

Mr. Steven Epstein  
785 Park Lane  
East Meadow, NY 11554

## **Experience**

**Barket Epstein Kearon Aldea and LoTurco, LLP** **2012 - Present**

Garden City, New York

Founding Partner in firm specializing in criminal defense, civil and commercial litigation. Responsible for handling and managing complex litigations in state and federal courts.

**Steven Epstein DWI Institute** **2020-Present**

White Plains, New York

Head of Institute, an educational program designed to teach lawyers how to defend DWI cases from the fundamentals to the fine arts required to navigate the pathway of a DWI case from arrest through trial.

**The Law Offices of Steven Epstein** **1998-2011**

Hempstead, New York

Attorney in charge of small sized law firm specializing in criminal defense and civil rights litigation with offices in Long Island, Bronx and Manhattan. Extensive experience defending individuals accused of all types of crimes throughout the New York metropolitan area as well as plaintiffs in civil rights litigations in New York State and Federal Courts.

**Adjunct Faculty, Elisabeth Haub School of Law at Pace University** **1998 – Present**

White Plains, New York

Teach trial practice in a nationally recognized trial skills program. This comprehensive program interfaces with the traditional curriculum allowing students an opportunity for simulated learning skills sessions. Students' knowledge of substantive law is integrated in an intensive course study of trial skills and the Federal Rules of Evidence. The program features introductory, as well as, advanced learning in the art of questioning technique, evidence, jury profiling and selection, theory, and platform skills.

**Instructor, Legal Aid Society of the City of New York** **1998 - Present**

New York, New York

Principal Instructor in the area of DWI defense having taught hundreds of attorneys techniques of how to handle the DWI case.

**Coach, Pace University School of Law Competitive Trial Teams** **1998 - Present**

White Plains, New York

Coach of Pace University School of Law Competitive Trial teams competing in various local and national trial skills competitions.

**Associate, The Ackerman Law Firm** **1997-1998**

Westbury, New York

Associate with small sized law firm handling commercial litigation and bankruptcy matters. Represented United States Bankruptcy Trustee in Bankruptcy proceedings in the Eastern District of New York.

**Staff Attorney, The Legal Aid Society, Criminal Defense Division** **1992-1997**  
New York, New York  
Staff Attorney handling criminal matters on behalf of indigent individuals in Bronx County from arraignment through trial.

## **Education**

**Pace University School of Law**  
White Plains, New York - J.D. May, 1992 Graduated Cum Laude

**State University of New York College at Oneonta**  
Oneonta, New York. Bachelor of Arts, Speech Communications - May, 198  
Graduated Cum Laude, with Dean's List Honors

## **Volunteer Activities**

**Trustee, Board of Trustees, Hartwick College** **2019 – Present**  
Serve on Board of Trustees for Hartwick College in Oneonta, New York. Hartwick College, is a small liberal arts college which integrates a liberal arts education with experiential learning to inspire curiosity, critical thinking, creativity, personal courage and an enduring passion for learning.

**Board of Directors, NY State Association of Criminal Defense Lawyers** **2018- Present**  
Serve on Board of Directors for organization with nearly 1000 members dedicated to protecting the rights of criminal defendants through a strong, unified, and well-trained criminal defense bar.

**Director – Board of Director Temple Emanu-El, East Meadow, NY** **2016 – 2018**  
Served as a member of the Board of Directors of local Synagogue managing the affairs of a Temple serving over 200 congregants.

**Executive Vice President - East Meadow Soccer Club** **2000-2014**  
East Meadow, New York  
Executive Vice President for community-based soccer program serving the East Meadow community and the surrounding areas. Organized youth soccer programs for children of thousands of families playing intramural and travel soccer as well as developed new program for Children with Special Needs.

**Tournament Director - East Meadow Soccer Club** **2005 - 2014**  
East Meadow, New York  
Tournament Director for New York's largest outdoor soccer tournament hosting over 440 teams and almost 8,000 players annually. Manage a committee of over 30 members who run the tournament which is held at over 55 fields throughout Nassau and Suffolk County.

## **Appointments and Certificates**

Co-Chair National Task Force for Trial Advocacy – National College for DUI Defense, appointed to serve 2021-2022.

United States Department of Justice, appointed peer reviewer for National Institute of Justice Grant applications to conduct research that examines criminal justice tools, protocols, and policies concerning drug trafficking, markets and use, and the effects of drug legalization and decriminalization on law enforcement, applicable to State, tribal and local jurisdictions.

Successfully completed the NHTSA DWI/SFST practitioner course, a 24 hour course recognized by the National Highway Traffic Safety Administration. June 2-4, 2016.

## **Awards**

President's Award – New York State Association of Criminal Defense Lawyers, January 2021.

## **Seminars Taught**

“Preparing for Cross Examination: The Study of the Chapter Method” 33<sup>rd</sup> Annual Cross to Kill, New York State Association of Criminal Defense Lawyers, May 6 & 7, 2021. "Give me six hours to chop down a tree & I will spend the first four sharpening the axe."

“Trial Skills Academy: Evidence and Objections” New York State Association of Criminal Defense Lawyers, April 12 & 19, 2021, Webinar.

“The Evidence and Intricacies Surrounding DWI Litigation,” Elisabeth Haub School of Law at Pace University, April 6, 2021, Webinar.

“The Fundamentals of Breath Testing,” New York State Bar Association Handling a DWI Case in New York: The Nuts and Bolts, March 24, 2021, Webinar.

“Story Telling in Summation,” New York State Bar Association Young Lawyers Trial Academy, March 17, 2021, Webinar.

“The Direct Examination of an Expert Witness: Getting Out of the Spotlight,” Eighth Annual Man vs. Machine Seminar: Defending the DWI Case, January 15, 2021, Webinar.

“The DWI Case: From Arrest to Trial, Two Day New Attorney Training Program.” The Legal Aid Society of New York, Criminal Defense Practice, January 6, 7, 2021, Webinar.

“The DWI Case: From Arrest to Trial, Two Day New Attorney Training Program.” The Legal Aid Society of Suffolk County, November 23, 24, 2020, Webinar.

“The DWI Case: From Arrest to Trial, Two Day New Attorney Training Program.” Brooklyn Defender Services, November 9, 10, 2020, Webinar.

“Art of Persuasion and Logical Reasoning” New York State Association of Criminal Defense Lawyers, October 6, 2020, Webinar.

“The Trial of a DWI Case” Suffolk Academy of Law, September 22, 2020, Webinar.

“DMV Refusal Hearings in the Wake of Covid-19” New York State Association of Criminal Defense Lawyers, Webinar.

“The ABCs of Cross Examination” Lawline, February 23, 2020, Webinar

“Cross Examination of the Breath Test Officer: Decisions Based on Knowledge not Numbers” Lawline, May 22, 2020, Webinar

“Criminal Justice Reform Effects on DWI Cases” New York State Association of Criminal Defense Lawyers, November 1, 2019, Hudson Valley Seminar, The Culinary Institute of America.

“Criminal Justice Reform Effects on DWI Cases” New York State Bar Association, September 17, 2019, Webinar.

“Criminal Justice Reform Effects on DWI Cases” New York State Association of Criminal Defense Lawyers, June 14, 2019, New York Law School.

“Changes to Discovery Laws & DWI Cases” New York State Association of Criminal Defense Lawyers, June 7, 2019, Broome County Public Library, Binghamton, NY.

“Storytelling in Summation” New York State Association of Criminal Defense Lawyers, June 7, 2019, Broome County Public Library, Binghamton, NY.

DWI on Trial – Big Apple XIX, “The Intoxilyzer 9000: Science Made Simple,” New York State Bar Association, May 2, 2019, New York, NY.

“Skills for Cross Examining a Breath Test Officer,” Lawline, December 15, 2018, New York Law School.

“Once Upon a Time - Story Telling in Summation,” Weapons for the Firefight, New York State Association of Criminal Defense Lawyers, November 30, 2018, New York Law School, New York, NY.

“Fundamental Principles of Breath Testing: An Imperfect Means to a Legitimate End” Clear Law Institute Webinar, November 16, 2018.

Sixth Annual Man vs. Machine Seminar: Defending the DWI Case “Cross Examination of the SFST Officer” November 6, 2018, Cadwalader Wickersham & Taft, New York, NY

Sixth Annual Man vs. Machine Seminar: Defending the DWI Case “Cross Examination of the Breath Test Officer” November 6, 2018, Cadwalader Wickersham & Taft, New York, NY

Cannabis on the Horizon, Legalized Cannabis in New York City - New York City Bar Association November 1, 2018, New York, NY

“Fundamental Principals of Breath Testing,” Suffolk County Criminal Bar Association, October 23, 2018.

“Fundamental Principals of Breath Testing”, NACDL & NCDD 22<sup>nd</sup> Annual DWI Means Defend With Ingenuity Seminar “Grand Slam Defenses,” October 10-13, 2018, The Bellagio Hotel, Las Vegas, NV.

National College for DUI Defense, Summer Session 2018 at Harvard Law School, National College for DUI Defense, Instructor, July, 2018 at Harvard Law School, Cambridge, MA.

“Pre-Trial Hearings – Crossing the Arresting Officer in a DWAI Drug Case,” 2<sup>nd</sup> Annual Master Class in DWI Defense: Drug Edition, National College for DUI Defense, June 1, 2018, Finger Lakes Community College, Canandaigua, NY.

DWI on Trial – Big Apple XVIII, “Using Discovery to Win,” New York State Bar Association, May 11, 2018, New York, NY.

Defending DWI Cases – The Critical Issues “Breath Test Issues” New York State Bar Association, September 8, 14 and 28, 2017, Buffalo, New York City and Albany.

Blood and Breath Testing: Science Made Simple, Upstate Criminal Defense Seminar, New York State Association of Criminal Defense Lawyers, June 9, 2017, Saratoga Springs, New York.

Fifth Annual Man vs. Machine: Constructing the Defense in a DWI Case, “A Primer on the Science of Blood and Breath Testing” March 10, 2017, St. Francis College, Brooklyn, NY

Fifth Annual Man vs. Machine: Constructing the Defense in a DWI Case, “Summations and the Art of Telling a Story” March 10, 2017, St. Francis College, Brooklyn, NY

Blood and Breath Testing in New York DWI Cases: Skills for Making the Science of Measuring Blood Alcohol Simple, Lawline.com, December 18, 2016, Webcast.

On the Road Again: Challenging the Lifetime Driver’s License Revocation, Bronx County Bar Association, November 16, 2016.

Presenting Scientific Evidence to Laypeople, Texas Tech University School of Law, October 28, 2016, Lubbock, TX.

The Pathway of a DWI Prosecution, The New York State Commission on Judicial Conduct, October 18, 2016, New York, NY

National College for DUI Defense, Summer Session 2016 at Harvard Law School, “Just Say No to Losing Your Client’s Commercial or Professional License” National College for DUI Defense, July 21-23, 2016 at Harvard Law School, Cambridge, MA.

The Basics of Gas Chromatography and Why it is Relevant to DWI Cases, Bronx Bar Association, May 25, 2016.

DWI on Trial – Big Apple XVI, “The Intoxilyzer 5000 – What You Need to Know,” New York State Bar Association, May 18, 2016, New York, NY.

Cutting Edge Criminal Defense: “The Basics of Gas Chromatography” New York State Defenders Association, May 6, 2016, Binghamton, New York.

“DWI and the Law: What to do in the Midnight Hour,” Tannenbaum Helpert Syracuse & Hirschtritt LLP, April 21, 2016.

Cross to Kill 2016: “10 Concepts You Need to Understand to do a Cross Examination of the Breath Test Operator in a DUI Case.” New York State Association of Criminal Defense Lawyers, April 15, 2016, New York, New York.

“10 Concepts You Need to Understand to do a Cross Examination of the Breath Test Operator in a DUI Case” Lawline.com, January 29, 2016, Webcast.

Cannabis and Cars: What you Need to Know to Defend a Marijuana DUI Case. “Where the Government is Taking Us,” National College of DUI Defense, Marina Del Ray, California, January 22, 2016.

Fourth Annual Man vs. Machine: Blood, Sweat and Breath, St. Francis College, Brooklyn, NY November 3, 2015. Lectured on The Basics of Blood Testing and Gas Chromatography and Concepts Behind the Cross Examination of the Breath Test Operator.

The Nuts and Bolts of Handling a DWI Case: Handling the Probable Cause Hearing, New York State Bar Association, New York and Albany, NY, October 7 & 21, 2015.

Meeting to Review Drug Recognition and Impairment research, Department of Justice, Washington, D.C., August 24, 2015.

Presenting Complex Scientific Evidence to Laymen, Texas Criminal Defense Lawyers Association, Dallas, Tx., October 1, 2015.

Handling the DWI Case From Arraignment Through Hearings, The Bronx Defenders, Bronx, New York, July 7, 2015.

DWI 101: What to do in the Midnight Hour, Columbian Lawyers Association, New York, NY, May 6, 2015.

Three Part DWI Series: Storytelling in DWI Cases (April 7, 2015); PBT-Keeping the Preliminary Breath Test Out and What To Do If It Comes In (April 8, 2015); and Man v. Machine the Intoxilyzer 5000EN (May 4, 2015 ). New York County Bar Association, 100 Centre Street.

Handling the DWI Case From Arraignment Through Hearings, The Bronx Defenders, Bronx, New York, April 17, 2015.

Presenting Complex Scientific Evidence in Simple Terms to a Jury: Mastering Scientific Evidence in DUI/DWI Cases, National College for DUI Defense and Texas Criminal Defense Lawyers Association. New Orleans, LA March 26-28, 2015.

The PBT: How to Keep it Out of Evidence and What to do When it Comes in. The Assigned Counsel Plan, Appellate Division First Department. New York. N.Y. December 18, 2014

The PBT: How to Keep it Out of Evidence and What to do When it Comes in. The Bronx Bar Association, Bronx, N.Y. December 10, 2014

The Science of Breath Testing and the Tools to Defeat it. Pace Law School, White Plains, N.Y. November 18, 2014.

Telling the Story in a DWI Case. New York State Association of Criminal Defense Lawyers. Hudson Valley Fall Trainer, Poughkeepsie, N.Y. November 14, 2014

Handling the DWI Case in New York – Commercial Licenses, Underage Offenders and Out-of-State Defendants. New York State Bar Association, October 6, 2014

Third Annual Man vs. Machine: The Breath Test Case on Trial  
Cadwalader, Wickersham & Taft, NY, NY. July 10, 2014

Advanced Issues in Breath Testing  
Nassau County Legal Aid Society. July 9, 2014

The Intoxilyzer 5000 on trial, Nassau Academy of Law (October 10 and 15, 2013)

Cross to Kill: Cross of the Breathalyzer Technician, New York Association of Criminal Defense Lawyers (April 26, 2013)

Second Annual Man vs. Machine Seminar: Attacking Portable Breath Tests, Brooklyn, New York (December 7, 2012)

Jury Selection in the DWI Case  
Bronx County Bar Association – May 23, 2012

Cross Examination of the Intoxilyzer 5000EN Operator

Nassau County Criminal Court Bar Association – May 10, 2012

First Annual Man vs. Machine: The Intoxilyzer 5000en  
The Legal Aid Society of New York - May, 2011

The Defense of the DWI Case  
The Legal Aid Society of New York – 1998 – Present

Cross Examination of the DWI Breath Technician  
Assigned Counsel Plan First Dept. November 2010

DWI Refusal Hearings  
Bronx County Bar Association March 2010

Leandra's Law Update  
Bronx County Bar Association March 2010

Cross Examination of the DWI Breath Technician  
Bronx County Bar Association November 2008

Update on DWI Defense  
Sullivan County Bar Association January 2007

Update on DWI Defense  
Bronx County Bar Association January 2007

How to Try Your First DWI Case  
Korean-American Lawyers Association of Greater New York July, 2004

## **Publications**

Treating Marijuana Worse Than Alcohol Under DUI Regime Is a Mistake, New York Law Journal, April 8, 2021, Perspective P. 6.

Fundamental Principles of Breath Testing, Winter, 2019, Volume 31, Number 1 (New York Association of Criminal Defense Lawyers).

Singas v Engel: A Discovery Win for DWI, Winter, 2018, Volume 30, Number 1 (New York Association of Criminal Defense Lawyers).

Legalizing Recreational Marijuana in New York Would Usher in New Era, New York Law Journal, August 7, 2018, Outside Counsel P. 4.

It Takes a Team, The Defense of Vehicular Homicide Case, Atticus, Spring, 2017, Volume 29, Number 2 (New York Association of Criminal Defense Lawyers).

Jury Instructions: An Essential Tool to Conflict Resolution in a DWI Case, Winter, 2017, Volume 29, Number 1 (New York Association of Criminal Defense Lawyers).

Detecting Marijuana Impaired Drivers: A Lesson in History, Lawline 360, March 22, 2016.

Calibration, I do not Think That Word Means What You Think it Means, Atticus, Spring 2016, Volume 28, Number 2 (New York Association of Criminal Defense Lawyers).

FYI/DWI: What You Do in the Midnight Hour Can Win Your Case! Atticus, Winter, 2016, Volume 28, Number 1 (New York Association of Criminal Defense Lawyers).

Hit and Run Bill: A Positive Step, But Misses the Mark, New York Law Journal, December 1, 2015.

The Evolution of Confrontation, Atticus, Fall 2015, Volume 27, Number 3 (New York Association of Criminal Defense Lawyers).

Keeping the Preliminary Breath Test Out of Evidence, Atticus, Winter 2015, Volume 27, Number 1 (New York Association of Criminal Defense Lawyers).

The GERD Defense in a DWI Case, Public Defense Backup Center Report, Volume XXIX, Number 2, June-July 2014 (New York State Defenders Association).

The GERD Defense in a DWI Case, Atticus, Spring 2014, Volume 26, Number 1 (New York Association of Criminal Defense Lawyers).

Strategies for Defending DWI Cases in New York, 2014 ed.: (Inside the Minds) New Edition, Aspatore, 2014

Strategies for Defending DWI Cases in New York, 2013 ed.: (Inside the Minds) New Edition, Aspatore, 2013

Strategies for Defending DWI Cases in New York, 2011 ed.: Leading Lawyers on Understanding Today's DWI Environment, Constructing a Defense Strategy, and Counseling Clients (Inside the Minds), Aspatore.

Telling the Story in a DWI Case, Atticus, Winter, 2013, Volume 24, Number 4 (New York Association of Criminal Defense Lawyers).

DWI Proposals Cast Too Wide a Net, New York Law Journal, May 29, 2013, Letters to the Editor.

Bill Strengthening Child Passenger Safety Law Takes Effect Nov. 1, New York Law Journal, August 22, 2013, Outside Counsel, P. 4.

## **Memberships and Admissions**

New York State Bar, First Department – 1992

Connecticut Bar – 1992

United States Supreme Court 1993

United States District Court S.D.N.Y., N.D.N.Y. and E.D.N.Y 1993

New York State Association of Criminal Defense Lawyers

National Association of Criminal Defense Attorneys

National College for DUI Defense