City Bar Association Opposes House 9/11 Bill

Association committees continue to address actions by the U.S. government in reaction to the September 11th attacks. The latest Association effort was a Statement addressing legislation proposed by the leadership of the House of Representatives to implement the recommendations of the 9/11 Commission.

As of this writing, both Houses of Congress were hoping to agree on implementation legislation before the election. While the Senate proposal in large measure tracked the recommendations of the 9/11 Commission, the House bill, HR 10 (the 9/11 Recommendations Implementation Act), added a number of provisions that raised issues involving the tension between civil liberties and the rule of law, and granting increased, often unchecked, power to the Executive Branch.

Although the bill was voluminous, the proposals complex and the anticipated action by the House as fast as a week after bill introduction, several Association committees provided input to the statement, which expressed concerns over a number of those positions and urged opposition to the proposed bill.

The Statement presented the Association’s objections to provisions that “would limit judicial review, reduce due process protections and generally enhance the power of the Executive Branch without the appropriate checks and balances that are at the heart of our government, our Constitution and thus, our way of life. Congress simply should not permit the Executive Branch to exercise the level of intrusion into civil liberties contemplated by this bill, notably where many of the measures in reality would have only a remote connection to the war on terror and, in many cases, no connection at all.”

Of primary concern (given the Association’s recent report of our Committees on International Human Rights and Military Affairs and Justice regarding the interrogation of detainees in Afghanistan and Iraq) was the provision that would remove those suspected of being terrorists from any protection against transfer to other countries known for their practice of torture. There would be no protection even if the transfer was for the specific purpose of interrogation.

The United States is bound by treaty obligations, including the Convention Against Torture, which prohibits the use of torture or other cruel, inhuman and degrading treatment against detainees. Especially in light of the scandals at Abu Ghraib and reports of abuse elsewhere, officially...

Evaluating Judicial Candidates – the Association’s Role

From the United States Supreme Court to the Housing Court, the Association’s role in the evaluation of judicial candidates is a core responsibility, just as it was at the Association’s inception. Our Judiciary Committee – the first committee the Association ever formed – is known nationally for the quality of its work and the dedication the Committee devotes to its mission. It is no wonder that Mayor Bloomberg, drawing from his predecessors, has promised not to appoint a candidate for judge who has been found “Not Approved” by the Association.

The Judiciary Committee seeks to evaluate all candidates for state and federal courts in New York City, both elective and appointive, plus candidates for district attorney. In addition, the Committee works with the Executive Committee to evaluate candidates for the U.S. Supreme Court and the New York Court of Appeals. Last year, the Judiciary Committee reviewed over 160 candidates, 71 of them during the period of peak activity, the election season.

The Committee – enlarged to 48 plus 15 interim members due to the heavy workload – is diverse in gender, ethnicity, area of practice and practice setting. Members are selected from big and small firms, in-house law departments, and government and public interest agencies. They combine to have intimate knowledge of all the offices whose candidates they evaluate.

The leadership of the Judiciary Committee changed in June when members welcomed Beth Kaufman as chair, succeeding Jeh Johnson. Ms. Kaufman remarked on her tenure thus far: “I’ve been quite busy learning the vast array of responsibilities the Committee has and coordinating the applications and reviews of judicial candidates and sitting judges. I have the honor of working with a wonderful Association staff and a great committee of devoted and hard working members who have helped to make...

Continued on pg. 2
Thus, if a person could not prove he would be tortured in a particular country, but the U.S. government, with access to far better information, is certain torture will occur, the burdensome evidentiary standard in HR 10 would permit the person to be sent to that country.

The House bill would also eliminate habeas corpus review of a variety of deportation decisions, including even review of the denial of protection under the Convention Against Torture. Notably, this curtailment of review would apply to broad categories of cases where no connection to terrorism is shown or alleged. The “Great Writ” has been a long-standing safeguard against government error. With regard to the deportation of non-citizens, the Supreme Court has ruled that the availability of habeas corpus is essential to avoid “serious constitutional questions” in the face of statutes that seek to strip the federal courts’ power to review unlawful government actions. INS v. St. Cyr, 533 U.S. 289, 314 (2001).

An analysis of HR 10 by our Immigration and Nationality Law Committee, included in the Statement, also shows that HR 10 would drastically expand the government’s power of expedited removal, the provision passed in 1996 which allows border agents to act on their own to exclude an alien. The potential for error and abuse is already great under the 1996 law, and the Statement expressed opposition to this expansion, particularly because other provisions of the legislation will virtually bar all court review of these actions. A number of other provisions of HR 10 regarding the treatment of non-citizens with regard to removal and deportation actions were also troubling.

The Statement also addressed other provisions of HR 10 that raise potentially serious concerns regarding privacy — with a huge expansion and concentration of the data being collected and extensive sharing of information, not only among government agencies but also, in some cases, with employers. The legislation provides only scant privacy protection, largely delegating the formulation of that protection to the Executive Branch.

Shielding the American public from future acts of terrorism is an important and vital government responsibility. The work of the Association’s committees has continued to stress that this protection should not, and need not, be provided at the expense of maintaining the rule of law. Association reports have consistently argued that due process and judicial review are essential to avoid “serious constitutional questions.”

The full Association Statement may be read or downloaded on the homepage of the Association’s official Web site, www.abcn.org.

Continued from pg. 1

Evaluating Judicial Candidates – The Association’s Role

Continued from pg. 1

the last three months among the most gratifying in my 27 years of Bar Association service.”

The process

“In evaluating candidates for judicial office, the Committee determines whether each candidate possesses the integrity, impartiality, intellectual ability, knowledge of the law, industriousness, and judicial demeanor and temperament required for judicial office,” Kaufman stated.

Candiates are asked to fill out a questionnaire, which seeks detailed information about the candidate’s education, past employment and legal experience. Attorneys are asked to provide information regarding the type of trials they have conducted over the last 10 years and a list of their last 10 trials, with names and contact information for the presiding judges and adversaries. Judges are requested to provide their 10 most recent opinions, a list of their 10 most recent trials, the names of the attorneys involved, and a list of lawyers who appear before them regularly.

Subcommittee takes the lead

A subcommittee of four people is assigned to evaluate each candidate. The subcommittees typically are comprised of one member from the Judiciary Committee who serves as chair, one member from the appropriate court committee of the Association, and two members from the relevant county bar association’s judiciary committee.

The subcommittee reviews the candidate’s completed questionnaire, conducts telephone interviews with a substantial number of references and adversaries, reviews the candidate’s writing samples, contacts the appropriate licensing and disciplinary authorities, and meets with the candidate to address any issues that have arisen during the investigation. The subcommittee then prepares a report for the full Committee outlining the candidate’s qualifications, with a recommendation as to whether the candidate should be approved for the judicial office he or she seeks.

The subcommittee chair presents the report to a meeting of the full Committee, and the candidate is interviewed again. The full Committee explores all issues identified by the subcommittee during its investigation. After a final interview of the candidate, and a discussion and debate of the merits of the candidate’s qualifications, members vote for a final finding: “Approved” or “Not Approved.”

“The significance of the Committee’s role in assessing judicial candidates cannot be overstated,” said Kaufman. “Members of the Judiciary Committee, the county bar associations and other committees at the Association work hard to identify the strengths and weaknesses of the candidates and evaluate them from our unique perspective, in ways that the public would not be able to. The evaluations are the product of thorough and painstaking efforts to make sure the New York judiciary remains strong.”
A Commitment to Northern Ireland

The Association has seen remarkable changes take place in Northern Ireland since the first of our human rights missions to that troubled place in 1987. That delegation found Belfast to be a divided city, with military checkpoints and signs of violence in many neighborhoods. Those on our 1998 mission found a “growing sense of optimism,” due in large part to the recent signing of the Good Friday Agreement, designed to affirm the importance of human rights in Northern Ireland and to develop institutions to promote peace and stability between the warring factions.

By the time of our 2003 mission, which included three members of the 1998 delegation, there had been a “transformation of public life in Belfast. Gone are heavily armed police in armored vehicles; gone are boarded-up windows and empty streets. In their place are new glass-walled buildings—with many others under construction—vibrant restaurants and a bustling street life in the center of Belfast.”

Nevertheless, our mission reported, more must be done to implement necessary reforms to the criminal justice system and to reaffirm the commitment to human rights.

Our ability to chronicle developments in Northern Ireland results from the continuing commitment of the Committee on International Human Rights to monitor and report on the rule of law in Northern Ireland, and on the need for, and implementation of, needed reforms that will bring about a just society in a setting where so much tragic strife has occurred. The committee not only has sent missions, but also has maintained its contacts with government leaders, other officials, members of the bar and community leaders with diverse perspectives.

We have often met at the Association with those exercising authority in Northern Ireland. And, just last fall, Justice Brian Kerr of the High Court of Northern Ireland spoke at the Association on human rights law and its impact on Northern Ireland.

Despite the progress made in Northern Ireland, our 2003 mission, chaired by Sam Scott Miller and including Judge Sidney H. Stein, former Association President Barbara Paul Robinson, Gerald P. Conroy, Fiona Doherty and Marny Requa, conducted a detailed analysis of the status of promised and anticipated reforms regarding the criminal justice system and human rights. It found that a number of reforms to the criminal justice system have been unnecessarily delayed, most notably with regard to creating the Public Prosecution Service, that important decisions of the European Court of Human Rights of direct relevance to Northern Ireland have not been implemented, and that woefully inadequate progress had been made in investigating the murders of two courageous solicitors who represented defendants arrested under Northern Ireland’s emergency laws.

The mission’s report, adopted by the International Human Rights Committee, sets forth a series of detailed recommendations which reflect the committee’s depth of knowledge of the subject and depth of commitment to achieving justice in Northern Ireland. You can read the committee’s report on the Association’s website, www.abcnyc.org.
PRO BONO OPPORTUNITIES

A Pro Bono Opportunities Guide For Lawyers in New York State Now Online!

Looking to volunteer? This easy-to-use guide will help you find the right opportunity. You can search by county, by subject area, and by population served. The Guide is a collaborative project of the Association of the Bar of the City of New York, New York State Bar Association, Pro Bono Net, and Volunteers of Legal Service.

You can find the Opportunities Guide on the Association’s website at www.abcny.org/volunteer

The CityBar Public Service Network, a project of the City Bar Fund, fosters public service in the legal profession by matching attorneys with legal and non-legal volunteer positions in the nonprofit sector. Working closely with nonprofit organizations, the Network identifies and develops innovative volunteer projects for attorneys at all stages of their careers, from junior associates to retirees. Network volunteers have an array of projects to choose from, including assisting with policy and legal research, serving on nonprofit boards, providing management assistance, mentoring, and donating traditional pro bono legal work. The Network works with a wide variety of organizations, from leading civil rights groups, to women's and children's programs to arts organizations.

If you are interested in finding out more about the Network, contact us at (212) 382-4713 or cpsn@abcny.org, or visit our webpage at www.abcny.org/citybar_network.html.

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Three talented South Africans, who represent the courage, intensity and determination of their rapidly changing society, spent the past year enrolled in the Association’s South African Visiting Lawyers Program. A project of The Cyrus R. Vance Center for International Justice Initiatives, the Visiting Lawyers Program was established three years ago to help in the transformation of the legal profession in the new South Africa.

“We all like to think of New York as the legal capital of the world. But if you are going to be the capital, and you are committed to legal activities and pro bono work and advancing the profession, then you have to think about places where you can contribute,” said Evan Davis, former Association President and a member of the Vance Center Committee. “The Vance Center clearly provides an opportunity for the New York bar to leverage its influence for the betterment of the world.”

When he was president of the Association, Davis traveled to South Africa in 2001 to assess the feasibility of a program that could help develop the country’s legal profession by providing opportunities to attorneys from previously disadvantaged groups. He met with the Law Society of South Africa, the General Bar Council, members of law firms, the National Association of Democratic Lawyers and the Black Lawyers Association. With seed money from the Ford Foundation, the Association’s Visiting Lawyers Program was launched.

Mentors Make the Difference

The Visiting Lawyers Program is made possible through the participation of a number of New York City law firms and corporate law departments that offer working fellowships to the visiting attorneys. During the three years that the program has been in existence, the following firms and in-house departments have participated: Citigroup Global Markets, Inc.; Cleary, Gottlieb, Steen & Hamilton; Clifford Chance US LLP; Cravath, Swaine & Moore; Credit Suisse First Boston; Goldman Sachs & Co.; JP Morgan Chase; Kirkland & Ellis; Morgan Stanley; O’Melveny & Myers; Shearman & Sterling; Simpson Thacher & Bartlett; Skadden, Arps, Slate, Meagher & Flom; Sullivan & Cromwell and Weil, Gotshal & Manges.

“The number of visiting attorneys is limited by the number of New York firms willing and able to meet the program’s requirements,” Betsy Plevan, President of the Association, explained, and said she hopes that number will grow as law firms reach out to in-house departments of clients and appeal to their interest in promoting diversity and human rights.

Rigorous Selection Process

Loretta Lynch, a partner at Hogan & Hartson and a former U.S. Attorney for the Eastern District of New York, has worked on defining the selection process for the program. To qualify for the Vance Center’s program, candidates must first work two years as an attorney past their clerkship.

“This program is going to leave footprints into the future,” Lynch says. “It’s also an intangible gift to a New York lawyer who wants to do public service by mentoring younger attorneys. But best of all, when I travel there and see these serious young people, I see what the country has accomplished in just a generation.”

Three Experiences

The stories of these three South African attorneys — how they overcame great odds in a discriminatory society and then were chosen for the Visiting Lawyers Program — are a testament to the human spirit and intellect. In their still-fresh lives, they all benefited from lucky turns and surprises to get here. Interviewed recently upon the completion of their fellowships, each attorney became very expressive about the professional benefits the Visiting Lawyer Program provided them.

Jabu Thobela, who was at O’Melveny & Myers, said she found a mentor there in “Phil Isom, a black man who is a partner. He taught me that if you work hard and push yourself and are open to learning, commercial law is just like any other field of law.” With her New York credentials, she says, she will return to her firm and “work out a learning path to improve and sharpen my skills as a commercial attorney.” She also plans to use her future opportunities to help children who are orphaned by AIDS.

Ursula Fikelepi worked in the general counsel’s office at Goldman Sachs for half of the year and at Sullivan & Cromwell the other half. “To have exposure to corporate law and finance, and to an area of the global economy that I never knew I’d be interested in, was very affirming. Now I know I can understand this subject.”

Windsor Thekiso worked on global mergers and acquisitions at Citigroup, through a secondment from Skadden, Arps, Slate, Meagher & Flom where he spent most of the year. “I learned a great deal of commercial practice during my time at Skadden, and also had the privilege of working in the legal department at Citigroup. This helped me understand better the needs of the bank and corporate clients in general: how clients negotiate their deals and reach commercial and business decisions. I have come out of this experience with a renewed confidence in my negotiating skills and a better understanding of the conduct of M&A business from a corporate perspective.”

The Vance Center is now beginning the process of recruiting both New York law firms and applicants for the fourth year of the Visiting Lawyer Program that will begin in the fall of 2005. If you are interested in learning more about the program, contact Joan Vermeulen, the director of the Vance Center, at 212-382-6680 or by email at: jvermeulen@abcny.org.
NEW COMMITTEE REPORTS

Bankruptcy & Corporate Reorganization
Letter to Congress urging support of H.R. 4764, the Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Bill that would provide a 5.9 percent increase in funding for the federal judiciary for the 2004-2005 fiscal year.

Communications & Media Law
“If it Walks, Talks and Squawks, the First Amendment Right of Access to Administrative Proceedings,” a position paper which explores the nature of the public’s constitutional right of access to a class of administrative proceedings where important liberty and property interests are at stake.

Federal Courts
Court-Annexed Mediation in the Southern and Eastern District of New York: A Judges’ Perspective, which reports the results of a survey of judges and magistrate judges in the Southern and Eastern Districts of New York.

Futures Regulation
Letter to the SEC commenting on the SEC proposal regarding registration under the advisers act of certain hedge fund advisers.
Letter to the SEC commenting on Release No. 34-50065 which concerns the notice of filing and immediate effectiveness of proposed rule changes relating to the treatment of commodity pool trail commissions.

International Human Rights
Asian Affairs
One Person One Vote: A Memorandum to the Civic Exchange of Hong Kong Addressing the U.S. Electoral System as to the Functional Constituencies Embodied in the Basic Law for the Election of the Chief Executive and the Legislative Council. This report argues that the use in Hong Kong of the analogy to the U.S. Electoral College is inappropriate.

Patents
Amicus Brief: Phillips v. AWH Corporation, addresses the way in which patent claims are interpreted and urges the court to take a multi-factored approach to claim construction, and presents views on the propriety of revisiting the appellate standard of review for claim construction.

Private Investment Funds
Letter to the SEC commenting on the SEC proposal regarding registration under the advisers act of certain hedge fund advisers.
Letter to Governor Pataki Opposing S.5902/A.11205 which would amend the Limited Liability Company Law and the Partnership Law relating to publication of notices.

Professional & Judicial Ethics
Formal Opinion 2004-03, Government Lawyer Conflicts: Representing a Government Agency and its Constituents. This opinion answers the question, what are the ethical obligations of a government lawyer in dealing with potential conflicts of interest (a) among government agency clients; (b) between a government agency and its constituents represented by the government lawyer; and (c) between an agency and unrepresented constituents.

Professional Responsibility
Letter to the ABA outlining the reason the committee does not support the adoption of the ABA’s proposed model rule regarding the disclosure of legal malpractice insurance.

To order committee reports, please write to the Office of the Executive Director or call (212) 382-6624. Please be sure to include the committee name when making your request. Reports on New York State legislation are available through the Legislative Bulletin Service. Subscriptions can be purchased for $80 per year, by calling (212) 382-6656.

COMMITMENT TO DIVERSITY

Additional New Signatories to the Statement of Diversity Principles
The following law firms and corporations are the latest signatories to the Statement of Diversity Principles. We would like to thank them for supporting this important initiative and look forward to working with them. We also welcome any additional firms or corporations that are interested in becoming signatories to join us. A complete copy of the Statement and complete list of signatories can be found on our website at www.abcny.org. Firms or corporations who would like more information on becoming a signatory please contact Meredith Moore at 212-382-6689.

Arent Fox PLCC Conway Farrell Curtin & Kelly • Dechert LLP • Dickstein Shapiro Morin & Oshinsky LLP • Freshfields Bruckhaus Deringer LLP • Gibson Dunn & Crutcher LLP • Hawkins Delafield & Wood LLP • Holland & Knight LLP • J.P. Morgan Chase • Norris, McLaughlin & Marcus P.A. • PepsiCo, Inc. • Wilmer Cutler Pickering Hale and Dorr LLP

Contributors to the Office for Diversity
The Association wishes to acknowledge with gratitude the contributions of the following law firms, corporations and organizations whose generosity help fund the Office for Diversity, which supports the participating firms and corporations in their efforts to promote diversity.

Credit Suisse First Boston • Debevoise & Plimpton LLP • Deloitte • Dewey Ballantine LLP • Fried, Frank, Harris, Shriver & Jacobson LLP • LexisNexis • Milbank Tweed Hadley & McCloy LLP • Minority Corporate Counsel Association • Morgan Stanley • Viacom Inc • Weil, Gotshal & Manges LLP
Harvard’s Charles Ogletree Reflects on Brown v. Board of Ed For November 29th Discussion

The City Bar Association recently interviewed Harvard Law School Professor Charles Ogletree, the internationally renowned civil rights scholar and legal historian, prior to his lecture at the Association later this month. Professor Ogletree is the author of a new book titled “All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education,” which will be the subject of his discussion at the Association’s Books at the Bar symposium on November 29th.

The professor’s long record of commitment to public schools and higher education is well-known. His work helped secure his appointment to head the American Bar Association’s Brown v. Board of Education Commission, which was created to educate the public about the history and importance of the landmark civil rights decision that helped end segregation in this country.

Thank you for joining us professor. The title of your new book is “All Deliberate Speed.” Aside from the obvious reference to the Brown decision, do you attribute a broader significance to this phrase?

“All Deliberate Speed” reflects the very slow process in achieving Brown’s goal of integrated public education for all citizens, and is a reminder of the slow progress in creating equal access for African-Americans in higher education.

What role did the Brown decision play in your own life and education?

I was born in 1952, and my life has been influenced, in numerous ways, by the 1954 Brown decision. I, like millions of other African-Americans born during or after Brown, have experienced its celebration, condemnation, and evisceration. The Brown decision was instrumental in persuading colleges and universities to open their doors to students like me, and I was more than willing to enter. The opportunities that did not exist for my grandparents or parents were available to me. However, while Brown gave all of us access to equal educational opportunity, it did little to transform an educational system that expected less from black and brown students than from whites, and that disproportionately tracked black and brown students in courses that failed to prepare them for college.

When did you decide that you wanted to be a lawyer and why?
As an undergraduate at Stanford University, I served as the coordinator for Stanford Students for the Defense of Angela Davis, a black communist professor from UCLA arrested for supplying weapons involved in a Marin County courthouse shooting. Many of us regularly attended Davis’s trial in San Jose, 30 miles from the Stanford campus. The trial was a key factor in my decision to attend law school when I finished my undergraduate studies. I had never attended a murder trial, nor had I seen anyone other than white lawyers, all male, in a courtroom. The Angela Davis trial changed that. This was not Atticus Finch trying to save an innocent black man from unfair punishment. This was a multiracial and multi-gender defense team representing Davis, and unlike the poor and defenseless black defendant in “To Kill a Mockingbird,” she herself was intelligent, well-educated, and well-known, and chose to be an active participant in her own trial.

You are quoted as saying that America is “suffering from a serious bout of racial fatigue,” and that no one really wants to discuss race anymore. Would you please expand on this?
Many people believe that the efforts to promote affirmative action, which began in earnest in the 1960s and continue into the 21st century, are enough evidence of government effort to level the playing field that resulted from centuries of slavery and Jim Crow segregation. One view is that we have done all we can do to solve the “race problem,” and that we should move on to consider nonracial alternatives.

Many Americans would say that America has come a long way since the days of legalized segregation, but your book questions how far we have really come and explains that many communities that were integrated after 1954 are more segregated than they were then. Does that mean that the legacy of Brown is a broken promise?
Brown has multiple legacies. One is that it eliminated legal segregation in a significant way. The other legacy is that, despite ending legal segregation, true opposition to integration has resulted in white flight, black middle-class flight, and segregation in a significant way. The resegregation of our urban communities. In essence, Brown’s legacy is a complicated one that will require continuous examination, analysis, and reform.

Why is it important to examine Brown 50 years later? What should future generations of Americans take and learn from the Brown decision?
Brown is the most significant decision dealing with issues of race in the 20th century, and it should be a constant reminder of the need for all of us to work aggressively to reduce racial disparities, eliminate racial discrimination, and create a nation that not only accepts, but applauds diversity.

The legal landscape has turned from segregation cases to affirmative action cases. How will the recent decisions in the Michigan cases affect the future of minorities and race relations in higher education?
The Michigan decision is the most significant decision in higher education racial issues since Bakke. It is a powerful and strong step forward. Despite its success, there will continue to be challenges to attempts to promote greater diversity in our universities and in our professions. Many people, particularly young Harvard law students, look up to you as a role model or hero. Who are your heroes?
My heroes and sheroes are the Brown lawyers, including Thurgood Marshall and Charles Hamilton Houston, A. Leon Higginbotham, Constance Baker Motley, Robert Carter, Jack Greenberg and Derrick Bell.

You are quoted as saying that “Brown v. Board of Ed proved that justice can be done in the courts, but the aftermath showed that, outside the courts, human beings have to make the laws work.”

“Brown v. Board of Ed proved that justice can be done in the courts, but the aftermath showed that, outside the courts, human beings have to make the laws work.”

EVENT SPOTLIGHT

46th STREET NOTES NOVEMBER 2004
1 Monday, 7 - 9 pm
Torture: Where Were the Lawyers?

This program will discuss the role lawyers played in the treatment of detainees at Guantanamo, in Afghanistan, and in Iraq, including at Abu Ghraib. The debate will cover the headline issues, including:

- What does international law require for the treatment of persons detained in Afghanistan and Iraq?
- How did lawyers advise the President on those issues?
- What were their professional obligations in doing so?
- Did they do a competent job under the circumstances?
- Do they have any moral responsibility for the consequences of their advice?

Speakers:

**STEPHEN GILLERS**
Emily Kempin Professor of Law, New York University School of Law

**HAROLD HONGJU KOH**
Dean and Professor of International Law, Yale Law School

**DAVID RIVKIN**
Baker & Hostetler L.L.P.

**JEFFREY SHAPIRO**
Hogan & Hartson L.L.P., Washington, D.C.

8 Monday, 6-8 pm
Using Networking and Networking Support Groups to Manage Your Job Search and Career

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

Speaker:

**GIL ALLISON**
Senior Vice President, Career Consulting, Right Management Consultants

4 Thursday, 7 pm
Young Lawyers Lecture Series
The Art of the Law School Exam

The Young Lawyers Committee is proud to present the fourth event in its Young Lawyers Lecture series. This panel discussion will highlight how to master the art of taking a law school exam by focusing on the methods students should be using to attack their exams. It will be followed by an informal reception where students can meet members of the Young Lawyers Committee and other law students.

Please RSVP by October 29 to younglawyerscommittee@yahoo.com

10 Wednesday, 8:30 am
SMART MARKETING SERIES - III
Creating the Virtual Office: Making Alliances to Provide Diversified Services and Create a Referral Stream

This third program in a three-part series will help you think strategically about your relationships with referral sources and networking opportunities in order to expand your marketing universe and complement your service capabilities.

Speakers:

**CAROL S. GREENWALD**
Professional Services Marketing Consultant

**WALTER TIMOSHENKO**
CMO, Weiser LLP

11 Thursday, 12:30 pm - 2 pm
SMALL LAW FIRM LUNCHEON
Federal and New York State Criminal Law Primer for the Non-Criminal Practitioner: What to do if an individual or business client calls and tells you that they have been arrested or are under investigation

Clients call with criminal law matters and concerns at all hours of the day and night. Whether they have been arrested for a simple DWI, are visited by an FBI, IRS or INS agent, served with a grand jury subpoena or are the subject of a search warrant, the advice you give and the steps you take in the first few minutes and hours after being contacted by your client can have a profound impact on the outcome of the case, even if you do not ultimately handle the succeeding representation. This lunch will explore the steps you should take to assist your client in obtaining the best possible resolution of his or her criminal concerns. The panelists, criminal defense attorneys and former prosecutors with extensive state and federal criminal trial and litigation experience, will provide a primer on what to do, and what not to do, if faced with a pre- or post-arrest situation with either state or federal law enforcement agencies.

Speakers:

**ADAM D. PERLMUTTER**
The Law Office of Adam D. Perlmutter, P.C.

**SCOTT L. FENSTERMAKER**
The Law Office of Scott L. Fenstermaker, P.C.
12 Friday, 6 pm  
**Friday Evening Chamber Music at the Association**

This program will include Mozart, Sonata for Piano & Violin in G Major, K. 301; Landestoy, Works for Solo Piano; Franck, Sonata for Violin & Piano in A major; Brahms, Trio in E-flat Major for Piano, Violin & Horn, Op. 40; with Beryl Chang, Violin, Jennifer Miller, Horn and Alex Wu, Piano.

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

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17 Wednesday, 3, 5 & 8 pm  
**18 Thursday, 5 & 8 pm**  
**Regional Rounds of the 55th Annual National Moot Court Competition**

This year’s competition involves the constitutionality of the federal mail fraud statute (18 U.S.C 1341) and the right to review a Special Tax Judge’s findings. The first topic involves whether the federal mail fraud statute is constitutionally vague, and whether actual harm is an element under this statute. The second issue is whether litigants are deprived their due process rights when the Tax Court agrees with a Special Tax Judge’s findings, which were not disclosed to the litigants. These issues have not been decided by the United States Supreme Court.

Participating schools: 
Brooklyn Law School; Cardozo Law School; City University of New York School of Law; Cornell University School of Law; Fordham University School of Law; Hofstra University School of Law; New York Law School; Pace University School of Law; Rutgers School of Law-Newark; Seton Hall University School of Law; St. John’s University School of Law; and Touro Jacob D. Fuchsberg Law Center

Presented in conjunction with: 
American College of Trial Lawyers

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19 Friday, 7 pm  
**An Evening of Gilbert & Sullivan at the Bar Association!**

The Village Light Opera Group performs selections from “Princess Ida,” Gilbert & Sullivan’s take on the Battle of the Sexes. The ravishing Princess Ida has shut herself away in a castle where she and her bevy of chaste and beautiful maidens can devote themselves to science and learning. But the noble Prince Hilarion has other ideas. Will love conquer all? Come and see!

No admission fee. For further information call (212) 512-0010 or email msbne@chblaw.com

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Upcoming & Of Interest

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Thursday, December 9, 2004 
6:00 – 8:00 pm
**November 2004 Registration Form**

- **Small Law Firm Luncheon - November 11**
  - $20 Member
  - $30 Non-Member

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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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**Legal Referral Service**

**Before You Call a Lawyer**

Find Out Which Lawyer to Call

Fifty years as a public service of the Association of the Bar of the City of New York and the New York County Lawyers’ Association

**212/626-7373**

**en Español**

**212/626-7374**

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**Alcohol and drug problems put individuals, families, clients and careers at risk.**

The good news: help is available

**NYCCLAP**
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

Program

8 am – 9 am Complimentary Networking Breakfast
Sponsored by: Citrin Cooperman & Company, LLP

8:30 am – 8:30 pm Exhibits Open

9 am– 12 pm CLE Program Starting Your Own Law Firm
3 CLE Credits - See page 18 for Information

12 – 12:30 pm Free Workshop Maximizing your Firm’s Economic Performance: Tactics to Improve the Bottom Line
Presented by Citrin Cooperman and Company LLP

Part of running a successful law firm is putting the right business infrastructure in place to make sure your hard work translates into growth and profits. In this workshop, we’ll discuss: Putting systems in place for billings/collections; boosting revenue and profits per partner; monitoring cash flow; and strategic cost control measures.

Noon – 2:00 pm Complimentary Networking Lunch at the Expo

12:30 pm – 2:00 pm Free Workshop Lessons Learned: Advice from the Trenches
Seasoned practitioners discuss their own experiences.
Hosted by New York Women’s Bar Association and The Association of the Bar of the City of New York’s Small Law Firms Committee

2:30 pm – 3:15 pm Free Workshop Law Firm Finances
Optimize your relationship with your bank to grow your practice. Representatives from financial institutions will provide advice and information about beneficial banking relationships and services available to law firms.

3:30 pm – 4:15 pm Free Workshop Hot Topics in Technology
Technology can help “small” law firms compete with “big” ones. Learn what technological products and services your peers are using now to streamline their practices and what to look for in the coming years from law firm service providers.

4:30 pm – 5:00 pm Free Workshop Disaster Recovery and Outsourcing
Presented by LexisNexis

Disaster recovery planning and outsourcing are no longer only implemented by the large law firms. Learn cost-effective ways to run your law firm and protect your business assets in the event of an unforeseen occurrence.

5:30 pm – 8:00 pm CLE Program Marketing & Sales Techniques to Grow Your Business
3 CLE Credits - See page 18 for Information

6:30 pm – 9:00 pm Complimentary Networking Cocktail Reception
Sponsored by LexisNexis

List of Exhibitors

Bank of New York
Bertholon Rowland
Blumberg Excelsior
Printers, Law Office Supplies, Legal Forms
Citrin Cooperman & Company, LLP
Certified Public Accountants & Business Consultants
Commerce Bank
DLS, Inc.
ERATelecommunications, Inc.
Esquire Deposition & Litigation Support Services
Fastcase, Inc.
Legal Research
First Republic Bank
Private Banking
JP Morgan Chase
LexisNexis
Marsh Affinity Group Services
National Corporate Research, Ltd.
Nationwide Registered Agent/Corporate and UCC Search & Filing Services
New York Law Journal
North Fork Bank
Office Furniture on Call, Inc.
Regency Reporting/ in Focus Litigation Support, Inc.
Full Service Court Reporting, Litigation Support
Robert Half Legal
Saga, Inc.
StaffWise Legal, Inc.
Tabs3/PracticeMaster
The Intelligent Office
Virtual Office and Remote Reception
The Systems Shop
Hardware and Software Support; Certified in Time Matters, Billing Matters, Timeslips and Abacus
The Wall Street Group, Inc.
Printing & Mailing Services for the Legal Profession
Village Copier
Scanning & Duplicating Service Litigation Support
West
WizSoft, Inc.
WizDoc for Office, a concept based search engine
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<td>6-9 p.m.</td>
<td>How to Successfully</td>
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<td>6-8 p.m. New York State &amp; City Laws</td>
<td>9-5 p.m. VIDEO REPLAY</td>
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<td>Resolve Mold Issues</td>
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<td>Disabilities</td>
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<td>6-9 p.m. Licensing Copyrights, Trademarks &amp;</td>
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## ADR/ ARBITRATION/ MEDIATION/ NEGOTIATION

### 22 Monday, 6-9 p.m.

**Video Replay:**

**Women in Negotiation: Practical Tips to Strengthen Your Negotiation Skills (For You & Your Clients)**

Are you as effective at the negotiating table or in day-to-day negotiations as you would like to be? Are you less likely than a man to initiate negotiations for what you want? Through interactive discussions and experiential exercises, you will learn about real and perceived differences between women and men in communicative styles, attitudes towards conflict, negotiating styles and ways of processing information. You also will learn how gender-specific behaviors and perceptions may undermine your power in negotiation and how you can equalize perceived power imbalances. The program will provide practical tips on how to strengthen your negotiating skills for you and your clients. It also will explore the parameters of ethics in negotiations. Men are encouraged to attend.

Program Chair:

**LISA M. BRAUNER**
Ford & Harrison LLP

Faculty:

**AURORA CASSIRER**
Jenks & Gilchrist Parker Chapin LLP

**LEE E. MILLER**
Managing Director
NegotiationPlus.com & Co-author
of *A Woman's Guide to Successful Negotiating*

**PAMELA S. POFF**
Senior Vice President & Deputy General Counsel
UBS Financial Services Inc.

**MARGARET L. SHAW**
Mediator
ADR Associates LLC/JAMS

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### CORPORATE & SECURITIES

### 5 Friday, 9-5 p.m.

**Video Replay:**

**Securities Enforcement in the New Era: Views From Inside & Out**

Enforcement of the federal securities laws has changed dramatically. The SEC's Division of Enforcement has been joined by self-regulatory organizations, state regulators and criminal prosecutors in policing the nation's securities markets. Both regulators and criminal prosecutors have moved aggressively, using new techniques and bringing civil enforcement actions and, increasingly, criminal charges, in record numbers and at record speed. The Sarbanes-Oxley Act gave the SEC potent new weapons, and additional funding. The President's Corporate Fraud Task Force has emphasized criminal prosecutions on a national level. And, in the wake of the industry-wide research analyst settlement, state regulators have participated as partners with the SEC in some of the most high-profile cases. Defending clients in this new complex environment can be an extraordinarily difficult task. This program will cover all of these developments as they effect representing public companies, broker dealers, investment advisers and individuals in SEC investigations and SEC litigation, as well as dealing with parallel criminal, state and SRO investigations. The program will include panels on:

- An Overview of the SEC's Investigative Process
- Accounting Fraud & Disclosure Investigations
- Special Issues for Broker Dealers & Other Regulated Entities
- Resolving the Case: Wells Submission & Settlement Issues
- Litigating SEC Enforcement Actions
- Criminal Enforcement of the Securities Laws

Program Chair:

**WILLIAM R. BAKER III**
Latham & Watkins LLP

Faculty:

**SEAN G. BLACKMAN**
O'Melveny & Myers LLP

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

**WAYNE M. CARLIN**
Regional Director
Northeast Regional Office
Securities and Exchange Commission

**TIMOTHY J. COLEMAN**
Counsel to the Assistant Attorney General, Criminal Division
Department of Justice

**ROBERT S. KHUZAMI**
Managing Director and General Counsel: Americas
Deutsche Bank AG

**DAVID L. KORNBLAU**
Chief Litigation Counsel
Division of Enforcement
Securities and Exchange Commission

**CARMEN J. LAWRENCE**
Fried Frank Harris Shriver & Jacobson LLP

**ROBERT M. ROMANO**
Morgan Lewis & Bockius LLP

**ROBERT M. ROSENFIELD**
Assistant Regional Director
Northeast Regional Office
Securities and Exchange Commission

**JOHN F. SAVARESE**
Wachtell, Lipton, Rosen & Katz

**ERICH T. SCHWARTZ**
Skadden, Arps, Slate, Meagher & Flom LLP
Securities Class Actions Today: Report From The Front

How fares the securities class action today in the wake of two major congressional reform statutes and the very recent amendments to Rule 23 of the Federal Rules of Civil Procedure? Four securities class action practitioners currently leading representations in major securities class actions will dissect the challenges and opportunities from the plaintiff's and the defendant's perspective. Each will identify the most common mistakes made by the other side and the key decision points in the successful prosecution and defense of a securities class action. Topics will include disputes over the choice of forum (state or federal), selection of lead plaintiff and counsel, contesting certification, settlement and attorney fees.

Program Co-Chairs:
STANLEY D. BERNSTEIN
Bernstein Liebhard & Lifshitz LLP
EVAN A. DAVIS
Cleary, Gottlieb, Steen & Hamilton

Faculty:
DANIEL L. BERGER
Berger Litowitz Berger & Grossman LLP

11 Thursday, 6-9 p.m.

Asset Forfeiture Proceedings: An Overview

Asset forfeiture issues are becoming increasingly central in criminal cases as a result of the USA PATRIOT Act, the Civil Asset Forfeiture Reform Act (CAFRA), and other recent legislation, as well as heightened enforcement efforts by both federal and state government agencies. This course, taught by an expert faculty, provides an overview of the nuts and bolts as well as the cutting-edge issues in the following areas, among others:

• The differences between criminal, civil, and administrative forfeiture proceedings, and how to recognize the opportunities and pitfalls for your client in each type of proceeding
• The differences between federal and state asset forfeiture laws
• The interplay between parallel asset forfeiture proceedings and related criminal prosecutions

Program Chair:
MICHAEL S. KIM
Kobre & Kim LLP

Moderator:
KATHLEEN A. NANDAN
Assistant U.S. Attorney, EDNY

Faculty:
SHARON COHEN LEVIN
Chief, Asset Forfeiture Unit
U.S. Attorney’s Office
Southern District of New York

STEVEN G. KOBRE
Kobre & Kim LLP

RAYMOND MARINACCIO
Unit Chief, Asset Forfeiture Unit
New York County District Attorney's Office

COLLEEN PICCONE
Deputy Associate Chief Counsel
U.S. Customs and Border Protection
Department of Homeland Security

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

Live Program:
$185 Member, $285 Non-member
Beyond Boilerplate: Making Waves With Pre-Trial Motions in State Court Criminal Cases

In this day and age, when nearly every criminal case is resolved without trial, pretrial motions have assumed increasing importance in criminal practice both for prosecutors and defense counsel. This program will focus on the strategic and legal considerations implicated by pre-trial motion practice, both in garden variety and more complex criminal cases.

Defense attorneys and prosecutors of all levels of experience will benefit from the program, as a panel of highly experienced practitioners and a New York State Supreme Court Justice, discuss their approaches to pre-trial motion practice. Among the topics to be covered are: strategic considerations, motion practice related to discovery, suppression motions, challenges to the grand jury, and the use of Article 78 proceedings to invoke appellate jurisdiction.

The course materials will include both a comprehensive treatment of the law governing pretrial motion practice and a variety of sample motions, discovery demands, demands for particulars and an Article 78 petition.

Program Chair:
JOSEPH R. DEMATTEO
DeMatteo Bernfeld, LLP

Faculty:
RICHARD A. GREENBERG
Newman & Greenberg
JOEL J. SEIDEMANN
Senior Trial Counsel
New York County District Attorney's Office
DIARMUID WHITE
White & White
HON. JAMES A. YATES
Justice, New York State Supreme Court

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

New York State & City Laws Affecting the Rights of Persons With Disabilities: What Attorneys, Employers, Housing Providers & Business Owners Need To Know

New York State and New York City Laws distinctly differ from Federal laws that protect persons with disabilities. While attorneys and persons with disabilities frequently look toward the Americans with Disabilities Act, or the Federal Fair Housing Act for guidance on pursuing or defending claims of discrimination based upon disability, there are significant legal distinctions when these claims are raised under New York State or City laws. For example, there is a more generous definition of the term disability under New York State and City Laws. This course will focus on these distinctions, and provide information regarding the enforcement of these laws.

An additional component of the program is handling practical issues that arise when your client is an individual with a disability, and how to accommodate his or her needs.

If you represent persons with disabilities, or clients that include employers, housing providers, or business owners that have facilities open to the public, you should attend this program.

Program Chair:
JOHN P. HERRION
Counsel
United Spinal Association

Faculty:
KEVIN T. MINTZER
Vladeck, Waldman, Elias & Engelhard
RANDYE RETKIN
Director, LegalHealth
New York Legal Assistance Group

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

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

Emerging Issues in Environmental Insurance: Crucial Coverages in a Volatile Climate

This program will provide a market update, especially relevant for Brownfields transactions under the new New York State Brownfields Law. National experts will provide an update and an analysis of the current environmental insurance products. Other methods available to practitioners in resolving environmental liability issues will also be evaluated. The keynote speaker will be Joseph L. Boren, Chairman & CEO of AIG Environmental.

Program Co-Chairs:
GERARD P. CAVALUZZI
Vice President & General Counsel
Malcolm Pirnie, Inc.
EILEEN D. MILLETT
General Counsel
Interstate Environmental Commission

Faculty:
EUGENE R. ANDERSON
Anderson, Kill & Olick
SUZANNE M. AYVEN
Garfunkel, Wild & Travis, P.C.
ANTHONY F. BONFA
Vice President - Excess Casualty
Arch Insurance
JOSEPH L. BOREN
Chairman & CEO
AIG Environmental
GENE P. DEVINE
Managing Director
James C. Hermann & Associates, Ltd.
DAVID J. FREEMAN
Paul Hastings, Janofsky & Walker, LLP
ANDREA FULLER GROSSMAN
Regional Manager Environmental
Quanta U.S. Holdings, Inc.
CLE November 2004 Course Listings by Practice Area

**ETHICS**

8 Monday, 9-12 p.m.

**Video Replay**

Ethical Challenges in Legal Practice

This program on legal ethics, with an emphasis on the New York Rules where pertinent, will select from the following issues, possibly among others: Lessons from the Arthur Andersen, Martha Stewart, and Frank Quattrone Prosecutions and the Investigation of the Valerie Plame Leak (Including Some Surprising Things About Obstruction of Justice); Inhouse Lawyers Wearing Two (or More) Hats: Risks to the Privilege; The Rules on Paying Expert and Lay Witnesses; The New York Twist on Confidentiality Rules; Sarbanes-Oxley and the New SEC Rules: What Have They Wrought?; How to Write a Consent to Future Conflicts That Will Stand Up If Challenged; What Does the "Hot Potato" Rule Say and Not Say?; 'Thrust Upon' Conflicts: An Important Exception to the 'Hot Potato' Rule; Understanding Positional Conflicts; Settlements Conditioned on a Lawyer's Agreement Not to Sue the Defendant Again; The Hidden Risks When Lawyers Do Business With Clients or Have Conflicting Financial or Other Interests; Common Interest Arrangements: What Are They and When and How May You Use Them; Privilege Concerns for Internal Law Firm Investigations; Seven Important Conflict of Interest Rules to Keep You Out of Trouble; The No-Contact Rule in New York; Some Changes on the Horizon from the Recent ABA Model Rules Amendments; Multijurisdictional Practice: or Is A New York Lawyer Still a Lawyer in Connecticut and Vice Versa?; The Misdirected Fax: What Should You Do With It?; Law Firm Alliances With Other Service Providers: The New York Rule; "Can't We Just Be Nice to Each Other?" - The Perils of Incivility; Two Can Be Trouble: Useful Protocols When Representing Joint Clients; "Just the Facts Please" -- A Checklist for Internal Corporate Investigations.

Instructor:

STEPHEN GILLERS
Vice Dean and Professor of Law
New York University School of Law

**CLE Credit:**

3 credits in ethics. This program does not provide transitional credit for newly admitted attorneys. In accordance with the CLE Board's Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements.

**Video Replay:**

$245 Member, $345 Non-member

23 Tuesday, 6-9 p.m.

Child Custody Forensic Evaluations: Science, Art or Neither?

This program will deal with the role of mental health professionals appointed by the court in custody/access/relocation cases and whether they should or should not give specific recommendations. The protocols and guidelines which govern the various disciplines will be reviewed, as well as the procedures these professionals follow in conducting investigations and their communications with the parties, the subject children, attorneys, court personnel, collaterals, treating therapists and school officials. The value and use of psychological tests and what reference they have in custody disputes will also be explored. The program will also include an examination of the role of counsel who do not agree with the conclusions of the forensic reports, the use of experts for peer review and the cross-examination of the forensic expert with an emphasis on exploring the dichotomy between whether a forensic report is a product of science, art or neither.

Program Chair:

CHARLES F. GIBBS
Holland & Knight LLP

**CLE Credit:**

2 credits in ethics. This program provides transitional credit for newly admitted attorneys.

**Live Program:**

$215 Member, $315 Non-member

**FAMILY LAW**

23 Tuesday, 6-9 p.m.

Child Custody Forensic Evaluations: Science, Art or Neither?

This program will deal with the role of mental health professionals appointed by the court in custody/access/relocation cases and whether they should or should not give specific recommendations. The protocols and guidelines which govern the various disciplines will be reviewed, as well as the procedures these professionals follow in conducting investigations and their communications with the parties, the subject children, attorneys, court personnel, collaterals, treating therapists and school officials. The value and use of psychological tests and what reference they have in custody disputes will also be explored. The program will also include an examination of the role of counsel who do not agree with the conclusions of the forensic reports, the use of experts for peer review and the cross-examination of the forensic expert with an emphasis on exploring the dichotomy between whether a forensic report is a product of science, art or neither.
17 Wednesday, 6-9 p.m.

Licensing Copyrights, Trademarks & Rights of Publicity: The Do's & Don'ts

What are the business reasons for licensing trademarks, copyrights and characters? What legal issues arise in drafting license agreements? What due diligence is key in preparing for a licensing negotiation? What are the key provisions of a license agreement? What are the do's and don'ts of licensing trademarks & copyrights? Learn about licensing trademarks & copyrights and rights of publicity from a panel of experts.

Program Chair:
SUSAN PROGOFF
Fish & Neave

Faculty:
ALLAN FELDMAN
President & CEO
LMCA

EDWARD H. ROSENTHAL
Frankfurt Kurnit Klein & Selz P.C.

STANLEY ROTHENBERG
Moses & Singer LLP

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, DVDs, course materials or online programs.
11 Thursday, 9 a.m. - 4:45 p.m.

Commanding Presence: Communication & Presentation Skills for Lawyers

Co-sponsored with ALI-ABA

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

- To speak with more confidence and authority
- To quickly prepare memorable, persuasive arguments
- To deliver concise and compelling formal presentations
- To think on your feet and respond eloquently
- To establish rapport with different personality types
- To persuade and influence with integrity
- To develop your own natural speaking style
- To manage personal stress and communicate effectively under pressure

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

CLE Credit:
7 credits in skills. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions. Credit breakdown for other jurisdictions will be available at the program.

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

16 Tuesday, 5:30-8 p.m.

Marketing & Sales Techniques To Grow Your Business

Learn how to apply marketing concepts related to branding, targeting, client communication skills and networking to build your practice and your firm. Consider various kinds of marketing outreach techniques and learn which ones might be best for you and your firm. Learn how to develop a sales strategy that helps you focus on people who can and will buy your services.

Program Chair:
CAROL SCHIRO GREENWALD
Consultant
Marketing Partners

Faculty:
CHRISTINE FILIP
President
The Success Group

WILLIAM MORELLI
President
Sandler Sales Institute

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
1 Monday, 6-9 p.m.

**How to Successfully Navigate, Litigate & Resolve Mold Issues**

What does the landlord/tenant practitioner do when mold enters the picture? A panel of experts will explain what mold is and how and whether it can be remediated to provide a safe and habitable apartment in the future. The panel will discuss how mold claims are handled in "HP," non-payment and holdover actions, from the perspective of judge and attorney in the housing court.

Program Co-Chair:
MATTHEW S. BRETT
Belkin Wenig & Goldman LLP

ELIZABETH DONOGHUE
Himmelstein McConnell Gribben Donoghue & Joseph

ODA C. FRIEDHEIM
The Legal Aid Society

Faculty:
KEN BURNS
IAQ Manager
Action Remediation

ECKARDET JOHANNING, M.D., M.S.C
Director, Fungal Research Group
Mount Sinai Hospital

EDWARD OLMSTED
Industrial Hygienist
Olmsted Environmental Services

KENNETH L. ROBINSON
President
Robinson & Associates, P.C.

HON. BRUCE E. SCHECKOWITZ
New York City Civil Court Judge

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

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18 Thursday, 6-9 p.m.

**Nuts & Bolts of Title Insurance**

This program will cover title search and examination prior to issuance of a title insurance policy; reading and understanding a certificate of title; what a title insurance policy covers and what it excludes; obtaining maximum coverage through affirmative insurance and endorsements; co-insurance and re-insurance; and what a survey should show and how to read it.

Program Chair:
WILLIAM JAY LIPPMAN
Dechert LLP

Faculty:
ELLIO T L. HURWITZ
Vice President and Chief Commercial Counsel
Chicago Title Insurance Company

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

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

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12 Friday, 9-12:45 p.m.

**Finding & Analyzing Financial Data**

This program is designed for attorneys who possess a basic understanding of financial statements and accounting principles. The program will cover how to locate financial data, both in the public domain and from other non-public sources, how to properly analyze that data to determine how different transactions are treated in the accounting records and financial statements, and how to feel the economic "pulse" of the entity to determine its financial health. The program will cover the basic techniques of financial analysis.

Program Chair:
VINCENT J. LOVE, CPA
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Senior Trial Counsel
Securities and Exchange Commission

**CLE Credit:**
4 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys. Portions of this program may qualify for CPE credit.

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**TAX & ACCOUNTING**

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.

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**CLE Credit:**
3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.
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Program materials can be purchased separately from the program. (CLE credit may not be given for materials only.) Mandatory NYS sales tax is included in the purchase price for tapes and materials. All sales of tapes, CDs, DVDs and materials are final. Please allow 3-5 weeks after the program date for your order to be processed.

Please see our cancellations & refunds policy on pg. 17.

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

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The 1st Annual Law Practice Management Symposium

Well, you graduated from law school and want to hang your shingle out, or perhaps you have practiced at a law firm or a government agency and are ready to go out on your own. What do you do? Like many of your colleagues, your law school did not teach you all the ins and outs of starting your own law practice. And while your legal skills might be top-notch, you are not alone if the thought of “keeping the books” leaves you clueless. Starting your own firm might leave your mind abuzz with questions such as: Where do you start? How do you finance your office? How do you develop your client base? Or even, how and where do you buy your copy machine and other office equipment?

Lisa M. Bluestein, director of the Small Law Firm Center at the Association, faced such issues when she started her own law firm. Lisa credits her success to the strong network she developed through her participation in the Small Law Firms Committee at the Association. Now, as director of the Small Law Firm Center, she counsels others on the issues and pitfalls of starting and maintaining their own firm practice. Her number one piece of advice is to reach out to other lawyers who have made the change. Networking with other solo and small firm practitioners not only leads to practical tips, but also can ease the initial jitters when first going out on your own.

The 1st Annual Law Practice Management Symposium on November 16th at the House of the Association will not only provide a venue to network, but will answer many of the questions asked above. The Small Law Firm Center and the CityBar Center for CLE are hosting this full day event that includes two CLE programs, five free workshops and an exhibition to help attorneys figure out how to start and grow a successful practice. This day will provide information of interest to practitioners in firms ranging from one to 50 lawyers.

The five free workshops will provide in-depth information on running a successful law practice, and the tools every practitioner needs in order to do so. The exhibitors have been selected because they provide products and services tailored to this market.

The New York City legal landscape is diverse, ranging from the large multi-national law firms to the solo practitioners. The large law firms have undergone a sea change in recent years, creating marketing departments to help grow their practices and hiring business consultants and other non-legal professionals to run the business of the law firm. Smaller law firms cannot afford this luxury. Instead, small firm practitioners must perform many roles - they must market the firm, develop business, manage administrative details, all while serving the clients. No small task. Technology levels the playing field to some extent but, with all the advancements in technology over the past few years, how do you keep track of it all?

The November 16 Symposium will provide a forum for legal practitioners to find in one place everything they need to know about the practice of law in a small to mid-size environment and information on operating a small business. From figuring out a billing collection system at the first workshop to learning how to protect your assets in case of an unforeseen occurrence in a disaster recovery workshop, the symposium will offer answers to the questions you wished they taught you in law school instead of the Rule Against Perpetuities. Increasing the bottom line, growing your client base, figuring out which research service to use, staffing issues and choosing the right technology will all be covered in the symposium. This event is an opportunity to learn about the latest management techniques, technology and products that are available.

A detailed Symposium schedule and list of exhibitors can be found on page 11.