Action in Albany

It was an unusual year in Albany. While three men still rule the roost in New York State’s Legislative process, by the end of the 2008 legislative session two of the trio, the Governor and the Senate Majority Leader, had been replaced. But that may be where the unusual ends, as when it came to major issues like campaign finance reform, the Rockefeller drug laws or a long overdue judicial salary increase, Albany was business as usual – which is to say little business at all.

While the impasses on the big issues central to the City Bar’s legislative agenda left us disheartened yet again, we did see several successes that lifted our spirits. The number of City Bar committees working to shape state public policy

Your Legal Career: The Sequel

Over the last year there has been a lot of discussion in the legal community about re-entry into the profession. At various points in their career, many lawyers, both women and men, are taking a break from the profession to devote time to other serious commitments, such as raising a family or pursuing another interest.

An informal survey of re-entering attorneys participating in a City Bar event revealed that although re-entry is mostly thought of as a women’s issue, men make up a larger portion of the re-entry pool than one might imagine. The survey also revealed that attorneys are taking a significant break from the profession, with most participants having been out for at least five years and many for ten or more. Finally, the survey

“The constitutional right to counsel for indigent defendants is a hollow promise if we do not provide the funding to allow for a competent defense”
— Patricia M. Hynes
President, New York City Bar

Patricia M. Hynes, President, New York City Bar

“It really goes back to why I joined the Association in the first place,” says Patricia M. Hynes in describing how it feels to become President of the New York City Bar. “I was a prosecutor when I joined, and I just thought that the issues the Association dealt with were so important that I wanted to be a part of it.”

Hynes, who succeeded Barry Kamins as President in May, has had a remarkably varied career, including trying civil and criminal cases in the U.S. Attorney’s Office for the Southern District of New York, trying complex civil cases in the private sector, and making her mark in the nonprofit world by reviving The Legal Aid Society. Throughout all of that, one key constant for Hynes has been her relationship with the New York City Bar. Over the years she has served on a number of committees, including the Executive Committee, and became well known for her work as Chair of the Federal Courts Committee. That led to an invitation to join the American Bar Association’s Standing Committee on the Federal Judiciary, which evaluates the professional qualifications of all federal judicial nominees. Hynes was Chair of that Committee from 2000 to 2001.

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PATRICIA M. HYNES: continued from p1

Access to Justice: From Law School Ideal to Courthouse Reality

Hynes lists as her top priorities increasing access to justice, addressing the issues of differing legal and regulatory rules in cross-border business transactions and increasing membership in the Association.

To increase access to justice in the short term, Hynes intends to expand the pro bono work of the City Bar Justice Center. “I see initiatives like the foreclosure and veterans clinics growing considerably, because they’re serious responses to front-page issues for New York,” she says. “I think it’s a given that the lawyers in New York will respond, and it’s my hope and expectation that I will be able to grow the Justice Center and its resources and financial support.”

In Hynes’s view, however, the funding of the justice system is “woefully out of step with the need.” She therefore believes it’s equally important to advocate for sufficient staffing and fair pay for judges and court personnel to handle what she describes as the crushing caseloads in our courts.

Another area of particular concern for Hynes is the inadequate funding for indigent defendants. “The constitutional right to counsel for indigent defendants is a hollow promise if we do not provide the funding to allow for a competent defense,” says Hynes. “It is our responsibility, and indeed our obligation, to assure that access to the justice system is more than a law school ideal. It must be a courthouse reality.”

Around the World with the New York City Bar

Hynes marvels that the City Bar has 15 committees devoted to international law, and is herself especially attuned to international civil and corporate legal concerns through her practice at Allen & Overy, a multinational firm. “With globalization, the business deals are increasingly cross-border transactions. Because New York is the financial capital of the world, the New York City Bar is well positioned to play an important role in the exchange of ideas and to promote international cooperation to understand and harmonize different legal and regulatory systems in order to facilitate these cross-border transactions.”

Also on the international front, Hynes cites the work of the Cyrus R. Vance Center for International Justice. “I care about strengthening the Vance Center financially, and I think that we have to get the word out on the important ‘access to justice’ initiatives the Center is working on in South America and Africa,” she says.

The global influence of the New York City Bar was evident in July, shortly after Hynes became President, when Aitzaz Ahsan, the leader of Pakistan’s “Lawyers’ Movement,” paid a visit. He spoke in the Great Hall, thanking the hundreds of Bar members who demonstrated in solidarity on the steps of 60 Centre Street last year.

Hynes says, “I was touched when Mr. Ahsan said that the way you deal with terrorism is to have an independent judiciary that enforces the rule of law, and in this way people know they will be held accountable. I think that states the situation not only for Pakistan but for any country that wants its people to feel safe in their homes and in the conduct of their lives. ‘The rule of law’ is the thumbnail way of saying it both domestically and internationally. If we don’t have fair laws that are enforced, we have chaos.”

Committed to Committees

Asked to describe the value of City Bar membership for young associates, Hynes quickly returns to two areas that define what the Association is all about for her. The first is the satisfaction and understanding that comes from providing pro bono legal services for clients whose survival depends on them.

The second is the opportunity to serve on a committee. “Now that I’m here and meeting with committee chairs, the breadth and depth of what the Association does through its committees, task forces, and councils is staggering,” Hynes says. She adds that committee work gives lawyers “an outlet to really give of their time in what the Association does through its committees, task forces, and councils is staggering.”

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From the Executive Director

Jayne Bigelsen, who has been our terrific Director of Communications and Public Affairs and editor of 44th Street Notes, is moving on to pursue a Ph.D. in psychology. I am happy to welcome Eric Friedman, who will take over as our new Communications Director and editor of this publication. In addition, we are delighted that Maria Cilenti will be joining the Association as Director of Legislative Affairs.

With new faces comes a slightly new look for 44th Street Notes. We’ve applied some design changes that we think will make for a more enjoyable read. As always, we welcome your comments as we continue to seek to improve the way we communicate with you.

— Barbara Berger Opotowsky
Aitzaz Ahsan, leader of Pakistan’s “Lawyers’ Movement,” spoke at the City Bar on July 1st, 2008. He thanked the Association for leading hundreds of New York lawyers in a solidarity demonstration last year on the steps of the New York County Courthouse.
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Stepping up on Foreclosure

While New York City is reeling from the foreclosure crisis, the City Bar Justice Center has risen to the challenge of devising creative solutions to mobilize the bar to respond. These efforts are realized through the City Bar Justice Center's new Foreclosure Project.

The Foreclosure Project has several components, all designed to keep New Yorkers in their homes. The first, described in detail below, is the Lawyers Foreclosure Intervention Network, a collaboration with the Federal Reserve Bank of New York. Separately, through a State Banking Department grant, this fall the Justice Center is expanding its Consumer Bankruptcy Project to handle bankruptcy remedies for foreclosure, including Chapter 13 cases. The Justice Center has also organized and is coordinating a bar association foreclosure network for New York City, to include the New York County Lawyers’ Association, the Brooklyn Bar Association Volunteer Lawyers Project and the Queens County Bar Association. And during the second half of the summer, the Justice Center provided a “Lawyer for a Day” at the Queens Supreme Courthouse, to assist pro se homeowners facing foreclosure.

In June, the Lawyers Foreclosure Intervention Network kicked off with a training session at the City Bar. Over the course of one-and-a-half days, more than 125 volunteer attorneys were trained. Within the first month of the project’s launch, 22 cases, mostly from low-income areas in the Bronx and Brooklyn, had already been placed. “The volunteers’ enthusiasm is gratifying and contagious,” said Lynn Armentrout, the Project’s Director, who is still recruiting volunteers for this high profile pro bono project.

Many of the first wave of cases—involving homeowners who were lured into large loans, fell on hard luck, and became unable to make mortgage payments—should be solved by negotiations, assuming the financial institutions are willing to work out arrangements. Some cases, however, involving instances of outright fraud, may require litigation on behalf of homeowners.

The cases paint a troubling picture of what many homeowners are up against. In one case, an elderly couple that had refinanced their mortgage in order to send their son to college could lose the home that has been in the wife’s family for 40 years. Only through legal assistance were they able to negotiate an extension on their case. Another client was the victim of “deed theft.” After inheriting a home that has been in his family for generations, Mr. C. got caught up in a series of refinancings, each adding to debt already exacerbated by business and health setbacks. Faced with foreclosure, Mr. C. contacted a company that had been canvassing the neighborhood and advertising in the local paper as providing “foreclosure rescue.” The plan was to “put the house in someone else’s name” for 12 months while Mr. C. straightened out his financial problems, and then transfer it back to him. However, Mr. C. never received any documentation and the mortgage on his home, now in someone else’s name, was foreclosed and the home sold to a large bank. In this particular case, the Justice Center is connecting Mr. C. with an attorney who will attempt to stop the bank from selling the property, get the deed reformed so that it is once again in Mr. C.’s name, and reduce the mortgage’s principal.
The most extreme cases of fraud the project has encountered involve a notorious real estate scam in which a seller, a lender, an appraiser and an attorney work together as a “one-stop shop” to sell property at grossly inflated values with predatory loans. The seller—a real estate agency advertising “great opportunities” for first-time homebuyers—buys a piece of property at distressed value, often at a foreclosure auction. Purporting to renovate the property, the seller gives it only cosmetic work and does a hard sell on an unsuspecting buyer. The seller “provides everything”—even one’s very own lawyer. The seller refers the buyer to a particular lender, who makes the predatory loan based on an appraiser’s fraudulent appraisal of the property for much more than its actual value. And it all works so smoothly because the “lawyer” provided to the home buyer is in on the scam and does nothing to protect the buyer.

The Lawyers Foreclosure Intervention Network is off to a strong start thanks to the expertise of Project Director Lynn Armentrout and the dedication of Project Coordinator Benjamin Seibel, who are involved daily in screening cases, matching clients with attorneys, and handling several cases on their own. But the true foundation of the project is the volunteer New York City lawyers who are responding to this crisis, which threatens not just the future of individuals but the financial well-being of whole communities.

The project originated in the Federal Reserve’s Homeownership and Mortgage Initiatives, a comprehensive strategy across the Federal Reserve System to provide information and outreach to prevent unnecessary foreclosures and to stabilize communities.

“In our New York City community, where the legal community is so prominent, no borrower/neighbor should stand without counsel,” said Thomas C. Baxter, Jr., General Counsel and Executive Vice President of the Federal Reserve Bank of New York, at the program’s launch. The Bank is closely monitoring the project on a pilot basis, in the hope that, if successful, it can be replicated in other areas of the country.

“I am proud of the legal community’s response to the huge need for representation of homeowners facing foreclosure,” said Lynn Kelly, Executive Director of the City Bar Justice Center. “Recruiting and training pro bono attorneys to meet emerging needs like foreclosure is at the heart of the Justice Center’s mission, and we are excited to be able to mobilize such a large response.”

The next training for the Lawyers Foreclosure Intervention Network will be held in the afternoons of October 21st and 22nd. If interested in attending, please contact Carol Bockner at 212.382.4714 or cbockner@nycbar.org

“Recruiting and training pro bono attorneys to meet emerging needs like foreclosure is at the heart of the Justice Center’s mission.”

— Lynn Kelly, Executive Director
City Bar Justice Center
ACTION IN ALBANY: continued from p1

is increasing, and many were rewarded with the passage by both houses of the Legislature of supported legislation in the waning days of the 2008 session (at press time, these bills, unless otherwise noted, have not yet been acted on by the Governor). These include:

Fair Access To Family Court
For over twenty years, New York State has had the unfavorable distinction of being the only state to require that victims of domestic violence be related by blood, marriage or by having a child with their abuser in order to obtain a civil order of protection. These requirements meant that large classes of people, including teen dating partners, same sex couples and any unmarried person being abused by their partner, were denied civil protection—which can only be granted in New York’s Family Courts. Criminal Court, while open to everyone, requires the cooperation of the police and prosecution and a higher burden of proof, and is often intimidating to teens and immigrants, leaving it a poor substitute for those wanting an order of protection.

The City Bar has long questioned the logic of telling victims that before they can receive civil protection from abuse, they must marry or have a child with their abuser. This year, by joining forces and working in collaboration with over 190 organizations, the City Bar’s Domestic Violence Committee played a leading role in a grassroots legislative effort. Language was negotiated to receive the support of the New York City Mayor’s Office and the New York State District Attorney’s Association. Legislation allowing anyone in an intimate relationship with their abuser to be eligible for a family court order of protection was signed by the Governor.

Museums Acquiring Title To Abandoned Property
Legislation making it easier for New York’s museums to obtain title to abandoned property, whether left on their doorstep or lent to them many years ago by a now unknown donor, has been on the Association’s agenda for the past several years. In 2005, in response to a veto by former Governor Pataki, the City Bar’s Art Law Committee worked with the State Banking Department’s Holocaust Claims Processing Office to amend the bill’s language. The intent was to provide the country’s strongest protections for the rights of heirs to recover from museums property that was involuntarily lost during the Nazi era. It was therefore surprising when the legislation was vetoed again in 2006, and then faced opposition from Governor Spitzer.

In the last days of the 2008 legislative session, the Governor’s office proposed revisions agreeable to the Committee and the Legislature. The new version of the bill passed both houses and was signed by the Governor, to the benefit of all New York’s museums and the viewing public.

Encouraging The Hiring Of Ex-Offenders
As recidivism by criminal offenders is directly proportional to their lack of employment, former City Bar President Barry Kamins called upon our committees to work on efforts to increase the employment of ex-offenders. The Labor and Employment Law Committee quickly answered the call by attempting to address the concern that many employers are hesitant to hire ex-offenders out of fear of negligent hiring claims. The Committee drafted proposed legislation that would provide a safe harbor from these claims for employers hiring ex-offenders who have received a certificate of rehabilitation. The legislation quickly ran into roadblocks. Advocates were concerned that offenders without certificates could be disadvantaged and some trial lawyers feared the removal of a necessary cause of action.

The Labor and Employment Law Committee then went back to the drawing board. It redrafted the language, with input from the Corrections Committee, to allow for a rebuttable presumption that a prior conviction would be excluded from evidence in a negligent hiring case if the employer made a good faith effort to evaluate the factors set forth in Article 23-A of the Corrections Law. These factors include an evaluation of the nature of the offense and whether the employment would provide a reasonable risk to property or personal safety. The redrafted bill passed both houses.

Exempt Income Protection Act
The Consumer Affairs Committee supported legislation that corrects an anomaly in state law that allows creditors to freeze debtors’ complete bank accounts, including funds that should be exempt from restraint under current state and federal law, such as social security, disability payments and pensions. This left debtors in the position of having no money to pay rent, purchase food and meet everyday living expenses. The enactment of this legislation will ensure that a percentage of debtors’ accounts are exempted from restraint.

Sexually Exploited Youth Act
The Association, through its Sex and Law Committee, firmly believes that sexually exploited children deserve treatment and social services, rather than face prosecution, potential jail time and a likely return to the streets. The Committee therefore actively advocated for legislation that will provide children charged with prostitution essential social services, including safe housing. The bill also mandates that sexually exploited youth be treated as Persons In Need of Supervision for their first court interaction and not as juvenile delinquents.

Access To Domestic Violence Services For All Immigrants
Legislation permitting all victims of domestic violence, including non-qualified aliens, to be eligible for emergency domestic violence residential services was supported by the Domestic Violence Committee. Without access to domestic violence shelters, many non-qualified immigrants and their children are forced to stay with their abusers in dangerous situations, subjecting the victims and their children to further violence.

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Nicole M. De Santis, Esq. has joined LandAmerica 1031 Exchange Services, Inc. as VP/Counsel where she serves as the Director for LandAmerica’s New York 1031 Exchange Services Division. Ms. De Santis has specialized in 1031 exchanges for over eight years and has lectured and written extensively on the 1031 exchange and other related tax and legal topics.

Matthew Narby, CES® has been with LandAmerica since 2003, where he serves in the role of VP. Mr. Narby manages all of the New York office’s 1031 exchange closings and investor escrow functions and he holds the Certified Exchange Specialist® designation, which recognizes a mastery of the technical requirements necessary for a successful tax deferred exchange.

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**Libel Terrorism**
The Communications and Media Law Committee urged passage of legislation to prohibit the enforcement in New York of unfair defamation cases from abroad, where free speech protections guaranteed by the U.S. and New York constitutions are lacking. This legislation is intended to prevent terrorist networks that have been exposed by American authors from obtaining defamation verdicts that could never be obtained in American Courts in order to harass and intimidate American journalists.

**Animal Testing**
The Legal Issues Pertaining to Animals Committee supported legislation, which has been passed and signed into law, to prohibit manufacturers from using traditional animal test methods for product safety when an alternative has been validated and recommended by the Interagency Coordinating Committee for the Validation of Alternative Methods and subsequently adopted by the relevant federal agency. This legislation will prevent painful and cruel tests on animals that are unnecessary to protect humans and for which there is an approved alternative. This bill does not apply to animal tests performed for medical research.

**Revocatory Effects Of Divorce**
In the midst of divorce, couples often delay necessary estate planning. The EPTL automatically revokes a disposition in a will to a former spouse. However, life insurance and retirement plans, which have come to be a significant percentage of an individual’s net worth, are not automatically revoked by a divorce. The Trusts, Estates and Surrogate’s Courts Committee therefore supported legislation to correct this inconsistency and ensure that non-probate assets that under current law would fall to the divorced spouse would no longer do so. This legislation has been signed into law.

**Business Records**
To save both time and expense, without sacrificing justice, the City Bar’s Criminal Justice Operations Committee advocated for legislation to allow business records to be admissible in grand juries without requiring the testimony of a live authenticating witness. Enactment of this legislation will be particularly helpful in cases involving corporate corruption, Medicare fraud, identity theft and many others, eliminating the time and expense of calling witnesses, many of whom travel from outside the state, simply to lay a foundation for the admissibility of documents whose admissibility is not seriously at issue. At the Committee’s request, the legislation was amended to ensure that business records do not include any records kept by law enforcement.

As the Association’s Legislative Director for eight sessions, working so closely with the Association’s dedicated committees, it was incredibly rewarding to see so many successes when Albany usually offers so few. The knowledge of these successes will make it easier to leave the Association, as I return to school to pursue a Ph.D. in psychology. I hope to continue to affect public policy in areas related to psychology and law.

But despite these successes, there remains much more to be done in Albany. I leave fully confident, knowing the City Bar’s legislative agenda will be in good hands under the new Director of Legislative Affairs, Maria Cilenti. Maria is the former Chair of the City Bar’s Sex and Law Committee who played a pivotal role in the Association’s work on last year’s human trafficking legislation and this year’s Sexually Exploited Youth Act. With new leadership in Albany and Maria on board at the City Bar, it will be an exciting time for the Association and its legislative agenda—and I look forward to reading all about it in upcoming issues of Forty-Fourth Street Notes.

— Jayne Bigelsen
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.

Young Lawyers Connect Kickoff Party
4 THURSDAY, 7 PM – 9 PM

Please help us celebrate the launch of First Thursdays, the monthly series of social events to help young attorneys build their personal and professional networks. Join us for beverages and hors d’oeuvres while meeting new friends and colleagues and catching up with old ones. Guests will receive gift bags and the chance to win great door prizes.

This program is free for members, $25 for non-members. Please register online at www.nycbar.org

Sponsored by: ClearChannel, New York Law Journal, Vault

The Commission: The Uncensored History of the 9/11 Commission
4 THURSDAY, 7 PM

Philip Shenon recently published his book The Commission: The Uncensored History of the 9/11 Investigation, a critical examination of the presidential commission’s 2004 report that examined the terrorist attacks on the World Trade Center and the Pentagon. His investigation makes for sometimes shocking and always gripping reading regarding these historic events.

Speaker
PHILIP SHENON
Former New York Times Congressional and diplomatic correspondent, and Justice Department reporter

Please register online at www.nycbar.org

Prosecuting Terrorists: The Prosecutors’ Perspectives
8 MONDAY, 6 PM – 7:30 PM

Can the United States successfully try accused terrorists in the federal courts or do we need special purpose tribunals? Over the past fifteen years, zealous prosecutors have tried the Oklahoma City bombers, the World Trade Center bombers and those responsible for the destruction of U.S. embassies in East Africa. What works? What doesn’t? Experienced prosecutors share their perspectives.

Moderator
HON. BENJAMIN CIVILETTI
Former Attorney General, United States; Venable LLP

Speakers
JAMES J. BENJAMIN, JR.
Former AUSA; Akin Gump Strauss Hauer & Feld LLP

ANDREW McCARTHY
Former AUSA; led the prosecution against Sheikh Omar Abdel Rahman

MARY JO WHITE
Former U.S. Attorney; Debevoise & Plimpton, LLP

RICHARD B. ZABEL
Former AUSA; Akin Gump Strauss Hauer & Feld LLP

Co-sponsored by: Human Rights First
Please register online at www.nycbar.org

Defining and Achieving Success as an In-House Woman Attorney
9 TUESDAY, 6 PM – 8 PM

How is success defined for attorneys who have left law-firm practice for in-house positions? What are the particular challenges of defining and achieving success as an in-house woman lawyer? Please join a panel of seasoned in-house women attorneys as they offer a unique perspective on how women practicing in-house can define, measure and achieve professional success and share their “Top 10 Tips” for making the transition from a law firm to in-house.

Please register online at www.nycbar.org

Friday Evening Chamber Music
12 FRIDAY, 6 PM

Former members and friends of the Lawyers’ Orchestra will play movements from Beethoven’s Piano Trio (op. 1, no. 1), Francaix’s Octet, and other chamber music works.

Suggested donation is $10 at the door. For more information, please e-mail chambermusic@nycbar.org

Small Firm Luncheon: Control e-Discovery Costs Through Effective Early Case Assessment
18 THURSDAY, 12:30 PM – 2 PM

Have the costs, complexities, and unknowns of handling cases with electronic information got you thinking? If so, please join us for a discussion about simple tools
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and techniques that you can use to process electronic information. We will cover the basics of e-Discovery, from PST files to load files and forensics, as well as where and how the vendor community fits into your budget and legal strategy. So, whether you have a gigabyte of email on a DVD, or 56 custodians’ data spread across the enterprise, we will talk about practical, cost effective ways of performing an effective early case assessment.

Moderator
MARK A. JOSEPHSON, CPA, CFP, CFE
Murray & Josephson, CPAs, LLC

Speakers
JOHNIE M. JACKSON, JR.
Former Vice President, General Counsel and Secretary, Olin Corporation; Lead Director, Advisory Board of RVM and ESI Strategies

STEPHEN L. STEWART
Director, e-Discovery Services at RVM; Email, File, and Records Management Technical Specialist

Registration by September 11 is necessary. The fee, which includes lunch, is $25 for members, $35 for non-members. Please register online at www.nycbar.org

Mindfulness Meditation in Law Practice
18 THURSDAY, 7 PM – 9 PM

Mindfulness meditation is being taught as a cutting-edge tool at bar association meetings and in law firms and law schools all over the country to help lawyers enhance their legal competencies. This secular practice has been scientifically shown to decrease stress and increase mental focus, and can assist lawyers in negotiating with adversaries, communicating with clients, and dealing with internal law firm politics and economic pressures. In this short course we will learn how to meditate, and how to begin to apply the insights derived from meditation practice in our professional life. There will be periods of meditation instruction, lectures and discussion.

Speaker
ROBERT CHENDER
Counsel, Seward & Kissel; Certified Mindfulness Meditation Teacher and Chairman Emeritus, Board of Trustees, Shambhala Meditation Center of New York

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

Erie Railroad Company v. Tompkins: The 70th Anniversary Celebration
20 SATURDAY, 2 PM – 4 PM

In 1934, an unsecured door on a passing train struck Harry Tompkins, causing his right arm to be severed. The seemingly ordinary lawsuit that arose became a landmark case that changed American federal jurisprudence. Join us for a slide show and a discussion in celebration of the case.

Speakers
HON. JOHN COLYER, QC
Bencher, Honorable Society of the Middle Temple

JACK H. FRIEDENTHAL
Edward F. Howrey Professor of Law, The George Washington University Law School

ARTHUR R. MILLER
University Professor of Law, New York University School of Law

HELEN HERSHKOFF
Joel S. and Ann B. Ehrenkranz Professor of Law, New York University School of Law

TONY A. FREYER
University Research Professor of History and Law, University of Alabama Law School; Author, Harmony and Dissonance: The Swift and Erie Cases in American Federalism

EDWARD A. PURCELL, JR.
Joseph Solomon Distinguished Professor of Law, New York Law School; Author, Brandeis and the Progressive Constitution: Erie, Judicial Power and the Politics of the Federal Courts in Twentieth-Century America

JOHN E. SEXTON
President, New York University

Please register online at www.nycbar.org

Annual Welcoming Reception for Law Students and Recent Law School Graduates
22 MONDAY, 6:30 PM – 8 PM

Start the academic year off right by joining the Committee on Law Student Perspectives at our Annual Welcoming Reception. Members of our committee, as well as representatives from other committees, will discuss the exciting opportunities and programs offered by one of the largest and most respected bar associations in the country. Come learn about:
• The Committee’s programs for the upcoming year
• The Committee’s resources for prospective and current law students, and recent law school graduates
• The Association’s other committees and opportunities for student involvement

A reception will follow and light refreshments will be served. No fee required. Please RSVP to Jodi Savage, at lspchairman@yahoo.com

The Home Stretch for Section 409A Compliance
23 TUESDAY, 9 AM – 10:30 AM

By January 1, 2009, all nonqualified deferred compensation arrangements must be in both operational and documentary compliance with Section 409A of the Internal Revenue Code and the final regulations promulgated thereunder. This program will highlight some of the lesser known issues that sponsors should be addressing, and our panelist from the Department of the Treasury will discuss the latest Section 409A guidance.
The program will also cover expected proposed regulations on income inclusion requirements of Section 409A if issued by the date of the program.

Speakers
HELEN H. MORRISON
Acting Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, U.S. Department of the Treasury

MICHAEL A. KATZ
Sullivan & Cromwell LLP

IAN L. LEVIN
Wachtell, Lipton, Rosen & Katz LLP

Registration is necessary: $20 for members, $25 for non-members. Please register online at www.nycbar.org.

Setting a Course for Success:
Strategic Career Advice for Young Women Lawyers

23 TUESDAY, 6:30 PM – 7 PM / NETWORKING RECEPTION;
7 PM – 8:30 PM / DISCUSSION

This panel will discuss strategies and advice for women lawyers starting in the profession, to help them plan the arc of their careers and position themselves for the long term. The panelists, accomplished women lawyers who have pursued diverse professional paths, will share their experiences and tips for planning ahead for a successful and fulfilling career in the law.

Moderator
LORI L. PINES
Weil, Gotshal & Manges LLP

Speakers
KARIN L. BONNER
Associate Counsel, Yellow Book USA, Inc.

TRACY R. HIGH
Sullivan & Cromwell LLP

LAUREN G. KRASNOW
Managing Director, SJL Attorney Search LLC

LORI E. LESSER
Simpson Thacher & Bartlett LLP

Registration is necessary. The fee, which includes light refreshments, is $10 for members, $15 for non-members. Please register online at www.nycbar.org. For further information, please contact Lori L. Pines at lori.pines@weil.com or 212.310.8692.

Annual Welcoming Reception for Law Students and Recent Law School Graduates: Find out what the Committee on Law Student Perspectives can do for you.
SEE MONDAY, SEPTEMBER 22ND
### CITY BAR EVENTS

**SEPTEMBER 2008**

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<td>7 PM – 9 PM Young Lawyers Connect Kickoff Party 7 PM The Commission: The Uncensored History of the 9/11 Commission</td>
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<td>6 PM – 7:30 PM Prosecuting Terrorists: The Prosecutors’ Perspectives</td>
<td>6 PM – 8 PM Defining and Achieving Success as an In-House Woman Attorney</td>
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<td>12:30 PM – 2 PM Small Law Firm Luncheon: Controlling e-Discovery Costs Through Effective Early Case Assessment 7 PM – 9 PM Mindfulness Meditation in Law Practice</td>
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<td>6:30 PM – 8 PM Annual Welcoming Reception for Law Students and Recent Law School Graduates</td>
<td>9 AM – 10:30 AM The Home Stretch for Section 409A Compliance 6:30 PM – 8:30 PM Setting a Course for Success: Strategic Career Advice for Young Women Lawyers</td>
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<td>9 PM – 9 PM Litigation E-Discovery &amp; the Rule 26(f) Conference: Strategic &amp; Practical Considerations 3.0 credits*</td>
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<td>16 PM – 9 PM Non-Profit Organizations ABCs of Creating a Not-For-Profit Organization 3.0 credits*</td>
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<td>6 PM – 8 PM Ethics To Say or not to Say: Ethical Issues that Arise when Litigation &amp; Public Relations Mix 2.0 credits*</td>
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*The program provides transitional credit for newly admitted attorneys.
The Foreign Corrupt Practices Act (“FCPA”) has now become one of the focal points of the Securities Exchange Commission’s and the Department of Justice’s enforcement program. Enforcement actions, civil and criminal, are on the rise and the cost of resolving FCPA actions is getting more onerous. At the same time, foreign anti-corruption laws and enforcement are also gaining. U.S. and other multinational companies increasingly face FCPA risks in their varied international business activities. Such risks can, however, be detected and managed before problems arise. The experienced faculty of private practitioners and regulators and prosecutors will provide an in-depth analysis of the FCPA’s current trends and their implications.

The topics to be covered include:

- Trends in international cooperation among enforcement officials
- Analysis of recent cases against companies and individuals
- The long arm of the FCPA: update on the FCPA enforcement explosion in Europe
- Do’s and don’ts of hosting, traveling, entertaining and lodging of foreign officials
- Overcoming cultural and legal challenges in rolling out a compliance culture
- Weighing the pros and cons of voluntary disclosure
- Conducting due diligence of foreign commercial intermediaries, agents, distributors and joint venture partners to minimize liability risks
- Conducting internal investigations in challenging countries

Program Chair
CLAUDIUS O. SOKENU
Mayer Brown LLP

Faculty
MARGARET M. AYRES
Davis Polk & Wardwell

JULIA K. BAILEY
Assistant General Counsel
International Transaction & Compliance
Honeywell

JAMES J. BENJAMIN, JR.
Akin Gump Strauss Hauer & Feld LLP

PAUL R. BERGER
Debevoise & Plimpton LLP

RAJA CHATTERJEE
Executive Director
Global Head, Anti-Corruption Group
Morgan Stanley
Law and Compliance

JAMES COLE, JR.
Wachtell, Lipton, Rosen & Katz

TIMOTHY DICKINSON
Debevoise & Plimpton LLP

REID M. FIGEL
Kellogg Huber Hansen Todd Evans & Figel, PLLC

RICHARD W. GRIME
O’Melveny & Myers LLP

NANCY GRUNBERG
Venable LLP

BRUCE KARPATI
Assistant Regional Director
Securities and Exchange Commission
New York Regional Office

DAVID S. KRAKOFF
Mayer Brown LLP

LUCINDA A. LOW
Steptoe & Johnson LLP

MARK F. MENDELSOHN
Deputy Chief, Fraud Section
Criminal Division
U.S. Department of Justice

PAUL L. MITCHELL
Andrews Kurth LLP

DANFORTH NEWCOMB
Shearman & Sterling LLP

CHERYL J. SCARBORO
Associate Director
Division of Enforcement
Securities and Exchange Commission

LAURENCE A. URGENSON
Kirkland & Ellis LLP

JANE L. WEXTON
Duane Morris LLP

ROGER M. WITTEN
WilmerHale

ALEXANDRA A. WRAGE
President
TRACE International, Inc.

DON ZARIN
Holland & Knight LLP

Live Program (includes materials):
Member $425, Nonmember $535

CLE credit: 7.5 credits in professional practice.
This live program provides New York & California transitional/non-transitional credit to all attorneys.

Fifth Annual Institute on Corporate Securities & Related Aspects of Mergers & Acquisitions

24 WEDNESDAY, 5 PM
25 THURSDAY, 8:50 AM – 5:45 PM
26 FRIDAY, 8:30 AM – 5:15 PM

This Institute provides an in-depth analysis of significant corporate, securities, and related issues arising in mergers and acquisitions. Each session is structured to provide an analysis of important and current M&A issues by some of the world’s most experienced M&A lawyers, judges,
government officials, and investment bankers. On Wednesday evening, there will be an Introduction to Basic M&A Legal Principles for attendees who are not experts in this field.

Co-sponsored by: The Center for the Study of Mergers and Acquisitions, Penn State Dickinson School of Law

Program Co-chairs
**H. ROGGIN COHEN**
Sullivan & Cromwell, LLP

**SAMUEL C. THOMPSON, JR.**
Professor of Law & Director
Center for the Study of Mergers and Acquisitions
Penn State Dickinson School of Law

Institute Faculty

Live Program (includes materials):
Member (NYC Bar/Penn State Alum) $795, Nonmember $995

CLE credit: 20.0 credits total for attendance at all 3 days: 16.0 professional practice, 3.0 skills & 1.0 ethics. This live program provides New York & California transitional/non-transitional credit to all attorneys.

For those attending one full day of the program (i.e., Sept. 25 or 26), the price will be 50% off the full price that is applicable.

This program is exempt from the Passport Series.

**ETHICS**

Ethical Considerations for Corporate Investigations: Updates 2008

10 WEDNESDAY, 6 PM – 9 PM

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 interest, 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 E. BRODSKY**
Cleary Gottlieb Steen & Hamilton LLP

**PAMELA ROGERS CHEPIGA**
Allen & Overy LLP

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

**WILLIAM F. JOHNSON**
Chief, Securities and Commodities Fraud Task Force
United States Attorney’s Office, SDNY

**DENIS J. MCNERNEY**
Davis Polk & Wardwell

**KAREN PATTON SEYMOUR**
Sullivan & Cromwell LLP

Live Program (includes materials):
Member $245, Nonmember $355

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

**To Say or not to Say:**
Ethical Issues that Arise when Litigation & Public Relations Mix

23 TUESDAY, 6 PM – 8 PM

This program will focus on the ethical and legal obligations and pitfalls that arise when the litigation and public relations worlds collide, when legal counsel work in tandem with their clients’ public relations professionals. Combining the viewpoints of both the legal and public relations industries, the panel will discuss a variety of ethics issues including how attorney-client and work product privileges are affected by the public relations team, limitations on what attorneys (or those working on behalf of the attorneys) may say in the course of pre-trial or even pre-suit communications to the media, and the risks of responding in kind to public relations attacks made against the client.

Program Chair:
**JEREMY R. FEINBERG**
Statewide Special Counsel for Ethics
New York State Unified Court System Office of Court Administration

Faculty:
**ANDREW MCCORMICK**
Vice President
Pfizer, Inc.

**JEFFREY SANDMAN**
Chief Executive Officer
Hyde Park Communications

**DEBORAH A. SCALISE**
Scalise & Hamilton LLP

**JOHN SIEGAL**
Baker & Hostetler LLP

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

CLE credit: 2.0 credits total: 1.5 ethics & 0.5 skills. This live program provides New York & California transitional/non-transitional credit to all attorneys.

www.nycbar.org
INTERNATIONAL

What You Need to Know About Shariah-Compliant Finance & Islamic Commercial Law

18 Thursday, 6 PM – 9 PM

Petrodollars and increased Islamicization are fueling increased interest in the rules and regulations of doing business with the Middle East. Being able to point your client in the right direction and give basic framework advice as to Islamic commercial law and Shariah-compliant finance vehicles is an important tool for any transnational lawyer. Yet, with six major Schools of Law (4 Sunni and 2 Shi’a), a number of smaller schismatic divisions, and accelerating trends both toward harmonizing Islamic law with post-Enlightenment Western law and rejecting those very same Westernizing precepts in favor of fundamentalist early Islamic strictures, this is not an easy task.

A panel of international leading authorities will introduce you to the basic concepts of Islamic business law, teach you the essential building blocks of modern Islamic commercial transactions, and present the latest developments in both inbound and outbound investment activities in which U.S. lawyers are playing active roles.

Program Chair
ROBERT E. MICHAEL
Robert E. Michael & Associates PLLC

Faculty
ABED AWAD
Law Offices of Abed Awad
Adjunct Professor
Rutgers Law School, Clifton, NJ

BERNARD K. FREAMON
Professor of Law
Director, Program for the Study of Law in the Middle East
Seton Hall Law School, Newark, NJ

MICHAEL J.T. McMILLEn
Fullbright & Jaworski LLP

ALLEN MERHEJ
Norton Rose LLP, London, UK

YUSUF TALAL DELORENZO
Chief Sharia Officer
Shariah Capital, Inc. Haymarket, VA

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

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

LABOR & EMPLOYMENT LAW

Complying With Federal & State Wage & Hour Laws: Navigating the Complex Maze

17 Wednesday, 6 PM – 8 PM

Compliance with federal and New York state wage and hour laws has become increasingly more complex as administrative enforcement, legislative initiative and private lawsuits have proliferated in recent years. Class action suits, in particular, have resulted in well publicized, high value settlements and require reassessment of how employees are classified and compensated. A panel of attorneys experienced in FLSA and New York State and City Labor Law litigation, including class actions, will provide practical insights into trends in wage and hour litigation and regulation, including a discussion of certain unique and frequently overlooked aspects of the New York Labor Law.

Program Chair
IRA G. ROSENSTEIN
Orrick Herrington & Sutcliffe, LLP

Faculty
JEAN PARK
Kelley Drye & Warren LLP

JUSTIN M. SWARTZ
Outten & Golden LLP

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

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

LEGAL WRITING

Real World Document Drafting®: Form, Style, & Substance

12 Friday, 9 AM – 4:30 PM

Document drafting is as important to the successful negotiation of a deal as the negotiation sessions themselves. Well-drafted legal documents not only articulate the terms of the transaction, but also protect and advance the client’s interests, reduce the likelihood of disputes, and establish the framework for successful business relationships. Nevertheless, document drafting is not intuitive. Even the best lawyers must use drafting techniques that clearly articulate their transactions, and even the best writers must integrate legal and business concepts to create effective contracts.

This program integrates the legal principles, skills and experience related to negotiating and drafting a range of contracts. It explores the underlying principles of contract law that apply to specific contract provisions and considers alternative ways to resolve issues in the document negotiation process. The focus is on producing readily comprehended legal documents that can serve as roadmaps for business relationships and can reduce the possibility of related litigation.

Throughout the day, the instructor will respond to participants’ comments and questions. The last half-hour of the program will be devoted to a discussion of ethics and professional responsibility issues in document drafting.

As a special feature, program attendees will receive a copy of the Program Instructor’s new book, Real World Document Drafting®: A Dispute Avoidance Approach, published by ALI-ABA, © 2008. This book will help you draft better transactional documents, commercial leases, and settlement agreements.

Live Program (includes materials):
Member $385, Non-member $485

Book only (no CLE credit): $99*
Co-sponsored with: ALI-ABA

Program Instructor

MARVIN GARFINKEL
WolfBlock LLP

CLE credit: 7.0 credits total: 6.5 skills & 0.5 ethics. This live program provides transitional/ non-transitional credit to all attorneys. This program is approved for MCLE credit in other MCLE jurisdictions.

LITIGATION

E-Discovery & the Rule 26(f)
Conference: Strategic & Practical Considerations

9 TUESDAY, 6 PM – 9 PM

Electronic discovery is now the predominant source of evidence in civil litigation. With the recent amendments to the Federal Rules of Civil Procedure, almost every civil case in federal court must incorporate planning about e-discovery at the earliest stages of litigation. This program will focus on one of the most important aspects of the amendments— the "meet and confer" conference mandated by Federal Rule 26(f) in which litigators must discuss all issues related to electronic discovery and develop a discovery plan. A successful Rule 26(f) conference requires that attorneys be prepared to discuss in-depth e-discovery issues.

Learn tactics for using the Rule 26(f) conference as a way to manage the universe of discoverable electronic data, control discovery costs and protect clients from allegations of spoliation. Through use of a hypothetical case involving vignettes and role playing among panelists to illustrate issues, panelists (including federal and state judges, in-house counsel and leading practitioners) will present methods enabling you to quickly acquire key information about the client’s IT systems, to estimate the scope of potential discovery raised by the dispute, and to reduce the costs of preserving electronic data. Panelists will also discuss conducting the Rule 26 conference itself, including questions counsel should be prepared to answer and strategies for positioning disagreements at the Rule 26(f) conference for subsequent discovery motion practice. Although focused principally on the Federal Rules, state court practitioners and counsel who participate in arbitration will also benefit from this program since e-discovery issues arise in those contexts as well and because New York, like many other states, is considering adopting provisions analogous to the Federal Rules for managing discovery.

Program Co-chairs

BRANDON COWART
Arnold & Porter LLP

RICHARD FRIEDMAN
Dreier LLP

Faculty

HON. LEONARD B. AUSTIN
New York State Supreme Court Justice Commercial Division, Nassau County

ROBERT B. DAVIDSON
Executive Director, JAMS
Arbitration Practice

STEPHANIE GIAMMARCO
Partner
BDO Consulting

HON. RAMON E. REYES, JR.
United States Magistrate Judge Eastern District of New York

ERIC T. STRECK
Assistant General Counsel Deloitte LLP

LESLIE WHARTON
Arnold & Porter LLP
Washington, D.C.

Live Program (includes materials):
Member $375, Nonmember $475

CLE credit: 7.0 credits total: 6.5 skills & 1.0 ethics. This live program provides transitional/ non-transitional credit to all attorneys. This program is approved for MCLE credit in other MCLE jurisdictions.

NON-ProFIT ORGaniZATIONS

ABCs of Creating a Not-For-Profit Organization

16 TUESDAY, 6 PM – 9 PM

This program is designed to be a basic guide for practicing professionals and corporate executives in establishing a not-for-profit organization, including successfully applying to the Internal Revenue Service for Section 501(c)(3) status. The speakers will discuss whether one should incorporate as a not-for-profit in New York or Delaware, as well as whether certain charitable purposes will trigger the need to comply with specific state regulatory regimes. In addition, the program will provide tips from practitioners on how to present a winning application for tax-exempt status, which is the gateway for nonprofits to receive charitable donations.
The program will wrap up with a discussion of proposed legislation at the federal and state level, which would directly impact the establishment and maintenance of not-for-profit status.

Program Chair
ELIOT P. GREEN
Loeb & Loeb LLP

Faculty
CAROLINE PRESS
Assistant Attorney General, Charities Bureau
New York State Attorney General’s Office

DAVID W. LOWDEN
Stroock & Stroock & Lavan LLP

DAVID G. SAMUELS
Duval & Stachenfeld LLP

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

CLE credit: 3.0 credits total: credit breakdown to be determined. This live program provides New York & California transitional/non-transitional credit to all attorneys.

PRODUCT LIABILITY

Annual Developments in Product Liability: Settling Mass Tort Cases After the Vioxx Settlement & Supreme Court Preemption Update

15 MONDAY, 6 PM – 9 PM

Is the Vioxx Settlement a Guidepost For Mass Tort Settlements?
Hear from a panel of the lawyers who have provisionally settled more than 50,000 Vioxx lawsuits, law professors, judges, and mass tort litigators about how the Vioxx settlement was achieved, the challenges presented in aggregate settlements and whether its approach represents a template for resolution of other product liability mass tort claims.

Preemption and The Supreme Court:
Last Term, the Supreme Court in Riegel v. Medtronic upheld federal preemption of state law tort claims involving medical devices that have undergone full FDA review and approval. This Term, the Court is set to hear Wyeth v. Levine, a case presenting the question of whether FDA regulation preempts such claims involving FDA approved pharmaceutical drugs. Leading litigators and law professors will address the bounds of the preemption defense, claims that can survive a preemption defense, and strategies for litigating cases in which preemption may be at issue.

Program Chair
DAVID W. ICHEL
Simpson Thacher & Bartlett LLP

Faculty:
HON. HELEN FREEDMAN
New York State Supreme Court Justice
Appellate Division, First Department

SAMUEL ISSACHAROFF
Professor of Law
New York University School of Law

J. RUSSELL JACKSON
Skadden, Arps, Slate, Meagher & Flom LLP

THEODORE V. H. MAYER
Hughes Hubbard & Reed LLP

ANTHONY J. SEBOK
Professor of Law
Benjamin N. Cardozo School of Law
Yeshiva University

CHRISTOPHER A. SEEGER
Seeger Weiss LLP

CATHERINE M. SHARKEY
Professor of Law
New York University School of Law

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

CLE credit: 3.0 credits total: 2.5 professional practice & 0.5 ethics. This live program provides New York & California transitional/non-transitional credit to all attorneys.

REAL ESTATE

Residential Real Estate Closings: What You Need to Know From Pre-Contract to Closing

15 & 22 MONDAYS, 6 PM – 9 PM

This updated program will cover the purchase and sale of cooperatives, condominiums and houses. The panelists will review such general matters as forms of ownership, pre-contract due diligence, transfer and mortgage taxes, title insurance and lien searches, and the contract of sale, including a review of the loan contingency clause and other most frequently negotiated contract provisions; and cover a number of commonly encountered problems (such as combined apartments) and a “how to” on closing a transaction.

This year’s program contains information which has not been contained in previous programs. Therefore, if you attended this program in the past, you will be able to receive CLE credit.

Program Chair
MINDY H. STERN
Schoeman Updike & Kaufman LLP

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

DAVID L. BERKEY
Gallet Dreyer & Berkey LLP

MELVYN MITZNER
Senior Vice President & Chief Underwriting Counsel
Commonwealth Land Title Insurance Company, LandAmerica Financial Group, Inc. & Lawyers Title Insurance Corporation

RICHARD A. NARDI
Loeb & Loeb LLP

ALAN B. REIS
Reis Cooper LLP

MATTHEW W. RYAN
Vice President
HSBC Private Bank

ALVIN SCHEIN
Seiden & Schein, P.C.

Live Program–both days (includes materials):
Member $415, Nonmember $635

Live Program–per day (includes materials):
Member $215, Nonmember $325

CLE credit: 6.0 credits total: 2.5 skills, 2.5 professional practice & 1.0 ethics. This live program provides New York & California transitional/non-transitional credit to all attorneys.

See page 26 for registration information.
Q:

Powerful Client Development resources …

Such as Martindale-Hubbell®, the #1 service for identifying expert counsel

exclusive Research Solutions …

Including Shepard's® and The Wall Street Journal Online in association with LexisNexis®

customizable Practice Management tools …

Fully integrated services to drive productivity and profitability

the only NITA® endorsed Litigation Services …

Covering the litigation process in the way that litigators work

Where do you find them?

A: LexisNexis® Total Practice Solutions

lexisnexis.com/tps

A MEMBER BENEFIT OF

NEW YORK CITY BAR
COMMITTEE REPORTS

ARBITRATION
Report on the Unauthorized Practice of Law and the Representation of Parties in Arbitrations in New York by Lawyers Not Licensed To Practice in New York. The report examines the issue of whether representation of a party in an arbitration by a lawyer not licensed to practice law in New York constitutes the unauthorized practice of law. The report concludes that it does not and urges that the rule be clarified and remain as such.

BIOETHICAL ISSUES
Letter to the Empire State Stem Cell Board urging that it endorse the ethics of stem cell research and fund scientific research that seeks to derive new embryonic stem cell lines from early stage embryos. The ethical controversy regarding embryonic stem cells arises because they are typically obtained from very early stage embryos that are created in a laboratory but that would be discarded if not used for scientific research. If New York State decides to withhold funding for such research, it is reasonable to expect that the research will go ahead with either private funding or in other countries and regions. This would force scientists to move where they can pursue the research, undermining New York’s historic preeminence in biomedical science.

COMMUNICATIONS AND MEDIA LAW
Amicus Brief: Perozo v. Venezuela (The “Globovisión” Case) filed in the Inter-American Court of Human Rights, May 2008. The brief argues that the actions by the government of Venezuela concerning Globovisión and its employees constitute violations of the American Convention. The complaint involves government-sanctioned harassment and assault of opposition journalists, which has the effect of preventing them from reporting on and broadcasting events of public interest.

CORRECTIONS
Report expressing support for A.08464/S.5559-A, which would effectuate the mandate of Corrections Law Article 23 by ensuring that either a certificate of relief from disabilities (“CRD”) or a certificate of good conduct (“CGC”) will serve to remove statutory barriers to the licensure and employment of people with criminal records, thereby reducing recidivism by promoting the employment of people with criminal histories.

Report supporting A.10864, which would ensure immediate access to health care coverage for certain people leaving prison, by permitting eligible people enrolled in pilot projects in selected state prison facilities to complete necessary paperwork for enrolling in Medicaid prior to their release.

Report in support of A.10860/S.8022, which would remove the provision in New York’s Alcoholic Beverage Control Law Section 102(2) that forbids an establishment licensed to sell liquor for on-premises consumption to hire any person in any capacity who has been previously convicted of a felony or certain misdemeanors unless that person has (1) received a pardon or a certificate of good conduct or relief from disabilities or (2) obtained written approval from the New York State Liquor Authority.

CRIMINAL JUSTICE OPERATIONS
Report on the Proposed Supplemental Model Justification Charges of the Office of Court Administration’s Criminal Jury Instructions 2d. The report identifies the legal principles relevant to the areas of law that the model instructions do not currently address, and proposes model language that could be included in Criminal Jury Instructions, including: excessive force, victim’s prior threats and defense of a third party initial aggressor.

Letters to the New York City District Attorneys expressing support for New York City’s e-arraignment program, which will aid all five boroughs of New York City in meeting the 24-hour arraignment goals set forth in People ex rel. Maxian v. Brown by streamlining and automating the arrest-to-arraignment process and creating a comprehensive timestamp monitoring tool that will track the progress of the arraignment process from agency to agency.

ELECTION LAW
Letter to the Governor’s Office urging that the New York State Constitution and the Public Officers Law be amended to streamline succession rules in New York State and in the event of a mid-term vacancy in a publicly held office. With respect to the office of Governor or Lt. Governor, the report suggests that the most practical and fair solution would be to adopt the federal model, which would permit the new Governor who has succeeded to the post from Lt. Governor to select the new Lt. Governor, whose nomination would then be confirmed by the Legislature. Attorney General and Comptroller vacancies should be filled for the remainder of the term by an election at the next regularly scheduled general election.

ESTATE AND GIFT TAXATION
Letter to the IRS highlighting inconsistencies in two recently issued Private Letter Rulings (PLR’s), which set forth the calculation method of the income interest upon early termination of a net income with makeup charitable remainder unitrust (NIMCRUT). The letter points out that the calculation method with respect to early termination of NIMCRUT is inconsistent with previous guidance provided by the IRS with respect to the calculation method to be used upon creation of NIMCRUT, and requests that the IRS issue guidance that eliminates this inconsistency.
Letter to the IRS commenting on Proposed Treasury Regulation Section 1.67-4 and Notice 2008-32. The letter makes a number of recommendations, including that: 1) the Proposed Regulations’ requirement that bundled fees be unbundled should be eliminated; 2) if the IRS will not eliminate its unbundling requirement, then a trust or estate should be allowed to deduct without regard to the 2% Floor the portion of its bundled fiduciary fee that would not be commonly incurred by individuals; 3) the IRS should issue guidance to clarify that taxpayers (and tax practitioners) will not be subject to penalties relating to 2% Floor issues unless there is no reasonable basis for the taxpayer’s position; and 4) the final regulations under Section.67-4 should only apply to taxable years beginning on or after the later of January 1, 2009, or the year in which final regulations are issued.

FUTURES AND DERIVATIVES REGULATION
Letter to the Federal Trade Commission commenting on the proposals concerning the prohibitions on market manipulation and false information in Subtitle B of the Energy Independence and Security Act of 2007. The comments focus on issues concerning legal principles of due process and fairness that are crucial to protecting the public interest in maintaining well-functioning crude oil, gasoline and petroleum distillates markets.

INTERNATIONAL ENVIRONMENTAL LAW
World Trade Organization Implications of the Lieberman-Warner Climate Change Legislation (S.2191). The report analyzes the bill, which would impose restrictions on and create a cap-and-trade program for greenhouse gas (GHG) emissions from domestic industrial facilities and producers and importers of fossil fuels, and whether it stretches the limits of permissible environmental regulation under the General Agreement on Trade and Tariffs (GATT). The report concludes that it is very likely that Title VI of the legislation would be struck down by the World Trade Organization as a violation of GATT. And although there may be protection provided for such legislation under GATT, relying on such protections is not the ideal vehicle since it is generally viewed as an exception to a country’s obligations under GATT, and the proponent of the exception carries the burden of proof.

INTERNATIONAL HUMAN RIGHTS
Letter to the All China Lawyer Association expressing concern over the recent intimidation of lawyers in China following their public commitment to provide legal services to individuals detained following protests in China’s Tibet Autonomous Region (TAR). The letter urges that appropriate action be taken to ensure that those lawyers signing the April 2 public legal assistance offer to Tibetan detainees be free to represent those cases they take on, and that they not suffer any professional setbacks as a result.

Letter to Congress expressing opposition to S.1959 (the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007). Although the City Bar supports the goal of preventing violent terrorist acts, it opposes this legislation because of its vague language and weak civil liberties protections, which unacceptably threaten free-speech and association rights without providing concomitant protection against future violent terrorist acts.

LEGAL ISSUES PERTAINING TO ANIMALS
Reports expressing support for proposed State legislation (S.2052/A.6553) that would place restrictions on the length of time and manner in which dogs could be tethered and proposed City ordinance that would limit the tethering that takes place outdoors.

Report expressing support for A.7402/S.3528, which would prohibit manufacturers and contract testing facilities from using traditional animal test methods for product safety testing when an alternative has been validated and recommended by the ICCVAM (Interagency Coordinating Committee for the Validation of Alternative Methods) and subsequently adopted by the relevant federal agency.

Report in support of A.10344/S.7848, which would amend section 809 of the New York Education Law to require the Commissioner of Education to notify every school district of the existing requirement that elementary schools provide instruction in the humane treatment of animals, their importance in the environment, and the importance of spaying and neutering programs. The bill also adds a new subdivision 3-a to section 3004 of the Education Law requiring that all applicants for a teaching certificate or license complete two hours of course work or training in humane education instruction.
NATIONAL SECURITY AND THE RULE OF LAW, TASK FORCE
Reaffirming the U.S. Commitment to Common Article 3 of the Geneva Conventions: An Examination of the Adverse Impact of the Military Commissions Act and Executive Order Governing CIA Interrogations. The report evaluates the Administration’s effort to interpret its obligations under Common Article 3 through the enactment of the Military Commissions Act of 2006 (“MCA”) and the issuance of the related Executive Order. The Report concludes that the MCA and the Executive Order appear to be inconsistent with U.S. obligations under Common Article 3 and may undermine compliance with those obligations. The Report makes recommendations that will help assure that the United States fully complies with Common Article 3 and restores its moral leadership in the world community.

NON-PROFIT ORGANIZATIONS
Early Action Checklist for New and Smaller Charities. This report outlines a non-exclusive checklist to aid new and smaller charities in getting started on the process of putting in place good governance and operational practices, and includes items likely to need early attention.

PRIVATE INVESTMENT FUNDS
Letter to the SEC commenting on the proposed rules and amendments, entitled “Exchange-Traded Funds.” The letter urges that the SEC extend its proposed new rule that would allow mutual funds (and other types of investment companies) to invest in exchange-traded funds to a greater extent than currently permitted under the Investment Company Act of 1940 to unregistered funds as well.

PROFESSIONAL DISCIPLINE
Letter to the Departmental Disciplinary Committee expressing support for the reinstitution of the rule that would permit the issuance of a Letter of Caution in attorney disciplinary matters, and suggesting that the former version could be improved upon by explicitly setting forth the type of conduct that would qualify for a Letter of Caution.

PROFESSIONAL RESPONSIBILITY
An Analysis of the Letter of Engagement Rule - Part 1215 to Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The report offers guidance to attorneys on what does and does not constitute compliance with the requirements of the Rule.

SEX AND LAW
Report expressing support for the Safe Harbor for Exploited Children Act, which would permit sexually exploited children to receive vital social services, such as preventative services and safe housing, rather than face prosecution and potential jail time. The report expresses a preference for the Assembly version (A.5258-A) rather than the Senate version (S3175-A), as the former does a better job of recognizing “that the sexual exploitation of children is a child welfare issue, not a criminal justice issue” and that these children should not be incarcerated and deserve a real chance at being helped.

SOCIAL WELFARE LAW
Letter to the New York State Legislature expressing support for A.9807-B, which would increase the basic welfare grant for needy New Yorkers for the first time in eighteen years. Under the current law, the letter argues, a family of three is expected to live on $238 a month, not including the cost of housing. The proposed bill contains a ten percent increase in the grant per year for the next three years, which would be a start in addressing what has become a crisis situation for many New Yorkers.

Report endorsing A.11297, which would allow baccalaureate and advanced degree programs to count towards the work participation rate for public assistance recipients, and would further provide for certain educational and training activity (homework expected or required by the educational institution) to count towards the satisfaction of the participant’s work activity requirement.

TAXATION OF BUSINESS ENTITIES

UNIFORM STATE LAWS
BIOETHICAL ISSUES
Report expressing support for S.5154, The Revised Uniform Anatomical Gift Act, which would help to increase the supply of, and access to, organs for transplantation and bring New York in line with other states ensuring that regardless of location, organ supply will increase and transplantation will occur rapidly and more frequently. The proposed Act would: (1) simplify the process for a potential donor to document his or her anatomical gift; (2) add several new classes of persons who may make an anatomical gift for another individual after that individual’s death; (3) establish standards for donor registries; and (4) clarify and expand the rules relating to cooperation and coordination between procurement organizations and coroners and medical examiners.
Committees Seeking New Members

Administrative Law Committee
The Administrative Law Committee looks at how regulation on the federal, state and city levels should operate and provides an opportunity to weigh in on the merger of law, governmental power and its impact on its citizens. Which administrative structures are optimal for the specific regulatory goals? Are administrative agencies effectively carrying out their current mandates? Is there a better way? Upcoming issues include: (1) which administrative structures are optimal for the specific regulatory goals, (2) enhanced federal regulation for the financial markets, (3) New York State independent agencies and public financing, (4) the overall quality of NYC administrative justice, and (5) comparative studies with European Union administrative regulation. To apply, please contact the Chair, Ronald S. Goldbrenner, at goldlaw@rcn.com.

Committee on Aeronautics
The Committee on Aeronautics’ jurisdiction encompasses a wide array of aviation-related legal matters. The Committee consists of plaintiff and defense attorneys, in-house counsel for large commercial aviation carriers, aviation-related transactional lawyers, pilot lawyers, governmental lawyers and aviation-related insurance adjusters. The interests of the Committee include discussions/lectures with members of the FAA, NTSB, private pilots and aeronautical engineers. To apply, please contact the Secretary, Orla Brady, at obrady@kreindler.com.

AIDS Committee
The AIDS Committee works on legal issues affecting people living with HIV/AIDS, specifically in New York City, and would welcome anyone interested in this topic. To apply, please contact the Chair, Kamilla Sjodin, at kamilla022@yahoo.com.

Government Ethics Committee
The Government Ethics Committee examines ethical issues that arise at all levels of government. The Committee’s latest report addressed the creation of an independent Congressional ethics commission. Other issues recently considered: prosecutorial ethics and the firing of U.S. Attorneys, judicial independence issues relating to political contributions, and lobbying reform proposals. To apply, please contact the Chair, Gregory Ballard, at ballardg@howrey.com.

Juvenile Justice Committee
The Juvenile Justice Committee is currently working on a number of projects including: (1) co-hosting a panel discussion on raising the age of criminal liability for youth, (2) tracking changes to the juvenile justice facilities by the Office of Children and Family Services, (3) developing a book for judges on the treatment of lesbian and gay youth in the juvenile justice system, and (4) assessing who has appropriate authority for discipline in NYC schools, the Department of Education or the NYPD. The Committee welcomes members from a wide variety of backgrounds and viewpoints. To apply, please contact the Chair, Cynthia Godsoe, at cynthia.godsoe@brooklaw.edu.

Committee on Personal Income Taxation
The Committee on Personal Income Taxation discusses federal, state and local tax matters. The Committee comments on proposed law and regulations, sponsors CLE programs, and participates in the pro bono Monday Night Law Program where individuals can meet with a lawyer to discuss their federal, state or city tax questions and concerns that affect their individual or business tax status. To apply, please contact the Chair, Babcock MacLean, at bml@robinsonbrog.com.

Senior Lawyers Committee
Members of the Senior Lawyers Committee participate in writing white papers and planning programs of current interest, usually but not exclusively directed to the legal profession and, more specifically, senior lawyers. The Committee sponsors a quarterly Public Affairs Luncheon Speakers program and an annual program on second career transition planning. To apply, please contact Stephanie Glazer at sglazer@nycbar.org.

Sex and Law Committee
The Sex and Law Committee addresses issues pertaining to gender and the law, such as violence against women, reproductive rights, gender discrimination, poverty, matrimonial and family law, employment law and same-sex marriage. Topics addressed in the Committee’s recent past include: (1) New York State anti-human trafficking legislation, (2) housing discrimination against domestic violence victims, (3) the New York State Expressing at Work law, and (4) women’s rights in Islam. To apply, please send your resume to the Chair, Rachel Braunstein, at rachelbraunstein@yahoo.com.

Social Welfare Law Committee
The Social Welfare Law Committee has a long-standing commitment to being a strong voice on issues of importance to those in poverty. The Committee’s agenda covers a wide range of issues such as public benefits access, housing and homelessness. In the coming year the Committee will focus on a range of topics, including ensuring passage of legislation expanding educational opportunities for those receiving public assistance, creating a pro bono project to help homeless families access the shelter system, and issuing a report on the Mayor’s new poverty initiative: Opportunity NYC. To apply, please contact the Chair, Wendy Bach, at bach@mail.law.cuny.edu.
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<th>Event</th>
<th>Member</th>
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<td>E-Discovery &amp; the Rule 26(f) Conference: Strategic &amp; Practical Considerations</td>
<td>$215</td>
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<td>CDs (includes materials):</td>
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<td>Ethical Considerations for Corporate Investigations: Updates 2008</td>
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<td>Real World Document Drafting*: Form, Style, &amp; Substance</td>
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<td>ABCs of Creating a Not-For-Profit Organization</td>
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<td>Live Program – Sept. 24 only (includes materials):</td>
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<td>Materials only (no CLE credit):</td>
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<td>For those attending one full day of the program (i.e., Sept. 25 or 26), the price will be 50% off the full price that is applicable.</td>
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<td>Trials of the Century</td>
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<td>Fifth Annual Institute on Corporate Securities &amp; Related Aspects of Mergers &amp; Acquisitions</td>
<td>$795</td>
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<td>Live Program (includes materials): (NYC Bar/Penn State Alumni):</td>
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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.
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 2009: Three Vice Presidents; Secretary; Treasurer; four Members of the Executive Committee (Class of 2013); and five Members of the Audit Committee. Please submit your suggestions to any member of the Committee by September 22, 2008.

The Nominating Committee members are:

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Your summer internship is over, the firm has put you to work and even expects you to contribute to business development. How is a young lawyer to thrive in such an environment? The answer is Young Lawyers Connect, a mix of live events and online features designed to help new associates network, develop their careers and have some fun along the way. Programs are open to new and young associates, as well as law students, and their benefits are included when you join the New York City Bar.

**FIRST THURSDAYS**
Beginning September 4th and running through June of 2009, First Thursdays will feature something for everyone, from beverages and hors d’oeuvres at a convenient midtown spot, to a tasting tour of local breweries, an exclusive shopping event at Brooks Brothers, a dance class, or a dinner cruise around Manhattan.

**ONLINE ANYTIME**
With its own section on the New York City Bar Web site (www.nycbar.org/YLC/index.htm), Young Lawyers Connect offers a range of valuable online resources. Get practical career guidance from other attorneys, consultants and professional development experts. Submit a question through “Ask the Experts.” Share your own insights in the Professional Development Discussion Forum. View past issues of the Young Lawyers Connect E-Newsletter, listen to career development podcasts and join the New York City Bar Facebook group. Download guides, articles and additional resources from the Vault Online Career Development Library.

**COMMITTEE ON CAREER ADVANCEMENT AND MANAGEMENT**
The Committee on Career Advancement and Management also provides a range of resources and opportunities, many of which can be located within the “Your Career” section of the City Bar Web site. The Committee authors our “Ask the Experts” service and puts on many live programs throughout the year on a range of topics relevant to young lawyers.

**PROFESSIONAL DEVELOPMENT WORKSHOP SERIES**
Free to all City Bar members, the Professional Development Workshops provide the opportunity to learn from experts as well as meet other New York City attorneys at various stages of their careers. The annual series will begin its new season in January 2009 and continue with monthly programs through June. Check here or online at www.nycbar.org for the schedule.