EMPLOYING THE PREVIOUSLY INCARCERATED: WHAT LEGAL EMPLOYERS SHOULD DO

By Barry Kamins, President

The City Bar Association has recently focused its attention on the process of reentry and the problems faced by the thousands of individuals released from prison each year. Our Task Force on Employment Opportunities for the Previously Incarcerated, chaired by former President Michael Cooper, has released its report, urging legal employers to take a leading role in securing employment for individuals who are released from prison. In issuing its report, the Task Force has focused on the most serious of all contributing factors to the high rate of recidivism: unemployment.

In New York State approximately 27,000 individuals are released each year from state prison. According to federally compiled statistics, two thirds of all people released from prison are rearrested within three years. These statistics are grim and those who leave our prison face numerous barriers that are conducive to a renewal of criminal behavior: a lack of basic work skills, employers’ reluctance to hire, and employment bans. Faced with these obstacles, recently released individuals find themselves on an inevitable path toward recidivism.

TACKLING CAREER ANXIETY AND STRESS

The New York City Bar Lawyer Assistance Program (NYC LAP) was created in 1999 to provide free, confidential services to attorneys, judges, law students and family members who are struggling with alcohol or drug abuse, depression, anxiety, stress or other mental health issues. Recently, a number of attorneys who have come to LAP for support in dealing with these issues have also raised serious career concerns, including overall career dissatisfaction. As we assess these situations, it becomes apparent that in addition to addressing the underlying personal issues (be it depression, anxiety or interpersonal conflict), it is sometimes equally important to assist the attorney in finding additional resources to deal with the resultant career difficulties.

External Sources of these Difficulties

The causes of these difficulties are numerous. One source is the very real challenge posed by the current employment market for attorneys. According to the Wall Street Journal (“Hard Case: Job Market Wanes for US Lawyers, September 24, 2007), “the majority of law-school graduates are suffering from a supply- and-demand imbalance that’s suppressing pay and job growth.” That same article cites data from the Commerce Department that the legal profession in certain sectors has grown at less than half the rate of the broader economy. The article also noted IRS data to the effect that income of sole practitioners, adjusted for inflation, has been flat since the mid-1980s.

Even for those attorneys who have achieved a position at one of the larger law firms, the recent wave of salary increases can create stress. Firms might hold those attorneys to higher productivity and quality standards commensurate with the increased salaries. Internal pressures to produce targeted billable and collectible hours standards create stress for the associate attorneys as the firms try to maintain profit margins.

Recent economic developments may be creating additional stresses on firms as clients are more closely watching budgets and legal fees in tight credit markets.

Finally, there are multiple sources of interpersonal difficulty in the legal practice, whether it be from a demanding client, partner or opponent or from the attorney’s own perfectionist tendencies and related difficulty in accepting criticism or error.

How Can LAP be of Assistance?

The first step in addressing this type of issue is to identify more specifically what is troubling the attorney. LAP can assist in this process by assessing each individual’s concerns objectively. It will be important...
EMPLOYING THE PREVIOUSLY INCARCERATED: WHAT LEGAL EMPLOYERS SHOULD DO . . . CONTINUED FROM PAGE 1

The Task Force’s report concluded, therefore, that enhancing employment opportunities for the formerly incarcerated is a crucial step toward breaking the vicious cycle of recidivism. It also concluded that law firms and lawyers should take a leading role in securing employment for individuals who are released from prison and seek reintegration into society. Law firms are leaders in critical areas of society and frequently set standards for others to follow. Lawyers play central roles in the processes that lead to the imprisonment of individuals. Thus, it is the legal profession that must lead by setting an example for others to follow.

The Task Force’s report confirms that an individual’s likelihood of committing a crime is correlated with his or her work status. The report also notes that the obstacles to employment confronted by an individual released from prison are staggering. A small survey of law firms conducted by the Task Force revealed that some firms are concerned about safety issues, some with “truth and honesty” issues, while other expressed concern with a “comfort level.”

The Task Force report listed a number of recommendations aimed at breaking the cycle of recidivism. The report strongly recommends that legal employers take full advantage of job placement and post-placement services provided by workforce intermediaries. These organizations provide job readiness and skills training, job placement assistance and follow-up support to applicants after employment. The report documents the success of a number of these groups e.g. the Doe Fund, the Fortune Society, the Osborne Association, Com Alert, the Center for Employment Opportunities and STRIVE. These organizations can successfully interface between the employer and employee and encourage employers to frequently turn to them for help with hiring and retention.

The report also recommends that new state and federal incentives must increase employers’ willingness to hire previously incarcerated persons. Currently, certain federal initiatives protect employers against theft, embezzlement or forgery by covered employees while others reduce an employer’s federal income tax liability.

The report also recommends that legal employers be as willing to interview and hire individuals with prior criminal records as any other individuals possessing comparable job skills. In addition, these employers should provide the same opportunities for advancement to these individuals.

The City Bar Association is committed to enhancing the employment opportunities for the previously incarcerated. To achieve that goal, the Association will collaborate with its members, bar leaders and legal employers to implement the recommendations of the report. Providing secure employment will reduce recidivism, reduce the costs of maintaining a huge prison population and enhance public safety. As the Task Force report notes, all of these goals make good business sense for legal and other employers, as well as accomplishing important social objectives.

SECOND ANNUAL ANGELO T. COMETA AWARD GOES TO ALLEN J. CHARNE

On Friday, April 4th, the New York State Bar Association presented Allen J. Charne, Executive Director of the New York City Bar’s Legal Referral Service (LRS), with the Second Annual Angelo T. Cometa Award. The award was established in 2007 to recognize an individual or group that has made extraordinary efforts in assisting the public through a lawyer referral service.

During his 24 years as LRS’ Executive Director, Charne has instituted a number of programs to increase the accessibility of lawyers to those in need. He was active in making the iLawyer online referral system available in New York City and to qualified bar associations around the nation. He was instrumental in creating Monday Night Law, a program run by the Association’s Committee on Legal Services for Persons of Moderate Means that provides free one-on-one counseling with volunteer lawyers to eligible New Yorkers. Additionally, Charne helped build the Legal Hotline, a service through which callers can receive free advice in family and housing law, among other areas significantly affecting low-income communities.

Charne has created initiatives to assist victims of such tragic events as the Happy Land night club fire, the TWA Flight 183 crash, and September 11th. He mobilizes LRS panel lawyers to volunteer at legal information fairs during the week of Law Day, and offer legal information sessions to staffs of organizations at “Brown Bag lunches.”

The public profile of LRS has increased in the metropolitan area through television and radio advertisements prompted by Charne. Today, the Referral Service operates with a panel of more than 600 lawyers, and responds to over 100,000 calls each year.
May in City Bar History

One Hundred Thirty-Five Years Ago . . . No pay raises for judges? How about pay cuts for judges? On May 13, 1873, the City Bar passed a resolution opposing a reduction in pay for judges of the Superior, Civil, and Criminal Courts in New York City. The recently passed act reorganized the city government and reduced the pay for judges in the city. The City Bar declared that the act, “besides being of doubtful validity, so far as it relates to tribunals created by the Constitution, is exceedingly unwise.” The City Bar resolved “that the duties and labors devolved upon [the judges] are so arduous, exacting, and responsible as to require for their adequate performance whatever there is in the profession of the law most eminent for character and ability; and that these high qualifications cannot be permanently secured upon the Bench without establishing a measure of compensation in some degree equivalent to the rewards which such talents command in private stations.” Sound familiar?

THE LEGAL REFERRAL SERVICE CELEBRATES NATIONAL LAW DAY

FREE LEGAL INFORMATION FAIRS:

Thursday, May 1st, Bronx Housing Court, (1118 Grand Concourse), Bronx, 12:00 PM to 2:30 PM

Friday, May 2nd, Foley Square Park, Manhattan, 11:00 AM to 2:00 PM

For additional information regarding Law Day 2008, contact Suzy Kim at (212) 382-6699 or skim@nycbar.org

NEW YORK CITY BAR LIBRARY

The New York City Bar is happy to offer, once again, summer associate passes at no charge to students who are employed by a member of the Association during the summer recess. A summer pass entitles use of the library facilities from May though August. For further information please contact Library Administration at 212-382-6739, fax 212-382-6790, or e-mail your list of summer associates, the law school they are attending and expected graduation date to rtuske@nycbar.org

LIBRARY SUMMER HOURS

May 19 - September 1

Monday - Thursday 9 a.m. - 9 p.m.

Friday 9 a.m. - 7 p.m.

Saturday/Sunday - Closed

The House and Library will be closed on Monday, May 26, Friday, July 4, and Monday, September 1.

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TACKLING CAREER ANXIETY AND STRESS... CONTINUED FROM PAGE 1

tant to ascertain the relationship between the situational difficulty (for example, relating to a particular workplace or relationship issue) and the underlying personal concern (for example, depression, anxiety and even personality structure). Depending on the particular problem identified, LAP may recommend one or more of the following strategies:

Career Counseling: If the main issues and goals revolve around figuring out how to re-tool within the legal profession or changing careers, professional career counseling may be an appropriate course of action. Costs for this type of service vary so the feasibility of this type of service will depend on the resources available. There are also numerous free or low-cost events sponsored by the City Bar that might be a useful resource for any career counseling needs.

Job Coach: If the issue relates to specific workplace issues or workstyle challenges, then job coaching might be a more appropriate alternative. Job coaches can help the attorney develop strategies to organize their worklife more effectively and/or to advocate for changes to improve the particular working conditions.

Stress Reduction Strategies: In some cases, the anxiety, depression and/or career dissatisfaction might be primarily caused by a lack of appropriate strategies for coping with stress. We can assist the attorney to develop a personalized plan that makes sense for their personality and situation.

Individual Counseling: In certain situations, the career issues might have an origin that is more psychological in nature. In these cases, individual counseling may be useful. We can provide short-term supportive counseling at LAP and can help attorneys find a long-term solution that meets with their financial resources and overall goals.

New Groups Forming

Finally, sometimes the best resources are other attorneys who are dealing with similar issues. This model has proved effective for attorneys struggling with alcohol and substance abuse and depression and LAP believes it will be useful for attorneys going through career difficulties. Starting in May, LAP will provide three monthly peer support groups, one devoted specifically to career concerns:

Early Recovery Support Group will meet the first Wednesday of the month (May 7, June 4, July 2, etc.). This group will provide a safe and confidential space for attorneys, judges and law students to discuss concerns regarding substance use and strategies for healthy recovery. The group will not be structured as a 12-step model. Depending on the particular problem identified, LAP may recommend one or more of the following strategies: beginning with their financial resources and overall goals.

“Healthy Balance” Group: This third Wednesday of the month (May 21, June 18, July 16, etc.). This group will allow members to share about difficult issues ranging from workplace stress to struggles with depression and other mental health issues. Members will be encouraged to share strategies for maintaining a positive outlook and balancing workplace stress with life satisfaction.

Anyone interested in participating in any of these support groups should contact Andrew Blatter at (212) 302-5787 for details.
EMANUEL BAR REVIEW

The trusted name that helped your incoming associates in law school is now the name that can help them pass the bar exam the first time.

EMANUEL BAR REVIEW is pleased to offer two programs to ensure your incoming law associates’ success on their upcoming New York or California July Bar Exams. The substantive MBE Refresher course in May reviews all concepts of the six MBE subjects likely to be tested on the MBE. The July Intensive MBE Workshop provides an opportunity to take a simulated MBE under test-taking conditions and couples that with analysis of MBE questions, topic area by topic area, to help create a “mental map” for success.

THE MAY + JULY COURSE COMBINATION INCLUDES:

- Substantive lectures by some of the most prominent names in legal education, such as Laurie Levenson of Loyola Law School, Vik Amar of University of California - Davis, and Vicki Been of New York University Law School
- New and up-to-date materials drafted in 2008 by Steve Emanuel reflect the format and content tested in current MBE exams
- Tutorials, small-group exercises, and question analysis conducted by bar exam expert tutors
- A six-volume review of the MBE subjects including hundreds of practice questions
- A 200-question simulated MBE with analysis geared toward identification of frequent weak areas

Firm discounts and direct firm billing are available.

For more information, contact Rhonda Schnipper, East Coast Director
rhonda.schnipper@wolterskluwer.com | (212) 771-0875 or (917) 482-4353
www.emanuelbarprep.com
On April 9th, the City Bar Justice Center held its third, and most successful, annual Gala to date.

The event honored Citigroup Inc. and Davis Polk & Wardwell with the City Bar Justice Center Award for their leadership in increasing access to justice. Accepting on behalf of Citigroup was Jane Sherburne, General Counsel of Citi Global Consumer Business. John R. Ettinger, Managing Partner of Davis Polk & Wardwell, accepted on behalf of his firm.

Presenting to Citigroup was Brad S. Karp, Partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP. Charles W. Gerdts, General Counsel of PricewaterhouseCoopers LLP, presented to Davis Polk & Wardwell.

For the evening, the City Bar’s historic 1897 landmark building was transformed into an Asian-themed nightspot, featuring a 40-foot dragon and Lychee Martinis.

The event raised over $800,000 to support the wide range of legal services provided by the City Bar Justice Center, the pro bono affiliate of the New York City Bar. By leveraging the resources of the New York City legal community, the Justice Center provides direct legal representation, information and advocacy on behalf of 25,000 New Yorkers annually in the areas of Immigrant Justice, Economic Justice, and Family Justice, and runs the city’s busiest legal hotline.

To volunteer, please contact Carol Bockner, Director of Pro Bono Initiatives, 212-382-4714, cbockner@nycbar.org.

To donate, please contact Dan Fallon, 212-382-6661, dfallon@nycbar.org.
In the wake of its most successful fundraising event to date last month, the City Bar Justice Center is well positioned to increase access to justice with its core projects, as well as with some new ones that could not be timelier.

**ECONOMIC JUSTICE**

With the **Lawyers Foreclosure Intervention Network** (LFIN), the Justice Center is partnering with the Federal Reserve Bank of New York to address the legal needs of homeowners facing possible loss of their homes and damage to their credit due to the subprime lending crisis. LFIN will recruit, train, match and mentor volunteer attorneys to represent low- and moderate-income homeowners facing foreclosure. The project will accept referrals from legal services programs, HUD counselors, government agencies, elected officials and nonprofit organizations, with the goal of helping clients stay in their homes whenever possible. For obvious reasons, the Justice Center’s **Consumer Bankruptcy Project** will be integrally involved in the efforts. Look for more about the LFIN project in future issues of Forty-Fourth Street Notes.

The **Veterans Assistance Project** continues its work on behalf of Iraq, Afghanistan and Vietnam War veterans (as well as a few Korean and World War II veterans). In March, the City Bar’s Meeting Hall was packed with volunteer lawyers undergoing training to help veterans get the benefits they deserve. With more and more Vietnam War veterans becoming senior citizens, the **Elderlaw Project** will be lending its expertise to the effort.

The **Elderlaw Project** is also planning to increase its outreach to encourage seniors to avoid future problems for themselves and their families by preparing advance directives, wills, living wills, powers of attorney and health care proxies.

The **Reentry Project** has helped LawHelp.org/NY launch a new content area: “Consequences of Criminal Charges.” The section includes “Know Your Rights” resources for people suffering collateral consequences from having been charged with and/or convicted of a crime, such as the threat of eviction from city housing, the loss of employment or the possibility of deportation for an undocumented person charged with a crime.

The **Neighborhood Entrepreneur Law Project** has formed partnerships with two community groups, the Harlem Commonwealth Council and Credit Where Credit is Due, non-profits which seek to create economic opportunity in Washington Heights and West Harlem through a community development credit union and a bilingual financial literacy curriculum. NELP is also going to counsel the top three winners of the Queens Economic Development Corp’s Business Plan Competition.

The **Cancer Advocacy Project** is partnering with Staten Island Hospital’s Nalitt Institute for Cancer. In the weeks ahead, the Cancer Advocacy Project will make presentations in the areas of employment discrimination, health insurance difficulties and advance directives at Memorial Sloan Kettering Cancer Center and the Nephrology Foundation of Brooklyn.

Thanks to the generosity of the New York Community Trust, the **Legal Clinic for the Homeless** has hired an additional lawyer to train and mentor volunteer attorneys serving homeless families throughout New York City. The new lawyer will enable the Justice Center to increase outreach and staff monthly legal clinics at ten family shelters in Manhattan, Queens and the Bronx: Jane Sherburne, General Counsel of Citigroup’s Global Consumer Group and a Justice Center Board Member, recently recruited a large and enthusiastic Citi legal team to begin staffing a clinic at the 91-unit **Briarwood Family Residence** in Jamaica.

**IMMIGRANT JUSTICE**

To meet the April 14th deadline for the filing of U visas for crime victims, the **Immigrant Women and Children Project** has placed all of its cases with firms, the bulk of them at Skadden, Arps, Slate, Meagher & Flom LLP; Mayer Brown; Dechert LLP; and Hunton & Williams.

As we went to press, the **Immigration Outreach Project** was preparing to co-sponsor the American Immigration Lawyers Association 2008 Citizenship Day on April 19th at Brooklyn Law School. With support and outreach by the New York City Council’s Brooklyn Delegation and the Department of Youth and Community Development, over 100 families were expected to be helped in filing naturalization documents. The Justice Center has increased its partnership with the City Council under the leadership of Speaker Christine Quinn, allowing us to meet the emerging needs of New Yorkers with immigration problems. Other upcoming forums and clinics will provide immigration information and services to residents in Harlem, Washington Heights and Queens.

Recently, Willkie Farr & Gallagher LLP attorneys partnered with the Justice Center on a winning appeal before the Board of Immigration Appeals. The case was on behalf of a Nigerian asylum applicant detained at Elizabeth Detention Center. The **Refugee Assistance Project** is also seeing a surge in clients from Tibet as a result of the events taking place in that part of the world.

**FAMILY JUSTICE**

The **Family Law Project** will make pro bono family law attorneys available at alternate Thursday afternoon law clinics. The goal is to provide legal advice that can be followed up with pro bono legal assistance or representation through either the **Uncontested Divorce Project** or the **Child Support Advocacy Project**.

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MAY 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.

1 Thursday, 6:30 pm
AT THE DEATH HOUSE DOOR: A LOOK AT THE DEATH PENALTY IN TEXAS

This provocative film looks at capital punishment through the eyes of Pastor Carroll Pickett, who served 15 years as the death house chaplain to the infamous "Walls" prison unit in Huntsville, Texas. During Pickett's remarkable journey, he presided over 95 executions, including the world's first execution by lethal injection.

The film also focuses on the story of Carlos De Luna, a convict Pickett counseled and whose execution troubled Pickett firmly believes De Luna was innocent, and the film tracks the investigative efforts of a team of Chicago Tribune reporters who have turned up evidence that strongly suggests he was. From award-winning directors Steve James ("Hoop Dreams") and Peter Gilbert ("Vietnam: Long Time Coming"). A discussion about the film will follow.

Moderator: MARTIN LEAHY
Law Office of Martin J. Leahy

Speakers:
JAMES LIEBMAN
Professor, Columbia University
ALISON NATHAN
Professor of Law, Fordham University

Please register online at www.nycbar.org

2 Friday, 6 pm
FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION "CHIAROSCURO: ITALIAN OPERA SCENES OF THE MASTERS"

This operatic recital will include excerpts of Handel, Mozart, Rossini, Bellini, Donizetti, Verdi, Mascagni and Puccini, and will contrast "light" and "dark" (chiaroscuro) musical settings from each of the significant periods of the Italian dramatic repertoire. The program features a group of young, professional singers who are currently active in the local operatic community: Heather Meyer, Kathryn Janssen, Sopranos; Christina Rosas, Elena McEntire, Ann Jacobs, Mezzo-Sopranos; Frank Martinez, Ransom Bruce, Tenors; Jim Trainor, Shannon De Vine, Baritones; Darren Walker, Bass-Baritone; Ishmael Wallace, Piano.

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

3 Saturday, 6 pm
PENALTY IN TEXAS: A LOOK AT THE DEATH

PENALTY IN TEXAS

The film also focuses on the story of Carlos De Luna, a convict Pickett counseled and whose execution troubled Pickett firmly believes De Luna was innocent, and the film tracks the investigative efforts of a team of Chicago Tribune reporters who have turned up evidence that strongly suggests he was. From award-winning directors Steve James ("Hoop Dreams") and Peter Gilbert ("Vietnam: Long Time Coming"). A discussion about the film will follow.

Moderator: MARTIN LEAHY
Law Office of Martin J. Leahy

Speakers:
JAMES LIEBMAN
Professor, Columbia University
ALISON NATHAN
Professor of Law, Fordham University

Please register online at www.nycbar.org

4 Thursday, 6:00 pm
THE ANNUAL PRESENTATION OF THE KATHRYN A. MCDONALD AWARDS & A RECEPTION HONORING FAMILY COURT JUDGES IN NEW YORK CITY

The annual presentation of the Kathryn A. McDonald Awards for excellence in service to the New York City Family Court, followed by a reception honoring the Family Court Judges of New York City.

Presenter:
HON. JUDITH S. KAYE
Chief Judge, New York Court of Appeals

The fee is $25 (Free to judges). Please register online at www.nycbar.org

5 Monday to 23 Friday
RICK KOPSTEIN PHOTOGRAPHY EXHIBIT

Photographs of Rick Kopstein, comprising a visual documentation of the architecture and activities of the New York court system, will be on display in the lobby of the House of the Association. They capture the grandeur, antiquity and modernity and mood of New York's courts and the seriousness and occasional levity, of the legal system's day-to-day operation.

Rick Kopstein has been a New York-based freelance photojournalist for the past twenty-five years and since 1996, he has been a photographer, and currently the photo editor, for the New York Law Journal. The photographs in this exhibit were originally published in the New York Law Journal in Rick's weekly column, "I Witness".

6 Tuesday, Program: 6:00 p.m.; Reception: 7:00 p.m.
THE ANNUAL BENCH-BAR FORUM: RESOLVED, NEW YORK SHOULD ADOPT A SPEEDY TRIAL RULE FOR CIVIL MATTERS. WHAT INNOVATIONS WOULD YOU SUGGEST?

The panelists and the audience will discuss the desirability of a speedy trial rule and what steps could be taken to enforce it, such as eliminating personal appearances except for evidentiary hearings, corresponding with the court by e-mail, and other ways. Please Note: This program will take place at the Appellate Division First Department Courtroom, 27 Madison Avenue, Manhattan.

Moderator:
EMILY CAMPBELL
Head of Litigation, Legal Department, Flemming Zulack Williamson Zauderer LLP

Speaker:
CARLA M. MILLER
Senior Director, Legal Department, Novartis Pharmaceuticals Corporation

8 Thursday, Noon – 2 pm
PUBLIC AFFAIRS LUNCHEON

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

Speaker: PHILIP SHENON

Topic: Investigating The Investigators: The Inside Story Of The 9/11 Investigation

Luncheon Chair: JEROME R. ROSENBERG
Luncheon Vice-Chair: EMILY CAMPBELL

Co-Sponsored by: Committee on National Security & Counter-Terrorism, Federal Bar Association, Southern District of New York Chapter

Registration by May 2 is required to guarantee admission. Registrations received after May 2 are subject to availability. The fee, which includes lunch, is $30. Please register online at www.nycbar.org.
Dealing with Debt: A Public Forum on Consumer Credit

Join national experts for a special Law Week public forum on dealing with consumer credit, addressing debt issues like credit-card payment problems and abusive debt-collection practices. There will be a focus on credit reporting issues, including credit report accuracy.

After the panel presentation, individualized counseling on consumer issues will be available for attendees on-the-spot by volunteers of the Monday Night Law Program, a free weekly clinic presented by the New York City Bar Association, and the City Bar Justice Center’s Pro Bono Consumer Bankruptcy Project.

Speakers:
BRIAN L. BROMBERG
Bromberg Law Office, P.C.

JAMES B. FISHMAN
Fishman & Neil LLP

Please register online at www.nycbar.org

Intelligent Interviewing: Telling Your Story, Selling Yourself

Interviewing: a skill that can be learned and must be practiced! As you prepare for your next job search, come learn how to prepare for interviews and practice your interviewing skills. In this program, you will be given the opportunity to learn about different interviewing styles and receive feedback (if you participate in the mock interviews).

Speakers:
LORI FREUDENBERGER
Former Prosecutor

MAUREEN M. REID
Principal, Maureen M. Reid LLC

STEPHEN ROSEN, Ph.D
Chairman, Celia Paul Associates/Premium Career Management for Attorneys

JULIA HERR SMITH
President, Esquire Prep, LLC

Registration by May 6 is necessary. The fee, which includes refreshments, is $15.

Please register online at www.nycbar.org


Arising from the September 11 attacks, the war on terror has sparked a vigorous debate over how many of our civil liberties, if any, should be sacrificed to keep the public safe from terrorist attack. Civil liberties and national security did not conflict for the first time after the September 11 attacks. They have conflicted throughout our history -- notably in the Alien and Sedition Acts at the end of the eighteenth century, President Abraham Lincoln’s suspension of habeas corpus in the Civil War, and the internment of Americans of Japanese descent during World War II.

How similar were those three events to the war on terror? How was the conflict between civil liberties and national security resolved in those events? What do those events have to add to the current debate over the war on terror? Join four eminent scholars and commentators for an exploration of these and other questions regarding the conflict between civil liberties and national security in our nation's history.

Speakers:
ALAN BRINKLEY
Provost and Allan Nevins Professor of History, Columbia University

JOANNE B. FREEMAN
Professor of History, Yale University

THOMAS KEAN
Chair, 9/11 Commission; former Governor of New Jersey

MARK NEELY
McCabe Greer Professor in the American Civil War Era, Pennsylvania State University

Co-sponsored by:
The Gilder-Lehrman Institute of American History

Please register online at www.nycbar.org

Professional Development Workshop Series

Advocate for Your Success

Workshop V – New Ethical Challenges for Rising Attorneys

As attorneys progress into a more senior role, they often face new ethical challenges. It is vital that attorneys learn to navigate the complicated requests and intrusive situations they may encounter with their legal team, colleagues and clients. This program will use films to generate discussion.

Participants will learn to:
- Exercise proper professional conduct when managing others
- Communicate with clients and act professionally in difficult situations
- Address inappropriate client requests
- Maintain discretion as well as confidentiality

Speaker:
MARY R. CRANE, J.D.
Mary Crane & Associates

2 NY MCLE Ethics credit.

Fee and registration information at www.nycbar.org

SMART MARKETING

SMART MARKETING: READY! AIM! FIRE! - TARGETING

Understand how to assess your own client base, develop a profile of the kind of client you prefer, locate the whereabouts of prospects similar to the best client, and use consultative selling behaviors to win them as clients. This is the second in a three part series, the others are scheduled for Thursday, April 30th and Thursday, June 5th.

Speakers:
CAROL SCHIRO GREENWALD
Professional Services Marketing Consultant

WALTER TIMOSENKO
CMO, Weiser

Please register online at www.nycbar.org

Addressing Student Behavior in New York City Schools: Discipline, Safety, and Student Rights

This multidisciplinary program will explore various aspects of addressing children’s behavior in schools. How can schools achieve the behaviors they want while also supporting children and youth and respecting their rights and concerns? What interventions work best on an individual child and a school-wide level? When does schools’ interest in managing student behavior go too far? Issues for discussion include behavior as a manifestation of disability, behavior management plans, First Amendment and “cyberbullying” issues, the criminalization of children’s behavior, and school safety.

Moderator:
NANCY GINSBURG
Director, Adolescent Intervention and Diversion Team, Criminal Defense Practice, The Legal Aid Society

Speakers:
GINA FELICIANO, Ph.D.
Independent Behavior Consultant

CATHERINE YONSOO KIM
Staff Attorney, Racial Justice Program, ACLU National Legal Department

DONNA LIEBERMAN
Consultant

Please register online at www.nycbar.org

www.nycbar.org
15 Thursday, 6 pm

SEMINAR - LONG TERM CARE ISSUES

Learn about your options to preserve your assets, including leveraging the risk with Long Term Care Insurance. If Long Term Care Insurance is your best option, know what questions to ask and what features to look for. Spouses are invited and is necessary. The refreshments will be served.

Speakers:

ROY S. LYONS
Managing Director, Marsh

JOHN J. MARCEL, CLU, CFP®
President, Madison Park Consultants, Inc.

MATTHEW J. NOLFO
Law Offices of Matthew J. Nolfo

To RSVP, please contact
Genise.Silvers@marsh.com or call Marsh at 888-88ABCNY (888-882-2269).

22 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 attorneys who begin their own 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 and newly admitted attorneys, as well as attorneys looking to go out on their own.

Moderator:

OLIVERA MEDENICA
Wasab & Medenica LLC

Speakers:

MARK A. JOSEPHSON, CPA, CFE
Murray & Josephson, CPAs, LLC

MICHAEL C. RAKOWER
Law Office of Michael C. Rakower, P.C.

DANIEL SEGAL
Managing Director, Newmark Knight Frank

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Registration by May 15 is necessary. The fee, which includes lunch, is $25 for members; $35 for non-members. Please register on page 11 or online at www.nycbar.org

22 Thursday, 6:30 – 9 pm

INTERROGATION AND CONFESSIONS: IS IT TIME TO REQUIRE THE VIDEOTAPING OF CUSTODIAL INTERROGATIONS AND SHOULD EXPERT TESTIMONY ON RELIABILITY OF CONFESSIONS BE PERMITTED?

Jeffrey Deskovic served sixteen years in jail for a murder to which he confessed but which DNA evidence conclusively proved he did not commit. More recently, Martin Tankleff, who had confessed to killing his parents 20 years ago, was granted a new trial based upon newly discovered evidence, which totally refuted the reliability of his confession.

These cases illustrate the importance of exploring whether police interrogations of all persons suspected of involvement in violent felonies should be recorded. They also raise the question of the admissibility of expert testimony to assist jurors in understanding why someone might confess to a crime he did not commit.

This program will address both the proposition that interrogations should be recorded and the phenomenon of false confessions. Specifically, panel members will discuss the merits of a proposed amendment to the New York Criminal Procedure Law that would require the videotaping of custodial interrogations and explore how influence and police interrogation techniques can result in a false confession.

Program Chair:

KENNETH C. MURPHY
Simon & Partners LLP

Moderator:

HON. ANNE G. FELDMAN
Retired Supreme Court Justice, Kings County

Speakers:

RICHARD J. OFSHE, Ph.D.
Professor Emeritus, University of California, Berkeley

HON. JOSEPH R. LENTOL
Chair, New York State Assembly Committee on Codes

EDWARD K. CHENG
Associate Professor, Criminal Law, Brooklyn Law School

KYLE REEVES
Executive Assistant District Attorney, Kings County

STEPHEN TURANO
Criminal Defense Attorney

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27 Tuesday, 7-9 pm

THE DEVIL’S GENTLEMAN: PRIVILEGE, POISON, AND THE TRIAL THAT USHERED IN THE TWENTIETH CENTURY

There is not a prosecutor in New York who has not made a Molineux application to a court for permission to introduce a defendant’s prior uncharged crimes at trial to show motive, intent, absence of mistake or accident, pattern or identity...and there is not a defense attorney who has not opposed it. Every lawyer working in criminal practice is familiar with the doctrine. Based on the case of People v. Molineux, it is a well-settled rule of evidence and often used trial technique in cases involving drug gangs, domestic violence, serial rape and multiple homicide.

But what many lawyers may not know is the story behind the original case. Roland Molineux, was the rich, turn-of-the-twentieth century scion of a well-respected Civil War general who spent his days as a chemist, his nights openly enjoying the city’s finest restaur-ants on the arm of his beautiful wife and secretly imbibing in opium dens while keeping an under-age factory girl as a mistress. His charmed life came to an abrupt halt, however, when he decided to do away with his wife’s ex-lover and a man who was his rival for control of an elite men’s athletic club by mailing them a poison potion. The combination of wealth, privilege and a newspaper war between the powerful Joseph Pulitzer and William Randolph Hearst made the Molineux case the crime of the new century.

Writer Harold Schechter has written a book that is compelling, educational, enlightening and fun. He has captured the timeless essence of jealousy spun out of control and brought to life a true-crime story that could just as easily be ripped out of the headlines today.

Speakers:

HAROLD SCHECHTER
Author, The Devil’s Gentleman, Professor of American literature and culture, Queens College, CUNY

HON. JAMES GIBBONS
New York City Criminal Court Judge; former senior appellate counsel, Office of the New York County District Attorney

Please register online at www.nycbar.org

28 Wednesday, 6 pm

ANNUAL MEETING OF THE ASSOCIATION

All Association members are invited to the Annual Meeting of the Association and the installation of Patricia M. Hynes as President of the Association. A reception will be held after the meeting. (The agenda for the meeting has been distributed to the membership.)

28 Wednesday, 6:30-8:30 pm

MANAGING & OVERCOMING COMMON BARRIERS TO INCLUSION THAT LEGAL PROFESSIONALS IN THE MINORITY ENCOUNTER

Does your race, gender, national origin, disability, socio-economic status or some other characteristic set you apart from others with whom you practice law, and make you feel marginalized by encounters with your peers from the majority?

The program will provide practical advice for lawyers on managing and overcoming common barriers to inclusion in the legal profession—such as, dual identity issues, feelings of isolation, and inadequate networks. Panelists, including attorneys at various stages of their legal careers and from varied practice environments, and professional development and diversity professionals, will share practical career management wisdom to aid you in taking charge of your career.

Moderator:

NATALIE HOLDER-WINFIELD
Diversity and Employment Law Consultant, QUEST Educational Initiatives

Speakers:

PAULETTE BROWN
Chief Diversity Officer, Edward, Angell, Palmer & Dodge

KEVIN CLEARY
Senior Trial Counsel, United States Attorney’s Office, Eastern District of New York

KEISHA-ANN GRAY
Proskauer Rose

KELLY HOYE
Professional Development Manager, White & Case LLP

CARMA LYN MALALIS
Ouett & Golden LLP

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

29 Thursday, 6:30 pm

MENTAL ILLNESS & THE DEATH PENALTY

This program will look at many of the complicated issues involved with mental illness and the imposition of the death penalty in a civilized society. When, if at all, can the severely mentally ill form the requisite intent required for capital murder? What should be done when a severely mentally ill person lacks the competency to aid in his/her own defense, to waive appeals, to “volunteer” to be executed? The program will also look at issues concerning how mental illness may be raised during trial. And finally, it will address policies on mental illness which have been adopted by several organizations including the American Bar Association, the American Psychological Association, and the American Psychiatric Association.

Moderator:

RONALD TABAK
Skadden, Arps, Slate, Meagher & Flom LLP

Speakers:

XAVIER AMADOR
Adjunct Professor of Clinical Psychology, Teacher’s College, Columbia University

RICHARD BURR
Burr & Welch

Please register online at www.nycbar.org

May 2008 Registration Form

☐ Small Law Firm Luncheon: — 22 Thursday

The fee, which includes lunch, is ☐ $25 for members and ☐ $35 for non-members.

Name ___________________________ Number of Reservations __________

Company ___________________________ 

Address ___________________________ Total Enclosed $________

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Phone ___________________________ E-mail ___________________________

Signature ___________________________

Please return this form to: Meetings 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
**COMMITTEE REPORTS – MAY 2008**

**No More Victims of Libel Tourism**

More and more authors and publishers find themselves the victims of “libel tourism,” the practice of plaintiffs suing in foreign jurisdictions that have no legitimate connection to the challenged publication and that provide weaker free speech and free press protections. Increasingly, wealthy litigants implicated by hard-hitting investigative reporting have elected to file suit in countries with plaintiff-friendly libel laws to attack the credibility of American authors and journalists, many of whom reside and work in New York. Libel tourism sends an unmistakable message to other writers and publishers that investigative journalism and reporting on critical issues such as the financing of terrorism will expose journalists to legal, professional and financial peril.

The Communications and Media Law Committee, in a recent report, urges enactment in New York of the proposed Libel Terrorism Protection Act (S.6887/A.9652). The bill attacks this problem and helps secure the free speech rights of New York authors and publishers by making modest amendments to two sections of the Civil Practice Law and Rules (CPLR): the long-arm statute and the provision regarding the enforcement of foreign judgments.

Under current law, a New Yorker sued for defamation abroad must wait for the foreign libel plaintiff to take action enforcing the judgment in New York. This limitation permits the foreign plaintiff to use the foreign judgment to chill future criticism while also ensuring that a New York court will not have jurisdiction over him to declare the judgment unenforceable.

The Act would amend the New York long-arm statute, CPLR § 302, to provide for jurisdiction over a foreign libel plaintiff who secures a foreign defamation judgment when the author or the underlying work has sufficient ties to New York State. This jurisdiction would be limited to an action by the publisher or author seeking a declaration that the foreign judgment is not enforceable. This amendment to the long arm statute, the report notes, would fill a significant gap in New York’s free speech protections. The federal courts already follow a similar rule.

In addition, the report argues that the Libel Terrorism Protection Act would allow New York residents to take the initiative, giving New York courts jurisdiction over the foreign libel plaintiff even if the foreign plaintiff does not try to enforce the judgment here. The New York resident then could obtain a judgment from a New York court stating that the foreign judgment is unenforceable as against public policy. These declaratory judgments would be powerful checks against libel tourists’ attempts to chill criticism and investigative reporting by New York authors and publishers.

The Act, the report concludes, strikes the proper balance between providing protection for New York authors and publishers and not opening our courts to declaratory judgment actions with insufficient ties to this State. It provides for jurisdiction over declaratory judgment actions only if they are brought by New York residents; the publication at issue was published in New York; and the New York resident “has assets in New York which might be used to satisfy the foreign judgment” or “may have to take actions in New York to comply with the foreign judgment.”

Amending the CPLR, would codify existing case law, and facilitate its continued application that judgments based on law that is contrary to American constitutional principles should not be recognized in this State.

**Bankruptcy and Corporate Reorganization**

Report expressing opposition to the Advisory Committee on Bankruptcy Rules’ proposed amendments to the Federal Rules of Bankruptcy Procedure which would adopt a days-are-days approach to computing time periods under the Bankruptcy Rules and extend the deadline for filing a notice of appeal from a judgment, order or decree in bankruptcy cases. For more than 25 years, Bankruptcy Rule 9006(a) has provided that weekends and holidays are excluded when computing time periods of fewer than 8 days. If adopted, the proposed amendments would require countless forms and notices to be updated at considerable cost. In addition, the report notes, local courts may decide not to conform to the new proposed rules at all and retain the present computational approach through the promulgation of local rules, which would lead to more confusion. In addition, the Advisory Committee also proposes to amend Bankruptcy Rule 8002 to extend the deadline for filing a notice of appeal from a judgment, order or decree in bankruptcy cases from 10 to 14 days. The report argues that the current 10 day period is designed to fit within the framework of bankruptcy procedure and accommodate the interests of debtors, their bankruptcy estates and other parties in permitting necessary actions in a timely manner, while respecting the interest of potential appellants in having sufficient time to file their notice of appeal. The proposed extension would only result in a detriment to debtors and other parties in interest in the cases while providing little, if any, benefit to potential appellants.

**Construction Law**

In its report, Construction Law Reform: 21st Century Construction, 20th Century Construction Law, the Construction Law Committee urges that mandatory multiple prime contracting has no place in modern public construction. The entire statutory scheme for public procurement, the report argues, must be overhauled to promote flexibility and innovation and reflect contemporary trends in service delivery methodology. There must be rigorous review of the entire statutory scheme for construction and
its products, both publicly and privately financed, to bring New York's construction industry into the 21st century. Given the pending legislation which would amend the Wicks Law, now is the time for the Legislature and the Governor to convene a multi-disciplinary task force to study the entire statutory scheme covering construction in New York State with a view to proposing reforms to help make the industry more efficient for the benefit of the state and local economies. Many of the current laws, though well intentioned at the time, have grown stale and now have unintended negative consequences.

Environmental Law
Report commenting on the proposed revisions to the laws concerning the Brownfield Redevelopment Tax Credit and the Brownfield Cleanup Program introduced by the Governor as part of the 2008-2009 State budget process. The Governor’s proposal is divided into two parts, a short-term “fiscal proposal” and a long-term “programmatic proposal”. Though the report is generally supportive of the proposals as constituting a significant improvement over the present statutory regime, the comments do recommend that the proposal be amended to expand the definition of “brownfield site” to include sites containing historic fill.

Investment Management Regulation
Letter to the SEC offering comments on the proposed amendments which seek to enhance the disclosure provided to investors in registered open-end management investment companies (“Funds”). Though the letter generally supports the amendments, which encourage Funds to employ technology in delivering information to investors more efficiently and to assist those investors in using information more effectively, it notes that certain provisions of the proposed amendments may have the potential to discourage Funds from using the Summary Prospectus.

Lesbian, Gay, Bisexual and Transgender Rights
Letter to Governor Spitzer urging greater diversification of New York State’s judiciary through the appointment and election of members of the LGBT and other under-represented populations. A diverse judiciary is necessary to ensure that our populations are appropriately represented. In addition, judges must be of the highest quality regardless of their backgrounds. Fortunately, the letter points out, there are a number of qualified candidates from the LGBT community and from communities of color, both of which are under-represented in the judiciary.

Professional Responsibility
Amicus Brief: James L. Alexander v. Thomas J. Cahill, et al. filed with the United States Court of Appeals for the Second Circuit. This case primarily concerns the 30-day moratorium to all forms of lawyer advertising. The lower court found that solicitation concerning a specific personal injury or wrongful death event is no less disturbing when it enters a victim or family member’s home through the newspaper, the internet, or the airwaves rather than through the mail. The brief argues that there is a substantial difference between in-person solicitation and general advertising and website solicitations, and that while the ban is appropriate for the in-person targeted communications, including general advertising and website posting makes the ban overbroad. Such general notices do not prompt the pressure and distress which makes in-person solicitation so inappropriate in the immediate days after an accident. Indeed, if an event is significant enough that attorneys will see value in placing an advertisement mentioning the incident, there is a high likelihood that the event will be reported in the press. Potential plaintiffs therefore likely will be reminded of the incident by newspapers, radio and television. Advertisements in the same media are unlike-ly to contribute to the victims’ distress, but could inform plaintiffs who are considering their legal options.
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### CITY BAR CENTER FOR CLE
#### MAY 2008 CLE COURSE CALENDAR

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<th>Monday</th>
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<tr>
<td>5</td>
<td>6-9 p.m. THE DIRT ON GROUND LEASES</td>
<td>3.0 credits*</td>
<td>126903 May 08 Notes  4/16/08  2:48 PM  Page 15</td>
<td>6-9 p.m. CURRENT DEVELOPMENTS IN COMMERCIAL DIVISION PRACTICE 3.0 credits*</td>
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<td>6</td>
<td>6-9 p.m. CREDIT DERIVATIVES &amp; BANKRUPTCY LAW: WHAT THE SECURITIES, FINANCE &amp; BANKRUPTCY PRACTITIONER NEEDS TO KNOW ABOUT THESE PRODUCTS 2.5 credits*</td>
<td>9 a.m. – 4:30 p.m. ARTICLE 81: CERTIFIED TRAINING FOR GUARDIANS, COURT EVALUATORS &amp; ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS 7.0 credits*</td>
<td>9 a.m. – 5 p.m. SPEAKING TO WIN: THE ART OF EFFECTIVE SPEAKING FOR LAWYERS 7.5 credits*</td>
<td>9-12:30 p.m.; 12:30-1:30 p.m. Luncheon HEALTH CARE LAW ENFORCEMENT &amp; COMPLIANCE: TRENDS &amp; ISSUES 3.5 credits*</td>
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<td>12</td>
<td>6-8:15 p.m. 16 HOUR BRIDGE-THE-GAP</td>
<td>6-9 p.m. WATCH OUT! A GUIDE TO ETHICAL PRACTICES IN START-UPS &amp; SMALLER FIRMS 3.0 credits*</td>
<td>16 HOUR BRIDGE-THE-GAP 8.0 credits* (Day 1)</td>
<td>VIDEO REPLAY: CONSTRUCTION LAW FOR LEASING LAWYERS: THE NUTS &amp; BOLTS! 3.0 credits</td>
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<td>13</td>
<td>9 a.m. – 1 p.m. CHARITABLE SOLICITATIONS &amp; BEYOND: WHAT TAX-EXEMPT ORGANIZATIONS SHOULD KNOW TO SUCCEED IN JOINT VENTURES 4.0 credits*</td>
<td>9 a.m. – 12:30 p.m. LAWYERS FOLLOWING ORDERS: ETHICAL PITFALLS &amp; PRACTICAL ADVICE 3.5 credits*</td>
<td>6-9 p.m. HOT TOPICS IN SEC ENFORCEMENT: A CHANGING LANDSCAPE 7.5 credits*</td>
<td>VIDEO REPLAY: CYBERSLEUTH’S GUIDE TO THE INTERNET: INVESTIGATIVE RESEARCH STRATEGIES FOR THE LEGAL PROFESSIONAL 3.0 credits</td>
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<td>20</td>
<td>9 a.m. – 5 p.m. 16 HOUR BRIDGE-THE-GAP 8.0 credits* (Day 2)</td>
<td>6-9 p.m. PRACTICAL EVIDENCE: REAL PROBLEMS, REAL SOLUTIONS 3.0 credits* (Day 1)</td>
<td>VIDEO REPLAY: MR. SMITH GOES TO WASHINGTON, ALBANY &amp; CITY HALL: HOW TO LOBBY EFFECTIVELY BEFORE CONGRESS, THE STATE LEGISLATURE &amp; THE NYC COUNCIL 3.0 credits</td>
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<td>26</td>
<td>6-9 p.m. PRACTICAL EVIDENCE: REAL PROBLEMS, REAL SOLUTIONS 3.0 credits* (Day 2)</td>
<td>6-9 p.m. VIDEO REPLAY: MR. SMITH GOES TO WASHINGTON, ALBANY &amp; CITY HALL: HOW TO LOBBY EFFECTIVELY BEFORE CONGRESS, THE STATE LEGISLATURE &amp; THE NYC COUNCIL 3.0 credits</td>
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*This program provides transitional credit for newly admitted attorneys

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### MAY 2008 CLE CALENDAR

#### BRIDGE-THE-GAP

**16 HOUR BRIDGE-THE-GAP**

13 & 20 Tuesdays, 9 a.m.–5 p.m.

Earn all of your annual CLE credits while obtaining invaluable knowledge on a variety of areas. The Bridge-the-Gap programs fulfill a full year’s credit requirements for those that are newly admitted, while providing invaluable information and credits for more experienced attorneys. A skilled faculty will guide you through the day-to-day practice of law and cover topics of interest to all attorneys, including legal ethics. This program is unique because we offer one day of litigation and one day of corporate; you can purchase both days together, or just one. In order to fulfill the MCLE Bridge the Gap requirements, you must attend both days.

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- **ARNOLD G. BLAIR, III**
  WilmerHale
- **JAMES J. FISHMAN**
  Professor of Law
  Pace University School of Law
- **JEFFREY A. HELEWITZ**
  Court Attorney to Judge Eileen N. Nadelson
  Civil Court of the City of New York
  Currently assigned to criminal court
- **ELISSA KRAUSS**
  Research Coordinator
  Office of Court Research
  New York State Unified Court System
- **MICHAEL A. LEHMAN**
  Manatt, Phelps & Phillips LLP
- **ROBERT J. LEVINE**
  Caddy & Feder LLP
- **HON. EILEEN N. NADELSON**
  Civil Court of the City of New York
  Currently assigned to criminal court
- **ELYSE PEPPER**
  Associate Professor of Legal Writing
  St. John’s University School of Law
- **MICHAEL S. ROSS**
  Law Offices of Michael S. Ross
- **MURRAY SCHWARTZ**
  Schwartz & Perry LLP
- **ANDREW P. SCHRIEVER**
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**Live Program (both days):**
- Member $415 Nonmember $665

**Live program (per day):**
- Member $375 Nonmember $515

**CLE credit:** May 13 or 20:
- 8.0 credits total: 3.5 professional practice, 3.0 skills and 1.5 ethics. This live program provides New York and California transitional/non-transitional credit for all attorneys.

#### CORPORATE & SECURITIES

**9TH ANNUAL CORPORATE & SECURITIES LAW UPDATE: KEEPING CURRENT IN LEGAL & BUSINESS DEVELOPMENTS**

2 Friday, 9 a.m.–5 p.m.

This annual updates program, designed for experienced attorneys, will examine recent extensive regulatory and marketplace developments. A renowned faculty of corporate and securities lawyers from outside firms, in-house counsel and financial services companies will discuss practical ways to comply with the new regulations in the securities, corporate and mergers and acquisitions areas. The program will include helpful SEC and other regulatory interpretive guidance. Other topics will include:

- SEC developments
- M&A developments, including evolving practices for material adverse change clauses and covenants
- Director and board developments
- Ethics in everyday corporate life
- New proxy statement developments and employee compensation disclosure rules
- Alternative transactions that can get done in difficult markets, such as SPACs, Spin-offs, Exchange Offers and Restructurings
- Comfort letter and accounting due diligence issues
- Enforcement initiatives against lawyers, corporate clients and officers
- Corporate tax law update
- How to protect & advise clients in the current credit environment

Program Chair:
- **N. ADELE HOGAN**
  White & Case LLP

Faculty:
- **DENNIS J. BLOCK**
  Cadwalader, Wickersham & Taft LLP
- **DAVID K. BOSTON**
  Wilkie Farr & Gallagher LLP
- **ROBERT E. BUCKHOlz, JR.**
  Sullivan & Cromwell LLP
- **KIRK A. DAVENPORT**
  Latham & Watkins LLP
- **JOHN MARZULLI, JR.**
  Shearman & Sterling LLP
- **ADAM R. MESHEL**
  Managing Director
  Head of Legal for Global Banking Capital Markets
  Citigroup Corporate & Investment Banking
- **PETER C. MESTER**
  Corporate Counsel & Assistant Corporate Secretary
  E.I. du Pont de Nemours and Co.

**CLE credit:** May 13 or 20:
- 16.0 credits total: 7.0 professional practice/practice management, 6.0 skills & 3.0 ethics. This live program provides New York and California transitional/non-transitional credit for all attorneys.

#### CREDIT DERIVATIVES & BANKRUPTCY LAW: WHAT THE SECURITIES, FINANCE & BANKRUPTCY PRACTITIONER NEEDS TO KNOW ABOUT THESE PRODUCTS

12 Monday, 6-8:15 p.m.

An expert panel will present a practical guide to credit default swap (CDS) transactions and markets and their possible impact on fundamental debtor-creditor relationships. The panel will examine the structure and trading of so-called “single-name” CDS, which reference specific corporations or other obligors, as well as index products and CDS’s based on asset-backed securities. It will also explain the relevant legal and regulatory framework within which CDS trading occurs, including securities and commodities laws, and explore relevant aspects of bankruptcy and restructuring rules and processes.

In addition, our experts will discuss current issues arising from recent bankruptcies and other credit events concerning reference obligors. They will also discuss significant strategic and policy issues CDS’s raise for bankruptcy practitioners; especially whether, by enabling creditors to hedge their credit exposures, the CDS may be altering the incentives of key participants in the bankruptcy and reorganization process.
The program is designed to provide CDS practitioners greater familiarity with the effect the bankruptcy and reorganization process has on their markets and to provide bankruptcy and insolvency lawyers with an introduction to how these products are having a growing influence on the bankruptcy and reorganization process.

Program Co-Chairs:
ROBERT M. MCLAUGHLIN
Katten Muchin Rosenman LLP
GEORGE A. DA VIS
Cadwalader, Wickersham & Taft LLP

Moderators:
CONRAD G. BAHLKE
Weil, Gotshal & Manges LLP
MICHAEL F. WALSH
Weil, Gotshal & Manges LLP

Faculty:
JONATHAN J. CHING
Vice President
Bear Stearns & Co., Inc.
MARK C. ELLENBERG
Cadwalader, Wickersham & Taft LLP
ROBERT C. MENDELSON
Morgan, Lewis & Bockius LLP
ROBIN J. POWERS
Sutherland Asbill & Brennan LLP
BRIAN D. RANCE
Freshfields Bruckhaus Deringer LLP
MARK A. STEFFENSEN
Managing Director
Deputy General Counsel
HSBC Securities (USA) Inc.

Keynote Speaker:
MARK K. SCHONFELD
Director, New York Regional Office
U.S. Securities and Exchange Commission

Faculty:
JAMES J. BENJAMIN, JR.
Akin Gump Strauss Hauer & Feld LLP
THOMAS A. BIOLSI
Associate Regional Director
Investment Management Inspections
U.S. Securities & Exchange Commission
ANDREW M. CALAMARI
Associate Regional Director
New York Regional Office
U.S. Securities & Exchange Commission
GEORGE S. CANELLOS
Milbank Tweed Hadley & McCloy LLP
MARK S. COHEN
Cohen & Gresser LLP
ANDREW J. GEIST
O’Melveny & Myers LLP
BRUCE KARPATI
Assistant Regional Director
Enforcement Division
U.S. Securities & Exchange Commission
KAY L. LACKERY
Associate Regional Director
New York Regional Office
U.S. Securities & Exchange Commission

COLLEEN P. MAHONEY
Skadden Arps Slate Meagher & Flom LLP
DAVID ROSENFIELD
Assistant Regional Director
New York Regional Office
U.S. Securities & Exchange Commission
TERESA M. VENEZIA
Fried, Frank, Harris, Shriver & Jacobson LLP

Attorneys:

HOT TOPICS IN SEC ENFORCEMENT:
A CHANGING LANDSCAPE

22 Thursday, 9 a.m.–5 p.m.

The SEC is in a period of significant change in personnel and priorities, which has coincided with major developments in the marketplace. Gain current insight to the shifting priorities in SEC enforcement from high-level SEC staff, along with prominent defense counsel. The course focuses on the most current and quickly developing areas, including:

- The upswing in insider trading prosecutions
- Hedge-fund related enforcement priorities
- Fallout from the dislocation in the subprime lending market
- Enforcement actions against lawyers
- Public company exposures: Accounting and financial reporting investigations, foreign payments cases, stock-option backdating, responding to whistleblower claims
- Responding to an SEC investigation: Current strategy, tactics and policy issues from defense and government perspectives

Program Chair:
WAYNE CARLIN
Wachtell, Lipton, Rosen & Katz

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New York Regional Office
U.S. Securities & Exchange Commission
Teresa M. Venezia
Fried, Frank, Harris, Shriver & Jacobson LLP

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

CLE credit:
7.5 credits total: 7.0 professional practice and 0.5 ethics. This program does not provide transitional credit for newly admitted attorneys.

ELDER LAW

ARTICLE 81: CERTIFIED TRAINING FOR GUARDIANS, COURT EVALUATORS & ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS

7 Wednesday, 9 a.m.–4:30 p.m.

In order to serve as Guardian, Court Evaluator or Attorney for Alleged Incapacitated Persons, pursuant to Article 81 of the Mental Health Law, a person is required to receive training approved by the Guardian and Fiduciary Services of the Office of Court Administration. Part 36 of the Rules of the Chief Judge establishes training requirements for appointment as a guardian, court evaluator or attorney for alleged incapacitated person. This all day course will meet the training requirements for appointment as a guardian, court evaluator or...
state court decisions and bar association opinions to offer insights as to how to handle various ethical situations. Among the topics to be discussed are: procedural aspects of the disciplinary system; withdrawal from a case; conflicts of interest; letters of engagement and retainers; escrow accounts and record keeping; responsibilities of partners, associates and affiliated lawyers (e.g., of counsel) in small firms; and the avoidance of disciplinary complaints and legal malpractice actions.

Program Chair: PATRICK J. BOYD
The Boyd Law Group, PLLC

Faculty: PROFESSOR M. NOE
Legal Studies
College of Professional Studies
St. John’s University

Additional faculty to be announced.

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

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

LAWYERS FOLLOWING ORDERS: ETHICAL PITFALLS & PRACTICAL ADVICE

21 Wednesday, 9 a.m.–12:30 p.m.

Many cases in today’s complex legal marketplace require lawyers to work in teams and with in-house counsel. This scenario necessarily presents situations where some lawyers on the team are supervising other attorneys or are themselves being supervised. In this environment, what happens when a lawyer receives an instruction to engage in what he believes is unethical or illegal conduct from a supervising attorney or a valued client? When a partner receives instructions from a client that he believes are unethical? For example, what are the ethical ramifications when a partner tells an associate to not produce a potentially damaging document that is relevant and requested by the adversary? What happens when a criminal defense attorney knows that her client is not telling the truth? The answer, social psychologists tell us, is that attorneys are much more likely to do what they are told than we would like to believe.

This unique program will present current and practical themes involved in civil and criminal litigation and corporate practice, followed by vignettes and panel discussions that illustrate and analyze common ethical dilemmas faced by attorneys. The panel will lead an interactive discussion that explores the many legal and ethical issues that arise when attorneys receive instructions they believe are not ethical, and offer insights into how to deal with this problem, which ultimately has ethical and legal dimensions.

Program Chair: GERALD A. STEIN
O’Melveny & Myers LLP

Faculty: DAVID G. KEYKO
Pillsbury Winthrop Shaw Pittman LLP

STEPHEN B. KUHN
Akin Gump Strauss Hauer & Feld LLP

ANDREW PERLMAN
Professor, Suffolk University Law School
Boston, MA

STACEY G. RICHMAN
Law Offices of Stacey Richman

attorney for alleged incapacitated persons and those who attend the full day will receive a certificate of training.

Program Co-Chairs:
PEACHETTA ADREITAS
Law Office of Alfreda B. Kenny

MATTHEW J. NOLFO
Matthew J. Nolfo & Associates

Faculty:
PEGGY J. BARBANEL
Law Offices of Peggy Barbanel

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

MIRIAM DAVIDSON
Law Office of Miriam Davidson PC

STEVEN A. FAYER, M.D.
Assistant Clinical Professor of Psychiatry
Mount Sinai Hospital

FERN FINKEL
Law Office of Fern Finkel

ALFREIDA B. KENNY
Law Office of Alfreda B. Kenny

MARCHA FLOWERS
Director of Professional Outreach
SeniorBridge

MARITA L. MCMAHON
Deputy Director
Office of Court Administration /Guardian & Fiduciary Services

THOMAS J. PELLEGRINO
Meirowitz & Pellegrino

IRA SALZMAN
Goldfarb Abrandt Salzman & Kutzin LLP

JAY J. SANGERMAN
Jay J. Sangerman, PLLC

SCOTT M. SINGER
Court Clerk Specialist
Guardian & Fiduciary Support Office
NYS Supreme Court, Civil Branch, First JD

Live program (includes materials):
Member $315  Nonmember $455

*Member attorney, non-legal professional or family member

CLE credit:
7.0 credits total: 4.0 professional practice/practice management, 2.5 skills and 0.5 ethics. This live program provides New York and California transitional/non-transitional credit for all attorneys.

ETHICS

WATCH OUT! A GUIDE TO ETHICAL PRACTICES IN START-UPS & SMALLER FIRMS

14 Wednesday, 6–9 p.m.

Starting and maintaining a law practice is challenging, but incredibly rewarding. Practitioners in smaller firms often have to be an attorney, office manager, accountant, and payroll clerk simultaneously. This program will examine everyday issues in ethics and professionalism and offer practical solutions to start-up and small firm practitioners. Using hypothetical situations as the basis for discussion, the speakers will review the Code of Professional Responsibility, federal and state court decisions and bar association opinions to offer insights as to how to handle various ethical situations. Among the topics to be discussed are: procedural aspects of the disciplinary system; withdrawal from a case; conflicts of interest; letters of engagement and retainers; escrow accounts and record keeping; responsibilities of partners, associates and affiliated lawyers (e.g., of counsel) in small firms; and the avoidance of disciplinary complaints and legal malpractice actions.

Program Chair: PATRICK J. BOYD
The Boyd Law Group, PLLC

Faculty: PROFESSOR M. NOE
Legal Studies
College of Professional Studies
St. John’s University

Additional faculty to be announced.

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

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

GOVERNMENT

VIDEO REPLAY: MR. SMITH GOES TO WASHINGTON, ALBANY & CITY HALL: HOW TO LOBBY EFFECTIVELY BEFORE CONGRESS, THE STATE LEGISLATURE & THE NYC COUNCIL

29 Thursday, 6–9 p.m.

This program will offer attorneys a practical and insightful introduction to the subject of advocacy and lobbying before the City Council, the New York State Legislature and Congress. Attendees will gain an overview of the processes and jurisdiction of each of the three legislative bodies. Participants will also learn how to stay informed about legislation and hearings, be introduced to campaign finance and lobbying rules, and hear how to build an effective advocacy campaign on behalf of a public interest group or a business or industry interest. The panelists will include an elected official, lobbyists, and lawyers with expertise on lobbying and campaign finance rules.

The panel will cover the nuts and bolts of how to build an effective advocacy campaign -- and how to do so within the law. The differences between a legislative campaign on an advocacy issue versus a business interest will be discussed. Questions such as when and how to hire a lobbyist and how to use grass roots support and the media will be answered. The speakers will cover the process from preparing to ask a member of the legislative body to introduce a bill, and drafting legislation, to becoming involved in pending legislation and securing or blocking final passage of legislation.

Program Chair:
JAYNE BIGELESEN
Director of Communications & Public Affairs
New York City Bar

Faculty:
JOHN ALBERT
Vice President, External Relations
The After School Corporation

ELIZABETH CONDREM
Fulbright & Jaworski

HON. LIFTITIA JAMES
Member, New York City Council

STEVEN M. POLAN
Manatt, Phelps & Phillips LLP

HON. SCOTT M. STRINGER
Manhattan Borough President

MICHAEL WALDMAN
Executive Director, Brennan Center for Justice
New York University School of Law

CLE credit:
3.0 credits in professional practice. This video replay does not provide transitional credit for newly admitted attorneys.

Video Replay (includes materials):
Member $175  Nonmember $285

Co-Sponsored with: Center for Advanced Legal Studies, Suffolk University Law School

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

*New York City Bar & Suffolk Alumni

*New York City Bar and Suffolk Alumni
HEALTH CARE

HEALTH CARE LAW ENFORCEMENT & COMPLIANCE: TRENDS & ISSUES

9 Friday, 9 a.m.–12:20 p.m.; 12:20-1:30 p.m. Luncheon

The program will address current law enforcement and compliance trends and issues in health care and will feature presentations by the Assistant U.S. Attorneys in charge of civil and criminal health care fraud prosecutions in both the Southern and Eastern Districts of New York. The program will also feature Heidi A. Wendel, Director of the New York State Medicaid Fraud Control Unit, a unit of the Attorney General’s Office, and a panel discussion including industry in-house and private practitioners. New York State Medicaid Inspector General James G. Sheehan will present the program’s keynote speech at the program’s luncheon.

Program Chair:
KEIR N. DOUGALL
Katten Muchin Rosenman LLP

Luncheon Speaker:
JAMES G. SHEEHAN
New York State Medicaid Inspector General

Faculty:
SEAN C. CENAWOOD
Healthcare Fraud Coordinator
Civil Division, U.S. Attorney’s Office, SDNY

JOHN N. JOSEPH
Post & Schell, P.C.

GEOFFREY R. KAISER
Chief, Health Care Fraud Prosecutions
Criminal Division, U.S. Attorney’s Office, EDNY

PAUL KAUFMAN
Healthcare Fraud Coordinator
Civil Division, U.S. Attorney’s Office, EDNY

DAVID H. RESNICOFF
Associate General Counsel & Vice President, Ethics & Compliance
Baxter International, Inc.

STEPHEN RITCHIE
Healthcare Fraud Coordinator
Criminal Division, U.S. Attorney’s Office, SDNY

HEIDI A. WENDEL
Special Deputy Attorney General
Director
New York Medicaid Fraud Control Unit
New York State Attorney General’s Office

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

CLE credit: 3.5 credits in professional practice. This live program provides New York & California transitional/non-transitional credit for all attorneys.

LAW FIRM PRACTICE MANAGEMENT

VIDEO REPLAY: THE CYBERSLEUTH’S GUIDE TO THE INTERNET: SUPER SEARCH ENGINE STRATEGIES FOR THE LEGAL PROFESSIONAL

16 Friday, 9 a.m.–12 p.m.

Do lawyers have a “duty to google”? In a recent decision, the court was incredulous that plaintiff failed to “google” the missing defendant as part of his due diligence process and upheld the defendant’s claim of insufficient service of process. Effective Internet searching may now need to become part of every lawyer’s due diligence routine.

At this seminar, attendees will learn the best search engine strategies (including advanced search features at Google and other search engines) that will assist them in meeting their research obligations. These search engine strategies also serve as the essential building blocks for conducting effective research at other Web sites.

Find Out How the Internet Really Works:
• Identify and use the best search engines
• Develop super search engine strategies
• Explore meta-search sites
• Key into Google’s “advanced search” menu
• Learn fundamental distinctions between the “visible” and the “invisible” web
• Locate information from the “invisible” web
• Acquire tools to search “smarter not harder”
• Uncover ways to find deleted web pages

Program Instructors:
CAROLE LEVITT
President
Internet for Lawyers

MARK ROSCH
Vice President
Internet for Lawyers


Attend both Cybersleuth’s Guide to The Internet programs and pay only $115 member and $215 non-member for the program, “Investigative Research Strategies for the Legal Professional.”

CLE credit: 3.0 credits in professional practice. This video replay does not provide transitional credit for newly admitted attorneys.

VIDEO REPLAY: THE CYBERSLEUTH’S GUIDE TO THE INTERNET: INVESTIGATIVE RESEARCH STRATEGIES FOR THE LEGAL PROFESSIONAL

30 Friday, 9 a.m.–12 p.m.

A lawyer’s research involves much more than just finding cases and statutes, and whether you’re a transactional lawyer looking for information on a company, a consumer attorney tracking down a defective product, a matrimonial attorney searching for a spouse’s assets, or a litigator looking for a missing witness, the Internet can be an indispensable source of information.

Nationally recognized Internet trainers and authors of The Cybersleuth’s Guide to the Internet will show you how to find and use specific Web sites to unearth factual and investigative information FREE (or at low cost!) on the Net. Instead of first turning to experts, consultants, skip tracers, and private investigators, seminar attendees will quickly learn how to be their own Cybersleuth.

The ABA’s most recent Technology Survey found that while nearly 90% of attorneys used the Internet “to research news or current events,” less than half were using the public records or company background information, both of which are freely available on the Internet. Attorneys who think they’re “using the Internet in their practice” because they are reading the news or checking their stock portfolios online run the risk of having cases dismissed, losing cases, or facing a malpractice suit...because of information they’ve missed.

Learn How to Search Like a Private Investigator:
• Find out how to dig up “dar” about the opposition
• Uncover information to attack a witness’ credibility

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www.nycbar.org
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- Discover addresses (home and email) and phone numbers (even cellular)
- Locate someone’s aliases, employer’s name, political persuasion
- Glean private or personal information from usenet postings
- Unearth assets

Discover Quick and Easy Methods to Access Public Records (Federal and New York):
- Birth & death records
- Social security numbers
- Liens, judgments, UCCs
- Bankruptcies and dockets
- Real & personal property records
- Business ownerships
- Criminal backgrounds
- Glean private or personal information from usenet postings
- Birth & death records

Program Instructors:
CAROLE LEVITT
President
Internet For Lawyers

MARK ROSCH
Chief Vice President
Internet For Lawyers


Video Replay (includes materials):
Member $175 Nonmember $275

Attend this program and The Cybersearch’s Guide to the Internet: Super Search Engine Strategies for the Legal Professional on May 16 and pay $115 member and $215 non-member for this program only, a $60 savings.

CLE credit:
3.0 credits in professional practice. This video replay does not provide transitional credit for newly admitted attorneys.

LITIGATION

CURRENT DEVELOPMENTS IN COMMERCIAL DIVISION PRACTICE

6 Tuesday, 6-9 p.m.

For the seasoned commercial litigator or novice, this program will unveil the mysteries and clarify the uncertainties surrounding practice before the New York Supreme Court’s Commercial Division. The program will include an overview of practice and procedures in the Supreme Court’s Commercial Division from assignment of a case through trial. The program also will set out the various court-related resources available to the commercial litigator and provide an overview of the Commercial Division’s alternative dispute resolution program. Lastly, the program will cover a topical survey of decisions rendered by the Commercial Division on noteworthy areas of commercial practice.

Program Chair:
ROBERT A. O’HARE JR.
O’Hare Parnagian LLP

Faculty:
HON. CAROLYN E. DEMAREST
New York State Supreme Court Justice, Kings County

RICHARD E. HANS
Thacher Proffitt & Wood LLP

CHRISTOPHER G. KELLY
Holland & Knight LLP

SCOTT D. MUSOFF
Skadden, Arps, Slate, Meagher & Flom LLP

LYNN K. NEUER
Simpson Thacher & Bartlett LLP

CHRISTOPHER P. PARNAGIAN
O’Hare Parnagian LLP

HON. CHARLES E. RAMOS
New York State Supreme Court Justice, New York County

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

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

PRACTICAL EVIDENCE: REAL PROBLEMS, REAL SOLUTIONS

21 & 28 Wednesdays, 6-9 p.m.

Your adversary moves to preclude your expert, you need to make an offer of proof to the court, or your adversary, on appeal, maintains your evidentiary objection was not preserved. These are the type of evidentiary issues that give litigators cold sweats, and these are the type of practical evidentiary issues this program will address. Attendees will learn how to spot and correct problems, and will be provided with real solutions to common evidentiary issues. From the procedure and timing of in limine motions, Frye and Daubert challenges, and post-trial motions through appeals, a panel of jurists, academics, and practitioners will provide sound guidance across a broad spectrum of practice areas for civil litigators of all levels of experience.

Program Chair:
DAVID PAUL HOROWITZ
Ressler & Ressler

Law Offices of David Paul Horowitz

Faculty:
HON. JACK M. BATTAGLIA
Justice, New York State Supreme Court

BENEDENE N. CANNATA
Flomenhaft & Cannata LLP

RICHARD T. FARRELL
Professor, Brooklyn Law School

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

MICHAEL J. HUTTER
Professor, Albany Law School

FRANCIS F. QUINN
Lavin, O’Neil, Ricci, Cedrone & DiSipio

CLIFFORD S. ROBERT
Robert & Robert PLLC

MARK S. SIDOTI
Gibbons PC.

HON. LISA M. SMITH
Chief Magistrate Judge, SINY

Live Program (includes materials):
Member $365 Nonmember $495

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

NON-PROFIT

CHARITABLE SOLICITATIONS & BEYOND: WHAT TAX EXEMPT ORGANIZATIONS SHOULD KNOW TO SUCCEED IN JOINT VENTURES

19 Monday, 9 a.m.–1 p.m.

This program is designed to explore the current and anticipated legal environment of charitable solicitations and joint ventures by and among not-for-profit Section 501(c)(3) organizations as well as charitable solicitations and joint ventures with for-profit businesses. In addition, the program will delve into charitable solicitations and joint venture transactions from the practitioner’s perspective to determine whether the legal regime encourages or discourages charitable solicitations and joint ventures, which are more and more vital to the fundraising efforts of the public charity community, and will consider ways in which the legal environment can be improved to accomplish the goals of all participants in the tax-exempt organization landscape.

Program Chair:
ELIOT P. GREEN
Loeb & Loeb LLP

Faculty:
LAURA E. BUTZEL
Patterson Belknap Webb & Tyler LLP

EDWARD B. CHANSKY
Levitt Rockwood P.C.

MARK A. ERICSON
Senior Attorney
Chief Counsel, Internal Revenue Service

Area Counsel (Tax Exempt & Government Entities)

KARIN KUNSTLER GOLDMAN
Assistant Attorney General, Charities Bureau

New York State Attorney General’s Office

Live program (includes materials):
Member $425 Nonmember $485

CLE credit:
4.0 credits total in professional practice. This live program provides transitional/non-transitional credit for all attorneys. Portions of this program may qualify for CPE credit.

PUBLIC SPEAKING

SPEAKING TO WIN: THE ART OF EFFECTIVE SPEAKING FOR LAWYERS

8 Thursday, 9 a.m.–5 p.m.

More than any other profession, the practice of law depends on the effective use of words, communication and persuasion. Through the study of some great American political speeches and presentations of recent times, this practical seminar focuses on the basics of oral advocacy for all lawyers.

Whether you are called upon to give legislative testimony, deliver a presentation to clients or an oral argument, or have to talk to the press, this program will enable you to understand what makes the great speakers effective and use those techniques yourself as a lawyer.

At this seminar, you will participate in fun, practical, improvisational exercises — to be done in class and then at home — that will enable you to improve on your own and conquer anxiety. Whether you are a trial lawyer or simply have to give that occasional talk, don’t miss this unique opportunity to improve an essential skill.

You will learn:
- Why lawyers are often poor speakers
- How to improve your voice, appearance and delivery
- How to write a speech or testimony and get your message across
- How to use humor in a beneficial way
- How to respond to questions without hesitation
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. 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 or mail your registration to: City Bar Center for CLE, New York City Bar, 42 West 44th Street, New York, NY 10036.

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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.

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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.
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# MAY 2008 CLE REGISTRATION FORM

## 1. 9TH ANNUAL CORPORATE & SECURITIES LAW UPDATE: KEEPING CURRENT IN LEGAL & BUSINESS DEVELOPMENTS

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## 3. WATCH OUT! A GUIDE TO ETHICAL PRACTICES IN STARTUPS & SMALLER FIRMS

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## 4. THE CYBERSLEUTH’S GUIDE TO THE INTERNET: SUPER SEARCH ENGINE STRATEGIES FOR THE LEGAL PROFESSIONAL

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## 5. PRACTICAL EVIDENCE: REAL PROBLEMS, REAL SOLUTIONS

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## 6. CURRENT DEVELOPMENTS IN COMMERCIAL DIVISION PRACTICE

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## 7. ARTICLE 81: CERTIFIED TRAINING FOR GUARDIANS, COURT EVALUATORS & ATTORNEYS FOR ALLEGED INCAPACITATED PERSONS

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## 8. SPEAKING TO WIN: THE ART OF EFFECTIVE SPEAKING FOR LAWYERS

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## 9. HEALTH CARE LAW ENFORCEMENT & COMPLIANCE: TRENDS & ISSUES

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## 10. CREDIT DERIVATIVES & BANKRUPTCY LAW: WHAT THE SECURITIES, FINANCE & BANKRUPTCY PRACTITIONER NEEDS TO KNOW ABOUT THESE PRODUCTS

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## 11. 16 HOUR BRIDGE-THE-GAP

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## 12. LAWYERS FOLLOWING ORDERS: ETHICAL PITFALLS & PRACTICAL ADVICE

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## 13. HOT TOPICS IN SEC ENFORCEMENT: A CHANGING LANDSCAPE

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## 14. VIDEO REPLAY: MR. SMITH GOES TO WASHINGTON, ALBANY & CITY HALL: HOW TO LOBBY EFFECTIVELY BEFORE CONGRESS, THE STATE LEGISLATURE AND THE NYC COUNCIL

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## 15. VIDEO REPLAY: THE CYBERSLEUTH’S GUIDE TO THE INTERNET: INVESTIGATIVE RESEARCH STRATEGIES FOR THE LEGAL PROFESSIONAL

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## REGISTRATION FORM

Name: ____________________________________________________________________________
Address: _________________________________________________________________________
City: __________________________ State: ______ Zip: __________
Phone: ________________ Total Enclosed $ ______
Please charge to my [ ] Mastercard [ ] Visa [ ] American Express
Card Number: ________________ Exp. Date: __________
Signature: _______________________________________________________________________

All Registrations must be prepaid by either credit card or check payable to City Bar Center for Continuing Legal Education.

www.nycbar.org
TIPS FOR BETTER TIME MANAGEMENT

Time is something nobody seems to have enough of. Who hasn’t wished for more hours in the day, more time to get work done, more time for sleep, for friends and family and for enjoying personal interests. Although extending the 24 hour day is impossible, there are ways to be more efficient which will allow more time for what is important to you. Speaking at Prioritizing Skills for Your Legal Practice, Diane Costigan, Coaching, Consulting and Training, and Jamie Jackson Spannhake, Dewey & LeBoeuf LLP, highlighted a number of tips to help better manage your time.

1. Rank Your Priorities – Take time, advised Costigan and Spannhake, at the beginning of each day to think about what is most important. Plan your day in chunks. Divide it up into morning, afternoon and evening and jot down what you hope to accomplish during each chunk. Remember to check throughout the day to see that things are going according to your plan.

2. Be Strategic – Plan to do tasks in the most efficient way. Think about the who, what and when of your tasks. Who is this project for? A partner who is understanding or one who is more demanding. This can determine which tasks take priority. What is the task? Is it something that you have done before? Do you have a template you can use? When is the project due?

3. Be Flexible – Be prepared to switch gears when the unexpected arises. Though it is important to make a plan, you must be flexible, and be ready to move things around as needed.

4. Delegate – To be efficient and effective you must delegate. Lack of delegation means more work for you. Work on honing your management skills and delegate to assistants and junior associates.

5. Automate – When and where you can, automate your work. Keep files of examples of memos and save templates so you don’t have to reinvent the wheel each time.

6. Don’t Steal Time From Yourself – Be organized. A well organized space will help you focus and be less distracting. Remember to put things back where they belong; it will take you less time to find them when you need them. Take the time to develop a filing system. Keeping your space organized may take time but it will result in more time saved in the end.

7. Keep Your Energy Up – If you push yourself too far you will run out of steam and become inefficient. Most people are only able to operate at high levels of focus for 30 – 40 minutes at a time. So take a break and give yourself some time to refuel. Refueling can be as simple as a five-minute walk down the hall to get a drink of water.

8. Manage Technology – Today’s technology has significantly enhanced productivity; it allows you to be mobile and can help you get organized. However, there is a negative side to all the new gadgets and tools, particularly email: it can be very distracting. Try not to check your email continually. Establish guidelines as to when you will check; for example, every hour or so. Only respond immediately to the emails you really have to until you finish drafting that memo or reading that report. Try to avoid the back and forth emails; remember, sometimes it is faster to pick up a phone or walk to someone’s office.

9. Control Interruptions – Everyone has experienced the person who comes to your office and stays too long or the colleague who stops in multiple times a day. Take control of these situations: offer to come to their office at an agreed upon time. It is easier to get up and leave his or her office when you are ready than asking someone to leave yours. For people who keep coming by with questions, ask that they save all their questions for a daily meeting, say first thing each morning. Block out chunks of time when you are not available. You can do this by letting your assistant know you would like no interruptions, closing your door, or moving to a conference room or library.

10. Create a Positive Attitude – Stop saying you don’t have enough time and begin to try to make time. Commit yourself to being an efficiency expert, says Costigan and Spannhake, and take the first steps toward working smarter not harder.