Forty-Fourth Street Notes

CITY BAR WORKS TO IMPROVE TREATMENT OF PRISONERS

By Barry Kamins, President

The Russian novelist, Dostoevsky noted that a society can be judged by the manner in which it treats its prisoners. The City Bar Association has always been guided by that principle and has taken steps to protect and improve the rights of prisoners within the city's jails.

Last year I participated in a project that will assist the thousands upon thousands of individuals who are taken into custody each year, arrested and placed in holding cells until they are arraigned before a Criminal Court judge. Custodial arrests are made in cases ranging from minor offenses that result in a summons to violent felonies. Individuals may be detained for as many as twenty-four hours (and sometimes longer) with no opportunity to speak to family or friends and limited access to counsel.

Many of these individuals have been arrested for the first time and have no sense of what to expect during this detention and arraignment process. As one might imagine, this situation produces anxiety and uncertainty. To address this problem, last year I met with Judge Juanita Bing Newton, Administrative Judge of the New York Criminal Court and representatives of the Department of Correction. As a result of a series of meetings, and a high level of cooperation from all the parties involved, the Office of Court Administration has produced a video recording that will be shown to individuals who are being detained in city jails awaiting arraignment.

The video, produced in both English and Spanish, depicts the pre-arrangement process as well as the arraignment itself, and explains the paperwork that

CONTINUED ON PAGE 2

AROUND THE WORLD WITH CITY BAR MEMBERS

Elizabeth Barad wants to change the definition of rape in Rwanda. Last summer, she attended the first-ever conference on gender-based violence in Rwanda at the invitation of the Rwandan Federation of Women Parliamentarians (FFRP) as a delegate of the City Bar’s African Affairs Committee.

"In Rwanda, rape is defined only as non-consensual sexual intercourse between a man and a woman," Barad says. Barad emphasizes that this definition does not even begin to cover the violence that the women of Rwanda endured during the one-hundred-day genocide of 1994. "An estimated 250,000 to 300,000 women were raped in three months during the genocide, some with bottles, gun barrels and sticks" says Barad. She adds, "That is, at a minimum, 2,500 a day."

Today, while the genocide lies in Rwanda’s past and the Constitution mandates that women comprise 30% of decision-making bodies, discriminatory attitudes towards women still prevail in many areas. “There are fabulous women in Rwanda!” Barad states, "They are very, very strong!" However, she says, "The attitude of women as chattel prevails in the provinces. It is really a matter of changing attitudes." Barad explains how women do everything in Rwanda, from caring for children, to tending to crops, to managing the household, many also running small businesses.

Barad has practiced law since she passed the bar at age twenty-one and was one of three women in her class at New York University School of Law. Barad says she ended up in law because of her mother, the first woman Assistant District Attorney in Philadelphia. However, Barad says the trick is to take the law and combine it with something you care about. An avid writer, she was able to combine the law with journalism as well as women’s rights work.

Barad plans to continue her overseas work this summer with a trip to Rwanda. According to Barad, the work she does to aid women is, “The most rewarding, the most interesting, and the most productive

CONTINUED ON PAGE 10
**Legal Referral Service: Working in the Public’s Interest**

With so many lawyers practicing in New York City today, the task of finding one that is a good fit can be daunting. The NYCBar’s Legal Referral Service (LRS), a program that offers experienced lawyer referrals to the public, simplifies the process of obtaining attorney consultations that could lead to legal representation. Thousands of individuals, families, and businesses have been helped since the LRS was established over 60 years ago.

Many calls to LRS come from those who have made unsuccessful attempts at retaining an attorney, despite having important legal issues to resolve. For example, after being turned away by several lawyers, a group of dining cruise waiters turned to the LRS for assistance. Two LRS panel members and employment lawyers, Steven M. Sack and Scott A. Lucas, accepted their case. The waiters alleged that their employer, World Yacht, Inc., illegally kept the automatic gratuity charges it collected from guests. The case, Santineto v. World Yacht, was appealed from the State Supreme Court to the Appellate Division and again to the Court of Appeals. On February 14th of this year, New York State’s highest court reinstated the complaint brought by the 14 waiters.

"This is a case about the difference between right and wrong. It is simply wrong for a restaurant or banquet operator to add a 20% service charge if it has no intention of distributing it to the wait staff," attorney Scott Lucas said. "In my practice, I represent those individuals who don’t get their fair share, such as in this case—where compensation that waiters should have received was allegedly withheld by their employer," added attorney Steven Sack, who has worked with the LRS since 1984.

In a 6-0 decision (with Chief Judge Kaye taking no part), the Court of Appeals ruled that the waiters had a viable case of action against World Yacht for violating Labor Law § 196-d, which prohibits employers from retaining "any part of a gratuity" or "any charge purported to be a gratuity for an employee." The Court held "the statutory language of Labor Law § 196-d can include mandatory charges when it is shown that employers represented or allowed its customers to believe that the charges were in fact gratuities for its employees." The case is being remanded to the Manhattan Supreme Court for trial.

The LRS Service is not only a haven for some potential plaintiffs; defendants often seek help from LRS as well. Kevin J. Brennan of the law firm Dwyer & Brennan once guided an uninsured tort defendant in a pro se defense to a summary judgment. "The client owned a house in Brooklyn, but did not have liability insurance. She was sued for a trip and fall on her sidewalk with allegations of special use," said Brennan, a member of the Referral Service’s Tort/Negligence specialty panel. "The woman could not afford a lawyer without selling the house. I offered to help her with a pro se defense and guided her through pleadings, discovery, court appearances, and a successful motion for summary judgment. That motion was strongly contested by the plaintiff and by co-defendant New York City."

LRS has nearly 30 major specialty panels, and several subcategories within each panel. Attorney Angela Scarlato of Angela Scarlato & Associates has been an active member of the Family Law panel for almost two decades.

"I took on a case involving a client who suffered from manic depression. He was a photographer by profession and had, during a manic stage, gone off to Australia to travel and work," Scarlato said. "Upon his return and recovery, he found that his wife obtained a divorce and had the marital residence, a Manhattan townhouse, transferred to her name solely, along with all their assets. The husband had no place to live and little money. Our firm was successful in having the divorce set aside and obtaining for him his rightful share of the marital estate."

"The Legal Referral Service is a service we offer to the public, and as such, we take the attorney application process very seriously," said Allen J. Charne, the program’s Executive Director. "We don’t automatically accept every lawyer who applies to become a member of one of our panels—even those who have been admitted to practice for many years. When we confidently recommend lawyers to the public, it makes it more likely that those lawyers will be retained."

Lawyers interested in becoming an LRS panel member can download an application online at www.nycbar.org. For additional information, please contact Allen Charne at acharne@nycbar.org or (212) 382-6775.
The American Jewish Committee, filed a 37-page amicus brief with the U.S. Supreme Court in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), a United States Supreme Court case in which José Padilla sought habeas corpus relief against Secretary of Defense Donald Rumsfeld, as a result of his detainment as an "unlawful combatant."

The principal issue before the Court was whether the Congressional authorization for use of military force post September 11, 2001 gave to the President the powers to militarily detain a United States citizen by classifying the detainee as an "enemy combatant". Otherwise, the President would run afoul of the Non-Detention Act which provides that "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

The Association argued that Padilla had substantive and procedural due process rights, which he should have been allowed to pursue with the assistance of counsel, and that an examination of the rights and interests asserted in this case by both sides supported the holding of the Second Circuit Court of Appeals that the President had exceeded his authority in this case. "While it fully understands the importance of preventing future acts of terrorism," the Association expressed its belief "that the President’s actions in this and similar cases are dangerously eroding civil liberties and the efficacy" of the right to petition for freedom through the Writ of Habeas Corpus.

Despite the efforts of the Association, the Supreme Court did not decide the issue presented. Instead, the Court held that the habeas corpus petition had been improperly filed. It ruled that because Padilla was being held in a brig (military prison) in South Carolina, the petition should have been filed in the United States District Court for the District of South Carolina and should have named the commander of the brig and not the Secretary of Defense as the respondent. The Court reversed the decision of the United States Court of Appeals for the Second Circuit and remanded the case for dismissal without prejudice.

However, later, in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), argued on April 28, 2004, and decided on June 28, 2004, eight of the nine justices of the Court agreed that the executive branch does not have the power to hold indefinitely a U.S. citizen without basic due process protections enforceable through judicial review.
NEW YORK CITY BAR

APRIL 2008 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.

4 Friday, 6 pm
FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION

“MUSIC FOR CLASSICAL GUITAR (AND OTHERS)”

Works by G.F. Handel, Mozart, Schubert, Villa-Lobos, Erik Satie, Scott Joplin, Manuel Vallis, Antonio Lauro, Francesco Tarrega and Rafael Landestoy

Elizabeth Coleman, Laurence Gagler and Patrick Nolan, guitar; Arlene Burrell and Andrea Berger, flute; Sharon Cucinotta, soprano.

Admission is $13. For more information, please call (212) 788-1093.

9 Wednesday, 6 pm Cocktails; 7:30 pm Dinner
CITY BAR JUSTICE CENTER ANNUAL GALA

The City Bar Justice Center’s Annual Gala will honor Davis Polk & Wardwell and Citigroup Inc. for their leadership and dedication to public service. Chet W. Gerds of PricewaterhouseCoopers LLP and Brad S. Karp of Paul Weiss Rifkind, Wharton & Garrison LLP are co-chairs of the event.

See page 11 for Gala advertisement.

For more information and to reserve tickets, please contact our Gala Office at 212-249-6188 or Jennifer.kunin@verizon.net

12 Saturday, 9 am – 2 pm
BI-ANNUAL CRIMINAL JUSTICE RETREAT — A SUMMIT ON THE PROSECUTION FUNCTION

Join practitioners, prosecutors, professors, and politicians in discussing topics of prosecutorial responsibility and independence straight from today’s headlines. Two panels of experts will examine these issues in a roundtable format with opportunity for audience participation. Highlights of the proceedings to be published in the Record.

Panel I: Seeking Justice: Making Sense of the Special Responsibility of the Prosecutor

Wongful convictions, Brady violations and newly discovered evidence are very much in the news. What steps can prosecutors and others take to address these concerns and promote public confidence in our criminal justice system? Where do solutions lie, and what costs would accompany them?

Panel II: Beyond the U.S. Attorney Scandal: Politics and Prosecutorial Independence

How does one draw the line between democratic accountability and prosecutorial independence? What does it mean for a prosecutor’s office to become “politicized”? Is that always a bad thing? What role should legislative oversight play in patrolling that line?

Discuss these issues with distinguished panels that will explore these and other questions inspired, in part, by the recent U.S. Attorney firings.

Keynote Address/Speaker:
HON. SHELDON WHITEHOUSE
United States Senator, Rhode Island;
Former Attorney General and United States Attorney for Rhode Island

Moderators:
DANIEL C. RICHMAN
Professor, Columbia Law School
ELLEN YAROSHEFSKY
Professor, Benjamin N. Cardozo
School of Law

Speakers:
PREET BHARARA
Chief Counsel to Senator Charles E. Schumer, Senate Judiciary Committee
HON. DANIEL M. DONOVAN
District Attorney, Richmond County
HON. JOHN MCKAY
Former United States Attorney, Western District of Washington
HON. DENISE O’DONNELL
New York State Commissioner of Criminal Justice Services; former United States Attorney, Western District of New York
WILLIAM K. RASHBAUM
Reporter, The New York Times
CAPTAIN CHRISTIAN L. REISMEIER
Judge Advocate General’s Corps, United States Navy, Office of the Judge Advocate General
HON. ERIC T. SCHNEIDERMAN
New York State Senator
HON. LESLIE CROCKER SNYDER
Retired Justice, New York Supreme Court; Attorney, Kasowitz, Benson, Torres & Friedman

14 Monday, 8 am – 10 am
NEW YORK ENVIRONMENTAL LAW: YEAR IN REVIEW 2008

Back by popular demand, this annual review highlighting the year’s most significant New York judicial, regulatory, and administrative developments will be led by practitioners and professors of environmental law. Panelists will cover current Albany developments, new developments under the State Environmental Quality Review Act, events at DEC, and other major environmental decisions. Light refreshments will be served at 8 am; speaking will begin promptly at 8:30 am.

Speakers:
SCOTT N. FEIN
Whitmer Ostertman & Hanna
MICHAEL B. GERRARD
Arnold & Porter
PHILIP WEINBERG
St. John’s University School of Law
DAVE SAMPSON
Bureau of Energy, Climate Change and Permitting, Office of General Counsel, DEC

Co-sponsored by: Environmental Law Institute
To reserve, e-mail mcmurrin@eli.org by Apr. 9th.

14 Monday, 6 pm
THE WISDOM OF MANDATORY RETIREMENT OR DECOMPRESSION OF SENIOR ATTORNEYS/ THE PRO BONO ALTERNATIVE

A panel discussion probing the policy of mandatory retirement or decompression, from the perspective of law firm management as well as senior attorneys. The panel will also discuss what, if any, roles firms should play in supporting pro bono projects of senior attorneys.

Moderator:
JOAN G. WEXLER
Joseph Crea Dean and Professor of Law, Brooklyn Law School

Speakers:
MARK H. ALCOTT
Paul, Weiss, Rifkind, Wharton & Garrison LLP; Immediate Past President, New York State Bar Association
JAMES D. COTTERMAN
Altman Weil, Inc.
JAMES E. JOHNSON
Debevoise & Plimpton LLP
BETTINA B. PLEVA
Proskauer Rose LLP; Immediate Past President, New York City Bar Association
JOHN WING
Lankler Siffert & Wohlf LLP

Co-sponsored by:
Public Service Committee of the Federal Bar Council

Please register online at www.nycbar.org

16 Wednesday, 6-9 pm
FUR: REAL OR FAUX?
HOW IS A CONSUMER TO KNOW?

In December 2007, less than a month after the effective date of the New York State fur-labeling law, at least six major New York retailers were caught selling garments containing real animal fur which were advertised or labeled as “faux fur.”

This program will examine the current and pending New York State law and proposed Federal fur-labeling legislation. A panel of experts will discuss how the law and the fashion industry have dealt with the issue of mislabeling and the impact of faux fur on fashion and anti-fur advocacy.

Moderators:
DEBORAH B. BRESCH
Legislative Liaison, Eastern Region, ASPCA

www.nycbar.org
CHRISTINE L. MOTT, J.D.
Cahill Gordon & Reindel, LLP

Speakers:
PIERRE GRZYBOWSKI
Grassroots Coordinator, Fur-Free Campaign, HSUS

BONNIE ROBSON
Deputy General Counsel—Litigation, PETA

LINDA B. ROSENTHAL
New York State Assembly Member; Co-sponsor of
NTS fur-labeling law

JACLYN SHARP
Founder/CEO, Imposter (an Animal Friendly
Lifestyle Brand)

DANIELLE WARREN
Fashion/Textile Designer; Professor, Parsons
School of Design

Please register online at www.nycbar.org.

17 Thursday, 8:30-10 am

PROFESSIONAL DEVELOPMENT
WORKSHOP SERIES
ADVOCATE FOR YOUR SUCCESS

Workshop IV – In the Conference Room and the
Courtroom: Communication Skills in
Legal Practice

It is imperative for attorneys to communicate clearly
and effectively. Whether an associate is conducting a
one-on-one or team meeting, participating in a con-
ference with clients, or arguing a case, the ability to
deliver information with poise and command is vital
for instilling confidence and establishing oneself as a
skilled attorney. This program will teach methods of
communication that will enable attorneys to advocate
and lead meetings with authority.

Participants will learn to:
- Connect with legal team members, clients, and
  those in the courtroom, and retain their attention
- Present to instill client confidence
- Enhance persuasion and advocacy skills
- Use body language, facial expressions, and vocal
  tones to be most effective
- Demonstrate competence and authority in
  impromptu situations

Speaker:
BECCA DIAZ-BONILLA, J.D.
Consultant

Please register online at www.nycbar.org

17 Thursday, 12:30 – 2 pm

SMALL LAW FIRM LUNCHEON

FEE DISPUTE ARBITRATION
PROCESS AND HOW TO
ENCOURAGE CLIENT PAYMENT
YOUR CLIENT REFUSES TO PAY,
NOW WHAT?

New York State’s attorney-client fee dispute resolution
program requires that clients have the option to
arbitrate many attorney-client fee disputes. This pro-
gram will explore what is involved in fee dispute arbi-
thration, how to pursue your case,
and ways to encourage client pay-
ment.

Moderator:
MARK A. JOSEPHISON,
CPA, CFP, CFE
Murray & Josephson, CPAs, LLC

Speaker:
MARTIN L. FEINBERG
Former Chair, Joint Committee on
Fee Disputes and Conciliation

Sponsored by

Registration by
April 14 is necessary.
The fee, which includes lunch, is $25
for members; $35 for non-members.
Please register on page 7 or online at

17 Thursday, 7 - 9 pm

UNTIL PROVEN
INNOCENT: POLITICAL
CORRECTNESS AND THE
SHAMEFUL INJUSTICES
OF THE DUKE LACROSSE
RAPE CASE BY STUART
TAYLOR AND K. C.
JOHNSON

It had all the elements of a modern
day morality tale: ‘rich’ versus poor,
white versus black, Gown versus
Town and the fuse to light this
explosive mixture–a gang rape of a
black woman by three, white, Duke
lacrosse team players in March 2006.
Throw in a white District Attorney
seeking election on a justice-for-the-
black-rape-victim platform in a
majority black community in May
2006 and the bomb is detonated.
There was, however, one, rather large
problem—the gang rape never
occurred. Not wanting to let that
very obvious fact derail this morality
tale, a cause celebre is born. The
perfect cable news story had arrived
to fill the media’s inexorable need for
a salacious saga. Co-authors Stuart
Taylor and KC Johnson painstakingly
detail this sorry tale of fraud, political correctness, and prosecutorial misconduct and they don’t hesitate to offer their opinions as to why this story took off as it did. They critically examine all facets of the case, including the media coverage and the Duke faculty’s and administration’s rush to judgment and condemnation of its own students. Fast-forwarding to the epilogue, the District Attorney is disbarred, called a “rogue prosecutor” by the North Carolina Attorney General, and sentenced to jail for his role in this case. Further, the Attorney General declares the three lacrosse players “innocent of all charges.” The District Attorney who sought election for a full term to bolster his pension declared bankruptcy in January 2008. A morality tale, indeed.

Speakers:
STUART TAYLOR, JR.
Correspondent and Columnist, National Journal; Former New York Times Supreme Court Reporter

KC JOHNSON
Professor of History, Brooklyn College and the CUNY Graduate Center; 2007-8 Fulbright Distinguished Chair for the Humanities, Tel Aviv University

LISA FRIEL
Chief, Sex Crimes Unit, New York County District Attorney

21 Monday, 7 pm; Reception will follow
INAUGURAL JUDGE GEORGE BUNDY SMITH LECTURE
CELEBRATING THE JURISPRUDENCE OF GEORGE BUNDY SMITH: WHY DISSENTS MATTER
Speaker:
PROFESSOR CHARLES J. OGLETREE, JR.
Harvard Law School Jesse Climenko Professor of Law and Vice Dean for the Clinical Programs

Please register online at www.nycbar.org.

22 Tuesday, 6-8 pm
GETTING APPOINTED TO A CRIMINAL JUSTICE ACT PANEL FOR THE SOUTHERN AND EASTERN DISTRICTS OF NEW YORK

The Criminal Justice Act (“CJA”) establishes a comprehensive system for appointing publicly financed lawyers to represent defendants financially unable to retain counsel in federal criminal proceedings. Pursuant to the CJA, each of the nation’s 94 federal judicial districts has established a process for selecting private attorneys to serve on panels eligible for such appointments. Lawyers selected to serve on a CJA panel regularly represent indigent defendants during pre-trial proceedings, trial, sentencing and on appeal in matters involving alleged narcotics trafficking, violent crimes, immigration offenses and fraud.

The panel will include current members of the CJA panels for the Eastern and Southern Districts of New York, who will discuss the process for getting appointed and the qualifications and experience that candidates should have prior to applying for a CJA panel appointment. A question and answer session will be conducted at the end of the panel discussion.

Moderator:
EDGARDO RAMOS
Day Pitney LLP; former Assistant United States Attorney, Eastern District of New York

Speakers:
ANTHONY RICCO
Member, Board of Directors, Federal Defenders of the Eastern and Southern Districts of New York; President, New York Criminal Bar Association

ERIKA Mc丹IEL EDWARDS
Donaldson, Chilliest & McDaniel LLP

22 Tuesday, 6:30 pm
TALENT NIGHT ON THE CITY BAR STAGE

Featuring cast members from the recent Twelfth Night Production, and other talented members of the Bench and Bar! Please let us know if you would like to participate, and, if so, what you plan to sing, or, if you are not singing, what you plan to do? If you are singing, keep in mind it’s one song per performer.

For more information, please contact Peter Dizioza, Committee Chair/Piano Accompanist at (917) 915-7635 or dizozza600@cs.com

23 Wednesday, 6 pm
THE MORTIMER H. HESS MEMORIAL LECTURE
CURRENT DEVELOPMENTS IN TRANSFER TAXATION

This annual lecture is made possible by the bequest of the late Mortimer H. Hess, a former senior partner of Hess, Segall, Popkin & Guterman, revered in the pro-
fession for his incisive mind and broad knowledge of taxes, trusts and estates. Mr. Hess was devoted to the training of young lawyers and, thus, each year, this memorial lecture features a scholarly discussion of issues relevant to the practice of trusts and estates, in the hopes of expanding the knowledge of practitioners in the field. This year’s speaker is Lee Sheppard, who has been a contributing editor of Tax Notes for 22 years. She was trained as a lawyer and is well known for her incisive, often trenchant legal commentary on tax questions. Ms. Sheppard covers all areas of the tax law, including international taxation, corporate taxation, partnership taxation, bankruptcy tax questions, pensions and tax accounting questions. She is frequently asked to speak on tax subjects. A reception will follow.

Speaker:
LEE SHEPPARD
Contributing Editor, Tax Notes

Please register online at www.nycbar.org.

24 Thursday, 6:30 – 8 pm
CAREER OPPORTUNITIES IN SMALL LAW FIRMS: A PANEL DISCUSSION FOR LAW STUDENTS

The world of small law firms is often untapped by law students as they search for post-graduate employment. Come hear a panel of small firm practitioners as they discuss the various opportunities at small law firms and how to find the one that is right for you. A reception will follow and light refreshments will be served.

No fee required. Please RSVP to Jordi Savage, Chair of the Committee on Law Student Perspectives, at lspchairman@yahoo.com

28 Monday, Program 6:30 -7:30 pm; Reception 7:30-8 pm
HERMAN GOLDMAN LECTURE
PROSPECTS, POLICY AND POLITICS OF FEDERAL TAX REFORM IN 2008-2009

Chief Tax Counsel John Buckley will bring to bear his early 20 years of nonpartisan legislative experience in drafting the major tax laws for this nation and his past 13 years of experience in a senior partisan legislative tax policy position to address the key tax reform issues of our time. Mr. Buckley will start with a review of the changes in the tax system over the past 30 years seen from his unique vantage point that he believes will result in tax reform regardless of who heads the next administration. Next he will discuss his opinion that reform by necessity will require review of basic policy decisions that have been paid lip service in the past, such as whether the reform effort would be in the context of our current income tax system or as an alternative like a flat tax or a VAT. Finally, he will offer thoughts on the politics of reform and, particularly useful for the practitioner, how the process may unfold.

Welcoming Remarks:
BARRY KAMINS
President, New York City Bar

Moderator:
JOHN L. BUCKLEY
Chief Tax Counsel, Committee on Ways and Means, United States House of Representatives

Please register online at www.nycbar.org

29 Tuesday, 6:30 – 8 pm
ART, ACCESS AND THE PUBLIC DOMAIN: EXPLORING BRIDGEMAN V. COREL AND ITS AFTERMATH

This program will explore the dichotomy between the Bridgeman v. Corel decision and copyright claims in photographs of two-dimensional, public domain works. Legal experts and representatives of the range of stakeholders potentially involved will discuss the implications of the decision and current practices of image licensing and distribution.

Moderator:
VIRGINIA RUTLEDGE
Chair, Art Law Committee; Vice President and General Counsel, Creative Commons

Speakers:
THEODORE FEDER
President, Art Resource and Artists Rights Society

REVISED ANNUAL MEETING DATE

The Association’s Annual Meeting, originally scheduled for May 20, 2008 will be held on May 28, 2008, at 6:00 p.m.

CHRISTOPHER LYON
Executive Editor, Prestel Publishing

WILLIAM PATRY
Senior Copyright Counsel, Google, Inc.

HON. RICHARD POSNER
United States Court of Appeals for the Seventh Circuit

MAUREEN WHALEN
Associate General Counsel, J. Paul Getty Trust

Co-sponsored by:
College Art Association; ARTstor; Creative Commons

Please register online at www.nycbar.org.

30 Wednesday, 6:30 pm
NEW YORK CITY’S MARIJUANA ARREST POLICY THIRTY YEARS AFTER DECRIMINALIZATION

In 1977, New York State decriminalized possession of personal use amounts of marijuana. Nonetheless, researchers report that New York City is now the national leader in detaining individuals for possession of personal use amounts of marijuana. Beginning with the advent of quality of life policing, the New York City Police Department dramatically increased the number of arrests for marijuana possession: from 1997 to 2006 the Department arrested 362,000 people for possessing marijuana, in 2006 alone it arrested 33,000 people for marijuana possession. The Department also commonly holds marijuana possession arrests in detention for up to 24 hours pending arraignment. Published research indicates that the marijuana possession arrests are not in central business districts, and that the police primarily make the arrests in Black and Hispanic neighborhoods. Join us for a discussion of the costs and benefits of New York City’s marijuana possession arrest policy.

Speakers:
BRUCE D. JOHNSON, Ph.D.
Director, Institute for Special Populations Research, National Development and Research Institutes, Inc

HARRY G. LEVINE, Ph.D.
Professor of Sociology, Queens College and the Graduate Center, City University of New York

DEBORAH P. SMALL, J.D.
Executive Director, Break the Chains

Please register online at www.nycbar.org.

April 2008 Registration Form

☐ Small Law Firm Luncheon: — 17 Thursday
The fee, which includes lunch, is $25 for members and $35 for non-members.

Name

Number of Reservations

Company

Address

Total Enclosed $

City State Zip

Please charge to my ☐ Mastercard ☐ Visa ☐ American Express

Card Number

Expiration Date

Phone E-mail

Signature

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

www.nycbar.org
The Act, the letter argues, eliminates the mandate of
courts. In addition, the Act would undermine the thoughtful and
government officials and contractors as to the practices that are
erminal personnel. The adoption of the Army Field Manual
States Army Field Manual FM2-22.3 Human Intelligence
Children, Council on
Letter to the Director of the ABA Section on Litigation in opposition
to the Uniform Representation of Children in Abuse, Neglect and Custody Proceedings Act ("the Act") proposed by the
National Conference of Commissioners on Uniform State Laws
(NCCUSL). The Act, the letter argues, eliminates the mandate of
client-centered confidentiality and takes from the child-client the
right to define the representation and gives that decision to the
court. In addition, the Act would undermine the thoughtful and
informative work that has been done to define the appropriate
role of the attorney for a child and the ABA's own Standards on
Representing Children in Abuse and Neglect Proceedings.

Civil Rights
Letter to Congress expressing support for Section 102 of H.R. 4156, the Orderly and Responsible Redevelopment Appropriations Act of 2008, which would establish the United States Army Field Manual FM2-22.3 Human Intelligence Collector Operations as the standard for interrogation by all
government personnel. The adoption of the Army Field Manual
standards, the letter argues, would provide clear guidance to all
government officials and contractors as to the practices that are
permissible and those that are forbidden and eliminate any current
ambiguities.

Education and the Law
Amicus Brief: Bronx Household of Faith v. Board of Education of the City of New York filed in the US Court of Appeals for the
Second Circuit. This case involves a church asserting its right to
use a public school for Sunday worship services. The brief argues that the District Court's decision should be reversed and that the
New York City Department of Education should be allowed to
enforce Standard Operating Procedure which precludes parties from conducting worship services in the New York City public
schools. The activities in this case cross a fundamental line where
the church's private religious speech so dominates the forum
which is an individual school building that the reasonable observ-
er would perceive it as governmental speech endorsing religion.
Therefore, the brief argues, it is the Establishment Clause that
provides the most appropriate framework for the requisite
Constitutional analysis of the situation. And under the
Establishment Clause the City is unquestionably obligated to pre-
vent the endorsement of religion within its public schools.

Federal Courts
Letter to the US District Court for the Southern District of New
York urging that all attorneys be permitted to bring wireless-
enabled PDA’s and cellular phones into the SDNY courthouses.
The letter urges that changing the policy would improve court
processes as these devices have become an important organiza-
tional tool for storing information and communications regard-
ing court proceedings, and is supported by considerations of fair-
ness as at present Assistant United States Attorneys and Assistant
Public Defenders can bring these devices into Southern District
courthouses.

Letter to Congress expressing support for S.2450 which would amend the Federal Rules of Evidence by adding Rule 502, which
addresses the effect of the disclosure of privileged materials in fed-
eral courts and proceedings before federal offices and agencies by
establishing consistent guidelines regarding the consequences of
both intentional and inadvertent disclosure of privileged materi-
al in federal proceedings.

International Trade
The report, Bilateral Investment Treaties - Evolution or Regression?, proposes an improvement to the language of the next U.S. model Bilateral Investment Treaty (BIT) clause regarding fair and equitable treatment. The report argues that the cur-
rent BIT language is inadequate and discourages foreign direct
investment. The report proposes language for a new, more pro-
gressive model BIT which would better protect foreign investors.
Legal Issues Pertaining to Animals
Report supporting H.R. 3029, which would prohibit the trade, both domestic and international, of bear viscera and items, products, or substances containing, or labeled or advertised as containing bear viscera. Bear gall bladders have been known to fetch high black market prices. As a result of this popularity, wild Asian bear populations have been decimated, causing poachers to turn to American bears to meet increasing demand. Although many states have prohibited the traffic in bear viscera, federal legislation, the report argues, is nevertheless needed because of loopholes created by inconsistencies among state laws that allow poaching to flourish.

Pro Bono and Legal Services
Letter to Congress urging that the appropriations restriction that limits how Legal Services Corporation grantees may spend their funds from state and local governments as well as private donors be repealed. Since these organizations provide free legal services for the poor, these restrictions prevent LSC funded organizations from using non-LSC funds for uses that LSC may not be used for, including class action suits, seeking attorney fees, and representing certain documented, and all undocumented immigrants. These restrictions deprive countless New Yorkers of desperately needed legal representation, deter private funders from donating to LSC-funded organizations, and obstruct state and city efforts to deliver civil legal aid. The only way for a legal aid program to perform work barred by the restrictions is to create a new, privately funded organization with separate staff and separate offices, a requirement so expensive that hardly any organizations around the country have been able to meet it. By removing these restrictions, the letter argues, local legal aid organizations would be able to use their non-LSC funds freely, which would enhance their ability to deliver civil legal aid.

State Courts of Superior Jurisdiction
Letter to the New York State Administrative Board which urges that the Uniform Rules be amended to expressly include e-discovery as a subject at preliminary conferences and proposes suggested language for such an amendment. The proposed language would be inserted to Rule 202.12 as (c)(3) in the New York Civil Practice Law and Rules. Adding e-discovery as an explicit subject at preliminary conferences, the letter argues, will induce litigants to meet and confer on e-discovery issues at an early stage of litigation and contribute to the efficiency of the legal process. Such early disclosure furthers the interest of justice by minimizing surprise at trial and ensuring wide-ranging discovery of relevant information.

CLE SPOTLIGHT: GIANTS OF THE TRIAL BAR – HANDLING THE HIGH PROFILE CASE
The Giants of the Trial Bar CLE program returns on April 16th (from 6 to 9 p.m.) with a focus on handling high profile criminal and civil cases. The program’s faculty will instruct attendees on how to deal with managing the media and gag orders; co-defendants; jury selection and jury consultants; sentencing guidelines; and potential ethical constraints, among other problems presented.

"This year’s program features several new attorneys and recent cases," said Roy L. Reardon, of Simpson Thacher & Bartlett, who has been producing the Giants program for over five years. "It will appeal to trial lawyers, litigators, and those who just like to see and hear high profile lawyers."

Reardon has handled a number of celebrity cases over the course of his 50-year law career, including one in 2001 where his client, golfer Casey Martin, sued the PGA Tour under the Americans with Disabilities Act. In a 7-2 decision, the U.S. Supreme Court ruled in Martin’s favor. Earlier, in 1989, Reardon won a $100 million jury verdict for his client, GTE, in a defamation suit against the Home Shopping Network.

"People who attend can expect to walk away with an understanding of how the most renowned trial lawyers deal with all aspects of handling a high profile civil or criminal case," Reardon said. "Attendees will enjoy listening to the panelists talk about their cases, but more importantly, they will learn from the mistakes of these experienced lawyers, and will gain invaluable tips on how the panelists attained success with their cases."

Reardon reached beyond the east coast to secure one of the panelists, Pamela Robillard Mackey from Colorado. Mackey represented NBA player Kobe Bryant in his legal troubles that emerged in 2003. For more information and a full listing of the faculty, see the program listing on page 18. As with our other CLE programs, credit can be obtained in New York and California, and also in Illinois (credit allocation differs).

Attorney - Tax Associate
Rath, Young and Pignatelli, a 26-lawyer firm in Concord N.H. has an immediate opening for an associate with 2 to 4 years of relevant experience to join its expanding taxation and business transactions practice. Visit our web site at www.rathlaw.com.

Clients include major N.H. and national corporations. Background in federal business taxation, trust taxation and/or related estate planning is desired. Excellent academic credentials, strong analytic abilities and ability to assume substantial responsibility are essential. An outstanding salary and benefits package is available. Please send resume to Larry White, Rath, Young and Pignatelli, P.O. Box 1500, One Capital Plaza, Concord, N. H. 03302
part of my career.” And her career has not been lacking excitement.

While her current work is in Rwanda, she has worked in Haiti, Uganda, Kenya, and South Africa. In 1994, Barad traveled to South Africa to help with the first democratic elections. “I was showing the black women voters, some very old, how to vote. Of course, they had never voted before so they didn’t know how. They were so warm and willing to learn, it was a gift to be able to be with them,” she says.

Barad first traveled to Rwanda in 2000 and has been giving trainings and workshops on ethics and gender-based violence issues on behalf of the African Affairs Committee ever since. “It is fascinating! It is my passion.”

When Barad wanted to change the Rwandan definition of rape to encompass a broad range of the gender-based violence that affects women, she drafted a new meaning for a proposed bill. Upon reading it, the then-Minister of Justice said to Barad, “But that covers everything!” Barad replied, “Yes it does.”

While the attitude towards women in Rwanda may often be one of discrimination and inequality, Barad makes it clear that the women certainly have not taken these attitudes to heart. “In Rwanda,” she says, “The lower house of Parliament is 48.8% female. The U.S. House of Representatives is 15.5% female.”

“I hope I can help Rwandan women by making the justice system more accessible to them – to bring a rape case not only stigmatizes them, but deprives them of income if the perpetrator is their husband or partner and goes to jail. My goal is to help the justice system be more protective and sensitive to women,” Barad explains.

Elisa Slattery has a similar goal. Slattery works at the Center for Reproductive Rights as the Legal Adviser for the Africa Program. “The Center works on a broad range of reproductive rights issues, from maternal mortality and institutional violence against women – such as in health care facilities and schools – to the intersection of HIV and reproductive rights. We frame and promote reproductive rights in a human rights framework,” Slattery says.

Slattery initially came to be a member of the City Bar because of the African Affairs Committee. A co-worker suggested that she join the committee, “I had always been very interested in the committees and programs the City Bar has,” she explains.

The main project that Slattery has focused on with the African Affairs Committee is a pro-bono report of legislation on gender-based violence in Sub-Saharan Africa. The report, co-sponsored by the City Bar’s Cyrus R. Vance Center for International Justice, “looks at laws on rape and domestic violence and makes recommendations for good and best practices,” Slattery says. The report, which Barad was also a part of, “was created to highlight the structural problems,” Slattery states, “and to give a sense of what good legislation on these issues would look like as well as show some of the key themes that need to be addressed.”

Slattery, who worked at the Center as a summer intern during law school, graduated, and spent six months with the Federation of Women Lawyers of Kenya, then spent another six months with the Center and ultimately stayed full-time. “Though often under-recognized, reproductive rights are fundamental human rights, and an area I find very compelling.”

The Center just finished a report covering the abuse and neglect of women around delivery and maternity services, “Failure to Deliver, Violations of Women’s Human Rights in Kenyan Health Facilities.” Slattery says that despite the positive initial response to the report, because of the post-election crisis in Kenya gender-based violence has only increased. “Women are suffering as they try to make a life in the internal displacement camps,” Slattery says.

Slattery, who traveled to Kenya to conduct field research says, “It was very compelling. What is really striking about completing interviews is that the language of international human rights violations can seem abstract, but hearing women’s stories and getting accounts of what happened make these violations very real and grounds the abstract language in personal experience.”

Antonia Stolper also travels extensively for her work. As a capital markets lawyer focusing on Latin American and Caribbean companies and governments, Stolper spends a great deal of time traveling to Argentina, Chile, Peru, Columbia, and Venezuela.

"For me," Stolper explains, "this is home practically. I grew up overseas in Latin America and the Caribbean and I really care about these countries. I’m involved with economic development and I feel like my services are needed and valued."

Stolper served in the Foreign Service before attending law school and finding herself at Shearman & Sterling LLP in 1991 just as the capital markets in the Latin American region were opening up for the first time in fifteen years. She is now a partner at the firm.

Stolper became a member of the City Bar as a first year lawyer when one of her professors from New York University was chair of a committee and asked her to join the committee. "It is the premier bar association in the country, if not the world," Stolper says, "I’ve made a number of great friends and it is absolutely part of my professional career."

“As an associate, I was on the Inter-American Affairs Committee. While on the Committee, along with a friend and fellow committee member, I wrote a book that surveyed the Latin American securities laws. It was really an amazing effort,” Stolper explains of her committee work.

Having served on various committees throughout her time with the City Bar, Stolper is now chair of the Committee for the Cyrus R. Vance Center for International Justice. The Vance Center recently completed the Pro Bono Declaration for the Americas, which Stolper says, "brings together lawyers throughout the region, including the United States in a supportive role, with lawyers agreeing to commit to twenty hours of pro bono work per year."

As she completed this interview, Stolper, who was preparing for a trip to Mexico for the launch of the Declaration, loves the way her work keeps her constantly in transit. "I have a lot of fun! Every day is a new deal, new company, new country, and new government. I have the opportunity to meet new people every day and to learn about the projects they are doing and help them succeed in those projects."

“Last week, I was in central Argentina, in a place I’d never been before, and we were taken out to a farm and given a big party. Generally, when you practice in the U.S. they give you a party at the end of the deal – not the beginning!” Stolper laughs and says, “It is endlessly interesting and continues to be extremely rewarding.”
REACHING OUT TO IMMIGRANTS IN THEIR COMMUNITIES

"Justice should not depend upon the income level of immigrants," said Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit in a speech at the City Bar last year. With this concise statement, Judge Katzmann summarized the guiding principle behind the City Bar Justice Center's efforts to provide access to justice for the immigrant community.

Through the Immigrant Women and Children Assistance Project and the Refugee Assistance Project, the Center provides pro bono legal services in hundreds of cases in various stages of development. In addition to the casework, the Center recruits and trains volunteer attorneys, prepares clients for interviews, monitors the courts, stays on top of the latest issues, arranges symposia, and advocates for legislation to improve immigration processes.

Recognizing that immigration cases are as diverse as the clients involved and often don't fall into neat categories, the Center's latest initiative is the New York City Immigrant Advocacy Initiative (NYCIAC). The NYCIAC works in collaboration with experienced immigration lawyers to conduct a series of clinics that provide limited general immigration assistance. The first took place in November, with volunteer lawyers taking over the Center's offices and providing pro bono consultations to immigrant clients. For many clients it was their first opportunity to get expert legal advice at the beginning of their process, the time when bad advice sends too many clients off on the wrong path to immigration, and when a dose of preventive lawyering can make all the difference.

"With the array of false information in our neighborhoods that places immigrants in jeopardy, we are so grateful to have knowledgeable and caring professionals provide realistic and informative clinics for our families and social workers."

For young volunteer lawyers, it was an excellent opportunity to test the pro-bono waters without having to commit to a long case. Because so many immigrants have extensive work and family commitments, it was determined that the best way to provide these services was to reach out to potential clients in their own neighborhoods. Through the auspices of the New York City Council, under the leadership of Speaker Christine C. Quinn and Council members Jessica S. Lappin, Melissa Mark-Viverito, Joseph P. Addabbo, Jr., Erik Martin Dilan, Simcha Felder, Kendall Stewart, and the Brooklyn Delegation, funding was provided to set up outreach naturalization clinics at organizations including the South Queens Boys and Girls Club and The Children's Aid Society.

Plans are in the works to extend the naturalization and general-information clinics to other neighborhoods in the city. One or more of the events will focus on "Knowing Your Rights." Others will be tailored to social workers and parents. Leading this effort is the Center's second Fragomen Fellow, Elizabeth T. Reichard, on loan from the firm of Fragomen, Del Rey, Bernsen and Lowey, LLP. Reichard stresses the importance of involving community-based organizations, "because they know the needs of local immigrants, offer safe spaces for consultations and know how to do outreach to those most in need of services."

"The training around immigration issues conducted by CBJC's Fragoman attorneys has been a godsend to staff and parents," said Cathleen Clements, Director of the Office of Public Policy and Client Advocacy at the Children's Aid Society. "With the array of false information in our neighborhoods that places immigrants in jeopardy, we are so grateful to have knowledgeable and caring professionals provide realistic and informative clinics for our families and social workers."

HELP US MEET THE CHALLENGE!

The City Bar Justice Center has been issued a challenge by the Robert M. Kaufman Fund No. 2 in the New York Community Trust. If the Center raises $25,000 to support the Justice Center's immigration programs by June 30, 2008, the Fund will provide a matching grant in the same amount. If you don’t currently have the time to donate legal services, know that your financial contribution can provide the resources to make a difference in someone’s life.

To give, please contact Daniel Fallon at 212-382-6661.

If interested in providing pro bono legal services to help immigrants achieve legal status, please contact Lynn Kelly at 212-382-6678.
# CITY BAR CENTER FOR CLE
## APRIL 2008 CLE COURSE CALENDAR

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<th>Monday</th>
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<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>HOT TOPICS AFFECTING COOPERATIVES &amp; CONDOMINIUMS 2008</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>9-1 p.m.</strong>&lt;br&gt;<strong>A PRACTICAL GUIDE TO LLCs &amp; LLPs</strong>&lt;br&gt;<strong>4.5 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6:30-8:40 p.m.</strong>&lt;br&gt;<strong>FEDERAL SENTENCING IN THE AGE OF BOOKER</strong>&lt;br&gt;<strong>2.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>8:30-1:00 p.m.</strong>&lt;br&gt;<strong>CURRENT ISSUES IN INSURANCE REGULATION 2008</strong>&lt;br&gt;Credit breakdown to be determined.</td>
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<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>HEDGE FUNDS: FORMATION, OPERATION &amp; COMPLIANCE</strong>&lt;br&gt;<strong>4.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>EUROPEAN AND INTERNATIONAL BUSINESS LAW</strong>&lt;br&gt;<strong>7.5 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6:30-8:15 p.m.</strong>&lt;br&gt;<strong>THE INSIDER THREAT: ADDRESSING COMPUTER CRIME &amp; ABUSE BY CORPORATE INSIDERS</strong>&lt;br&gt;<strong>2.5 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>9-1 p.m.</strong>&lt;br&gt;<strong>FUTURE PERSPECTIVES ON AFFORDABLE HOUSING &amp; ECONOMIC DEVELOPMENT IN NEW YORK CITY: POLICY &amp; PRACTICE</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
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<td><strong>9-1 p.m.</strong>&lt;br&gt;<strong>HEDGE FUNDS: FORMATION, OPERATION &amp; COMPLIANCE</strong>&lt;br&gt;<strong>4.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>CULTURALLY COMPETENT LAWYERING FOR AT-RISK LGBTQ YOUTH: ADVOCATING EFFECTIVELY IN THE FOSTER CARE &amp; JUVENILE DETENTION SYSTEMS</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>9-10:30 a.m.</strong>&lt;br&gt;<strong>SEEKING APPROVAL: BOARD GOVERNANCE IN COOPS &amp; CONDOS</strong>&lt;br&gt;<strong>1.5 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>9-5 p.m.</strong>&lt;br&gt;<strong>INTELLECTUAL PROPERTY DUE DILIGENCE IN BUSINESS TRANSACTIONS</strong>&lt;br&gt;<strong>7.5 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
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<td><strong>9-12 p.m.</strong>&lt;br&gt;<strong>SELECTED ETHICS ISSUES IN MEDIATION &amp; SETTLEMENT NEGOTIATIONS</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>5-7 p.m.</strong>&lt;br&gt;<strong>THE FIFTH ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS &amp; ACQUISITIONS</strong>&lt;br&gt;<strong>15.0 credits</strong>&lt;br&gt;Part two of three</td>
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<td><strong>6:30-8:40 p.m.</strong>&lt;br&gt;<strong>THE FEDERAL SENTENCING IN THE AGE OF BOOKER</strong>&lt;br&gt;<strong>2.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6:30-8:15 p.m.</strong>&lt;br&gt;<strong>THE FIFTH ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS &amp; ACQUISITIONS</strong>&lt;br&gt;<strong>15.0 credits</strong>&lt;br&gt;Part three of three</td>
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<td><strong>8:30-5:15 p.m.</strong>&lt;br&gt;<strong>THE FIFTH ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS &amp; ACQUISITIONS</strong>&lt;br&gt;<strong>15.0 credits</strong>&lt;br&gt;Part three of three</td>
<td><strong>8:30-1:00 p.m.</strong>&lt;br&gt;<strong>THE FIFTH ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS &amp; ACQUISITIONS</strong>&lt;br&gt;<strong>15.0 credits</strong>&lt;br&gt;Part three of three</td>
<td><strong>8:30-1:00 p.m.</strong>&lt;br&gt;<strong>THE FIFTH ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS &amp; ACQUISITIONS</strong>&lt;br&gt;<strong>15.0 credits</strong>&lt;br&gt;Part three of three</td>
<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>WORKPLACE HORRORS: EMPLOYMENT DISCRIMINATION</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
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<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>TIPS FOR TRIAL LAWYERS WHO WANT TO USE TECHNOLOGY TO ORGANIZE &amp; PRESENT CASES</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>TOPICAL ETHICAL ISSUES</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>9-12 p.m.</strong>&lt;br&gt;<strong>SELECTED ETHICS ISSUES IN MEDIATION &amp; SETTLEMENT NEGOTIATIONS</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
<td><strong>6-9 p.m.</strong>&lt;br&gt;<strong>TOPICAL ETHICAL ISSUES</strong>&lt;br&gt;<strong>3.0 credits</strong>&lt;br&gt;<em>This program provides transitional credit for newly admitted attorneys.</em></td>
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*This program provides transitional credit for newly admitted attorneys.*
A PRACTICAL GUIDE TO LLCs & LLPs

2 Wednesday, 9-1 p.m.

An expert panel will present a practical guide to the use of LLCs and LLPs. The panel will provide concrete advice on critical formation and early-stage issues, such as the advantages and disadvantages of the LLC/LLP form, a comparison of LLCs and LLPs to corporations, the tax benefits of the LLC/LLP form and the choice of state law. As part of the choice-of-entity discussion, the panel will discuss specific businesses, fact patterns and exit strategies that may dictate the choice-of-entity decision. The panel will describe the mechanics of forming an LLC/LLP and the content of the principal agreements incidental to such formation, including the basic operating agreement. Various management structures and control arrangements of LLCs and LLPs will be examined and considered from different perspectives and in different strategic and investment scenarios. The use of LLPs for law and other professional practices will be discussed, including current issues and events potentially testing their effectiveness with respect to liability. Securities issues will be considered in the context of the formation and growth of an LLC or an LLP. The panel also will examine various executive and other compensation structures in the context of an LLC, including in particular the use of equity-based incentive compensation arrangements and a comparison to traditional corporate stock option plans. The program is intended to provide to practitioners a comprehensive introduction to LLCs and LLPs in a practical and useful context.

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

Faculty to be announced.

Live Program (includes materials):
Member $345  Nonmember $485

CLE credit:
4.5 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys. Portions of this program may qualify for CPE credit.

HEDGE FUNDS: FORMATION, OPERATION & COMPLIANCE

14 Monday, 9-1 p.m.

The hedge fund industry has grown exponentially over the past few years and particular hedge funds have been making headline news for both good and bad reasons. The industry has attracted the attention of investors and regulators more than ever.

This course will provide an overview of the rules related to operating a hedge fund. Faculty will discuss how to avoid problems in the enforcement environment and provide best practices for protecting hedge fund advisers from liability. The registration process, requirements applicable to registered advisers and operating issues involving hedge funds will be examined. Finally, top practitioners and representatives of the SEC will discuss the SEC’s views on hedge fund issues.

Although this program is intended for professionals in the hedge fund industry, as well as experienced lawyers who practice in hedge funds, lawyers who are interested in developing hedge fund expertise will also benefit.

Program Chair:
NORA JORDAN
Davis Polk & Wardwell

Faculty:
STEPHANIE R. BRESLOW
Schulte Roth & Zabel LLP
NORMAN B. CHAMP III
Executive Vice President & General Counsel
Chilton Investment Company, LLC
GENE A. GOHLKE
Associate Director, Office of Compliance Inspections and Examinations
U.S. Securities and Exchange Commission
RUTH S. GOODSTEIN
Chief Operating Officer
Central Park Group, LLC
MICHAEL HUBER
Vice President & Assistant General Counsel
Goldman Sachs & Co.
LEOR LANDA
Davis Polk & Wardwell
DENISE LANDERS
Senior Special Counsel, Division of Trading Markets
U.S. Securities and Exchange Commission
T.A. MCKINNEY
Managing Director
FrontPoint Partners LLC
STEPHEN J. OBIE
Regional Administrator /Regional Counsel Division of Enforcement
US Commodity Futures Trading Commission

Christopher M. Wells
Proskauer Rose LLP

Live Program (includes materials):
Member $335  Nonmember $475

CLE credit:
4.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

CRIMINAL LAW

FEDERAL SENTENCING IN THE AGE OF BOOKER

3 Thursday, 6:30-8:40 p.m.

The U.S. Supreme Court’s decision in United States v. Booker in January 2005 fundamentally changed the practice of federal sentencing in criminal cases. In that landmark decision, the Supreme Court found that mandatory application of the U.S. Sentencing Guidelines was unconstitutional, yet preserved their place in the sentencing process. Judges must now consult the Guidelines, although the Guidelines are only "advisory" rather than mandatory, raising a host of legal, strategic and ethical issues for all practitioners.

This panel will discuss federal sentencing in the post-Booker era, from the new fundamentals to the cutting edge strategies counsel can now employ given the greater flexibility under the law. The panel includes leaders from the federal bench, prosecution and defense. The panel will address the evolving legal standards governing the appeal of federal sentences, which must consider the factors set forth in 18 U.S.C. §3553(a) as well as the Guidelines. Panelists will also discuss the power of the Guidelines are only “advisory” rather than mandatory, raising a host of legal, strategic and ethical issues for all practitioners.

Program Chair:
ZACHARY MARGULIS-OHNUMA
Law Office of Zachary Margulis-Ohnuma

Faculty:
GREG D. ANDRES
Chief, Criminal Division
United States Attorney’s Office, EDNY
SUSAN E. BRUNE
Brune & Richard LLP
HON. JOHN GLEESON
United States District Court, EDNY
THE INSIDER THREAT: ADDRESSING COMPUTER CRIME & ABUSE BY CORPORATE INSIDERS

10 Thursday, 6-8:15 p.m.

Perhaps the most serious threat to the integrity of a company’s digital assets is malicious action by an insider or ex-employee with access to the corporate network. Insiders are increasingly responsible for serious instances of computer crime and abuse, including data theft, data destruction, illegal monitoring of e-mail and network traffic, harassing communications, and leaks of confidential information. This lecture gives instruction on the legal, technical, strategic, public relations, human resources and law-enforcement components to addressing computer crime and abuse by corporate insiders. Among other things, the instructors will explain:

- How to structure an investigation with reference to target offenses under applicable state and federal laws, and target violations of a company’s policies;
- The role of computer forensics, network logging, packet-sniffers and evidence preservation in the investigation of insider cases of computer crime and abuse;
- The roles of corporate executive, HR, legal and public relations personnel in insider cybercrime investigations;
- The pros and cons of referring a matter to law enforcement authorities, and how to choose between law enforcement authorities; and
- The use of behavioral science techniques to identify and manage the attacker.

The instructors will use an entertaining PowerPoint presentation, which incorporates anecdotes of actual insider computer crime and abuse cases.

Program Co-Instructors
ERIC M. FRIEDBERG
Co-President
Stroz Friedberg, LLC

DR. ERIC D. SHAW
Consultant
Stroz Friedberg, LLC

Live Program (includes materials):
Member $195  Nonmember $305

CLE credit:
2.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

ESTATE PLANNING

‘TIL DEATH DO YOU PART....ESTATE PLANNING FOR SPOUSES

29 Tuesday, 6-9 p.m.

This program will provide practical information for estate planning attorneys regarding the most effective ways to represent a husband and wife in achieving their testamentary desires. This course will cover basic strategies and current problem areas in estate planning for spouses including: marital deduction qualification and funding issues, lifetime estate equalization, post-mortem use of disclaimers, testamentary planning and formula clauses. It will also provide an in-depth review of tax apportionment clauses and their impact on the overall estate plan. In addition, the faculty will spend time exploring what every advisor should know about planning with retirement accounts which nowadays often comprise a significant portion of a couple’s assets. Finally, this program will address the many ways in which an ethical conflict can arise from the simultaneous representation of spouses, the relevant ethical rules, and how to best protect your clients in these situations.

Program Co-Chairs:
TARA L. KAPLAN
John Silberman Associates P.C.

KARA B. SCHISSLER
Katten Muchin Rosenman LLP

Faculty:
PAMELA EHRENKRANZ
Wachtell Lipton Rosen & Katz

STEPHANIE HEILBORN
Heilborn LLC

JOANN PALUMBO
Tarter Krinsky & Drogin LLP

Live Program (includes materials):
Member $205  Nonmember $315

CLE credit:
2.5 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

ETHICS

ETHICS, DISCIPLINE & REAL WORLD OBLIGATIONS

17 Thursday, 6-9 p.m.

A premier faculty drawn from the judiciary, the disciplinary bar, law firms and academia will focus on the ethical and disciplinary issues confronting attorneys in everyday practice, including:

- Conflicts of interest
- Problems in representing closely-held entities
- Fee issues
- Common disciplinary complaints
- Law firm reporting obligations for attorney misconduct
- The ethical responsibilities of partners and associates

Program Chair:
EDWARD M. SPIRO
Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer PC

Faculty:
HON. SHEILA ABDUS-SALAAM
New York State Supreme Court

ALAN FRIEDBERG
Chief Counsel
Departmental Disciplinary Committee
Appellate Division, First Department

HAI R. LIEBERMAN
Hinshaw & Culbertson LLP

JAMES W. PAUL
Clifford Chance US LLP

CAROL ZIEGLER
Professor of Law
Brooklyn Law School

Live Program (includes materials):
Member $235  Nonmember $345

CLE credit:
3.0 credits in ethics. This live program provides New York & California transitional/non-transitional credit for all attorneys.

SELECTED ETHICS ISSUES IN MEDIATION & SETTLEMENT NEGOTIATIONS

23 Wednesday, 9-12 p.m.

This program will catalog and address a number of ethics issues that can arise in mediation and settlement negotiations. With a specific focus on confidentiality, conflicts of interest and related issues, the program will discuss ethics questions.
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Web: www.brcorp.com
from the point of view of the mediator, the outside lawyer, and even the client. The program will close with a brief discussion about how to research ethics issues and how to get help from an ethics committee of lawyers, or mediators, when needed.

Program Chair and Moderator:

JEREMY R. FEINBERG
Statewide Special Counsel for Ethics
New York State Unified Court System
Office of Court Administration

Faculty:

DEBORAH E. EDELMAN
Principal Law Clerk & Law Secretary to Justice
Herman Cahn
New York State Supreme Court, New York County Commercial Division

LELA LOVE
Professor of Law
Cardozo School of Law

JOHN VAGELATOS
Paul, Weiss, Rifkind, Wharton & Garrison LLP

DANIEL M. WEITZ
Coordinator, ADR Programs
New York State Unified Court System
Office of Court Administration

Live Program (includes materials):
Member $235  Non-member $345

CLE credit:
3.0 credits in ethics. This live program provides New York & California transitional/non-transitional credit for all attorneys.

TOPOCAL ETHICAL ISSUES

30 Wednesday, 6-9 p.m.

This legal ethics program, with an emphasis on pertinent New York rules, will select from these issues, possibly among others: 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 Flame Leak; in-house lawyers wearing two (or more) hats: risks to privilege; professional relationships; metadata; the rules on paying expert and lay witnesses; introducing “the virtual client” or “client you didn’t know you had;” the New York twist on confidentiality; 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; settlements conditioned on a lawyer’s agreement not to sue the defendant again: not allowed but why not; the hidden risks when lawyers do business with clients or have conflicting financial or other interests; informational conflicts; seven important conflict of interest rules; the hidden risks when clients contend for different conflict default rules; common interest arrangements a/k/a joint defense agreements: what should they say?

Program Instructor:

STEPHENV GILLERS
Emily Kempin Professor of Law
New York University School of Law

Live Program (includes materials): Member $265  Nonmember $375

CLE credit:
3.0 credits in ethics. This live program provides New York & California transitional/non-transitional credit for all attorneys.

FAMILY

CULTRALLY COMPETENT LAWYERING FOR AT-RISK LGBTQ YOUTH: ADVOCATING EFFECTIVE-LY IN THE FOSTER CARE & JUVENILE DETENTION SYSTEMS

15 Tuesday 6-9 p.m.

Lesbian, gay, bisexual, transgender, and questioning (“LGBTQ”) teenagers are one of the populations most at risk in the United States. In New York, LGBTQ teenagers are dramatically overrepresented (40% to 50% of the population) in foster care and among homeless youth. Further, LGBTQ teenagers are extremely vulnerable to discrimination, harassment, intimidation and violence in the juvenile detention system. Accordingly, to serve such youth effectively as legal services providers, we must identify and address their specific needs. This program will provide the tools to advocate successfully for LGBTQ youth who are homeless or in other out-of-home placements, and will address and discuss various dimensions of the juvenile justice problem by examining, from state, city, and national perspectives, the social services infrastructures intended to assist legal services providers in pinpointing the issues facing these youth.

Program Chair:

ALLEN A. DREXEL
Hogan & Hartson LLP

Moderator:

MERIDITH F. SOPHER
Assistant Attorney-in-Charge
Legal Aid Society
Juvenile Rights Practice

Faculty:

FLOR BERMUDEZ
Youth in Out-of-Home Care Attorney
Lambda Legal

KIMBERLY FORTE
Staff Attorney for Adolescent Practice Team
Legal Aid Society
Juvenile Rights Practice

SUSAN HAZELDEAN
Project Director
Peter Cicchino Youth Project
Urban Justice Center

THERESA NOLAN, MA
Division Director
New York City Programs
Green Chimneys Children’s Services


Live Program (includes materials): Member $165  Non member $275

CLE credit:
3.0 credits total; credit breakdown to be determined. This live program provides New York & California transitional/non-transitional credit for all attorneys.

FINDING HIDDEN ASSETS:
WHAT EVERY DIVORCE, BANKRUPTCY & COMMERCIAL LITIGATOR NEEDS TO KNOW

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

Through case studies of divorce, bankruptcy and debt collection proceedings, this program examines how assets are sometimes hidden domestically and abroad through money laundering, nominee, shell companies and other means. Pretrial discovery, pleadings and other courtroom strategies can however, often be used as an effective countermeasure against even those most determined to hide millions in assets. In the context of divorce, bankruptcy and forced collection proceedings, the following issues will be covered among others:

- Recognizing hidden assets, the red flags
- Working with private investigators
- Letters rogatory & eliciting evidence from foreign bank & other witness pursuant to the N.Y. CPLR / Fed. R. Civ. P.
- U.S. & foreign criminal issues related to asset concealment
- Asset recovery strategies for complex cases
The 18th annual program on insurance regulation features regional and national leaders exploring topical issues of importance to the insurance industry, with opportunities for questions and interaction. This year some of the topics to be explored include: market conduct; regulation of the reinsurance industry; an update on health and life insurance, and a Regulators’ Roundtable addressing key issues facing insurers, regulators and consumers.

Program Co-Chairs:
ROGER M. MOAK
Certified Arbitrator
FRANCINE L. SEMAYA
Cozen & O’Connor

Faculty:
HON. JOEL ARIO
Insurance Commissioner
Pennsylvania Insurance Department
Harrisburg, PA

KARA BAYSINGER
Sonnenschein, Nath & Rosenthal LLP
San Francisco, CA

CRAIG A. BERRINGTON
Wiley, Rein & Fielding, LLP
Washington, D.C.

HON. ERIC DINALLO
Superintendent of Insurance
Department of Insurance, State of New York

DAVID G. KENEPP, CPCI, ARM
Assistant VP & Manager
Market Conduct Services
Office of Corporate Compliance
Liberty Mutual
Boston, MA.

CHARLES H. KLIPPPEL
Senior Vice President & Deputy General Counsel
Aetna – Law & Regulatory Affairs
Hartford, CT

PAUL KOHLS
Assistant Vice President and Government Relations
Allianz Life Insurance Company of North America
Minneapolis, MN

TRACIE MEAD
Deputy Commissioner
Iowa Insurance Division
Des Moines, IA

THOMAS E. WORKMAN
President & CEO
Life Insurance Council of New York, Inc.

Co-Sponsored with: ABA/Tips Insurance Regulation Committee and The Insurance Federation of New York, Inc. (IFNY).

Live Program:
NYCB/ABA/TIPS/IFNY Member $205
Non-member $315

CLE credit:
Credit breakdown to be determined. This program will be approved for MCLE credit in all MCLE jurisdictions. This program does not provide transitional credit for newly admitted attorneys.

INTELLECTUAL PROPERTY/INTERNET

INTELLECTUAL PROPERTY DUE DILIGENCE IN BUSINESS TRANSACTIONS

17 Thursday, 9-5 p.m.

The object of intellectual property due diligence is to identify and evaluate the potential strengths and risks associated with the intellectual property and technology rights in a business transaction. This program, designed for both general practice and intellectual property attorneys, will focus on the practical aspects of conducting an effective intellectual property due diligence analysis, using both lecture and roundtable discussions. Attorneys coordinating an intellectual property due diligence should understand the process, which requires interaction of intellectual property attorneys with both general practice attorneys on the transactional team and key business personnel, and involves legal and business considerations pertinent to the transaction. This course will address issues arising from patents, trademarks, copyrights, and unfair competition. Issues relating to confidentiality agreements, antitrust evaluations, and litigation will be covered both in national and international forums.

Program Co-Chairs:
JAMES R. KLAIBER
Milbank, Tweed, Hadley & McCloy LLP

RICHARD RAYSMAN
Thelen Reid Brown Rasmussen & Steiner LLP

STEVEN J. RIZZI
Thelen Reid Brown Rasmussen & Steiner LLP

CHARAN J. SANDHU
Weil Gotshal & Manges LLP

Live Program (includes materials):
Member $415 Nonmember $665

CLE Credit:
7.5 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

LABOR & EMPLOYMENT LAW

EVIDENTIARY ISSUES IN EMPLOYMENT LAW

14 Monday, 6-9 p.m.

At this program a distinguished panel of employment lawyers will address the “hot topics” in labor and employment law. The program will include a discussion of “me too, evidence.” A hypothetical involving FMLA will be examined. This program is a must for employment lawyers, litigation attorneys and in-house counsel, as well as human resources professionals.

Program Chair:
DAVID MAREK
Liddle & Robinson LLP
Additional faculty to be announced.

**Live Program (includes materials):**
Member $215  Nonmember $325

**CLE credit:**
3.0 credits total: credit breakdown to be determined.

This live program provides New York & California transitional/non-transitional credit for all attorneys.

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**WORKPLACE HORRORS: EMPLOYMENT DISCRIMINATION**

28 Monday, 6-9 p.m.

Can you determine what constitutes employment discrimination? Join us in following the story of a job applicant and her subsequent employment and interaction with various employees, including her supervisor "Johnny Groper" and HR representative "Tammy Go-Along-Get-Along." Law students will perform in a live play during which problems in the workplace arise consistent with those commonly found in employment discrimination case law. Following each scene, a distinguished panel will discuss the issues raised and the potential liability of the employer. Topics will include unlawful questions in an employment interview, Title VII hostile work environment claims, the employer's response to complaints of harassment, and issues pertaining to termination of employment and retaliation.

Program Chair:
**ROY BEARDON**
Simpson Thacher & Bartlett LLP

Faculty:
**PAMELA ROBILLARD MACKEY**
Haddon, Morgan, Mueller, Jordan, Mackey & Foreman, P.C.

**ROBERT G. MORVILLO**
Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer

**BRENDAN V. SULLIVAN, JR.**
Williams & Connolly LLP

**DAN K. WEBB**
Winston & Strawn LLP

**REID H. WEINGARTER**
Steptoe & Johnson LLP

**THEODORE V. WELLS, JR.**
Paul Weiss Rifkind Wharton & Garrison LLP

Live Program (includes materials):
Member $225  Nonmember $335

**CLE credit:**
3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

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**TIPS FOR TRIAL LAWYERS WHO WANT TO USE TECHNOLOGY TO ORGANIZE & PRESENT CASES**

30 Wednesday, 6-9 p.m.

If you are a litigator who is thinking about using technology in a mediation, arbitration or trial you should attend this CLE program. The program will talk about ways to organize and present information with technology in the litigation process. It will address when to use linear software like PowerPoint and non-linear presentations like Sanction or Verdical. The program will show examples of case story boards, focus group presentations, mediation presentations, and different trial presentations that have been used in personal injury and commercial litigation trials. The course will offer insights into ways to make document intensive presentations that are actually interesting, and ways to use video depositions and other digital evidence in the presentation of your side of a case.

Program Instructor:
**MIKE ROGERS**
Attorney at Law
Adjunct Professor of Law, Chicago Kent College of Law
President, Ronin Consulting Ltd.

Live Program (includes materials):
Member $195  Nonmember $305

**CLE credit:**
3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

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**REAL ESTATE**

**HOT TOPICS AFFECTING COOPERATIVES & CONDOMINIUMS 2008**

1 Tuesday, 6-9 p.m.

This program will provide practitioners with an overview of important issues affecting cooperatives and condominiums, including updates on recent case law and legislation and a consideration of current issues facing cooperative and condominium boards and owners.

Program Chair:
**DALE J. DEGENSEIN**
Stroock & Stroock & Lavan LLP

Faculty:
**ANDREW P. BRUCKER**
Schechter & Brucker PC

**RONALD JAY GOLD**
Kagan Lubic Lepper Lewis Gold & Colbert LLP

**BABETTE KROLIK**
Terra Holdings LLC

**STEVEN D. SLADKUS**
Wolf Haldenstein Adler Freeman & Herz LLP

**EVA TALEI**
Stroock & Stroock & Lavan LLP

Live Program (includes materials):
Member $215  Non-member $325

**CLE credit:**
3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

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**LITIGATION**

**GIANTS OF THE TRIAL BAR: HANDLING THE HIGH PROFILE CASE**

16 Wednesday, 6-9 p.m.

"The Giants are Back -- Again!" Hear the Giants talk about the unique aspects of handling high profile criminal or civil cases; dealing with the client, the press, the prosecutor or adversary, the court, "gag orders," jury selection, co-defendants, trial issues, sentencing guidelines, potential ethical constraints, the use of jury consultants and other special problems such cases present.

Program Chair:
**ROY BEARDON**
Simpson Thacher & Bartlett LLP

Faculty:
**PAMELA ROBILLARD MACKEY**
Haddon, Morgan, Mueller, Jordan, Mackey & Foreman, P.C.

**ROBERT G. MORVILLO**
Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer

**BRENDAN V. SULLIVAN, JR.**
Williams & Connolly LLP

**DAN K. WEBB**
Winston & Strawn LLP

**REID H. WEINGARTER**
Steptoe & Johnson LLP

**THEODORE V. WELLS, JR.**
Paul Weiss Rifkind Wharton & Garrison LLP

Live Program (includes materials):
Member $225  Nonmember $335

**CLE credit:**
3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.
SEEKING APPROVAL: BOARD GOVERNANCE IN COOPS & CONDOS

16 Wednesday, 9-10:30 a.m.

This seminar is intended for attorneys who represent cooperatives and condominiums and, in particular, those who serve as directors on cooperative and condominium boards. It will address issues concerning board governance, including the role of counsel, conflicts, indemnification and confidentiality as well as those issues which arise when considering prospective purchasers in both cooperatives and condominiums.

Program Chair:
DALE J. DEGENSHEIN
Stroock & Stroock & Lavan LLP

Faculty:
KENNETH H. AMORELLO
Schechter & Brucker PC

VINCENT DI LORENZO
Professor of Law
St. John’s University School of Law

EVA TALEL
Stroock & Stroock & Lavan LLP

Live Program (includes materials):
Member $195  Nonmember $305

CLE credit:
1.5 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

FUTURE PERSPECTIVES ON AFFORDABLE HOUSING & ECONOMIC DEVELOPMENT IN NEW YORK CITY: POLICY & PRACTICE

18 Friday, 9-1 p.m.

This program will focus on contemporary issues affecting the preservation and development of affordable housing and economic development projects in the City, which will be laid on top of a foundation summarizing certain structural elements of legal practice in these fields. Topics will include discussions of legislative, lending industry and clinical strategies to address the home mortgage foreclosure crisis; affordable housing preservation in the wake of expiring subsidy programs; public benefit agreements and the potential impact of recent tax abatement legislation and zoning changes on development. In addition the faculty will address general primer sessions on government-sponsored tax exempt bond finance, low-income housing tax credits, rent regulation and joint ventures in an affordable housing/economic development context.

Panel options are designed to appeal both to experienced attorneys practicing in these as well as related fields, and to all real estate finance, landlord/tenant, condominium/cooperative, land use, not-for-profit and public interest lawyers whose practices are inevitably touched by these concepts.

Program Chair:
DAVID A. GOLDFEIN
David A. Goldstein & Associates, PLLC

Keynote Speaker:
CHRISTINE QUINN
Speaker
New York City Council

Faculty:
BRUCE J. BERGMAN
Berkman, Henoch, Peterson & Peddy, P.C.

MATTHEW S. BRETT
Belkin Burden Wenig & Goldman LLP

PETER BRIGHTBILL
Law Offices of Peter Brightbill

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

RICHARD M. FROEHLICH
Executive Vice President and General Counsel
New York City Housing Development Corporation

Exchange Complexity for Certainty

Nicole M. De Santis, Esq., has joined LandAmerica 1031 Exchange Services, Inc. as VP/Counsel where she serves as the Director for LandAmerica’s New York 1031 Exchange Services Division. Ms. De Santis has specialized in 1031 exchanges for over eight years and has lectured and written extensively on the 1031 exchange and other related tax and legal topics.

Matthew Narby, CES® has been with LandAmerica since 2003, where he serves in the role of VP. Mr. Narby manages all of the New York office’s 1031 exchange closings and investor escrow functions and he holds the Certified Exchange Specialist® designation, which recognizes a mastery of the technical requirements necessary for a successful tax deferred exchange.

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LandAmerica 1031 Exchange Services - New York
140 East 45th Street
New York, NY 10017

Nicole M. De Santis, Esq.
212-973-4807
rdesantis@landam.com

Matthew Narby, CES®
212-973-6721
mnarby@landam.com

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THE FIFTH ANNUAL INSTITUTE
ON TAX ASPECTS OF MERGERS & ACQUISITIONS

23 Wednesday, 5–7 p.m., 24 Thursday, 9:00-5:30 p.m. & 25 Friday, 8:30-5:15 p.m.

The Institute will explore current tax developments and planning opportunities relating to mergers and acquisitions. The speakers include nationally recognized corporate tax specialists and top Treasury and IRS officials. The program starts on Wednesday evening with a panel entitled "Basic M&A Tax Rules" and continues on Thursday and Friday with an in-depth look at a full range of issues.

Program Co-Chairs:
MICHAEL L. SCHLER
Cravath, Swaine & Moore LLP

SANDER C. THOMPSON, JR.
Professor of Law and Director,
Center for the Study of Mergers & Acquisitions,
Penn State
Dickinson School of Law

Faculty:
WILLIAM D. ALEXANDER
Associate Chief Counsel (Corporate)
Internal Revenue Service

PETER H. BLESSING
Shearman & Sterling LLP

PETER C. CANELLOS
Wachtell, Lipton, Rosen & Katz

GLENN R. CARRINGTON
Ernst & Young LLP

JOHN J. CLAIR, JR.
Latham & Watkins LLP

EDWARD S. COHEN
Deputy Associate Chief Counsel (Income Tax & Accounting)
Internal Revenue Service

JOHN J. CREED
Simpson Thacher & Bartlett LLP

JULIE A. DIVOLA
Pillsbury Winthrop Shaw Pittman LLP

DAVID P. DUBNER
Goldman Sachs & Co.

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*Source: International Legal Technology Association, 2006 Technology Survey

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60 gb data storage • one year • $540 when you sign up at http://www.sosonlinebackup.com/nycbar/

Encrypted, versioned off-site data storage. No backup tapes. No hardware purchases. 60 gb, 1 year, $54/month or $540 annually. Regular price $1080 annually.

*Source: International Legal Technology Association, 2006 Technology Survey

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Our award-winning, universal data protection eliminates the problems of catastrophic computer loss or inaccessible data.
Registration

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

Cancellations & Refunds

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

A $35 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing, faxed to the City Bar Center, (212) 869-4451.

Refunds and program credits are not available for the purchase of tapes, CDs, DVDs, course materials or online programs. Scholarships are available. Please call (212) 382-6663 for an application.

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

CLE Credit Information

CLE credit applies to New York and California (for live programs only). Illinois credit differs and ethics credits are pending.
# APRIL 2008 CLE REGISTRATION FORM

<table>
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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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PROFESSIONAL DEVELOPMENT:  
THE THREE “Fs” OF MENTORING

According to Kathy Morris, Chief Training and Professional Development Officer at Sidley Austin LLP, finding mentors, fostering the mentor relationship and facilitating your career through mentoring make up the three “Fs” of mentoring. Speaking to a group of midlevel associates at the program, Maximizing Mentoring Relationships: Enhancing Your Practice and Professional Reputation, Morris advised attendees that with a little effort they can develop and use mentoring relationships to help them succeed in the workplace.

Finding a Mentor

Many workplaces offer formal mentor programs. These assigned mentor relationships may or may not be successful or may only serve only a limited purpose. Although it is important to welcome these relationships the key, says Morris, is to have more than one mentor as each serves a different purpose.

There are four types of mentors which make up a “mentor panel”, says Morris:

- The loyal mentor, someone in your firm, often a partner who can guide you with your professional development;
- A peer mentor, a fellow associate, who can provide candid informal advice;
- A personal life mentor, a role model who has achieved the work/life balance goals you are striving for; and
- A civilian mentor, someone from outside the firm who can give you a fresh perspective.

When seeking out a mentor, many make the mistake of only looking to a direct supervisor or someone in the same department or practice area. It is important, notes Morris, to look beyond this group and seek mentors who are both like and different from you. Look to people who work on your floor, who are in the same affinity group, or on a committee with you. Then take it further, think outside the workplace: social events, CLE programs, bar association committees and alumni networks are all great places to find mentors.

Often where you least expect it is where you will find your mentor, says Morris. So push yourself, get out and mingle.

Fostering the Mentor Relationship

Too often mentor relationships fail because the mentee is reluctant to play an active role and thinks it is the mentor’s job to move the relationship forward. Rather, says Morris, mentoring is a two-way exchange. You play a huge part in the success of a mentor relationship. Be communicative. Take the time to speak to your mentor. You may find that he or she is relieved you sought out their counsel. But remember, advised Morris, don’t communicate only when you want something.

Be appreciative of your mentor’s time. Senior lawyers can feel as overworked as junior lawyers and it is important to express your gratitude for the time the mentor is taking to guide you. In consideration of your mentor’s time, suggests Morris, offer to talk during an elevator ride down to the first floor or a walk around the block to get coffee. Conversations don’t necessarily have to be scheduled or take place across a desk.

It is also important to learn to be a good mentee, advises Morris. Keep requests simple and ask for small favors. Have key issues ready to discuss when you meet with the mentor. Be willing to be guided by your mentor. Listen, really listen to your mentor. You may not always like what you hear but you still need to receive the advice and guidance graciously, says Morris, or the mentor relationship will break down. Finally, always remember, says Morris, to respect the confidentiality of the relationship.

Facilitating Your Career

Early in your career mentors can help you learn your way around the office, answer basic questions and assist with your early professional development. Later, as you progress in your career, your mentor’s role transforms as well.

No longer, says Morris, is the role of the mentor to let you know where the bathrooms are; rather, the mentor’s role should evolve to being an ally and advocate. By the time you are a mid-level associate your mentor should become your champion; someone who helps you gain visibility and opens up leadership and promotional opportunities. He or she should encourage your independence but still remain available to help in times of trouble.

The goal of a successful mentor relationship, says Morris, is to help you, help promote you and guide you now and for years to come no matter where you work.