

ELLEN YAROSHEFSKY

Benjamin N. Cardozo School of Law
55 Fifth Avenue, 11th floor
New York, NY 10003
(212) 790-0386
(212) 790-0256 (Facsimile)
yaroshef@yu.edu

Bar Admissions

New York and Washington State Courts
Various U.S. District Courts
Second and Ninth Circuit Courts of Appeals
U.S. Supreme Court

Academic Employment

Benjamin N. Cardozo School of Law 1994-present
Executive Director, Jacob Burns Ethics Center in the Practice of Law
and Clinical Professor of Law

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Executive Director, Jacob Burns Ethics Center in the Practice of Law
Clinical Professor of Law
Courses taught: Professional Responsibility, Ethics in Criminal
Advocacy, Ethics for Public Interest Lawyers, Criminal
Law Clinic, Intensive Trial Advocacy, Wrongful
Convictions
Develop symposia and ethics programs
Direct and teach Cardozo's Intensive Trial Advocacy Program
Program Director, Public Service Scholars (2004-present)

Fordham School of Law Fall 2001
Adjunct Professor of Law
Course: Ethics in Criminal Advocacy

Legal Employment

Ethics Consultant 2008-
Advise and represent lawyers and legal organizations on matters 2000-2004
pertaining to the law governing lawyers; expert witness

<p>Clayman and Rosenberg New York, New York Of Counsel Advise and represent lawyers and legal organizations on matters pertaining to the law governing lawyers; expert witness</p>	<p>2006-2008</p>
<p>Hinshaw & Culbertson LLP New York, New York Of Counsel Advise and represent lawyers and legal organizations on matters pertaining to the law governing lawyers; expert witness</p>	<p>2004 - 2006</p>
<p>Private Practice New York, New York Criminal, civil rights and constitutional rights litigation</p>	<p>1988 - 2000</p>
<p>Center for Constitutional Rights New York, New York National practice in criminal defense, civil rights and international human rights.</p>	<p>1982 - 1988</p>
<p>Gibbs, Douglas, Theiler, Yaroshefsky and Drachler Seattle, Washington Criminal defense and civil rights litigation</p>	<p>1980 - 1982</p>
<p>Seattle-King County Public Defender Seattle, Washington Criminal defense litigation</p>	<p>1976 - 1980</p>
<p>Puyallup Indian Tribe Tacoma, Washington Staff attorney providing general legal counsel to tribe on land rights and general economic development.</p>	<p>1975 - 1976</p>

Education

<p>Rutgers School of Law, Newark, New Jersey</p>	<p>J.D. 1975</p>
<p>Douglass College for Women Rutgers University, New Brunswick, New Jersey</p>	<p>B.A. 1969</p>

Publications

Ethics in Criminal Advocacy, The State of Criminal Justice 2009 (American Bar Association)
(coauthored with Peter A. Joy)

Prosecutorial Discretion and Post-Conviction Evidence of Innocence., 6 Ohio State J. Crim. L. 467
(2009) (coauthored with Bruce A. Green)

Ethics and Plea Bargaining, American Bar Association Criminal Justice Symposium (Fall 2008)

Ethics in Criminal Advocacy, The State of Criminal Justice 2008 (American Bar Association) (coauthored with Bruce A. Green)

Zealous Lawyering Succeeds Against All Odds: Major Mori and the Legal Team for David Hicks at Guantanamo Bay, Symposium Issue, 13 Roger Williams L. Rev. 469 (2008)

Military Lawyering at the Edge of the Rule of Law at Guantanamo: Should Lawyers Be Permitted to Violate the Law, 36 Hofstra L. Rev. 563 (2008)

State of Washington v. Sherrie Lynn Allery, Victory Despite Conviction in Michael E. Tigar and Angela J. Davis (eds.), Trial Stories, 13 (2008)

Secret Evidence is Slowly Eroding the Adversary System, 34 Hofstra L. Rev. 1063 (2006)

Classified Information and the Courts, Secret Evidence and the Courts in the Age of National Security, 5 Cardozo Public Law, Policy and Ethics Journal 1 (2006)

Conference Overview and Summary, The New York City Housing Court in the 21st Century, 3 Cardozo J. Pub. Policy, Law and Ethics Journal 591 (2006) (with Marilyn Flood)

Wrongful Convictions: It Is Time to Take Prosecution Discipline Seriously, Symposium, 8 U.D.C. Law Review 275 (2004)

Introduction to the Cooperating Witness Conundrum, 23 Cardozo Law Review 747 (2002)

Session Four: Special Issues in Assisted Settlement, A Symposium: Ethical Issues in Settlement Negotiations, 52 Mercer Law Review 947 (2001)

Unethical Clauses in Settlement Agreements, New York Employment Law and Practice Vol 2, No. 1 (2000)

Litigation Ethics: Course Materials for Continuing Legal Education, Materials on Client and Witness Perjury, ABA Section of Litigation, (2000)

Cooperation with Federal Prosecutors: Experiences of Truth Telling and Embellishment, 68 Fordham Law Review 917 (1999)

Advertising: Targeted Mailings for Personal Injury and Criminal Clients, New York Professional Responsibility Reporter (June 1998)

How Future Lawyers Learn, Federal Bar Council News (1997)

Balancing Victim's Rights and Vigorous Advocacy for the Defendant, N.Y.U. Annual Survey of American Law 135 (1989)

The Tucson Trial and Its Legal Consequences of Asylum Seekers, 9 Proceedings of the National Legal Conference on Immigration and Refugees (1986)

Presentations in Professional and Academic Programs (since 2003)

Ethical Issues with Blogging, Friending and Tweeting, Association of the Bar of the City of New York (3/10)

Ethical Issues in Criminal Defense Practice, 24th Annual Metropolitan New York Trainer (3/10)

Ethics for Corporate Counsel, New York State Bar Association Third Corporate Counsel Institute (11/09)

Ethical Implications of Open Source Strategies, Open Source Software, Practicing Law Institute, (11/09)

The New New York Rules of Professional Conduct in Criminal Practice, Citibar Center for Continuing Legal Education (11/09)

Examining Modern Approaches to Prosecutorial Discretion, Keynote Address, Temple University Beasley School of Law Political and Civil Rights Law Review Annual Symposium (10/09)

Racial Issues, Confidentiality and Other Ethical Dilemmas, 2009 Annual Criminal Defense Conference, Milwaukee, Wisconsin (9/09)

Ethical Issues in Prison Actions, Prison Law 2009, Practicing Law Institute (9/09)

Ethical Issues in Special Education, Seventh Annual School Law Institute, Practicing Law Institute, (5/09)

Past, Present and Future of Guantanamo, CSPAN, April 2009

Ethical Implications of Open Source Strategies, Open Source Software, Practicing Law Institute, (11/08)

Confidentiality and Its Limits, Legal Ethics in New York, Lorman Educational Services, New York (9/08)

Ethical Issues in Client Representation at Guantanamo, Association of Professional Responsibility Lawyers, (5/08)

The Prosecution Ethic, Symposium in Tribute to Seattle-King County Prosecutor

Norm Maleng, Seattle Washington (5/08)

The Bi-Annual Criminal Justice Retreat: A Summit on the Prosecution Function, Association of the Bar of the City of New York (4/08)

Ethical Issues in Direct and Cross Examination, American Bar Association Criminal Justice Section, (4/08)

Ethical Issues in Witness Preparation, Commercial and Federal Litigation Section, New York State Bar Association, (1/08)

What Every Attorney Must Know About Ethics, Practicing Law Institute (12/07)

Ethics and Professionalism in Plea Negotiation: Best Practices and Worst Pitfalls, American Bar Association Criminal Justice Section 2007 Fall Conference, Washington, D.C., (11/07)

Business and Ethical Implications of Open Source Strategies, Open Source Software, Practicing Law Institute, (11/07)

Confidentiality and Conflicts, Back to Business, Proskauer Rose LLP, (11/07)

Lawyering and Terrorism Cases, Legal Dilemmas in a Dangerous World: Law Terrorism and National Security, Roger Williams University School of Law, (11/07)

Lawyering at the Edge of the Rule of Law, Ethics Conference: Lawyering at the Edge, Hofstra Law School (10/07)

Ethics in Employment Law, Jackson Lewis Women's Employment Law Conference, New Jersey (10/07)

Zealous Representation: Ethical Limits and Trial Techniques, New York State Bar Association (5/07)

Ethical Practices in Start-Ups and Smaller Firms, Association of the Bar of the City of New York, (5/07)

Ethics for the Immigration Lawyer, Federal Bar Association, New Jersey 26th Annual Hon. William H. Strasser Immigration Conference, (5/07)

Ethical Issues in Special Education, Fifth Annual School Law Institute, Practicing Law Institute, (5/07)

Potential Criminal Exposure of Attorneys, Professional Responsibility and Risk Management Conference, New York (10/06)

Attorney-Client Privilege, Inadvertent Disclosure and Document Retention, Jackson Lewis Women's Employment Law Conference, New Jersey (10/06)

Ethical Issues for Intellectual Property Lawyers, The Copyright Society of the USA, New York (9/06)

Ethical Issues in Advising the Self Represented, New York Family Court (9/06)

Ethical Issues for the Entertainment Lawyer, Association of the Bar of the City of New York Center for Continuing Legal Education, (6/06)

Prosecution Ethics, American Bar Association Professional Responsibility Conference, Vancouver, B.C. (6/06)

Ethical Issues for Employment Lawyers, National Employment Lawyers Association, (5/06)

Ethical Issues in Special Education, Sixth Annual School Law Institute, Practicing Law Institute, (5/06)

Lawyers in the Dock: When Does Good Lawyering Become Criminal Conduct, Association of the Bar of the City of New York Center for Continuing Legal Education, (2/06)

Prosecution Ethics, Association of Professional Responsibility Lawyers, (2/06)

The Law and Ethics of Criminal Defense in Terrorism Cases, Association of American Law Schools, (1/06)

Bridge the Gap, Practicing Law Institute, (12/05)

Secret Evidence is Eroding the Adversary System, Lawyers' Ethics in an Adversary System, 2005 Legal Ethics Conference, Hofstra Law School, (11/05)

The Changing Legal Profession, Legal Ethics in the New Millennium, American Association of Law Schools Professional Responsibility Conference, (6//05)

Ethical Issues in Special Education, Fifth Annual School Law Institute, Practicing Law Institute, (4//05)

Ethical Issues in Pro Bono Work, City Bar Center for Continuing Legal Education, (6/05)

Ethical Dilemmas for Financial Services Attorneys, SIA Compliance and Legal Division, (6/05)

Ethics for the Immigration Lawyer, City Bar Center for Continuing Legal Education, (3/05)

Ethical Considerations for Corporate Investigations, City Bar Center for Continuing Legal Education, (9/04)

Timely Ethical Issues: Cooperating Witnesses, Federal Bar Council, (11/04)

Ethical Issues for the Entertainment Lawyer, City Bar Center for Continuing Legal Education, (6/04)

Ethics for the Immigration Lawyer, City Bar Center for Continuing Legal Education, (3/04)

Ethical Issues in Dealing with the Difficult Client, New York Employment Lawyers Annual Conference, (11/03)

Internet Ethics, New York County Lawyers Association, (10/03)

The Evolving Defense Function in the Wake of Sarbanes-Oxley, New York Council of Defense Lawyers 2003 Biennial Retreat, with SEC Commissioner Harvey Goldschmid, SDNY Judge Jed Rakoff and New York State Attorney General Eliot Spitzer, (10/03)

Child Abuse, Neglect & the Foster Care System - The Attorney's Role & Responsibilities 2003, Practicing Law Institute, (3/03)

Recent Professional Service

Center for Constitutional Rights Executive Committee Board Member	2006-
American Bar Association Criminal Justice Section Co-chair of Ethics, Gideon and Professionalism Committee	2006 -
New York County Lawyers Association Professional Ethics Committee	2008-
New York County Lawyers Association Justice Center Advisory Board	2004 -
New York State Bar Association Committee on Standards of Attorney Conduct (COSAC)	2003 -
National Association of Criminal Defense Lawyers Co-chair, Ethics Advisory Committee	2003 -
Association of the Bar of the City of New York Committee on Professional Responsibility	2002 - 1994 - 1998

Association of the Bar of the City of New York Criminal Courts Committee	2008-
National Conference of Bar Examiners MPRE Drafting Committee	2002
Legal Services for New York City LSNY Planning Process Advisory Committee	2001 - 2002

Honors

<i>“Eric Neisser Award for Outstanding Public Service,”</i> Rutgers University School of Law	Sept 2005
<i>“Outstanding Contribution in the Field of Criminal Law Education” Award</i> New York State Bar Association, Criminal Justice Section	Jan 2000
Monrad G. Paulsen Award (with other members of the clinical faculty) <i>“In recognition of devoted service to the ideals and purposes of Legal Education”</i>	June 1998
American Immigration Lawyers Association Award	June 1991
Steps to End Family Violence Award	May 1991