Forty-Fourth Street Notes

DIVERSITY IN THE LEGAL PROFESSION: TAKING ACTION, GAINING TRACTION

By Bettina B. Plevan, President

The conventional wisdom is that the legal profession lags far behind the corporate world in terms of diversity. But if the appetite for information and resources on diversity at the New York City Bar is any indication, the legal profession is working hard to catch up. While this trend can be seen throughout the country, it is particularly gratifying to see it take root in meaningful ways here in New York. Evidence of this increased focus on diversity can be found in the increasing numbers of legal employers with active diversity committees, as well as the small but growing number of full-time diversity professionals employed at larger law firms.

For more than a decade the Association has been dedicated to this initiative. One of the most significant accomplishments was simply founding the New York City Bar’s Office for Diversity, which is staffed by Meredith Moore, Director, assisted by Elizabeth Kowalczyk. It is the first, and as far as we know the only, office of its kind in a bar association in the country. We now have 116 signatories to our Statement of Diversity Principles — 99 law firms and 17 corporate law departments. These employers have committed to tracking progress for various demographic groups at all levels in our annual diversity benchmarking questionnaire. The second report on law firms and the first one for corporate law departments will be released later this month in conjunction with our annual symposium on diversity.

The Office for Diversity and Association committees have hosted a broad range of diversity-related programs, including efforts to increase opportunities for minority high school students through the Thurgood Marshall summer internship program and outreach efforts to minority law students and minority bar groups. At times, it is astonishing to see the hunger for our more formal diversity programs, whether it is aimed at individual attorneys seeking to advance and develop their careers or focused on how legal employers can make diversity and inclusion a reality. The leaders of New York City law firms and Corporate Law Departments have become vocal in their support for these initiatives and the importance of this issue.

Another promising sign of change is the response to our call for nominations for the inaugural Diversity Champion Award. We are encouraged by not only the quantity but the caliber of the nominations for our first award. The incredible efforts of so many people—ranging from associates to senior-most leaders—to make change within their organizations and the profession as a whole are truly inspiring.

Although the legal profession has come a long way in terms of the intensity of our efforts in the past few years, we have still a long way to go to achieve our objectives. Diversity initiatives do not only benefit minority groups, but the majority as well. Programs

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SMALL FIRMS, SOLOS: ACCESS WESTLAW FORMS ON YOUR DESKTOP!

Library Expands On-Site Database Selection

Beginning May 1, the City Bar’s library is implementing two significant changes. Both of these involve Westlaw. After listening to members’ comments, we have renegotiated our contract with West and are expanding the range of available databases and improving the functionality of Westlaw e-mail and downloading in the Library. In addition to the all-state/all-federal statutes, cases, and regulations databases currently accessible, we are adding access to the West Tax and Securities databases, as well as the New York Analytics databases.

The more innovative change is designed as a service for our solo practitioner and small law firm members. In a groundbreaking agreement with Thomson West not yet offered by any other bar association, the Library will provide offsite (translation — your office) access to Westlaw’s New York Forms and the National Transactional Forms databases to Association members through the Member’s Only portion of the New York City Bar homepage. More than 100,000 forms will be at your fingertips. There will be no additional charge to members for this new and valuable service.

You no longer have to make a trip to the Association to photocopy a form or print it from our collection of

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Highlights:

May 2006

Association Urges Red Cross to Include Pets in Disaster Evacuation Planning: Page 3

Picking Judges: How to Do It and Why It Matters: May 2, Page 4

The Lawyer’s Role in Corporate Governance — Recommendations of the Association’s Task Force: May 9, Page 5

Third Annual Diversity Conference: Diversity and the Legal Marketplace: May 16, Page 6

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Environmental Law
Report supporting A.114/S.2380, which would amend the New York State Environmental Quality Review Act (SEQRA) to ensure that petitioners are not denied standing to bring Article 78 petitions to challenge environmental decisions in state court solely on the grounds that the petitioners do not suffer an alleged injury that differs in kind from the injury that would be suffered by the public at large.

International Human Rights
Letter to Secretary of State Condoleezza Rice expressing concern over human rights abuses in Ethiopia. Recently the Ethiopian government has resorted to arbitrary and politically motivated detentions and the use of excessive and deadly force to suppress political demonstrations. These actions are a clear violation of the United Nations Universal Declaration of Human Rights and the letter calls upon the Department of State to exert all possible political and financial pressure to persuade the government of Ethiopia to restore the rule of law and abide by international standards of human rights.

Letter to the president of Zimbabwe expressing concern over the intimidation of and criminal charges against Arnold Tsunga, a human rights lawyer with Zimbabwe Lawyers for Human Rights. The letter argues that the grave threats made against Mr.Tsunga are in conflict with Zimbabwe’s obligations under the International Covenant on Civil and Political Rights and urges that the government end its campaign of intimidation against Mr.Tsunga, the Zimbabwe Lawyers for Human Rights, and all human rights defenders, and uphold Zimbabwe’s international obligations.

Legal Issues Pertaining to Animals
Report supporting H.R. 3858. This bill, known as the Pet Evacuation and Transportation Standards Act, would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that state and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency. For more information, please see page 3. Report supporting A.1835/S.2142, which would amend the environmental conservation law to allow municipalities, by local law or ordinance, to restrict, limit or prohibit trapping within its municipal limits. Every year dogs, cats, birds and other animals are crippled or killed by traps. Animals can suffer for days before they die or are rescued. Whether trapping should be permissible in a certain area is a local decision, dependant on population density and local culture. This legislation, the report argues, would appropriately place the decisions in the hands of the various county legislators.

Mergers, Acquisitions and Corporate Control Contests
Letter to the SEC commenting on proposed amendments to the Tender Offer Best-Price Rule. The letter supports the proposal, which would provide an exemption and non-exclusive safe harbor for employment compensation, severance or other employee benefit arrangements, and provide relief from the uncertainties of litigation in this area. In addition to expressing support for the amendments, the letter provides specific suggestions to refine and clarify the proposal.

Professional and Judicial Ethics
Formal Opinion 2006-01 considers under what circumstances a law firm may ethically request that a client prospectively waive objection to the law firm’s representation of another client that is adverse to the first client. The opinion finds that a law firm may ethically request a client to waive future conflicts if (a) the law firm makes appropriate disclosure of, and the client is in a position to understand, the relevant implications, advantages, and risks, so that the client may make an informed decision whether to consent, and (b) a disinterested lawyer would believe that the law firm can competently represent the interests of all affected clients.

DIVERSITY... CONTINUED FROM PAGE 1

and recommendations focused on recruiting and retaining specific demographic groups provide firm-wide benefits. For example, the recommendations in Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys, a report published this year by the Women in the Profession Committee, can be applied to create a more inclusive work environment for all. The report can be found online at www.nycbar.org.

We are pleased that our approach to effect change is receiving notice from other bar associations around the country. Most recently, the Los Angeles County Bar Association has modeled their Statement of Diversity Principles on our work here in New York and plans to create an Office for Diversity like ours. Working together, with local, state, national, and minority bars, we can truly effect meaningful change.
ASSOCIATION URGES RED CROSS TO INCLUDE PETS IN DISASTER EVACUATION PLANNING


It is a bond that not even nature’s strongest wind or flood could break. When the world-class disaster known as Hurricane Katrina ripped up and flooded the Gulf Coast region beyond recognition, many residents with pets rejected rescue workers’ orders to evacuate, asserting their right to risk their lives rather than leave their homes and abandon their animal family members.

Call it loyalty, call it devotion, call it love -- but to emergency rescuers attempting to evacuate die-hard residents with pets, that age-old bond between owner and pet created life-threatening situations that prompted an Association committee to intervene. In a letter to the American Red Cross, the Chair of the Committee on Legal Issues Pertaining to Animals, Meena Alagappan, cited numerous news reports emanating from the disaster zone that convinced the committee that the current policy, which does not allow people to be evacuated with their animals, or to be sheltered with or near them, "leads to unnecessary risk of the lives of both humans and animals."

News accounts streaming out of the disaster zone attested to this unmentionable choice that was forced on people: New Orleans resident Melvin Johnson said, "They're going to drag me kicking and screaming unless they take my dogs." (New York Daily News 9/5/05). A New Orleans resident with a dog stated, "We swam out together and she didn't give up on me and I'm not giving up on her." (New York Times 9/8/05).

New Orleans resident George Reed said, "What about my dog?" as he defied rescuers' orders to evacuate. (Reuters 9/8/05). The Reuters article continued, "...many of the shelters that house displaced New Orleans residents prohibit pets. This hard line has stymied the rescue effort in New Orleans. Would-be rescuers have watched in amazement time and again during the past week as pet owners refused to budge from flooded homes without a dog or a cat." (Reuters 9/8/05).

The committee’s letter to the American Red Cross cited the findings of a poll taken in October, 2005, that showed "a majority of persons disagree with the current policy that excludes animals from rescue in disasters. Of the people polled who have companion animals, 61% stated that they would refuse to evacuate if they could not take their animals with them."

Alagappan told "44th Street Notes" that Congress is now considering the Pet Evacuation and Transportation Standards Act (PETS Act, H.R. 3858) that would require governmental disaster plans to include procedures for evacuating pets and service animals. And recently introduced in the state Legislature is a New York State bill (A.9292; S.6913), which provides for state and local disaster preparedness plans to address the needs of individuals with household pets and service animals following a disaster emergency. "If passed, it would ensure that evacuation plans for companion and service animals are in place in case of a New York state disaster," said Alagappan.
MAY 2006 CALENDAR

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

2 Tuesday, 6 pm

PICKING JUDGES: HOW TO DO IT AND WHY IT MATTERS

Judicial selection reform has been a main focus of policy and political discussions in New York, especially since a recent federal court decision enjoined the use of the judicial convention system to nominate candidates for New York State Supreme Court. The court ruled that until the Legislature acts, Supreme Court nominees will be chosen through primary elections (effective 2007). This panel will explore the various methods of selecting judges, including commission-based appointment or merit selection, direct primaries with and without public financing, and a reformed judicial delegate convention system. Additional issues, such as the establishment of independent judicial qualifying commissions, retention elections, improved voter education and campaign financing disclosure, will be explored.

Moderator:
VICTOR A. KOVNER
Chair, The Fund for Modern Courts

Speakers:
MICHAEL A. CARDOZO
New York City Corporation Counsel

DEBORAH GOLDBERG
Director, Democracy Program, Brennan Center for Justice

BETTINA B. PLEVAN
President, New York City Bar Association

PAUL WOOTEN
Paul Wooten & Associates; Civil Rights Attorney

Co-sponsored by:
Citizens Union; Fund for Modern Courts; League of Women Voters of the City of New York; This forum is supported in part by a grant from the League of Women Voters Education Fund and the Program on Constitutional and Legal Policy of the Open Society Institute.

2 Tuesday, 7 pm

FIRST, DO NO HARM: IS THE HIPPOCRATIC INJUNCTION A CASUALTY OF THE WARS ON TERROR AND CRIME?

Panelists will explore the legal and ethical implications of the role of physicians in governmental activities such as executions and the interrogation of detainees and terror suspects.

Moderator:
ARTHUR ZITRIN, M.D.
Professor of Psychiatry, Emeritus, New York University School of Medicine

Speakers:
LEON EISENBERG, M.D.
Maude and Lillian Presley Professor of Social Medicine and Professor of Psychiatry, Emeritus, Harvard Medical School

STEVEN H. MILES, M.D.
Professor of Medicine and Bioethics, University of Minnesota

SCOTT M. SULLIVAN
Allen & Overy, LLP

PAUL F. ENZINNA
Baker Botts LLP

3 Wednesday, 6-8 pm

USING NETWORKING AND NETWORKING SUPPORT GROUPS TO MANAGE YOUR JOB SEARCH AND CAREER

To effectively use networking in managing your job search and career, you must be able to understand it conceptually and be able to take actions that generate results. This workshop will use networking concepts to create specific search objectives for workshop participants. Strategies to achieve these objectives will be developed, including how to use networking support groups to build and maintain momentum.

Speaker:
GIL ALLISON
Senior Vice President, Career Consulting, Right Management Consultants

8 Monday, Noon-2 pm

ADR Luncheon
WHAT YOU NEED TO KNOW ABOUT THE MATRIMONIAL COMMISSION’S RECENT RECOMMENDATIONS CONCERNING THE USE OF ADR

In February 2006, the Matrimonial Commission presented its Report to the Chief Judge of the State of New York. As part of its recommendations, the Commission urged that the use of ADR be expanded in matrimonial matters, particularly those involving children. At the same time, the Commission identified areas of specific concern regarding the appropriate use of ADR in matrimonial cases.

Please join us for lunch and a timely discussion regarding the current state of ADR in New York State and how the courts are approaching implementation of the Commission’s recommendations. Our distinguished panel includes the Justice charged with such implementation, the Coordinator of ADR Programs for the NYS Unified Court System and a leading matrimonial mediator who testified before the Matrimonial Commission.

If you are an attorney or mediator in the matrimonial field or interested in learning more about the use of ADR in the field, this program is for you.

Program Chair:
STEPHANIE MORSE-SHAMOSH
Director, UBS Financial Services Inc.

 Speakers:
HON. ANN PFAU
First Deputy Chief Administrative Judge, New York State Unified Court System

ADAM J. BERNER, J.D., M.A.
Mediator, Collaborative Family Lawyer & Conflict Resolution Trainer

DANIEL M. WEITZ
State ADR Coordinator, New York State Unified Court System

The fee, which includes lunch, is $25 for members and $30 for non-members. Please register on page 9 or online at www.nycbar.org.
For the past year, a Task Force of this Association has been examining the extent of lawyer involvement in corporate scandals, and considering whether corporate lawyers for public companies should be viewed as "gatekeepers" obliged to detect and abort client wrongdoing. More broadly, the Task Force has considered how the role of lawyers might be redefined to maximize the bar's contribution to sound corporate governance practice.

This program will present, for public review and comment from the audience, the Task Force's findings and preliminary recommendations, including on these topics:

- Should the role of corporate lawyers include a gatekeeping responsibility to the investing public, or should their sole duty be to their clients?
- Do the SEC's "reporting up" rules under Sarbanes-Oxley go too far — or not far enough — in permitting or requiring lawyers to disclose threatened or ongoing securities violations by corporate clients?
- Should New York adopt the recent amendments to ABA Model Rules 1.6 and 1.13 regarding lawyer disclosure of client financial fraud?
- Should a company's chief legal officer, and/or its outside counsel, be required to certify the accuracy of the company's public filings to the extent of their knowledge and responsibilities?
- What rules should govern the conduct of client-initiated internal investigations, and the selection of counsel to perform them?
- Should inside counsel, and/or outside counsel, be protected from retaliatory discharge for having reported apparent wrongdoing?
- Are there ways in which a company's counsel and its independent auditors can better collaborate to improve the quality of financial reporting?

Moderator:

DANICE KOWALCZYK
Managing Director, BCG Attorney Search

 Speakers:

DOMINIC MORANDI
Co-Founder and Principal, Morandi, Taub & Sarnoff LLC

PETER DRANOFF
Principal, Preferred Placement, Inc.

JOANNE OLLMAN
Director of Strategic Associate Programs, Weil, Gotshal & Manges LLP

Closing Speaker:

ELENA KASPI
President, LifeScope Coaching, LLC

Registration by May 5 is necessary. The fee, which includes light refreshments, is $10. Please register online at www.nycbar.org
A panel of experts – including a prosecutor, the founder of the Chicago “court-watching” Dog Advisory Work Group (DAWG), and humane organization representatives – will discuss the politics of animal cruelty investigation and prosecution.

Using a sample case history, the panel will examine such topics as how decisions to prosecute are made; whether justice for animals is achievable within our current legal system; the value of “court-watching” and civil cruelty enforcement statutes; and the relative contributions of law enforcement, the courts, and the public to the success or failure of an investigation and prosecution.

Moderator:
DEBORA M. BRESCH
Legislative Liaison, Eastern Region, ASPCA

Speakers:
CYNTHIA BATHURST
Co-Founder, Dog Advisory Work Group (DAWG)

DAVID BERNHEIM
Counsel, I-SPEAK

ELINOR MOLBEGOTT
General Counsel, Humane Society of New York

JENNIFER NEGRON
Assistant District Attorney, Bronx County

STACY WOLF
Senior Director, Legislative Services and Anti-Cruelty Training, ASPCA

11 Thursday, 12:30 – 2 pm
Small Law Firm Luncheon
THE NECESSITIES OF OPENING YOUR OWN PRACTICE
If you are thinking about opening your own practice or have done so recently, this is a program you cannot miss. Our panel will address a number of important issues faced by young attorneys who begin their own law practices. Some of the important topics our panel will cover include: finding clients, choosing the correct area of practice, finding office space, choosing the right equipment and supplies for your practice, setting up bank accounts and effectively handling tax issues. This program is aimed at recent and soon to graduate students, as well as newly admitted attorneys.

Speakers:
MARTIN J. LEAHY
Law Office of Martin J. Leahy

SCOTT FENSTERMAKER
Law Offices of Scott L. Fenstermaker, P.C.

LISA M. BLEUSTEIN
Law Offices of Lisa M. Bluestein, LLC

MARK A. JOSEPHSON
Law Offices of Mark A. Josephson

Sponsored by Lexis/Nexis
Registration by May 4 is necessary. The fee, which includes lunch, is $20 for members; $30 for non-members. Please register on page 9 or online at www.nycbar.org

11 Thursday, 6-8 pm
ARE YOU THINKING ABOUT FILING FOR PERSONAL BANKRUPTCY?

Last October’s change in the Bankruptcy Code has made it more difficult for individuals to determine whether they can seek relief from crushing financial obligations under the bankruptcy laws, and more complex to file. In this seminar, the Director of the City Bar Justice Center’s Pro Bono Consumer Bankruptcy Project will provide information about the new eligibility requirements to file for Chapter 7 bankruptcy under the revised code, and discuss the forms and documents necessary for filing an individual bankruptcy. The Pro Bono Consumer Bankruptcy Project also will have volunteer attorneys available after the presentation to assist audience members with specific questions about bankruptcy issues.

Speaker:
JOHN McMANUS
Director, Pro Bono Consumer Bankruptcy Project, City Bar Justice Center

16 Tuesday, 8:30 am – 2 pm
THIRD ANNUAL DIVERSITY CONFERENCE: DIVERSITY AND THE LEGAL MARKETPLACE

8 am – Registration and Networking
8:30 am – Welcome and Update:
Highlights from Diversity Benchmarking
BETTINA B. PLEVAN
President, New York City Bar
11:15 am - The Good, the Bad, & the Ugly: Successes & Snakepits on the Path to True Diversity and Inclusion

Join in an interactive conversation about overcoming challenges, sharing success stories, and brainstorming innovative practices. The small group sessions will be divided by type of legal employer, including government, public interest, large firms, small-to-mid-sized firms, and corporations.

12:15 pm - Break

12:30-2 pm - Luncheon

Concurrent Session Report Back

Presentation of Diversity Champion Award Winners

Registration fee is $250 Members, $325 Non-Members. Breakfast and lunch will be provided. Please register online at http://www.nycbar.org

This program will fulfill 3 hours of professional practice/practice management credit for the New York State MCLE requirements. For further information, please contact Meredith Moore, Director of the Office for Diversity, 212-382-6689 or mmooore@nycbar.org

16 Tuesday, 4 pm

Legal Services Awards

The Association will be presenting its Seventeenth Annual Legal Services Awards, which are given to outstanding lawyers and non-lawyers working full time in civil legal services organizations.

17 Wednesday, 6-9 pm

CLIENT MANAGEMENT: HOW TO CREATE LOYAL CLIENTS TO INCREASE BUSINESS

Client-centric practices are essential in today's market for every attorney, whether in a large to medium firm, solo or start up, since today clients are in the driver's seat as to what they want, who they want and how they want it. Client management begins with an understanding of what clients want, how they evaluate attorneys, how they want to work with attorneys and how you can keep business and get referrals.

The program begins with a discussion of strategies of how to rain-make as well as create a client focused adaptation — to know and convey that the client comes first and make it clear through the look and the person, client teams, customized services packages, value billing practices, etc. — all of which respond to the identified needs. The goal is loyal clients who want to use your services, use the services of partners and referrals, try new services, and recommend you to others.

Learn how to:
- Understand why this approach is necessary
- Talk to clients in ways that are meaningful to them
- Produce value-added services
- Discover the secrets of making yourself invaluable to clients

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

Faculty:
PETER A. CROSS
Managing Partner
Jacob Medinger & Finnegan LLP

CHRISTINE S. FILIP
President
The Success Group

MATTHEW S. QUINN
Quinn McCabe LLP

18 Thursday, 8:30 am - 9:30 am

Breakfast Series: Women in Commercial Litigation

PART V — A VIEW FROM THE BENCH

This breakfast is the last in the series on Women in Commercial Litigation. For the final breakfast, the Honorable Shira Schindlin and the Honorable Helen E. Freedman will provide a view from the bench on women in commercial litigation. Prior breakfasts have focused on working as a commercial litigator, developing a commercial practice, and arbitrating a commercial case.

Moderators:
CARRIE H. COHEN
Chief, Public Integrity Unit, Office of the New York State Attorney General

ANDREA MASLEY
Principal Court Attorney to Judge Ramos, New York State Supreme Court, Commercial Division

HON. HELEN E. FREEDMAN
Justice, New York State Supreme Court, Commercial Division

HON. SHIRA SCHINDLIN
United States District Judge, Southern District of New York

Registration by May 10 is necessary. The fee, for each breakfast, is $15. Attendance is limited. Please register online at www.nycbar.org

18 Thursday, 6:30 pm - 8:30 pm

SERVING ON A NON-PROFIT BOARD

This panel will discuss the opportunities available to serve on the board of directors of a nonprofit organization, including the variety of nonprofits looking for board members and how you can use the panelists to begin your board search. Our keynote speaker will address the importance and benefits to lawyers of serving on a nonprofit board.

Keynote Address:
LLOYD BROWN
Executive Vice President, The Bank of New York

Moderator:
MICHAEL DAVIDSON
Chairman of the Board, Governance Matters

Speakers:
RHODA BARR
Director, Client Services, Volunteer Consulting Group, Inc.

ANGELA DINGER
Nonprofit Board Clearinghouse, New York Junior League

FREDERICK FIELDS
Director, Nonprofit Leadership Development Institute, United Way of New York City

CHERYL FISHBEIN
Chair, Task Force on Board Development, UJA-Federation

NICOLE SEBASTIAN
Associate Manager, Governance, Management Assistance, Robin Hood Foundation

Co-sponsored by: Federal Bar Council

Please RSVP to Sara Chang at 212-382-6648 or scchang@nycbar.org.

19 Friday, 6 pm

FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION

Works will include Brahms’ Clarinet Quintet, Shostakovich’s Piano Trio, and Mozart’s Adagio and Fugue with Mark Lopeman, Clarinet; Arun Bordoloi, Laura Chang and Clare Detko, Violin; Wendy Keyes, Viola; Irene Ten Cate, Cello; Tania Papayannopoulou, Piano.

Admission is $10 at the door. For more information, please call (212) 788-1093.
23 Tuesday, 6 pm

ANNUAL MEETING OF THE ASSOCIATION

All Association members are invited to the Annual Meeting of the Association and the installation of Barry M. Kamins as President of the Association. (The agenda for the meeting has been mailed to the membership.)

A reception will be held after the meeting.

24 Wednesday, 8:30 am - 5 pm

PRESCRIPTION FOR IMPROVING THE WAY HEALTH CARE AND LEGAL SYSTEMS DEAL WITH UNANTICIPATED OUTCOMES IN MEDICAL CARE

9 am - 9:50 am:
Keynote Speech
"Errors, Harm and Malpractice: What Should We Apologize For?"

MARK R. CHASSIN MD, MPP, MPH
Chairman, Dept. of Health Policy, Mt. Sinai Medical Center; Executive Vice President for Excellence in Patient Care, Mt. Sinai Medical Center

10:00 - 10:50:
"Physician/Patient Communication: Disclosure after an Unanticipated Medical Event and Offer of Apology"

CHRIS STERN HYMAN
Medical Mediation Group LLC

CAROL LIEBMAN
Clinical Professor, Columbia Law School

ALVIN H. BROOME
Ginsberg & Broome

Lunch: 1 – 1:50 pm

2:00 - 3:50 pm:
"First Do No Harm" video followed by a discussion

Moderator:
CAROL LIEBMAN
Clinical Professor, Columbia Law School

Speakers:
JEFFREY B. BLOOM
Gair, Gair Conason

ROSARY A. MORELLI
Heidell, Pittoni, Murphy & Bach LLP

ANNETTE ROSS
Patient Advocate

GARY KALKUT, MD
Vice President and Medical Director, Montefiore Medical Center

JIM ROBB
Medical Liability Mutual Insurance Company

4 - 4:50 pm:
Comparative professional ethics presentation

WILLIAM M. SAGE, M.D., J.D.
Professor, Columbia Law School

CLE credits will be available. Advance registration is required. The fee, which includes a breakfast buffet and lunch, is $150. Please register on page 9 or online at www.nycbar.org

24 Wednesday, 6:30 p.m.

MORTIMER H. HESS MEMORIAL LECTURE:
"THE TAXATION OF TOTAL RETURN TRUSTS: IS THE CODE IN NEED OF TOTAL RETURNING?"

The Committee on Estate and Gift Taxation is presenting this year’s Mortimer H. Hess Memorial Lecture, to be given by Professor Kenneth F. Joyce. A reception will follow the Lecture.

Introductory Remarks:
RONNI G. DAVIDOWITZ
Chair, Committee on Estate and Gift Taxation

Speaker:
KENNETH F. JOYCE
SUNY Distinguished Teaching Professor, University of Buffalo Law School

There is no fee to attend this event. Registration is recommended. Please register online at www.nycbar.org.

24 Wednesday, 6:30 p.m.

ONLINE GAMBLING: THE DEBATE GOES PUBLIC

The debate on Internet gambling is raging stronger than ever, particularly on Capitol Hill, in the wake of the Jack Abramoff scandal. A diverse panel will discuss and debate the current state of the law surrounding online gambling, including potential liability by advertisers, payment processors, and financial institutions.

The panel will also present a range of views as to what future decisions Congress and the courts should make concerning the legalization, regulation, or further criminalization of online gambling and activities that help facilitate it.

Moderator:
KENNETH DREIFACH
Chief, Internet Bureau, Office of New York Attorney General

IRA BLOCK
Executive Vice President, Legal Affairs & General Counsel, New York City Off Track Betting Corporation

FRANK CATANIA
Catania Consulting Group, Inc.; Former Director of New Jersey Division of Gaming Enforcement

MICHAEL TEW
Principal, Capital HQ

JOSEPH DEMARCO
Assistant United States Attorney, Southern District of New York; Lead Prosecution Counsel, United States v. Jay Cohen

25 Thursday, 8:30 am – 10 am

PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS SERIES FOR MID-LEVEL ASSOCIATES

Workshop VIII

Developing Professional and Client Relationships

Keeping satisfied clients is an important part of a successful legal practice. Associates will learn ways in which to develop, maintain and enhance relationships with their colleagues in the legal community and their “clients”: firm management, practice group partners and business executives of the firm’s clients with whom they work.

This program will provide advice on:

• Identifying client needs
• Anticipating client demands
• Keeping clients satisfied
• Maintaining a positive perception in the community
• Becoming the "go to" person.

Speaker:
TIMOTHY G. LEISHMAN
Leishman Performance Strategy, Inc.

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

31 Wednesday, 
CLE program 4-6:15 pm; 
Reception 6:20-8 pm

2ND ANNUAL 
BANKRUPTCY 
PRO BONO PROGRAM: 
FROM THE COURTROOM 
TO THE CLASSROOM

This CLE Program, featuring two panel presentations, one by Bankruptcy Court Judges and another by attorneys, will highlight bankruptcy pro bono activities ranging from fast-paced motion and trial practice to teaching high school students about the dangers of credit abuse. Issues frequently arising in bankruptcy pro bono proceedings, such as the discharge of student loans, will be discussed. Judges from the Southern and Eastern District Bankruptcy Courts and the United States Trustee for Region 2 also will offer perspectives on successful bankruptcy litigation, how it differs from litigation in other courts, and opportunities for pro bono service.

The Reception will honor the Judges of the Southern and Eastern District Bankruptcy Courts and celebrate the activities and volunteers of the Bankruptcy Pro Bono Panel, the Pro Bono Consumer Bankruptcy Project and the CARE Program. Information on the Bankruptcy Pro Bono Panel, which provides pro bono representation in matters referred by the bench, the Consumer Bankruptcy Project, which advises debt burdened low-income individuals on the restructuring of their finances, and the Credit Abuse Resistance Education (CARE) Program, which educates high school students on the thoughtful and responsible use of consumer credit, will be available.

Moderators:
DEIRDRE A. MARTINI
United States Trustee, Region 2

JOSEPH M. VANN
Cohen Tauber Spievack & Wagner LLP; Chair, Pro Bono Subcommittee, New York City Bar Committee on Bankruptcy and Corporate Reorganization

HON. ELIZABETH S. STONG
United States Bankruptcy Judge, Southern District of New York

HON. ROBERT D. DRAIN
United States Bankruptcy Judge, Southern District of New York

HON. ALLAN L. GROPPER
United States Bankruptcy Judge, Southern District of New York

HON. ALLAN L. GROPPER
United States Bankruptcy Judge, Eastern District of New York

DAVID J. DOYAGA
Doyaga & Schaefer; successfully represented debtors under the new requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005

BRYAN R. KAPLAN
Shearman & Sterling LLP; teaches classes to high school students on the responsible use of consumer credit

PATRICIA MATZYE
Carter, Ledyard & Milburn LLP; provides pre-filing advice to pro se debtors and assists in petition preparation

JOHN T. MCMANUS
Project Director, Consumer Bankruptcy Project; Administrator, Bankruptcy Pro Bono Panel

VINCENT J. ROLDAN
DLA Piper Rudnick Gray Cary US LLP; represented debtor seeking student loan discharge

There is no fee for the CLE program or the reception. CLE program attendees are eligible to receive 2.0 CLE credits. To RSVP for the CLE program or reception, please contact Sara E. Chang, schang@nycbar.org or (212) 382-6648, by May 25, 2006. Program attendance is not required to attend the reception.

May 2006 Registration Form

☐ ADR Luncheon – 8 Monday
What You Need to Know About the Matrimonial Commission’s Recent Recommendations Concerning the Use of ADR
The fee, which includes lunch, is ☐ $25 for members, ☐ $30 for non-members.

☐ Small Law Firm Luncheon – 11 Thursday
The Necessities of Opening Your Own Practice
The fee, which includes lunch, is ☐ $20 for members, ☐ $30 for non-members.

☐ Prescription for Improving the Way Health Care and Legal Systems
Deal with Unanticipated Outcomes in Medical Care – 24 Wednesday
The fee, which includes a breakfast buffet and lunch, is ☐ $150.

Name

Number of Reservations

Address

Total Enclosed $

City

Card Number

State

Zip

Expiration Date

Phone

Signature

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

www.nycbar.org
It was a night of fun, fine food, music and, of course, lawyers. The House of the Association – the 19th century landmark building on West 44th Street and headquarters to some 23,000 New York City attorneys – opened its doors for an inaugural gala to raise funds for the City Bar Justice Center, the public service arm of the Bar Association.

The Justice Center has a strong track record of helping disadvantaged populations in New York improve their access to justice and, thus, their situation in society. Groups that benefit from the Justice Center’s many legal-assistance projects include: immigrants, battered women, the homeless, the elderly, cancer survivors, consumers filing for bankruptcy and struggling small-business owners.

Two organizations that have excelled in giving something back to the community, while working closely with the Justice Center, are the American Express Company and Simpson Thacher & Bartlett, LLP. Both firms were presented with the very first City Bar Justice Award, a newly created medallion that will be given every year for commendable public service.

A splendid time was had by all. (Top photo, left) Maria Imperial, executive director, City Bar Justice Center (left), Bettina B. Plevan, president, New York City Bar (center), and Barbara Berger Oplotowsky, executive director, New York City Bar.

(Top photo, right) Gala dinner party in the Association’s Meeting Hall.

(Center photo, top) City Bar President Bettina B. Plevan (left) and Joan Guggenheimer, gala co-chair and co-general counsel of JPMorgan Chase & Co., welcome representatives from the two honored firms: Louise M. Parent, executive vice president and general counsel of American Express (center); and Philip T. (Pete) Ruegger, chairman of the executive committee at Simpson Thacher & Bartlett. (On the right) H. Rodgin Cohen, chairman of Sullivan & Cromwell, LLP, and gala co-chair.

(Center photo, bottom) Gala cocktail party in the Association’s marbled front lobby.

(Bottom photo, left) Former Association presidents gather at the gala: (left to right) Michael A. Cardozo, Barbara Paul Robinson, E. Leo Milonas, Evan A. Davis, Bettina B. Plevan, and Robert M. Kaufman.

(Bottom photo, right) Samuel W. Seymour, City Bar Justice Center vice president.
To celebrate our expansion of online programs, a 20% discount will be given off of many of our online programs. For a listing of programs or to register, visit www.nycbar.org or call 212-382-6663.
Q:

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<td>6-9 p.m. RETAIL LEASING: SHOPPING CENTERS, STRIP CENTERS, RESTAURANT LEASES &amp; MORE!</td>
<td>9-5 p.m. SECURITIES ENFORCEMENT TODAY: VIEWS FROM INSIDE &amp; OUT</td>
<td>6-9 p.m. A PRIMER ON PROBATE &amp; ADMINISTRATION OF NEW YORK ESTATES</td>
<td>6-9 p.m. ETHICAL CHALLENGES: CURRENT ISSUES &amp; HOT TOPICS</td>
<td>9-1 p.m. HEDGE FUNDS: CURRENT DEVELOPMENTS IN FORMING, OPERATING &amp; COMPLYING WITH THE NEW RULES</td>
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<td>6-9 p.m. SOFTWARE LICENSES &amp; SERVICES: EMERGING PRINCIPLES, REGULATORY CONCERNS &amp; ETHICS</td>
<td>6-9 p.m. ADR IN ARTS &amp; ENTERTAINMENT DISPUTES: AN INTERACTIVE INTRODUCTION TO ARBITRATION &amp; MEDIATION</td>
<td>6-9 p.m. LABOR CERTIFICATION: FUNDAMENTALS &amp; BEST PRACTICE UNDER THE NEW PERM SYSTEM TO BENEFIT YOUR CLIENT &amp; YOUR IMMIGRATION PRACTICE</td>
<td>9-5 p.m. MANAGING ANTITRUST MATTERS IN THE MODERN CORPORATION GOVERNANCE ERA</td>
<td>9-5 p.m. MANAGING ANTITRUST MATTERS IN THE MODERN CORPORATION GOVERNANCE ERA</td>
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<td>6-9 p.m. COMPLEX CHILD CUSTODY ISSUES: NAVIGATING THE Labyrinth</td>
<td>6-9 p.m. COPYRIGHT &amp; DIGITAL DATABASES</td>
<td>6-9 p.m. DISCOVERY OF ELECTRONIC EVIDENCE: WHAT YOU NEED TO KNOW WITH RESPECT TO DISCOVERY OF PAPERLESS DOCUMENTS</td>
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<td>HOT TOPICS ON THE CURRENT LEGAL, TAX &amp; ACCOUNTING ENVIRONMENT FOR TAX-EXEMPT ORGANIZATIONS – WHAT YOU DON’T KNOW CAN HURT YOU</td>
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<td>6-8 p.m. NEGOTIATING &amp; DOCUMENTING DERIVATIVES TRANSACTIONS</td>
<td>9:12-30 p.m. M&amp;A DEALS: ANTICIPATING &amp; RESOLVING ISSUES THAT THREATEN TO DERAIL THE DEAL</td>
<td>6:9 p.m. EMPLOYMENT DISCRIMINATION LAW: WORKPLACE RIGHTS &amp; PROTECTIONS RELATING TO SEXUAL ORIENTATION &amp; GENDER</td>
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*This program provides transitional credit for newly admitted attorneys.

www.nycbar.org
The goal of the program is not to teach the current state of antitrust law, but instead to focus on what preeminent antitrust lawyers do when handling matters to provide their clients the best possible chance of success without creating ancillary problems.
**ART LAW**

**ADR IN ARTS & ENTERTAINMENT DISPUTES: AN INTERACTIVE INTRODUCTION TO ARBITRATION & MEDIATION**

9 Tuesday, 6-9 p.m.

Use of painting or sculpture in a motion picture is not unusual. Under what circumstances would such use be considered fair use? When is a film’s use of a visual artist’s work legitimate and even creative and when is it regarded as piracy? If not fair use, what types of remedies and solutions would be available to address the issues raised? How well does the legal doctrine of fair use serve the varied interests of the filmmakers and the artist?

Arbitration and mediation may be particularly useful tools in disputes involving issues of visual art and entertainment law. By involving the audience in mock dispute resolution processes, this program will help to familiarize attorneys with arbitration and mediation through an analysis of the processes, the possible outcomes, and the different sets of skills required for each kind of ADR procedure. Following the role-plays and analysis of the diverse results, a distinguished panel of lawyers and arts professionals will discuss the variety of fair use disputes in the visual arts and entertainment industries and the practicalities of mediation and arbitration as alternatives to resolution of the myriad disputes that can arise when the film and visual arts worlds collide. It will examine whether, and how, the interesting and controversial worlds collide. It will examine whether, and how, the interesting and controversial issues surrounding the fair use doctrine may be resolved through methods of alternative dispute resolution.

Program Chair:

**ALIDA CAMP**

ADR Offices of Alida Camp

Faculty:

**NANCY ADELSON**

Associate General Counsel
The Museum of Modern Art

**RICHARD A. ALTMAN**

Law Office of Richard A. Altman

**LUIS R. CANCEL**

Executive Director
Clemente Soto Velez Cultural & Education Center

**BARBARA HOFFMAN**

The Hoffman Law Firm

**CORPORATE & SECURITIES**

**SECURITIES ENFORCEMENT TODAY: VIEWS FROM INSIDE & OUT**

2 Tuesday, 9-5 p.m.

Enforcement of the federal securities laws has never been more vigorous. The Division of Enforcement of the Securities and Exchange Commission has been joined by self-regulatory organizations, state regulators and criminal prosecutors in policing the nation’s securities markets. While in the last year there have been a number of changes at senior levels at the SEC, the New York Stock Exchange and the Department of Justice, both regulators and criminal prosecutors continue to move forcefully, bringing large numbers of civil enforcement actions that are frequently accompanied by parallel criminal charges. The Sarbanes-Oxley Act gave the SEC potent new weapons, that it has used aggressively. The President’s Corporate Fraud Task Force has emphasized criminal prosecutions on a national level. State regulators have continued to expand their role, participating in some of the most high-profile cases. Defending clients in this complex environment can be an extraordinarily difficult task.

This program will cover all of these developments as they affect representing public companies, broker-dealers, investment advisers and individuals in SEC investigations and SEC litigation, as well as dealing with parallel criminal, state and SRO investigations. The program will include panels on:

- An overview of the SEC’s investigative process

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**CLE credit:**

13 credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.
Accounting fraud & disclosure investigations
Special issues for broker dealers & other regulated entities
Resolving the case: Wells submission & settlement issues
Litigating SEC enforcement actions
Criminal enforcement of the securities laws

Program Chair:
WILLIAM R. BAKER III
Latham & Watkins LLP

Faculty:
ANDREW M. CALAMARI
Assistant Regional Director
Northeast Regional Office
Securities and Exchange Commission

GEORGE S. CANELLOS
Milbank Tweed Hadley & McCloy LLP

WAYNE M. CARLIN
Wachtell, Lipton, Rosen & Katz

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

HELENE T. GLOTZER
Associate Regional Director
Securities and Exchange Commission
Northeast Regional Office

CARMEN J. LAWRENCE
Fried, Frank, Harris, Shriver & Jacobson, LLP

RICHARD D. OWENS
Assistant United States Attorney
Chief, Securities Fraud Unit
Department of Justice
United States Attorney’s Office (SDNY)

BARRY W. RASHKOwer
Sidley Austin LLP

ROBERT M. ROMANO
Morgan Lewis & Bockius LLP

DAVID ROSENFELD
Associate Regional Director
Northeast Regional Office
Securities and Exchange Commission

KAREN PATTON SEYMOUR
Sullivan & Cromwell LLP

ERICH T. SCHWARTZ
Skadden, Arps, Slate, Meagher & Flom LLP

MICHAEL S. SOLENDER
General Counsel
The Bear Stearns Companies, Inc.

HARRY J. WEISS
Wilmer, Cutler, Pickering, Hale & Dorr LLP

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

CLE credit:
7½ credits total: 7 professional practice/practice management & ½ ethics. This program provides transitional credit for newly admitted attorneys.

HEDGE FUNDS: CURRENT DEVELOPMENTS IN FORMING, OPERATING & COMPLYING WITH THE NEW RULES

5 Friday, 9-1 p.m.

The increase in estimated assets of hedge funds to over $1 trillion along with the wider availability of hedge funds to retail investors have led to new rules and SEC enforcement activities.

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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. Major regulatory developments related to hedge funds such as the registration process, contractual disputes and the other operating issues will be examined. Finally, top practitioners and a representative 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 funds expertise will also benefit.

Program Chair:
NORA M. JORDAN
Davis Polk & Wardwell

Faculty:
PAUL S. ATKINS
Commissioner
Securities and Exchange Commission

THOMAS A. BIOLSI
Managing Director
PricewaterhouseCoopers LLP

STEPHANIE R. BRESLOW
Schulte Roth & Zabel LLP

NORMAN B. CHAMP III
Executive Vice President & General Counsel
Chilton Investment Company

JOHN G. GAINE
President
Managed Fund Association

RUTH S. GOODSTEIN
Chief Operating Officer
Sage Capital Management

MICHAEL HUBER
Vice President & Assistant General Counsel
Goldman Sachs & Co.

LEOR S. LANDA
Investment Management/Private Funds Group
Davis Polk & Wardwell

GREGORY G. MOCEK
Director of Enforcement
Division of Enforcement
Commodity Futures Trading Commission

CHRISTOPHER M. WELLS
Proskauer Rose LLP

Live Program:
Member $335, Non-member $475

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

NEGO TIA TING AND DOCUMENTING DERIVATIVES TRANSACTIONS

22, Monday, 6-8 p.m.

This program will provide an overview of legal aspects of the negotiation and documentation of derivatives transactions, beginning with the basics and continuing to more advanced negotiation points and current "hot issues." The panel presentation will include an introduction to derivatives documentation, credit derivatives and equity derivatives and advanced topics.

Chair:
CONRAD G. BAH LKE
Weil, Gotshal & Manges LLP

Faculty:
JACK I. HABERT
Willkie Farr & Gallagher LLP

JOHN MCGREEVY
Director and Senior Counsel
Merrill Lynch
Office of General Counsel

GLEN RAE
Associate General Counsel GCIB
Bank of America Securities LLC

DON THOMPSON
Managing Director & Associate General Counsel
JPMorgan Chase & Co.

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

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

M&A DEALS: ANTICIPATING & RESOLVING ISSUES THAT THREATEN TO DERAIL THE DEAL

23 Tuesday, 9-12:30 p.m.

This program will focus on issues that arise during the course of a transaction that might derail the deal. A panel of experienced practitioners will identify some of these issues and discuss ways to anticipate and resolve them. Topics to be addressed include:

- HSR and foreign antitrust/competition approvals
- Other regulatory approvals
- Third party consents
- MACS
- Breaches of reps and warranties and anticipatory breaches of closing conditions
- Due diligence issues, including SOX 404 and environmental issues
- Superior offers
- Financing problems

Program Co-Chairs:
LORI ANNE CZEPIEL
Sidley Austin LLP

THOMAS W. CHRISTOPHER
Kirkland & Ellis LLP

Faculty:
JONATHAN S. ADLER
Fried Frank, Harris, Shriver & Jacobson LLP

BINA KALOLA
Director of Strategic M & A- Private Equity Senior Counsel
Merrill Lynch & Co.

STEPHEN M. KOTRAN
Sullivan & Cromwell LLP

GABRIEL SALTARELLI
Sidley Austin LLP

KIMBERLY P. TAYLOR
Kirkland & Ellis LLP

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

CLE Credit:
3 1/2 credits total. Credit breakdown to be determined. This program does not provide transitional credit for newly admitted attorneys.

CRIMINAL LAW

COUNSEL BEWARE! EMERGING MONEY LAUNDERING TRENDS

10 Wednesday, 9-12:30 p.m.

As money laundering activities shift toward other segments of the financial community, in house and outside counsel must provide anti-
money laundering (AML) counseling to a wider class of clients. The program will highlight the emerging trends in money laundering that can affect clients, such as, those engaged in money services business, the nonprofit sector and conferring of professional services. The participants will alert you to the new alliances among various federal, state and local regulators, law enforcement, and prosecutors. In light of these new relationships, the panel will discuss the reach of the federal and state regulations and laws applicable to these clients, including the reach of the Bank Secrecy Act, and the impact of recent cases, such as the United States Supreme Court’s decision in Pasquantino v. United States. They will further suggest best practices to meet compliance and explore the breadth of enforcement tools available to enforce AML regulations and statutes.

Program Chair:
GILDA I. MARIANI
Chief, Money Laundering & Tax Crimes Unit
New York County District Attorney’s Office

Faculty:
JACK A. BLUM
Of Counsel
Rosner, Moscow & Napiarela, LLP

JEFFREY A. BREINHOLT
Deputy Chief
Counterterrorism Section
National Security Division
United States Department of Justice

THOMAS FLEMING
Acting Assistant Director
Office of Regulatory Policy
Financial Crimes Enforcement Network
(FinCEN)

BRIAN D. GALLE
United States Department of Justice, Tax Division
Criminal Appeals & Tax Enforcement Policy Section

KARIN KUNSTLER GOLDMAN
Assistant Attorney General
Charities Bureau

SARA A. KELSEY
Deputy Superintendent & Counsel
New York State Banking Department

MICHAEL I. SANDERS
Powell,Goldstein LLP

CLE Credit:
3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys. Portions of this program may qualify for CPE credit.

ESTATE PLANNING

A PRIMER ON PROBATE AND ADMINISTRATION OF NEW YORK ESTATES

3 Wednesday, 6-9 p.m.

After a client suffers the loss of a loved one, the client will turn to his/her attorney to provide guidance through the estate administration process. This program is intended to provide practitioners with a basic understanding regarding the filing requirements to probate wills, the appointment of administrators for decedents without wills, and how to deal with other general administration matters. Discussion will include guidance on completing the essential Surrogate’s Court forms.

Program Instructor:
DAVID K. LEITNER
Brown Raysman Millstein Felder & Steiner LLP

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

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

ETHICS

ETHICAL CHALLENGES: CURRENT ISSUES & HOT TOPICS

4 Thursday, 6-9 p.m.

This program on legal ethics, with an emphasis on the New York Rules where pertinent, will select from the following issues, possibly among others, and with an effort to select some issues that will be of practical interest to each of various practice settings: 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 (including some surprising things about obstruction of justice and a lawyer’s duty with regard to documents preservation; in-house lawyers wearing two (or more) hats: risks to the privilege; the rules on paying expert and lay witnesses; the New York twist on confidentiality rules; possible changes to the New York ethics rules on the horizon; how to write a consent to future conflicts that will stand up if challenged; what does the “Hot Potato” rule say and not say?; understanding positional conflicts and when they do and don’t require you to turn down a matter; settlements conditioned on a lawyer’s agreement not to sue the defendant again; the hidden risks when lawyers do business with clients or have conflicting financial or other interests; informational conflicts: something brand new to worry about; how far are conflicts imputed within a law office and among co-counsel?; seven important conflict of interest rules to keep you out of trouble; the no-contact rule in New York; Multijurisdictional Practice; or is a New York lawyer still a lawyer in Connecticut and vice versa?; the misdirected fax: what should you do with it? what if you send one?; offers from whistleblowers: trick or treat; law firm alliances with other service providers: the New York Rule; “can’t we just be nice to each other?” - the perils of incivility; two can be trouble: useful protocols when representing joint clients; “just the facts please” -- a checklist for internal corporate investigations; candor to the Court: what you don’t say can hurt you or ellipsis at your own risk; malpractice, fiduciary duty, & conflicts: a misunderstood relationship; battle of the forms: when firms and clients contend for different conflict default rules; common interest arrangements a/k/a joint defense agreements: what should they say?”

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

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

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

FAMILY

COMPLEX CHILD CUSTODY ISSUES: NAVIGATING THE LABYRINTH

15 Monday, 6 - 9 p.m.

This program which is presented by a panel of distinguished and experienced members of the matrimonial bar, will focus on suggestions for
practitioners negotiating settlement agreements or trying custody cases in addressing complex child custody issues. Specifically, the panelists will discuss dealing with allegations of sexual abuse, education, relocation, religion and issues surrounding special needs children.

Program Chair:
JUDITH POLLER
Bryan Cave LLP

Faculty:
LAWRENCE JAY BRAUNSTEIN
Braunstein & Zuckerman

BARBARA HANDSCHU
Attorney at Law

HAROLD A. MAYERSON
Mayerson Stutman, LLP
Counselors at Law

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

CLE credit:
3 credits in professional practice/practice management. This program does not provide transitional credit for newly admitted attorneys.

IMMIGRATION

LABOR CERTIFICATION: FUNDAMENTALS & BEST PRACTICE UNDER THE NEW PERM SYSTEM TO BENEFIT YOUR CLIENT & YOUR IMMIGRATION PRACTICE

10 Wednesday & 11 Thursday, 6-9 p.m.

PERM (an acronym for Program Electronic Review Management) is the most comprehensive change in the U.S. Department of Labor’s labor certification procedures in over 30 years. This two-part seminar on labor certification practice and its impact on other areas of employment-based immigration will feature members of the Academy of Business Immigration Lawyers, some of the most experienced immigration attorneys in the United States. The seminar will cater to both beginners and more advanced level practitioners. Although both sessions are applicable to both seasoned and less experienced attorneys, we are offering the option to attend one or both sessions. Save by attending both.

Program Chair:
CYRUS D. MEHTA
Cyrus D. Mehta & Associates, P.L.L.C.

Moderators:
H. RONALD KLASKO
Klasko, Rulon, Stock & Seltzer, LLP

STEPHEN YALE-LOEHR
Miller Mayer, LLP
Adjunct Professor, Cornell Law School
Co-Author, Immigration Law & Procedure Treatise

Faculty:
DAVID GRUNBLATT
Proskauer Rose LLP

CHARLES H. KUCK
Kuck, Casablanca & Howard, LLC

EDWARD R. LITWIN
Litwin & Associates, ALC

ANGELO A. PAPARELLI
Paparelli & Partners LLP

ELIZABETH T. REICHARD
Cyrus D. Mehta & Associates, P.L.L.C.

SUZANNE B. SELTZER
Klasko, Rulon, Stock & Seltzer, LLP

Co-sponsored with The Academy of Business Immigration Lawyers

Live Program (per session):
Member $195, Non-member $305

Live Program (both sessions):
Member $375, Non-member $515

CLE Credit for Both Sessions:
6 credits total: 5 professional/practice management & 1 ethics. This program provides transitional credit for newly admitted attorneys.

CLE Credit for Each Session:
3 credits total: 21⁄2 Professional/Practice Management & 1⁄2 Ethics. This program provides transitional credit for newly admitted attorneys.

SOFTWARE LICENSES & SERVICES: EMERGING PRINCIPLES, REGULATORY CONCERNS & ETHICS

8 Monday, 6-9 p.m.

This seminar will review licensing principles common to both software licenses and professional services and address concerns common to purchaser and vendor in an integrated context. Going beyond basic software negotiation techniques, the program will address topics relating to software licenses and professional services. The instructors will work from a fact pattern developed to illustrate the relevant issues and real-life scenarios. Regulatory and governance concerns will be highlighted. A mock negotiation is planned, offering strategies, techniques and principles for implementation. Ethical issues will also be addressed. This program will assume knowledge of software licensing principles.

Program Chair:
ANDREW H. LUPU
Senior Counsel, InfoVista Corporation

Faculty:
STEPHEN D. KAHN
Weil, Gotshal & Manges, LLP
LABOR & EMPLOYMENT

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

23 Tuesday, 6-9 p.m.

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

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

ALLEN A. DREXEL
Cohen Lans LLP

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

ARTHUR S. LEONARD
New York Law School

SHARON M. MCGOWAN
ACLU Lesbian & Gay Rights Project

RICK OSTROVE
Leeds Morell & Brown, P.C.

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

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

NON-PROFIT ORGANIZATIONS

HOT TOPICS ON THE CURRENT LEGAL, TAX & ACCOUNTING ENVIRONMENT FOR TAX-EXEMPT ORGANIZATIONS - WHAT YOU DON’T KNOW CAN HURT YOU

19 Friday, 9-5 p.m.

This program will address the recent legislative and Internal Revenue Service developments affecting tax-exempt organizations, including: (a) recent legislative initiatives (both federal and New York State) designed to curb the non-charitable activities and practices of tax-exempt organizations (and their directors, trustees, and officers); (b) recent Internal Revenue Service regulatory activity in the “intermediate sanctions” area; (c) legislative fallout from Hurricane Katrina; and (d) the continued legislative and Internal Revenue Service efforts to close the “charitable funds” pipeline to terrorist organizations. The program will also discuss accounting issues faced by tax-exempt organizations and the application of Sarbanes-Oxley type considerations to these organizations, as well as the legal, tax and accounting issues of joint venture arrangements between tax-exempt organizations and for-profit entities.

Ethical issues that attorneys who represent tax exempt organizations face (including, for example, the potential conflict of advising both the organization and one or more of its directors, trustees or officers) will also be discussed.

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Real Estate  
RETAIL LEASING: SHOPPING CENTERS, STRIP CENTERS, RESTAURANT LEASES & MORE!  
1, Monday, 6-9 p.m.

This program is for beginning and intermediate real estate attorneys. Assuming a general familiarity with leases, the panelists will introduce issues that are unique to retail leasing such as percentage rent and “going dark”, and will discuss the different concerns presented when negotiating regional mall, strip shopping center and urban retail locations. Land use controls affecting retailers will be discussed. A segment will be devoted to litigation under the retail lease. The retail marketplace, both in Manhattan and nationally, will be described.

TAX & ACCOUNTING

UCLA LAW THIRD ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS & ACQUISITIONS  
31 Wednesday, 5pm – 7pm, June 1, 9am-5:30pm & June 2, 9am-5pm

The Institute will cover basic principles to in-depth analysis of the latest issues arising in M&A, including:

- Basic M&A Tax Rules
- Tax-Free Acquisitions
- Spin-offs
- State Tax Planning
- Negotiating a Corporate Acquisition
- Private Equity, Venture Capital and LBOs
- Tax Accounting Issues
- International Transactions
- Ethical Issues in Daily Tax Practice

Institute Co-Chairs:  
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Cravath, Swaine & Moore LLP  
New York, New York

SAMUEL C. THOMPSON, JR.  
Professor and Director  
UCLA Law Center for the Study of Mergers and Acquisitions

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Internal Revenue Service  
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We believe that this is only the Library’s first step toward bringing more significant legal research tools directly to your desktop. The challenges in doing so are great. Deciding what materials work better when provided electronically to your office (cases) versus what materials are better left in print format in the Library (treatises) will be an ongoing process.

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1. Go to www.nycbar.org and click the Members Login box.
2. Enter your login and password. If you have forgotten or never set up your login and password, please click on Forget login & password.
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4. Select which form set to search from the drop down menu.
5. Enter your search query. Click the search button.
6. Sit back and enjoy the experience.

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

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

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Is there a program you would like to attend or a speaker you would like to hear? Please contact the City Bar Center with your suggestions.
## MAY 2006 CLE REGISTRATION FORM

### RETAIL LEASING: SHOPPING CENTERS, STRIP CENTERS, RESTAURANT LEASES AND MORE!

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### A Primer on probate and administration of New York estates

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### Ethical challenges: current issues & hot topics

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### Hedge Funds: Current Developments in Forming, Operating & Complying with the New Rules

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### Software licenses & services: emerging principles, regulatory concerns & ethics

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### ADR in arts & entertainment disputes: an interactive introduction to arbitration & mediation

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### Counsel Beware! Emerging Money Laundering Trends

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### Labor Certification: Fundamentals & Best Practice Under the New Permanency System to Benefit Your Client & Your Immigration Practice

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### Managing Antitrust Matters in the Modern Corporate Governance Era

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### Complex Child Custody Issues: Navigating the Labyrinth

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### Copyright & Digital Databases

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### Discovery of Electronic Evidence: What You Need to Know with Respect to Discovery of Paperless Documents

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### Hot Topics on the Current Legal, Tax & Accounting Environment for Tax-Exempt Organizations - What You Don’t Know Can Hurt You

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### Negotiating and Documenting Derivatives Transactions

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### Employment Discrimination Law: Workplace Rights & Protections Relating to Sexual Orientation & Gender

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### M&A Deals: Anticipating & Resolving Issues That Threaten to Derail the Deal

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### UCLA Law Third Annual Institute on Tax Aspects of Mergers and Acquisitions

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*New York City Bar and UCLA alum. For other discounts please visit our website at www.nycbar.org.

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www.nycbar.org
For many mid-level associates the thought of business-oriented cocktail parties and other gatherings congers up thoughts of sweaty palms and embarrassing moments. But whether we like it or not, we all know networking at events is a powerful tool for business development and career growth. The more relationships you build, the greater your network, and the greater the chance to increase your client base.

On February 28, Mary R. Crane of Mary Crane & Associates, speaking to an audience of mid-level associates at the City Bar’s Professional Development Breakfast Workshop, "Establishing Strategic Alliances," tried to take the fear out of working a room and show mid-level associates how to get the most out of networking events.

"By following some simple rules," said Crane, "you will feel more at ease, meet and be remembered by the right people, and gain those important business alliances."

**Arriving at the Event**

Whenever possible, try to attend the event with another person. When you arrive, split up but agree to meet half way through the event to tell each other whom from the other side of the room is worth meeting.

Arrive on time. "It is important to think of an event as an extension of your work," said Crane. Upon your arrival, go to the bar and get a beverage. Holding a beverage gives you something to do with your hands and forces you to keep your hands at waist level. This makes you appear approachable and welcoming. Remember to hold the beverage in your left hand, keeping the right hand free for handshakes.

**Introductions**

One of the most important first impressions you make is in how you introduce yourself. First, provide your name, then a brief descriptor of yourself. Try to make the descriptor interesting to the person you are meeting, suggests Crane; this will help make you more memorable to them.

With the introduction always comes a handshake. The handshake is critical. It should be firm and strong, not limp. One trick to assuring a firm handshake is to hold your hand perpendicular to the ground and not tilted to one side.

**Remembering Names**

Listening is the key to remembering names. However, there are tricks, notes Crane, that can improve your chances of retaining someone’s name after an introduction. First, try to create a mental image to associate with the name like associating it with someone you know well or playing on the sound of the name. Second, use the name at least three times as quickly as possible in normal conversation. It is by such repetition that you learn things.

If five minutes after being introduced your realize that you already forgot the person's name, don’t assume that you blew it, advises Crane. Instead, make a joke on yourself like, "I’ve been so busy at work lately I have trouble remembering my own name, would you mind telling me your name again?" It is better to ask than to walk away without that potential business contact.

**After the Event**

Just because the event is over doesn’t mean your work is done. Take the time to follow up with the people you have met by sending a handwritten thank you note. Sending a note will help you become memorable to that potential client. Thank you notes, especially a handwritten one, have become a thing of the past. By sending one, advises Crane, you increase your chances of being remembered.

No one buys legal services from a law firm, reminds Crane. They buy them from an individual with whom they have established a relationship. In fact, just one relationship can provide a vast source of referrals over a professional career and knowing how to network and gather contacts is as important to a lawyer’s career as any amount of legal knowledge.

For more information on the Professional Development Breakfast Workshops and a complete schedule of upcoming sessions, please visit www.nycbar.com.