ASSOCIATION REVIEWING SUPREME COURT NOMINEE
By Bettina B. Plevan, President

As we go to press, the Executive Committee of the Association has started the process of reviewing the nomination of Judge John G. Roberts to the United States Supreme Court. This procedure, which has been followed since 1987, when the Executive Committee decided to evaluate all Supreme Court nominees, involves substantial work for members of the Executive Committee and the Judiciary Committee, which is called upon to assist. They will exhaustively review Judge Roberts’ decisions and other writings, review other aspects of his background and interview dozens of persons who have appeared before, worked with, or otherwise have experience with or insight regarding Judge Roberts. The members of the Association were sent an e-mail or letter to solicit their comments and information on the nominee.

The Executive Committee will follow guidelines adopted in 1990 (and amended in 2001) in evaluating Judge Roberts’ nomination, to consider, based on the available evidence, “the extent to which a nominee possesses the following qualifications: exceptional legal ability; extensive experience and knowledge in law; outstanding intellectual and analytical talents; maturity of judgment; unquestionable integrity and independence; a temperament reflecting a willingness to search for a fair resolution of each case before the Court; and to consider and evaluate alternative views; and an appreciation for the historic role of the Supreme Court as the final arbiter of the meaning of the United States Constitution, including a sensitivity to the respective powers and reciprocal responsibilities of the Congress and Executive and the Court’s role under the Constitution in the protection of the personal rights of individuals. In reaching a conclusion that a nominee is qualified to be a Justice of the United States Supreme Court, the Executive Committee should make an affirmative finding that the nominee possesses all the above qualifications to a substantial degree.”

The Executive Committee will issue a statement on its findings to the public, and to the Senate Judiciary Committee. We recognize that the legal community has a special interest in the quality of the Supreme Court. The heightened public attention to the nomination and confirmation process in recent years reflects that many non-lawyers as well now understand the crucial role the Court plays in our daily lives. We recognize the importance of this decision and will make every effort to live up to the heavy responsibility we have undertaken.

City Bar Justice Center
44TH STREET NOTES INTERVIEWS MARIA IMPERIAL, EXECUTIVE DIRECTOR, CITY BAR JUSTICE CENTER

The New York City Bar recently announced that its public service affiliate, the City Bar Fund, has been renamed the City Bar Justice Center and will be using a new logo. The Center has evolved from when it accepted its first pro bono case in 1986 in the area of immigration law to an organization that reached 23,000 disadvantaged New Yorkers last year. The Center now has a staff of 25 and a pool of 2,000 volunteer lawyers who focus on three areas: immigrant justice, economic justice and family justice. Its clients include immigrants, domestic violence victims, the elderly, the homeless, cancer survivors, debt-ridden consumers and struggling small-business owners. The Justice Center also operates one of the busiest legal hotlines in the city, providing information and advice to those who have nowhere else to turn.

For the past 7 years, Executive Director Maria Imperial has been at the helm of the Center. Under her leadership the Center has expanded its effort to meet the ever growing legal needs of poor New Yorkers through a variety of new initiatives, including most recently the development of a pro bono bankruptcy project. The Editors of the Forty-Fourth Street CONTINUED ON PAGE 7
**MESSAGE FROM THE EDITOR:**

Last year we embarked on a complete redesign of the Forty-Fourth Street Notes. We hope you found it easier to read, better organized and more importantly, more compelling. But that was just the beginning of changes to come intended to improve communication to our membership. As you can see from the current issue, design changes continue, and include the official debut of our new logo. The new logo reflects our rich tradition and our modern outlook and focus on serving the public and the profession in the 21st century.

In addition, we must acknowledge that the name “The Association of the Bar of the City of New York” is simply too long and cumbersome. As we are most frequently called “the New York City Bar,” we have decided to utilize that as part of our new logo. The Notes continue to be a work in progress, and we appreciate your comments, good or bad. Please feel free to contact me with your ideas at jbigelsen@nycbar.org.

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**Professional Development**

**INNOVATIVE PROFESSIONAL DEVELOPMENT WORKSHOPS LAUNCHED**

This month the New York City Bar is rolling out an innovative and exciting training initiative for mid-level associates.

Distinguished consultants in the areas of law practice management, client relations, communication strategies and career development will facilitate eight monthly Professional Development Breakfast Workshops. These CLE-accredited workshops are designed to provide invaluable tools for career advancement and give attorneys in their 3rd - 6th years of practice a critical edge as they move up in their firms or into in-house legal departments or other opportunities in law. Workshops will be free to members and attorneys from sponsoring law firms and $45 per workshop for non-members.

“From the beginning we recognized that mid-level associates are often underserved in the areas of management and professional skills training,” said City Bar President Betsy Plevan. “In a few years, these attorneys will be partners and general counsel. We recognize the critical importance training will play in enabling them to take on these leadership roles. And as leaders in the legal community, it is only appropriate that we play a key role in forging the future of the profession.”

“In developing these programs, we reached out to the law firm professional development community to help define the programs that would fit their attorneys’ needs best and to identify consultants best suited to facilitate this training effort,” she said. “We’ve received overwhelmingly enthusiastic responses from law firms in the city and are delighted to have so many firms formally supporting this endeavor.” Law firms who sponsor the workshop series may send their associates to the program free of charge. A list of sponsors who have signed up thus far appears on page 3. Law firms that are interested in supporting these workshops or want additional information may contact Adele Lemleek at 212-382-6685 or alemleek@nycbar.org.

The complete roster of 2005-2006 programs appears on page 3. Registration is required. Interested associates can register at www.nycbar.org or by calling 212-382-6662 or 212-382-6663.

Any individual attorneys or law firms who would like to know more about the on-going Professional Development Workshops should call the New York City Bar at 212-382-6662.
PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS FOR MID-LEVEL ASSOCIATES

Tuesday, September 20 8:30-10:00 a.m.
ACHIEVING PROFESSIONAL SUCCESS AND SATISFACTION
Take a look back and a look forward, assess your short-, mid- and long-term professional — and personal — goals, and develop strategies to obtain those goals and have career success and satisfaction.
Sue Munch, Shannon & Munch L.L.P.

Wednesday, November 2 8:30-10:00 a.m.
EFFECTIVE COMMUNICATION STRATEGIES
Enhance your listening skills and ability to establish rapport and better assess clients’ perspectives and goals. Increase your presentation effectiveness to generate confidence and communicate knowledge clearly, instilling trust.
Jay Sullivan, Exec/Comm

Tuesday, December 6 8:30-10:00 a.m.
THE BUSINESS OF LAW
This workshop will provide a background on the fundamental business principles of private practice, insight into client needs and demands and an analysis of economic forces which you can use to analyze pathways to partnership or practice outside of the law firm arena.
Donna M. Hirsch, Gnosis Advisors

Wednesday, January 25 8:30-10:00 a.m.
ATTAINING EXCELLENCE IN MANAGEMENT: SUPERVISION, DELEGATION AND FEEDBACK
Develop management skills important in all facets of professional life, including techniques for allocating work, providing guidance and constructive criticism, rewarding work well done, and encouraging excellence.
Dr. Saletta Boni, Leadership Consulting Associates

Tuesday, February 28 8:30-10:00 a.m.
ESTABLISHING STRATEGIC ALLIANCES
Networking is the art of establishing and cultivating strategic alliances. Learn the “rules of engagement”: ways to develop a wide variety of professional contacts and seek mutually beneficial goals, while functioning within proper business and social protocols.
Mary R. Crane, Mary Crane & Associates

Thursday, March 23 8:30-10:00 a.m.
PROJECT LEADERSHIP
Learn techniques to manage major matters expertly, establish priorities, allocate work, and use resources efficiently. Build skills to collaborate with and lead your practice team effectively, regardless of your practice area.
David Cruickshank, The Continuing Professional Education Institute

Tuesday, April 25 8:30-10:00 a.m.
GETTING INTO THE SPOTLIGHT: INCREASING YOUR EXPOSURE AND AUTHORITY WITHIN (AND OUTSIDE) THE FIRM
Build your credibility, promote your expertise, get the “right” assignments and work with those who will support and promote you, generate confidence and command the respect of clients and other lawyers.
M.J. Tocco, Trial Run, Inc.

Thursday, May 25 8:30-10:00 a.m.
DEVELOPING PROFESSIONAL AND CLIENT RELATIONSHIPS
Develop, maintain and enhance relationships with colleagues in the legal community and your “clients”: firm management, practice group partners, and business executives of the firm’s clients with whom you work.
Timothy G. Leishman, Leishman Performance Strategy, Inc.

CLE Credit: Each workshop will provide 1-1/2 credits in skills or professional practice/practice management. The workshops will not provide transitional credit for newly admitted attorneys. To register, please visit www.nycbar.org or call (212) 382-6662/6663.

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Kelley Drye & Warren LLP
King & Spalding LLP
LeBoeuf, Lamb, Greene & MacRae LLP
Patterson Belknap Webb & Tyler LLP
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Pillsbury Winthrop Shaw Pittman LLP
Proskauer Rose LLP
Schulte Roth & Zabel LLP
Shearman & Sterling LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Weil, Gotshal & Manges LLP
Wilmer Cutler Pickering Hale and Dorr LLP

CLE SAVE THE DATE

MGM v. Grokster: The Recent Supreme Court Decision & The Future of the Music & Entertainment Industry

Wednesday, October 26
6-8:30 p.m.
2½ CLE Credits
For more information or to register please call (212) 382-6663.

www.nycbar.org
Positions and Policies

2005
ALBANY
WRAP-UP

The 2005 session of the New York State Legislature was marked not only by the first on-time budget in 21 years, but by the passage of several bills that were either drafted by or strongly supported by City Bar committees. Some of these efforts were initiated just this year while, with others, committees succeeded in breaking decade-long logjams on stalled legislation.

Seven bills that were supported by City Bar committees passed both houses of the Legislature and await the Governor’s signature. If signed by the Governor, they will accomplish the following:

- The International Commercial Disputes Committee worked in record time, writing its own legislation, finding sponsors to introduce the bill and having it passed by both houses of the Legislature all in one session. S4837/A28296 corrects an anomaly in the law that prohibits preliminary relief in arbitration proceedings in New York courts when there is a foreign party. This legislation will allow New York to join almost every other jurisdiction in offering this preliminary relief, thereby making our state a more suitable jurisdiction for arbitrating international disputes.
- The Government Ethics Committee has long sought regulation of the masses of people who lobby state agencies for contracts worth millions of dollars. To ensure that contracts are given to the most qualified and not those solely with the funds to curry influence with the contract grantors, the Association supported the reporting requirements in A8964/S5873. This legislation will require lobbyists to report their lobbying of state agencies and permit them to contact only designated personnel.

The City Bar also supported the provisions in A8964/S5873 that extend the ban on contingent fee lobbying to the municipal as well as the state level. The legislation also will increase the monetary threshold that must be spent before being required to register with the Lobbying Commission (from $2,000 to $5,000). This was supported by the committee so that an ordinary citizen’s communication with government in the regular course of business is not captured in the definition of lobbying.

- The Government Ethics Committee also urged passage of A4975/S5348, which will close a loophole that allows state employees subject to disciplinary action to escape accountability by simply resigning and leaving the state’s payroll. Over 40 investigations by the state’s Ethics Commission have been derailed due to lack of jurisdiction once the subject of the case left state employment for the private sector.
- A7822/S5238 Non-Profit Dissolutions: Current law requires many nonprofits to go to court twice when dissolving. However, nonprofits often don’t have the resources for this complicated process and end up ignoring it altogether. This leaves board members subject to later liability and the state with an inaccurate register of nonprofits. The City Bar’s Non-Profit Organizations Committee coordinated an energized advocacy effort with nonprofits throughout the state to urge passage of this bill, which had been stalled in the Legislature for years. The legislation will simplify the dissolution process and allow more nonprofits to file paperwork in lieu of court appearances.
- The Estate and Gift Taxation Committee advocated for A7254/S3441, which clarifies existing law to ensure that a trustee is allowed to pay income taxes charged to the creator from the principal of a trust without the trust being included in the creator’s estate for federal income tax purposes.
- The Trusts, Estates and Surrogate’s Courts Committee has been a longtime supporter of S1396/A5770, which will allow owners of securities to name death beneficiaries. This allows a more sensible alternative to the frequently used joint tenancy form of title, for people wishing to make a nonprobate transfer of securities upon death.
- The Civil Court Committee urged passage of S4854/A7255 which will require that an action in NYC Civil Court be commenced only once an index number has been purchased. This will eliminate the uncertainty and delay that result when defendants are served with a complaint and must take affirmative steps to ascertain the index number.

In addition, the Sex and the Law Committee offered strong support to the “Unintended Pregnancy Prevention Act,” A116/S3661, which would have authorized nurses and pharmacists to dispense emergency contraception under certain conditions. Governor Pataki has vetoed this bill. Because this Act would have enabled more women to obtain safe and effective treatment for preventing unwanted pregnancies, thereby decreasing the number of abortions and unwanted pregnancies in New York State, the Committee will continue to work to enact legislation to accomplish these goals.

Despite some satisfying successes, there is still much work to be done. While the Legislature came close to passing several bills that would protect New York’s animals and were supported by our Legal Issues Pertaining to Animals Committee, in the end, passage was blocked. We will continue to seek passage next session. In addition, no-fault divorce, mental health parity, further reforming the Rockefeller drug laws, ensuring proper due process for immigrant criminal defendants and opposing unnecessary tort reform will be at the center of the Association’s agenda again next session. The Legislative Affairs Department looks forward to working with our committees to achieve another successful session in 2006.
Positions and Policies

THE NEED FOR A 'FEDERAL SHIELD LAW' TO PROTECT REPORTERS' SOURCES

The editors of Forty-Fourth Street Notes sat down with David A. Schulz, chair of the Association’s Communications and Media Law Committee, to get his perspective on the recent federal court rulings requiring that reporters disclose the names of confidential sources — a long-standing privilege that virtually all states extend through a so-called state “shield law.” The jailing of New York Times reporter Judith Miller this summer has helped bring this subject to a new level of heated debate in Washington.

The Association has expressed its firm support for a bill now before Congress that calls for a “federal shield law.” The bill (H.R. 581/S. 340) is referred to as the “Free Flow of Information Act,” and also known as the “Pence-Lugar Bill.” Briefly, this bill would allow testimony to be compelled from a journalist, except for the identification of confidential sources, where essential to a significant legal issue in the case and where the information is not available through alternative means.


What is your concern with regard to recent federal court decisions regarding reporters who attempt to assert the privilege?

What makes the current situation disturbing is the lack of recognition in recent court rulings that a free press requires a little “breathing room” from government scrutiny. Without some legal protection for the confidentiality of conversations with reporters, important sources of news will simply dry up. Democracy itself will suffer.

Journalists regularly depend on anonymous sources to report important stories on the operation of government and other matters of public concern. In recent examination of some 10,000 news reports concluded that fully 13 percent of front-page newspaper articles relied on anonymous sources. Yet, in recent years three different courts of appeals affirmed contempt citations issued to reporters who declined to reveal confidential sources, each imposing prison sentences more severe than any previously known to have been entered against a journalist in America.

Decisions such as these have also encouraged private litigants in federal courts to demand confidential source information from reporters. In one pending civil suit, five reporters have been held in contempt of court and subject to fines of $500 per day each for declining to reveal their confidential sources of information in a Privacy Act lawsuit.

What protections do state “shield laws” offer journalists?

Nearly all states have “shield laws,” which create statutory protections that limit the circumstances in which a reporter can be compelled to disclose information learned in the course of gathering the news. All state shield laws create some level of protection for confidential information of the type at issue in the Miller/Cooper case, and many also protect non-confidential information developed by a reporter if it has not been published. The level of protection afforded to confidential information varies from state to state. About half the shield laws are absolute, meaning that a reporter can never be required to turn over confidential source information. Others provide a qualified protection that can be overcome if a strict standard is satisfied.

The uncertain state of the privilege in federal courts frustrates the effectiveness of the states’ laws. Any promise of confidentiality protected by the states is rendered ineffective if the source’s identity could nonetheless be compelled through a federal subpoena.

Even without a federal shield law, why weren’t reporters Miller and Cooper protected by the First Amendment?

The District of Columbia courts said Miller and Cooper were not protected under the First Amendment because they were potentially eyewitnesses to a crime and had been called to testify before a grand jury. These are the very same circumstances as an often cited 1972 U.S. Supreme Court Case, Branzburg v. Hayes, in which the Court ruled that reporters were not exempt from appearing before a grand jury and disclosing information received in confidence. Because of the similarity in facts between Branzburg and the current case, today’s lower courts had few options.

What protections do reporters have in a federal court today, especially when there is no federal shield law in place?

Even though the Branzburg Court refused to recognize a constitutional privilege for a reporter called before a grand jury, Justice Powell’s concurring opinion limited the scope of that holding. He stated that “[t]he Court does not hold that newsmen, subpoenaed to testify before a grand jury, are without constitutional rights with respect to the gathering of news or in safeguarding their sources,” and that journalists would have access to the courts “where legitimate First Amendment interests require protections.” Until recently, most courts seemed to agree with Justice Powell that important societal interests are served by protecting a reporter’s newsgathering activities. Federal courts in almost every circuit have recognized a qualified reporters’ privilege, requiring balancing of interests when compulsory process is used to obtain evidence from the press.

Many journalists argue that the Supreme Court’s refusal to hear these cases suggests that federal shield protection is needed now more than ever. Is this the primary reason, or are there other reasons?

A shield law is needed now because several federal courts have been cutting back on the privilege that was widely recognized after Branzburg. The Supreme Court’s failure to take the Miller/Cooper case should not be seen to endorse these views, but its failure to stem the tide makes action by Congress more urgent.

www.nycbar.org
Nominating Committee Request

The Nominating Committee of the Association solicits your suggestions for candidates for the following offices and committee memberships for terms commencing May 2006.

- President
- Three Vice Presidents
- Secretary
- Treasurer
- Four Members of the Executive Committee (Class of 2010)
- Five Members of the Audit Committee

Please submit your suggestions to any member of the Committee on or before September 23, 2005. The members of the Nominating Committee are as follows:

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CONTINUED FROM PAGE 1

Notes took this opportunity to sit down with Maria to get an inside look at the new vision for the Center.

**Why are you changing the name to the “City Bar Justice Center?”**

We have wanted to change the name for quite some time because we realized that our name was confusing to the public. For example, we occasionally had people asking for money, thinking we were a “fund.” We needed a name that more clearly stated our mission of providing access to justice. The City Bar Justice Center is clear. The “City Bar” affirms the connection to the Association, while “Justice” encompasses our pro bono and public service efforts, including our international initiatives.

**The City Bar Justice Center is also releasing a new logo to go with the name change, can you tell us about that?**

As you can see from the logo on this page, it’s vibrant and fresh. We wanted something that both depicted our long-standing sense of tradition but also had a modern energy that emphasizes our commitment to serving the legal needs of today’s New Yorkers. I am pleased with the new logo and think it accomplishes both those goals.

**I understand that the new name and logo are just one component of the initiatives at the Center. Will there be any change to substantive work or policy?**

Absolutely. As we were deciding the name change, we also evaluated much of our current work to see if past experience was leading us toward new directions. We realized that we have a powerful resource in our connection to the New York City Bar, which has the ability to bring together lawyers, law firms, law schools, court personnel and the judiciary. We saw the enormity of that power after September 11th when we were the hub of the wheel for the outpouring of legal help.

But we would be wasting an opportunity if communication among members of the legal services community was reserved for tragedies such as September 11th. So we will expand our role as the central meeting place where participants from across the legal community can work to maximize each other’s efforts. In November we convened a meeting with legal service providers, social service agencies and the courts to discuss ways to address the enormous unmet needs of all our clients. In September we will hold a similar meeting, but this time addressing the needs of limited English clients, focusing on the new immigrant groups coming to the city.

A second initiative is to expand our efforts to shape public policy. We know that what makes us different from other legal services providers is our relationship to the City Bar. And it would be another missed opportunity if we didn’t capitalize on that relationship by working more closely with City Bar committees and the Legislative Affairs Department in their efforts to shape public policy. The Center’s attorneys’ day-to-day experience working on the ground gives them insight into the true policy needs of our clients. That insight combined with the commanding voice of the City Bar has enormous potential to shape public policy for the benefit of low-income New Yorkers.

The success of the Center depends a large part on the work of our over 2,000 dedicated volunteer attorneys. If you are interested in learning more about the City Bar Justice Center, contributing to our work, or volunteering in any of our pro bono projects, please visit our Website at www.citybarjusticecenter.org or call (212) 382-6629.

**VOLUNTEER OPPORTUNITIES**

**Volunteers Sought for Monday Night LAW**

The Monday Night Legal Advisory Workshop (LAW), which begins its 15th year in September, is seeking volunteer attorneys. Monday Night LAW is designed to address the public’s ever-increasing need for affordable and accessible legal assistance by having about a dozen 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. The attorneys do not take any cases, 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 2005, through August 2006, at the Association. Volunteers also must attend two three-hour training seminars, which will be held on Sept. 12 and Sept. 19, 2005. No prior experience in the topics covered is necessary, but volunteers must have been admitted to practice for a minimum of two years. CLE credit will be available to those completing the requirements for both the live training and for the clinic. For information or an application to participate, please provide a street-mail or e-mail address to the Legal Referral Service at lrs@abcdnj.org; if E-mail is unavailable, please call LRS at (212) 382-6715.

**Mentoring Foster Children—Learn More on September 22**

The Council on Children, in partnership with the Children’s Services Central Mentoring Office, will hold a program to inspire and enlist attorneys to serve as mentors to New York City foster teens, on Thursday, September 22nd, at 6:00 p.m., at the City Bar.

Experts agree that consistent, caring adult mentors can make a difference in the lives of “at risk” youth. School attendance will improve. Dropout rates will decline. Self-esteem and self-confidence will improve, along with the ability to resolve conflicts and reduce aggressive behavior. Youth will develop new aspirations, skills, and interests and their sense of community and connectedness will increase.

At the September 22nd program, foster youth and representatives from the Graham-Windham child welfare agency and Mentoring U.S.A. and the City’s Administration for Children’s Services will discuss the needs of these youth and the structured programs they offer for mentors who wish to volunteer their assistance to young persons in foster care who are on waiting lists citywide for mentors.

For more information on this mentoring program or on the September 22nd event, contact Cathleen Clements at (212) 358-8930 or cathleen@childrenssaidssociety.org.

www.nycbar.org
Association's South African Lawyer Program Enters Its Fourth Year

The City Bar’s Visiting Lawyer Program, begun in 2003, brings South African lawyers to New York year-long fellowships at law firms and corporate law departments. Participants are selected by a panel of lawyers from South Africa and New York. From left: Masi Mathai, a participant in the 2003-2004 program, joined Loretta Lynch (Hogan & Hartson), Joan Vermeulen (Director Vance Center), Sandile Ngobobo (Justice of the South African Constitutional Court), Conrad Harper (past City Bar President), Shamillah Grimwood (White & Case) and Tawell Papier (Sennenberg Hoffmann Galombik) to select participants for 2005-2006. Participants will be honored at a reception at the City Bar on September 29. For more information on the Visiting Lawyer Program, contact the Vance Center for International Justice Initiatives at vance@nycbar.org.

Health Savings Accounts

A new savings plan that helps you pay your healthcare costs!

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Healing Lives Through
The Lawyer Assistance Program

Lawyers are wonderful problem solvers. They believe that no problem is too large or challenge too great if you apply your keen intellect and law school training. When it comes to alcohol or drug abuse, however, these strengths can actually perpetuate the problem.

When announcing the creation of the Lawyer Assistance Trust in 2001, Chief Judge Judith Kaye spoke about "the significant problem of alcohol and substance abuse in the legal profession, causing enormous personal suffering to those who are afflicted, their family and their professional colleagues. These diseases also pose obvious risks to clients and to the public's trust and confidence in the legal profession."

"Rob," a recovering attorney in private practice and volunteer for the Lawyer Assistance Program, tells his story of progression and renewal.

"I loved the feeling I got from my first drink (and drunk) at age 8 and spent the next 25 years chasing that feeling. I was arrested in college for drug possession, and while in jail swore that I would never use again. That oath lasted about 4 hours.

In law school, I gravitated to people who used the way I did. My drinking and drug use increased, but I was still able to do well so I didn't think I had a problem. After graduation, my drinking accelerated. I began my own practice, and as my own boss, I could stop at a bar and have a drink whenever I wanted to, and that was often. My drug use increased as well, and I started spending a good deal of money to support my cocaine use. When my money ran out, I started to borrow from my escrow, believing the lie that I would pay it back the next day. While I knew it was conversion, my mind refused to recognize it.

Many people tried to reach out to me, but I blew them off. In May of 1985, my wife got me to a counselor, who I lied to about my drinking and drug use. She suggested that I go to treatment in order to break the cycle of abuse and build a firm foundation for recovery. I told her I couldn't because I had business to take care of--business, a typical excuse lawyers use.

Just before that meeting, I was notified that I was suspended for failure to answer complaints from the disciplinary committee. I continued to use until a month later, when I had a feeling that if I didn't stop, I would die. I drove myself to a treatment center in Minnesota.

When the fog began to lift, I realized what I had been doing to myself, my family and my clients. While in treatment, I was indicted for forgery and grand larceny. I was allowed to return to treatment after the indictment. Knowing what I was going to lose in the future--my career and possibly my freedom--I learned that no matter what, I needed to stay clean and sober and I would be able to handle the rest.

When I returned to NY, I pled guilty to the top counts of my indictments. I was spared jail time and received five years probation. I was disbarred on the felony conviction. I continued to stay sober, attending AA meetings regularly. I had the support of the AA program I had rejected for so many years. Treatment and AA taught me to take full responsibility for my addiction, not to blame anyone else. In the mid-1990's, I made inquiries about being reinstated to the Bar. I started to pay back the state fund what it had reimbursed my clients. I completed the payments in 2000, and had my first hearing with the Appellate Division. After two days of hearing, with many people testifying on my behalf, I was readmitted.

After this journey, I felt I owed the profession for the disrespect I brought while still an active addict and alcoholic. I started to attend the lawyers AA meeting held at the City Bar. I have been sober and drug free for twenty years. My involvement with the Lawyer Assistance Program has become the focus of my volunteer work. I never say no to another attorney in need.

Hon. Sarah L. Krauss, a Supreme Court Justice in Brooklyn and Chair of the Brooklyn Bar Association Lawyers Committee and the new Chair of the New York State Bar's Committee on Alcohol and Substance Abuse, is a firm believer in spreading the word about recovery.

"While I usually drank until I was drunk and often did things that I was ashamed of, at the beginning, drinking was still fun and thrilling.

When my marriage ended, I was raising my daughter alone, and curiously, I found I had a drive, a desire to achieve and an ambition to succeed. I went back to college and graduated magna cum laude and was accepted into law school. I began working full-time, taking evening classes and caring for my child. I was a disciplined and motivated superwoman.

But in spite of my success, I continued to drink. Now I drank to relax and relieve the stress of constant studying and working. I was single and deserved to have fun. So what if I was occasionally hung over and short-tempered at work? So what if I stumbled home after midnight leaving my sister to care for my daughter? I was going to be a lawyer. I was a woman on fire.

After law school, I moved to New York City. I had a number of city jobs, including working for a Supreme Court Justice in Brooklyn. I thought a new relationship would help me get a grip on my drinking, but that didn't happen. I have learned since that you, as well as the people around you, can't control alcohol; it controls you. Friends and colleagues started to suggest that I might have a drinking problem. My solution to that was to swiftly cut those people out of my life. I replaced them with new friends who drank like me.

Things continued to worsen. Now more and more people were telling me I had a problem. I stopped drinking in public. I spent more time alone, at home. Alcoholism is often referred to as 'a disease of isolation.'

Now I couldn't stop. I was addicted. The years it took to finally stop drinking wreaked havoc on my life. My daughter left home at 20 and moved across the country to escape. I was asked to leave one job. Then another. At another, I managed to work fairly steadily, but my behavior was such that people, like my daughter, kept their distance. Finally, at my sister's insistence, I agreed to enter a five-day detox, followed by a month of inpatient rehabilitation.

When I returned to my job, my boss was hesitant to keep me on. He did, but his reluctance fueled my desire to stop for good. It has been 23 years since I had a drink. My life now is unrecognizable from the old one. My recovery process has not only put me back on track, but I have healed...
and grown far beyond anything I could have imagined in an alcoholic haze. I have a close, loving relationship with my daughter and sober, caring friends.

In recovery, I have become active in bar activities. Working with the New York State Bar’s Committee on Alcohol and Substance Abuse has given me the opportunity to help others in our profession who suffer from the disease of addiction. In 1994, I decided to run for the Civil Court bench as an underdog. To say that the experience of recovery gave me the courage and strength to do this is an understatement.

We alcoholics learn, as an essential part of our recovery, to put in the effort and let go of the results. In November of 1994, I won the election. I can only hope that reading this personal story of my alcohol abuse and subsequent recovery, will encourage someone to reach out for help for himself or herself or for another lawyer in trouble. The risks I faced in writing such a public account will be more than worth it if one life is saved as a result of reading about my journey.”

NYC Lawyer Assistance Program

For attorneys and their families with alcohol and drug abuse problems, starting on the road to recovery can seem daunting. Even when that person admits to the problem and has a sincere desire to overcome it, there are many issues to consider. “Where do I go for help?” “How much will it cost?” “What do I tell the firm?” “Will my confidentiality be protected?”

The New York City Lawyer Assistance Program (NYC LAP) offering free, confidential assistance, can help lawyers and their families find the appropriate resources and obtain access to treatment. Volunteers, like Rob and Judge Krauss, are role models of recovery, providing peer support and encouragement.

NYC LAP and the City Bar’s Committee on Alcoholism and Substance Abuse work together with the New York Lawyer Assistance Trust and other bar association LAPS and committees around the state to educate the legal profession about alcohol, substance abuse, depression and the subsequent impairment they cause. The most important message we want to convey is that these problems are treatable! And there is a high rate of recovery among professionals.

The Substance Abuse and Mental Health Services Administration (SAMHSA), a program of the U.S. Department of Health and Human Services, is celebrating the 16th annual National Alcohol and Drug Addiction Recovery Month in September, 2005. This year’s recovery month theme is: "Join the Voices of Recovery: Healing Lives, Families and Communities."

The Lawyer Assistance Program “joins the voices” by:

- Assessing and referring lawyers, judges, law students and their families to treatment services so they can begin their path to recovery
- Accepting every opportunity to speak to the bar and bench about the devastating effects of addiction

If you, or someone you know needs help, make a confidential call to Eileen Travis, Director of NYC LAP: 212-302-5787.

www.nycbar.org
COMMITTEE REPORTS

Bankruptcy & Corporate Reorganization
Letter to Congress expressing opposition to the Bankruptcy Venue Bill. The legislation would require that all corporate bankruptcy cases be filed in the jurisdiction where a company (or the parent company of a corporate family) is physically headquartered or has its principal assets, requiring courts to ignore more important considerations such as the location of principal operating subsidiaries, the interests of justice or the convenience of the parties who actually need to and will appear during the proceedings to protect their interests, and the state of incorporation. The letter argues that the Venue Bill is misguided and would create material harm and in many cases place substantial expenses on creditors and debtors.

Civil Rights
Sex and Law
Memorandum urging the New York City Council to enact Int. No. 305 which would amend the City’s Human Rights Law to prohibit housing discrimination against actual or perceived victims of domestic violence, sex offenses or stalking. The legislation would also permit these victims to terminate their current leases, allowing them to flee the violence and move to a confidential location.

Copyright & Literary Property
Letter to the U.S. Copyright Office commenting on the Office’s January 21, 2005 Notice of Inquiry regarding the problem of orphan works. The letter notes that orphan works present a genuine problem and that any solution should accomplish several objectives including: substantially lessening the risk for those who seek to make use of orphan works; imposing the least possible burden on both users and copyright owners; complying with the international obligations of the U.S. to avoid imposing formalities as a precondition of copyright protection; requiring the least possible intervention by the courts and the Copyright Office; and avoiding the creation of “traps for the unwary” which could disadvantage individual authors.

Domestic Violence
Sex & Law
Letter to the New York City Housing Authority (NYCHA) urging the NYCHA to continue and strengthen its efforts to ensure that its policies most effectively help battered women seek and maintain safety. The letter emphasizes three policy recommendations that can substantially advance victims’ safety: recognizing a range of documentation rather than requiring police reports or orders of protection to establish abuse; ensuring that any policy for transfer does not arbitrarily require victims to move or to prevent them from moving to an area in which they will likely be safe from their abuser; and ensuring that eviction policies do not discriminate against domestic violence victims because of their victimization.

Energy
Environmental Law
Letter to New York City Council Speaker Gifford Miller expressing support for proposed legislation currently before the City Council concerning energy efficiency and green building design. The letter also makes some recommendations as to how the legislation could be improved.

Estate & Gift Taxation
Personal Income Taxation
Trusts, Estates & Surrogate’s Courts
Report expresses concerns with the U.S. Treasury Department’s proposed Circular 230 Regulations. The report concludes that Circular 230 places unwarranted restrictions on routine written tax advice and that such restrictions would likely increase substantially the cost of providing such advice to clients and establish a norm in tax practice where legends are routinely employed to elect out of the covered opinion rules so long as the advice does not pertain to principal purpose transactions or listed transactions.

Follow-up report providing supplemental comments to the U.S. Treasury Department’s final proposed Circular 230 Regulation. Although the report acknowledges the changes made by the Treasury Department in response to practitioner comments it argues that the Circular continues to place unwarranted restriction on routine written tax advice.

Financial Reporting
Securities Regulation
Letter to the Public Company Accounting Oversight Board (PCAOB) commenting on the PCAOB’s proposed Auditing Standard — Reporting on the Elimination of a Material Weakness. The letter supports in general the PCAOB’s objective of establishing requirements and providing direction that apply when an auditor is engaged to report on the elimination of a material weakness in internal control over financial reporting and suggests certain select revisions for consideration by the PCAOB.

Futures Regulation
Letter to the Members of the North American Securities Administrators providing various comments to the proposed revisions to the NASAA Statement of Policy on the Registration of Commodity Pool Programs.

International Commercial Disputes
Lack of Jurisdiction and Forum Non Conveniens as “Defenses to the Enforcement of Foreign Arbitral Awards” addresses decisions by U.S. courts that have used lack of jurisdiction and forum non conveniens as bases for denying enforcement of foreign arbitral awards though Conventions governing recognition and enforcement of those awards do not provide these grounds as bases for denying enforcement. The Committee believes jurisdiction should be required for enforcement, and that the presence of the debtor’s property in the state, even if not connected with the underlying claim, should be sufficient. However, forum non conveniens should not be a ground for dismissing an action to confirm or enforce an award.

International Law
Letter to the leader of the Senate Judiciary Committee regarding the President’s nomination of William J. Haynes’ II to a seat on the U.S. Court of Appeals, Fourth Circuit. Although the letter does not take a position with regard to Mr. Haynes’ nomination, it expresses concerns with regard to his actions as General Counsel to the Department of Defense regarding government memoranda purporting to provide a legal basis for the government’s detainee interrogation procedures. The letter urges the Senate
Judiciary Committee to take these concerns into account during its review process of Mr. Haynes.

**Investment Management Regulation**

Letter to the SEC urging the Commission to provide greater written guidance, through the public rulemaking process, on the obligation of investment advisers to retain and produce e-mail. The letter expresses serious concerns about how the Commission and its staff have used the inspection and enforcement process to implement Rule 204-2 under the Investment Advisers Act in relation to e-mail. Rule 204-2 requires advisers to retain certain records and communications and over the last several years the SEC staff has informally interpreted the rule to apply to e-mail and in doing so have created ambiguities regarding an adviser's obligations to store and produce e-mail.

**Legal Issues Pertaining to Animals**

Memorandum supporting S.2517/A.1280, which would amend section 96-B of the State Agriculture and Markets Law to provide for the mandatory revocation of licenses of operators of slaughterhouses upon the failure of three consecutive sanitary inspections. This legislation would reduce animal cruelty by encouraging compliance with regulations that promote animal health and well-being.

Memorandum opposing S. 3330-A/A. 6212-A, which would amend the Agriculture and Markets Law, in relation to making it unlawful to force feed birds under certain circumstances. The bill seeks to end the inhumane practice of force-feeding ducks and geese to enlarge their livers. As the bill explains, force-feeding "is the sole method employed in the production of pate de foie gras." Though the Committee supports the premise of the bill, they object to the unreasonably long implementation period of 11 years.

**Lesbian, Gay, Bisexual and Transgender Rights**

Letter to New York City Department of Health urging the adoption of a standard that would allow individuals to change their sex designation on a birth certificate if their medical provider makes the determination that sex-reassignment care has been completed.

**Mergers, Acquisitions & Corporate Control Contests**

Letter to the SEC commenting on the proposed rule: Use of Form S-8 and Form 8-K by Shell Companies. The letter summarized the Committee's primary areas of concern, and proposed changes in the instructions to Form S-8 that would address those concerns.

**Real Property Law**

Memorandum opposing S.4744/A.7667, which would protect innocent homeowners from the loss of their homes as a result of certain predatory practices. While the letter supports the intent of the legislation, it raises a number of concerns about the effect the legislation would have on innocent home buyers and urges the Legislature to defer consideration of the legislation until the next legislative session.

**Science and Law**

"Are Your Thoughts Your Own? 'Neuroprivacy' and the Legal Implications of Brain Imaging" looks at potential legal questions within the context of existing brain imaging technology, applications and protections. The report summarizes current technologies and the reliability of these technologies. Also addressed are the potential applications of the technology and some of the legal implications as well as the existing protections. The report notes that existing laws provide only a limited framework by which to protect the privacy of persons who are subjected to brain imaging to ascertain the veracity of their testimony or to determine their personal preferences and biases, and that although the use of brain imaging for these purposes is not yet widespread, policy makers and legislators should address these issues prospectively.

**Social Welfare Law**

Memorandum supporting the passage of two bills S.4349/A.7486 and A.7639, intended to extend and expand the New York State Food Assistance Program (FAP), which is set to expire in September 2005. FAP provides food assistance to hungry immigrants who are either elderly or victims of domestic violence and who would otherwise be ineligible for the Federal Food Stamp Program. A.7486/S.4349 would reauthorize FAP, while A.7639 would expand it by removing the 1996 residency requirement for the program. The memorandum argues that the expansion, along with reauthorization of the program, would go a long way toward restoring FAP to its intended purpose of meeting the nutritional needs of immigrants until they become eligible for regular food stamps.

**Tort Litigation**

Memorandum opposing the proposed federal medical malpractice reform legislation H.R.534/S.354. H.R.534/S.354 would impose, among other limits, an artificial cap on non-economic damages recoverable in medical malpractice actions, thus denying thousands of victims of medical negligence, especially women, children, the elderly and low-income people reasonable and necessary compensation. The legislation would also enact sweeping preemption of state laws in areas of local responsibility that have been subject to state autonomy for over two hundred years while doing nothing to cap insurance premiums or reduce the high incidence of serious medical errors.
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COMMITTEES SEEKING NEW MEMBERS

A number of City Bar committees are seeking new members. These committees represent the diversity of the Association’s interests, and provide good opportunities to address important legal and public policy issues. If you are interested in joining one of the following committees, please contact the committee chair.

The Administrative Law Committee has jurisdiction over the range of administrative law and procedure. In the past year, focusing on New York City issues, it participated in the public comment on New York City Charter Revision dealing with New York City Administrative Law Judges, hosted a Meeting Hall discussion, “Doing Business With the City of New York,” with participation of several City Commissioners, and held a CLE program on administrative law. In the coming year, the committee plans to look at European Union Administrative Law and continue its involvement in local administrative law issues. To apply, contact the chair, Elaine Reiss, at elaine-reiss@hotmail.com

Were you in shows in high school or a member of the drama club? Do you write music, or lyrics or plays? Are you interested in producing? Do you love theater? Then the Entertainment Committee wants you! For over 50 years, the Committee has been presenting original plays and shows on the City Bar stage, including the biennial Twelfth Night, a musical extravaganza honoring a distinguished member of the bench or bar, as well as other events, such as Lawyers’ Talent Night and plays and operettas performed by professional NYC theater companies. Join us as we prepare for our 47th Twelfth Night in January 2006, honoring Court of Appeals Judge Carmen Ciparick, and meet other Association members with interests similar to yours. To apply, contact the chair, Martha Cohen Sune, at mstine@chblaw.com or (212) 512-0810

The International Security Affairs Committee covers a broad range of international security issues of a legal and political nature. This includes regional conflicts, global threats of terrorism and proliferation of weapons of mass destruction, and non-military threats to international security such as failed states, genocide and refugees. We engage with policy experts, diplomats and U.S. government officials to better inform ourselves and the community on these subjects. To apply, contact the chair, Nicole Deller, at deller@wolfs.org or (212) 473-2893.

The Legal History Committee promotes the awareness of legal history and the interest in it. To this end, the committee produces programs for the public and bar on legal historical topics. Recent programs included a panel discussion of how Alexander Hamilton’s experience as a lawyer influenced his views on the constitution, a film and panel discussion on the Army-McCarthy hearings, and a reenactment of the oral argument in the Supreme Court in Brown v. Board of Education to commemorate the fiftieth anniversary of that case. No particular historical credentials are required for membership. New members need only an interest and enthusiasm for legal history. To apply, contact the chair, Tom Ross, at ross@brooklynda.org or (718) 250-2000.

The Committee on Legal Services for Persons of Moderate Means considers ways to increase the availability of legal services to persons who usually work and do not qualify for legal services, but cannot afford an attorney. The Committee’s primary focus has been the Monday Night Law Advisory Workshop, where volunteer attorneys counsel clients in the areas of housing, family, employment, bankruptcy and consumer law. In addition to this very successful program, the committee sponsors public seminars, including seminars addressing issues for pro se litigants and issues faced by aging adults. In the upcoming year, the Committee hopes to offer a seminar on the recent changes in the federal bankruptcy laws. To apply, contact the chair, Christine M. Fecko, at fecko@mcguirewoods.com or (212) 548-7010.

The Committee on Science and Law works on cutting-edge legal issues involving science and technology, such as stem cell research and cloning, genetic engineering, neuroprivacy, nanotechnology, DNA and the admissibility of scientific tests. It provides vigorous discussions, expert speakers and opportunities to collaborate with colleagues on projects that affect public policy. To apply, contact the committee chair, Andrew Mandell, at mandell@hra.nyc.gov or (212) 331-4680.

The Social Welfare Law Committee expects to be working on a number of projects including: 1) an investigation of the trend toward privatization of government social services in New York City, 2) a panel on the recent trend of the Supreme Court to rely on international law when reviewing human rights issues, and 3) exploration of ways in which to help formerly incarcerated individuals re-entering society obtain all the public benefits to which they are entitled. Members are generally interested in social services issues but are not required to have any particular background in them. To apply, please contact the chair, Bob Basgalupi, at bbasgalupi@legalsupport.org or (212) 431-7200.

The Transportation Committee addresses critical public and private transportation topics, with a focus on the New York region. Through discussion, with speakers at its monthly meetings, committee members develop and analyze legislative, enforcement and related legal and policy issues. This past year, the Committee addressed such topics as the MTA’s legislative priorities, public transportation issues from the users’ perspective, the role of the Coast Guard in New York Harbor, London’s congestion pricing experience and the use of variable pricing and custom scheduling of trains in the City’s subway system, and hosted a program on major transportation projects in the City that are competing for public funding. To apply, contact the chair, Thomas Lamia, at tlamia@lamialaw.com or (212) 206-9290.
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**SEPTEMBER 2005 CALENDAR**

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

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**7 Wednesday, 6-9 pm**

**Pro Bono Immigration Assistance for Domestic Violence Survivors**

This program will train volunteer attorneys to help abused immigrant women and children achieve legal permanent residency in the United States. Attorneys who attend this free training are required to provide pro bono case representation assigned by one of the sponsoring organizations.

Speakers:

**SUZANNE TOMATORE**  Program Director, Immigrant Women and Children Project, City Bar Justice Center

**ALEXANDER KARAM, J.D., M.S.S.W.**  Child Protection Project, Sanctuary for Families

In the event that an attendee does not fulfill the volunteer commitment, he or she will be charged for the cost of the program ($125 Association member, $185 non-member).

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**13 Tuesday, 8:30 – 10 am**

**SMALL LAW FIRM EVENT**

**Small Law Firm Committee Open House Networking Breakfast**

Interested in meeting other small firm or solo practitioners? Interested in learning about the Association’s Small Law Firm Committee? This breakfast is a great opportunity to meet and mingle with former, current and prospective members of the Committee and to hear about all that the Committee has to offer, including its monthly networking groups.

Please RSVP to Nina Kilmala at 212-784-8800 or by email at nina.kilmala@cuatrecasas.com

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**15 Thursday, 12:30 – 2 pm**

**SMALL LAW FIRM LUNCHEON**

**What Small Firm Practitioners Need to Know About Their Insurance**

What kind of insurance does a solo or small firm practitioner need? Is there insurance coverage that is affordable for the solo and small firm? What happens if someone makes a claim for malpractice? These and other questions will be answered by our panel of insurance professionals who will discuss professional liability insurance, health insurance and the new HSA accounts, workers compensation, and disability insurance.

Speakers:

**ALFRED A. D’AGOSTINO, JR., D’Amato & Lynch**

**ROY S. LYONS**  Senior Vice President, Marsh Affinity Group Services

**GEORGE RAWDING**  Senior Vice President, Bertholon-Rowland Corp., a USI Affinity Company

Registration by September 8 is necessary. The fee for the luncheon is $20 for members and $30 for non-members. Please register on page 19 or online at www.nycbar.org.

Supported by LexisNexis.

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**15 Thursday, 6-8 pm**

**Women on the Path to Success in the Americas**

The speakers will discuss women’s communication and negotiation skills, corporate policies, mentoring and career opportunities for women, cultural differences in the U.S. v. Latin America, and gender bias issues.

Moderator/Speaker:

**MARIA EDITH BERTOLETTI, LL.M.**  Harvard Law School; Brazilian and New York Lawyer

Moderator:

**DIANA V. LOPEZ**  Skadden, Arps, Slate, Meagher & Flom LLP

**LILIANA ARAUZ**  Alfaro Abogados

**FRANCESCA LAVIN**  Cleary, Gottlieb, Steen & Hamilton

**OLGA V. SEIXAS**  Tizzini, Freire, Teixeira e Silva Advogados

**LOURDES SUAYFETA**  Suayfeta Consultores, S.C.

Please RSVP to Nina Kilmala at 212-784-8800 or by email at nina.kilmala@cuatrecasas.com

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**16 Friday, 6 pm**

**FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION**

**Festival Friends**

The program will include Martinu’s Trio for Flute, Cello and Piano; Jonathan Newmark’s Trio for Violin, Viola & Cello (1997) (NY Premiere); and Beethoven’s Quartet in E-flat Major for Piano & Strings (Op. 16). Andrea Berger, flute; Timothy Carter, cello; Jonathan Newmark and Roman Markovics, piano; Ellen Lucas, violin; and Joe Locker, viola.

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

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**20 Tuesday, 8:30-10 am**

**PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS SERIES FOR MID-LEVEL ASSOCIATES**

**WORKSHOP I**

**Achieving Professional Success and Satisfaction**

This workshop will provide the opportunity for associates to take a look back and a look forward, to assess their short-, mid- and long-term professional and personal goals, and to develop strategies to obtain those goals and have career satisfaction and success. The workshop will pro-
provide tools for the path to partnership, as well as other positions within the firm, in-house, and in the legal community.

Speaker:
SUR MANCH
Shannon & Manch, L.L.P.

1½ CLE credits in skills. This program does not provide transitional credits for newly admitted attorneys. Fee and registration information are available at www.nycbar.org

21 Wednesday, 6-8 pm

Using Networking and Networking Support Groups to Manage Your Job Search and Career

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

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

21 Wednesday, 6-9 pm

The Annual Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law

Please join us as the Hon. Mary Robinson delivers this year’s Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law. The lecture will be preceded by a buffet reception. Following the lecture will be the unveiling of a portrait of Justice Ginsburg.

6:00 pm: Buffet Reception
7:00 pm: Welcome
BETTINA B. PLEVAN
President, The Association of the Bar of the City of New York

Introduction:
HON. RUTH BADER GINSBURG
Justice of the Supreme Court of the United States

7:15 pm: Lecture:
HON. MARY ROBINSON

Moderated dialogue between Justice Ruth Bader Ginsburg and Hon. Mary Robinson.

Moderator:
ALICE HENKIN

8:30 pm:
Unveiling of Portrait of Justice Ginsburg

Registration by September 14 is necessary. The fee is $100 for members, $125 for non-members, and $50 for government and nonprofit lawyers. One CLE credit is available. For more information please email lecture@nycbar.org. Please register on page 19 or online at www.nycbar.org

23 Friday, 6:30 pm

Rumors of Justice

The Entertainment Committee proudly presents the first American performance of “Rumors of Justice,” a new comedy by Myron D. Cohen, long-time author of the Committee’s 12th Night productions. The play stars members of the Bench and Bar and is directed by Robert M. Fresco, winner of an Academy Award and the Cannes Film Festival for best documentary.

There is no fee for this program and no advance registration is required. For further information contact Martha Cohen Stine, Chair, Entertainment Committee, at (212)512-0810 or at mstine@rblaw.com.

28 Wednesday, 6-9 pm

Representing Lesbian, Gay, Bisexual, Transgender (LGBT) and HIV-Positive Asylum Seekers

This training will provide pro bono attorneys, and other attorneys new to this area of law, with the basics they need to take on a pro bono LGBT or HIV asylum case. The speakers will address the asylum application process; withholding of removal/CAT; challenges facing LGBT and HIV-positive detainees; and challenges of fitting pro bono cases into a full workload. CLE credits are available.

Speakers:
VICTORIA NEILSON
Immigration Equality
OLIVIA CASSIN
The Legal Aid Society
SARAH SOHN
Immigration Equality
DAVID LIN
Paul, Weiss, Rifkind, Wharton & Garrison, LLP

To receive CLE credit, participants must RSVP to legal@immigrationequality.org by September 23. Free online materials will be available. There will be a $20 fee if participants want printed materials.

September 21 marks the fifth anniversary of the Annual Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law. The City Bar established this lecture in Justice Ginsburg’s name in order to celebrate her groundbreaking contributions to the advancement of women’s rights and her achievements as a lawyer, law professor and judge. Since its inception a truly stellar group of women have delivered the Lecture including, Kathleen Sullivan, Madeleine Albright, Lani Guinier and Roxanne Conlin. This year the Lecture will be delivered by the Hon. Mary Robinson, Executive Director of Realizing Rights: The Ethical Globalization Initiative, and the former President of Ireland 1990 – 1997 and UN High Commissioner for Human Rights 1997 – 2002.

Justice Ruth Bader Ginsburg has long been a strong voice for justice, for gender equity, and for civil rights. While a professor at Columbia Law School in the 1970s, and as founder of the Women’s Rights Project of the ACLU, Justice Ginsburg litigated a series of cases solidifying a constitutional principle against gender-based discrimination, preparing briefs in nine cases before the U.S. Supreme Court. She argued six of these cases and won five. Taken together, these groundbreaking cases established the foundation for the gender discrimination law that protects women’s rights today.

Justice Ginsburg became Associate Justice of the U.S. Supreme Court in 1993, after serving thirteen years as Judge on the U.S. Court of Appeals of the D.C. Circuit.

Each year we have been honored by her presence and involvement in the Lecture. Again on September 21 following Hon. Mary Robinson’s Lecture, Justice Ginsburg will engage in a discussion with Ms. Robinson, moderated by Alice Henkin. Following the dialogue will be the unveiling of Justice Ginsburg’s portrait. The City Bar is honored and thrilled to be able to hang her portrait on our walls.

To register for this event please see following page.
2005 THURGOOD MARSHALL SUMMER INTERNS

Students from the Thurgood Marshall Summer Law Internship Program celebrate the start of their internships at a reception held at the City Bar in June. The program recruits gifted minority high school students from across the city to work in law firms, law departments and offices for the summer, providing them with a head start on potential legal careers and offering employers access to bright, young talent. Pictured with them is City Bar President Bertina B. Flenor, Chair of the Committee Alfred B. Kenny, and Matthew Seminars, program fellow. For more information about the program, please contact Marriah Owens at mowens@nycbar.org

September 2005 Registration Form

☐ Small Law Firm Luncheon – Sept. 15
  ☐ $20 Member ☐ $30 Non-member
☐ The Annual Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law – Sept. 21
  ☐ $100 Member ☐ $125 Non-member ☐ $50 Government/Non profit Lawyers

Name _______________________________________________ Number of Reservations ________________________
Address ____________________________________________ Total Enclosed $ ________________________

Please charge to my ☐ Mastercard ☐ Visa ☐ American Express
City _______________________________________________ Card Number ________________________
State ___________ Zip ___________________________ Expiration Date ________________________
Phone ___________________________ Signature ______________________________________

Please return this form to: Meeting Services, New York City Bar, 42 West 44th Street, New York, NY 10036-6649. Please make checks payable to the Association of the Bar. If registering for additional persons, duplicate this form.

www.nycbar.org
## CITY BAR CENTER FOR CLE
### SEPTEMBER 2005 CLE COURSE CALENDAR

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
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<td><strong>LITIGATION</strong>&lt;br&gt;9:30-12 p.m.&lt;br&gt;LITIGATION SKILLS WORKSHOP: TAKING &amp; DEFENDING DEPOSITIONS&lt;br&gt;Part I = 8 credits&lt;br&gt;Total: 14 credits (part II is on 9/13)</td>
<td><strong>LITIGATION</strong>&lt;br&gt;9-12:30 p.m.&lt;br&gt;LITIGATION SKILLS WORKSHOP: TAKING &amp; DEFENDING DEPOSITIONS&lt;br&gt;Part II = 6 credits&lt;br&gt;Total 14 credits (part I is on 9/12)</td>
<td><strong>ETHICS</strong>&lt;br&gt;6-9 p.m.&lt;br&gt;ETHICAL CONSIDERATIONS FOR CORPORATE INVESTIGATIONS&lt;br&gt;3 credits</td>
<td><strong>EMPLOYMENT LAW</strong>&lt;br&gt;6-9 p.m.&lt;br&gt;EMPLOYMENT LAW ESSENTIALS: WHAT NEW YORK PRACTITIONERS NEED TO KNOW ABOUT PROTECTED CLASSES, LEAVES OF AbsENCE, RETALIATION &amp; MORE...&lt;br&gt;3 credits</td>
<td><strong>PUBLIC SPEAKING</strong>&lt;br&gt;9-12:30 p.m.&lt;br&gt;COMMANDING PRESENCE: COMMUNICATION &amp; PRESENTATION SKILLS FOR LAWYERS&lt;br&gt;7 credits</td>
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<td><strong>EMPLOYEE BENEFITS</strong>&lt;br&gt;6-9 p.m.&lt;br&gt;THE NEW DEFERRED COMPENSATION RULES UPDATE: WHAT YOU NEED TO DO BEFORE THE NEW YEAR&lt;br&gt;3 credits</td>
<td><strong>CONSUMER PROTECTION</strong> 9-12:30 p.m.&lt;br&gt;HOT TOPICS IN ADVERTISING &amp; MARKETING LAW 2005&lt;br&gt;4 credits</td>
<td><strong>ADMIRALTY LAW</strong>&lt;br&gt;9-12:30 p.m.&lt;br&gt;DUE DILIGENCE IN SHIPPING: HOT ISSUES FOR THE SAVVY INVESTOR&lt;br&gt;4 credits</td>
<td><strong>NONPROFIT ORGANIZATIONS</strong>&lt;br&gt;9-12:30 p.m.&lt;br&gt;CHARITABLE FUNDRAISING &amp; SOLICITATIONS IN THE 21ST CENTURY&lt;br&gt;7½ credits</td>
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<td><strong>CORPORATE AND SECURITIES</strong>&lt;br&gt;6-9 p.m.&lt;br&gt;STRUCTURING CONSIDERATIONS FOR Mergers &amp; Acquisitions&lt;br&gt;4½ credits</td>
<td><strong>FAMILY LAW</strong>&lt;br&gt;6-9 p.m.&lt;br&gt;UPDATE 2005-CURRENT DEVELOPMENTS IN MATRIMONIAL LAW&lt;br&gt;3 credits</td>
<td></td>
<td><strong>CORPORATE AND SECURITIES</strong>&lt;br&gt;9-12:30 p.m.&lt;br&gt;HOT TOPICS IN SEC ENFORCEMENT: KEEPING UP IN A TIME OF RAPID CHANGE&lt;br&gt;7½ credits</td>
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www.nycbar.org
SEPTEMBER 2005
CLE CALENDAR

ADMIRALTY LAW

22 Thursday, 9-12:45 p.m.;
12:45-1:45 p.m. luncheon

Due Diligence In Shipping:
Hot Issues For The Savvy
Investor

With record high demand for ships and escalating charter rates, the U.S. capital markets are flooded with new securities offerings for shipping companies. But are investors examining the real issues? What questions are being ignored by the unawares? Environmental crimes, tax liability, OFAC violations, SEC disclosure and derivatives trading are all critical issues that affect the business of ship ownership and operation. Panels comprised of lawyers and government experts will address these and other important issues at this seminar. This program is intended for lawyers practicing in the area of admiralty law and securities law, and for corporate generalists.

The program will include a luncheon following the final presentation. The luncheon is included in the price of the program; however, if you decide to attend the luncheon only, a separate fee will be charged.

Program Chair:
BRAD L. BERMAN
President
Liberian Ship and Corporate Registry

Faculty:
ANTONIOS C. BACKOS
Healy & Baillie, LLP

DERICK W. BETTS, JR.
Seward & Kissel LLP

TIMOTHY C. DALY
FIA Broker
ICAP Energy, LLC
Houston, TX

CHARLES L. FABRIKANT
Chairman of the Board
President and CEO
SEACOR Holdings Inc.

JOHN E. GREENWOOD
McLaughlin & Stern LLP

DONALD J. KENNEDY
Carter, Ledyard & Milburn LLP

MATTHEW MCCLEERY
President
Marine Money International
Stamford, CT

GILBERT M. LANDY
Broker
Pasternak, Baum Co., Inc.

JOSEPH B. RAI
Senior Vice President, Marketing
New York Mercantile Exchange

RICHARD A. UDELL
Senior Trial Attorney
Environmental Crimes Section
U.S. Department of Justice
Washington, D.C.

GARY J. WOLFE
Seward & Kissel LLP

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

Live Program:
$225 Member, $335 Non-member

CONSUMER PROTECTION

21 Wednesday, 9-12:45 p.m.

Hot Topics In Advertising & Marketing Law 2005

This annual program provides a timely update on the year’s critical legal developments affecting advertising and marketing. This program will provide essential information for both inside and outside counsel, presented by leaders in the field, including representatives from government, self-regulation, and industry. This year’s program will cover Federal Trade Commission advertising enforcement, recent decisions by the National Advertising Division of the Council of Better Business Bureaus, and key issues in television network clearance, as well as legal updates on other key advertising, sweepstakes, direct marketing, and intellectual property issues.

Program Chair:
JEFFREY A. GREENBAUM
Frankfurt Kurnit Klein & Selz

Faculty:
THOMAS A. COHN
Senior Assistant Regional Director
Federal Trade Commission, Northeast Region

EDWARD M. KABAK
Chief Legal Executive
Promotion Marketing Association

WAYNE J. KEELEY
National Advertising Division,
Council of Better Business Bureaus

JOSEPH J. LEWCZAK
Davis & Gilbert LLP

CHRYSSE SPATHAS
Director of Broadcast Standards & Practice
ABC, Inc.

NICHOLAS VIANNA
Vice President, Senior Counsel
Saatchi & Saatchi North America, Inc.

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

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

CORPORATE AND SECURITIES

27 Tuesday, 9-1 p.m.

Structuring Considerations For Mergers & Acquisitions

An expert faculty of corporate attorneys and accountants will examine the various issues that arise in structuring various types of merger and acquisition transactions. No mat-
ter the size or type of company, you will learn how to identify the issues involved and analyze current developments, including the mechanics of structuring the deal for public and private companies, special issues related to tax and much more.

Program Chair:
DOMINICK P. DECHIARA
King & Spalding LLP

Faculty:
FRANCIS J. AQUILA
Sullivan & Cromwell LLP

MICHAEL J. KLIEGMAN
Principal
PricewaterhouseCoopers LLP

TRACEY ZACCONI
King & Spalding LLP

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

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

30 Friday, 9-5 p.m.

Hot Topics In SEC Enforcement: Keeping Up in a Time of Rapid Change

SEC enforcement activity has reached an unprecedented level of intensity. The heavy docket of accounting investigations continues to expand; all quarters of the financial services industry have come under exacting scrutiny; and the SEC enforcement staff approaches investigations with high expectations for "cooperation" and low tolerance for error. The course will emphasize the most current and quickly developing areas, including:

- Responding to an SEC investigation: strategy, tactics and policy issues from defense and government perspectives; new investigative methods; and how companies are responding to them.
- Public company exposures: current developments in accounting and financial reporting enforcement; non-GAAP disclosure problems; the focus on "gatekeepers;" current enforcement perspective on Regulation FD; foreign payments and disclosure of perquisites and executive compensation.
- Coping with a corporate crisis: practical insights from the government and defense lawyers who are handling the headline-making cases.
- Representing individuals in an era of corporate cooperation: strategic and ethical issues.
- Financial services industry under fire: mutual fund trading scandals, investment bank and broker-dealer developments, managing conflicts, and hedge fund enforcement.
- What you need to know now: the most important enforcement developments of 2005.

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

Faculty:
ANDREW M. CALAMARI
Associate Regional Director
U.S. Securities and Exchange Commission
Northeast Regional Office

GEORGE S. CANELLOS
Milbank, Tweed Hadley & McCloy, LLP

MARK S. COHEN
Cohen & Gresser LLP

HELENE T. GLOTZER
Associate Regional Director of
Enforcement Division
U.S. Securities and Exchange Commission
Northeast Regional Office

ROBERT N. KNUTS
Day, Berry & Howard LLP

KAY I. LACKEY
Assistant Regional Director
U.S. Securities and Exchange Commission
Northeast Regional Office

DAVID M. LEVINE
Director
Legal Department
Deutsche Bank

COLLEEN MAHONEY
Skadden, Arps, Slate, Meagher & Flom LLP

BARRY W. RASHIKOVER
Sidley Austin Brown & Wood LLP

DAVID ROSENFELD
Associate Regional Director
U.S. Securities and Exchange Commission
Northeast Regional Office

MARK K. SCHONFELD
Regional Director
U.S. Securities and Exchange Commission
Northeast Regional Office

CLE Credit:
7½ credits total: 6½ professional practice/practice management & 1 ethics. This program does not provide transitional credit for newly admitted attorneys.

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

EMPLOYEE BENEFITS

20 Tuesday, 6-9 p.m.

The New Deferred Compensation Rules Update: What You Need to Do Before the New Year

Section 409A of the Internal Revenue Code, a part of the American Jobs Creation Act of 2004, became effective January 1, 2005. The section has revolutionized the treatment of deferred compensation arrangements and has created the need to structure and administer such arrangements in a dramatically different way. Severe penalties — income tax inclusion, penalty interest and a 20% excise tax — apply to participants in arrangements that do not comply with the new law. The law has an extremely broad reach and in addition to typical deferred compensation arrangements such as SERPs and voluntary deferred compensation plans, it impacts many types of arrangements that are not typically thought of as deferred compensation including, for example, certain severance arrangements, discounted stock options, certain stock appreciation rights and restricted stock units.

Although extensive transitional relief is available throughout 2005, by December 31, 2005, all deferred compensation plans must be amended to comply with Section 409A, other than plans that are "grandfathered" under the old law. To date, limited guidance has been issued. During summer 2005 (and certainly before the time this program will be held), additional extensive guidance is expected to be issued by Treasury and the IRS.

Come hear practitioners in private practice and key government officials talk about not only the law and the expected important guidance, but also the practical steps employers need to take — particularly, before January 1, 2006 — to ensure that their employees are not adversely impacted by this law. Confirmed speakers currently include:

www.nycbar.org
Program Co-Chairs:
ANDREA S. RAITTNER
Proskauer Rose LLP

MARJORIE M. GLOVER
Chabourne & Parke LLP

Faculty:
DANIEL HOGANS
Attorney-Advisor
Office of Tax Policy
United States Department of Treasury

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

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

EMPLOYMENT LAW

15 Thursday, 6-9 p.m.

Employment Law Essentials: What New York Practitioners Need To Know About Protected Classes, Leaves of Absence, Retaliation & More...

Whether you are a general practitioner or an in-house generalist, or you practice employment law full time, you should not miss this program. This basic to intermediate level program is a practical survey of four core areas of employment law that are rife with traps for unwary New York lawyers: parental and medical leave; sexual orientation and sexual identity issues; religious accommodation; and whistleblowing and retaliation. The faculty, some of the New York’s top employment law practitioners, will give you essential tips about sometimes thorny issues that cannot be ignored.

Program Chair:
JUSTIN M. SWARTZ
Outten & Golden, LLP

Faculty:
Z. GABRIEL ARKLES
Equal Justice Works Fellow
Sylvia Rivera Law Project

ALAN M. KORAL
Vedder Price Kaufman & Kammholz, P.C.

CARMELYN MALALIS
Outten & Golden LLP

THEODORE O. ROGERS, JR.
Sullivan & Cromwell LLP

MARC STERN
Co-Director
American Jewish Congress

PEARL ZUCHLEWSKI
Kraus & Zuchlewski LLP

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

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

7 Co-sponsored with the New York State Bar Association Labor and Employment Law Section

FAMILY LAW

28 Wednesday, 6-9 p.m.

Update 2005 - Current Developments In Matrimonial Law

Recent significant developments, including decisions rendered by courts ranging from the New York State Supreme Court to the Court of Appeals, have occurred and anyone dealing with a matrimonial matter needs to know about them.

A panel of prominent attorneys and a sitting judge, all who have been involved in many of the cases that will be discussed, will examine the impact of the latest changes on the following substantive issues:
- Counsel Fees
- Equitable Distribution
- Custody
- Support

This program is intended for the seasoned matrimonial and family law practitioner interested in learning how recent decisions and case developments are affecting the practice, as well as attorneys new to the practice who need practical advice on how to handle a matrimonial case.

Program Chair:
MICHAEL DAVID STUTMAN
Mayerson Stutman LLP

KAREN PATTON SEYMOUR
Sullivan & Cromwell LLP

FREDERICK P. HAFETZ
Hafetz & Necheles

MICHELE S. HIRSHMAN
First Deputy Attorney General
New York State Department of Law

BRUCE A. GREEN
Louis Stein Professor of Law
Fordham University School of Law

www.nycbar.org
Faculty:
MARGARET M. DONOHUE
Kasowitz, Benson, Torres & Friedman, LLP

IRA E. GARR
Law Offices of Ira E. Garr, P.C.

HONORABLE BARBARA PANEPINTO
New York State Supreme Court Justice,
Richmond County

DANA M. STUTMAN
Sheresky Aronson & Mayefsky, LLP

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

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

LITIGATION

12 Monday 9-5:30 p.m. &
13 Tuesday 9-4 p.m.

Litigation Skills Workshop:
Taking & Defending Depositions

Although the deposition stage of litigation is critical in winning the case, few lawyers receive hands-on training in taking or defending these witness examinations. By working in small interactive workshops, this two-day skills building program will allow you to actually represent and defend lay witnesses at mock depositions. Our faculty of experienced trial attorneys will observe and critique your performance and provide you with practice tips and strategies for enhancing your advocacy skills in this area. The faculty will also demonstrate deposition techniques.

Instructor:
HENRY L. HECHT
University of California at Berkeley School of Law (Boalt Hall)

CLE Credit:
14 credits total: 11½ skills, 2 professional practice/practice management & ½ ethics. This program provides transitional credit for newly admitted attorneys.

Live Program:
$1195 Member, $1395 Non-member

NONPROFIT ORGANIZATIONS

23 Friday, 9-5 p.m.

Charitable Fundraising & Solicitations in the 21st Century

The rules governing charitable fundraising and the solicitation of charitable contributions are varied and complex, and of extreme importance in the current era of enhanced state and federal regulation of the charitable sector as we go forward in the 21st century. This comprehensive examination of the various rules at the federal, state, and multi-state levels is presented by a diverse group of current and former regulators and experienced practitioners. Among the topics addressed are: rules governing deductibility of charitable contributions; the special rules adopted to prevent funding of terrorist organizations; New York State regulation and antifraud enforcement with respect to charitable solicitations; the proper financial reporting of charitable contributions and expenses; the Better Business Bureau’s watchdog role; First Amendment rules and limitations on state enforcement; cause-related marketing and commercial co-ventures; planned giving and charitable gift annuities; restricted gifts; and multi-state registration requirements. This wide-ranging program will be beneficial to both newly admitted and experienced attorneys.

Program Chairs:
DOUGLAS H. EVANS
Sullivan & Cromwell LLP

STEPHANIE C. GUBERMAN
Staff Counsel
UJA-Federation of New York

DAVID G. SAMUELS
Perlman & Perlman LLP

LORRAINE W. EGAN
Executive Director
Damon Runyon Cancer Research Foundation

JULIA ERICKSON
Executive Director
New York Restoration Project

KARIN KUNSTLER GOLDMAN
Assistant Attorney General
New York State Department of Law,
Charities Bureau

PATRICK MCKENNA
General Counsel and Vice President, Mission Support
American Cancer Society,
Eastern Division, Inc.

ROCHELLE KORMAN
Patterson Belknap Webb & Tyler LLP

JoANN LUEHRING
Roberts & Holland LLP

JENNIFER I. REYNOSO
Simpson Thacher & Bartlett LLP

RONALD F. RIES, CPA
Managing Director
American Express Tax & Business Services, Inc.

PIETRINA SCARAGLINO
Associate General Counsel
New York University

PHILIP T. TEMPLE
McCarty Fingar LLP

M. ANTOINETTE THOMAS
Carter Ledyard & Milburn LLP

JEAN L. TOM
Patterson, Belknap Webb & Tyler LLP

CLE credit:
7½ credits total: 6½ professional practice/practice management & 1 ethics. This program provides transitional credit for newly admitted attorneys.

CPE credit:
1 credit in taxation.

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

16 Friday, 9-4:45 p.m.

Commanding Presence: Communication & Presentation Skills For Lawyers

For lawyers, the ability to communicate is crucial. Whether with clients, at meetings, or in hearings, you must be able to speak with clarity and conviction, while also hearing and responding to others in an engaging and positive way. This dynamic, one-day program gives you the tools you need to hone your speaking and presentation skills and develop your own natural speaking style. Learn from an expert how to prepare and deliver your message with proven techniques to inform, persuade, or inspire. You will learn to:

- Speak with more confidence and authority
- Quickly prepare memorable, persuasive arguments
- Deliver concise and compelling formal presentations
- Think on your feet and respond eloquently
- Establish rapport with different personality types
- Persuade and influence with integrity
- Develop your own natural speaking style
- Manage personal stress and communicate effectively under pressure

Program Instructor:
JOHN PLANK
President, Personal Performance Group
Creator, Commanding Presence™ Training Programs

CLE Credit:
7 credits in skills. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions. In accordance with the CLE Board’s Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements.

Live Program:
$350 Member, $450 Non-member

Co-Sponsored with ALI-ABA

REAL ESTATE

22 Thursday &
27 Tuesday, 6-9 p.m.

Residential closings: Soup To Nuts

This program will cover the purchase and sale of cooperatives, condominiums and houses. The panels will cover such general matters as form of ownership, due diligence, transfer taxes, title insurance and lien searches, and the contract of sale (understanding the contract, the loan contingency clause and the most frequently negotiated contract provisions); discuss a number of commonly encountered problems (such as combined apartments); and discuss “how to” close a transaction.

Program Chair:
MINDY H. STERN
Schwoen Updike & Kaufman LLP

Faculty:
DAVID L. BERKEY
Gallet Dreyer & Berkey, LLP
MELVYN MITZNER
Senior Vice President and Chief Underwriting Counsel
Commonwealth Land Title Insurance Company, LandAmerica Financial Group, Inc. and Lawyers Title Insurance Corporation

RICHARD A. NARDI
Brown Raysman Millestein Felder & Steiner LLP

ALAN B. REIS
Friedman Krauss & Zlotolow

MATTHEW W. RYAN
Vice President
HSBC Private Bank

ALVIN SCHEIN
Seiden & Schein, P.C.

CLE Credit:
6 credits total. 2½ professional practice/practice management, 2½ skills + 1 ethics. This program provides transitional credit for newly admitted attorneys. In accordance with the CLE Board’s Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirement.

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

Cancelled & Refunds

For live programs and video replays, refunds and program credits are available provided cancellation is made in writing and received by the CityBar Center prior to the program.

A $25 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 CityBar Center at (212) 869-4451.

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

These programs are presented under the auspices of the CLE Committee, Burton N. Lipshie, Chair, and the CityBar 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 CityBar Center with your suggestions.

Registration

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.

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: CityBar Center for CLE, Association of the Bar, 42 West 44th Street, New York, NY 10036.
SEPTEMBER 2005
CLE REGISTRATION FORM

☐ LITIGATION SKILLS WORKSHOP:
  TAKING & DEFENDING DEPOSITIONS
  September 12 & 13

  Member  Non-member
  Live Program:  $1195  $1395
  Audiotapes:  $345  $395
  Videotapes:  $435  $505
  CDs:  $365  $435
  DVDs:  $475  $565
  Materials:  $105  $135

☐ ETHICAL CONSIDERATIONS FOR
  CORPORATE INVESTIGATIONS
  September 14

  Member  Non-member
  Live Program:  $225  $335
  Audiotapes:  $345  $415
  Videotapes:  $435  $505
  CDs:  $365  $435
  DVDs:  $475  $565
  Materials:  $105  $135

☐ EMPLOYMENT LAW ESSENTIALS:
  WHAT NEW YORK PRACTITIONERS
  NEED TO KNOW ABOUT PROTECTED
  CLASSES, LEAVES OF ABSENCE,
  RETALIATION & MORE...
  September 15

  Member  Non-member
  Live Program:  $195  $305
  Audiotapes:  $315  $385
  Videotapes:  $405  $475
  CDs:  $335  $405
  DVDs:  $445  $535
  Materials:  $105  $135

☐ COMMANDING PRESENCE:
  COMMUNICATION & PRESENTATION
  SKILLS FOR LAWYERS
  September 16

  Member  Non-member
  Live Program:  $350  $450

☐ THE NEW DEFERRED COMPENSA-
  TION RULES UPDATE: WHAT YOU
  NEED TO DO BEFORE THE NEW YEAR
  September 20

  Member  Non-member
  Live Program:  $195  $305
  Audiotapes:  $315  $385
  Videotapes:  $405  $475
  CDs:  $335  $405
  DVDs:  $445  $535
  Materials:  $105  $135

☐ HOT TOPICS IN ADVERTISING &
  MARKETING LAW 2005
  September 21

  Member  Non-member
  Live Program:  $195  $305
  Audiotapes:  $315  $385
  Videotapes:  $405  $475
  CDs:  $335  $405
  DVDs:  $445  $535
  Materials:  $105  $135

☐ DUE DILIGENCE IN SHIPPING: HOT
  ISSUES FOR THE SAVVY INVESTOR
  September 22

  Member  Non-member
  Live Program:  $225  $335
  Audiotapes:  $345  $415
  Videotapes:  $435  $505
  CDs:  $365  $435
  DVDs:  $475  $565
  Materials:  $105  $135

☐ RESIDENTIAL CLOSINGS:
  SOUP TO NUTS
  September 22 & 27

  Member  Non-member
  Live Program:  $375  $515
  Audiotapes:  $465  $635
  Videotapes:  $555  $725
  CDs:  $485  $655
  DVDs:  $645  $795
  Materials:  $135  $235

☐ CHARITABLE FUNDRAISING &
  SOLICITATIONS IN THE 21ST CENTURY
  September 23

  Member  Non-member
  Live Program:  $375  $515

ALL REGISTRATIONS MUST BE PREPAID BY EITHER CREDIT CARD OR
A CHECK MADE PAYABLE TO: ASSOCIATION OF THE BAR

Name

Address

City  State  Zip

Phone  Total Enclosed $  

Please charge to my  □ Mastercard  □ Visa  □ American Express

Card Number  Exp. Date

Signature

www.nycbar.org
PARENT SUPPORT GROUP FOR LAWYERS

The Parent Support Group for lawyers meets monthly during the lunch hour to discuss work and parenting issues with a therapist, Dr. Barbara Ciccone. The next meeting is Thursday, September 15th from 12:30-1:30. The fee is $30 per session. Space is limited. If you would like more information or are interested in joining, please contact Antonia Kirkland at antonia_kirkland@hotmail.com. Sponsored by the Sex and Law Committee.

CITY BAR CHORUS

Are you a singing lawyer, paralegal, judge, legal proofreader/secretary, law student/professor, court clerk/officer, or legal administrator with an altruistic as well as artistic spirit? Would you like to join a high-quality, flexible, congenial singing group honored for its excellence in public service and featured on NY1 News as its “New Yorker of the Week” for “lifting spirits with its music”? The City Bar Chorus, now in its 13th season, has openings for new members (particularly tenors and basses).

This 55-member chorus, directed by Kathryn Schneider, performs sophisticated arrangements of the greatest American popular music (including Broadway, jazz, pop and gospel) at local hospitals, pediatric and rehabilitation facilities, nursing homes, senior residences and homeless programs. We rehearse three Tuesdays per month, from 6:45 pm to 8:15 pm, in midtown Manhattan to produce what our audiences describe as a “rich, professional-quality sound.”

If you would like to join us, please e-mail us at citybarchorus@aol.com or call Cheryl Davis at (212) 314-3897.
Diversity

City Bar Releases First Annual Diversity Benchmarking Study

The City Bar generated its first annual law firm diversity benchmarking report by compiling statistical information from 82 New York City law firms, all of which are signatories to the Association’s Statement of Diversity Principles. The results of the benchmarking report were presented at the Association’s second annual diversity symposium: “Making Heads Count; Accountability for Legal Employers” on June 6, 2005.

The report captures the demographics of the New York law offices during the January-March 2004 time period. Individual firm data is kept strictly confidential. Each firm receives an individual report allowing the firm to compare its demographic composition with total signatory firms and those of a similar size. The benchmarking study also serves as a baseline for a law firm to measure its progress to a more diversified work environment with each annual follow-up study.

The Study’s Key Findings Include:

1. New York City offices of signatory firms are more diverse than the legal profession as a whole. Of the 17,000 attorneys from the signatory firms, 15.2% are racial/ethnic minorities compared to 10.8% of attorneys in the profession as a whole (ABA, Statistics about Minorities in the Profession from the Census, 2000). Similarly, 35% of the attorneys from signatory New York City law firms are women compared to 29% of attorneys in the profession as a whole. The limited information provided by firms on openly gay attorneys and disabled attorneys is insufficient for national comparisons.

2. There is considerable diversity across race and gender in associate ranks, while the face of partnership at signatory firms remains predominantly white and male. More than one in five associates are racial/ethnic minorities and two in five are women. Only 4.7% of the partners from the signatory firms are racial/ethnic minorities. The majority of special counsels and partners are both white and male. Women comprise 15.6% of the partnership at signatory firms.

3. Time alone will not bring diversity to the partner ranks in New York City. Unfortunately new promotions to partner are similar to that of the overall partner pool. Only a slightly higher percentage of women and minorities were newly promoted to partner compared to their representation in the overall partnership. White males dominate the lateral partner hires more than new promotes to partner.

4. New partner promotions do not fully capitalize on the diversity of the partnership pool. With an average 8-year partner ship track, the remaining associates from the class of 1996 can be considered the pre-partner pool for 2004 partnership decisions. One-third of the class of 1996 associates are women in contrast to the one-fifth of new partner promotions in 2004. Similarly, 19% of the remaining class of 1996 is racial/ethnic minorities compared to 7% of new partners. In particular, the discrepancy is notable between Asian-American attorneys in the pre-partner pool (11.8%) and new partner promotions (2.8%).

Recommendations-Analyzing Firm Data

In order for law firm leaders to execute a plan of action, it is indispensable for the leaders to know exactly where their firm stands and why. The following questions will guide the firm in the right direction as it reviews the data and compares itself to its peers.

1. What is the firm doing well? This is relative to other legal employers as well as where the firm has made progress over time.

2. What are the biggest challenges the firm faces? What are the highest priority issues to address?

3. What questions remain? What additional data is needed?

Analyzing and interpreting benchmarking data is crucial in order to visualize the diverse composition of attorneys from signatory law firms and to measure their progress with respect to diversity. In order for law firms to become more diversified, each firm must actively recruit, retain and advance diverse talent. Time alone will not diversify the partnership profile in area firms. With active intervention, New York City law firms will be able to embrace the diversity of the city’s population and advance the best legal talent.

The report is available on our Web site at www.nycbar.org

To learn more, please contact Meredith Moore Director of ABCNY’s Office for Diversity, at mmoore@nycbar.org.