UNCHARTED TERRITORY:  
CIVIL COMMITMENT OF SEX OFFENDERS 

By Barry Kamins, President 

On April 13th, New York became the twentieth state to enact legislation that civilly commits sex offenders after the completion of their criminal sentences. The new law creates a sea change in the way our justice system deals with individuals who commit sex crimes. Thus, it was hoped that the legislative process that led to its passage would have been an open and collaborative one that accommodated the views of the various stakeholders and, at the very least, appeared to be transparent. Unfortunately, that was not the case; the legislation was drafted behind closed doors with little discussion and no opportunity for public comment.

To its credit, the law is an improvement on prior proposals. For example, the legislation mandates that convicted sex offenders have access to treatment from the outset of their sentences. It delegates to mental health officials, rather than law enforcement officers, the primary role in selecting offenders for possible commitment. In addition, the law provides that except in "extreme" cases involving the "most dangerous" offenders, judges presiding in civil commitment proceedings should impose conditions of "strict and intensive supervision" rather than confinement in secure institutions.

The Association remains concerned, however, with portions of the law that permit civil commitment proceedings to be applied to first-time offenders whose crimes are not violent. In addition, the law permits confinement of individuals who commit one of seventeen non-sexual crimes and certain non-violent crimes if a jury finds, after the fact, that the offense was motivated by a desire for the actor's "sexual gratification." Theoretically, it is possible that such confinement can be for life. In addition, the law permits a person already released from his prison sentence to be detained again and held for more than sixty days without any finding that he is a dangerous sex offender. Finally, the law contains no assurance that attorneys who are appointed to handle commitment proceedings will be adequately trained in both the fields of mental health law and criminal law.

New York is entering uncharted territory and the concern is heightened by the knowledge that prior to the bill's passage, there was little input from relevant experts. The experience in other states is troubling.

CONTINUED ON PAGE 14
COMMITTEE REPORTS—JUNE, 2007

Criminal Justice Operations
Letter to the NYS Assembly Codes Committee urging consideration of the Innocence Project’s model legislation, though imperfect, as a first step toward improving the preservation of biological evidence.

Election Law
A Proposed New York State Constitutional Amendment to Emancipate Redistricting from Partisan Gerrymanders: Partisanship Channeled For Fair Line Drawing. This report proposes a comprehensive amendment of the reapportionment and redistricting provisions of the New York State Constitution. The report urges that a constitutional amendment is necessary to mandate redistricting criteria, and to guarantee a process for decennial redistricting that will foster electoral competition and responsive government.

Effective Representation
Impossible Under Proposed Order Restricting Attorney Access to Guantamano Detainees

New York City Bar Presents
2nd Annual Diversity Champion Awards

City Bar Justice Center
Second Annual Gala

At the Gala in Photos

City Bar Center for CLE
Making a Move – Switching Practice Areas

VOLUNTEERS SOUGHT FOR MONDAY NIGHT LAW

The Monday Night Legal Advisory Workshop (LAW), which begins its 17th year in September, is seeking volunteer attorneys. Monday Night LAW is designed to address the public’s need for affordable and accessible legal assistance by having about 15 attorneys available every Monday evening to meet with clients who have been screened by the Association’s Legal Referral Service.

During half-hour appointments, the clients and attorneys discuss problems in the areas of housing, employment, family matters, and personal bankruptcy. Earlier this year, the program added small business counseling, and tax assistance is provided on a monthly basis by the City Bar’s Committee on Personal Income Taxation.

The attorneys do not accept cases or represent parties, but they distribute materials; provide explanations and suggestions to help clients understand and find solutions to their legal problems; and make referrals where appropriate, to the Legal Referral Service or other legal services providers.

Volunteer attorneys must commit to attending the program one Monday evening per month from October 2007, through August 2008, at the Association. Volunteers also must attend two training seminars, which will be held on Monday, Sept. 17 and Monday, Sept. 24. The sessions are from 5:45 p.m. to 9 p.m. There also will be a supplemental training on small business issues later in the fall.

No experience in the topics covered is necessary, but volunteers must have been admitted to practice for a minimum of two years.

New York State skills CLE credit will be available to those committing to the program, and completing the requirements for the live training. Volunteers also may earn pro bono CLE credit for clinic work.

For information or an application to participate, please request the Monday Night LAW program description and volunteer’s questionnaire via E-mail from the Legal Referral Service at lrs@nycbar.org, or call LRS at 212-382-6715. All program materials will be distributed via e-mail in August.
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1 Friday, 6 pm

FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION
The PACS Woodwind Quintet

The group will perform "Roaring Fork" by Eric Ewazen, "Six Bagatelles" by Ligeti, and "Mladi" by Janacek. Barbara Thomashower, flute; Gretel van Walterop, oboe; Mark Lopeman and Mary Beth Fenlaw, clarinet; Daniel Schulze, horn; Ted Shapiro, bassoon.

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

6 Wednesday, 8:30 am - 9:30 am

BREAKFAST SERIES: WOMEN IN COMMERCIAL LITIGATION PART IV — A VIEW FROM THE BENCH

This breakfast is the last in the 2007 series on Women in Commercial Litigation. For the final breakfast, Judges Loretta Preska and Diane Kiesel will provide a view from the bench. Prior breakfasts have focused on part time, flex time and re-entry, effective working relationships and finding and defining success.

Moderator:
WENDY H. SCHWARTZ
Partner, Reed Smith LLP

Speakers:
TARA A. HIGGINS
Bingham McCutchen LLP
JONATHAN R. ROD
Latham & Watkins LLP
ROBERT M. VILTER
Thelen Reid Brown Raysman & Steiner LLP

Registration is recommended. Please register online at www.nycbar.org

7 Thursday, 8:30 am - 10 am

PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS

NEXT STEPS: SUCCESS STRATEGIES FOR MID-LEVEL ATTORNEYS

WORKSHOP VI — LEADING EFFECTIVELY: CULTIVATING DIVERSE WORK STYLES

Every attorney utilizes his or her own style in managing a case or heading up a deal. In this program, attorneys will identify their style preferences as well as those of others, learning how to effectively lead a dynamic, diverse team. Participants will:

- Identify their own style characteristics and how they impact others.
- Learn ways to identify and focus on the strengths of others.
- Develop techniques to reduce conflict among those with different working styles.
- Enhance strategies to maximize team success.

Speaker:
LISA L. ABRAMS
Lisa Abrams Consulting

1½ non-transitional NY MCLE credits will be granted. Fee and registration information is available at www.nycbar.org
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Wolters Kluwer
Law & Business
There is no fee to attend this program, but registration by June 7th is necessary. Please register online at www.nycbar.org.

The Kathryn A. McDonald Award is named for the former Supervising Judge of the New York City Family Court and is sponsored by the City Bar’s Committees on Children and the Law, Family Court and Family Law, Juvenile Justice and its Council on Children.

12 Tuesday, 6 pm
HENRY L. STIMSON MEDAL PRESENTATION

A presentation of awards to four outstanding assistant U.S. attorneys from the Southern and Eastern Districts of New York. A reception will follow.

Moderator:
MARK R. HELLERER
Chair, Stimson Medal Committee

Keynote Address:
BARRY M. KAMINS
President, New York City Bar

HON. GERARD E. LYNCH
United States District Judge, Southern District of New York

Registration is recommended. Please register online at www.nycbar.org.

13 Wednesday, 12:30 pm
LUNCHEON WITH HON. PAUL A. CROTTY

The Litigation Committee is pleased to announce another luncheon in its very popular luncheon series with a Judge. This luncheon with Judge Paul A. Crotty of the United States District Court for the Southern District of New York promises to be both enlightening and entertaining. To facilitate the discussion, we are intending to limit the total number of attendees to approximately 35 so please RSVP as soon as possible if you are interested in attending.

Speaker:
HON. PAUL A. CROTTY
United States District Court, Southern District of New York

Registration is recommended. Please register online at www.nycbar.org.

14 Thursday, 7-9 pm
IN THE SHADOW OF THE LAW

The novel “In the Shadow of the Law” is an insightful look into law firm culture by Kermit Roosevelt, an Assistant Professor of Law at the University of Pennsylvania. It deals with the trials and tribulations of a large Washington, D.C. law firm and the various ethical, professional and lifestyle issues as seen through the eyes of three young associates. The book grittily portrays the firm as a gilded cage where once idealistic associates are reduced into billable hours. Professor Roosevelt draws upon his own experiences as a Supreme Court law clerk and law firm associate to produce a very impressive first novel that is now available in paperback.

EDWARD BUTTS, Ph.D., M.B.A.
Assistant Commissioner, Veterinary and Pest Control Services, Division of Environmental Health, New York City Department of Health and Mental Hygiene

WILLIAM DUNN
Senior Director and Counsel for Humane Law Enforcement, ASPCA

JOHN HADIDIAN, Ph.D.
Director, Urban Wildlife Programs, The Humane Society of the United States

Registration is recommended. Please register online at www.nycbar.org.
light issues of concern to law students and paved the way for a smooth transition for law students to the practice of law through its initiatives and programming for 15 years. The former chairs, committee members, and past program presenters will celebrate highlights of the Committee's accomplishments from its inception through the unveiling of its new, comprehensive web page.

The process of applying to law school, navigating through law school, passing the bar, and finding legal employment can be extremely daunting. The Committee is about to make the whole process easier, especially for people who have no connections within the profession! The Committee has amassed a plethora of information and restructured the

19 Tuesday, 6:30 - 8 pm

WOMEN IN APPELLATE PRACTICE

What's the best way to prepare for an appellate argument? What are the financial and other challenges of setting up and maintaining an appellate practice in a private law firm? What are the challenges and opportunities facing women in appellate practice? Join the Committee on Women in the Profession and some of the country's finest appellate litigators for a discussion of how to enhance your participation in this growing area of law. A cocktail reception will follow the program.

Moderator:
CARRIE H. COHEN
Chair, Committee on Women in the Profession

Speakers:
PREETA D. BANSAL
Skadden, Arps, Slate, Meagher & Flom LLP

BETH S. BRINKMANN
Morrison & Foerster LLP

ALEXANDRA A.E. SHAPIRO
Latham & Watkins LLP

BARBARA D. UNDERWOOD
Solicitor General of New York

Registration is necessary. Please register online at www.nycbar.org

20 Wednesday, 6:30 – 8 pm

15TH ANNIVERSARY AND WEBSITE LAUNCH CELEBRATION

The Committee on Law Student Perspectives has brought to light issues of concern to law students and paved the way for a smooth transition for law students to the practice of law through its initiatives and programming for 15 years. The former chairs, committee members, and past program presenters will celebrate highlights of the Committee's accomplishments from its inception through the unveiling of its new, comprehensive web page.

The process of applying to law school, navigating through law school, passing the bar, and finding legal employment can be extremely daunting. The Committee is about to make the whole process easier, especially for people who have no connections within the profession! The Committee has amassed a plethora of information and restructured the

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Law Student section of the City Bar’s Website to serve anyone interested in a career as an attorney. Aspiring, current, and former law students will be able to easily access information from: preparing for the Law School Admission Test, to deciding which law school to attend, to surviving and thriving in law school, to preparing for the bar examination, to web-based research on career opportunities, and many other topics. Do not miss the opportunity to witness this historic unveiling event, and to celebrate our 15 years of service to law students.

Reception to follow. Please RSVP to LSPRSVP@aol.com.

21 Thursday, 12:30 – 2 pm
SMALL LAW FIRM LUNCHEON
BUSINESS OPPORTUNITIES THROUGH THE ASSOCIATION’S LEGAL REFERRAL SERVICE

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

Moderator: MARK A. JOSEPHSON, CPA, CFP, CFE
Murray & Josephson, CPA’s, LLC

Speaker: ALLEN CHARNE
Director of LRS, New York City Bar

Sponsored by Lexis/Nexis

Registration by June 14 is necessary. The fee, which includes lunch, is $25 for members; $35 for non-members. Please register below or online at www.nycbar.org

21 Thursday, 6-8 pm
THE ANNUAL CITY BAR RECEPTION AND COCKTAIL PARTY IN HONOR OF PRIDE WEEK


Registration by June 18 is necessary. Please register online at www.nycbar.org

28 Thursday, 6 – 8 pm
SUMMER ASSOCIATES ANNUAL RECEPTION

The New York City Bar and the New York Law Journal will host the annual welcoming cocktail reception in honor of summer associates, their mentors and colleagues. Door prizes will be awarded.

Registration is recommended by June 22. To register, please email membershipservices@nycbar.org, call (212) 382-6665 or register online at www.nycbar.org

Co-sponsored by: New York Law Journal

SAVE THE DATE
July 25th, 6:00 pm
What It’s Really Like to Practice Law in NYC as a Woman

June 2007 Registration Form

☐ Small Law Firm Luncheon: Business Opportunities Through The Association’s Legal Referral Service — 21 Thursday
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Please return this form to: Meeting Services, New York City Bar, 42 West 44th Street, New York, NY 10036-6689.
Please make checks payable to the Association of the Bar. If registering for additional persons, duplicate this form.
**THIS MONTH IN CITY BAR HISTORY**

**One-Hundred-Thirty Seven Years Ago . . .**
On June 28, 1870, the nascent Association assembled for the first meeting held in its original home, a four-story brownstone building at 20 West 27th Street that it had purchased the prior month for $43,000. Five years later, the Association moved to a building two blocks north at 3, 5 and 7 West 29th Street, where it remained for 21 years until it moved to its current home at 42 West 44th Street in 1896.

**One Hundred-Thirty Four Years Ago . . .**
On June 18, 1873, the trial of Superior Court Judge John H. McCann began in a special session of the State Senate on corruption charges that the Association brought as part of its campaign to battle the corruption of the Tweed Administration. McCann was one of a trio of judges with political ties to the Tweed administration (which included Supreme Court Justices George G. Barnard and Albert Cardozo) whom the Association played a prime role in removing from the bench.

**Association members Joshua Van Cott, John E. Parsons and Albert Stickney prosecuted the charges against McCann before the Senate on behalf of the Association. As a result of their efforts, McCann was found guilty of six of the seven corruption charges brought against him, and the Senate, by an unanimous vote, removed him from office. Cardozo, the father of Benjamin Cardozo (who served with distinction on the New York Court of Appeals and the United States Supreme Court), resigned rather than face impeachment, and Barnard was subsequently impeached and removed from the bench upon being found guilty on 25 of 38 articles of impeachment.**

**Thirty-Five Years Ago . . .**
In June 1972, the Association was in the forefront in addressing concerns over the treatment of gay men and lesbians under the law. In that month, then-professor Ruth Bader Ginsburg moderated a symposium on "Discrimination Against Homosexuals" as reported in the June 1972 issue of The Record. Ginsburg, now Associate Justice of the United States Supreme Court, once served on the Sex and Law Committee of the Association, and its Executive Committee.

**NOTICE TO MEMBERS**
As provided in By-Law XI, the Executive Committee is providing notice that the dues of Resident and Suburban AA (admitted 12 years or more) and Resident Class A (admitted 8-11 years) members will be raised $10, and the dues of Suburban A members will be raised $5, effective with the November, 2007 dues billing. This is an increase of a little over 2%. The increase is necessary to help defray the increase in costs the Association has experienced since the last dues increase in 2004, though the increase is far less than that of the cost of living. We will maintain our high level of services through such programs as our Library and online data bases, Small Law Firm Center, Legal Referral Service, Lawyer Assistance Program and the Office for Diversity, while providing a broad range of committee, career development, networking and volunteer opportunities; and serving as a voice for the legal profession on policy issues locally, nationally and globally.
EFFECTIVE REPRESENTATION IMPOSSIBLE UNDER PROPOSED ORDER
RESTRICTING ATTORNEY ACCESS TO GUANTANAMO DETAINEES

At press time, lawyers for the US Justice Department were asking the District of Columbia Court of Appeals to implement new rules which would sharply restrict the representation of Guantanamo detainees. These rules would severely limit the number of attorney visits with detainees, prevent lawyers from reviewing certain evidence, restrict lawyer-client communications and provide for government review of the substance of the communications, and terminate “next friend” actions.

The Association is gravely concerned that these new rules would make effective representation of the detainees virtually impossible and would be another blow against justice, fairness and the rule of law. Association President Barry Kamins expressed our concerns and questioned the need for such drastic measures in a letter to Attorney General Alberto Gonzales at the end of April. The letter was featured in a New York Times article and in newspapers across the world.

The letter explained how these rules would prevent the establishment of a successful attorney-client relationship under any circumstance, let alone with clients who have been detained incommunicado for years and subjected to coercive interrogation methods. According to Kamins, “At the heart of the attorney-client relationship is a measure of trust. This trust is unattainable when access is denied, thereby depriving counsel of the ability to meet the standards that the ABA Rules of Professional Conduct demand.”

The Justice Department has blamed counsel for encouraging unrest and dissent at Guantanamo and used this allegation as its rationale for the necessity of these rules. The Association finds it incredulous that the government has attempted to blame attorneys for hunger strikes at Guantanamo when not one infraction of the current rules has been reported. “These allegations are an attempt by the Government to evade its responsibility for holding detainees in solitary confinement for prolonged periods of time with little hope for a fair hearing or ever seeing family again. The unrest is a direct result of these onerous conditions. Blaming counsel is a continuation of a disreputable and unwarranted smear campaign designed to undermine the effectiveness of counsel and must be stopped,” says Kamins.

One of the Association’s largest concerns is that these rules would perpetuate the global sentiment that Guantanamo has developed into a symbol of abuse, mistreatment, and injustice in the eyes of the entire world. According to Kamins, “The practices tolerated there have done incalculable damage to the reputation of the United States as an advocate of justice and the rule of law.

“While we are hopeful that the Court of Appeals for the DC Circuit will reject these rules by the time of the distribution of this newsletter, the fact that this proposal could be prepared and issued with the authority of the Department of Justice points to a failure in judgment within that once highly respected institution.”

A full copy of the letter can be found on the Association’s website at www.nycbar.org.

The Association is also seeking to file a brief on this issue with the District of Columbia Circuit, which is the court that must rule on the Department of Justice’s request to revise the rules. In its brief, prepared by Paul, Weiss, Rifkind, Wharton & Garrison under the direction of Sidney Rosdeitcher, who chairs the City Bar’s Civil Rights Committee, the Association stressed that the proposed rules will deprive the detainees of meaningful and effective representation of counsel, and would make it impossible for lawyers to comply with their duties under the rules of professional responsibility.

We argue that effective representation of counsel is a prerequisite for the court’s own purposes in conducting its review because courts depend on robust adversarial legal representation to reach a just and correct result. Though the government has argued that the need for lawyer involvement in the representation of detainees is diminished because the Military Commissions Act and Detainee Treatment Act greatly limit the scope of judicial review, the Association stresses that the conditions and restrictions the government has placed on detainees make it is especially important that they be able to rely on counsel to assert their rights. This is fundamental to our system of jurisprudence.

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The New York City Bar’s Enhance Diversity Committee will be presenting the second annual Diversity Champion Award at an Award Ceremony and dinner being held on June 7, 2007, at the Association. The award recognizes the critical role individuals have played in initiating and sustaining change within their organizations and the overall New York legal community.

Criteria
The award seeks to honor individuals who embody the New York City Bar’s Statement of Diversity Principles. Nominations are limited to attorneys, although it is not necessary that they be actively practicing law. Applicants were welcomed from a wide range of positions and sectors within the legal community: government, firm, corporation, and non-profit. Nominees have been evaluated on their excellence in one or more of the following areas:

1) Influencing Others
2) Being a Role Model
3) Continually Learning
4) Cultivating Diverse Teams
5) Innovating and Taking Risks
6) Holding Oneself and Others Accountable for Diversity
7) External Leadership Involvement

2007 HONOREES:

**Sharon Bowen**

Sharon Bowen is a powerful role model and catalyst for change in her roles as Vice Chair of the Latham & Watkins Diversity Committee, a partner in her firm’s corporate practice, and a leader within the legal profession. Involved since the Diversity Committee’s inception more than a decade ago, M.s. Bowen also serves as Chair of the Diversity Hiring Subcommittee of the firm’s Global Recruiting Committee. She is viewed as the “creative force” behind many of the firm’s efforts, from organizing to soliciting others to participate. Ms. Bowen’s recent accomplishments at the firm include establishing the annual Diversity Weekend for new recruits and the Latham Diversity Scholars Program. M.s. Bowen is also passionate about working on behalf of young people, for example working with the Harlem-based Roberto Clemente Middle School’s Legal Studies Academy. In order to maximize her impact, M.s. Bowen cultivates other attorneys who can gain exposure and leadership skills by taking over the replication of successful programs.

**Laurie Robinson**

Laurie Robinson has been described as a “visionary” whether it is in reference to her role as founder and CEO of Corporate Counsel Women of Color or her internal efforts at CBS. A practicing employment lawyer in CBS Broadcasting’s legal department, M.s. Robinson recently assumed additional responsibilities as Director of Training and Development at CBS. M.s. Robinson established Corporate Counsel Women of Color (CCWC) to provide a critical support network to in-house women attorneys of color and to promote the advancement of women of color in the legal profession and workplace. Since 2004, M.s. Robinson has grown the organization to a membership roster of over 1,700 women attorneys of color who work in-house for Fortune 1000 companies, Forbes 2000 companies, not-for-profit corporations, and other entities in the United States of America and abroad. Displaying an entrepreneurial spirit, M.s. Robinson built CCWC by starting small and working with available resources and leveraging additional resources to fuel organic growth in a “virtuous circle.”

**Zakiyyah Salim**

Zakiyyah Salim, although an associate only six years out of law school, is already a role model in her own right. Motivated by her own path to becoming an attorney to create opportunities for disadvantaged young people to have successful lives and careers, Ms. Salim is involved in a remarkable array of diversity and community activities in addition to her responsibilities as a securities litigation associate at Heller Ehrman LLP. As a member of the firmwide diversity and New York office hiring committees, M.s. Salim recently devised a process for the diversity and hiring committees to collaborate during the fall recruiting season and was instrumental in rolling out a new mentoring program for associates of color. Among her many external activities, M.s. Salim organizes a series of annual panels at law schools to increase the number of law students of color who apply for state and federal clerkships. In the third year of organizing, each event attracts over 70 participants and has generated interest from other cities and courts looking for ways of replicating the panel. M.s. Salim is able to extend her influence as an associate by forging coalitions and building ownership both internally and externally.

**Hon. John Stackhouse**

Justice John Stackhouse has been a tireless advocate and pioneer for diversity issues throughout his over thirty-year career. As a New York County Supreme Court Justice, he is currently the Co-Director of the Supreme Court Civil Division Anti-Bias Committee, which is charged with the court’s internal diversity efforts. A long-time advocate for a broad range of diversity initiatives, such as women’s, disabilities and gay rights, long before they were on the radar screen of others in the legal community, his participation has raised the stature and visibility of minority groups. Motivated by a life-long conviction to fight intolerance and social injustice, Justice Stackhouse has been described as a “trailblazer” by many in the profession. Justice Stackhouse also has a long-standing commitment to listening to the insights and mentoring a diverse array of young people.

To learn more about the Diversity Champion Award, or to register for the awards dinner, visit www.nycbar.org.
The City Bar Justice Center held its second annual Gala on April 18th. The event honored Skadden, Arps, Slate, Meagher & Flom and Time Warner Inc. with the City Bar Justice Award for their leadership and dedication to public service. Accepting on behalf of Skadden, Arps was Robert C. Sheehan, Executive Partner. Paul T. Cappuccio, Executive Vice President and General Counsel, accepted on behalf of Time Warner. Co-chairs for the evening were Rosemary T. Berkery, Executive Vice President and General Counsel of Merrill Lynch & Co. and Robert D. Joffe, Partner at Cravath, Swaine & Moore.

Hundreds of lights transformed the City Bar’s historic 1897 landmark building into a modern New York lounge. For one night, 500 guests marveled as the West 44th Street House of the New York City Bar became a stylish New York club!

The event raised more than $750,000 to support the wide range of programs and services of the City Bar Justice Center, the pro bono affiliate of the New York City Bar. By harnessing resources from the legal profession, the City Bar Justice Center annually provides direct legal representation, information, and advocacy to nearly 30,000 New Yorkers from all five boroughs.

Picture at the City Bar Justice Center Gala (left to right): Barry Kamins, President, New York City Bar; Robert D. Joffe, Partner, Cravath, Swaine & Moore LLP and Gala Co-Chair; Paul T. Cappuccio, Executive Vice President and General Counsel, Time Warner Inc. and City Bar Justice Award honoree; Rosemary T. Berkery, Executive Vice President and General Counsel, Merrill Lynch & Co., Inc. and Gala Co-Chair; Robert C. Sheehan, Executive Partner, Skadden, Arps, Slate, Meagher & Flom LLP and City Bar Justice Award honoree.

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About 2700 men are being held involuntarily in civil commitment programs around the country. Many are committed based upon the psychological testimony of uncertified experts, and often warehoused long past the point that they pose a reasonable threat. Many states are willing to spend inordinate sums of money to warehouse these individuals because the laws that committed them were enacted to satisfy the public’s fear and distaste for sexual offenders.

To be sure, the problem of sexually violent predators is an extremely difficult issue to resolve. The public must feel safe from those individuals who cannot control an impulse to commit crimes of a sexual nature. Thus the public is not necessarily satisfied that the individual has served his “debt to society” by completing a prison sentence. There is always the fear that the individual will commit the same crime again. No one knows for sure if therapy works and there are many experts who maintain that sex offenders can never be “cured.”

However, there are also due process concerns. Although the United States Supreme Court has upheld civil commitment programs for sex offenders that authorize lifetime confinement, there must be proof of an individual’s “mental abnormality” coupled with a lack of control over his sexual conduct. Thus the Court approved confinement for only “dangerous sexual offenders.” The new law permits the Attorney General to file a petition alleging only that an individual is “mentally abnormal,” without having to allege that he is “dangerous.” This raises the question whether the statute conforms to the Supreme Court’s minimal standards for confinement.

As the new law is implemented, there must be a close watch on those aspects of the program that were not fully vetted prior to passage of the bill. The state must monitor the treatment of offenders to insure that they receive meaningful and cutting-edge therapy. The state must also insure that funds are still available to meet the mental health needs of persons who are not in the criminal justice system.

Most important, the state must insure that due process rights are not being sacrificed merely to satisfy the public’s fear of sex offenders.
2007 To Do List:

- Enroll in a Qualified High Deductible Health Plan with Oxford.
- Significantly reduce your health insurance premiums.
- Open Health Savings Account.
- Take tax deduction of up to $5,650*.
- Deposit up to $5,650** into HSA.
- Earn Tax Free Interest!
- Call Marsh Affinity Group Services at 888-882-2269 to start!

* Amounts shown are for family coverage.
** Marsh and NYCBA do not provide tax or legal advice.

LAWYERS’ ASSISTANCE PROGRAM ADDS SUPPORT GROUPS... CONTINUED FROM PAGE 1

The groups will provide a long-term forum for lawyers who are recovering from depression to have the continued opportunity to discuss how their condition affects and is affected by pursuing a legal career – combating the isolation often caused by depression and offering a real chance to work together and deal with these issues specific to the legal profession, issues to which non-lawyers may not be able to fully relate. Participants can also exchange ideas and strategies for coping with depression while functioning in a law practice.

Additionally, the program itself will help directly improve the process of recovery - seeing more people recovering from depression can be a great asset in instilling hope, and providing that example that recovery is possible can be an enormous asset in the healing process.

The group sessions will be facilitated by Andrew Blatter, a former lawyer who has received his degree in social work and changed careers. His experience as a practicing attorney in New York City will be an asset to the program, as it reinforces the fact that the groups will be focused intensely on the particular experience of being an attorney in New York City practicing law while suffering from depression.

LAP’s first support group has started, but anyone interested in joining a subsequent group should contact the program. Regular attendance is critical to the development of group cohesion, which in turn will foster a safe discussion environment. As a consequence, there is a screening process designed to ensure that members expect to fulfill a regular attendance requirement. Anyone interested in participating should contact LAP at (212) 302-5787.

If the timing and commitment of regular group therapy is not ideal for your situation, the Lawyer Assistance Program can still be a valuable asset. The services provided are free and of course, completely confidential. LAP can start with a consultation after a phone call, and move through assessment, intervention, peer support and if necessary, referral to an outside mental health provider. Issues that LAP is equipped to deal with include, but aren’t limited to: alcoholism and drug abuse; depression and anxiety; stress and burnout; gambling; eating disorders; marital and family problems; career concerns; financial problems; and balancing work and family. The program exists to help lawyers, law students, and judges with the stresses and difficulties of being in the profession that can only be compounded by mental illness, and further offers its services to the families of lawyers in the five boroughs.

LAP is one of many similar programs operating with the Lawyer Assistance Trust, created by Chief Judge Judith Kaye in 2002. The Trust is responsible for promoting education and early intervention programs to help combat the growing problems of drug and alcohol abuse and mental illness in the profession in a way that is specially geared for lawyers. Please do not hesitate to contact the Trust at (212) 302-5787.
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<td>EXEMPTIONS TO FEDERAL &amp; STATE WAGE &amp; HOUR LAWS</td>
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<td>HOW DID THAT BUILDING GET SO TALL? THE TRANSFER OF DEVELOPMENT RIGHTS UNDER NYC ZONING LAW</td>
<td>CLOSING, SELLING OR MERGING YOUR LAW PRACTICE</td>
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*This program provides transitional credit for newly admitted attorneys.
Your briefs are bursting at the seams. Now what?

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Senior Vice President  
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Peter Manzi  
Vice President  
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**JUNE 2007 CLE CALENDAR**

**ADR/ARBITRATION/MEDIATION/NEGOTIATION**

**SECURITIES ARBITRATION & MEDIATION HOT TOPICS 2007: "THE" PROGRAM FOR ATTORNEYS, IN-HOUSE COUNSEL, EXPERTS, ARBITRATORS & MEDIATORS**

5 Tuesday, 6-9 p.m.

Senior officials of the NASD and the New York Stock Exchange and a panel of experienced practitioners will provide practical guidance to navigate the consolidation of the NASD and NYSE, comply with extensive revisions to the NASD Codes of Arbitration Procedure and understand significant developments in securities arbitration and mediation. This program delivers practical suggestions and effective techniques to prosecute and defend securities actions. Audience participation is a key feature of this annual event.

Program Chair:
ROGER M. DEITZ
Dispute Resolution

Faculty
RICHARD BERRY
Vice President and Director of Case Administration
NASD Dispute Resolution

BILL BRIENDEL
Greenberg Traurig, LLP

STEVEN B. CARUSO
Maddox, Hargett & Caruso, P.C.

ELIZABETH CLANCY
Vice President and Northeast Regional Director
NASD Dispute Resolution

ROSS B. INTELISANO
Rich & Intelisano, LLP

KAREN KUPERSMITH
Director of Arbitration
New York Stock Exchange

HARRY T. WALTERS
Managing Director
Citigroup Global Markets, Inc.

Co-sponsoring Organizations:
NASD; New York Stock Exchange; National Futures Association; New York County Lawyers' Association – Committee on Arbitration & ADR and the CPR International Institute for Conflict Prevention and Resolution

Cooperating Organization:
American Bar Association: Section of Dispute Resolution

Live Program:
Member $215 Non-member $325

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

**CORPORATE & SECURITIES**

**HOT TOPICS FOR INVESTMENT COMPANIES: LEGAL, ETHICAL & BUSINESS ISSUES**

11 Monday, 6-9 p.m.

The asset management industry has experienced substantial shocks over the last four years. All participants in the industry are facing challenges in dealing with the new regulatory environment, regulators, and service providers.

This program will review the most important recent regulatory developments, discuss ethical challenges for Chief Legal Officers of Investment Companies under Sarbanes-Oxley and review issues relating to the Attorney/Client Privilege in the context of Investment Company regulatory inspections, investigations and enforcement proceedings.

The program will also discuss the issues involving D&O/E&O insurance for mutual funds and directors, including the interplay of insurance and indemnification of directors by the investment company. Finally, there will be a review of recent insurance claims, theories of liabilities and court decisions addressing these issues.

Program Co-Chairs:
PHILIP L. KIRSTEIN
Senior Officer & Independent Compliance Officer-Mutual Funds
AllianceBernstein Funds

ROBERT G. ZACK
Executive Vice President & General Counsel
OppenheimerFunds, Inc.

Faculty:
JAY G. BARIS
Kramer Levin Naftalis & Frankel LLP

SUSAN BETTERIDGE BAKER
Davis Polk & Wardwell

DONALD R. CRAWSHAW
Sullivan & Cromwell LLP

RONALD M. FEIMAN
Mayer Brown Rowe & Maw LLP

JENNIFER B. MCHUGH
Senior Advisor to the Director
U.S. Securities and Exchange Commission

RICHARD A. ROSEN
Paul Weiss Rifkind Wharton & Garrison LLP

DANIEL STEINER
Executive Vice President & General Counsel
ICI Mutual Insurance Group

Live Program:
Member $235 Non member $345

CLE credit:
3 credits total: 2 professional practice & 1 ethics. This program provides transitional credit for newly admitted attorneys.

**CRIMINAL LAW**

**VIDEO REPLAY: IDENTITY THEFT: UNDERSTANDING THE NEW LAWS & WAYS TO PROTECT YOUR CLIENTS & YOURSELF FROM BECOMING A VICTIM**

8 Friday, 9-11 a.m.

Identity theft is one of the most prevalent crimes perpetrated today. As a result, over the past few years, New York State and the federal government have passed laws criminalizing identity theft and providing for enhanced penalties for these types of crimes. Further, New York State has also passed a Data Security Notification Law, that went into effect in December, 2005. This new law requires companies to notify the Attorney General and affected individuals of any security breach involving the release of personal identifying information (such as social security numbers) that could potentially expose those individuals to identity theft.

In addition to providing a useful overview of recent legislation, the panel will also discuss the means by which private information is obtained by the criminal element; how criminals use this information to their pecuniary advantage; how companies and individuals can protect themselves from becoming victims; and potential

[www.nycbar.org](http://www.nycbar.org)
criminal and civil exposure faced by companies who experience a lapse in security that leads to identity theft.

Program Co-Chairs:

KATYA T. PRICE JESTIN
Deputy Chief
Organized Crime and Racketeering Section
United States Attorney’s Office
Eastern District of New York

JESSICA R. LYNN
Assistant District Attorney
New York County District Attorney’s Office

Faculty:

ERIC M. FRIEDBERG
Partner & General Counsel
Stroz Friedberg, LLC

AARON SALOMON KARCZMER
Assistant District Attorney
New York County District Attorney’s Office

ERIC ROSS KOMITEE
Assistant United States Attorney
United States Attorney’s Office

ANTONIA MONTONE MERZON
Assistant District Attorney
New York County District Attorney’s Office

Video Replay:
Member $195  Non-member $305

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

ESTATE PLANNING

ESTATE PLANNING THAT’S NOT CODE-DEPENDENT: NON-TAX ISSUES IN ESTATE PLANNING

12 Tuesday, 6-9 p.m.

This program examines some common problems that arise primarily out of our clients’ personal relationships and philosophy, whose solutions are not determined by the provisions of the Internal Revenue Code. Inevitably, one answer to many of these problems is some form of trust. The program concentrates more on the choices that the lawyer and client make in dealing with such problems, rather than on technical drafting details. The program will consider problems arising from:

Marriage
- The client who doesn’t want a prenuptial agreement
- Pre-divorce planning
- Multiple marriages
- The unmarried but committed couple

Representing a frail client
- Designing a legal safety net – revocable trust, power of attorney, health care proxy, DNRs, Article 81
- Providing a physical safety net – living arrangements, caregivers, consultants
- Who watches the watchers – accounting proceedings and the like
- Diminishing capacity and the need for substituted judgment

Special purpose trusts
- Incentive trusts
- Slush fund trusts
- Pet trusts
- Trusts to own the family compound

Special purpose fiduciaries
- Investment advisors
- Trust protectors
- Limited purpose trustees or executors

Amending the irrevocable trust - decanting trusts

Program Chair:
ANN B. LESK
Fried, Frank, Harris, Shriver & Jacobson LLP

Faculty:

GARY B. FREIDMAN
Greenfield Stein & Senior LLP

EMILY F. JOHNSON
Law Offices of Emily F. Johnson

SUSAN PORTER
Managing Director
United States Trust Company, N.A.

MARK W. SMITH
Skadden, Arps, Slate, Meagher & Flom LLP

Live Program:
Member $195  Non-member $305

CLE credit:
3 credits in professional practice. This program provides transitional credit for newly admitted attorneys.
that may result in their (formally or informally) undertaking multiple roles. This program will focus on the practical and ethical issues arising when lawyers shop and pitch deals, act as managers and agents, assist in arranging financing, and participate in other ways to develop talent and creative properties in music, independent film and television. For practicing lawyers, the program will provide an update on current practices; for newly admitted lawyers, the program will provide the necessary ethical ground rules. Representation and other agreements will also be reviewed.

Program Chair: JUDITH B. BASS
Law Offices of Judith B. Bass

Faculty: KENNETH J. ABDÒ
Vice President
Lommen, Abdo, Cole, King & Stageberg, P.A.

STEVEN C. BEER
Greenberg Traurig, LLP

BOB DONNELLY
Lommen, Abdo, Cole, King & Stageberg, P.A.

Live Program:
Member $235  Non-member $345

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

PRACTICAL STRATEGIES FOR AVOIDING CONFLICTS: STAYING OUT OF TROUBLE WITH CLIENTS & ADVERSARIES

27 Wednesday, 9-11:30 am.

With the advent of technological advances for creating lawyer-client relationships, the growth of multi-state practices, migrating lawyers, and increasingly complex corporate client structures, today’s law practice is rife with potential hot spots relating to conflicts of interest. This program will provide a strong foundation for understanding your ethical responsibilities to avoid conflicts of interest and will offer interactive opportunities to analyze and resolve common ethical dilemmas that arise in a broad range of practice areas.

Program Chair: PROFESSOR JENNIFER GUNDLACH
Associate Clinical Professor of Law
Suffolk University Law School
Boston, MA

Faculty:
HAL R. LIEBERMAN
Hinshaw & Culbertson LLP

Patricia J. Sharkey
Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo LLC
Boston, MA

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

Live Program:
Member (NYC Bar/Suffolk Alumni) $195
Non-member $335

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

FAMILY

SOLVING THE MYSTERIES OF UNCONTESTED DIVORCES: PRACTICE, PROCEDURE & OTHER SECRETS REVEALED

7 & 14 Thursdays, 6-8 p.m.

Have you been referred a case or asked by a friend or family member to file divorce papers? Whether you are new to the practice of matrimonial law or are a more experienced attorney and want to learn to navigate the official forms that need to be filed, this two part program has something for everyone.

This popular annual program has been expanded to two evenings to ensure that both experienced matrimonial attorneys and those who are new to the field can benefit from the program. You can choose to attend both evenings or just one.

Part I: A renowned matrimonial attorney will present an in-depth discussion of the basic matrimonial law you will need to know in representing clients in uncontested divorces including, but not limited to, jurisdiction, grounds and child support standards. This session is geared towards attorneys who are new to the practice of matrimonial law or more experienced attorneys who could use a "refresher" course.

Part II: A Special Referee from New York County will walk you through the complexities of many official forms and procedures which are required in obtaining an uncontested divorce. This session is geared towards all attendees but more experienced practitioners may elect to attend this session only.

Program Co-Instructors:
MYRNA FELDER
Raoul Felder & Associates, PC

HON. STEVEN E. LIEBMAN
Special Referee
New York County

INSURANCE

CURRENT ISSUES IN D&O LIABILITY & INSURANCE 2007

7 Thursday 8:30-2:00 p.m.

Directors and officer’s liability and D&O insurance are unique and complex areas of the law which require special consideration and handling. D&O claims challenge the conduct of senior executives and board members at public and private corporations, as well as not-for-profit organizations. Historically, D&O claims against public corporations have been a function of significant fluctuations in stock price, which oftentimes involve irregularities in the company’s financial reporting. In some instances, D&O claims attack business strategies, corporate philosophies and management styles. D&O claims can involve highly publicized situations, such as Enron, in which the financial wherewithal of the corporation, its employees and investors are totally at risk.

Directors and officers, and corporate liability insurance products address these exposures and are a key component of any company’s risk management plan. The legal environment continues to evolve in the wake of the many financial restatements, corporate governance under the Sarbanes-Oxley Act and the enhanced role of the Securities and Exchange Commission in protecting public investors. With the exposures presented by securities class actions at catastrophic levels, the D&O insurance product and the marketplace continue to evolve. Our panel of professionals from various components of the D&O industry will provide their insights on these Issues:

- D & O "101": An Intro to Directors and Officers Liability and Insurance
- Recent Legal Developments and the Future of Securities Litigation
- Globalization of D & O Insurance and International Risks
- Additional Hot Topics in D & O Securities Litigation
D & O Risk Arising from Litigation Involving Private Equity Firms

Insureds' Advocate Panel Discussion

Program Co-Chairs:
SCOTT R. SCHAFFER
Wilson, Elser, Moskowitz, Edelman & Dicker LLP

JILL LEVY
Boundas, Skarzynski, Walsh & Black, LLC

T. DAVID ACKERMAN
Head of Professional Liability Claims for North America
XL Insurance Group

Faculty:
SCOTT BERMAN
Berman Kaplan Seiler & Adelman LLP

R. DAMIAN BREW
Managing Director / FINPRO
Marsh USA, Inc.

IVAN DOLOWICH
Kaufman Dolowich Schneider Bianco & Voluck LLP
Woodbury, NY

LARRY FINE
Senior Vice President
National Union Fire Insurance Company of Pittsburgh PA.

GREG J. FLOOD
Chief Operating Officer
National Union Fire Insurance Company of Pittsburgh PA.

SUSAN F. FRIEDMAN
Senior Vice President
Marsh USA, Inc.

SUELLEN M. GALISH
Vice President
NYMEX

JUSTIN GILMORE
Vice President
XL Professional Insurance
Hartford, CT

KATHLEEN M. GOLDEN
Senior Vice President
Marsh USA, Inc.

CLAIRE GRAHAM
Debevoise & Plimpton LLP
London, England

SALVATORE J. GRAZIANO
Bernstein Litowitz Berger & Grossmann LLP

WILLIAM J. HENRIQUES
Senior Vice President
Benfield, Inc.

PRIYA CHERIAN HUSKINS
Senior Vice President
Woodruff-Sawyer
San Francisco, CA

CHRISTOPHER J. KELLER
Goodkind, Labaton, Rudoff & Sucharow LLP

ANN LONGMORE
Executive Vice President
Willis Executive Risks Practice

GREG MARKEL
Cadwalader, Wickersham & Taft LLP

ROGER M. MOAK
Certified Arbitrator & IFNY Chairman

MICHAEL MORABITO
XL Professional Insurance
Hartford, CT

ROBERTA NEBEL
Senior Vice President
Lehman Brothers

ALEXIS J. ROGOSKI
Taub, Eglin, Lieberman, Strauss LLP
Hawthorne, NY

DUANE SIGELKO
Reed Smith LLP
Chicago, ILL

JOHN VAN DECKER
Senior Vice President
Professional Management & Liability
Catlin, Inc.

GREGG L. WEINER
Fried, Frank, Harris, Shriver & Jacobson LLP

Co-sponsored by the Insurance Federation of New York, Inc.

Live Program:
Member $395  Non-member $535

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

INTELLECTUAL PROPERTY/INTERNET

LAWYERING IN THE FASHION INDUSTRY: A PRACTICAL GUIDE TO LICENSING, TRADEMARK PROTECTION & OTHER INDUSTRY ISSUES

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

Structuring successful license deals. Navigating license disputes. Winning the fight against counterfeiters. Understanding the ins and outs of the new customs, import and quota regimes. Implementing and administering human rights compliance programs. To bring value when dealing with their clients’ most pressing issues, fashion industry lawyers draw on a variety of disciplines, including intellectual property, contracts, international trade, and litigation. At this seminar an experienced panel will provide participants with practical insights on dealing effectively with these and other industry issues. The program will include an in-depth analysis of a typical “licensor” form of fashion trademark agreement, focusing on key legal and business points for licensors and licensees. Alternatives to traditional licensing arrangements, including joint ventures, purchase options, and co-branding deals, as well as special issues in dealing with the celebrity licensor, will be examined. The panel will also focus on successful approaches to international trademark protection, including tactical considerations in administering foreign registration programs, and programs aimed at policing counterfeiters. Current topics in the importing/sourcing area, including dealing with new customs and quota regulations and practices, as well as how to implement and administer a successful human rights compliance program, will also be addressed. This program is intended for those who have clients in the fashion industry, those who practice intellectual property law, business executives in the fashion industry and both lawyers and business executives who handle licensing agreements.

Program Chair:
KENNETH P. KOPELMAN
Kramer Levin Naftalis & Frankel LLP

Faculty:
ELLIOTT J. BROWN
Senior Vice President & General Counsel
Marc Ecko Enterprises

ALAN R. KLESTADT
Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP

NICHOLAS RUBINO
Vice President-Deputy General Counsel & Secretary
Liz Claiborne Inc.

Live Program:
Member $195  Non-member $305

CLE credit:
3½ credits in professional practice. This program provides transitional credit for newly admitted attorneys.
LABOR & EMPLOYMENT

EXEMPTIONS TO FEDERAL & STATE WAGE & HOUR LAWS

13 Wednesday, 6-8 p.m.

Management attorneys face complex determinations and serious legal implications for their clients related to the classification of employees as exempt or non-exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act and the New York Labor Law. Plaintiffs' attorneys' clients may be deprived of significant rights and benefits as a result of a misclassification. This seminar will present an update of recent developments and hot topics in this challenging area from top management and plaintiffs' attorneys as well as from an attorney from a state enforcement agency.

Program Co-Chairs:
FRANK MARTINEZ
Law Offices of Frank F. Martinez, LLC
JOYCELYN MCGEACHY KULS
Director, Employment Law Group
Merrill Lynch & Co. Inc.

Faculty:
JENNIFER S. BRAND
Labor Bureau Chief
Office of the New York State Attorney General

CHRISTINA L. FEEGE
Littler Mendelson, P.C.

JUSTIN M. SWARTZ
Outten & Golden LLP

Live Program:
Member $215  Non-member $325

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

LAW PRACTICE MANAGEMENT

CLOSING, SELLING OR MERGING YOUR LAW PRACTICE

19 Tuesday, 6-8:45 p.m.

This program addresses important "future planning" issues for practitioners in diverse practice settings, including:

- Retirement from Law Practice
- Closing a Law Practice
- Selling a Law Practice
- Merging a Law Practice

An outstanding panel will address these and related topics. Planning ahead enables lawyers to better protect their clients, themselves and their families.

Special Feature: The program materials will include the "Planning Ahead" Guide issued by the New York State Bar Association Committee on Law Practice Continuity, complete with checklists and forms for lawyers planning ahead for retirement, unforeseen contingencies or the sale or merger of a law practice.

Program Chair:
SARAH DIANE McSHEA
Law Offices of Sarah Diane McShea

Faculty:
LESLIE D. CORWIN
Greenberg Traurig, LLP

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Bertine, Hufnagel, Headley, Zeltm, Drummond & Dohn, LLP

ROBERT L. OSTERTAG
Ostertag O’Leary & Barrett

CLE credit:
3 credits total: 2 1/2 Practice Management & ½ Ethics. This program provides transitional credit for newly admitted attorneys.

Live Program:
Member $195  Non-member $305

LITIGATION

UPDATE ON E-DISCOVERY - SIX MONTHS AFTER THE AMENDMENT OF THE FEDERAL RULES

6 Wednesday, 6-9 p.m.

The December 1, 2006 amendments to the Federal Rules of Civil Procedure have significantly impacted discovery practice. Attend this program and learn about the case law which will have developed and the issues which will have arisen in the six months following the implementation of the amendments. Discover techniques to satisfy the obligations of parties and non-parties under the Rules without incurring extraordinary costs where possible.

The program is comprised of leading law firm and in-house litigators and a federal magistrate judge and will address topics such as the types and sources of electronically stored information ("ESI"), the issue of what constitutes accessible versus inaccessible ESI, and practical implications of the amended Rules in connection with scheduling orders and conferences. The panel will also discuss parties' and non-parties' rights under the amended rules as well as circumstances which have or are likely to give rise to sanctions against parties and non-parties.

Program Chair:
RICHARD B. FRIEDMAN
Dreier LLP

Faculty:
CHARLES COHEN
Hughes Hubbard & Reed LLP

HON. JAMES C. FRANCIS IV
United States Magistrate Judge
Southern District of New York

CHRISTOPHER KOA
Legal Consultant, Legal Technologies
Kroll, Inc. (a Marsh & McLennan company)

DEBORAH E. LANS
Cohen Lans, LLP

SCOTT UNIVER
General Counsel
BDO Seidman, LLP

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

Live Program:
Member $205  Non-member $315

REAL ESTATE

HOW DID THAT BUILDING GET SO TALL? THE TRANSFER OF DEVELOPMENT RIGHTS UNDER NYC ZONING LAW

18 Monday, 6-9 p.m.

This program will provide an overview of the law governing zoning lot mergers and the transfer of development rights in New York City, commonly known as "air rights", as well as the mechanics and practical considerations involved in such matters. The program will review the relevant provisions of the NYC Zoning Resolution, explain core concepts using real life examples, and go through each of the forms and documents required to effect such transfers. In addition, the program will discuss special zoning districts with additional incentives for development rights transfers.

www.nycbar.org
You are likely familiar with the term “digital dictation.” It has been a hot topic in the legal industry recently. But are you aware of the differences between a Digital Dictation System and a Digital Dictation Workflow Management System?

Digital dictation is a method of recording and editing the spoken word in real-time within a digital audio format. Digital dictation offers several advantages over traditional cassette tape based dictation. Such benefits include easy editing or insertion of voice into the files, the ability to email the files from anywhere, and better sound quality. This type of solution does provide immediate benefits to users over the analog systems they replace, but often many problems remain.

A basic digital dictation system simply allows authors to record digital files and have them routed directly to a secretary for transcription. Simplified digital dictation systems often lack important system management tools to enable managers and users to clearly identify backlogs of work to be completed, information on who is doing what, information on support staff efficiency, promotion of priority projects, or the ability to reroute work as needed. As a result, firms who utilize these systems often do not realize all the benefits that a more sophisticated system could offer.

A digital dictation workflow management system enhances the benefits of digitally collecting voice while embracing the management of the flow of information after capture. Digital Dictation Workflow Management Systems are designed with a powerful array of functionality to ease your workloads. The systems are easily administered and allow for the coordination, control and communication of activities automatically.

The core of the system is the intelligent management of dictation files by a server or network of servers. Audio files are still played by a typist, but voice files are sent electronically across LANs, WANs, via telephony or over the Internet to intelligent workflow servers that identify a user's details and automatically send his or her dictation to the most appropriate secretary, secretarial workgroups or outsourced transcription providers for completion. Digital Dictation workflow software is often Active Directory integrated and can be used in conjunction with third party systems such as Document, Practice or Case Management systems.

Perhaps one of the most important features is the flexibility in the configuration of these systems and the ease of use of the software. Authors may use a number of recording devices to capture their dictation including their pc and portable dictation recorders. Users can even dictate using the telephone, VoIP or their PDA for maximum flexibility, while secretaries can be located anywhere spread across multiple sites or at home – alone or as part of a typing pool.

Immediate and automated delivery of dictation improves report turnaround time and maximizes productivity. Some systems can literally eliminate or reduce keystrokes, thus transcription and other administrative costs are significantly lowered. The result is often an immediate increase in company-wide work sharing and productivity which results in significant cost savings for the firm. Donald Nilson, Network Administrator for Tressler, Soderstrom, Maloney & Priest had this to say when asked how their system impacted productivity: “WinScribe has made an enormous improvement in our productivity. We can now author jobs from any PC within our firm throughout the country and in a different time-zone. For example, when the Chicago office is over-run, a job can be routed to our office in LA. The authors love it!” adds Nilson. “The clarity of the recording, combined with the ability to immediately transfer a dictation to any transcriptionist at any location, has allowed the productivity of dictation to transcription increase by at least 20%.”

The rate of user adoption is an important aspect of any technology purchase. Firms who implement these systems find that convincing users to adopt it is often fast and painless. Referring to the solution selected by Bowles, Rice, McDavid, Graff and Love LLP in West Virginia, Brad Harris, Head of Dictation Management said, “There was virtually no learning curve and some people said it was the easiest transition they had ever experienced at the firm.”

How do you select the system that is right for you? You will obviously be wise to select a system that is proven to deliver a rapid return on investment. Cost savings are directly attributed to increased transcription productivity and improved document turnaround time, being able to share hardware across multiple offices, and decreased courier costs, and indirectly attributed to enhanced customer and employee satisfaction levels.

Features and flexibility is also important. You should always remember to choose the system that can be customized to work for you. Be sure to ask questions to ensure that you select the one that meets the current and future needs of your unique organization.

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New York City Board of Standards & Appeals

Faculty:
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Senior Vice-President
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**MICHAEL HIRSCHFELD**
Dechert LLP

**HON. JAMES M. PECK**
United States Bankruptcy Court Southern District of New York

**JOSEPH H. SMOLINSKY**
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**STEPHEN M. BRECHER**
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Kaye Scholer LLP

**STEPHEN M. BRECHER**
Senior Advisor
Weiser LLP

**Summer Programs**

**JULY:**

**A PRIMER ON PROBATE & ADMINISTRATION OF NEW YORK ESTATES**

11 Wednesday, 6-9 p.m.

Live Program:
$205 Member  $315 Nonmember

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

**TRENDS IN LEGAL ETHICS**

12 Thursday, 9-12 p.m.

Live Program:
$265 Member  $365 Nonmember

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

**BASICS OF REAL ESTATE LENDING**

17 & 24 Tuesdays, 6-9 pm

Live Program:
$375 Member (both days)
$515 Nonmember (both days)
$215 Member (per day)
$325 Nonmember (per day)

CLE credit for both days:  6 credits total: 3 skills & 3 professional practice.

CLE credit per day:  3 credits total: ½ skills & 2½ professional practice.
This program provides transitional credit for newly admitted attorneys.

**YOU DON’T PRACTICE CRIMINAL LAW? SO, WHAT DO YOU DO IF A CLIENT CALLS YOU IN THE MIDDLE OF THE NIGHT ABOUT A CRIMINAL MATTER?**

18 Wednesday, 6-9 p.m.

Live Program:
$205 Member  $315 Nonmember

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

Attend “You Don’t Practice Criminal Law” and either or both parts of “Nuts & Bolts of Criminal Law” and receive a 20% discount on all of these programs.

**16 HOUR BRIDGE-THE-GAP**

19 Thursday, July &
1 Wednesday, August  9-5 p.m.

Live Program:
$415 Member  $665 Nonmember (both days)
$375 Member  $515 Member (per day)

CLE credit both days:  16 credits total: 7 professional practice/practice management, 6 skills & 3 ethics.

CLE credit per day:  8 credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.
Registration
Advance registration is advised for live programs & video replays. An additional fee of $25 will be charged for registrations received later than 3:00 p.m. one business day prior to the program. For more information or to register for a program visit our website at www.nycbar.org, call (212) 382-6663, fax (212) 869-4451 or mail your registration to: City Bar Center for CLE, New York City Bar, 42 West 44th Street, New York, NY 10036.

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

Cancellations & Refunds
For live programs and video replays, refunds and program credits are available provided cancellation is made in writing and received by the City Bar Center prior to the program. A $35 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing and faxed to the City Bar Center at (212) 869-4451.

Refunds and program credits are not available for the purchase of tapes, CDs, DVDs, course materials or online programs. 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.

These programs are presented under the auspices of the CLE Committee, Valerie L. Fitch, Chair, and the City Bar Center for Continuing Legal Education.

Scholarships are available. Please call (212) 382-6663 for an application.

Is there a program you would like to attend or a speaker you would like to hear? Please contact the City Bar Center with your suggestions.

NUTS & BOLTS OF STATE CRIMINAL PRACTICE PART I - PRE-TRIAL PRACTICE
25 Wednesday, 6-9 p.m.

Live Program:
$195 Member $305 Nonmember

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

Attend “You Don’t Practice Criminal Law” and either or both parts of “Nuts & Bolts of Criminal Law” and receive a 20% discount on all of these programs.

REAL WORLD DOCUMENT DRAFTING: FORM, STYLE & SUBSTANCE
26 Thursday, 9-5 p.m.

Co-sponsored with ALI-ABA

Live Program:
$350 Member $450 Nonmember

CLE credit:
71/2 credits total: 61/2 skills & 1 ethics. This program provides transitional credit for newly admitted attorneys.

WOMEN IN NEGOTIATION: SKILLS & STRATEGIES FOR SUCCESS
31 Tuesday, 9-12 p.m.

Live Program:
$215 Member $325 Nonmember

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

AUGUST

16 HOUR BRIDGE-THE-GAP (PART 2)
1 Wednesday, 9-5 p.m.

Live Program:
$375 Member $515 Nonmember (part 2 only)

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

NUTS & BOLTS OF STATE CRIMINAL PRACTICE PART II - TRIAL & POST TRIAL PRACTICE
1 Wednesday, 6-9 p.m.

Live Program:
$195 Member $305 Nonmember

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

Attend “You Don’t Practice Criminal Law” and either or both parts of “Nuts & Bolts of Criminal Law” and receive a 20% discount on all of these programs.

ETHICS FOR THE EMPLOYMENT LAWYER
7 Tuesday, 6-9 p.m.

Live Program:
$235 Member $345 Nonmember

CLE credit:
3 credits in ethics.

In addition to the live programs offered in July and August, video replays are scheduled throughout the summer.
JUNE 2007 CLE REGISTRATION FORM

- CURRENT ETHICAL ISSUES FOR THE ENTERTAINMENT LAWYER: WORKING WITH DEVELOPING TALENT & PROJECTS IN MUSIC, INDEPENDENT FILM & TELEVISION  
  June 4

- INTERSECTION OF BANKRUPTCY & TAX: PLANNING & PITFALLS INCLUDING THE EMERGENT ROLES OF HEDGE FUNDS AND PRIVATE EQUITY  
  June 5

- SECURITIES ARBITRATION & MEDIATION HOT TOPICS 2007: "THE" PROGRAM FOR ATTORNEYS, IN-HOUSE COUNSEL, EXPERTS, ARBITRATORS & MEDIATORS  
  June 5

- UPDATE ON E-DISCOVERY - SIX MONTHS AFTER THE AMENDMENT OF THE FEDERAL RULES  
  June 6

- CURRENT ISSUES IN D&O LIABILITY & INSURANCE 2007  
  Thursday, June 7

- SOLVING THE MYSTERIES OF UNCONTESTED DIVORCES: PRACTICE, PROCEDURE & OTHER SECRETS REVEALED  
  June 7 & June 14

- VIDEO REPLAY: IDENTITY THEFT: UNDERSTANDING THE NEW LAWS & WAYS TO PROTECT YOUR CLIENTS & YOURSELF FROM BECOMING A VICTIM  
  June 8

- HOT TOPICS FOR INVESTMENT COMPANIES: LEGAL, ETHICAL & BUSINESS ISSUES  
  June 11

- LAWYERING IN THE FASHION INDUSTRY: A PRACTICAL GUIDE TO LICENSING, TRADEMARK PROTECTION & OTHER INDUSTRY ISSUES  
  June 12

- ESTATE PLANNING THAT'S NOT CODE-DEPENDENT: NON-TAX ISSUES IN ESTATE PLANNING  
  June 12

- EXEMPTIONS TO FEDERAL & STATE WAGE & HOUR LAWS  
  June 13

- HOW DID THAT BUILDING GET SO TALL? THE TRANSFER OF DEVELOPMENT RIGHTS UNDER NYC ZONING LAW  
  June 18

- CLOSING, SELLING OR MERGING YOUR LAW PRACTICE  
  June 19

- TECHNIQUES & STRATEGIES IN INVESTIGATING & LITIGATING TAX PROSECUTION CASES  
  June 20

- PRACTICAL STRATEGIES FOR AVOIDING CONFLICTS: STAYING OUT OF TROUBLE WITH CLIENTS & ADVERSARIES  
  June 27

ALL REGISTRATIONS MUST BE PREPAID BY EITHER CREDIT CARD OR A CHECK MADE PAYABLE TO: CITY BAR CENTER FOR CLE OR NEW YORK CITY BAR

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JULY & AUGUST:

**A PRIMER ON PROBATE & ADMINISTRATION OF NEW YORK ESTATES**

- **July 11**
  - Member: $205  Nonmember: $315
  - Live Program:
  - Audiotapes: $335  $405
  - CDs: $215  $255
  - DVDs: $445  $535
  - Materials Only: $105  $135

**Audiotapes:**

- **July 17 & 24**
  - Live Program:
  - Audiotapes: $315  $385
  - CDs: $255  $325
  - DVDs: $475  $565
  - Materials Only: $135  $165

**TRENDS IN LEGAL ETHICS**

- **July 12**
  - Member: $265  Nonmember: $365
  - Live Program:

**BASICS OF REAL ESTATE LENDING**

- **July 17 & 24**
  - Member: $375  Nonmember: $515 (both days)
  - Live Program:
  - Audiotapes: $315  $385
  - CDs: $335  $405
  - DVDs: $445  $535
  - Materials Only: $105  $135

**YOU DON'T PRACTICE CRIMINAL LAW? SO, WHAT DO YOU DO IF A CLIENT CALLS YOU IN THE MIDDLE OF THE NIGHT ABOUT A CRIMINAL MATTER?**

- **July 18**
  - Member: $205  Nonmember: $315
  - Live Program:
  - Audiotapes: $315  $385
  - CDs: $255  $325
  - DVDs: $475  $565
  - Materials Only: $135  $165

**WOMEN IN NEGOTIATION: SKILLS & STRATEGIES FOR SUCCESS**

- **August 1**
  - Member: $195  Nonmember: $305
  - Live Program:
  - Audiotapes: $315  $385
  - CDs: $335  $405
  - DVDs: $445  $535
  - Materials Only: $105  $135

**NUTS & BOLTS OF STATE CRIMINAL PRACTICE**

- **PART I — PRE-TRIAL PRACTICE**
  - **July 25**
    - Live Program:
      - Audiotapes: $195  $305
      - CDs: $335  $405
      - DVDs: $445  $535
      - Materials Only: $105  $135

**REAL WORLD DOCUMENT DRAFTING: FORM, STYLE & SUBSTANCE**

- **July 26** (Co-sponsored with ALI-ABA)
  - Live Program:
    - Audiotapes: $135  $195
    - CDs: $535  $795
    - DVDs: $405  $565
    - Materials Only: $105  $135

**NUTS & BOLTS OF STATE CRIMINAL PRACTICE**

- **PART II — TRIAL & POST-TRIAL PRACTICE**
  - **August 7**
    - Live Program:
      - Audiotapes: $195  $305
      - CDs: $335  $405
      - DVDs: $445  $535
      - Materials Only: $105  $135

**ETHICS FOR THE EMPLOYMENT LAWYER**

- **August 7**
  - Member: $235  Nonmember: $345
  - Live program:
  - Audiotapes: $315  $385
  - CDs: $335  $405
  - DVDs: $445  $535
  - Materials Only: $105  $135

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Why make a move

Though making a move from one practice area to another within your existing firm can be challenging, the panel agreed that it can be done. First, they advised that you think about why it is you want to make the move. You want to make sure you are switching for the right reasons or you may find yourself in the same situation a few years later. The best reasons are that your desired practice area is truly a better fit for your skills and personality. Remember, advised the panel, to ask yourself honestly if it is truly your current practice area and not the firm that you are dissatisfied with. Running to a new practice area isn’t going to help if you are really trying to escape the firm.

To determine whether the new practice area is really a better fit begin by examining your skills and interests. Make a list, suggests the panel, of the skills you have learned and what it is you like and dislike about your current practice area. Are you more of a deal maker or a litigator? Do you enjoy working on your own or with others? Then make sure these skills and interests are applicable to the new practice area. If you are unsure what qualities or skills are used in the practice area, talk to attorneys practicing in that area to find out how they spend their time and what qualities and skills they use.

Be honest about the reasons that you want to make a change and whether this change would make you happy. Make sure the reasons you give yourself are compelling too. You won’t be able to make the case to the firm if you can’t first make the case to yourself.

How to make the move

Once you have evaluated your skills and interests and have determined that they are a good fit for the new practice area, look to see whether opportunities exist in the new practice area. Talk to or observe the lawyers in the department you would like to move into. Are they busy or are they idle? Is the practice area growing? If the area is experiencing a slump now may not be the time to pursue a move.

Demonstrate to your firm that you have a commitment to the new practice area by taking CLE courses, engaging in pro bono work or joining the local bar association committee related to that area of practice. If you can, noted the panel, try to find a mentor in the new practice area, someone who can give you sound advice on how best to make this transition and even advocate on your behalf.

When you approach the firm about a move it is important to sell yourself since it is likely you don’t have a wide breadth of experience in the new practice area. Be able to make a clear presentation of why you want to move and what you can bring to the new practice area. Highlight your work ethic and managerial skills and that you are responsible and can handle leadership. Show them that you have attained the basic lawyering skills and that you would be able to excel in either practice area. The sense to convey to the firm, the panel noted, is that you are a valuable asset to the firm and that it is to the firm’s benefit to move you to this new department rather than lose you altogether.

Remind the firm that this move will be a win-win situation for both of you given how destructive and expensive turn over can be. Remember, the panel advised, you are a known quantity to the firm and therefore less of a risk than an outside candidate.

Finally, assure the firm and your current department that you plan to fully discharge any obligations you have in that department before moving on to the new one.

How receptive a firm is to allowing associates to switch from one practice area to another varies from firm to firm. But if you do your preparation well and make a clear and convincing proposal to the firm, said the panel, you give yourself the greatest chance for a successful transition.