UNIFORMITY IN THE DISCIPLINARY PROCESS

By Barry Kamins, President

The legal profession is the only profession in New York State that is not regulated uniformly on a statewide basis. In addition, New York is the only state in the country in which attorneys are disciplined in a less than uniform manner. Pursuant to the Judiciary Law, the Appellate Division has the responsibility of regulating the conduct of attorneys. Unfortunately, in fulfilling this responsibility, the four Departments have promulgated rules that have not been uniform in nature. It has been argued that this lack of uniformity creates an appearance of unfairness and disparate treatment of attorneys that does not serve to enhance the image of the disciplinary process.

The four Departments differ on a number of issues, including suspension of attorneys, reinstatement, and disbarment. In addition, our eight statewide Grievance Committees impose sanctions with varying names and they also impose sanctions with the same names, but which are different in nature and consequence.

Recently, the City Bar Association submitted a recommendation to the Appellate Division, First Department, that may serve to harmonize the formal approach taken by all four Departments towards attorneys suffering from dependencies on alcohol, substance abuse, or certain mental health conditions. Unfortunately, these health issues have been steadily increasing within the profession. According to a recent ABA study, the incidence of depression and substance abuse among attorneys is significantly higher than in the general population and out of 105 occupations, lawyers rank first in suffering from depression.

Over the past 10 years, the City Bar has, on several occasions, recommended a uniform court rule that would provide diversion from the disciplinary process for attorneys with substance abuse problems. Beginning in 2003, the Second, Third, and Fourth Departments adopted rules that establish diversion programs for attorneys suffering from alcoholism or other substance abuse or dependencies. These rules followed the recommendations of the Bellacosa Commission that was created by Chief Judge Kaye to assist attorneys with certain disabilities. While some of the details differ in the rules, essentially, the attor-

SOUTH AFRICAN VISITING LAWYER PROGRAM ENTERS ITS FIFTH YEAR

For Zintle Mjali, the law has always been a bit personal. A young commercial lawyer in Johannesburg, Ms. Mjali first became interested in the law as a girl when her uncle was murdered and the culprits were never brought to trial. Ms. Mjali decided then that she wanted to attend law school and make a difference in South Africa’s legal system.

"When I walked into my first [law] lecture, I knew I had made the right decision and have never looked back since," Ms. Mjali said.

In September, Ms. Mjali joined five other talented black commercial lawyers in New York as part of the fifth class of the Vance Center’s South African Visiting Lawyer Program (SAVLP). The six fellows — Ms. Mjali, Yolande Kleinhsans, Velile Memela, Trudy Moshoodi, Monwabisi Zukani and Sibusiso Zungu — will spend the next year at major law firms and corporate legal departments in New York, sharpening their legal skills and building their resumes before returning to their firms in South Africa. Participating firms and companies include: Cleary, Gottlieb, Steen & Hamilton; Kirkland & Ellis; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Weil, Gotshal & Manges LLP; Mayer, Brown, Rowe & Maw LLP; and Merrill Lynch.

While each of the fellows is driven by different interests and experiences, each arrives in New York with a commitment to use his or her training to help other young black lawyers in South Africa advance in the commercial world.

"When one is empowered one is placed in a better position to impart knowledge and empower other black attorneys and motivate them to pursue developing expertise in [commercial practice]," Ms. Moshodi said.

The SAVLP was founded by the Vance Center in 2002 as an intensive one-year program for South African
African Affairs

International Human Rights

Letter to the president of Zimbabwe expressing concern that the Law Society of Zimbabwe (LSZ) is being subjected to government-sponsored attacks for its work to protect lawyer-client confidentiality, the independence of the legal profession, and the independence of the judiciary. The letter urges that President Mugabe publicly denounce the attacks on the LSZ and act to ensure the independence of the bar and the judiciary and the safety of the LSZ and its members.

Civil Rights

Amicus Brief: ACLU v. Department of Defense (U.S. Court of Appeals, Second Circuit). The brief argues that the government’s invocation of Exemption 7(F) of the Freedom of Information Act (FOIA) as the basis for refusing to disclose 21 images depicting mistreatment of people detained by the U.S. government in Iraq and Afghanistan (the “Detainee Abuse Images”) is not appropriate. The brief disputes the government’s contention that withholding of the Detainee Abuse Images is justified because their depictions of abuse and mistreatment of Iraqi prisoners reflect such egregious misconduct by government personnel that they would, if released, pose a grave risk of inciting violence and riots. The consequences of government misconduct, the brief argues, cannot be a basis for withholding evidence of the misconduct from the public.

Letter to Congress urging opposition to three bills that would substantially amend the Foreign Intelligence Surveillance Act by authorizing the president to conduct warrantless surveillance of U.S. citizens without any meaningful judicial oversight. The bills (S. 2453, S. 2455, and H.R. 5825) would result in the elimination of the role of Congress and the courts and fundamentally undermine the system of separation of powers and checks and balances.


The brief argues that the government’s invocation of the state secrets privilege in response to this and numerous other lawsuits challenging illegal government activities threatens to undermine the rule of law and the role of the courts and legislature. The brief also argues that the invocation of the state secrets privilege in these circumstances is unwarranted because the administration’s public statements provide all the information needed to determine the illegality of the NSA Surveillance Program.

Civil Rights

Education and the Law

Amicus Brief: Campaign for Fiscal Equity, Inc. v. Patink, filed in the New York State Court of Appeals, urges that the court issue a clear and precise order to ensure that the legislature and executive promptly remedy the constitutional deficiencies in funding for New York City’s public schools. The court, the brief argues, should specify the dollar range of the operational funding needed to provide New York City schoolchildren with a sound basic education. The doctrine of separation of powers is not a bar, the brief argues, when, in this case, the political branches ignore the court’s directives to remedy constitutional violations and the vindication of fundamental constitutional rights are unreasonably delayed. The brief examined school funding cases in other states, and shows that decisive court action is necessary to achieve the remedy the courts prescribe.

Financial Reporting

Letter to the SEC providing comments on the proposal to develop additional guidance for management regarding its evaluation and assessment of internal control over financial reporting (ICFR). The letter supports the notion of additional guidance as it would be an important part of establishing an approach to the implementation of Section 404 of the Sarbanes-Oxley Act, and it would produce disclosure that is more useful to investors.

Futures Regulation

Letter to the Commodity Futures Trading Commission expressing support for the proposal to amend the rules governing advertising by commodity pool operators and commodity trading advisors, which would make explicit that the commission’s advertising rules are equally applicable to electronic media presentations and to traditional media. Though the letter argues that this proposed change is consistent with other initiatives to modernize the commission’s rules to reflect current technological changes that affect the futures industry, it outlines several clarifications that would make the rules more effective.

International Human Rights

Letter to the President of the Maldives expressing concern that the trial of Mohamed Nasheed, who was arrested and detained on charges of terrorism and acts against the state, has not comport with international standards as defined in the International Covenant on Civil and Political Rights.

International Trade

The Ramifications of the Port Security Legislation on Trade and National Security, examining the provisions that should be incorporated into any port security legislation and frames them in the context of the applicable World Trade Organization agreements. The report also identifies the potential consequences any such legislation might have on foreign direct investment and national security and urges Congress to consider these factors when enacting any port security legislation.

Lawyers Assistance Program

Professional Discipline

A Proposal for Adoption of a Diversion Rule for Lesser Misconduct Related to Alcohol/Substance Abuse or Mental Health Condition. The report recommends that the Appellate Division, First Department, establish a diversionary program for lawyers suffering from alcohol or substance abuse or a mental health condition, and proposes a draft rule along with commentary. Offering diversion, treatment and monitoring for lesser misconduct related to a mental health condition or alcohol or substance abuse, the report argues, is consistent with the best interests of the profession and the public and is already in place in other jurisdictions.

Military Affairs and Justice

Letter to Congress urging opposition to the administration’s proposed Military Commissions Act of 2006 (the “Act”). The Act, the letter argues, does not follow the Supreme Court’s recent ruling in Hamdan or the United States’ obligations under the Geneva Conventions. Rather the Act undercut the United States’ role as the chief propellant of human rights and the rule of law around the world.

Non-Profit Organizations

Letter to the Attorney General’s Office endorsing the Attorney General’s Legislative Program Bill #63-05, which would amend New York’s Executive Law regarding the solicitation of charitable contributions, and enhance the available enforcement actions to prevent fraudulent charitable solicitations.

Reports are available on the Association’s website, www.nycbar.org, or by calling 212-382-6624.
Over 20 committees in the Association address financial, business and tax issues. They are on top of current developments, and their comments on pending regulations and legislation are given substantial weight by policy makers. They also present important public and continuing legal education programs, and meet often with government officials, who seek to draw on the committees’ outstanding expertise. Here are some examples of the recent work in these areas, all of which can be found on the Association’s website, www.nycbar.org.

Insurance Law

Our Insurance Law Committee (Kathleen M. Golden, Chair) commented on proposed legislation that would have expanded the current regulation of sales of life insurance policies to cover “life settlements”, policies insuring persons who are not critically ill (critically ill people already may sell their policies). If enacted, persons would be able to sell their policy prior to their death for a cash value that, while lower than the policy’s face value, is greater than the cash surrender value. These policies are available in 27 states but not yet in New York. In examining the legislation to establish so-called “viatical settlements” in New York, the Committee expressed its general support for having legislation of this type but noted concerns that the legislation unduly restricted insurance policy owners from transferring an interest in the policy, thus unfairly reducing the policy’s value. With appropriate safeguards, there should be a secondary market for these policies from which consumers can benefit.

Information Technology

Open source software has been a major topic on the agenda of the Committee on Information Technology (Kenneth M. Dreifach, Chair). The Committee recently sent comments to the Free Software Foundation on the draft of Version 3 of the GNU General Public License, perhaps the most important form of license utilized in distributing open source programs. The thrust of the Committee’s comments is that the ambiguities that were present in Version 2 of the License should be clarified. While proponents of open source software are often wary of developing mechanisms that allow users to exercise proprietary rights over the enhancements they develop, the stakes are too high to subject licensees to uncertainty as they proceed to develop new programs.

Corporation Law

The Association has for many years opposed provisions in the Limited Liability Company Law and Partnership Law that establish publication requirements for newly-formed entities. The Corporation Law Committee (Arnold J. Levine, Chair) addressed the latest in a series of proposed bills on the topic. This measure would impose joint and several liability on members or limited partners should an entity fail to comply with publication and filing requirements in a timely manner. The Committee opposed the provision as far out of proportion to the problem to be remedied; indeed, the Committee continued to question the wisdom of the requirement, in this Internet age, that entities be compelled to publish notices in local newspapers.

Futures and Derivatives Regulation

The Committee on Futures and Derivatives Regulation (Michael S. Sackheim, Chair) commented on the Commodity Futures Trading Commission’s proposal addressing advertising by commodity pool operators, commodity trading advisors, and their principals. The Committee was generally supportive of the proposals, which clarified and modernized the Commission’s advertising rules, though the Committee recommended several additional clarifications that would be worthwhile.

Financial Reporting

Our Committee on Financial Reporting (Norman D. Slonaker, Chair) continues to evaluate financial reporting policies and practices triggered by the Sarbanes-Oxley Act. In its latest submission to the Securities and Exchange Commission, the Committee responded to the SEC’s request for guidance regarding its evaluation and assessment of internal control over financial reporting. In view of the substantial costs and effort faced by companies in implementing the internal control procedures of Section 404 of the Act, the Committee welcomed additional guidance in this area, noting a variety of issues, including the inappropriateness of a “one-size-fits-all” approach, the value of using on-going monitoring controls where feasible, and the need to make controls more efficient.

Securities Regulation

Disclosure requirements for executive and director compensation and related issues were the subject of comments submitted by our Committee on Securities Regulation (then chaired by Matthew J. Mallow; now chaired by Adele Hogan) to the SEC. The Committee made a number of comments on the SEC’s efforts to update its rules in this area, addressing materiality requirements, shifting some items from mandatory to suggested disclosures, compensation decision-making, related party transactions and the disclosure of standards for determining whether a director is independent.

Taxation of Business Entities

Our Taxation of Business Entities Committee (Mark Stone, Chair) submitted comments to the Internal Revenue Service with regard to service arrangements between partnerships and partners and their application of Section 409 of the Internal Revenue Code. The Committee noted that the regulations accompanying Section 409, which was enacted to address certain perceived deferred compensation abuses, do not cover arrangements between partnerships and partners, and that the Treasury Department was now seeking comments in this area. In its submission, the Committee addressed certain issues relating to compensation, options, an exception to the short-term deferral rule in the case of a constructive termination of a partnership, and a possible safe harbor for determining whether there has been a “change in control” of a partnership.

Employee Benefits

Litigation regarding employee stock ownership plans is the subject of a report by the Committee on Employee Benefits (then chaired by Andrea S. Rattner and now chaired by Marjorie M. Glover). The report addressed the situation where a corporation’s retirement program is heavily invested in the stock of the corporation. The law regarding fiduciary responsibility and plan governance in this situation is not settled, which leaves fiduciaries (whether individual or institutional) uncertain as to the risks of serving in that capacity. The report identified important legal issues and made recommendations with regard to how the law in this area should evolve.
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Senior Vice President–Investments
Private Wealth Advisor
Advisory & Brokerage Services
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Mutual fund prospectuses may be distributed at the seminar. For more complete information about a fund, including the investment objectives, charges, expenses and risk factors, contact us for a prospectus. The prospectus contains this and other important information that you should read and consider carefully before investing. The value of funds will fluctuate.

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SOUTH AFRICAN LAWYERS... CONTINUED FROM PAGE 1

commercial lawyers from historically disadvantaged backgrounds. Though they compose the overwhelming majority of the population, black lawyers only make up about a quarter of the legal profession in South Africa. An even smaller percentage of black South Africans go into commercial practice, and most corporate firms continue to be white-led and white-owned.

The SAVLP aims to help rectify these disparities by giving emerging black commercial lawyers the opportunity to learn from the best legal practitioners in New York. 19 lawyers have participated in the SAVLP, and the benefits of the program are already visible, said Loretta Lynch, a partner at Hogan & Hartson LLP and a Vance Center committee member.

Two past fellows have already made partner at their firms while others have gone into jobs in public policy or business, Ms. Lynch said. Former fellows have also begun to develop an SAVLP alumni network in South Africa to reach out to new fellows returning from the United States.

"The first impact of the program comes with providing training to the fellows, but the larger impact of this program is to open up South African firms to the best New York firms so that they can really work on an international level and be competitive," Ms. Lynch said. "Ten to twenty years from now, when these fellows are major policy makers, they will remember having benefited from this program."

As the Vance Center welcomes the incoming fellows, it is preparing to say goodbye to its current SAVLP class. The 2005-2006 fellows include: Nontuthuzelo Made at O’Melveny & Myers LLP; Meluleki Nzimande at Skadden, Arps, Slate, Meagher & Flom LLP; Nzame-Bulungisa Ntombeko Qokweni at Shearman & Sterling LLP and Morgan Stanley; and Niombizodwa Zenzile at Weil, Gotshal & Manges LLP.

"The SAVLP provided me with exposure I wouldn’t otherwise have," Ms. Made said. "You get to make connections with lawyers from around the world and you develop a network of potential clients and lawyers you can someday call on for help. It’s a program that will really broaden you."

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Pro Bono Goes Global

Marshaling the skills and expertise of private bar lawyers in the United States, the Vance Center’s Global Clearinghouse provides research, technical assistance, and direct legal assistance to advocates across the globe working on access to justice. The Clearinghouse refers amicus work, analytical legal research, public interest litigation and technical assistance projects to bar associations, law firms, corporate legal departments, law schools and NGOs. For more information and examples of projects visit:


If you are interested in working on international pro bono projects please send an email to:

Elise Colomer Grimaldi
Associate Director
Cyrus R. Vance Center for International Justice Initiatives
vance@nycbar.org

South African Visiting Lawyers

Top row, left to right: Monwabisi Zukani, Sibusiso Zungu
Bottom row, left to right: Trudy Moshodi, Zintle Mjali
Not pictured: Yolande Kleinhans and Velile Memela
1 Wednesday, 8:30 am–4 pm

3RD ANNUAL LAW PRACTICE MANAGEMENT SYMPOSIUM — GROWING A VIBRANT LAW PRACTICE

See pages 22 and 23 for details.

2 Thursday, 6 pm

AVOID COMMON FIRST YEAR PITFALLS: LEARN TO NAVIGATE THE CHOPPY WATERS OF YOUR FIRST YEAR FROM ASSOCIATES AT THE CITY’S LARGEST LAW FIRMS

We will discuss and provide tips on: managing your officemate, preparing for your first business trip, handling your first client dinner and many other “firsts” that you are bound to encounter. Do not go through your first year unarmed!

Moderator:
JULIA HERR SMITH
President, Esquire Prep, LLC

Speakers:
JOSH SUSSBERG
Weil Gotshal & Manges LLP

MORRIS MASSEL
Willkie Farr & Gallagher LLP

JESSICA COHEN
Skadden Arps Slate Meagher & Flom LLP

MEGHAN McCURDY
White & Case LLP

FLORENCE BEAUBOEUF
O’Melveny & Myers LLP

Registration by October 30 is necessary. The fee, which includes refreshments is $10. Please register online at www.nycbar.org

3 Friday, 6 pm

FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION

THE TONAL CENTER TRIO: “CONCERT COLLAGE”

This recital will include works by Piazzolla, deFalla, Fusco, Massenet, Bach, Vaughan Williams, Villa-Lobos, and other modern composers with Adam Berkowitz, Clarinets; Tiffany Du Mouchelle, Soprano and Stephen Solook, Percussion.

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

6 Monday, 12:30 pm

LUNCHEON WITH JUDGE SIDNEY STEIN

The Litigation Committee is pleased to announce another luncheon in its very popular luncheon series with a Judge. This luncheon with Hon. Sidney Stein of the Southern District of New York promises to be both enlightening and entertaining. To facilitate the discussion, we are intending to limit the total number of attendees to approximately 35 so please RSVP as soon as possible if you are interested in attending.

Speaker
HON. SIDNEY STEIN
United States District Judge, Southern District of New York

Seating is limited, registration by November 1 is necessary. The fee, which includes lunch, is $30 for members of the New York City Bar Association; $35 for non-members. Please register online at www.nycbar.org.

6 Monday, 6:30–9 pm

HISTORY & DEVELOPMENT OF ISLAMIC LAW

Jurisprudence, usul al-fiqh, is a cornerstone of Islamic studies. Starting with the Quran itself, law and theology are intrinsically intertwined for both the Sunni and Shi’a schools of legal study. This program presents what may be the most distinguished panel of academic Islamic law scholars ever available to the public in the Western Hemisphere. The topics will cover the background and fundamentals of Islamic jurisprudence as well as the causes and basics of the Sunni-Shia schism.

Moderator:
ROBERT E. MICHAEL
Chair, Committee on Foreign and Comparative Law

Speakers:
BERNARD K. FREAMON
Professor of Law, Seton Hall Law School

MARK D. WELTON
( LT. COL., RET.)
Professor of International and Comparative Law, United States Military Academy, West Point

ROY P. MOTTAHEDEH
Gurney Professor of History, Center for Middle Eastern Studies, Harvard University

For more information, please contact Robert E. Michael at 212-758-4606 or rema@walrus.com

8 Wednesday, 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

Please register online at www.nycbar.org.

9 Thursday 6:30 PM

PUBLIC FORUM: PEOPLE V. GILLETTE

An exploration of the 1906 case, People v. Gillette, on which Theodore Dreiser’s epic 1925 novel, An American Tragedy, was based.

HON. JUDITH S. KAYE
Chief Judge of the State of New York

PROFESSOR
SUSAN N. HERMAN
Brooklyn Law School

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Corporate carbon emissions, investor pressures through shareholder resolutions and investment choices upon corporations to behave responsibly, and perspectives on whether and how investment focused on corporate social responsibility is accelerating the growth of renewable energy.

Please Note: This program will take place at Baker & McKenzie, 1114 Ave. of the Americas (6th Ave.), Manhattan.

Speakers:
- MICHAEL GERRARD
  Arnold & Porter LLP
- JEFF SMITH
  Cravath Swaine & Moore LLP
- LESLIE LOWE
  Director of Energy & Environment, Interfaith Center on Corporate Responsibility

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

15 Wednesday, 3, 5 & 8 pm
16 Thursday, 5 & 8 pm

REGIONAL ROUNDS OF THE 57TH ANNUAL NATIONAL MOOT COURT COMPETITION

The 57th Annual Moot Court Competition presents two issues not yet decided by the U.S. Supreme Court. First, does the Fourth Amendment permit police officers during a stop based on reasonable suspicion to request consent to search a suspect after the initial purpose of the stop is completed? And, two, does the Fifth Amendment require that Miranda warnings include an express reference to the right to have an attorney present specifically during interrogation?

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;
- New York University School of Law;
- 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

16 Thursday, 12:30-2 pm

SMALL LAW FIRM LUNCHEON

PROMOTIONAL ITEMS AND YOUR “LOOK” AS PART OF YOUR MARKETING PLAN

This is the third of the three parts in the Marketing Series. While appearance is not necessarily an accurate indicator of the quality of your work, first impressions do count. What does your firm’s look from letterhead to holiday greetings to promotional items say about you and does it matter? What items do people keep and use and will that translate to more business for your firm?

Our speaker will discuss some of the different possibilities for getting your message across with your look and what will work for your objectives.

Moderator:
- MAIA T. SPILMAN
  Law Office of Maia T. Spilman

Speakers:
- DEBBIE BIELORY
  Sales Director for Advantages

Registration by November 10 is necessary. The fee for the luncheon is $25 for members and $35 for non-members. Please register online at www.nycbar.org.

Supported by LexisNexis.
ELDERLAW PROJECT PRO BONO TRAINING

This is a two-part training. The Elderlaw Project provides low-income seniors with free legal services in various areas of law, including health care directives, wills, consumer issues and public benefits. At this orientation and training program volunteers will learn how to prepare simple wills, health care proxies, living wills and powers of attorney; receive an overview of benefits for seniors; and instruction in consumer debt advocacy and the preparation of Medicare Part D appeals.

Attorneys who attend the training are expected, within one year, to accept three case assignments, or prepare and execute two basic wills for a homebound senior, or assist a senior with one appeal or benefits hearing. In the event that an attendee fails to satisfy the volunteer requirement, he or she will be charged for the cost of the training ($375 for members, $515 for non-members). Discount price for government/academic/public interest attorneys). CLE credit will be provided. Credit breakdown TBA.

Moderator:

VIVIENNE DUNCAN
Program Director, Elderlaw Project, City Bar Justice Center

To register, please mail to: City Bar Justice Center – Elderlaw Project, 42 West 44th Street, New York, NY 10036. Spaces are limited and are filled on a first-come, first-served basis. For more information, please contact Luz Laulo, Coordinator, at: llaulo@nycbar.org.

27 Monday 6:30 pm.

CELEBRATION OF THE TENURE OF JUDGES GEORGE BUNDY SMITH AND ALBERT ROSENBLATT ON THE NEW YORK STATE COURT OF APPEALS

A reception recognizing the many accomplishments of these two retiring judges from the New York State Court of Appeals. Judge Rosenblatt served on the state’s highest Court since being appointed by Governor Pataki in 1998, and Judge Smith served since his appointment by Governor Cuomo in 1992. Join us in a celebration of their outstanding service to New York State.

Please register online at www.nycbar.org.

28 Tuesday, 6 pm

THOMAS E. DEWEY MEDAL PRESENTATION

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

Moderator:

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

30 Thursday, 6-9 p.m.

ACQUIRING ART AND ANTIQUITIES: WHAT EVERY SELLER AND ACQUIRER MUST KNOW

Conflicts over who owns art and antiques are very much in the news these days. This program will provide an overview of the issues attorneys, dealers, collectors, museum officials and curators, and others need to be aware of when they are involved in international transactions in art and antiques. The program will provide an overview of U.S. laws governing the purchase/sale/import/export of art and antiques, the impact of foreign source countries’ patrimony laws and issues related to establishing the provenance of art and antiques, and a discussion of real life examples of how these laws and provenance issues have impacted transactions involving the importation of art and antiquities into the U.S.

Moderator:

JEROME L. HANIFIN
Serko Simon Gluck & Kane LLP

Speakers:

PATTY GERSTENBLITH
De Paul University College of Law

SHARON COTT
General Counsel
Metropolitan Museum of Art

JAMES MCANDREW
Senior Special Agent
U.S. Immigration and Customs Enforcement

SHARON COHEN LEVIN
Chief, Asset Forfeiture Unit
United States Attorney’s office for the Southern District of New York

MICHAEL J. MCCULLOUGH
Associate Compliance Counsel
Sotheby

DEAN R. NICYPER
Flemming Zulack Williamson Zauderer LLP

HOWARD N. SPIEGLER
Chair, Art Law Committee
Herrick, Feinstein LLP

Please register online at www.nycbar.org.
This September, the New York City Commission for Economic Opportunity released a report containing some surprising statistics about New Yorkers living in poverty. In its report Increasing Opportunity and Reducing Poverty in New York City, the Commission found that in 46% of households living beneath the poverty line, the head of household was working—a marked increase from only 29% in 1990.

Currently, more than 1.5 million people, or 19% of New Yorkers, live below the poverty line, and many more are constantly on the verge of slipping into poverty, since another 19% of the city’s residents earn less than 200% of the poverty level.

These disturbing statistics make it dramatically clear that in New York City, working hard doesn’t necessarily mean an escape from poverty and want. A growing number of people can be classified as the “working poor”—those who can’t seem to make ends meet despite steady employment.

The City Bar Justice Center works to provide assistance to this working poor population, which often faces serious legal issues that may not be addressed by typical legal services programs.

The Cancer Advocacy Project, for example, strives to meet the unique needs of low-income people who are working when they are diagnosed with cancer.

### Cancer Advocacy Project

According to Program Director Laura Mosiello, the project often deals with working poor clients who don’t make enough to cover their medical expenses, but who are just over the income limits for programs like Medicaid. Many times a low-wage job won’t provide health insurance, or the insurance coverage is inadequate or non-existent, says Mosiello. “It’s a situation where in a way some clients are better off when they don’t work, which is really awful.”

The client lost her opportunity to receive transitional health insurance after she lost the job because all of the forms were sent to the wrong address. By the time she reached out to the Justice Center, she didn’t think she had any rights in the situation. She did have proof, however, that she had tried to change her address with the company. Her volunteer advocated with the restaurant chain’s management until she finally reached the restaurant’s founder, who agreed to grant the client the health insurance benefits.

### Consumer Bankruptcy Project

The Cancer Advocacy Project often works together with another of the City Bar Justice Center’s projects that deals with the financial crises of the working poor: the Consumer Bankruptcy Project.

According to Program Director John McManus, the Project’s clients often accrue large consumer debt when their income just isn’t enough to cover necessities, and they find themselves facing wage garnishments of up to 10 percent or having their checking accounts frozen without notice by judgment creditors.

“Working people have an overwhelming sense of obligation to pay their creditors. They think that if they work hard, something will happen, and they will eventually be able to pay their bills and everything will be okay,” says McManus. “Meanwhile, they exhaust all of their savings paying off creditors and the bills continue to pour in.”

The Project recently assisted a single mother who worked part-time while caring for her disabled daughter. The mother began relying on credit when her low income wasn’t covering the rent. Soon she began missing credit card payments and quickly fell into debt as the card’s rates soared and late fees began to accumulate—the interest on some cards can climb as high as 29%. One day she went to deposit her paycheck and discovered that her account had been frozen. She called the Justice Center’s legal hotline, panicked that she couldn’t access money to pay the rent.

“We brought her in for an emergency appointment, and calmed her down. We told her what her options were, and helped her to make an informed decision,” says McManus. They found her a free debtor education class, and helped her to file for bankruptcy. Soon the bank released her account, and she began depositing paychecks and paying for necessities again, granting her the economic fresh start that had once appeared impossible.

According to McManus, the project’s clients often fall into debt due to unexpected health problems, lay offs, or divorce. “We see many single mothers who are divorced and providing for their children’s needs, and child support is inadequate or non-existent,” says McManus. “Also, a lot of our clients can either find only part-time work or are not in secure jobs. They are the first to be laid off during times of economic difficulty.”

### Neighborhood Entrepreneur Project

Many of the same type of workers seek out assistance from the Justice Center’s Neighborhood Entrepreneur Law Project, as they look for a way out of insecure low-wage jobs. “Our clients have some income, but often not enough to meet basic needs, and they want
something more from their work," says Program Director Akira Arroyo. "A good number of our clients have an immigrant background, and find it hard to get work here besides low-end jobs, even if they have more qualifications. They will work long hours as home health aides, in factories, or in grocery stores, but dream of starting their own businesses."

According to the Commission's report, research shows that over 50% of micro-entrepreneurs rise out of poverty within five years. Starting a small business is thus a promising route out of poverty, and the report suggests that the city work to increase the financial resources available to small and micro-businesses. Still, these entrepreneurs may face serious legal and financial obstacles to their dream.

Arroyo's project assists these individuals by providing legal know-how. "They are very creative, passionate, and have great ideas, but they often don’t know how to advocate for themselves," says Arroyo.

For example, the Project assisted an immigrant client from Guatemala who was married with two children to support. He worked in a factory for low wages, but ran the shop when his boss was away and began to think he had the skills to start his own company. His volunteer attorney advised him on how to incorporate his business, negotiate a lease, create contracts with vendors, acquire the necessary licenses, and file taxes. He now runs his own successful small business, and is supporting his family. "He just called to say that business is going so well, he is considering buying a house," says Arroyo.

Arroyo believes that these fledgling entrepreneurs can really benefit from legal assistance, but might not think that they qualify. "It's hard because even though these folks aren't always as impoverished as a typical legal services client, they are not at all plugged into the resources that are out there, and have no idea what's available to them," she says. "They're just scraping by, and the thought of hiring an attorney never crosses their mind. We're often the first attorney these people have ever spoken with."

Arroyo feels that there is a pervasive assumption that "there are poor people and then people who can afford an attorney; however, there is a huge gap in between.

As long as this gap exists, the City Bar Justice Center will continue to reach out to low-income working individuals, and help them solve their legal issues through the Center’s innovative programs.

UNIFORMITY... CONTINUED FROM PAGE 1

ney is diverted from the disciplinary system and an intervention replaces a sanction. If the attorney successfully completes the conditions set forth in a diversion contract without engaging in additional misconduct, the matter is dismissed. If the attorney fails to complete treatment or monitoring, the complaint is handled within the traditional disciplinary process.

In its continuing study of this issue, our Committee on Professional Discipline and our Lawyer Assistance Program noted that the First Department has taken a flexible and effective approach towards attorneys with these disabilities. As a result, the Court, on an ad-hoc basis, has demonstrated a willingness to be innovative in fashioning appropriate remedies for attorneys suffering from alcoholism, substance abuse, or mental health conditions. Nonetheless, we urge that the First Department adopt a formal rule, similar to the existing rules in the other three Departments. We believe that the adoption of the rule will serve to focus the profession on the importance of this problem and will assist the Court in achieving the important goal of aiding attorneys with these serious health issues.

The rule proposed by the City Bar Association adopts the flexible approach taken by the Second and Third Departments concerning the nature of attorney misconduct that should be eligible for diversion. We believe that the Court must consider the seriousness of the alleged misconduct but should not preclude diversion, as does the Fourth Department rule, in cases where the alleged misconduct would result in disbarment. However, we also recognize that diversion is not usually appropriate in the most serious cases, such as the conversion of a client’s funds. Nonetheless, our proposed rule would give the Court the discretion to evaluate under what circumstances a diversion is appropriate. Other provisions of our rule differ slightly from the existing rules in all three Departments.

Our rule is also similar to the rule adopted by the Second and Third Departments that requires a causal connection between the alleged misconduct and the attorney's dependency. In addition, our rule would divert the attorney from the investigative stage of the disciplinary process by staying the investigation or determination of misconduct and instead, referring the attorney to a court-approved lawyer assistance program.

We strongly urge the First Department to consider the merits of our proposed rule. We believe it represents a positive step towards promoting the best interests of our profession and the public. We also believe that the four Departments should strive, with respect to the diversionary rule as well as the disciplinary process in general, to adopt uniform rules that apply to all attorneys in New York State. This can only enhance the image of the disciplinary process itself.

Eileen Travis, a psychiatric social worker who is the director of the Association’s Lawyer Assistance Program, is available to help any lawyers with alcohol, drug or mental illness problems. She can be reached on LAP’s confidential hotline, 212-302-5787.

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*This program provides transitional credit for newly admitted attorneys.
NOVEMBER 2006 CLE CALENDAR

ADR/ARBITRATION/MEDIATION/NEGOTIATION

REPRESENTING CLIENTS IN MEDIATION: HOW TO BE A ZEALOUS ADVOCATE OUTSIDE THE COURTHOUSE

21 & 28 Tuesdays, 6-9 p.m.

Are different approaches and skills required for zealous advocacy in mediation? How can you advance the interests of your client in a process radically different from traditional litigation or other adversarial proceedings? Attend this program and explore the answers to those questions.

This two-part program will focus on the basic skills required for effective preparation and representation in mediation. Part 1 will examine how to develop a comprehensive mediation representation plan and Part 2 will consider how to implement the plan by focusing on the opening statement as a vehicle for analyzing and practicing the basic skills that apply throughout the mediation session.

The program co-instructors have been teaching a 28-hour version of this course since 2000 at Cardozo Law School and both regularly practice as mediators. Program attendees will receive the book, Mediation Representation - Advocating in a Problem-Solving Process (NITA, 2004 and recipient of the CPR 2004 Book Award).

Program Co-Instructors:

HAROLD ABRAMSON
Professor of Law, Touro Law Center
Author, Mediation Representation - Advocating in a Problem-Solving Process

LELA LOVE
Professor of Law, Cardozo School of Law
Author, Mediation: Practice, Policy and Ethics (Aspen Publishers 2006), with Carrie Menkel-Meadow and Andrea Schneider

CLE Credit:
6 credits in skills. This program provides transitional credit for newly admitted attorneys.

Live Program:
Member $375 Non-Member $515

BRIDGE-THE-GAP

16-HOUR BRIDGE-THE-GAP

6 & 13 Mondays, 9 a.m-5 p.m.

Earn all of your annual CLE credits while obtaining invaluable knowledge on a variety of areas. The Bridge-the-Gap programs fulfill a full year’s credit requirements for those that are newly admitted, while providing essential information and credits for more experienced attorneys. This program is particularly distinct in that Day 1 allows attendees to fulfill all required skills credits and Day 2 will allow attendees to fulfill all required ethics credits. Attendance on both days will provide the total professional practice/practice management credits required of all newly admitted attorneys. A skilled faculty will guide you through the day-to-day practice of law and cover topics of interest to all attorneys, including legal ethics.

Faculty:

RONALD BALTER
Caruso, Spillane, Leighton, Contrastano, Ulaner & Savino, P.C.

J. STEWART BORROW
Assistant General Counsel, Law Department Metropolitan Life Insurance Company

ROBERT I. BRESSMAN
Willkie Farr & Gallagher LLP

STEPHEN G. BROOKS
General Counsel
New York State Interest on Lawyer Account (IOLA) Fund

PETER V. COFFEY
Englert, Coffey & McHough

RICHARD JYDEL
Secretary and General Counsel
Kanematsu USA Inc.

MARTIN KRUTZEL
Fischer Brothers

KEVIN MATZ
White & Case LLP

TIMOTHY J. O’SULLIVAN
Executive Director & Counsel
New York Lawyers’ Fund for Client Protection

AMY G. PASACRETA
Willkie Farr & Gallagher LLP

BRYAN J. ROSE

Vice President & Deputy General Counsel
Stroz Friedberg, LLC

ROBERT J. SALZTMAN
Deputy Chief Counsel
New York State Grievance Committee for the Second & Eleventh Judicial Districts

HON. MARK SOLOMON
Senior Law Judge
New York State Workers’ Compensation Board

GERALD R. URAM
Davis & Gilbert LLP

STEVEN WILAMOWSKY
Willkie Farr & Gallagher LLP

CLE Credit for November 6 & 13:
16 credits total: 6 professional practice/practice management, 6 skills & 3 ethics. This program provides transitional credit for newly admitted attorneys.

CLE Credit for November 6:
8 credits total: 5 professional practice/practice management & 3 ethics. This program provides transitional credit for newly admitted attorneys.

CLE Credit for November 13:
8 credits total: 6 skills & 2 professional practice/practice management. This program provides transitional credit for newly admitted attorneys.

Live Program:
Member $415, Non-member $665 (both days)
Member $375, Non-member $515 (per day)

CORPORATE/SECURITIES

INTRODUCTION TO TRANSACTIONAL PRACTICE: WHAT EVERY LAWYER NEEDS TO KNOW ABOUT CORPORATE TRANSACTIONS

2 Thursday, 9-12 p.m.

What should I expect at each stage of a transaction? What are the basic documents involved in various types of deals? How do I uncover risks and liabilities in a deal and protect my client with adequate representations and indemnities? What is the proper entity to use for a particular transaction? Is my client buying all of the assets needed for this business? What do I need to know about the counter-party in this transaction and its assets and how do I find it out? What is my responsibility as the corporate lawyer and what is the responsibility of other professionals and experts? This program will introduce lawyers to the basics of transactional practice. It will provide non-corpo-
rate lawyers with a working knowledge of the important elements of standard corporate transactions, as well as provide junior transactional attorneys with an introduction to fundamental concepts of transactional practice.

Program Chair: N. ADELE HOGAN
Linklaters

Additional faculty to be announced.

Live Program: Member $225  Non-member $335

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

HOT TOPICS IN SEC ENFORCEMENT 2006

17 Friday, 9-12:30 p.m.

SEC enforcement activity has reached an unprecedented level of intensity. The SEC enforcement staff approaches investigations with high expectations for “cooperation” and low tolerance for error. Hear from high level staff from the SEC’s enforcement division, along with prominent outside counsel, most of whom are former SEC staff, on the most current and quickly developing areas, including:

- Responding to an SEC investigation: Strategy, tactics and policy issues from defense and government perspectives
- Continuity and change at the SEC: the impact of new leadership, new guidelines on penalties, setbacks in litigated cases
- Current developments in accounting and financial reporting enforcement. The continued focus on “gatekeepers”
- Coping with a crisis: Practical insights from the government and defense lawyers who are handling the headline-making cases
- What you need to know now: the most important enforcement developments of 2006.

Program Chair: WAYNE M. CARLIN
Wachtell, Lipton, Rosen & Katz

Keynote Speaker:
MARK K. SCHONFELD
Regional Director
Securities and Exchange Commission, Northeast Regional Office

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

ANDREW M. CALAMARI
Association Regional Director
Northeast Regional Office, Securities and Exchange Commission,

HELENE T. GLOTZER
Associate Regional Director
Securities and Exchange Commission, Northeast Regional Office

COLLEEN P. MAHONEY
Skadden, Arps, Slate, Meagher & Flom LLP
Washington, D.C.

BARRY W. RASHKOVER
Sidley Austin Brown & Wood LLP

DAVID ROSENFIELD
Associate Regional Director
Securities and Exchange Commission, Northeast Regional Office

CLE Credit: 3½ credits in professional practice/practice management. This program does not provide transitional credit for newly admitted attorneys.

Live Program: Member $225  Non-member $335

CRIMINAL LAW

THE “DEATH” OF CORPORATE PRIVILEGE? PRESERVING THE ATTORNEY-CLIENT PRIVILEGE WITHIN BUSINESS ENTITIES

15 Wednesday, 6-9 p.m.

Privilege concerns are central to every corporate investigation today, as requests for information have become commonplace from agents of law enforcement, regulators, auditors, and private litigants. In this post-Enron era, the decision whether to waive privilege may be crucial in establishing whether a corporation’s “cooperation” will result in lenient treatment from the government. Thus, are assertions that the corporate privilege is “dead” warranted, or greatly exaggerated? This panel of law enforcement, regulatory, policy-making, and defense attorneys (representing the differing perspectives of institutional and individual clients) will examine the current state of the attorney-client privilege within corporations, pending and potential legislative and rulemaking proposals for enhancing its viability, and practical techniques and strategies aimed at preserving the privilege while adequately addressing government and auditor requests for necessary information.

Program Chair: ANDREW KAIZER
WilmerHale

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

ANDREW C. HRUSKA
King & Spalding, LLP

KEITH D. KRAKAUR
Skadden, Arps, Slate, Meagher & Flom LLP

STEPHANIE A. MARTZ
Director
White Collar Crime Project
National Association of Criminal Defense Lawyers

SHIRAH NEIMAN
Chief Counsel to the U.S. Attorney
United States Attorney’s Office
Southern District of New York

JANE W. PARVER
Kaye Scholer, LLP

MARK K. SCHONFELD
Director, Northeast Regional Office
Securities and Exchange Commission

Live Program: Member $215  Non-member $325

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

ENVIRONMENTAL LAW

EMERGING ISSUES IN ENVIRONMENTAL INSURANCE

10 Friday, 9-12:30 p.m.

National experts will provide an environmental insurance market update and an analysis of the current environmental insurance products. Panels will also analyze key environmental insurance policy provisions as well as recommend strategies for effectively handling claims under the new policies. The program will also focus on the new FASB standards for reporting environmental liabilities and their implications for environmental insurance, M&A due diligence and contaminated property transactions.

Program Co-chairs:
GERARD P. CAVALUZZI
Vice President & General Counsel
Malcolm Pirnie, Inc.

CHRISTINE FAZIO
Carter Ledyard & Milburn, LLP

ANDREW C. HRUSKA
King & Spalding, LLP

KEITH D. KRAKAUR
Skadden, Arps, Slate, Meagher & Flom LLP

STEPHANIE A. MARTZ
Director
White Collar Crime Project
National Association of Criminal Defense Lawyers

SHIRAH NEIMAN
Chief Counsel to the U.S. Attorney
United States Attorney’s Office
Southern District of New York

JANE W. PARVER
Kaye Scholer, LLP

MARK K. SCHONFELD
Director, Northeast Regional Office
Securities and Exchange Commission

Live Program: Member $215  Non-member $325

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

ENVIRONMENTAL LAW
THE NEW YORK PRACTITIONER
TRUST & ESTATE LAW: WHAT NEEDS TO KNOW ABOUT CROSSING STATE BORDERS IN THE PRACTICE OF LAW

3 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys. Portions of this program may qualify for CPE credit.

ETHICS

ETHICS OF ELECTRONIC DISCOVERY: BEST PRACTICES & HOW TO AVOID CIVIL & CRIMINAL SANCTIONS

9 Thursday, 9-11:30 a.m.

Although the technical procedures for electronic discovery have been addressed in an increasing array of judicial opinions, rule amendments and "best practice" guidelines, the ethical implications of electronic discovery have, to date, not received the same analysis. Electronic discovery, however, presents significant risks of sanctions, disciplinary actions, malpractice claims, and even criminal penalties. This program will explore the range of such ethical implications, and panelists will discuss "best ethical practices" in this area.

The program will include discussion of:

- Preservation and production obligations: who is responsible?
- Vendor choices: what conflicts rules apply?
- Liability for errors in the electronic discovery process
- Standards of competence for counsel
- The ethics of metadata

Program Instructors:
STEVEN C. BENNETT
Jones Day

ADAM I. COHEN
FTI Consulting Inc.

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

Live Program:
Member: $235  Non-member: $345

EVERYDAY ETHICAL CHALLENGES IN THE PRACTICE OF LAW

21 Tuesday, 6-9 p.m.

This program will focus on various scenarios that arise in the everyday practice of law and the potential ethical pitfalls that lawyers and law firms face. The presentation will be interactive, using hypothetical fact patterns as well as introductory statements by panel members designed to provide non-intuitive information and address recent developments. Among the topics to be addressed are: the disciplinary and other risks associated with conflicts of interest; engagement letters; lawyers' and law firms’ supervisory liability; private conduct; screening new clients and disengaging from unworthy ones; the ethical nuances of getting paid; disclosure obligations; and how to respond to a disciplinary complaint.

Program Chair:
HAL R. LIEBERMAN
Hinshaw & Culbertson LLP

Faculty:
HON. RICHARD T. ANDRIAS
Associate Justice
Appellate Division, First Department

ANDRL NIVEN BRATTON
Deputy Chief Counsel
Departmental Disciplinary Committee

MICHAEL S. ROSS
Law Offices of Michael S. Ross
Adjunct Professor, Cardozo Law School & Brooklyn Law School

CAROL L. ZIEGLER
Attorney at Law
Adjunct Professor of Law
Columbia Law School

Live Program:
Member $235  Non-member $345
QuikSek Completely Understands Your Requirements for Secretarial Assistance

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CREDITS

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

GOVERNMENT

MR. SMITH GOES TO WASHINGTON, ALBANY, AND CITY HALL: HOW TO LOBBY LIKE A PRO

14 Tuesday, 6-9 p.m.

This program will offer attorneys a practical and insightful introduction to the subject of advocacy and lobbying before the City Council, the New York State Legislature and Congress. Attendees will gain an overview of the processes and jurisdiction of each of the three legislative bodies. Participants will also learn how to stay informed about legislation and hearings, be introduced to campaign finance and lobbying rules, and hear how to build an effective advocacy campaign on behalf of a public interest group or a business or industry interest.

The panelists will include an elected official, lobbyists, and lawyers with expertise on lobbying and campaign finance rules.

The panel will cover the nuts and bolts of how to build an effective advocacy campaign -- and how to do so within the law. The differences between a legislative campaign on an advocacy issue versus a business interest will be discussed. Questions such as when and how to hire a lobbyist and how to use grassroots support and the media will be answered.

The speakers will cover the process from preparing to ask a member of the legislative body to introduce a bill, and drafting legislation, to becoming involved in pending legislation and securing or blocking final passage of legislation.

Program Chair:
JAYNE BIGELSEN
Director of Legislative Affairs
New York City Bar Association

Faculty:
GEORGE ARZT
President
George Arzt Communications, Inc.

ROBERT JACKSON
City Councilmember
Co-founder, Campaign for Fiscal Equity

MEL MILLER
Partner, Bolton-St. John’s Inc.
Former Speaker of the New York State Assembly

MICHAEL WALDMAN
Executive Director, Brennan Center for Justice at NYU Law School
Chief White House Speechwriter, 1995-1999

MICHELLE YANCHE
Director
Neighborhood Family Services Coalition

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

Live Program:
Member $175  Non-member $285

INTELLECTUAL PROPERTY

VIDEO REPLAY: LAWYERING IN THE FASHION INDUSTRY: A PRACTICAL GUIDE TO LICENSING, TRADEMARK PROTECTION AND OTHER INDUSTRY ISSUES

20 Monday, 9-12:30 p.m.

Structuring successful license deals. Navigating license disputes. Winning the fight against counterfeiters. Understanding the ins and outs of the new customs, import and quota regimes. Implementing and administering human rights compliance programs. To bring value when dealing with their clients’ most pressing issues, fashion
industry lawyers draw on a variety of disciplines, including intellectual property, contracts, international trade, and litigation.

At this seminar an experienced panel will provide participants with practical insights on dealing effectively with these and other industry issues. The program will include an in-depth analysis of a typical “licensor” form of fashion trademark agreement, focusing on key legal and business points for licensors and licensees. Alternatives to traditional licensing arrangements, including joint ventures, purchase options, and co-branding deals, as well as special issues in dealing with the celebrity licensor, will be examined. The panel will also focus on successful approaches to international trademark protection, including tactical considerations in administering foreign registration programs, and programs aimed at policing counterfeits. Current topics in the importing/sourcing area, including dealing with new customs and quota regulations and practices, as well as how to implement and administer a successful human right compliance program will also be addressed. This program is intended for those who have clients in the fashion industry, those who practice intellectual property law, business executives in the fashion industry and both lawyers and business executives who handle licensing agreements.

Program Chair: KENNETH P. KOPelman Kramer Levin Naftalis & Frankel LLP

Faculty: ELLIOTT J. BROWN Senior Vice President & General Counsel Marc Ecko Enterprises

ALAN R. KLESTADT Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP

NICHOLAS RUBINO Vice President-Deputy General Counsel & Secretary Liz Claiborne Inc.

Video Replay: Member $215 Non-member $325

CLE credit: 3½ credits in professional practice/practice management.

LABOR & EMPLOYMENT

EMPLOYMENT & IMMIGRATION LAW: OVERLAPS, CONFLICTS, & INTERSECTIONS

9 Thursday, 6-9 p.m.

This program focuses on the intersection of immigration and employment law. With the demographics of today’s workforce constantly changing, it is essential for employment lawyers to know how to effectively counsel their clients with respect to legal issues unique to immigrants. In addition, it is essential that employment lawyers be aware of the recurring issues that arise when representing immigrant workers with discrimination and wage and hour cases. A distinguished panel of employment and immigration lawyers will discuss how to represent immigrant workers, both low-wage and those possessing special skills, with employment matters, as well as how to counsel employers who hire such workers.

Program Chair: LINDA A. NEILAN Outten & Golden LLP

Faculty:

MATTHEW S. DUNN Kramer, Levin Naftalis & Frankel LLP

ROBERT N. GOTTFRIED Hodgson Russ LLP

WENDI S. LAZAR Outten & Golden LLP

MAYRA PETERS-QUINTERO NYU School of Law, Immigrant Rights Center

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

Live Program: Member $205 Non-member $315

NON-PROFIT ORGANIZATIONS

CURRENT ISSUES IN JOINT VENTURES BETWEEN TAX-EXEMPT & FOR PROFIT ENTITIES IN THE HEALTH CARE INDUSTRY

16 Thursday, 6-9 p.m.

This program will provide a brief summary of the current law (both federal and New York State) of tax-exempt organizations focusing on recent developments and an examination of the types of joint ventures which are typically developed between tax-exempt organizations and for profit entities.

www.nycbar.org
Speakers will examine ventures designed to provide services, develop facilities, and make use of intellectual property and will discuss joint ventures between tax exempt health care facilities and physicians. The expert panel will also explore the current status of gainsharing, the joint development of health care facilities such as ambulatory surgery centers and group purchasing entities, and possible alternatives for physician/hospital integration.

Program Co-Chairs:
CHRIS PANCZNER
Epstein Becker & Green PC

BETH ESSIG
Epstein Becker & Green PC

MICHAEL LEHMANN
Manatt Phelps & Phillips LLP

Faculty:
HYMAN ABRAMOWITZ
Internal Revenue Service
Exempt Organizations

PETER LORENZETTI
Internal Revenue Service
Exempt Organizations

ERIC VIELAND
Epstein Becker & Green, P.C.

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

Live Program:
Member $205  Non-member $335

The Ruchelman Law Firm
STANLEY C. RUCHELMAN
The Ruchelman Law Firm

Faculty:
STANLEY C. RUCHELMAN
The Ruchelman Law Firm

The City Bar Center for CLE is pleased to announce that we are an Accredited Audio File (Podcast) Provider in New York State. Now you can literally earn CLE credit when on the go!

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- 150 Discreet Live Programs Per Year
- 75 Video Replays Per Year

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- On tape
- On DVD/CD
- Online
- And will be available via Audio File (Podcast)

Please note: Tapes, DVDs/CDs, Online and Audio File programs are non transitional and do not provide CLE credit for newly admitted attorneys.

The New York City Bar, 42 West 44th Street, New York, NY 10036.

www.nycbar.org

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

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

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

A $35 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.

Certificates for attending a program are given out and signed by a CLE staff member at the end of the program. You are responsible for keeping a copy of the CLE certificate for your own records. An administrative fee of $10 will be charged for replacement CLE certificates.

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

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

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

#### November 2
**INTRODUCTION TO TRANSACTIONAL PRACTICE: WHAT EVERY LAWYER NEEDS TO KNOW ABOUT CORPORATE TRANSACTIONS**
- **Live Program:**
  - Member: $225
  - Non-member: $335
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **CDs:**
  - Member: $335
  - Non-member: $405
- **DVDs:**
  - Member: $445
  - Non-member: $535
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 6 & 13
**16-HOUR BRIDGE-THE-GAP**
- **Live Program:**
  - Member: $415
  - Non-member: $665 (both days)
- **Materials Only:**
  - Member: $375
  - Non-member: $515 (per day)

#### November 6
**CROSSING STATE BORDERS IN TRUST & ESTATE LAW: WHAT THE NEW YORK PRACTITIONER NEEDS TO KNOW ABOUT FLORIDA, NEW JERSEY, DELAWARE & CONNECTICUT**
- **Live Program:**
  - Member: $195
  - Non-member: $305
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **CDs:**
  - Member: $335
  - Non-member: $405
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **DVDs:**
  - Member: $445
  - Non-member: $535
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 9
**ETHICS OF ELECTRONIC DISCOVERY: BEST PRACTICES & HOW TO AVOID CIVIL & CRIMINAL SANTIONS**
- **Live Program:**
  - Member: $235
  - Non-member: $345
- **Audiotapes:**
  - Member: $345
  - Non-member: $415
- **CDs:**
  - Member: $365
  - Non-member: $435
- **Videotapes:**
  - Member: $435
  - Non-member: $505
- **DVDs:**
  - Member: $475
  - Non-member: $565
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 10
**EMPLOYMENT & IMMIGRATION LAW: OVERLAPS, CONFLICTS, & INTERSECTIONS**
- **Live Program:**
  - Member: $205
  - Non-member: $315
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **CDs:**
  - Member: $335
  - Non-member: $405
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **DVDs:**
  - Member: $445
  - Non-member: $535
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 13
**EMERGING ISSUES IN ENVIRONMENTAL INSURANCE**
- **Live Program:**
  - Member: $205
  - Non-member: $315
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **CDs:**
  - Member: $335
  - Non-member: $405
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **DVDs:**
  - Member: $445
  - Non-member: $535
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 14
**MR. SMITH GOES TO WASHINGTON, ALBANY, AND CITY HALL: HOW TO LOBBY LIKE A PRO**
- **Live Program:**
  - Member: $175
  - Non-member: $285
- **Audiotapes:**
  - Member: $265
  - Non-member: $335
- **CDs:**
  - Member: $285
  - Non-member: $355
- **Videotapes:**
  - Member: $335
  - Non-member: $425
- **DVDs:**
  - Member: $395
  - Non-member: $485
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 15
**THE “DEATH” OF CORPORATE PRIVILEGE? PRESERVING THE ATTORNEY-CLIENT PRIVILEGE WITHIN BUSINESS ENTITIES**
- **Live Program:**
  - Member: $215
  - Non-member: $325
- **Audiotapes:**
  - Member: $265
  - Non-member: $335
- **CDs:**
  - Member: $285
  - Non-member: $355
- **Videotapes:**
  - Member: $335
  - Non-member: $425
- **DVDs:**
  - Member: $395
  - Non-member: $485
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 16
**CURRENT ISSUES IN JOINT VENTURES BETWEEN TAX-EXEMPT & FOR PROFIT ENTITIES IN THE HEALTH CARE INDUSTRY**
- **Live Program:**
  - Member: $225
  - Non-member: $335
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **CDs:**
  - Member: $335
  - Non-member: $405
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **DVDs:**
  - Member: $445
  - Non-member: $535
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 17
**HOT TOPICS IN SEC ENFORCEMENT 2006**
- **Live Program:**
  - Member: $225
  - Non-member: $335
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **CDs:**
  - Member: $335
  - Non-member: $405
- **Materials Only:**
  - Member: $105
  - Non-member: $135

#### November 18
**INTERNATIONAL TAX PLANNING: THE BASICS & BEYOND**
- **Live Program:**
  - Member: $205
  - Non-member: $315
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **CDs:**
  - Member: $335
  - Non-member: $405
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **DVDs:**
  - Member: $445
  - Non-member: $535
- **Materials only:**
  - Member: $105
  - Non-member: $135

#### November 20
**VIDEO REPLAY: LAWYERING IN THE FASHION INDUSTRY: A PRACTICAL GUIDE TO LICENSING, TRADEMARK PROTECTION AND OTHER INDUSTRY ISSUES**
- **Video Replay:**
  - Member: $215
  - Non-member: $325
- **Audiotapes:**
  - Member: $315
  - Non-member: $385
- **Videotapes:**
  - Member: $405
  - Non-member: $475
- **CDs:**
  - Member: $335
  - Non-member: $405

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Diversity

SUPPLIER DIVERSITY FOR LEGAL EMPLOYERS — COMMITMENT THAT EXTENDS BEYOND THE DIVERSITY OF THE FIRM

Supplier diversity programs are an important supplement to internal diversity initiatives, demonstrating an organization’s commitment to reflect the diversity of their customers and support their community. Supplier diversity programs can apply to the procurement of goods and services from all underrepresented groups – commonly referred to as “Minority and Women Owned Businesses” or “M/WBE’s.” They include the purchasing of a broad range of products and services, from stationary and computer equipment to copy services and catering.

Corporate and government programs increasingly include the purchasing of outside professional services, including legal services, from minority- and women-owned law firms. Supplier diversity programs are also being employed by the legal community as firms strive to stay ahead of the curve and compete in a global market.

Companies and law firms typically require a diverse business to be certified by one of several outside certification organizations. Certification requires a company to be 51% owned, controlled and operated by one or more members of a diverse group. Many companies utilize networks or databases to track certified diverse suppliers, enabling them to be strategic in their outreach to minority- and women-owned businesses.

Government Example

The City of New York has recently developed its own supplier diversity programs to promote equal opportunity for local minority- and women-owned businesses. The M/WBE program, designed to promote contracting opportunities for businesses owned by minorities and women, was enacted in 2005. In 2006, the City developed the Emerging Business Enterprise program, designed to promote opportunities for businesses owned by persons who are “socially and economically disadvantaged.”

The Law Department expects to spend more than $7 million in FY 2007 with minority- and women-owned businesses for professional services (outside legal services, expert witnesses, translations services); more than $3 million for standard services (process servers, scanning and copying); and nearly $600,000 for goods (food, IT equipment, office supplies, furniture).

The programs’ success depends on eligible business owners getting their companies certified as “minority-owned business enterprises” (“MBEs”), women-owned business enterprises (“WBEs”) or “emerging business enterprises.” Certified firms will appear in an on-line directory maintained by the Department of Small Business Services which the Law Department and other City agencies will use to invite bids and proposals for procurements.

Law Firm Example

Weil, Gotshal & Manges LLP began to develop its supplier diversity program in the early 1990’s. The firm’s annual purchasing from M/WBE’s has increased from $375,000 in 1994 to over $14 million, or approximately 8 percent of its total purchasing, in 2005. The firm’s goal is to increase this number to 10 percent by the end of 2006.

As Stephen J. Dannhauser, Chairman of Weil Gotshal & Manges LLP explained, “Clients have become more sensitive that their service providers have aggregate diversity policies and purchasing procedures in place. Our supplier diversity program demonstrates commitment to the community and a commitment to diversity that extends beyond the diversity of the firm.”

Weil utilizes a Vendor Profile Form to track certified minority- and women-owned businesses. This enables the firm to be more aggressive and efficient in its outreach to diverse suppliers.

Success Factors

Leadership Commitment

As with any diversity initiative, it is important to communicate commitment from the top. Management and firm leaders must demonstrate their support for a supplier diversity program and make the business case for the program, linking it to the financial success of the organization. It is important to make it clear that supplier diversity programs are not about handouts, but about providing fair opportunity for all vendors to compete for the organization’s business.

Establish Criteria

Also critical to the success of any supplier diversity program is clearly defining the scope of the program and the criteria for identifying eligible businesses. Once identified, a company can be proactive in its outreach to diverse suppliers. When developing a supplier diversity program, it is also important to help current vendors understand and comply with the guidelines of the program.

Accountability

To demonstrate an organization’s commitment to supplier diversity, it is important to hold relevant employees accountable for achieving specific goals. To create incentive for employees to meet and exceed the goals of the program, progress should be included in the performance review process.

Effective Outreach

Increased variety and choice of suppliers help an organization ensure that they are purchasing the highest quality products and services at the best price. As Lisa Cuevas, Director of Global Diversity at Weil, Gotshal & Mannes LLP explained, “We want to make sure we are getting the best quality. If we are constantly using the same vendors, we are not getting the variety that we need.”

For more information about supplier diversity programs, please contact the New York City Bar’s Office for Diversity: Meredith Moore, Director at mmoore@nybar.org, or Elizabeth Kowalczyk Assistant, at ekowalczyk@nybar.org. To learn about upcoming diversity events, visit www.nybar.org.

M/WBE Certification Organizations

- National Minority Supplier Development Council (NMSDC) www.nmsdus.org
- National Minority Business Council (NMBC) www.nmbs.org
- Women’s Business Enterprise National Council (WBENC) www.wbenc.org
- National Gay Lesbian Chamber of Commerce (NGLCC) www.nglcc.org
- Small Business Administration (SBA) www.sba.gov

For more information about the certification process, visit www.nyc.gov/html/sbs/pdf/mwbeuniformsupple.pdf
To view the Online Directory of Certified Businesses, visit www.newyorkbiz.com/mwbe/
<table>
<thead>
<tr>
<th>TIME</th>
<th>TRACK 1</th>
<th>TRACK 2</th>
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<tbody>
<tr>
<td>8:30 - 9:00 am</td>
<td>Networking Breakfast</td>
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<tr>
<td>9:00 - 9:45 am</td>
<td>Start-up Basics</td>
<td>Employment Issues for Growing Firms</td>
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<td>10:00 - 10:45 am</td>
<td>Business Plans for Lawyers</td>
<td>Law Firm Finances/Accounting</td>
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<tr>
<td>11:00 - 12:00 pm</td>
<td>Plenary Session</td>
<td>Marketing Skills Workshop and Use of Lawyer Blogs to Attract New Clients</td>
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<td>12:00 - 1:00 pm</td>
<td>Networking Lunch Sponsored by LexisNexis</td>
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<td>12:45 - 1:45 pm</td>
<td>Your Client Refuses to Pay- Now What? Fee Dispute Arbitration Process and How to Encourage Client Payment</td>
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<tr>
<td>1:00 - 1:45 pm</td>
<td>Technology for Start Ups</td>
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<tr>
<td>2:00 - 2:30 pm</td>
<td>Excellence in the Business and Practice of Law: Integrating Research and Practice Management</td>
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<tr>
<td>2:00 - 2:45 pm</td>
<td>Technological Solutions for Growing Firms</td>
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<tr>
<td>3:00 - 4:00 pm</td>
<td>Plenary Session</td>
<td>Challenges for Solo &amp; Small Law Firms: Maintaining Your Sanity in a Time of Stress</td>
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**EXHIBITORS**

- Accurate Building Inspectors
- ALA Association of Legal Administrators
- Bertholon Rowland Corp.
- Blumberg Excelsior
- First Republic Bank
- HSBC Premier Corporate & Professional Legal Services Team
- IKON North America
- I. Michael Cash & Associates, LLC
- PC Law and Amicus Attorney Software Consultants
- Inspired Professionals LLC
- Kohn Communications
- LexisNexis
- Lolslaw, Wolters Kluwer Law & Business
- Marsh Affinity Group Services
- PSN Solutions, Inc.
- QuikSek E-Secretarial Service
- Tabs3/ Practice Master
- T.C.S. "mobee"
- US Small Business Administration
- Westlaw

**Small Law Firm Center Facilities - a Unique Free Benefit to Members**

- **Attorney Work Space**
  - Mon-Fri: 9 am - 8:45 pm
  - Sat: 10 am - 4:45 pm
  - Available on a walk-in basis

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  - Mon-Fri: 9:30 am - 7:30 pm
  - Sat: 10:30 am - 4:45 pm
  - To reserve for 2 hour intervals contact Ronald Mirvis at (212) 382-6748 or email rmrvis@nycbar.org

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  - Free Westlaw Forms - To access Westlaw Forms' Databases visit www.nycbar.org and click on the member login button on the top right.
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- **New Benefits for Solos and Small Firms**
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      - Bankruptcy Filings
      - HUD-1 Closing Online
      - Severance Agreements Online
      - NY Uncontested Divorce Online
      - NY Net Worth Statement Online
    - Software Programs 15% off;
      - Bankrupter 4.0
      - Blazer Forms [Blumberg on CD]
      - FLIP
    - DL Drafting Libraries 20 % off
  - HSBC Legal Team’s Comprehensive Package
    - Single Point of Contact with a dedicated Relationship Manager
    - Business Revolving Lines of Credit from $25,000 to $350,000
    - Free Business Checking with free check order and bill pay
    - Attorney Escrow Accounts (central control, client sub-accounts, etc.)

For further information please visit www.nycbar.org and click on Small Law Firm Center.

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WORKSHOPS

9:00 - 9:45 am: Start-up Basics
This workshop will provide an overview of three important topics to consider when starting a practice: entity choice; office space; and insurance.

Moderator: Lisa M. Bluestein, Law Offices of Lisa M. Bluestein, LLC
Panelists: Mark A. Josephson, CPA, CFP, CFE, Murray & Josephson, CPAs, LLC
Shelly Lawson, Director of Bar Association Programs, USL Calburn Insurance Services
Roy S. Lyons, Senior Vice-President, Marsh Affinity Group Services

10:00 - 10:45 am: Business Plans for Lawyers
Why Write a Business Plan? Components of a Solo Practitioner’s and Small Firm’s Lawyer’s Business Plan

The Executive Summary • Description of Your Firm • Analysis of Your Market • Marketing Strategy • Competitors • Finance

Moderator: Robin Kravitz, Law Office of Robin Kravitz
Panelists: Ira Davidson, Director, Pace University Small Business Development Center
Mark Benveduto, HSBC Legal Services Team

10:00 - 10:45 am: Employment Issues for Growing Firms - What to Do and How to Do it
Whom should the firm hire and how? How should the firm manage its office once employees are added? What laws apply to the employment process? Learn the answers to these and other related employment questions - learn what to do and how to do it.

Moderator: Joseph Tremblay, Tremblay LLC
Panelists: Paul Sans, PSN Solutions, Inc.
Prakash Ahuja, QuickSek E-Secretarial Service
Midge Last, ALA, New York City Chapter

11:00 - 12:00 pm: Plenary Session - Marketing Skills Workshop and Use of Lawyer Blogs to Attract New Clients
This hands-on workshop will help lawyers learn how to move to the next level of their marketing activity. It is educational, motivational, and will help each participant create a practical marketing plan which they can begin to implement immediately. Learn how to market effectively and how to use blogs to attract new clients.

Panelists: Anthony M. Verna, III, Law Offices of Anthony M. Verna, III
Robert Kohn, Kohn Communications

12:45 - 1:45 pm: Your Client Refuses to Pay. Now What? Fee Dispute Arbitration Process and How to Encourage Client Payment
Effective January 1, 2002, New York State instituted an attorney-client fee resolution program, which requires that clients have the option to arbitrate most attorney-client fee disputes. Our panel of experts will explore what is involved in fee dispute arbitration, how to pursue your case, and ways to encourage client payment.

Moderator: Deborah Rosenthal, Rosenthal, Attorneys at Law, PC
Panelists: Martin Feinberg, Former Chair, Joint Committee on Fee Disputes and Conciliation
Daniel Welts, Co-Counsel, Board of Governors for Fee Dispute Resolution

1:00 - 1:45 pm: Technology for Start-Ups
Did you want to try out a Treo or a Blackberry? What tech tools and resources do you need to start and maintain your law practice without incurring prohibitive costs?

Moderator: Maia T. Spilman, Chair, Small Law Firms Committee
Panelists: I. Michael Cash, I. Michael Cash & Associates, LLC
Neil Frutthandler, T.C.S., “mobso”
Deborah Sauer, Loishlaw, Wolters Kluwer Law & Business
Allan Heller, Blumberg Excelsior

2:00 - 2:30 pm: Excellence in the Business and Practice of Law: Integrating Research and Practice Management
A 30-minute presentation on the challenges and pressures facing the small law attorney and how an integrated “workbench” drives greater effectiveness and efficiency. Presented by LexisNexis.

Moderator: Andy W. Morgan, Law Office of Andy W. Morgan
Panelists: Patrick Johnson, IKON North America
Ian Jackson, Inspired Professionals LLC
Ken Merkt, Tabs3/Practice Master
Westlaw

3:00 - 4:00 pm: Plenary Session - Challenges for Solo & Small Law Firms: Maintaining Your Sanity in a Time of Stress
Perfectionism, assertiveness and tenacity are some of the attributes that make lawyers effective advocates. They can also lead to personal and professional conflict, stress and burnout. This workshop will provide attorneys with stress management tools which would help them successfully achieve personal and professional objectives.

Panelists: Eileen Travis, LCSW, Director, New York City Bar Lawyer Assistance Program
Ronald Sunshine, PhD, Psychoanalyst
Professional Development

ABOUT PERFORMANCE EVALUATIONS

Performance evaluations – most people don’t like them and many dread them. Speaking at the September 20 program, “Reading the Tea Leaves: How to Get the Most Out of Your Performance Evaluation” sponsored by the Career Advancement and Management Committee and moderated by Amy Pasacreta of Willkie Farr & Gallagher LLP, panelists tried to dispel some of the anxiety of receiving an evaluation and provide tips on how to prepare for and get the most out of the evaluation.

Preparing for the evaluation

Though the performance evaluation may only happen once a year, the panel agreed that it is something you should be preparing for throughout the year. Keep a journal, suggested Mary Crane, of Mary Crane & Associates, LLC. In it list all the things you do, note the outcome of your projects, and your accomplishments as well as the skills you gained working on a particular project.

Says Crane, also keep a file of e-mails, letters and notes which express thanks or kudos for the work you have done. By doing this, when it comes time for your evaluation it will be easier to remind yourself and perhaps your evaluator of the activities you have participated in and the skills you have gained in the past year.

However, don’t forget the importance of developing an ongoing relationship with the person who will be giving your evaluation, reminds Crane. Regularly update her or him on the work you are doing. The journal should serve as a reminder of your work. The evaluation should not be the first time your evaluator hears of your work and accomplishments.

What to ask the evaluator

It is best to ask specific behavior-based questions, notes Marcie Elias of Elias Consulting LLC. For example, what specifically about my performance was good? What tasks didn’t I perform well? Are there things I should start doing, stop doing or continue doing? If the evaluation is negative try to elicit constructive feedback by asking, what could I have done to have made the review more positive?

Questions like these will help make it clear which skills you need to develop. Remember, says Elias, the person evaluating you may not have experience or be skilled at giving constructive feedback. Posing questions like these can help the evaluator provide valuable feedback, and your evaluator may even appreciate the help.

What to do after the evaluation

Following the evaluation you should go through a three-step process, says Steve Armstrong, Director of Career Development at Wilmer Cutler Pickering Hale and Dory LLP: skill building, relationship building and self-examination.

The first step, says Armstrong, when you walk away from the evaluation is to be honest with yourself and admit your flaws. Comments from the evaluator can often be abstract. Talk to your mentors or people who know your skills well who can tell you what next steps you need to take to build your skills. Even ask clients for feedback such as, how could I have made this process work more smoothly for you?

Next, take relationship-building steps. Ask for help developing skills from those senior to you. Ask for assignments that will allow you to develop those skills. Doing this creates a dialogue and strengthens your relationship with partners. Find out about what resources are available through the firm or law office to improve your skills, such as writing or speech courses.

Finally, says Armstrong, comes self-examination. Stop and ask yourself, is this really what I want to do? It is hard to take charge and successfully develop your career if you don’t enjoy what you do.

Remember, concluded the panel, your employer expects you to make mistakes. What counts most is how you handle the mistakes and improve on your weaknesses.