Forty-Fourth Street Notes

LOOKING FORWARD

By Barry M. Kamins, President

This is my first column for the Forty-Fourth Street Notes after being elected President of the Association on May 23rd. I have spent my first few months meeting with current and incoming chairs of our 160 committees to focus on issues that can be explored in the coming year through reports, comment letters, testimony before legislative bodies and CLE programs. The committee work is the engine that drives this Association and, based upon my review of our committees, we will have a truly productive year.

In my speech on May 23rd, I set some priorities for the Association during my term. Having spent my career as both a prosecutor and criminal defense attorney, I have found it surprising that many members of our legal community, including some judges, prosecutors and even defense counsel, do not fully appreciate the collateral and hidden consequences of criminal convictions. Convictions for even non-criminal offences can have devastating consequences in a multitude of areas, including immigration, employment, housing, public benefits, and many more. This has become a hot topic in the legal community and Chief Judge Kaye, the State Bar, NYCLA and other groups have devoted considerable resources to addressing the issue. I have assembled a team of concerned and knowledgeable individuals who have begun to brainstorm the subject. We hope to find ways to take the massive amount of information that can now be found on Web sites and in treatises and put it into the hands of offenders and their families who need assistance in dealing with these consequences in their daily lives. We are in the planning stages and hope to develop a protocol soon. We will also seek reform of laws, regulations and policies that adversely impact offenders without serving any public interest.

I will also ask our committees to take a look at the parole system in New York State. Based upon an increasing number of court decisions and a pending class action lawsuit, it appears that many parole boards have not applied appropriate statutory criteria to release eligible inmates. We will consider issuing a report with recommendations.

I will focus attention on an issue that renders the judiciary a less than equal branch of state government. That issue is mandatory retirement. While there is no term limit requirement in the executive and legislative branches of our state government, there is a mandatory retirement requirement in the judicial branches. I will focus on an issue that renders the judiciary a rubber stamp branch of the executive branch. I will also ask our committees to look at the parole system in New York State, based upon an increasing number of court decisions and a pending class action lawsuit, it appears that many parole boards have not applied appropriate statutory criteria to release eligible inmates. We will consider issuing a report with recommendations.

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A VICTORY FOR THE BALANCE OF POWER

The main story in Washington over the past five years has been the effort of the Bush Administration to enhance the power of the presidency. The trigger for this effort was the September 11th attacks, but the assertions of presidential power cannot be explained solely on the basis of responding to terrorism threats. Despite a willing Congress, this administration has chosen to act on its own rather than work with Congress to develop joint policy, and has also worked to minimize the role of the courts in overseeing this shift.

The New York City Bar has worked, through at least a dozen committees, to identify and analyze the administration’s efforts to tip the balance of power. We also have participated as amicus in a number of the key cases challenging this Executive Branch overreaching. Recently, in one such case, the United States Supreme Court ruled against the administration in a powerful decision reinforcing the Executive’s role as one of three co-equal branches of government. In Hamdan v. Rumsfeld, the court found that the President did not have the authority to try Guantanamo detainees in the military commissions that the administration had established by Executive Order. The court also ruled that persons identified by the administration and classified as al Qaeda or Taliban — and designated “enemy combatants” — were covered by Common Article 3 of the Geneva Conventions. Article 3 was designed to protect participants in conflicts from torture or inhumane treatment and to assure that, if the participants are brought up on charges, they are tried in accordance with basic due process rights.

The City Bar was the first Bar Association to issue a report opposing the use of military commissions
LOOKING FORWARD... CONTINUED FROM PAGE 1

Another priority will be professional responsibility. I will ask our relevant committees to review the lack of uniformity among the four departments in sanctions imposed by our eight state grievance committees, and the manner in which they are imposed. The legal profession is the only profession in New York State that is not regulated uniformly throughout the state. And New York is the only state in the country in which attorneys are disciplined in a less than uniform manner. Our grievance committees do not use the same sanctions throughout the state and they also use sanctions with the same names but which are different in nature and effect. It has been argued that this creates an appearance of unfairness and disparate treatment of attorneys that does not serve to enhance the image of the disciplinary process.

On June 28th, the United States Supreme Court issued its opinion in *Hamdan v. Rumsfeld* and decided that military commissions created by President Bush’s Executive Order in 2001 cannot be used to try detainees designated by the president as “enemy combatants.” See the article on page 1 for more on the *Hamdan* case. The Association participated as an amicus in this case, and we extend thanks to the firm of Akin, Gump, Strauss, Hauer & Feld LLP for drafting the brief. The Association will continue to engage the fundamental questions of government and the proper balance between civil liberties and national security.

As we begin our fall season, the Association is extremely busy on a number of fronts. We have two task forces that are close to issuing their final reports. The Judicial Selection Task Force will be issuing its recommendations in the wake of Judge Gleeson’s decision in the *Lopez-Torres* case. Our Task Force on the Lawyer’s Role in Corporate Governance will issue a report directed to the appropriate conduct for attorneys in the area of corporate governance.

The Association is playing an active role in the filling of three vacancies on the New York Court of Appeals. During the summer we began reviewing candidates (including Judge George Bundy Smith) for a vacancy that will occur upon the completion of Judge Smith’s current term. Judge Rosenblatt will be retiring at the end of the year and Chief Judge Kaye has indicated that she will retire at the end of her term in March, 2007.

Finally, the Association will be submitting comments to the proposed changes in our Code of Professional Responsibility. More than three years ago, the State Bar established the Committee on Standards of Attorney Conduct (COSAC). COSAC has proposed a change, supported by the City Bar, from the Code’s Disciplinary Rules to a set of Model Rules of Professional Conduct. The State Bar has already voted to make the change in format, but each proposed rule has to be approved. Forty-eight other states have already adopted model rules and we are now in the process of reviewing each proposed rule for New York. The Association, along with other groups, will continue to make recommendations over the next two years until the State Bar has a completed and approved version of the new rules that can be recommended to the Administrative Board of the Courts.

Please remember to contact me with any suggestions, questions or comments about the Association’s work. As I stated on May 23rd, I thank the membership for electing me and for entrusting me with the leadership of this unique institution.

**VOLUNTEERS SOUGHT FOR MONDAY NIGHT LAW**

The Monday Night Legal Advisory Workshop (LAW), which begins its 16th 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 15 attorneys available every Monday evening to meet with clients who have been screened by the Association’s Legal Referral Service.

During half-hour appointments, the clients and attorneys discuss problems in the areas of housing, employment, family matters, and personal bankruptcy. Earlier this year, the program added small-business counseling.

The attorneys do not take 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 legal services providers.

Volunteer attorneys must commit to attending the program one Monday evening per month from October 2006, through August 2007, at the Association. Volunteers also must attend two three-hour training seminars, which will be held on Monday, Sept. 11 and Monday, Sept. 18. There also will be a supplemental training on small-business issues this fall.

No 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 committing to the program, and completing the requirements for the live training. Volunteers also may earn pro bono CLE credit for clinic work.

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

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**Forty-Fourth Street Notes**

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www.nycbar.org
THE LEGAL REFERRAL SERVICE

A Lawyer’s Best Friend

LRS attorney profile
Legal Referral Service panel members are prominent New York attorneys with many years of experience, said LRS Executive Director Allen Charne. “Before joining the panel to receive referrals, every one of our lawyers undergoes a rigorous screening process to qualify, and must sign an agreement for the release of confidential information so that no stone is unturned. Then there is an examination of their professional track record and their standing in the legal community, followed by a formal interview conducted by LRS experts in the field and the Supervising Committee.”

Irwin Rochman, a white-collar criminal lawyer and litigator who has done business with the Legal Referral Service for more than 20 years says: “I have great respect for their staff. They are always diligent and I know that their record is monitored closely, so there are never any professional or ethical concerns to worry about.”

In support of that point, Rochman notes that the chair of the City Bar’s LRS committee, Sarah Diane McShea, is an attorney who concentrates her practice in discipline and professional ethics and is also a former Deputy Chief Counsel of the Departmental Disciplinary Committee for the Appellate Division, First Department. The former Chief Counsel of the Departmental Disciplinary Committee, Hal R. Lieberman, is also an LRS panel member. "You can be confident that any outside counsel they provide is a competent specialist," he said.

"Good public relations"
Neil Hirschfeld, a litigator who specializes in commercial real estate and probate law, says: "I have found the LRS to be an excellent resource for complementing my current practice. Sometimes my firm does not have a representative for a specialized area of the law, or we are not interested in taking on a particular case. It’s simply good public relations for us, therefore, to refer that client to a well-respected agency like the Legal Referral Service. I am always confident that their staff will provide an attorney with the expertise and the professional track record a client counts on. That has been my experience."

It is an experience shared by all attorneys who do business with the City Bar’s Legal Referral Service. "Whether it’s a tax lawyer with a divorce problem, or a divorce lawyer with a tax problem, the Legal Referral Service has the contacts many firms dream of," said LRS Managing Attorney Clara Schwabe.

Headquartered at the New York City Bar Association, Schwabe oversees a staff of 10 lawyers answering phone referrals, five of whom also speak Spanish. They respond to more than 400 calls per day, she said. "We have the capacity to handle a large volume of cases in a wide variety of practice areas.” The diversity of practice areas covered by the LRS is staggering, and that is one of the many attractions the LRS holds for law firms of any size. "The bulk of our inquiries are concentrated in criminal law, family law, landlord-tenant, immigration and small-business law, but really, we are equipped to provide legal representation in any area of the law."

Nominating Committee Request
The Nominating Committee of the City Bar solicits your suggestions for candidates for the following offices and committee members for terms commencing May 2007:

Three Vice Presidents
Secretary
Treasurer
Four Members of the Executive Committee (Class of 2011)
Five Members of the Audit Committee

Please submit your suggestions to any members of the Committee on or before September 24, 2006. The members of the Nominating Committee are as follows:

Carol Sherman, Chair
The Children’s Law Center
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“Whether it’s a tax lawyer with a divorce problem, or a divorce lawyer with a tax problem, the Legal Referral Service has the contacts many firms dream of.”
– LRS Managing Attorney Clara Schwabe

www.nycbar.org
Diversity

NEW YORK CITY BAR PRESENTS INAUGURAL DIVERSITY CHAMPION AWARD

The New York City Bar’s Enhance Diversity Committee presented the inaugural Diversity Champion Awards at the Third Annual Diversity Conference held on May 16, 2006. The award recognizes the critical role individuals have played in initiating and sustaining change within their organizations and the overall New York legal community. The Committee received an incredible response to its call for nominations. It was not only the volume but also the quality of the nominations that was particularly impressive.

Criteria & Selection Process
The award honors individuals who embody the New York City Bar’s Statement of Diversity Principles. Nominees were evaluated on their excellence in one or more of the following areas:

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

A selection panel, composed of Enhance Diversity Committee members representing a cross-section of legal employers was convened to evaluate nominations. The panel conducted interviews with finalists and their references before determining the winners.

2006 Honorees:
Hon. Daniel M. Donovan Jr., District Attorney, Richmond County

Upon taking office as Richmond County District Attorney in 2004, Donovan made it his mission to raise the standards of the office to better reflect the Staten Island community he represents. To achieve this goal, he became personally involved in the recruiting, developing, mentoring, and advancing of legal personnel. When Donovan arrived, there were no attorneys on staff who spoke a language other than English. His first two hires were fluent Spanish-speaking women (now there are three), and subsequently he has added Korean, Hindi, Italian, and Chinese speakers. Over one-third of Donovan’s new assistant district attorneys have been racial-ethnic minorities. Simultaneously, the Richmond County District Attorney’s office moved from last to first in New York City for felony conviction rates in his first two years of office. Overall, Donovan was able to demonstrate that with hands-on leadership, diversity and legal success can be synonymous.

William Malpica, Associate, Mayer, Brown, Rowe & Maw LLP

As an associate only seven years out of law school, Will Malpica has made a lasting impact on the diversity of the New York legal community in his short career. Will has focused not only on increasing diversity in his own firm, Mayer, Brown, Rowe & Maw LLP, but also on helping racial/ethnic minority students succeed in law school and beyond. As a young attorney without the institutional clout of a partner title, Malpica is remarkably adept at using his passion and influencing skills to secure resources and support at his firm and from external organizations. To maximize time and other resources, Malpica strives to create annual programs with systemized processes to enable him or others to easily replicate year after year. One example of a program Malpica spearheaded is the Annual Minority Law Student Leadership Summit, which is now in its third year. The event (which has attracted more than 150 leaders from minority student organizations at approximately 20 law schools in the Northeast) provides a forum for student leaders to discuss solutions to common challenges.

Elizabeth D. Moore, Partner, Nixon Peabody LLP

Elizabeth D. Moore advocates for diversity through her roles as a partner at Nixon Peabody LLP, a practicing employment lawyer and a member of the Board of Trustees of Cornell University, and as an active participant in the community at large. Within her firm, Moore has been described as the “driving force” behind Nixon Peabody’s efforts in the field of diversity. As co-chair of the firm’s Diversity Action Committee, she has spearheaded the creation of a multi-year diversity plan focused on gender, race/ethnicity, sexual orientation, and staff/attorney relations. The plan was developed in conjunction with a comprehensive assessment of partners, attorneys and staff at all levels and in all offices, as well as former attorneys and staff. As a result, Moore led the firm in implementing a series of initiatives, including affinity groups, a women’s leadership summit, and a quarterly diversity newsletter. Externally, one of Liz’s notable efforts includes driving three major diversity initiatives at Cornell University to support and strengthen the pipeline of racial/ethnic minority students.

To learn more about the inaugural Diversity Champion Award or to find out how you can nominate someone for next year’s award visit www.nycbar.org or contact the Office for Diversity: Meredith Moore, Director at mmoore@nycbar.org or Elizabeth Kowalczyk, Assistant at ekowalczyk@nycbar.org.

A VICTORY FOR THE BALANCE OF POWER... CONTINUED FROM PAGE 1

established by the Bush Administration by Executive Order to try enemy combatants. In our report, issued in December, 2001, just a month after the Executive Order (and available on our website, www.nycbar.org), we found the commissions to lack basic guarantees of fairness and to deny defendants an appeal of a conviction to the judiciary branch. We noted that the administration should have utilized either our federal criminal procedures or the Uniform Code of Military Justice, well-founded and broadly-trusted systems established by Congress. The lack of procedural protections in the military commission formulation was of major concern to the Supreme Court.

Our amicus brief focused its attention on the applicability of Common Article 3 of the Geneva Convention. We successfully argued that not only did Common Article 3 protections apply to the detainees, but they could be enforced by a private individual against the government.

The court’s decision showed that our judicial system is open to all who have a legitimate claim – a detainee can sue the president and win. It also showed that the courts will not accept the argument, boiled down to its essentials, that in undertaking the “war on terrorism,” the president may ignore, without justification, any law or treaty. The Bush Administration has circulated a memo to the armed forces stating that, pursuant to the President’s Executive Order (and available on our website, www.nycbar.org), we found the commissions to lack basic guarantees of fairness and to deny defendants an appeal of a conviction to the judiciary branch.

As of press time, the administration is pressing Congress to enact into law the flawed military commission procedures, an approach we are opposing. The Chair of our Military Affairs and Justice Committee, Michael Mernin, testified before the Senate Armed Services Committee that Congress should establish an expert panel with a mandate to advise Congress about the appropriate means to establish a military commission system that would respond — in a transparent and non-partisan manner — to the Supreme Court’s decision. While the path Congress will take is unclear, it is clear that the Hamdan decision has shifted attention to Congress as the branch of government that should be establishing the legal system to govern the treatment of detainees.
COMMITTEES SEEKING NEW MEMBERS

The Civil Court Committee is seeking new members for its work on practice and technology issues affecting the Civil Court in the areas of debtor/creditor law, landlord and tenant law and personal injury, including no-fault claims. The Civil Court Committee also participates in the review of candidates for Civil Court Judge. To apply, please contact the Chair, April Newbauer, at anewbauer@legal-aid.org or 718-286-2461.

The Social Welfare Committee expects to be working on a number of projects, including examinations of: 1) the privatization of social services in New York City; and 2) the most effective methods of measuring poverty to assess the progress of "welfare reform." Members are generally interested in poverty issues, but no expertise is required. To apply, please contact the Chair, Bob Bacigalupi, at bbacigalupi@legalsupport.org or 646-442-3554.

The Science and Law Committee works on cutting-edge legal issues involving science and technology, such as the First Amendment rights of scientists, ethical issues surrounding the care of persistently vegetative patients, the effect of government on scientific research, and the creation of a uniform definition for brain death with regard to eligibility for organ donation. The Committee provides vigorous discussions, expert speakers and opportunities to collaborate with colleagues on projects that affect public policy. To apply, please contact the Chair, Stephanie Mann, at skymjdj2@gmail.com or 212-521-5420.

The Corrections Committee is continuing its focus on State prison law libraries and compensation for innocent prisoners. The Committee is also working with other City Bar committees and policymakers on several initiatives to promote the suspension, rather than termination, of Medicaid benefits to incarcerated individuals in New York State. It will also make field trip to Rikers Island during the upcoming year. To apply, please contact the Chair, Richard T. Wolf, at rtwolf@boc.nyc.gov or 212-788-7845.

The Committee on Military Affairs and Justice was formed in 1947 to address legal and policy issues affecting the armed services of the United States. In the upcoming year, the Committee expects to work further in the areas of detainee treatment, US forces in multinational settings, defense contractor liability, and other War on Terror issues. To apply, please contact the chair, Michael Mernin, at mmernin@budd-larner.com or 973-315-4421.

CITY BAR CHORUS AUDITIONS

Are you a singing lawyer, paralegal, judge, legal proofreader/secretary, legal administrator or law student with an altruistic as well as artistic spirit? Would you like to join a flexible, congenial singing group honored for its excellence in public service and featured on NY1 News as "New Yorker of the Week" for "lifting spirits with its music"? The City Bar Chorus ("CBC") has openings for new members (particularly baritones, basses and tenors) for our 14th season, starting this fall.

This 55-member chorus, directed by Kathryn Schneider, performs sophisticated arrangements of great American popular music (including Broadway, jazz, rock and gospel) principally at local hospitals, pediatric and rehabilitative facilities, nursing homes, senior residences and homeless programs. We rehearse 3 Tuesday nights per month, from 6:45 p.m. to 8:15 p.m. in Midtown Manhattan (Radio City/Rockefeller Center area) to produce what our audiences describe as a rich, professional-quality sound.

Our next auditions (brief, private and low-pressure) will be held in late August/early September. Music-reading or sight-reading ability is helpful but not required if you have a "good ear." While many of our members have prior choral experience, some of our best singers came straight from the shower! If you work in a law firm, corporate or government law department, court, law school or any other legal setting (whether as a lawyer or non-lawyer) and would like to join us in our rewarding musical outreach mission, please e-mail us at citybarchorus@aol.com or call CBC Membership Chair Magdale Henke at (973) 274-6025.
SEPTEMBER 2006 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.

8 Friday, 6 pm

FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION

Cellist Enrique Orengo will perform the sonatas of Beethoven, Shostakovich, Francoeur, and Faure.

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

13 Wednesday, 12:30-2:30 pm

LUNCHEON FOR WOMEN LITIGATORS IN SMALL AND MID-SIZED FIRMS

We are pleased to invite you to the fourth meeting of the Women Litigators Luncheon group for women litigators in small and mid-sized firms. This luncheon will provide a discussion on the topic of building your business: practical tips on networking, marketing and client growth. In addition to expert presentations, group members will have an opportunity for Q&A as well as small group discussions. The next group meeting date is November 14 for breakfast.

Moderator: KATE WEBBER
Thompson Wigdor & Gilly LLP

Speakers: JENNIFER JOHNSON
Director, Recruitment and Special Projects, Wisnik Career Enterprises, Inc.

KAREN KAHN WILSON
WomenCentric Enterprises

Registration by September 11 is necessary. The fee, which includes lunch, is $30. If you have already subscribed to the series, the September 13 luncheon is included in your subscription. Attendance is limited. Please register online at www.nycbar.org. For more information, please contact Kate Webber at (212) 239-9292.

14 Thursday, 6 - 8 pm

PREPARING TOMORROW’S LEADERS: A FORUM FOR LAW SCHOOLS, LAW STUDENTS AND LEGAL EMPLOYERS DISCUSSING BEST PRACTICES FOR THE HIRING, TRAINING AND ADVANCEMENT OF WOMEN ATTORNEYS

This forum will offer in-depth discussions of how the Women in the Profession’s February 2006 report on the “Best Practices for Hiring, Training, Retention, and Advancement of Women Attorneys” can be used to educate and train women law students to

2007 To Do List:

☑ Open Health Savings Account.
☑ Take tax deduction of up to $5,450**.
☑ Deposit up to $5,450* into HSA.
☑ Earn Tax Free Interest (4%)!
☑ Enroll in a Qualified High Deductible Health Plan with Oxford.
☑ Call Marsh Affinity Group Services at 888-882-2269 to start!
☑ Do it NOW to get maximum benefits for 2007!

* Marsh and NYCBA do not provide tax or legal advice.
** Amounts shown are for family coverage and may be higher in 2007.
maximize their success and impact as lawyers. The program will consist of two panels. The first panel, comprised of a law school senior administrator, law school career services professional, law student, and a law firm professional development representative, will discuss the challenges women face as they navigate their way into the profession and strategies for a successful transition. The second panel, comprised of practitioners and law firm management, will discuss strategies for success in the practice of law and ways for legal employers to work with law schools and students to ensure the success of women in the profession. A cocktail reception will follow. The Forum will enable law students to collectively improve the workplace for women attorneys and empower them with the necessary tools to succeed as attorneys.

Moderators:

DEBORAH EPSTEIN HENRY
Flex-Time Lawyers LLC

CARRIE H. COHEN
Chief, Public Integrity Unit, Office of the New York State Attorney General

Co-sponsored by:

Flex-Time Lawyers LLC

Registration by September 10 is necessary. There is no fee for this program. Please register online at www.nycbar.org

20 Wednesday, 8:30 am

READING THE TEA LEAVES: HOW TO GET THE MOST OUT OF YOUR PERFORMANCE EVALUATION

Learn how to successfully: (i) prepare for; (ii) interact during; and (iii) follow up after your performance evaluation. The panelists will suggest questions to use during the evaluation aimed at extracting information on your performance and gaining insight on your future prospects at the firm. You will also learn the skills needed to extract constructive and valuable feedback from the reviewer. A handout with simple techniques and tips on how to get the most out of your performance evaluation will be provided.

Moderator:

AMY G. PASACRETA
Willkie Farr & Gallagher LLP

20 Wednesday, 6-8 pm

SPEED NETWORKING — FAST BUSINESS FOR BUSY WOMEN

Join us for Speed Networking, the easy way to meet accomplished women. Speed Networking is the fast and efficient way to meet referral sources — successful, knowledgeable women from New York law firms with a wide range of expertise. Marrying the techniques of “speed dating” with the professional opportunities of a networking cocktail party, we’ve created an environment filled with people you’ll want to meet — and who’ll want to meet you. Make opportunities, cross-market, learn something you didn’t know before. A wine and cheese reception will begin at 6 pm followed by the Speed Networking event at 6:30 pm. This program is intended for practicing lawyers only and not open to vendors.

Registration by September 15 is necessary. The fee is $25. Please register online at www.nycbar.org. If you have any questions please contact mharris@nycbar.org.

21 Thursday, 12:30 – 2 pm

Small Law Firm Luncheon

WRITING & SPEAKING AS MARKETING TOOLS

Writing articles and/or books provides you with exposure and credibility as an attorney with knowledge of particular areas. Speaking engagements for trade groups, other professionals and your target markets also provides credibility and exposure. Exactly how these translate to good marketing, and how to get into print and in front of an audience, will be the topic of this luncheon discussion.

Moderator:

MICHAEL C. RAKOWER
Law Office of Michael C. Rakower

21 Thursday, 6-8 pm

COLLATERAL CONSEQUENCES TO CRIMINAL CONVICTIONS: SHOULD YOUR CLIENT TAKE THE OFFER?

This pro bono CLE program will offer defense lawyers practical strategies for counseling clients and fulfilling their ethical obligations to them. Please Note: This program will take place at 100 Centre Street, Room 1100, Manhattan.

Moderator:

ROBERT S. DEAN
Chair, Committee on Criminal Justice Operations & Budget

Speakers:

MARIANNE YANG
Director, Immigrant Defense Project, New York State Defender Association

McGREGOR SMYTH
Project Director, Civil Action Project, The Bronx Defenders

ARNOLD J. LEVINE
Private Practitioner; former Supervisor, Criminal Defense Division, The Legal Aid Society

This program will provide 2 Transitional CLE Credits: (1 Ethics, 1 Professional Practice)

$7.00 Materials fee for CLE credit. Pre-register by contacting nallen@nycds.org.
21 Thursday, 6-9 pm

EMERGING ISSUES REGARDING ELECTRONIC EXCHANGE, ACCESS AND STORAGE OF HEALTH INFORMATION

The conference will focus on issues of privacy, security and liability around the electronic exchange of health information. The speakers will have example-based discussions on current and relevant issues that have arisen in the practical application of the law implicated in this rapidly growing and important area.

Moderator:
SAMUEL J. SERVELLO
Moses & Singer LLP; Secretary of the Committee on Health Law

Speakers:
JEAN QUARRIER
Associate Counsel and HIPAA Privacy Officer, NYS Department of Health

JULIE RODAK
Associate Counsel, Director of the Bureau of Policy, Regulations, and Legislation, and the HIPAA Privacy Officer for the NYS Office of Mental Health

BRIAN WYATT
Associate General Counsel, Hospital for Special Surgery, Chair, Legal Subcommittee of New York Clinical Information Exchange, Inc. (NYCLIX)

GLENN MARTIN, M.D.
Practicing psychiatrist; Director of Medical Informatics, Queens Health Network of HHC (Elmhurst and Queens Hospitals); current President, Medical Informatics New York

In conjunction with:
NYS Bar Association’s Health Law Section Committee on Health Care Providers and Medical Informatics New York

26 Tuesday, 6:30-9 pm

YOUNG LAWYERS FALL RECEPTION

The Committee on Young Lawyers and the City Bar Association welcomes newly admitted attorneys (practicing less than 8 years), recent law school graduates and law students to its annual Fall Reception.

Please RSVP to the Committee on Young Lawyers at younglawyers.committee@yahoo.com.

27 Wednesday, 6 pm

PRO BONO CONSUMER BANKRUPTCY PROJECT TRAINING

The City Bar Justice Center’s Pro Bono Consumer Bankruptcy Project will conduct a free 3-credit CLE Program for volunteer attorneys "How To Handle A Consumer Bankruptcy in the Southern and Eastern Districts of New York." This program will provide training on how to advise and assist debtors faced with serious financial problems who are considering filing bankruptcy. It will teach how to prepare and file a Chapter 7 consumer bankruptcy so that it meets all the requirements of the new bankruptcy act. Topics to be covered include the “Means Test”, the requirements for mandatory credit counseling, and what debts may not be dischargeable. The program will provide complete training and materials detailing how to assist a low income debtor through the bankruptcy process. No prior bankruptcy experience is necessary in order to participate in this program. Interested participants will be asked to volunteer, and assist, at least three Consumer Bankruptcy Project clients over the course of the year. All volunteer work will be done under the supervision and guidance of the Project staff.

Speaker:
JOHN T. McMANUS
Director, Pro Bono Consumer Bankruptcy Project

Participants should register by September 18. This is a CLE 3-credit program. No fee is required provided you agree to participate as a pro volunteer on 3 consumer bankruptcy cases. To register, or for more information, contact the Project Coordinator, Ramona Morel, at 212-382-4783 or by e-mail at rmorel@nycbar.org

27 Wednesday, 7 pm

RENAISSANCE LITIGATORS: CRIMINAL ADVOCATES IN CIVIL CASES

A roundtable discussion of tactics used by criminal practitioners in civil litigation.

Program Chair:
GUY L. HEINEMANN
Guy L. Heinemann, P.C.

Moderator:
JACK FORD
Anchor, Court TV

Speakers:
BARRY A. BOHRER
Morvillo, Abramowitz, Grand, Iason & Silberberg, P.C.

LAURA A. BREVETTI
Law Offices of Laura A. Brevetti

ZACHARY W. CARTER
Dorsey & Whitney LLP

NICHOLAS CASALE
Managing Partner, IntaCUSA LLC

PAMELA ROGERS CHEPIGA
Allen & Overy LLP

HAL R. LIEBERMAN
Hinshaw & Culbertson LLP

THOMAS P. PUCCIO
Law Offices of Thomas P. Puccio

BENITO ROMANO
Willkie Farr & Gallagher LLP

28 Thursday, 6:30 - 8:30 pm

CELEBRATING SERVICE — A COCKTAIL RECEPTION

The CityBar Public Service Network, which fosters public service in the legal community by matching hundreds of attorneys with unique volunteer opportunities in the nonprofit sector, is sponsoring "Celebrating Service" to honor Public Service Network volunteers and partner nonprofit organizations for working together to serve others. This year marks the 100,000th hour donated by Public Service Network attorneys - indeed something to celebrate! Public Service Network attorneys will share their experiences working on compelling and innovative volunteer projects and representatives from nonprofit organizations will discuss the impact Public Service Network volunteers have had on their work.

Speakers:
ASTRID ANDRE
Counsel, New York City Economic Development Corporation; Board of Directors, Fresh Art

ROBERT ANKER
Law Offices of Robert Anker; Board of Directors, Battery Dance Company

LALITA BROCKINGTON
Founder, Brockwill LLC; Volunteer Instructor, Workshop In Business Opportunities

CHRISTINA CLAYTON
Former Vice President and General Counsel, Xerox, Inc; Pro Bono Staff Attorney, Legal Services For Children

PHYLLIS KLEIN
Former Associate General Counsel, Hospital for Special Surgery; Pro Bono Staff Attorney, Legal Services For Children
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**ANDREW COLAO**
Weil Gotshal & Manges LLP; Pro Bono General Counsel, New Heights, Inc.

**HENRI GUERON**
Former Senior Attorney, Con Edison; Pro Bono Staff Attorney, City Bar Justice Center Refugee Assistance Project

**KEVIN HOGAN**
Director of Strategic Planning, New York Botanical Garden; Pro Bono General Counsel and Director of Strategic Planning, El Museo Del Barrio

**RENE KATHAWALA**
Pro Bono Coordinator, Orrick, Herrington & Sutcliffe LLP; Pro Bono Counsel, Bodanna, Inc.

**MATTHEW KNOUFF**
Special Assistant District Attorney, Kings County District Attorney’s Office

**MELISSA SAFT MOSKOWITZ**
Volunteer Researcher, New York City Alliance Against Sexual Assault

**FRANK MULLER**
Co-founder and President, Metro Mediation Services; Volunteer Mediator, Better Business Bureau

**EMMA NAKAKUKI**
Senior Manager, Morgan Stanley; Advisory Board Member, Friendship Ambassadors Foundation

**WANJI WACCOLT**
Vice President and Group Counsel, General Counsel’s Office, American Express; Pro Bono Attorney, City Bar Justice Center Neighborhood Entrepreneur Law Project

This program is open to all Public Service Network volunteers and their guests and attorneys interested in hearing about or working on creative pro bono and public service projects. Space is limited and registration is required. For more information or to RSVP, please contact Sara Chang at 212-382-6648 or schang@nycbar.org.

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**SAVE THE DATE!**

**November 1, 2006**

8:30 a.m. – 4:00 p.m.

3rd Annual Law Practice Management Symposium

**GROWING A VIBRANT LAW PRACTICE**

**SAVE THE DATE!**

**October 12, 2006, 4 - 6 pm**

**PRO BONO OPPORTUNITIES FOR IN-HOUSE COUNSEL**

This program will include a CLE on ethical issues for in-house counsel in doing pro bono work and a panel discussion on how to develop a pro bono program and access pro bono opportunities as in-house counsel. A reception will follow.

*There is no fee for this program. For more information, please contact Madeleine Schachter at Madeleine.schachter@hbgusa.com*
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Minority Bar Event. New York City Bar Association President Barry Kamins (second from the left) hosted a special gathering of minority bar association Presidents who participated in the Association’s June 21st roundtable discussion: "The Role of Minority Bar Associations in Achieving Justice in the Courts." In attendance (left to right) were: Bettina B. Plevan, the Association’s past President; Barry Kamins; Court of Appeals Judge George Bundy Smith, who moderated the discussion; Acting Supreme Court Justice Debra James, Chair of the City Bar’s Minorities in the Court Committee; Taa Grays, Director of the National Bar Association, Region 2; Lai Sun Yee, President, Asian American Bar Association; Janet Alvarez, past President, Puerto Rican Bar Association; Placid Aguwa, President, Nigerian Lawyers Association; Moushumi M. Kahn, President, Muslim Bar Association of New York; Sanjana Chopra, President, South Asian Bar Association; Linda Maria Wayner, Deputy President, New York Region, Hispanic National Bar Association; and Elsa-Marte Hampton, President, Dominican Bar Association.

European Affairs. Mark A. Meyer (second from right), chair of the European Affairs Committee, and Christopher J. Borgen (second from left), committee member and primary author of the committee’s report on the Transnistrian crisis in Moldova, attended a Moldovan Parliamentary Conference in July that focused on the report’s findings. The report, titled "Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova," examines the legal issues relating to the conflict and has drawn the attention of the governments in the region. Numerous ambassadors, including those from Britain, France, Romania and Hungary, attended the conference. A link to the committee’s report can be found on the homepage of the Association’s Web site, www.nycbar.org.

Celia Paul Associates
Career Clinic for Lawyers

The Career Clinic is available to a limited number of qualified lawyers who require quality career counseling that is affordable and comprehensive. Participants will receive comprehensive career guidance from qualified graduate students in counselor education and to acquire new skills to compete effectively in challenging, and changing job markets.

Eligibility
An eligible candidate for this career clinic is one who:

- faces serious career issues, i.e. inability to find suitable work for long periods;
- is unable to pay significant career counseling fees;
- is willing to invest time and energy in their career transition (10-20 hours per week)

Cost
There is a sliding fee scale, and will be made affordable to all eligible lawyers, space permitting.

If you wish to apply to be considered as a candidate, please click on the visit http://www.onlinecareerclinic.org/clinic/clinicform.html and complete the detailed questionnaire. Your application will be reviewed – in absolute confidence. Applicants will receive an automated e-mail response acknowledging receipt of their application and will be notified of their acceptance into the Clinic as soon as possible. For more information please e-mail info@onlinecareerclinic.org
African Affairs
Letter to the Prime Minister of Ethiopia expressing concern over the arrest and detention of human rights attorney Daniel Bekele. The letter argues that the arrest and detention of Mr. Bekele may constitute a grave violation of his right to a fair trial, and that Ethiopia may be in violation of its international legal commitments.

Alternative Dispute Resolution
Report on mediator quality in New York State. The report examines the current systems now in place that address the mediator quality issue in New York and recommends that membership organizations for New York State mediators develop voluntary accreditation systems and that a registration system be established for the filing of publicly accessible statements of qualifications by mediators, on a mandatory basis for compensated mediators and optionally for others.

Civil Rights
Report supporting the Voting Rights Act Reauthorization and Amendments Act of 2006 (VRARA) (H.R.9/S.2703). The report supports the VRARA as its provisions would: (1) renew the preclearance requirements; (2) assure minorities the right to elect candidates of their choice and to prohibit any voting changes that deny the right to vote on the basis of race or color; (3) renew the Act’s language assistance requirements; (4) facilitate the use of federal observers; and (5) allow recovery of expert fees by successful plaintiffs in voting rights suits.


The briefs contend that NSA’s admitted practice of wiretapping privileged communications in the name of national security—without a court warrant and pursuant to undisclosed standards that are never subjected to judicial scrutiny—chills a broad spectrum of constitutionally-protected speech, including communications between attorneys and their clients. The brief argues that the NSA Surveillance Program should be enjoined because it fails to comply with Foreign Intelligence Surveillance Act of 1978 (FISA) which is the exclusive means by which electronic surveillance may be conducted within the United States, and does not comply with the Fourth and First Amendments.

Education and the Law
Amicus Brief: Bronx Household of Faith v. Board of Education of the City of New York filed in the US Court of Appeals for the Second Circuit. The brief argues that District Court’s decision should be reversed and that the Department of Education should be allowed to enforce Standard Operating Procedure Sec. 5.11 which precludes parties from conducting worship services in the New York City public schools.

European Affairs
Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova. In May 2005 the City Bar sent a legal assessment team to the Republic of Moldova, including the breakaway region of Transnistria. The report, based on the team’s assessment, examines the key legal issues of this “frozen” conflict, and concludes that: effective control of the Transnistrian part of Moldova is that of a de facto regime and may be viewed as analogous to control by an occupying power; under the rules governing de facto regimes and the law of occupation, the privatization program can leave investors with no confidence that these transactions would be enforced if the Transnistria is reintegrated into Moldova; and Russia’s activities concerning the Transnistrian situation lead to credible claims of responsibility on the part of Russia for the continuing separatist crisis.

Family Court and Family Law
The Report on Family Court Services provides current information about the types of services provided in New York City’s family court-houses and how to access the assistance they offer. The report also includes a participant/observer study undertaken by law students which chronicles the students’ experiences during visits to each of the City’s family court courthouses.

Report supporting the passage of S.8096/A.10447 which would amend the judiciary law to allow for the assignment of counsel to the indigent by supreme court in proceedings over which family court has a jurisdiction. This legislation would eliminate the current gap where an indigent person involved in a custody dispute in Family Court is entitled to court-appointed legal counsel, but not if the same dispute is in, or moved to, Supreme Court.

Federal Courts
A Guide to Mediation in the Southern and Eastern Districts of New York. The Guide provides best practices tips to attorneys engaged in mediation or alternative dispute resolution; highlights the local rules in each District; and provides relevant sources and contact information

Government Ethics
A Proposal to Apply Ethics Agreements on the State and Local Government Level. The report concludes that ethics agreements, an oral or written promise by a reporting individual, typically a candidate or nominee for public office or employment, to undertake specific actions in order to remedy an actual or apparent conflict of interest, could add significant value to state and local government appointment processes and should be implemented.

Immigration and Nationality Law
Letter to the US Citizenship and Immigration Services commenting on the proposed changes to the affirmation asylum application procedures. The changes, the letter argues, would have a negative impact on asylum seekers, the asylum adjudication process and the over-burdened immigration court system. The letter further notes that the changes are based on scant or no research or statistical support and fail to adequately analyze the consequences of such changes.

Information Technology Law
Letter to the Free Software Foundation urging that, given the increased use of open software in business and commercial use, the rules governing such software should be clarified. The letter provides comments as to how best to amend the current version of the General Public License to make it both clear and fair to both licensors and licensees.

International Human Rights
Letter to the President of Colombia expressing concern about recent statements he made which could be perceived as threatening and which are inconsistent with international standards that safeguard the independence of lawyers and judges.

Insurance Law
Letter to the New York State Legislature commenting on S.8166, The Viatical Settlements Act (the “Bill”) which would amend the New York Insurance Law to expand the current regulation of sales of life insurance policies insuring terminally or critically ill insureds prior to death to cover “life settlements”,
which are sales of life insurance policies insuring persons who are not critically ill. The letter supports the consumer protections which the Bill provides. However, there are a number of critical provisions in the bill regarding restrictions on viator's rights to transfer their policies, which the Committee finds troublesome and should be modified.

Judicial Selection, Task Force
Amicus Brief: Torres v. New York State Board of Elections (US Court of Appeals for the Second Circuit). The brief argues that the district court did not abuse its discretion in enjoining operation of New York's judicial nominating convention system and ordering direct primary elections as a temporary remedy. The brief goes on to urge that the district court and the legislature should consider thoroughly all available options, including improving the judicial convention system and, in what the City Bar would consider a more preferable option, moving to a merit-based appointment system.

Legal Issues Affecting People with Disabilities
Report supporting S.7469/A.10071 ("P.J.'s law") which would require school-bus drivers and attendants transporting children with disabilities to complete training at least twice a year on the special needs of any students for which they may be responsible.

Legal Issues Pertaining to Animals
Report supporting S.663/A.9266 which would amend the Penal Law to provide that a person is guilty of grand larceny in the 4th degree (a class E felony) when he/she steals property and when the property, regardless of its value, consists of a pet which is taken from: the person of the owner or the lawful custodian of the pet; the dwelling of the owner or lawful custodian of the pet; or any enclosure of yard within 500 feet of such dwelling.

Mental Health Law
Report supporting the passage of "The Children's Mental Health Act of 2006" (A.9649/S.6672), which would provide for the establishment of a children's mental health plan; and to amend the education law to require the incorporation of social and emotional development standards in the development of elementary and secondary school educational guidelines. The report also offers several suggestions which would make the Act more effective.

Letter expressing support of S.2207-C which would address the inhumane and unjust treatment of prisoners with psychiatric disabilities by outlawing their placement into solitary confinement, by creating alternative therapeutic housing areas for them and by providing training for correctional staff who work in mental health housing areas.

Mergers Acquisitions and Corporate Control Contests
Letter to the SEC commenting on the proposal regarding disclosure of compensation of directors serving on special committees of boards of directors. The letter urges that the SEC clarify the rule and specifically exempt such compensation arrangements from the disclosure requirement unless and until the public disclosure would be required in any related filing or in the first periodic report filed by the registrant post-announcement.

Letter to the SEC commenting on the proposed NASD Rule 2290 Regarding Fairness Opinions in Corporate Control Transactions (May 2006). In follow-up to a letter sent earlier to the SEC, the Committee, though generally supportive of the proposed rule, reiterates its concern with proposed Rule 2290(b)(3), noting that it is inappropriate and should be removed or at least recast more narrowly.

Military Affairs and Justice
Letter to Congress urging opposition to the Administration's issuance of a revised Army Field Manual on Intelligence Interrogation as it would undercut the McCain Amendment by rewriting the document which the amendment sought to preserve as the standard for prisoner treatment.

New York City Affairs
Testimony delivered before the New York City Council supporting Intro. 260 which would amend New York City Law to enhance the legal protections for persons that testify before hearings of the Council.

Private Investment Funds
Letter to Governor Pataki expressing opposition to S.6831/A.10399 which would amend the proposed sanction for failure to comply with the publication requirements under the New York Limited Liability Company Law and the Partnership Law, by imposing joint and several liability for the owners of limited liability companies or limited partnerships.

Professional Responsibility

Science and Law
Letter to Congress expressing support for the passage of H.R.1227, the Genetic Information Nondiscrimination Act of 2005. The bill provides national uniform protection that would allow individuals to take advantage of genetic testing, research and their benefits without fear of compromising or being denied health care coverage or employment opportunities.

Senior Lawyers
Report on retired lawyers and pro bono activities which recommends that law firms adopt the practice of utilizing senior lawyers, who would otherwise be subject to mandatory retirement, by offering them major roles in their firm’s pro bono practices, in return for the lawyers’ commitment to devote all or substantially all of their working time to such pro bono efforts.

State Courts of Superior Jurisdiction
Letter to Hon. Jonathan Lippman, Chief Administrative Judge of the Courts, expressing concerns about Section 202.8(h) of the Uniform Civil Rules for the Supreme and County Courts which mandates that lawyers remind judges in writing when a submitted motion has not been decided within 60 days ("Rule 23").

Taxation of Business Entities
Letter to the IRS offering comments on the application of the proposed regulations under Internal Revenue Code Section 409A, service arrangements between partnerships and partners.

Tort Litigation
Report supporting S. 5555/A.8114 which would amend the civil practice law and rules to exempt all settlements from collateral source offsets in tort claims for personal injury, property damage or wrongful death, and in related subrogation claims.

Copies of these reports are available at the Association’s website, www.nycbar.org, or by calling 212-382-6624.
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Immigrant Justice

The Refugee Assistance Project represents people who have suffered persecution in their home countries and are seeking asylum in the United States. After successful work on several asylum pro bono cases at a law firm, Program Director Jennifer Kim left her firm to join the City Bar Justice Center so that she might focus on refugee assistance full time. She has been with us nearly three years.

"Our clients are among the most vulnerable. Many were traumatized in their home countries, have had family members killed or imprisoned, and are suffering from post-traumatic stress disorder. On top of all they are enduring, the current political climate in the U.S. makes obtaining asylum more and more difficult," said Kim.

"Refugees who have legal representation are four to five times more likely to win their asylum case, so providing clients with counsel is crucial. Every day we win a case is a happy day. Our clients have experienced things that no person should have to experience. And while obtaining legal status can’t erase that, it can put them on a path to a new beginning. There is no other way to express what it’s like when one of our clients wins asylum -- it is simply incredible happiness."

The Immigrant Women and Children Project empowers immigrant victims of domestic violence to seek freedom from their abusers and attain legal status in the United States. The Anti-Trafficking Project also trains law enforcement, community-based organizations and non-government organizations about the legal remedies available to victims of human trafficking.

Prior to 1994, many immigrant victims of domestic violence faced a tragic choice: stay in an abusive relationship because their spouse was sponsoring their immigration status, or leave behind both the abuser and any chance of attaining legal immigration status. Today, the "Violence Against Women Act" now lets immigrant victims of domestic violence leave the abusive relationship and self-petition for their own immigration status. But to take advantage of this law, the domestic violence must be proven. Since many abusive acts go unreported, this isn’t always an easy task. Fortunately, volunteer attorneys in The Immigrant Women and Children Project, under the supervision of Program Director Suzanne Tomatore, help the victims gather the necessary evidence and present their case.

Reports of human trafficking cases are also on the rise. Since the dynamics of these cases are similar to the experience of domestic violence clients, the program represents a growing number of trafficking victims. Tomatore has become a leading national anti-trafficking advocate. One of Tomatore’s most memorable cases, she said, involved a six-year-old boy:

"I was working with a couple who paid a smuggler to help bring their children to the United States to live with them. The smuggler brought one child, but kept the six-year-old boy in order to extort money from the family. Every week the family was asked for more money and was told the child would be returned, but while the money kept coming, the boy wasn’t surfacing. The distraught parents had no idea what to do or where to turn. The program helped them connect with law enforcement officials, who conducted surveillance and taped conversations, ultimately facilitating the boy’s return. The Immigrant Women and Children Project then worked with the family to legalize their immigration status."
Economic Justice

The Consumer Bankruptcy Project advises low-income consumers of their rights and responsibilities on subjects that include debt management, pro se Chapter 7 filings, and pro bono representation to debtors in contested matters. The project is headed by John McManus, and we spoke with Program Coordinator Ramona Morel about her work with the Project.

“One of the best feelings is when a client calls to tell you that they have just spoken to a creditor and said, ‘You can’t harass me anymore, I know my rights!’ That’s one of the most important things we do here; we help people assert their rights.”

The bankruptcy project has about 50 volunteers and handles more than 200 cases every year. Much of the work involves drafting papers for pro se clients. However, in adversarial proceedings, volunteers from the project’s pro bono panel (formed by the City Bar’s Bankruptcy Committee) provide direct representation. Clients range from people who have recently lost their jobs to the elderly who have been forced deeper into debt due to the cost of their medications.

“Without our help, clients most likely wouldn’t have the knowledge necessary to choose the option that will allow them to keep what little they have,” said Morel. “We teach our clients how to protect themselves.”

The results are immeasurable, as the program enables most clients to achieve a financial fresh start. Without our help, clients most likely wouldn’t have the knowledge necessary to choose the option that will allow them to keep what little they have,” said Morel. “We teach our clients how to protect themselves.”

The Legal Clinic for the Homeless provides legal assistance to the homeless at shelters, at fair hearing sites, and through telephone intake. The clinic supervises the work of four law firms that have “adopted” three different homeless shelters, plus Columbia Law School students who work with a fourth shelter. Issues can range from tax law to family law and immigration matters. But a vast majority of their work relates to public benefits, Medicaid, and food stamps.

Since the passage of federal Welfare Reform legislation in 1996, all levels of government have pressured welfare recipients to fulfill work program requirements — or risk sharp reductions or the total curtailment of benefits. Legal Clinic for the Homeless volunteers often meet clients with significant barriers to employment, including domestic violence and serious mental health issues. These clients see their benefits slashed for reasons they cannot control.

Frequently, the city does not issue homeless clients all the benefits that they are not only entitled to, but need to feed and shelter their families. According to Program Director Lisa Pearlstein:

"The work can be frustrating, particularly as the political landscape grows more hostile. But while it may sound cliché, when a client calls to tell me that her benefits were restored and she was able to buy necessities for her children … I feel as fulfilled by this work as when I started 20 years ago."

When a client calls to tell me that her benefits were restored and she was able to buy necessities for her children, the frustration quickly fades and I feel as fulfilled by this work as when I started 20 years ago. For me, it is especially rewarding as I get to be a supervisor, a mentor and a teacher. I know my volunteers feel that sense of fulfillment, too, and I love that.”

The Neighborhood Entrepreneur Law Project provides legal assistance to low-income micro-entrepreneurs in the initial stages of structuring
a new business or strengthening an existing one. Micro-entrepreneurs (generally described as a small-business owner who employs less than five people) start a wide variety of different businesses, ranging from small restaurants and franchises, to hair salons and dry-cleaning businesses. Most of the time, the owners have never owned a small business before. The Project seeks to guide them through the process of operating a small business and obtaining all the necessary licenses and permits. Program Director Akira Arroyo explains:

"We get clients who come in and say that they want to incorporate because they have a great idea. But they don't consider the fees and taxes associated with the incorporation process, or realize that they may need special licenses or permits to operate their business. By helping them incorporate, negotiate leases and contracts, they can turn their ideas into a real business," she said.

The Project reaches out to more than 500 potential clients per year, mostly through presentations at various community organizations across the five boroughs. The Project provides 100-150 people with one-on-one counseling and assigns approximately 50 cases to volunteer attorneys for ongoing representation.

"For a lot of people, I’m the first lawyer they’ve ever sat down with," said Arroyo. They’re amazed at how much we can help them take care of, and even more so because our work is free. We are able to get them started on the right track so that they can be more efficient and productive along the way. We help people to help themselves."

The Elderlaw Project maintains the dignity and independence of elderly people by giving advice and assistance regarding wills, living wills, health care proxies, powers of attorney, government benefits, and consumer issues. With recent changes to Medicare Part D, causing some clients to lose coverage for medication that they have taken for years, the Project is now offering representation in Medicare appeals cases. The Project also operates a statewide helpline in collaboration with Legal Services for the Elderly.

According to Program Director Vivienne Duncan, "Elderly people are often targets of con artists. But even when dealing with legitimate businesses, if an elderly person can’t explain as forcefully and quickly as a younger person, they are dismissed. The fact that many don’t have access to the internet isolates them further. It is particularly disheartening to see clients, many with grown children, who have no family willing or able to assist them. While we aren’t family, at least we can try to help."

Although a large majority of the program’s cases involve advance directives and living wills, cases regarding consumer fraud and debt are on the rise. According to Duncan, "In the past, I always thought of credit-card debt as a young person’s problem, but it’s not. I see clients juggling 5 to 8 credit-card bills that they simply can’t pay. Living on Social Security in New York City is difficult and clients have taken out additional credit cards to pay for the basic necessities of life, including food and medication. They are now being hounded by calls from creditors, with each call feeling like a dagger in the chest. We work to try to resolve the problem for the client."

The Cancer Advocacy Project is one of a kind at the City Bar Justice Center, as it’s our only program without an attorney at the helm. Instead, it is run by Laura Mosiello, a social worker with years of hospital experience. Mosiello helps clients discern their main legal issues in the midst of their distress, and then she guides the volunteer lawyer in dealing with a sick or dying client. More than 40 active volunteers worked with approximately 450 cancer patients last year on issues such as preparations of wills and powers of attorney, employment discrimination and insurance disputes. "Our lawyers are fantastic. They go into hospices and into people’s homes, and they help them prepare during an intensely painful time," said Mosiello.

One of the biggest obstacles is the fact that most people do not have health care proxies or living wills. Mosiello explains: "If a client doesn’t have a health care proxy or living will, it is so much more complicated for the family. I can’t tell you how horrible it is to see a family dealing with these kinds of legal issues on top of watching a loved one die. We’re working hard not only to get people through situations like these, but also to prevent them from getting there in the first place by actively educating people about the importance of advance directives and living wills."

"Living on Social Security in New York City is difficult, and clients have taken out additional credit cards to pay for the basic necessities of life, including food and medication."

Vivienne Duncan
Family Justice

The Uncontested Divorce Project assists divorce seekers filing pro se uncontested divorces. New York’s divorce laws are among the most difficult in the country. According to Project Director David Gaffner, "Even in cases where both parties agree that divorce is the most desirable solution, there remains a challenging volume of paperwork to take care of, often leaving people in unhappy and sometimes dangerous marriages. But the Justice Center is here to alleviate the burden, as the project handles the job from start to finish, leaving only a line for a signature. This greatly eases the strain on the clients, who are often simply handed a stack of papers from the court with no guidance as to how to complete them and no real access to help."

Gaffner is the only lawyer in the program, working with a team of paralegals that spearhead not only this, but the Legal Hotline, a broader service that provides legal advice, information and referrals to low-income New Yorkers. The hotline answers nearly 12,000 calls a year, and can be reached weekdays from 9:00 a.m. to 12:30 p.m. by telephoning (212) 626-7383. The hotline serves as intake for clients needing a variety of legal services, and is often a main referral source of the other Justice Center Programs.

The Contested Divorce Clinic, headed by Judith Flamenbaum, provides consultations with experienced matrimonial practitioners for unrepresented litigants embroiled in contested divorce cases. Divorce cases tend to be not only legally complicated, but also require hundreds of hours of a lawyer’s time. The never-ending demand for pro bono divorce lawyers simply cannot be met. However, by assisting clients with individual components of their cases as they represent themselves pro se, the program ensures that fewer people are forced into court with no legal guidance.

"Without a program like this," explains Flamenbaum, "unrepresented clients don’t stand a chance. They are in intensely emotional periods of their lives and have the possibility of losing everything, including custody. Especially troubling is the fact that 90 percent of the time, the non-moneyed unrepresented spouse faces a represented adversary. Judges try very hard to be fair in helping the unrepresented, but it is still the client’s responsibility to present a case."

Presenting a case without an attorney is extraordinarily difficult, particularly since the documents that need to be filed are hardly intuitive. The fact that English is not the first language of many of the petitioners only exacerbates the problem.

"Speaking in court on their own can be such an intimidating proposition for our clients that many fear they will freeze and be unable to get the words out. In those cases, I will sometimes offer to script statements for them. For more outgoing clients, I just have to tell them how to handle themselves in court: how to dress, how to address the judge, simple things, really, yet things that can affect the outcome of a case."

YOU CAN MAKE A DIFFERENCE!

The City Bar Justice Center invites all attorneys, paralegals, legal assistants, and law students to join our efforts to provide desperately needed legal assistance to low-income New Yorkers. Try something new, expand your legal experience, and gain the satisfaction of giving back to your community. For more information about our programs and volunteer opportunities please contact:

Kwanza Butler
DIRECTOR
PUBLIC SERVICE NETWORK
(212) 382-6727, or kbutler@nycbar.org

GIVE YOUR DOLLARS

The City Bar Justice Center relies heavily on contributions to carry out our work. We leverage these contributions to secure matching gifts from foundations and other sources. You can make a tremendous difference in the lives of New Yorkers in need by sending in your tax-deductible contribution today. For more information on giving opportunities please contact:

Rosemary Griffin
DIRECTOR, DEVELOPMENT
City Bar Justice Center
42 W. 44th Street, New York, NY 10036
(212) 382-6754, or rgriffin@nycbar.org
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<thead>
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<td>9-1 p.m.</td>
<td>Video Replay: A Practical Guide to LLCs &amp; LLPs</td>
<td>4 1/2 credits</td>
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<td>9-12:45 p.m.; 12:30-2 p.m. luncheon</td>
<td>HOT TOPICS FOR THE ADMIRALTY &amp; MARITIME BAR</td>
<td>4 credits</td>
<td>6-9 p.m.</td>
<td>TERMINATION OF AN EMPLOYEE: AVOIDING LITIGATION</td>
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<td>6-9 p.m.</td>
<td>ETHICAL CONSIDERATIONS FOR CORPORATE INVESTIGATIONS: UPDATES 2006</td>
<td>3 credits*</td>
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<td>9-5 p.m.</td>
<td>COMPLYING WITH THE SECURITIES LAWS: A PRACTICAL OVERVIEW OF THE RULES</td>
<td>3 credits*</td>
<td>9-5 p.m.</td>
<td>ACCOUNTING &amp; FINANCE FOR LAWYERS – UNDERSTANDING THE BASICS &amp; BEYOND</td>
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<tr>
<td>6-9 p.m.</td>
<td>NEGOTIATING SOFTWARE LICENSES: PRACTICAL ISSUES YOU NEED TO KNOW</td>
<td>2 credits*</td>
<td>6-9 p.m.</td>
<td>ESTATE PLANNING FOR SAME SEX &amp; UNMARRIED (HETEROSEXUAL) COUPLES</td>
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<td>15 credits</td>
<td>9-5 p.m.</td>
<td>REPRESENTING CLIENTS IN THE SALE &amp; PURCHASE OF PRIVATELY HELD CORPORATIONS</td>
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<td>9-4 p.m.</td>
<td>LITIGATION SKILLS WORKSHOP: TAKING &amp; DEFENDING DEPOSITIONS Part Two of Two</td>
<td>15 credits</td>
<td>6-9 p.m.</td>
<td>RESIDENTIAL CLOSINGS: SOUP TO NUTS</td>
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<tr>
<td>9-12:30 p.m.</td>
<td>HOT TOPICS IN ADVERTISING &amp; MARKETING LAW 2006</td>
<td>4 credits*</td>
<td>Also Wednesday, October 4</td>
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*This program provides transitional credit for newly admitted attorneys.
ADIMIRALTY LAW

HOT TOPICS FOR THE ADMIRALTY & MARITIME BAR

12 Tuesday, 9-12:45 p.m.; 12:30-2 p.m.
luncheon

This half-day seminar will address important legal issues relevant to the admiralty and maritime bar. The program will cover recent changes related to the trading of shipping derivatives, U.S. export and import regulations, new investment topics including KG financing, and master limited partnerships and hedge funds as shipping investors, as well as current issues relating to port security in the U.S. The program will include a luncheon following the final presentation.

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

Moderator:
DONALD J. KENNEDY
Carter, Ledyard & Milburn LLP

Faculty:
JOHN E. BRADLEY
Vedder, Price, Kaufman & Kammholz, P.C.

MARK FRIEDMAN
Managing Director
Merrill Lynch

TOBIAS KÖNIG
Managing Partner
König & Cie. GmbH & Co. KG

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

DAVID MARCHICK
Covington & Burling LLP

MICHAEL E. MCCLURE
Chief Financial Officer
Navios Maritime Holdings, Inc.

KNUT MOYSTAD
Director of Marketing
Imarex ASA

JOHN B. REYNOLDS, III
Wiley Rein & Fielding LLP

JOHN W. SINDERS, JR.
Managing Director
Jefferies & Company, Inc.

Luncheon Speaker:
DR. SCOTT BORGERSON
Assistant Professor of Maritime Studies,
U.S. Coast Guard Academy
Director, Coast Guard Institute for Leadership
Research Fellow, The Fletcher School of Law and Diplomacy

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

Live Program:
Member $245 Non-member $355
Lunch Only:
Member $45 Non-member $65

ADR/ARBITRATION/ MEDIATION/NEGOTIATION

USE OF ELECTRONIC DISCOVERY IN ARBITRATION

20 Wednesday, 6-9 p.m.

Arbitration by its very nature is supposed to be less time-consuming and less costly than protracted litigation. As a result, discovery in arbitration is often limited. How does the proliferation of e-discovery fit within this concept? Considering the wide array of e-documents that are available, the time and money that it takes to restore documents, the legal and technical issues that may arise as a result of such discovery and the delay that this may cause the arbitration process - where does e-discovery fit, if at all, outside of litigation? This program will address what factors counsel should consider when making such discovery requests and how the arbitrator will view and handle these requests.

Program Chair:
ELIZABETH J. SHAMPNOI
New York District Vice President
American Arbitration Association

Faculty:
WILLIAM BARRETT
Hollyer Brady Barrett & Hines, LLP

EUGENE FARBER
Farber, Pappalardo & Carbonari, LLP

IRENE C. WARSHAUER
Fried & Epstein, LLP

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

Live Program:
Member $195 Non-member $305

CONSUMER PROTECTION

HOT TOPICS IN ADVERTISING & MARKETING LAW 2006

27 Wednesday, 9-12:30 p.m.

This annual program gives a timely update on recent developments in the law governing advertising and marketing. This year’s program will cover recent cases and legislative developments in the areas of general advertising, advertising to children, retail practices, branded entertainment, and sweepstakes and contests, as well as an update on regulatory enforcement priorities.

Program Chair:
JEFFREY A. GREENBAUM
Frankfurt Kurnit Klein & Selz, PC
Corporate & Securities

Video Replay: A Practical Guide to LLCs & LLPs

8 Friday, 9-1 p.m.

An expert panel presents a practical guide to the use of LLCs and LLPs. The panel provides concrete advice on critical formation and early-stage issues, such as the advantages and disadvantages of the LLC/LLP form, a comparison of LLCs and LLPs to corporations, the tax benefits of the LLC/LLP form and the choice of state law. As part of the choice-of-entity discussion, the panel discusses specific businesses, fact patterns and exit strategies that may dictate the choice-of-entity decision. The panel describes the mechanics of forming an LLC/LLP and the content of the principal agreements incidental to such formation, including the basic operating agreement. Various management structures and control arrangements of LLCs and LLPs are examined and considered from different perspectives and in different strategic and investment scenarios. The use of LLPs for law and other professional practices is discussed, including current issues and events potentially testing their effectiveness with respect to liability. Securities issues are considered in the context of the formation and growth of an LLC or an LLP. The panel also examines various executive and other compensation structures in the context of an LLC, including in particular the use of equity-based incentive compensation arrangements and a comparison to traditional corporate stock option plans. The program is intended to provide to practitioners a comprehensive introduction to LLCs and LLPs in a practical and useful context.

Program Chair:
Gary J. Simon
Hughes Hubbard & Reed LLP

Faculty:
Christopher S. Auguste
Kramer Levin Naftalis & Frankel LLP

Ellen S. Friedenberg
Hughes Hubbard & Reed LLP

Mark A. Limardo
Katten Muchin Rosenman LLP

Video Replay:
Member $335 Non-member $475

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

Complying with the Securities Laws: A Practical Overview of the Rules

18 Monday, 9-5 p.m.

A prominent faculty of securities lawyers will provide you with a thorough understanding of the Securities Act of 1933 and the Securities Exchange Act of 1934. You will learn what you need to know from both a business and legal perspective including how to identify and respond to securities law issues in light of the SEC’s new Securities Offering Reform and new rules on executive compensation, and avoid potential problems. A discussion of the regulatory framework, the SEC registration process, registration exemptions, liability for violations, periodic reporting under the Exchange Act, proxy solicitations and recent SEC and PCAOB initiatives will be included in the program.

Program Co-Chairs:
N. Adele Hogan
Linklaters

Norman Slonaker
Sidley Austin Brown & Wood LLP

Bruce C. Bennett
Covington & Burling LLP

Andrew Bonzani
Vice President
Assistant General Counsel
& Assistant Secretary
International Business Machines Corporation

Mark Gordon
Wachtell, Lipton, Rosen & Katz

Kenneth L. Joselyn
Managing Director
Goldman Sachs & Co.

Kevin Keogh
White & Case LLP

James M. Lurie
Holland & Knight LLP

Stuart S. Moskowitz
Senior Counsel
International Business Machines Corporation

Thomas G. Seaman
GoldenSource Corporation

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

Live Program:
Member $335 Non-member $475
CONDUCTING INTERNAL INVESTIGATIONS
THE ART OF THE INTERVIEW: STRATEGY, LAW & ETHICS

19 Tuesday, 6–8 p.m.

This program will examine strategic, legal and ethical issues involved in the art of conducting a successful internal investigation. Areas to be covered include, among others:

- The various situations and responses encountered when conducting an investigation
- When and where to conduct an interview
- Federal and state laws regarding attorney-client privilege, threatening criminal prosecution and the Employee Polygraph Protection Act
- Establishing the tone of the interview in order to get the answers you are seeking and establishing the ground rules
- Case studies about why and how to establish credibility in an interview
- State rules regarding private investigator licenses

Program Chairs:
BRYAN J. ROSE
Vice President & Deputy General Counsel
Stroz Friedberg, LLC

ANTHONY P. VALENTI
Managing Director of Investigations
Stroz Friedberg, LLC

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

Live Program:
Member $215  Non-member $325

EMPLOYMENT LAW

TERMINATION OF AN EMPLOYEE: AVOIDING LITIGATION

14 Thursday 6–9 p.m.

When terminating an employee, what can an employer do to avoid litigation (or at least reduce its risks)? This panel will include employment lawyers (defense, plaintiff and in-house) as well as a human resources executive. It will explore the procedures that should be followed in terminating employees, separation agreements, special considerations for reductions in force and the various claims available to terminated employees. A particular focal point will be steps that can be taken to reduce the risk of a successful retaliation claim.

This program is a must for employment lawyers, litigation attorneys, in-house counsel, mediators and arbitrators, human resource personnel and managers.

Program Chair:
LLOYD B. CHINN
Proskauer Rose LLP

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

Live Program:
Member $215  Non-member $325

ESTATE PLANNING

ESTATE PLANNING FOR SAME SEX & UNMARRIED (HETEROSEXUAL) COUPLES

21 Thursday, 6–9 p.m.

In New York State same sex couples are unable to enter into a civil marriage; and although out-of-state marriages may be recognized, couples still cannot take advantage of numerous federal benefits and protections enjoyed by married couples. There are a number of issues because of this that both same sex and unmarried heterosexual couples need to consider when drafting estate documents and doing estate planning. This program is Part 1 of a 2 Part Program in conjunction with the Lesbian, Gay, Bisexual & Transgender Law Association of Greater New York.

Program Chair:
LLOYD B. CHINN
Proskauer Rose LLP

CLE credit:
3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.
New York to address some of the finer details of estate planning for same sex and unmarried heterosexual couples, including inheritance issues, and the practical applications of drafting wills and collateral documents, trusts, charitable contributions as well as tax issues.

Program Chair:
**YETTA G. KURLAND**
Kurland & Associates, P.C.

Faculty:
**NANCY L. ADAMS**
Adams & Salter, LLP

**ERICA BELL**
Weiss, Buell & Bell

**GORDON STONE III**
Kramer Levin Naftalis & Frankel LLP

Co-sponsored with the Lesbian, Gay, Bisexual & Transgender Law Association of Greater New York

Live Program:
Member $195  Non-member $305

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

**ETHICS**

**ETHICAL CONSIDERATIONS FOR CORPORATE INVESTIGATIONS: UPDATES 2006**

12 Tuesday, 6-9 p.m.

This annual updates program will explore current issues and recent developments relating to ethical duties and responsibilities of attorneys and other participants in corporate internal investigations involving public companies. These issues will be discussed from the point of view of counsel for the corporation, investigating counsel and government representatives. The presentation will touch on a broad array of ethical issues, devoting special attention to current developments concerning prosecution and regulatory strategies, conflicts of interests, protection and waiver of the attorney-client privilege, counseling of employee witnesses, and the federalization of ethical obligations imposed on attorneys under the Sarbanes-Oxley legislation of 2002.

Program Chair:
**FRANK H. WOHL**
Lankler Siffert & Wohl LLP

Faculty:
**DAVID M. BRODSKY**
Latham & Watkins LLP

**ALAN BRUDNER**
Managing Director
Head of Litigation & Investigations Americas
UBS Investment Bank

**DAVID C. ESSEKS**
Chief of Securities & Commodities Fraud Task Force
United States Attorney’s Office
Southern District of New York

**BRUCE A. GREEN**
Louis Stein Professor of Law
Fordham University School of Law
ETHICAL PITFALLS IN MEDICAL MALPRACTICE LITIGATION: TEST YOUR KNOWLEDGE AGAINST A PANEL OF EXPERTS

20 Wednesday, 6-9 p.m.

What would you do? Test your knowledge of ethical standards against a panel of experts.

This interactive program, designed for both new and experienced attorneys, presents scenarios in which malpractice attorneys confront serious ethical dilemmas.

Following live dramatizations, audience members will be invited to participate in a discussion and analysis of the ethical questions raised.

Program Co-Chairs:
THOMAS VALET
Rheingold, Valet, Shkolnik & McCartney LLP

JOHN P. LOPRESTI, JR.
Law Offices of John P. Lo Presti, Jr.

Moderator:
JESSE S. WALDINGER
Waldinger Associates, P.C.

Faculty:
PATRICIA A. LUCA
Rochman Platzer Fallick Sternheim Luca & Pearl LLP

MICHAEL S. ROSS
Law Offices of Michael S. Ross

AUGUSTIN J. SAN FILIPPO
Law Offices of Augustin J. San Filippo

RICHARD SUPPLE
Hinshaw & Culbertson LLP

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

INSURANCE LAW

CURRENT DEVELOPMENTS IN REINSURANCE LAW

19 Tuesday, 9-12 p.m.

This program will cover recent developments in the area of reinsurance law. A panel of experts in the field will address finite risk, collateralization, insolvency and more. This program is intended for those who practice in the insurance and reinsurance industry and corporate practitioners and litigators who have to grapple with reinsurance matters.

Program Co-Chairs:
WILLIAM D. LATZA
Stroock & Stroock & Lavan LLP

MARTIN D. HABER
Law Office of Martin D. Haber

MICHELE JACOBSON
Stroock & Stroock & Lavan LLP

VINCENT LAURENZANO
Consultant
Stroock & Stroock & Lavan LLP

NICK PEARSON
Edwards Angell Palmer & Dodge LLP

E. PAUL KANEFSKY
Edwards Angell Palmer & Dodge LLP

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

NEGLIGENCE LAW

NEGOTIATING SOFTWARE LICENSES: PRACTICAL ISSUES YOU NEED TO KNOW

18 Monday, 6-9 p.m.

This seminar will cover the basic principles and issues you need to know to successfully negotiate a software license. The instructors will discuss the strategic goals behind the licensing agreement. The basic terms and conditions of the license will be explained and relevant rules and regulations will be addressed. The instructors will conduct a mock negotiation of a software license, offering useful strategies and techniques for protecting your client’s interests. Ethical issues will also be addressed.
Program Co-Instructors:

ANDREW H. LUPU
Senior Counsel, InfoVista Corporation
Adjunct Professor, Touro Law School

MARCY GORDON
Associate Director
Bear, Stearns & Co. Inc

CLE credit:
3 credits total: 1½ professional practice/practice management, 1 skills & ½ ethics. This program provides transitional credit for newly admitted attorneys. In accordance with the CLE Board’s Regulations & 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:
Member $195  Non-member $305

LITIGATION

**LITIGATION SKILLS WORKSHOP: TAKING & DEFENDING DEPOSITIONS

25 Monday, 9-5:30 p.m.
& 26 Tuesday, 9- 4 p.m.

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 prepare witnesses for depositions and then take and defend 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.

Special Bonus: All participants will receive a copy of Henry Hecht’s *Effective Depositions*, published by the ABA.

REAL ESTATE

REAL ESTATE LITIGATION: LITIGATING THE COMMERCIAL LANDLORD-TENANT CASE

13 Wednesday, 6-9 p.m.

This program will present an exceptional opportunity to learn from an elite group of experienced practitioners and judges who will examine various issues arising out of commercial landlord-tenant litigation and their impact on the drafting of commercial leases. The lecture will commence with the basics of litigating commercial landlord-tenant cases with an emphasis on how to prepare for and present an effective case. Common defenses and strategies will also be outlined, as well as the body of case law most cited by practitioners and judges. In addition, common issues facing both landlord and tenant lawyers will be discussed including issues raised by the latest decisions from appellate tribunals. Finally, common drafting problems and traps that frequently lead to litigation will be addressed as well as some “secrets” on how the transactional attorney can better draft leases to avoid litigation.

Practitioners will become more knowledge-able litigators as a result of this lecture and commercial leasing attorneys will learn how to draft better leases to avoid ineffective or unenforceable language and minimize litigation.

Faculty:

JUSTICE MARTIN SHULMAN
Justice, Supreme Court, State of New York
Supervising Judge, Civil Court of the City of New York, New York County

JUSTICE CYNTHIA S. KERN
Civil Court of the City of New York, New York County

ADAM LEITMAN BAILEY
Adam Leitman Bailey, P.C.

LUCAS A. FERRARA
Finkelstein Newman LLP

THOMAS A. KLEINBERGER
Thomas R. Kleinberger, PLLC

DAVID ROZENHOLC
Rozenholc & Associates

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

Live Program:
Member/Non legal professionals $215  Non-member $325

RESIDENTIAL CLOSINGS: SOUP TO NUTS

28 Thursday & October 4, Wednesday, 6-9 p.m.

This program will cover the purchase and sale of cooperatives, condominiums and houses. The panelists 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 address “how to” close a transaction.

www.nycbar.org
TAX & ACCOUNTING

ACCOUNTING & FINANCE FOR LAWYERS — UNDERSTANDING THE BASICS & BEYOND

Thursday, September 21 9-5 p.m.

This program is designed to provide lawyers with the basic accounting language, rules and nuances that they may encounter in today’s legal practices. The enhanced risks and requirements for lawyers due to Sarbanes-Oxley and the accounting scandals of the past five years make this program a must for both lawyers without a basic knowledge of accounting as well as those with some experience and working knowledge. The faculty for this program is highly regarded and has an enormous breadth of experience in working almost exclusively with lawyers on complex financial matters of all types.

Program Chair:
KAREN KINCAID BALMER, CPA
Kincaid Consulting, LLC

Faculty:
DENNIS M. CASEY
Kincaid Consulting, LLC

GARY HEWITT
Kincaid Consulting, LLC

CHRIS J. ROSETTI
BST Valuation and Litigation Advisors

LAURA M. VASEY
Loeb & Loeb LLP

Live Program:
Member $335  Non-member $475

CLE credit:
7½ credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys. Portions of this program may qualify for CPE credit.

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 & 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:
Member $375  Non-member $515 (both evenings)
Member $187.50  Non-member $257.50 (per evening)

Program Chair:
MINDY H. STERN
Schoeman, Updike & Kaufman, LLP

Faculty:
KRISTIN V. BELLOUNY
Senior Vice President and Senior Underwriting Counsel
Fidelity National Title Insurance Company

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 Millstein Felder & Steiner LLP

ALAN B. REIS
Reis Cooper LLP

MATTHEW W. RYAN
Vice President
HSBA 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 & 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.

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

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

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

A $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 City Bar Center at (212) 869-4451.

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

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

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

Is there a program you would like to attend or a speaker you would like to hear? Please contact the City Bar Center with your suggestions.
### SEPTEMBER 2006 CLE REGISTRATION FORM

#### VIDEO REPLAY: A PRACTICAL GUIDE TO

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#### HOT TOPICS FOR THE ADMIRALTY AND MARITIME BAR: A LOOK AT NEW LEGISLATIVE INITIATIVES, FINANCIAL STRATEGIES & INVESTMENT CHALLENGES

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#### ETHICAL CONSIDERATIONS FOR CORPORATE INVESTIGATIONS: UPDATES 2006

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#### REAL ESTATE LITIGATION: LITIGATING THE COMMERCIAL LANDLORD-TENANT CASE

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#### TERMINATION OF AN EMPLOYEE: AVOIDING LITIGATION

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#### COMPLYING WITH THE SECURITIES LAWS: A PRACTICAL OVERVIEW OF THE RULES

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#### NEGOTIATING SOFTWARE LICENSES: PRACTICAL ISSUES YOU NEED TO KNOW

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#### CURRENT DEVELOPMENTS IN REINSURANCE LAW

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#### CONDUCTING INTERNAL INVESTIGATIONS: THE ART OF THE INTERVIEW - STRATEGY, LAW & ETHICS

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#### ETHICAL PITFALLS IN MEDICAL MALPRACTICE LITIGATION

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#### USE OF ELECTRONIC DISCOVERY IN ARBITRATION

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#### ACCOUNTING & FINANCE FOR LAWYERS – UNDERSTANDING THE BASICS & BEYOND

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#### ESTATE PLANNING FOR SAME SEX & UNMARRIED (HETEROSEXUAL) COUPLES

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#### LITIGATION SKILLS WORKSHOP: TAKING & DEFENDING DEPOSITIONS

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#### HOT TOPICS IN ADVERTISING & MARKETING

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#### REPRESENTING CLIENTS IN THE SALE & PURCHASE OF PRIVATELY HELD CORPORATIONS

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#### RESIDENTIAL CLOSINGS: SOUP TO NUTS

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

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www.nycbar.org
Nobody likes a braggart. Many of us have been taught that since childhood. But today, to be successful in a small or solo practice, in-house or in public service, attorneys must generate confidence and command the respect of clients and other lawyers.

"It is this fear that no one will like you if you promote yourself that keeps many young attorneys from successfully managing their careers," said career advisor M.J. Tocci of Trial Run, Inc., who spoke before an audience of mid-level associates attending last April's Professional Development Breakfast Workshop titled: "Getting Into the Spotlight: Increasing Your Exposure and Authority Within (and Outside) the Firm."

"The simple truth," says Tocci, "is that most people do not know about your work even when it is outstanding, and that people form impressions in large part from what you tell them. So it is important to seek out opportunities to tell people about your work and your achievements."

Self-promotion

Although many attorneys are uncomfortable with the idea of self-promotion, if you don't promote yourself, warns Tocci, you will fall behind the people that do. "The trick to self promotion," says Tocci, "is to do it in a way that is interesting."

If you want to let someone know about a great success, you should talk about it with passion and enthusiasm. Enthusiasm is not arrogance, says Tocci, it simply demonstrates that you love your work and you take pride in what you have done.

Plan what you will say ahead of time and don't rely on spontaneous brilliance. This way, when a partner asks you in the elevator what are you working on, you have a ready-made speech. By being prepared and practicing, says Tocci, you will become more comfortable talking about yourself and your achievements.

The benefits of effective self-promotion are enormous, stresses Tocci. It helps you get work assignments, promotions and raises. It allows you to build crucial connections and receive business development opportunities and referrals. Most importantly, it allows you to experience the motivation that such recognition provides.

Getting into the spotlight

Once you have mastered the act of self-promotion you can use it as a tool to get into the spotlight within your organization.

Regularly update your boss or supervisor on your work progress. Identify work you have done that has relevance for others within your firm, and have your successes published in the firm or company newsletter. "Remember to keep a file of every success, accomplishment and achievement, no matter how small," said Tocci. "Also keep a record of compliments and expressions of gratitude from clients and colleagues."

In the law-firm world, one of the most important factors for achieving success is getting the right assignments. In order to get those plum assignments, says Tocci, first identify who needs to be made aware of the kind of opportunities you are seeking. Then let them know why you should be the one to receive them and how your participation in a matter will benefit the whole team. "The best assignments don't often land on your desk. You have to ask for what you want," said Tocci.

You must be persuasive when asking for that choice assignment, he advises. The style of your speech says a lot about your competence and confidence. Try not to hedge, hesitate or be over-polite. These characteristics make you appear less powerful. Instead, try to be concise, speak slowly and clearly, make eye contact and present your ideas authoritative. Do not minimize what your contribution would be.

Finally, don't take no for an answer. Think of it instead as a first step in a negotiation, says Tocci. Then ask yourself, What do I need to do next to get a "yes," like further identifying your strengths, offering additional solutions or gathering the support of others.

Speak up

Another way to move into the spotlight at work is to make yourself heard at meetings. "Speak up when you have something to say," says Tocci. "Try to be among the first to speak and don’t discount what you are saying."

You can also move into the spotlight through writing, speaking and teaching engagements. When you have articles published, send them to clients and use them as handouts. Be open to, and pursue, speaking opportunities. Join bar associations or other professional groups where you can speak at seminars or continuing legal education programs. Make sure people know about your enthusiasm and availability to speak.

"It is by becoming a self-promoter," says Tocci, "and identifying the activities that showcase your strengths that you take ownership of your own career."