

# THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

## It's not a perfect system, but it works.

*"Justice is the tolerable accommodation of the conflicting interests of society, and I don't believe there is any royal road to attain such accommodation concretely."*

— JUDGE LEARNED HAND, PHILIP HAMBURGER'S "THE GREAT JUDGE"

Last week, the Communications Committee of the Monroe County Bar Association sponsored "Law Over Lunch," a program designed to facilitate discussion between lawyers, judges and media outlets regarding the criminal justice system and the participants' respective roles in the process.

I had the pleasure of moderating the event with Bill Taylor, an attorney with Monroe County who also is a former Monroe County Assistant District Attorney.

The panel consisted of New York State Supreme Court Justice Frank Geraci, Irondequoit Town Court Justice John DiMarco, Monroe County District Attorney Michael C. Green, Second Assistant Public Defender Jill Paperno and Lawrence Andolina, a partner at Trevett, Cristo, Salzer & Andolina. Many members of various local print, radio and television media outlets were also present.

A theme that became evident from the very start was the obviously conflicting interests of the parties in attendance. Despite the apparently disparate viewpoints, however, a lively discussion and exchange of ideas ensued.

The judges were concerned primarily with upholding their ethical obligations and maintaining order in their courtrooms. They urged members of the media to assist them in keeping certain information about pending cases confidential, as required by statute.

The attorneys focused on their ethical obligations to represent zealously the interests of their clients — in the case of the District Attorney, the People of the State of New York. They explained that their interactions with the press or lack thereof, in some cases — were largely controlled by statutory mandates and

their overriding concern for the duty owed to their clients.

Members of the press, likewise, were concerned with their ethical obligation to report the news as accurately as possible, a task that becomes all the more difficult when those who possess the vast majority of information on a pending criminal case refuse to share it. Accordingly, some journalists expressed frustration about the lack of information shared with or made available to them.

Interestingly, one issue on which the majority of participants could agree is that cameras should be allowed in the courtroom. Many panelists opined that proceedings would be unaffected as long as a presiding judge exercised tight control over his or her courtroom.

One panelist's argument in favor of allowing proceedings to be televised is that doing so actually would allow the press to obtain a great deal of information without having to directly question the attorneys involved, whose responses necessarily would be limited due to ethical guidelines.

Another panelist expressed the concern that cameras in the courtroom might discourage civilian witnesses from testifying accurately, or at all, thereby negatively affecting a trial's outcome.

Overall, the program was a success. The panelists provided valuable information about the criminal justice system, its procedural mechanisms and its inner workings.

Hopefully, the open and genuine dialogue that resulted from the round table discussion will serve to remind participants of the differing, but valid perspectives of everyone who participates in the process. While their interests sometimes may conflict, ultimately their goals are the same — the protection of liberty and the pursuit of justice.

*Nicole Black is of counsel to Fiandach & Fiandach and co-authors Criminal Law in New York, a West-Thomson treatise. She also publishes a popular New York law blog, Sui Generis, [nylawblog.typepad.com](http://nylawblog.typepad.com) and a blog devoted to legal humor, Legal Antics, [nylablog.typepad.com/legalantics](http://nylablog.typepad.com/legalantics).*



By **NICOLE BLACK**

Daily Record  
Columnist