Forty-Fourth Street Notes

SOME PARTING THOUGHTS

By Barry Kamins, President

As I complete my term as president, I have engaged in a natural tendency to reflect upon the past two years. During that time it has been my privilege to meet and work with some of the most dedicated and noble attorneys in our profession. Their accomplishments, goals, and dreams help make the City Bar Association a truly unique institution.

As an organization, we are quite different demographically from the small group of attorneys who banded together 138 years ago to form the City Bar Association to improve our judiciary and attack corruption in city government. Today, we have over 23,000 members from every state and 50 other countries. Our principles of governance have changed dramatically and for the better. The fact that I could be elected president, having practiced law in a small firm outside Manhattan, speaks volumes about how far we have come.

Although demographically, we have changed, we have steadfastly remained committed to certain bedrock principles. We continue to promote the rule of law and voice our strong opposition whenever it is threatened. I was particularly proud of our members last year when I stood with hundreds of our colleagues on the steps of the court house at 60 Centre Street to protest the imprisonment and torture of attorneys in Pakistan who had done nothing more than protest the unlawful removal of Chief Judge Chaudhry and other sitting judges from the Supreme Court. We continue to be heard in the national debate on preserving the precious balance between national security and civil liberties, urging that the United States be true to its constitution and its values. We continue to raise a strong protest over the manner in which our Government has detained individuals in Guantanamo and the process by which it intends to try suspected terrorists.

On the state level, our Task Force on Town and Village Courts issued a report outlining extensive recommendations that will hopefully serve to improve a justice system that has continued, largely unchanged, since colonial times. Working with Chief Judge Kaye, we have recommended increased training for town and village justices, and members of our Association have volunteered to work with the Judicial Institute to prepare and present courses of study for the justices.

Traveling with leaders of the State Bar and the New York County Lawyers’ Association, I visited Washington D.C. to lobby our Senators and Members of Congress on a number of critical issues. We voiced our concern about the attack on the attorney-client privilege and urged passage of the Attorney-Client Privilege Protection Act of 2007. This proposal addresses the federal government’s interference with the attorney-client privilege when it pressures companies and other organizations to waive their privilege as a condition of cooperation during investigation by the government into corporate fraud. We also urged legislation to increase funding for civil legal services and remove restrictions on the use of funds received from private organizations.

CONTINUED ON PAGE 2

THE FACES OF MONDAY NIGHT LAW

When you walk into the Association on a Monday night you may notice the bustle of activity as the lobby fills with men and women, old and young, from every borough of New York City. They are here to take advantage of Monday Night Law, a free service provided by the City Bar’s Committee on Legal Services for Persons of Moderate Means.

Four Mondays a month, volunteer lawyers meet with people primarily of low and moderate means in half-hour sessions, where they provide advice, information and referrals in the areas of labor and employment, family, housing law, consumer topics, and consumer bankruptcy. In addition, advice on tax issues is given one Monday per month by the Committee on Personal Income Taxation.

The clients who come to Monday Night Law often have no other avenue to attain legal advice. They may have issues not commonly covered by legal services organizations, or they are above the income eligibility requirements, but still unable to afford an attorney.

Monday Night Law was started by the Young Lawyers Committee in conjunction with the Legal Referral Service, which screens calls and makes the appointments for the Monday sessions. It attracts a wide range of volunteers, from junior associates at large firms to practitioners who have worked in the non-profit sector for over twenty years. About fifteen volunteers come each Monday night, along with two coordinators who greet the clients and handle administrative duties.

Sofia Hubscher, an attorney who has worked with the clinic since 1993, became involved with the clinic through a friend who was a member of the Young Lawyers Committee. She explains, “I was a second year associate in a large law firm and wanted to get involved with more pro bono work. I was attracted by the fact that I could assist people without formally taking on a case.” Hubscher began her involvement as a counselor and then became a coordinator, taking on administrative responsibility as well. She ran the entire program for a few years and is now back in a coordinator’s role again.

Hubscher, whose “day job” focuses on labor and employment law, litigation and regulatory compliance for MTA Metro...
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During the past two years the City Bar Association has focused its attention on the process of reentry and the problems faced by the thousands of individuals released from prison each year. Our Task Force on Employment Opportunities for the Previously Incarcerated issued a report urging legal employers to take a leading role in securing employment for individuals who are released from prison. The Task Force rightfully focused on unemployment as the most serious of all contributing factors to the high rate of recidivism. The City Bar Association has committed itself to implementing the recommendations of the report and will collaborate with its members, bar leaders, and legal employers to do so.

In reflecting upon the past two years, I share an enormous pride with others in the accomplishments of the Association. The work of our City Bar Justice Center is breathtaking in scope and the women and men who work there, its board members, and those attorneys who provide pro bono services for needy New Yorkers, are owed a tremendous debt of gratitude. Our committee chairs and members have advanced our profession tremendously through their scores of reports, comment letters, testimony, and articles. Reviewing their work and scholarship has been a great source of pride for me.

Finally, to our incredibly talented staff and to our 23,000 members who entrusted me with the leadership of this great institution, I sincerely say—thank you.

FORDHAM LAW HONORS THE CITY BAR JUSTICE CENTER’S JOHN McMANUS

On March 31st, the Fordham University School of Law and its Public Interest Resource Center presented John T. McManus, Director of the City Bar Justice Center’s Pro Bono Consumer Bankruptcy Project, with the 2008 Louis J. Lefkowitz Public Service Award.

The award is named in honor of the former New York State Attorney General, and recognizes Fordham Law alumni “whose careers have had a significant impact in public interest law and community service.”

John McManus’ dedication to serving low-income New Yorkers is reflected in his nearly 40 years as a public interest lawyer. Since graduating from Fordham Law School in 1970, he has worked for The Legal Aid Society in various capacities, including Staff Attorney; Attorney-in-Charge of the Rockaway and Queens Neighborhood Offices; Private Attorney Involvement Coordinator for the Civil Division; and Coordinator of the Consumer Law Unit for the Civil Division. McManus’ legal practice over the years has included family law, housing law, and government benefits; however his most recent accomplishments have come in the area of consumer and bankruptcy law.

In 2004, McManus started the Pro Bono Consumer Bankruptcy Project at the City Bar Justice Center, the year before the passage of the Bankruptcy Abuse Prevention and Consumer Protection Act. The Project recruits, trains and mentors volunteer lawyers to provide free legal assistance to low-income consumers who are overwhelmed by debt and need to file for Chapter 7 bankruptcy relief. Over 1,000 clients have been assisted and advised since the Project’s inception. McManus also serves as the Administrator of the Bankruptcy Pro Bono Panel, which at the request of the Judges of the Bankruptcy Court finds volunteer lawyers to represent pro se debtors on litigated matters in the Court. In 2006 the New York State Bar Association gave an Award of Merit to the City Bar for the efforts of the Bankruptcy Pro Bono Panel.

McManus serves as a member of the City Bar’s Committee on Bankruptcy and Corporate Reorganization. As a member of its Pro Bono Subcommittee he oversaw the production and publication of Personal Bankruptcy: Is It Right For You? a guidebook providing a roadmap of information for debt ridden consumers who are considering filing for bankruptcy. It is currently distributed for free, in both English and Spanish, on the City Bar website and by the Bankruptcy Courts of the Southern and Eastern Districts of New York. To view the guidebook, visit: http://www.nycbar.org/Publications/pdf/Individual_Bankruptcy_Pamphlet.pdf.
NEW FORECLOSURE INTERVENTION PROJECT SEeks Volunteers

Training on June 18th and 19th for Federal Reserve Bank of New York/City Bar Justice Center Project

The Federal Reserve Bank of New York and the City Bar Justice Center are co-sponsoring the Lawyers Foreclosure Intervention Network, a pro bono project to assist homeowners affected by foreclosures in New York City. CLE training sessions will be held for attorneys interested in assisting New Yorkers facing the prospect of foreclosure. Participating lawyers will assist homeowners in understanding and assessing their options to avoid foreclosure. Some volunteers will negotiate with homeowners’ creditors; others will represent homeowners before bankruptcy or other courts. One and a half days of free training will be held on June 18th and 19th at the New York City Bar, 42 West 44th St. Attendees are expected to provide assistance to at least one client in return for the free CLE.

The driving force behind this pilot project is Thomas C. Baxter, Jr., General Counsel and Executive Vice President of the Federal Reserve Bank of New York. “We saw a real need in the community for additional legal assistance. If the project is successful, it may become a model for other areas of the country,” said Baxter. “We are looking to the legal and financial services communities to help address this important community need.” For more information on the training sessions or to volunteer, contact Helen Poitray-Chalmers at 212-382-6727 or hpoitra-chalmers@nycbar.org.

CITY BAR CHORUS

Are you a singing lawyer, paralegal, legal proofreader/secretary, legal administrator or law student with an altruistic as well as artistic spirit? Would you like to join a flexible, congenial singing group honored for its excellence in public service and featured on NY1 News as “New Yorker of the Week” for “lifting spirits with its music”? The City Bar Chorus has openings for new members in all sections (especially sopranos and tenors). Our next auditions (brief, private and low-pressure) will be held in late August. We rehearse three Tuesday evenings per month, from 6:45 to 8:15 p.m., in midtown Manhattan (Radio City/Rockefeller Center area) to produce what our audiences describe as a rich, professional-quality sound. In addition, we provide a venue for like-minded legal professionals to meet and sing together in a warm, fun and supportive environment.

Music-reading or sight-reading ability is helpful but not required if you have a “good ear.” While many of our members have prior choral experience, some of our best performers got their start singing karaoke — or in the shower!

If you work in a law firm, corporate or government law department, court, law school or any other legal setting (whether as a lawyer or non–lawyer) and would like to join us in the 16th season of our rewarding musical outreach mission, please e-mail us at membership@citybarchorus.org.

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BEST PRACTICES FOR THE RECRUITMENT, RETENTION, DEVELOPMENT, AND ADVANCEMENT OF RACIAL/ETHNIC MINORITY ATTORNEYS

The New York City Bar’s Minorities in the Profession Committee has developed a best practices resource guide that includes a list of best practices distilled from a rich body of literature replete with examples of best practices that are emerging in the nation’s law firms, corporate legal departments and the legal departments of government and nonprofit organizations. The extensive literature and an annotated reference list, which can be found on the City Bar’s website under the Office for Diversity tab, highlight certain particularly helpful texts that will useful to those seeking to promote diversity within their own organizations.

The Committee set out to develop the resource guide as opposed to only publishing its own set of “best practices” because of the many references currently available. The Committee hopes that this document will be a guide and reference tool for legal employers looking to improve their diversity efforts, as well as a useful starting point for discussions of specific diversity initiatives drawing upon those “best practices” standards that have been successful.

Included in the guide is a list of best practice standards the Committee advocates as a useful starting point for discussion of specific diversity initiatives. Notably, several of the listed Best Practices Standards overlap with the New York City Bar’s Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys. This underscores the fact that women of color in the legal profession face challenges that are common to both women and minorities but also unique1 and that the Best Practices Standards set forth below are most effective when integrated and viewed as connected to best practices for women.

Best Practice Standard No. 1: Senior Management Commitment

Demonstrated commitment by General Counsel/Chief Executive Officer or managing partner and department heads to promote and advance racial/ethnic minorities.

Best Practice Standard No. 2: Organizational Accountability

Creation of a system that monitors, and includes a system of rewards and penalties for, the extent to which partners/managers have succeeded in implementing the Best Practices Standards.

Best Practice Standard No. 3: Diversity Structure; Integration of Diversity Efforts into All Organizational Initiatives

Establishment of a senior-level diversity committee with management/executive committee representation to oversee and support diversity efforts. Hire diversity professional (or designate a member of the human resources staff) to develop and implement diversity strategy. Ensure adequate resources in budget and staffing to meet goals. Integrate diversity into other relevant efforts, including recruitment, professional development, marketing, and performance management efforts.

Best Practice Standard No. 4: Proportionate Representation

Employment and retention of a proportionate number of racial/ethnic minorities across all levels and in all practice areas and departments. Significant presence of racial and ethnic minorities in visible leadership positions within the organization (and, in law firms, as equity partners) to serve as role models.

Best Practice Standard No. 5: Career Advancement; Development and Training

Transparency regarding the criteria required for and timing of promotion, formal process for assignment distribution, and accurate and effective feedback on career development and advancement. Development plans for all attorneys and training in areas that promote advancement, including business development, networking, and how to become a leader.

Best Practice Standard No. 6: Work-Life Effectiveness

Ensure that programs that assist attorneys in managing work and personal life, such as flexible work arrangements and family care leaves, are available to all attorneys across racial groups who need them. Be responsive to cultural differences in family commitments and elder care for different groups.

Best Practice Standard No. 7: Mentoring Culture

Foster a mentoring culture that includes developing and implementing an effective and tailored internal mentoring program, and instruction on how to establish and maintain informal mentoring relationships. Encourage and promote outside mentoring opportunities.

Best Practice Standard No. 8: Internal and External Networking

Foster opportunities for minority attorneys to develop relationships internally with senior leaders and other attorneys of color, particularly through affinity groups. Encourage participation in external networking activities.

Best Practice Standard No. 9: Diversity and Inclusion Education

Mandatory ongoing education on racial/ethnic diversity, including inclusion, discrimination, subtle bias, stereotyping, and the interplay between race-based stereotypes and performance perceptions.

Best Practice Standard No. 10: Recruiting/Pipeline

Set goals and ensure diverse slates for entry and lateral hiring. Provide support to lateral hires to integrate them within the organization and to ensure their success. Support and develop initiatives to bolster the pipeline of racial/ethnic minorities entering the legal profession from early education to bar passage.

The Committee believes that when legal employers take steps to create a more diverse and inclusive work environment for racial/ethnic minority attorneys, all attorneys—regardless of race or ethnicity—will benefit.

For more information about best practices for the recruitment, retention, development and advancement of racial/ethnic minority attorneys please contact the New York City Bar’s Office for Diversity: Alex David, Director, at adavid@nycbar.org.

NEW YORK CITY BAR 3RD ANNUAL DIVERSITY CHAMPION AWARDS

The New York City Bar’s Enhance Diversity in the Profession Committee and the Office for Diversity will be presenting the third Diversity Champion Awards at an Award Ceremony and dinner being held on June 4th, 2008, at the Association. The award recognizes and honors the individual attorneys whose actions and activities within the City’s legal profession embody the ideals of the City Bar’s Statement of Diversity Principles—facilitate diversity in the hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations.”

Criteria
The Diversity Champion Award recognizes the critical role individuals have recently played in initiating and sustaining change within their organizations and the overall New York legal community. 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, corporate, and non-profit. Nominees are 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

(See page 6 for more information.)

2008 Honorees:

Hon. Juanita Bing-Newton
Deputy Chief Administrative Judge
for Justice Initiatives
Administrative Judge of the Criminal Court of the City of New York

Hon. Michael A. Cardozo
Corporation Counsel of the City of New York

James O’Neal
Executive Director
Legal Outreach

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JUNE 2008 CALENDAR

3 Tuesday, 8:30 am - 10 am
PATHWAYS TO LEADERSHIP: KEYS TO SUCCESS FOR WOMEN IN THE LAW

This panel will discuss key qualities necessary for leadership, as well as the challenges women lawyers may face in becoming effective leaders. The panelists are four distinguished women leaders who have pursued diverse paths in law firms, government, not-for-profit organizations, and corporations. They will share their experiences in achieving leadership success and provide unique points of view that women in the law can use to navigate the challenges of leadership and develop their own leadership skills and styles.

Moderator:
BRANDE STELLINGS
Senior Director, Catalyst, Inc.

Speakers:
ELLEN PUTTER
President, American Museum of Natural History

JANE LOVE
Member of Executive Committee, and Co-Vice Chair of Intellectual Property Department, Wilmer Cutler Pickering Hale and Dorr LLP

MICHELE COLEMAN MAYES
Vice President and General Counsel, The Allstate Corporation

MARY JO WHITE
Chair of Litigation Department, Debevoise & Plimpton LLP; Former United States Attorney for the Southern District of New York

The fee for this program is $10. Please register at www.nycbar.org

4 Wednesday, 6 - 8:30 pm
THIRD ANNUAL DIVERSITY CHAMPION AWARDS

Honoring 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: "To facilitate diversity in the hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations."

The fee is $75 for Association members; $125 for non-members. For further information, please contact Rebecca Nelson, rnelson@nycbar.org. Please register at www.nycbar.org

(See page 4 for more information.)

5 Thursday, 6:30 pm
THE EXECUTION OF WILLIE FRANCIS: RACE, MURDER, AND THE SEARCH FOR JUSTICE IN THE AMERICAN SOUTH

On May 3, 1946, Willie Francis was strapped into the electric chair nicknamed "Gruesome Gertie" and the switch was thrown. Remarkably, Willie Francis did not die. Before long, Willie was informed that the state would again try to kill him in only six days. For the next two years, attorney Bertrand DeBlanc tried to prevent a second electrocution. He argued the case all the way up to the U.S. Supreme Court, where Justice Felix Frankfurter denied his appeal. Two years later, Willie Francis was finally executed.

In this program, author Gilbert King will discuss his provocative new book, which explores the controversial case of Willie Francis, and the country’s long legacy of capital punishment.

Speakers:
GILBERT KING
Freelance writer and photographer

STEVE GREENWALD
Scholar-in-residence, Fordham Law School

Please register at www.nycbar.org

5 Thursday, 8:30 am - 10 am
SMART MARKETING - III
MAXIMIZING REVENUE THROUGH CLIENT LOYALTY

Understand the difference between client satisfaction and client loyalty, how to measure them and how to develop a program and approach that enhances and rewards loyalty.

Speakers:
CAROL SCHIRO GREENWALD
Professional Services Marketing Consultant

WALTER TIMOSHENKO
CMO, Weiser

Please register at www.nycbar.org

10 Tuesday, 6:30 - 8:30 pm
WOMEN & MINORITY ATTORNEYS: PATHWAY TO CORPORATE BOARD MEMBERSHIP

A discussion of the ways in which attorneys can position themselves to be selected to serve on corporate boards: what tools do you need? how are board members selected? what resources are available to assist you in identifying membership opportunities?

Moderator:
LINDA C. HAYMAN
Skadden Arps Slate Meagher & Flom LLP

Speakers:
PATRICK M. PROUT
President and Chief Executive Officer The Prout Group

PAULINE A. SCHNEIDER
Orrick, Herrington & Sutcliffe LLP

MARILSA C. WISELY
Simpson Thacher & Bartlett LLP

ALICE YOUNG
Kaye Scholer LLP

10 Tuesday, 6 - 8 pm
RESETTING YOUR CAREER COMPASS

An overview of the "Second Career" Transition Process

- Deciding what you want to be or do;
- How to create a transition plan that can get you there;
- How to use the other tools you need -- resume, etc.;
- Strategies that make networking easier and more effective;
- Will include exercises and actual case studies.

Speaker:
BILL BROWN
Senior Managing Director, DBM, Inc. International Center for Executive Options – USA

Please register at www.nycbar.org

12 Thursday, 8:30 am – 10 am
PROFESSIONAL DEVELOPMENT WORKSHOP SERIES

ADVOCATE FOR YOUR SUCCESS

Workshop VI – Legal Team Leadership

As careers progress and responsibilities change, attorneys need to learn a new skill set to effectively transition into more senior roles. The development of leadership skills, including the ability to build consensus, develop effective plans, gain commitments for action, and delegate effectively, is crucial to an
attorney’s success. This program takes an advanced yet practical approach to improving attorneys’ ability to direct, support and motivate members of their legal team.

Participants will learn to:

- Manage diverse teams of lawyers, paralegals and secretaries
- Identify the strengths and weaknesses of team members in order to delegate effectively
- Communicate the big picture and motivate their team to provide the best possible client service
- Foster accountability and efficiency

Speaker:
DAVID H. FREEMAN, J.D.
Founder and CEO, David Freeman Consulting Group

1.5 NY MCLE Practice Management credit.

Please register at www.nycbar.org

18 Wednesday, 7 - 9 pm

AN AMERICAN INSURRECTION: JAMES MEREDITH AND THE BATTLE OF OXFORD, MISSISSIPPI, 1962

The Civil War was over nearly 100 years ago, but some residents of the former Confederacy simply could not face that. So when James Meredith, a former Air Force staff sergeant and student at all-black Jackson State College attempted to transfer to the then all-white University of Mississippi, in the fall of 1962, these Dixie die-hards determined to make the campus of "Ole Miss" their last stand against what they saw as the evil of integration. With the help of their segregationist governor and a sympathetic Mississippi Highway Patrol to back him up, Meredith’s brave effort to kill Jim Crow caused President Kennedy and his brother, the Attorney General, to deploy some 30,000 U.S. troops—the largest mobilization of American fighters on native soil since the Civil War.

Although we all know that Meredith won one of the many important battles of the Civil Rights movement, William Doyle’s book brings this key moment in history alive in a way that is so riveting, and so filled with astounding detail that even knowing the ending does not spoil the reader’s journey.

Speaker:
WILLIAM DOYLE
Author, Inside the Oval Office: The White House Tapes from FDR to Clinton (1999)

Please register at www.nycbar.org

19 Thursday, 12:30 - 2pm

SMALL LAW FIRM LUNCHEON

BUSINESS OPPORTUNITIES THROUGH THE CITY BAR’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, Legal Referral Service, New York City Bar

Sponsored by Lexis/Nexis
Registration by June 12 is necessary. The fee, which includes lunch, is $25 for members; $35 for non-members. Please register below or online at www.nycbar.org

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

The Association is hosting a reception and cocktail party celebrating NYC’s Lesbian, Gay, Bisexual & Transgender Pride Week 2008.

Please register at www.nycbar.org

21 Saturday, 8 pm
LAWYERS’ ORCHESTRA’S LATE SPRING CONCERT

This program will feature Mahler’s First Symphony and Sibelius’ Violin Concerto (Lauren Sarah Carpenter, Violin). and will be honoring incoming City Bar President Patricia Hynes. Please note: This program will take place at Pope Auditorium (60th Street @ Columbus Avenue), Manhattan.

Admission is $20/$10 and tickets are available at the door or online (www.lawyersorchestra.org). For more information, please call (212) 788-1093.

23 Monday, 6:30 - 8 pm
THE ROLE OF FEDERAL COURTS IN INTERPRETING AND APPLYING PUBLIC INTERNATIONAL LAW

The program will address U.S. federal courts’ application of public international law and will focus on issues such as treaty interpretation, the use of foreign and international law in interpreting U.S. law, and practical aspects of litigating international-law cases.

Moderator:
CATHERINE POWELL
Professor, Fordham University School of Law

Speakers:
HON. JED. S. RAKOFF
United States District Court, Southern District of New York

DONALD FRANCIS DONOVAN
Debevoise & Plimpton LLP

OWEN C. PELL
White & Case LLP

JEREMY WALDRON
Professor, New York University School of Law

Please register at www.nycbar.org

26 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.

To register, please email membershipservices@nycbar.org, call (212) 382-6665 or register at www.nycbar.org

26 Thursday, 7-9 pm
HEALTHCARE IN NEW YORK’S FEDERAL PRISONS: A ROUNDTABLE DISCUSSION

Every day, well-meaning and hard-working doctors and psychologists in the federal Bureau of Prisons treat thousands of inmates in need of healthcare. Most benefit greatly from the treatment they receive. But many still maintain that the BOP, whether through lack of resources, attention or expertise, fails adequately to address inmates’ healthcare needs.

Can the BOP provide adequate medical and mental healthcare to a population with more than its fair share of these problems? How can federal advocates ensure that inmates with health problems, especially chronic or acute conditions, receive the best medical and mental health care available? How does prison healthcare impact and interact with forensic issues?

Join us for a roundtable discussion, in which a panel of federal judges, advocates and prison health experts will discuss these difficult questions, with particular reference to New York City’s federal detention centers, the Metropolitan Correctional Center and the Metropolitan Detention Center. The discussion will also include shared insights on how to maximize clients’ access to federal medical health services and how prosecutors, defense attorneys, judges and advocates in the federal criminal justice system can work with prison health services to ensure that sick and mentally ill inmates receive the care they need.

Moderator:
HON. JED. S. RAKOFF
United States District Court, Southern District of New York

Speakers:
HON. RAYMOND J. DEARIE
Chief Judge, United States District Court, Eastern District of New York

HENRY J. SADOWSKI
Regional Counsel, Federal Bureau of Prisons

RINA DESAI
Supervising Attorney, M.D.C., Brooklyn

LEV DASSIN
Deputy Chief United States Attorney, Southern District of New York

SAVE THE DATE

July 23 – What It’s Like to Practice Law in NYC as a Woman

September 4 – Cocktail Reception Launch of Young Lawyers Connect First Thursdays

June 2008 Registration Form

☐ Small Law Firm Luncheon: — 19 Thursday
The fee, which includes lunch, is ☐ $25 for members and ☐ $35 for non-members.

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Signature ____________________________________________

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

www.nycbar.org
North Railroad, notes that Monday Night Law clients often come with a myriad of issues. She recollects, "One gentleman came in and said he had been strip-searched in connection with an arrest – not our usual area. He had received a notification that there was a class action suit formed for victims of unnecessary strip searches, and he wanted assistance in completing the class action questionnaire. However, as we discussed the case, I was also able to help him with issues in family law, because his wife was in Russia and he had custody problems with his daughter." She emphasizes, "The bottom line is that what started in helping him with one problem ended up blossoming into guidance on a lot of different fronts."

Another person Hubscher helped was a musician whose primary employment was as a cellist for an orchestra. She needed to declare bankruptcy and wanted to find out if her cello would be protected.

Hubscher points out the work is challenging and interesting for the attorneys involved, noting, "We span a wide variety of substantive legal areas. Counselors become familiar with areas they might not practice in. I find it enormously rewarding." Russ Bleemer is also able to work in different legal areas during the program and branch out from his current employment as the editor and writer of Alternatives, a monthly alternative dispute resolution newsletter published by the International Institute for Conflict Prevention & Resolution and John Wiley & Sons.

Bleemer currently runs the Clinic, which includes coordinating the trainings and completing all of the administrative tasks. He came to volunteer with the Clinic through an advertisement in this publication, the Forty-Fourth Street Notes. "I was a corporate attorney at the time," he explains, "The clinical work of the program was very appealing – and has been a selling point to get people to continue to volunteer for many years. It is contained and confined [to each session]. I was working at a large corporate firm and it was nice to have the opportunity to go face-to-face with clients without formally taking on a case."

Bleemer explains that once volunteers come in to the program they usually stay with it for many years, "The program has grown so much because our volunteers don’t leave. There are about one hundred volunteers, and we would like to continue to expand given availability of space and ability to staff."

He has stayed with the program for many years as well, and sees it as "a good way to be attached to what is going in on the community as opposed to just passing through. It is also important to provide access to legal services to people who have nowhere to get access," he adds, "and to put a friendlier face on the legal system."

"It is humbling to see the tenacity and knowledge of the clients that come to see us. They know the system they are in – but it is incredibly gratifying and challenging to be able to give them a new perspective or nuance of the law." Bleemer continues, "A lot of clients are very sophisticated, I love that! It is really interesting and really fascinating!"

Christine Fecko, the Chair of the Committee on Legal Services for Persons of Moderate Means and a counselor with the Clinic since 1999, echoes Bleemer’s sentiments, "I am impressed with the way pro se litigants handle their cases. There are clients you meet at Monday Night Law who are very inspiring with their perseverance in trying to understand what their legal case is, in trying to advocate for themselves, and in trying to go to court themselves."

Not only does the Clinic have a monthly newsletter for volunteers, Fecko says, but it also has approximately three to six interns a year. "The interns come on Monday nights and help run around. It is pretty jam-packed and attorneys will often pair up with a client – the place is really cooking all night long!"

The most important aspect of the clinic, as Bleemer points out, is that, "the program is open to the entire City of New York who don’t know where else to turn for their questions!"

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Ending Duplicative Securities Litigation

Increasingly United States policymakers have been focusing attention on the recent challenges to the country's historical position as the world's leading financial services center. One of the areas of growing concern is the high cost of securities litigation in the United States relative to other competing financial centers. The cost of having to defend duplicative or overlapping actions in multiple jurisdictions is one of the unnecessary sources of expenses in securities litigation.

The problem of duplicative or overlapping actions arises from the fragmented nature of the legal system and currently there is no mechanism for requiring consolidation of duplicative or overlapping litigations across court systems. For example, there is no mechanism that would allow for mandatory consolidation of duplicative actions filed in New York state court in Manhattan and New Jersey state court in Jersey City, or even between actions filed in state court in Manhattan and in the federal court across the street. Publicly listed companies are often forced to spend financial resources trying to coordinate and manage duplicative or overlapping securities litigations and judicial resources are unnecessarily consumed.

Duplicative or overlapping securities-related litigations frequently arise in two instances: 1) in the context of shareholder litigation challenging proposed changes in corporate control or defensive actions designed to prevent a change in control; and 2) in the context of claims filed in state court under the Securities Act of 1933 which requires publicly listed companies to disclose material information concerning securities being offered for public sale and prohibits deceit, misrepresentation and other frauds.

In the first instance, publicly listed companies looking to avoid the costs of duplicative litigation must seek a stay or dismissal of the duplicative litigation on grounds of comity, judicial economy and the avoidance of oppression or waste. Duplicative and overlapping actions in the second instance is a relatively new phenomenon. Although allowing for concurrent federal and state jurisdiction has been part of the Act since its inception there was no significant securities litigation in state court until 1995 when the Private Securities Litigation Reform Act was passed in an effort to curb abusive and meritless suits. This Act actually encouraged filings in state court as litigants sought to avoid many of the new federal procedures imposed by the 1995 Act. The Securities Litigation Uniform Securities Act of 1998 tried to reduce the number of claims filed in state court, but it did not preclude such filings entirely and the potential for duplicative litigation in state and federal court remains today.

Coordinating Related Litigation, a report by the Securities Litigation Committee, looks at these issues and recommends a number of remedial measures including: 1) permitting public companies to contract with their investors to limit the venue for deal litigation to the state of incorporation; 2) enactment of federal legislation that would require shareholder litigation concerning proposed changes in corporate control to be brought in the state of incorporation; and 3) amending the Securities Act by either repealing the bar against removal or enacting federal procedures imposed by the 1995 Act. The Securities Litigation Uniform Securities Act of 1998 tried to reduce the number of claims filed in state court, but it did not preclude such filings entirely and the potential for duplicative litigation in state and federal court remains today.

If adopted, the report urges, these recommendations would be an important step toward eliminating unnecessary expenses faced by publicly listed companies from duplicative and overlapping securities litigation.

Civil Rights
Amicus Brief: Doe v. Mukasey filed with the United States Court of Appeals for the Second Circuit. The brief argues that National Security Letter ("NSL") provisions of the USA PATRIOT Act are unconstitutional, and that the Reauthorization Act which attempted to cure the unconstitutionality of the original PATRIOT Act provision fails to remedy the provision's constitutional defects. The NSL Statute impermissibly infringes on the role of the Judiciary under the constitutional system of separation of powers. First, requiring that courts uphold gag orders unless there is "no reason to believe" the disclosure of the NSL may endanger national security or interfere with criminal investigations can be reviewed for inconsistencies and to evaluate the suspect's demeanor. The report does recommend a number of changes to the proposed legislation including: 1) broadening the definition of where the electronic recording can take place; 2) requiring that the People prove the statement be "voluntary" rather than "reliable"; and 3) providing for a longer lead time, currently 90 days in the proposed legislation, to equip police offices and train police personnel to comply with the statute.

Employment Opportunity for the Previously Incarcerated, Task Force
Legal Employers Taking the Lead: Enhancing Employment Opportunities for the Previously Incarcerated. This report identifies the barriers that previously incarcerated persons face when seeking work in the legal sector and elsewhere. The report suggests employment barriers may be heightened by the failure of employers to understand the laws under which they operate, as well as employers' generalized misperceptions about job applicants with conviction histories. The report makes the following six recommendations: 1) the licensure and employment of persons previously convicted of one or more criminal offenses should be encouraged; 2) law firms and other legal employers should provide the same opportunities for advancement to individuals released from prison as they do to other employees with comparable job skills; 3) law firms and other legal employers should take advantage of job placement and post-placement services provided by workforce intermediaries to identify, employ and provide supportive services to individuals released from prison or jail; 4) steps should be taken to publicize broadly the availability of workforce services; and 5) areas for research are identified with the aim of better understanding the factors that may contribute to persistent employment barriers and the potential impact of current and proposed remedial measures.

Criminal Justice Operations
Report expressing general support for legislation that would require electronic recording, with video and audio equipment, of custodial interrogations in their entirety in all felony cases. Electronic recordings not only protect the innocent by guarding against false confessions, but increase the likelihood of conviction of guilty persons by developing the strongest and most reliable evidence possible. Recording interrogations aids investigators, prosecutors, judges, and juries by creating a permanent and objective record of a critical phase in the investigation of a crime that can be reviewed for inconsistencies and to evaluate the suspect's demeanor. The report does recommend a number of changes to the proposed legislation including: 1) broadening the definition of where the electronic recording can take place; 2) requiring that the People prove the statement be "voluntary" rather than "reliable"; and 3) providing for a longer lead time, currently 90 days in the proposed legislation, to equip police offices and train police personnel to comply with the statute.

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Energy
Letter to Governor Paterson and legislative leaders commenting on the Assembly budget provision which subject funds generated through the New York System Benefit Charge (SBC) Program and the Renewable Portfolio Standard (RPS) RPS to the annual state appropriation process. The letter argues that these provisions, would be detrimental to the long-term success of the programs supported by the SBC and RPS such as energy efficiency initiatives and renewable energy projects.

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June in City Bar History
Brought to you by the Legal History Committee

The City Bar is a highly respected voice in the evolving, complex challenge of discussing, debating and analyzing myriad National Security Law issues, many of which have international law connections. During the Cold War, the Association took an active part in looking at the legal structure and operation of law, theory and practice, behind the Iron Curtain.

Association President Allen T. Klots deputized four leading members to fly to Athens in June 1955 as delegates to the First International Congress of Jurists. Selected were Dudley Bonsal, Ernest Angell (later ACLU president), Eli Whitney Debevoise and Bethuel M. Webster.

The International Commission of Jurists, founded in 1952 in West Germany, was a think tank that devoted its energies to studying how legal theory was applied in the Soviet Union and its client states. New York City Bar President Klots noted that the commission’s studies showed “the unmistakable pattern, astonishingly similar in each case, of Communist subversion of the law and destruction of the rights of the individuals….”

International Commercial Disputes
28 U.S.C. Section 1782 As a Means of Obtaining Discovery in Aid of International Commercial Arbitration: Applicability and Best Practices. Section 1782 of Title 28 of the United States Code is the mechanism by which the United States provides assistance to foreign or international tribunals in obtaining evidence. The language of Section 1782, the report argues, has led to conflicting decisions and differing views. Conflicts exist over the meaning of the term “foreign or international tribunal” and whether Section 1782 encompasses assistance to foreign private arbitration. The report analyzes the developing jurisprudence and suggests best practices for the application of Section 1782 to international arbitration and concludes that Section 1782 should be available in aid of foreign arbitration. In addition, the report recommends that once the tribunal is constituted, Section 1782 discovery be granted only if the request comes from the arbitrators or with the consent of the arbitrators and that, therefore, district courts consider the source of the request as a very important factor in exercising the discretion granted to them by the statute.

Minorities in the Profession
Guide to the Best Practices Standards for the Recruitment, Retention, Development and Advancement of Racial/Ethnic Minority Attorneys. From reviewing all the literature on examples of best practices that are emerging in the nation’s law firms, corporate legal departments and government and nonprofit organizations the Guide distills a list of best practices and offers an annotated reference list that highlights particularly helpful texts that should be useful to employers seeking to promote diversity within their own organizations. The purpose of the Guide is to be a reference tool for legal employers looking to improve their diversity efforts, as well as a starting point for discussion of specific diversity initiatives that have been successful. (For more information please see page 4.)

President
Letter to the New York Legislature urging that New York State judges be granted a salary increase and that a corresponding mechanism be put in place that provides for future periodic increases. The letter argues that despite the economic difficulties inherent in the budget, judges are entitled to a salary increase, as it has been nearly ten years since New York State judges received their last increase. The failure to increase salaries results in diminished real income to judges, and is an affront to an independent branch of government.

State Courts of Superior Jurisdiction
Report on En Banc Review in New York Courts. The report supports en banc review by New York’s intermediate appellate courts, noting that if a panel of such a court finds that a prior panel of that court has erroneously decided an issue it has no power to overrule the prior panel. The report argues that given burgeoning caseload, New York courts should be given the tools to resolve intra-department differences and ensure uniformity and consistency in the decisions.
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<td>2 6-8 p.m. ETHICAL ISSUES IN TRUSTS &amp; ESTATES PRACTICE 2.0 credits*</td>
<td>3 6-9 p.m. VIDEO REPLAY: NATURALIZATION: PROBLEMS &amp; PITFALLS 3.0 credits</td>
<td>4 5:30-9 p.m. SECURITIES ARBITRATION &amp; MEDIATION HOT TOPICS 2008: &quot;THE&quot; PROGRAM FOR ATTORNEYS, IN-HOUSE COUNSEL, EXPERTS, ARBITRATORS &amp; MEDIATORS 3.5 credits*</td>
<td>5 8:30 a.m. – 6 p.m. Networking Cocktail Reception 6 – 7:30 p.m. AVIATION TRIAL DEMONSTRATIONS &amp; CUTTING EDGE ISSUES Credits TBD*</td>
<td>6 8:30 a.m. – 2 p.m. CURRENT ISSUES IN D&amp;O LIABILITY &amp; INSURANCE 2008 6.0 credits</td>
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<td>9 6-9 p.m. HOW DID THAT BUILDING GET SO TALL? THE TRANSFER OF DEVELOPMENT RIGHTS UNDER NYC ZONING LAW 3.0 credits*</td>
<td>10 6-9 p.m. CURRENT LEGAL &amp; ETHICAL ISSUES FOR COUNSEL TO INVESTMENT COMPANIES &amp; ADVISERS 3.0 credits*</td>
<td>11 6-9 p.m. A MEDIATION CAREER: GETTING STARTED 3.0 credits*</td>
<td>12 9 a.m. – 12:30 p.m. LAWYERING IN THE FASHION INDUSTRY: A PRACTICAL GUIDE TO LICENSING, TRADEMARK PROTECTION &amp; OTHER INDUSTRY ISSUES 3.5 credits*</td>
<td>13 9 a.m. – 12:30 p.m. LAWYERS FOLLOWING ORDERS: ETHICAL PITFALLS &amp; PRACTICAL ADVICE 3.5 credits*</td>
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<td>16 6-9 p.m. FINANCIAL STATEMENT ANALYSIS FOR THE DECISION-MAKER 3.0 credits*</td>
<td>17 9 a.m. – 4 p.m. WRITING IN THE LAW WITH LEOVITS 6.5 credits*</td>
<td>18 9 a.m. – 5 p.m. VIDEO REPLAY: COMPLYING WITH THE SECURITIES LAWS: A PRACTICAL OVERVIEW OF THE RULES 7.5 credits</td>
<td>19 9 a.m. – 12 p.m. VIDEO REPLAY: LOVE AMONG THE DOMA’S: CONFLICT OF LAW ISSUES AFFECTING NEW YORK LGBT FAMILIES &amp; DOMESTIC PARTNERS 3.0 credits</td>
<td>20 9 a.m. – 5 p.m.</td>
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<td>23 6-9 p.m. CURRENT ETHICAL ISSUES FOR THE ENTERTAINMENT LAWYER IN MUSIC, FILM, TELEVISION &amp; THEATRE 3.0 credits*</td>
<td>24 6-9 p.m. VIDEO REPLAY: CROSSING STATE BORDERS IN TRUST &amp; ESTATE LAW: WHAT THE NEW YORK PRACTITIONER NEEDS TO KNOW ABOUT FLORIDA, NEW JERSEY, DELAWARE &amp; CONNECTICUT 3.0 credits</td>
<td>25 6-8:15 p.m. VIDEO REPLAY: BASICS OF MORTGAGE FORECLOSURE &amp; BEYOND 2.0 credits*</td>
<td>26 9 a.m. – 12 p.m. VIDEO REPLAY: MAKING DOLLARS &amp; CENTS OF YOUR EMPLOYMENT CASE: EVALUATING &amp; LITIGATING DAMAGE EXPOSURE 3.0 credits</td>
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*This program provides transitional credit for newly admitted attorneys
ADR/ARBITRATION/MEDIATION/NEGOTIATION

A MEDIATION CAREER: GETTING STARTED

11 Wednesday, 6-9 p.m.

Are you thinking of taking mediation training or wondering how to get started after that training? Have you begun a mediation practice and want some tips on building it? This interactive seminar will suggest ways to begin mediating, and will give an overview of mediation opportunities and the mediation community in New York City in 2008.

The panelists are established mediators with very different practices and backgrounds, who will share their experiences and offer concrete, practical advice. They will talk about how they got to where they are and why they find mediation to be such a rewarding specialty. The session will cover the various types of mediation including divorce and family, commercial, employment/workplace, court-annexed and community and the ways of building a practice. There will be ample time for questions and answers.

Program Chair:
NANCY KRAMER
Mediator & Arbitrator
Mediation & Other Dispute Resolution Services

Faculty:
BARRY BERKMAN
Berkman Bottger & Rodd LLP

ABIGAIL J. PESSEN
Principal
Mediation Services

MARIA R. VOLPE, PH.D
Director
Dispute Resolution Program and Consortium
John Jay College of Criminal Justice

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

CLE credit:
3.0 credits total: 2.0 professional practice & 1.0 skills. This live program provides New York & California transitional/non-transitional credit for all attorneys.

AVIATION

AVIATION TRIAL DEMONSTRATIONS & CUTTING EDGE ISSUES

5 Thursday, 8:30 a.m.-6 p.m. (Keynote Luncheon Speaker); 6-7:30 p.m. Networking Cocktail Reception

This seminar will combine a series of demonstrations by leading practitioners of trial techniques in aviation cases with several interactive panel discussions on cutting-edge issues in aviation litigation. A premier faculty will examine significant legal and commercial issues in the aviation field.

The seminar will include representatives from all segments of the industry, including air carriers, manufacturers, insurance company representatives, in-house and outside counsel, the plaintiffs bar and the government.

Admission will include lunch with a noted speaker, a cocktail reception, and an ethics component for CLE credit.

Program Co-Chairs:
DEBORAH A. ELSASSER
Clyde & Co.

ANDREW "DUKE" J. MALONEY, III
Kreindler & Kreindler LLP

JONATHAN M. STERN
Schnader Harrison Segal & Lewis LLP

Moderators:
SUSAN J. ELLIS
Assistant Vice President
Global Aerospace

JEREMY I. HAGER
Allimont Law Offices, PC

ROBERT J. KUNTZ, JR.
Devine Goodman Patoll Rasco & Wells, P.A.

ELLIOTT MEISEL
Brill & Meisel

KENNETH P. NOLAN
Speiser Krause, PC

CATHERINE SLAVIN
Cozen O’Connor

JUNE 2008
CLE CALENDAR

HENRY J. WILLETT, III
Christian & Barton, L.L.P.

Faculty:
MATTHEW BOYLE
Senior Vice President & General Counsel
Dassault Falcon Jet Corp.

PATRICK E. BRADLEY
Reed Smith LLP

WILLIAM C. BROWN
Locke Lord Bissell & Liddell LLP

ANTHONY J. DIANA
Mayer Brown LLP

ROGER J. DODD
Spohrer & Dodd

GREGORY FEITHE
International Aviation Safety & Security Consultant

DARREN GAINESS
Air Safety Committee Chairman
National Air Traffic Controllers Association
Cleveland ARTCC/NATCA Local

JOANNA L. GERAGHTY
JetBlue Airways Corporation

PETER J. GRABER-LIPPERMAN
Sikorsky Aircraft Corporation

HENRY B. GODDARD, JR.
Kreindler & Kreindler LLP

RICHARD A. LAZENBY
Condon & Forsyth LLP

JAMES P. KREINDLER
Kreindler & Kreindler LLP

JOE HANN
Executive Director
Coalition for an Airline Passengers Bill of Rights

HENRY B. GODDARD, JR.
Trial Attorney
United States Department of Justice
Civil Division, Torts Branch Aviation and
Admiralty Litigation Office

KATE HANNI
Executive Director
Coalition for an Airline Passengers Bill of Rights

EMMA E. KREINDLER
Kreindler & Kreindler LLP

RICHARD A. LAZENBY
Condon & Forsyth LLP

PETER J. GRABER-LIPPERMAN
Sikorsky Aircraft Corporation

HENRY B. GODDARD, JR.
Kreindler & Kreindler LLP

RICHARD A. LAZENBY
Condon & Forsyth LLP

PAUL LEONARD
Chief Executive Officer
Charles Taylor Aviation
**CORPORATE & SECURITIES**

**SEcurities Arbitration & Mediation Hot Topics 2008: "The" Program for Attorneys, In-House Counsel, Experts, Arbitrators & Mediators**

4 Wednesday, 5:30-9 p.m.

Recent events in the financial marketplace are bringing substantial changes to securities disputes. A premier faculty of experienced practitioners and the North East Regional Director of FINRA Dispute Resolution will examine rule changes, decisions and events. This program delivers practical suggestions and tested advice on prosecuting and defending securities arbitrations and mediations. Interactive audience participation is a key feature of this annual event.

Program Chair: **ROGER M. DEITZ**
Dispute Resolution

Faculty:
**NORMAN B. ARNOFF**
Wexler & Burkhart LLP

**ELIZABETH R. CLANCY**
Vice President
Regional Director of North East Region
FINRA Dispute Resolution

**PATRICIA COW ART**
Chief Litigation Counsel
Wachovia Securities LLC

**SANDRA D. GRANNUM**
Davidson & Grannum LLP

**JENICE L. MALECKI**
Malecki Law

**LAURENCE S. SCHULTZ**
Driggers, Schultz & Herbst P.C.
President
Public Investors Arbitration Bar Association (PIABA)

Co-sponsoring Organizations: FINRA, NFA, CPR International Institute for Dispute Prevention and Resolution, and the New York County Lawyers' Association – Committee on Arbitration and ADR.

Cooperating Organization: American Bar Association Section of Dispute Resolution

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

**CLE credit:**
3.5 credits total: 3.0 professional practice & 0.5 ethics. This live program provides New York & California transitional/non-transitional credit for all attorneys.
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ETHICAL ISSUES IN TRUSTS & ESTATES PRACTICE

2 Monday, 6-8 p.m.

The ethical obligations of trusts and estates attorneys are being scrutinized more closely than ever. This seminar will examine some of the most pressing professional responsibility issues T&E lawyers face: conflicts of interest caused by taking on the dual roles of estate fiduciary and counsel, or by representing spouses and others with differing interests; performing services for residents of states and countries in which the lawyer is not admitted to practice; and making incorrect and/or incomplete representations to courts or adversaries.

Program Chair: RONALD C. MINKOFF
Frankfurt Kurnit Klein & Selz PC

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

ETHICS

LAWYERS FOLLOWING ORDERS: ETHICAL PITFALLS & PRACTICAL ADVICE

13 Friday, 9 a.m. – 12:30 p.m.

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

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

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

Faculty: HON. JOHN M. CZYGIER, JR.
Surrogate, Suffolk County

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

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

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Springfield, Massachusetts

For more information, contact Professor Frederick D. Royal, Program Director, at 800-782-6665 • 413-782-1422 • www.law.wnec.edu/prospective/llm

www.nycbar.org
This program will focus on the ethical issues faced by transactional entertainment lawyers representing clients in music, film, television and theatre. We will discuss the potential impact on entertainment practitioners of the adoption of the New York State Bar Association's proposed Rules of Professional Conduct, now being considered for adoption by the Appellate Divisions in New York. We will also review the Standards of Civility. Hypothetical fact situations will be utilized. 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.

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

Faculty:
JONATHAN A. LONNER
Franklin, Weinrib, Rudell & Vassallo, P.C.

RICHARD M. MALTZ
Frankfurt Kurnit Klein & Selz, PC

DAVID RABINOWITZ
Moses & Singer LLP

JUDY TINT
Counselor at Law

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

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

FAMILY

VIDEO REPLAY: LOVE AMONG THE DOMA’S: CONFLICT OF LAW ISSUES AFFECTING NEW YORK LGBT FAMILIES & DOMESTIC PARTNERS

19 Thursday, 9 a.m. – 12 p.m.

This program will address conflicts of law and jurisdictional issues arising for LGBT families and domestic partners who reside in New York but are considering and/or have entered into marital, domestic partner and/or civil union agreements in another jurisdiction. The program will explore what, if any, are the benefits and/or deficits of entering into agreements in other jurisdictions (or moving from or to another jurisdiction) and what recognition and dissolution issues arise.

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

YETTA KURLAND
Kurland & Associates

Video Replay (includes materials):
Member $195 Non-member $285

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

IMMIGRATION LAW

VIDEO REPLAY: NATURALIZATION – PROBLEMS & PITFALLS

3 Tuesday, 6-9 p.m.

Deciding whether a client should file an application for naturalization is not as simple as it appears. Mere statutory eligibility does not ensure that the U.S. Citizenship and Immigration Services (USCIS) will grant the application. The USCIS can deny the application or, even worse, place an applicant under removal proceedings based on facts that may come out during the application process.

The panel will address the problems that can surface during the naturalization process, including issues related to criminal convictions, criminal actions, taxes, abandonment of residency, divorces, support of dependents, Selective Service and fraud.

Program Chair:
LINDA KENEPASKE
Law Offices of Linda Kenepaske, PLLC

Video Replay (includes materials):
Member $175 Non-member $285

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

INFORMATION

CURRENT ISSUES IN D&O LIABILITY & INSURANCE 2008

6 Friday, 8:30 a.m. – 2 p.m.

In recent years, directors and officers of corporations have faced increased liability from both national and international litigation. These exposures can involve highly publicized situations, such as the recent sub-prime loan crisis. In some instances, the financial wherewithal of the corporation, its employees and investors face potentially devastating risk. Directors & officers, and corporate liability insurance products address these exposures and are a key component of any company’s risk management plan. The D&O marketplace continues to evolve in the wake of increasing exposures, company restatements, corporate governance under the Sarbanes-Oxley Act and the enhanced role of the Securities and Exchange Commission in protecting public investors. Understanding the exposures facing today’s directors and officers, the D&O insurance products and the relationship between the corporation and its D&O insurers is crucial in effective risk management. Our panel of professionals from various components of the D&O industry will provide their insights on the potential exposures facing directors and officers, the D&O marketplace, recent legal developments and the impact of policy inter-
counterfeiting and coverage on claim resolution. Panel topics include:

- D & O "101": An introduction to directors & officers liability & insurance
- Recent developments in private securities class actions
- Excess/Primary relationship issues in D&O claims
- Sub-Prime mortgage related claims
- Globalization of D&O insurance & international risks
- Coverage disputes sounding in fraud

Program Chair: JILL LEVY
Boundas, Skarzynski, Walsh & Black, LLC

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

STEVEN ANDERSON
Executive Managing Director
Beecher Carlson

BARRY T. BASSIS
Tressler Soderstrom Maloney & Priess LLP

R. DAMIAN BREW
Managing Director
Marsh USA Inc.

CLAUDIA L. CINARDO
Claims Executive
Arch Insurance Group

IVAN J. DOLOWICH
Kaufman Dolowich & Voluck LLP

DONNA FERRARA
Managing Director, Gallagher Strategic Risk Solutions
Arthur J. Gallagher Risk Management Services, Inc.

GARY L. GASSMAN
Meckler Bulger & Tilson LLP
Chicago, Illinois

PERRY S. GRANOF
Vice President & Claims Counsel
Chubb Group of Insurance Companies
Chicago, Illinois

ANDRE E. HARLFINGER
Segal McCambridge Singer & Mahoney

CHRISTOPHER J. KELLER
Labaton Sucharow LLP

PAUL KIM
Managing Director
AON

DAVID H. KISTENBROKER
Katten Muchin Rosenmann LLP
Chicago, Illinois

GREGORY A. MARKEL
Cadwalader Wickersham and Taft LLP

JOSEPH P. MONTELEONE
Tressler Soderstrom Maloney & Priess LLP

ROBERTA M. NEBEL
Senior Vice President
Director of Insurance Risk Management
Lehman Brothers Inc.

CATHERINE T. PALMIERI
Vice President, Claims
XL Professional
Hartford, Ct.

MARC E. RINDNER
Wiley Rein LLP
Washington, D.C.

SCOTT R. SCHAFFER
Wilson, Elser, Moskowitz, Edelman & Dicker LLP

STEPHAN A. WEISBROD
Gilbert Randolph LLP
Washington, D.C.

DANIEL K. WINTERS
Reed Smith LLP

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

CLE credit:
6.0 in professional practice. This live 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 Thursday, 9 a.m. – 12:30 p.m.

Structuring successful license deals. Navigating license disputes. Winning the fight against counterfeitors. Litigating trademark actions. Understanding the ins and outs of 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 typical clauses found in fashion trademark agreements, 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 prosecution of trademark litigation and counterfeit suits, including strategic and tactical considerations. Current topics in the importing/sourcing area, including dealing with 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:
ARTHUR W. BODEK
Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP

NICHOLAS J. RUBINO
Vice President, General Counsel & Corporate Secretary
Liz Claiborne Inc.

JONATHAN A. WAGNER
Kramer Levin Naftalis & Frankel LLP

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

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

LITIGATING SEXUAL HARASSMENT CLAIMS IN THE WORKPLACE: RIGHTS & PROTECTIONS

5 Thursday, 6-9 p.m.

Not a week goes by without news of the latest salacious sexual harassment case. Go behind the headlines for a discussion with experienced plaintiff and management labor and employment practitioners. This program will not only highlight the various ways to prevent and address sexual harassment, but will also discuss the latest legal developments affecting the litigation of these claims.

The panelists will address, among other topics:

- Anti-sexual harassment policies and sexual harassment prevention training
- Implementing a complaint procedure and investigating complaints
- The meaning of “severe and pervasive” in hostile work environment claims
- In-office dating/sexual favoritism
- Third party/off-premises harassment
- E-discovery in sexual harassment litigation after the December 2006 Federal Rule of Civil Procedure amendments
- The impact of Federal Rule of Evidence 412 in litigating sexual harassment claims
- Multiple plaintiff/class actions
- Use of experts
- Ethical issues arising during sexual harassment litigation

Program Chair:
LO YD B. CHIN N
Proskauer Rose LLP

Faculty:
PENNY DOMOW
Bear Stearns & Co. Inc.

MERRICK T. ROSSEIN
Professor of Law
City University of New York School of Law

ANNE VLADECK
Vladeck Waldman Elias & Englehard P.C.

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

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

VIDEO REPLAY: MAKING DOLLARS & CENTS OF YOUR EMPLOYMENT CASE: EVALUATING & LITIGATING DAMAGE EXPOSURE

26 Thursday, 9 a.m. – 12 p.m.

A panel of top practitioners and expert witnesses who represent both individuals and employers will present answers to some of the most frequently asked questions attorneys face in evaluating and litigating damage awards in employment law. What is your case worth? How do you litigate damages to maximize (or minimize) the recovery? Wages and benefits, pain and suffering, and punitive damages will be thoroughly covered. You will hear about cutting edge legal issues and valuable practice tips and strategies. Thorny issues, such as the tax treatment of damage awards, will be explained.

This program will benefit you whether you are an experienced attorney or new to the field, and will be relevant to practitioners in both large firms and small firms, as well as corporate counsel. For those who do not concentrate in employment law, this program will provide a basic understanding of the principles and strategies that influence your clients’ potential exposure in damages and other remedies, enhancing your ability to provide timely and meaningful advice for issues that include an employment component.

Program Chair:
JONATHAN D. WEINBERGER
Law Offices of Jonathan Weinberger

Video Replay (includes materials):
Member $215 Nonmember $325

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

LEGAL WRITING

WRITING IN THE LAW WITH LEBOVITS

17 Tuesday, 9 a.m. – 4 p.m.

This full-day entertaining, intensive, and practical nuts-and-bolts seminar teaches effective
objective and persuasive legal writing. Attendees will learn legal writing’s do’s, don’ts, controversies, and ethics. The components of a brief will be analyzed: questions presented, summaries of arguments, facts, and arguments. The seminar will also detail the elements of all good legal writing: plain English, style, clarity, concision, storytelling, organization, citing, quoting, format, and legal method.

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

Live Program (includes materials):
Member $315  Nonmember $425

CLE credit:
6.5 credits total: 5.5 skills & 1.0 professional practice. This live program provides New York and California transitional/non-transitional credit for all attorneys.

REAL ESTATE

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

9 Monday, 6-9 p.m.

This updated program will provide an overview of the current 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.

Program Co-Chairs:
STUART BECKERMAN
Slater & Beckerman, LLP

ROBERT A. JACOBS
Belkin Burden Wenig & Goldman, LLP

Faculty:
MICHAEL J. BEREY
General Counsel
Senior Vice President
First American Title Insurance Company of New York

SANDY HORNICK
Deputy Executive Director, Strategic Planning
New York City Department of City Planning

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

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

VIDEO REPLAY: BASICS OF MORTGAGE FORECLOSURE & BEYOND

25 Wednesday 6-8:15 p.m.

Foreclosures are on the rise. Bruce J. Bergman, author of the treatise Bergman on New York Mortgage Foreclosures, will discuss what you need to know to successfully and efficiently handle a mortgage foreclosure action and how to avoid pitfalls inherent in the process. Receive a thorough primer on mortgage foreclosures in New York from the person who literally "wrote the book." Goals, procedures, strategies and issues will be explored, along with "hot topics" including predatory lending and non-judicial foreclosure. This updated program will also include a discussion of The Home Equity Theft Prevention Act. Whether you are beginning to practice foreclosures or are an experienced practitioner who desires to refresh your knowledge of the important aspects in this burgeoning field of law, this program is not to be missed.
Program Chair:
KENNETH M. MOLTNER,
Bressler, Amery & Ross PC

BRUCE J. BERGMAN
Berkman, Henoch, Peterson & Pddy, P.C.

Video replay:
Member $195  Non-member $305

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

TAX & ACCOUNTING

FINANCIAL STATEMENT ANALYSIS FOR THE DECISION-MAKER

16 Monday, 6-9 p.m.

One of the primary goals of financial reporting is giving the decision-maker information to evaluate the relative costs and benefits of alternatives. No matter what the attorney’s area of practice, the ability to read and analyze financial reports provides a critical advantage.

Designed for attorneys who already have basic familiarity with financial statements and accounting terminology, this course will take ABCs of Accounting to the next step – learning to assess and use the information presented in the financial statements to support a wide-range of business and strategic legal decision-making. The course will utilize a “case study” approach of an actual company, and include off-the-press information on the Securities and Exchange Commission’s new, Internet-based, interactive system for financial disclosures.

Program Chair:
SHARI HELAINE LICHTMAN
Attorney & CPA
Litigation & Professional Education

Faculty:
DEBORAH DOANE
VP Marketing
EDGAR Online Inc.

JOHN GAMINO
Academic Chair, Accounting, Taxation & Legal Programs
New York University, SCPS Division of Programs in Business

PATRICE SCHIANO
Protiviti Inc.
Chair, AICPA Forensic & Litigation Services Committee

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

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

Portions of this program may qualify for CPE credit.

Registration

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

Cancellations & Refunds

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

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

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

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NON-TRADITIONAL CAREERS FOR ATTORNEYS

Many jobs once filled by non-lawyers are more and more often being filled by lawyers who are opting for non-traditional career paths. Though these jobs do not require a law degree the skills learned from practicing in the legal profession are a valuable asset. At a City Bar program, Non-Traditional Careers for Attorneys: A Program for Law Students and Recent Law School Graduates, sponsored by the Committee on Law Student Perspectives and the Committee on Career Advancement and Management, panelists spoke about their transitions into non-traditional careers.

Don't Be Afraid to Deviate Off the Path

The legal profession as a whole can be conservative and risk adverse. But if you keep an open mind there are many non-traditional careers out there. It is important to first identify the types of positions that you are interested in. Think about your likes and dislikes. Do you like sitting behind a desk? Do you like working with lawyers? Do you like to travel?

If you are lucky enough to know what you want to do as early as law school, follow that passion, advises the panel. Take classes or pursue internships and build up your resume to help you ultimately land a job in your area of interest.

If you are unsure, it might be useful to take one of the standardized tests available that help identify your strengths and interests. Research and educate yourself on the different careers paths. Talk to lawyers who have pursued non-traditional career paths and ask them for an informational interview. Most people are happy to give informational interviews and even enjoy the opportunity to talk to someone about what they do. Remember you are not there to ask for a job but rather to find out what a particular job is all about and if it right for you. So ask questions such as, "What is the job like?" "How did you break into the field?" "What are the essential skills necessary for this job?" and "Do you know who else I might want to speak to about breaking into this field?"

To Practice or Not to Practice First

If you know coming out of law school that you don’t want to follow the traditional legal career path, should you even bother practicing? Though everyone’s situation is different, the panel agreed that in general it is advantageous to gain some real legal experience before embarking on a non-traditional career. A law degree with legal experience is more valuable than one without. Legal experience, the panel agreed, helps you gain respect which is especially useful if you are planning a non-traditional career where you work with other lawyers. Practicing for a few years can codify your decision that practicing is not for you or allow you time to find out you like it; practicing law can be very different from the theory learned in law school.

How to Prepare for and Find a Non-Traditional Job

It is important to realize and accept that it will take some time to make the transition. First, reformulate your resume. Highlight your transferable skills and build up new skills that may be applicable to your new career.

Second, build relationships with those who can help you break into the field. Networking, the panel noted, is key to finding and getting a non-traditional job. Since many of these jobs are off the beaten path they are often found through net-working and knowing the right people rather than recruiters and placement offices. Joining appropriate organizations or groups and attending programs in the field is a great way to network and learn more about the career. If you have a passion for something, let everyone know. Friends and professional colleagues can’t help you if they don’t know what your goals are.

Finally, be patient and don’t give up. Finding a non-traditional career may take time and effort but the reward of finding something you enjoy doing day-to-day is priceless.