

44th Street NOTES



The Association of the Bar of the City of New York

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Human Rights and Due Process: Gonzales Nomination Focuses Spotlight

by Bettina B. Plevan, President

The recent confirmation hearings on Alberto Gonzales' nomination to serve as attorney general provided an opportune time to bring into focus the government's purported legal justification for a series of policies developed in the post-9/11 environment. A series of legal memoranda, originally kept secret until they were leaked, and eventually made public by the Administration, supported the policies. While most deal with how the government should treat detainees in the "war on terrorism," some arguments go to the basic limits of presidential power.

This Association has been active in challenging the legal arguments advanced in these memoranda and in court briefs filed by the govern-

ment in response to suits brought on behalf of detainees seeking due process. We addressed these issues in amicus briefs filed in three cases involving challenges by persons detained as enemy combatants (*Padilla v. Rumsfeld*, *Rasul v. Bush*, and *Hamdan v. Rumsfeld*).

After his nomination was announced, we wrote directly to Judge Gonzales setting forth our questions and concerns regarding these memoranda, the legal arguments they espouse and his role in developing the administration's legal positions in these areas. We then helped brief Senate Judiciary Committee staff and members on the legal aspects of these issues for the confirmation hearings. While many of the questions we framed were asked during the hearings,

Judge Gonzales avoided confronting the issues raised, except to say he did not support torture (a stance articulated by President Bush). The legal positions, except for some in the now infamous – and later retracted – August 2002 Justice Department memo, which attempted to limit the liability of U.S. personnel for committing torture, have not been retracted. Rather, they remain in effect as support for the administration's approach to detainees and national security policy. There has been widespread criticism that these policies not only lack clarity regarding how detainees should be treated, but also have brought worldwide shame upon us because of the lack of decency in that treatment.

Continued on pg 2.

Post-Retirement Pursuits Open Up New Worlds

"Lawyers' retirement pursuits run the full spectrum," said Ed Labaton, chair of the ABCNY Senior Lawyers Committee. The Association has many challenging and rewarding programs for senior lawyers who are not interested in full-time retirement. Several enthusiastic "retirees" recently shared their experiences with 44th Street Notes.

Dynamics of a Successful Retirement

Nowadays, with all the legal obstacles new immigrants must face in the wake of 9/11, it wouldn't hurt to have a lawyer with the brains of a nuclear engineer.

Enter **Dr. Henri M. Gueron**. Gueron is a recent retiree who volunteers three days a week at the City Bar Fund's Refugee Assistance Program, where he works exclusively on asylum cases and has successfully represented 10 applicants and their families from many far-flung

countries, such as Tibet, Colombia, Bangladesh, the Congo, Liberia, Albania, Uzbekistan, Kyrgyzstan and Georgia. Gueron, whose tireless work frequently takes him to INS hearings and immigration court, is currently working on two cases.

A native Parisian, Henri Gueron immigrated to America some 40 years ago and graduated from M.I.T. with a doctorate in nuclear engineering. Con Edison hired him in 1974, not as a lawyer, of course, but as an engineer and utility executive. He eventually, became the utility's director of nuclear fuel and coal

supply. Not content with this responsibility, he took advantage of Con Edison's employee education program and put himself through Fordham Law School at night, where he took his law degree in 1993 at the respectable age of 57.

After working 20 years as a nuclear engineer for Con Ed, Gueron branched out to become a senior attorney at Con Edison, specializing in intellectual property law, energy law, and contracts until his retirement in 2001.

Continued on pg 4.

**2005 Cardozo Lecture
"Academic Freedom"**
Wed. March 23, 7 pm
To be delivered by
Lee C. Bollinger,
President, Columbia University.
See page 9 for details.

The essence of the Bush Administration's argument regarding detainees is that:

- The Geneva Conventions are "obsolete" and "quaint" in the words of Mr. Gonzales. The administration's interpretation of the Conventions departs from U.S. policy of the last half century and from the common understanding of the international community.
- The U.S. is no longer limited by its own long-standing policy to abide by the full range of prohibitions against torture and cruel, inhuman and degrading treatment set forth in the Geneva Conventions and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment.
- U.S. personnel engaging in torture may be able to assert a defense of necessity – that the torture was "necessary" to prevent future terrorist attacks.
- The U.S. may detain any person identified by the president as an "enemy combatant." Anyone, including American citizens, can be so labeled and detained, including, as the Justice Department admitted in a recent oral argument, a "little old lady" who gives money to a charitable organization she believes helps orphans without realizing the government has identified it as

supporting terrorism. These detainees essentially exist in a "no man's land" of law, unprotected by either domestic or international law. Therefore, the argument goes, they have no rights. They have no right to counsel, to be brought up on charges, to access the courts or to escape indefinite commitment. Indeed, the non-citizen detainees may be tried by military commissions under the sole control of the Executive Branch and sentenced to death without recourse to the Judicial Branch (if they are acquitted by the commissions, they may still be detained indefinitely). Any "privileges," such as a status hearing or meeting with counsel, extended to the detainees, the argument goes, are provided solely at the President's discretion.

- The final peg of the argument is that U.S. laws and treaties ratified by the U.S. would be unconstitutional if applied to limit presidential authority in treating detainees and in undertaking military operations more generally. As we wrote to Judge Gonzales, "{t}his novel view runs counter to well-settled interpretations based on constitutional history, structure, and text, not least of which are grants of authority to Congress under Article I," and ignores the frame

work for balance of power established by the Supreme Court. The president's assertion of such Article 2 power is of particular import in the current situation, as the war on terrorism has no limited battlefield and would seem to have no end.

Judge Gonzales has not renounced any of these policies. In contrast, this Association argued, in our brief in *Hamdan*, that at least minimal protections of the Geneva Conventions do indeed apply to all persons detained during an armed conflict, irrespective of POW status. Common Article 3 of the Conventions has attained the status of customary international law, and provides basic rights to all persons so detained, including freedom from torture and the right to a hearing with basic legal protections before being sentenced. The Convention Against Torture also applies and not only covers torture but other cruel, inhuman or degrading treatment despite contrary arguments adhered to by the administration for months. [In a December 30th memo, the administration retreated from two particularly indefensible legal arguments it had made: that treatment can only constitute torture if it causes pain equivalent to losing an organ or of similar severity, and that someone committing torture can be exonerated as long as his or her

specific intent was to obtain information.]

While the U.S. must be vigilant, we do not believe the 9/11 attacks justify the abandonment of basic principles of human rights and due process. Detainees should have the protection they are entitled to under U.S. and international law, including, as eight of the nine Supreme Court Justices said in *Hamdi v. Rumsfeld*, the right of access to judicial process to challenge their detention. The continued resistance of the government to this decision is one policy the attorney general has the power to change.

The new attorney general, as the nation's chief legal officer, should be the prime exponent of these basic principles. We must look to him to defend our liberties. We hope Judge Gonzales will rise to this responsibility.

Bettina B. Plevan

Nominees for Association Offices & Committees

The following candidates have been nominated for the Association's various offices and committees. Those elected will be announced at the Annual Meeting of the Association on May 17, 2005. Pursuant to By-law XXIII, other nominations must be posted no later than April 1, 2005.

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Bettina B. Plevan

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Carlos Ortiz

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(for election to five positions)

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Hector Gonzalez
Bruce A. Green
Joan Guggenheimer
Barbara Jaffe
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44th 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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NEW COMMITTEE REPORTS

Bankruptcy and Corporate Reorganization

Proposed Revisions to 11 USC Section 365(c)(1) The proposed revisions would amend section 365(c)(1) to differentiate between limited, generally accepted instances where a trustee cannot assume or assign an executory contract or unexpired lease and the instances where assumption is permitted but assignment is prohibited without consent. This amendment would end confusion and the recording of disparate decisions on a debtor's rights to assume or assume and assign a contract where assignment is prohibited by applicable law.

Crisis Managers and Disinterestedness Under the Bankruptcy Code. This report addresses the situation in which a company hires a crisis manager to help avoid filing for bankruptcy or to prepare for such a filing, but may be unable to retain the crisis manager after the bankruptcy filing because of the stringent "disinterestedness" requirement of Bankruptcy Code section 327(a). The report analyzes the current state of the case law, discusses the attempts of some courts to permit crisis managers to be retained after the filing, and proposes legislative changes to the statutory definition of disinterestedness which would permit crisis managers to be retained as professional persons despite previous service as officers or directors.

Bankruptcy and Corporate Reorganization, Uniform State Laws

Letter to the New York State Legislature recommending that the Legislature repeal New York's existing fraudulent transfer statute and replace it with a statute based on the Uniform Fraudulent Transfer Act (UFTA). The letter goes on to reason that the existing statute is based on the Uniform Fraudulent Conveyance Act (UFCA), which was promulgated in 1918, and only four states including New York still base their fraudulent transfer statute on the UFCA. By enacting a fraudulent transfer statute based on the UFTA, New York would have a statute that was more modern and practical and would promote uniformity among the states.

Civil Rights, International Human Rights, International Law, Military Affairs and Justice

Letter from the Association President to Alberto Gonzales expressing the Association's concern with regard to several legal positions taken by the United States government in connection with the September 11 attacks. The policies causing concern include legal justifications for extreme interrogation techniques, unduly limited application of the Geneva Conventions to the "war on terrorism", the use of military commissions to try enemy combatants, the transfer of prisoners to countries that practice torture and the assertion of presidential authority to ignore statutes and treaties in pursuing the "war on terrorism".

Civil Rights, Federal Courts, International Human Rights, International Law, Military Affairs and Justice

Amicus Brief: *Hamdan v. Rumsfeld*. The brief, filed with the United States Court of Appeals, District of Columbia Circuit, argues that the Geneva Convention applies to the conflict in Afghanistan. The brief makes the case that Hamdan, a foreign national captured in the Afghan conflict, is entitled to the protections afforded a prisoner of war, until his status is determined in a proceeding, and in any event is entitled to the protections of Common Article 3 of the Geneva Conventions. Common Article 3 protections include basic judicial safeguards such as the right to be present at trial, the right to cross examine adverse witnesses, the right to prompt,

judicial proceedings and the right to be tried by an independent and impartial tribunal.

International Commercial Dispute Resolution

Proposed amendment of the New York Civil Practice Law and Rules Section 7502(c) to permit attachments and preliminary injunctions in connection with national and international arbitrations. The report argues that New York law regarding the authority of the courts to issue the provisional remedies of orders of attachment and preliminary injunction in cases involving arbitration is inconsistent, contrary to the prevailing rule in effect in other jurisdictions and seriously out of date. New York is one of the world's major centers for national and international arbitration yet New York law fails to give its courts authority in this area, prejudicing the rights of New York citizens and companies. The proposed amendment would extend the court's current authority to issue provisional remedies in domestic arbitrations to include all arbitrations, including international arbitrations.

International Human Rights

Letter to the International Commission on Inquiry on Darfur expressing concerns about serious violations of international human rights and humanitarian law that have been committed in Darfur, including war crimes and crimes against humanity. The letter urges that the U.N. Security Council refer the situation in Darfur to the International Criminal Court to ensure that justice is done.

Judicial Administration, Election Law, Government Ethics

Comments to the Office of Court Administration with regard to proposed rules addressing judicial elections. The proposed rules would establish judicial qualifications commissions to evaluate judicial candidates and make other changes with regard to judicial elections and campaigns. The comments made a number of recommendations with regard to the proposals, and stressed the Association's concern that the shortcomings of the judicial election process run too deep to be significantly improved by the establishment of these qualifications commissions. The comments noted the Association's long-time support for selection of judges by a merit appointment process and, until that is achieved, its support of a process by which political parties would establish independent committees that would recommend only three persons per vacancy, from which the parties would pledge to choose their candidate.

Matrimonial Law

Amicus Brief: *Chen v. Fischer*. The brief filed, with the New York Court of Appeals, urges the court to hear an appeal of this Appellate Division, Second Department decision, the practical effect of which is to make joinder of all interspousal torts in divorce proceedings mandatory. Mandatory joinder will cause divorce cases to be more protracted and more adversarial. The brief states that if *Chen* is left to stand it will increase the number and complexity of contested divorces in New York; lead to discovery abuses in matrimonial cases; result in increased cost to divorce litigants; prolong divorce litigation; and have a harmful effect on domestic violence victims, as they are the group most likely to have a personal injury cause of action against their spouse.

Post-Retirement Pursuits Open Up New Worlds

Continued from page 1.



Henri M. Gueron

“Law is something I came to rather late in my career,” says Gueron, who joined the City Bar Association in 1994. “The practice of law is a precise and very well-framed activity that attempts to be as logical as science. The requirement of clarity is common to both fields,” he confides.

“As my retirement age approached, I knew I wanted to continue my work as an attorney. I read about the City Bar Fund’s Public Interest programs in the Association’s newsletter [44th Street Notes]. Carol Bockner [the Fund’s Director of Pro Bono Initiatives] arranged several interviews for me, including one with Lauris Wren, who was at the time the Director of the Refugee Assistance Program, and I signed up. Since then, I have had the good fortune of achieving a seamless transition from a very fulfilling career to a fascinating, post-retirement involvement in a new area of law.”



Idelle Howitt

Small Business Advocate

“Most attorneys are overachievers. We do things to build our resumes,” said **Idelle Howitt**. After a fast-track career in government, banking and finance, she retired to Florida at age 50, when her Wall Street appraisal firm merged with another company.

While continuing to write and lecture on tax and employee benefits law, she said, “I was surrounded by people significantly older than I was. They would say, ‘Lord, if only I were 60 again, I would do this and that.’ So I came back to New York.”

Volunteering through the City Bar Fund’s Public Service Network, she teaches small business ownership to people on public assistance. While looking for professional leads, Howitt has taken up stone carving. “I’m working inside tiger’s eye alabaster,” she explained. “You stare

at it for awhile, to get a vision of what’s inside your stone. You become completely absorbed in what you’re doing.”

One Foot in the Office

For **James Nespole**, retirement would mean living his dream as a “gym rat,” and writing mystery novels in Venice, Italy. He is, however, in the “step down” program at Fulbright & Jaworski, where he is a partner. “In a past life I ran litigation for the City of New York,” he said. The \$100-million cases he handles at Fulbright have taken him to South Africa, England, France, Texas and the American West.

Nespole will still attend to his firm, but plans to take classes at Columbia University next year and spend more time with his four grandchildren. “Fulbright’s clients are institutionalized,” he explained. “You build relationships over the many years. You’ve got to move away gradually.”

Mentoring Young Attorneys

Retirement is a third career for **Kay Murray**. First a researcher and college teacher with a master’s degree in psychology, she was admitted to the Bar at age 41 and served 22 years as general counsel to the New York City Department of Juvenile Justice.

Besides coordinating a mammogram van at the Harlem Community Courthouse for Judges and Lawyers Breast Cancer Alert, she is a director of the New York Bar Foundation. She sits on the board of her co-op complex, a “naturally occurring retirement community” with fitness, health and social activities for long-time residents.

Mentoring young attorneys is her prime focus. She serves on City Bar’s C. Bainbridge Smith Fund scholarship committee and on the Board of Visitors at Columbia Law School. As a member of the Character and Fitness Committee of the First Judicial Department, she interviews applicants for admission to the bar.

“My husband mentored me. We were Bar junkies,” recalled Murray, whose late husband, Archibald, was president of the State Bar Association and head of The Legal Aid Society. “Years ago we began inviting students and faculty and lawyers and judges to our home to help the students. I still run into successful lawyers on the subway or on the street who remember that we helped them start out.”



Kay Murray

Russia’s Business Climate



Roger Pugh

Dennis Hawkins and **Roger Pugh** help courageous attorneys build entire legal systems in the former Soviet Union. Both Hawkins and Pugh observed that the entrenched system of government corruption in former Soviet countries discourages foreign investors.

“All you can do is encourage and assist these newly independent countries, but they have to decide what to do for themselves,” said Pugh.

Hawkins spent most of 2004 handling projects for the American Bar Association’s Central European and Eurasian Law Initiative. “Our Kiev office is around the corner from Independence Square,” he said. “I could look down the block and see hundreds of thousands of opposition people with orange banners, singing, winning the attention of the world community for the Ukraine.” Hawkins said.

A former teacher of the emotionally handicapped, he attended St. John’s Law School at night. He went on to head the rackets division in Brooklyn for District Attorney Charles “Joe” Hynes and worked for NYPD Internal Affairs before retiring at age 55. He also served as counsel to the executive secretary of the City Bar.

“I wanted to teach something on corruption, but I didn’t have the necessary Ph.D.,” he explained. Despite that, Hawkins received an e-mail from the National Center for State Courts, seeking someone to work with a new anti-corruption unit in Mongolia. They sent me there in January, 2003, in minus-20-degree weather. It was incredible; I was smitten. So I went to Georgia before the Rose Revolution. In Serbia, I trained the judiciary on how to handle a high profile case – a trial for folks who had assassinated the prime minister.”

Just about every August, Roger Pugh and his wife Joanne would take their five children to live abroad, often in a developing country like Mexico, Sudan or Kenya. Roger, a corporate and securities partner at Edwards & Angell, and then at Donovan Leisure Newton & Irvine, loved to travel. “When I discovered perhaps a little naively that I was going to be encouraged to retire in 1992,” he saw an article in the Times about older Peace Corps volunteers.

Post-Retirement Pursuits Open Up New Worlds

With so much knowledge of business development, he was shocked when a 25-year-old interviewer rejected him. He and Joanne, an NYU M.B.A., finally qualified with help from their congressman. Sent to Paraguay, they advised a savings and loan co-op and helped the Paraguayan-American Institute build revenue streams.

Back in the United States, Pugh served as an assistant city corporation counsel, until the couple, through Washington, D.C.-based Freedom House, joined American Volunteers in International Development. Assigned to Riga, Latvia, on the Baltic Sea, they advised 13 non-governmental organizations on strategic planning and fundraising. Joanne picked up consulting jobs, and Roger followed her, coordinating international monitors for Ukrainian elections for the National Democratic Institute. "Volunteering is like looking for a job," Pugh advised.

"You have to connect with Western law firms and universities. Talk to people." For example, at a public swimming pool in Croatia, he struck up a conversation with a man who turned out to be the U.N. High Commissioner for Refugees. That led to plum assignments.

Never Too Late To Realize Your Dream

Steve Hammerman's resume includes stints at Dewey Ballantine, the U.S. Attorney's office and Paul, Weiss, Rifkind, Wharton & Garrison. He was regional administrator for the Securities and Exchange Commission. He became general counsel and vice-chairman at Merrill Lynch. He was in their World Financial Center offices on Sept. 11, 2001.

"That day, I made a decision to go back into law enforcement to try to help with the terrorist situation. I told [incoming Police Commissioner] Ray Kelly that I don't care, I'll do anything." At the end of 2004, Hammerman, 67, retired after three years from his dollar-a-year post as NYPD deputy commissioner for legal matters.

"I had too much fuel and energy that would have been wasted if I had retired after Merrill Lynch," he said. "This department is so diverse, so ecumenical. It's amazing, but it's 10 hours a day, 6 days a week, at least, and I'm married to my best friend. My wife started a program for women with disabilities at the Hospital for Joint Diseases. We're going to devote more time to help disabled people obtain new chances. "I've been so fortunate in my life, but 50 years ago, I was totally crestfallen. I was a gymnast. I could do 200 pushups, but the Police Department told me I was too short for them. I got even. I got my dream by finally getting in here."

Plan Your Retirement: Senior Lawyers Committee Offers Ageless Advice

When acting State Supreme Court Justice Paula J. Omansky reached mandatory retirement age at the end of 2004, word spread that she planned to take Hebrew and violin lessons. "Not to achieve any proficiency," she mused, "just to learn how to get all those gorgeous sounds out of four strings. It's always been a mystery to me."

Also required to retire at 70, acting Justice John A. K. Bradley signed up for classes in digital photography at the New School. Considering his penchant for trekking to places like a Mount Everest base camp, updated picture-taking skills will come in handy. Besides visiting Bali, Java, India and Mount Rainier in 2005, he will also serve as a per diem judicial hearing officer, supervising jury selection at 60 Center Street. "You get conflicting advice about retirement," said Bradley. "They say that you can't go to work full time and suddenly stop. But also, that you shouldn't tie yourself up right away, because all kinds of new possibilities will come to you. The thrust of it, I believe, is that you've got to remain active."

Bradley credited the Association's annual program on retirement planning for helping him.

"The program digs beneath the surface to help attorneys nearing retirement age to deal with some of the options and problems that spring up with a life-cycle change," said Edward Labaton, chair of the Senior Lawyers Committee and a senior partner at Goodkind Labaton Rudoff & Sucharow.

"In the legal world in the last 20 years, a quiet revolution that no one's talking about has taken place at virtually all of the large firms and some small and medium ones," Labaton explained. "They're requiring attorneys, even partners, to retire, as early as age 63. Some are permitted to be of counsel. But still, many feel they're at the peak of their powers. They aren't at all ready to stop working."

Even when generous retirement packages with substantial lifetime benefits and an office and secretarial assistance are included, he said, "it eases the pain, but some lawyers still are dissatisfied with having to retire at this point in their careers."

Labaton, an avid squash player who himself works "a two-thirds schedule" at his firm, said there are tremendous opportunities to do part-time legal work for charitable, arts or other non-profit institutions, or as dollar-a-year employees

in government. Others can teach or launch new careers apart from law. Financial planning, he said, is critical.

"Our goal is to connect senior lawyers with their interests," explained Doris Keeley, secretary of the committee who is retired from Citibank. "Networking is crucial and we're a conduit for information."

The Senior Lawyers Committee meets once a month. It provides one-on-one mentoring for students at Martin Luther King Jr. High School and sponsors an extremely popular series of public affairs luncheons and special events.

SAVE THE DATE Retirement: Fresh Challenges & Opportunities May 25, 2005

The 2005 retirement program, sponsored by the Senior Lawyers' Committee, will be held at Association on May 25th at 5 p.m. The line-up includes a psychotherapist, a money management advisor, an Association staffer knowledgeable about pro bono opportunities and a prominent guest speaker to share retirement experiences.



ASSOCIATION SERVICES

The City Bar Association, A Place for Law Students to Relax and Study

Tired of hanging out in the law school student lounge? Why not visit the City Bar instead. The Association, which has more than 1,500 law student members, is conveniently located on West 44th Street, where it offers educational programs for lawyers and the public most evenings.

Law school can be a difficult and confusing time. In addition to the pressures of a daily curriculum, there is also the pressure of charting a career. How do you know what practice area you want to work in? Where can you network? How do you get to know and talk to practicing attorneys? The answers to these questions may be found at the Association, which offers full annual memberships to law school students for only \$25. The fee also entitles members to have full access to the Association's Law Library, the largest private law library in the country.

Our Committee on Law Student Perspectives understands that law school cannot possibly teach you everything a young lawyer needs to know about day-to-day practice, so the committee seeks to enhance the law school experience through the programs it offers at the Association. To do this, the committee plans a number of programs on what it is really like to practice in a particular area of law. (See winter/spring 2005 programs listed at right.) These programs give students an insight to a practice area that they cannot gain from reading the course casebook. Annually, the committee presents a program on "The Art of Schmoozing," which teaches valuable networking and communication skills not often found in law school.

Another career enhancing opportunity available to law student members is to join one of the Association's committees. Becoming a committee member is an excellent way to meet and get to know practitioners in that field. These contacts, and the relationships that may develop, can be invaluable to the young lawyer. If you are interested in learning more about the law student member program please visit our website at www.abcnyc.org and click on the Law Student page.

Upcoming Programs of Interest to Law Students

**A Look Ahead to the New Congress:
What to Expect, How to Stay Informed**
Monday, March 7, 2005
8:30 - 10:00 am

**Career Opportunities In Labor & Employment Law:
A Panel Discussion for Law Students**
Thursday, March 10, 2005
6:30 pm - 8:30 pm

**Careers In New Media and Internet Law:
A Panel Discussion for Law Students**
Tuesday, March 15, 2005
6:30 pm - 8:30 pm



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ABCNY

March 2005 Calendar of Events

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 is subject to change. Please check our website at www.abcny.org for the latest program information.

1 Tuesday, 6-8 pm

Catholic Judges and the Death Penalty:

A Conversation with the Hon. Guido Calabresi

The third part of this three-part series will explore the legal, social, and ethical questions which arise when Catholic judges bring their religious values and perspectives to bear on their role in death penalty cases. Judge Calabresi serves on the U.S. Court of Appeals for the Second Circuit and is former dean of Yale Law School. A reception will follow. Please Note: **This program will take place at Fordham University School of Law, 140 West 62nd Street, Rooms 430 B and C, New York, NY.**

Co-sponsored by:
Fordham University School of Law Institute of Religion, Law & Lawyers' Work; The Guild of Catholic Lawyers of the Archdiocese of New York; The St. John's University Catholic Lawyer

For more information and to register by Monday, February 28, please contact Amy Uelmen, Dir., Institute on Religion, Law & Lawyer's Work at (212) 636-7328 or email lawreli-gion@law.fordham.edu

1 Tuesday, 6-9:30 pm

Elderlaw Project Pro Bono Training

The Elderlaw Project provides low-income seniors with free legal services in various areas of law, including health care, wills and public benefits. One-on-one legal clinics and on-site community forums provide clients with important information and

assistance. This orientation and training program is for attorneys interested in volunteering at our on-site legal clinics for the elderly or taking a pro bono case. Volunteers will learn the basics of benefits for older New Yorkers and how to prepare simple wills, health care proxies, powers of attorney and living wills. Attorneys who attend the training are expected, within one year, to volunteer at two legal clinics, or accept three case assignments, or prepare and execute one basic will for a homebound senior. In the event that an attendee fails to satisfy the volunteer requirement, he or she will be charged for the cost of the training (\$165 for members, \$255 for non-members). CLE credit will be provided. Credit breakdown TBA.

Moderator:
VIVIENNE DUNCAN
Program Director, Elderlaw Project, City Bar Fund

Speakers:
ALICE HERB
Assistant Clinical Professor of Family Practice and Associate at Law, SUNY Health Science Center at Brooklyn

MARTIN PETROFF
Lamson & Petroff

STEVEN RATNER
Law Offices of Steven M. Ratner

Spaces are limited and are filled on a first-come, first-served basis. For more information, please contact Olivia Herman, Program Coordinator, at oherman@abcny.org.

7 Monday, 8:30 - 10 am

A Look Ahead to the New Congress: What to Expect, How to Stay Informed and How to be Heard

High-level Washington insiders will share their insights on the new Congress and what to expect on issues ranging from class action and medical malpractice, to the Supreme Court, Social Security, the Patriot Act, and the economy.

Speakers:
REPRESENTATIVE JERROLD NADLER (D-NY)
Member, House Judiciary Committee

BERNARD NUSSBAUM
Wachtell, Lipton, Rosen & Katz; former White House Counsel to President Clinton

BENJAMIN GINSBERG
Patton, Boggs LLP; national counsel to the Bush-Cheney presidential campaign

TAMERA LUZZATTO
Chief of Staff to Senator Hillary Clinton

TERENCE SAMUEL
Chief Congressional Correspondent, U.S. News and World Report

CHRISTINE VARNEY
Hogan & Hartson; former Federal Trade Commissioner

To RSVP, please go to www.abcny.org.

7 Monday, Noon-2 pm

ADR LUNCHEON The Promise of Transformative Mediation in Corporate America

The transformative mediation model is often associated with resolving conflicts in the family law arena. However, this conflict resolution theory may also hold great promise for companies that want to foster good working relationships and enhance productivity and morale within their business organizations. Our panel of experts will describe what transformative conflict theory is, how it has been successfully applied in corporations and other large institutions in the past and how the approach may help to support the goals of your organization in the future.

Moderators:
STEPHANIE MORSE-SHAMOSH
First Vice President, UBS Financial Services, Inc.

FAITH WU
Attorney-Mediator

Speakers:
PROF. ROBERT A. BARUCH BUSH
Institute for the Study of Conflict Transformation, Inc., Hofstra Law School

SALLY POPE, M.Ed., J.D.
Fellow, Institute for the Study of Conflict Transformation, Inc.

Registration by March 2 is necessary. The fee, which includes lunch, is \$20 for members; \$30 for non-members. Please register on page 10 or online at www.abcny.org.

ABCNY March 2005 Calendar of Events

8 Tuesday, 9-10 am

SMALL LAW FIRM EVENT

Having a Website is Like Having a Business Card

Please join the Committee on Small Law Firms for a presentation on the importance of having a website. The discussion will include why you should have a website and how to build an effective site to grow your practice.

Speaker:
JUDY MINES
TAG Online, Inc.

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

8 Tuesday, 6:30 - 8:30 pm

Diversity Pitfalls: Becoming a Leader in the Workplace Despite the Politics of Race, Gender, Religion and Sexual Orientation

Through interactive role playing and the use of multimedia presentations, a panel of employment and labor practitioners will offer their expert advice in handling issues such as harassment and disparate treatment in the workplace. This program is designed to provide career development for attorneys at all stages in their careers, as well as substantive guidance for the employment law attorney.

Introduction:
DANIEL SILVERMAN
Skadden, Arps, Slate, Meagher & Flom LLP

Moderator:
NATALIE HOLDER-WINFIELD
Quest Educational Initiatives

Speakers:
ABIGAIL PESSEN
Mediation Services

JONATHAN GARDNER
Goodkind, Labaton, Rudoff & Sucharow LLP

JUSTIN SWARTZ
Outten & Golden LLP

10 Thursday, 12:30-2 pm

SMALL LAW FIRM LUNCHEON

Saving Time and Money By Avoiding the Avoidable Interruption

This will be a discussion of the benefits of thinking ahead. By setting up procedures and taking certain steps to avoid a problem, you can prevent events that will keep you from getting your work done. The program will also discuss the benefits of planning for less than catastrophic events, such as not being able to physically get into your office, or what happens if the electricity goes off.

Moderator:
CAROL A. SEELIG
Professional Practice Management Advisor

Speakers:
KATHLEEN LUCEY
Montague Technology Management, Inc.

PHYLLIS WEISS HASEROT
Practice Development Counsel

GREG WILLIAMS
Akin Gump

WILLIAM BELMONT
The Belmont Group, LLC

JEFF LEVINE
The System Shop

Supported by LexisNexis.

Registration by March 3 is necessary. The fee, which includes lunch, is \$20 for members. \$30 for non-members. Please register on page 10 or online at www.abcny.org.

10 Thursday, 6:30-8:30pm

Career Opportunities In Labor And Employment Law: A Panel Discussion For Law Students

This program for law students will focus on how to prepare for a career in labor and employment law. The topics discussed will include: distinctions between labor and employment law; distinctions between the representation of management, employees, and unions; and the intersection of labor and employment law with other practice areas. Panelists will also discuss the various settings in which attorneys can practice labor and employment law. A networking reception will follow and refreshments will be served.

Moderator:
DARRELL S. GAY
Coudert Brothers LLP

Speakers:
HANAN B. KOLKO
Meyer, Suozzi, English & Klein, P.C.

JULIE B. KRASNOGOR
Krasnogor & Krasnogor LLP

OMAR T. MOHAMMEDI
Commissioner, New York City Commission on Human Rights; The Law Firm of Omar T. Mohammedi

LAURIE N. ROBINSON
Assistant General Counsel, CBS Broadcasting, Inc.

11 Friday, 6 pm

FRIDAY EVENING CHAMBER MUSIC AT THE ASSOCIATION

Modern Chamber Music for Clarinets

This program will include Poulenc's Sonata for Two Clarinets and his Sonata for Clarinet & Piano; Webern's Quartet for Violin, Clarinet, Tenor Saxophone & Piano, Op. 22; Hiyoku's Sonata for Two Clarinets; and Martinu's Serenade for Violin, Viola, Cello, and Two Clarinets. Mary Beth Fenlaw and

Mark Lopeman, clarinets. Also performing are Clare Detko, violin; Katherine McHale, viola; Irene ten Cate, cello; and Ted Shapiro, piano.

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

15 Tuesday, 6:30-8:30 pm

Careers in New Media and Internet Law: A Panel Discussion for Law Students

This program for law students will focus on how to prepare for a career in New Media and Internet Law. The panelists will first define and describe these practice areas, then discuss their experiences, potential career opportunities, and the best way to prepare for opportunities in these fields. A networking reception will follow and refreshments will be served.

Moderator:
ARLENE C. CHASE
Sr. Director/Business & Legal Affairs, Sony BMG Music Entertainment

15 Tuesday, 6:30-8:30 pm

Associate Roundtable Discussion Series

The Committee on Recruitment and Retention of Lawyers invites female associates to discuss their concerns and thoughts about attorney retention issues at the Committee's inaugural Associate Roundtable Discussion Series. Various partners and senior level attorneys from New York City firms will moderate the roundtable discussions. Attendance is free and is limited to the first 50 attorneys who express interest in attending the session.

For more information, please contact Hazel-Ann Mayers, at (212) 846-4774 or hazel-ann.mayers@viacom.com.

ABCNY March 2005 Calendar of Events

16 Wednesday, 8:30-10 am

Staging a Career Comeback: Getting Past the Red Flag on Your Résumé

Been away from practice for a while? Got a gap on your résumé that needs explaining? Trying to re-tool to a new practice area or setting? This interactive panel is designed to help you position yourself for a successful career comeback. Speakers will address the challenges of "making your case" as a candidate, including writing effective cover letters and answering tough interview questions.

Moderator:

GIL ALLISON

Senior Vice President, Career Consulting, Right Management Consultants

Speakers:

ARI A. KATZ

Legal Recruiting Manager, Bingham McCutchen LLP

SANG J. LEE

President, SJL Attorney Search

Registration by March 11 is necessary. The fee, which includes breakfast, is \$10. Please register on page 10 or online please visit www.abcny.org

19 Saturday, 8 pm

Lawyers' Orchestra Early Spring Concert

The program will include Liszt, Les Preludes; Saint-Saens, Concerto for Piano No. 2 in G minor, Op. 22 (Debra Takakjian, piano); Beethoven, Symphony No. 6, Op. 68 ("Pastorale") with David Bernard, Music Director and Debra Takakjian, piano. **Please note: The program will take place at the Pope Auditorium, 113 West 60th St. at Columbus Ave., Manhattan.**

Admission is \$15 (\$10 for seniors/ students at the door. For more information, please call (212) 788-1093 or go to www.lawyersorchestra.org

23 Wednesday, 7 pm

2005 Annual Benjamin N. Cardozo Lecture "Academic Freedom"

Lee C. Bollinger, the President of Columbia University, will deliver the Association's annual Cardozo Lecture. The topic of the lecture will be "Academic Freedom." The Cardozo Lecture was established in 1941 in remembrance of former Supreme Court Justice Cardozo's "love for the law, passion for justice, and sympathy for humanity."

A reception will follow.

To register, email rellenport@abcny.org or call (212) 382-6660.

24 Thursday, 7 pm

The United Nations: Proposals for the 21st Century

A discussion on the reform of the United Nations as it approaches its sixtieth anniversary.

Moderator:

ELIZABETH F. DEFEIS

Professor of Law, Seton Hall University School of Law

LINDA FASULO

UN Correspondent, NBC News; longtime contributor, National Public Radio; author, *An Insider's Guide to the UN* (Yale University Press)

HON. PATRICK F. KENNEDY

United States Ambassador, Representative for United Nations Management and Reform, United States Mission to the United Nations

STEPHEN STEDMAN

Research Director, High-Level Panel on Threats, Challenges & Change, Office of the Special Adviser, United Nations

RUTH WEDGWOOD

Edward B. Burling Professor of International Law and Diplomacy; Director of the International Law and Organization Program, The Paul H. Nitze School of Advanced International Studies, The Johns Hopkins University

29 Tuesday, 6:30 pm

The Relevance of International Criminal Justice in Today's World

What is the International Criminal Court? How can criminal justice be achieved internationally? Post-Abu Ghraib, can the ICC make a difference? Join noted international law experts Philippe Kirsch and Ruth Wedgwood for a conversation on the role of the International Criminal Court in our world today.

Moderator:

DAVID STOELTING

Chair, Committee on African Affairs

Speakers:

PHILIPPE KIRSCH

President, International Criminal Court

RUTH WEDGWOOD

Edward B. Burling Professor of International Law and Diplomacy; Director of the International Law and Organization Program, The Paul H. Nitze School of Advanced International Studies, The Johns Hopkins University

Co-sponsored by:

Canadian Consulate General

31 Thursday, 6:30 pm

Is Permanent Public Funding of Legal Services Achievable in New York? A Panel Discussion

Welcoming Remarks:

HON. JUANITA BING NEWTON

Deputy Chief Judge of Justice Initiatives and Administrative Judge of the NYC Criminal Court

BETTINA B. PLEVAN

President of the Association of the Bar of the City of New York

Panelists:

DAVID GRUENBERG

former Counsel, NYS Senate Judiciary Committee

DWIGHT LOINES

Political Director, Region 9 of the UAW

LILLIAN MOY

Executive Director, Legal Aid Society of Northeastern New York, Chair, NYSBA Committee on Legal Aid

HON. JAMES MCGUIRE

former Counsel to Governor Pataki

HON. JAMES YATES

former Counsel to Assembly Speaker Sheldon Silver

Co-Sponsored by Legal Services for New York City and the Legal Aid Committee of the New York State Bar Association.



EVENT SPOTLIGHT

**Monday, March 7, 2005
8:30 - 10 am**

A Look Ahead to the New Congress: What to Expect, How to Stay Informed and How to be Heard

Have you ever wondered what kind of backroom deals go into the final copy of a bill? Do you

hear "social security is a priority," then "It's a red herring—they're pushing tax reform" and wonder who's right? As the member of a preeminent bar association, you have the legal expertise, but are you concerned that you don't know the system well enough to effectively voice your opinion on the issues?

On March 7th the Association's Federal Legislation Committee is hosting an event that will endeavor to answer your questions. At "A Look Ahead to the New Congress: What to Expect, How to Stay Informed and How to be Heard," a distinguished panel of Washington insiders (listed on pg. 7) will be discussing issues including: class action and medical malpractice; Social Security Privatization; possible Supreme Court nominees and the Patriot Act. Join us for this informative event beginning at 8:30 a.m. at the house of the Association.

Association President Testifies at Death Penalty Hearing

Association President Betsy Plevan testifying at a New York State Assembly hearing on the death penalty held at the House of the Association on January 21st. Betsy was joined by Jeffrey Kirchmeier, Chair of the Association's Capital Punishment Committee. Betsy reiterated the Association's strong opposition to the death penalty. However she also warned that if the death penalty is to resume, specific revisions of New York law and procedure are needed to reduce the likelihood of the execution of the innocent. The testimony was based on a report by the Association's Capital Punishment Committee which can be found on our website at www.abcny.org.



New Committee Reports

Continued from pg 3.

Association reports are available online at www.abcny.org. Or, you may order reports by writing to the Director's Office, calling (212) 382-6624, or emailing aakhtar@abcny.org. Please be sure to include the committee name when making your request.

President

Statement with Respect to Release or Transfer of Detainees at Guantanamo. The statement referred to press reports suggesting the U.S. intends to release hundreds of detainees from Guantanamo and noted that to the extent prisoners are to be released or transferred to other governments, such action is subject to the limitations of applicable U.S. law, including treaties, with regard to turning over the detainees to nations with a reputation for torture.

State Courts of Superior Jurisdiction

Letter to the Administrative Justice, Supreme Court of the First Judicial District, Civil Term commenting on the current draft of proposed rules for the Commercial Division. The letter expresses concern that several of the proposed rules would require judges to rule that a party has waived rights even in situations where such waiver would be too harsh, leaving the penalty of waiver too extreme and falling unduly on the party rather than the attorney.

ABCNY

March 2005 Registration Form



- ADR Luncheon - March 7**
 - \$20 Member \$30 Non-Member
- Small Law Firm Luncheon - March 10**
 - \$20 Member \$30 Non-Member

- Staging a Career Comeback... - March 16**
 - \$10

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Number of Reservations: _____

Total Enclosed: \$ _____

Please charge to my:

Mastercard Visa American Express

Card Number: _____

Expiration Date: _____

Signature: _____

Please return this form to: **Meeting Services**, Association of the Bar, 42 West 44th Street, New York, NY 10036-6689.
Please make checks payable to the Association of the Bar. If registering for additional persons, duplicate this form.



CityBar Center for CLE

March 2005

CLE Course Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
	1	2 REAL ESTATE 6-9 p.m. Basics of Real Estate Lending 3 credits	3 CORPORATE & SECURITIES 9-1 p.m. Hedge Funds - Current Developments in Operating & Regulatory Issues 4 credits	4
7 NON-PROFIT ORGANIZATIONS 6-9 p.m. The IRS's New "Tax Exempt Compensation Enforcement Project:" What Non-Profits Need To Know 3 credits	8	9	10 ELDER LAW 6-9 p.m. Fundamentals of Medicaid & Long-Term Care Planning 3 credits <i>See March 17 for Part II.</i>	11
14 LEGAL WRITING 9-4:45 p.m. Real World Document Drafting: Form, Style and Substance 7 credits	15 ENERGY LAW 9-12 p.m. Hot Topics in Energy Law: Legal & Regulatory Developments 3 credits	16 TAX & ACCOUNTING 6-9 p.m. Income & Estate Tax Aspects of Life Insurance 3 credits	17 ELDER LAW 6-9 p.m. Current Issues in Medicaid & Long-Term Care Planning - Part II 3 credits	18
21 COMMERCIAL LAW 6-9 p.m. Check 21: Business, Legal & Regulatory Perspectives on Check Processing in the 21st Century 3 credits	22 PRODUCT LIABILITY 6-9 p.m. Navigating the Labyrinth of Complex (Including Multidistrict) Product Liability Litigation 3 credits	23 FAMILY LAW 6-9 p.m. Advising Lesbian, Gay, Bisexual and Transgender (LGBT) Clients on Protecting Their Families and Relationships 3 credits	24 CORPORATE & SECURITIES 9-1 p.m. Introduction To The Deal: What's Involved In A Bank Financing? 4½ credits	25
28 ETHICS 6-9 p.m. Ethics for the Immigration Lawyer 3 credits	29 CRIMINAL LAW 6-9 p.m. Truth or Consequences: Growth and Development of Federal Criminal Fraud Law Enforcement 3 credits	30 LEGAL WRITING 6-9 p.m. Discovery of Electronic Evidence: What You Need to Know With Respect to Discovery of Paperless Documents 3 credits	31	Cancellations & Refunds For live programs & video replays, refunds & program credits are available provided cancellation is made in writing & received by the CityBar Center prior to the program. A \$25 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing & faxed to the CityBar Center at (212) 869-4451. Refunds & program credits are not available for the purchase of tapes, CDs, DVDs, course materials or online programs.

CLE March 2005

Course Listings by Practice Area



COMMERCIAL LAW

21 Monday, 6-9 p.m.

Check 21: Business, Legal & Regulatory Perspectives on Check Processing in the 21st Century

Check 21, short for the Check Clearing for the 21st Century Act, took effect on October 28, 2004. This program will explore the process of check clearing established by the new federal law, and the practical effect of this law for banks and their customers. This course will explain major concepts and terminology used in the statute and implementing regulations, including the new Check 21 warranties, indemnities and recredit rights. It will also provide a glimpse at challenges faced by banks, large and small, in implementing the new law, and will glance into issues that may be faced by bank customers, corporate or consumer, when they write checks.

Program Co-chairs:

WILLIAM KLIMASHOUSKY
Citibank, N.A.

SOPHIA R. VICKSMAN
Federal Reserve Bank of New York

Faculty:
LLOYD G. HARRIS
Vice President
JPMorgan Chase Bank

STEPHANIE A. HELLER
Counsel & Vice President
Federal Reserve Bank

HENRY V. WYSOCKI
Senior Counsel
The Clearing House Payment Company L.L.C.

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

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



CORPORATE & SECURITIES

3 Thursday, 9-1 p.m.

Hedge Funds--Current Developments in Operating & Regulatory Issues

New rules and SEC enforcement activity has made the field of hedge funds increasingly complex. This program covers current developments in hedge funds and brings together leading experts in the field to discuss among other things SEC enforcement issues and the new registration requirements. Operating issues including contractual disputes and trading systems, and rules and regulations related to forming and operating hedge funds will be presented by individuals from leading investment firms. The program will also touch on a variety of interesting topics including how to avoid problems in the enforcement environment and the best practices for protecting hedge funds from liability.

Program Chair:
N. ADELE HOGAN
Cravath, Swaine & Moore LLP

Faculty:
STEPHANIE R. BRESLOW
Schulte Roth & Zabel LLP

DAVID N. BROOKS
Fortress Investment Group LLC

NORMAN B. CHAMP III
Co-Chief Operating Officer & General Counsel
Chilton Investment Company, Inc.

GARRETT I. FILLER
General Counsel & Managing Director
Ellington Management Group LLC

RUTH S. GOODSTEIN
Senior Vice President
UBS Financial Services
Alternative Investment Group

JOHN G. GAINE
President
Managed Fund Association

NORA M. JORDAN
Davis Polk & Wardwell

PATRICK McCARTY
Commodities Futures Trading Commission
Headquarters Office

ROBERT E. PLAZE
Associate Director
Securities and Exchange Commission

ROBERT VAN GROVER
Seward & Kissel

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

Live Program:
\$315 Member, \$455 Non-member

24 Thursday, 9-1 p.m.

Introduction to the Deal: What's Involved in a Bank Financing?

This program will introduce lawyers to the basics of what to expect in a bank financing, for corporations and other business entities. A faculty of experienced practitioners will explain the issues that arise in a bank financing, including an overview of the credit process, structuring, what constitutes secured or unsecured loans and the circumstances under which they occur, timing considerations, due diligence procedures, financing statement searches, real estate issues, including environmental surveys and practical pointers in getting a financing deal signed and closed. This program will address the concerns of both the lender's and the borrower's counsels.

Program Chair:
BRUCE P. LEVINE
Buchanan Ingersoll, P.C.

Faculty:
JILL R. MINDLIN
Schulte Roth & Zabel LLP

MILAN K. TYLER
Phillips Lytle LLP

CRAIG D. ZLOTNICK
Otterbourg Steindler Houston & Rosen, PC

CLE Credit:
4½ credits total: 2 skills, 2 professional practice/practice management & ½ ethics. This program provides transitional credit for newly admitted attorneys.

Live Program:
\$315 Member, \$455 Non-member

CLE March 2005 Course Listings by Practice Area



CRIMINAL LAW

29 Tuesday, 6-9 p.m.

Truth or Consequences: Growth and Development of Federal Criminal Fraud Law Enforcement

Post-Enron, there has been substantial attention paid to federal securities fraud prosecutions. The panoply of federal fraud statutes, however, extends far beyond just the world of securities. Numerous other federal statutes, covering, for example, mail, wire, bank, healthcare, and ERISA fraud (to name just some) have continued in their development and remain important tools for federal prosecutors. An understanding of the expansion and development of these fraud prosecution tools is important to attorneys prosecuting or defending individual and corporate actors alike. It is critically important that business people, executives, accountants, and their counsel (both in-house and at outside law firms) be able to identify, and promptly and appropriately handle, conduct that may be regarded as "fraudulent" under one or more federal statutes. This program will examine the growth and recent development of federal criminal fraud laws.

Program Chair:

ANDREW D. KAIZER

Wilmer Cutler Pickering Hale & Dorr LLP

Faculty:

ELKAN ABRAMOWITZ

Morvillo, Abramowitz, Grand, Iason & Silberberg, P.C.

DANIEL R. ALONSO

Chief, Criminal Division
U.S. Attorney's Office,
Eastern District of New York

MARK G. CALIFANO

Chief Legal Counsel
Independent Inquiry Committee into the United Nations Oil for Food Programme

GARY P. NAFTALIS

Kramer Levin Naftalis & Frankel LLP

LYNN A. NEILS

Chief, Major Crimes Unit
U.S. Attorney's Office, Southern District of
New York

PAUL L. SHECHTMAN

Stillman & Friedman, P.C.

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member



ELDER LAW

2 MEDICAID PROGRAMS:

The Fundamentals of Medicaid and Long-Term Care Planning

Thursday, March 10, 6-9 pm

&

Current Issues in Medicaid and Long-Term Care Planning

Thursday, March 17, 6-9 pm

Are your elderly family members or friends concerned about paying for the exorbitant costs of long term care? Is there a way to ensure that they receive quality long-term care while having the opportunity to preserve assets for their loved ones? Is the answer Medicaid, Medicare, Long-Term Care Insurance? What must be done to make the costs of long-term care affordable and what steps can clients take to maximize asset preservation in the face of long term care costs? What if the client is incapacitated? A panel of experts in Elder Law will address these timely topics at this two-part seminar. The first program will focus on the basics and the second program will cover current topics.

CLE Credit

Both Programs:

6 credits in professional practice/
practice management.

Each Program:

3 credits in professional practice/
practice management. These programs provide
transitional credit for newly admitted attorneys.

SAVE UP TO \$115 BY REGISTERING FOR BOTH PROGRAMS

Both Programs:

\$315 Member, \$455 Non-member

Individual Program

\$185 Member, \$285 Non-member



ENERGY LAW

15 Tuesday, 9 - 12 p.m.

Hot Topics in Energy Law: Legal & Regulatory Developments

This program will alert new and experienced practitioners to the watershed of activity seen in the energy markets, ranging from legal and regulatory initiatives on the state and federal level to dramatic developments in the financial arena. An experienced faculty comprised of prominent legal practitioners as well as regulatory staff will discuss the following:

- Development of Renewable Portfolio Standards in NY State
- Implementation of the FERC's Standards of Conduct
- New York State and regional energy related issues
- What the Rating Agencies are doing
- Merchant Financing: can this project be saved?

Program Chair:

JOHN L. CARLEY

Assistant General Counsel
Consolidated Edison Company

CLE March 2005 Course Listings by Practice Area

Faculty:

BARBARA S. BRENNER

Couch White, LLP

CARL HOEMKE

Managing Director
Standard & Poor's

MARC RICHTER

Associate General Counsel
Consolidated Edison Company

SAM M. LANIADO

Read & Laniado, LLP

ANDREA WOLFMAN

Thelen Reid & Priest LLP

PROFESSOR ELEANOR STEIN

Albany Law School

KATHERINE KENNEDY

Senior Attorney
Natural Resources Defense Council Inc.

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member



ETHICS

28 Monday, 6-9 p.m.

Ethics For The Immigration Lawyer

This program will focus on common ethical issues that arise in both business-based and family-based immigration law. Experienced practitioners will examine a variety of ethical situations that arise in actual day-to-day practices. Additionally, hypothetical situations will be used to address typical ethical issues that immigration lawyers face. Every effort will be made to give

those attending the knowledge and tools necessary to address such issues before they become ethical dilemmas and to help prevent situations that would require discontinuance of representation or more serious problems.

Program Co-Chairs:

ALLEN E. KAYE

Law Offices of Allen E. Kaye, PC

NANCY H. MOROWITZ

Fragomen, Del Rey, Bernsen & Loewy, LLP

DAN R. SMULIAN

The New York Immigration Coalition

Faculty:

ROBERT E. JUCEAM

Fried, Frank, Harris Shriver & Jacobson LLP

HAL R. LIEBERMAN

Hinshaw & Culbertson

MICHAEL D. PATRICK

Fragomen, Del Rey, Bernsen & Loewy LLLP

ELLEN YAROSHEFSKY

Clinical Professor of Law
Executive Director, Jacob Burns Ethics Center
Benjamin N. Cardozo School of Law
Counsel, Hinshaw & Culbertson

CLE Credit:

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

Live Program:

\$215 Member, \$315 Non-member



FAMILY LAW

23 Wednesday, 6-9 p.m.

Advising Lesbian, Gay, Bisexual and Transgender (LGBT) Clients on Protecting Their Families and Relationships

Individuals in LGBT relationships lack many protections automatically afforded to those who enjoy the benefits of heterosexual marriage and must take proactive steps to safeguard their families' interests. This seminar will explore the

documentation necessary and useful for strengthening the legal protection for all parties, including children. The program will discuss custody and adoption, estate and financial planning as well as dissolution issues. The program will also explore the legal ramifications for LGBT couples who married in other jurisdictions but continue to reside in New York.

Program Co-chairs:

LISA R. BADNER

Counsel

New York City Equal Employment Practices
Commission

CHRISTOPHER J. COLLINS

Proskauer Rose LLP

Moderator:

PROFESSOR EDWARD D. STEIN

Associate Professor
Cardozo School of Law

Faculty:

ERICA BELL

Weiss, Buell & Bell

BONNIE E. RABIN

Cohen Hennessey Beinstock PC

DEAN SPADE

The Sylvia Rivera Legal Resource Program
Urban Justice Center

JAY WEISER

Associate Professor of Law
Zicklin School of Business, Baruch College

ERIC I. WRUBEL

Dobrish & Wrubel, LLP

Co-sponsored with:

**Lesbian, Gay, Bisexual and Transgender Law
Association of Greater New York (LeGaL)**

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member

CLE March 2005 Course Listings by Practice Area



LEGAL WRITING

30 Wednesday, 6-9 p.m.

Discovery of Electronic Evidence: What You Need To Know With Respect To Discovery Of Paperless Documents

Document discovery rules designed for the discovery of paper documents leave many questions unanswered with respect to the discovery of paperless documents. Our panel will explore issues being faced with respect to electronic evidence, including whether backup data must be searched and produced, whether embedded data must be searched and produced as drafts, whether a waiver of privilege occurs when a computerized database is produced, and whether the burden for the costs of such electronic discovery may be shifted to the requesting party.

Program Chair:

STEVEN R. SCHOENFELD

Torys LLP

Faculty:

KERRY A. BRENNAN

Pillsbury Winthrop LLP

HONORABLE JAMES C. FRANCIS IV

United States Magistrate Judge

SETH D. KRAUSS

Vice President, Regulatory Group

Morgan Stanley

R. JASON STRAIGHT

Manager - Legal Technologies Consulting

Eastern United States

Kroll Ontrack

KENNETH J. WITHERS

Senior Judicial Education Attorney

Federal Judicial Center

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member

14 Monday, 9-4:45 p.m.

Real World Document Drafting: Form, Style, and Substance

Document drafting is as important to the successful negotiation of a deal as the negotiation sessions themselves. Well-drafted legal documents articulate the terms of the transaction, but also protect and advance the client's interests, reduce the likelihood of disputes, and establish the framework for successful business relationships. Document drafting is not intuitive. Even the best lawyers must use drafting techniques that clearly articulate their transactions, and even the best writers must integrate legal and business concepts to create effective contracts.

This program integrates the legal principles, skills, and experience related to negotiating and drafting a range of contracts. It explores the underlying principles of contract law that apply to specific contract provisions and considers alternative ways to resolve issues in the document negotiation process. The focus is on producing readily comprehended legal documents that can serve as roadmaps for business relationships and can reduce the possibility of related litigation.

Throughout the day, the instructor will respond to participants' comments and questions. The last half-hour of the program will be devoted to a discussion of ethics and professional responsibility issues in document drafting.

Instructor:

MARVIN GARFINKEL

Wolf, Block, Schorr and Solis-Cohen LLP

Co-sponsored with: ALI-ABA

CLE Credit:

7 credits total: 6½ skills and ½ ethics. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions.

Live Program:

\$350 Member, \$450 Non-member



NON-PROFIT ORGANIZATIONS

7 Monday, 6-9 p.m.

The IRS's New "Tax Exempt Compensation Enforcement Project": What Non-Profits Need To Know

In this environment of Sarbanes-Oxley and increasing scrutiny of the compensation paid to company executives, federal and state regulators are now focusing on non-profit organizations. The IRS has recently begun a major enforcement operation "to identify and halt abuses by tax-exempt organizations that pay excessive compensation and benefits to their officers and directors."

An expert faculty of regulators, accountants and private practitioners will discuss how to determine what constitutes "reasonable" compensation for executives and board members of charities, private foundations and other not-for-profit organizations. The panelists will cover general standards for executive compensation, the law of intermediate sanctions, eliminating the appearance of private inurement and the specific targets for IRS scrutiny beyond Forms 990, 1099 and W-2. This discussion may be of particular interest to those involved in setting compensation at not-for-profit health and mental health organizations, since some have been noted for paying their executives high salaries.

Program Co-Chairs:

MARTHA L. GOLAR

Senior Attorney

Port Authority of New York and New Jersey

DAVID G. SAMUELS

Perlman & Perlman, LLP

GINGER TRUNKES

Principal Court Attorney

Supreme Court

Appellate Division, First Department

Faculty:

PAUL R. DORF, Ph.D., APD

Managing Director

Compensation Resources, Inc.

CLE March 2005 Course Listings by Practice Area

WILLIAM F. GASKE

Patterson Belknap Webb & Tyler LLP

ROBERT PIGOTT

Assistant Attorney General and Section Chief
New York State Department of Law
Charities Bureau

JAMES E. ROCCO

Principal Consultant
James E. Rocco Associates, Inc.

FREDERICK H. ROTHMAN

Director of Tax Services
Loeb & Troper

DAVID M. ROTTKAMP

Loeb & Troper

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member



PRODUCT LIABILITY

22 Tuesday, 6-9 p.m.

Navigating The Labyrinth Of Complex (Including Multidistrict) Product Liability Litigation

The focus of this seminar will be on practical steps to assist the practitioner in the managing of complex, including Multidistrict Litigation (MDL), products cases. Several timely subjects related to products liability litigation will be discussed, including the rapidly changing field of punitive damages. Decisions of major importance, including *State Farm*, matters affecting New York state and federal practice, and major publications, among other topics, will be covered. The presentation on experts will include expert retention, case management and discovery con-

siderations, *Daubert* developments, trial preparation and demonstrative evidence, as well as emerging and future expert issues. Our discussion of experts will take into account state and federal court distinctions, mass tort, class action and individual case distinctions and testifying versus non-testifying distinctions.

Removal decisions will be discussed, including those naming non-diverse defendants and the doctrines of fraudulent joinder and fraudulent misjoinder; removal of diversity-based cases more than a year after commencement; removal deadlines and 'first served vs. later-served defendants', evolving class action removal theories and, generally, removal traps and pitfalls for the unwary practitioner.

The program will also cover MDL, addressing such topics as trends in the siting of MDLs, coordination of federal MDL proceedings with state cases, when cases are not consolidated, denial of transfer developments and the like. These MDL issues are of immense importance in today's handling of products and related litigation.

We will include judicial and academic perspectives on these timely topics.

Program Chair:

WILLIAM J.A. SPARKS
WR Grace & Co.

Faculty:

LOREN BROWN
DLA Piper Rudnick Grey Cary

HON. JOHN F. KEENAN

Judicial Panel on Multidistrict Litigation
United States District Judge
Southern District of New York

ALAN E. ROTHMAN

Kaye Scholer LLP

CATHERINE M. SHARKEY

Associate Professor of Law
Columbia Law School

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member



REAL ESTATE

2 Wednesday, 6-9 p.m.

Basics of Real Estate Lending

This program will provide an overview of different kinds of real estate-related loans, including mortgage portfolio loans, securitized loans and mezzanine loans; and will then review the basics of mortgage lending from both the lender's and the borrower's perspectives.

Program Chair:

ELLEN L. SHAPIRO
Katten Muchin Zavis Rosenman

Faculty:

ANTHONY J. COLLETTA
Sullivan & Cromwell LLP

FERDINAND J. GALLO III

Katten Muchin Zavis Rosenman

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member

The following program:

You Don't Practice Criminal Law? So, What Do You Do If A Client Calls You In The Middle Of The Night About A Criminal Matter?

has been re-scheduled for:

Thursday, April 28, 6-9 p.m.

See April's 44th Street Notes for details.

CLE March 2005 Course Listings by Practice Area



TAX & ACCOUNTING

16 Wednesday, 6-9 p.m.

Income & Estate Tax Aspects of Life Insurance

Tax and life insurance are two areas with which many general practitioners might not feel comfortable, so when a question deals with the taxation of life insurance, it could be a double whammy. This seminar will familiarize you with how policy surrenders and other amounts paid out during the insured's life are taxed; how death benefits are treated for federal income and estate tax purposes; how employee benefits and buy-sell agreements utilizing life insurance can be structured in a tax-wise manner; and many other insights into the interaction between the Internal

Revenue Code and life insurance policies and planning. This will be an ideal introduction for the general practitioner, and a valuable review and update for counsel who deal with these matters on a more frequent basis.

Program Chair:

THEODORE PAUL MANNO, JD, LLM

Member of the New York Bar

Faculty:

RICHARD S. SIMONS

Solo Practitioner

ALLEN M. GRALITZER, LLM, CLU, ChFC, CLMI

Member of the New York Bar

CLE Credit:

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

Live Program:

\$185 Member, \$285 Non-member

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

Is there a program you would like to attend or a speaker you would like to hear? Please contact the CityBar Center with your suggestions.

Health Savings Accounts

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

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

Among the benefits:

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

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

(*4% in 2005 through Exante Bank.)

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ABCNY.Insurance@marsh.com
888-88-ABCNY • CA License #0633005

MARCH 2005 CLE REGISTRATION FORM

Basics of Real Estate Lending — March 2

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Hedge Funds - Current Developments — March 3

Program	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$455 Non-member
Audiotapes	<input type="checkbox"/> \$405 Member	<input type="checkbox"/> \$565 Non-member
CDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$585 Non-member
Videotapes	<input type="checkbox"/> \$525 Member	<input type="checkbox"/> \$655 Non-member
DVDs	<input type="checkbox"/> \$575 Member	<input type="checkbox"/> \$725 Non-member
Materials only	<input type="checkbox"/> \$145 Member	<input type="checkbox"/> \$225 Non-member

IRS's New "Tax Exempt Compensation Enforcement Project" — March 7

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Fundamentals of Medicaid & Long-Term Care Planning — March 10

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Fundamentals of Medicaid & Long-Term Care Planning--March 10 And Current Trends in Medicaid & Long-Term Care Planning--March 17

Program	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$455 Non-member
Audiotapes	<input type="checkbox"/> \$405 Member	<input type="checkbox"/> \$565 Non-member
CDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$585 Non-member
Videotapes	<input type="checkbox"/> \$525 Member	<input type="checkbox"/> \$655 Non-member
DVDs	<input type="checkbox"/> \$575 Member	<input type="checkbox"/> \$725 Non-member
Materials only	<input type="checkbox"/> \$145 Member	<input type="checkbox"/> \$225 Non-member

Real World Documents Drafting — March 14

Program	<input type="checkbox"/> \$350 Member	<input type="checkbox"/> \$450 Non-member
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Hot Topics in Energy Law — March 15

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Income & Estate Tax Aspects of Life Insurance — March 16

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Tapes are sold with the accompanying written materials from the program.

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

Please see our cancellations & refunds policy on pg. 11.

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

Current Trends in Medicaid & Long-Term Care Planning — March 17

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Check 21: What You Need to Know — March 21

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Navigating the Complex Product Liability Litigation—March 22

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Advising LGBT Clients on Protecting Their Families...— March 23

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Introduction to the Deal— March 24

Program	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$455 Non-member
Audiotapes	<input type="checkbox"/> \$405 Member	<input type="checkbox"/> \$565 Non-member
CDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$585 Non-member
Videotapes	<input type="checkbox"/> \$525 Member	<input type="checkbox"/> \$655 Non-member
DVDs	<input type="checkbox"/> \$575 Member	<input type="checkbox"/> \$725 Non-member
Materials only	<input type="checkbox"/> \$145 Member	<input type="checkbox"/> \$225 Non-member

Ethics for the Immigration Lawyer — March 28

Program	<input type="checkbox"/> \$215 Member	<input type="checkbox"/> \$315 Non-member
Audiotapes	<input type="checkbox"/> \$325 Member	<input type="checkbox"/> \$395 Non-member
CDs	<input type="checkbox"/> \$345 Member	<input type="checkbox"/> \$415 Non-member
Videotapes	<input type="checkbox"/> \$415 Member	<input type="checkbox"/> \$485 Non-member
DVDs	<input type="checkbox"/> \$455 Member	<input type="checkbox"/> \$535 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Truth or Consequences — March 29

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Discovery of Electronic Evidence — March 30

Program	<input type="checkbox"/> \$185 Member	<input type="checkbox"/> \$285 Non-member
Audiotapes	<input type="checkbox"/> \$295 Member	<input type="checkbox"/> \$365 Non-member
CDs	<input type="checkbox"/> \$315 Member	<input type="checkbox"/> \$385 Non-member
Videotapes	<input type="checkbox"/> \$385 Member	<input type="checkbox"/> \$445 Non-member
DVDs	<input type="checkbox"/> \$425 Member	<input type="checkbox"/> \$505 Non-member
Materials only	<input type="checkbox"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

All registrations must be prepaid by either credit card or a check made payable to: Association of the Bar.

Name: _____

Address: _____

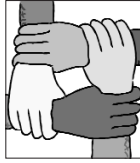
City: _____ State: _____ Zip: _____

Phone: _____ Total enclosed: \$ _____

Please charge to my MasterCard Visa American Express

Card Number _____ Exp. Date _____

Signature _____



COMMITMENT TO DIVERSITY

Designing An Assessment Plan for Your Firm

It is a natural tendency to jump right in and start implementing diversity programs, particularly the ones that you've heard other legal employers use effectively. However, it is imperative to understand the specific diversity issues at work in your organization in order to customize your approach.

While there are many common challenges for legal employers, each organization has its own culture and, as a result, may have different priorities with respect to diversity and inclusion. If nothing else, collecting information about your specific organization will counter any criticism that your firm doesn't have a specific diversity-related problem.

At our January 18th diversity meeting, signatory firms and legal departments participated in an interactive session that analyzed a case study with examples of demographic, benchmarking, survey, and interview data.

The “What” and the “Why”

Before you decide how to make your organization diverse and inclusive, you need to know what is going on at your organization, and why. Demographic data tells you what your firm looks like, while the survey and interview data help you understand why.

When designing an assessment plan, it is important to keep in mind that different individuals are compelled to action by different types of data. While some individuals are convinced by numbers, others are motivated by stories and quotes, and others by competitive pressure. Therefore, it is best to take a multi-faceted approach, even if each phase isn't taken all at once.

By asking these questions,
your organization is making a statement
that diversity and inclusion are important
issues to the firm's leadership.

Demographic Data

- Create a snapshot of the diversity of the firm (representation of each demographic group by level);
- Assess the “inputs,” in terms of the diversity of entry level and lateral hires, including a comparison to the pool of available talent;
- Assess the “outputs,” such as turnover by year and the makeup of the leadership.

Employee Survey

- Determine what the key issues are in your organization;
- Evaluate the effectiveness of your diversity initiative by setting a baseline and then re-administering the survey on a regular basis.

Associate Interviews and Focus Groups

- Delve into the issues facing associates within specific demographic groups;
- Identify concrete recommendations on how to foster a more inclusive work environment;
- Provide a voice to demographic groups in a safe space for candid discussion.

Partner & Leader Interviews

- Gauge readiness for change and buy-in for diversity efforts;
- Contrast perception of work environment and diversity issues with associates.

Key Administration Interviews

- Document what the organization has undertaken in the past or is currently implementing with respect to HR, recruiting, and marketing activities;
- In implementing future initiatives, understand what successes and challenges have occurred in the past.

Exit Interviews

- Contact valued attorneys who have left your organization to understand the real reasons why they left and where they ended up;
- Confirm or deny the common wisdom regarding why certain demographic groups leave your organization.

As you review your data, it is useful to ask yourself the following questions:

- What is your organization doing well, especially compared with other legal employers?;
- What are the areas where you've made progress?;
- What are the biggest challenges your organizations faces?
What are the highest priorities to address?;
- What are your internal successes? Which practice groups or office locations are leading the way in your organization?;
- Which groups are lagging behind?

From Information to Action

Many of the issues raised in the data collection process need careful deliberation and planning to design and execute the appropriate action. However, there are some simple ideas that can be implemented immediately. These “quick wins” can be an important tool to signal that your organization takes the input from the assessment seriously and buys time until the long-term strategies are put into place. In addition, it builds momentum and buy-in that your organization will need to implement the more controversial and challenging programs and policies.

Finally, diversity assessments are two-way streets. Not only will your firm learn more about status of diversity but, by asking these questions, your organization is also making a statement that diversity and inclusion are important issues to the firm's leadership. However, this also sets up an expectation that recommendations will lead to action. Therefore, it's important to follow through with implementation of diversity activities suggested in the sessions.

To learn more about conducting diversity assessments or upcoming diversity working sessions, please see our website at www.abcny.org or contact Meredith Moore, director of the Association's Office for Diversity at mmoore@abcny.org.



THE CITY BAR FUND

Addressing Unbundled Legal Services

At the City Bar Fund (“CBF”) our staff and volunteer attorneys are dedicated to improving lives, one client at a time. But always in the back of our mind is the sad reality that for each client whose life we’ve touched, there are many more New Yorkers in need that must face life-altering obstacles with no access to legal assistance. In the constant search for ways to leverage scarce legal services resources, the CBF has been developing programs that provide “unbundled” legal services.

The concept of unbundling involves breaking down a client’s needs into specific and discreet parts, allowing attorneys to offer assistance on the most critical aspects of the case and guidance to the client on how best to handle the rest of the case pro se. This allows the City Bar Fund to expand the number of clients reached. While offering simple advice and direction is not a perfect scenario, it can save a client from being forced to wade unguided through a complex legal system alone or not proceeding at all.

The City Bar Fund’s ability to provide these unbundled services results from the generosity of two law firms, an innovative fellowship program, and a wonderful young lawyer. The Association applied for an Equal Justice Works Fellowship, which offers dedicated young lawyers an opportunity to work with a top public service provider in the development and creation of a legal service project for two years with salary paid by generous participating law firms. We were fortunate to hire

Rachel Andron, a 2003 graduate of Northeastern Law School. The fellowship is being supported by Cravath, Swaine & Moore and Proskauer Rose LLP.

Rachel’s fellowship and the concept of unbundling led to two new popular programs, CBF’s Consumer Bankruptcy Clinic and the Thursday Afternoon Law Clinic. At the Consumer Bankruptcy project, clients receive advice and assistance in filing bankruptcy forms. At the Thursday Afternoon Clinic, a joint project of CBF, the Association’s Legal Referral Service and the New York County Supreme Court’s Office of the Self Represented, clients proceeding pro se receive legal and strategic advice.

As Rachel nears the end of the second year of her fellowship, the Notes editor checked in on Rachel’s progress and her thoughts about the program.

What drew you to wanting to work at the City Bar Fund and with the unbundling project in particular?

I always knew that I wanted to practice public interest law, and dreamed of practicing at an agency that shared my passion and commitment to families in need like the City Bar Fund. But I also understood that traditional legal services can’t solve all legal problems because of the lack of resources. I was excited about how the City Bar Fund’s unbundling project could tap into creative ways to reach more people and empower them to become better advocates for themselves in situations where traditional legal representation is lacking.

Frequently the dream job isn’t exactly what it seems, particularly for new graduates, expectations don’t often match reality...Is working on this project with CBF what you expected?

In certain ways, particularly the people that I am working with and learning from, they are exactly what I hoped for, and in fact I couldn’t have dreamed of a better work environment. The work I am doing is very different from what I expected, but equally thrilling.

How is the work different from what you expected?

My background is more in family and matrimonial law, particularly domestic violence, and the project was initially tailored to that area of law. But in legal services, sometimes you need to take your cues from your clients. While working on the City Bar Fund’s Hotline (which helps low income callers needing legal assistance), we noticed an exorbitant number of callers asking for help with bankruptcy forms and cases...and there simply weren’t enough options of places to send them to for help. When the one agency in the City that handled this work closed its bankruptcy clinic, we knew we had to do something. It is simply not acceptable in a city as big as New York that there are no resources to help poor people get a fresh start by filing for bankruptcy.

So what did you and CBF do to remedy the problem?

First, I went down to a bankruptcy clinic that was closing to shadow one of its lawyers. Armed with my

new knowledge in this area of law and our understanding of the concept of unbundling, CBF was able to establish a bankruptcy clinic. CBF was fortunately able to hire John McManus, the lawyer I originally had shadowed, as the Director of the clinic.

Have you had a chance to enjoy CBF’s connection with the Association?

Absolutely, that is a huge fringe benefit of this fellowship opportunity. I have access to accomplished members and committees and connections that could take other lawyers years to make. I am privileged to sit on several committees including Legal Services for Persons of Moderate Means and the Domestic Violence Task Force.

How do you think the fellowship experience is different from a regular staff attorney position?

While I, of course, do some work with clients and am learning to handle a case just like any other young attorney right out of law school, I also know that I have a fixed amount of time to accomplish specific goals. It’s important that, when the fellowship is over, these projects take on a life of their own. I know that I have goals that must be built into the infrastructure of the organization and go beyond the fellowship. I don’t think that many other young attorneys are given the opportunity to step away from individual cases, and examine the big picture to create programs that will both last and meet the direct needs of clients.



44th Street
NOTES

The Association of the Bar of the City of New York

March 2005