**Forty-Fourth Street Notes**

**COME JOIN A COMMITTEE**

*By Bettina B. Plevan, President*

This is the time of year that committee chairs begin to select members for the next “committee year,” beginning in September. Committee service is a truly special opportunity in our Association because of our rich history of influencing public policy, promoting reform of the law and upholding a strong judicial system and high ethical standards.

The Association was founded in 1870 by a group of lawyers seeking to end corruption in government, particularly the judiciary, and improve society for the good of all citizens. In the years that followed, the Association expanded its mission to include law reform, access to justice, and adherence to the rule of law at home and abroad.

Our committees are the heart of the Association. They issue reports, present public symposia, conduct CLE programs, prepare amicus briefs, advocate for legislation and undertake public service projects in wide-ranging areas of interest and importance to the public. Serving on a committee will expand your contacts and your horizons, and let you develop and use skills not generally called upon in everyday law practice.

Through committee service you can take leadership roles in Association reports and projects, and generally have the satisfaction of making significant contributions to the profession and the public. Young lawyers receive all this, and the added benefit of getting to know more senior practitioners, and to know them as colleagues. As a young lawyer serving on a committee, I had the opportunity to meet court administrators and to testify at legislative hearings and learn up-close how law is made, and un-made.

Committee service also gives you a chance to learn about issues and entire fields of law outside your practice. Our array of committees, listed on page 3, is wide enough to let you pursue your professional and personal inclinations. Our Web site, www.nycbar.org, has brief committee descriptions.

We encourage you to review the list and respond with your interest either by sending in the form on page 2 or by e-mailing the information to committeeservices@nycbar.org. You would benefit by also sending a resume or brief biography, to give the committee chairs more of a sense of you. While our committees have limited spaces available and a number of them are very much in demand, other committees have vacancies and would welcome new members even during the course of the committee year.

So, if you have not tried it, I encourage you to become involved in an Association committee and join more than 3,000 City Bar members in this stimulating and satisfying activity.

**STATE LEGISLATURE REVIEW: A REAL POSSIBILITY FOR REFORM?**

Reform is in the air in New York State government. Legislation passed in the 2005 session should lead to changes in the way state government does business in 2006. For example:

- As of the beginning of the 2005 session, Assembly members now actually have to be present in the chamber in order to vote “yes” on a piece of pending legislation. (Prior to 2005, legislators swiped in an electronic card at the beginning of the day’s session. If they left chambers they were counted as voting yes to all pieces of legislation coming to a vote that day.)
- Lobbyists vying for contracts from state agencies will finally be subject to the same lobbying disclosure requirements as those lobbying the Legislature.
- Former government employees subject to inquiries regarding ethics violations will no longer be able to avoid investigation by simply leaving state employ.
- Assembly members can now only serve on a limited number of standing committees and will be subject to sanctions after missing a certain number of committee meetings.
- The Assembly Rules Committee meetings will be open to the public with published agendas.
- Passed by both houses, but not yet enacted, is legislation creating an Authorities Budget Office ensuring more reporting and sunlight into the operations of the state’s over-700 authorities.

CONTINUED ON PAGE 22
COMMITTEE PREFERENCE FORM

If you would like information about your background circulated to the designated committee chairs, please send or email sufficient copies of your resume or biographical information along with this form.

Yes! I would like to serve on an Association Committee

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
</table>

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

1. 
2. 
3. 

Business (please send mail here) □
Office
Street
City/State/Zip
Phone
Fax
Email

Home (please send mail here) □
Office
Street
City/State/Zip
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) 382-6665.
ASSOCIATION COMMITTEES, COUNCILS AND DELEGATIONS

The Profession, Legal Education and the Organization of the Bar
- Alcoholism and Substance Abuse
- Career Advancement & Management
- Continuing Legal Education
- Fee Conciliation
- Law Student Perspectives
- Legal Education & Admission to the Bar
- Legal History
- Lesbian, Gay, Bisexual and Transgender Rights
- Minorities in the Profession
- New York State Bar Association House of Delegates
- Professional and Judicial Ethics
- Professional Discipline
- Professional Responsibility
- Recruitment & Retention of Lawyers
- Small Law Firms
- Women in the Profession

Criminal Justice
- Capital Punishment
- Corrections
- Criminal Advocacy
- Criminal Courts
- Criminal Justice, Council on
- Criminal Justice Operations and Budget
- Criminal Law
- Juvenile Justice

Governmental Affairs
- Administrative Law
- Election Law
- Federal Legislation
- Government Ethics
- Military Affairs and Justice
- New York City Affairs
- State Affairs
- Uniform State Laws

Social, Urban and Consumer Issues
- AIDS
- Bioethical Issues
- Children, Council on
- Children and the Law
- Civil Rights
- Consumer Affairs
- Domestic Violence
- Drugs and the Law
- Education and the Law
- Environmental Law
- Health Law
- Legal Issues Affecting People with Disabilities
- Legal Issues Pertaining to Animals
- Legal Problems of the Aging
- Matrimonial Law
- Medical Malpractice
- Mental Health Law
- Pro Bono & Legal Services
- Project on the Homeless
- Sex and Law
- Social Welfare Law
- Tort Litigation
- Transportation

Business Issues
- Admiralty
- Aeronautics
- Antitrust and Trade Regulation
- Banking Law
- Bankruptcy and Corporate Reorganization
- Corporation Law
- Employee Benefits
- Energy
- Financial Reporting

Business Issues (continued)
- Futures Regulation
- Hotels, Restaurants and Tourism
- Insurance Law
- Investment Management Regulation
- Labor and Employment Law
- Mergers, Acquisitions and Corporate Control Contests
- Private Investment Funds
- Product Liability
- Project Finance
- Science and Law
- Securities Regulation
- Sports Law
- Structured Finance
- Telecommunications Law

Property Issues
- Construction Law
- Cooperative and Condominium Law
- Housing and Urban Development
- Land Use Planning and Zoning
- Real Property Law

Tax Issues
- Condemnation and Tax Certiorari
- Estate and Gift Taxation
- Non-Profit Organizations
- Personal Income Taxation
- State and Local Taxation
- Taxation of Business Entities

Media, the Arts and Intellectual Property
- Art Law
- Communications and Media Law
- Copyright and Literary Property
- Entertainment Law
- Information Technology Law
- Patents
- Trademarks and Unfair Competition

International Affairs
- African Affairs
- Asian Affairs
- European Affairs
- Foreign and Comparative Law
- Immigration and Nationality Law
- Inter-American Affairs
- International Affairs, Council on
- International Commercial Disputes
- International Environmental Law
- International Human Rights
- International Law
- International Legal Services
- International Security Affairs
- International Trade
- United Nations

Public Service
- City Bar Public Service Network
- Housing Court Public Service Projects
- Legal Referral Service
- Legal Services for Persons of Moderate Means
- Senior Lawyers
- Thurgood Marshall Summer Law Internship Program
- Young Lawyers

The Justice System
- Alternative Dispute Resolution
- Arbitration
- Civil Court of the City of New York
- Encourage Judicial Service
- Family Court and Family Law
- Federal Courts
- Housing Court
- Judicial Administration, Council on
- Judiciary
- Litigation
- Minorities in the Courts
- State Courts of Superior Jurisdiction
- Trusts, Estates and Surrogates' Courts
- Women in the Courts

Association Management and Internal Affairs
- Association Insurance Plans
- Benefit Plans for Association Employees
- Investment of Funds

Entertainment Activities
- Books-at-the-Bar
- Orchestra
- City Bar Chorus
- Entertainment

www.nycbar.org
FEBRUARY 2006 CALENDAR

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 subject to change. Please check our Website at www.nycbar.org for the latest program information.

Monday-Tuesday, Jan. 30-31
Wednesday- Thursday, Feb. 1-2
5 & 8 pm (Mon.-Wed.)
4 & 8 pm (Thursday)

FINAL ROUNDS
OF THE 56TH ANNUAL
NATIONAL MOOT COURT
COMPETITION

Twenty-eight regional winning teams from across the country will participate in the Final Rounds of the 56th Annual National Moot Court Competition. The 56th Annual Moot Court Competition involves issues that have not been decided by the Supreme Court of the United States. The first issue concerns whether a law effectuates a compensable taking for Fifth Amendment purposes when such law imposes a restriction, compliance with which may be prohibitively expensive. The second issue involves whether the doctrine of Rooker-Feldman deprives a lower federal court of subject matter jurisdiction over claims that the losing party in a state court proceeding could have raised, but did not, in the state court proceeding.

Presented in conjunction with: American College of Trial Lawyers

1 Wednesday, 8:30 am

HOW TO GO IN-HOUSE

For some lawyers, going in-house is the ultimate legal job. This program will explore the various ways in which some lawyers have successfully transitioned to in-house positions. The panel will include lawyers who have made the transition in-house and a moderator who has been helping lawyers find in-house positions for more than two decades. The panel will discuss the paths that led them to in-house positions and will offer suggestions on how you can do the same.

Moderator:
KARIN L. GREENE
Principal, Greene-Levin-Snyder Legal Search Group

ALISSA MAKOWER
Vice President, Senior Counsel, Corporate, Transactions & Securities, Viacom Inc.

NANCY B. SALTMAN
Vice President and General Counsel, Westcon Group, Inc.

GREG WALKER
Executive Director and Managing Attorney, UBS Securities LLC

Registration by January 27 is necessary. The fee, which includes breakfast, is $10. Please register online at www.nycbar.org

6 Monday, 6:30 pm

CAREERS IN IMMIGRATION LAW

This program is designed to provide an overview of the practice of immigration law and is open to all, including current law students, new attorneys, and attorneys looking to change fields. A panel of seasoned practitioners will discuss the day-to-day practice. The program will focus on entry into the practice, knowledge base, defining the practice areas within the specialty, who are the clients, who is the opposing counsel, size and nature of an immigration law firm, some of the challenges, post 9/11 changes, etc.

Program Chair/Moderator:
JULIE B. KRASNOGOR
Krasnogor & Krasnogor LLP

7 Tuesday, 8:30 am

INTERVIEWING: IS THAT WHAT I REALLY LOOK LIKE?

Practice, critique, and improve your performance in job interviews; see yourself as others see you using videotape feedback; convert an "interrogation" into a dialogue between equals.

Speakers:
STEPHEN ROSEN, PhD
Chairman, Celia Paul Associates/Premium Career Management for Attorneys

LORI FREUDENBERGER
Assistant to the General Counsel, Brown Raysman Millstein Felder & Steiner LLP

Registration by February 3 is necessary. The fee, which includes breakfast, is $10. Please register online at www.nycbar.org

7 Tuesday, 8:30 am-2 pm

SYMPOSIUM ON BEST PRACTICES FOR THE HIRING, TRAINING, RETENTION AND ADVANCEMENT OF WOMEN ATTORNEYS

This symposium is the kick-off event for the City Bar’s Best Practices for the Hiring, Training, Retention and Advancement of Women Attorneys. The Best Practices, developed by the Committee on Women in the Profession in conjunction with the City Bar’s Diversity Initiative, contain practical suggestions for firms and organizations to help retain and promote women attorneys. The Symposium will provide an in-depth discussion of each Best Practice and several outstanding panels of distinguished attorneys and professionals will share their knowledge and insight. The Symposium will conclude with a networking lunch for all attendees and panelists.

Opening Remarks:
HON. BARBARA S. JONES
United States District Judge, Southern District of New York

Moderators:
DEBORAH EPSTEIN HENRY
Flex-Time Lawyers, LLP

AKIKO MIKUMO
Weil, Gotshal & Manges LLP

SHEILA WELLINGTON
Professor, New York University Stern Business School

Speakers:
LYNN L. BAYARD
Paul, Weiss, Rifkind, Wharton & Garrison LLP

CAROLYN BUCK LUCE
Principal, Ernst & Young
Who are the Administrative Judges and Hearing Officers?

What are the Administrative Tribunals and ALJs: Practice and Career Perspectives

■ What is the jurisdiction of the tribunals?
■ How are tribunals created?
■ What are the legal standards that are applied?
■ What are the career opportunities?

As the recent report of the City Charter Commission stated: "The City's administrative law judges and hearing officers represent the face of justice in our City. The City's administrative tribunals—or executive branch courts—are often the only forums where citizens have any significant interaction with city government."

We hope you will attend, and bring your resumes and questions about participation in the administrative law process at the municipal, state and federal level.

Speakers:
- CAROL ROBLES-ROMAN
  New York City Deputy Mayor
- RICHARD MURPHY
  Professor, Seton Hall University School of Law
- HON. PHILIP STRANIERE
  Richmond County Civil Court Judge
- LAURA HELD
  Chief ALJ, NYC Department of Finance
- CHARLES D. McFAUL
  Deputy Chief ALJ, NYC Office of Administrative Trials and Hearings
- GLENN NEWMAN
  President, NYC Tax Commission/Tax Appeals Tribunal
- ROBERTO VELEZ
  Chief ALJ, Office of Administrative Trials and Hearings
- DIANA ZALPH
  Director of Adjudication, NYC Department of Consumer Affairs

7 Tuesday, 6-8 pm

EVERYTHING YOU NEED TO KNOW ABOUT LANDLORD-TENANT COURT

The Committee on Legal Services for Persons of Moderate Means invites Joyce Zimberg to discuss non-payment proceedings, holdover proceedings, HP actions, evidentiary requirements, stipulations, and the function of Housing Court personnel.

Speaker:
- JOYCE ZIMBERG
  Court Attorney, Housing Part, New York City Civil Court

8 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:
- JOHN C. COFFEE
  Professor of Law, Columbia University School of Law
Topic: Emerging Issues in White Collar Crime

Luncheon Chair:
- JEROME R. ROSENBERG
  Speaker:
- JOYCE ZIMBERG
  Court Attorney, Housing Part, New York City Civil Court

8 Wednesday, 6 pm

CONTEXTUAL COMMERCE: THE FUTURE OF MOBILE MEDIA

Is there really already a $5 billion dollar market for ringtones and wallpapers worldwide? What other new products does the entertainment industry expect to deliver to mobile phones? What are the legal issues and market ramifications? Find out at our panel on mobile entertainment and media. We will discuss what’s really happening with ringtones, where it has been and where it is going. We will discuss delivery of full track downloads, streams, mobile videos and TV to handheld devices. Panelists will explore mobile games, text and multimedia messaging, mobile blogging, community and "location-based services" (i.e. the delivery of local information, such as movie times, restaurant names or the location of the nearest dry cleaner). The panelists will raise issues about the ownership of the right to distribute content -- What are the implications of this technology? Is music over the PDA a performance right or a record company distribution right? How will actors, writers, and performers be paid for this use—or are these uses permissible under current talent contracts? Please come and bring your questions.

Moderator:
- STEVEN MASUR
  Managing Partner, MasurLaw

Speakers:
- SUSAN POVICH
  VP Business & Legal Affairs
  Universal eLabs
- BILL SANDERS
  VP Digital Sales and Marketing
  Sony Pictures Digital
- BURTON KATZ
  President, Boungiorno USA
9 Thursday, 6-8 pm
ELIMINATING HOMELESSNESS IN NEW YORK 2005: A PROGRESS REPORT

During his first term, Mayor Michael R. Bloomberg embarked on an ambitious program to substantially reduce homelessness in New York. Integral to this effort are several initiatives that will be the subject of this program: Housing Stability Plus, PATH, the reorganized emergency assistance unit and the Household Stability Initiative.

The panel discussion will include representatives from city, state and federal government, a policy analyst, public benefits expert and service providers, moderated by a prominent New York journalist. A substantial segment of the program will be devoted to questions and comments from the attendees, who will include those most affected by the initiatives.

Moderator: GREG DAVID
Editor, Crain’s New York Business

Speakers:
LAUREN BHOLAI-PARETI
Council on Homeless Policies & Services

DENNIS CULHANE, Ph.D
University of Pennsylvania

10 Friday, Noon-2 pm
DIRT LAWYERS LUNCHEON—Two-part discussion

I. Money Saving Tips for Operating Expense & Other Additional Rent Charges

Mr. Binstok will discuss how the operating expense and other additional rent charges are billed and give tips on how to help your client/tenant not be overcharged.

16 Thursday, 8:30 am-9:30 am
BREAKFAST SERIES LITIGATING IN THE COMMERCIAL DIVISION – PART II

The second part of the breakfast series will focus on litigating in the commercial division. The series consists of five breakfasts, each focusing on various aspects of being a woman in commercial litigation, including arbitration and a view from the bench. The other parts in the breakfast series are scheduled as follows: Part III - March 16, Part IV -April 20, and Part V - May 18.

Moderator: NANCY ANN CONNERY
Schoeman, Updike & Kaufman, LLP

Speaker:
JOEL I. BINSTOK
President, York Consulting

II. How will a Court Interpret Your Operating Expense Provision? You Might be Surprised!

Mr. Danzig will speak about how courts have interpreted operating and tax escalation provisions, and how the interpretation of those provisions can be affected by other provisions in a lease, such as those relating to appraisals, arbitration and an “integration” clause.

Moderator: NANCY ANN CONNERY
Schoeman, Updike & Kaufman, LLP

Speaker:
DOUGLAS DANZIG
Partner/Chair, Real Estate Practice Group
Fullbright & Jaworski L.L.P.

Registration by February 3 is necessary. The fee, which includes lunch, is $20 for members and $30 for non-members. Please register on page 7 or online at www.nycbar.org

16 Thursday, 12:30-2 pm
SMALL LAW FIRM LUNCHEON
Business Opportunities Through the Association’s Legal Referral Service

Are you looking to expand your client base? Would you like to join the panel to receive referrals from the Association’s Legal Referral Service (LRS), which is the oldest and largest referral service in New York State and receives 300 to 500 calls each day from people looking for legal representation? Please attend this luncheon program, presented by Allen Charne, Director of LRS, to learn how LRS works and how it can help you.

Supported by LexisNexis

Registration by February 10 is necessary. The fee, which includes lunch, is $20 for members; $30 for non-members. Please register on page 7 or online at www.nycbar.org

21 Tuesday, 7:30 pm
THE ORISON MARDEN LECTURE
Role of Lawyers in the Rule of Law: Why Professionalism Still Matters

Welcome: BETTINA B. PLEVAN
President, New York City Bar Association

Speaker: LOUIS A. CRACO
Chair, New York State Judicial Institute on Professionalism in the Law

Chair: PETER G. EIKENBERRY
Chair, The Orison Marden Lecture Committee

28 Tuesday, 8:30 am - 10 am
PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS SERIES FOR MID-LEVEL ASSOCIATES

WORKSHOP V

Establishing Strategic Alliances

Networking is really the art of establishing and cultivating...
strategic alliances. This workshop will provide associates with the “rules of engagement”: ways to develop a wide variety of professional contacts within the legal and business communities and seek mutually beneficial goals, while functioning within proper business and social protocols. Associates will learn valuable tips on:

- Creating a great first impression
- Finding topics of mutual interest
- Making connections count
- Creating benefit for others.

Speaker: MARY R. CRANE
Mary Crane & Associates

1½ CLE credits in practice management. This program does not provide transitional credits for newly admitted attorneys. This event has no fee for members and attorneys from sponsoring firms. There is a $45 fee for non-members. Please register through CLE at www.nycbar.org.

Upcoming Professional Development Breakfast Workshops

Project Leadership
Thursday, March 23rd

Getting into the Spotlight: Increasing Your Exposure and Authority Within (and Outside) the Firm
Tuesday, April 25th

Developing Professional and Client Relationships
Thursday, May 25th

28 Tuesday, 6-8 pm

SPEED NETWORKING – FAST BUSINESS FOR BUSY WOMEN

Join us for Speed Networking, the easy way to meet accomplished women. Speed Networking is the fast and efficient way to meet referral sources - successful, knowledgeable women from New York law firms with a wide range of expertise. Marrying the techniques of "speed dating" with the professional opportunities of a networking cocktail party, we’ve created an environment filled with people you’ll want to meet - and who’ll want to meet you. Make opportunities, cross-market, learn something you didn’t know before. A wine and cheese reception will begin at 6:00 pm followed by the Speed Networking event. This program is intended for practicing lawyers only and not open to vendors.

Registration by February 24 is necessary. The fee is $20. Please register online at www.nycbar.org. For more information, please contact mharris@nycbar.org

28 Tuesday, 6:30-8 pm

CAREERS IN LITIGATION

Law students wonder what to expect in real practice, and how to develop the kind of career that most interests them. For those who are considering a career in litigation, this panel will be very informative. Six practicing attorneys discuss their varied career paths and positions in litigation and answer your questions.

Moderator: ANDREW CHAPIN
Career Counselor, Fordham University School of Law

Speakers: PHILIP ANDERSON
Assistant District Attorney, Narcotics Investigation Bureau, Queens County District Attorney’s Office

MILAGROS ROSARIO ARZUAGA
Senior Attorney, Harlem Legal Services

JACOB LOUIS STEVENS
Senior Trial Attorney, Bronx Defenders

DERRICK CRAWFORD
Counsel for Policy and Litigation, National Football League

ADAM S. ZIFFER
Dickstein Shapiro Morin & Oshinsky LLP, Litigation & Dispute Resolution Group

CAROLYN WOLPERT
Deputy Chief, Pensions Division, New York City Law Department

Please RSVP at LSPRsvp@aol.com

February 2006 Luncheon Registration Form

☐ Public Affairs Luncheon – 8 Wednesday
  ☐ The fee is $25.

☐ Dirt Lawyers Luncheon – 10 Friday
  ☐ The fee is $20 for members, $30 for non-members.

☐ Small Law Firm Luncheon – 16 Thursday
  ☐ The fee is $20 for members, $30 for non-members.

Name ____________________________ Number of Reservations ______
Address ____________________________ Total Enclosed $ ______

__________________________________________ Please charge to my ☐ Mastercard ☐ Visa ☐ American Express
City ____________________________ Card Number
State ____________________________ Expiration Date
Zip ____________________________

Phone ____________________________ 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.
The Justice Center Gets Involved

The need for learning more about this new benefit, and how to navigate the information sources, clearly is tremendous. Since last summer, the City Bar Justice Center’s Elderlaw Project has been working with legal services organizations and advocacy groups throughout New York City to increase public awareness and develop strategies for legal responses to Medicare coverage denials. Volunteer Lawyers Take On New Prescription Drug Plan

While the program undoubtedly will assist millions of low-income people obtain needed prescription medication at low cost, the complexity of the law and the overwhelming choice of plans has caused tremendous fear and confusion among the very populations meant to be served. For example, in New York State, there are 46 different stand-alone drug plans and an even larger number of managed health plans that provide drug coverage, each with different drug formularies (i.e., the list of drugs and dosages that a particular plan will cover), premiums, deductibles, cost-sharing tiers, utilization processes, and member pharmacies. Large numbers of seniors and disabled persons have not responded to the numerous bureaucratic notices that they have received in the mail, have not picked a plan, or have picked a plan that does not provide sufficient coverage of the drugs that they need, resulting in their inability to obtain what, in many instances, could be life-sustaining medications.

And it gets only more confusing. Many people have comprehensive medical insurance packages that include prescription drug benefits through their employer-sponsored or union retirement plans. Along with all the mail they have been receiving from soliciting drug plans, AARP, the Social Security Administration and, of course, Medicare, they may have received a notice from their retirement plan indicating that their entire health package will be terminated if they enroll in a separate Part D plan. Also, once enrolled in a Part D plan, most people will not be able to switch plans until the next open enrollment period, which is from November 15 to December 31, 2006, even if their drug needs change. The participating plans, however, can change their formularies and take drugs off a plan at any time.

While people can use the government’s user-friendly internet tools to find and compare plans, or call 1-800-MEDICARE to get personal assistance from a counselor over the telephone, these options do not work for many seniors who do not have access to (or familiarity with) computers or have been stymied by the onslaught of information that they have been receiving. Many seniors are so frustrated that they are refusing to consider enrolling in a Part D plan, even if they do not already have prescription drug coverage.

Of particular concern are the "Dual Eligibles," those seniors and disabled persons who, before January 1, 2006, were enrolled in both Medicaid and Medicare. The Dual Eligibles number about 6.4 million nationwide and almost 600,000 in New York, and make up the nation’s poorest and sickest seniors and disabled persons. Before Medicare Part D became effective, Medicare had covered their basic health services, including physician and hospital care, while Medicaid had covered their Medicare premiums, cost-sharing payments and many critical benefits not covered by Medicare, including prescription drugs. Unlike other Medicare beneficiaries who could choose whether or not to enroll in a Part D plan, the Dual Eligibles had no choice. Under the new law, they were automatically enrolled in a Medicare Part D plan prior to January 1st, at which time their virtually unrestricted Medicaid drug coverage ended.

Despite the requirement that Dual Eligibles be automatically enrolled in a Part D plan prior to January 1st, the possibility for error – human or computer-generated – assured that the transition from Medicaid drug coverage to Medicare drug coverage would not be seamless and that some of the nation’s most disadvantaged and vulnerable would find themselves without any effective drug coverage on January 1st. Indeed, at the beginning of January, thousands of people were unable to obtain their prescribed drugs because the computer system was unable to verify their coverage. Moreover, the required automatic enrollment was to randomly selected plans that did not necessarily cover the individual’s needed medications or include his or her local pharmacy in the plan’s network of pharmacies. Thus, on January 1st, many Dual Eligibles found that they no longer had coverage for some or all of their prescription drugs or found that the pharmacy that they had been using for years was not part of the plan into which they had been enrolled.

The Justice Center was one of the first organizations to see the potential for error and has been working aggressively to develop strategies to respond to these issues. In a recent report, the Center outlined a series of steps, including: (1) developing legal strategies to challenge the automatic enrollments and the prohibited switch to another plan, (2) preparing for a potential court battle, (3) working with other organizations to develop resources for clients, and (4) working with the professional organizations to develop strategies for the future.

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problems arising from Medicare Part D. From community outreach and education, to the recruitment and training of volunteer attorneys to represent seniors on Medicare Part D appeals, the City Bar Justice Center staff has been working to ensure that society’s most vulnerable members obtain the best coverage to which they are entitled under Medicare Part D.

In the fall, with the help of students from a Columbia Law School clinic, the Elderlaw Project began conducting presentations on the new prescription drug program to seniors and staff at local senior centers. They also trained the staff at those centers on how to help low-income seniors apply for "Extra Help," the government’s term for a low-income subsidy that helps cover the costs of premiums, deductibles and co-payments, and on how to use the online tools designed for assisting people to choose the plan best suited for their individual needs. The staff followed some of those group presentations with individual one-on-one sessions with seniors to assist them in picking the right plan.

In December 2005, having been awarded a two-year grant from the federal Administration on the Aging, the Elderlaw Project and Legal Services for the Elderly jointly launched the New York Seniors Legal Assistance Project (NYSLA), a statewide senior helpline. This statewide project offers advice and brief services over the telephone on legal issues that most commonly affect low-income seniors, including health care and Medicare Part D. As anticipated, the bulk of the calls concern Medicare Part D and the staff has been spending considerable time assisting clients in selecting Part D plans and in explaining the interplay of Part D benefits with other prescription drug programs.

However, despite all the outreach and assistance provided by legal services and advocacy groups throughout the city, when the new drug law went into effect, hundreds of seniors and disabled persons were unable to obtain the prescription drugs they needed. Although there is an appeals process, it is cumbersome and the law places the burden of establishing medical necessity on the individual. Without representation, many people will forgo appealing or will lose their hearings because they are unable to gather and properly present the evidence. In either case, the results could be disastrous. People, especially the old and disabled, need their medications.

Anticipating a need for volunteer attorneys to represent people appealing Medicare Part D denials of coverage, the Elderlaw Project collaborated with the Medicare Rights Center to develop a Medicare Part D appeals project. The Medicare Rights Center is a nationwide consumer service organization that provides information and assistance to older and disabled persons on Medicare. Two law firms – Arent Fox and Kirkland & Ellis – have assembled groups of interested volunteers who have been trained to handle Medicare Part D appeals. The appeals, which include an administrative hearing, are straightforward, fact-based, and wonderful experiences for young associates who have never had any client or courtroom experience. More importantly, these attorneys are providing an invaluable service in what, for many, could be life-threatening situations.

More help is needed. If you are a lawyer and are interested in volunteering, please contact Luz Laulo, the Elderlaw Project Coordinator, at Llaulo@nycbar.org or 212-382-8858.

Contact Information for Seniors

Our senior hotline is available to all seniors in the state, regardless of income and resource levels. Calls from outside New York City will be toll-free. The number within New York City is (646) 442-3333; and outside the five boroughs is (866) 382-7955. The Project will operate from 10 a.m. to 1 p.m. on Mondays, Wednesdays and Thursdays; and from 5 p.m. to 8 p.m. on Tuesdays.
**Diversity**

**RELIGIOUS DIVERSITY IN THE WORKPLACE**

Arguably, New York City, one the most culturally diverse cities in the world, is also one of the most religiously diverse. Legal employers in New York are faced with the challenge of accommodating a wide spectrum of religious needs and employees with varying levels of religious commitment.

It is important to accommodate the unique religious needs of employees and maintain an environment of professionalism in order to promote and foster diversity within a firm. Religious diversity also leads to a better understanding of the different customs and beliefs of international and multicultural clients.

**Key Facts**

- According to a Gallup poll, 95% of Americans believe in God or a universal spirit and 48% had discussed their faith at work within 24 hours of being polled (“Religion in the Workplace: The growing presence of spirituality in Corporate America,” Businessweek Online, 1999).

- In 2001, 71% in New York State identify as Christians, 13% as no religion, 5% as Jewish, 1.9% as Muslims, and 1.7% as Eastern Religions (e.g., Buddhist, Sikh, Hindu.). Muslims have been the fastest growing religion in the state, experiencing a 132% growth since 1990. Compared to the US as a whole, NY has a considerably higher representation of Jews and Muslims. (American Religious Identification Survey, 2001.)

- Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion. Employers are obligated to provide reasonable accommodation for employees’ religious needs, unless it will cause an undue hardship for the employer (The U.S. Equal Employment Opportunity Commission, 2005).

- Religion-based charges with the Federal Equal Employment Opportunity Commission have increased 40% in the past ten years, making them the third-fastest-growing claim behind sexual harassment and people with disabilities (Equal Employment Opportunity Commission, 2005).

On November 17, 2005 the City Bar’s Office for Diversity and the Interfaith Center of New York hosted a working group session focused on religious diversity in the legal profession. The panel, which was composed of lawyers of several different faiths, included: Moise Waltner, Program Officer, The Interfaith Center of New York; Mohammed H. Fadel, Associate, Sullivan & Cromwell LLP; Bajindar Kaur, Partner, Law Firm of Kaur, Krishna & Sharkey, P.C.; and Michael H. Michael, Partner, Michael & Swerdloff, LLC.

**Recommendations**

In an effort to be inclusive of different beliefs and cultures, employers must balance accommodating employees’ different religious needs with sensitivity.

Dealing with religious diversity requires a careful balancing act. On one hand, employers should be inclusive of employees’ different religious beliefs and degrees of religiosity. Yet, employers should also be sensitive to employees’ desire for privacy with respect to religious expression and avoid the imposition of religious beliefs on some into the lives of others.

Here are some suggestions for addressing religious diversity in the workplace:

- **Learn about the religious beliefs and practices of employees.**
  - Become familiar with key holidays that may require adherence to fasting, changing diets, praying or other practices that may affect employees during work hours.
  - Allow for structured settings to permit employees to learn about the different religious practices of their fellow employees, e.g., through lunch and learn sessions.
  - Incorporate religious diversity into existing diversity training to promote understanding and ease religious tensions in the workplace.

- **Make reasonable efforts to accommodate the unique religious needs of employees.**
  - Consider dietary and ethical restrictions of religious employees when planning holiday parties, meetings, workshops and other events, in and outside of the office.
  - Accommodate employees’ need for private space, such as unused conference rooms, for them to pray, meditate and perform other acts of religious expression.
  - Find ways to mitigate conflicts between religion and other diversity issues such as sexual orientation.

- **Ensure workplace flexibility.**
  - Ensure flexible work policies are available for various reasons, including religious observation.
  - Explore ways flexible work arrangements can be used for those observing religious holidays and weekly Sabbath requirements.
  - Consider providing a certain number of “floating holidays,” which employees can use when they like.

For more information about religious diversity in the legal profession or upcoming diversity working group sessions, please contact the New York City Bar’s Office for Diversity: Meredith Moore, Director, at mmoore@nycbar.org, or Elizabeth Kowalczyk, Assistant, at ekowalczyk@nycbar.org.

---

November’s diversity panel, from left to right: Moise Waltner, Mohammed Fadel, Bajindar Kaur, and Michael H. Michael.
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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.

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

(*)4% in 2005 through Exante Bank.

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<td>6-9 p.m. NEW YORK CIVIL PRACTICE UPDATE 3 credits*</td>
<td>6-8 p.m. BEYOND STRANGL: COPING WITH THE CURRENT STATE OF GIFT &amp; ESTATE TAXATION OF FAMILY PARTNERSHIPS 2 credits*</td>
<td>9-5:30 p.m. SECURITIES LITIGATION: CURRENT DEVELOPMENTS &amp; STRATEGIES 8 credits</td>
<td>9-12 p.m. Video Replay: MOLD COVERAGE ISSUES: PAST, PRESENT &amp; FUTURE 3 credits*</td>
<td>9-12 p.m. Video Replay: ETHICAL CONSIDERATIONS FOR CORPORATE INVESTIGATIONS 3 credits</td>
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<td>9-12 p.m. Video Replay: ADR IN THE PROFESSIONAL SPORTS WORLD: THE SIMILARITIES, DIFFERENCES, PROS &amp; CONS 3 credits</td>
<td>6-9 p.m. USING THE MEDIA ETHICALLY &amp; EFFECTIVELY FOR YOURSELF &amp; YOUR CLIENTS 3 credits*</td>
<td>6-9 p.m. LAWYERS IN THE DOCK: WHEN DOES GOOD LAWYERING BECOME CRIMINAL CONDUCT? 3 credits*</td>
<td>6-9 p.m. PRIVATE EQUITY FUNDS: STRUCTURES, TERMS &amp; CONDITIONS 3 credits*</td>
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<td>9-5:15 p.m. Video Replay: INTELLECTUAL PROPERTY DUE DILIGENCE IN BUSINESS TRANSACTIONS: COMPLYING WITH MYRIAD BUSINESS &amp; LEGAL ISSUES 8 credits</td>
<td>6-9 p.m. IMMIGRATION PRACTICE IN FEDERAL COURTS: HOW TO GET IN UNDER THE NEW RULES 3 credits*</td>
<td>6-9 p.m. LEGAL ETHICS: OUNCES OF PREVENTION THAT AVOID A TON OF TROUBLE 3 credits*</td>
<td>9-4:30 p.m. ARTICLE 81: CERTIFIED TRAINING FOR GUARDIANS, COURT EVALUATORS &amp; ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS 7 credits*</td>
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<td>6-9 p.m. ABCs OF FINANCIAL STATEMENTS 3 credits*</td>
<td>6-9 p.m. THE ROLE &amp; RESPONSIBILITY OF CORPORATE COUNSEL: WHAT ARE THEIR GATEKEEPING OBLIGATIONS? 3 credits*</td>
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*This program provides transitional credit for newly admitted attorneys.
CORPORATE & SECURITIES

SECURITIES LITIGATION: CURRENT DEVELOPMENTS & STRATEGIES

2 Thursday, 9-5:30 p.m.

Co-sponsored by the Greater New York Chapter of the Association of Corporate Counsel

The corporate scandals and changes in case law have altered the landscape dramatically and increased the stakes involved in litigating securities cases. In the post-Enron world, it is critical that securities litigators stay current!

An expert faculty of highly experienced and well-known securities litigators will discuss important developments in securities litigation and offer strategies and tactics for prosecuting and defending these cases. The faculty will discuss securities cases brought against issuers, underwriters, audit firms and officers and directors, and provide practical experience from the trenches. This course will offer outside and in-house counsel an overview of cutting-edge issues in securities litigation, ranging from nuts and bolts principles to sophisticated strategic advice.

The course will include the following topics:

- Strategies for prosecuting and defending securities class actions
- The latest case law regarding the standard for pleading claims under the Reform Act
- Trends in securities litigation against auditors
- Recent developments in the liability of underwriters
- Damages and loss causation: the impact of Dura Pharm., Inc. v. Broudo
- Audit committee member liability: the impact of Sarbanes-Oxley
- How to use experts effectively in securities litigation
- Trends in the settlement of securities cases: the significance of the Enron and WorldCom settlements
- Corporate internal investigations: the advantages and pitfalls
- Preparing securities cases for trial

Program Chair:

**LAWRENCE J. ZWEIFACH**
Heller Ehrman LLP

Faculty:

**RICHARD BEMPORAD**
Lowey Dannenberg Bemporad & Selinger, P.C.

**DANIEL L. BERGER**
Bernstein Litowitz Berger & Grossmann LLP

**HANNAH BERKOWITZ**
General Counsel - Litigation
UBS Financial Services Inc.

**JULIE BLACKMAN**
Trial Strategy Consultant
Julie Blackman & Associates, LLC

**JOHN K. CARROLL**
Clifford Chance US LLP

**MICHAEL P. CARROLL**
Davis Polk & Wardwell

**MICHAEL J. CHEPIGA**
Simpson Thacher & Bartlett LLP

**FREDERICK C. DUNBAR**
Senior Vice President
NERA Economic Consulting

**JONATHAN N. EISENBERG**
First VP and Co-Head – Global Litigation, Employment and Regulatory Law
Merrill Lynch & Co.

**JAMES D. GOLDSMITH**
Associate General Counsel
KPMG LLP

**STUART M. GRANT**
Grant & Eisenhofer, P.A.

**SALVATORE J. GRAZIANO**
Milberg Weiss Bershad & Schulman LLP

**RONALD B. HAUBEN**
Associate General Counsel
Ernst & Young LLP

**ROBERT N. KAPLAN**
Kaplan Fox & Kilsheimer LLP

**JAY B. KASNER**
Skadden, Arps, Slate, Meagher & Flom LLP

**ROBERT S. KHUZAMI**
Managing Director, Legal Department
Deutsche Bank AG

**MARK A. KIRSCH**
Clifford Chance US LLP

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

**RICHARD A. MARTIN**
Heller Ehrman LLP

**ABBY S. MEISELMAN**
Associate General Counsel
Bank of America, N.A.

**MARIAN ROSNER**
Wolf Popper LLP

**SHERRINE R. SAVETT**
Berger & Montague, P.C.

**PAUL C. SAUNDERS**
Cravath, Swaine & Moore LLP

**JEFFREY T. SCOTT**
Sullivan & Cromwell LLP

**ALEXANDER R. SUSSMAN**
Fried, Frank, Harris, Shriver & Jacobson LLP

**ANDREW L. WEINBERG**
Director and Senior Counsel
Deutsche Bank Securities Inc.

**RICHARD D. WEINBERG**
First V.P. and Assistant General Counsel
Merrill Lynch & Co.

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

**DAVID M. ZORNOW**
Skadden, Arps, Slate, Meagher & Flom LLP

**ROBERT S. KHUZAMI**
Managing Director, Legal Department
Deutsche Bank AG

**MARK A. KIRSCH**
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**DANIEL J. KRAMER**
Paul, Weiss, Rifkind, Wharton & Garrison LLP

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Merrill Lynch & Co.

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

**DAVID M. ZORNOW**
Skadden, Arps, Slate, Meagher & Flom LLP

**Live Program:**
Member $375, Non-member $515

**CLE credit:**
8 credits total; 7½ professional practice/practice management & ½ ethics. This program does not provide transitional credit for newly admitted attorneys.
WHAT YOU NEED TO KNOW ABOUT THE NEW 2005 SECURITIES OFFERING REFORM
8 Wednesday, 6-9 p.m.

An expert panel will discuss the new and amended SEC rules, effective December 1, 2005, significantly modernizing the securities offering process under the Securities Act of 1933, including: expanding communications permitted prior to and during registration; revising shelf; other registration and offering practices in light of current technologies, particularly the Internet; clarifying liability provisions; and imposing additional disclosure obligations. The presentation will include an overview of the new and amended rules and the policies and trends behind them. In addition, the presentation will discuss in detail how the rules impact different types of issuers and change existing registration and offering practices. Particular focus will be on the new categories of issuers, specific permitted communications significantly changing the former quiet period and gun-jumping framework (including a new regime for free writing prospectuses, road shows and websites), new prospectus delivery requirements and new disclosure required in reports under the Securities Exchange Act of 1934.

Program Chair:
GARY J. SIMON
Hughes Hubbard & Reed LLP

Faculty:
CHRISTOPHER S. AUGUSTE
Kramer Levin Naftalis & Frankel LLP

RACHEL B. GOLDMAN
Vice President and Counsel
Giuliani Partners LLC

RICHARD A. RUBIN
Troutman Sanders LLP

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

Live Program:
Member $195, Non-member $305

PRIVATE EQUITY FUNDS: STRUCTURES, TERMS & CONDITIONS
16 Thursday, 6-9 p.m.

This program will provide an overview of the contractual, regulatory and market issues involved in organizing different types of private equity funds, including 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 address alternative products for investing in private equity, including hybrid funds and hedge funds. In addition, the program will 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 laws.

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

Faculty:
STEPHANIE R. BRESLOW
Schulte Roth & Zabel LLP

JENNIFER J. BURLEIGH
Debevoise & Plimpton LLP

STEPHEN CULHANE
King & Spalding LLP

YUKAKO KAWATA
Davis Polk & Wardwell

JEFFREY B. SAMUELS
Paul, Weiss, Rifkind Wharton & Garrison LLP

CLE credit:
3 credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys. Portions of this program may qualify for CPE credit.

Live Program:
Member $195, Non-member $305

ELDER LAW
ARTICLE 81: CERTIFIED TRAINING FOR GUARDIANS, COURT EVALUATORS & ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS
24 Friday, 9-4:30 p.m.

In order to serve as Guardian, Court Evaluator or Attorney for Alleged Incapacitated Persons, pursuant to Article 81 of the Mental Health Law, a person is required to receive training approved by the Guardian and Fiduciary Services of the Office of Court Administration. New Part 36 of the Rules of the Chief Judge establishes training requirements for appointment as a guardian, court evaluator or attorney for alleged incapacitated persons. This all-day course will meet the training requirements for appointment as a guardian, court evaluator or attorney for alleged incapacitated persons and those who attend the full day will receive a certificate of training.

Program Co-Chairs:
MATTHEW J. NOLFO
Law Offices of Matthew J. Nolfo

PEACHETTA DeFREITAS
Law Office of Alfreda B. Kenny

Faculty:
PEGGY J. BARBANEL
Law Offices of Peggy Barbanel

PATRICIA A. BORIS, A.C.S.W.
St. Luke’s-Roosevelt Hospital

FERN FINKEL
Law Office of Fern Finkel

CLAUDIA FINE
Chief Professional Officer
Senior Bridge

ALFREIDA B. KENNY
Law Office of Alfreda B. Kenny

CLIFFORD A. MEIROWITZ
Law Offices of Clifford A. Meirowitz, P.L.L.C.

IRA SALZMAN
Goldfarb Abrandt Salzman & Kutzin LLP

JAY J. SANGERMAN
Jay J. Sangerman, PLLC

EDWARD M. VIRSHUP
The Office of Edward Virshup
ENVIRONMENTAL LAW

Video Replay: MOLD COVERAGE ISSUES: PAST, PRESENT & FUTURE

9 Thursday, 9-12:30 p.m.

This video replay will evaluate coverage for mold under current property and homeowner’s policies, as well as under conventional general liability policies. Coverage for mold under the new specialty insurance products will also be featured. A panel of national experts will describe and analyze the conventional and new insurance products as well as share their experiences. Interactive panels will also present case studies addressing coverage issues, as well as ways to obtain and maximize insurance for existing and future mold claims.

Program Co-Chairs:
GERARD P. CAVALUZZI
Vice President & General Counsel
Malcolm Pirnie, Inc.

EILEEN D. MILLETT
General Counsel
Interstate Environmental Commission

Faculty:
SUZANNE M. AVENA
Paul, Hastings, Janofsky & Walker LLP

GENE DEVINE
Managing Director
James C. Herman & Associates, Ltd.

ANDREA M. FULLER
NY/Mid-Atlantic Regional Manager
Quanta US Holdings, Inc.

JULIE H. HESPE
Chief Underwriting Officer
AIG Environmental

LYNNE M. MILLER
CEO
Environmental Strategies Consulting LLC

DANIEL W. MORRISON
Bleakley Platt & Schmidt LLP

SUSAN NEUMAN
President
Environmental Insurance Agency, Inc.

JOHN G. NEVIUS
Anderson, Kill & Olick, P.C.

KENNETH L. ROBINSON
Robinson & Associates, P.C.

ANN M. WAEGER
Farer Fersko, P.A.

CLE credit:
3½ credits total: 2 professional practice/practice management & 1½ skills. This video replay does not provide transitional credit for newly admitted attorneys.

ESTATE PLANNING

BEYOND STRANGI: COPING WITH THE CURRENT STATE OF GIFT & ESTATE TAXATION OF FAMILY PARTNERSHIPS

7 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. Three 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:
PROFESSOR BRIDGET J. CRAWFORD
Pace University School of Law

KARA B. SCHISSLER
Katten Muchin Rosenman LLP

Moderator:
RONNI G. DAVIDOWITZ
Katten Muchin Rosenman LLP

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

PROFESSOR MITCHELL M. GANS
Hofstra University School of Law

ETHICS

Video Replay: ETHICAL CONSIDERATIONS FOR CORPORATE INVESTIGATIONS

10 Friday, 9-12 p.m.

This seminar will explore current issues and recent developments relating to ethical duties and responsibilities of attorneys and other participants in corporate internal investigations involving public companies. These issues will be discussed from the point of view of counsel for the corporation, investigating counsel and government representatives. The presentation will touch on a broad array of ethical issues, devoting special attention to current developments concerning prosecution and regulatory strategies, conflicts of interests, protection and waiver of the attorney-client privilege, counseling of employee witnesses, and the federalization of ethical obligations imposed on attorneys under the Sarbanes-Oxley legislation of 2002.

Program Chair:
FRANK H. WOHL
Lankler Siffert & Wohl LLP

Faculty:
DAVID E. BRODSKY
Cleary Gottlieb Steen & Hamilton LLP

KATHERINE M. CHOO
Senior Counsel
Litigation and Legal Policy
General Electric Company

PROFESSOR BRUCE A. GREEN
Louis Stein Professor of Law
Fordham University School of Law

FREDERICK P. HAFETZ
Hafetz & Necheles

MICHELE S. HIRSHMAN
First Deputy Attorney General
New York State Department of Law
KAREN PATTON SEYMOUR
Sullivan & Cromwell

CLE credit:
3 credits in ethics. This video replay does not provide transitional credit for newly admitted attorneys.

Live Program:
Member $225, Non-member $335

LAWYERS IN THE DOCK: WHEN DOES GOOD LAWYERING BECOME CRIMINAL CONDUCT? ETHICAL & PRACTICAL CONSIDERATIONS

16 Thursday, 6–9 p.m.
When does a creative legal strategy become a fraud? When does withholding a client’s confidence become a false statement? When does preparation of a witness become obstruction of justice? These thorny questions underlie several recent criminal prosecutions of lawyers for conduct within the scope of their legal advocacy. These prosecutions – and the prospect of more – have thrown a spotlight on the gray area where professional legal standards intersect with the criminal law.

The issue has particular resonance for in-house and outside corporate counsel who, facing the recent surge in investigations of misconduct at publicly traded corporations, attempt to navigate the dual responsibilities of being investigator and advocate. Notably, the SEC has publicly stated that targeting lawyers is now one of its priorities, bringing eighteen investigations of lawyers each of various practice settings. The State Bar’s proposals to amend the New York Code and change its format; 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 documents preservation; in-house lawyers wearing two hats: risks to the privilege; the rules on paying expert and lay witnesses; the New York twist on confidentiality rules; possible changes to the New York ethics rules on the horizon; 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; informational conflicts: something brand new to worry about; how far are conflicts imputed within a law office and among co-counsel?; seven important conflict of interest rules to keep you out of trouble; the no-contact rule in New York; Multijurisdictional Practice: or is a New York lawyer still a lawyer in Connecticut and vice versa?; the misdirected fax: what should you do with it? what if you send one; offers from whistleblowers: trick or treat; law firm alliances with other service providers: the New York Rule; “can’t we just be nice to each other?” - the perils of incivility; two can be 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 or ellipsis at your own risk; malpractice, fiduciary duty and conflicts: a misunderstood relationship; battle of the forms: when firms and clients contend for different conflict default rules; common interest arrangements a/k/a joint defense agreements: what should they say?

Program Chair:
JANEANNE MURRAY
Law Offices of JaneAnne Murray

Moderator:
HON. BARBARA S. JONES
United States District Court Judge
Southern District of New York

Faculty:
PAUL J. CURRAN
Special Counsel
Kaye Scholer LLP

HONORABLE JUDGE BARBARA JONES
United States District Judge

JOHN W. MOSCOW
Rosner Moscow & Napierala LLP

MICHAEL S. ROSS
Law Offices of Michael S. Ross

CATHY SEIBEL
Deputy U.S. Attorney, S.D.N.Y

JIM WALDEN
O’Melveny & Myers LLP

ELLEN C. YAROSHEFSKY
Clinical Professor of Law and Director
Jacob Burns Center for Ethics in the Practice of Law at the Benjamin N. Cardozo School of Law

Live Program:
Member $225, Non-member $335

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

LEGAL ETHICS: OUNCES OF PREVENTION THAT AVOID A TON OF TROUBLE

23 Thursday, 6–9 p.m.
This program on legal ethics, with an emphasis on the New York Rules where pertinent, will select from the following issues, possibly among others, and with an effort to select some issues that will be of practical interest to each of various practice settings:

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

Live Program:
Member $255, Non-member $365

CLE Credit:
3 credits in ethics. This program provides transitional credit for newly admitted attorneys.
THE ROLE & RESPONSIBILITY OF CORPORATE COUNSEL: WHAT ARE THEIR GATEKEEPING OBLIGATIONS?

28 Tuesday, 6-9 p.m.

A distinguished panel will address whether, and to what extent, the role and responsibility of in-house and outside counsel is one of a gatekeeper, charged with a responsibility for preventing wrongdoing by their corporate clients. Among the issues to be addressed:

■ If and how in-house counsel – and outside counsel -- can prevent misconduct & scandal, whether in smaller clients or the WorldComs and Enrons?
■ Do lawyers owe their only duty to their clients, or must they also take into account the public interest in averting fraud?
■ What is the impact of the Sarbanes-Oxley "reporting up" rules?: Will they lead to a radical redefinition of the role of lawyers in corporate governance?
■ Can the lawyer-client-auditor relationship be adjusted to better achieve the goal of accurate public disclosures in public offerings?

Program Chair:
THOMAS H. MORELAND
Kramer Levin Naftalis & Frankel LLP

Faculty
JILL E. FISCH
Alpin J. Cameron Professor of Law
Director, Fordham Center for Corporate, Securities & Financial Law
Fordham University School of Law

SUSAN HACKETT
Senior Vice President and General Counsel
Association of Corporate Counsel

SUSAN P. KONIAK
Richard L. Godfrey Faculty Research Scholar
Professor of Law, Boston University School of Law

SHELDON RAAB
Fried, Frank, Harris, Shriver & Jacobson LLP

MARK SCHONFELD
Regional Director
North East Regional Office
U.S. Securities and Exchange Commission

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

IMMIGRATION

IMMIGRATION PRACTICE IN FEDERAL COURTS: HOW TO GET IN UNDER THE NEW RULES

22 Wednesday, 6-9 p.m.

This program will teach you the necessary steps to take after your client’s claim has been denied by the Board of Immigration Appeals. What do you do with your one line decision? How do you get your claim into federal court? The program will address the new procedures for filing claims and discuss what to do after you have filed your claim.

Program Chair:
SANDBERG N. NICHOLS
Law Office of Sandra P. Nichols

Faculty:
LEE GELERNT
Senior Staff Counsel
ACLU Immigrants' Rights Project

MATTHEW L. GUADAGNO
Bretz & Coven, LLP

JOHN PALMER
Associate Supervisory Staff Attorney
U.S. Court of Appeals for the Second Circuit

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 lawyers.

INTELLECTUAL PROPERTY

Video Replay: INTELLECTUAL PROPERTY DUE DILIGENCE IN BUSINESS TRANSACTIONS: COMPLYING WITH MYRIAD LEGAL & BUSINESS ISSUES

21 Tuesday, 9-5:15 pm

This program, designed for both the general practice and experienced intellectual property attorney, will focus on the practical aspects of conducting an effective intellectual property due diligence analysis. The object of intellectual property due diligence is to identify and evaluate the strengths and risks associated with the intellectual property and technology rights associated with a potential business transaction. Unfortunately, the actual process for conducting an effective intellectual property due diligence analysis is frequently misunderstood, which can result in an inadequate evaluation. The attorney responsible for coordinating the intellectual property due diligence effort must interact with general practice attorneys on the transactional team as well as key business personnel, and accordingly must have sensitivity to both the legal and business considerations pertinent to the transaction. This course will address issues in the distinct fields of patents, trademarks, trade secrets, copyrights and unfair competition, as well as internet issues. Unique issues relating to confidentiality agreements, antitrust evaluations and litigation, both in a national and international forum will also be discussed.

Program Co-chairs:
DANIEL A. DEVITO
Skadden Arps Slate Meagher & Flom LLP
New York, NY

JAMES J. HARRINGTON
Shire Pharmaceuticals, New York, NY

Faculty:
WALTER BRATIC
Vice President
CRA International, Houston, TX

KENNETH J. DOW
Assistant Patent Counsel
Johnson & Johnson
Vice President of Patent Law
Centocor, Radnor, PA

BRUCE GOLDNER
Skadden Arps Slate Meagher & Flom LLP
New York, NY

PHILIP M. HAHN
Vice President
Assistant General Counsel
Pfizer Inc., New York, NY

S. PETER LUDWIG
Darby & Darby PC, New York, NY
LAW FIRM PRACTICE MANAGEMENT

USING THE MEDIA ETHICALLY & EFFECTIVELY FOR YOURSELF & YOUR CLIENTS

15 Wednesday, 6-9 p.m.

Learn how to communicate effectively and ethically on behalf of clients, and to promote your own expertise and experience.

- A well-known consultant in crisis management and communications will discuss the ethical and practical constraints that bind attorneys discussing client issues with the media.

- Marketing practitioners will lead you through the variety of media opportunities available to practitioners and offer practical guidelines for maximizing the use of publicity to expand your reputation and practice.

- A well-known journalist/editor will detail guidelines for working productively with press professionals.

Program Chair: CAROL SCHIRO GREENWALD, PH.D.
Marketing Partners

Faculty to be announced.

CLE credit:
3 credits in professional practice/practice management. This video replay does not provide transitional credit to newly admitted attorneys.

LITIGATION

NEW YORK CIVIL PRACTICE UPDATE

6 Monday, 6-9 p.m.

A panel of leading authorities will provide an update of recent developments and trends in New York State court practice, including:

- Highlights from 2005
- Court of Appeals Roundup
- Trends in Commencement & Jurisdiction
- Disclosure Developments
- Motion Practice
- Evidence & Calendar Practice

Program Chair: DAVID PAUL HOROWITZ
Ressler & Ressler and Law Office of David Paul Horowitz

Faculty:
PROFESSOR JAY C. CARLISLE, III
Pace University School of Law

PROFESSOR RICHARD T. FARRELL
Brooklyn Law School

BRIAN J. SHOOT
Sullivan Papain Block McGrath & Cannano PC

Live Program:
Member $195, Non-member $305

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

SPORTS LAW

Video Replay: ADR IN THE PROFESSIONAL SPORTS WORLD: THE SIMILARITIES, DIFFERENCES, PROS & CONS

14 Tuesday, 9– 12 p.m.

The nature of professional sports often dictates that disputes be resolved quickly and fairly by experts who understand the complicated rules, regulations and relationships inherent in each sport. These goals are shared by players and management alike. Accordingly, disputes that arise in the professional sports context are routinely resolved pursuant to a mandatory alternative dispute resolution process. This CLE program will examine the many different systems employed by various professional sports. An expert panel of practitioners from all sides of this process -- management counsel, players' counsel and arbitrators -- will discuss the similarities and differences and pros and cons between and among these varying systems and provide their insight as to how the ADR process in professional sports might be improved.

Program Co-Chairs
HOWARD L. GANZ
Proskauer Rose LLP

TAMIR YOUNG
President/CEO
eFish LLC

Program Chair:
ELLEN L. SHAPIRO
Buchanan Ingersoll PC

Faculty:
STEPHEN S. FRIEDMAN
Buchanan Ingersoll, PC

MARK H. ZAFRIN
Abrams, Fensterman, Fensterman, Flowers, Greenberg & Eisman, LLP

Sponsoring Association Committee: Real Property Law, Nancy Ann Connery, Chair

Live Program:
Member $195, Non-member $305

CLE credit:
3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.
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 $25 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. 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.

Save the Date!

Wednesday, April 5th, 6 pm

“The State of New York Court Interpretation: Are We Talking the Talk?”

A panel discussion on the issues involved in providing interpreter services to New York’s multi-lingual population.

Fern Schair, Senior VP, The American Arbitration Association, will moderate a panel that will include:

Hon. Jonathan Lippman, Chief Administrative Judge
Bettina B. Plevan, Association President
Robert Joe Lee, Court Executive, Language Services Section, New Jersey
Robert Driscoll, Alston & Bird, former Deputy Assistant Attorney General
Purvi Shah, Executive Director, SAKHI for South Asian Women

For more information, contact Beatrice Frank at bsf1@nyu.edu or Fern Schair, schairf@adr.org
# February 2006

## CLE Registration Form

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### 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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Please charge to my [ ] Mastercard  [ ] Visa  [ ] American Express

Card Number Exp. Date

Signature

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**Please note:**

- 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.
- For security reasons, we do not accept cash payments.
- If you require any assistance or have questions, please contact us at 212-484-8217 or cleinfo@nyb.org. We offer a variety of registration options including online, mail, and phone.
- Please ensure that all information is accurate to avoid any processing delays.
- Any changes or cancellations must be communicated to us as soon as possible to facilitate a smooth registration process.
- We look forward to your participation and look forward to serving you.

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**Contact Information:**

City Bar Center for CLE
New York City Bar
20 Chambers Street, 20th Floor
New York, NY 10274
Phone: 212-484-8217
Fax: 212-741-5550
Email: cleinfo@nyb.org
Website: www.nycbar.org
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A REAL POSSIBILITY OF REFORM?... CONTINUED FROM PAGE 1

For most of us unfamiliar with the peculiar intricacies of Albany law making, it’s hard to imagine that reforms as simple as requiring legislators to actually be present when voting could be necessary to mandate. But Albany has an environment and culture all its own. Billions of taxpayer dollars are spent every year with little oversight and a “three men in a room” style of government.

“THREE MEN IN A ROOM”

"Three Men in a Room" is a phrase frequently used to describe New York State government. But what exactly does it mean? In a nutshell, it means that a weak committee system has left rank and file legislators with little power as true governance is left to the governor, assembly speaker and senate majority leader. For example, in the Assembly, committee staff works for the speaker and not the committee chair, thereby frequently leaving committee chairs out of the loop on significant legislative matters.

In both houses, discretionary awards are doled out by the leadership, forcing legislators to choose between strict obedience to their leaders or loss of funding for one’s districts. These awards include campaign contributions from legislative campaign committees’ war chests, budget funds the legislators may allocate (so-called “member items”), and leadership and committee assignments which are accompanied by stipends supplementing salaries. And members of minority parties (Democrats in the Senate and Republicans in the Assembly) are so powerless that seeing their names on a piece of legislation usually signals its death knell, hence disenfranchising thousands of New Yorkers simply because they have an elected leader of the wrong party. Minority members are also unable to hold hearings with committee funding.

The citizens of New York pay the price for this style of governing. Solid partisan majorities in both houses, combined with legislative leaders not known for getting along, leads to necessary legislative reforms getting lost in traditional Albany gridlock.

RULES REFORM. As public pressure on reforming Albany mounted in the 2005 session, the Assembly adopted legislative rules reforms that significantly impacted its daily operations. The Association’s State Affairs Committee, which has long been a critic of the undemocratic functioning of Albany, was pleased to see these rules reforms, particularly the end of empty seat voting, but is adamant that these must only be the first steps toward reform and not the final statement. In particular, the Committee believes that for Albany to fulfill its promise of true representativeness and democracy, the following additional reforms, among others, need to occur:

- Each Committee should be authorized to hire its own professional staff. Adequate funding for professional staff, facilities and equipment should be provided to each committee, and should be allocated on a proportional majority-minority split.
- All bills reported to the Rules Committee should be placed on the respective House’s calendar within two weeks.
- If three or more members of a committee petition for a hearing on a bill, such consideration or hearing should take place unless the petition is rejected by a vote of the committee.
- Requests to vote on a bill in committee should be granted or denied by a committee chair within two weeks of request.

AUTHORITIES. Whether it is New York shorelines sold to insiders for $30,000 by the Canal Authority or improper bookkeeping by the MTA, one needs to look no further than the daily newspaper to understand the need for authorities reform. It was therefore heartening to see significant reform to the state’s Public Authorities in the 2005 session. The reform will apply to the over-700 agencies that spend billions of dollars of public money with little oversight and accountability. The new legislation will require more extensive reporting by the authorities and create an Authorities Budget Office. Further measures are being considered to make authorities more transparent and subject to additional oversight.

LOBBYING AND ETHICS REFORM. Over the years, the Association’s Government Ethics Committee has repeatedly urged that those who lobby state agencies be subject to the same reporting requirements as those who lobby the Legislature. This call was finally answered in 2005. Previously, while every contact between a lobbyist and a legislator designed to influence legislation had to be counted in lobbying reports, people could lobby state agencies to seek contracts worth millions of dollars with no reporting necessary. The extension of reporting requirements to those who lobby state agencies is a step toward ensuring that state contracts are given to those best able to perform them and not simply to people with the funds to curry influence with those that award them.

The Government Ethics Committee also made repeated requests for the closing of a loophole that allowed state employees to escape an ethics investigation by simply leaving state employ. Because the State Ethics Commission only had jurisdiction over current state employees, an employee under investigation for an ethics violation would often leave his or her job for the private sector to escape further investigation. According to the State Ethics Commission, more than 40 investigations were stymied because of this loophole since 1995. The Association applauds the Legislature for its passage of a law extending the State Ethics Commission’s jurisdiction over former state employees to remedy this problem.

Even the most cynical of Albany watchers must admit that the 2005 session brought good news in the terms of rules reform, authorities oversight, lobbying and ethics changes. The Legislature deserves applause for these important steps forward. The New York City Bar Association will continue to urge further reform because, if Albany is to truly become the effective democracy that New Yorkers deserve, these steps must be the beginning and not the last word.

QUID PRO BONO?

Do you want to use your skills to benefit the community in rewarding new ways?

The CityBar Public Service Network places attorneys seeking to do pro bono public interest work as volunteers with nonprofit corporations, legal service organizations and government programs. Network projects can be legal or nonlegal, and can also be customized to your interests and skills. The Network works with attorneys at every stage of their career.

The CityBar Public Service Network has numerous placements available. Here are a few examples:

- Assist budding entrepreneurs in under-served communities obtain financial success in starting, operating, and building successful businesses that develop economic power, provide jobs and improve communities.
- Become Of Counsel to an organization that provides shelter and services to homeless adults and families in New York City.
- Serve on the Board of Directors of an organization that advocates for the elderly and seeks high quality, long-term health care for all New Yorkers in the least institutionalized setting possible.

If you would like to find out more about the many volunteer opportunities available, please call (212) 382-4713 or e-mail cpsn@abcny.org for more information.
COMMITTEE REPORTS — FEBRUARY, 2006

AIDS
Letter to the New York City Council in support of Resolution 1153, which calls upon U.S. Customs and Immigration Enforcement to exercise prosecutorial discretion and decline to carry out removal orders in cases where doing so would result in extreme hardship to the immigrant, immigrant’s family or community, including instances where the foreign national suffers from a life threatening illness. For many people living with HIV/AIDS, the letter points out, enforcement of an order of deportation could have devastating effects since advanced medicines and medical expertise are often not available in the individual’s home country.

Letter to the N.Y.S. Department of Health urging the department to reconsider 10 NYRR Section 52-3.4(a)(8) and 52-8.5, which concern tissue donor qualifications. In their current form, the regulations flatly prohibit any man who has had sex with another man in the preceding five years from anonymously donating sperm. These regulations, the letter argues, are far more prohibitive than is necessary to protect the health and safety of sperm donation recipients, their partners and their children.

Bioethical Issues
Health Law
Testimony supporting the Family Health Care Decisions legislation, which would amend the state’s Public Health Law to establish procedures for selecting and empowering a surrogate to make health care decisions for persons who lack capacity to do so on their own behalf and who have not otherwise appointed an agent to make such decision under Article 29-C of the Public Health Law.

Children, Council on
Letter to Congress urging opposition to a final Conference Report that cuts services to children who rely on Medicaid for health care coverage. If the Conference Report is approved, the letter argues, the legislation would allow states to charge premiums and cost-sharing for children (ages six and older) with incomes over the federal poverty line; and families with children under age six may be charged if their families are over 133 percent of the federal poverty line. This would affect an estimated six million children who would lose all federal cost-sharing protections.

Consumer Affairs
Testimony to the New York State Legislature supporting the enactment of a security freeze law to combat identity theft. The testimony argues that giving consumers the option of placing a security freeze on their credit information would assist in the fight against identity theft. Under the proposed legislation, consumers would be able to direct the credit reporting agencies to stop the release of the consumer’s financial data to creditors, thus effectively preventing an identity thief from obtaining false credit. The testimony went on to urge that any such law passed allow for a consumer to place the freeze on his or her credit information at any time rather than requiring that consumers can only place the freeze on their credit information if they reasonably suspect that they are the victim of identity theft.

Election Law
Letter to the N.Y.S. Board of Elections and the N.Y.C. Campaign Finance Board which, while supporting the recently enacted legislation to require electronic filing of campaign finance statements with the N.Y.S. Board of Elections, points out a potential problem with the legislation. The problem the letter outlines is that the software system used by the N.Y.C. Campaign Finance Board is not compatible with the system used by the N.Y.S. Board of Elections, therefore requiring campaigns to make separate electronic filings with both entities. The letter urges that two systems be made compatible so the process can work efficiently and for the benefit of the public, as the legislation intends.

Letter to the N.Y.C. Campaign Finance Board in connection with the hearing the Board must conduct after each election. The comments reiterate the Association’s overall strong support for the campaign financing program, and makes recommendations for improving the system’s operation with regard to spending limits, candidates with limited competition, non-participating candidates, the Board’s procedures, union contributions, and candidates’ coordinated activities with third parties.

Futures Regulation
Letter to the Commodity Futures Trading Commission in support of the Commission’s proposal to define the term “client” in new Commission Rule 1.3(bb)(2) to clarify that all customers who receive advice from commodity trading advisors are classified in the same manner regardless of the format used to provide such advice; that all advisers of commodity trading advisors are protected by Commission antifraud jurisdiction; and that antifraud authority applies to all commodity trading advisors, regardless of the type of services they provide to customers.

Immigration and Nationality Law
Testimony before the New York City Council in support of the concept of the Voting Rights Restoration Act (Intro. No. 628), which would reinstate the ability of foreign born residents of New York City to vote in elections for city officials and ballot issues. This would permit non-citizens to exercise their right to choose the individuals who represent them in city government. The testimony identifies flaws in the legislation which, if not corrected, would in some cases jeopardize the legal status of non-citizens who vote.

International Human Rights
Letter to the President of Liberia urging that Charles Taylor be brought to trial for crimes committed during Sierra Leone’s civil war and that Liberia request that Nigeria surrender Taylor to the Special Court. The Special Court, the letter notes, indicted Taylor over two years ago on 17 counts of war crimes and crimes against humanity for his role in deaths, rapes, disappearances and maiming of thousand of civilians during Sierra Leone’s civil war, and impunity for Taylor only undercuts justice and security in West Africa.

Investment Management Regulation
Letter to the SEC urging that it file an amicus brief in the case of J. & W. Seligman & Co. Inc. v. Spitzer in order to articulate the scope of state regulators’ authority under the Investment Company Act of 1940 and the National Securities Markets Improvement Act of 1996 (NSMIA) to investigate and litigate advisory fee issues.

Social Welfare Law
Letter to the N.Y.S. Legislature urging that legislation be sponsored that would add an additional energy allowance to the state’s public assistance grant. The purpose of the energy allowance would be to partially offset costs that are universally anticipated during the winter of 2006.

Letter to the N.Y.S. Office of Temporary and Disability Assistance (OTDA) urging OTDA to withdraw its proposal to amend section 350.4(a)(7) of 18 NYCRR, which would require a family in receipt of Family Assistance to wait a minimum of 45 days after their Family Assistance relief has expired before becoming eligible to receive Safety Net Assistance. This, the letter argues, would create an immediate crisis in the lives of already poor and struggling families and will leave individuals less able to undertake the steps necessary to find employment, while pushing them deeper into poverty.
LAW FIRM ECONOMICS LEAD ASSOCIATES TO SPECIALIZE EARLY

Young associates are often too knee-deep in memos and briefs to give the business aspect of their firms much thought. But according to Donna M. Hitscherich of Gnosis Advisors, who spoke to an audience of 150 at the City Bar’s Professional Development Breakfast Workshop, that can be a big mistake. Understanding a firm’s organizational structure, the firm economics, and legal industry trends can be crucial to a mid-level associate’s growth and happiness at a firm.

The December 6 workshop, titled “The Business of Law,” encouraged attendees to think about legal business basics. “By understanding the business of law you will better understand what firms expect from associates, what will be expected from you at the firm, and what your prospects will be,” said Hitscherich.

Associates need to have a solid understanding of how profit drives the business of law and how profitability is best achieved. To calculate the profitability of a firm, says Hitscherich, you need to look at margin, productivity and leverage. Firms want to increase these three highly intertwined elements. Take margin, for example. In order to increase margin you can lower expenses and/or increase hourly rate, which is not usually an acceptable option. Instead firms much ensure that productivity is high, which means that associates must use as many hours as possible in a billable fashion.

Hitscherich points out that given the average number of hours associates are expected to bill and the rate at which it is acceptable to bill an associate’s time, most associates are not profitable until their fourth year. But according to recent studies, close to half of law firm associates (43%) leave their firms in the first four years. This high attrition rate, coupled with the poor profitability of younger associates, has widespread economic impact on the firm. Firms push associates to bill as many hours as possible, yet want to retain them beyond the fourth year. “As we all know,” says Hitscherich, “these two factors are often not compatible.”

Choosing a Specialty
Understanding the business of law and legal industry trends in general can also be useful in determining what type of law you would like to practice. Most associates enter a law firm with little knowledge of which type of law they wish to pursue. But today’s higher salaries necessitate higher billing rates and, if clients are going to be paying more, then they need to know the attorneys working on their matters have expertise in the issue at hand. Consequently, associates are having to specialize early in their legal careers. Economics have forced the well-rounded lawyer to be replaced by the specialist.

In choosing a specialty, associates need to think about the economics of the practice area, said Hitscherich. Is it a highly profitable area like securities litigation or M&As, or one that is not as leveragable, like employee benefits or trusts and estates? Associates should think not only about the current economics of the practice area, but they should also consider what the future may hold for the field. Some types of law are more cyclical than others or more vulnerable during an economic downturn. It is important to ask yourself, says Hitscherich: "Do I like my chosen specialty today and will this specialty still be hot years from now when I am up for partnership?" Outside economics coupled with your chosen practice area may have a tremendous effect on the prospects of becoming a partner.

Mid-level associates can also apply their knowledge of the business of law to better evaluate whether they should make a lateral move or stay with their current law firm. With a solid business understanding, associates are able to evaluate the financial well-being of their current firm and the firm they are considering transferring to. Do the firms hold a strong position in the market place in your area of practice? Is there good growth potential? And are there opportunities at the firm for client development?

Hitscherich summed up by urging attendees to continue to think about the business fundamentals of their law firms. “Associates who are aware of business fundamentals are more efficient, have a better understanding of the importance of managing their time and undertaking client development, and ultimately are more satisfied in the career path they choose to take.”

For more information on the Professional Development Breakfast Workshops and a complete schedule of upcoming sessions, please visit www.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 23, 2006. Pursuant to By-law XXIII, other nominations must be posted no later than March 6, 2006.

President
Barry M. Kamins

Vice Presidents
Carey R. Dunne
William F. Kuntz, II
Loretta E. Lynch

Secretary
Cyrus D. Mehta

Treasurer
James L. Lipscomb

Executive Committee
Class of 2010
Denny Chin
Lucy F. Reed
Rosalyn H. Richter
John S. Siffert

Audit Committee
Robert J. Anello
Laurie Berke-Weiss
Allan L. Gropper
Christopher L. Mann
Marsha E. Simms