Town and Village Courts: A Time for Change

By Barry Kamins, President

Over the past 136 years, this Association has frequently commented on and reacted to injustices both at home and abroad. Only recently, we have made a fact-finding visit to India, worked to resolve a dispute regarding a separatist region of Moldova and traveled to Latin America to promote principles of ethical behavior and pro bono representation. It is not surprising, therefore, that the Association has now focused its attention on a problem within our own state: the town and village court system.

A series of recent articles in The New York Times documented serious and systemic problems within New York’s justice courts. With only infrequent and minor refinements, these courts have continued largely unchanged for over 300 years since colonial times.

The importance of local justice courts cannot be overstated. Throughout the state, there are 1,277 town and village courts, and each of the 57 counties outside of New York City utilize a number of them. There are over 2,000 town and village judges throughout the state, of which 68% are non-lawyers. Of the 27 other states in this country which utilize non-lawyer judges, New York has the largest number of non-lawyer judges in courts of original jurisdiction.

Local justice courts are the first and often the only contact with the justice system for the average citizen. These courts have trial jurisdiction in misdemeanors and preliminary jurisdiction in felony offenses. Justice courts are also authorized to hear and determine civil actions where the amount in controversy does not exceed $3000, summary landlord-tenant

Task Force Urges Stronger Role for Lawyers in Corporate Governance

The Association’s Task Force on the Lawyer’s Role in Corporate Governance has issued a report urging the strengthening of the role of corporate lawyers representing public companies, recognizing that lawyers can play a critical role in preventing corporate scandals. The 190-page report, which is available on the Association’s website, www.nycbar.org, is the result of a 20-month study, including a review of the public record concerning recent scandals, such as Enron and WorldCom.

The Chair of the Task Force, Thomas Moreland, said, "Lawyers did not cause any of these recent scandals, and undoubtedly many potential scandals have been prevented by strong legal advice. But it does appear that at least some of these scandals might have been avoided had lawyers been more assertive in questioning management and more willing to bring their concerns to boards of directors."

The Task Force calls for a "new determination by the corporate bar to play its proper role as confidential advisor counseling compliance with the law—and conduct exceeding its minimum requirements—in a clear and forthright manner," and advances a series of recommendations to enhance the effectiveness of both in-house and outside corporate lawyers.

Association President Barry Kamins commented: "The time to focus on this challenge is now, and not after another wave of corporate scandals creates pressure for increased government regulation of lawyers, which might well be detrimental to both the profession and sound corporate governance."

The Task Force proposes that New York amend its ethical rules for lawyers to permit them to disclose to regulatory authorities, such as the SEC, criminal or fraudulent conduct by a client company’s management utilizing the lawyer’s services, as well as clearly illegal conduct likely to cause substantial injury to the client. Such a permissive right to disclose would be recognized only as a last resort, after the lawyers have been unable to persuade the client’s board to act.

This will be a "very rare event," according to the report: any responsible Board can be expected to act

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COMMITTEE REPORTS
JANUARY, 2007

Capital Punishment
Amicus Brief: People of the State of New York v. Taylor, filed in the New York State Court of Appeals, urges that New York's death penalty statute violates the due process provision of the New York Constitution, as well as the due process provision of the federal constitution. The brief focuses on the state due process clause and argues that the Court should apply strict scrutiny analysis to substantive due process claims such as this that involves the fundamental right to life. When applying that test, New York's death penalty statute violates the due process clause because the punishment does not achieve the asserted deterrence and retribution goals of the legislature and governor with the least restrictive means. Finally, the brief notes, accumulated experience from other countries, states and sources supports the conclusion that the death penalty is not the least restrictive means to achieve the goals of punishment.

Civil Rights
Amicus Brief: Parents Involved in Community Schools v. Seattle School District No. 1, filed in the U.S. Supreme Court. The brief argues that engaging in voluntary efforts to combat the adverse effects of de facto segregation in the public schools through an assignment plan that makes race one factor that is taken into account to avoid de facto segregation is constitutional. If local school districts, which are in the best position to judge local facts and local needs, are denied from considering race as a factor in school assignment programs designed to remedy de facto segregation, notes the brief, more city schools, despite a diverse urban population, are likely to become overwhelmingly segregated by race.

Amicus Brief: ACLU v. National Security Agency, filed in the United States Court of Appeals for the Sixth Circuit, urging that the National Security Agency be permanently enjoined from directly or indirectly utilizing the Terrorist Surveillance Program in any way including conducting warrantless wiretaps of telephone and internet communications. The Surveillance Program should be enjoined, the brief argues, because it impermissibly impedes attorney-client communications, and fundamental rights, including the right to counsel, are being undermined. Justice, notes the brief, requires that persons accused by the government of wrongdoing have access to legal advice and that such legal advice can only be effective if lawyer-client communications are conducted in confidence uninhibited by fears that government agents are listening in.

Futures and Derivatives Regulation
Letter to the North American Securities Administrators Association (NASAA) commenting on the proposed revisions of the NASAA to the Guideline for Commodity Pool Programs. The letter offers specific suggestions on how to better clarify the proposals with regard to the definition of net worth in the guidelines and the portfolio diversification.

Letter to the Commodity Futures Trading Commission commenting on whether there are any conflicts between the criteria and relief in Advisory 18-96 and Commission Regulation 4.13(a)(4), Electronic Filing of Part 4 Exemptions. Although most of the provisions of Advisory 18-96 have been superseded by regulation, the letter argues that there is still a benefit in retaining Advisory 18-96 in certain situations.

Health Law
Letter to the Commission on Health Care Facilities in the 21st Century, expressing concern that the Commission's forthcoming recommendations “which reportedly include possible closure, merger, consolidation and restructuring of hospitals” do not comply with Title VI of the federal civil rights law and would have dramatic and disproportionate effects on communities of color and poverty in New York City.

Legal Issues Pertaining to Animals
Testimony at the New York City Department of Health & Mental Hygiene hearing on November 1, 2006, expressing support for the Parks Department's policy of permitting off-leash exercise and socialization for dogs in designated parks within the City during specified limited hours. The Committee also supported amendments to Health Code Section 161.05, concerning vaccination and licensing of dogs, which would further strengthen the off-leash policy.

Report expressing opposition to H.R. 4239, the Animal Enterprise Terrorism Act (AETA), which would give the Department of Justice the authority to apprehend, prosecute and convict individuals committing animal enterprise terror. The report raises a number of concerns with the legislation including that: (i) AETA is vague and overbroad, and would likely have a chilling effect on the lawful exercise of First Amendment rights; (ii) AETA would punish conduct that causes no economic damage or injury; (iii) AETA appears to lack a rational basis for the conduct it purports to criminalize and may violate equal protection rights; and (iv) AETA's penalty provisions appear disproportionately harsh.

Lesbian, Gay, Bisexual and Transgender Rights
Letter to the New York City Department of Health and Mental Hygiene with regard to birth certificate regulations for transgendered individuals. The letter expressed support for the Department’s goal of updating and amending Article 207 of the City’s Public Health Code by eliminating the requirement that applicants undergo “convertive surgery” before they may obtain a new birth certificate. The amendment, the letter notes, would also assist transgender individuals by ensuring that their new birth certificates designate them as male or female rather than effacing their sex designation altogether, as is the current practice.

Reports are available on the Association's website, www.nycbar.org, or by calling 212-382-6624.
whenever a lawyer, as now required by SEC rules under the Sarbanes-Oxley Act, "reports up" to the board "evidence of a material violation" of law by corporate managers. But in the Task Force's view lawyers should not be ethically prohibited, when confronted with this extraordinary circumstance, from "reporting out" the wrongdoing to protect the company and its investors.

The Task Force report opposes, however, imposing on lawyers any mandatory duty to report client wrongdoing to the SEC. It states that such an obligation would undermine "the confidential nature of a lawyer's relationship with his or her client" and "represent an overreaction to the recent scandals and a cure worse than the disease." The Task Force argues that it is by rendering clear and confidential advice to their clients that "lawyers can play their most productive role in avoiding future corporate scandals."

The Task Force report also advances a series of "best practice" recommendations for lawyers counseling public companies. The Task Force views the role of General Counsel as critical to maintaining a company's high ethical standards and compliance with the law. The Task Force points to WorldCom and HealthSouth as examples of companies victimized by management fraud where the general counsel appears to have been blocked by a dominant CEO from effectively advising the board.

To strengthen the general counsel's position, the Task Force urges that the general counsel: i) have an express mandate from the Board to promote a corporate culture of integrity, ii) have regular meetings with independent directors in the absence of management, and iv) have ultimate authority over the hiring and supervision of both in-house and outside lawyers.

With respect to outside lawyers, the Task Force notes that today public companies often engage outside lawyers only to provide specialized services. In this context, it urges that lawyers make sure they understand the context in which, and the purpose for which their services are requested. If they become seriously concerned about management conduct, the Task Force advises it is a best practice for outside lawyers to report up their concern to the general counsel, or the board if necessary, even if the circumstances do not mandate such reporting under the SEC’s rules. The Task Force also advocates that law firms play an active role in promoting ethical conduct by their attorneys. It recommends model "reporting up" procedures, and a statement of best practices, to further this mission.

Because most of the recent corporate scandals have involved accounting fraud, the Task Force recommends that lawyers advising public companies be actively consulted in connection with preparation of their client's financial disclosures, and that lawyers advising on such disclosures be familiar with the accounting concepts impacting those disclosures.

The Task Force report also offers detailed guidelines and recommendations for law firms conducting internal investigations for companies, an increasingly common mechanism for addressing corporate wrongdoing. The report emphasizes that the investigating firm should maintain unquestioned independence from any accused wrongdoers so that the results of its investigation will have credibility with regulators and the public.

Concern is expressed about the state of "due diligence," especially in connection with securities offerings by well-established companies (such as WorldCom). The report notes that the time available for due diligence by underwriters has been severely curtailed by the accelerated offering procedures now permitted companies under SEC regulations. It urges the private bar, and its public company and underwriter clients, to develop new techniques to protect the investing public that are better suited to the realities of the current marketplace than traditional due diligence.

The Task Force takes a wait-and-see position with respect to the controversial issue of whether Congress should restore aiding and abetting liability for conduct by lawyers (and other "secondary" actors) found to have assisted corporate fraud. The Task Force views consideration of this issue to be premature until the impact on lawyer conduct of the SEC’s interpretation and enforcement of its Sarbanes-Oxley "reporting-up" rules can be assessed.

### WHEN YOU’RE SICK, YOU NEED A DOCTOR... AND A LAWYER

Lindsey B. was a typical 25-year-old law school student. Like most 3Ls, grades, future employment and the bar exam were foremost on her mind. When she began to feel ill during her last set of final exams, she logically attributed it to stress. As the fatigue continued, she eventually went to see her doctor. Lindsey was a few exams shy of graduation when routine blood work resulted in the diagnosis of leukemia. At that moment, previous concerns of grades and employment seemed trivial; Lindsey knew she was in for the fight of her life.

As a prior student, Lindsey had no money and no prospect of employment due to the illness. As her classmates were starting their first jobs as lawyers, she was applying for Medicaid and public benefits. While Lindsey knew that doctors were going to play a pivotal role in her recovery, it wasn’t until she was denied Medicaid coverage that she knew she would need legal representation as well. Medicaid gave her 60 days to appeal, but she was too sick to go through the process. Fortunately, she found her way to the Cancer Advocacy Project at the City Bar Justice Center, where its director, Laura Mosiello, joined forces with Lisa Pearlstein, Director of the Center’s Homeless Clinic. Together they guided Lindsey through the benefit process until she ultimately received her Medicaid coverage. With every penny needed for her medical battle, the City Bar Justice Center staff also successfully fought for Lindsey to receive reimbursement from the New York and New Jersey Bar Examiners as she was too ill to sit for the exams.

Sadly, Lindsey’s story is not unique. More and more cancer patients are finding that not only do they need a team of doctors to lead their fight against cancer, but that legal assistance is also essential. Middle class clients are astonished to find that their health insurance is denying lifesaving treatment, and are forced to watch their good credit history dissipate as the bills pile up. Those applying for Medicaid or public benefits often find their cases denied for administrative reasons, or because they were too sick to make the necessary appointments for enrollment.

Cancer patients who are struggling with medical, financial, psychological and legal problems find a sympathetic and experienced ear in Laura
5 Friday, 6pm
FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION:
SEMINAR/MASTER CLASS: MUSICIANSHIP IN PERFORMANCE

Ever wonder why some performances are more convincing than others? Join David Bernard, the music director of the Lawyers’ Orchestra and the Park Avenue Chamber Symphony, for a seminar/master class that explores the choices musicians make in creating performances. The session will include interactive coaching of Beethoven’s famous “Septet” (Op. 20 in Eb major) and a presentation of guidelines of musicianship.

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

10 Wednesday, 6-8 pm
HIV/AIDS IN CUSTODY: ADVOCACY FOR PREVENTION, CARE AND TREATMENT IN CORRECTIONAL SETTINGS AND ON REENTRY

Panelists will review legal and policy issues regarding HIV prevention and care in prisons and jails, and discuss advocacy strategies to improve HIV-related services for people in detention and at reentry.

Moderator:
REBECCA SCHLEIFER
Researcher, HIV/AIDS and Human Rights Program, Human Rights Watch

Speakers:
ROBERT COHEN, MD
Federal Monitor for prison health care in New York, Connecticut and Michigan

ANITA MARTON
Vice President, Legal Action Center

ROMEO SANCHEZ
Deputy Director, New York City AIDS Housing Network

MILTON ZELEMYSER
Staff Attorney, Prisoners Rights Project, The Legal Aid Society

Registration is recommended. Visit www.nycbar.org

11 Thursday, 8:30am - 10am
PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS
NEXT STEPS: SUCCESS STRATEGIES FOR MID-LEVEL ATTORNEYS

Workshop I — Knowing Your Options/Controlling Your Destiny
How does a mid-level attorney define “success” and develop the skills and knowledge necessary to take those critical next steps? This workshop begins by examining the essentials of professional development and goes on to provide critical tools for developing an individualized strategy to achieve that success and avoid burnout. Participants will:

- Learn the best ways to maximize professional strengths
- Establish priorities and formulate career goals
- Explore ways to prepare for personal and family milestones and life events
- Develop a strategic career Action Plan

Speaker:
KATHLEEN BRADY
Brady & Associates

1½ non-transitional NY MCLE credits will be granted. Fee and registration information is available at www.nycbar.org

See page 20 for more information on the 2007 Professional Development Breakfast Workshops.

12 Friday, 8 pm
ENTERTAINMENT COMMITTEE PRESENTS “TRIAL LAWYER, THE MUSICAL”

For more than 50 years, every January, the Entertainment Committee has presented a full length, original musical comedy, performed by talented members of the Bench and Bar. This year, in “Trial Lawyer, The Musical,” the committee explores the inner workings of that most dynamic of lawyers, the trial lawyer, the attorney on the front lines, in open court, taking upon his shoulders the answer to the question, do I negotiate, placate, compromise and settle, or do I fight to the death? This case is going all the way!

For further information, contact Peter DiBianco at (917) 915-7635 or dibiannoc600@cs.com. Registration is recommended. Visit www.nycbar.org

16 Tuesday, 6-8:30 pm
FINDING A VOICE FOR WOMEN OF COLOR AT LAW FIRMS: UNIQUE CHALLENGES AND COLLABORATIVE SOLUTIONS

Panel and Networking Event

A study by the ABA Commission on Women reports that women of color at large law firms feel overlooked and undervalued and are leaving law firms in droves. A diverse and distinguished panel will discuss the challenges that both race and gender raise for women of color, examine policies that have been successful in recruiting and retaining minorities and women and provide other collaborative solutions to address the challenges unique to women of color. A networking reception will follow.

Speakers:
PAULETTE BROWN
Edwards Angell Palmer & Dodge LLP; Co-Chair, Visible/Invisibility Report

DIANE YU
Chief of Staff and Deputy to the President of New York University; former Chair of the ABA Commission on Women in the Profession

ONA WANG
Baker & Hostetler LLP

MAXINE WILLIAMS
Manager of Diversity Programs at White & Case LLP

Please RSVP if you plan to attend to Elizabeth Kowalczyk at ekowalczyk@nycbar.org or (212) 382-6641.

18 Thursday, 12:30-2 pm
SMALL LAW FIRM LUNCHEON
TECHNOLOGY — SECURITY AND CONFIDENTIALITY

Technology enables solo practitioners and small law firms to effectively and cost efficiently service their clients and compete with larger firms. In this luncheon seminar you will learn some of the risks that your computers are
This program will address proceedings, considerations in choosing the arbitrator, and international issues will be discussed in the context of energy matters. **Please Note:** This program will take place at Heller Ehrman LLP, 7 Times Square (bet. 41st and 42nd Sts. on Broadway), Manhattan.

**Speakers:**

- **Edna Sussman**
  Hoguet Newman & Regal LLP

- **Richard Naimark**
  American Arbitration Association

- **Helena Tavares Erickson**
  CPR: International Institute for Conflict Prevention and Resolution

- **Robert Davidson**
  JAMS

- **Robert Wax**
  Charter Resolution LLC

**For more information or to register contact ESussman@hnrlaw.com**

**23 Tuesday, 6-7:30 pm**

Energy and Alternative Dispute Resolution: What Every Energy Professional Should Know

A panel of experts including representatives from the leading dispute resolution service organizations, AAA, CPR and JAMS, will discuss ADR issues as they pertain to the energy field. Subjects such as the use of mediation, drafting the ADR clause, advantages and disadvantages of administered versus non-administered proceedings, considerations in choosing the arbitrator, and international issues will be discussed in the context of energy matters.

**Speakers:**

- **Lori Freudenberg**
  Brown Raysman Millstein Felder & Steiner LLP

- **Scott Krowitz**
  Lexolution LLC

- **Gianpaolo Scarola**
  Contract Attorney

**29 – February 1; Monday – Thursday; 5 & 8 pm (Mon. – Wed.) 4 & 8 pm (Thursday)**

Final Rounds of the 57th Annual National Moot Court Competition

Twenty-eight regional winning teams from across the country will participate in the Final Rounds of the 57th Annual National Moot Court Competition. The 57th Annual Moot Court Competition presents two issues not yet decided by the U.S. Supreme Court. First, does the Fourth Amendment permit police officers during a stop based on reasonable suspicion to request consent to search a suspect after the initial purpose of the stop is completed? And, two, does the Fifth Amendment require that Miranda warnings include an express reference to the right to have an attorney present specifically during interrogation?

**Presented in conjunction with:**

American College of Trial Lawyers

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**January 2007 Registration Form**

- **☐ Small Law Firm Luncheon: Technology — Data Protection, Security and Confidentiality - 18** Thursday
  - The fee for the luncheon is ☐ $25 for members and ☐ $35 for non-members.

- **Name**

- **Company**

- **Number of Reservations**

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- **Zip**

- **Card Number**

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- **Signature**

Please return this form to: **Meeting Services**, New York City Bar, 42 West 44th Street, New York, NY 10036-6689. Please make checks payable to the Association of the Bar. If registering for additional persons, duplicate this form.

www.nycbar.org
proceedings and applications to grant or modify orders of protection in family disputes. Collectively, these courts hear over two million cases each year and collect $210 million in fees, fines and surcharges. It is realistic to believe that, for many citizens of this state, it is their experience in these courts that create an impression of the fairness, efficiency and effectiveness of the New York justice system.

As documented by The New York Times articles, and by periodic reports from various commissions over the years, the town and village court system is systemically flawed. For indigent defendants, the right to counsel is frequently compromised and defendants have been arraigned and remanded without access to counsel. Defendants who do not understand English rarely, if ever, have the benefit of interpreters. Frequently, there is no record of what transpires in these courts other than notes that may be taken by the judge.

To address these problems, I formed a Task Force on Town and Village Courts chaired by former Judge Phylis Skloot Bamberger (Supreme Court, Bronx County). The purpose of the Task Force is to find ways to address the problems that have been documented and to provide assistance to the courts in implementing improvements. Unlike other City Bar task forces, this group has representatives from the entire state. These individuals are knowledgeable in the town justice system and include the public defender from Wyoming County, a judge of the Buffalo City Court and the District Attorney of Erie County. In addition, the Task Force has several advisors including the President of the State Magistrates Association and the Supervising Counsel of the court system’s Town and Village Resource Center.

Several branches of government have begun to call for reform. Chief Judge Judith Kaye and Chief Administrative Judge Jonathan Lippman announced a series of steps that the judiciary can take to improve town and village courts. Under this action plan, town and village justices would be required to report their compliance with rules and laws governing assignment of counsel for indigent defendants. In addition, training for non-lawyer judges would increase and attorney judges would have to attend a week-long orientation program similar to that required of other judges. Judges would also be required to use tape recorders to create a permanent record of court proceedings.

The legislature has also focused its attention on the problem. The Assembly Judiciary and Codes Committees scheduled a hearing to consider the ability of the justice court system to administer quality justice in both civil and criminal cases. One proposal discussed would require judges to be members of the bar.

Reform is in the air. With momentum building, the time is right for changing a system that has withstood any significant change for over 300 years. The City Bar Task Force will propose recommendations that can assist the judiciary in implementing the changes it seeks to make. Through our collaboration, it is hoped that the quality of justice will be improved throughout the state. New York citizens deserve nothing less.
MENTAL ILLNESS is a broad term that describes disorders ranging from anxiety, depression and substance abuse to bipolar disorder (formally manic-depressive illness) and schizophrenia. Depending upon the severity of the condition, the affected person could have difficulty functioning at work, home and in social situations. The chronic nature of some mental disorders demands a life long commitment to manage the illness, as one would with diabetes or heart disease.

The most current research has determined that mental illness is caused by a combination of biological and environmental factors, including genetics, neurochemistry, trauma to the fetus before birth and exposure to crisis or conflict in the environment. Scientists can differentiate normal brains from those of individuals diagnosed with mental illnesses.

One of the first lawyers I met had a diagnosis of bipolar disorder. Peter was a founding partner of a successful small law firm representing several high-profile clients. At our first meeting, Peter was personable, energetic and passionate about his work. He told me that he graduated first in his law school class and made law review. After law school, he clerked for a judge then worked in a top New York law firm. He later left that job to start his own firm.

Peter was referred to the Lawyer Assistance Program (LAP) by his law partner, who was concerned about his erratic behavior, mood swings, disheveled appearance and disorganization. Recently, Peter had missed an important meeting with a client. Before that he could not locate a file and was late for a court appearance.

Peter reported that he was “fine, just tired and overworked.” He thought his colleague was overreacting but decided to contact LAP anyway to help him locate a new psychiatrist. Peter stated that he stopped seeing his last psychiatrist four months ago because the doctor was not helping him. He admitted that he had stopped taking the medication prescribed by that doctor. He said that he was not sleeping well and had difficulty focusing.

Peter told me that he had been diagnosed with bipolar disorder 10 years earlier and had been hospitalized several times to treat his episodes of mania and depression. He had a history of alcohol and drug use from age 13, but was able to stop with the help of treatment and “Antabuse,” an aversion treatment for alcohol. He was not currently attending any self-help or 12-step groups.

Peter said there was a history of mental illness in his family. Most notably, his father had been diagnosed with schizophrenia. He has five siblings; one sister is also diagnosed with bipolar disorder.

Peter’s episodes of severe depression included symptoms of psychosis, with paranoid thoughts and delusions. In manic phases, Peter became grandiose and euphoric, believing there was nothing he could not do. Over the years, he had alienated family members and colleagues because of these highly charged shifts in mood. His mother and a sister were his only constant source of support.

That first meeting took place five years ago. Since then Peter has been hospitalized seven times, each stay lasting longer than the previous one. Just before his last hospitalization, he was living with his sister. One day he left the house and was missing for four days. When he finally called, barely coherent, he spoke of committing suicide. Fortunately, he let her know where he was and she called the police. Peter then spent the next five months in a psychiatric facility.

Peter calls periodically to let me know how he is doing. I last saw him a few months ago. He looked and sounded well. He likes his new doctors and the medication he’s taking is helping control his symptoms. He closed his practice with the help of a LAP volunteer. He is currently working temp jobs and going on interviews. Realistically, he doubts that he can manage the pressure of a full time job.

According to the National Alliance on Mental Illness, approximately nine percent of individuals diagnosed with serious mental illness will experience symptoms severe enough to impair their ability to function. Symptoms generally appear in adolescence or during the early 20s. Although Peter was not diagnosed until he was in his 30s, it is possible that his alcohol and drug use either masked symptoms or produced similar symptoms. Bipolar disorder affects men and women equally and occurs across all ethnic and socioeconomic groups.

Stigmatization of and discrimination against individuals with mental illness is still widespread. It perpetuates the myth that people with serious mental illness can never reintegrate into the community and rejoin the workforce. It prevents lawyers from getting help.

Every year, 30 percent of the referrals received by the Lawyer Assistance Program are for mental health issues. Law students and attorneys diagnosed with bipolar disorder are among them.

With help, each individual diagnosed with bipolar disorder can identify the goals that will lead to a full and satisfying life. These goals include finding the right medication, getting educated, selecting competent medical professionals, finding a compassionate and knowledgeable therapist, having a support system of family and friends, and paying attention to physical health and well-being. Family members and significant others need education and support to voice their concerns and develop strategies to maintain their own wellbeing.

Peter now provides peer support to other lawyers affected by bipolar disorder.

By Eileen Travis
Director, Lawyer Assistance Program
STEP UPON THE WORLD STAGE
AT THE NEW YORK CITY BAR ASSOCIATION

We all know that being a City Bar member gets us great discounts on CLE courses. These reduced costs, combined with the stellar panelists we bring to our classes, allow us to truly enjoy the 24 mandatory CLE credits attorneys scramble for every year.

But City Bar membership offers so much more than just cost savings. Did you know, for example, that the City Bar has the largest privately-owned law library in the country? Or that we have more than 160 committees to join, where you can sharpen your leadership skills, impact public policy and cultivate business contacts?

With 136 years of experience, we have the ability to support you professionally and personally. So, to ensure that you are taking full advantage of the vast range of opportunities the City Bar offers, we would like to take a moment to point out the many benefits that membership offers.

NETWORKING
We know that the best resources our members have are one another, so we offer a variety of networking opportunities. We have social and substantive events (almost all free to members) where you can meet colleague in the industry -- from leading practitioners, to judges, to managing partners at some of the largest law firms. As a member, you have the option of joining one of our many committees. Members also have access to the in-house directory, which helps even an association of 24,000 feel like a tight-knit community.

CAREER DEVELOPMENT
We offer all kinds of programs on career transition and development, whether you are a first-year or senior associate, partner, or re-entering the workforce. In addition, for mid-level associates, we present our annual Professional Development Breakfast Workshops, which focus on leadership and management development and are led by nationally recognized consultants. And our Legal Career Center is available on our website; members can post their résumé or search through a list of job openings.

CONTINUING LEGAL EDUCATION
Accredited in New York and California, the City Bar Center for CLE provides more than 150 live courses every year. Members receive discounts that apply to programs, audio and videotapes, DVD’s, CD’s, books, and podcasts. In addition, many of our programs are available online. With more than 35 practice areas covered, and courses ranging from three hours to full days, we can provide you with the CLE credits you need in a way that fits your schedule.

SMALL LAW FIRM CENTER
We recognize that solo practitioners and attorneys from small law firms have different needs. That’s why we’ve created the Small Law Firm Center, with a variety of discounts, resources and select benefits for members who are solos or practice in small firms, including free conference and workspace. For more information on these benefits, visit http://www.nycbar.org/SmallFirmCenter/index.htm.

LEGAL RESEARCH TOOLS
The City Bar provides a large choice of legal research tools to assist our members. And only our members can use our West 44th Street library for free. In the library, members have free access to LexisNexis and Westlaw. Beginning in 2007, Hein Online will be available in our Library free of charge. Members also receive a discounted price when they use our Copy Services Department. Copy services can make copies and prepare them for pick-up, fax, or email delivery.

Members can receive additional discounts on LexisNexis and Hein Online, from their own computer, and for their entire firm. As a member, you can remotely access free legal forms including, real estate, Westlaw, and various forms from the Michigan Law Library Digital Database -- just by visiting our Web site. Starting in 2007, the law firm-sponsored Vault online Legal Career Library will be available to members as well.

MARKETPLACE
The City Bar has set up different ways to help you find useful vendors and save money. The Marketplace, found on the City Bar Web site, lists vendors that cater to attorneys. Litigation financing, notary, and financial services are just a few. More vendors are being added everyday.

QuikSek, Inc., an e-secretarial service, DHL, and HSBC all offer our members discounts and special services to help with your business management needs. We offer a variety of insurance products from Bortholon-Rowland and Marsh, including professional liability and health. Bank of America offers a NYC Bar Platinum Credit Card, while UBS offers members a number of financial and brokerage services. Avis and Hertz offer a variety of discounts on their rental car services -- for business or pleasure!

THE HOUSE OF THE ASSOCIATION
The House of the New York City Bar Association at 42 West 44th Street is listed in the National Register of Historical Sites as a New York City landmark. Every time you walk into our 19th century building, one can’t help but feel its old-world grandeur and be reminded of the lawyers who came before us. Members can take advantage of this special location by holding meetings and events at the Association at a discounted rate. The rooms have modern amenities, onsite catering, and can accommodate groups of four to 400.

LAWYER ASSISTANCE PROGRAM
Our Lawyer Assistance Program is a free and completely confidential service we offer to our members and the legal community. Whether it is stress, depression, substance abuse, or other personal struggles, this City Bar program can help. We offer consultation, assessment, counseling, intervention, outreach, education, referral and peer support.

ETHICS HOTLINE
The City Bar provides lawyers with a free ethics hotline at (212) 382-6624 to help you in problematic situations. Any lawyer can call during business hours to seek ethical guidance regarding his or her own prospective conduct.

STUDENT MEMBERS
We also cater to our Student Members, who may use our renowned law library to work or study, and join one of our committees. Our Committee on Law Student Perspectives is a perfect fit for law students planning their career and getting an early start on professional development and public service.

To learn more about the resources of the New York City Bar Association and all the advantages membership offers, please visit our Website at www.nycbar.org. Check often, as we are constantly working to bring you more programs and benefits. If you have any questions or suggestions, please contact us at membership@nycbar.org, or telephone (212) 382-6665.
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Avis features GM vehicles.

www.nycbar.org

Dewey Medal Winners. New York City Bar President Barry Kamins, far right, presented five assistant district attorneys with the Association’s second annual Thomas E. Dewey medal, awarded for outstanding service by an assistant district attorney from each of the city’s five borough offices. Attending the November 28th event were, left to right: Seth C. Farber, chair of the Association’s Dewey Medal Committee and a partner at Dewey Ballantine, and medal winners Anne J. Swern, Brooklyn; Patrick J. Dugan, Manhattan; Anthony M. Communiello Jr., Queens; Yolanda L. Rudich, Staten Island; and Elisa F. Koenderman, the Bronx.

Brooklyn Law School Team Wins Moot Court Competition at the New York City Bar Association. Team members (left to right): Mark L. Legaspi, The Honorable Andrew J. Peck, Caren H. Rotblatt and Michael David Bell.
Suzanne Tomatore, and Laura Mosiello. The three City Bar Justice Center project directors who worked on Amalia’s case. From left: Lisa Pearlstein, Suzanne Tomatore, and Laura Mosiello.
BACK ON TRACK: LEGAL EMPLOYERS TAPPING INTO THE REENTRY TALENT POOL

Based on the inches of newspaper space, letters to editors, events, new bar committees—by all accounts, reentry is the hot issue in the legal community if not the wider employment space. On October 17, 2006, the New York City Bar’s Office for Diversity hosted an invitation only event to address the issue of women and men who seek to take some time out of the legal workforce and return to the practice of law in a meaningful capacity.

The session identified concrete recommendations from three perspectives—bar associations, law schools, and legal employers, primarily law firms. In addition, we addressed solutions from both sides: proactively, before an attorney leaves, or retroactively, as an attorney attempts to reenter the legal market.

Panelists and Moderators
■ Anne Erni, Managing Director, Chief Diversity Officer, Lehman Brothers
■ Kayalyn Maffioti, Partner, Skadden Arps Slate Meagher & Flom LLP
■ Anne Weisberg, Senior Advisor, Women’s Initiative, Deloitte & Touche
■ Legal Employers 1: Susan Kohlmann, Partner, Pillsbury Winthrop LLP
■ Legal Employers 2: Brande Stellings, Senior Director, Catalyst
■ Associations/Schools: Carrie Cohen, Chief, Public Integrity Unit, NYS Attorney General’s Office

Key Research
According to a 2005 Center for Work-Life Policy study, 42 percent of women lawyers voluntarily took time off from work at some point in their careers. The average time on their career hiatus was three years for lawyers, compared to 1.2 years for business women. Across sectors, 93% of those who have off-ramped want to return to work, but only 74 percent obtain jobs (40% full time) and 5% intend to return to their previous employer.

While certainly not solely a gender issue, women are more likely to off-ramp than men, particularly for child or other dependent care reasons. In the 2006 New York City Bar’s Diversity Benchmarking report, women and men had remarkably similar turn-over rates at the junior and senior associate levels, but a substantial gap emerged at mid-level associate level (42%, 32%). In Catalyst’s 2001 study of graduates at 5 top law schools, only 35 percent of women had worked full time continuously since graduation compared to 69% of their male counterparts.

However, 34% of women associates and 22% of men associates in Catalyst’s study would like the ability to step off the partner track and get back on. While men currently opt out less frequently and for different reasons, there are some indications that this may change with the younger generations.

Key Challenges
Lawyers who have opted out describe feeling “out of touch,” “out of practice,” and “out of the loop,” with employers questioning their skills, knowledge, and commitment. These lawyers face the following challenges:
■ Keeping Current: remaining abreast of legal developments, technology, and CLE requirements.
■ Staying in the Loop: maintaining key relationships with legal network in past and prospective employers and clients.
■ Overcoming Perceived Lack of Commitment: taking time out of the legal practice, even for a short period of time, can be construed as lacking the drive seen as necessary for advancement.
■ Finding Flexibility: seeking to transition back into the workforce on reduced hour or flexible schedule arrangements.
■ Managing Expectations: Some argue that those who have opted out have unrealistic expectations, thinking they are entitled to similar positions and pay for less hours and travel despite a prolonged absence.

Solutions
Forward-thinking legal employers, law schools, and bar associations can help attorneys seeking to reenter the legal workforce:
■ Provide Training
  ■ Substantive CLE programs in targeted practice areas
  ■ Management and other professional development programs
  ■ Technology refreshers
■ Foster Connections
  ■ Networking events, newsletters, and websites for firm alumni/ae
  ■ Mentoring programs
  ■ Networks for attorneys on leave
■ Identify Points of Entry
  ■ Consider contract work to keep attorneys connected while on leave

■ Determine types of roles where flexibility is possible during transition
■ Ensure transition roles allow adequate evaluation of readiness and can segue into career track if appropriate

Support Transition
■ Provide mentor to coach through transition, provide feedback, and ensure assignments are commensurate with abilities.
■ Clarify expectations on both sides for types of assignments, advancement opportunities, etc.
■ Evaluate and modify arrangement as necessary.

To learn more about reentry or for upcoming diversity activities, please see our website at www.nycbar.org or contact Meredith Moore, Director of the NYC Bar’s Office for Diversity at mmoore@nycbar.org.

Nominees for City Bar Offices & Committees
The following candidates have been nominated for the City Bar’s various offices and committees. Those elected will be announced at the Annual Meeting of the City Bar on May 15, 2007. Pursuant to By-law XXIII, other nominations must be posed no later than February 16, 2007.

President
Barry M. Kamins
Vice Presidents
Mary C. Daly
Alexander D. Forger
Andrew A. Scherer
Secretary
Sheila S. Boston
Treasurer
James L. Lipscomb
Executive Committee
Class of 2011
Andrew Mandell
Deborah Masucci
Michael B. Mushlin
Benito Romano
Audit Committee
Robert J. Anello
Laurie Berke-Weiss
Allan L. Gropper
Christopher L. Mann
Marsha E. Simms
### CITY BAR CENTER FOR CLE
### JANUARY 2007 CLE COURSE CALENDAR

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<td>VIDEO REPLAY: PLANNING FOR THE ULTIMATE LIFE DECISION: LIVING WILLS &amp; HEALTH CARE PROXIES</td>
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<td>VIDEO REPLAY: UPDATE 2006 CURRENT DEVELOPMENTS IN MATRIMONIAL LAW</td>
<td>KNOWING WHAT MATTERS: UNDERSTANDING REAL ESTATE FINANCIAL STATEMENTS</td>
<td>NEW FIN 48: LEARN HOW THE NEW RULES RADICALLY CHANGE ACCOUNTING FOR INCOME TAXES</td>
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<td>INSURING YOUR CONSTRUCTION PROJECT</td>
<td>VIDEO REPLAY: EMPLOYMENT DISCRIMINATION LAW: WORKPLACE RIGHTS &amp; PROTECTIONS RELATING TO SEXUAL ORIENTATION &amp; GENDER</td>
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<td>BEST PRACTICES FOR GOOD LAWYERING: EFFECTIVE CASE MANAGEMENT &amp; SUCCESSFUL MENTORING FOR LAWYERS</td>
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*This program provides transitional credit for newly admitted attorneys.*
JANUARY 2007
CLE CALENDAR

ADR/ARBITRATION/MEDIATION/NEGOTIATION

MEDIATION AS A BENEFICIAL OPTION IN LITIGATION: LEARN THE STRATEGIES TO WIN YOUR CASES

9 Tuesday, 6-9 p.m.

Develop and practice your skills of advocacy and trial negotiation/strategy by exploring the opportunities that are afforded via mediation in the tort litigation field. Learn the options of in-court mediation and private mediation in litigation.

Learn the pros and cons of each process, and the efficacy of using both in tandem with surprising results. Participate in a question and answer session with two professional mediators, as well as members of the plaintiff and defense bar, whose clients have benefited from the mediation process.

Program Chair:
SHELLEY ROSOFF OLSEN
Mediator
New York State Supreme Court, Civil Branch

Faculty:
HON. MICHAEL J. DONTZIN
JAMS

LAWRENCE EPSTEIN
Newman O'Malley & Epstein, LLC

MARISA GOETZ
Faust Goetz Schenker & Blee, LLP

Live program:
Member $195 Non member $305

CLE Credit:
3 credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.

CORPORATE & SECURITIES

THE IN-HOUSE COUNSEL’S ROLE IN INVESTIGATIONS INSIDE & OUTSIDE THE CORPORATION: HOW TO BEST REPRESENT YOUR CLIENT & OBEY THE LAW

23 Tuesday, 9-5 p.m.

Continuing education programs on investigations abound. Why is this one different? This program focuses on the problems of dealing with such situations from the point of view of the in-house counsel. This program will discuss not just the law and the ethics, but also the personal and professional dilemmas the in-house counsel will confront.

The stakes for lawyers are rising because their personal civil and criminal liability is more and more in issue. The program will explore the role of in-house counsel in balancing the actual facts of the situation, the law, the ethics, the interests of the client, the public interest, and counsel’s own career interests.

When must you sacrifice your own interests? How can you meet your responsibilities without risking your career?

When might you have criminal responsibility? Is it possible to create "win, win" situations from such crises?

Program Chair:
RONALD S. GOLDBRENNER

Faculty:
ERNEST BROD
Director, Forensic and Dispute Services
Deloitte Financial Advisory Services LLP

KENNETH K. FISHER
Wolf, Block, Schorr, and Solis-Cohen LLP

WILLIAM GLABERSON
The New York Times

SUSAN J. HACKETT
Senior Vice President, General Counsel and Assistant Secretary
Association of Corporate Counsel
Washington, D.C.

CLE Credit:
6½ credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.

LAWRENCE A. JACOBS
Executive Vice President, Group General Counsel
News Corp.

DANIEL KARSON
Executive Managing Director and Counsel
Kroll, Inc.

MARK C. MORRIL
Senior Vice President, Deputy General Counsel
Viacom Inc.

HON. JED S. RAKOFF
United States District Court Judge
Southern District of New York

SALVATORE J. RUSSO
Executive Senior Counsel
NYC Health & Hospital Corp.

THEODORE SONDE
Executive Vice President, Group General Counsel
News Corp.

DANIEL KARSON
Executive Managing Director and Counsel
Kroll, Inc.

REVERSE MERGERS, SPACs & OTHER ALTERNATIVES TO IPO’S: NUTS & BOLTS OF THESE INCREASINGLY POPULAR TECHNIQUES

24 Wednesday, 6-9 p.m.

This program will explore reverse mergers, an alternative method to taking companies public. Reverse mergers have become increasingly utilized by private companies in the past few years, as a result of the SEC’s recently having recognized reverse mergers as a legitimate way of taking companies public, and the virtually non-existent IPO market for small and midcap companies since 2000. The author of the book Reverse Mergers: Taking a Company Public without an IPO (Bloomberg Press, 2006), along with his partner, both of whose practices focus on reverse mergers, will introduce lawyers to the
alternative methods available to private companies to create a public trading market for their securities and to concurrently raise financing through private investments in public equity (PIPEs), a form of financing that is often utilized with a reverse merger. You will learn how such alternative methods can provide a viable option where traditional IPO’s may not be available, or where going public through a reverse merger may make more sense than conducting a traditional IPO. Legal issues in structuring and implementing these transactions will be explored in depth.

In addition, this program will touch on related ethics issues, including conflicts of interest that may arise for attorneys in representing parties in concurrent merger and financing transactions. This program will also review the dramatic explosion of SPACs (specified purpose acquisition companies), which are blank check companies which complete IPOs raising as much as $100-200 million in anticipation of a merger in a specified industry. The advantages and disadvantages of this technique and its recent resurgence will be discussed. This program is a must for any attorney who represents a small or midcap company that is seeking liquidity and/or capital.

As a special feature program attendees will receive a copy of Reverse Mergers: Taking a Company Public without an IPO (Bloomberg Press, 2006).

Program Co-Instructors:
DAVID N. FELDMAN
Feldman Weinstein & Smith LLP
Author, "Reverse Mergers: Taking a Company Public without an IPO" (Bloomberg Press, 2006)

SCOTT M. MILLER
Feldman Weinstein & Smith LLP

Live Program:
Member $245  Non-member $355

CLE credit:
3 credits total; credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.

SECURITIES REGULATORS:
VIEWS FROM THE SOURCES

26 Friday, 9-5 p.m.

Prominent securities regulators from the Securities and Exchange Commission, the National Association of Securities Dealers and enforcement agencies will discuss hot topics and current issues and proposals. You will learn the top officials' views on practical, every day securities law issues. The consequences of non-compliance, and how to deal with your clients' regulatory problems, will also be covered. Topics covered will include the internal certification on internal controls requirements, asset backed proposals, the Form 8-K requirements and current enforcement issues. This program will be essential for practitioners who rely on the views of the SEC and other regulators in their day-to-day practice.

Program Chair:
N. ADELE HOGAN
Linklaters

Faculty to be announced.

Live Program:
Member $375  Non-member $515

CLE credit:
7½ credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.

ESTATE PLANNING

VIDEO REPLAY: BEYOND STRANGI:
COPIING WITH THE CURRENT STATE OF GIFT & ESTATE TAXATION OF FAMILY PARTNERSHIPS

16 Tuesday 6-8 p.m.

This program will provide an in-depth analysis of the current gift and estate tax aspects of family limited partnerships. Leading commentators will discuss the implications of the Fifth Circuit's decision upholding the Strangi case, other recent developments in case law, practical strategies for coping with complex tax concerns and what tax planners can expect from the IRS in the near future.

Program Co-Chairs:
BRIDGET J. CRAWFORD
Professor, Pace University School of Law
KARA B. SCHISSLER
Katten Muchin Rosenman LLP

Faculty:
JONATHAN G. BLATTMACHR
Milbank, Tweed, Hadley & McCloy LLP

Program Chair:
GEOFFREY R. MAZEL
Mazel, Hankin, Handwerker & Mazel, PLLC

Faculty:
ALAN T. GALLANTY
Twomey, Hoppe & Gallanty LLP
MARC ISRAEL
Vice President & Special Counsel
American Land Services, Inc.

Live Program:
Member $195  Non-member $305

CLE credit:
2 credits in professional practice/practice management. This video replay does not provide transitional credit for newly admitted attorneys. In accordance with the CLE Board’s Regulations & Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this video replay to fulfill your current CLE requirements.

ETHICS

ISSUES IN THE PRACTICE OF REAL ESTATE: WHAT EVERY ATTORNEY MUST KNOW WHEN HANDLING A TRANSACTION

29 Monday, 6-9 p.m.

A vast majority of attorneys, whether in a small or large firm, will be involved in a real estate transaction in the course of their practice. There are a great many ethical pitfalls which one may fall into while handling a real estate transaction. Some of these ethical issues are obvious and others are far more difficult to recognize. This course will examine in detail day-to-day ethical issues that confront real estate attorneys and the general practitioner. Special emphasis will be made on conflicts of interest, the holding of escrow monies and title issues.

Program Chair:
RONNI G. DAVIDOWITZ
Katten Muchin Rosenman LLP

MITCHELL M. GANS
Professor, Hofstra University School of Law

MADELINE J. RIVLIN
Adjunct Professor
Pace University School of Law

Live Program:
Member $195  Non-member $305

CLE credit:
2 credits in professional practice/practice management. This video replay does not provide transitional credit for newly admitted attorneys. In accordance with the CLE Board’s Regulations & Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this video replay to fulfill your current CLE requirements.
FAMILY LAW

VIDEO REPLAY: UPDATE 2006 - CURRENT DEVELOPMENTS IN MATRIMONIAL LAW

17 Wednesday 6-9 p.m.

Recent significant developments, including decisions rendered by all the courts, from the Supreme Court to the Court of Appeals, have occurred and anyone dealing with a matrimonial matter needs to know about them. A panel of prominent attorneys and a sitting judge, all of whom have been involved in many of the cases that will be discussed, will examine the impact of the latest changes on the following substantive issues:

- Attorney Fees and Enforcement Issues
- Equitable Distribution
- Custody
- Support

This program is intended for the seasoned matrimonial and family law practitioner interested in learning how recent decisions and case developments are affecting the practice, as well as attorneys new to the practice who need practical advice on how to handle a matrimonial case.

Program Chair:
MICHAEL DAVID STUTMAN
Mayerson Stutman Abramowitz Royer LLP

Faculty:
HON. SARALEE EVANS
Acting New York State Supreme Court Justice

STEPHEN NEWMAN
Professor of Law
New York Law School

MARCY L. WACHTEL
Katsky Korins LLP

ADAM JOHN WOLFF
Kasowitz, Benson, Torres & Friedman LLP

Live Program:
Member $195  Non-member $305

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

LABOR & EMPLOYMENT LAW

VIDEO REPLAY: EMPLOYMENT DISCRIMINATION LAW: WORKPLACE RIGHTS & PROTECTIONS RELATING TO SEXUAL ORIENTATION & GENDER

25 Thursday, 6-9 p.m.

While there is no federal law that explicitly forbids discrimination based on sexual orientation or gender identity in private sector employment, litigators have succeeded in some instances in bringing Title VII actions on the basis of gender and sex stereotyping. There are also numerous state and county jurisdictions where discrimination in employment on the basis of sexual orientation and gender identity is prohibited and there are some protections for public sector employees. This program will provide a comprehensive exploration of federal, state and local employment discrimination laws in public and private employment in relation to gender, gender identity and sexual orientation.

Program Co-Chairs:
LISA R. BADNER
New York City Equal Employment Practices Commission

ALLEN A. DREXEL
Cohen Lans LLP

Moderator:
ARTHUR S. LEONARD
Professor
New York Law School

Faculty:
ALPHONSO DAVID
Staff Attorney
Lambda Legal Defense and Education Fund, Inc.

SHARON M. MCGOWAN
Staff Attorney
ACLU Lesbian & Gay Rights Project

Live Program:
Member $195  Non-member $305

CLE credit:
2 credits total: 1½ professional practice/practice management & ½ ethics. This video replay does not provide transitional credit for newly admitted attorneys. In accordance with the CLE Board's Regulations & Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this video replay to fulfill your current CLE requirements.
No one graduates law school with either of these skills, yet they are the keys to your success as an attorney. One cannot pick up a law-based newspaper or magazine without spotting at least one article on these topics. This panel brings together experienced attorneys and administrators from both large and small firms to address these important issues, and to interact with the participants to discuss real life experiences and strategies that you can begin to use in your daily practice. Different case management strategies will be discussed and different mentoring styles will be analyzed. Your active participation in the program is welcome and will enable the panel to address your specific questions.

Program Chair:
Gerald A. Stein
O’Melveny & Myers LLP

Faculty:
Sandra Bang
Director of Professional Development & Training
Weil Gotshal & Manges LLP

Susan Brune
Brune & Richard LLP

Edward J. Guardaro, Jr.
Bartlett McDonough Bastone & Monaghan

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

LITIGATION

VIDEO REPLAY: DOCUMENT RETENTION & DISCOVERY IN AN E-WORLD: HOW TO AVOID CIVIL & CRIMINAL PENALTIES

10 Wednesday 6-9 p.m.

Failure to follow the evolving requirements regarding the retention, restoration, and production of electronically stored documents in civil litigation may result in sanctions or lost claims. On the criminal side, the consequences in some circumstances may be prosecution and conviction. The questions of what to retain, how long backup tapes or disaster-recovery tapes should be maintained or e-mails archived, and what to produce, have become increasingly complicated in the era of electronic data. The program will address:

- Deciding what documents and data to retain
- How to set up a retention system
- Responding to civil discovery requests and criminal investigations
- How to handle parallel or successive civil litigation and criminal proceedings
- Potential civil sanctions
- Potential criminal consequences

The panelists will include a prosecutor from the S.D.N.Y. U.S. Attorney’s Office, practitioners with civil and criminal defense experience, an expert in computer forensics, counsel from a major financial institution, and Judge Shira A. Scheindlin, author of the precedent-setting Zubulake v. UBS Warburg.

REAL ESTATE

KNOWING WHAT MATTERS: UNDERSTANDING REAL ESTATE FINANCIAL STATEMENTS

18 Thursday, 9-11 a.m.

The financial statement of a commercial real estate company is the single most important source of information about the health of the enterprise — if you know where and how to look. Gain insights on what banks, insurance companies, other sources of financing, potential equity sources, and purchasers of property look for in a company’s financial statements. We’ll begin with an overview of the basis of financial reporting and cover the levels of reporting by independent accountants. Using a hypothetical real estate company, we will take you through a line-by-line financial analysis, pointing out footnotes and various disclosures.
This presentation will enable you to readily identify pertinent information to more effectively analyze, evaluate, and advise on the content in these statements. In addition, there will be a brief discussion of real estate-related litigation matters, ratio analysis, and valuation methodologies.

Program Co-Instructors:
MARC L. KAPLAN, CPA, CFE, CVA
Real Estate Partner
Berdon LLP

NICHOLAS M. LOGUERCIO, CPA, CFE
Real Estate Partner
Berdon LLP

Live Program:
Member $195  Non-member $305

CLE credit:
2 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.

CYBER-HOUSING: USING THE INTERNET TO EFFECTIVELY GATHER & USE EVIDENCE TO WIN YOUR CASE
22 Monday, 6-9 p.m.

Amplify your prosecution and defense of residential holdover proceedings in Housing Court using Internet resources. This program will feature interactive lectures and the use of hypothetical fact patterns common to holdover summary proceedings, from which the panel will extrapolate evidentiary issues and discuss where to gather the evidence to be presented at trial from the Internet. The program will then focus on the admissibility of the evidence garnered from the Internet.

Program Co-Chairs:
MIRIAM M. BREIER
Breier, Deutschmeister, Urban & Fromme, P.C.

PAUL D. KUSHNER
Eviction Intervention Services

ELEANORA OFSHTEIN
Associate Court Attorney, Civil Court, New York County, Housing Part

Faculty:
ADAM LEITMAN BAILEY
The Law Firm of Adam Leitman Bailey, P.C.

HON. TIMMIE E. ELSNER
New York Civil Court Judge

ROBERT GRIMBLE
Grimble & LoGuidice, LLC

Live Program:
Member $175  Non-member $285

CLE credit:
3 credits total. Credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.

INSURING YOUR CONSTRUCTION PROJECT
Wednesday, January 24
9-12 p.m.

Every construction project requires insurance. Coordinating the terms of the contract documents and the insurance policies can be a daunting task unless counsel has a working understanding of the insurance documents. This program will explore the Commercial Lines Program of the Insurance Services Office to convey an understanding of how this workhorse of the commercial insurance industry can be utilized to provide the needed coverage. The program will also address the recurrent points of friction between the AIA forms and the ISO forms, with practical suggestions on how to smooth over the rough spots. Having the insurance in place is only half the battle, and the program will also discuss some practical concepts that help to obtain coverage when claims—particularly defective construction claims—are presented. Also featured will be a study of the insurance coverage that is required from contractors performing work for the City of New York and a review of some current topics, including additional insured parties, subrogation, and handling the risks of architects and engineers who never seem to have “enough” insurance.

Program Chair:
KEVIN J. CONNOLLY
Zetlin & DeChiara LLP

Faculty:
ERIC RUNDBAKEN
Chief of Commercial & Real Estate Litigation Division
New York City Law Department

RICHARD R. VOLACK
Peckar & Abramson, P.C.

Live Program:
Member $205  Non-member $315

ART COLLECTION ANALYSIS AND ORGANIZATION

- Cultural Property Compliance
- Provenance Research
- Due Diligence Support
- Conservation Assistance
- Curatorial Duties

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www.nycbar.org
Registration

Advance registration is advised for live programs & video replays. An additional fee of $25 will be charged for registrations received later than 3:00 p.m. one business day prior to the program. For more information or to register for a program visit our website at www.nycbar.org, call (212) 382-6663, fax (212) 869-4451 or mail your registration to: City Bar Center for CLE, New York City Bar, 42 West 44th Street, New York, NY 10036.

Tapes are sold with the accompanying written materials from the program. Program materials can be purchased separately from the program. (CLE credit may not be given for materials only.) Mandatory NYS sales tax is included in the purchase price for tapes and materials. All sales of tapes, CDs, DVDs and materials are final. Please allow 3-5 weeks after the program date for your order to be processed.

Cancellations & Refunds

For live programs and video replays, refunds and program credits are available provided cancellation is made in writing and received by the City Bar Center prior to the program.

A $35 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 and faxed to the City Bar Center at (212) 869-4451.

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

Certificates for attending a program are given out and signed by a CLE staff member at the end of the program. You are responsible for keeping a copy of the CLE certificate for your own records. An administrative fee of $10 will be charged for replacement CLE certificates.

These programs are presented under the auspices of the CLE Committee, Valerie L. Fitch, Chair, and the City Bar 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 City Bar Center with your suggestions.
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**JANUARY 2007 CLE REGISTRATION FORM**

- **MEDIATION AS A BENEFICIAL OPTION IN LITIGATION: LEARN THE STRATEGIES TO WIN YOUR CASES**
- **PROXIES**
- **LIFE DECISION: LIVING WILLS & HEALTH CARE**
- **INCOME TAXES**
- **REVERSE MERGERS & OTHER ALTERNATIVES TO IPO’S: WHAT’S INVOLVED IN TAKING COMPANIES PUBLIC & RAISING FINANCING THROUGH TRANSACTIONS OTHER THAN IPO’S**
- **THE IN-HOUSE COUNSEL’S ROLE IN INVESTIGATIONS INSIDE & OUTSIDE THE CORPORATION: HOW TO BEST REPRESENT YOUR CLIENT & OBEY THE LAW**
- **INSURING YOUR CONSTRUCTION PROJECT**
- **REVERSING Mergers & OTHER ALTERNATIVES TO IPO’S: WHAT’S INVOLVED IN TAKING COMPANIES PUBLIC & RAISING FINANCING THROUGH TRANSACTIONS OTHER THAN IPO’S**

- **ALL REGISTRATIONS MUST BE PREPAID BY EITHER CREDIT CARD OR A CHECK MADE PAYABLE TO: CITY BAR CENTER FOR CLE OR NEW YORK CITY BAR**

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- **CDs:** $335 $405
- **DVDs:** $445 $535
- **Materials:** $105 $135

**Video tapes:** $405 $475

**CDs:** $335 $405

**DVDs:** $445 $535

**Materials:** $105 $135

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- **In-House Counsel’s Role in Investigations Inside & Outside the Corporation:**

- **Best Practices for Good Lawyering: Effective Case Management & Successful Mentoring for Lawyers**

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PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS

Next Steps: Success Strategies for Mid-Level Attorneys

Due to the success of last year's Professional Development Breakfast Workshops, the City Bar is pleased to announce our 2007 series. The series is designed to promote the continued success of mid-level attorneys as they progress to partnership, move in-house, to government, or on to other careers in the legal profession. Breakfast and registration begin at 8 a.m., Workshops are from 8:30 a.m.-10 a.m. and are free to members and attorneys from sponsoring firms; $45 administrative fee per workshop for non-members. 1½ NY CLE non-transitional credits will be granted per workshop. Register at www.nycbar.org, or call (212) 382-6662/6663.

Thursday, January 11, 2007
Knowing Your Options/Controlling Your Destiny
Kathleen Brady, Brady & Associates Career Planners, LLC

This workshop examines the essentials of professional development and provides critical tools for maximizing professional strengths, and developing an individualized strategic career action plan.

Thursday, February 8, 2007
The Successful Attorney-Manager: Motivating and Delegating Effectively
Jay Sullivan, Exec/Comm

Attorneys who excel know how to manage their teams and develop the skills of those working with them. This workshop prepares mid-level attorneys to successfully supervise associates, paralegals and staff by effectively delegating assignments.

Thursday, March 8, 2007
Acting Ethically: Incorporating Professional Responsibility into Professional Development
Mary R. Crane, Mary Crane & Associates

This program starts off with a cinematic legal “thriller.” The fact patterns created by some of Hollywood’s best writers serve as the basis to discuss specific ethical concerns relevant to mid-level associates as they progress in their careers.

Wednesday, April 11, 2007
Becoming Your Client’s Trusted Advisor: Communication Strategies for Client Development
Timothy G. Leishman, Leishman Performance Strategy, Inc.

Being a successful attorney depends not just on superior knowledge, but the ability to utilize that knowledge and help clients achieve their goals. In this workshop, participants learn critical skills to become the trusted advisor who anticipates clients’ needs and communicates solutions effectively.

Thursday, May 10, 2007
The Successful Attorney-Manager: Delivering Constructive Feedback
Jay Sullivan, Exec/Comm

Effective delegation is not the only key to successful teamwork. To obtain the best possible results, the successful attorney-manager guides team members to their best possible performance and supports their development. In this workshop, participants enhance their abilities to provide constructive feedback, offer input on work yet to be performed, and handle emotional responses.

Thursday, June 7, 2007
Leading Effectively: Cultivating Diverse Work Styles
Lisa Abrams, Lisa Abrams Consulting

Every attorney utilizes his or her own style in managing a case or heading up a deal. In this program, attorneys identify their style preferences and their impact on others. They develop techniques to reduce conflict among those with different working styles, and lead a dynamic, diverse team.

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