Office For Diversity Launched

Association President Betsy Plevan has declared enhancing diversity in the legal profession as a top priority. And now we have almost one hundred signatories to the Association’s Statement of Diversity Principles. This statement not only calls upon law firm signatories to maintain diversity as the incoming lawyers rise in seniority, but also calls upon law departments, when selecting outside counsel, to consider a firm’s commitment and progress to diversity issues.

But now what? How do we go from a list of names on a pledge to concrete steps and real results? While the Association doesn’t claim to have all of the answers, we are off to an auspicious start with the welcoming of Meredith Moore as the director of our new Office for Diversity.

Prior to her arrival, Moore spent seven years at Catalyst (a non-profit that works with leading companies and firms to advance women), where she served as Director of Research. She will apply the innovative ideas she is known for to the Association’s role.

Role of Diversity Office

Helping law firms capitalize on this diverse talent pool is exactly the role the Association’s Office for Diversity plans to play. The office was created after the Association issued the “Statement of Diversity Principles” almost a year ago. With much appreciated technical support from Deloitte, the office will:

Continued on pg. 3

Albany Urged to Reform State Voting System

With the 2004 presidential election quickly approaching, memories of a nation divided over hanging and dimpled chads can’t help but pop into our minds. But at least we New Yorkers can rest assured that our voting systems are up to snuff.

Continued on pg. 2
The Association Urges Albany to Reform New York’s Voting System

Continued from pg. 1

And while much of the remaining parts of legislation need not be implemented until 2006, it is most embarrassing that New York has made no decisions on voting technology and is nowhere near having a plan that would qualify for federal funding of new voting machines. The political in-fighting over voting technology, voter registration and accessibility for the disabled jeopardizes New York’s ability to receive these funds.

Three Association committees – Election Law, State Affairs, and Legal Issues Affecting People with Disabilities – have sent recommendations to Albany regarding New York’s implementation of HAVA. The committees addressed the following issues:

Voting Machines.

The Association’s Election Law Committee analyzed the four voting systems currently used in the United States: 1) ATM/“Touchscreen”; 2) Mechanical Lever System; 3) Punch Card System; and 4) Optically Scanned Paper Ballots. The committee determined that the ATM system would be the easiest to use, while also being the most practical and accurate.

Voter-Verified Paper Trail.

Computerized voting, however, is not a cure-all and has problems of its own, including concerns about electronic tampering. Therefore it is essential that voters be able to verify that the ATM-style machine adequately recorded their votes by viewing a paper ballot that confirms their selections. These paper ballots should be manually counted in a random group of election districts to verify the accuracy of the computer tabulations.

Warning of Over and Under Voting.

The touch screen system should be programmed to warn voters if they fail to vote for a particular office. This system should also prevent voters from voting for more than one candidate per office. Accidental over-voting disenfranchised many Floridians in 2000 and could have been prevented by this technology.

Poll Booth Accessibility for Disabled New Yorkers.

“Perhaps the most important aspect of eventual change to electronic voting machines in New York is that thousands of New Yorkers with disabilities will, for the first time, be able to cast a vote privately, independently and in the polling booth,” said Loren Gesinsky, Chair of the Association’s Committee on Legal Issues Affecting People with Disabilities. He stressed that new machines must make it easy for voters in wheelchairs to reach all parts of the ballot, have the capacity for audio interface for the visually impaired, and includes a hand-held voting device for voters with limited reach and dexterity.

With all that’s at stake, let’s hope that our legislative leaders, as they enter the voting booth this November, remember their responsibility to provide accessible and fair elections on updated technology – a responsibility that transcends party lines and assures a fair and accurate voter count.

Nominating Committee Request

The Nominating Committee of the Association of the Bar solicits your suggestions for candidates for the following offices and committee memberships for terms commencing May 2005.

Three Vice Presidents • Secretary • Treasurer
Four Members of the Executive Committee (Class of 2009) • Audit Committee

Please submit your suggestions to any member of the Committee on or before October 10, 2004. The members of the Nominating Committee are as follows:

Roger Juan Maldonado, Chair
Balber Pickard Battistoni
Maldonado & Van Der Tuin PC
1370 Avenue of the Americas
New York, NY 10019-4602
212-246-2400
Fax: 212-765-4212
rmaldonado@bpbmv.com

Hon. Deborah A. Batts
US District Judge (SDNY)
US Courthouse
500 Pearl Street, Room 2510
New York, NY 10007-1312
212-805-0186
Fax: 212-805-7902

Hon. L. Priscilla Hall
Supreme Court
360 Adams Street
Room 1058 E
Brooklyn, NY 11201
718-643-7088
Fax: 718-643-6244
phall@courts.state.ny.us

Deborah Masucci
AIG
Litigation Management Department
80 Pine Street, Floor 38
New York, NY 10005
212-770-1288
Fax: 212-770-0794
Deborah.masucci@aig.com

Thomas H. Moreland
Kramer Levin Naftalis & Frankel LLP
919 Third Avenue
New York, NY 10022-3852
212-715-9246
Fax: 212-715-8000
tmoreland@kramerlevin.com

Benito Romano
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, NY 10019-6099
212-728-8258
Fax: 212-728-9258
bromano@willkie.com

44TH STREET NOTES OCTOBER 2004
Taking Charge of Your Career: Best Practices for Women Lawyers®

October 22, 2004

This program, sponsored jointly by the Association of the Bar and the National Association of Women Lawyers, will focus on the relationships and skills that are key to successful career development, overcoming the ups and downs of law practice and framing satisfying careers that fit a lawyer’s individual talents and interests.

8:30 - 8:45 am Welcome from ABCNY and NAWL
Bettina B. Plevan, President, The Association of the Bar of the City of New York
Stephanie Scharf, President, National Association of Women Lawyers

8:45 - 9:45 am How Did You Do It?
Moderator: Carrie H. Cohen, Chief, Public Integrity Unit, Office of the NYS Attorney General
Panelists: Anita Laremont, General Counsel, Lower Manhattan Development Corp.
Jamie A. Levitt, Morrison & Foerster, LLP
Mary J. Mahon, General Counsel, Long Island Rail Road
Laura S. Schnell, Eisenberg & Schnell, LLP
Gail Aidinoff Scovell, General Counsel, Guggenheim Museum

9:45 - 11:00 am Not What You Learned in Law School: The Skills and Information You Need to Develop a Long-Term Career
Moderator: Beth L. Kaufman, Schoeman, Updike & Kaufman LLP
Panelists: Patricia M. Hynes, Of Counsel, Milberg Weiss Bershad & Schulman LLP
Susan Kohlmann, Managing Partner, New York Office, Pillsbury Winthrop LLP

11:15 - 12:30 pm Developing Client Relationships: The Process, Practices and Impact on Your Career
Moderator: Cathy Fleming, Edwards & Angell LLP
Panelists: Helen Fox-O’Brien, Senior Vice President, The Church Pension Fund
Lori Hoberman, Brown Raysman Millstein Felder & Steiner LLP
Yukako Kawata, Davis Polk & Wardwell
Sara Moss, Senior Vice President & General Counsel, Estee Lauder Companies

12:30 - 2:00 pm Luncheon
Speaker: Michele Coleman Mayes, Senior Vice President & General Counsel, Pitney Bowes

Registration by October 15, 2004 is necessary. The fee is $100 for members of ABCNY and NAWL; $150 for non-members. Register on page 11, or online at www.abcny.org.

Amount of CLE credit to be determined. For more information, please call (212) 382-6607.

Committee Reports – A Closer Look: City Bar Ethics Opinion 2004-02

In an era in which each day’s edition of The Wall Street Journal brings fresh reports of companies under investigation, it has become increasingly common for lawyers to be asked to represent both a corporation and one or more of its constituents, such as an officer or employee, in the context of a governmental investigation. In addition, in an era in which corporations are under increasing pressure to demonstrate that they are “good corporate citizens” by cooperating with governmental investigations, it has become more likely that representing both the corporation and its constituents may involve conflicting interests. Multiple representation can be a complicated situation filled with ethical land mines and questions such as: Under what circumstances may a lawyer simultaneously represent a corporation and one or more of its constituents in a governmental investigation? What disclosures must the lawyer make to her current and prospective clients and what consents must she obtain before undertaking such a representation? How may the lawyer structure her relationship with her clients so as to minimize adverse consequences if conflicts between their interests arise?

Because there is surprisingly little guidance to (and no ethics opinions regarding) these questions, the Association’s Professional and Judicial Ethics Committee, under the leadership of Chair Barbara S. Gillers, recently issued City Bar Ethics Opinion 2004-02 detailing the restrictions on such multiple representations. It concludes that representing a corporation and one or more constituents can be ethically permissible provided a disinterested lawyer would believe that multiple representation is in the best interest of both the corporate and employee client (see DR 105(c) of the New York Lawyer’s Code of Professional Responsibility). The lawyer must also obtain the knowledgeable and informed consent of both clients after full disclosure of the potential conflicts that may arise. The lawyer must be alert to changes in circumstances that would render the continuation of the multiple representation impermissible, and must take steps to minimize potential adverse consequences should a conflict arise between the parties.

The digest and text of the opinion (along with all City Bar ethics opinions since 1986) are available on the Reports page of the Association’s website, www.abcv.org.

The Committee on Professional and Judicial Ethics maintains a hotline to answer ethical inquiries by New York lawyers with regard to their own prospective conduct. To reach the hotline, please call 212-382-6624.
The financial reporting obligations of companies have been greatly expanded as a result of the Sarbanes-Oxley Act. The Association’s Financial Reporting committee last year submitted four comment letters to the Securities and Exchange Commission on proposed reporting rules. The committee partnered with the Association’s Securities Regulation committee on two of the letters.

The Financial Reporting Committee addressed audits of internal controls proposed by both the Public Company Accounting Oversight Board and the SEC. Why? Because the Sarbanes-Oxley Act now requires independent auditing firms to audit the internal controls of public companies, and substantial regulations were proposed, modified and adopted to address how those audits should be done.

What are internal controls? They are the documented steps companies take to ensure that issues that could impact financial statements are properly reported internally, so that they are reflected in the financial statements and disclosures of the company. Due to the complexity of these new internal controls, the SEC is considering delaying for one year the accelerated filer deadlines for Form 10-Ks (75 days, not 60) and Form 10-Qs (40 days, not 35).

The Financial Reporting and Securities Regulation Committees also commented on the SEC’s proposed rule on asset-backed securities issued in May 2004. “Our letter focused on financial reporting changes that may be applicable not only to asset-backed offerings, but other types of public offerings as well,” said Adele Hogan, Chair of the Committee on Financial Reporting. “The proposed changes would impose significant burdens on issuers of asset-backed securities, and the SEC recently indicated that if it does not receive more interest in the proposals from asset-backed investors, it may not adopt such extensive changes. Since our comment letter had urged a more gradual approach to change in the asset-backed area, we are delighted.”

The Committees’ most recent comment letter related to the SEC’s announcement in June 2004 of a new policy to publicly release SEC comment letters and filer responses after August 1, 2004. No public release would occur before the expiration of 45 days after a review is completed.

“There are many interesting developments in financial reporting,” said Hogan. “The Financial Reporting Committee is expecting a similarly active and interesting year ahead. The committee members have made outstanding contributions and this is what makes the committee so strong.”

ABA Adopts City Bar-Sponsored Resolution on Torture of Detainees

City Bar-sponsored resolution adopted by the American Bar Association calls upon the federal government to fully comply with domestic and customary international law in the treatment of detainees, to investigate and punish those responsible for prisoner abuses, to fully investigate how the widespread abuses came to be, and take steps to assure it never recurs.

The resolution, adopted by the ABA’s House of Delegates at its August, 2004 Annual Meeting, puts the nation’s largest bar association on record not only in condemning the use of torture and other cruel, inhuman and degrading treatment against detainees in the “war against terrorism,” but in criticizing the Administration for allowing such widely condemned procedures to be put to such broad use. The resolution called on the United States to treat detainees as it would want its own personnel treated should they be captured.

The accompanying report noted that the Administration’s interpretation of the Geneva Conventions and the Convention Against Torture – the two major international agreements governing treatment of detainees – was inaccurate and suggested that torture could be justified and not subject to punishment.

The resolution was based on a report of the Association that examined the legal standards governing the interrogation of detainees, prepared by the City Bar’s Committees on International Human Rights and Military Affairs and Justice. “We cannot stand mute. We must speak out,” said Betsy Plevan, president of the Association. The report is available on our website, www.abany.org.
PRO BONO OPPORTUNITIES

Volunteer to help the Legal Clinic for the Homeless

The City Bar Fund invites firms to “adopt” family shelters in New York City. An experienced poverty law practitioner will train, mentor, and support associates in their pro bono work with the Legal Clinic for the Homeless. Decreased funding of legal services programs has greatly reduced the number of attorneys representing the poor in civil matters in New York. We encourage the private bar to make a commitment to pro bono service to the poor. If you or your firm is interested in volunteering for the City Bar Fund’s Legal Clinic for the Homeless, please call Program Director Lisa Pearlstein at (212) 382-6709.

Housing Court Seeks Volunteer Attorneys

There is an urgent need for volunteers in housing court. These volunteers would serve as “guardians ad litem” (GALs), appointed by judges as stand-ins for litigants incapable of representing themselves. The Civil Court maintains a list of approved guardians for appointment, and that list now stands at 72, compared with a current need for 114. The Association’s Housing Court Committee and Housing Court Public Service Projects Committee will sponsor a training program this fall to train prospective guardians. For more information on how you can help, please contact Michelle Schrieber at mschrieb@courts.state.ny.us or Elizabeth Donoghue at edonoghue@hmgdjlaw.com.

SHIELD Matrimonial Contested Divorce Clinic

Experienced matrimonial lawyers are needed to volunteer for the SHIELD Matrimonial Contested Divorce Clinic. The clinic meets on alternate Monday evenings from 6:00 p.m. to 9:00 p.m. Each attorney meets with one client per hour. The clients are all pro se litigants who are either indigent or low income. Each client is screened so that there is one discrete issue to be addressed. All necessary forms are provided. If you are interested in getting CLE credit while assuring that a pro se litigant’s rights are protected, then contact Judith Flamenbaum at either (212) 382-4757 or jflamenbaum@abcny.org.

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PROTECTING THE RIGHTS OF THE HOMELESS
Law firms that give something back to the community

For the past 14 years, volunteer lawyers have represented the homeless through the City Bar Fund’s Legal Clinic for the Homeless. The law firms of Alston & Bird, Heller Ehrman White & McAuliffe, and Hunton & Williams have “adopted” three family shelters and one drop-in center for homeless individuals. On a monthly basis, the firms send volunteer attorneys trained by City Bar Fund staff into these facilities to provide legal assistance. The clinic’s director, Lisa Pearlstein, recently interviewed two volunteers, Sharon Frase and Andrew Skroback, about their work representing homeless New Yorkers.

**Q.** What are your Legal Clinic for the Homeless (LCH) clients like?

Sharon: My clients are homeless mothers, many victims of domestic violence. There are no cooking facilities at the shelter where my clients stay so they spend a lot of time each day trying to feed their children. They also deal with the daily logistics of getting their kids to and from school or child care, going to their workplace assignments, and attending many appointments at welfare centers. The best thing for these women is to get back into their own apartments as soon as possible to relieve some of the burden and to find full-time work. Any issue with their subsidized housing applications or their public assistance cases will stall this process. Sometimes the City reduces my clients’ benefits in error, and they have no money to search for apartments, job hunt, or even feed their children and buy basic necessities. My job is to rectify these problems as quickly as possible.

**Q.** Is Heller Ehrman supportive of your volunteer work?

Sharon: Very. The firm places a high value on community service and encourages all associates to take on projects like the work that our attorneys do with the clinic. We count pro bono hours the same as billable hours.

**Q.** How does your legal work with the clinic differ from your legal work at Heller Ehrman?

Sharon: I am solely responsible for my Legal Clinic for the Homeless cases, while more senior attorneys run my other Heller Ehrman cases. I appear on my own with my clinic clients at administrative hearings, where I have the chance to put on evidence and question witnesses (albeit in a less formal environment). The emergency nature of my clients’ situations requires that I get quick results and solutions through informal advocacy methods. These cases move faster than the large commercial lawsuits I work on for other clients, which are more writing, research and document intensive. While my other cases have more substantive legal content, my clinic cases provide me with an opportunity to practice a different range of skills, including negotiation, oral advocacy and client communication.

**Q.** Would you recommend this work to other attorneys at law firms?

Sharon: What’s nice about volunteering for the clinic is that, as a young associate with many competing responsibilities and demands on my time, I can pursue this very gratifying work without worrying about making unrealistic commitments that conflict with other cases.

**Q.** What made you decide to volunteer for the Legal Clinic for the Homeless?

Andrew: I believe that the privilege of being an attorney comes with a responsibility to give back to the community. My grandfather, a judge in New Jersey, demonstrated that belief by example, and I guess it just sunk in.

**Q.** Who do you represent through LCH?

Andrew: My clients can be anyone who finds themselves in the unfortunate position of needing the assistance of the St. Agnes Drop-In Homeless Shelter. They are men and women of all ages and races with a wide variety of backgrounds. Most are single adults. Many have drug or alcohol problems or mental impairments with which they struggle in their day-to-day lives. Many are just down on their luck.

**Q.** What is your most memorable LCH case?

Andrew: One success I had involved helping a homeless client remove a default judgment against him for over $9,000. He learned about the judgment when his only worldly possession, a modest bank account, was seized. It turned out that he was never served with legal papers, so I filed a motion to set aside the default judgment. While I had a number of witnesses prepared to testify about the improper service, the plaintiff agreed to settle the matter on the eve of the evidentiary hearing. The credit agency erased my client’s debt and allowed him to once again use his bank account without the constant fear of seizure hanging over his head. My client had made some bad financial decisions in the past, but he appeared to be moving in the right direction. I was pleased to help him get out from underneath some very old debts and obtain a fresh start.

**Q.** Is your pro bono work with LCH very different from your other responsibilities at Hunton & Williams?

Andrew: Yes. I practice environmental law, advising companies on what they need to do to comply with existing environmental laws and regulations and litigating over a wide variety of environmental issues. My work for LCH clients is much different in that I am able to make a direct difference in a single individual’s life, which can be very rewarding.

(To volunteer with the Legal Clinic for the Homeless, see inset at top of the previous page.)
6 Wednesday, 5:30 pm

“Capturing the Friedmans” - What It Tells Us About Our Justice System

The award-winning film, “Capturing the Friedmans,” will be shown followed by a panel discussion in which the panel of experts in relevant fields will discuss the implications of the film and what it tells us about the justice system, particularly in the context of highly publicized cases involving alleged sex abuse of children.

Moderator: HON. GERARD LYNCH
U.S. District Judge, Southern District of New York

Speakers:
KENNETH V. LANNING
CAC Consultants

MOISY SHOPPER, MD
Psychiatrist (expert in recalled memory and false recalled memory)

ANDREW JARECKI
Director, “Capturing the Friedmans”

MARJORY FISHER
Head, Special Victims Bureau, Office of the Queens District Attorney

JACK T. LITMAN
Litman Asche & Gioele

12 Tuesday, 6-8 pm

Catholic Jurors & The Death Penalty

The second part of this three-part series will be a workshop to explore the legal, ethical and social questions which arise when Catholics are eliminated from juries because of their religiously grounded opposition to the death penalty. A reception will follow. Please Note: This program will take place at Fordham University School of Law, Room 430 B/C, 140 West 62nd Street, New York, NY.

Speaker:
GERALD F. Uelman
Professor of Law, Santa Clara University School of Law

6 Wednesday, 6-8 pm

Reception for Housing Court Judges and Attorneys

A cocktail reception for Housing Court Judges and attorneys who practice in that court. At the reception, all Housing Court judges who have been on the bench for 10 years or more will be honored for their dedicated service.

The fee is $25 for members and $35 for non-members. (Housing Court Judges are invited at no charge.) To RSVP, please contact Amy Uelman at (212) 636-7328 or lawreligion@law.fordham.edu

12 Tuesday, 7-9 pm

RIGHT WING JUSTICE: The Conservative Campaign To Take Over The Courts

Have you made the connection on how the President to be elected this November will impact the U.S. Supreme Court? Since several U.S. Supreme Court Justices are speculated to step down within the next four years, our president for the next term will influence the ideological affiliation of the justices on the highest court. Professor Schwartz describes a pattern of presidential appointments to the bench during the last 25 years.

Speaker:
HERMAN SCHWARTZ
Professor, Washington College of Law at American University; Author, RIGHT WING JUSTICE: The Conservative Campaign To Take Over The Courts

13 Wednesday, 8:30 am

SMART MARKETING SERIES - 1
Marketing 101 - How Marketing Applies to Lawyers and Law Firms

In this first program of a three-part series, learn how to use the “4Ps” of marketing plus strategic marketing planning basics to find your best audience and interest them in buying your services.

Speakers:
CAROL S. GREENWALD
Professional Services Marketing Consultant

WALTER TIMOSHENKO
CMO, Weiser LLP

13 Wednesday, 5:30-8 pm

Mediation Settlement Day 2004 - Open House and Program

The Mediation Settlement Day event is designed to further understanding of the mediation process and advance the use of mediation by New York’s citizens, communities, businesses, and courts. The event is co-sponsored by a coalition of public service organizations, schools, court programs, and bar organizations throughout the state.
From 5:30-7 p.m., representatives of the participating organizations will be present to provide information about the mediation programs offered by their organizations and the events that are planned for Mediation Settlement Day, October 21, 2004. The program will begin at 7 p.m.

Speakers:

**HON. ELIZABETH S. STONG**
U. S. Bankruptcy Court
ED NY

**HON. ROBERTO VELEZ**
Chief Administrative Law Judge
New York City Office of Administrative Trials and Hearings

For more information, please contact Ken Andrichik at ken.andrichik@nasd.com.

### 14 Thursday, 12:30-2 pm

**SMALL LAW FIRM LUNCHEON**

**Injuries and Property Damage: Tips for Evaluating Insurance Cases**

Does your client have a claim for personal injuries or property damage? If so, is it a good claim? Learn how to analyze potential personal injury and property damage matters. Our panelists will provide advice on the questions you MUST ask and tips for correctly handling a claim from the start. They will also discuss valuation of injuries, pre-suit settlement strategies, and when an insurance litigator should be called in to handle the matter.

Speakers:

**CHARLES MARTIN ARNOLD**
Abraham & Lerner

**JOHN LERNER**
Abraham & Lerner

Registration by October 8 is necessary. The fee, which includes lunch, is $20 for members, $30 for non-members. Please register on page 11 or online at www.abcny.org

### 14 November, 8:30-10 am

**Careers After Law: Strategies for Successful Career Transitions**

This panel of former practicing attorneys will discuss their strategies for pursuing their non-legal careers and provide insight into how their legal backgrounds assist them in successfully performing their jobs. Any practicing attorney who has considered leaving the law and would like information as to some of the options available to practicing attorneys will benefit from this panel.

**Moderator:**

**KATHY BRADY**
Founder, Brady & Associates, Career Planners, LLC

Speakers:

**LEAH GUGGENHEIMER**
Director Of Marketing, Darby & Darby

**ADAM LIPTAK**

**MICHAEL MILLS**
Director of Professional Services, Davis Polk & Wardwell

**KELLY HOEY**
Manager of Professional Development, White & Case LLP

Luncheon Speaker:

(Saturday, October 16)

**JAMES CARTER**
Sullivan & Cromwell; President, American Society for International Law

Co-sponsored by:

The American Branch of the International Law Association; Albany Law School; American Foreign Law Association; American Society of International Law; Customs and International Trade Bar Association; Connecticut Bar Association; International Law Students Association, ILSA Journal of International and Comparative Law; New York State Bar Association International Law and Practice Section

There is no fee for students and members of ABCNY and other co-sponsoring organizations. The fee for non-members is $50 at the door. Friday box lunches and the Saturday lunch require advance registration and payment. For more information, including program and registration information, please visit the ABILA website at http://ambranch.org/Archives/2004_ILW_agenda.pdf, or contact Charles Siegal, Co-Chair of the Program Committee, at siegalcd@mto.com.

### 14-16 Thursday-Saturday

**INTERNATIONAL LAW WEEKEND 2004**

**Worlds in Collision? International Law and National Realities**

The three-day conference will explore the actual and potential conflicts between international law norms and decisions and countervailing domestic pressures. The Weekend will also provide many opportunities for mixing with friends and colleagues.

**Moderator/Program Co-chair:**

**DONALD LASH**
Sinergia, Inc.

### 20 Wednesday, Noon-2 pm

**Public Affairs Luncheon**

The Public Affairs Luncheon Series features speakers who address matters of public interest. The Luncheons provide a forum to enable members of the Association to network, socialize and discuss matters of interest. The Luncheons are open to the public.

**Speaker:**

**DAVID CAY JOHNSTON**

Luncheon Chair:

**JEROME R. ROSENBERG**

Luncheon Vice-Chair:

**EMILY CAMPBELL**

Program Co-Chair:

**KIM SWEET**
New York Lawyers for the Public Interest

Speakers:

**LYNDA GELLER, PH.D.**
Cody Center for Autism and Developmental Disabilities, SUNY Stony Brook

**CARMEN FARINA**
Deputy Chancellor for Instruction, New York City Department of Education

**DOROTHY SIEGEL**
NYU Institute for Education and Social Policy

**MICHELE KULE-KORGOOD**
Law Office of Michele Kule-Korgood

Registration by October 8 is required to guarantee admission. Registrations received after October 15 are subject to availability. The fee, which includes lunch, is $25. Please register on page 11 or online at www.abcny.org.

**Luncheon Speaker:**

(Saturday, October 16)

**JAMES CARTER**
Sullivan & Cromwell; President, American Society for International Law

Co-sponsored by:

The American Branch of the International Law Association; Albany Law School; American Foreign Law Association; American Society of International Law; Customs and International Trade Bar Association; Connecticut Bar Association; International Law Students Association, ILSA Journal of International and Comparative Law; New York State Bar Association International Law and Practice Section

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The fee, which includes breakfast, is $10. Please register on page 11 or online at www.abcny.org.

Luncheon Speaker:

(Saturday, October 16)

**JAMES CARTER**
Sullivan & Cromwell; President, American Society for International Law

Co-sponsored by:

The American Branch of the International Law Association; Albany Law School; American Foreign Law Association; American Society of International Law; Customs and International Trade Bar Association; Connecticut Bar Association; International Law Students Association, ILSA Journal of International and Comparative Law; New York State Bar Association International Law and Practice Section

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The fee, which includes lunch, is $20 for members, $30 for non-members. Please register on page 11 or online at www.abcny.org.

For more information, please contact Ken Andrichik at ken.andrichik@nasd.com.
20 Wednesday, Noon-2 pm
On Site Power Generation: Opportunities and Obstacles for Wind, Cogen and Solar

An expert panel will provide an overview of the regulatory structure governing on site power generation, of the various state and federal efforts to standardize interconnection with the grid, and of developments in the northeastern states with respect to standby charges and net metering. The program will include a case study of the wind turbine planned for installation at the top of the Freedom Tower at the World Trade Center site. Please note: This program will take place at White & Case, 1155 Avenue of the Americas, Manhattan.

Moderator:
EDNA SUSSMAN
Hoguet Newman & Regal LLP

Speakers:
JOHN JIMISON
Executive Director and General Counsel, U.S. Combined Heat and Power Association

BUZ BARCLAY
King & Spaulding

ROGER FREEMAN
Ferriter, Scobbo & Rodophele

For more information or to register, please contact esussman@hnrlaw.com

20 Wednesday, 6:30-8:30 pm
Anatomy of a Cruelty Case: Investigation, Prosecution, and the Law

A panel of experts, including a humane law enforcement agent, a veterinarian, a prosecutor, and a lobbyist, will discuss the fundamentals of animal cruelty investigation and prosecution and the impact of the law on this growing field. Using a sample case study, the panel will examine such topics as the conditions necessary to launch an investigation and prosecution; evidence collection; the roles played by complaining witnesses, veterinarians, law enforcement, prosecutors, and judges; and how the law itself shapes each phase of a cruelty case.

Moderator:
DEBORA M. BRESCH
Legislative Liaison, Eastern Region, ASPCA

Speakers:
BILL DUNN
Counsel, Humane Law Enforcement, ASPCA

JAMES GOWARD
Senior Assistant District Attorney, Investigations Division, Rackets Bureau, Bronx County

ANNE MARIE LUCAS
Agent, Humane Law Enforcement, ASPCA

ELINOR MOLBEGOTT
General Counsel, Humane Society of New York

ROBERT REISMAN, DVM
Coordinator, Animal Cruelty Investigations, Bergh Memorial Animal Hospital

27 Wednesday, 8:30 am
SMART MARKETING SERIES - II Using Public Relations and Advertising to Get Your Message Out

In this second part of a three-part series, learn the difference between advertising and public relations and the best ways to take advantage of each medium.

Speakers:
CAROL S. GREENWALD
Professional Services Marketing Consultant

WALTER TIMOSHENKO
CMO, Weiser LLP

There is no charge for this program. To register for this series, please call (212) 382-6624 or email aakhtar@abcny.org. Registration of the three-part series (the other programs are on October 13 and November 10) can also be done through the Association's website, www.abcny.org.

29 Friday, 7 pm
"There's Something Afoot," A Rock Opera

A benefit performance for the City Bar Fund, "There's Something Afoot", written and performed by Steven Edwards and other talented members of the bar. Food, drink and dancing to a great rock band.

Tickets are $125 per person. R.S.V.P. online at www.abcny.org, or send your tax deductible contribution payable to "City Bar Fund", 42 W. 44th Street, N.Y. N.Y. 10036. In order to comply with tax reporting requirements, we advise you that all but $40 of your contribution is tax deductible. For reservations or more information, please contact Rosemary Griffin at (212)382-6754.
1st Annual
Law Practice Management Symposium
Business & Legal Techniques
to Manage Your Firm
Tuesday, November 16, 2004

- Learn about the latest products & technology
- Connect, Interact and Network with your peers
- Attend Free Exhibition and Workshop Sessions
- Attend two CLE programs (fees apply) to earn 6 CLE credits

“Starting Your Own Law firm” &
“Marketing Techniques to Grow Your Business”
- Complimentary breakfast, lunch & cocktail reception

ABCNY October 2004 Registration Form

☐ Housing Court Reception - October 6
☐ $25 Member ☐ $35 Non-Member

☐ Careers After Law - October 14
☐ $10 Member/Non-Member

☐ Evaluating Insurance Cases - October 14
☐ $20 Member ☐ $30 Non-Member

☐ Public Affairs Luncheon - October 20
☐ $25 Member/Non-Member

☐ Taking Charge of Your Career - October 22
☐ $100 ABCNY/National Association of Women Lawyers Member
☐ $150 Non-Member

Name: ____________________________
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State: __________________ Zip: ____________
Phone: ____________________________

Number of Reservations: ______________
Total Enclosed: $ ______________

Please charge to my:
☐ Mastercard ☐ Visa ☐ American Express

Card Number: __________________________
Expiration Date: ______________________
Signature: ____________________________

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

**28 Thursday, 9-5:30 p.m.**

**Administrative Law: Federal, New York State and City**

There's More To It... Here's How to Challenge Agency Action & Protect Your Client

What you don’t know about administrative law can hurt you! Federal, state and local administrative agencies impact business and our personal lives every day in critical ways. Attorneys need that “extra edge” to deal with agencies and issues. Hear leading practitioners in the field teach the basics and provide that ‘extra edge’ including obtaining information under Freedom of Information statutes, how to bring on an Article 78 proceeding, due process, special problems in litigation, and much more.

Program Co-Chairs:
- **RONALD S. GOLDBRENNER**
  - Administrative Law Judge (NYC)
  - Adjunct Professor of Law
  - Touro Law Center

- **HON. MOLLY KLAPPER**
  - Administrative Law Judge (NYC)
  - Adjunct Professor of Law
  - Touro Law Center

Faculty:
- **BARBARA ANTHONY**
  - Regional Director
  - Northeast Region
  - Federal Trade Commission

- **THOMAS C. BAXTER, JR.**
  - General Counsel and Executive Vice President
  - The Federal Reserve Bank of New York

- **BERNARD BELL**
  - Associate Dean
  - Rutgers University School of Law

- **CHARLES T. CALIENDO**
  - Assistant Attorney General
  - Investment Protection Bureau
  - NYS Department of Law

**LESTER M. CRAWFORD**
- DVM, PHD, Acting Commissioner of Food and Drugs
- Food and Drug Administration
- Rockville, Maryland

**ANTHONY W. CROWELL**
- Special Counsel to the Mayor of the City of New York

**GARY GOLDSHOLLE**
- Associate Vice President and Associate General Counsel
- NASD Regulatory Policy and Oversight
- Washington, D.C.

**LISA R. HARRIS**
- General Counsel, NYS Consumer Protection Board
- Albany, NY

**CHARLES D. MCPAUL**
- Deputy Chief Administrative Law Judge
- New York City Office of Administrative Trials and Hearings

**EDWIN H. NORDLINGER**
- Deputy Regional Director
- Northeast Region
- Securities & Exchange Commission

**ELAINE REISS**
- Environmental Simulation Center, Inc.

**BARBARA E. SWARTZ**
- Bruce K. Gould Distinguished Professor of Law
- Touro Law Center

**ROBERT VAUGHN**
- Professor, American University
- Washington College of Law

**PAUL R. VERKUIL**
- Professor of Law
- Benjamin Cardozo School of Law
- Yeshiva University

**DOUGLAS WOOD**
- Reed Smith, LLP

**HON. RICHARD F. BRAUN**
- Supreme Court Justice
- New York County

**HON. CARMEN BEAUCHAMP CIPARICK**
- New York Court of Appeals

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

**Live Program:**
- $345 Member, $485 Non-member

## ADR/ ARBITRATION/ MEDIATION/ NEGOTIATION

**22 Friday, 9-12 p.m.**

**Video Replay:**

**Becoming a Mediator & Building a Successful Practice**

Are you interested in alternative dispute resolution and learning how to build a mediation business? This program features a mediation role-play followed by analyses of the mediation process as compared with other alternative dispute resolution procedures, and an explanation of the roles of the mediator, the parties, and attorneys and the various communication styles and techniques used. Experienced mediators from a variety of markets – court-annexed, community mediation centers, government, academia and the private sector – discuss the latest developments in the profession and opportunities to train and mediate. The panelists and a marketing professional discuss strategies to build and market a mediation practice.

Program Co-Chairs:
- **FAITH WU**
  - Attorney at Law

- **SUSAN D. ROMER**
  - Harmonic Resolutions

Faculty:
- **ELIZABETH A. CLEMANTS**
  - Senior Director
  - Safe Horizon Mediation Program

- **ELIZABETH KALLEN**
  - President & CEO
  - Exceed Associates

- **RUTH D. RAISFELD**
  - Ruth D. Raisfeld, PC
  - Mediator – Arbitrator – Workplace Investigations and Training

- **JANICE TUDY-JACKSON**
  - Collaboration & Conflict Management Consultant
  - Adjunct Professor, Columbia Law School
CONSUMER PROTECTION

27 Wednesday, 9-12:45 p.m.
Hot Topics in Advertising Law 2004

With the laws governing advertising and marketing constantly changing on a federal, state, and local level, this annual program provides a needed update for both in-house counsel and outside lawyers who are advising clients on their marketing practices. In this program, leaders in the field will provide information on the latest cases, legislation, and other developments for both off-line and on-line marketers. Topics to be covered may include: intellectual property, truth-in-advertising, advertising disclosures, direct marketing, privacy, sweepstakes and promotions, endorsements, children’s advertising, and regulatory enforcement priorities.

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

Faculty:
DONALD G. D’AMATO
Assistant Regional Director
Northeast Region
Federal Trade Commission
LISA B. DUBROW
Dubrow & Charne
EDWARD M. KABAK
Director of Legal Affairs
Promotion Marketing Association
ANDREW B. LUSTIGMAN
The Lustigman Firm

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

Live Program:
$185 Member, $285 Non-member
**15 Friday, 9-5 p.m.**  
**Hot Topics in SEC Enforcement**

SEC enforcement activity has reached an unprecedented level of intensity. All quarters of the financial services industry have come under exacting scrutiny, and the SEC enforcement staff approaches investigations with high expectations for “cooperation” and low tolerance for error. The course will emphasize the most current and quickly developing areas, including:

- Financial and accounting fraud: investigation strategies and tactics; financial services industry under fire: mutual fund trading scandals, internal conflict-of-interest reviews and reporting to SEC staff, hedge fund regulation, broker-dealer trading practices; coping with a corporate crisis; the focus on “enablers”: exposure for board members, audit committee members, accountants, lawyers, financial advisers, counterparties and other third parties; enforcement under Sarbanes-Oxley and the most important enforcement developments of 2004.

**Program Chair:**  
WAYNE M. CARLIN  
Wachtell, Lipton, Rosen & Katz  
Former Regional Director,  
Northeast Regional Office  
Securities & Exchange Commission

**Faculty:**  
ANDREW M. CALAMARI  
Deputy Assistant Regional Director,  
Northeast Regional Office  
Securities & Exchange Commission

GEORGE S. CANELLOS  
Milbank, Tweed Hadley & McCloy LLP

ROBERT KNUTS  
Day, Berry & Howard LLP

KAY L. LACKLEY  
Assistant Regional Director,  
Northeast Regional Office  
Securities & Exchange Commission

DAVID M. LEVINE  
Director, Legal Department  
Deutsche Bank

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

BARRY W. RASHKOVER  
Sidley, Austin Brown & Wood

**CLE Credit:**  
7½ credits total: 7 professional practice/practice management & ½ ethics. This program does not provide transitional credit for newly admitted attorneys. Portions of this program may qualify for CPE credit.

**Video Replay:**  
$315 Member, $455 Non-member

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**26 Tuesday, 9-2 p.m.**  
**The Real Deal: Techniques, Strategies & Real World Considerations in M&A Transactions**

Continuing legal education courses often focus on the substantive components of complex transactions, typically how to document the transaction and handle the related regulatory issues. While this course will cover these components, it will also include often overlooked real-world factors that can make or break a deal.

This interactive session will explore deals within business organizations from beginning to end, and the respective roles of business leaders, lawyers, investment bankers and other key participants. The role of communication and the interplay of ethical, business and legal issues that surface during a deal will be discussed.

The course format will encourage active dialogue. So, come prepared to share your thoughts and experiences and to learn tips and techniques from leaders in the field.

**Program Chair:**  
DAVID CURRAN  
Chief Executive Officer  
Data Communiqué International

**Faculty:**  
HENRY BECK  
Heller Ehrman White & McAuliffe
Employment

13 Wednesday, 6-9 p.m.

Employment Restrictions in the “Last Bastion” of the Employment at Will Doctrine: What Employers Can & Can’t Do

A distinguished panel will explore how New York, the self-described “last bastion” of the employment at will doctrine, addressing efforts to restrict an individual’s future business activities following the termination of his or her employment. Among the issues to be discussed by the panel are the factors that influence an employer’s wish to limit an employee’s post-termination activities; the circumstances dictating when and to what degree such post-termination limitations may be enforced; the interplay between employment restrictions and the employee’s access to confidential or proprietary information; practice tips on the negotiation and drafting of restrictive covenants; and issues arising from attempts to enforce them in litigation.

Program Chair:

ELLIOT SCHNAPP
Gordon, Gordon & Schnapp PC

Cross-Border Transfers of Personnel & Jobs in Multinational Corporations

In this program, practitioners will discuss the real-life issues involved in cross-border transfers of personnel and jobs. Topics will include: transfer of individual employees; transfer of a division or department to another country; outsourcing and insourcing; temporary employee transfers; workplace discrimination issues arising from these transfers; and governmental restrictions on international recruitment by multinational corporations.

Program Chair:

JANET McENEANEY
Arbitrator & Mediator

Faculty:

PHILIP M. BERKOWITZ
Nixon Peabody LLP

JOHN T. HERBERT
Senior Corporate Counsel
Pfizer, Inc.

EDUARDO RAMOS-GOMEZ
Duane Morris LLP

DAVID C. SAPP
Broach & Stulberg, LLP

Current Ethical Issues for In-House Counsel

This ethics program is especially designed for in-house attorneys and outside counsel advising their in-house clients. Three expert panels will discuss important ethical issues that in-house attorneys regularly confront, including:

• Attorney-client privilege and work product waivers
• Conflicts of interest: Joint representation of employees and the corporation
• The No-Contact Rule: What it means and how to protect your employees

Program Co-Chairs:

ROBERT J. ANELLO
Morvillo Abramowitz Grand Iason & Silberberg, P.C.

ALLAN DINKOFF
First Vice President and Assistant General Counsel
Merrill Lynch, Pierce, Fenner & Smith, Inc.

RONALD C. MINKOFF
Frankfurt Kurnit Klein & Selz, P.C.

Faculty:

DAVID B. ANDERS
Assistant United States Attorney (SDNY)

SUSAN BROTMAN
Benjamin Brotman & Associates PC

PAUL DUTKA
Weil Gotshal & Manges LLP

ADA MELOY
Deputy General Counsel
Office of Legal Counsel to New York University
KEVIN T. ROVER  
Morgan Lewis & Bockius, LLP

WILLIAM F. MCGOVERN  
Vice President, Regulatory Group  
Morgan Stanley

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

Live Program:  
$215 Member, $315 Non-member

28 Thursday, 6-9 p.m.  
Ethics 2004: Topical Explorations of Current Front Page Ethical Issues

This course will explore, with audience participation, front-page ethical quandaries and answer the questions most frequently asked on the Ethics Hotline.

Topics will include:
- The duty of confidentiality versus the duty to prevent a fraud
- When is the duty of confidentiality trumped by the whistle blower’s desire to publicize wrong-doing?
- How to avoid the limitations conflicts of interest place on partner and associate mobility
- Prospective waivers to avoid conflicts
- The duty of loyalty to present and former clients
- Representing multiple clients in the same transaction
- Avoiding trouble: A list of do’s and don’ts
- The ethics of threats: the prohibition against threatening criminal prosecution under DR 7-105 and the ethically permissible threat of litigation

Program Chair:
ELLIOT G. SAGOR  
Hogan & Hartson LLP

Faculty:
EUGENIE C. GAVENCHAK  
Senior Vice President  
Deputy General Counsel  
News America Incorporated

BARBARA S. GILLERS  
Fried, Frank, Harris, Shriver & Jacobson

HOWARD W. GOLDSTEIN  
Fried, Frank, Harris, Shriver & Jacobson

HONORABLE LAURA TAYLOR SWAIN  
United States District Court Judge  
Southern District of New York

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

Live Program:  
$215 Member, $315 Non-member

14 Thursday, 6-9 p.m.  
Video Replay:  
Ethics for the Immigration Lawyer

This program focuses on common ethical issues that arise in both business and family-based immigration law. Experienced immigration practitioners examine a variety of ethical situations that arise in actual day-to-day practices. Additionally, hypothetical situations are used to give those attending the knowledge and tools necessary to address such issues before they become ethical dilemmas and to help prevent situations that would require discontinuance of representation or more serious problems.

Program Co-Chairs:
DAWN PIPEK GUIDONE  
Attorney at Law

ALLEN E. KAYE  
Law Offices of Allen E. Kaye P.C.

Faculty:
ROBERT E. JUCEAM  
Fried Frank Harris Shriver & Jacobson LLP

HAL R. LIEBERMAN  
Hinshaw & Culbertson LLP

MICHAEL D. PATRICK  
Fragomen, Del Rey, Bernsen & Loewy PC

ELLEN YAROSHEFSKY  
Clinical Professor of Law  
Executive Director, Jacob Burns Ethics Center  
Benjamin Cardozo School of Law

CLE Credit:  
3 credits in ethics. This video replay does not provide transitional credit for newly admitted attorneys.

Video Replay:  
$215 Member, $315 Non-member

20 Wednesday, 6-9 p.m.  
What Every Lawyer Needs to Know About Adoption Law

This program will serve as a comprehensive overview of adoption law practice in New York State. Special attention will be given to private-placement and agency adoptions, including unresolved issues concerning birth father rights and the current status of open and second-parent adoption in New York. The roles and responsibilities of attorneys in adoptions will also be explored, as will the application of federal laws to adoptions. Finally, the program will include practical instruction on completing interstate and international adoptions.

Program Chair:
MICHAEL S. GOLDSTEIN  
Michael S. Goldstein, P.C., Attorneys at Law

Faculty:
STEVEN R. LEWIN  
Irwin, Lewin, Cohn & Lewin, P.C.

REBECCA L. MENDEL  
Rosin & Reinger

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

Live Program:  
$185 Member, $285 Non-member
21 Thursday, 6-9 p.m.
Litigating The Hatch-Waxman Case In 2004 - The Continuing Fight Over Generic Pharmaceuticals

This program on pharmaceutical patents will cover the history and background of the Hatch-Waxman Act as well as provide a framework of Hatch-Waxman litigation. A panel of experts will explore evolving issues under Hatch-Waxman and discuss potential strategies. The program will include a discussion of how certain foreign jurisdictions protect generic pharmaceuticals, and will conclude with a case study.

Program Co-Chairs:
MICHAEL A. DA VITZ
Vice President Intellectual Property
Taro Pharmaceuticals U.S.A., Inc.

BETH D. JACOB
Schiff Hardin LLP

Faculty:
GERALD J. FLATTMANN
Fish & Neave

NICHOLAS GROOMBRIDGE
Weil, Gotshal & Manges LLP

FREDERICK H. REIN
Goodwin Procter LLP

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

Live Program:
$185 Member, $285 Non-member

Cancellations & Refunds: For live programs & video replays, refunds & program credits are available provided cancellation is made in writing & received by the CityBar Center prior to the program. A $25 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing & faxed to the CityBar Center at (212) 869-4451. Refunds & program credits are not available for the purchase of tapes, CDs, course materials or online programs.

6 Wednesday, 6-9 p.m.
Managing Your Firm & Clients: Practical & Ethical Advice to Develop Business

Proper law practice management will ensure that you don't run into ethical dilemmas, while increasing the effectiveness of your office's operations and improving your relationships with existing clients. Many of the disciplinary actions brought are directly related to poor law office management practices. Through hypotheticals, you will learn:
- How to use retainer agreements
- The structure and timing of charging fees
- Acceptable marketing practices
- How to avoid trust account violations through organization and good record keeping
- How to create a conflicts checking procedure - starting with opening a file
Come and learn new procedures that will assist you in complying with law office ethics requirements and improve the effectiveness of your office.

Program Chair:
CAROL A. SEELIG
Professional Law Practice Management Advisor
CASME

Faculty:
CAROL SCHIRO GREENWALD
Professional Services Marketing Consultant

LINDA R. NEWMAN
Insurance Broker
Schmutter, Strull, Fleisch, Inc.

BRENDA POMERANCE
Law Office of Brenda Pomerance

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

Live Program:
$185 Member, $285 Non-member

4 Monday, 6-9 p.m.
Building & Demolishing a Construction Accident Case

This program is designed for attorneys involved, or interested, in construction litigation, and features a distinguished faculty of judges and trial and appellate litigators. Common law and statutory bases for recovery will be reviewed, and an update of recent developments and trends in each topic area will be given. Motion, trial, and appellate practice will be discussed from a plaintiff’s, defendant’s and judge's perspective. The program will conclude with a panel discussion and Q&A from the audience.

Program Chair:
DAVID PAUL HOROWITZ
Ressler & Ressler & The Law Office of David Paul Horowitz

Faculty:
FRANCESCA CONNOLLY
Malapero & Prisco, LLP

HON. ROBERT F. JULIAN
Justice Supreme Court, Fifth Judicial District
Oneida County Courthouse

DANIEL R. SANTOLA
Powers & Santola

A.J. SMITH
Baxter & Smith

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

Live Program:
$185 Member, $285 Non-member

Cancellations & Refunds: For live programs & video replays, refunds & program credits are available provided cancellation is made in writing & received by the CityBar Center prior to the program. A $25 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing & faxed to the CityBar Center at (212) 869-4451. Refunds & program credits are not available for the purchase of tapes, CDs, course materials or online programs.
19 Tuesday, 6-9 p.m.

The Nuts & Bolts of New York State Appellate Practice: Perspectives from the Bar & Bench

This course will provide invaluable practice pointers including: how to preserve errors for appeal; moving for injunctions and stays pending appeal; Appellate Division practice and Court of Appeals practice; drawing pertinent distinctions to federal appellate practice. Appellate Division Justices will provide "perspectives from the bench" regarding effective brief writing and oral argument. Practitioners of all levels of experience are welcome.

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

Faculty:
EDWARD J. GUARDARO, JR.
Bartlett McDonough Bastone & Monaghan LLP
HON. GABRIEL M. KRAUSMAN
Supreme Court, Appellate Division
Second Judicial Circuit

RICHARD E. LERNER
Wilson Elser Moskowitz Edelman & Dicker LLP

SCOTT E. MOLLEN
Herrick Feinstein LLP

HON. ERNST H. ROSENBERGER
Stroock & Stroock & Lavan

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

Live Program:
$185 Members, $285 Non-members

These programs are presented under the auspices of the CLE Committee, Burton N. Lipshie, Chair, and the CityBar Center for Continuing Legal Education. Scholarships are available. Please call (212) 382-6663 for an application.

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

REAL ESTATE
Wednesday, September 29, 6-9 p.m & Tuesday, October 5, 6-9 p.m.

Residential Closings: Soup to Nuts

The 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); and discuss several commonly encountered problems (such as combined apartments); and “how to” close a transaction.

Program Chair:
MINDY STERN
Schoeman, Updike & Kaufman

Faculty:
DAVID L. BERKEY
Gallet Dreyer & Berkey LLP

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

RICHARD A. NARDI
Brown Raysman Millstein Felder & Steiner LLP

ALAN REIS
Friedman Krauss & Zlotolow

MATTHEW W. RYAN
Vice President
HSBC Bank USA, N.A.

ALVIN SCHEIN
Seiden & Schein, P.C.

CLE Credit:
6 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.

Live Program:
$315 Member, $455 Non-member

18 Monday, 6-9 p.m.

Timely Topics in Telecoms: The Impact of VoIP, FCC Triennial Review & Outsourcing

This program will cover three timely, important topics in telecommunications:

Voice over Internet Protocol ("VoIP") technology is a means of transmitting voice over packet-switched networks, such as the Internet. In this session the faculty will examine the alternative regulatory frameworks being explored by the FCC and the states.

FCC Triennial Review: In August 2003, the FCC released its Triennial Review Order that included new policies on unbundled network elements. However, in March 2004, the US Court of Appeals for the District of Columbia struck down key portions of the TRO.

Negotiating Outsourcing Agreements: Negotiations and contracts for outsourcing are inherently challenging, given the major business and legal risks involved, including issues of performance standards/remedies, ownership of intellectual property, transfer of employees, etc.

Program Chair:
DAVID E. BRONSTON
Wolf Block Schorr and Solis-Cohen LLP

Faculty:
JEFFREY J. CARLISLE
Bureau Chief, Wireline Competition
Federal Communications Commission

HARRY M. DAVIDOW
Chief Counsel Northeast States
AT&T Communications of New York, Inc.

HANK LEVINE
Levine, Blaszak, Block & Boothby

THOMAS J. NAVIN
Deputy Division Chief, Competition Policy Division
Federal Communications Commission

JOSEPH A. POST
Assistant General Counsel
Verizon New York Inc.

J. BRADFORD RAMSAY
General Counsel
National Association of Regulatory Utility Commissioners

BROOKE L. SCHULZ
Vice President, Corporate Communications
Vonage Holdings Corp.

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

Live Program:
$185 Member, $285 Non-member
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 visit our website at www.abcv.org. Call (212) 382-8663, fax (212) 869-4451 or mail your registration to: CityBar Center for CLE, Association of the Bar, 444 Madison Avenue, New York, NY 10022.

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 included in purchase price for tapes and materials. All sales of tapes, CDS, DVDs and materials are final. Please allow 3-5 weeks after program date for your order to be processed. Please see our cancellations & refund policy on pg. 18.

All registrations must be prepaid by either credit card or a check made payable to: Association of the Bar.

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OCTOBER 2004 CLE REGISTRATION FORM

Program | $315 Member | $285 Non-member
Residential Closings — Soup to Nuts — Sept. 29 & Oct. 5
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $725 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $185 Member | $285 Non-member
Building & Demolishing a Construction Accident Case — Oct. 4
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $185 Member | $285 Non-member
Managing Your Firm & Clients... — Oct. 6
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Hot Topics in SEC Enforcement — Oct. 15
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $757 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $315 Member | $455 Non-member
Employment Restrictions in the "Last Bastion"... — Oct. 13
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $757 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $315 Member | $455 Non-member
Video Replay: 5th Annual Corporate & Securities Law — Oct. 8
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $757 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $315 Member | $455 Non-member
Video Replay: Ethics for the Immigration Lawyer — Oct. 14
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $757 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $315 Member | $455 Non-member
Hot Topics in Advertising Law 2004 — Oct. 27
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $757 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $315 Member | $455 Non-member
Federal, NY State & City Administrative Law... — Oct. 28
Audiotapes | $405 Member | $565 Non-member
CDs | $425 Member | $585 Non-member
Videotapes | $525 Member | $655 Non-member
DVDs | $757 Member | $955 Non-member
Materials only | $145 Member | $225 Non-member

Program | $315 Member | $455 Non-member
What Every Lawyer Should Know About Adoption Law — Oct. 20
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Litigating the Hatch-Waxman Case in 2004... — Oct. 21
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Video Replay: Becoming a Mediator... — Oct. 22
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Cross Border Transfers of Personnel and Jobs... — Oct. 25
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
The Real Deal: M & A Transactions — Oct. 26
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Basic Arbitrator Training — Oct. 27
Audiotapes | $295 Member | $365 Non-member
CDs | $315 Member | $385 Non-member
Videotapes | $385 Member | $445 Non-member
DVDs | $425 Member | $505 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Ethics for In-House Counsel — Oct. 12
Audiotapes | $325 Member | $395 Non-member
CDs | $345 Member | $415 Non-member
Videotapes | $415 Member | $465 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
Timely Topics in Telecoms... — Oct. 18
Audiotapes | $325 Member | $395 Non-member
CDs | $345 Member | $415 Non-member
Videotapes | $415 Member | $465 Non-member
DVDs | $455 Member | $535 Non-member
Materials only | $95 Member | $125 Non-member

Program | $315 Member | $455 Non-member
The Nuts and Bolts of New York State Appellate Practice... — Oct. 19
Audiotapes | $325 Member | $395 Non-member
CDs | $345 Member | $415 Non-member
Videotapes | $415 Member | $465 Non-member
DVDs | $455 Member | $535 Non-member
Materials only | $95 Member | $125 Non-member

All registrations must be prepaid by either credit card or a check made payable to: Association of the Bar.
Help For Troubled Lawyers

Continued from pg. 24

wide array of services, including low cost, and in some cases, no-cost treatment. Self-help groups (such as Alcoholics Anonymous, Narcotics Anonymous and Gamblers Anonymous) are free.

What portion of all referrals comes to you from the Monitoring Program?
The “New York City Attorney Sobriety and Recovery Monitoring Program” provides about five percent of all referrals. Lawyers are referred for monitoring by one of the Appellate Division’s disciplinary committees if they can demonstrate that their misconduct was related to an alcohol or substance abuse problem. The length of monitoring (usually one to three years) is determined by the committees. The Association’s Committee on Alcohol and Substance Abuse (chaired by William Hammond) co-sponsors this program with LAP and has monitored 21 attorneys since 1999. Thus far, nine attorneys have successfully completed this program.

What is the success rate for the Lawyer Assistance Program? How is success measured exactly?
Success is relative to the problem. Some people who suffer from addictions get into “recovery” and stay in recovery. For some it takes a few times. Addiction has a high relapse rate. There is no cure. Recovery takes a lifelong commitment and constant vigilance. Serious depression, such as bipolar disorder and major depression, can also be lifelong conditions. We consider any chance at an intervention with an individual or family member a success.

How young have your clients been? How old?
What percentage are women?
The youngest client has been a teenage relative of an attorney, and the oldest an 86-year-old lawyer still practicing. The ratio of men to women is: 3 to 1.

Do female attorneys have different pressures leading to addiction than male attorneys?
Female and male attorneys do differ in their concerns and attitudes about their problems in much the same way they do in the general population. Males seem to be more accepting of an addiction than dealing with a mental health issue, such as depression. It’s the opposite for females. Women will seek help for a mental health problem sooner than they will for alcoholism and drug abuse. One reason for this is that it is still less socially acceptable for a woman to have an addiction problem than for a man.

To anyone considering this program, what last message do you wish to convey?
LAP services are free and completely confidential. You don’t have to be 100 percent ready to address your problem. All you need is an open mind and the willingness to explore options. I can be reached on a 24-hour confidential help line at (212) 302-5787, or at etravis@abcny.org.
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Members and their employees may also choose from among three traditional Point-of-Service programs that cover most in-network benefits with either no charge or with a small copayment. Out-of-network benefits are covered subject to deductibles and coinsurance, and plan provisions. In addition, you pay the difference between the provider’s charges and Oxford’s usual, customary and reasonable allowances.

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The way up.
Eileen Travis is director of The New York City Lawyer Assistance Program (NYC LAP) where in the last five years she has helped more than 560 lawyers with alcohol and drug abuse problems regain control of their lives.

Her success is demonstrated in the number of annual referrals the program handles, which has doubled in the last three years to more than 200 attorneys. Telephone inquiries about the program have escalated to more than 1,500 calls per year, compared with 900 in the first year.

The editors of 44th Street Notes sat down with Eileen Travis to get details about the Association’s Lawyer Assistance Program. Its services have evolved over the years to the point where the program now goes beyond helping lawyers overcome just alcohol and drug abuse. “We receive requests for help with depression, suicidal ideation, anxiety, stress and burnout, eating disorders, gambling addiction, sexual addiction, marital counseling, financial and debt counseling, and homelessness.”

Boy, we are a troubled bunch. What is it about the legal profession that creates a dependency rate among its ranks – 15 percent experts say – that is greater than the 10 percent rate estimated for the general public?

It is a combination of personality type (many lawyers have “type A”) and the stress inherent in the practice of law. This often leads to difficulty balancing work and a personal life. Then there is the adversarial nature of the practice, the “tyranny” of the billable hour, the threat of malpractice and the responsibility of protecting the needs of often difficult clients.

Many lawyers working under such conditions would argue that it’s not unnatural to look forward to a drink after a hard day’s work. At what point does this American tradition – let’s call it Happy Hour – require professional intervention?

Any sign that drinking is interfering with an attorney’s life warrants professional intervention. Social drinkers have one or two and never worry about having more or overdoing it. A person is considered a “problem drinker” when they continue to drink despite alcohol-related problems, or when they put themselves and others at risk by involvement in dangerous situations, such as drinking and driving.

Who is eligible for the Lawyer Assistance Program? What does it cost?

NYC LAP services are free to any attorney, judge, law student and their families in New York City. You do not have to be a member of any bar association to access LAP services.

Please describe the path a client takes in this program, from the initial phone call to graduation. When a client contacts LAP by placing a confidential phone call or e-mail, we arrange an appointment to discuss the problem, identify solutions and make appropriate referrals. We frequently assist family members, partners, colleagues, and the friends of the potential client who is struggling with a problem, but may not be ready or willing to address it. We work with these “significant others” to develop a strategy to encourage the individual to get the needed help.

How many counseling sessions take place? How long does treatment average?

Depending upon the nature of the problem, a client will have at least one and sometimes several sessions with LAP. An evaluation may result in referral for detox, inpatient rehabilitation, outpatient treatment program, private psychiatrist, psychologist or clinical social worker. A helpful service we offer is “peer support” – a wonderful network of volunteer attorneys, judges and law students in recovery who provide guidance to others in need. Many feel alone in their problem, thinking that no one can possibly understand how they feel; this is where peer support is very helpful.

What concerns do attorneys often express before they sign up, and how do you address them? Confidentiality is a primary concern; at the beginning of every meeting with a client, I reassure them that anything that is discussed is completely confidential. Taking time off to get treatment is another concern; any issues regarding disclosure to employers are handled by putting the client in touch with a peer volunteer attorney or the Association’s Legal Referral Service. None of my clients has ever lost their job for taking that first valiant step toward recovery. Finances are also a concern; LAP is a free service. However, treatment and therapy are not. Insurance coverage and financial status are handled on a case-by-case basis. We are fortunate to be in an area that has a