From its inception, a central focus of the Association has been to maintain the integrity of the legal profession. For over 80 years, the Committee on Professional and Judicial Ethics has been issuing opinions regarding the application of the Lawyers Code of Professional Responsibility (as of April 1, The Model Rules of Professional Conduct). The opinions arise out of questions the Committee receives from the bar and current ethical issues affecting the profession. So far in 2009, the Committee has issued the following three opinions, and hopes their guidance will make a difference in the profession.

No-Contact Rule
The “no-contact rule,” DR 7-104 of the Code of Professional Responsibility, provides that a lawyer shall not communicate or cause another to communicate on the subject of the representation with a party the lawyer knows to be represented by a lawyer in that matter unless the lawyer has the prior consent of the lawyer representing such other party or is authorized by law to do so. The Committee was asked whether simultaneously sending a letter or email to a represented person and her lawyer, by itself, satisfies the prior consent requirement.
ETHICALLY SPEAKING: continued from p. 1

The Committee also operates a hotline on which any lawyer admitted to practice in New York can receive assistance regarding the ethics of his or her own prospective conduct in New York. The hotline can be reached at 212.382.6624 and is answered by members of the Committee, who rotate on a weekly basis.

Our Professional Responsibility and Professional and Judicial Ethics Committees commented extensively on the Model Rules of Professional Conduct that were developed by the New York State Bar Association (the Appellate Divisions adopted Rules of Professional Conduct that took effect April 1, 2009).

In addition, the Professional Responsibility Committee has prepared a detailed analysis of the rules on lawyer advertising that became effective in 2007, and an analysis of the Letter of Engagement Rule also adopted in 2007. Both are available on the City Bar website. The Committee is also pressing legislation to expand a lawyer’s ability to attach charging liens to recovery proceeds obtained through arbitration, mediation or other pre-litigation negotiated settlement.

The Professional Discipline Committee, among other issues, has been working to provide more flexibility in how disciplinary committees mete out discipline, including urging the reintroduction of the use of letters of caution, to be reserved for instances of misconduct that do not constitute clear professional misconduct, and providing for diversion of lawyers committing less serious instances of misconduct that are related to alcohol or substance abuse or mental health problems. It also operates a panel to mediate matters referred by the Departmental Disciplinary Committee (DDC), where the DDC believes the best way to address a misconduct complaint initially is through lawyer-client mediation.

These committees all have a full range of issues they are pursuing as they continue to take a leadership role and help guide the bar in complying with ethical requirements in an increasingly complex legal environment.

The New York City Bar Association in conjunction with the Minority Corporate Counsel Association presents:

The Diversity Champion Award Luncheon & Fifth Annual Diversity Conference

Overcoming Challenges Facing Diversity in the Legal Profession: Concrete Steps to Combat the Tough Economic Climate & Leaky Pipeline

Wednesday, May 27, 2009

12:15 PM – 2:15 PM
Diversity Champion Award Luncheon

Join us as we honor individual attorneys whose actions and activities within the New York City legal profession embody the ideals of the City Bar’s Statement of Diversity Principles.

2:15 PM – 7:00 PM
Fifth Annual Diversity Conference

Diversity in Tough Economic Times

The panel will examine what impact, if any, the downturn in the economy is having on the legal industry's efforts to improve diversity. It will also highlight cost-effective measures aimed at sustaining and advancing diversity even in this shrinking economy.

Filling the Pipeline to the Legal Profession

Join us for an interactive conversation about how best to target the underrepresented minority groups and steer them toward higher education and professional endeavors, with an emphasis on the practice of law.

Pipeline Fair and Networking Reception

The Pipeline Fair will highlight programs aimed at increasing the pipeline of diverse students into the legal profession, while the Networking Reception will provide conference participants and diverse attorneys an opportunity to network, build alliances and form relationships with peers, partners, colleagues and pipeline programs.

Please see the listing on page 8 for more information.
On April 7th, the City Bar Justice Center held its 4th Annual Gala, honoring Goldman Sachs and Sullivan & Cromwell LLP for their leadership and dedication to public service. Pictured above are Gregory K. Palm, Executive Vice President and General Counsel of Goldman Sachs (left), and Rodgin Cohen, Chairman of Sullivan & Cromwell LLP (right), with Association President Patricia M. Hynes.

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Friday Evening Chamber Music  
1 FRIDAY, 6 PM  
Christos Badavas (double bass) and Matthew Grieco (piano) will play duets ranging from jazz to classical. Mr. Grieco will also play solo piano pieces. Violinists Urs Rutishauser and Rob Ruckman, violist Rachel Teplow, cellist Sue Rangeley, cellist Sue Rangeley and French hornist Rosemary Walzer will play Jean Francaix's Octet. Suggested donation is $10 at the door. For more information, please e-mail chambermusic@nycbar.org

View from the Bench: Settlement Practices in the State and Federal Courts and the Ethical and Practical Issues Involved  
4 MONDAY, 7 PM – 8:30 PM  
A panel of state and federal judges will discuss when and under what circumstances they may urge settlement and the ADR programs and practices they employ to reach that result. The judges will also explore the ethical and practical issues raised by settlement and the ways they resolve those issues. 
Moderator: DAVID GERONEMUS, Mediator, JAMS 
Speakers: HON. EILEEN BRANSTEN, Supreme Court Justice, New York County; HON. GEORGE B. DANIELS, United States District Judge, Southern District of New York; HON. SHIRLEY W. KORNREICH, Supreme Court Justice, New York County; HON. ROBERT M. LEVY, United States Magistrate Judge, Eastern District of New York; HON. JUSTICE RICHARD B. LOWE, III, Supreme Court Justice, New York County; HON. SHIRA A. SCHEINDLIN, United States District Judge, Southern District of New York 

Litigating in the Guardianship Part of the Supreme Court  
5 TUESDAY, 8 AM – 9 AM  
A panel discussion among experts from the Bench and Bar who sit and practice in the Guardianship Part of the Supreme Court about the procedures in that Part and how best to navigate your way when practicing there. 
Moderator: KATHERINE B. HUANG, Solo Practitioner 
Speakers: HON. LOTTIE WILKINS, NYS Supreme Court Justice; CLIFFORD A. MEIROWITZ, Solo Practitioner; NAJMA ALI, NYC Human Resources Administration, Office of Legal Affairs, Adult Protective Services 

Breed Specific Legislation: Justifiable Discrimination?  
5 TUESDAY, 6:30 PM – 8:30 PM  
American Staffordshire Bull Terriers (“Pit Bulls”), Rottweilers, German Shepherds and Doberman Pinschers have all been the subject of Breed Specific Legislation (BSL). Is BSL a solution to prevent dog bites, dog fighting and abandonment, or an over-inclusive policy that wrongly discriminates against certain breeds, penalizing responsible people and their pets? A panel of experts will discuss the law and policy surrounding this controversial issue. 
Moderator: BINA AHMAD, Bina Ahmad, Esq.; CHRISTINE MOTT, Christine Mott, Esq. 
Speakers: DEBORAH BRESCH, Legislative Liaison, ASPCA; DEBORAH DIORIO, Amsterdog
Jihad, Honor Killing and Slavery in Islamic Law

6 WEDNESDAY, 6:30 PM – 9 PM

A truly outstanding panel of scholars will explain the history and principles of Islamic law dealing with the concept of Jihad, in both its militant and non-militant meaning; the rights and duties of women under Islamic Law, and whether such horrific practices as honor killing are in fact Islamic; and slavery and its abolition.

Moderator:
ROBERT E. MICHAEL, Chair, Subcommittee on Islamic Law, Committee on Foreign and Comparative Law (of which he is Chair Emeritus)

Speakers:
MARK D. WELTON (LT. COL., RET.), Professor of International and Comparative Law, The United States Military Academy, West Point; ROY P. MOTTAHEDEH, Gurney Professor of History, Center for Middle Eastern Studies, Harvard University; INGRID MATTSON, Professor, Duncan Black Macdonald Center for the Study of Islam and Christian/Muslim Relations, Hartford Seminary; President, Islamic Society of North America; MARION HOLMES KATZ, Professor, Department of Middle Eastern and Islamic Studies, New York University; BERNARD FREAMON, Professor, Seton Hall Law School; Director of the Law School’s Summer Program for the Study of Law in the Middle East in Cairo; Post-Doctoral Fellow, Yale University

Law Week Public Forum: What You Can Do If You Are Facing Foreclosure

7 THURSDAY, 6 PM – 8 PM

The annual Law Week Public Forum will include a City Bar Justice Center expert on the current mortgage foreclosure crisis who will discuss steps borrowers on the verge of default can take under the Obama Administration’s new rescue plan. After a panel discussion, volunteers from the Justice Center’s Foreclosure Project and the Monday Night Law program will answer brief questions in individualized counseling sessions.

Speaker:
LYNN ARMENTROUT, Director, Lawyers Foreclosure Intervention Network, City Bar Justice Center

Evoke Strategies

Merengue Dance Class

Young Lawyers Connect—First Thursdays Series

7 THURSDAY, 6:30 PM – 8:30 PM

January’s First Thursdays Salsa Class was so much fun, we’re bringing back Kevin Lee, and this time we’re doing the merengue and the bachata. Enjoy light food and beverages, Midori Margaritas, meet new people and learn to dance. Don’t be intimidated—no dance experience necessary.

Kevin has placed top three in Latin Dance and performed at the International Hustle and Salsa Competition in Miami, Florida. He has also performed at the South Street Seaport Latin Festival in New York City.

The fee is $15 for members, $30 for non-members. We will not be able to offer refunds. Please register online at www.nycbar.org or call 212.382.4723.
Carriages are a legitimate industry that is vital in the congested New York City streets. Supporters claim that horse-drawn carriages provide economic benefits to employers, including the potential for increased foot traffic. Animal advocates have called for an end to the carriage horse industry, arguing that the proposed ban on horse-drawn carriages would allow members of the Bar Association to network, socialize, and discuss matters of interest. The luncheons are open to the public.


**Topic:** Why The Rosenberg Case Still Matters

**Luncheon Chair:** **JEROME R. ROSENBERG**

**Luncheon Vice-Chair:** **EMILY CAMPBELL**

Registration by May 8 is required to guarantee admission. Registrations received after May 8 are subject to availability. The fee, which includes lunch, is $30. Please register online at www.nycbar.org or fax your registration to 212.869.2145.

Intelligent Interviewing: Telling Your Story, Selling Yourself

12 TUESDAY, 6 PM

In this competitive job market, understanding how to tell a potential employer why he or she should select you is crucial. Interviewing is a skill that can be learned and must be practiced. 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.

Speakers: **DR. HOLLY CHEEVER, DVM; ELIZABETH FOREL**, Coalition to Ban Carriage Horses; **DONNY MOSS**, Documentary filmmaker, Blinders; **MARTHA ROBINSON**, Associate General Counsel, NYC Department of Health and Mental Hygiene; **STACY WOLF**, Vice President and Chief Legal Counsel, Humane Law Enforcement, ASPCA

Please register online at www.nycbar.org

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Public Affairs Luncheon

12 TUESDAY, NOON – 2 PM

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.


**Topic:** Why The Rosenberg Case Still Matters

**Luncheon Chair:** **JEROME R. ROSENBERG**

**Luncheon Vice-Chair:** **EMILY CAMPBELL**

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Please register online at www.nycbar.org

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Clicking “Refresh”: A New Look at Fair Use in the Age of Social Media

11 MONDAY, 6 PM

Join us in a discussion of whether the growth of social networking and content-sharing websites, blogs and other new platforms that allow for the exchange, integration and recasting of content from all manner of media is changing our understanding of long-established copyright principles, particularly in the realm of fair use.

Please register online at www.nycbar.org

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Yay or Neigh: Should the Carriage Horse Industry be Banned in NYC?

11 MONDAY, 6:30 PM – 8:30 PM

Animal advocates have called for an end to the carriage horse industry, arguing that the congested New York City streets are no place for horses. Supporters claim that horse carriages are a legitimate industry that is vital to tourism. A panel of experts will discuss the proposed ban on horse-drawn carriages and other issues relating to carriage horses.

**Moderators:** **LORI BARRETT,** Deputy County Attorney, Office of the Nassau County Attorney; **CHRISTINE MOTT**, Christine Mott, Esq.

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Attacks on the Independence of the Judiciary

12 TUESDAY, 6:30 PM

A roundtable discussion on the topic of press coverage and its influence on the courts with members of the federal judiciary and news organizations.

**Moderator:** **HON. KIMBA M. WOOD**, Chief Judge, Southern District of New York


Please register online at www.nycbar.org

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How Legal Employers Can Leverage & Access Untapped Talent to Fill Gaps & Minimize Costs in a Down Market

13 WEDNESDAY, 9 AM – NOON

A roundtable discussion on the topic of how legal employers can leverage and access untapped talent to fill gaps and minimize costs in a down market.


Please register online at www.nycbar.org

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Registration is necessary. The fee, which includes refreshments, is $15 for members, $25 for non-members. Please register online at www.nycbar.org

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Registration by May 8 is required to guarantee admission. Registrations received after May 8 are subject to availability. The fee, which includes lunch, is $30. Please register online at www.nycbar.org or fax your registration to 212.869.2145.

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This program welcomes legal employer representatives and lawyers-in-transition to hear about creative methods being used by employers to identify and fill gaps in expertise and perform spillover work. We will discuss how to transition new and temporary employees into a fragmented workforce; the economic benefits to employers in recruiting back re-entry talent; ways to use flexible and
How Old is Too Young: Should New York Raise Its Age of Criminal Liability?
14 THURSDAY, 6:30 PM
This panel will address the age of criminal liability in New York, discussing whether our state should follow the vast majority of other states and raise the age to 18. Issues to consider include adolescent brain development, the workings of the Family Court and Criminal Court systems, and various policy reasons underlying New York’s decision to lower the age 20 years ago.
Moderator: HON. DEBRA A. JAMES, Supreme Court Justice, New York County
Speakers: HON. MICHAEL CORRIERO, Executive Director, Big Brothers Big Sisters; Retired Supreme Court Justice, Criminal Term, New York County; JEFFREY FAGAN, Professor of Law and Public Health, Columbia University; LAURENCE STEINBERG, PhD, Distinguished University Professor of Psychology, Temple University
Please register online at www.nycbar.org

Climate Change: What Actions are the Federal, State and Local Governments Taking?
14 THURSDAY, 6 PM – 8 PM
Climate change is one of the prominent and most important environmental issues of our time. Our panel will discuss legal developments and policy implications in the expanding area of climate change. Current City and State officials, a former General Counsel of the EPA and private practitioners will examine policies being pursued to reduce greenhouse gas emissions and address adaptation at the Federal, State and City levels.
Program Chair: PETER GARAM, Con Edison
Moderator: KEVIN HEALY, Bryan Cave LLP
Speakers: WILLIAM BUMPERS, Baker Botts LLP; ROGER MARTELLA, Sidley Austin LLP; Former General Counsel of U.S. EPA; PAUL A. DECOTIS, NYS Deputy Secretary for Energy; JAMES T. GALLAGHER, Senior V.P. for Energy Policy, NYC Economic Development Corp.
Co-sponsored by the Environmental Law Institute
Please register online at www.nycbar.org

Conflicts of Laws in Project Finance Transactions
19 TUESDAY, 12:30 PM – 2 PM
Choice of law and choice of jurisdiction clauses are key issues in cross-border financing transactions. A panel of multi-jurisdictional practitioners will explore the considerations involved in selecting English, New York and local law to govern contract interpretation and dispute resolution in project finance transactions. The panel will discuss best practices in infrastructure deals and international arbitrations, and how the financial crisis may give rise to novel defenses and enforcement concerns.
Panel Co-Chairs: DOUGLAS OCHS ADLER, Of Counsel, Vedder Price, P.C.; ANA-MITA BETANCOURT, Coordinator, Independent Investigative Mechanism, Inter-American Development Bank
Speakers: DOUGLAS OCHS ADLER, Of Counsel, Vedder Price, P.C.; RAUL R. HERRERA, Arnold & Porter LLP; CHRIS McISAAC, Clifford Chance US LLP
Seating is limited and advance reservations are required. Lunch will be served. Kindly RSVP to Ernest Chung at ernest.chung@newyork.allenovery.com or 212.610.6302.

Annual Meeting of the Association
19 TUESDAY, 6 PM
All Association members are invited to the Annual Meeting of the Association. A reception will be held following the meeting, at which the portrait of former Association President Barry Kamins will be unveiled.
Expert Testimony Regarding Loss Causation and Damages After Dura Pharmaceuticals v. Broudo

20 WEDNESDAY, 6 PM – 7:30 PM

A program exploring the state of expert testimony on damages and loss causation after the Supreme Court’s decision in Dura Pharmaceuticals v. Broudo. Noted plaintiff and defense experts will discuss key issues and methods for calculating loss. The program will also present strategic considerations for lawyers from both the plaintiff and defense perspective.

Moderator: MERRITT FOX, the Michael E. Patterson Professor of Law at Columbia Law School

Speakers: RICHARD ROSEN, Paul, Weiss, Rifkind, Wharton & Garrison, LLP; JOHN “SEAN” COFFEY, Bernstein, Litowitz, Berger, and Grossman, LLP; CHAD COFFMAN, President, Winnemac Consulting; MARCIA KRAMER MAYER, Senior Vice President, NERA Economic Consulting

Access to New York State Courts for People with Disabilities: A Panel Discussion

26 TUESDAY, 6 PM – 9 PM

The panelists will discuss the rights of access to court buildings and programs for people with disabilities under federal law, procedures set up by the court system to effectuate accessibility rights, access requirements for new construction and alterations of existing buildings in New York City, and a consumer perspective on program access.

Moderator: DENNIS R. BOYD, Chair, Committee on Legal Issues Affecting People with Disabilities

Speakers: MARK A. JOSEPHSON, CPA, CFP, CFE, Murray & Josephson, CPAs, LLC; MICHAEL C. RAKOWER, Law Office of Michael C. Rakower, P.C.; DANIEL SEGAL, Managing Director, Newmark Knight Frank

Sponsored by Lexis/Nexis

Registration by May 18 is necessary. The fee, which includes lunch, is $25 for members, $35 for non-members. Please register online at www.nycbar.org

Diversity Champion Award Luncheon & Fifth Annual Diversity Conference

Overcoming Challenges Facing Diversity in the Legal Profession: Concrete Steps to Combat the Tough Economic Climate & Leaky Pipeline

27 WEDNESDAY, 12:15 PM – 7 PM

Please join us for the Diversity Champion Award luncheon as we honor individual attorneys whose actions and activities within the New York City legal profession embody the ideals of the City Bar’s Statement of Diversity Principles.

This year’s Diversity Conference will focus on providing concrete solutions to problems facing diversity in the legal profession as well as the leaky pipeline to the profession. A Pipeline Fair and Networking Reception will follow the conference.

Speakers: LEONARD BAYNES, Professor of Law, St. John’s Law School; SUSAN BLOUNT, SVP & General Counsel, Prudential Financial; ALPHONZO GRANT, Director of Diversity Initiatives & Special Counsel, Sullivan & Cromwell LLP; BARRINGTON LOPEZ, VP & General Counsel Midwest Area, Verizon Wireless; MEREDITH MOORE, Director of Global Diversity, Weil, Gotshal & Manges LLP; VETA RICHARDSON, Executive Director, MCCA; SANDY SANTANA, Deputy Director, Legal Outreach; ERNEST A. TUCKETT, Corporate Counsel, DuPont Legal

The registration fee is $75 for members, $100 for non-members. For further information please visit http://www.nycbar.org/Diversity/index.htm or contact Elizabeth Dorfman, edorfman@nycbar.org. Please register at nycbar.org. Please see box on page 2 for more information.

Hot Topics in Structured Finance

27 WEDNESDAY, 6 PM

Securitization has been in the forefront of news coverage about the financial crisis. A distinguished panel of structured finance professionals will address hot topics in securitization, including regulatory developments concerning credit default swaps, exchange traded swaps and clearing house
issues, restructuring/litigation issues in structured finance, changes in accounting and risk-based capital under FASB/Basel II, developments in asset-backed conduit financing, TALF and related matters, and the buyer/investor’s perspective.

Program Chair: IRA REID, Baker & McKenzie LLP

Speakers:
ANTHONY R.G. NOLAN, K&L Gates;
ZACHARY D. ROSENBAUM, Lowenstein Sandler PC; JASON H.P. KRAVITT, Mayer Brown LLP; HANS MONTAG, Baker & McKenzie LLP; R.J. CARLSON, Sidley & Austin; SANJEEV HANDA, Head of Global Public Markets, TIAA-CREF

Please register online at www.nycbar.org

Women in IP Breakfast Series—Recent Developments in Copyright and First Amendment Law
28 THURSDAY, 8:30 AM – 9:30 AM

The third breakfast of a four-part series on Women in Intellectual Property will feature a stellar panel of renowned copyright and First Amendment law attorneys who will discuss their experiences with copyright and First Amendment issues and recent significant decisions affecting the practice. The breakfast will be informal and interactive. The fourth and final breakfast will be held on June 25, on managing your intellectual property law career.

Moderator: LISA PEARSON, Kilpatrick Stockton

Speakers:
SUSAN BUCKLEY, Cahill Gordon & Reindel; LYNN OBERLANDER, General Counsel, The New Yorker; LINDA STEINMAN, Davis Wright Tremaine LLP

The fee for this breakfast is $15 for members, $25 for non-members. Please register online at www.nycbar.org

The Art of War: The Protection of Cultural Property in War and Peace
28 THURSDAY, 6:30 PM – 8:30 PM

The looting of the Iraq Museum in 2003 shocked the world and brought the plunder of antiquities into the headlines. The presenters on this panel were all on the ground during the looting or the aftermath. They will discuss what happened and what has been done to make sure it does not happen again in Iraq or anywhere else there is armed conflict.

Moderator: LUCILLE A. ROUSSIN, Law Office of Lucille A. Roussin

Please register online at www.nycbar.org

Stress Management for Lawyers—A Contemplative Approach
City Bar Contemplative Lawyers Group
28 THURSDAY, 7 PM

What is stress? How does it affect our law practice and our lives? How can we handle it better? Mindfulness meditation has been shown to be an effective tool for managing stress. We will explore the ways this practice can help develop insight into and mitigate the effects of stress. Robert Chender, certified mindfulness meditation teacher and practicing attorney, will give guided meditation instruction along with a presentation and time for discussion. No prior meditation experience is necessary.

Please register online at www.nycbar.org

MAY 2009 REGISTRATION FORM

[ ] Litigating in the Guardianship Part of the Supreme Court
5 Tuesday
The fee, which includes breakfast, is $15 for members, $25 for non-members

[ ] Reaching Out—An Introduction to Collaborative Practice
8 Friday
The fee, which includes breakfast and lunch, is $45 for members, $75 for non-members

[ ] Public Affairs Luncheon
12 Tuesday
The fee, which includes lunch, is $30

[ ] Small Law Firm Luncheon
21 Thursday
The fee, which includes lunch, is $25 for members, $35 for non-members

[ ] Women in IP Breakfast Series
28 Thursday
The fee, which includes breakfast, is $15 for members, $25 for non-members

Name
Number of Reservations

Company

Address

City   State   Zip

Phone

Email

Total Enclosed $

Please charge to my: [ ] Mastercard  [ ] Visa  [ ] Amex

Card Number   Exp. Date

Signature

Please return this form to: Meeting Services, New York City Bar, 42 West 44th Street, New York, NY 10036-6604. Please make checks payable to the Association of the Bar. If registering for additional persons, duplicate this form.

www.nycbar.org
# MAY 2009

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| **6 PM – 8 PM**
Understanding the Unwritten Rules of Legal Practice and Other Things Your Boss Expects You to Already Know
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| **6:30 PM – 9 PM**
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**6 PM – 8 PM**
What You Can Do if You Are Facing Foreclosure
**6:30 PM – 8:30 PM**
Merengue Dance Class
**6:30 PM – 8:30 PM**
The Future of Same-Sex Relationships in NY
**6 PM**
Life Without Lawyers |
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A New Look at Fair Use in the Age of Social Media
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Yay or Neigh: Should the Carriage Horse Industry be Banned in NYC? |
| **NOON – 2 PM**
Public Affairs Luncheon
**6 PM**
Intelligent Interviewing
**6:30 PM**
Attacks on the Independence of the Judiciary |
| **9 AM – NOON**
How Legal Employers Can Leverage & Access Untapped Talent to Fill Gaps & Minimize Costs in a Down Market
**6 PM – PROGRAM**
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Presentation of the Kathryn A. McDonald Awards |
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Conflicts of Laws in Project Finance Transactions
**6 PM**
Annual Meeting of the Association |
| **6 PM – 7:30 PM**
Expert Testimony Regarding Loss Causation and Damages After Dura Pharmaceuticals v. Broudo |
| **8:30 AM – 10 AM**
Smart Marketing in a Down Economy (part 2)
**12:30 PM – 2 PM**
Expanding and Taking Your Firm in a New Direction |
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<td>Commercial Mortgage Finance Made Clear 2.5 Credits*</td>
<td>9 AM – 5 PM</td>
<td>16 Hour Bridge-the-Gap Day 1 – 8.0 Credits*</td>
<td>9 AM – 5 PM Speaking to Win: The Art of Effective Speaking for Lawyers 7.5 Credits*</td>
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<td>6 PM – 9 PM Litigating a Trademark Infringement Dispute 3.0 Credits</td>
<td>6 PM – 9 PM Current Legal &amp; Ethical Issues for Counsel to Investment Companies &amp; Advisers 3.0 Credits*</td>
<td>9 AM – 4 PM Writing in the Law with Lebovits 6.5 Credits*</td>
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<td>9 AM – 12:30 PM Lawyers Following Orders: Ethical Pitfalls &amp; Practical Advice 3.5 Credits*</td>
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<td>6 PM – 9 PM Recent Developments in Matrimonial Law: Tips &amp; Techniques to Stay Ahead of the Curve 3.0 Credits*</td>
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*The program provides transitional credit for newly admitted attorneys
BRIDGE-THE-GAP

16 Hour Bridge-the-Gap
7 THURSDAY & 11 MONDAY, 9 AM – 5 PM

Earn all of your annual CLE credits while obtaining invaluable knowledge in a variety of areas. The Bridge-the-Gap programs fulfill a full year’s credit requirements for those who are newly admitted, while providing essential information and credits for more experienced attorneys.

This program is particularly distinct in that one day will allow attendees to fulfill all required skills credits, and the other day will allow attendees to fulfill all required ethics credits. Attendance on both days will provide the total professional practice/practice management required of all newly admitted 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.

Faculty:
PAMELA R. ESTERMAN, Sive Paget & Riesel PC; MYRNA FELDER, Law Offices of Myrna Felder; VALERIE FITCH, Director, Professional Development, Pillsbury Winthrop Shaw Pittman LLP; RICHARD E. GRAYSON, Law Offices of Richard E. Grayson; ANDREA B. JACOBSON, Director, Professional Development & Training, Kaye Scholer LLP; HON. STEVEN ELIEBMAN, Special Referee, New York County; RICK OSTROVE, Leeds Morelli & Brown, P.C.; JANINE L. POLLACK, Milberg LLP; STEVEN RUSSO, Sive Paget & Riesel PC; VINCENT DAVID SCALA, Attorney at Law; CARL SPECTOR, The Law Offices of Carl Spector

Credit (May 7 & May 11): 16.0 total: 7.0 PPM/PM, 6.0 skills & 3.0 ethics*
Credit (May 7 only): 8.0 total: 5.0 PPM/PM & 3.0 ethics*
Credit (May 11 only): 8.0 total: 6.0 skills & 2.0 PP*

CORPORATE & SECURITIES

10th Annual Corporate & Securities Law Update: Doing Deals in the Current Economic Market
1 FRIDAY, 9 AM – 12 PM

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:
- Recent SEC rule changes
- M&A and other corporate law developments
- A checklist of deals that can get done in the current credit environment and how to do them

Program Co-Chairs:
N. ADELE HOGAN, White & Case LLP; NORMAN D. SLONAKER, Sidley Austin LLP

Faculty:
DENNIS J. BLOCK, Cadwalader, Wickersham & Taft LLP; ROBERT E. BUCKHOLZ, JR., Sullivan & Cromwell LLP; MARJORIE E. GROSS, Deputy Superintendent & Counsel, NYS Banking Department; RISÉ B. NORMAN, Simpson Thacher & Bartlett LLP; MARK A. RHODES, Director & Associate General Counsel, Banking/Capital Markets Origination Legal, Citigroup Global Markets Inc.; THOMAS G. SEAMAN, Senior Vice President, General Counsel & Secretary, GoldenSource Corporation; THOMAS W. YANG, Principal & Associate General Counsel, Banc of America Securities LLC

Credit: 3.0 PP*

Current Legal & Ethical Issues for Counsel to Investment Companies & Advisers
13 WEDNESDAY, 6 PM – 9 PM

Regulators and litigants have renewed their focus on conflicts of interest in the investment company industry. The focus includes conflicts between the investment company (and its shareholders) and the investment company’s adviser and affiliates, as well as conflicts that arise when the same counsel represents both the adviser and the investment company. This program will address these and other conflicts that investment companies, investment company directors and investment advisers need to consider in the normal course of the company’s operations, and the consequences when those conflicts are not addressed appropriately. A panel of experienced industry lawyers will discuss these conflicts and ways to mitigate the litigation and regulatory risks.

Program Chair:
PHILIP L. KIRSTEIN, Senior Vice President & Independent Compliance Officer, AllianceBernstein

Faculty:
WILLIAM V. HEALEY, Executive Vice President & Chief Legal Officer, U.S. Retail Allianz Global Investors of America L.P.; STEVEN R. HOWARD, Bingham McCutchen LLP; LORI A. MARTIN, WilmerHale; DANIEL T. STEINER, Executive Vice President & General Counsel, ICI Mutual Insurance Group; PETER L. TSIRIGOTIS, Chief Operating Officer & Chief Compliance Officer, Apis Capital Advisors, LLC; ROBERT G. ZACK, Executive Vice President & General Counsel, OppenheimerFunds, Inc.

Credit: 3.0 total: 2.0 PP & 1.0 ethics*
Developing Issues in Derivatives Law 2009

18 MONDAY, 6 PM – 8 PM

The program will provide an analysis of new federal and state over-the-counter derivatives regulatory and legislative developments, including those affecting credit default swaps and centralized derivatives clearinghouses. The faculty will also examine lessons learned from the Lehman bankruptcies concerning swaps and other derivatives trading agreements, including unanticipated collateral issues, rehypothecation issues, nuances of master netting agreements, secured interests and the use of custody and control agreements. There will also be a review of litigation developments concerning derivatives transactions. Attendees will leave the seminar with an arsenal of up-to-date information preparing them to advise clients about the regulatory status of OTC derivatives transactions and a fresh perspective on negotiating relevant agreements.

Program Co-Chairs:
ROBERT M. MCLAUGHLIN, Katten Muchin Rosenman LLP; MICHAEL S. SACKHEIM, Sidley Austin LLP

Faculty:
CONRAD G. BAHLKE, Weil, Gotshal & Manges LLP; IAN CUILLERIER, White & Case LLP; GUY DEMPESEY, Latham & Watkins LLP; GEOFFREY B. GOLDMAN, Shearman & Sterling LLP; CHRISTIAN A. JOHNSON, Professor, University of Utah College of Law; ROBIN J. POWERS, Sutherland; LAUREN TEIGLAND-HUNT, Teigland-Hunt LLP

Credit: 2.0 total: 1.0 PP & 1.0 skills*

ETHICS

Lawyers Following Orders: Ethical Pitfalls & Practical Advice

21 THURSDAY, 9 AM – 12:30 PM

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 junior lawyer receives an instruction to engage in what he believes is unethical or illegal conduct from a supervising attorney or a valued client? Or 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 not to produce a potentially damaging document that is relevant and requested by the adversary? What happens when a criminal defense attorney knows that his 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 or requests they believe are not ethical and offer insights into how to deal with this problem, which ultimately has ethical and legal dimensions.

The program’s updated content will entitle attendees to CLE credit even if they attended the 2008 program.

Co-sponsored by the Center for Advanced Legal Studies, Suffolk University Law School, Boston, MA

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

Credit: 3.5 ethics*

FAMILY

Litigating a Trademark Infringement Dispute

12 TUESDAY, 6 PM – 9 PM

This advanced trademark program will focus on the nuances of litigating a trademark infringement claim, including:

• Preliminary concerns – sending and responding to a cease and desist letter, selecting the forum and addressing discovery
• Analyzing different motion practice strategies useful for a trademark dispute
• The role of surveys and expert witnesses
• The resolution – a discussion of the types of relief, damages and monetary awards available

Program Chair: 
MONICA RICHMAN, Sonnenschein Nath & Rosenthal LLP

Moderator: 
AMANDA C. SAMUEL, Counsel, Trademark & Copyright, Colgate-Palmolive Company

Faculty: 
ELEANOR M. LACKMAN, Lovells LLP; NANCY J. MERTZEL, Gibbons P.C.; JOHANNA SCHMITT, Kirkland & Ellis LLP; JAMES D. WEINBERGER, Fross Zelnick

Faculty: 
MARK J. GOLDBERG, Loeb & Loeb LLP; BARBARA GRAVES-POLLER, Chambers of the Hon. George B. Daniels, US District Court, SDNY; BERTRAND B. POGREBIN, Littler Mendelson, P.C.

Credit: 3.0 PP

**LABOR & EMPLOYMENT LAW**

Hot Topics in Employment Litigation

4 MONDAY, 6 PM – 9 PM

The year 2008 was a tumultuous one for employers and employees alike. The economic crisis spawned huge numbers of terminations, particularly in New York’s financial services industry, and election-year politics generated watershed legislation related to employment. This program will highlight some of the most significant legal developments in the employment area during the extraordinary year 2008 and so far in 2009. Topics will include the Americans with Disabilities Amendments Act of 2008, the Lilly Ledbetter Fair Pay Act of 2009 and significant court decisions in heavily litigated areas of employment law. This program is a must for employment lawyers, litigators who handle employment-related claims, in-house counsel and human resources professionals.

Program Chair: 
JYOTIN HAMID, Debevoise & Plimpton LLP

Faculty: 
JAMES D. WEINBERGER, Fross Zelnick

Faculty: 
MARK J. GOLDBERG, Loeb & Loeb LLP; BARBARA GRAVES-POLLER, Chambers of the Hon. George B. Daniels, US District Court, SDNY; BERTRAND B. POGREBIN, Littler Mendelson, P.C.

Credit: 3.0 PP

**LAW FIRM PRACTICE MANAGEMENT**

Starting Your Own Firm: Is It Something You Should Think About & Prepare For?

19 TUESDAY, 6 PM – 9 PM

Do you have what it takes to start your own firm? Was your decision to start a law firm based on a drastic career change or circumstances beyond your control? What is your game plan, and how are you planning on facing the current downturn in the economy? If you’re thinking of launching out on your own, there are a multitude of issues to consider, ranging from who your clients will be, to whether to specialize or diversify in order to address the economic conditions, to what your letter of engagement should contain.

Among the topics to be discussed are:

• Taking personal and financial inventory before you launch
• Determining the minimum budget requirement to start a practice
• The advantages and disadvantages of commercial leases, subleases and virtual office spaces
• Tax and ethical considerations

These issues and more will be discussed by panelists who have their own solo or small-firm practices. Come learn, network and get useful ideas and CLE credits.

Program Chair: 
MONICA RICHMAN, Sonnenschein Nath & Rosenthal LLP

Faculty: 
DAMIEN MATTHEW BOSCO, Bosco Law Firm, LLC; DEBORAH G. ROSENTHAL, Rosenthal, Attorneys at Law PC; RICHARD A. ROTH, The Roth Law Firm PLLC; ALLA ROYTBERG, Law Offices and Mediation Center of Alla Roytberg

Credit: 3.0 total: 2.5 PM & 0.5 ethics*

**LEGAL WRITING**

Writing in the Law with Lebovits

15 FRIDAY, 9 AM – 4 PM

This full-day, entertaining, intensive and practical nuts-and-bolts seminar, taught by a leading advocacy instructor, explains effective, objective and persuasive legal writing from thinking about a project through submitting it. Attendees will learn legal writing’s dos, don’ts, controversies and ethics. The components of a brief will be analyzed: questions presented, facts, summaries of arguments and arguments. The seminar will also detail easy-to-learn but hard-to-forget elements and the philosophy of good legal writing, including Plain English, style, clarity, concision, storytelling, organization, sentence and paragraph structure, citing, footnotes, quoting, format, legal method and rhetoric.

Program Instructor: 
HON. GERARD LEBOVITS, Judge, New York City Civil Court, Housing Part; Adjunct Professor of Law, St. John’s University School of Law

Credit: 6.5 total: 5.5 skills & 1.0 PP*

**LITIGATION**

Taking & Defending Depositions: From How To...To Expert Tips

20 WEDNESDAY, 6 PM – 9 PM

Depositions provide a valuable opportunity to take discovery necessary for your case, test potential theories of your case and gain valuable testimony to use for summary judgment and potentially at trial. They also offer the other side the very same opportunity. This program, by bringing together leading practitioners, will examine all

*This live program provides New York & California transitional/non-transitional credit to all attorneys. Credit abbreviations: PM=practice management; PP=professional practice
aspects of taking and defending depositions through the use of lecture, demonstrations, roundtable discussion and open questioning. We will discuss why we take them, what we can get out of depositions and what the logistics of a deposition are so that you are at ease when you enter the room. We will also discuss how to marshal your facts and formulate a strategy to craft a helpful outline to take a deposition, how to formulate questions to maximize the information you receive at a deposition and get the testimony you seek, how to prepare a witness to be deposed and how to defend a witness at a deposition. Finally, we will have a roundtable discussion of unique issues that arise at depositions, expert tips for taking and defending depositions, and a chance for you to pose your questions to the panelists.

Program Chair: 
AVRAM E. LUFT, Cleary Gottlieb Steen & Hamilton LLP.

Faculty:
TIMOTHY CAMERON, Cravath, Swaine & Moore LLP; HOWARD S. KOH, Meister, Seelig & Fein, LLP; JEFFREY A. ROSENTHAL, Cleary Gottlieb Steen & Hamilton LLP; DANIEL E. SELTZ, Lieff, Cabraser, Heimann & Bernstein, LLP; GERALD A. STEIN, O’Melveny & Myers LLP.

Credit: 3.0 skills*

This program is not being taped. You will only have the chance to see it live.

Program Instructor:
STEVEN D. STARK, Former Lecturer on Law at Harvard Law School & NPR Commentator; Author of Writing to Win: The Legal Writer and Meet the Beatles: A Cultural History of the Band That Shook Youth, Gender, and the World.

Credit: 7.5 skills*

REAL ESTATE

Commercial Mortgage Finance Made Clear
6 WEDNESDAY, 6 PM – 8:15 PM

This program will cover a detailed review of a complex financing proposal, including structuring, documentation and closing issues.

The City of New York is honoring the original and nationally renowned Patsy’s Pizzeria in East Harlem by memorializing the street corner of 118th Street and 1st Avenue with a new name. From henceforward this corner will be known as PATSY’S WAY

The honor bestowed on this historic New York institution is in recognition of the many customers it has served worldwide over the near century in business.

The words PATSY’S WAY will forever engrave the corner in which they call home.

Please visit: www.thepatsyspizza.com

*This live program provides New York & California transitional/non-transitional credit to all attorneys. Credit abbreviations: PM=practice management; PP=professional practice.
Special Feature: This hands-on program will have a mock negotiation. Lender and borrower concerns will be analyzed and valuable insights will be shared with the attendees, including money issues, recourse, rating implications, release mechanisms, SPE structures, operating accounts, approvals and opinions.

The program will avoid the use of jargon without explanation, and the presenters will explain complex financing concepts using easily understandable terms. The program has appeal to both senior and junior attorneys.

Program Co-Instructors: STEVEN G. HOROWITZ, Cleary Gottlieb Steen & Hamilton LLP; ELLIOT L. HURWITZ, Chief Commercial Counsel, Chicago Title Insurance Company

Credit: 2.5 total: 1.5 PP & 1.0 skills*

When Real Estate Deals Go Bad: Advising & Protecting Your Client in an Economic Downturn
11 MONDAY, 6 PM – 9 PM
This program will discuss in depth the problems faced by sellers, purchasers, lenders and their attorneys caused by the economic downturn and the resulting credit freeze. Subjects will include:

- Contract Deposit: How much is too much?; Attorney liability as escrowee; Bank insolvency; FDIC insurance limits.
- Bankruptcy: The right to accept or reject the contract; Who gets the contract deposit?
- Adjournment Rights: Does time of the essence make sense?
- Vendees Lien: Is it any protection?
- Lender’s Failure to Fund: Is the lender liable?; Does the buyer have an out?

- State of Title: Marketability versus insurability—how it can make a real difference.
- Tenants’ Worsening Financial Condition: Can it give the buyer a valid reason not to close?
- Revival of Purchase Money Mortgages: How can they fill the gap created by the credit freeze?
- Construction Loans: Are there any?

Program Chair: WILLIAM J. LIPPMAN, Schoeman, Updike & Kaufman, LLP

Faculty:
MARK A. BROUDE, Latham & Watkins LLP; JOSEPH PHILIP FORTE, Alston & Bird LLP; KEITH M. PATTIZ, McDermott Will & Emery; KENNETH L. SANKIN, Patterson Belknap Webb & Tyler LLP

Credit: 3.0 PP* ■

CITY BAR JUSTICE CENTER UPDATES

Lynn Kelly, Executive Director of the City Bar Justice Center, Testifies on the Impact of the State Budget on Access to Justice

On February 24, Lynn Kelly, Executive Director of the City Bar Justice Center, testified before the New York State Assembly on the impact of the state budget on access to justice. Her testimony emphasized the importance of continuing support for pro bono services by providing funding that will help organizations such as the Justice Center meet the increasing legal needs of low-income individuals and families in this economic downturn as well as meet the need to train, mentor and supervise the increasing pool of pro bono volunteers who help provide these services.

Kelly said, “This is a time for New York State to step up to assist persons with pressing civil legal needs such as defending a foreclosure or obtaining proper veterans benefits...The prospect of even less state funding in the future is particularly daunting given that the financial and legal markets are shedding workers and cutting their own private giving.”

Upcoming Justice Center Pro Bono Trainings

The Refugee Assistance Project is holding its annual training on June 9th. The training is full, but anyone interested in being added to the waiting list should contact Martin York at myork@nycbar.org

The Consumer Bankruptcy Project is holding a training on May 6th. Volunteers are required to handle three cases. No bankruptcy experience is necessary. Space is limited. If interested, please contact Ramona Morel at rmorel@nycbar.org

The Lawyers Foreclosure Intervention Network is holding a training on June 17th and 18th. If interested, please contact Ben Seibel at bseibel@nycbar.org ■

*This live program provides New York & California transitional/non-transitional credit to all attorneys. Credit abbreviations: PM=practice management; PP=professional practice
CIVIL COURT
Letter to the Office of Court Administration offering comments on the Board of Judges of the NYC Civil Court’s legislative proposal submitted to OCA, which is meant to help the Civil Court cope with the growing number of consumer debt filings.

CIVIL RIGHTS
Letter to the Commissioner of the NYS Division of Human Rights noting that as drafted, portions of the State Human Rights Law currently diminish rather than advance human rights. The report urges that Chapter 133, which concerns the use of service animals, and Chapter 394, which defines places of public accommodation, be repealed or modified as both of these Chapters diminish the rights of people with disabilities.

CONSTRUCTION LAW
Comments to the State Asset Maximization Commission: Modernizing Public Construction Procurement for New York’s Public Owners—If Not Now, When? The report states that now is the time to review, reform and modernize New York’s public construction procurement laws and urges the Commission to consider the ABA’s 2007 Model Code for Public Infrastructure Procurement as a prototype.

COUNCIL ON CHILDREN
Letter to the ABA Section on Litigation commenting on the ABA’s draft Model Act Governing Representation of Children in Abuse and Neglect Proceedings. The letter supports the draft’s intention to codify a professional attorney-client model for the representation of children but offers a number of suggestions to strengthen the language to: 1) clarify that these rules affect all attorney-client relationships and 2) ensure it does not undermine strides that have been made toward professionalizing the attorney-client relationship for lawyers representing children.

Report urging passage of the Kinship Guardianship Assistance Law for New York. The report argues that subsidized kinship guardianship would create an important permanency option for many children by enabling kinship caregivers to become permanent guardians outside the foster care system, while maintaining a subsidy to care for the child without having to adopt. Subsidized kinship guardianship would also alleviate child welfare agency administrative costs, free up Family Court resources and enable the family constellation to be free from government interventions and home visits.

LEGAL ISSUES PERTAINING TO ANIMALS
Letter to the U.S. Department of Agriculture offering recommendations on a variety of topics the Department should consider as it develops policies relating to non-human animals, including the use of animals in research, the slaughter of horses, the use of animals in agriculture and issues affecting companion animals.

LEGAL ISSUES AFFECTING PEOPLE WITH DISABILITIES
Report on the United Nations Convention on the Rights of Persons with Disabilities. The report summarizes the Convention’s provisions, which are intended to ensure that persons with disabilities enjoy human rights on an equal basis with others and urges that the United States sign and ratify the Convention as a sign of the U.S.’s commitment to promote disability-inclusive development practices and equality for persons with disabilities both at home and abroad.

LEGAL PROBLEMS OF THE AGING
Report expressing concern about certain proposed budget changes in the New York State 2009 draft budget, including proposed changes to pooled trust remainders and Medicaid and Supplemental Security Income benefits, and the creation of long-term care assessment centers. If enacted, these proposed changes, the report argues, would have a drastic adverse impact on the State’s senior citizens.

Report Regarding Home and Community-Based Medicaid Waiver Services. The report urges that the Centers for Medicare and Medicaid Services (CMS) restore their prior longstanding policy to allow community spouses a reasonable level of income and resources to live on while still receiving Medicaid funding for the nursing home resident. The new policy, which eliminates this option, could impoverish thousands of elderly and disabled people who receive Home and Community-Based (HCBS) Medicaid waiver services pursuant to section 1915(c) of the Social Security Act.

PRESIDENT
Report expressing opposition to A.3866-A, which would amend the statute implementing the constitutional provision for selection of Court of Appeals judges to require the Commission on Judicial Nomination to submit to the Governor all well-qualified persons. Although the report notes that there are real concerns about diversity among the candidates reported out by the Commission, the proposed legislation, by removing the limitation on the number of names put before the Governor, gives the Governor unfettered discretion to choose whomever he or she wants, and would actually be a setback regarding both the quality of the selection process and its diversity.

STATE AFFAIRS
Testimony before the New York State Senate Temporary Committee on Rules Reform urging rules reform in Albany through the creation of a healthy and active committee structure, equal and adequate funding for all senators and opening the member item process.
In Formal Opinion 2009-01, the Committee concludes that sending a letter or email to a represented person, and simultaneously sending a copy of the communication to counsel, is impermissible under DR 7-104(A)(1) unless the represented person’s lawyer has provided prior consent to the communication or the communication is otherwise authorized by law. However, express consent is not always required, and a lawyer’s prior consent may be inferred where the represented person’s lawyer has taken some action manifesting her consent. The scope of the implied consent will be determined by subject matter and temporal considerations, based on what a reasonable lawyer would understand was authorized by the represented person’s lawyer.

**Communication with the Self-Represented**

Over the past two decades there has been a sharp increase in the number of self-represented litigants, which has led to new and varied challenges to the justice system and the conduct of lawyers. One issue that has come up is what a lawyer’s ethical duties are when communicating with self-represented persons in litigation and transactional contexts.

Formal Opinion 2009-02 considers this issue. The opinion concludes that DR 7-104(A)(2) permits a lawyer to advise a self-represented person adverse to the lawyer’s client to seek her own counsel and to make certain other related statements. These statements may include, where appropriate, identification of general legal issues that the self-represented person should address with a lawyer; undisputed statements of fact or law, such as the position of the lawyer’s client on a contested issue; and references to court-sponsored programs designed to assist a self-represented litigant. A lawyer may also at any time explain or clarify the lawyer’s role to the self-represented litigant and advise that person to obtain counsel. Finally, the opinion notes, the lawyer must volunteer this information if she knows or should know that a self-represented person misunderstands the lawyer’s role in the matter.

A lawyer engaging in any of these permissible communications, or choosing not to make them, should remain mindful of the need to avoid misleading or deceiving the self-represented party. The

Opinion goes further to say that refraining from misleading or deceptive conduct, however, may not be sufficient to satisfy the requirements of the Code in all dealings with self-represented persons. For some self-represented persons, further action may be necessary. In that regard, we conclude that a lawyer should be ready, when dealing with a self-represented person, to clarify when needed that the lawyer (a) does not and cannot represent the self-represented person, (b) represents another party in the matter who may have (or does have) interests adverse to the self-represented person and (c) cannot give the self-represented person any advice, other than to secure counsel, or, as described above, to consult an available court facility designed to assist self-represented persons.

**Conflicts When Hiring Law Graduates**

More and more law schools offer hands-on legal experience through legal clinics where law students who staff the clinics gain invaluable real world experience helping clients resolve their legal problems. However, this experience may create conflicts of interest when the student seeks employment with a law firm. Formal Opinion 2009-03 provides guidance for firms considering whether they may hire a student if the student’s clinical experience included representation of a client with interests adverse to a client of the law firm the student hopes to join.

The opinion concludes that firms must balance a number of competing interests, including the interest of the graduate’s former client in protecting her secrets and confidences, the interests of other clients in being represented by the counsel of their choice and the interests of both law students and law firms in not unduly restricting the students’ employment opportunities. There may be instances, however, where screening would not adequately protect the confidentiality interests of the graduate’s former client, such as where the graduate gained significant exposure to the client’s confidences, and the structure and practices of the firm make it difficult, if not impossible, to assure that the confidences will not be shared with others at the firm. In that event, the Opinion notes, the firm may conclude that it must withdraw from the adverse representation unless it can obtain the former client’s consent to the representation after full disclosure of the conflict.

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**Legal Referral Service Celebrates National Law Day**

In celebration of National Law Day on May 1st, the City Bar’s Legal Referral Service has organized a series of legal information fairs. These events offer an excellent opportunity for New Yorkers to learn about their legal rights and responsibilities and to receive material on diverse legal topics. Qualified attorneys will be available to answer legal questions and various community organizations will be present to distribute information to the public.

**The Legal Referral Service will be holding Law Day fairs at the following locations:**

**Queens:**
May 1, 2009, 11am – 2pm at Queens Civil Court

**Manhattan:**
May 4, 2009, 11am – 2pm at Foley Square Park

**Brooklyn:**
May 5, 2009, 11am – 2pm at Brooklyn Borough Hall

*Please let your clients know!*
Upcoming Career Development & Networking Events and CLE Courses

(For more information, see listings inside)

4 MONDAY, 6 PM – 8 PM
So You’ve Figured Out Where the Bathroom is….Now What?: Understanding the Unwritten Rules of Legal Practice and Other Things Your Boss Expects You to Already Know

7 THURSDAY, 8:30 AM – 10 AM
Smart Marketing in a Down Economy: Cost-effective Marketing Strategies

7 THURSDAY, 6:30 PM – 8:30 PM
Young Lawyers Connect – First Thursdays Series
Merengue Dance Class

8 FRIDAY, 8:30 AM – 2 PM
Reaching Out – An Introduction to Collaborative Practice

8 FRIDAY, 9 AM – 5 PM
CLE: Speaking to Win: The Art of Effective Speaking for Lawyers

12 TUESDAY, 6 PM
Intelligent Interviewing: Telling Your Story, Selling Yourself

13 WEDNESDAY, 9 AM – NOON
How Legal Employers Can Leverage & Access Untapped Talent to Fill Gaps & Minimize Costs in a Down Market

14 THURSDAY, 8:30 AM – 10 AM
Professional Development Workshop Series:
The Essentials – The Art of Negotiation

15 FRIDAY, 9 AM – 4 PM
CLE: Writing in the Law with Lebovits

19 TUESDAY, 6 PM – 9 PM
CLE: Starting Your Own Firm: Is it Something You Should Think About and Prepare for?

21 THURSDAY, 8:30 AM – 10 AM
Spring 2009 Smart Marketing Program Series
Smart Marketing in a Down Economy:
Use the Internet—It’s Free

21 THURSDAY, 9 AM – 12:30 PM
CLE: Lawyers Following Orders: Ethical Pitfalls & Practical Advice

21 THURSDAY, 12:30 PM – 2 PM
Small Law Firm Luncheon
Expanding and Taking Your Firm in a New Direction

28 THURSDAY, 7 PM
City Bar Contemplative Lawyers Group
Stress Management for Lawyers—A Contemplative Approach

Summer Associate Passes

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 through 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.

And don’t forget to invite your Summers to the City Bar’s Annual Summer Associates Reception on June 18th.