S

ince its inception in 1870, the library has been a centerpiece of our Association. Today is no different. More than 2,000 lawyers visit the library each month. For many of us, it’s the place we turn to when we have a brief due and require access to Westlaw or Lexis. Some make use of the library’s facilities to draft all of their legal writing and recent law school graduates use it when they need a quiet place to study for the Bar.

But despite our familiarity with the nation’s largest privately owned law library, many of us might be surprised to know that the Association has one of the finest collections of rare legal books in the country. Whether it’s a first edition copy of Justice Story’s Commentaries on the Constitution, an 18th century colonial charter, the trial of Susan B. Anthony, or the Continental Congress Regulations for the Order and Discipline of the Troops of the United States of 1779, our library is filled with rare treasures, the earliest dating back to 1476.

“The distinction of maintaining an extensive print collection, besides providing access to all that is electronic, is more important now than ever,” said Richard Tuske, Director of Library Operations. “Traditional methods of research provide lawyers with an opportunity to touch a part of history, and gain a sense of the evolution of law by going to the original source.”

JUDICIAL SALARIES NEED TO BE INCREASED

By Bettina B. Plevan, President

O

ver the past few years, I and my predecessors have expressed increasing concern with assaults on the judicial branch. While we have focused on efforts of Congress and the President to curb the authority and independence of the judicial branch, another important aspect of maintaining a strong judiciary is to pay them adequately. We are failing to do that on both the federal and state level.

I was told recently that the Chief Justice of Singapore is paid more than $1 million a year. Apparently other high-ranking government officials in Singapore are also compensated based on their true market value. While that model does not seem to reflect the practice in other parts of the world, it did remind me how important it is that we support pay increases for members of our judiciary.

In 2003, the Association urged Congress to pass bills that would have increased compensation to the federal judiciary. We stressed that adequate compensation was “among the most serious threats to the continued vitality and independence of the federal judiciary.” Unfortunately, Congress did not heed our word and adequate funding for increased judicial salaries has not been forthcoming. The situation has only gotten more dire with the government cutting funds from other parts of the judiciary budget that have necessitated reductions in staff and services that will impact the users of the court system as well.

We have also communicated with the Governor and legislative leaders in New York to express the need for an increase in salaries for members of our state judiciary. Despite vocal support from many bar groups, as well as a march up the steps of the Legislature led by the Chief Administrative Judge, no action was taken.

Politics and the inevitable comparison to salaries of other government officials are of course factors in this process. But it is interesting to compare judicial salaries to the payments made to arbitrators who are hired regularly to preside over cases in a private setting. These cases are no different, generally speaking, from matters filed in our courts. We think nothing of paying $500 or more per hour for arbitrators to hear such cases. If a case continues for only 15 days (plus the usual preparation time), the cost of a panel of three arbitrators for that one case would likely exceed the annual salary of most judges. Does this make any sense?

At present, the high end of the judicial salary range approximates the pay of junior to mid-level associates at large law firms; the lower end of that range is less than the salary of first year associates. While we cannot expect judges to be paid the top
Positions and Policies

FINANCIAL REPORTING COMMITTEE OBJECTS TO REDUCED ROLE FOR AUDITORS

New Guidelines, “At Odds with Decades of Established Practice”

The Financial Reporting Committee of the Association has been involved in the controversy surrounding the draft “White Paper on Auditor Attendance at Due Diligence Meetings with Underwriters,” written by the Center for Public Company Audit Firms, the national trade center for auditors. In a letter to the center, the committee stated, “If implemented, the new guidelines would marginalize the role of auditors in the offering process, thereby increasing the liability risk of all participants and undermining investor protection.”

The committee’s primary objection is that the auditors’ role in the disclosure process will be limited to delivery of an audit report and comfort letter, providing only a general description of the audit and making reference to matters of public record. The auditor would no longer follow the decades-old practice of sharing with underwriters his or her perspectives on important issues, such as the quality of the issuer’s accounting principles or even the material deficiencies and weaknesses identified during the audit. It would also be deemed inappropriate for auditors to offer their views on matters that are subjective in nature or require qualitative or judgmental assessments, even when those matters are within the auditor’s area of expertise.

According to the committee, the draft White Paper “would compromise the goal of investor protection by reducing, or even preventing, the meaningful dialogue that has long been customary as issuers, auditors and underwriters work to provide investors with complete and accurate information.” The committee also noted that two key constituencies — the issuers and investors — were not given an opportunity to participate in the consideration of the White Paper. The committee urged that the draft White Paper be withdrawn, and discussions begin with the necessary constituencies to address issues of concern.

As this newsletter went to press, it was announced that the White Paper has been withdrawn and discussions were to begin between the American Institute of Certified Public Accountants, the Securities Industry Association and The Bond Market Association regarding auditor participation in due diligence meetings.

To see the letters written by the committee to the center, please visit www.nycbar.org.

ASSOCIATION RECOMMENDS ‘ENERGY ALLOWANCE’ FOR WELFARE RECIPIENTS

City Expects Sharply Higher Winter Heating Costs

This year, in addition to a typical Northeastern winter, New Yorkers will endure sharply higher heating prices due to the dramatic nationwide spike in energy costs. But it is not just the cost of heat that will rise. When energy costs go up, the cost of food increases because it costs more to refrigerate perishable items. And the cost of housing increases because landlords will pass higher heating costs to tenants. For the most part, we can expect prices to rise across the board.

While the rise in cost of living will be an annoyance for all of us, it could be devastating for vulnerable New Yorkers already struggling financially. New Yorkers surviving on public assistance in New York State will simply not be able to adjust to such increases.

As a partial solution, the City Bar’s Committee on Social Welfare Law, chaired by Bob Bacigalupi, is advocating that an energy allowance be added to the welfare grant. In a letter to the New York State Legislature, the committee points out that an energy supplement to public assistance is not without precedent. In the early 1980s, when New York was experiencing an energy crisis similar to the one we now face, the Legislature provided public assistance recipients with an additional monthly Home Energy Allowance to be added to the welfare standard of need. Similarly in 1986, a Supplemental Home Energy allowance was added again.

According to Bacigalupi, “While reasonable minds may differ on whether welfare reform has been a success, one fact is beyond dispute: Those New Yorkers that remain on welfare are among the most vulnerable and in the most need of government assistance. Poor New Yorkers desperately need the Legislature to act again and provide an increase in their cash grant.” To see a copy of the Social Welfare Law Committee’s letter to the Legislature, please visit www.nycbar.org.

Forty-Fourth Street Notes

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Printed on recycled paper

44th Street Notes (ISSN 10791019) is published monthly except July and August for $25 per year by The Association of the Bar of the City of New York, 42 West 44th Street, New York, NY 10036-6689. Periodicals postage paid at New York, NY. Postmaster: Send address changes to 44th Street Notes, 42 West 44th Street, New York, NY 10036-6689. For subscription information, please call (212) 382-6695.

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www.nycbar.org
Bankruptcy and Corporate Reorganization

Letter to Congress supporting the movement to amend, or in a limited fashion delay, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 in light of the recent tragedies caused by Hurricane Katrina. The sheer geographic expanse of the devastation, the letter argues, has ensured that victims who may require the benefits of the Bankruptcy Code will have no realistic ability to comply with the requirements of the Act — or arguably certain existing provisions of the Bankruptcy Code — or to assess the current status of their assets and liabilities.

Civil Rights

Letter to Congress concerning certain provisions of the USA PATRIOT Act which are being considered by the Conference Committee and reflected in bills passed by the House and Senate, H.R. 3199 and S. 1389. Although H.R. 3199 and S.1389 address several of the particularly troublesome provisions of the PATRIOT Act the letter argues that they do not cure their fundamental deficiencies. The letter outlines concerns with each bill focusing on provisions permitting roving wiretaps, delayed notice search warrants, and the authority of the FBI to obtain certain orders and to issue National Security Letters.

Condemnation & Tax Certiorari

Letter to the New York City Tax Commission offering a number of comments on proposed amendments to the rules pertaining to practice for proceedings before the Tax Commission.

Education and the Law

Letter to Congress urging opposition to any proposed legislation that would grant the Secretary of Education broad waiver authority of the McKinney-Vento Homeless Education Assistance Act requirements in schools accepting children displaced by Hurricane Katrina. The letter argues that waiving these requirements would undermine a law that protects our most vulnerable students at a time when the need for such protection is especially critical.

Environmental Law

Letter to Congress opposing S.1711 which would grant the U.S. Environmental Protection Agency, in the wake of Hurricane Katrina, unprecedented legal authority to ignore federal and state environmental laws for a period of 18 months after it takes effect. The letter argues that the bill as drafted is overly broad and unnecessary to deal with the aftermath of Katrina. The bill authorizes waivers that are too long in duration, fails to restrict the waiver authority to those states directly impacted by the hurricane, does not attempt to limit the waiver authority with respect to programs where a limited waiver might be considered appropriate and fails to set forth any reliable criteria for granting such a waiver.

Letter to the New York State Department of Environmental Conservation concerning proposed amendments to 6 NYCRR Part 621, Uniform Procedures with regard to issuance of permits. While generally supporting the department’s efforts to update and clarify certain aspects of the Uniform Procedure, the letter suggests a number of changes which would remove any ambiguity and confusion.

Federal Legislation

Military Affairs and Justice

Letter to Congress urging that the McCain Amendment, which seeks to codify and preserve long-established basic standards of treatment for enemy detainees by the U.S. government in times of war, be included in H.R. 2863, the Fiscal Year 2006 Department of Defense Appropriations Conference Report. This Amendment, the letter argues, is vital to protect American servicemen and women, American values, and America’s relationships and reputation around the world.

Financial Reporting

Letter to the American Institute of Certified Public Accountants commenting on its draft White Paper on Auditor Attendance at Due Diligence Meetings with Underwriters. The letter argues that the draft White Paper adopts an approach that inappropriately marginalizes the auditor’s role as one of the key participants in the due diligence process. The draft would reduce, or even prevent, the meaningful and cooperative dialogue that long has been customary as issuers, auditors, underwriters and counsel prepare a disclosure document intended to provide prospective investors with complete and accurate information regarding the issuer and its financial statements. For more information see Positions and Policies on page 2.

Immigration and Nationality Law

Letter to the U.S. Court of Appeals, Second Circuit, expressing concern with a new procedure which would place all appeals that include an asylum claim, withholding of removal claim or Convention against Torture claim on a Non-Argument Calendar.

International Human Rights

Letter to Secretary of State Condeleeza Rice expressing grave concerns over Nigeria’s failure to surrender former Liberian President Charles Taylor to the Special Court for Sierra Leone and urging strong leadership by the United States government on this issue. The letter argues that the continued shielding of Taylor from justice contravenes the strong global trend toward bringing to justice serious violators of human rights norms and goes against the U.N. Commission on Human Rights Resolution 1999/1. Human Rights Resolution 1999/1 states that all countries are under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches during the civil war in Sierra Leone, and to bring such persons, regardless of their nationality, before their own courts.

International Trade

Composition of World Trade Organization’s Dispute Settlement Panels. This report examines the Dispute Settlement Understanding provisions concerning the selection of panels, outlines the problems with this system and discusses the proposals for reform.
DECEMBER 2005 CALENDAR

Unless otherwise noted, programs are free of charge; open to all members, their guests and the general public; and held at the House of the Association. Program information subject to change. Please check our Website at www.nycbar.org for the latest program information.

1 Thursday, 6:30 - 7:30 pm
Wine & Cheese Reception, 5:30 pm

CCB: The Life and Century of Charles C. Burlingham, New York’s First Citizen, 1858-1959

George Martin’s biography of Mr. Burlingham portrays the public and private lives of this crusader and reformer, including as president of the City Bar, and presents this century of enormous change from CCB’s unique perspective.

Introduction:
SAM ROBERTS

Speaker:
GEORGE W. MARTIN
Author of CCB and Causes and Conflicts: The Centennial History of the Association of the Bar of the City of New York and many other books.

6 Tuesday, 8:30-10 am
Professional Development Breakfast Workshops Series for Mid-Level Associates

Workshop III
The Business of Law

We all want to do great, satisfying work. What we need to remember is that we are doing that great, satisfying work for clients. While every law firm has its own management structure, its own financial models, and its own definition of success, we are all part of the legal professional market. This workshop session will provide critical information which associates can use to analyze potential pathways to partnership and to practice outside of the law firm arena. Areas of discussion will include:

- Background on the fundamental business principles of private practice
- Issues in recruiting and retention
- Insight into client needs and demands
- Analysis of the economic forces and current competitive environment in the legal profession.

Speaker:
DONNA M. HITSCHERICH
Gnosis Advisors

7 Wednesday, 6-9 pm
Ethical Issues in Dealing with Self-Represented and Partially Represented Litigants in Housing Court

This program will address issues such as attorney communications with self-represented litigants, the unbundling of legal services, ghostwriting, and the problem of dealing with litigants of diminished capacity. Three CLE credit hours in ethics will be awarded.

Speakers:
RUSSELL ENGLER
Professor, New England School of Law

PARIS BALDACCI
Professor, Cardozo School of Law

SUSAN BRYANT
Professor, CUNY School of Law

Registration by November 28 is necessary. The fee is $50. Please register on page 5 or online at www.nycbar.org. For more information, please contact Program Chairs Lisa M. Courtney, at (646) 386-5412 or Mary V. Rosado, at (212) 758-2104.

8 Thursday, Noon-2 pm
Public Affairs Luncheon

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

Speaker:
RICHARD N. HAASS
President, Council on Foreign Relations; Author, The Opportunity

Luncheon Chair:
JEROME R. ROSENBERG

Luncheon Vice-Chair:
EMILY CAMPBELL

Registration by December 5 is required to guarantee admission. Registrations received after December 5 are subject to availability. The fee, which includes lunch, is $25. Please register on page 5 or online at www.nycbar.org.

8 Thursday, 6:30-8 pm
Congratulations! You’ve passed the Bar!

Join us in toasting your achievement at a cocktail reception co-hosted by the New York City Bar Association and the New York Law Journal.

Sponsored by:
Dewar’s, Grey Goose, LexisNexis

No fee, but registration by December 2 is necessary. To register and for more information, please go to www.nycbar.org or call (212) 382-4737.
9 Friday, 6 pm

**Friday Evening Chamber Music at the Association**

“SERENATA” Vocal works for Bass-Baritone and Piano

The program will include Bass-Baritone Ron Madden, accompanied by pianist Tom McCoy, who will be performing songs of Ravel, Finzi, Purcell, Handel, Mozart, and selections from American musical theatre.

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

12 Monday, Training: 2-5:45 pm; Reception: 6-7 pm

**New Associates Pro Bono Day 2005**

New Associates Pro Bono Day is an opportunity for junior associates at New York law firms to meet representatives from a variety of legal services organizations and to participate in a number of training programs that relate to various aspects of pro bono work. The program is free of charge and associates will receive CLE credit for the programs they attend.

*Pre-registration is required. For questions or to register, please contact Jason Stone at jstone@stblaw.com.*

14 Wednesday, 6:30-8 pm

**Triangle**

**The Fire and its Impact**

The author of the book *Triangle* will discuss the impact of the 1911 Triangle Shirtwaist fire on the development of labor legislation and the rise of political leaders including Al Smith and Francis Perkins.

Moderator: **DANIEL SILVERMAN**

Counsel, Skadden Arps Slate Meagher & Flom, LLP; Adjunct Professor of Law, Cardozo School of Law

Speaker: **DAVID VON DREHLE**

Author, *Triangle*

15 Thursday, 12:30 -2 pm

**SMALL LAW FIRM LUNCHEON**

**Employment Litigation Under Title VII: Racial Slurs in the Workplace**

Can an employee subjected to racially insensitive language in the workplace prevail on a Title VII claim? It depends. This lunch presentation will examine the complexities of Title VII claims and methods employers can use to limit their exposure. Our panel is composed of attorneys who represent plaintiffs and defendants in these types of cases.

Moderator: **PATRICK J. BOYD**

The Boyd Law Group, PLLC

Speakers:

**MICHAEL C. RAKOWER**

Law Office of Michael C. Rakower

**JOSEPH F. TREMITI**

Tremiti LLC

*Registration by December 8 is necessary. The fee, which includes lunch, is $20 for members, $30 for non-members. Please register below or online at www.nycbar.org Supported by LexisNexis.*

17 Saturday, 8 pm

**Lawyers’ Orchestra’s Late Fall Concert**

**An All-Dvorak Program**

This program will include Carnival Overture, Cello Concerto (Maxine Neuman, soloist) and Symphony No. 8 with David Bernard, Music Director and Conductor.

*Please Note: This program will take place at Pope Auditorium, 113 West 60th Street (at Columbus Avenue), Manhattan.*

*Admission is $15 ($10 for students/seniors with ID) at the door. For more information, please call (212) 788-1093.*

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**December 2005 Registration Form**

- **Ethical Issues in Dealing with Litigants in Housing Court – Dec. 7**
  - $50 Fee
- **Public Affairs Luncheon – Dec. 8**
  - $25 Fee
- **Small Law Firm Luncheon – Dec. 15**
  - $20 Member  $30 Non-member

Name

Number of Reservations

Address

Total Enclosed $

Please charge to my  Mastercard  Visa  American Express

City

Card Number

State

Zip

Expiration Date

Phone

Signature

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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(*4% in 2005 through Exante Bank.)
CITY BAR JUSTICE CENTER RALLIES TO AID KATRINA EVACUEES

New York’s Legal Community Responds to the Call

Following Hurricane Katrina, the Red Cross evacuated refugees from the Gulf Coast region to anywhere they could find a friend or a relative willing to give them shelter. More than 2,000 Katrina refugees have now made New York City their home. Once their safety was assured, evacuees began to sift through their situation, trying to make sense of their lives. Given the deep destruction and chaos brought on by the hurricane, sorting through one’s affairs was no longer an ordinary concern. Katrina evacuees were facing landlords that demanded rent for apartments that were no longer livable, complicated insurance problems, and the intimidating prospect of requesting aid from the federal government.

With its history of providing legal relief following the 9/11 tragedy, the City Bar Justice Center was able to offer its services — and those of the New York legal community — to those affected by the disaster of Hurricane Katrina.

Soon after the hurricane, the Justice Center met with pro bono coordinators of law firms and with the city’s major legal services providers to discuss a collaborative response. Initial issues were identified, and volunteers were recruited. The task ahead was challenging, and fortunately three firms donated personnel to the Justice Center for several months to assist with the coordination and administrative needs: Evelyn Ráez and Robert Child from Weil, Gotshal & Manges LLP; Erin Smith from Skadden, Arps, Slate, Meagher & Flom LLP; and Lauren Checki from Sullivan & Cromwell LLP.

The Justice Center immediately established a legal hotline, and followed up by sending representatives into the temporary housing set up at the Radisson Hotel near Kennedy Airport. Additionally, the Center is coordinating efforts with LawHelp (www.lawhelp.org) to provide an online means for evacuees to contact legal service providers.

The Justice Center is also staffing a table with the assistance of pro bono lawyers at the disaster assistance center set up by the city to provide benefits and other assistance to evacuees. After an initial intake at the Legal Help Desk, evacuees are matched with a “facilitator,” a volunteer attorney who is charged with determining the client’s various legal issues and assuring that the client receives the necessary referrals and legal assistance. This was the holistic model the Justice Center used so successfully in serving 9/11 victims and their families.

As of press time, the City Bar Justice Center has worked with more than 100 evacuees, with more expected. Not surprisingly, many of the victims face landlord and government issues that include: obtaining rent waivers for unlivable property; sorting out the liabilities for damage to rental properties; addressing insurance issues regarding claims and general hurricane coverage; and filing with the Federal Emergency Management Agency (FEMA) and other federal government agencies for relief checks and other benefits that FEMA provides.

According to Maria Imperial, executive director of the City Bar Justice Center, “Hurricane Katrina provided us with a lens for seeing how disadvantaged people are treated in the United States. The New York City Bar’s collective response to the tragedy was admirable. Volunteers are in for the long haul, and the Justice Center will continue to organize the relief efforts for as long as the need persists.”

New Orleans Law School Student, a Good Samaritan

Tulane University student works here to help fellow hurricane survivors

Lauren Checki is one of the four donated staffers working on Katrina relief efforts at the City Bar Justice Center. Unlike the others, Ms. Checki is an evacuee herself: a first-year law student at Tulane University. After evacuating from New Orleans to Memphis, she moved to New Jersey to live with her family and was offered a position at Sullivan & Cromwell LLP through a program designed for evacuated law students. The firm in turn offered her the opportunity of working in disaster relief at the City Bar.

To start, how did you evacuate New Orleans?

I have to preface this by saying how lucky I am. I don’t think my story can really express the heartache and loss that so many people experienced in New Orleans — my family lives in New Jersey; my life is upset but not ruined.

In any case, I had only been in New Orleans for about a month at that point; including a week of orientation and a week of class. On Friday night, we went out to celebrate the completion of an entire week of law school, and everything seemed normal. The next morning, I remember being shaken awake by one of my housemates, saying “Turn on the news! We have to leave!” We went to get gas, only to find two-hour lines waiting for nearly dried pumps. Nine hours later, we were only in Jackson, Mississippi — that should be 90 minutes normally — and the news had started to turn. At first it was a near-miss, then the levees broke. We were watching to hear reports from our neighborhood, hoping it would survive. And also, we were calling Tulane for updates — first classes were cancelled for a week, then two, finally indefinitely.

How did you end up in New York?

I grew up in New Jersey, so it was initially a matter of just going home. The word from Tulane eventually was that they would try to get back to normal as soon as possible, and they
implored us not to enroll at any other law school. I know people who just had to keep their lives moving and decided to transfer, but I realized that every reason I had decided on Tulane still held, so I went home and looked for work.

What drew you to the City Bar?
Actually, it wasn’t even on my radar to begin with. A friend of mine found me a job working for Sullivan & Cromwell, and I had already begun my orientation and was getting ready the night before the job was going to start when I got a call saying that an opportunity had opened up at the City Bar providing assistance to Katrina evacuees in the New York area. I jumped at it. I’m still employed by Sullivan & Cromwell, officially. I’m just on loan to the City Bar – there are a few of us in that situation.

What work are you doing at the City Bar?
I’m officially a paralegal with the City Bar Justice Center Hurricane Katrina Relief Program. I work with the lawyers and facilitators, providing whatever follow-up, coordination or research that is needed. I have spoken directly with many of the evacuees, which has been both distressing and rewarding.

What kinds of cases are you seeing?
There’s really a large range. Plenty of FEMA or insurance claims of course, but some other things that aren’t quite as obvious: immigration cases where visas are invalidated because they apply only to a company that doesn’t exist any more; tenants with absolutely nothing are trying to fight fees from landlords for their unlivable former apartments. It’s work that absolutely needs to be done, and these people are very desperate.

How does working on all of this affect you emotionally, especially as an evacuee yourself?
It has been heartrending, especially the first few days. I haven’t gotten to the point where I’ve had to cry myself to sleep every night, but hearing these stories absolutely eats away at you. But our help is so crucial, and the gratitude you receive is so heartfelt and sincere, you get through it every time.

Where do you go from here? How do you feel about becoming a lawyer after all this?
This whole experience has really reaffirmed my commitment to public interest law. I had my eye on it before, but now I’ve become a lot more motivated, I think. There’s a lot lawyers can do for the community, especially one that is facing as much adversity as New Orleans is now. There’s a difference to be made here. Tulane is going to compress the first year of law school into one semester starting in January; I’m ready to get going.

Give to the City Bar Justice Center

Victims of Hurricane Katrina are just some of the many people in need of the City Bar Justice Center’s services. Immigrants, battered women, the homeless, the elderly, cancer survivors, consumers filing for bankruptcy and struggling small businesses compose the more than 25,000 vulnerable New Yorkers who receive access to justice through the City Bar Justice Center each year.

Membership donations are the lifeblood of our work and account for at least one-third of the financing for our programs. As we count our blessings this time of year, let’s not forget the many New Yorkers whose blessings are few and for whom the concept of “justice for all” is often out of reach. One of the greatest rewards of practicing law is our ability to make a difference in the lives of others and our communities. Please help us achieve access to justice for low-income New Yorkers with your tax deductible year-end gift. Donate online at www.nycbar.org or send a check payable to the City Bar Justice Center, 42 West 44th Street, New York, NY 10036.

There are many ways to support the City Bar Justice Center. In addition to an outright gift, you can donate stock or life insurance, set up a trust, and remember the City Bar Justice Center in your estate plans. For more information call Rosemary Griffin at 212-382-6754.

City Bar Justice Center To Be Honored by the American Immigration Law Foundation.

On Thursday, December 8th, the City Bar Justice Center will receive the Distinguished Public Service Award from the American Immigration Law Foundation at the Sixth Annual New York Immigrant Achievement Awards in recognition of our long-standing commitment to increase access to justice for immigrants. We hope to see you there.

Thursday, December 8, 2005

Marriot Marquis Hotel
1535 Broadway
New York, New York

5:30 Reception
6:30 Awards Ceremony

For more information, please visit www.ailf.org.
JUDICIAL SALARIES... CONTINUED FROM PAGE 1

dollars they could earn in the private sector, we must provide enough compensation to attract outstanding lawyers and retain them as judges, and to make clear the respect with which we hold this branch of government. By contrast, our current approach does not even provide salary increases that match inflation.

Beyond raising judges’ salaries, we must establish a mechanism that provides for periodic review and adjustment of salaries in a way that removes the decision from the political realm. Judges should not have to go hat in hand to the other branches on a regular basis to seek appropriate compensation.

As lawyers we can make a difference by being more vocal in the effort to support increased compensation for judges and funding for court operations. When the issue arises again in Congress or the State Legislature, please speak out to make the public and the decision-makers aware of the need for significant improvement in judicial compensation.

Every Lawyer in America Should Own One

The United States Mint marks the 250th anniversary of the birth of Chief Justice John Marshall by issuing a commemorative silver dollar in his honor.

Chief Justice John Marshall is one of the most revered figures in American legal history. His reputation is due not only to his 34-year term in office, the longest for a Chief Justice in history, but also to his masterful leadership of that body.

The coin is the first in the Mint’s history to acknowledge the Great Chief Justice or to recognize the Supreme Court of the United States. $10 from the sale of each coin benefits the Supreme Court Historical Society. The coin is available as a proof coin ($39) and as an uncirculated coin ($35). You can help the Society serve the Court and the nation by purchasing a John Marshall commemorative silver dollar. For information about the coins and ordering, visit the Society at www.supremecourthistory.org or call the Society toll-free at 1-888-539-4438.
SLAVERY IN THE COURTS

“On December 6, 1865, eight months after the end of the American Civil War, the Thirteenth Amendment to the United States Constitution was ratified abolishing slavery and involuntary servitude. Prior to that date, colonial and United States history is replete with uprising, compromises, legislation and legal proceedings relating to slaves both in the North and the South.”

— From the exhibit “Slavery in the Courts,” Association of the Bar of the City of New York, 2005

The Association's library is fortunate to own a vast collection of documents from this turning point in our nation's history. We are proud to share a small sampling of our collection of slavery material from the following landmark cases:

THE TRIAL OF AMOS BROAD AND HIS WIFE

Slave Betty was beaten by her master, who also poured water on her and made her stand out in the cold until it froze. But even worse, Amos Broad, the slave owner, beat Betty’s three-year-old child until she gasped for breath. In 1809, Amos and his wife were indicted for the beatings in the Court of Special Sessions of the Peace in New York. Both Broad and his wife were found guilty. While the legality of slavery was not addressed, the Broads were forced to free their slaves.

THE AMISTAD SLAVERY CASE

In 1839, a group of African slaves aboard the Spanish ship Amistad killed the captain and the crew of the vessel. They were caught while attempting to sail back to Africa. The case of the Amistad prisoners ultimately reached the Supreme Court. While the decision did not attack slavery, it found that the slaves had been illegally kidnapped from Africa and therefore were not liable for crimes against their captors.

TRIAL AND IMPRISONMENT OF JONATHAN WALKER

Johnathan Walker was a Florida resident who moved to Massachusetts to separate himself from slavery. He returned to Florida to help seven slaves, formerly in his employ, escape. Upon his conviction for assisting in the escapes, he was pilloried, pelted with rotten eggs, imprisoned for eleven months and branded on the hand by a U.S. Marshall with the letters S.S. signifying “slave stealer.”

THE LEMMON SLAVE CASE

In 1852, the Lemmon family of Virginia traveled to New York with their eight slaves. Louis Napoleon, a free Negro, sought and was granted freedom for the Lemmon’s slaves by filing a writ of habeas corpus in New York’s superior court. Seven years later, the State of Virginia challenged the action in New York’s Court of Appeals. The court decided 5-3 in favor of New York in a pro-freedom decision that sustained the slaves’ release.

A recent discovery among the many treasures is a rare 1783 first edition copy of Constitutions des Treize Etats-Unis de l’Amérique, where the United States seal (eagle and stars and stripes) made its appearance for the first time in a book.

In one of the most exciting developments, the library has been photographing many of the title pages of the rare books and featuring them on the Association Web site with a description of each item. Especially interesting are the sensationalized pamphlets from 19th century trials. These provided legal doctrine as well as titillating entertainment.

In addition, a rotating, themed exhibit of rare books is being displayed in the Association lobby for all to enjoy. This month the exhibit features materials from landmark cases in the history of slavery in the United States. Future exhibits are already in the planning stages. So the next time you are buzzing through the Association lobby on the way to a meeting or event, it is worth taking a few minutes to stop and look at some of the Association’s proudest possessions.
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The City Bar Center for CLE recognizes that you have a busy schedule. So the Center has expanded this convenient format for you to earn credits and learn the latest developments within your practice area.
### CITY BAR CENTER FOR CLE
#### DECEMBER 2005 CLE COURSE CALENDAR

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
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<td>9-5 p.m.</td>
<td>6-9 p.m.</td>
<td>6-9 p.m.</td>
<td>9-11 a.m.</td>
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<tr>
<td>16-HOUR</td>
<td>WHAT EVERY CRIMINAL &amp; CORPORATE LAWYER Needs to Know About Monitors</td>
<td>ARBITRATION &amp; THE COURTS: HOW CAN WE DEFEND ARBITRATION AGAINST UNNECESSARY LITIGATION</td>
<td>ETHICS IN THE DIGITAL AGE: USING TECHNOLOGY INTELLIGENTLY</td>
<td>PRIVATE M&amp;A DEALS: MASTERING THE &quot;TOOLS&quot; FOR A SUCCESSFUL TRANSACTION</td>
</tr>
<tr>
<td>BRIDGE-THE-GAP</td>
<td>3 credits*</td>
<td>3 credits*</td>
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<td>PRACTICAL TRIAL SKILLS</td>
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<td>KEEP'IN' OUT OF MISHIEF: LEGAL ETHICS FOR THE SAFE LAWYER</td>
<td>COMMERCIAL LEASING: A THRU Z Part Two of Two</td>
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| 12              | 13                       | 14              | 15                | 16                       |
| 9-12:15 p.m.    | 9-12:30 p.m.             | 9-5 p.m.        | 9-12 p.m.         | 9-12 p.m.               |
| USING LIKE KIND EXCHANGES TO MAXIMUM TAX ADVANTAGE | EVERYTHING YOU WANT TO KNOW ABOUT FIDUCIARY ACCOUNTING BUT WERE AFRAID TO ASK! | 16-HOUR BRIDGE-THE-GAP | EMPLOYEE BENEFITS FUNDAMENTALS & HOT TOPICS | KEEPIN' OUT OF MISHIEF: LEGAL ETHICS FOR THE SAFE LAWYER |
| 3½ credits*     | 3½ credits *             | 3 credits*      | 3 credits*        | 3 credits*              |

| 19              | 20                       | 21              | 22                | 23                       |
| 9-5 p.m.        | 9-5 p.m.                 | 9-5 p.m.        | 9-5 p.m.          | 9-5 p.m.                |
| 2 credits*      | 6 credits*               | 7½ credits      | 8 credits *       |                         |

*This program provides transitional credit for newly admitted attorneys.*
Speed and cost effectiveness are the two most often cited benefits of arbitration. However, the willingness of courts to intervene in the arbitration process may undermine its promise of speedy and inexpensive dispute resolution. Although some court involvement is necessary, for example to enforce the arbitration award, the potential for extensive judicial intervention is a concern to practitioners and to clients who are paying the costs. While both the federal and New York State courts have declared a strong policy in favor of arbitration, too often these days a demand for arbitration spawns both arbitration and litigation and parties are seeking court intervention more and more often.

A premier faculty, including attorneys and arbitrators, will examine: how courts are identifying the applicable law governing judicial intervention in arbitration; strategies for dealing with a party who insists on taking its case to court despite its promise to arbitrate all disputes and whether such a party could be held liable for breach of the contract to arbitrate; and whether the arbitrator can impose monetary sanctions on counsel and/or parties who are deemed to abuse the arbitral process. In addition, the faculty will examine ways to resolve your cases quicker which will lead to increased client satisfaction and will free up your time to take on additional clients. This program will explore and navigate the problems and impediments to efficiency and economy that may arise in connection with judicial intervention in arbitration.

This program is a must for attorneys, arbitrators and judges interested in strategies and tips for preserving the arbitration process and avoiding unnecessary litigation.

Program Chairs:
WILLIAM J.T. BROWN
LeBoeuf, Lamb, Greene & MacRae LLP
KAREN J. VAN INGEN
Director, Securities Arbitration Clinic
Acting Assistant Clinical Professor of Law
Brooklyn Law School

Faculty:
JEFFREY L. LIDDLE
Liddle & Robinson LLP

PROFESSOR NORMAN S. POSER
Professor of Law
Brooklyn Law School

HON. LEWIS BART STONE
New York State Supreme Court Justice
New York County

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

CLE credit:
3 credits total: credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.

BRIDGE-THE-GAP

16-HOUR BRIDGE-THE-GAP

5 Monday & 14 Wednesday, 9-5 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 invaluable information and credits for more experienced 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:
JOHN J. DIEHL
General Counsel
Phoenix House Foundation

PROFESSOR JAMES J. FISHERMAN
Pace University School of Law

VALERIE FITCH
Director of Attorney Development
Pillsbury Winthrop Shaw Pittman LLP

WILLIAM D. FRUMKIN, MSW
Sapir & Frumkin LLP
Attorneys at Law

JOSEPH J. HANDLIN
Law Offices of Joseph J. Handlin

KATHY J. HOLUB
Lecturer, Columbia and Harvard Law Schools
Holub Communications

KATHERINE D. JOHNSON
Heller Ehrman LLP

MARK KLEIMAN
Community Mediation Services, Inc.

MICHAEL A. LEHMANN
Manatt, Phelps & Phillips LLP

GEOFFREY R. MAZEL
Hankin, Handwerker & Mazel, PLLC

MATTHEW J. NOLFO
Law Offices of Matthew J. Nolfo

TERESA OMBRES
The Law & Mediation Offices of Teresa Ombres, PLLC

MARIA PARK
District Attorney’s Office
Kings County

CAROL A. SEELIG
Professional Law Practice Management Advisor
CASME

EVA C. TALEL
Stroock & Stroock & Lavan LLP

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

CLE Credit for December 5 & 14: 16 credits total:
7 professional practice/practice management, 6 skills & 3 ethics. This program provides transitional credit for newly admitted attorneys.

CLE Credit for December 5 or 14: 8 credits total:
credit breakdown to be determined. This program provides transitional credit for newly admitted attorneys.

CORPORATE & SECURITIES

PRIVATE M&A DEALS:
MASTERING THE “TOOLS” FOR A SUCCESSFUL TRANSACTION

2 Friday, 9-5 p.m.

The overwhelming number of M&A transactions fall into the private hemisphere — sales of privately-held companies and subsidiaries, divisions and assets. Private M&A transactions possess three defining aspects not shared by public M&A transactions: the need to “carve out” the target...
from the seller(s); the ability to adjust purchase price after the transaction is closed; and a seller or sellers that survive the closing independent of the acquirer. Much of the M&A lawyer’s art lies in mastering the economic and risk allocation tools that arise from these three aspects. This full-day program will present an in-depth exploration of these tools, including:

■ “carve out” financial statements; transferred vs. excluded assets and liabilities; and sufficiency of assets representations
■ surviving representations and warranties and post-closing indemnification; escrows and holdbacks; purchase price adjustments based on closing date net assets, working capital or other balance sheet measures; and earn outs
■ non-compete; non-solicit/non-hire; information sharing; transition services; shared systems and intellectual property; and other agreements or arrangements governing the post-closing relationship between seller(s) and buyer

The program will also address due diligence and transaction structuring issues common to private M&A transactions. This program is intended both for M&A practitioners and generalist lawyers or other non M&A specialists who need to better understand the private M&A deal.

Program Chair:
STEPHEN KOTRAN
Sullivan & Cromwell LLP

Faculty:
JOSHUA R. CAMMAKER
Wachtell, Lipton, Rosen & Katz
CHRISTA A. D’ALIMONTE
Shearman & Sterling LLP
DOMINICK P. DECHIARA
King & Spalding LLP
MARK GORDON
Wachtell, Lipton, Rosen & Katz
STEPHEN R. HERTZ
Debevoise & Plimpton LLP
JEFFREY S. ISAACS
VP & Corporate Counsel
M&A and Managing Attorney
Prudential Financial, Inc.
DAVID M. KLEIN
Shearman & Sterling LLP
ERIC M. KRAUTHEIMER
Sullivan & Cromwell LLP
MICHAEL T. MOLLERUS
Davis Polk & Wardwell

ANDREW L. ORINGER
Clifford Chance US LLP

MELISSA SAWYER
Sullivan & Cromwell LLP

CLE credit: 7½ credits in professional practice/practice management. This program does not provide transitional credit for newly admitted attorneys.

Live Program:
Member $375
Non-member $515

THE ABCs OF EXCHANGE-TRADED & OVER-THE-COUNTER DERIVATIVES

9 Friday, 9-5 p.m.

This program will examine the regulation, trading and documentation of exchange-traded futures contracts and over-the-counter (OTC) derivatives. Specifically, the program will provide an introduction to certain key federal statutes affecting futures and OTC products, namely, the Commodity Exchange Act, the Securities Act of 1933 and the Securities Exchange Act of 1934. It will also discuss recent product and documentation innovations and market developments relating to certain types of products, such as credit, equity and energy derivatives, and to certain market participants, such as hedge funds and insurance companies. It will also address cross product netting and related contractual rights in light of 2005 amendments to federal legislation designed to clarify the treatment of financial contracts, including derivatives, upon the insolvency of a counterparty.

Program Chair:
ROBERT M. MCLAUGHLIN
Katten Muchin Rosenman LLP

Keynote Speaker:
DR. SHARON BROWN-HRUSKA
Commissioner
Commodity Futures Trading Commission

Faculty:
SAMUEL F. ABERNETHY
Menaker & Herrmann LLP

CONRAD G. BAHLIKE
Weil, Gotshal & Manges LLP

DONALD BENDERNAGEL
Managing Director & Associate General Counsel
Citigroup

LAWRENCE S. BRANDMAN
Legal Director, Credit & Bankruptcy Vice President, Associate General Counsel
Goldman, Sachs & Co.

WARREN DAVIS
Sutherland Asbill & Brennan LLP

GARY ALAN DEWAAL
Senior Executive / General Counsel
Fimat USA, LLC

SUZAN C. ERVIN
Dechert LLP

SETH GROSSHANDLER
Cleary Gottlieb Steen & Hamilton LLP

CINDY W. MA
Vice President
NERA Economic Consulting

KENNETH M. RAISLER
Sullivan & Cromwell LLP

BRIAN D. RANCE
Freshfields Bruckhaus Deringer LLP

MICHAEL S. SACKHEIM
Sidley Austin Brown & Wood LLP

HOWARD SCHNEIDER
Senior Vice President
Man Financial Inc

DON THOMPSON
Vice President & Assistant General Counsel
JP Morgan Chase

SHERRI VENOKUR
Special Counsel
Stroock & Stroock & Lavan LLP

ROBERT C. WHITEHEAD
Associate General Counsel
Bank of America, N.A.

DAVID J. YERES
Clifford Chance US LLP

CLE Credit: 8 credits total: 7 professional practice/practice management and 1 ethics. This program provides transitional credit for newly admitted attorneys.

Live Program:
Member $405
Non-member $545

CRIMINAL LAW

WHAT EVERY CRIMINAL & CORPORATE LAWYER NEEDS TO KNOW ABOUT MONITORS

6 Tuesday, 6-9 p.m.

As we watch a stunning increase in corporate fraud prosecutions in state and federal courts,
prosecutors, defense attorneys, corporate attorneys and judges are relying more heavily on monitors to assist in preventing and deterring further corporate criminal liability. When a corporation is convicted of fraud and other financial crimes judges are assigning monitors to oversee the operation of the corporate defendant as a condition of the sentence. Additionally, corporate entities are voluntarily retaining monitors to ensure the integrity of their corporate operations, to comply with Sarbanes-Oxley regulations and to minimize the possibility of corporate misconduct.

At this seminar, a panel of experts will discuss various aspects of the roles and responsibilities of monitors in state and federal criminal cases, and monitors voluntarily retained by corporate clients. The panelists will discuss: the ethical considerations of a monitor and possible conflicts of interest; how the role of the monitor has changed since passage of Sarbanes-Oxley; regulation and oversight of monitors; the significance of the International Association of Independent Private Sector Inspector Generals Code of Conduct and the experience of monitors in voluntarily retained and court-appointed cases. The program will cover legal and ethical considerations for monitors, including specific case studies, codes of conduct and sentencing matters.

This program is designed for lawyers who practice state and federal criminal law, compliance and regulatory law, and civil and corporate law.

Co-Sponsored with:
The International Association of Independent Private Sector Inspector Generals (IAIPSIG)

Moderator:
HECTOR GONZALEZ
Mayer Brown Rowe & Maw LLP

Faculty:
KEVIN J. BRENNAN
Dwyer & Brennan

MATTHEW A. EILENBURG
Watson Wyatt & Company

MARJORIE M. GLOVER
Chadbourne & Parke LLP

RENATA POMPA
Proskauer Rose LLP

Program Co-Chairs:
ALBERT FEUER
Law Offices of Albert Feuer

ANDREA S. RATNER
Proskauer Rose LLP

EMPLOYEE BENEFITS

EMPLOYEE BENEFITS FUNDAMENTALS & HOT TOPICS

8 Thursday, 9-12 p.m.

In over the past three decades since its enactment, ERISA has emerged as an important and constantly evolving law that impacts many types of benefit plans and arrangements covering employees. ERISA practitioners may be involved in traditional counseling and compliance issues as well as advising on corporate transactions, bankruptcies, pension plan investments, and litigation.

Come hear a panel of ERISA experts talk about the fundamentals of ERISA and new developments. Topics include:

- What is an ERISA plan/ERISA coverage
- Pension Plans and Welfare Plans
- Reporting and Disclosure
- Fiduciary Duties
- Prohibited Transactions
- Tax-Qualified Pension Plans
- 401(k) Plans
- Title IV-Defined Benefit Plans
- Health Plans-COBRA/HIPAA
- ERISA Litigation/Claims
- Preemption

This program provides both an introduction to ERISA as well as a review of current “hot” topics in the ERISA area.

Program Co-Chairs:
ALBERT FEUER
Law Offices of Albert Feuer

ANDREA S. RATNER
Proskauer Rose LLP

ETHICS

ETHICS IN THE DIGITAL AGE: USING TECHNOLOGY INTELLIGENTLY

1 Thursday, 9-11 a.m.

Word processing, e-mail, voicemail, cell phones, fax machines and the myriad of other technologies we take for granted have revolutionized the business and practice of law. This program will cover the impact of these technological developments on law and business and the resulting ethical implications.

Program Instructor:
GREGORY P. SILBERMAN
Kaye Scholer LLP

Live Program:
Member $225
Non-member $335

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

KEEPIN’ OUT OF MISCHIEF: LEGAL ETHICS FOR THE SAFE LAWYER

16 Friday, 9-12 p.m.

This program on legal ethics, with an emphasis on the New York Rules where pertinent, will select from the following issues, possibly among others, and with an effort to select some issues
that will be of practical interest to each of various practice settings: lessons from the Arthur Andersen, Martha Stewart, and Frank Quattrone prosecutions and the investigation of the Valerie Plame leak (including some surprising things about obstruction of justice and a lawyer’s duty with regard to documents preservation); in-house lawyers wearing two (or more) hats: risks to the privilege; the rules on paying expert and lay witnesses; the New York twist on confidentiality rules; possible changes to the New York ethics rules on the horizon; how to write a consent to future conflicts that will stand up if challenged; what does the “Hot Potato” rule say and not say?; understanding positional conflicts and when they do and don’t require you to turn down a matter; settlements conditioned on a lawyer’s agreement not to sue the defendant again; the hidden risks when lawyers do business with clients or have conflicting financial or other interests; informational conflicts: something brand new to worry about; how far are conflicts imputed within a law office and among co-counsel?; seven important conflict of interest rules to keep you out of trouble; the no-contact rule in New York; Multijurisdictional Practice: or is a New York lawyer still a lawyer in Connecticut and vice versa?; the misdirected fax: what should you do with it? what if you send one?; offers from whistleblowers: trick or treat; law firm alliances with other service providers: the New York Rule; “can’t we just be nice to each other?” alliances with other service providers: the New York twist on confidentiality rules; possible changes to the New York Rule; “can’t we just be nice to each other?” — the perils of incivility; two can be trouble: useful protocols when representing joint clients; “just the facts please” — a checklist for internal corporate investigations; candor to the court: what you don’t say can hurt you or ellipsis at the opening and closing statements.

This program is designed for both the seasoned litigator looking to hone skills as well as those with less litigation experience.

Program Chair:
VICTOR OLDS
Vice President, Law Division Morgan Stanley

Moderator:
HONORABLE DEBORAH A. BATTS
United States District Judge
United States District Court (S.D.N.Y.)

Faculty:
NELSON A. BOXER
Alston & Bird LLP

LEV L. DASSIN
Chief, Criminal Division
United States Attorney’s Office (S.D.N.Y.)

MICHAEL S. KIM
Kobre & Kim LLP

HON. KIYO A. MATSUMOTO
United States Magistrate Judge
United States District Court (E.D.N.Y.)

JOHN F. NASH
Sullivan Papain Block McGrath & Cannavo, PC

HON. NELSON S. ROMAN
New York State Supreme Court Justice
Bronx County

Program Instructor:
PROFESSOR STEPHEN GILLERS
Emily Kempin Professor of Law
New York University School of Law

Live Program:
Member $25
Non-Member $36

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

LITIGATION

PRACTICAL TRIAL SKILLS

5 Monday, 6-9 p.m.

This hands-on program is designed to acquaint practitioners with the fundamentals involved in preparing for and conducting civil and criminal trials. Topics to be covered, both by discussion and by demonstration, include: basic pleadings, accusatory instruments, discovery tools, grand jury proceedings, jury selection, witness preparation, use of depositions at trial, direct and cross examination of fact and expert witnesses, and opening and closing statements.

This program is designed for both the seasoned litigator looking to hone skills as well as those with less litigation experience.

Program Chair:
VICTOR OLDS
Vice President, Law Division Morgan Stanley

Moderator:
HONORABLE DEBORAH A. BATTS
United States District Judge
United States District Court (S.D.N.Y.)

Faculty:
NELSON A. BOXER
Alston & Bird LLP

LEV L. DASSIN
Chief, Criminal Division
United States Attorney’s Office (S.D.N.Y.)

MICHAEL S. KIM
Kobre & Kim LLP

HON. KIYO A. MATSUMOTO
United States Magistrate Judge
United States District Court (E.D.N.Y.)

JOHN F. NASH
Sullivan Papain Block McGrath & Cannavo, PC

HON. NELSON S. ROMAN
New York State Supreme Court Justice
Bronx County

Live Program:
Member $195
Non-member $305

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

REAL ESTATE

COMMERCIAL LEASING: A THRU Z

1 & 8 Thursdays, 6-9 p.m.

This program will provide a comprehensive overview of New York commercial leasing. A distinguished faculty will provide valuable information and advice to attorneys representing both landlords and tenants for office and retail space. The program will cover the leasing process from start to finish, from construction to occupancy and beyond. Topics to be covered include: due diligence, construction issues, office building services, rent escalation provisions, insurance, security and guaranties, and typically negotiated clauses, including those dealing with default, assignment and subleasing. This program is a must for new and experienced real estate practitioners as well as attorneys who need an overview of the topic.

Program Chair:
WILLIAM J. LIPPMAN
Dechert LLP

Faculty:
ADAM LEITMAN BAILEY
Law Firm of Adam Leitman Bailey, PC

JACOB BART
Stroock & Stroock & Lavan LLP

JONATHAN D. BLUM
Stroock & Stroock & Lavan LLP

NANCY ANN CONNERY
Schoeman, Updike & Kaufman, LLP

ROBERT A. JACOBS
Belkin Burden Wenig & Goldman, LLP

ARNOLD F. MASCALI
Senior Vice President & Counsel Aon Horizons Consultants, Inc.

IAN H. SILVER
Brown Raysman Millstein Felder & Steiner LLP

L. STANTON TOWNE
McDermott Will & Emery LLP

FRANCES E. TRACHER
Sussman Sollis Ebin Tweedy & Wood, LLP
EVERYTHING YOU WANT TO KNOW ABOUT FIDUCIARY ACCOUNTING BUT WERE AFRAID TO ASK!

13 Tuesday, 9-12:30 p.m.

The panel will consist of trust and estate practitioners and a fiduciary accountant who will discuss the when, where and how of representing fiduciaries in accounting proceedings, including judicial and informal accounting. Topics to be discussed include:

- The preparation of accountings
- The determination of form of accounting and appropriate proceeding
- The forms for judicial and informal accounting proceedings

Program Chair:
DAVID MCCABE
Willkie Farr & Gallagher LLP

Faculty:
JOSEPH V. FALANGA CPA AEP
Managing Director
RSM McGladrey

HOWARD J. NEUTHALER
Kramer Levin Naftalis & Frankel LLP

JOHN C. NOVOGROD
Kramer Levin Naftalis & Frankel LLP

EVE RACHEL MARKEWICH
Blank Rome LLP

DILIP B. PATEL
Willkie Farr & Gallagher LLP

CLE Credit: 3½ credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys.

CPE Credit: 1 in accounting.
DECEMBER 2005
CLE REGISTRATION FORM

☐ ETHICS IN THE DIGITAL AGE: USING TECHNOLOGY INTELLIGENTLY
December 1

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☐ COMMERCIAL LEASING: A THRU Z
December 1 & 8

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☐ PRIVATE M&A DEALS: MASTERING THE "TOOLS" FOR A SUCCESSFUL TRANSACTION
December 2

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☐ 16 HOUR BRIDGE-THE-GAP
December 5 & 14

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☐ PRACTICAL TRIAL SKILLS
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☐ WHAT EVERY CRIMINAL & CORPORATE LAWYER NEEDS TO KNOW ABOUT MONITORS
December 6

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* ABCNY or Co-sponsor members

☐ ARBITRATION & THE COURTS: HOW CAN WE DEFEND ARBITRATION AGAINST UNNECESSARY LITIGATION?
December 7

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☐ THE ABCs OF EXCHANGE-TRADED & OVER-THE-COUNTER DERIVATIVES
December 9

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☐ USING LIKE KIND EXCHANGES TO MAXIMUM TAX ADVANTAGE
December 12

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☐ EVERYTHING YOU WANT TO KNOW ABOUT FIDUCIARY ACCOUNTING BUT WERE AFRAID TO ASK!
December 13

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☐ KEEPIN’ OUT OF MISCHIEF: LEGAL ETHICS FOR THE SAFE LAWYER
December 16

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New York City is one of the most diverse cities in the world, with racial/ethnic minorities comprising 55.3% of the population (U.S. Census, 2000). Yet this diversity is not reflected in the demographics of its legal community, and its leadership in particular.

On September 15, 2005, the New York City Bar’s Office for Diversity hosted a working group session focused on the retention and advancement of racial and ethnic minorities in the legal profession. The panel, which was moderated by Stacey M. Gray, principal of Stacey M. Gray, P.C., included Dennis P. Duffy, vice president and associate general counsel for labor and employment at Time Warner, Inc., Andrew T. Hahn, Sr., partner at Seyfarth and Shaw’s New York Office, Adam C. Hemlock, partner at Weil Gotshal & Manges LLP, and James J. Sandman, managing partner of Arnold & Porter LLP.

While more work is to be done to encourage greater diversity coming into the profession, the greater challenge is keeping the diverse talent employers attract. The panelists described how minority associates quickly discern whether a firm environment is comfortable and conducive to their advancement and development. In essence, there can be a “virtuous cycle” where firms who retain, develop, and advance diverse talent are in turn better able to attract more racial/ethnic minorities in the future.

### Key Statistics on Racial/Ethnic Minority Attorneys

- In 2005, more than one-quarter (26%) of students at the Top 20-ranked law schools, and 21% of the 14 New York-area law schools are racial/ethnic minorities (U.S. News and World Report, 2005).
- New York offices of signatory firms are more diverse than the profession as a whole as 15.2% of attorneys in signatory firms are racial/ethnic minorities compared with 10.8% in the profession as a whole (ABA, Statistics about Minorities in the Profession from the Census, 2000).
- However, racial/ethnic minorities are clustered in the associate pool: 4.7% of New York area partners are racial/ethnic minorities compared with 21.1% of associates. (NYC Bar, Diversity Benchmarking Report, 2005)
- While 19% of the pre-partner pool in 2004 were racial/ethnic minorities, only 7% of new promotions to partner were minorities. (NYC Bar, Diversity Benchmarking Report, 2005)

### Action Steps for Increasing Racial/Ethnic Minority Leaders:

- **Confront Stereotypes.** Misconceptions about different groups can be unearthed through focus groups and input from affinity groups and then addressed through diversity training and other communications mechanisms. Andrew Hahn discussed that even the “model minority” depiction of Asian-Americans as hard-working and intelligent can be detrimental, as that depiction can be inferred as “great qualities for associates, but not necessarily for partners.”
- **Establish a Mentoring Culture.** There was some debate about the efficacy of informal mentors versus formal programs. However, all agreed that minority attorneys need a panel of mentors to help them navigate their organizations, obtain candid performance feedback, and gain visibility with other leaders in their organization. Mentoring programs can be a powerful tool for providing training on effective mentoring and ensuring that all attorneys have access to mentoring opportunities. Adam Hemlock reinforced that by adding, “the need for mentoring doesn’t end when you make partner.”
- **Emphasize Good Management.** James Sandman described the importance of good management as a tool to retain all talented associates, but particularly racial/ethnic minorities who might otherwise slip through the cracks. He defined “good management” as including structured assignment processes, regular and detailed feedback, the setting of clear expectations, identification and tracking of core skills, and mentoring.
- **Focus on Leadership.** The panel described the need, as more minority attorneys begin to make partner, to develop these new partners into leaders through mentoring and training opportunities. In particular, senior associates and junior partners need to be educated on business generation skills and the particular ways the firm grants origination credit. Dennis Duffy also suggested that clients should be informed on how this process works and how they can support minority associates and partners in their development.

For more information about racial and ethnic diversity in New York’s legal community or upcoming diversity working group sessions, please contact the New York City Bar’s Office for Diversity: Meredith Moore, director at mmooore@nybar.org, or Elizabeth Kowalczyk, assistant, at ekowalczyk@nybar.org.