GOVERNMENT “OVERRESPONSE” TO HURRICANE DISASTER

By Bettina B. Plevan, President

For weeks the headlines contained reports commenting extensively on the failures of our government to intervene and respond promptly and effectively to the impact of Hurricane Katrina in the Gulf Coast region, particularly in New Orleans. But now, in the halls of Congress and the offices of government agencies, we are beginning to see government overreaction through efforts to take steps far beyond what is needed to provide relief to local governments and companies involved in relief efforts. This overreaction threatens to undermine important protections under laws that may be suspended or avoided by virtue of legislative or executive action.

Several examples come readily to mind. First, a bill has been introduced in the Senate that would grant the Environmental Protection Agency unprecedented authority to ignore federal and state environmental laws for a period of 18 months. As we pointed out in our letter of protest to members of the Senate, the bill is overly broad and unnecessary to deal with the aftermath of Hurricane Katrina because waivers can be granted administratively and there is no need for a blanket waiver for such a long period of time.

Similarly, reports have reached us that the Department of Education initially proposed legislation that will allow local school districts to ignore requirements of the McKinney Vento Homeless Education Assistance Act. This act requires any school to accept the children displaced by Hurricane Katrina because waivers can be granted administratively and there is no need for a blanket waiver for such a long period of time.

In another arena, the federal government has also suspended operation of the Davis-Bacon Act in many counties of Alabama, Louisiana and Mississippi, and the Miami area of Florida. The Davis-Bacon Act requires that construction companies bidding on government contracts must pay the prevailing wage in the area in which the work is to be done. The suspension is of indefinite duration and is not limited to repairing Katrina-related damage. (The prevailing wage in New Orleans is around $9 per hour for laborers.) In addition, companies seeking new government contracts for Katrina-related projects will also be exempted, for three months, from developing written affirmative action programs.

These efforts suggest that the federal government may be engaged in a calculated and intentional effort to use the tragedy caused by Hurricane Katrina to suspend the operation of legislation that the Administration would prefer to see off the books because the laws do not conform to the Administration’s general philosophy. By contrast, proposals to ease the potentially draconian requirements of the new bankruptcy laws, scheduled to take effect on October 17th, have as of this writing gone nowhere.

Whatever the reason for these overly broad suspensions of laws that embody important and long-standing societal values, these efforts teach us that we must be vigilant in our examination of government action, especially now, to protect not only the victims of Hurricane Katrina but also the rights of all of our citizens.

THE FIRST WOMAN PRESIDENT OF IRELAND DELIVERS THE ASSOCIATION’S ANNUAL GINSBURG LECTURE ON WOMEN AND THE LAW

Mary Robinson, former president of Ireland and U.N. High Commissioner for Human Rights, spoke to a capacity crowd at the New York City Bar Association on September 21st when she delivered the 5th Annual Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law.

Ms. Robinson, currently Executive Director of Realizing Rights: The Ethical Globalization Initiative, spoke about worldwide human rights issues affecting women and children, too many of whom are affected by poverty and the lack of proper health care. Ms. Robinson said that only through a sense of globalization basis without the categorical, across the board undermining of important, protective federal laws.
Positions and Policies

CITY BAR URGES REVIEW OF PRISON HEALTH SERVICES, INC. IN WAKE OF JAILHOUSE SUICIDES

Inmate David Pennington killed himself in jail. He had been sent to the jail’s mental health clinic three times over a three-day period, but went untreated at each visit. A psychiatrist declined to perform an evaluation and sent Pennington back to his cell in the jail’s general population.

Carina Montes, whose personal history included sexual abuse as a child, a diagnosis of manic depression and a suicide attempt at age 13, never saw a psychiatrist while in jail. A jail social worker placed her on suicide watch, but her file was lost and the information was never conveyed to the jail’s mental health specialist. She hanged herself while still in Rikers.

These incidents, detailed in reports by the New York State Commission of Correction (the “commission”), were spotlighted earlier this year by Paul von Zielbauer in a New York Times three-part series. The articles confirmed what members of the Association’s Mental Health Law Committee and other practitioners in the mental health and criminal law fields already knew: Mental health care in New York’s prisons, when it exists at all, is far less than adequate to serve some of our most vulnerable citizens. According to the commission, the care provided by Prison Health Services, Inc. (“PHS”), one of New York’s major prison health providers, is not only inadequate, but is being provided illegally.

The Mental Health Law Committee shares the concerns of the commission, which believes that PHS is not wholly owned by physicians licensed in New York State, and is therefore operating as a health care provider in violation of state law. According to the commission, the law allows business corporations to offer the services of a licensed profession only if all shareholders are licensees of that profession.

Previously, the commission asked the attorney general to commence a criminal action against PHS, but that request was denied. The attorney general’s office stated it was comfortable with PHS’s explanations that two professional corporations affiliated with it were wholly owned by a physician licensed in New York. In response, the commission said that Prison Health affiliates were “shams created to enable PHS, Inc. to perpetrate the appearance of legality in the state of New York.”

The Association’s Mental Health Law Committee examined correspondence between the commission, the Attorney General’s office and the Department of Education. The committee has released a letter urging a prompt and thorough review of a $300 million contract between Prison Health and the City of New York.

“The Committee is not merely concerned with an alleged failure to comply with some arcane procedural formality. It is the news of suicides and deaths of detainees held in facilities entrusted to PHS’s medical care that concerns us,” said Ginger Trunkes, chair of the Mental Health Law Committee. “We are, of course, particularly disturbed by the description of suicides of persons, with known mental health conditions, who were allowed to deteriorate and decompensate while held in an environment in which PHS was the sole provider of healthcare services.” To see a full copy of the committee’s letter, please visit www.nycbar.org.

CONTINUED FROM PAGE 1

tion, with different groups and nations working together to promote human rights, “can we succeed in achieving a greater social justice.”

Following the lecture Ms. Robinson engaged in a dialogue with Justice Ruth Bader Ginsburg that was moderated by Alice Henkin of The Aspen Institute. Ms. Robinson and Justice Ginsburg expressed their views on the promotion of human rights and women’s rights abroad and in the United States. When asked about possibly being the only woman on the Supreme Court, Justice Ginsburg stated, “I have a list of highly qualified women, but the president has not consulted me.”

The evening concluded with the unveiling of a portrait of Justice Ginsburg that now hangs on the walls of the City Bar Association.

“Only through globalization, with different groups and nations working together to promote human rights, can we succeed in achieving a greater social justice.”

— Mary Robinson

The portrait was painted by artist Patricia Hill Burnett. Justice Ginsburg has long been a leader in the New York legal community as a lawyer, law professor and judge. She has been part of the City Bar family for many years, and has served on its Executive Committee. Therefore, it is particularly appropriate that her portrait hang here in the House of the Association.

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ASSOCIATION OPPOSES ‘CHEN’ DECISION, CITING UNINTENDED CONSEQUENCES IN MATRIMONIAL CASES

Due to strong public policy objections to a 2004 decision by the NYS Appellate Division, the City Bar submitted an amicus brief in *Chen v. Fischer*, 783 N.Y.S.2d 394 (2d Dept. 2004.) The holding of this decision, by a Second Department panel, adopted a “single action rule” in matrimonial cases, requiring that all issues related to a marriage be resolved in the divorce proceeding.

On first glance, it may seem logical to require the parties to litigate all issues in one proceeding and bar them from returning to court later with new claims arising from the marriage. “In reality the unintended consequences of this decision will cause divorces to be more expensive, hostile and particularly difficult for clients without the means for representation,” said Hal Mayerson, former chair of the Matrimonial Law Committee that drafted the brief (in conjunction with the Association’s Domestic Violence Committee).

Liberty Aldrich, former chair of the Domestic Violence Committee, said that domestic violence clients will be especially harmed by the decision. “Because abusers can be at their most dangerous when a relationship is ending, victims often want the divorce to be over as quickly as possible, with the allegations of abuse left to a minimum. But now, if a domestic survivor waits until they feel it is safer to return to court to sue the abuser for civil damages, they will be precluded by the *Chen* decision.”

Domestic violence victims are not the only ones who will fare poorly if this decision stands. Unfortunately many people cannot afford representation in matrimonial cases and have no choice but to represent themselves pro se. The brief asks: How will these pro se litigants know that they are forfeiting future causes of actions by simply following through with standard divorce procedures? Will it be up to the judge to warn them? If so, how long will the divorce action have to wait before they can find an attorney willing to represent them in a more complex tort action?

Even litigants who do have means will be faced with longer, more complicated and expensive divorces. The brief argues that matrimonial attorneys, for fear of being confronted with a legal malpractice action if a tort claim is waived through forgoing the filing, will opt to join all possible inter-spousal tort claims with their divorce causes of actions. This will not only increase the time and expense of litigating divorces, but will add to the animosity between the divorcing parties. According to Mayerson, “Currently many divorcing litigants stipulate on the grounds for divorce to avoid confronting the defendant with the incendiary and often hurtful allegations that a complaint based on cruel and inhuman treatment must allege. This practice is virtually impossible under *Chen* because it may constitute a waiver of all tort claims arising out of the marriage.”

Issues involving attorneys’ fees, pre-trial discovery and the right to jury trial will also arise and confuse the court. This is because tort cases allow for pre-trial discovery for causation, contingency fee plans and jury trials, while matrimonial cases mostly do not.

These unanswered issues, combined with an increase in case time for our already overly burdened New York courts and safety concerns for vulnerable victims, make *Chen* poor public policy. To see the full brief, please visit www.nycbar.org.

COMMITTEE REPORTS

Administrative Law
Comments to the Charter Revision Commission on Section 13-a of the Proposed Preliminary Recommendations, which concerns the procedure to be followed in establishing rules governing development of a Uniform Code of Conduct for administrative law judges. Specifically, the comments note that the proposed language with respect to who is responsible for joint promulgation and whether the Conflict of Interest Board, et al, must be consulted for each revision is unclear; the comments offer a suggested rewording.

International Environmental Law
Environmental Law
Letter to Congress urging the Senate take up and approve Treaty Doc. 103-39: United Nations Convention on the Law of the Sea. The Treaty would put in place an effective legal regime for the protection of the marine environment and regulation of international shipping. The need for such a comprehensive legal regime for the sea — which takes into account economic and other interests beyond this narrow zone, especially due to advances in fishing, offshore oil and mineral resource extraction technology, the emergence of new forms of ocean pollution, and evolving security concerns since World War II — has long been recognized and it should be put in place as soon as possible.

Civil Rights
Federal Courts
International Human Rights
International Law
Military Affairs and Justice
Amicus Brief: U.S. v. Hamdan. The brief was filed in the U.S. Supreme Court to support a petition for certiorari by a Guantanamo detainee. The brief urges that the Court make clear that *Common Article 3* of the Geneva Conventions, which establishes a basic level of due process and humanitarian protection for persons captured in international conflicts and “conflicts not of an international nature,” applies to persons to be tried by the Military Commissions established by President Bush after the 9/11 attacks.

Mental Health Law
Letter to the Legislature expressing opposition to the governor’s proposal to eliminate coverage of mental illness, alcoholism, and substance abuse treatment services from Family Health Plus. The letter urges the Legislature to restore the cuts Gov. Pataki proposed to the Family Health Plus (“FHP”) program with respect to mental health, alcoholism and substance abuse services (“mental health care”). The elimination of coverage for mental health care proposed in the governor’s Executive Budget is not a cost-cutting measure but a cost-shifting measure and is directly contrary to the growing public sentiment in support of parity in coverage of mental health care and physical health care.

Letter to the New York State Education Department urging the department to conduct a prompt and thorough investigation of Prison Health Services, Inc. (PHS). A report by the New York State Commission of Correction revealed that there have been numerous suicides and other deaths of inmates and detainees, including persons with mental health conditions who were allowed to deteriorate while held in facilities entrusted to Prison Health for the provision of medical care. The letter supports the Commission’s view that PHS is not wholly owned by physicians licensed in New York State, and is therefore operating as a health care provider in violation of state law.

Pro Bono and Legal Services
Letter to Senators Clinton and Schumer thanking them for their support of the need for passage of the funding request of the Legal Services Corporation and noting the continued importance of adequate legal services funding, especially in the wake of the Hurricane Katrina disaster.
We sat down with David Gaffner, director of the City Bar Justice Center’s Legal Hotline, to learn how he and his team help provide legal guidance to New Yorkers in need. Working with the Center’s four programs that support the hotline, Gaffner’s team answered the legal needs of nearly 10,000 New Yorkers last year.

What kinds of questions do you answer on the hotline?

We answer questions that cover a wide variety of practice areas. The largest percentage of calls involve family law, consumer debt and landlord-tenant questions. Sometimes we receive very simple questions, such as, “Where is the courthouse located” or “What do I do next?” We also receive telephone calls from attorneys seeking advice on behalf of their clients. The hotline was set up to help the underrepresented population of New York City protect and defend their legal rights.

The hotline is the intake source for four Clinical Projects run by the City Bar Justice Center. Please tell us a little bit about these projects and how they aid clients.

The four programs are the Uncontested Divorce Project, Contested Divorce Project, Consumer Bankruptcy Project, and the Thursday Afternoon Law Clinic. All four of these programs receive their clientele from the hotline. The purpose of the Uncontested Divorce Project is to provide unrepresented people with legal advice and to assist them with completing all of the necessary documents and paperwork. The Consumer Bankruptcy Project works the same way. With the Contested Divorce Project, an unrepresented person meets one-on-one with an experienced matrimonial attorney who provides brief services on a discrete issue. The Thursday Afternoon Law Clinic provides volunteer attorneys to answer questions on general civil matters at the Supreme Court, New York County, and to assist with paperwork, such as filing motions.

Who assists you on the hotline and on these projects? Are there many volunteers involved?

The Thursday Afternoon Law Clinic is composed entirely of volunteers from the Association’s Legal Referral Service. We do have volunteers helping with the Consumer Bankruptcy Project and the Contested Divorce Project. The hotline and Uncontested Divorce project are run by a small and experienced staff, with the assistance of volunteer interns. The hotline operates with five people.

How do you manage such a volume of calls?

We answer nearly 10,000 calls annually. We try to limit the length of each call by getting the client to focus on the issue at hand and some sort of resolution. Some calls can be relatively simple to answer, while others are more complex. We can’t answer all of the calls – though we’d like to.

How do you notify the general public about your services?

Most of our referrals come from the Yellow Pages, 311 and directories. We have brochures and postings in many courthouses so we also receive referrals from judges, court clerks, and the Office of the Self-Represented. Additionally, we rely on articles in newspapers and word of mouth.

When someone calls and requests help, what procedure do you follow?

A person will call the hotline and speak to a counselor. If we can’t help them, we refer them to “LawHelp,” an on-line legal directory at http://www.lawhelp.org/ny, or to the Legal Referral Service, or to an agency. If we are able to assist them, we offer information, advice and brief legal services or intake them for one of the four clinical projects. Callers can fax materials to us for our review. Sometimes people call the day before they are scheduled to appear in court, so immediate help is often required. We like to do as much as we can for the clients, but sometimes we receive calls outside of the areas we focus on.

What is the most rewarding aspect of your job?

For me, it’s the satisfaction that I’m doing something that many people don’t do: provide affordable legal help for disadvantaged New Yorkers who are not represented or are under-represented. If it weren’t for the City Bar Justice Center and the assistance that we provide, they would be out there on their own. I can’t imagine someone trying to work his or her way through the court system without some sort of assistance. It’s difficult enough when you’re represented by an attorney. A lot of our job involves providing guidance and alleviating people’s fears. That is very rewarding to me.
SOUTH AFRICAN VISITING LAWYER PROGRAM 2006/2007

The Cyrus R. Vance Center for International Justice Initiatives at the New York City Bar is seeking law firms and corporate law departments to participate in the South African Visiting Lawyer Program for 2006-2007. The Visiting Lawyer Program brings black lawyers from South Africa to New York City for an intensive one-year work-and-training program at New York law firms to enhance their corporate law and international commercial practice skills.

Although the South African political system has largely moved toward a more equitable distribution of opportunity along racial lines, the financial and legal leadership of the country continues to reflect the effects of apartheid. It is important to a successful transformation in South Africa that black lawyers and law firms build a stronger capacity to represent institutional clients and thus participate meaningfully in major commercial work. The City Bar, in furtherance of the New York bar’s leadership in international commercial practice, would like to aid that process.

The Visiting Lawyer Program is now in its fourth year. Thus far, 19 South African lawyers, 10 New York law firms and the legal departments of five banking institutions have participated in the program: Citigroup; Cleary, Gottlieb, Steen & Hamilton; Clifford Chance; Cravath, Swaine & Moore; Credit Suisse First Boston; Goldman Sachs; 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.

Philip Isom of O’Melveny & Myers, which has participated in the Visiting Lawyer Program for three consecutive years, noted that the South African lawyers come with an enthusiasm both to work and to immerse themselves into the firm and its practice. This motivation greatly facilitates their integration into the life of the firm, both in terms of their work and the friendships that are made.

Selection Process:
- Applicants will be solicited by the City Bar in collaboration with the Law Society of South Africa. Screening of applicants will be done by the City Bar and commercial practitioners in New York and South Africa;
- Final interviews and selection will be done by Justices of the South African Constitutional Court and commercial practitioners from New York and South Africa;
- Firms will have the opportunity to review the credentials of the successful applicant proposed to be seconded to them.

Criteria for Selection:
- Member of a historically disadvantaged group;
- Minimum of two years’ practice experience;
- A demonstrated capacity to work well at the junior level, as evidenced by a statement by the responsible senior describing the trans-
- action and the contribution of the applicant;
- Strong academic references;
- A plan to share skills on return to South Africa.

Ten New York law firms and the legal departments of five banking institutions have participated in the program.

There are certain contributions that will be necessary from participating law firms, including salaries, travel expenses and other aspects of firm participation. The Association will conduct a pre-arrival seminar for the visiting lawyers to “bridge the gap” between commercial practice in South Africa and New York, and will conduct periodic seminars during the year to integrate these lawyers into the New York legal community.

Firms interested in participating in the South Africa Visiting Lawyer Program should contact Joan Vermeulen at the Vance Center, (212) 382-6680 or jvermeulen@nycbar.org.

Visiting Lawyers Program. Betsy Plevan, City Bar president (front left), and Joan Vermeulen, Vance Center executive director (top right), welcome members of the new class of visiting lawyers from South Africa and congratulate members from last year’s program. They are (front, left to right): Bester Ngoepe, Meluleki Nzimande and Nzame Qokweni. Pictured (top, left to right) are Zodwa Zenzile, Zingisa Mhlaba, Nontu Made and Peter Mahlangu. Other fellows (not pictured) are Sabelo Mabuza and Muhammad Sader from last year’s class.
II. Challenging the Charging Document

ANNE PILSBURY
Central American Legal Assistance Assistance

CLAUDIA SLOVINSKY
Law Office of Claudia Slovinsky

III. Contesting Removal Charges Based on Criminal Dispositions

PETER MARKOWITZ
New York University School of Law

MANNY VARGAS
NYSDA Immigrant Defense Project

JOE Hochenstein
Nationalities Service Center

Day 2: When Removability Is Established—Seeking Relief From Removal In Immigration Court

I. 212(c) Waiver, 212(h) Waiver, Adjustment, and Cancellation of Removal

MATT GUADAGNO
Bretz & Coven

MARIANNE YANG
NYSDA Immigrant Defense Project

TOM MOSELEY
Law Office of Thomas Moseley

II. Asylum, Withholding, and Relief Under the Convention Against Torture

DAVID STERN
Staff Attorney, Law Offices of Cyrus Mehta & Associates

III. Working with Criminal Defense Counsel—Post-conviction Relief and Other Preventive Measures

LABE M. RICHMAN
Attorney at Law

IV. Appealing the Removal Order

MANNY VARGAS
NYSDA Immigrant Defense Project

Program Co-Chairs:

CHRISTINA LABRIE
Staff Attorney, Law Offices of Cyrus Mehta & Associates

DAVID STERN
Staff Attorney, Legal Aid Society Immigration Law Unit

MARIANNE C. YANG
Director, NYSDA Immigrant Defense Project

SEJAL ZOTA
Staff Attorney, Bronx Defenders

CLAUDIA SLOVINSKY
Law Offices of Claudia Slovinsky

Co-sponsored by:

NYSDA Immigrant Defense Project

CLE Credit: 6 credit hours. This program provides transitional credit for newly admitted attorneys.

The fee is $60 for NYCBAR members and $80 for non-members. Please register on page 9 or online at www.nycbar.org.

2 Wednesday, 8:30 am - 10 am

PROFESSIONAL DEVELOPMENT BREAKFAST WORKSHOPS SERIES FOR MID-LEVEL ASSOCIATES

Workshop II

Effective Communication Strategies

As associates’ careers progress and they play a greater role in firm practice, communications with clients, partners, other attorneys and staff become increasingly significant. This workshop will provide associates with tools for successfully:

■ Establishing rapport
■ Enhancing listening skills to better assess client goals
■ Increasing presentation effectiveness
■ Generating confidence
■ Communicating knowledge clearly
■ Instilling trust

Speaker:

JAY SULLIVAN
Exec/Comm

1½ CLE credits in professional skills. This program does not provide transitional credits for newly admitted attorneys. Please register through CLE at www.nycbar.org

3 Thursday, 6:00-8:00 pm


Speakers:

NELSON CASTILLO
President, Hispanic National Bar Association

HON. MICHAEL GARCIA
United States Attorney, Southern District of New York

BETTINA B. PLEVAN
President, New York City Bar

Sponsoring and co-sponsoring committees:

New York City Bar’s Office for Diversity

Hispanic National Bar Association, New York Region
This program will practice? accepting credit cards mean for your accepting credit cards? What will the advantages and disadvantages of thing for attorneys to do? What are Accepting credit cards, is it the right

8 Tuesday, 9 am – 10 am

SMALL LAW FIRM EVENT

Accepting credit cards, is it the right thing for attorneys to do? What are the advantages and disadvantages of accepting credit cards? What will accepting credit cards mean for your practice?

Speaker:
FRANCISCO J. ACOSTA
Executive Vice President, Internal Business Consulting

There is no fee for this event and coffee will be served.

10 Thursday, 12:30 – 2 pm

SMALL LAW FIRM LUNCHEON

Small Business Compliance with Environmental Regulations

Taking care of our environment includes complying with various and complicated city, state and federal environmental regulations. How can a small business manage? What resources are available to help small businesses meet their obligations? Our panel will help you sort through the maze and provide useful advice for you and your clients. This luncheon is jointly sponsored by the Environmental Law Committee and the Small Law Firms Committee.

Moderator:
DENISE L. QUARLES
Quarles & Associates, P.C.

Speakers:
JAMES R. COYLE
Environmental Program Manager, Small Business Assistance Program, New York State Environmental Facilities Corporation

CHRISTINE A. FAZIO
Carter Ledyard & Milburn, LLP; Chair, Committee on Environmental Law

Registration by November 3 is necessary. The fee for the luncheon is $20 for members and $30 for non-members. Please register on page 9 or online at www.nycbar.org.

10 Thursday, 6-8:45 pm

Transforming Art: Fair Use Issues

Contemporary visual artists borrow imagery and subject matter from each other and the world at large, while images of art are also used in advertising, publishing and criticism. Following presentations of both contemporary visual art and relevant law, a distinguished panel explores the issues raised by such uses, with particular regard to the scope of protection afforded by the doctrine of Fair Use.

Moderator:
JOHN CAHILL
Friedman Kaplan Seiler & Adelman LLP

Presenters:
ROBERT W. CLARIDA
Cowan, Liebowitz & Latman, P.C.

ROY S. KAUFMAN
Legal Director, John Wiley & Sons, Inc.

VIRGINIA RUTLEDGE
Law Offices of Scott Shagin

PAUL A. WINICK
Thelen Reid & Priest, LLP

Speakers:
LAWRENCE LESSIG
Stanford Law School; CEO/Chair, Creative Commons; Author, Free Culture (2004), The Future of Ideas (2001)

WILLIAM F. PATRY
Thelen Reid & Priest LLP; Author, The Fair Use Privilege in Copyright Law

DAVID A. ROSS
President, Artist Pension Trust; former Director, San Francisco Museum of Modern Art and Whitney Museum of American Art

ROBERTA SMITH
Art Critic, The New York Times

JOEL WACHS
President, The Andy Warhol Foundation for the Visual Arts, Inc.

No registration fee. Seating is limited. Please pre-register by emailing lcruz@thelenreid.com by Nov. 4th

15 Tuesday, 5:30 – 8:30 pm

HOW TO BECOME A JUDGE

Featuring Ethical Issues Encountered By Judicial Candidates and Sitting Judges

A CLE program designed to inform lawyers about the paths, elective and appointive, to becoming a judge in Queens County, with an emphasis on ethical issues encountered by judicial candidates and sitting judges. The lecture will be followed by a cocktail reception and buffet dinner beginning at 7:30 p.m.

Please Note: This program will take place at Queens County Bar Association Building, 90 - 35 148th Street, Jamaica, New York, 11435

5:30 p.m.
Welcome/Introduction:
GEORGE J. NASHAK, JR.
President, Queens County Bar Association

HON. LESLIE G. LEACH
Former Chair, Special Committee to Encourage Judicial Service; Administrative Judge, Supreme Court, Queens County

HON. PHILIP S. STRANIERE
Chair, Special Committee to Encourage Judicial Service; Judge, Civil Court, Richmond County

5:40-6:30 p.m.
Program Presentation by:
BONNIE BETH GREENBALL
Executive Director, Judicial Campaign Ethics Center of the New York State Unified Court System

6:40-7:30 p.m.
Program Presentation by:
ROBERT H. TEMBECKIAN
Administrator/Counsel, New York State Commission on Judicial Conduct

7:30-8:30 p.m.
Networking Buffet Dinner
Distribution of materials

Co-sponsored by:
The Queens County Bar Association

The CLE lecture is free of charge and will award 2.0 CLE credits in Ethics. Dinner is $30.00. Pre-registration is required. For more information and to register, please call Catherine Dolginko, Queens County Bar Association, at 718-291-4500.
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

18 Friday, 8:30 am – 4 pm
Leadership Summit - Expanding the Commitment to Diversity to Include ADR Neutrals

The New York City Bar and its ADR Committee, the New York State Bar Association and its ADR Committee, along with Homer C. LaRue and Marvin Johnson, co-directors of ACCESS ADR, have developed this full-day leadership summit consisting of invited leading practitioners, consumers, and thinkers in the ADR field to initiate a call to action to work towards achieving meaningful diversity within the New York State ADR Community. Confirmed panelists include representatives from Del Monte Foods and the National Football League. The program will begin with a panel discussion at 9 am and will include the keynote address at lunchtime, and further panels in the afternoon. The initiative is aimed at bringing together leading parties, counsel, neutrals, and providers for critical conversations resulting in needed changes.

The attendees will address such issues as:
- Why corporations and law firms pledged to promote meaningful diversity
- How we expand the Pledge to include Alternative Dispute Resolution
- Identifying leading ADR programs setting examples by promoting meaningful diversity

Keynote Speaker: ROBERT J. GREY, JR. ABA President

Co-sponsored by: New York State Bar Association, ADR Committee

Reservations are required. For more information, please contact Ken Andrichik at ken.andrichik@nusel.com.

22 Tuesday, 6 pm
THE ART OF EXECUTION
Crucifixion and Flaying in Italian Medieval and Northern Renaissance Art: Their Aesthetic, Religious, Mythological, and Legal Significance

In contrast to today’s allegedly painless execution method of lethal injection, executions had been carried out by excruciating means, such as crucifixion and flaying. Their depictions in Italian medieval and Northern Renaissance art shed light onto their aesthetic, religious, mythological and legal significance. This program will examine an early 14th century Pisan carved wood crucifix and Gerard David’s late 15th century companion paintings "The Arrest of Sisamnes" and "The Judgment of Cambyses," and place them in legal context. The program will also touch upon the moral implications inherent in the bloody occupation of the executioner. Please Note: This program will take place at Syracuse University Lubin House, 11 East 61st Street, New York, New York.

Moderator: MARTIN J. LEAHY
Law Office of Martin J. Leahy

Speakers:
NORMAN L. GREENE
Schoeman, Updike & Kaufman, LLP

HON. BARBARA JAFFE
Judge, Civil Court of the City of New York

PROFESSOR KENNETH PENNINGTON
Professor of Ecclesiastical and Legal History at Catholic University

PETER WELLER
Art Historian/Actor

Co-sponsored by: Department of Fine Arts, William Fleming Educational Fund, Syracuse University

There is no fee for this program. Seating is limited; pre-registration is strongly encouraged. Please call 212-826-0320.

29 Tuesday, 6 pm
The Milton Handler Annual Antitrust Review

The Milton Handler Annual Antitrust Review explores significant developments in antitrust practice and jurisprudence and the implications of those developments for enforcement policy, private litigation, and business conduct.

Moderator:
WAYNE DALE COLLINS
Shearman & Sterling LLP

Speakers:
HON. LEWIS A. KAPLAN
U.S. District Court Judge, Southern District of New York

DEBORAH A. GARZA
Chair, Antitrust Modernization Commission

WILLIAM E. KOVACIC
E.K. Gubin Professor of Government, George Washington University

There is no charge for this program. Seating is limited. If you are interested in attending, please pre-register by sending an email to antitrustreview@shearman.com prior to Friday, November 18. For questions, contact Lisl Dunlop at (212) 848-8010.

29 Tuesday, 8:30 am – 11 am
Thomas E. Dewey Medal Presentation

The Association will be presenting its first annual Thomas E. Dewey Medal, which will be awarded to outstanding assistant district attorneys in the District Attorney’s offices within New York City. A reception will follow.

Moderator:
SETH C. FARBER
Dewey Ballantine LLP
Chair, Dewey Medal Committee

Keynote Speech:
DANIEL R. ALONSO
Kaye Scholer LLP
Chair, Committee on Criminal Advocacy

Presenter:
BEITZIE B. PLEVAN
President, New York City Bar
## October 2005 Registration Form

- **Deportation Defense Strategies – Nov. 1 & 8**
  - $60 Member
  - $80 Non-member

- **Small Law Firm Luncheon – Nov. 10**
  - $20 Member
  - $30 Non-member

**Name** | **Number of Reservations**
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**Address** | **Total Enclosed $**
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**City** | **Card Number**
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**State** | **Zip** | **Expiration Date**
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**Phone** | **Signature**
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Please return this form to: **Meeting Services**, New York City 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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## Your Complete BAPCPA Solution!

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2ND ANNUAL LAW PRACTICE MANAGEMENT SYMPOSIUM
NOVEMBER 1, 2005
PUTTING IT ALL TOGETHER
BUILDING A SUCCESSFUL LAW PRACTICE

AGENDA

TRACK 1  Start Ups/Firms With Fewer Than 5 Attorneys
TRACK 2  Firms with 5-50 Attorneys

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>8:30am-9:30am</td>
<td>Breakfast &amp; Networking at the Expo</td>
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<tr>
<td>8:30am-6:00pm</td>
<td>Expo Open</td>
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<tr>
<td>9:30am-10:15am</td>
<td>ABC’s of Office Space</td>
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<tr>
<td>10:45am-11:45am</td>
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<td>1:00pm-2:00pm</td>
<td>Lessons Learned: Advice From the Trenches</td>
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<tr>
<td>2:30pm-3:15pm</td>
<td>Technology For Start-up &amp; Small Firms</td>
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<tr>
<td>3:45pm-4:30pm</td>
<td>Law Firm Finances</td>
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<tr>
<td>5:00pm-5:30pm</td>
<td>Free Legal Resources</td>
</tr>
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<td>Continuing Legal Education Program: How to Get &amp; Keep Good Clients &amp; Stay Out of Trouble</td>
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TRACK 1  Start Ups/Firms With Fewer Than 5 Attorneys

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TRACK 2  Firms with 5-50 Attorneys

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EXHIBITORS

Accurate Building Inspectors
Home & Building Inspectors and Experts
Allied Office Products
Berthon Rowland Corp.
CCH INCORPORATED
DLS, Inc.
Process Serving and Document Retrieval
First Republic Bank
IKON Office Solutions
I. Michael Cash & Associates, LLC
Inspired Professionals LLC
Intelligent Office
Virtual Office & Remote Reception
Juris, Inc.
Kohn Communications
LDI COLOR TOOLBOX
LexisNexis
Marsh Affinity Practice
Myra Binstock Legal Search
Phonextra Inc.
Converged Communications Vender
Professional Process Service Ltd.
Regency Reporting, Inc.
Robert Half Legal
Robson Forensic, Inc.
Forensic Engineers, Architects & Fire Investigators
Sterling National Bank
Storage Quarters Record Management
Supreme Judicial Services Inc.
Process Serving and Document Retrieval
Tabs3/Practice Master
The Law Office Systems Shop
U.S. Legal Support
Court Reporting/Legal Staffing
U.S. Small Business Administration
Virtual Attorney’s Office
West
Wizsoft Inc.

Fees may apply, registration required.
Please register by phone at 212-382-6662/3 or visit www.nycbar.org
### TRACK 1

#### 9:30 am - 10:15 am
**Breakfast & Networking at the Expo**

#### 10:45 am - 11:45 am
**Inner Obstacles to Happiness at Work**

Emotional and psychological problems exacerbated by the stresses of the profession can interfere with ability to work productively and limit job satisfaction. Inner conflicts about success and marketing can lead to self-sabotaging behavior and poor relationships, and result in professional disappointments. Learn how to achieve balance in your personal and professional life, as well as practical and effective techniques for overcoming the typical barriers lawyers face in the process of bringing in new clients and maintaining a practice.

*Moderator: EILEEN C. TRAVIS, LCSW, Director of the New York City Lawyer Assistance Program*

*Panelists: ROBERT KOHN, Kohn Communications*

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### TRACK 2

#### 9:30 am - 10:15 am
**Taking the Next Step: To Merge or Not To Merge**

What are the pros and cons of merging with another practice? This panel will discuss the factors that practitioners should consider before taking that next step.

*Moderator: DEBRA BODIAN BERNSTEIN, Tarter Krinsky & Drogin, LLP*

*Panelists: GREGORY CIOLEK, First Republic Bank*  
*MARTIN S. KLEIN, Karmarman & Soniker, PC*

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<table>
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<tr>
<th>Time</th>
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<tr>
<td>11:00 am</td>
<td><em>Meetings, Networking &amp; Business Cards</em></td>
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<tr>
<td>12:00 pm - 1:15 pm</td>
<td><strong>Technology News</strong></td>
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</tbody>
</table>
| 1:00 pm      | **Lessons Learned: Advice from the Trenches**     | MAIA T. SPLMAN, The Law Office of Maia T. Spilman, Chair, Committee on Small Law Firms  
                | Lazard, Emery Weintrob & Wohl LLP                                          |
| 2:00 pm      | **Getting and Keeping Good Employees**            | TARTER KRINSKY & DROGIN, LLP                                              |
| 3:00 pm      | **Getting & Keeping Good Employees**              | FIRST REPUBLIC BANK                                                       |
| 4:00 pm      | **Emerging Trends & Practical Tips in the World of Electronic Discovery** | Allmonti Law Offices, P.C.  
                | ROY S. LYONS, Marsh Affinity Group Services                                 |

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**Continuing Legal Education Program: How to Get & Keep Good Clients & Stay Out of Trouble**

*Program Chair: JAY FOONSERG*

*See page 17 for details.*
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<tr>
<th>Monday</th>
<th>Tuesday</th>
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<th>Thursday</th>
<th>Friday</th>
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<tbody>
<tr>
<td>1 6-8 p.m. HOW TO GET &amp; KEEP GOOD CLIENTS &amp; STAY OUT OF TROUBLE</td>
<td>2</td>
<td>3 9-5:15 p.m. INTELLECTUAL PROPERTY DUE DILIGENCE IN BUSINESS TRANSACTIONS: COMPLYING WITH MYRIAD LEGAL &amp; BUSINESS ISSUES 8 credits*</td>
<td>4 9-12:30 p.m. WHAT YOU NEED TO KNOW ABOUT PRIVACY, SECURITY &amp; EMERGING TECHNOLOGIES FOR MANAGING CONSUMER INFORMATION 4 credits*</td>
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<tr>
<td>7 9-5 p.m. BASIC MEDIATION TRAINING: CONFLICT RESOLUTION THEORY &amp; TECHNIQUES Part One of Four 30 credits*</td>
<td>8 9-5 p.m. BASIC MEDIATION TRAINING: CONFLICT RESOLUTION THEORY &amp; TECHNIQUES Part Two of Four 30 credits*</td>
<td>9 6-8 p.m. TERMINATION OF AN EMPLOYEE: AVOIDING LITIGATION 2 credits*</td>
<td>10 9-12 p.m. THE NEW BANKRUPTCY LAW: UNDERSTANDING &amp; NAVIGATING THE MAZE OF CHANGES CREATED BY THE NEW LAW 3 credits*</td>
<td>11 9-5 p.m. PERSUASIVE WRITING FOR LAWYERS 7½ credits*</td>
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<tr>
<td>14 9-5 p.m. BASIC MEDIATION TRAINING: CONFLICT RESOLUTION THEORY &amp; TECHNIQUES Part Three of Four 30 credits*</td>
<td>15 9-5 p.m. BASIC MEDIATION TRAINING: CONFLICT RESOLUTION THEORY &amp; TECHNIQUES Part Four of Four 30 credits*</td>
<td>16 6-8 p.m. CLIMBING UP THE CAREER LADDER: GETTING YOUR CONTRIBUTIONS RECOGNIZED 3 credits*</td>
<td>17 6-8:30 p.m. BUSINESS VALUATIONS IN MATRIMONIAL CASES: MASTERING THE NUMBERS II 2½ credits</td>
<td>18 9-12 p.m. ENFORCING $ JUDGMENTS 3 credits*</td>
</tr>
<tr>
<td>21 6-9 p.m. HOT TOPICS IN ADOPTION LAW 3 credits*</td>
<td>22 9-12 p.m. Video Replay: CURRENT ETHICAL ISSUES FOR THE ENTERTAINMENT LAWYER 3 credits</td>
<td>23 9-1 p.m. Video Replay: PRACTICAL APPLICATION OF THE RETIREMENT DISTRIBUTION RULES: INCLUDING ANALYSIS OF THE NEW BANKRUPTCY ACT 4½ credits</td>
<td>24</td>
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<tr>
<td>28 6-8 p.m. Video Replay: HEALTH CARE PROXIES &amp; LIVING WILLS: LEGAL, ETHICAL &amp; MEDICAL ISSUES YOU SHOULD KNOW 2 credits</td>
<td>29 9-12 p.m. ABCs OF DRAFTING CORPORATE AGREEMENTS 3 credits*</td>
<td>30 8:30-11 a.m. CIRCULAR 230: WHAT EVERY PRACTITIONER WHO GIVES TAX ADVICE NEEDS TO KNOW ABOUT THE NEW REGULATIONS 2½ credits*</td>
<td>30 6-9 p.m. DEPOSITIONS: BEYOND THE BASICS 3 credits</td>
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*This program provides transitional credit for newly admitted attorneys.
NOVEMBER 2005 CLE CALENDAR

ADR

BASIC MEDIATION TRAINING: CONFLICT RESOLUTION THEORY & TECHNIQUES
7 & 14 Mondays, 9-5 p.m. and
8 & 15 Tuesdays, 9-5 p.m.

This premier course is our intensive training for those interested in learning to mediate. The four-day course on the theory and skills of basic mediation covers essential techniques and procedures of mediation in lecture, exercises and small-group role-plays. Topics to be covered include: getting the mediation process started, organizing the discussion, generating movement, overcoming barriers to an agreement, concluding the mediation and other practice issues. Certificates of completion will be issued at the conclusion of the program. This program is geared towards law school graduates and beyond who have an interest in learning to mediate. Non-lawyers are also welcome to participate. Attendance at all four days of the program is required.

Registration is limited to 48 people.

Lead Trainers:
PROFESSOR CAROL B. LIEBMAN
Clinical Professor
Columbia Law School

DINA JANSENSON
Of Counsel, Senior Mediator/Arbitrator
JAMS, Flemming, Zulack & Williamson, LLP

CLE credit:
30 credits total: 22 skills, 5½ professional practice/practice management and 2½ ethics. This program provides transitional credit for newly admitted attorneys.

Live Program:
Member $1395, Non-member $1695

BANKRUPTCY

THE NEW BANKRUPTCY LAW: UNDERSTANDING & NAVIGATING THE MAZE OF CHANGES CREATED BY THE NEW LAW
10 Thursday, 9-12 p.m.

On October 17, 2005, sweeping changes to the United States Bankruptcy Code will go into effect. The media has largely focused on how this legislation, known as the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, will affect consumers. But the legislation also includes many substantive revisions to the Bankruptcy Code that will have a great impact on business debtors and their ability to reorganize. The historical balance of power between debtor and creditor rights may have been changed.

A panel of bankruptcy experts, including attorneys, a bankruptcy court judge and a turnaround professional, will examine the impact the new legislation has for the practice. They will share their opinions as to how debtors and creditors will use the amendments to their advantage, as well as how to navigate around the obstacles created by them. This program will not be a mere recitation of the Bankruptcy Code revisions. It will be a real world discussion of how the dynamics of Chapter 11 have been irrevocably altered. Given the fervent views that have been expressed on this legislation, the program promises to be educational, entertaining, and provocative.

Program Chair:
JOSEPH H. SMOLINSKY
Chadbourne & Parke LLP

Moderator:
HOWARD SEIFE
Chadbourne & Parke LLP

Faculty:
MARC R. ABRAMS
Willkie Farr & Gallagher LLP

JUDGE ROBERT D. DRAIN
U.S. Bankruptcy Court, S.D.N.Y.

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

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

CONSUMER PROTECTION

WHAT YOU NEED TO KNOW ABOUT PRIVACY, SECURITY & EMERGING TECHNOLOGIES FOR MANAGING CUSTOMER INFORMATION
4 Friday, 9-12:30 p.m.

Virtually every organization collects, stores or uses customer information in some manner. Customer information is a valuable resource, but it can also become a dangerous liability. To maximize the value of customer information and minimize its potential liability requires an understanding of the privacy requirements and security risks related to handling such information. This session will provide an overview of the hottest issues in privacy and security law, and will discuss practical examples to help an organization better manage its information gathering, dissemination and usage practices. Topics will include:

- Latest federal initiatives
- Use of personal information in interactive marketing programs
- Identity theft and law enforcement
- Internal security threats
- How vendor contracts can protect or expose a company
- Impact of emerging technologies on privacy and security
- Establishment of internal programs and policies to reduce risk
Program Co-chairs:
GARY KIBEL
Davis & Gilbert LLP

SOFIA RAHMAN
Vice President, Associate General Counsel
Citi Cards Legal

Faculty:
BARBARA ANTHONY
Regional Director, Northeast Region
Federal Trade Commission

BEN BERRY
Supervisory Special Agent
Bank Fraud and Wire Fraud Programs
Federal Bureau of Investigation

CATHY BUMP
Vice President of Policy and Legal
TRUSTe

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

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

WHAT EVERY CORPORATE LAWYER NEEDS TO KNOW ABOUT BASIC TAX ISSUES IN M&A
3 Thursday, 6-9 p.m.

The program will highlight key tax points a corporate lawyer should know in structuring and negotiating the deal, including:

- Consequences of taxable and tax-free asset and stock transactions and how they work
- Special issues for S Corporations and LLCs
- Devising compensation packages for management that include stock and other equity-based or performance based compensation
- International tax considerations
- Issues relating to tax representations and indemnities

A hypothetical case study will be used to aid in understanding the key points and the program is designed to avoid complex tax detail.

Program Chair:
DAVID KAHEN
Roberts Holland LLP

Moderator:
SYDNEY E. UNGER
Kaye Scholer LLP

Faculty:
JAMES S. KAPLAN
Herzfeld & Rubin, P.C.

MARK STONE
Holland & Knight LLP

LOUIS H. TUCHMAN
Kaye Scholer LLP

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

CPE credit:
2 CPE credits in taxation.

Live Program:
$195 Member, $305 Non-member
CURRENT DEVELOPMENTS IN EMPLOYMENT LAW: A YEAR END REVIEW OF HOT TOPICS & RECENT CASE LAW

29 Tuesday, 6–9 p.m.

This program will focus on the most recent developments in this area, covering all areas of employment law, including discrimination, wage payment issues, and the negotiation of employment agreements. A panel of experts will discuss hot topics and recent case law concerning a variety of issues, including:

- Review of Supreme Court employment decisions of the past Term — including reaction to the Court’s decision permitting disparate impact claims under the Age Discrimination in Employment Act — and preview of the Court’s employment docket for the upcoming Term
- Survey of recent employment decisions of interest addressing issues such as gender and age discrimination, wage and hour litigation, and more
- Sarbanes-Oxley whistleblower claims: review of developing caselaw and employer responses
- Evolving practices in executive employment and separation agreements in response to new deferred compensation rules under Section 409
- Recent developments in the use of arbitration and other methods of alternative dispute resolution in connection with employment disputes

Program Chair:
ROBERT N. HOLTZMAN
Kramer Levin Naftalis & Frankel LLP

Faculty:
JOHN J. CANNON, III
Shearman & Sterling
BRIAN S. KAPLAN
Kasowitz Benson Torres & Friedman LLP
ISRAEL E. KORNSTEIN
Salans
ABIGAIL J. PESSEN
Mediator and Arbitrator
Mediation Services

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

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

Special Offer: Save up to $135 by attending this program and Termination of an Employee (November 16th).

Register for both 11/29 and 11/16 Live Programs:
$335 Member, $475 Non-member

ETHICS

ETHICS FOR IN-HOUSE COUNSEL: CURRENT ISSUES

10 Thursday, 6-9 p.m.

This annual ethics program is designed especially for in-house counsel and outside counsel advising their in-house clients. Using a stimulating hypothetical based on real-life experience, a panel of experts will review a variety of important professional responsibility issues that affect corporate counsel on a daily basis. Topics to be discussed include:

- Ethical obligations to the corporation and to corporate employees
- Document retention issues: the impact of Arthur Andersen, Zubulake and Morgan Stanley
- Protecting against waivers of the attorney-client privilege
- “Reporting up” and “reporting out” obligations
- Duties of supervisory and subordinate attorneys

Faculty:
ROBERT J. ANELLO
Morvillo Abramowitz Grand Iason & Silberberg, PC
ALAN BRUDNER
Executive Director
Managing Attorney-Litigation
UBS Investment Bank
ALLAN DINKOFF
First Vice President
& Assistant General Counsel
Merrill Lynch, Pierce, Fenner & Smith, Inc.
RONALD C. MINKOFF
Frankfurt Kurnit Klein & Selz, PC

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

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

Video Replay: CURRENT ETHICAL ISSUES FOR THE ENTERTAINMENT LAWYER

22 Tuesday, 9-12 p.m.

This program focuses on common ethical issues that arise in the area of entertainment law, in particular, conflicts of interest. Experienced practitioners in the entertainment law practice as well as ethicists will examine the myriad of ethical issues that arise in actual day-to-day practice. As a special feature, three hypotheticals will be used to engage participants in an interactive discussion that will highlight typical ethical issues that entertainment lawyers face.

Program Chair:
ROSALIND S. LICHTER
Law Offices of Rosalind S. Lichter

Moderator:
ELIZABETH CORRADINO
Moses & Singer LLP

Faculty:
ANDREW J. GERBER
Attorney Former General Counsel
The Columbia House Company
CHRISTINE LEPERA
Sonnenschein Nath & Rosenthal LLP
DAVID RABINOWITZ
Moses & Singer LLP
ELLEN YAROSHEVSKY
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:
Member $225, Non-member $335
CIRCULAR 230:
WHAT EVERY PRACTITIONER WHO GIVES TAX ADVICE NEEDS TO KNOW ABOUT THE NEW REGULATIONS

30 Wednesday, 8:30-11 a.m.

The regulations governing the conduct of attorneys, accountants and others who practice before the Internal Revenue Service have recently been amended. The new regulations set forth guidelines that attorneys must follow in several situations, including the following areas:

■ advising clients with respect to tax returns
■ providing written advice to clients regarding tax matters
■ furnishing information to the IRS
■ returning client records
■ representing clients with potentially conflicting interests.

The regulations have also revised the types of penalties that can be imposed on practitioners who violate the new rules, including monetary fines, censure, reprimand, suspension and disbarment. This program is a must for any attorney who provides tax advice or represents clients before the Internal Revenue Service.

Program Chair:
RONNI G. DAVIDOWITZ
Katten Muchen Rosenman LLP

Faculty:
MICHAEL J. DESMOND
Acting Treasury Tax Legislative Counsel
Department of the Treasury
Office of the Tax Legislative Counsel

BRYAN SKARLATOS
Kostelanetz & Fink, LLP

MARK STONE
Holland & Knight LLP

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

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

FAMILY LAW

BUSINESS VALUATIONS IN MATRIMONIAL CASES: MASTERING THE NUMBERS II

17 Thursday, 6-8:30 p.m.

Don't miss Part II of our Mastering the Numbers Series which will focus specifically on business valuations. Valuing a business can be one of the trickiest aspects of equitable distribution for matrimonial attorneys. Learn the major techniques involved in business valuations and become knowledgeable in cutting edge issues such as capitalization and discount rates. A leading valuation expert will take you step-by-step through the process of valuing businesses for equitable distribution cases and a prominent matrimonial attorney will present the interplay between the leading cases and the valuation techniques being discussed. The audience will be encouraged to ask questions throughout.

We have created the Mastering the Numbers Series to address the need for matrimonial attorneys to learn the financial aspects of matrimonial cases which can be overwhelming. Although a series, Parts I & II are independent and you are not required to have attended Part I to attend and benefit from Part II.

One satisfied customer referred to Part I as “…the best financial lecture I have attended in 10 years!”

Special Discount Offers
As a special feature, if you attended Part I of the series, Financial Issues in Matrimonial Cases: Mastering the Numbers, which focused on license valuations, we are pleased to offer you a 15% discount to attend Part II. Likewise, if you missed Part I, attendees of Part II are entitled to purchase the tape, CD or DVD for Part I at a 15% discount.

Program Instructors:
MYRNA FELDER
Law Offices of Raoul Lionel Felder P.C.

JAY E. FISCHMAN, ASA, CBA
Financial Research Associates

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

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

HOT TOPICS IN ADOPTION LAW

21 Monday, 6-9 p.m.

This program, for both new and experienced attorneys, will examine some of the latest developments in the field of adoption law. Topics to be discussed include:

■ Barriers to adoption, including gender & age
■ Ethical issues that arise in adoption law
■ Updates on birth fathers, open adoption & the Indian Child Welfare Act
■ The perplexing law of agency sponsored adoption
■ New developments in assisted reproductive technology

A panel of experts will offer practical strategies for dealing with these and other current issues.

Program Chair:
BENJAMIN J. ROSIN
Rosin & Reiniger

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

MICHAEL A. NEFF
Michael A. Neff, P.C

NINA E. RUMBOLD
Rumbold & Seidelman

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

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

HEALTH CARE

Video Replay: HEALTH CARE PROXIES & LIVING WILLS: LEGAL, ETHICAL & MEDICAL ISSUES YOU SHOULD KNOW

28 Monday, 6-8 p.m.

In the wake of the Terry Schiavo case, there has been a significant increase in clients’ wanting to have adequate medical surrogate decision-making in place in the event of incapaci-
ty. Sufficient legal direction as to what actions are to be taken with regard to the withholding of life support as well as other important medical decisions should be in place before and while those decisions become necessary.

This program will explore the legal, ethical and medical components of surrogate decision-making through the use of health care proxies and living wills and will also highlight other important issues that should be considered in planning for the ultimate life decision.

Program Chair:
MATTHEW J. NOLFO
Law Offices of Matthew J. Nolfo

Faculty:
EUGENIA SIEGLER, M.D.
Weill Medical College of Cornell University
Division of Geriatrics and Gerontology

CONNIE ZUCKERMAN, J.D.
Health Care Attorney and
Bioethics Consultant

CLE credit:
2 credits total: 1½ professional practice/practice management & ½ ethics. This video replay does not provide transitional credit for newly admitted attorneys.

Video Replay:
Member $195, Non-member $305

INTELLECTUAL PROPERTY

INTELLECTUAL PROPERTY DUE DILIGENCE IN BUSINESS TRANSACTIONS: COMPLYING WITH MYRIAD LEGAL & BUSINESS ISSUES

3 Thursday, 9-5:15 p.m.

This program, designed for both the general practitioner and experienced intellectual property attorney, will focus on the practical aspects of conducting an effective intellectual property due diligence analysis. The object of intellectual property due diligence is to identify and evaluate the potential strengths and risks associated with the intellectual property and technology rights in a business transaction. Unfortunately, the actual process for conducting an effective intellectual property due diligence analysis is frequently misunderstood, which can result in an inadequate evaluation. The attorney responsible for coordinating the intellectual property due diligence effort must interface with general practice attorneys on the transactional team as well as key business personnel, and accordingly must have sensitivity to both the legal and business considerations pertinent to the transaction. This course will address issues in the distinct fields of patents, trademarks, trade secrets, copyrights and unfair competition, as well as internet issues. Unique issues relating to confidentiality agreements, antitrust evaluations and litigation, both in a national and international forum will also be discussed.

Program Co-Chairs:
DANIEL A. DEVITO
Skadden Arps Slate Meagher & Flom LLP

JAMES J. HARRINGTON
Global Chief, Intellectual Property Counsel
Senior Vice President
Shire Pharmaceuticals
Wayne, PA

Faculty:
WALTER BRATIC
Vice President
CRA International
Houston, TX

KENNETH J. DOW
Assistant Patent Counsel
Johnson & Johnson
Vice President of Patent Law
Centocor
Radnor, PA

BRUCE GOLDNER
Skadden Arps Slate Meagher & Flom LLP

PHILIP M. HAHN
Vice President, Assistant General Counsel
Pfizer Inc.

NIGEL JONES
Linklaters
London, England

JAMES B. KOBAK
Hughes, Hubbard & Reed LLP

S. PETER LUDWIG
Darby & Darby PC

KAREN R. MAYER
Vice President, General Counsel
Penguin Putnam Group USA

BRET I. PARKER
Chief Trademark Counsel & Assistant General Counsel
Wyeth
Madison, NJ

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

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

LAW PRACTICE MANAGEMENT

HOW TO GET & KEEP GOOD CLIENTS & STAY OUT OF TROUBLE

1 Tuesday, 6-8 p.m.

The Golden Rule of Client Relations is dead. The Platinum Rule is here. Learn how to increase client satisfaction and your income while simultaneously avoiding ethics complaints. You may have to change some of the ways you run your practice to get and keep the clients you want while avoiding unsubstantiated ethics complaints. Satisfied clients timely pay their bills, cooperate in the conduct of their matter, come back for additional legal services and refer clients to you. Dissatisfied clients don’t pay their bills, don’t cooperate in the conduct of their matter, don’t come back to you for more services and don’t refer good clients to you. They do file bar complaints.

In New York State 56% of complaints received by disciplinary agencies are summarily dismissed. The lawyer did nothing unethical, but a complaint was filed by an unhappy client. Nationally 51% of bar complaints are summarily dismissed without investigation.

What the client must get from you:

- How to keep the clients informed and avoid the “What’s Happening On My Case?” calls
- Giving the client a road map to prepare the client for what the client will have to do at each stage of the matter
- What the client must get from you at the initial interview to avoid later complaints
- How to listen to the client and assure the client you are listening and interested in the client’s matter
- When and how to discuss and document fees to avoid fee complaints
- How to tell the client the truth when the client’s matter probably won’t be successful and not lose the client
- When & how to get out of a matter where the client does not cooperate or pay their bill

www.nycbar.org
Learn about “Evergreen Trust Accounts” to assure timely payment
Your specific questions will be answered.

Program Chair:
JAY FOONBERG
Bailey & Partners; Author, How to Start & Build A Law Practice; How to Get & Keep Good Clients
This program is part of the New York City Bar’s 2nd Annual Law Practice Symposium: Putting it All Together: The Building Blocks to a Successful Law Firm. Come learn, get useful ideas, CLE credit and participate in the day-long event. See pages 10–11 for details.

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

Live Program:
Member $145, Non-member $245

CLIMBING UP THE CAREER LADDER: GETTING YOUR CONTRIBUTIONS RECOGNIZED

15 Tuesday, 6-9 p.m.

Career management skills are vital to your effectiveness and success, whether you are a practitioner in a large or small firm, a solo practitioner, an in-house counsel, or have moved over to the business side — within a for-profit or non-profit setting.

This program is designed to teach skills and provide insight that will enable you to:

- Build and maintain productive and rewarding work relationships with peers, partners, and clients
- Develop first-rate work habits
- Combine your legal skills with business acumen
- Maximize your impact, and
- Distinguish yourself in a competitive field

The program will include straightforward advice as well as practical exercises and hypotheticals. Come away with a better understanding of how to advance your career.

Program Chair:
ALEXANDRA DURAN, MSW, CSW, JD
Principal & Founder
Career Transitioning

Faculty:
LOUIS M. HABER
Director, Issues Management, Corporate Communications
The McGraw-Hill Companies

WILLIAM A. MAHER
Wollmuth Maher & Deutsch LLP

GAYE C. MONTGOMERY
Senior Assistant General Counsel
Philip Morris USA Inc.

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

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

LEGAL WRITING

PERSUASIVE WRITING FOR LAWYERS

11 Friday, 9-5 p.m.

In all areas of practice, lawyers are continually writing documents to persuade and inspire. Whether in a brief, a memo, a letter, or an article for a client or partner, or an article for publication, the goal is to write clearly, credibly and persuasively. Learn how you can command your reader’s attention and get the results you want. Ensure that the documents you write don’t end up at the bottom of the pile. This workshop will show you how to:

- Write thematically: develop a theme that captures the essence of the dispute & the solution you propose
- Develop strong preliminary statements & conclusions: compel the reader to agree and take action
- Write with continuity or flow: draw connections that keep the reader’s interest
- Develop your statement of facts: make your case on the facts; learn what to highlight and how
- Write in plain English and avoid legal-ese: use clear writing to be more persuasive

Learn the techniques of persuasive writing and inspire even the busiest readers to act!

Co-Sponsored with ALI-ABA

Program Instructor:
CLYDE LELAND
Senior Editor
Leland Communications

CLE credit:
7½ credits in skills. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions.

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

LITIGATION

ENFORCING MONEY JUDGMENTS

18 Friday, 9 - 12 p.m.

You may have won the trial and obtained a final judgment for your client, but your work is not over. A money judgment often must be enforced, whether in federal or state court. An expert faculty will offer practical strategies and an analytical framework for collecting the indebtedness from even “judgment proof” debtors. The emphasis of the program will be on New York State judgments.

Program Chair:
KENNETH M. MOLTNER
Bressler, Amery & Ross P.C.

Faculty:
HON. LUCY BILLINGS
NYS Supreme Court
Bronx County

BRIAN M. COGAN
Stroock & Stroock & Lavan LLP

DAVID H. PIKUS
Bressler, Amery & Ross, P.C.

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

Special Offer: Save up to $135 by attending this program and Practical Trial Skills (December 5th).

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

Register for both
11/18 and 12/5 Live Programs:
$335 Member, $475 Non-member
DEPOSITIONS: BEYOND THE BASICS
30 Wednesday, 6-9 p.m.

If you have conducted depositions of fact witnesses, have a basic understanding of the rules, and are looking to hone your skills in order to deal effectively with difficult witnesses and attorneys, experts, and exhibits, then this faculty of experienced attorneys and a judge will help. Focused on helping you elevate your skills to “the next level,” the course will cover:
- Recent updates in deposition practice
- Special rules and skills for experts and medical malpractice defendants
- The role of cross examination at depositions
- How to handle difficult witnesses and attorneys
- Dealing with exhibits of all kinds

This program will conclude with a judicial perspective on deposition rulings and motions.

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

Faculty:
HONORABLE JOAN B. CAREY
Deputy Chief Administrative Judge
New York City Courts

FRANCIS F. QUINN
Lavin, O’Neil, Ricci, Cedrone & DiSipio

CLIFFORD S. ROBERT
Robert & Robert PLLC

CLE Credit:
3 credits in skills. This program does not provide transitional credit for newly admitted attorneys.

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

TAX & ACCOUNTING

Video Replay: PRACTICAL APPLICATION OF THE RETIREMENT DISTRIBUTION RULES: INCLUDING ANALYSIS OF THE NEW BANKRUPTCY ACT
23 Wednesday, 9-1 p.m.

Many of your clients have accumulated a considerable amount of wealth in their retirement accounts. With proper planning, retirement assets can be preserved for decades for the benefit of your client and his/her family.

A prominent faculty of national instructors will analyze in detail the many rules that you need to know in order to take full advantage of the IRS retirement distribution rules.

This seminar will help you understand the estate planning strategies and income tax techniques that are available in order to protect your clients’ retirement assets. Using practical examples, this seminar will go beyond the basics and supply you with proven strategies that can help preserve these assets.

Given the substantial balances in these accounts, the need to integrate retirement assets into an estate plan has never been more important. This program will show you how you can help your clients take advantage of tax savings opportunities and add value to your most important relationships.

As a special feature, the book “Practical Application of the Retirement Distribution Rules,” by Seymour Goldberg, CPA, MBA, JD, will be distributed at the program as the course materials.

Program Chair:
SEYMOUR GOLDBERG, CPA, MBA, JD
Goldberg & Goldberg, P.C.

Faculty:
MARK L. HULSE
Senior Counsel
Office of Chief Counsel
Internal Revenue Service

MARVIN R. ROTENBERG
National Director of Retirement Services
Retirement Solutions Group
Bank of America

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

Video Replay:
$245 Member, $345 Non-member

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

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

Cancellations & Refunds
For live programs and video replays, refunds and program credits are available provided cancellation is made in writing and received by the City Bar Center prior to the program. A $25 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing and faxed to the City Bar Center at (212) 869-4451.

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

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

Is there a program you would like to attend or a speaker you would like to hear? Please contact the City Bar Center with your suggestions.
## NOVEMBER 2005

### CLE REGISTRATION FORM

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| CLIMBING UP THE CAREER LADDER: GETTING YOUR CONTRIBUTIONS RECOGNIZED | November 15 | |

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<th>TERMINATION OF AN EMPLOYEE: AVOIDING LITIGATION</th>
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### ALL REGISTRATIONS MUST BE PREPAID BY EITHER CREDIT CARD OR A CHECK MADE PAYABLE TO: CITY BAR CENTER FOR CLE OR NEW YORK CITY BAR

| Name | |
| Address | |
| City | State | Zip |
| Phone | Total Enclosed $ | |

Please charge to my [ ] Mastercard [ ] Visa [ ] American Express

| Card Number | Exp. Date | |
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LEADERSHIP AND ACCOUNTABILITY: ESSENTIAL INGREDIENTS FOR SUSTAINABLE CHANGE

Strong leadership is critical for creating lasting change in organizations and establishing an inclusive work environment. Yet, leadership is an elusive element posing challenges for individuals and organizations uncertain about how to cultivate diversity leaders. In addition, many organizations struggle with how to meaningfully hold leaders and managers accountable for diversity efforts, particularly within a partnership structure.

In June, the Association presented two diversity events. On June 2nd, the New York City Bar hosted a roundtable discussion attended by 17 managing partners from leading law firms. Philip Laskawy, the former chairman of Ernst & Young, and Deborah Holmes, Americas Director of the Center for the New Workforce at Ernst & Young, shared their experiences as architects of the firm’s women’s retention initiative. Later that month, at the 2nd Annual Diversity Symposium, Ms. Holmes was joined on a panel by: Edwin Bowman of Skadden, Arps, Slate, Meagher & Flom LLP; Amy Schulman of DLA Piper Rudnick Gray Cary; and P.D. Villarreal of Schering Plough.

Essentials for Diversity Leadership

It is important to recognize that leaders can be found throughout the organization, and successful diversity efforts empower and cultivate champions at all levels. However, it is particularly important for the senior leadership to be seen as true leaders of a diversity effort. Diversity training and executive coaching can be mechanisms for setting the expectations of each leader’s role with respect to the overarching diversity initiative. Participants in the two events shared key leadership actions to foster a successful diversity effort:

1. Listen and learn

To be an effective leader it is important to understand the challenges faced by different groups in your organization. These barriers often go unnoticed by members of a majority group who have never experienced being an outsider in their profession. Regularly reach out to a diverse array of attorneys by hosting coffees and candid conversation with a rotating selection of attorneys. Leaders can also seek out “reverse mentors,” who they feel comfortable with, to help them understand firsthand the experiences of someone from a different background in the organization.

2. Regularly communicate the importance of diversity

Successful diversity efforts have leaders who discuss the importance of diversity every chance they get, communicating their commitment to diversity through speeches, newsletter articles, memos, remarks at meetings and even during casual conversations. Leaders can be instrumental in helping others understand the connection between firm performance and progress on diversity. Furthermore, it is beneficial for leaders to acknowledge and reward those who contribute to diversity efforts.

3. Be a role model

Leaders “walk the talk.” It is not just what leaders say, it is how they act that signals whether diversity is truly important at the firm. For example, leaders can demonstrate that mentoring is valued by personally mentoring someone from a different background. In addition, it is powerful for leaders to openly and honestly discuss how they manage their work and personal lives. A managing partner at the June 2nd roundtable discussion described how a firm leader went to see his son’s soccer game after a 2 p.m. meeting, knowing that his colleagues would assume he was going to another meeting. Later, he realized that he should be honest about where he was going to set the example that flexibility is possible.

4. Invest

As with any important initiative, resources are necessary to make change. Hiring qualified diversity professionals, retaining an external consultant to conduct interviews and surveys of attorneys, and providing annual training sessions are all significant expenditures that are essential to successful diversity efforts. In addition, providing scholarships, sponsoring minority bar associations, and hosting diversity receptions are important ways to recruit diverse talent.

5. Hold yourself and others accountable for diversity

Holding leaders accountable for diversity within the partnership model is a significant challenge, particularly with respect to tying partner compensation to diversity efforts. However, accountability is an evolutionary process, beginning with systematically making the case that diversity was beneficial to the firm’s and individual partner’s bottom-line. When individual partners are not participating, the managing partner can make a personal call to urge them to fulfill their diversity obligations. From the top down, starting with the management committee, compensation can be tied to management issues, including the recruitment, retention, and advancement of diverse talent. However, it is essential that effort, not just numbers, is rewarded.

To learn more please visit our Web site at www.nycbar.org or contact Meredith Moore, director of the New York City Bar’s Office for Diversity at mmoore@nycbar.org.
President Vladimir Voronin of the Republic of Moldova was a guest of the Association for a dinner on September 15th. President Voronin discussed the conflict in the separatist area of Transdneistria, which was the subject of a recent mission to the region by the New York City Bar’s Committee on European Affairs. Pictured with President Voronin (left) are Association President Betsy Plevan and Mark Meyer, chair of the Committee on European Affairs.

Association Seeks Candidates for 2006-07 Nominating Committee

The Association’s Executive Committee is responsible for proposing 10 Association members to seek election to the Nominating Committee for 2006-07. The top five vote-getters will serve on the Nominating Committee, and the Executive Committee will appoint two additional people to fill out the seven-member committee.

If you wish to recommend someone to be considered for election to the Nominating Committee, please send your recommendation to the Executive Director’s Office, New York City Bar Association, 42 West 44th Street, New York, NY 10036; or by e-mail to rnelson@nycbar.org.

Save the Date

The Association’s Annual ‘Pass the Bar’ Celebration!

Thursday, December 8; 6:00 – 8:00 p.m.

Please join the newest admittees and their colleagues and mentors who wish to toast their professional achievement. For more information, please call (212) 382-6767.

Health Savings Accounts

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

As an employer faced with rising medical premiums each year, it’s time to change your strategy. By implementing a High Deductible Health Plan and Health Savings Account (HSA), you can fight back. And you can use some or all of your first year’s premium savings to help fund your employees HSA to get them started. They get the benefit of provider choice and tax benefits while you benefit by reducing your expenses.

Among the benefits:

- Contributions to a health savings account are tax deductible and earn tax-free interest*
- Contributions may be made by an individual, an employer or both
- Amounts in an HSA belong to the individual and are fully portable
- Unused amounts in the account at year end remain available for future years
- Distributions are not taxed if used for qualifying medical expenses

For more details on high deductible health plans, call Marsh Affinity Group Services at 888-88-ABCNY (888-882-2269) or e-mail ABCNY.Insurance@marsh.com. For more information on HSAs, visit www.MarshAffinity.com.

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mention code 203592.
Navigating your way down a career path, or even finding one, can be a daunting task for many lawyers. It can be especially hard for the midlevel attorney who often spends so many hours working that there is little or no time to think about future goals and the steps to attain them.

Speaking to an audience of more than 100 young attorneys at the City Bar’s Professional Development Breakfast Workshop, titled “Achieving Professional Satisfaction and Success,” Susan Manch of Shannon & Manch LLP urged participants to make career planning a priority and take time out to think about it.

"Firms’ expectations for midlevel associates go beyond mastering the work product," she said. "Firms want to see midlevel associates show entrepreneurial spirit, take ownership of projects, and demonstrate an ability to supervise."

Achieving career success and satisfaction is a step-by-step process, says Manch. "First determine what it is that you want to do, then lay out and implement a plan that will get you there. Be mindful the entire time of the need to be flexible in adapting your plan along the way," she said.

For young attorneys, often the most difficult questions to answer are: What do I want to do? and, Where do I see myself in 10 years? To help participants answer these questions, Ms. Manch asked them to think about a great day at work. "What was it that made it great? What can be done to have more days like that?" Equally important is to think about what drives your career. "Is it interesting work, financial reward, opportunity for promotion, the ability to achieve a work-life balance?" Thinking these questions through can help provide a clearer understanding of what your career goals might be, she said.

Create a Career Plan

With personal and profession goals in place, it is time to begin to put together a career plan and develop strategies to meet these goals and enjoy career satisfaction and success along the way. New attorneys should start to lay the groundwork, inside and outside their work environment.

Forming positive interpersonal relationships and building a network are key, according to Ms. Manch. "Make sure to maintain past relationships, especially with law school friends or previous employers; it is as important as building new relationships."

Manch also advised participants to seek out mentors at work and though participation in outside groups, such as bar associations or pro bono organizations. She reminded the audience that more than 80 percent of jobs are never listed in classifieds or with headhunters, proving the adage that it is often who you know. These outside activities not only build relationships, they build skills as well.

Attorneys should identify their strengths and weaknesses, and work to maximize their strengths. By maximizing the impact of your legal and technical expertise you may more easily achieve the success you desire at work. You also need to benchmark yourself and gauge how you stack up against other members in your class.

Most firms have a formal evaluation process in place. You should not treat this cavalierly. Seek feedback and make the most of the insights, both positive and negative.

Be a Self-Starter

Workshop participants were advised not to sit back and wait for work to come their way. Know what work is available and seek assignments that show off your abilities, while still advancing your skills.

Find out what skills and behaviors your office values and exhibit these attributes at work. It is important to be mindful, however, that your firm’s expectations will likely change as you move ahead. The skills valued in a junior associate are different than those valued in a more senior associate.

Using these tools can assist you down a path to partnership, as well as to other positions with a firm, in-house, and in any other legal setting.

In summing up, Manch recommended that a career plan be treated as a work in progress. "Make sure to review your plan at least four times a year to see what has been achieved and what areas still need work, and then make adjustments. By developing a meaningful plan young attorneys can focus on their goals and seize control of their career."

For more information on the Professional Development Breakfast Workshops and a complete schedule of upcoming sessions, please visit www.nycbar.com.

Susan Manch, guest speaker at the Association’s Professional Development Breakfast Workshop on September 30th, advised more than 100 young attorneys on how to create a career plan and to develop strategies that will help them achieve their career goals.