Please note that students must sign in before afternoon sessions each day to receive credit for the afternoon sessions.*

1:00 p.m. – 2:30 p.m.

Trial Ethics – Great Hall

Presenters:

Hon. Deborah H. Karalunas, Supreme Court Justice,
Onondaga County Commercial Division, Syracuse, NY

Hon. Kimberly A. O’Connor, Supreme Court Justice, Albany County
Supreme Court, Albany, NY

Kaylin L. Whittingham, Esq.

Whittingham Law & The Legal Ethics Lab
New York, NY

1.5 MCLE Credits in Ethics

2:30 p.m. – 2:40 p.m.

Break

2:40 p.m. – 4:30 p.m.

Opening Statements – Great Hall

Presenters:

Peter J. Moschetti, Jr., Esq. (Civil)

Anderson Moschetti & Taffany
Albany, NY

Richard D. Collins, Esq. (Criminal)

Collins Gann McCloskey & Barry PLLC
Mineola, NY

2.0 MCLE Credits in Areas of Professional Practice

4:30 p.m. – 5:00 p.m.

Faculty Demonstration of Opening Statements – Great Hall

Presenters:

Julia D'Agostino, Esq.

Hofstra Law School
Hempstead, NY

Hon. Robert McDonald

New York State Supreme Court
Mineola, NY

No MCLE Credit

Monday, April 8 (Day 3)

**Program will take place at the Albany County Courthouse
Please enter the courthouse on Eagle Street**

7:00 – 7:45 a.m. **Continental Breakfast** – Albany County Courthouse, Room 314

8:00 a.m. – 12:00 p.m. **Team Meetings – Opening Statements and Demonstrations –**
Albany County Courthouse

Please go directly to your designated Team Room to check in. Team rooms will remain the same each day for students.

Each team member will present a demonstration to the Team of Opening Statements based on the provided fact pattern. The critique faculty will provide constructive feedback and guidance following each presentation. In addition, a recording of each presentation will be used during a one-on-one critique session with a rotating faculty of experienced trial attorneys and judges.

**Please note that students and faculty must check in at their Team Room each day of the program to receive MCLE credit.*

Team A – Courtroom 373 | **Playback Room:** 314A

Team B – Surrogates Courtroom, 1st Floor | **Playback Room:** Room 70

Team C – Courtroom 427 | **Playback Room:** 427 Jury Room

Team D – Courtroom 433 | **Playback Room:** 433 Jury Room

4.5 MCLE Credits in Skills

12:00 p.m. – 1:00 p.m. **Lunch** – NYSBA Great Hall

Please note that students must sign in before afternoon sessions each day to receive credit for the afternoon sessions.

1:00 p.m. – 1:50 p.m. **Direct Examinations** – Great Hall

Presenters:

Joseph D. Morath, Jr., Esq. (Civil)

Connors LLP
Buffalo, NY

Catherine Christian, Esq. (Criminal)

Liston Abramson, LLP
New York, NY

1.0 MCLE Credit in Areas of Professional Practice

- 1:50 p.m. – 2:15 p.m. Break
- 2:15 p.m. – 3:05 p.m. **Trial Motions and Motions in Limine** – Great Hall
- Presenters:**
- Sharon Stern Gerstman, Esq.**
Magavern Magavern Grimm LLP
Buffalo, NY
- Xavier Donaldson, Esq.**
Attorney at Law
New York, NY
- 1.0 MCLE Credit in Areas of Professional Practice*
- 3:05 p.m. – 3:30 p.m. Break (If planning to view the solar eclipse at this time, please be sure to purchase protective eyewear beforehand).
- 3:30 p.m. – 4:50 p.m. **Basics of Cross Examination** – Great Hall
- Presenters:**
- Vincent E. Doyle, III, Esq. (Criminal)**
Connors LLP
Buffalo, NY
- Hon. Erin P. Gall (Civil)**
Supreme Court Justice
Oneida County Supreme Court
- 1.5 MCLE Credits in Skills*
- 5:30 p.m. Criminal Justice Section Executive Committee Meeting – NYSBA Peck Room

Tuesday, April 9 (Day 4)

7:30 a.m. **Sign-in and Continental Breakfast** – Albany County Courthouse, Room 314

8:00 a.m. – 8:40 a.m. **Cross Examinations** – Albany County Courthouse, Courtroom 373

Presenter:

Peter Gerstenzang, Esq.

Gerstenzang, Sills, Cohn & Gerstenzang
Albany, NY

0.5 MCLE Credit in Areas of Professional Practice

8:40 a.m. – 9:30 a.m. **Faculty Demonstration of Direct and Cross Examinations** – Courtroom 373

Presenters:

Jonathan Cohn, Esq.

Gerstenzang, Sills, Cohn & Gerstenzang
Albany, NY

Eric H. Sills, Esq.

Gerstenzang, Sills, Cohn & Gerstenzang
Albany, NY

No MCLE Credit

9:30 a.m. – 9:40 a.m. Break

9:40 a.m. – 1:00 p.m. **Team Meetings – Direct and Cross Examinations** – Albany County Courthouse

Please head to your designated Team Room to check in. Team rooms will remain the same each day for students.

Each team member will present a demonstration to the Team of Direct and Cross Examinations based on the provided fact pattern. The critique faculty will provide constructive feedback and guidance following each presentation. In addition, a recording of each presentation will be used during a one-on-one critique session with a rotating faculty of experienced trial attorneys and judges.

**Please note that students and faculty must check in at their Team Room each day of the program to receive MCLE credit.*

Team A – Courtroom 373 | **Playback Room:** 314A
Team B – Surrogates Courtroom, 1st Floor | **Playback Room:** Room 70
Team C – Courtroom 427 | **Playback Room:** 427 Jury Room
Team D – Courtroom 433 | **Playback Room:** 433 Jury Room

4.0 MCLE Credits in Skills

1:00 p.m. – 2:00 p.m.

Lunch – Albany County Courthouse – Room 314

Please note that students must sign in before afternoon sessions each day to receive credit for the afternoon sessions.

2:00 p.m. – 4:00 p.m.

Team Meetings – Direct and Cross Examinations (continued)

Please return to your designated Team Room to check in. Team rooms will remain the same each day for students.

Each team member will present a demonstration to the Team of Direct and Cross Examinations based on the provided fact pattern. The critique faculty will provide constructive feedback and guidance following each presentation. In addition, a recording of each presentation will be used during a one-on-one critique session with a rotating faculty of experienced trial attorneys and judges.

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Team D – Courtroom 433 | **Playback Room:** 433 Jury Room

2.0 MCLE Credits in Skills

4:00 p.m. – 4:10 p.m.

Break – Walk back to NYSBA

4:10 p.m. – 5:50 p.m.

Closing Arguments – NYSBA Great Hall

Presenters:

Hon. Christina L. Ryba (Civil)

Supreme Court Justice, Supervising Judge of the Supreme Court 3rd JD Albany, NY

Robert G. Wells, Esq. (Criminal)

New York State Association of Criminal Defense Lawyers
Syracuse, NY

2.0 MCLE Credits in Areas of Professional Practice

6:00 p.m. – 7:30 p.m.

Closing Reception – Hinman Hall/Patio @ NYSBA

Special Guest Speaker: Justice Elizabeth Garry, Presiding Justice, State of New York Supreme Court, Appellate Division, Third Judicial Department

Wednesday, April 10 (Day 5)

- 8:00 a.m. **Sign-in and Continental Breakfast** – Albany County Courthouse, Room 314
- 8:30 a.m. – 9:00 a.m. **Faculty Demo of Closing Arguments** – Albany County Courthouse, Courtroom 373
- Presenter:**
- Robert G. Wells, Esq.**
New York State Association of Criminal Defense Lawyers
Syracuse, NY
- No MCLE Credit*
- 9:00 a.m. – 9:10 a.m. Break
- 9:10 a.m. – 11:30 a.m. **Team Meetings – Closing Arguments** – Albany County Courthouse
- Please head to your designated Team Room to check in. Team rooms will remain the same each day for students.
- Each team member will present a demonstration to the Team of a Closing Argument based on the provided fact pattern. The critique faculty will provide constructive feedback and guidance following each presentation. In addition, a recording of each presentation will be used during a one-on-one critique session with a rotating faculty of experienced trial attorneys and judges.*
- Team A** – Courtroom 373 | **Playback Room:** 314A
Team B – Surrogates Courtroom, 1st Floor | **Playback Room:** Room 70
Team C – Courtroom 427 | **Playback Room:** 427 Jury Room
Team D – Courtroom 433 | **Playback Room:** 433 Jury Room
- 2.5 MCLE Credits in Skills*
- 11:30 a.m. – 12:30 p.m. **Lunch, Closing Remarks and Farewell** – Albany County Courthouse, Room 314
- 12:30 p.m. – 2:30 p.m. **Team Meetings – Closing Arguments (continued)** - Albany County Courthouse
- Please head back to your designated Team Room to check in. Team rooms will remain the same each day for students.
- Each team member will present a demonstration to the Team of a Closing Argument based on the provided fact pattern. The critique faculty will provide constructive feedback and guidance following each presentation. In addition, a recording of each presentation will be used*

during a one-on-one critique session with a rotating faculty of experienced trial attorneys and judges.

**Please note that students and faculty must check in at their Team Room each day of the program to receive MCLE credit.*

Team A – Courtroom 373 | **Playback Room:** 314A

Team B – Surrogates Courtroom, 1st Floor | **Playback Room:** Room 70

Team C – Courtroom 427 | **Playback Room:** 427 Jury Room

Team D – Courtroom 433 | **Playback Room:** 433 Jury Room

2.0 MCLE Credits in Skills

2:30 p.m.

Trial Academy Adjourns