Evaluating Judicial Candidates

PATRICIA M. HYNES, PRESIDENT

Many of you know the Association has long played a key role in evaluating candidates for judicial office. In fact, the Judiciary Committee was the first committee the Association formed. That is understandable, because the reason for our creation in 1870 was to address the rampant corruption in the City’s judiciary during the Boss Tweed era.

The Committee and the Association were successful, and today, in a thankfully far better climate, our outstanding Judiciary Committee has become nationally known for its high-quality work in evaluating all candidates for judicial appointment or election in New York, as well as candidates for District Attorney and U.S. Attorney. During the past year, the Committee reviewed 115 candidates, over 50 of them during election season, which is its busiest period. In addition, the Executive Committee, with the Judiciary Committee’s assistance, evaluates candidates for the New York Court of Appeals and nominees to the U.S. Supreme Court.

I am proud that the evaluation of judicial candidates remains a central function of the Association. The Bar has to play a major role in preserving the quality of the bench, so that our profession and the public can have the utmost confidence in our judiciary. I congratulate and thank the dedicated members of our Judiciary Committee and our Executive Committee for all their ongoing great work.

We are often asked how the City Bar goes about evaluating judicial candidates. The article on page 3 explains how the City Bar’s judicial evaluation process works. ■

The Lawyer Assistance Program

With heavy workloads, high stakes, intense competition and new financial concerns, it is no surprise that many lawyers experience high levels of stress. Left unrecognized or untreated, stress can lead to depression, anxiety, substance abuse and other problems, which may cause pain not only to individuals but to their families and colleagues. And as Chief Judge Judith Kaye has noted, “These diseases also pose obvious risks to clients and to the public’s trust and confidence in the legal profession.”
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**44TH STREET NOTES**

**Editor**  
Eric Friedman

**Associate Editor**  
Christina Bruno

**Graphic Design**  
Curio Design LLC

**Marketing Director**  
Adele Lemlek

**Advertising**  
Alison Fidler 212.382.6753  
Daniel Seid 212.382.4742

**Executive Director**  
Barbara Berger Opotowsky

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"Those responsible for putting my client in charge of the henhouse should be on trial here, not my client, who, as a fox, was only doing his job."

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1 Deposition = 1 Montblanc Pen
You Book The Depo, We’ll Bring The Sword

...well, not exactly, but the pen is mightier than the sword, especially when it comes to litigation! Take your first depo with Capital and we’ll hand deliver a Montblanc pen to your firm.

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The Judicial Evaluation Process

The Judiciary Committee is comprised of over 50 attorneys, diverse in ethnicity, gender, and area and size of practice. This diversity gives the Committee knowledge of all the City’s courts and reflects various perspectives on the qualities judges should have to be most effective in those courts.

The Committee’s mission is to determine if the candidate being reviewed holds the necessary qualifications to become a judge, such as integrity, impartiality, intellectual ability, knowledge of the law, industriousness, and judicial demeanor and temperament.

The first step in evaluating judicial candidates’ credentials is to request that they complete the Judiciary Committee’s Uniform Judicial Questionnaire, which seeks detailed information regarding their legal experience, education and employment. If a candidate is an attorney, s/he is asked to provide a statement regarding the types of trials they have handled over the past ten years and a list of the lawyer’s ten most recent trials along with contact information for lawyers who are familiar with his or her work, presiding judges and adversaries. Candidates who are already judges are asked to provide their most recent opinions, a list of their last ten trials with the contact information of the attorneys involved, as well as a list of lawyers who appear before them frequently.

Once the candidate turns in the questionnaire, a subcommittee is formed, composed of one Judiciary Committee member who acts as chair, one member from the appropriate court committee of the Association and two members from the relevant county bar association’s judiciary committee.

After receiving a copy of the candidate’s questionnaire, the subcommittee investigates the candidate by conducting telephone interviews with a substantial number of references, adversaries and other appropriate contacts, reviewing the provided writing samples, inquiring of the relevant disciplinary agencies and interviewing the candidate about his or her interests in, and qualifications for, serving in the judicial office the candidate seeks. Once the subcommittee has completed its investigation, it prepares a report for the full Committee outlining the subcommittee’s findings and recommending whether to find the candidate qualified (or “Approved”) for the position in question.

The report is then distributed to the full Committee during a meeting, and the chair of the subcommittee presents the subcommittee’s findings. After the presentation, the Committee meets with the candidate to develop its own impression and explores all issues the subcommittee has discovered during its investigation. Once the Committee has discussed and debated the merits of the candidate, members vote a finding of either “Approved” or “Not Approved.” Candidates found not approved but who receive 25% of the vote or four votes may appeal the Committee’s decision to the Executive Committee.

The Executive Committee conducts the evaluation of candidates selected by the Committee on Judicial Nomination to fill vacancies on the Court of Appeals. In doing so, it works with the Judiciary Committee and the Committee on State Courts of Superior Jurisdiction. The statutory framework provides limited time for the review of the up-to-seven candidates the Commission may select. The Committee reviews the questionnaire the candidate supplies to the Commission, interviews lawyers and judges familiar with the candidate’s work and reviews the candidate’s decisions and other writings. A subcommittee of the Executive Committee meets with each candidate.

The Committee then presents its recommendation to the Governor, who is charged with making the appointment. The Committee’s criteria are:

**Well Qualified** – under the statute governing appointments as Chief Judge and Associate Judge of the Court of Appeals, the Commission on Judicial Nomination may only select “persons who by their character, temperament, professional aptitude and experience are well qualified to hold such judicial office.”

**Not Well Qualified** – a candidate who does not meet the above standard in one or more of the criteria.

**Exceptionally Well Qualified** – a candidate who is exceptional to the degree that s/he is superior to others who are “well qualified.” This rating is given only rarely.

The Executive Committee also considers the qualifications of the President’s nominees to serve on the U.S. Supreme Court. It follows a similar process, working with the Judiciary Committee. At the conclusion of the evaluation, the Executive Committee rates the nominee in one of three categories:

**Qualified** – The nominee possesses the legal ability, experience, knowledge of the law, intellectual and analytical skills, maturity of judgment, common sense, sensitivity, honesty, integrity, independence and temperament appropriate to be a U.S. Supreme Court Justice. The nominee also respects precedent, the independence of the judicial branch and individual rights and liberties.

**Unqualified** – The nominee fails to meet one or more of the qualifications above.

**Highly Qualified** – The nominee is qualified, to an exceptionally high degree such that s/he is likely to be an outstanding Justice. This rating is to be the exception, not the norm.
Legal Hotline Heats Up

New Director, Extended Hours and a Call for Volunteers
The City Bar Justice Center’s Legal Hotline has received a marked increase in calls since the start of the economic downturn this summer. The Hotline had nearly twice as many consumer-related calls from July through September as it did during the same period in 2007. Many of these callers are facing bankruptcy or foreclosure and have few places to turn for help. In typical fashion, the Justice Center has mobilized support to address these urgent citywide issues.

In June, Libby Vazquez became the new Director of the Hotline, applying the expertise she gained as a staff attorney at inMotion Inc., where she provided legal representation to women facing family, matrimonial and immigration issues, mentored volunteer attorneys and conducted outreach programs to provide legal information to unrepresented women. An additional part-time staff attorney, Joseph Krummel, who has extensive experience in landlord/tenant law, was also recently added.

In September, the Hotline extended its hours and added evening hours on Tuesdays and Thursdays. As a result, the number of calls answered monthly has nearly doubled from January to September 2008. “At this time of increased need in New York City, it is terrific to have been able to increase the capacity on our hotline to help those in need,” said Lynn Kelly, Executive Director of the City Bar Justice Center.

The hotline, launched in 1997, offers legal information, advice, referrals and pro se brief services to low-income New Yorkers who cannot afford a private attorney. The Hotline assists callers on a range of civil legal issues, including matrimonial and family law, housing law, employment law, domestic violence, bankruptcy and benefits. Frequently calls come from elderly individuals who are being hounded by creditors but are unaware that they are judgment proof. By helping to draft and mail cease and desist letters, Hotline staff are able to reassure callers as well as save them time and money. The service is bilingual, in English and Spanish, and can handle calls in any language through interpreting services. From May to September of 2008, the Hotline served over 6,500 callers.

“A lot of what we do is aimed at easing fears for callers by explaining their rights on a particular issue, assisting with paperwork, prepping them for hearings and simply letting them know what to expect in court,” said Vazquez.

The Legal Hotline is available to low-income New Yorkers Monday through Friday from 9:00 am to 1:00 pm and Tuesdays and Thursdays from 4:00 pm to 7:00 pm at 212.626.7383. The New York City Bar’s Legal Referral Service is also available at 212.626.7373 (English) and 212.626.7374 (Spanish) Monday through Friday from 8:30 am to 6:00 pm.

Chapter 13 Bankruptcy Foreclosure Prevention Initiative

In an effort to assist low to moderate income New York homeowners who are being overwhelmed by the spreading epidemic of home foreclosures, the City Bar Justice Center has been awarded a one-year grant from the New York State Department of Banking to establish a Chapter 13 foreclosure prevention initiative. This new initiative will be run by the City Bar Pro Bono Consumer Bankruptcy Project in conjunction with the Lawyers Foreclosure Intervention Network under the supervision of John T. McManus and Lynn Armentrout. Tamiko Overton, a graduate of CUNY Law School with extensive experience in pro bono work and bankruptcy, real estate and foreclosure matters, has joined the Justice Center to add legal muscle to the Bankruptcy and Foreclosure teams.
The staff and volunteers of the project will be assisting homeowners facing foreclosure to cure their defaults and re-establish their mortgages in order to prevent the loss of their homes. They will provide legal and financial counseling and, where appropriate, legal representation on Chapter 13 cases in the Bankruptcy Court. Due to the current economic crisis, it is anticipated that the program will receive a heavy demand for its services. In order to meet this need, the project staff will recruit, train and mentor pro bono volunteers to take or work on cases of eligible debtors. “People being laid off now will go through their savings and come in to see us in six months with their houses at risk. This is a really important time to volunteer,” said McManus.

The Chapter 13 bankruptcy foreclosure prevention initiative is hosting a free, 3-credit CLE training on Tuesday, December 9, from 6:00 pm – 9:00 pm at the City Bar. The program panel will consist of Project staff, a Chapter 13 Trustee and a U.S. Bankruptcy Court Judge. Training materials and forms will be provided. It is requested that attendees commit to working on two cases over the following year.

To register, please contact Ramona Morel at rmorel@nycbar.org or 212.382.4783.

Reentry Law Project

The Reentry Law Project is holding a training for attorneys interested in representing previously incarcerated individuals who have been denied employment licenses and housing. This free CLE training will be held at the City Bar on Tuesday, January 27, 2009 from 6:00 pm – 9:00 pm.

To register, please contact Marissa Seko at mseko@nycbar.org or 212.382.6633.

Opportunities

The Hotline is seeking volunteers for various time slots. Volunteers are trained by Justice Center staff in the relevant areas of civil law and receive a manual that includes information on how to answer common questions. They also learn to find up-to-date referral information and educational materials for callers by using LawHelp.org/NY, a website designed to improve access to legal resources for low-income New Yorkers.

If interested in volunteering with the Hotline, please contact Laura Kolesar, Public Service Network Coordinator, at 212.382.6759 or lkolesar@nycbar.org.
Thomas E. Dewey Medal Presentation

2 TUESDAY, 6 PM

The Association will present its 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 and the Office of Special Narcotics Prosecutor for the City of New York. A reception will follow.

Moderator:
SETH C. FARBER
Dewey & LeBoeuf LLP

Break from the Law: A City Bar Initiative for Practicing and Re-entering Lawyers
(Third of six-part series)

4 THURSDAY, 11 AM – 12:30 PM

Dusting off the Blue Suit: Getting Ready for the Interview & More

Panelists will discuss how practicing and re-entering lawyers can best present themselves during the interview process, including how to handle questions about gaps in one’s resume and commitment to the profession. Panelists also will discuss how candidates can maximize the information they elicit from employers during interviews. In addition, panelists will review what can be learned from rejections and how to assess offers systematically, including how to negotiate salaries, seniority, etc.

Speakers:
HARRY WEINER
On-Ramps Services, LLC

KATE NEVILLE
Neville Career Consulting, LLC

The fee is $15 for members, $25 for non-members. Please register online at www.nycbar.org

How to Become a Judge

6 SATURDAY, 9 AM – 3:30 PM

Join over 50 federal and state judges to learn about the paths to becoming a federal or state judge in New York City. In addition, this year’s program will include a panel concerning New York City’s administrative tribunals, many of which hire attorneys to serve as part-time administrative law judges.

9 am – Registration & Coffee

9:30 am – Opening Remarks:
HON. PETER H. MOULTON
Judge, Civil Court, New York County

Address:
HON. JUDITH S. KAYE
Chief Judge, New York State Court of Appeals

10:30 am – Supreme and Civil Court Panels

Noon – Lunch

1:00 pm – Judicial Campaign Ethics (CLE Credit Provided)

1:50 pm – Judicial Screening Committees for Appointed Judges

2:15 pm – Concurrent Panels: Housing, Family/Criminal, Federal, New York City Administrative Tribunals

Additional participants include:

HON. JUDITH J. GISCHE
Supreme Court Justice, New York County

HON. KIYO A. MATSUMOTO
U.S. District Judge, Eastern District of New York

HON. MARINA C. MUNDY
Housing Court Judge, Richmond County

HON. ROBERT REED
Civil Court Judge, New York County

Young Lawyers Connect—First Thursdays Series
Congratulations!
You’ve Passed the Bar

4 THURSDAY, 6 PM – 8PM

Join us in toasting your achievement at a reception co-hosted by the New York Law Journal. Guests will enjoy food, beverages and networking, and leave with a gift bag.

This event is free, but please register online at www.nycbar.org

continued on p8
Call for Nominations for the New York City Bar Diversity Champion Award

DEADLINE FOR SUBMISSION JANUARY 30, 2009

The New York City Bar is seeking nominations for the Fourth Annual Diversity Champion Award. The award recognizes individuals whose actions and activities within the legal profession, particularly in New York City, embody the Statement of Diversity Principles by facilitating “diversity in the hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations.”

Diversity champions are critical for creating lasting change in organizations and establishing an inclusive work environment. To that end, we will assess a nominee’s excellence in one or more of the following areas:

- Influencing Others
- Being a Role Model
- Continually Learning
- Cultivating Diverse Teams
- Innovating and Taking Risks
- Holding oneself and others Accountable for Diversity
- External Leadership Involvement

The Enhance Diversity in the Profession Committee has convened a selection panel from a cross-section of legal employers who will conduct interviews with finalists and their references. The winners will be announced shortly after and are expected to be available to attend the Diversity Champion Awards Dinner to accept the award.

For more information please contact Elizabeth Dorfman, Office for Diversity at 212.382.6701 or view the PDF link – http://www.nycbar.org/Diversity/pdf/Award_Nomination_form.pdf.

To submit nominations send to edorfman@nycbar.org; by fax to 212.768.8116; or by mail to Elizabeth Dorfman, New York City Bar, 42 West 44th Street, New York, NY 10036.
The fee, which includes lunch, is $35 for members and $40 for non-members. Please register online at www.nycbar.org

Public Affairs Luncheon
11 THURSDAY, NOON – 2 PM

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

Speaker:
TIM WEINER
Pulitzer Prize-winning reporter for The New York Times, covering national security issues for 20 years, and author of Legacy of Ashes: The History of the CIA, which won the National Book Award

TOPIC: The CIA and the Next President: Can they get it Right?

Luncheon Chair:
JEROME R. ROSENBERG

Luncheon Vice-Chair:
EMILY CAMPBELL

Co-Sponsored by:
Committee on National Security & Counter-Terrorism, Federal Bar Association, Southern District of New York Chapter

Registration by December 8 is required to guarantee admission. Registrations received after December 8 are subject to availability. The fee, which includes lunch, is $30. Please register online at www.nycbar.org

Gun Regulation after the Heller Decision: What’s Next?
11 THURSDAY, 6 PM – 8 PM

In June, the Supreme Court struck down the Washington, D.C., regulations on gun ownership, declaring in a 5-4 decision that the regulations violate the Second Amendment’s protection that “A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.” As a result, state and municipal gun regulations are under severe scrutiny in court proceedings and legislative proposals. This panel will discuss and debate these current developments and how the Supreme Court’s decision is affecting the controversy.

Moderator:
ADAM LIPTAK
Supreme Court Correspondent, The New York Times

Speakers:
MICHAEL A. CARDOZO
Corporation Counsel, City of New York

TED CRUZ
Morgan, Lewis & Bockius; Solicitor General of the State of Texas, 2003 until May, 2008

PAUL HELMKE
President, The Brady Campaign to Prevent Gun Violence

ROBERT A. LEVY
Chairman, Board of Directors, Cato Institute; co-counsel, District of Columbia v. Heller

BURT NEUBORNE
Inez Milholland Professor of Civil Liberties, New York University School of Law

Friday Evening Chamber Music
12 FRIDAY, 6 PM

Tenor Hector Palacio and bass-baritone Gary Giardina, accompanied by pianist Takemi Ueno, will perform duets and an aria from operas by Verdi, Puccini and Ponchielli, as well as Italian songs. In addition, pianist Francois Nezwazky will play pieces by Chopin and Leschetizky.

Suggested donation is $10 at the door. For more information, please e-mail chambermusic@nycbar.org

Small Law Firm Breakfast
16 TUESDAY, 8:30 AM – 10 AM

Effective Stress Management for Solos and Small Firms in Today’s Economy—Standing in Your Own Way

For someone who is ambitious and hard-working, it can be incredibly frustrating to find yourself procrastinating on a critical case or engaging in other self-defeating behavior. Some lawyers can’t seem to stop tripping themselves up. Others are intensely uncomfortable about actively taking steps to promote themselves. At this program, we’ll look at ambition and competition – and ways to make sure you play a winning game.

Speaker:
ELIZABETH TILLINGHAST, MD, JD
Registration by December 10 is necessary. The fee, which includes breakfast, is $15 for members, $20 for non-members. Attendance is limited to 30 people. Please register online at www.nycbar.org

Small Law Firm Luncheon:
Growing Your Practice

18 Thursday, 12:30 PM – 2 PM

How to Get and Keep Clients: This luncheon will help you create loyal clients and good referral sources with client-focused programs, client-centered activities and conversations that focus on clients’ issues.

Moderator:
MARK A. JOSEPHSON, CPA, CFP, CFE
Murray & Josephson, CPAs, LLC

Speaker:
CAROL GREENWALD
MarketingPartners

Sponsored by:
Lexis/Nexis

Registration by December 15 is necessary. The fee, which includes lunch, is $25 for members, $35 for non-members. Please register online at www.nycbar.org

DECEMBER 2008 REGISTRATION FORM

☐ How to Become a Judge
6 Saturday
The fee, which includes lunch, is $35 for members and $40 for non-members

☐ Public Affairs Luncheon
11 Thursday
The fee, which includes lunch, is $30

☐ Small Law Firm Breakfast
16 Tuesday
The fee, which includes breakfast, is $15 for members, $20 for non-members

☐ Small Law Firm Luncheon
18 Thursday
The fee, which includes lunch, is $25 for members, $35 for non-members

Name

Number of Reservations

Company

Address

City
State
Zip

Phone

Email

Total Enclosed $

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

Card Number
Exp. Date

Signature

Please return this form to: Meeting Services, New York City Bar, 42 West 44th Street, New York, NY 10036-6604. Please make checks payable to the Association of the Bar. If registering for additional persons, duplicate this form.

For City Bar Members...

Health Insurance
Small groups (2–50 employees) still have time to open High Deductible Health Plans and take advantage of the ability to make tax-free contributions to Health Savings Accounts in 2008.

By enrolling in an HDHP before December 1st, members can open an HSA and contribute up to $2,900 for individuals or $5,800 for families prior to January 1st. Two qualified HDHPs are available from Oxford that can help you save significantly on premiums. That savings can be used to fund your HSA. Use the funds to pay for qualified medical expenses or let them accumulate year after year.

Mercer Select
Small groups that purchase their health insurance through Marsh are also eligible to enroll in Mercer Select HRKnowHow at no charge.

If you play a role in your group’s health care and benefit plan decisions, you know that staying current on the issues is challenging, especially with today’s increasingly complex marketplace and regulatory conditions. If you need to stay current on health & benefit issues, need sample forms for required compliance tasks such as COBRA, or need at-a-glance information about important HR matters, Mercer Select HRKnowHow may be the perfect solution for you.

Assistance
For more information on the Mercer Select HRKnowHow program, or to receive a quote on your small group medical plan, please contact Marsh at 888-882-2269, or e-mail NYCBar.Insurance@marsh.com.

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<td>6 PM – 8 PM Estate Planning for the Closely-Held Business Owner 2.0 credits*</td>
<td>9 AM – 5 PM Best of Bridge-the-Gap (Day 1) 16.0 credits* (both days) 8.0 credits* (per day) (Day 2 on 12/8) 6 PM – 9 PM Hot Topics in Bankruptcy Litigation 2008 3.0 credits*</td>
<td>6 PM – 9 PM The Lowdown on New York City Real Estate Taxes: An Overview 3.0 credits*</td>
<td>6 PM – 9 PM Termination of an Employee: Avoiding Litigation 3.0 Credits*</td>
<td>8:30 AM – 1:30 PM Current Issues in Professional Liability &amp; Insurance 2008 4.0 credits*</td>
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<td>9 AM – 5 PM Best of Bridge-the-Gap (Day 2) 8.0 credits* (per day) 6 PM – 9 PM The Art of Pleading: Tips, Techniques &amp; Strategies 3.0 credits*</td>
<td>12:30 PM – 3:45 PM Communicating Across the Gender Gap: What Lawyers Need to Know 3.5 credits*</td>
<td>6 PM – 9 PM Everything You Need to Know About Collaborative Law &amp; Mediation-Arbitration (Med-Arb) &amp; How They Can Enhance Your Law Practice 3.0 credits*</td>
<td>9 AM – 5:30 PM Securities Litigation During the Credit Crisis: Current Developments &amp; Strategies 8.0 credits*</td>
<td>8 AM – 12 PM Understanding &amp; Complying with Sweepstakes &amp; Promotions Law 3.0 credits*</td>
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<td>9 AM – 12 PM Video replay: Video replay: Video replay: Board Governance in Coops &amp; Condos 3.0 credits*</td>
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*The program provides transitional credit for newly admitted attorneys
CLE COURSES

ADR/ARBITRATION/ MEDIATION/NEGOTIATION

Everything You Need to Know About Collaborative Law & Mediation-Arbitration (Med-Arb) & How They Can Enhance Your Law Practice

10 WEDNESDAY, 6 PM – 9 PM

The widespread trend away from expensive and protracted litigation has led to greater uses of settlement processes and techniques, including Collaborative Law and Med-Arb. Collaborative Law, a relatively new technique, is increasingly being used in family law disputes, and Med-Arb, a “hybrid” combination of mediation and arbitration, is now being viewed with increasing favor as the length and costs of traditional arbitration are frequently compared with litigation.

Attend this interactive program and learn what Collaborative Law and Med-Arb entail and the advantages and disadvantages of each. Also learn how to identify cases where they could be used effectively and how to use them. A panel of highly experienced practitioners, including a leading collaborative law practitioner, a director of JAMS, a highly skilled mediator, arbitrator and trainer, and a long-time litigator who regularly uses both processes will share their experiences and explain why more and more clients and lawyers are turning to these two increasingly popular methods for settling disputes.

Program Chair:
NORMAN SOLOVAY
Hartman & Craven, LLC

Faculty:
BARRY BERKMAN
Berkman Bottger & Rodd LLP

ROBERT B. DAVIDSON
Executive Director
Arbitration Practice, JAMS

STEPHEN A. HOCHMAN
Arbitrator/Mediator

Live Program (includes materials):
Member $195, Nonmember $305

CLE credit: 3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit to all attorneys.

BANKRUPTCY LAW

Hot Topics in Bankruptcy Litigation 2008

2 TUESDAY, 6 PM – 9 PM

Several recent decisions and cases will have a lasting impact on important issues affecting bankruptcy litigation. At this program, a panel of experts will provide an update of recent developments and trends in the field, including the scope of the Section 546(e) avoidance safe harbor, the meaning of “payment” of a claim as to third parties, and the strength of the “center of main interest” presumption under Chapter 15 of the Bankruptcy Code.

Program Chair:
MARK M. ELLIOTT
Bingham McCutchen LLP

Faculty:
SARAH NYE CAMPBELL
White & Case LLP

JOSHUA DORCHAN
Bingham McCutchen LLP

MATTHEW P. MORRIS
Lovells LLP

Live Program (includes materials):
Member $215, Nonmember $325

CLE credit: 3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit to all attorneys.

BRIDGE-THE-GAP

The Best of Bridge-the-Gap

2 TUESDAY & 8 MONDAY, 9 AM – 5 PM

This program will bring together the most exceptional segments and speakers from past Bridge-the-Gap programs. Come and hear an update on various areas of law presented by practitioners who past attendees rated highly. Newly admitted attorneys will satisfy a full year of ethics, skills and professional practice/practice management CLE credits by attending both days. Experienced attorneys will also find this program to be an invaluable way to earn credits and get the latest information on an assortment of practice areas. This program is particularly distinct in that one day will allow attendees to fulfill all required skills credits, and the other day will allow attendees to fulfill all required ethics credits. Save by registering for both days!

Faculty:
PETER V. COFFEY
Englert, Coffey & McHugh

HON. DAVID KAPLAN
Housing Court Judge
Civil Court of the City of New York
New York County

JOEL R. KULLAS
Court Attorney for Judge Joseph E. Capella
Civil Court for the City of New York,
Housing Part
New York County

GUY P. LANDER
Carter Ledyard & Milburn LLP

JEROME T. LEVY
Duane Morris LLP
CONSUMER PROTECTION

Understanding & Complying with Sweepstakes & Promotions Law

12 FRIDAY, 9 AM – 12 PM

Game promotions, such as sweepstakes and skill contests, are more popular than ever. With this, the laws and regulations affecting them seem to change and evolve at an accelerating rate. At this program, leaders in the field will give a timely update on some of the critical legal issues involved with offering game promotions. Topics to be discussed include the laws of sweepstakes and skill contests, drafting rules and disclosures, running a game promotion online, user generated content, fantasy games, direct mail promotions, class action litigations, cross border promotions, intellectual property issues and responding to regulatory and consumer complaints.

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

Faculty:
BARRY M. BENJAMIN
Day Pitney LLP

WILLIAM HEBERER
Manatt, Phelps & Phillips LLP

EDWARD KABAK
Chief Legal Executive
Promotion Marketing Association

KAREN F. LEDERER
Partner and Consumer Law Practice Group Leader
Troutman Sanders LLP

MARK LERNER
Satterlee Stephens Burke & Burke LLP

JOSEPH LEW CZAK
Davis & Gilbert

Live Program (includes materials):
Member $445, Nonmember $695 (both days)

CLE credit for December 2 & 8: 16.0 credits total: 5.0 professional practice, 6.0 skills, 3.0 ethics & 2.0 practice management.

CORPORATE & SECURITIES

Securities Litigation During the Credit Crisis: Current Developments & Strategies

11 THURSDAY, 9 AM – 5:30 PM

In this program an expert faculty of highly experienced and well-known securities litigators will discuss important developments in securities litigation and offer strategies and tactics for prosecuting and defending these cases. The faculty will discuss securities cases brought against issuers, underwriters, audit firms, law firms and officers and directors, and provide practical experience from the trenches. The course will offer outside and in-house counsel an overview of cutting-edge issues in securities litigation, ranging from nuts and bolts principles to sophisticated strategic advice.

• Strategies for prosecuting and defending securities class actions and derivative lawsuits
• The impact of Stoneridge, Tellabs and other recent Supreme Court cases
• Litigation involving foreign securities transactions
• Latest case law regarding class certification
• Best practices in corporate internal investigations
• Damages and loss causation
• Subprime litigation
• Corporate governance litigation update
• Defending parallel proceedings involving private litigants, the SEC, the U.S. Department of Justice and state securities regulators
• Settlement trends and tactics

Program Chair:
LAWRENCE J. ZWEIFACH
Gibson, Dunn & Crutcher LLP

Faculty:
JON E. ABRAMCZYK
Morris, Nichols, Arsht & Tunnel LLP

SARA BRODY
Sidley Austin LLP

ALAN J. BRUDNER
Managing Director
Head of Litigation & Investigations
UBS Investment Bank

ANDREW M. CALAMARI
Associate Director, Enforcement
U.S. Securities and Exchange Commission

HON. BENTON J. CAMPBELL
United States Attorney for the Eastern District of New York

WAYNE M. CARLIN
Wachtell, Lipton, Rosen & Katz

MICHAEL P. CARROLL
Davis Polk & Wardwell
Estate Planning for the Closely-Held Business Owner

1 MONDAY, 6 PM – 8 PM

This program will focus on planning for the closely-held business owner, including owners of private equity fund interests. The discussion will include structuring gifts and sales to minimize transfer taxes, transfer future appreciation to younger generations, meet liquidity needs and fulfill philanthropic goals.

Program Chair:
DAVID J. STOLL
Kaye Scholer LLP

Faculty:
DENISE L. IOCCO
Windels Marx Lane & Mittendorf, LLP

JONATHAN F. LEWIS
Debevoise & Plimpton LLP

DANA L. MARK
Kaye Scholer LLP

Live Program (includes materials):
Member $205, Nonmember $315

CLE credit: 2.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit to all attorneys.

Current Issues in Professional Liability & Insurance 2008

5 FRIDAY, 8:30 AM – 12:30 PM, 12:30 PM – 1:30 PM NETWORKING LUNCHEON

In recent years, professionals have faced increased liability and risks from litigation and the arbitration process as well as emerging exposures such as cyber liability. This program will explore topical issues relating to how the professional liability insurance marketplace has responded to address these exposures as well as recent legal developments and the impact of policy interpretation and coverage on claim resolution.

The program will cover the main concepts of professional liability insurance, focusing in particular on professional liability and errors and omissions coverage for financial

Current Legal Ethical Issues

17 WEDNESDAY, 9 AM – 12 PM

Join us to hear this nationally renowned ethicist and well-regarded speaker address current issues of legal ethics. Programs typically feature eight to nine distinct topics chosen close in time to the event to maximize topicality. Some of these pertain to specific areas of law practice, including civil and criminal litigation and corporate and transactional work. Issues common to all areas of practice – for example, rules governing fees, conflicts of interest, confidentiality and privilege, unauthorized law practice by lawyers, the no-contact rule and malpractice and liability to non-clients – are also included. The topics are geared to an audience of diverse interests. Audience questions and comments are encouraged.

This program will not be taped. You will only have the opportunity to view it live.

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

Live Program (includes materials):
Member $265, Nonmember $375

CLE credit: 3.0 credits in ethics. This live program provides New York & California transitional/non-transitional credit to all attorneys.
institutions. The special context of insurance for lawyer malpractice claims and common or significant areas of disputes between policyholders and insurers also will be addressed. The program will include a networking luncheon following the final presentation.

Program Chair:
IVAN J. DOLOWICH
Kaufman Dolowich & Voluck LLP

Faculty:
NORMAN B. ARNOFF
Burkhart, Wexler & Hirschberg LLP
BARRY T. BASSIS
Tressler, Soderstrom, Maloney & Priess LLP
JOHN H. HALEY
Attorney at Law
SUE C. JACOBS
Goodman & Jacobs LLP
ANDREW T. KARRON
Arnold & Porter LLP
JENICE MALECKI
Malecki Law
JANENE M. MARASCIULLO
Kaufman Dolowich & Voluck LLP
CHRISTOPHER TIRRO
Vice President, Errors & omissions AIG Domestic Claims, Inc.
STEPHEN A. WEISBROD
Gilbert Oshinsky LLP

Live program (includes materials):
Member $255, Nonmember $415
CLE credit: 4.0 credits in professional practice.
This live program provides New York & California transitional/non-transitional credit to all attorneys.

LABOR & EMPLOYMENT

Termination of an Employee: Avoiding Litigation
4 THURSDAY, 6 PM – 9 PM

When terminating an employee, what can an employer do to avoid litigation (or at least reduce the risk)? This panel will explore the procedures that should be followed in terminating employees, separation agreements, special considerations for reductions in force and the various claims available to terminated employees. A particular focal point will be steps that can be taken to reduce the risk of a successful retaliation claim.

This program is a must for employment lawyers, litigation attorneys, in-house counsel, mediators and arbitrators, human resource personnel and managers.

Program Chair:
LLOYD B. CHINN
Proskauer Rose LLP

Faculty:
JONATHAN BEN-ASHER
Beranbaum Menken Ben-Asher & Bierman LLP
REBECCA E. WHITE
Managing Director & Head of Corporate Legal Services
UBS Investment Bank

Live Program (includes materials):
Member $215, Nonmember $325
CLE credit: 3.0 credits in professional practice.
This live program provides New York & California transitional/non-transitional credit to all attorneys.
This seminar will teach you how to use your own natural style to your advantage and how to minimize what might seem to be disadvantages, how to connect better with colleagues and clients, how to give advice—even criticism—in a way that will really be heard, how the rules of a meeting affect who talks and how the seating arrangement at a table makes a difference in who participates, and more.

This program will not be taped. You will only have the opportunity to view it live.

Co-sponsored with: ALI-ABA

Program Co-Instructors:

**STEVEN STARK**
Former Lecturer on Law at Harvard Law School & NPR commentator

**SARAH WALD**
Chief of Staff and Senior Advisor
Harvard Kennedy School
Former Dean of Students
Harvard Law School
Former Assistant Provost
Harvard University

Live Program (includes materials):
Member $275, Nonmember $375

CLE Credit: 3.5 credits total: 2.5 professional practice & 1.0 skills. This live program provides New York & California transitional/non-transitional credit to all attorneys. MCLE credit will be awarded in other MCLE jurisdictions.

### LITIGATION

**The Art of Pleading: Tips, Techniques & Strategies**

8 MONDAY, 6 PM – 9 PM

Pleadings begin every lawsuit. But skillfully drafted pleadings are filed in only a handful of cases. In this updated program, a New York State judge and a federal court judge will provide their views from the bench and give practice pointers on what techniques work and what techniques do not. A panel of experienced practitioners will examine both the basic requirements and various advanced strategies in crafting pleadings that will not only survive motions to dismiss, but also provide strategic support throughout your case. Recent case law affecting traditional pleading requirements for Complaints, Answers and other types of pleadings will be addressed, along with various differences in state and federal practice. The program also will include an interactive panel discussion where members of the bench and bar will share their thoughts on best practices and encourage audience participation.

Program Chair:

**HOWARD S. KOH**
Meister Seelig & Fein LLP

Faculty:

**MICHAEL P. GRAFF**
Graff Law Offices

HON. BARBARA R. KAPNICK
Justice, Commercial Division
Supreme Court of the State of New York
New York County

Live Program (includes materials):
Member $195, Nonmember $305

CLE credit: 3.0 credits total: 2.0 skills & 1.0 professional practice. This live program provides New York & California transitional/non-transitional credit to all attorneys.

### REAL ESTATE

**Video Replay: Hot Topics Affecting Cooperatives & Condominiums 2008**

15 MONDAY, 9 AM – 12 PM

This program will provide practitioners with an overview of important issues affecting cooperatives and condominiums, including updates on recent case law and legislation and a consideration of current issues facing cooperative and condominium boards and owners.

Program Chair:

**DALE J. DEGENSHEIN**
Stroock & Stroock & Lavan LLP

Faculty:

**ANDREW P. BRUCKER**
Schechter & Brucker PC

**RONALD JAY GOLD**
Kagan Lucib Lepper Lewis Gold & Colbert LLP

**BABETTE KROLIK**
Terra Holdings LLC

**STEVEN D. SLADKUS**
Wolf Haldenstein Adler Freeman & Herz LLP

**EVA TALEL**
Stroock & Stroock & Lavan LLP

Video Replay (includes materials):
Member $215, Nonmember $325

CLE credit: 3.0 credits in professional practice. This video replay does not provide transitional credit to newly admitted attorneys.
Video Replay:
Seeking Approval: Board Governance in Coops & Condos

15 MONDAY, 1 PM – 2:30 PM

This seminar is intended for attorneys who represent cooperatives and condominiums and, in particular, those who serve as directors on cooperative and condominium boards. It will address issues concerning board governance, including the role of counsel, conflicts, indemnification and confidentiality, as well as those issues which arise when considering prospective purchasers in both cooperatives and condominiums.

Program Chair:
DALE J. DEGENSHEIN
Stroock & Stroock & Lavan LLP

Faculty:
KENNETH H. AMORELLO
Schechter & Brucker PC

VINCENT DI LORENZO
Professor of Law
St. John’s University School of Law

EVA TALEL
Stroock & Stroock & Lavan LLP

Video Replay (includes materials):
Member $165, Non-member $275

CLE credit: 1.5 credits total: 1.0 professional practice & 0.5 ethics. This video replay does not provide transitional credit to newly admitted attorneys

TAX & ACCOUNTING

The Lowdown on New York City Real Estate Taxes: An Overview

3 WEDNESDAY, 6 PM – 9 PM

More than one third of New York City’s budget is derived from its real property taxes. This overview will discuss how properties are assessed, who pays and who’s exempt and how owners can apply for tax reductions, abatements and exemptions.

Program Chair:
WILLA I. LEWIS
Brandt, Steinberg & Lewis LLP

Faculty:
NANCY BATTERMAN
Deputy General Counsel for Tax Incentives and Housing Supervision
New York City Department of Housing Preservation and Development (HPD)

PAULA K. KONIKOFF JD, MAI
Consultant

HON. GLENN NEWMAN
President
New York City Tax Commission

ISAC. SHERMAN
Sherman and Gordon

HON. MARTHA E. STARK
Commissioner
New York City Department of Finance

RICHARD A. STEINBERG
Brandt Steinberg & Lewis LLP

Live Program (includes materials):
Member $215, Nonmember $325

CLE credit: 3.0 credits in professional practice. This live program provides New York & California transitional/non-transitional credit to all attorneys.

This holiday season,
surprise a special law student or attorney with the gift of City Bar membership.

For more information on purchasing a gift membership for an attorney or law student, please contact the City Bar Membership Department at 212-382-6665 or membership@nybar.org.

www.nycbar.org
COMMUNITY REPORTS

ARBITRATION
INTERNATIONAL COMMERCIAL DISPUTES
Secretaries to International Arbitral Tribunals. The report addresses the uses of tribunal-appointed secretaries in international arbitration, the responsibilities of arbitral secretaries and the rules and guidelines concerning the appointment of arbitral secretaries. The report concludes that secretaries perform a useful and desirable function in international arbitration provided that the tribunal discloses, and the parties consent to, both the appointment of and functions to be performed by the secretary. The report makes a number of recommendations and suggested guidelines for arbitral tribunals to follow when seeking to appoint a secretary.

INVESTMENT MANAGEMENT REGULATION
Letter to the SEC providing comments on proposed guidance regarding the duties and responsibilities of investment company boards of directors with respect to investment adviser portfolio trading practices. Though the letter supports the objective of the proposed guidance, to aid fund directors regarding performing their oversight role in the most effective and efficient manner possible, it suggests that there are several aspects of the proposal that should be changed in order to meet its desired goal while not imposing additional burdensome requirements on fund directors.

FINANCIAL REPORTING
Letter to the Financial Accounting Standards Board commenting on the Board’s proposal to provide greater disclosure of certain loss contingencies. Although the letter supports efforts for greater disclosure, it argues that the interests of financial statement users in increased disclosure must be balanced with the legitimate interest of companies in preserving their rights in connection with pending or threatened litigation. As currently drafted, the potential adverse consequences of the proposal to both issuers and their investors outweigh the benefits. The letter urges the Board to reformulate the proposal with this in mind.

LEGAL ISSUES AFFECTING PEOPLE WITH DISABILITIES
The report expresses support for the Medicare Independent Living Act of 2007 (H.R. 1809), which would amend the Social Security Act to provide Medicare coverage for power-operated wheelchairs for persons with disabilities who need such equipment to travel and function independently outside their home and in their communities. Currently Medicare coverage is restricted to wheelchairs used in the patient’s home.

NEW YORK CITY AFFAIRS
New York City Bar Statement on Proposals to Change New York City Term Limit Laws. The statement argues that any change to term limits via legislative action, after voters voted for term limits in two referendums, would be bad policy, contrary to the principles of good government and damaging to the City. The Committee urges that fair and open consideration of any proposed change in New York City’s term limits law requires (1) submission to the voters in another referendum, with time for public education and discussion, (2) public hearings and consideration of the matter and the precise ballot language in a wide variety of public forums and (3) full public disclosure of contributions to campaigns for or against changes in the term limits law.

INTERNATIONAL HUMAN RIGHTS
Letter to Congress and the Ambassador of War Crimes at the U.S. State Department urging that they press the government of Senegal to move forward to prosecute the former dictator of Chad, Hissène Habré, for crimes against humanity, torture and other very serious crimes under international law committed during his rule.

HEALTH LAW
Report supporting S.6210-A, which would allow for Expedited Partner Therapy by adding a new section 2312 to the Public Health Law authorizing a health care practitioner to provide antibiotic drugs for the partner of a patient diagnosed with sexually transmitted Chlamydia. Successful prevention of reinfection, the report argues, requires adequate treatment of partners.

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STATE COURTS OF SUPERIOR JURISDICTION
Letter to Governor Paterson recommending that he veto A.11715/S.8661, which would provide additional opportunities for review of a trial judge’s voir dire rulings by requiring the Chief Administrator of the Courts to adopt a statewide standard for jury selection and appoint a Supervising Judge in each judicial district to hear appeals during voir dire. The legislation, the letter argues, would unnecessarily delay trials, inconvenience jurors, increase the cost to litigants and consume valuable judicial resources.

continued on p23
In 1999, the New York City Bar launched the New York City Lawyer Assistance Program to address mental health issues in the legal profession. The Program offers a wide range of free and confidential services to attorneys, judges, law students and their families who are struggling with alcohol and substance abuse, depression, anxiety, career concerns, gambling, marital and family problems, financial problems and other issues that affect quality of life, both personally and professionally.

The main service of the Lawyer Assistance Program is a confidential hotline run by the program’s professional staff with the support of the City Bar’s Lawyer Assistance Committee members and volunteer attorneys. These individuals provide brief consultation, assessment, peer support and referrals so that callers can find the resources they need and obtain access to treatment. From nearly 10 years of working exclusively with lawyers, judges, law students and their families, the staff and volunteers of the Lawyer Assistance Program understand the stresses unique to the legal profession and how those stresses can lead to serious personal and professional problems. “One of the greatest things we can offer is peer support—the opportunity to speak with an attorney who has been through it,” said Eileen Travis, Director of the Lawyer Assistance Program.

Gary Reing, Chair of the City Bar’s Lawyer Assistance Program Committee, has been sober since June, 1985. After battling his own abuse issues and then spending 15 years attending 12-step meetings and helping others who were recovering, Gary became a volunteer with the Lawyer Assistance Program. In addition to making presentations at law schools and community outreach, Gary works one-on-one with attorneys facing drug and alcohol abuse issues.

“One of the greatest things we can offer is peer support — the opportunity to speak with an attorney who has been through it.”

— Eileen Travis
Director of the Lawyer Assistance Program

Another key component of the program is education and outreach to the community, including participation in orientation for newly admitted attorneys and events at bar associations, firms and law schools. The Lawyer Assistance Program and Committee work together with the New York Lawyer Assistance Trust and other bar association programs and committees around the state to educate the legal profession about alcohol and substance abuse, depression and the subsequent problems they cause. “The most important message is that these problems are treatable and there is a high rate of recovery among legal professionals,” said Travis.

For those interested in learning more about the Lawyer Assistance Program, please visit the Program’s section of the City Bar website, http://www.nycbar.org/LAP/index.php, which includes links to various resources, an alcohol and drug use questionnaire, a depression self-test and a place to post a confidential message. The Program also provides in-person consultation, intervention training, support groups and monitoring services.

Support groups take place on Monday nights at 6:30 pm for those recovering from substance abuse, and Tuesday nights at 6:30 pm for those recovering from depression. The groups are free and open to all City Bar members. Interested persons should call Don Hewlett at 212.382.6615.

If you or someone you know needs help, make a confidential call to 212.302.5787.

“One of the greatest things we can offer is peer support — the opportunity to speak with an attorney who has been through it.”

— Eileen Travis
Director of the Lawyer Assistance Program
Hon. Denny Chin, a United States District Judge for the Southern District of New York, is the first Asian-American appointed to any federal district court outside the Ninth Circuit. He previously was an associate at Davis Polk & Wardwell LLP, served as an Assistant U.S. Attorney in the Southern District of New York, started the firm Campbell Patrick & Chin and was a partner at Vladeck, Waldman, Elias & Engelhard, P.C. Judge Chin has taught legal writing at Fordham Law School and provided extensive pro bono representation to the Asian American Legal Defense and Education Fund. He also served as President of the Asian American Bar Association of New York from 1992 to 1994 and has served on the boards of numerous non-profit organizations, including Hartley House, Care for the Homeless, the Clinton Housing Association, the Prospect Park Environmental Center and the Fordham Law School Alumni Association.

Cathleen Clements is the director of the Office of Public Policy & Client Advocacy at The Children’s Aid Society. Prior to joining the Children’s Aid Society, Ms. Clements spent seven years at Brooklyn Legal Services litigating on behalf of New York’s indigent population and previously directed programs in special education, adolescent substance abuse and family counseling. She is on the board of directors for the Foster Family-Based Treatment Association, has been a member of the New York City Bar’s Council on Children and the Law Committee, served on the Bar’s Welfare Reform Task Force and chaired the Social Welfare Law Committee.

Jeh Charles Johnson is a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP. Mr. Johnson’s career as a trial lawyer began in 1989-91, as an Assistant U.S. Attorney in the Southern District of New York, where he prosecuted public corruption cases. He was elected a Fellow in the American College of Trial Lawyers. Mr. Johnson also has served as General Counsel of the Department of the Air Force under President Clinton’s administration. Mr. Johnson served as Chair of the City Bar’s Judiciary Committee.

Lucy Reed is a partner in the New York office of the international law firm Freshfields Bruckhaus Deringer LLP and President of the American Society of International Law. She practices international arbitration, with a specialty in investor-state treaty arbitrations. She is a Member of the Ethiopia-Eritrea Claims Commission (international humanitarian law) and served as co-director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland. Ms. Reed was General Counsel of the Korean Peninsula Energy Development Organization, leading negotiations in North Korea. While with the State Department, she was Agent to the Iran-U.S. Claims Tribunal in The Hague.

Hon. Rosalyn Richter currently sits in Supreme Court, New York County, where she is assigned to a matrimonial part. She was appointed to the NYC Criminal Court in 1990, served as Supervising Judge of Bronx Criminal Court and was elected to the Supreme Court in 2003. Justice Richter co-chairs OCA’s Statewide Advisory Committee on the Americans with Disabilities Act. She is the former co-chair of the City Bar Committee on Women and the Law and also chaired the City Bar Committee on Lesbians and Gay Men in the Legal Profession. Justice Richter co-teaches a course on Domestic Violence and the Law at New York Law School.

John S. Siffert is a partner at Lankler Siffert & Wohl LLP. He is a Regent of the American College of Trial Lawyers, a member of the Departmental Disciplinary Committee, a Special Master for the First Department and immediate past chair of New York Lawyers for the Public Interest. Mr. Siffert is also an Adjunct Professor at NYU School of Law and co-authored Modern Federal Jury Instructions and Business Crime. He was an Assistant U.S. Attorney in the Southern District of New York and law clerk to Hon. Murray I. Gurfein.

Hon. James A. Yates is presently serving as New York State Supreme Court Justice in the First Judicial District, Criminal Term. He has served as Counsel to the Majority and Legislative Counsel to the Speaker in the New York State Assembly, taught criminal law and legislative process at several New York City universities and published in the areas of grand jury practice and procedure, white collar crime and criminal procedure. Justice Yates has chaired the Criminal Law Committee of the New York City Bar and the Criminal Justice Section of the New York County Lawyers’ Association. He also has served as Commissioner on the New York State Sentencing Guidelines Commission and the Commission on Uniform State Laws and as a Board Member of the IOLA Board for New York.
The City Bar Chorus celebrated its 15th anniversary with a performance at the New York City Bar on October 28th, 2008. The Chorus, under the direction of Kathryn E. Schneider, sang to a packed house. Comprised of legal professionals, the City Bar Chorus brings its pro bono mission to senior residences, residences for people living with chronic illnesses and rehabilitation facilities. For more information on the Chorus, see http://www.citybarchorus.org.
DECEMBER 2008 CLE REGISTRATION FORM

☐ Estate Planning for the Closely-Held Business Owner

December 1

Live Program (includes materials): $205 $315
CDs (includes materials): $335 $405
Videotapes (includes materials): $405 $475
DVDs (includes materials): $445 $535
Materials only (no CLE credit): $105 $135

☐ Communicating Across the Gender Gap: What Lawyers Need to Know

December 9

Live Program (includes materials): $275 $375

☐ The Best of Bridge-the-Gap

December 2 & December 8

Live Program (includes materials): $445 $605 (both days)
CDs (includes materials): $335 $405
Videotapes (includes materials): $405 $475
DVDs (includes materials): $445 $535
Materials only (no CLE credit): $235 $335 (both days)

☐ Hot Topics in Bankruptcy Litigation 2008

December 2

Live Program (includes materials): $215 $325
CDs (includes materials): $335 $405
Videotapes (includes materials): $405 $475
DVDs (includes materials): $445 $535
Materials only (no CLE credit): $105 $135

☐ The Lowdown on New York City Real Estate Taxes: An Overview

December 3

Live Program (includes materials): $215 $325
CDs (includes materials): $335 $405
Videotapes (includes materials): $405 $475
DVDs (includes materials): $445 $535
Materials only (no CLE credit): $105 $135

☐ Termination of an Employee: Avoiding Litigation

December 4

Live Program (includes materials): $215 $325
CDs (includes materials): $335 $405
Videotapes (includes materials): $405 $475
DVDs (includes materials): $445 $535
Materials only (no CLE credit): $105 $135

☐ Current Issues in Professional Liability & Insurance 2008

December 5

Live Program (includes materials): $255 $415
CDs (includes materials): $335 $405
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December 17

Live Program (includes materials): $265 $375

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**STRUCTURED FINANCE BANKRUPTCY AND CORPORATE REORGANIZATION**

Special Report on the Preparation of Substantive Consolidation Opinions. The report (1) reviews the current process required to deliver a substantive consolidation opinion in structured finance transactions, (2) urges that the parties involved and their lawyers take a fresh look at the opinions that are delivered in connection with the closings of these transactions and (3) provides a form that may be used by firms that are asked to render an opinion of this nature and do not have their own forms, or have their own forms but wish to take a different approach than they have used in the past.

**TAXATION OF BUSINESS ENTITIES**

Letter to the Informal Consultative Group on the Taxation of Collective Investment Vehicles and Procedures for Tax Relief for Cross-Border Investors discussing its proposed recommendation that a collective investment vehicle (“CIV”) that does not otherwise qualify for benefits under existing tax treaty provisions between the source State and the State where the CIV is organized be permitted to qualify in whole or in part if some specified threshold of the CIV’s investors are qualified residents of such State and therefore would have been eligible for such treaty benefits had they invested directly.
Is a Discovery Attorney Position Right for You?

Whether you’re a recent law school grad waiting to be admitted to the bar or an experienced attorney looking for better work/life balance, you might want to explore the idea of working as a discovery attorney.

**WHAT DOES A DISCOVERY ATTORNEY DO?**

Although you might picture discovery work as sitting in a dark basement surrounded by boxes, today discovery is all about computerized systems and e-files. While specific methods vary from firm to firm, in general the work is fairly straightforward and easy to understand. After spending time getting to know a case and understanding its main issues, most discovery projects involve analyzing documents, discerning which ones are relevant and then deciding which are privileged.

**WHY SHOULD I WORK AS A DISCOVERY ATTORNEY?**

The reasons for choosing a discovery position vary. Some are looking for a stable niche that allows time to pursue a personal passion or interest. Others are seeking the flexibility that comes with assignments usually lasting from a few weeks to a few months. In today’s economy, some are just looking for a paycheck. Whatever the reason, it is important to know that being a discovery attorney takes a certain type of personality—someone who is personable and flexible.

It should be noted that there are several drawbacks to discovery positions, one of which is that they rarely lead to a career track position at a firm. Recent law school graduates also should keep in mind that discovery work does not teach the practical skills that employers are seeking, and might consider other activities such as pro bono to supplement their discovery work.

In addition, a discovery attorney often has to be prepared to take direction from someone younger and less experienced.

**HOW DO I BECOME A DISCOVERY ATTORNEY?**

Discovery positions are typically found through placement firms. It is important to be candid about your experience and ultimate goals so the firm can place you effectively. Review your resume and make sure it shows your ability to do critical analysis. Since most firms request admitted attorneys, it can be difficult for recent law graduates still awaiting admission to the bar to find that first discovery job. So be flexible and willing to take less desirable projects, e.g., a project two hours away in New Jersey.

Pursuing a career in discovery, whether temporarily or permanently, can be a great way to meet your current career or lifestyle needs, providing autonomy, flexibility and a stable income.

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Break from the Law: A City Bar Initiative for Practicing and Re-entering Lawyers

**2008-2009 Program Series Continues…**

Many lawyers, both women and men, take a break at some point in their career to devote time to other serious commitments and pursuits. The New York City Bar and its Committees on Career Advancement and Management and Women in the Profession have put together a series of programs to help these attorneys re-enter the legal profession.

**DUSTING OFF THE BLUE SUIT:**

**GETTING READY FOR THE INTERVIEW & MORE**

**DECEMBER 4, 11 AM – 12:30 PM**

This program will address issues such as how to present yourself in an interview, how to handle difficult questions about gaps in your resume and how to affirm your commitment to the profession.

**MAKING YOUR INTENTIONS KNOWN:**

**HOW TO NETWORK IN A SOCIAL SETTING**

**JANUARY 29, 6 PM – 8 PM**

Learn practical tools and techniques for networking in a social setting, including how to segue from casual conversation to business topics, how to hone a message about yourself and your capabilities and how to tell brief anecdotes that convey your substance without bragging. A cocktail reception will follow at which participants can practice their networking skills.

**GETTING BACK IN THE GAME: WHAT YOU NEED TO KNOW TO RE-ENTER THE PROFESSION**

**FEBRUARY 12, 11 AM – 12:30 PM**

Panelists will share their stories and tips for re-entering the profession including how to best position oneself for success.

**WHAT’S NEW IN TECHNOLOGY**

**MARCH 11 & 18, 6 PM – 8 PM (SAME PROGRAM)**

A primer on basic technology skills. Participants will receive instruction on creating and managing documents, emailing, calendaring and blacklining in addition to learning how technology can be used by lawyers to stay in touch remotely with the workplace.

For more information on the City Bar’s re-entry initiative, please check the City Bar website at http://www.nycbar.org/LegalCareerCenter/reentering.htm or contact Martha Harris at mharris@nycbar.org or 212.382.6607.