President’s Message: Meeting With the World’s City Bar Leaders

When I assumed office in May, I had fairly clear and specific thoughts about my priorities as President. Happily I have been able to focus much of my attention on two of these priorities in the last six months, diversity in the profession and legal services to the poor. Not surprisingly with each passing week I seem to add more and more to my “to do” list. Within a few months, for example, I began to sense that the Association’s role in the international arena (as well as the role of New York lawyers within the global practice of law) ought to be part of my focus.

I was drawn to this thought at the outset by the fact that many committees of the Association are specifically focused on international matters and that many others not expressly international in scope are operating with a more global perspective than in the past. In other words, there are many dimensions to the role that the Association plays internationally.

My recent trips in November on behalf of the Association to Shanghai to attend the Conference of World City Bar Leaders and to the opening of the Paris Bar, both attended by many bar leaders from other countries, reinforced these thoughts and suggested new ideas that I would like to share with you. These organizational contacts supplement the contacts our committees already have with others on international issues. Discussions with other bar leaders around the world can also have an impact on our work by providing opportunities for the cross-fertilization of ideas and cooperation on areas of common interests.

The Shanghai Conference was the third meeting of the leaders of city bar organizations from around the world. The first was hosted by the Association in New York in 2001. The second was held in Paris in 2003. The Shanghai Bar Association did a wonderful job of hosting this third conference, which consisted of two full days of meetings attended by representatives of bar groups from twenty cities in North America, Asia and Europe, including former President Evan Davis and me. The next conference will be in Chicago in mid-2006. In Paris there were festivities but also the better part of one day set aside for discussions among bar leaders from more than 40 countries.

Access to Legal Services

At these meetings I learned that we are not unique as a bar association in focusing on the provision of legal services to those in need. However, I also learned that our position is much worse than that in most other countries where the government provides much more funding for legal services in the civil area than in the United States. In addition, there are some countries where pro bono has become required of the members of the bar. In Korea, for example, all lawyers must perform 20 hours of pro bono work a year and, if they fail to perform those hours, are required to...
Meeting With the World’s City Bar Leaders

Continued from pg.1

New York City Bar Association President Betsy Plevan addresses the Conference of World City Bar Leaders in Shanghai. Hosted by the Shanghai Bar Association, the conference was attended by representatives of bar groups from 20 cities in Europe, Asia and North America. It was the third annual gathering of city bar organization leaders from around the world. The Association hosted the first meeting in New York in 2001.

Contribute $50 to legal services for each hour not worked. I also learned that in Canada, the bar association is filing suit against the Canadian government in an effort to establish that the constitution requires state funding of legal services for the poor in all matters. I plan to follow these developments and to urge that the legal services community in general develop more detailed information about the policies of other countries to enable us to argue more forcefully for increased funding at the federal, state and city level.

On a regional level, the Association’s Vance Center will be hosting a Strategy Session for the Americas in March, to share experiences in providing access to legal services, including pro bono.

International Legal Practice

At the Shanghai Conference we also discussed the expansion of international legal practice, a subject that has many facets and complications. There are enormous difficulties, for example, in achieving reciprocity with the United States because of our multistate system of bar admission. The subject is complex also because there are differences in legal training, bar admission requirements, etc. throughout the world. However, there is a recognition among most bar leaders that globalization of legal practice will continue and that guidelines are needed to facilitate representation of clients who operate globally. One particular area of focus is the conduct of arbitrations, where more flexibility can perhaps be achieved.

Money Laundering

At both conferences, lawyers from Europe in particular identified as their number one issue concerns about European Union money laundering regulations that impact attorneys directly. In many countries, the EU directive has been imposed in a manner that requires lawyers to provide suspicious activities of their clients, thus undermining lawyer client confidentiality. In some countries, the bar has been successful in mitigating the impact of implementing legislation or in postponing it, but in others the legislation is being challenged through bar-supported litigation. Cooperation among these countries will have no doubt flow from these gatherings. In these discussions, I suggested that clients and lawyers in the United States faced a similar challenge due to efforts to compel the waiver of the attorney-client privilege.

The Shanghai conference concluded with the unanimous adoption of a resolution addressing a number of the points mentioned above. You can find this resolution on the Association’s website, www.abcny.org.

Bettina B. Plevan
President, The Association of the Bar of the City of New York

Association Seeks Passage of ‘No Fault’ Divorce Law

Continued from pg.1

Training

The bar leaders who met in Shanghai also resolved to try to develop some cooperative training programs. We will take the lead in this effort. Our first step will be to try to establish a mechanism for ongoing communication among the city bar leaders. We also hope to have all the attendees post website links on each other’s web pages so we have done already with the Paris bar. We know there will be technological challenges as well as language barriers. However, we expect during the coming year to experiment with providing online or web cast training on one or a selected group of topics that would be of global interest, and we hope other countries will do the same. We also hope to serve our members abroad by providing CLE training in other countries through video tapes and the like.

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President, The Association of the Bar of the City of New York

Printed on recycled paper

44TH STREET NOTES (ISSN 10791019) is published monthly except July and August for $25 per year by The Association of the Bar of the City of New York, 42 West 44th Street, New York NY 10036-6689. Periodicals postage paid at New York NY.

Postmaster: Send address changes to 44TH STREET NOTES, 42 West 44th Street, New York NY 10036-6689. For subscription information, please call (212) 382-6695.

www.abcny.org
NEW COMMITTEE REPORTS

Election Law
Letter to the New York City Campaign Finance Board commenting on proposed amendments to the Board’s Rules. The letter supports the proposed reduction in the threshold for reporting employment information, and the proposed presumption that contributions made by any LLP or LLC be deemed to have been made by the general partner or general manager. The letter questions the legal basis for the Board’s decision to create a legal presumption of common control for certain unions and political committees without regard to whether there is a factual basis for such a conclusion. The letter urges the Board to set clear standards and provides suggested language for the Board’s consideration.

International Environmental Law
Letter to Congress urging ratification of the 1997 Protocol (Annex VI) relating to the treaty known as the International Convention on the Prevention of Pollution from Ships which would establish certain limits on air emissions from large ocean-going vessels. The letter expresses support for Annex VI as it represents a useful step in the international effort to address international mobile source air pollution that affects U.S. air quality, notably in port cities such as New York.

Federal Legislation
Letter to Congress urging opposition to the proposed changes to Rule 11 of the Federal Rules of Civil Procedure. If enacted, the letter notes, the proposed changes would significantly affect how attorneys practice law in federal and certain state court cases by making now permissible sanctions against attorneys mandatory and by removing the safe harbor which permits lawyers to withdraw or correct a filing within 21 days after a Rule 11 motion is served.

Judicial Administration, Council on
Letter to Congress expressing concern about a number of bills currently pending in the Senate, all of which would restrict federal court jurisdiction over various types of cases and constitutional issues. The letter noted that such jurisdiction-stripping legislation sets a dangerous precedent and could wreck the constitution and the delicate balance of powers created by the Framers.

Housing and Urban Development
Letter to Sheldon Silver, Speaker of the New York State Assembly, urging the restoration in the 2005 New York State budget of $57 million for the development of affordable housing. These funds would make possible the creation of thousands of new and rehabilitated low, moderate and middle income housing units throughout New York State, reducing the serious statewide shortage of habitable affordable housing.

Matrimonial Law
The Case for Amending the New York State Domestic Relations Law to Permit No Fault Divorces. This report urges the New York State Legislature to amend the current Domestic Relations Law to permit no fault divorces, as is the case in every other state in the United States. The report argues that the current statute, which requires blame be placed on one spouse or for both spouses to live apart for one year under a separation agreement before a divorce can be granted, often creates significant financial and emotional costs and can jeopardize the safety and well-being of the spouses. (See article on page 1.)

Association reports are available online at www.abcny.org. Or, you may order reports by writing to the Director’s Office, calling (212) 382-6624, or emailing aakhtar@abcny.org. Please be sure to include the committee name when making your request.

Members Wanted for New Structured Finance Committee

Structured finance—which, in general, involves the creation of a bankruptcy-remote special purpose vehicle that purchases receivables or other assets from one or more other parties (typically commercial banks or investment banks) and then issues securities backed by such assets into the capital markets—has become one of the fastest-growing areas in the law. Because this practice area has its own terminology and its own unique set of legal, accounting and regulatory problems, the Executive Committee has established a Committee on Structured Finance.

The Committee will focus on all types of structured finance, including mortgage-backed securities, asset-backed securities, collateralized debt obligations, and structured derivative products. Practitioners in this area are encouraged to apply for membership on the Committee and take an active role in its work, which will include sponsoring seminars and drafting letters to the SEC, the FASB, etc. with respect to rules under consideration that would affect this practice area.

To apply or to ask questions relating to the Committee, please contact the Committee Chair, Craig Wolson, at 212-692-1081 or cawolson@duanemorris.com.
Dear Member:

It is my pleasure to invite you to join an Association committee. My current position is testament to becoming involved in committee work. As a young lawyer, my involvement began in 1975 when I was asked to serve as secretary for the State Courts of Superior Jurisdiction Committee. Getting involved in the committee gave me an opportunity to participate in activities that might not otherwise be available to younger lawyers and allowed me to meet and network with lawyers outside my firm. Since then I have had the privilege of serving on more than ten Association committees and chairing six, including the committee on which I started as secretary. Now I have the biggest privilege of all, serving as President.

In April, the committee chairs begin nominating new members for a three year term beginning in September. To assure consideration, please submit a preference form, and preferably a resume for each committee in which you are interested. If selected, you will be notified by mid-summer. If not selected at this time, please be assured that your application is held for one year and will be under consideration to fill mid-year vacancies. Serving on a committee is a truly rewarding experience. By attending monthly meetings and working on committee projects, you can help shape law and public policy, network with colleagues, improve your expertise and help people in need. As a committee member, you may be involved in drafting reports, commenting and testifying on legislation, submitting briefs, preparing continuing legal education programs and forums and participating in public service projects.

Membership on each committee is limited; the broader your scope of committee interest, the more likely you will be placed on a committee that is personally and professionally satisfying. You may apply for committee service online at www.abcny.org, complete and return the form below or contact our Committee Membership Coordinator directly at committeeservices@abcny.org. The list of committees is on the facing page, and our website provides brief committee descriptions. We welcome your participation and will do our best to accommodate your choices.

Sincerely,

Bettina B. Plevan

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Committee Preference Form

Yes! I would like to serve on an Association Committee.

Name ________________________________ Date ______________

Here is my order of committee preference: (committees are listed on the facing page)

1. _______________________________________________________________________
2. _______________________________________________________________________
3. _______________________________________________________________________

Business (please send mail here) ☐

Home (please send mail here) ☐

Office ________________________________ Street _____________________________

Street ________________________________ City /State /Zip _______________________

City /State /Zip ________________________ Phone ____________________________ Fax ________________

Phone __________________________ Fax ________________ Email _____________________

Please return form to: Membership Department, The Association of the Bar of the City of New York, 42 West 44th Street, New York, NY 10036-6689, fax to (212)382-6760, email: committeeservices@abcny.org. If you need further information, please call (212)382-6664.
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| Legal Education & Admission to the Bar |
| Legal History |
| Lesbian, Gay, Bisexual and Transgender Rights |
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| New York State Bar Association House of Delegates |
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| International Law |
| International Legal Services |
| International Security Affairs |
| International Trade |
| United Nations |
Members of the 108th Congress ended their second session in mid-December, 2004, after finishing work on spending bills to keep the federal government operating, and reaching a compromise on legislation recommended by the “9-11 Commission.” Overall, the 108th Congress was dominated by work related to the war in Iraq and protecting our security at home. While the 108th Congress did pass legislation on a number of domestic issues, it left many controversial issues for the 109th Congress to consider. Now, with the solidly Republican majority in the next Congress, many of these issues will be taken up again, with a greater likelihood of passage.

The following is a brief summary of key legislation enacted in 2004, and a look ahead to 2005.

**Tax Code Changes**

Congress passed two bills backed by the Bush Administration that were intended to cut taxes and stimulate the economy.

First, H.R. 1308, Public Law 108-311, known as the Working Families Tax Relief Act of 2004, amends the Internal Revenue Code with respect to certain individuals, businesses, and members of the Armed Services. The bill extends certain individual tax cuts that would have expired at the end of 2004, including the $1,000 child tax credit, marriage penalty relief, the expanded 10 percent tax rate bracket, and minimum tax relief for individuals. (The bill also establishes a uniform definition of “child” for tax purposes and a definition of “combat pay” that benefits certain members of the military and the National Guard.) Finally, the legislation contains provisions of interest to businesses, including an extension of tax credits for research, work opportunity, and welfare-to-work training. (These credits are considered useful to businesses in order to offset the costs of worker training.) Of interest to New Yorkers, the bill extends New York Liberty Zone provisions that permit the issuance of tax-exempt bonds to finance the construction and repair of infrastructure in New York City.

Second, H.R. 4520, Public Law 108-357, otherwise known as the American Jobs Creation Act, was enacted in October 2004. This new law amends the Internal Revenue Code of 1986 to repeal an export tax subsidy on American manufacturers and farmers, effectively reduce the tax rate to 32 percent (from 35 percent) for domestic manufacturers, provide certain tax incentives for small businesses and farmers, reduce double taxation of U.S. businesses engaged in the worldwide market, and simplify aspects of international tax law.

As part of H.R. 4520, Congress enacted a portion of the Civil Rights Tax Relief Act (H.R. 1155/S. 557) eliminating the double tax on attorneys’ fees. Section 703 of H.R. 4520 allows plaintiffs an above-the-line deduction for attorneys’ fees and costs paid by, or on behalf of, the plaintiff in specific employment and discrimination cases. This provision precludes these payments to attorneys from being subject to the Alternative Minimum Tax or the 2 percent floor on itemized deductions. While this provision was prospective only, the Supreme Court is considering the tax treatment of contingent fees and may provide additional relief.

**Homeland Security**

In December 2004, Congress passed the National Intelligence Reform Act, adopting the recommendations of the 9-11 Commission. This new law changes the intelligence structure in the government, creates a new position of director of national intelligence, and adopts other recommendations of the 9-11 Commission intended to reduce the chance of another terrorist attack in the United States. Included in the new law is a new Privacy and Civil Liberties Oversight Board. Earlier in the year, Congress passed a measure aimed specifically at strengthening the protections and countermeasures against chemical, radiological, or nuclear agents.

**Medicare Reform**

In December, 2003, President Bush signed into law the Medicare Prescription Drug, Improvement and Modernization Act of 2003, Public Law 108-173. This new law is largely intended to help seniors pay for prescription drugs. (The law will be phased in over time.) Initially, seniors who have no prescription drug coverage have been provided with a drug discount card. This Medicare-approved card will deliver savings of 10 to 25 percent off the retail price of most medicines. Low-income seniors will receive these savings, plus a $600 credit on their cards to help them pay for the medications they need. In about a year from now, under the law, the seniors will have the opportunity to buy a prescription drug plan that will pay a portion of the costs on their prescriptions. (According to the White House, in return for a monthly premium of about $35, most seniors without any prescription drug coverage can now expect to see their current drug bills cut roughly in half.) After Medicare beneficiaries have spent $3,600 out-of-pocket for prescription drugs, Medicare will pay about 95 percent of the costs for prescription drugs. The law also expands Medicare to cover certain preventive health measures.

**Criminal Justice**

There are several new criminal justice provisions and changes to Title 18 of the United States Code. First, Congress passed the Innocence Protection Act as part of H.R. 5107, the Justice for All Act of 2004. This new law reflects the growing understanding that DNA is an essential tool to exonerate or confirm convictions that have been questioned. HR 5107 aims at reducing the risk that innocent persons may be executed. The law will afford greater access to DNA testing by convicted offenders, and help states improve the quality of legal representation in capital cases.

In another new law, Congress passed a bill to provide for research on prison rape in federal, state and local prisons and jails, and to authorize funding to protect individuals from prison rape. This law, S. 1435, the Prison Rape Elimination Act of 2003, attempts to deal with the high incidence of sexual assaults within prisons.

Additionally, Congress amended Title 18 to double the penalty for injuring or killing a pregnant woman and her fetus. The law, H.R. 997, Public Law No. 108-212, titled the “Unborn Victim of Violence Act of 2004,” makes it a separate federal offense to cause death or bodily injury to an unborn child during the commission of certain federal crimes. The new law requires the punishment for that separate offense to be the same as provided under federal law for that conduct had that injury or death occurred to the unborn child’s mother. Congress also stiffened penalties for identity theft in the Identity Theft Penalty Enhancement Act, H.R. 1731, Public Law 108-275.
The Iraq War and the Federal Response to Prisoner Abuses in Iraq

Congress held oversight hearings on prisoner abuse by U.S. military personnel and U.S. contractors in Iraq. To address reported prisoner abuses, Congress included a provision in the Department of Defense authorizing legislation, the National Defense Authorization Act for 2005, explicitly prohibiting torture of prisoners in U.S. custody. The City Bar Association contributed language and suggestions for drafting a definition of the “United States” that would ensure that anti-torture laws extend to extra-territorial activities by U.S. officials.

Abortion

Congress passed, and President Bush signed, a ban on partial-birth abortion. The Partial-Birth Abortion Ban Act of 2003 amends the federal criminal code to prohibit any physician or other individual from knowingly performing a partial-birth abortion, except when necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. (The law also provides civil remedies in certain circumstances for the father, if married to the mother at the time of the abortion, and the maternal grandparent of the fetus, if the mother is under 18 years of age.) In addition, as Congress completed its work on spending bills, a new provision was included that would withhold federal funding from any state that discriminates against any “health care entity” that chooses not to provide such services or referrals.

Foreign Affairs and Aid

Congress passed H.R. 1298, Public Law 108-25, a $15 billion global relief bill to address the global spread of AIDS, HIV and other communicable diseases. Other foreign aid programs passed by Congress included the Micro-enterprise for Self-Reliance Act of 2000, increasing micro-grant assistance for the working poor in developing countries.

Consumers and Privacy

The 108th Congress passed several new laws protecting consumers, and guarding against infringements on privacy in an era of advanced technology and communications. First, Congress passed the Do-Not-Call Implementation Act, H.R. 395, Public Law No. 108-10. (This law authorizes the Federal Trade Commission to implement and enforce provisions prohibiting telemarketers from calling individuals listed on a do-not-call registry.) Second, Congress passed an amendment to the Fair Credit Reporting Act, H.R. 2622, Public Law 108-159, to address the growing problem of identity theft, improve the accuracy of consumer records, and improve consumer access to, and use of, credit information. The House passed additional legislation prohibiting commercial junk faxes, but the Senate took no action on the bill.

A Look Ahead to the 109th Congress

With an increase in the Republican majority in both Houses, the Republicans will feel emboldened to press their agenda in the 109th Congress. Likely initiatives include legislation bypassing the Rules Enabling Act and limiting judicial discretion in the issuance of Rule 11 sanctions, possible changes in the structure of the 9th Judicial Circuit, and legislation limiting class action, medical liability and asbestos litigation. Also of interest will be President Bush’s expected proposals to rewrite the nation’s tax laws, make changes in Social Security, and further modify the Patriot Act. The Democrats are likely to make little headway on their legislative priorities, which include raising the minimum wage, allowing people to order prescription drugs abroad, expanding health care coverage for the uninsured, extending the ban on assault weapons and funding the No Child Left Behind law. Finally, both parties are girding for pitched battles over judicial nominations, including expected vacancies on the Supreme Court.
The Association recently responded to a request for comment on rules proposed by the Administrative Board of the Courts that would address judicial elections. The proposals are an outgrowth of the work of the Commission to Promote Public Confidence in Judicial Elections, appointed by Chief Judge Judith S. Kaye. The major set of recommendations involved the creation of qualifications commissions to screen candidates for elective judicial positions in the trial courts. Each judicial district would have a 15-person commission, with two members appointed by the governor, one by each of the four legislative leaders, two by the chief judge, one by the president of the State Bar Association, and four from bar associations designated by the presiding justice of the relevant Department. The commissions would consider all candidates who choose to participate, and determine who is qualified and who unqualified. The commission would then issue lists of who was found qualified and who did not participate. No candidate would be barred from running for judicial office as a result of this process.

The Association’s comments noted with appreciation the efforts of the Administrative Board and the Commission to Promote Public Confidence in Judicial Elections. The comments noted, however, that the shortcomings of the elective process run too deep to be solved by the proposed rules. The ability of political leaders to control who goes on the bench and to hold them politically indebted during their tenure would not change.

The Association has long maintained that the best way to select judges is to appoint them through broadly based nominating commissions which would report a limited number of candidates from whom the appointing authority must choose. Recognizing that this “merit selection” method will not be enacted by the legislature any time soon, the Association’s Task Force on Judicial Selection last year recommended that political parties establish committees to recruit and review judicial candidates, that they report out only three candidates per vacancy, and that the political leaders agree to select or endorse only those candidates. The committees would be comprised of representatives of bar and other local organizations and would operate independently of the political leaders. We also recommended that incumbent judges up for re-election should be unchallenged within their party if found approved by a screening committee. Unfortunately, the proposed rules do not approach the scope of either approach, and indeed we doubt that such a system can be established by court rule.

The Association also conveyed some specific comments on this proposal:

- The involvement of the governor and legislative leaders in picking members of the commissions gives the Executive and Legislative branches too much of a role in the election process for the Judicial branch. The Association recommended having all commission members coming from bar and civic organizations and serving independently of the appointing authority.
- The proposal of commission members serving for as long as six years gives them much too long a term, and risks having the members established as power brokers in their own right.

Continued on pg.10

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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](http://www.MarshAffinity.com).

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February 2005 Calendar of Events

Unless otherwise noted, programs are free of charge; open to all members, their guests and the general public; and held at the House of the Association. Program information is subject to change. Please check our website at www.abcny.org for the latest program information.

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 United States Supreme Court.

Presented in conjunction with:
American College of Trial Lawyers

9 Wednesday, Noon-2 pm

Public Affairs Luncheon
The Public Affairs Luncheon Series features speakers who address matters of public interest. The Luncheons provide a forum to enable members of the Bar Association to network, socialize and discuss matters of interest. The Luncheons are open to the public.

Speaker:
WILLIAM JOSEPHSON
Can The Electoral College Be Repaired?

Luncheon Chair:
JEROME R. ROSENBERG

Luncheon Vice-Chair:
EMILY CAMPBELL

Registration by February 4 is required to guarantee admission. Registrations received after February 4 are subject to availability. The fee, which includes lunch, is $25. Please register on page 10 or online at www.abcny.org.

11 Friday, 6 pm

FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION
An All-Brahms Evening
This program will include Clarinet Sonata in Eb Major, Op. 120, No. 2; selected Brahms Songs; and Trio for Clarinet, Cello and Piano, Op. 114 with Jeannine Burkly, clarinet, Jennifer Jahn, cello, Benjamin Weil, baritone, James B. Stewart, piano.

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

ALFREIDA B. KENNY
Solo Practitioner
No registration required. There is no charge for this event.

22 Tuesday, 6:30 - 8:30 pm

Associate Roundtable Discussion Series
The Committee on Recruitment and Retention of Lawyers invites minority associates to discuss their concerns and thoughts about attorney retention issues at the Committee's inaugural Associate Roundtable Discussion Series. Various partners and senior level attorneys will moderate the roundtable discussions. Attendance is free and is limited to the first 50 attorneys who express interest in attending the session.

Please contact Hazel-Ann Mayers, at (212) 846-4774 or hazel-ann.mayers@viacom.com for additional information.

28 Monday, 6-9 pm

THE CHALLENGE OF ACCESS
"Tax Exempt Hospitals: Are They Discharging Their Responsibility to Serve the Poor?"
This will be a discussion of the obligations of hospitals under their 501(c)(3) tax exemption to provide care free or below cost and will probe the extent to which they are adequately discharging this obligation.
The 2004 election did little to soothe doubts about the Electoral College. Had a small number of votes shifted, we would have had another election where the winner of the Electoral College lost the popular vote. Join William Josephson, Electoral College expert for presidential campaigns from Carter to Gore and leader in the founding of the Peace Corps, to discuss the past, present and future of the institution.

EVENT SPOTLIGHT

9 Wednesday, February 9, Noon-2 pm
Public Affairs Luncheon: Can The Electoral College Be Repaired?

The 2004 election did little to soothe doubts about the Electoral College. Had a small number of votes shifted, we would have had another election where the winner of the Electoral College lost the popular vote. Join William Josephson, Electoral College expert for presidential campaigns from Carter to Gore and leader in the founding of the Peace Corps, to discuss the past, present and future of the institution.

Judicial Election Rules  Continued from pg. 8

• The rules do not provide for how long the finding of “qualified” would hold. Do persons running for office need to be reviewed by the commissions in each year they are running?
• The commissions should publish a list of candidates who are found unqualified but continue their candidacy despite that finding.
• Consideration should be given to providing a mechanism to strongly encourage candidates to participate in the commission process, and to differentiate among those candidates found “qualified” and “highly qualified.”
• Guidelines for the commissions’ operation should be issued in advance of their beginning work, covering such topics as conflicts, due process procedures, affirmative action and insulation of commission members from contacts by the persons who appointed them.

• No provision was made for staffing the commissions; adequate staffing would be crucial for the commissions to effectively conduct their work.
• There should be a statement in the rules that they do not preclude the establishment of local screening procedures, such as the Association recommends be done on the local party level.

The comments also raised the issue of the extent of the authority of the Administrative Board of the Courts to promulgate a rule that would affect the electoral process. More generally, we noted that sufficient concerns have been raised by this Association and other organizations to prompt us to urge that the Administrative Board provide more time for reflection and consideration of the proposals, including perhaps convening public hearings, before implementing the judicial election qualifications commission proposal. The comments can be found on the Association’s Web site, www.abcny.org.
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<th>Monday</th>
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<tr>
<td>CORPORATE &amp; SECURITIES 9-11 a.m. Conducting Independent Corporate Investigations 2 credits</td>
<td>ESTATE PLANNING 6-8 p.m. Estate Planning Primer: Everything You Need to Know About Estate Planning, But Were Afraid (Or Didn’t Think) To Ask 2 credits</td>
<td>TAX &amp; ACCOUNTING 9-12 p.m. Incentives &amp; Deferred Compensation Under the New Tax Law 3 credits</td>
<td>ETHICS 9-1 p.m. Ethical Issues for Insurance Industry Practitioners 4 credits</td>
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<td>INTERNATIONAL LAW 9-12 p.m. Fundamentals of Business Transactions in Eastern Europe 3 credits</td>
<td>LITIGATION 6-9 p.m. Taking &amp; Defending Depositions 3 credits</td>
<td>LABOR &amp; EMPLOYMENT LAW 6-9 p.m. Hot Topics in Employment Law: Wage and Hour Litigation in New York 3 credits</td>
<td>CORPORATE &amp; SECURITIES 6-9 p.m. Private Equity Funds: Structures, Terms &amp; Conditions 3 credits</td>
<td>LEGAL WRITING 9-5 p.m. Writing For Practical Effect 7½ credits</td>
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<td>CORPORATE &amp; SECURITIES 9-12 p.m. VIDEO REPLAY Outsourcing: Protecting Assets After The Horse is Out of the Barn 3 credits</td>
<td>ADR/ARBITRATION/MEDIATION/NEGOTIATION 6-9 p.m. Bringing Your Mediation Career To Fruition: A Plan For Success 3 credits</td>
<td>REAL ESTATE 9-12 p.m. VIDEO REPLAY Real Estate Appraisals: A How-To Guide For The Real Estate Lawyer &amp; Litigator 3 credits</td>
<td>FAMILY LAW 6-8:30 p.m. Financial Issues in Matrimonial Cases: Mastering The Numbers 2½ credits</td>
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<td>LAW FIRM PRACTICE MANAGEMENT 9-4:30 p.m. So Little Time, So Much Paper: Organization and Time Management Techniques For Lawyers 7 credits</td>
<td>CRIMINAL LAW 6-9 p.m. Federal Sentencing After Booker/Fanfan 3 credits</td>
<td>TAX &amp; ACCOUNTING 9-5 p.m. Accounting for Lawyers 7½ credits</td>
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<td>ETHICS 6-9 p.m. On the Horizon: Emerging Issues in Legal Ethics 3 credits</td>
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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.
10 Thursday, 6-9 p.m.

Private Equity Funds: Structures, Terms & Conditions

This program will provide an overview of the contractual, regulatory and market issues involved in organizing different types of private equity funds, including leveraged buyout funds, venture capital funds and mezzanine funds. It will cover the basic terms and conditions found in almost all private equity funds, including those relating to distribution waterfalls, management fees, investment limitations, "key person" triggers, "no-fault divorces" and "clawbacks." The program will also consider the various structures for private equity funds and address the issues arising from the arrangements among the professionals of a private equity fund. Finally, it will explore certain regulatory regimes that affect fund formation, including the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Act of 1933, the Employee Retirement Income Security Act of 1974 and state Freedom of Information Act Laws.

Program Chair:
MARCO V. MASOTTI
Paul, Weiss, Rifkind, Wharton & Garrison LLP

Faculty:
JENNIFER J. BURLEIGH
Debevoise & Plimpton LLP
STEPHEN CULHANE
King & Spalding LLP
PHILIP H. HARRIS
Skadden, Arps, Slate, Meagher & Flom LLP
YUKAKO KAWATA
Davis Polk & Wardwell
JEFFREY B. SAMUELS
Paul, Weiss, Rifkind Wharton & Garrison LLP

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

Live Program:
$185 Member, $285 Non-member
<table>
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<tr>
<th>14 Monday, 9 - 12 p.m.</th>
<th>24 Thursday, 6-9 p.m.</th>
<th>2 Wednesday, 6-8 p.m.</th>
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<td><strong>VIDEO REPLAY</strong></td>
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<td><strong>ESTATE PLANNING</strong></td>
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<td><strong>Outsourcing: Protecting Assets After The Horse Is Out of the Barn</strong></td>
<td><strong>Federal Sentencing After Booker/Fanfan</strong></td>
<td><strong>Estate Planning Primer: Everything You Need to Know About Estate Planning, But Were Afraid (Or Didn't Think) to Ask</strong></td>
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<td>Since the early Eighteenth Century when the Luddites destroyed automated textile machines in England, outsourcing has been a controversial issue. Billions of dollars are currently spent on outsourcing each year. Once a customer has transferred employees and intellectual property to a third party service provider, the customer is at great risk if the business functions are not processed properly, since the knowledge capital is out the door. Conversely, a service provider who has promised too much can be forced out of business. If you are in-house or outside counsel who represent companies in outsourcing transactions, this program is for you! Negotiated terms to be discussed include: intellectual property, scope of services, business continuity, service levels, pricing, personnel, regulatory, privacy and off-shore servicing.</td>
<td>The Supreme Court threw federal sentencing into disarray last year when it struck down a Washington State sentencing guidelines scheme similar to the United States Sentencing Guidelines. No one knew whether the reasoning in that case, <em>Blakely v. Washington</em>, would apply to key elements of the federal sentencing guidelines. Under tremendous pressure from the lower courts for a speedy decision -- and with unresolved federal sentences piling up in the meantime -- the justices heard argument on the issue on the first day of the new term in <em>U.S. v. Booker</em> and <em>U.S. v. Fanfan</em>. This CLE presents the ongoing fallout from the <em>Blakely</em> decision and its progeny. A distinguished panel drawn from the judiciary, practitioners and policymakers will examine the constitutional issues raised by the sentencing guidelines, potential congressional action and the future of federal sentences after <em>Booker</em> and <em>Fanfan</em>.</td>
<td>Estate planning attorneys are not the only practitioners who need to understand trusts and estates issues. Such issues arise in virtually every matter from corporate to real estate to matrimonial cases. This program will provide non-estate planning attorneys with a basic understanding of estate planning issues in order for you to better serve your clients' needs.</td>
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<tr>
<td><strong>Program Chair:</strong></td>
<td><strong>Moderator:</strong></td>
<td><strong>Program Chair:</strong></td>
</tr>
<tr>
<td>RICHARD RAYSMAN Brown Raysman Millstein Felder &amp; Steiner LLP</td>
<td>ZACHARY MARGULIS-OHNUMA Law Office of Zachary Margulis-Ohnuma</td>
<td>WILLIAM A. TANENBAUM Kaye Scholer LLP</td>
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<tr>
<td><strong>Faculty:</strong></td>
<td><strong>Hon. Jed S. Rakoff</strong> U.S. District Court, Eastern District of New York</td>
<td><strong>Jenifer L. Brown</strong> Staff Attorney The Legal Aid Society, Federal Defender Division</td>
</tr>
<tr>
<td>JOHN K. HALVEY Milbank Tweed Hadley &amp; McCloy LLP</td>
<td><strong>Daniel Alonso</strong> Chief, Criminal Division United States Attorney's Office, Eastern District of New York</td>
<td><strong>John R. Steer</strong> Vice Chairman and Member United States Sentencing Commission</td>
</tr>
<tr>
<td>ELAINE S. LAURENCE Vice President, Associate General Counsel, Legal Director, Contracts and Intellectual Property Goldman, Sachs &amp; Co.</td>
<td><strong>Jennifer L. Brown</strong> Staff Attorney The Legal Aid Society, Federal Defender Division</td>
<td><strong>Jenifer L. Brown</strong> Staff Attorney The Legal Aid Society, Federal Defender Division</td>
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<td>WILLIAM A. TANENBAUM Kaye Scholer LLP</td>
<td><strong>John R. Steer</strong> Vice Chairman and Member United States Sentencing Commission</td>
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<td>3 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 &amp; Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements.</td>
<td>3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.</td>
<td>2 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.</td>
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<td><strong>Video Replay:</strong></td>
<td><strong>Live Program:</strong></td>
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Ethical Issues for Insurance Industry Practitioners

The program will address a number of the ethical issues encountered by attorneys who practice in the insurance industry, whether in-house or as a private practitioner. The program will be broad enough to also be of interest to attorneys who practice in other areas. Program topics will include: common ethical concerns; ethical issues that invade the tripartite relationship that can exist among an insured, and the insured's defense counsel and insurer; ethical constraints on a lawyer's factual representations made during settlement negotiations; and the impact of recently adopted and proposed rules for mutual funds that underlie the separate account products of life insurers. The program will conclude with a roundtable discussion where the faculty will summarize the presentations and respond to questions posed by attendees.

Program Chair:
JOHN R. MURPHY
Stroock & Stroock & Lavan LLP

Faculty:
ANDREW BERNSTEIN
Fiedelman Garfinkel & Lesman

ANTHONY P. COLAVITA
L'Abbate Balkan Colavita & Contini LLP

SUZANNE M. DUGAN
Associate Counsel
New York State Ethics Commission
Albany, NY

GARY L. GRANIK
Stroock & Stroock & Lavan LLP

DAVID A. GROSSBAUM
Cetrulo & Capone LLP
Boston, MA

JANNA MANES
Stroock & Stroock & Lavan LLP

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

Live Program:
$315 Member, $455 Non-member

28 Monday, 6-9 p.m.

On the Horizon: Emerging Issues in Legal Ethics

This program on legal ethics, with an emphasis on the New York Rules where pertinent, will select from the following issues, possibly among others: lessons from the Arthur Andersen, Martha Stewart, and Frank Quattrone prosecutions and the investigation of the Valerie Plame Leak (including some surprising things about obstruction of justice and a lawyer's duty with regard to document preservation); In-house lawyers wearing two (or more) hats: Risks to the privilege; the rules on paying expert and lay witnesses; The New York twist on confidentiality rules; Sarbanes-Oxley and the new SEC rules: What have they wrought?; How to write a consent to future conflicts that will stand up if challenged; What does the "Hot Potato" rule say and not say?: Understanding positional conflicts and when they do and don't require you to turn down a matter; Settlements conditioned on a lawyer's agreement not to sue the defendant again; The hidden risks when lawyers do business with clients or have conflicting financial or other interests; Privilege concerns for internal law firm investigations; Seven important conflict of interest rules to keep you out of trouble: Useful protocols when representing joint clients; "Just the facts please" -- a checklist for internal corporate investigations; Candor to the court: What you don't say can hurt you; Malpractice, fiduciary duty, & conflicts: A misunderstood relationship; Battle of the Forms: When firms and clients contend for different contract default rules; Common interest arrangements a/k/a joint defense agreements: What should they say?";

Program Instructor:
STEPHEN GILLERS
Emily Kempin Professor of Law,
New York University School of Law

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

Live Program:
$245 Member, $345 Non-member

17 Thursday, 6-8:30 p.m.

Financial Issues In Matrimonial Cases: Mastering The Numbers

This program will provide in-depth information to assist the attorney in working with financial experts. In equitable distribution cases, forensic accountants are not only relied upon to value assets, but increasingly they are required to analyze the effect of using the same income stream for distribution, maintenance & child support awards. A well-known forensic accountant will take us step-by-step through the major techniques, solving the mysteries of the valuation process. An experienced matrimonial attorney will present the interplay between the leading cases and the valuation techniques. The impact of privilege and confidentiality on discovery and settlement discussions will also be explored.
# CLE February 2005 Course Listings by Practice Area

<table>
<thead>
<tr>
<th>Practice Area</th>
<th>Course Title</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Instructors</th>
<th>Credits</th>
<th>Fee</th>
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<tbody>
<tr>
<td>INTERNATIONAL LAW</td>
<td><strong>Fundamentals of Business Transactions in Eastern Europe</strong></td>
<td>7 Monday,</td>
<td>9 - 12 p.m.</td>
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<td>LAW FIRM PRACTICE MANAGEMENT</td>
<td><strong>Writing For Practical Effect</strong></td>
<td>11 Friday,</td>
<td>9 - 5 p.m.</td>
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## INTERNATIONAL LAW

### Fundamentals of Business Transactions in Eastern Europe

U.S. businesses are rapidly increasing their involvement in the emerging markets of Central and Eastern Europe, particularly as the nations of the region join the European Union. This course is a primer presenting the information that practitioners need to know in order to adequately assist their clients in dealing with the cross-cultural aspects of business negotiations, issues related to property rights, project finance, mergers and acquisitions, financing transactions, profit repatriation, and methods for handling bureaucratic inertia, official corruption, security issues, and legislative instability.

**Program Chair:**
**MARK A. MEYER**
Head of the East Europe Practice Group
Herszfeld & Rubin, P.C.

**Faculty:**
**MIHNEA MOTOC**
Permanent Representative of Romania to the United Nations

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

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

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## LAW FIRM PRACTICE MANAGEMENT

### Writing For Practical Effect

Lawyers often assume their writing has to be difficult to read because their raw material is complex. That’s wrong. Even the most complicated material can be turned into clear, forceful prose, and even the most impatient audience can be persuaded to pay attention to your writing. This program will focus on the rhetorical, organizational and stylistic skills you need to write clearly and persuasively — and to establish your credibility in the face of demanding audiences.

**Program Chair:**
**MEG SPENCER DIXON**
Principal
Spencer Consulting

**CLE Credit:**
7 credits total: 4½ professional practice/practice management and 2½ skills. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions.

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

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## LEGAL WRITING

### Writing For Practical Effect

Lawyers often assume their writing has to be difficult to read because their raw material is complex. That’s wrong. Even the most complicated material can be turned into clear, forceful prose, and even the most impatient audience can be persuaded to pay attention to your writing. This program will focus on the rhetorical, organizational and stylistic skills you need to write clearly and persuasively — and to establish your credibility in the face of demanding audiences.

**Program Chair:**
**MEG SPENCER DIXON**
Principal
Spencer Consulting

**CLE Credit:**
7 credits total: 4½ professional practice/practice management and 2½ skills. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions.

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

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### So Little Time, So Much Paper: Organization And Time Management Techniques For Lawyers

Of all the elements you have to work with, none is more precious than time. You have invested years learning the substance of the law. Now you can invest a few hours to learn the principles of organization and time management, and how to apply them every day to do more work in less time.

In this intensive, fast-paced seminar, you will learn hundreds of ideas, techniques, and strategies for managing time, projects, paper, and people (including yourself). This solution-oriented seminar presents productivity-enhancing techniques that are practical and workable in the real world of too little time, too much paper, demanding clients, and constant challenges.

Attend this seminar and learn how to:
- Work more productively on your own and in teams.
- Keep track of projects, assignments, ideas, and things to do.
- Handle paperwork efficiently and prevent backlogs.
- Handle unimportant interruptions efficiently, yet diplomatically.

**Program Instructor:**
**MEG SPENCER DIXON**
Principal
Spencer Consulting
CLE February 2005 Course Listings by Practice Area

**Program Instructor:**
**STEPHEN V. ARMSTRONG**
Wilmer Cutler Pickering Hale & Dorr LLP
Washington, D.C.

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

**Live Program:**
$345 Member, $485 Non-member

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**LABOR & EMPLOYMENT LAW**

9 Wednesday, 6-9 p.m.

**Hot Topics in Employment Law: Wage and Hour Litigation in New York**

If you practice employment law and are interested in learning about wage and hour law, you should not miss this program. It will provide a review of current topics central to prosecuting, defending, and settling FLSA and New York Labor Law claims. The panelists will cover categories of common violations, exemptions, governmental enforcement, complex litigation strategy, discovery, remedies and damages, and settlement of complex claims from the perspective of the plaintiffs’ bar, the management bar, neutrals, and government agencies.

**Program Chair:**
**JUSTIN M. SWARTZ**
Outten & Golden LLP

**Faculty:**
**ROBERT AMBARAS**
Associate Attorney
New York State Department of Labor

**RICHARD T. SEYMOUR**
Lief, Cabraser, Heimann & Bernstein, LLP

**SAM S. SHAULSON**
Morgan, Lewis & Bockius LLP

**LINDA R. SINGER**
JAMS, The Resolution Experts

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

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

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**LITIGATION**

8 Tuesday, 6-9 p.m.

**Taking & Defending Depositions**

This three-hour program is designed to acquaint the litigation practitioner with the fundamentals of taking and defending depositions. Topics to be covered, both by discussion and by demonstration, include witness preparation, deposition outlines, the "dos and don'ts" of state and federal deposition practice, making and responding to objections, use of deposition exhibits, use of depositions at trial, correcting errors in the deposition transcript, and when and how to seek judicial intervention.

**Program Chair:**
**VICTOR OLDS**
Vice President & Senior Attorney
Morgan Stanley D.W., Inc.

**Program Moderator:**
**PROFESSOR RICHARD T. FARRELL**
Brooklyn Law School

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

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

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**REAL ESTATE**

16 Wednesday 9-12 p.m.

**VIDEO REPLAY:**

**Real Estate Appraisals: A How-To Guide For The Real Estate Lawyer & Litigator**

An expert faculty will provide an in-depth review of the real estate appraisal process, including:

- how to read and understand an appraisal developed for lending and litigation purposes
- potential red flags in an appraisal
- presentation techniques in litigation and arbitration settings
- appraisal pitfalls in declining markets
- how to best use an appraiser in litigation/arbitration/negotiation
impose new reporting requirements on companies using deferred compensation arrangements. Effective January 1, 2005, the new compensation rules provide only limited grandfather relief. As a result, companies need to review immediately their existing and prior compensation plans and awards and determine whether and to what extent they should take remedial measures to come into compliance with the new compensation rules. Join us to find out how to meet the challenges of the new tax law.

Program Chair:  
MARK LIMARDO  
Jenkens & Gilchrist Parker Chapin LLP  
Faculty:  
BRIAN R. GALLAGHER  
Brown Raysman Millstein Felder & Steiner, LLP  
CLE Credit:  
3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.

Accounting for Lawyers

This one-day program will cover the fundamentals of accounting and financial reporting under generally accepted accounting principles, including the following topics:

- The demand for and supply of standardized financial information in different economic sectors  
- The structure of financial statements  
- The disclosures and contexts revealed in the notes to financial statements  
- Accounting conventions: Generally Accepted Accounting Principles  
- Financial statement audits by CPAs: standards, procedures, and reports  
- Accounting data accumulation systems: integrity and control  
- Financial statement analysis  
- Contracts and other agreements using financial statement concepts  
- Ethical issues in representing clients when financial statement information is involved

Program Chair:  
ROBERT H. COLSON, CPA, Ph.D.  
Director of Technical Services, New York State Society of CPAs  
Editor-in-Chief, The CPA Journal  
Faculty:  
KAREN KINCAID BALMER  
Kincaid Consulting, LLC  
STEVEN R. BERGER  
Vedder, Price, Kaufman & Kammholz, P.C.  
MORTON M. COHEN, CPA, CFE, DABFA  
President, Business Valuation Services, LLC  
JULIE L. FLOCH, CPA  
Eisner LLP  
WAYNE A. KOLINS, CPA  
National Director of Assurance, BDO Seidman, LLP  
VINCENT J. LOVE, CPA  
Kramer Love & Cutler LLP  
SHARI HELaine LICHTMAN, CPA  
Litigation, Consulting and Education  
CLE Credit:  
7½ credits total: 7 professional practice/practice management & ½ ethics. This program provides transitional credits for newly admitted attorneys. Portions of this program may qualify for CPE credit.

Live Program:  
$315 Member, $455 Non-member

TAX & ACCOUNTING

3 Thursday, 9-12 p.m.

Incentives & Deferred Compensation Under the New Tax Law

The American Jobs Creation Act of 2004 makes sweeping changes to the tax rules governing incentive and deferred compensation plans in widespread use by both public and private companies, such as signing and performance bonuses, phantom stock, stock appreciation rights, stock options, “rabbity” trusts and SERPs. These new compensation rules strictly limit the circumstances under which service providers can defer compensation income without penalty and impose an extra 20 percent penalty tax on compensation deferred pursuant to non-compliant plans. In addition, the new compensation rules

Program Chair:  
PAULA K. KONIKOFF, JD, MAI  
Consultant  
Faculty:  
PETER S. BROOKS  
Ernst & Young LLP  
MALCOLM M. KRATZER  
Shearman & Sterling LLP  
MARK J. SUGARMAN  
Bryan Cave LLP  
CLE Credit:  
3 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 program to fulfill your current CLE requirements.

Video Replay:  
$185 Member, $285 Non-member

25 Friday, 9-5 p.m.

Although attorneys with limited familiarity with financial statements will benefit the most from this introductory program, it will also provide experienced attorneys with a better appreciation of the uses and limits of financial statement reports.

Program Chair:  
ROBERT H. COLSON, CPA, Ph.D.  
Director of Technical Services, New York State Society of CPAs  
Editor-in-Chief, The CPA Journal  
Faculty:  
KAREN KINCAID BALMER  
Kincaid Consulting, LLC  
STEVEN R. BERGER  
Vedder, Price, Kaufman & Kammholz, P.C.  
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JULIE L. FLOCH, CPA  
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WAYNE A. KOLINS, CPA  
National Director of Assurance, BDO Seidman, LLP  
VINCENT J. LOVE, CPA  
Kramer Love & Cutler LLP  
SHARI HELaine LICHTMAN, CPA  
Litigation, Consulting and Education  
CLE Credit:  
7½ credits total: 7 professional practice/practice management & ½ ethics. This program provides transitional credits for newly admitted attorneys. Portions of this program may qualify for CPE credit.

Live Program:  
$315 Member, $455 Non-member

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.
**February 2005 CLE Registration Form**

- **Conducting Independent Corporate Investigations — Feb. 1**
  - Program
    - $185 Member
    - $285 Non-member
  - Audiotapes
    - $315 Member
    - $385 Non-member
  - DVDs
    - $425 Member
    - $505 Non-member
  - Materials only
    - $95 Member
    - $125 Non-member

- **Estate Planning Primer — Feb. 2**
  - Program
    - $185 Member
    - $285 Non-member
  - Audiotapes
    - $315 Member
    - $385 Non-member
  - DVDs
    - $425 Member
    - $505 Non-member
  - Materials only
    - $95 Member
    - $125 Non-member

- **Incentives & Deferred Compensation Under the New Tax Law — Feb. 3**
  - Program
    - $245 Member
    - $345 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

- **Ethical Issues for Insurance Industry Practitioners — Feb. 4**
  - Program
    - $185 Member
    - $285 Non-member
  - Audiotapes
    - $315 Member
    - $455 Non-member
  - CDs
    - $405 Member
    - $565 Non-member
  - Videotapes
    - $425 Member
    - $585 Non-member
  - DVDs
    - $525 Member
    - $655 Non-member
  - Materials only
    - $145 Member
    - $225 Non-member

- **Fundamentals of Business Transactions in Eastern Europe — Feb. 7**
  - 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

- **Taking & Defending Depositions — Feb. 8**
  - 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

- **Hot Topics in Employment Law — Feb. 9**
  - 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

- **Private Equity Funds — Feb. 10**
  - 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

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.

Please see our cancellations & refunds policy on pg. 11.

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.abony.org, call (212) 382-6683, fax (212) 869-4451 or mail your registration to CityBar Center for CLE, Association of the Bar, 42 West 44th Street, New York, NY 10036.

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All registrations must be prepaid by either credit card or a check made payable to Association of the Bar.

Name:
Address:
City: ___________  State: _______  Zip: ___________
Phone: __________________ Total enclosed: $ __________
Please charge to my  [ ] MasterCard  [ ] Visa  [ ] American Express
Card Number__________  Exp. Date __________
Signature______________
Beyond Policy: Creating a Culture of Flexibility

Flexibility is often associated with part-time schedules for mothers of young children. It is viewed as an accommodation where new mothers sacrifice career advancement for more time to devote to child care. Yet, this attitude prevents organizations from fully leveraging the power of diversity to attract, retain, and advance diverse talent.

The December 2nd Diversity Working Session discussed how to bridge the gap from flexibility policy to reality. The session was moderated by Deborah Epstein Henry, the founder and president of Flex-Time Lawyers, LLC, a networking and support organization with a mailing list of more than 1,300 lawyers who work a flexible or reduced schedule in New York and Philadelphia. Panelists Nancy C. Gardner, executive vice president and general counsel with Reuters America, and Lee Attanasio, partner at Sidley Austin Brown & Wood, LLP, shared their organizations’ experiences with making flexibility a reality.

### Flex Facts

- 98% of law firm offices in New York City have a part-time policy (NALP, 2004), yet only 1.1% of partners and 4.3% of associates in New York offices avail themselves of this option. (NALP, 2004)
- Among women law graduates of five top-tier law schools from 1970-1999, one-third have worked part-time at some point in their career (Catalyst, 2001)
- Only 22% of law firm women and 9% of in-house counsel women believe that using a flexible work arrangement will not jeopardize their advancement (Catalyst, 2001)
- Of law firm associates, 22% of men and 26% of women agree that flexible work arrangements are a viable option for those who aspire to senior leadership within their firm (Catalyst, 2001)

Policy to Practice: Three Guiding Principles

**The reason doesn’t matter.** There are numerous motivations for individuals to pursue flexibility — elder care, religious observance, personal health issues, among many others. As Nancy Gardner states, “The reason is irrelevant. It’s the neutrality of business impact,” that should be the basis of the decision whether or not to allow a flexible work arrangement. In fact, both women and men avail themselves of flexible work arrangements at Reuters and Sidley Austin Brown & Wood.

**Flexibility doesn’t stand alone.** Flexibility needs to be viewed as more than reduced hours and the ability to work at home on a regular or ad hoc basis. A part-time policy cannot be seen as the only, or the most important, mechanism to quell the high turnover rates of women and increase the partnership ranks. Advancement issues must also be addressed. Lee Attanasio discussed how flexibility was one component of the larger women’s initiative at Sidley Austin Brown & Wood, which includes mentoring and networking, among other programs. As a result, in each of the last three partner classes, at least one new partner was working part-time.

**Senior leaders set the tone.** Nancy Gardner described how she accepted the corporate counsel position at Reuters because of the flexibility afforded her. She worked part-time until she became general counsel, and in her current role she champions formal as well as informal flexibility for the entire department. The participants also discussed the chairmen of two accounting firms who shared with their firm the challenges they faced in balancing work-life commitments, and their strategies for using informal flexibility to carve out family time without sacrificing their work performance.

To learn more about workplace flexibility or upcoming diversity working sessions, please see our website at www.abcny.org, or contact Meredith Moore, director of the Association’s Office for Diversity, at mmoore@abcny.org.

Minority Fellowship Program

When first-year law student Adam Hemlock accepted an Association Minority Fellowship to work as a summer associate at the firm Weil Gotshal & Manges back in 1994, little did he know that he would one day be offered a partnership there.

In fact, he wasn’t even sure that he would enjoy spending his summer at a major city firm. While he was certainly appreciative of the opportunity the fellowship provided, he was apprehensive over the perception of big law firms being cold and impersonal and was unsure if he would fit in. Without any family members working at a major law firm, Adam had little to counteract the negative stereotypes of law firms.

That all changed during his first few summer days at Weil Gotshal, when, says Adam, “I found not only a warm, welcoming environment, but also an intellectually stimulating workplace where my input was valued.” The summer experience also led him to discover his interest in antitrust law, thereby shaping his future career goals. Adam’s story highlights the success of the Association’s Minority Fellowship program, which places the city’s most talented minority law students in top NYC law offices.

As mentioned in last month’s issue of the 44th Street Notes, fellowship candidates endure a rigorous selection process before being placed in summer associate positions. The program not only assists the individual promising law student, but just as importantly helps participating law firms ensure a talent pool that reflects the diverse society in which we live. According to Adam, “the program creates law student ambassadors who can shatter the negative stereotypes of law firms held by some students of color by simply going back to school for their 2L year and describing their positive summer firm experience.”

Adam’s contribution to the Minority Fellowship Program did not stop after the summer of 1994. Realizing the program’s worth, he makes a pointed effort to stay involved with ongoing efforts to recruit and mentor other lawyers of color at his firm. The Association was delighted to hear that Adam was elected to partner at Weil Gotshal just several weeks ago. We are confident that Adam will be the first of many fellowship graduates to become partners at a major city law firm. Congratulations Adam!

If your firm is interested in becoming a participating employer or to request more information about the program, please contact Sheila Boston at (212) 836-7197. Students should contact their law school’s office of career services for more information.
A recent article in the “New York Law Journal” cited the difficulties solo practitioners and attorneys at small- and mid-sized firms face in seeking out and performing pro bono work. Demands on time and resources, lack of expertise and limited support all suggest that often well-meaning attorneys who recognize the need for and value of pro bono are simply unable to contribute. Ironically, those attorneys who practice in areas where pro bono services are typically most needed – matrimonial law and landlord/tenant, for example – are also most likely to work solo or in small firms.

At the City Bar Fund we work to mitigate those difficulties and provide a variety of services aimed at increasing pro bono participation by solo practitioners and small firms. In fact, attorneys from small firms and solo practitioners make up the majority of our volunteer pool. Whether to gain experience in order to enhance their own practices, to network with like-minded others or simply to give back to the community, thousands of City Bar Fund volunteers have found the will and the way to help.

While large firms have the infrastructure to support pro bono work, small firms do not have the time and resources to do so. The City Bar Fund, through all of our programs, not only provides opportunities for pro bono service but also the training, mentoring and support necessary to carry out the work.

The City Bar Fund offers pro bono opportunities in a range of areas, including immigration, asylum and anti-trafficking work, domestic violence prevention, elder law, homeless issues and public benefits, small business assistance, consumer bankruptcy, matrimonial, cancer patient advocacy and others. We provide a wide variety of opportunities, from giving legal advice and brief services at clinics, which may involve informal negotiation and preparing court forms; to representing a client on a battered spouse waiver or an asylum case which may involve doing research, writing a brief and making court appearances. Our staff attorneys often arrange a moot court training session to prepare for arguing a case, review and critique briefs, and engage in problem solving with the volunteer to assure that the attorney feels confident and prepared for the case, and the client receives quality legal representation. The amount of time a volunteer can devote ranges from a few hours to more than 200 hours in a year.

To find out about pro bono opportunities, attorneys at small firms or solo practitioners can search for opportunities by county, subject area, and population served. In addition to the guide, the City Bar Fund offers one-to-one counseling through our Public Service Network to assist attorneys in locating specific volunteer opportunities to meet their individualized needs, whether it be to gain more experience in a practice field or to explore an entirely new area of law.

Peter Vladimir, who practices in a small family firm, Vladimir & Associates, has volunteered with the City Bar Fund in a variety of ways. He is currently working on obtaining a battered spouse waiver for an immigrant domestic violence victim through our Immigrant Women and Children’s Program. In 2002, he handled an asylum case. Mr. Vladimir, who calls his volunteer work his “mitzvah,” says, “The City Bar Fund has given me the tools I need to carry out what I see as my pro bono obligation. Without their training and support I don’t know if I could do it.”