Surge in Immigration Appeals Noted:
New Justice Department Procedures Seen as Cause

In a report that was recently featured in the New York Law Journal, the Association’s Federal Courts Committee expressed concern regarding a burden some surge in immigration appeals filed in the circuit courts of appeal, particularly the Second Circuit. The report explains that the surge is the result of the Department of Justice’s implementation of certain “procedural reforms” concerning the Board of Immigration Appeals (BIA). The reforms, promoted as intended to increase the efficiency of immigration appeals, expanded the use of affirmances without opinion by single BIA members in nearly all types of cases within the BIA’s jurisdiction.

According to the report, the new procedural reforms resulted in an increase in summary affirmances from 2-3% to close to 60%, as well as a steep decline of dispositions in favor of aliens. Advocates for aliens seeking asylum contended that the aliens were being deported without being accorded meaningful administrative review. Feeling aggrieved by these changes, asylum seekers began to appeal their cases to the circuit courts in record numbers. The total number of immigration appeals filed in the circuit courts of appeal around the country rose by 294% with the increase in the Second Circuit having even more dramatic consequences.

The report commended the Second Circuit for developing innovative ways to address the dramatic increase in cases. However it warns that if the surge in cases continues as expected, a significant problem for the administration of justice is at hand. The report offered recommendations to ease the burden of the new cases and urged for increased resources as well as congressional study and investigation to question the wisdom of the BIA reforms.

According to the report, the new reforms have led to inefficiency that wastes taxpayer money and unfairly imposes on the circuit courts almost the entire burden of assuring that the statutory rights of aliens, and the interests of all citizens in an effective immigration system are vindicated. A full copy of the report can be found on the Association’s website at www.abcn.org.

With Law as the ‘Day Job,’ Attorneys Ham It Up by Night

When the artistic bug bites, not even lawyers are immune. The passionate parasite can lie dormant for years, when suddenly, its human host burns with a renewed desire to take up music or the performing arts they had abandoned for the bar. The Association has plenty of outlets for a lawyer who prefers to be caught in the stage light of a public theater rather than the limelight of a public hearing. The City Bar Chorus, the Lawyers Orchestra and the Entertainment Committee are three such venues currently available to Association members.

The City Bar Chorus

“I would love to make a living playing the piano, but I have to pay my bills,” says Israella Mayeri, who studies at the Brooklyn Conservatory of Music. She is a Family Court Magistrate in Brooklyn. “An ad for ‘singing lawyers’ in the ‘44th Street Notes’ changed my life. I can have a horrendous day at work listening to people argue all day. But then in the evening, I make people happy and it gives me joy.”

Mayeri is co-chair of the Association’s Talent Outreach Project, which runs the City Bar Chorus. The Bar Chorus usually sings for people who can’t travel to hear live performances, such as Alzheimer’s patients or injured firefighters after 9/11. “Our favorite gig is our holiday program for kids at Bellevue, where we sing Disney songs,” said Mayeri. “When we reach different kinds of people on a different level, people realize that the Bar Association does a lot of good.”

Her co-chair is Nancy Lang, an attorney with the Department of Citywide Administrative Services who studies voice. “At virtually every performance, something unique and magical happens which proves that the audience has enjoyed the evening,” she said. Lang recalls a recent performance by 50 chorus members at Visions, a Chelsea coffeehouse for the visually impaired. She distributed Braille song sheets for a sing-a-long. By chance, the chorus’s repertoire included, “Georgia on My Mind,” by Ray Charles and “Lullaby of Birdland,” by George Shearing, both blind men. After thunderous applause, an audience member asked to be guided toward the piano. With flourish and style, he ripped into “Total Praise,” a gospel song that they had just performed. Then he flawlessly played a string of Sixties’ hits by ear.

Continued on pg 6.
THE YEAR IN REVIEW by Bettina B. Plevan, President

As a longstanding member and the current President of the Association, I continue to be amazed at the intensity of activity taking place here on a regular basis. On any given day, you might find ten committee meetings, a cutting-edge CLE program, one or more lunch-eons and one of our traditionally thought-provoking Meeting Hall programs. You might also find people waiting for legal assistance through our Monday Night Law Program or uncontested divorce clinic.

Throughout this past year, I have been delighted in seeing the pride our members and staff take in helping people, providing free legal services, stimulating public discussion and rendering unbiased legal advice to top government officials. As the new year begins, I thought that we should look back and remember some of the highlights of 2004 and reflect on another year of unprecedented service and advocacy.

The City Bar Center for CLE and the Small Law Firm Center put on the first Annual Law Practice Management Symposium, a full-day educational event geared to firms with fewer than 50 lawyers. Twenty-eight providers of services to the legal profession exhibited in a tradeshow along with five free workshops and two CLE programs. Overall, the Association presents over 150 CLE courses annually, with over 10,000 attendees.

Our ethics hotline fielded over 1,500 calls in 2004, answering practitioners’ questions. The calls are answered by Association staff and referred to members of the Committee on Professional and Judicial Ethics, who staff the hotline on a rotating basis. The Committee also continues to publish written opinions on ethical issues of broad interest.

Our Legal Referral Service has taken over the website www.ilawyer.com to enhance its ability to provide the public with access to qualified legal help. The website permits consumers to reach the Service online, supplementing the 100,000 phone calls we get annually. The Service’s staff attorneys review all inquiries and make appropriate recommendations of experienced lawyers or suggest other legal options. We are making the “ilawyer” internet referral process available to other ABA-approved lawyer referral services throughout the United States, including those in Los Angeles and San Francisco.

Continuing its efforts to provide access to justice, the Legal Referral Service and the City Bar Fund, along with the New York County Supreme Court’s Office of the Self-Represented, now conduct a law clinic on Thursday afternoons at the New York County Supreme Court. The goal of the project is to increase access to justice for unrepresented litigants. Volunteer attorneys help unrepresented litigants navigate through the court system and educate and advise the litigants, so that they can better present their cases.

We established an Office for Diversity and hired Meredith Moore as its director. To date, 101 law firms and corporate legal department have signed the Association’s Statement of Diversity Principles. We have held the first three of monthly diversity working sessions for signatory members. These action-oriented sessions included how to get started, how to leverage employee networks for change, and how to create a flexible work culture. In addition, the Office for Diversity is establishing a baseline for measuring law firms’ progress in achieving diversity through the first annual benchmarking questionnaire. In October, in conjunction with NAWL, we hosted a full day educational program that focused on women taking charge of their careers.

In 2004, the City Bar Fund provided free legal services to more than 25,000 low-income persons. The Fund recently started the Consumer Bankruptcy Project and expanded the Neighborhood Entrepreneurial Law Project (NELP) to include a financial training initiative. The program is an innovative project to help low-income New Yorkers attain and maintain economic self-sufficiency. The financial training component was added to integrate financial literacy education with free legal services aimed at starting small businesses.

Through a combination of financial education and legal services, micro-entrepreneurs, many of whom are immigrants, will be helped on the road to economic stability. Specifically, clients will: 1) improve their knowledge of personal financial skills such as using banks, budgeting, recordkeeping, and accessing and using credit wisely; and 2) learn how to apply these skills to their personal financial lives and their micro enterprises.

The City Bar Fund, in conjunction with Fordham’s Louis Stein Center of Law and the NALP Foundation for Lawyer Career Research and Education, published a report, Public Service in a Time of Crisis. This publication documents the legal community’s response following the terrorist attacks of September 11. It is a textbook on how best to deliver pro bono services and it chronicles how the Association and its members rose to the occasion and responded to one of the worst tragedies in our history. It reflects, in part, the importance of the Association, and its ability to bring together all the constituencies that comprise the New York City Bar from private law firms to the public sector.

Our library, which is the single largest member-supported law library in the United States and ranks among the top 10 of all U.S. law libraries, now offers circulation privileges to its extraordinary collection. All of its materials (except certain New York materials and rare books) are available.

When all this is added to the enormous productivity of the Association’s committees, it is easy to see why the Association maintains its preeminent position among the nation’s bar associations. And all that, in turn, is a tribute to you, our members, who demand and maintain the Association’s high standards.
Have you ever wanted to learn a new area of law, work on an issue that you are passionate about, or donate your time to a worthy cause? The CityBar Public Service Network, a program of the City Bar Fund, will help you find the perfect match for your pro bono interests.

Just ask Kevin Hogan. Ms. Hogan came to the Network as a recent law school graduate with a 15-year career in business and publishing. After volunteering for a few short-term projects, she approached the Network with the desire to form a long-term relationship with an organization working in an area she loved: visual arts. The Network introduced Ms. Hogan to El Museo del Barrio, a museum whose mission is to present and preserve the art and culture of Latin Americans in the United States.

El Museo was looking for an enthusiastic attorney who could act as pro bono general counsel and who could also help with strategic planning and financial matters. Ms. Hogan’s expertise in legal and business matters suited the needs of the museum. After meeting with the museum’s director, Ms. Hogan said she felt she could make a place for herself with the organization. “I thought it would be a good fit because I could use my legal expertise and business background – I could draw upon both skills to help them. I felt the museum had great growth potential and I wanted to help them realize their goals.”

Ms. Hogan now volunteers four days a week, serving as the director of strategic planning and legal counsel for El Museo. Working with the Network has been a “great experience,” she says. “The Network was very thorough and responsive at the outset and kept with it until a good placement was found.”

What if you would like to volunteer but cannot make such a significant time commitment? Some Network assignments are designed to help organizations with short-term projects.

Hope Pordy, a labor lawyer at Spivak Lipton Watanabe Spivak & Moss, came to the Network looking for a volunteer project to reconnect her with the education and community outreach work she had done in the public sector before entering private practice. She also said she was interested in working with an organization that focused on women’s empowerment. One of Ms. Pordy’s primary concerns was time commitment. “With the demands of my practice, I needed a lot of flexibility.”

The Network matched her with Girls Write Now, a nonprofit that guides and encourages teenage girls to develop their writing and communication skills through mentoring relationships with professional women writers. The organization needed help in attaining tax-exempt status. The project was a great match for Ms. Pordy because it offered a flexible schedule and the opportunity to work with an empowerment group for young women and girls.

“I really enjoy working with this organization,” she said. “I’ve been able to build a relationship of confidence and trust so that I’m even able to branch out and help the organization in other areas outside of my specific project, or at least give them the resources to get help. I am 100% satisfied with this placement.”

Many lawyers come to us motivated to volunteer but unsure of how they can contribute, or discouraged because their earlier efforts to find opportunities on their own were not so successful. We are part counselor, part management consultant, part matchmaker. Our goal is to facilitate a successful relationship between the individual attorney and the nonprofit in need of assistance. Over the years the Network has established itself as an ideal ambassador between the legal field and the nonprofit community.”

- Kwanza Butler, director of the CityBar Public Service Network

What if you would like to volunteer but your interests are varied, or you are not sure what is available? The Network’s consulting practice is designed to help you assess your skills and interests and where they would be best suited.

Many lawyers come to us motivated to volunteer but unsure of how they can contribute, or discouraged because their earlier efforts to find opportunities on their own were not so successful,” stated Kwanza Butler, director of the Public Service Network. “We are part counselor, part management consultant, part matchmaker. Our goal is to facilitate a successful relationship between the individual attorney and the nonprofit in need of assistance. Over the years the Network has established itself as an ideal ambassador between the legal field and the nonprofit community.”

Bernard Feuerstein, former partner of Baer Marks & Upsham, LLP, came to the Network with 45 years of experience as a broad-based corporate lawyer. He was interested in a variety of issues, from children, to education, to alternative dispute resolution. Through multiple consultations with Mr. Feuerstein, the Network was able to identify several projects for which he could meaningfully contribute.

During his four-year career with the Network, Mr. Feuerstein has volunteered for projects in numerous areas of focus, including serving as a consultant to a nonprofit board, judging moot court competitions at local law schools, tutoring elementary school children and assisting 9/11 victims. He currently volunteers as a certified arbitrator with the Small Claims Part of the Civil Court of the City of New York. Mr. Feuerstein said that through the Network, “attorneys can carry out one of the noblest traditions of the profession and do what lawyers are supposed to do in this society – give something back.”

In seven years the Network has provided more than 100 nonprofit organizations with vital legal and non-legal assistance through its volunteer lawyers. Network volunteers like Ms. Hogan, Ms. Pordy and Mr. Feuerstein have donated nearly 73,000 hours of public service at an in-kind value of nearly $10 million to Network member nonprofits and the clients they serve. You too can make a difference. Try something new. Expand your legal experience. Gain the satisfaction of giving back to the community. To join the Network, or to learn more about the program, please contact us at (212) 382-4713, or cpsn@abcny.org.
Communications & Media Law Committee Issues Two Reports

Addressing two current controversies in the free press/fair trial arena, the Communications & Media Law Committee recently issued two timely reports, one arguing for the recognition of a federal common law reporter’s privilege to broadly protect the confidential sources of journalists, and the other defending the public’s constitutional right of access to information about jurors and the jury selection process, even in high-profile criminal prosecutions. The first report urges the federal courts to embrace, as a matter of federal common law, a reporter’s privilege like the privilege already recognized by statute or by court decision in nearly every state; the other urges New York’s Commission on the Jury to resist pressures for greater juror secrecy in cases that attract public attention.

Urgent Need for a Federal Reporter’s Privilege.

In recent months, the federal government and parties in federal litigation have issued subpoenas to reporters demanding the disclosure of their confidential sources in unprecedented numbers. These have resulted in contempt orders against a number of reporters who have sought to protect their sources, including Judith Miller of “The New York Times” and Matthew Cooper of “Time” magazine, who face jail time for refusing to testify before a grand jury investigating the leak of a CIA operative’s name to the press; an NBC reporter who was ordered to divulge his sources by a federal judge in Rhode Island, and five journalists from the AP, CNN, The New York Times, and the Washington Post, who face contempt sanctions for refusing to divulge their sources in the Privacy Act lawsuit brought by scientist Wen Ho Lee.

Courts in these and other cases have retreated from decades of federal precedent that had recognized a qualified First Amendment reporter’s privilege extending in certain situations to both confidential and non-confidential information. Without accepting the more restrictive views of the constitutional privilege, the Committee’s position paper argues for recognition of a federal common law reporter’s privilege under Rule 501 of the Federal Rules of Evidence, which authorizes federal courts to recognize evidentiary privileges “in the light of reason and experience.”

The Committee’s report reviews the judicial development of a First Amendment privilege following the landmark Supreme Court decision in Branzburg v. Hayes 25 years ago, and catalogs the important interests that courts have recognized to be served by affording some protection to reporters against the demands of litigants. It also reviews the reasons advanced by the vast majority of states that now embrace a reporter’s privilege as a matter of state law. The report argues that in the Committee’s view, a federal common law privilege should be recognized under the same analysis followed by the U.S. Supreme Court in recognizing a psychotherapist-patient privilege in Jaffee v. Redmond in 1996. The position paper explains why an absolute privilege against the disclosure of confidential sources is essential to a free and vigorous press, and argues for a qualified privilege to protect non-confidential information in the possession of journalists.

Protecting Access to Jurors and Jury Selection.

In the aftermath of the controversy surrounding “Juror No. 4” with the mistrial in the state court prosecution of Dennis Kozlowski, and the brouhaha surrounding the challenged juror in the federal prosecution of Martha Stewart, the New York Commission on the Jury solicited public comment on steps that might be taken to protect the privacy of jurors who are called to serve in high-profile cases. The Commission was appointed last year by Chief Judge Kaye to explore a number of issues related to jury service.

Through the Communications & Media Law Committee, the Association in September filed a comprehensive response addressing the constitutional standards that constrain restrictions on public access to jurors, and answering specific questions about possible ways to protect juror privacy that had been posed by the Commission. The report outlines the scope of the qualified First Amendment right of access to judicial proceedings that was first announced by the Supreme Court in 1980, and explains the direct significance of the Court’s 1984 holding in a case known as Press-Enterprise I to the issues raised by the Commission. In Press Enterprise I the Court specifically extended the right of access to the jury selection process, and established the standard and procedure to be used to determine when a juror may answer particularly sensitive voir dire questions in private. Some lower courts have since recognized both First Amendment and common law rights of access to the types of juror information traditionally disclosed during voir dire and to question jurors themselves following a verdict.

The Committee’s report noted the need, and current procedures for, anonymous juries in the limited class of cases where juror safety is at stake. However, the report cautions the Commission against advancing proposals for new restrictions designed to protect juror privacy based on the anomalous circumstances that unfolded in the extraordinary situations involving Kozlowski and Stewart. It documents the substantial positive benefits that flow from public knowledge of the identities of jurors, and public assurance that the system is operating fairly and impartially, particularly in highly controversial cases. The report also explains how some of the specific procedures raised by the Commission to increase juror privacy protections, such as enjoining the press from reporting the names of jurors disclosed in open court, would violate the First Amendment.

NEW COMMITTEE REPORTS

Administrative Law
New York City Affairs
Letter to Mayor Bloomberg expressing support for the appointment of a Civil Legal Justice Coordinator, who would oversee the New York City administrative tribunals.

Alcoholism and Substance Abuse
Letter to the Appellate Division, Second Department, noting its disagreement with the recommendation found in the Krausman Report on Attorney Admission and Discipline, which calls for disapproving the adoption of the Bellacosa Rule. This rule authorizes the deferral of a disciplinary investigation to enable an attorney to enter a monitoring program if he/she claims a disability due to alcohol or substance abuse.

Communications and Media Law
The Federal Common Law of Journalists' Privilege: A Position Paper. This report urges the recognition of a federal common law journalists' privilege, particularly given the increased trend toward secrecy in the federal government. (See story on page 4.)

International Human Rights
Letter to Prime Minister Tony Blair urging his government to initiate a public inquiry in the case of the death of Patrick Finucane, a Northern Ireland defense attorney.

Letter to Sir Joseph Pilling, Permanent Under Secretary of State, Northern Ireland Office, urging that the government establish an inquiry in an expeditious and transparent manner in the Patrick Finucane case.

Torture by Proxy: International and Domestic Law Applicable to “Extraordinary Renditions.” This report analyzes the legal standards applicable to the U.S. practice of Extraordinary Rendition (the transfer of an individual to a foreign state in circumstances under which he/she is likely to be tortured or suffer cruel, inhuman or degrading treatment). The report finds that Extraordinary Rendition is an illegal practice under both domestic and international law.

State Courts of Superior Jurisdiction
Proposed New York Court Rule regarding interrogatories and accompanying report which urges the Commercial Division of the Supreme Court of New York County to adopt the proposed rule on a pilot basis.

To order committee reports, please write to the Office of the Executive Director or call (212) 382-6624. Please be sure to include the committee name when making your request. Reports on New York State legislation are available through the Legislative Bulletin Service. Subscriptions can be purchased for $80 per year, by calling (212) 382-6656.

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44th STREETNEWS JANUARY 2005
Lawyers Orchestra

The Association’s Lawyers Orchestra rehearses its all-classical repertoire at City Center and gives three major concerts a year at Fordham Lincoln Center, and chamber music concerts at the Association and other venues. The musicians are of all ages, from law students to retirees, and include attorneys with conservatory training from such prestigious schools as Julliard and Eastman. Committee chair Andrea Berger, a senior counsel in the city’s Law Department, says that the 75-member committee most enjoys bringing music to residences for seniors and others with physical limitations.

“When you aren’t playing music to make a living, you really love it,” says Berger, who plays the flute. “You have camaraderie, you’re not competitive, and you’re more joyful. One thing rare in the amateur community: We move people around and give them a chance to play first seat. Of course, we also network professionally, like shepherding young lawyers into their careers.”

The Entertainment Committee

“Twelfth Night,” a biennial production that presents an original musical comedy written and performed by the Entertainment Committee, has been an Association tradition for more than 50 years. “Twelfth Night” shows honor a noted member of the bar. In 2004, “Twelfth Night” saluted John Feerick, former Fordham Law School dean and a past president of the Association. Other honorees have included U.S. Supreme Court Justice Antonin Scalia, Governor Mario Cuomo, Mayor Rudolph Giuliani, Justice Betty Weinberg Ellerin and Chief Judge Judith S. Kaye. A more modest, but no less entertaining, original show is presented in alternate years, such as “Gone with the Dot-Coms” in 2003.

In this January’s “Off to See the Wizard,” Bonnie Greenball plays Dorothy, a Topeka librarian who runs afoul of the Patriot Act, and heads down the Yellow Brick Road to seek help in Washington, D.C. In her day job, Greenball is executive director of the Judicial Campaign Ethics Center of the Office of Court Administration.

The irrepressible creative mind responsible for writing the show’s story and parody lyrics for the past 30 years has been Myron (“Mike”) Cohen. Now semi-retired, he specialized in First Amendment and telecommunications litigation as senior counsel at Hunton & Williams. Early in his career, Mike worked his way through Harvard College and Law School as a stand-up comic and was once special counsel to the producer of the longrunning, nudist Broadway show, “Oh, Calcutta!” For City Bar productions, he teams up with composer Eugene Leiman, who has been involved in Twelfth Night since 1946.

Many members are litigators. “The more comfortable you are expressing yourself and being passionate in front of an audience, the better trial lawyer you can become,” said Martha (“Marti”) Cohen Stine, Entertainment Committee chair and a partner at the matrimonial/family law firm of Cohen, Hennessey & Beinstock. “The rehearsals are hysterically funny, with a spirit of warm support.”

President Betsy Plevan Blazes New Trail in Fundraising with Rock Opera

Steve Edwards, a partner at Hogan & Hartson, handles complex litigation for a living – securities and RICO cases – but beneath his Brooks Brothers exterior lurks an accomplished rock ‘n’ roll guitarist and song writer. Steve penned the lyrics and music for a rock opera, and at the behest of Association President Betsy Plevan, brought us one of the most creative and innovative performances the Bar Association has ever presented.

Presented in October as a fundraiser for the City Bar Fund, the rock opera blazed a new trail in the name of charity, raising more than $15,000. “It was a different way for the City Bar Fund to raise money,” said Plevan. “Ticket buyers contributed to a worthy cause and were able to enjoy themselves at the same time.”

The opera’s title, “There’s Something Afoot,” refers to a body part that is a crucial piece of evidence in Edwards’ fictitious murder-mystery trial. But his early legal career was just as elusive: as a student at Cornell College in Iowa, Edwards earned more money playing guitar with a rock ‘n’ roll band than his father did as a classical music professor. He played backup for Simon and Garfunkel, Chuck Berry and the Everly Brothers.

“If I had taken the gig with Martha and the Vandellas,” he said, “I wouldn’t have gone to Virginia Law School and I wouldn’t be here today.”

His next project? “Rudy, the Rock Opera.”

City Bar Chorus

The City Bar Chorus (“CBC”), now in its twelfth season and honored as NY1 television’s “New Yorkers of the Week,” has limited openings for new members (mainly basses, baritones and tenors) in January. This 55-member ensemble, directed by Kathryn Schneider, performs sophisticated arrangements of songs ranging from jazz to folk to gospel, opera to ABBA, and Broadway to the Beatles at local hospitals, rehabilitation facilities, nursing homes, senior residences and children’s wards. The CBC rehearses 3 Tuesday evenings per month. Singers in the legal profession who can learn and retain choral parts and blend well with other voices are encouraged to call Membership Chair Cheryl Davis at 212-314-3897 or to send an email to citybarchorus@aol.com.
L

ast June, Broadway stars Nathan Lane and Sarah Jessica Parker handed the coveted Tony Award for Best Musical to City Bar Association member Jeff Marx for “Avenue Q.” Marx, and his collaborator, Robert Lopez, had developed the show’s concept and wrote the music and lyrics. Its songs (with names like: “What Do You Do with a B.A. in English?” “It Sucks to Be Me,” and “Schadenfreude”) are sung by puppets that seem to be perfectly natural. So we used puppets to perform our songs, to get past that layer people have today of “I don’t like musicals.”

Didn’t you start out to become an entertainment lawyer?

I thought I wanted to be an actor, so I went to the University of Michigan. The instructors always put all their best actors in the parts; I didn’t even get scraps. My father had always told me that law school would be great no matter what I decided to do in life. So I went to Cardozo and loved it. My college classes consisted of acting and dance, but law school was mentally rigorous, a real switch for me. I found the challenges invigorating. When I studied things and thought I got them and then found out I didn’t get them at all, I felt myself growing.

How did you get to “Avenue Q”?

I never thought I would write a musical. I didn’t see myself as a writer, but Cardozo needed parodies for a student show, so I started writing for it - my first time ever writing songs.

I assumed I’d be an entertainment lawyer, but as a junior attorney, I saw it wasn’t for me. Our clients were the ones having fun. So I decided I wanted to produce musicals; with my acting background, I might be a natural. I applied to the BMI musical theater-writing workshop. I thought I could meet young writers there who I could represent or produce, with writing as just a hobby. Lo and behold, I discovered I really liked writing, and I met a collaborator and we started working together and within a year we won a $100,000 award. Soon, we got the idea for “Avenue Q,” and the producers of “Rent” came aboard to produce it, and it was suddenly like we were on the Yellow Brick Road as all these people were joining us.

How did law school help you?

Our show began as a parody of “Sesame Street.” Most writers would have stopped right there and said, “We can’t do that. We’ll get sued.” But I had some basic knowledge about copyright, parody, trademark and fair use. The law allows people to satirize others’ protected copyrighted work and to use small parts of their works, under the theory that if you had to get permission, everybody would say “no,” and that satire and parody are good for our society. If I hadn’t understood this concept, we would have quit before we ever got started.

Also, law school training — what I think of as boot camp for the brain — got me to be anal retentive in a way that I now apply in writing lyrics. In pop songs, you can listen to them again and again. In theater, if you miss something, there’s no going back. If the audience has to split hairs and make everything extremely clear and understandable. It requires a whole level of masochistic diligence to be able to sit there with a lyric that’s already good and continue working at it for weeks until there’s nothing left you can improve.

Any advice for other would-be lawyer/artists?

To those of you who love your jobs, I’m happy for you. I don’t mean any slight. It just wasn’t for me. But to any of you who feel stuck, feeling that practicing law is the only thing you’re trained to do, or it’s your only way to make money, I encourage you to start finding something you’ll love to do. It makes all the difference in your quality of life and your passion for your job. Nothing is forever. You don’t have to stay somewhere you don’t want to be.

A law degree helps in anything you do. It’s like going to the gym. It doesn’t mean you have to become an athlete. You’ll never lose the sharpness you developed.

You never know where you’ll use this stuff.

Also, come see Avenue Q or get the cast album. The final song says that whether things are good or bad, healthy or sick, Republican or Democrat, the only thing certain is that “everything in life is only for now.”

Entertainment Lawyer Attends Class to Meet Clients, Becomes Hottest New Writer on Broadway

The Cast of the musical “Avenue Q”, written by Association member Jeff Marx.
7 Friday, 8 pm
The Entertainment Committee presents
“Off to See the Wizard”
What happens when Dorothy, a young librarian from Kansas, runs afoul of the Patriot Act? Come see the 12th Night Players production of “Off to See the Wizard,” an original musical comedy extravaganza featuring a performance by talented members of the bench and bar. Will Dorothy make it to Oz? Will she find what she’s looking for? Come and see!

No advance registration required.
For further information, call Martha Cohen Stine, Chair, Entertainment Committee, (212) 512-0810, or email: mstine@chblaw.com

11 Tuesday, 9-10 am
SMALL LAW FIRM EVENT
Setting Up a Retirement Plan for Your Firm - What are Your Fiduciary Responsibilities?
This seminar will cover the fiduciary issues and rules involved in setting up a qualified retirement plan for your law office. You will also learn about prohibited transactions involving plan assets; standards of conduct; bonding requirements; investment policy statements; and penalties for violations. If you are considering setting up a retirement plan, you should not miss this seminar.

Speaker:
IRWIN N. RUBIN
Danziger & Markhoff LLP
There is no fee for this event and coffee will be served.

13 Thursday, 12:30-2 pm
SMALL LAW FIRM LUNCHEON
Operating a Paperless Practice
This program, through instructional discussion and visual presentations, will provide comprehensive and practical methods on how to create or convert a practice to a paperless operation. Practitioners will learn how to minimize the use of paper and maximize the use of current office and computer equipment and digital devices. The program will address topics and issues regarding necessary hardware and software, document conversion, using Adobe Acrobat files, information management, document retention, and confidentiality.

Speakers:
GERALD T. EDWARDS
President, Gerald Edwards and Associates, P.C.
FIG GUNGOR
Chief Executive Officer, One Source Document Management, Inc.
Supported by LexisNexis
Registration by January 7 is necessary. The fee, which includes lunch, is $20 for members, $30 for non-members. Please register on page 9 or online at www.abcny.org

21 Friday, 6 pm
Friday Evening Chamber Music at the Association presents “The Master Class”
Chase away the January blahs! Suffering from post-holiday blues? Rampant materialism, credit card bills, too much rich food? Come hear beautiful music in an exciting public work session, led by noted teacher/pianist Frank Daykin. The master class is a “hybrid” event, aimed as much at audience education as to the participants. Mr. Daykin will work with a string quartet and a woodwind/piano for 45 minutes each, in the beautiful environment of House of the Association’s reception area. French composers Poulenc and Ravel will be featured.

The admission is $10 at the door. For more information, please call (212) 788-1093.

25 Tuesday, 8:30 am
The Juggling Act: Finding Time for Your Work, Your Passions and Your Family
Do you have a passion to play music or to pursue that black belt in karate? This panel of attorneys will share their experiences, insights and strategies to help you manage your careers while still finding time for other personal interests and commitments. The panel will be moderated by Ellen Galinsky, a leading authority on work-family issues, and is comprised of attorneys who have successfully chosen various career paths in order to obtain the middle ground we all seek. Men and women at every stage of life will gain something from this panel discussion.

Moderator:
ELLEN GALINSKY
President/Co-Founder, Families and Work Institute

Speakers:
ANDREA BERGER
Assistant Corporation Counsel, New York City Law Department
DUANE HUGHES
Executive Director, Law Division, Morgan Stanley
SARA MOSS
General Counsel, Estee Lauder Companies

Registration by January 21 is necessary. The fee, which includes breakfast, is $10. Please register on page 9 or online at www.abcny.org

27 Thursday, 6-8 pm
Small Claims Arbitrator Induction Ceremony and Training Program
Become A Small Claims Arbitrator
Attorneys with more than five years experience are invited to volunteer their time to preside as arbitrators in the Small Claims Part of the Civil Court of the City of New York in any borough.

Speakers:
HON. SALIANN SCARPULLA
Judge, Civil Court of the City of New York
JOSEPH GEBBIA
Deputy Chief Clerk, New York City Civil Court - Small Claims
RUSSELL SHANKS
President, Association of Arbitrators - Small Claims Part I

2 CLE credits available. To register, please call Gail Johnson at 212-374-8175.
Scenes From "Counsellor At Law"

The Entertainment Committee presents an evening of theater at the Association. Come see selected scenes from "Counsellor-At-Law," an upcoming Off-Broadway play starring Broadway veteran John Rubinstein. The legal drama, presented by The Peccadillo Theater Company, involves one cynical attorney's struggle to avoid disbarment. The play, previously performed at The Bank Street Theater, garnered excellent reviews, including this from The New York Times: "Entertainment in abundance radiates from the sparkling new production of the old Elmer Rice drama Counsellor-at-Law."

No advance registration required. For further information call Martha Cohen Stine, Chair, Entertainment Committee, 212 512-0810 or email mstine@chblaw.com

Monday, Jan. 31 & Tuesday-Thursday, February 1, 2 & 3 5 & 8 pm (Mon.-Wed.) 4 & 8 pm (Thursday)

**Final Rounds of the 55th Annual National Moot Court Competition**

Twenty-eight regional winning teams from across the country will participate in the Final Rounds of the 55th Annual National Moot Court Competition. This year's competition involves the constitutionality of the federal mail fraud statute (18 USC 1346) and the right to review a Special Tax Judge's findings. The first issue is whether the federal mail fraud statute is unconstitutionally vague, and whether actual harm is an element under this statute. The second issue is whether litigants are deprived of their due process rights when the Tax Court adopts, rejects or modifies a Special Tax Judge's findings, which were not disclosed to the litigants. These issues have not been decided by the Supreme Court of the United States.

Presented in conjunction with: American College of Trial Lawyers

**The Juggling Act: Finding Time for Your Work, Your Passions and Your Family**

Remember the days before law school, and before your first legal job, when you could easily find time for a morning swim or to pursue that black belt in karate that you always dreamed of having? Back then maybe you even had time to volunteer some hours at your favorite non-profit organization. Now that you are a lawyer, time to pursue your passions seems harder and harder to come by. Despite the importance of balancing a busy work schedule with adequate personal time, we still find it difficult to reach this middle ground.

There may be an answer to this dilemma. On January 25th, at 8:30 a.m., a panel of attorneys will share their experiences, insights and strategies on how best to balance work time with personal time. The program, titled "The Juggling Act: Finding Time for Your Work, Your Passions and Your Family," will be moderated by Ellen Galinsky, a leading authority on work-family issues who has appeared regularly at national conferences, and on television, including the "Today" show, "Good Morning America," "20/20," "Nightline," and "Oprah."

Panelists will answer questions about how they managed to choose fulfilling careers that have allowed them to obtain the middle ground we all seek. Men and women at every stage of life will gain something from this panel discussion. For more information see page 8.

To register, you may use the form below or register online at www.abcny.org.
Our 1st Annual Law Practice Management Symposium, held on November 16th, was a success, and provided a badly needed venue for the exhibitors and attendees to network and learn more about the in’s and out’s of starting a successful law practice. The two CLE programs and five free workshops were well-attended. More than 300 people registered for the symposium and have requested that we repeat this next year. For additional information on benefits and events for small and mid-sized law firms, please contact Lisa Bluestein at 212-382-6638 or LBluestein@abcny.org.

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Health Savings Accounts

*A new savings plan that helps you pay your healthcare costs*

As an employer faced with rising medical premiums each year, it’s time to change your strategy. By implementing a high deductible health plan and Health Savings Account (HSA), you can fight back. And you can use some or all of your first year’s premium savings to help fund your employees HSA to get them started. They get the benefit of provider choice and tax benefits while you benefit by reducing your expenses.

Among the benefits:

- Contributions to a health savings account are tax deductible and earn tax-free interest*
- Contributions may be made by an individual, an employer or both
- Amounts in an HSA belong to the individual and are fully portable
- Unused amounts in the account at year end remain available for future years
- Distributions are not taxed if used for qualifying medical expenses

For more details on high deductible health plans, call Marsh Affinity Group Services at 888-88-ABCNY (888-882-2269) or e-mail ABCNY.Insurance@marsh.com. For more information on HSAs, visit www.MarshAffinity.com.

("4% in 2005 through Exarke Bank")
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<td>Creating “Smart” Documents</td>
<td>Investigating Allegations of Fraud in a Public Company</td>
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24 Monday, 9-5 p.m.

Is Commercial Arbitration the New Litigation? Working in the Changing World of Arbitration

Commercial arbitration, both domestic and international, has come more and more to resemble a court trial: With the growth in sheer numbers of arbitrated matters has come growth in the stakes and range of issues and subject matters addressed, the perceived need for legally correct outcomes and the number and variety of users of the process. Moreover, new arbitrator disclosure rules in California and the new ABA/AAA Code of Ethics for arbitrators, broader discovery efforts by parties, particularly of non-parties, and other litigation strategies have lead to increased court intervention in arbitration proceedings and challenges to arbitration awards—diminishing the efficiency and cost effectiveness goals of arbitration.

This program addresses developing case law and practice trends in domestic and international commercial arbitral proceedings. Topics include: ethical requirements and issues; procedural challenges to arbitration, availability of discovery and motion practice; inclusion and exclusion of parties; presentation of evidence; application of law; evolving uses and roles of mediation; and challenges to and court scrutiny of arbitral awards.

The program is designed for experienced attorneys and arbitrators. The audience is expected to be lawyers who practice in the commercial arbitration arena, transactional lawyers, corporate counsel, commercial arbitrators and academics.

Program Co-Chairs:
DEBORAH MASUCCI
Director of Dispute Resolution, Litigation Management Department, AIG

NANCY NELSON
Fellow, CPR Institute for Dispute Resolution

Faculty:
STEVEN C. BENNETT
Jones Day

JAMES H. CARTER
Sullivan & Cromwell LLP

ROBERT B. DAVIDSON
Executive Director JAMS

FREDERICK T. DAVIS
Shearman & Sterling LLP

EUGENE I. FARBER
Farber, Pappalardo & Carbonari

JOHN N. FELLAS
Hughes Hubbard & Reed LLP

DANA H. FREYER
Skadden, Arps, Slate, Meagher & Flom LLP

CARROLL E. NEESEMMANN
Morrison & Foerster LLP

DAVID W. RIVKIN
Debevoise & Plimpton LLP

HON. KATHLEEN A. ROBERTS (RET.)
Mediator/Arbitrator JAMS

THOMAS J. STIPANOWICH
President and CEO CPR Institute for Dispute Resolution

HON. CURTIS E. von KANN (RET.)
Mediator/Arbitrator JAMS

JOHN H. WILKINSON
Fulton Rowe & Hart

ALEXANDER A. YANOS
Freshfields Bruckhaus Deringer LLP

CLE Credit:
7½ credits total: credit breakdown to be determined. This program does not provide transitional credit for newly admitted attorneys.

Live Program:
$315 Member, $455 Non-member
### 14 Friday 9-11 a.m.

**Video Replay:**

**Document Retention: Ethical, Legal & Practical Advice on the Documents You Should (& Are Required to) Preserve**

This program will focus on the rules, practices and procedures in the post-Enron environment affecting the preservation of documents. Specifically, the program will discuss considerations and practices in the formation and administration of document retention policies. In addition, it will address ethical rules and legislation (including the Sarbanes-Oxley Act) affecting the obligation to preserve documents. Finally, the program will address techniques for the retrieval of electronic information.

Program Chair: **THOMAS J. MOLONEY**  
Cleary, Gottlieb, Steen & Hamilton  
Faculty: **DAVID B. ANDERS**  
Assistant United States Attorney  
Southern District of New York  
**LEWIS J. LIMAN**  
Cleary, Gottlieb, Steen & Hamilton  
**MICHAEL S. SOLENDER**  
Senior Managing Director and General Counsel  
Bear Stearns & Co. Inc.

### 26 Wednesday 8:30-10:30 a.m.

**Creating "Smart" Documents**

The "Information Age" has ushered in a deluge of communications - electronic as well as traditional. Every day, people confront dozens, if not hundreds, of e-mails. Business presentations and legal documents in draft form are routed to multiple parties for handwritten comments in the margins. While vital to doing business, these communications nevertheless have the potential to turn into hidden time bombs that can come back in an ugly litigation to haunt both the author and the company.

Most of these documents are insignificant and harmless - except for the backlog they create in our e-mailboxes and the number of trees that died so they could live. However, particularly because of the proliferation of e-mail, more and more "bad documents" are being generated and stored by a wide range of people. Government investigators and hungry litigators have increasingly focused on "bad documents" as the basis of class action lawsuits and government crackdowns. The media has also had a field day lambasting high profile executives for controversies centered on these bad documents, many of which are created or approved by the senior executives themselves. Lawyers have spoken and written extensively on the subject of documents. Cottage industries have cropped up in an effort to address the myriad of issues arising out of the growing mountain of information generated within organizations. Their focus has been primarily on the back end of the process -- record retention and destruction.

The highly interactive "Smart Documents" program will examine the risks and land mines associated with the creation and distribution of documents within organizations. Through use of real world examples – sometimes humorous, sometimes tragic – the program will explore how an organization's culture can alternatively foster or preempt the creation of a bad document. Using role playing techniques, the program will offer lawyers, and their clients, practical strategies and tactics for dealing with challenges presented by documents in the Information Age.

Program Chair: **DAVID CURRAN**  
Chief Executive Officer  
Data Communiqué International  
**SUSAN C. PORTIN**  
Managing Director  
Impact Management Solutions, Inc.

### 12 Wednesday 6-9 p.m.

**The Ethical Boundaries of Legal Marketing: What Lawyers Can & Cannot Do To Effectively Market Their Services**

How can client testimonials be effective and ethical? What are the limits on the use of technology to market legal services? What are the boundaries on solicitation? Are there changes on the horizon? Authorities on the rules governing legal marketing will address an array of issues that are designed to help you avoid disciplinary problems while maximizing your client development efforts.

Program Chair: **CAROL SCHIRO GREENWALD**  
Professional Services Marketing Consultant  
Faculty: **WILL HORNSBY**  
Staff Counsel  
American Bar Association  
**GAIL J. KOFF**  
Jacoby & Meyers
CLE January 2005 Course Listings by Practice Area

**CLE Credit:**
3 credits in ethics. This program provides transitional credit for newly admitted attorneys.

**Live Program:**
$215 Member, $315 Non-member

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19 Wednesday, 6-9 p.m.

**Ethics for the Prosecution: Is the Disciplinary System Working?**

Prosecutorial ethics is a critically important, but thorny -- and controversial - subject in our judicial system. This thought-provoking three-hour program will address the interplay between the State and Federal ethics and disciplinary systems and alleged misconduct by prosecutors. A distinguished multi-faceted panel consisting of a sitting judge, a senior prosecutor, representatives of the disciplinary and grievance committees of the First and Second Judicial Departments, an ethics professor and a nationally prominent defense attorney will discuss whether the disciplinary process is necessary; and whether the disciplinary process works or is workable in the context of prosecutor offices which generally maintain their own internal conduct review process. The program will begin with brief introductory comments, followed by an interactive discussion among the panelists, utilizing a "hypothetical," which will highlight the recurring, knotty ethical issues that arise.

Program Chair:
**MICHAEL S. ROSS**
Law Office of Michael S. Ross

Faculty:
**SHERRY K. COHEN**
First Deputy Chief Counsel
Departmental Disciplinary Committee for the First Judicial Department

**H. MARSHALL JARRETT**
Counsel, Office of Professional Responsibility
U.S. Department of Justice

**JAMES M. KINDLER**
Chief Assistant District Attorney
Manhattan District Attorney's Office

**GERALD B. LEFCOURT**
Law Office of Gerald B. Lefcourt P.C.

**JUSTICE RUTH PICKHOLZ**
Justice, New York County

**ROBERT J. SALTMAN**
Deputy Counsel for the Grievance Committee for the Second and Eleventh Judicial Districts

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27 Thursday, 9-11 a.m.

**Current Ethical Issues in the Practice of Securities Law: Investigating Allegations of Fraud in a Public Company**

This program will address ethical and legal issues that corporate and outside counsel face in advising corporations, directors and officers, handling shareholder and derivative suits, and responding to government investigations. The program will present a scenario involving the discovery of possible accounting irregularities at a public company in which panelists will role play various parts, including that of corporate counsel, outside counsel, auditor's counsel, and SEC counsel. Topics will include attorney-client privilege when representing a corporate entity, multiple representations, issues regarding internal investigations, responses to client misconduct, issues dealing with outside auditors, and the impact of the Sarbanes-Oxley legislation.

Program Chair:
**DANIEL J. KRAMER**
Paul, Weiss, Rifkind, Wharton & Garrison LLP

Faculty:
**PIERRE M. GENTIN**
Managing Director
Global Head, Litigation and Regulatory Matters
Credit Suisse First Boston

**BARRY W. RASHKOVER**
Sidley Austin Brown & Wood LLP

**MICHAEL R. YOUNG**
Willkie Farr & Gallagher

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18 Tuesday, 6-9 p.m.

**Whistleblowing, Qui Tam and Employment Retaliation Cases: Potential Opportunities and Hidden Land Mines**

The news is full of stories of multi-million dollar "bounties" being paid to whistleblowers. To the inexperienced plaintiffs' attorney these reports may raise unrealistic expectations about what is possible in his/her own practice; they may also cause smaller, more certain cases to be overlooked. In any event, the news reports seldom point out the many difficulties associated with these kinds of cases. This program is designed as a primer to introduce plaintiffs' attorneys, including those who practice employment law, to the fundamental concepts in this area of law. It will combine theoretical analyses with pragmatic suggestions, including many beguiling ethical issues that are inherent in most whistleblower cases. The core of the program will center on representative, but not exclusive, statutes with whistleblower bounty, *qui tam* and/or anti-retaliation provisions. The program will cover: how to spot and evaluate whistleblower cases, how to proceed to a successful end result, and how to avoid certain pitfalls.

Program Co-chairs:
**TIMOTHY J. McINNIS**
Law Office of Timothy J. McInnis

**JONATHAN GARDNER**
Goodkind Labaton Rudoff & Sucharow LLP
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<th>Faculty:</th>
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<td>RICHARD F. BERNSTEIN</td>
<td>CLAUDIA SLOVINSKY</td>
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<td>Of Counsel</td>
<td>Law Offices of Claudia Slovinsky</td>
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<td>Law Office of Timothy J. McInnis</td>
<td>Moderator:</td>
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<td>NEIL V. GETNICK</td>
<td>MARGARET D. STOCK</td>
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<td>Getnick &amp; Getnick</td>
<td>Associate Professor of Law</td>
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<td>PHILIP R. MICHAEL</td>
<td>Department of Law</td>
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<td>Goodkind Labaton Rudoff &amp; Sacharow LLP</td>
<td>United States Military Academy</td>
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**CLE Credit:**
3 credits total: 3 credits total: 2 professional practice/practice management & 1 ethics. This program provides transitional credit for newly admitted attorneys.

**Live Program:**
$185 Member, $285 Non-member

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**FAMILY LAW**

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<td><strong>Immigration Law for Matrimonial &amp; Family Law Attorneys</strong></td>
<td><strong>Negotiating Software Licenses: Practical Issues You Need To Know</strong></td>
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**INTELLECTUAL PROPERTY**

Are you a matrimonial or family law attorney who has encountered immigration issues in your practice? Do you have clients or family members of clients who are immigrants? Did your client sponsor a family member to immigrate to the United States? Through discussion of hypothetical situations, this program will cover the immigration consequences of marriage, annulment, separation, and divorce; the financial ramifications of the two different types of Affidavits of Support that US citizens and lawful permanent residents file for their family members; immigration consequences of domestic abuse; immigration issues involving adoption, guardianship, and minors; and the use of immigration law expert testimony in matrimonial and family law cases. The panelists will also discuss special ethical issues that can arise in matrimonial and family law cases involving immigrants.

**CLE Credit:**
3 credits total: 2½ professional practice/practice management & ½ ethics. This program provides transitional credit for newly admitted attorneys.

**Live Program:**
$185 Member, $285 Non-member

**Program Chair:**
LAURA A. RUSSELL
Director, Matrimonial Project
Sanctuary for Families
Center for Battered Women's Legal Services

**Moderator:**
MARGARET D. STOCK
Associate Professor of Law
Department of Law
United States Military Academy

**Faculty:**
LAURA A. RUSSELL
Director, Matrimonial Project
Sanctuary for Families
Center for Battered Women’s Legal Services

**SUZANNE TOMATORE**
Program Director
Immigrant Women & Children Project
Association of the Bar of the City of New York, Fund, Inc.

**CLE Credit:**
3 credits total: 2½ professional practice/practice management & ½ ethics. This program provides transitional credit for newly admitted attorneys.

**Live Program:**
$185 Member, $285 Non-member

**Faculty:**
ANDREW H. LUPU
Senior Counsel
InfoVista, Corp.

**MARCY GORDON**
Associate Director
Bear, Stearns & Co. Inc

**CLE credit:**
3 credits total: 1½ professional practice/practice management, 1 skills & ½ ethics. This program provides transitional credit for newly admitted attorneys.

**Live Program:**
$185 Member, $285 Non-member
24 Monday, 6-9 p.m.
New York Civil Practice Update

This three-hour program is designed to provide an update of recent developments and trends in New York State court practice, including:

- Recent CPLR Amendments
- Trends in Commencement & Jurisdiction
- Developments in Motion Practice
- Evidence & Trial Calendar Practice
- Disclosure Update
- Impact of Differentiated Case Management

**Program Chair:**
DAVID PAUL HOROWITZ
Ressler & Ressler

**Faculty:**
PROFESSOR JAY C. CARLISLE
Member, Board of Editors
Weinstein, Korn & Miller,
New York Civil Practice;
Professor of Law
Pace University

PROFESSOR RICHARD T. FARRELL
Professor of Law
Brooklyn Law School

PROFESSOR JOSEPH MARINO
Director of the Applied Skills Program
New York Law School

**CLE Credit:**
3 credits total: 2 professional practice/practice management & 1 skills. This program provides transitional credit for newly admitted attorneys.

**Live Program:**
$185 Member, $285 Non-member

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20 Thursday, 9-5 p.m.

Anatomy of Persuasion:
Techniques for Experienced Litigators

- Learn the science of persuasion from jury and psychological studies
- Find out how jurors, judges, witnesses, and lawyers learn and recall information
- Recognize which jurors will dominate deliberations
- Choose the right approach to persuade the hostile juror, judge, or lawyer
- Acquire techniques of advanced trial persuasion: the art and science of obtaining results

Persuasion is the core skill in trials, negotiations, motions, briefs, and appeals. However, there are very few opportunities for busy, experienced trial lawyers to learn proven advanced persuasion and advocacy skills.

In the high stakes environment of the courtroom, you don’t want to take any chances, and jury consultants and focus groups are expensive and not appropriate in every case. If you want to be consistently more persuasive - to make the fact finder want to find in your favor - you need to do more than simply follow your instincts.

Make your audience hear what you have to say - learn the principles of memory, communication, and decision-making that influence what others see and hear. This practical, one-day program will show you the principles and process of how and when judges, jurors, and opposing counsel are persuaded to decide one way or another and will teach you the advocacy techniques you need to be more persuasive - and to get the results you and your clients want.

**Instructor:**
TODD WINEGAR
Interactive Seminar Company

**CLE Credit:**
7 credits total: 2½ professional practice/practice management 3½ skills & 1 ethics. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions. Credit breakdowns for other MCLE jurisdictions will be available at the program.

**Live Program:**
$350 Member, $450 Non-member

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28 Friday, 9-4 p.m.

VIDEO REPLAY

Shaping the City For the 21st Century - A Primer on New York City Zoning & Land Use

This symposium will provide an overview of the zoning and land use laws, rules and procedures that affect every development project in New York City. Speakers will include private practitioners and government representatives to provide both public and private perspectives on the land use process. Topics to be covered will include: an introduction to the New York City Zoning Resolution; the City's Uniform Land Use Review Procedure; New York City Landmarks Law; Board of Standard and Appeals practice and procedure; City and State Environmental Quality Review; and New York City Buildings Department rules and procedure.

**Program Co-Chairs:**
JEANNETTE KOSTER
Kurzman Karelsen & Frank LLP

MELANIE MEYERS
Fried Frank Harris Shriver & Jacobson

**Faculty:**
PHYLLIS ARNOLD
General Counsel
NYC Department of Buildings

RICHARD BARTH
Executive Director
NYC Dept. of City Planning

FREDRICK A. BECKER
Law Office of Fredrick A. Becker

CHRISTOPHER COLLINS
Deputy Director & Counsel
New York City Council

ROBERT S. DAVIS
Bryan Cave LLP

WAYNE G. HAWLEY
General Counsel
NYC Conflicts of Interest Board
TAX & ACCOUNTING

13 Thursday, 9-12:15 p.m.

Estate Tax Audits: IRS Investigative Techniques

Many estate tax returns are subject to audit. The estate tax audit rate is significant compared to the audit rate for individuals, partnerships and corporations. This program will prepare you for an estate tax examination by an experienced agent who knows where to look and the right questions to ask in order to determine the accuracy of the estate tax liability.

The IRS estate tax examiners are thoroughly trained in investigative techniques and for the most part have many years of experience. Senior examiners will often guide an examiner who is not familiar with a particular issue. Many estate tax examiners look for such items as omitted assets, disguised gifts, undisclosed life insurance, void or voidable transfers, jointly held assets and miscellaneous property interests. In addition, the examiner will, on occasion, encounter indications of fraud. These badges of fraud will be discussed as well. In addition, such topics as statute of limitations, civil accuracy penalties, civil fraud and criminal fraud will be covered.

Attend this program, which is based upon the experience of the author as a practitioner and former IRS agent (audit and fraud) and features a detailed analysis of the IRS Handbook for Estate Tax Examiners.

Program Chair/Instructor:
SEYMOUR GOLDBERG, CPA, MBA, JD
Goldberg & Goldberg, P.C.

CLE Credit:
3½ credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys. 3 CPE credits in taxation.

Live Program:
$185 Member; $285 Non-member

Cancellations & Refunds

For live programs & video replays, refunds & program credits are available provided cancellation is made in writing & received by the CityBar Center prior to the program. A $25 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged.

Program credits must be used within one year of the original program date. Cancellations must be in writing & faxed to the CityBar Center at (212) 869-4451.

Refunds & program credits are not available for the purchase of tapes, CDs, DVDs, course materials or online programs.

These programs are presented under the auspices of the CLE Committee, Burton N. Lipshie, Chair, and the CityBar Center for Continuing Legal Education. Scholarships are available.

Please call (212) 382-6663 for an application.

Is there a program you would like to attend or a speaker you would like to hear? Please contact the CityBar Center with your suggestions.
JANUARY 2005 CLE REGISTRATION FORM

☐ The Ethical Boundaries of Legal Marketing — Jan. 12
Program ☐ $215 Member ☐ $315 Non-member
Audiotapes ☐ $325 Member ☐ $395 Non-member
CDs ☐ $415 Member ☐ $465 Non-member
Videotapes ☐ $345 Member ☐ $415 Non-member
DVDs ☐ $455 Member ☐ $535 Non-member
Materials only ☐ $95 Member ☐ $125 Non-member

Program ☐ $220 Member ☐ $320 Non-member
Audiotapes ☐ $330 Member ☐ $395 Non-member
CDs ☐ $350 Member ☐ $420 Non-member
Videotapes ☐ $420 Member ☐ $490 Non-member
DVDs ☐ $460 Member ☐ $540 Non-member
Materials only ☐ $64.70 Member ☐ $64.70 Non-member

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Videotapes ☐ $385 Member ☐ $445 Non-member
DVDs ☐ $425 Member ☐ $505 Non-member
Materials only (2-4 hrs) ☐ $95 Member ☐ $125 Non-member

Program ☐ $215 Member ☐ $315 Non-member
Audiotapes ☐ $325 Member ☐ $395 Non-member
CDs ☐ $415 Member ☐ $465 Non-member
Videotapes ☐ $345 Member ☐ $415 Non-member
DVDs ☐ $455 Member ☐ $535 Non-member
Materials only ☐ $95 Member ☐ $125 Non-member

☐ Anatomy of Persuasion Techniques — Jan. 20
Program ☐ $350 Member ☐ $450 Non-member

☐ Negotiating Software Licenses... — Jan. 21
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Videotapes ☐ $385 Member ☐ $445 Non-member
DVDs ☐ $425 Member ☐ $505 Non-member
Materials only (2-4 hrs) ☐ $95 Member ☐ $125 Non-member

Program ☐ $315 Member ☐ $455 Non-member
Audiotapes ☐ $405 Member ☐ $565 Non-member
CDs ☐ $425 Member ☐ $585 Non-member
Videotapes ☐ $525 Member ☐ $655 Non-member
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☐ New York Civil Practice Update — Jan. 24
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Audiotapes ☐ $295 Member ☐ $365 Non-member
CDs ☐ $315 Member ☐ $385 Non-member
Videotapes ☐ $385 Member ☐ $445 Non-member
DVDs ☐ $425 Member ☐ $505 Non-member
Materials only (2-4 hrs) ☐ $95 Member ☐ $125 Non-member

☐ Immigration Law for Matrimonial Attorneys — Jan. 25
Program ☐ $185 Member ☐ $285 Non-member
Audiotapes ☐ $295 Member ☐ $365 Non-member
CDs ☐ $315 Member ☐ $385 Non-member
Videotapes ☐ $385 Member ☐ $445 Non-member
DVDs ☐ $425 Member ☐ $505 Non-member
Materials only ☐ $95 Member ☐ $125 Non-member

☐ Creating “Smart” Documents — Jan. 26
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Videotapes ☐ $385 Member ☐ $445 Non-member
DVDs ☐ $425 Member ☐ $505 Non-member
Materials only (2-4 hrs) ☐ $95 Member ☐ $125 Non-member

☐ Current Ethical Issues in the Practice of Securities Law... — Jan. 27
Program ☐ $215 Member ☐ $315 Non-member
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CDs ☐ $415 Member ☐ $465 Non-member
Videotapes ☐ $345 Member ☐ $415 Non-member
DVDs ☐ $455 Member ☐ $535 Non-member
Materials only ☐ $95 Member ☐ $125 Non-member

☐ Videoreplay: Shaping the City For the 21st Century... — Jan. 28
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Videotapes ☐ $385 Member ☐ $445 Non-member
DVDs ☐ $425 Member ☐ $505 Non-member
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☐ Collateral Creation & Enforcement: A Global Review — Jan. 31
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Leveraging Networks to Foster Diversity & Inclusion

On November 4th, the Association’s Office for Diversity hosted the second of its monthly working group sessions for signatories to the Association’s Diversity Principles which focused on successfully creating and leveraging formal networks. Raymond Flautt, Vice President of Leadership and Organizational Development at JPMorganChase, Michael Oshima, Partner at Arnold & Porter, and Peter Sherwin, Partner at Proskauer Rose LLP, shared their organization’s different approaches to launching networks.

Formal networks are based on a common demographic classification, such as gender, race/ethnicity, and sexual orientation among other groups. While networks often happen at the grassroots level, they can also be an important resource to diversity committees in understanding the key challenges for each demographic and implementing diversity initiatives.

Network Advantages

There are numerous reasons why networks are beneficial both to the individual members and the organization as a whole. They:

- Foster a comfortable space for members to get together and share challenges and success strategies
- Develop leaders at all levels
- Provide a voice for minority attorneys
- Propose bottom-up recommendations for making change.
- Implement various programs and strategies that are drawn from the firm’s overall diversity initiative
- Expand business development opportunities
- Ultimately, boost recruitment, retention, and advancement of minority groups

At Arnold & Porter LLP, the minority attorney network is actively involved in recruiting, including hosting an annual reception to which they invite all of the firm’s minority attorneys and applicants. In addition, their network is active in mentoring young associates, leveraging their diverse lawyers for client development opportunities, and identifying pro bono cases that help their respective communities.

Keys to Success

The three keys to effective networks are leadership, structure, and support.

Leadership

Effective networks require a strong champion and network leaders. The leadership should reflect the diversity among the members. Adequate bench strength and succession planning are necessary to avoid burn-out of any one individual.

Structure.

Like any organizational effort, goals and accountability are critical to success. The network should create a mission statement to clarify for members and the organization as a whole what they are trying to achieve. Similarly, each year goals should be set and activities designed to meet these goals.

Support.

Guidelines should be formulated and resources provided to found and maintain a network. Budgets are also crucial, particularly when network events are targeted for recruiting, business development, and professional development purposes.

For example, Proskauer Rose LLP recently decided to formalize affinity group budgets, with each network leader submitting a proposal and decisions made based on the network’s size and past activity. In addition, network leaders are expected to report annually on their activities, number of attorneys involved, and outcomes.

Addressing Common Challenges

One common challenge is overcoming the perception that identity-group based networks are exclusionary. First, make the case for how the network will benefit the organization. In addition, many networks open up membership or selected network activities to everyone in the organization. Taking it a step further, JPMorganChase allows anyone to form a network, but only networks that fulfill a set of criteria receive formal recognition and support.

Another concern is whether networks are going to turn into “gripe sessions.” Organizations can foster a positive atmosphere by facilitating strong network leadership and meeting agendas designed to facilitate productive discussions. In addition, strong lines of communication between the network and senior leadership ensure that network members feel that their concerns and recommendations are heard.

To learn more about creating formal networks or about upcoming diversity working sessions, please see our website at www.abcny.org or contact Meredith Moore, the Director of the Office for Diversity, at (212) 382-6689 or mmoore@abcny.org.

Assessment & Benchmarking: Tailoring Your Diversity Effort.

It is tempting to jump right in and start implementing policies and programs. However, it is essential to first understand what core diversity issues are facing your firm or legal department. This interactive session will help you gather and interpret demographic data, employee input, and competitor benchmarking analysis. These sessions are available to diversity signatories only. All diversity working sessions will be held at the Association from 8:30-10:00 am with breakfast served at 8 am. To become a signatory or for more information, please contact Meredith Moore at mmoore@abcny.org.

Additional New Signatories to the Statement of Diversity Principles

General Electric Company
Gibbons, Del Deo, Dolan, Griffinger & Vecchione, PC
Hunton & Williams
Kirkpatrick & Lockhart LLP
Minority Fellowship Program

Ask any 1L about looking for a first summer legal position, and he or she will tell you the process is a total drag. Minority students who may lack mentors in the legal field face additional obstacles in navigating the legal summer employment maze.

But law students aren’t the only ones biting their nails over the summer recruitment process. Law firms also have a lot at stake in summer hiring, as summer associates may very well fill their future talent pool. And with the recruitment and retention of lawyers who reflect the diverse society in which we live still an unfulfilled goal, recruiting a diverse group of talent pool is also an important tool for a first-year employer.

What sometimes starts off as just a summer opportunity can lead to a lifetime path. Many Fellowship Program alumni return to their first-year employers for their second year, or for permanent employment. Others gain insight into the type of law they want to practice.

According to Ankan Patel, a second-year student at New York Law School who spent last summer at Kaye Scholer, LLP, his experience allowed him to change the vision of his career path early on. “After my first-year torts class I was convinced I wanted to practice in the area of product liability,” said Patel. “While I spent much of my 14 weeks on a big product liability project that I found immensely rewarding, I decided that there were so many other areas that I wanted to explore that products liability was not necessarily the route I was destined to take.”

But as with most golden opportunities, the path isn’t easy. Potential fellows go through a multi-step application process. They are required to submit transcripts, personal statements, and writing samples based on hypothetical cases, and may also submit letters of recommendation. Students are first screened by law school panels. Finalists are interviewed by the Committee.

James Harris, a second-year student at Hofstra Law School, spent last summer at Scholastic Inc. “Applying to this program is definitely worth the time investment,” he said. “Even if you don’t get placed, just working on the writing samples and the interview process is a learning experience.” Selected students participate fully in the legal organization’s summer associate programs, and are compensated by the organization. “I am definitely glad I participated in the program,” said Harris who spent most of his summer drafting contracts.

“My writing skills improved tremendously and I gained more confidence in my own abilities.”

Aside from honing legal skills, the students gain friends, contacts and mentors who will help them navigate as they wind their way down their career path. “I met a lot of people at my firm who I might one day seek advice from,” says Patel. He received an offer to return to Kaye Scholer, LLP, this summer and to start as a first-year associate in the fall of 2006.

The students are not the only ones who benefit from the Fellowship Program. The employers come into contact with aspiring lawyers they might not otherwise engage. As Harris notes, “Through the program, employers have an opportunity to work with persons of varied backgrounds, and in law, like any other business, you need many different kinds of perspectives to succeed.”

For additional information about participating employers or to request information about the program, please contact Sheila Boston, the Committee Chair, at (212) 836-7197. Students should contact their law school’s office of career services for more information.