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44th Street NOTES

The Association of the Bar of the City of New York



Program Highlights

- 4/7
The Rwandan Genocide and the Failure of Humanity 8
- 4/19
Comissioners' Roundtable 10
– NBA, MLB & NHL Commissioners Discuss State of Their Respective Sports
- 4/26
Intelligent Interviewing: Finding the Right Fit . . . 10
- CLE 12
– M&A Transactions - Does the U.S. Style Work in Japan? 3/4
– 6th Annual Corporate & Securities Law Update 3/8

President's Column: Task Force Will Examine Lawyers' Role in Corporate Governance and Compliance



In my inaugural address last May, I noted that one area I believed required attention and focus by the organized bar was the role of lawyers in corporate governance and compliance. I noted that while the business community reacted to corporate scandals by adopting new and enhanced compliance efforts and new rules of conduct imposed by government and regulators, the legal profession had not examined the lawyers' role in such challenging situations.

We must ask the question, "Where were the lawyers?" Our Association, sitting in the business capital of the world, is particularly well-suited to explore issues relating to the role of lawyers, in an effort to provide guidance for our professional activity as both law firm and corporate attorneys. Many months of brain-storming and meetings with small groups of lawyers in different areas of practice led to the conclusion that, even though other bar groups had done some work on aspects of the issue, none had undertaken a thorough review in the context of recent business scandals or offered practical guidance to members of the profession.

I am happy to announce that we now have formed a Task Force that will move forward with this endeavor. I am particularly pleased that Tom Moreland, former chair of our Executive Committee and a partner at Kramer Levin Naftalis & Frankel, LLP, has agreed to chair the Task Force. The mission of the Task Force reads as follows:

The Task Force will examine the role of counsel, both in-house and outside, with respect to counseling about corporate conduct. The Task Force will examine all aspects of the role of individual lawyers and law firms by examining recent failures to perform that role effectively as

[Continued on pg 7.](#)

Table of Contents

- CITY BAR FUND 3
– Cancer Advocacy Project
- COMMITMENT TO DIVERSITY 4-5, 24
– Thurgood Marshall Internship
– Minority Fellowship Program
– Diversity Recruitment Strategies
- NEW COMMITTEE REPORTS . . . 6&7
– House of Lords Heeds Association's Recommendations
- CALENDAR OF EVENTS . . . 8-10
- CITYBAR CENTER FOR CLE 11-18
- ASSOCIATION SERVICES . . . 20
– Monday Night LAW program
- COMMITMENT TO DIVERSITY 24



POSITIONS & POLICIES

Association Urges Full Advisals for Non-Citizen Defendants

An October 11th New York Times article by Nina Bernstein titled "When a MetroCard Led Far Out of Town" featured the plight of New York chef Andre Venant. His was an immigrant success story; Mr. Venant went from washing dishes across the street from the Association at Café Un Deux Trois to becoming a chef at several upscale New York City restaurants where his delicacies received rave reviews.

But then his story turns sour. Despite his 20 years working in the New York City restaurant business,

illness and a hospitalization left him jobless and broke. To make ends meet he took to using doctored MetroCards. When he was convicted

"Legal permanent residents with deep family roots in the United States are being threatened with deportation for minor misdemeanors, or even violations."

for a third MetroCard offense, this legal permanent resident found himself in deportation proceedings.

Sadly, we are hearing more and

more stories like Mr. Venant's: legal permanent residents with deep family roots in the United States being threatened with deportation for minor misdemeanors or even New York violations. Even more troubling is that on many occasions there were other options that would have avoided the immigration consequences.

Immigration law can be complex and quite nonsensical, with deportation a possibility for one minor offense but not an option for a similar, sometimes more serious crime. For many immigrants facing criminal offenses, the guidance and advice of

[Continued on pg 2.](#)

Association Urges Full Advisals for Non-Citizen Defendants

Continued from pg 1.

an immigration attorney before pleading could prevent any possibility of deportation.

To ensure that immigrants have the knowledge of the potential consequences of a criminal conviction, it is essential that non-citizen defendants be warned of the potential immigration impact before the court accepts a guilty plea. Current law already requires such an immigration warning, but with two major caveats. First, there is no remedy if the advisal is not given. An immigrant is not able to vacate his guilty plea even if placed in deportation hearings without ever having been told of the immigration consequences during the criminal matter. Without a remedy, the advisal requirement is in practical effect merely an optional advisory

provision, with no consequences if not followed.

In addition, the current law only requires the advisal be given if the plea is to a felony count. Limiting the advisal to felonies may have made sense before the enactment of sweeping immigration law changes in 1996 (which call for detention and deportation for relatively minor offenses, including misdemeanors and violations, which are not considered crimes under New York law). The fact that New York requires such a warning only before felony pleas may even promote the misconception that only felonies can carry negative immigration consequences.

The Association has always believed that a central component of a fair criminal justice system is that defendants be aware of the charges against them and the potential consequences. Therefore, the Association's Immigration and Nationality Law Committee, chaired by Claudia Slovinsky, is hard at work advocating for legislation in Albany that would require an immigration advisal be given regardless of whether the crime is a misdemeanor or felony. They also urge that the legislation include a provision allowing a plea to be vacated if the warning was not given and the immigrant finds him or herself in deportation proceedings.

As usual, our legislature in Albany is resistant to change, and we are very aware that the passage of such legislation is an uphill battle. To help our work in moving this legislation forward, the Immigration Committee sought out cases that

would help us put a human face on the need for enactment of this legislation.

The stories poured in from across the state: First there was the National Guardsman who was given a ticket for having a firearm in a school zone. Since the firearm was registered and not being used in the commission of a crime, the weapon was not confiscated and the result

was simply a fine in traffic court. But since all firearms offenses render someone deportable, this National Guardsman ended up in deportation hearings.

Then there was the story of the woman who was a victim of domestic

violence who pled guilty for insurance fraud. Because the abuser was the catalyst for the charges, rather than fighting them, she accepted a guilty plea. This legal permanent resident, with three children to care for, had no idea that this conviction would lead to deportation hearings.

Equally as compelling is the plight of a 17-year-old who pled guilty after being caught with a small amount of marijuana. She received community service and thought the incident was behind her. But two years later, when returning from a visit with an elderly grandmother outside of the country, she was stopped at JFK and spent the next three years in more than seven immigration jails around the country. What makes her story even more unsettling is that had she been warned to seek out immigration counsel, she would have learned that pleading to a Youthful Offender conviction (technically more serious

than the violation she pled to) would have prevented any possibility of deportation. This simple immigration advisal would have spared her the trauma of three years in jail.

While some of the stories ultimately were resolved without deportation, even the stories with happy endings had profound consequences on the lives of these non-citizen defendants. Mr. Venant was granted a rare one-time cancellation of deportation. But the relief was granted only after he spent six months behind bars and had all his identifying documents destroyed by prison officials, making it difficult for him to find work or medical care for his diabetes.

The Committee's efforts are not aimed only at Albany, however. The Committee has also set up a hotline and clinic to aid immigrants who might be able to reopen their deportation cases under new regulations. The new regulations are aimed at non-citizens who pled guilty to certain offenses before 1996. The new regulations only apply to those in the unjust position of having pled guilty to crimes that were not deportable offenses at the time of their plea, or were deportable offenses but waivable through a special discretionary pardon, but became nonetheless subject to deportation and ineligible for that pardon due to the immigration law changes in 1996. Immigrants in this situation must act quickly as the deadline to re-open their old cases is April 26, 2005. The Committee is working with the New York State Defenders Association to provide free legal advice for those eligible for relief under these regulations.

The Association, through its Immigration Committee, will continue to be at the forefront of the efforts to call for reform of unjust immigration laws that trample on human rights—including the most basic right of a defendant to be aware of the consequences of the charges against him.

Despite his 20 years working in the New York City restaurant business, illness and a hospitalization left him jobless and broke. To make ends meet he took to using doctored MetroCards. When he was convicted for a third MetroCard offense, this legal permanent resident found himself in deportation proceedings.



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THE CITY BAR FUND

The City Bar Fund's Cancer Advocacy Project: Adopting a Holistic Approach

When Bonnie returned to work after breast cancer surgery, her supervisor demanded to know her medical condition. Bonnie, a caseworker at a non-profit agency, knew that HIPPA (Health Insurance Portability and Accountability Act of 1996) protected her rights. She explained to her boss that she preferred to keep the details of her medical history private.

Then, Bonnie charges, her boss obtained information from human resources, discussed her situation with co-workers and started assigning her work to others. Already emotionally drained from her battle with cancer, Bonnie found the situation untenable. She resigned.

Bonnie turned to the City Bar Fund's Cancer Advocacy Project, which recently adopted a holistic approach to serving clients. Before being assigned an attorney, she met with the project's new key player, Laura Mosiello, the first full-time social worker hired by the City Bar Fund.

"This client was overwhelmed," Mosiello remembered. "She began telling me stories that were tangential to her problem. Although her legal issue was the most pressing, she had much more to tend to. I helped her focus, prioritized for her, and advised her what to tackle first. I also referred her to Gilda's Club and Cancer Care, which run support groups."

The holistic approach focuses on the whole person – her legal, emotional and social services needs – to address the root of the client's problems. For example, long-simmering problems, such as inability to pay bills and lack of money from job loss complicated by a deserting spouse or a child in trouble with the law, can reach the boiling point after a cancer diagnosis. The holistic approach also involves assisting the client on the range of legal issues she is confronting.

According to Maria Imperial, Executive Director of the City Bar Fund, the holistic approach was developed by Tanya Neiman, Director of the Volunteer Legal Services Program of the Bar Association of San Francisco. Eager to apply holistic services to one of the Fund's programs, Imperial and her staff secured funding from two organizations: the Susan G. Komen Breast Cancer Foundation and the Judges and Lawyers Breast Cancer Alert.

Three Areas of Law

The Cancer Advocacy Project focuses on three areas: employment discrimination law, insurance law, and access to public benefits. In addition the project provides volunteer attorneys who assist with simple wills, stand-by guardianships, powers of attorney and other documents which help cancer patients plan for future needs.

In cases of employment discrimination, the project uses volunteer attorneys from its long-standing panel of experts who can quickly determine whether the claim is legitimate.

"Employment discrimination can run anywhere from the subtle to being fired," Mosiello said. "For people ready to resume their lives, the law requires they be given reasonable accommodations, for example, time off for chemotherapy. Instead, they are passed over for promotions or doubly victimized by cancer discrimination and age discrimination. Co-workers may be put off by a radically changed appearance. We offer a free half-hour consultation with an employment lawyer."

Issues with health insurance and ensuing financial problems account for many of the project's cases. Mosiello sees tremendous confusion in her clients regarding health insurance. Cancer patients are sometimes denied coverage due to an insurance company determining the condition is pre-existing or the treatment being considered experimental. The City Bar Fund recruits volunteer attorneys and offers CLE credit for a training in health insurance and public benefits; CLE credit can also be obtained for the pro bono legal work. Volunteer attorneys with litigation experience are very much in demand.

Considering the Future

With Mosiello's arrival, the Cancer Advocacy Project has been able to expand legal outreach and education for patient support groups and health care facilities like Memorial Sloan-Kettering Cancer Center and Gilda's Club. Mosiello has joined ad hoc legal and health committees around town that address the problems of cancer patients.

"Cancer drains people," said Mosiello, who has an advanced degree in end-of-life and palliative care. "They fear recurrence; they face fatigue and pain. Relationships change.

They don't know their rights. As a social worker, I tease out their problems and give their attorney a multi-dimensional picture of the client as a person."

Historically, legal services programs focus on the immediate legal problem facing a client. However, clients rarely just have one legal problem. They often have multiple legal and social services needs. Legal services programs need to work with social service organizations in the community to address these needs. After the holistic model is evaluated in the Cancer Advocacy Project, the hope is to expand the model to other City Bar Fund programs and to recruit social work students to work under Mosiello.

Client, Attorney Reap Rewards

Cancer Advocacy Project volunteer Alan Efron, a partner at Pelosi Wolf Efron & Spates, is a commercial litigator specializing in media and entertainment clients. He gives high marks to the Cancer Advocacy Project: "People are too sick, too scared, too afraid of losing their insurance or of antagonizing their own doctor. Insurance companies are well defended and funded, with a real financial incentive to act unreasonably for a considerable period of time to see if anyone fights back. Attorneys, too, fear losing future lucrative business if they cross these companies. However if a courageous person stands up for her rights with a willing counsel, often the insurance company will back down. Commercial litigators are helpful with this because layers of review, internal appeals and lengthy insurance certificates make it difficult for a lay person to make it through the morass on her own."

Efron's familiarity with the entertainment field provided a special bond with one of his pro bono clients, who faced a devastating medical complication. Janet, an independent casting director from Brooklyn, was about to celebrate her fifth year as a breast cancer survivor when she felt pain at the site of her long-healed surgery. She needed surgery to address her new medical problem. Having already jumped through insurance hoops with her original diagnosis, she knew to keep good records.

Janet's insurer had pre-approved the wrong doctor, a hand reconstructive surgeon with the same name as a respected breast surgeon at the same hospital. Unaware of the insurer's error, her oncologist sent her to the breast surgeon. When Janet submitted her claims, she was denied benefits for myriad reasons. Her policy covered 70 per cent out-of-network expenses; the insurer paid less than \$3,000 for two operations that cost nearly \$48,000.

"Finally, when I challenged them to show us their fee schedule," Efron said, "they backed down, and worked out a deal with the doctor." Janet's first victorious call was to thank Laura Mosiello and the Cancer Advocacy Project.



COMMITMENT TO DIVERSITY

Thurgood Marshall Summer Law High School Internship Program: Employers Make the Difference

Increasing diversity in all levels of the legal profession has been a long standing priority of the Association. Association President Betsy Plevan has named the Association's commitment to diversity as one of the top focal points of her tenure. According to Plevan "the law firms of the 21st century must be reflective of the society in which we live, and we must offer opportunities and support for women and minorities throughout their careers." In addition to helping law firms reach their diversity goals through our newly launched Office of Diversity, the Association offers opportunities for promising students of color at various stages in their careers. Here are two examples of ongoing Association programs that reach students from high school to law school.

On February, 28, 2002, the Association unveiled and dedicated a portrait of Justice

Thurgood Marshall, the grandson of a slave who climbed to the peak of the legal profession by becoming the first African American named to the U.S. Supreme Court. Prior to his nomination in 1967, Marshall had won more cases before the Supreme Court than any other lawyer, and had established himself as a strong civil rights advocate whose work helped end segregation in the South.

Marshall's success did not come easily. Like the high school students who participate in the Association's summer internship program named in his honor, the young justice showed an early aptitude for the law. But graduating college from the historically black Lincoln University in Pennsylvania was

no meal ticket for a black man in 1930. When he applied to the University of Maryland School of Law, Marshall was denied admission because he was black. It was a personal event that instilled in him a lifelong sensitivity to discrimination – and led to Marshall's first major court case victory. In 1933, after graduating from Howard University Law School, he successfully sued the University of Maryland to admit a black Amherst College graduate.

Portraits of Success

Justice Marshall's portrait hangs in the Association's meeting hall, eye level and directly opposite the speaker's podium, where it serves as a reminder that hard work and determination can overcome the most difficult of obstacles – even racial prejudice. The portrait is an inspiration to the students and it personifies the spirit of the internship program.

The Thurgood Marshall Summer Law Internship Program is in many ways the cornerstone of the Association's longstanding effort to enhance diversity in the legal profession. Its main mission is to match promising inner-city high school students with employers in New York City's legal community.

"These students excel academically and have demon-

strated an interest in law. Many come from single-parent households with difficult economic situations," said Alfreida B. Kenny, chair of the committee that oversees the program. "They are all darling, very enthusiastic, and all in need of that first big break."

Every summer, approximately 60 employers hire one to several interns, giving their bright young eyes their first glimpse behind the big corporate curtain.

"I just wanted to thank you ... and let you know I made it!"
Thurgood Marshall
Summer Intern
Tara A. Barnes.



Students from the Thurgood Marshall Summer Law Internship Program celebrate the completion of last summer's program at a reception held in August at the Association of the Bar. Pictured with them is City Bar President Bettina B. Plevan.

"The students are so good, the law firms keep bringing the same interns back for another summer," confided Kenny. "That's why we need more employers to participate."

Students are selected for the program based on personal interviews and academic excellence. Job assignments vary, depending on the needs of the employer, but typically include

"Our program's success lies in the thoughtful participation of New York City's legal community," Alfreida Kenny, program committee chair.

to his supervisor he could handle any volume of work and was always willing to accept any tasks. Lloyd returned to ST&B last summer and was promoted to our Managing Clerk's Office. He is currently a

sophomore at Pennsylvania State University."

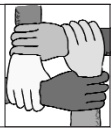
The internships have proven to be an opportunity for employ-

ers, as well. It is a way for successful firms to give something back to their community while, at the same time, gaining convenient access to bright young employees. Participating employers currently include law firms, corporate law departments, governmental agencies and law schools.

"I Made It!"

To date, some 570 junior and senior high-school students have enjoyed the career-boosting benefits of the Thurgood Marshall Summer Internship Program, which began in 1993 in response to a curtailment in government-sponsored work programs.

Continued on next page.



COMMITMENT TO DIVERSITY

Minority Fellowship Program: Mentoring Environmental Law Students

Every year since 1992, the Association's Committee on Environmental Law and the New York State Bar Association Environmental Law Section undergo the difficult task of selecting several recipients among a stellar group of qualified applicants for a summer internship with the Minority Fellowship in Environmental Law.

The program's first objective is to award three or more fellowships to promising minority law students who either attend school in, or reside in, New York State. The program then arranges internships in the environmental field, which in turn helps provide legal assistance to government and nonprofit environmental organizations.

Each recipient receives a stipend of \$6,000 for a 10-week internship during the summer. Participating organizations have included the U.S. Environmental Protection Agency, New York City Law Department, New York State Department of Environmental Conservation, New York State Attorney General's Office, Natural Resources Defense Council, Environmental Defense, and the New York City Environmental Justice Alliance, among others.

This year's 2004 recipients were: (1) Genesis Fisher, a second-year law student at New York University Law School; (2) Karen Beltran, a third-year law student at SUNY Buffalo Law School; and (3) Rekha Rao, a third-year law student at Pace University School of Law. The three winners pursued varied areas of environmental law during their internships.

Ms. Fisher interned at the EPA and worked on matters related to water permitting, including how National Pollutant Discharge Elimination

System permits apply to fishing vessels, and enforcement issues, such as enforcement penalties and EPA referrals to the Department of Justice. Ms. Beltran, who interned with the New York State Office of the Attorney General, Environmental Protection Bureau in Buffalo, worked on enforcement and compliance issues related to hazardous waste sites, implementation of the New York State Brownfield Cleanup Program, and legal issues related to the state's Returnable Container Act; she also worked on wetland issues with outside agencies, such as the United States Army Corp of Engineers. Ms. Rao, who interned at the Environmental Protection Bureau of the New York State Attorney General's Office, contributed to numerous Article 78 proceedings, tidal wetland issues, and other environmental cases, while also gaining experience in bankruptcy and agency law.

The Recipients

All three interns have impressive backgrounds that helped them win their fellowships. After receiving her bachelor in arts degree in sociology and anthropology from Smith College, Ms. Fisher worked three years as the Coordinator of Volunteers at the Washington Legal Clinic for the Homeless in Washington, D.C.

While an undergraduate student at SUNY Purchase College, Ms. Beltran, a South American, served on numerous student committees, including Latinos Unidas and an anthropology club, while also juggling motherhood and mastering English. She received the most prestigious student award from SUNY, the Chancellor's award for outstanding scholarship

and contributions to campus life.

Prior to working at Merrill Lynch and her current profession as full-time mother and law student, Ms. Rao lived in India. She received her bachelor degree and a master of arts in English literature from Bangalore University in Bangalore, India. Growing up in India, Ms. Rao learned that nothing should be considered waste. Every household item can be used, then re-used and finally recycled, she said. No bottle or newspaper is thrown away until it has been put to multiple uses, water from faucets are never turned on at full force, and lights are shut off when not in use. Solar powered rice cookers or electricity produced from cattle manure are not new concepts for Ms. Rao. Through her love of the environment and the recycling concepts she learned from her homeland, she is determined to become an environmental attorney here in the United States.

Great Expectations

While all three recipients are busy with another year of law school, each is looking for summer or full-time positions in either the public or private sector. After graduating this spring, Ms. Beltran will clerk with Judge Yanthis in the Southern District of New York. Ms. Fisher is seeking a summer position with a civil rights firm. Ms. Rao is searching for an environmental position in either the public or private sector.

Thurgood Marshall Internship Program Continued from previous page.

Flemming, Zulack & Williamson has hired interns for the past nine years. Says attorney Gerald G. Paul: "The program is a wonderful recruiting tool, like summer associate programs. We've had a number of interns who remained with us as part-time or full-time employees, while they continued their educations."

One such intern, he told 44th Street Notes, was Tara A. Barnes. Last May, Ms. Barnes wrote her former mentor at the firm, Darlene Pitt, to let

her know she was graduating from the University of Maryland School of Law that spring and had been hired as an assistant state's attorney in Baltimore: "basically Maryland's version of the New York District Attorneys Office," she writes in her letter. "I know we did not remain in touch after I left, but my experience at FZW stayed with me throughout college and law school. I actually found myself comparing internships in law school to my time there. I just wanted to

thank you for your impact and thoughtfulness during my brief time in the office, and let you know I made it!"

Employers in New York City's legal community who would like to learn more about the Thurgood Marshall Summer Internship Program are asked to contact Mariann Owens at (212) 382-6635 or mowens@abcny.org.



NEW COMMITTEE REPORTS

Capital Punishment

Empire State Injustice: Based Upon a Decade of New Information, A preliminary Evaluation of How New York's Death Penalty System Fails to Meet Standards for Accuracy and Fairness. This report urges the New York State Legislature, if it considers reinstating the death penalty, to consider recent studies, such as those in Illinois and Massachusetts, that cite improvements necessary in the justice system to make for more accurate convictions and fairer application of the death penalty.

Civil Rights Corrections

Amicus Brief: Muntaqim v. Coombe. The brief argues that the plaintiff should have the opportunity to show that New York's statute disenfranchising felons during their period of incarceration and parole violates the federal Voting Rights Act because the disenfranchisement law imposes a restriction on voting that has the effect of denying citizens the right to vote on account of race. The racial impact of the law flows from the substantial disparity in the treatment of whites and minorities in New York's criminal justice system.

Environmental Law

Comments on New York City's Proposed Solid Waste Management Plan and the Draft Environmental Impact Statement. The comments focus on the City's 20-year proposed plan, identifying legal vulnerabilities in both the Plan and the Draft EIS and offering specific recommendations in areas where the City's Department of Sanitation exercises policy discretion. Notably, while the plan expresses a commitment to recycling, it relies exclusively on importing waste rather than reducing and reusing it, and does not provide an adequate comparative economic analysis or adequate alternatives for managing commercial waste.

Federal Courts Information Technology Professional and Judicial Ethics

Comments on Proposed Electronic Discovery Amendments to the Federal Rules of Civil Procedure. The comments raise the concern that the proposed rules will prove to be counterproductive, and urge that they be withdrawn and the topic be studied further. The proposal unnecessarily increases the complexity of the Rules scheme in an area where federal courts have proven capable of addressing issues as they arise. The proposed electronic discovery rules also raise a number of specific problems that the comments address.

Federal Legislation

Proposed Amendment to the Federal Dilution Statute. The report recommends that Section 43(c) of the Lanham Act be amended to resolve inconsistencies raised by recent judicial decisions and provide a meaningful, but properly limited, remedy for those trademarks that warrant protection against dilution. Under the proposal, marks would have to show a "significant degree of inherent distinctiveness"; the legal standard would be "likelihood of dilution" rather than actual dilution; dilution protection would be limited to challenged usages falling outside of the area(s) of commerce of the senior mark; only source-designation usages could be challenged as diluting usages; and "tarnishment" would be covered as a likelihood-of-dilution factor, not as a separate ground for relief.

Government Ethics Judicial Administration Professional and Judicial Ethics Professional Responsibility

Comments on ABA Joint Commission on Evaluation of the Model Code of Judicial Conduct. This letter to the ABA Joint Commission addresses the Commission's proposed revision of the ABA's Model Code, in areas such as disclosure of a domestic partner's economic interest; disability and impairment; use of the judicial office for private purposes; affiliation with discriminatory organizations; appearances before governmental bodies; civic and charitable activities; and acceptance and reporting of gifts, compensation, reimbursement or waiver of charges.

Immigration and Nationality Law

Statement in opposition to the REAL ID Act (HR 418), legislation proposed in Congress that would severely burden noncitizens. The legislation would increase the evidentiary burden on asylum seekers and do away with most federal court review of asylum claims. It would also require states to verify the lawful immigration status of all driver's license applicants, including requiring the issuing agency to independently verify documents submitted in support of an application, thus creating a nearly impossible administrative burden while not furthering the goal of identifying and deterring prospective terrorists.

International Commercial Disputes

Proof of Foreign Law after Four Decades with Rule 44.1 FRCP and CPLR 4511. This report surveys how federal and New York rules for proving foreign law are being implemented. The report concludes that the procedures for proving foreign law have had to be modified in practice to allow for practical realities, and recommends that the development of individualized solutions continue, as it is preferable to categorical approaches.

International Human Rights

Commentary on the Inquiries Bill currently before the House of Lords. The report argues that this bill, which would set out the procedures for conducting inquiries in the United Kingdom, would have a devastating impact on inquiries into the murders of two Northern Ireland solicitors – cases the Association has been following for over a decade – as well as on independent inquiries generally, by concentrating power in the executive in a problematic way, jeopardizing the inquiries' independence.

Letter regarding Russian attorney Svetlana Bakhmina, Deputy General Counsel to YUCOS, who was arrested and mistreated by the Russian government, notably by being denied medical treatment while in custody. The Committee notes the obligations of the Russian Federation under several international humanitarian agreements to which it is a party.

Letter to Representative Markey supporting legislation he introduced to end the United States' use of extraordinary rendition (the extra-judicial transfer or return of persons to countries which practice torture or other inhumane treatment). The Committee notes that the bill comes at an opportune time, with reports the US has extensively used extraordinary renditions within the past several years. The bill would bar US direct and indirect involvement in the practice.



NEW COMMITTEE REPORTS

Lesbian, Gay, Bisexual and Transgender Rights

Letter to the New York City Council supporting City Council Resolution 0591-2004, which would lend the City of New York's endorsement to the pending federal bill, the Permanent Partners Immigration Act ("PPIA") of 2003. If passed, the PPIA would allow United States citizens and legal permanent residents to sponsor their long-term, same sex partners for immigration benefits. The committee argues that this bill would eliminate an inequity that forces people to choose between their life partner and the country they love.

Mergers, Acquisitions and Corporate Control Contests

Response to Request for Comment on whether to propose a new rule that would address conflicts of interest when members provide fairness opinions in corporate control transactions. The comments address aspects of the proposed rule, including conflicts disclosure, procedures, the process by which fairness letters are approved by the firm, valuation analyses and evaluation of compensation from the transaction.

Professional and Judicial Ethics

Formal Opinion 2005-1: Pro Bono Bankruptcy Consumer Representation. The committee opines that pro bono representation of an individual in connection with a Chapter 7 bankruptcy filing while simultaneously representing one or more of the individual's creditors in unrelated matters will not typically create a conflict of interest, though if a creditor subsequently takes an action adverse to a Chapter 7 debtor, the lawyer must run a conflicts check and, if a conflict is found, must get consent of both clients after full disclosure to continue the representation

Formal Opinion 2005-2: Conflicts Arising Solely from Possession of Confidential Information of Another Client. The committee opines that the fact that a lawyer possesses confidences or secrets that might be relevant to a matter the lawyer is handling for another client but the lawyer cannot use or disclose does not without more create a conflict barring dual representation. The lawyer would have a conflict if he/she cannot avoid using the embargoed information in the representation of the second client or the possession of the information might reasonably affect the lawyer's professional judgment in the representation of the second client.

Securities Regulation

Comments on File No. S7-38-04 and various Releases concerning securities offering reform. The Committee welcomes the SEC's efforts to modernize the securities registration and securities offering processes. The Committee offers recommendations and observations on a number of aspects of the proposal concerning well-known seasoned issuers, safe harbors for ongoing communications during an offering, relaxation of restrictions on written offering related communications, the interaction of free writing communications proposals with Regulation FD, shelf registration proposals, and other provisions.

Sex and Law Committee

Report on A.252, proposed state legislation which would require employees to permit nursing mothers to express breast milk in the workplace, and ban employers from discriminating against employees who choose to express breast milk in the workplace. The report notes the enormous health value of breast milk and the importance of nursing mothers being able to express breast milk during work in order to continue breastfeeding at all.

Letter to the Bureau of Labor Statistics expressing concern about the Bureau's recently announced decision to discontinue collecting data on women workers in the Current Employment Statistics (CES) survey after July 2005. The Committee is concerned that if these data are not collected, it will become much more difficult to obtain important data as to the status of women in the workforce.

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.

House of Lords Heeds Association's Recommendations

"I have tabled the amendments as the result of reading a detailed memorandum from the Association of the Bar of the City of New York. The association has set out, in so far as it relates to this Bill, its concern that two fundamental tenants of democratic governance, transparency and accountability, seem to be eroded."

-Lord Ackner, The United Kingdom Parliament

With its recent report titled "An Analysis of the U.K. Inquiries Bill and U.S. Provisions for Investigating Matters of Urgent Public Concern," the Association's Committee on International Human Rights again showed that the Association has the ability to shape policy across the globe. The quote above is from a recently obtained transcript from the British Parliament where the House of Lords in February discussed the concerns of the Association in connection with legislation that will govern public investigations, including those of the murders of two human rights lawyers in Northern Ireland. The Lords amended the legislation to address the Association's concerns.

The Inquiries Bill, as it is referred to in Parliament, would concentrate the powers of the investigation into the hands of the government, which the Association maintains would erode the credibility of a public investigation of this kind. The Association had asked that the bill be amended so that the investigation not be centralized in the hands of the British government.

The report states: "The conduct of the government – in small or large part – will almost always be implicated in a case that is subject to a public inquiry. As a consequence, the government should not play a role in inquiries beyond establishing them ... It was surprising and unsettling, therefore, that the Inquiries Bill was written to allow for ministerial control at every conceivable stage of the inquiry process."

In response to the City Bar's arguments, the Lords discussed amending the bill to ensure that independence, transparency and accountability are incorporated into the legislation. The Association's committee has been monitoring adherence to human rights standards in Northern Ireland for the past 18 years, and has sponsored three missions to Northern Ireland during this time.

The report, presented to the British Parliament in January, is accessible on the Association's Web site, www.abcny.org.



ABCNY

April 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.

5 Tuesday, 6:30-8:30 pm

The Silent Majority: The Other 98% - The Truth About Where the Legal Jobs Are

This program will address law students' various misconceptions about the legal job market including that most entry-level legal positions are obtained through on-campus interviewing, most lawyers work for big law firms (in reality only about 2% of lawyers work for big firms), and only positions with mega-firms are prestigious. Panelists will discuss various types of legal employment opportunities including small and medium sized law firms, the public interest, the government, post-graduate judicial clerkships and attorney positions in court systems, post-graduate fellowships, etc. Panelists will also explain how the job search strategies, interview process, and hiring timetables differ for different types of legal employers. A networking reception will follow and refreshments will be served.

Speakers:
MARNIE L. GLAEBERMAN
Director, Public Service Initiatives,
NALP

GURPREET M. SINGH
Judiciary Affirmative Action Officer,
The New Jersey Judiciary

STUART D. SMITH
Director, Legal Recruitment and
Development, New York City Law
Department

7 Thursday, 6:30 pm

The Rwandan Genocide and the Failure of Humanity

On the 11th anniversary of the Rwandan genocide, Gen. Dallaire – the Commander of the UN Mission to Rwanda during the 1994 genocide – exposes the failure of humanity to stop the genocide in Rwanda, as well as in Darfur, in what promises to be a moving and compelling event.

Speaker:
**LT. GEN. (RET.)
ROMEO DALLAIRE**
Fellow, Carr Center for Human
Rights Policy at Harvard University;
Author, "*Shake Hands With the Devil*"

8 Friday, 1-3:30 pm

Transitions for Law Students

There will be two panels, one of junior female attorneys and one of senior attorneys - law firm partners and associate general counsels who will give pearls of wisdom to the students about being female lawyers in the workplace. **Please Note: This event will take place at Kaye Scholer LLP, 425 Park Ave., 19th Fl. (between 55th & 56th Streets), Manhattan**

Junior Attorney Panel
Moderator:
LORI LESKIN
Litigation Partner, Kaye Scholer LLP

HOLLY HEMPEL
Litigation Associate, Nelson Mullins
Riley & Scarborough LLP, Atlanta, GA

PATRICIA NORTHROP
Litigation Associate, Richards Spears
Kibbe & Orbe LLP

TARA JOHNSON
Real Estate Associate, Jenkins &
Gilchrist Parker Chapin LLP

SAPNA WALTER
Litigation Associate, Kaye Scholer LLP

Senior Attorney Panel
Moderator:
SHEILA S. BOSTON
Litigation Partner, Kaye Scholer LLP

SUSAN BUCKLEY
Litigation Partner, Cahill Gordon &
Reindel LLP

LYNN FISHER
Corporate Partner, Kaye Scholer LLP

NANCY LOUDEN
Vice President/Deputy General
Counsel, The Estee Lauder
Companies

SANDRA L. PHILLIPS
Associate General Counsel, Pfizer Inc.

CARLA SANCHEZ
Litigation Partner, Patterson Belknap
Webb & Tyler LLP

8 Friday, 6 pm

FRIDAY EVENING CHAMBER
MUSIC AT THE ASSOCIATION

An Evening of Romantic Songs and Chamber Music

Please join us for an evening of music for voice, piano and strings. The program will include Shostakovich's "Romance Suite on Seven Poems of Aleksander Blok" for soprano and piano trio; a series of French melodies for soprano; and a Beethoven piano trio with Susanna Eyton-Jones, soprano; David Edelson, violin; Sue Rangeley, cello; and Frank Daykin, piano.

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

12 Tuesday, 9-10 am

SMALL LAW FIRM EVENT

Hiring Your First

Employee: Employment Law Basics for the Small Business Owner and Practitioner

This program is designed for the small business owner and small firm practitioner who either has just hired or will be hiring new employees in the near future. Through discussion and visual presentation, an overview will be provided of the relevant federal, state and local laws and guiding legal principles that govern the three stages of the employee-employer relationship - hiring, managing and separation. Along with this background, the presentation will focus on practical preventive steps that every small business owner and small firm practitioner can take, from hiring your first employee to managing several employees, to minimize disruptive employment related issues and maximize both employee and firm productivity.

Instructor/Speaker:
JOSEPH F. TREMITI
Principal, Tremiti LLC

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

12 Tuesday, Noon-2 pm

Public Affairs Luncheon

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

Speaker:
MICHAEL POSNER
Executive Director,
Human Rights First;
Human

Rights After 9/11: Assessing U.S. Detention and Interrogation Policies

Luncheon Chair:
JEROME R. ROSENBERG

Luncheon Vice-Chair:
EMILY CAMPBELL

Co-Sponsored by:
Federal Bar Association, Committee on National Security & Counter-Terrorism

Registration by April 8 is required to guarantee admission. Registrations received after April 8 are subject to availability. The fee, which includes lunch, is \$25. Please register on page 10 or online at www.abcn.org

12 Tuesday, 6:30-8 pm

Sex, Religion, Science, and Law

The panel will address the myriad ways that the current administration's view of morality has influenced legislation and policy with a focus on abstinence-only sex education programs, pro-marriage welfare initiatives, and the impact of morality on sexuality and sex-related NIH funded research.

Moderator:
NAN D. HUNTER
Co-Director, Center for Health, Science, and Public Policy, Brooklyn Law School; Co-author, *Sexuality, Gender and the Law*

Speakers:
REBECCA SCHLEIFER, M.P.H.
Researcher, HIV/AIDS and Human Rights Program, Human Rights Watch; Author of HRW report, *Ignorance Only: HIV/AIDS, Human Rights and Federally Funded Abstinence-Only Programs in the United States -- Texas: A Case Study*

LISALYN JACOBS
Vice President, Government Relations, Legal Momentum (formerly NOWLDEF)

BONNIE SCOTT JONES
Staff Attorney, Domestic Legal Program, Center for Reproductive Rights

DR. REBECCA YOUNG, Ph.D.
Sociomedical Scientist/Assistant Professor, Women's Studies, Barnard College

13 Wednesday, Noon-2 pm

How Can Renewable Energy Technology Be Used to Help Meet the Mandates of Kyoto?

With the ratification of the Kyoto Treaty by Russia, on February 16, 2005 the treaty became legally binding, requiring signatories to reduce their emissions of green house gases to below 1990 levels. An expert panel will provide a brief background on obligations under Kyoto and discuss the challenges and available mechanisms for using renewable energy technologies to meet those obligations within an emissions trading system. Perspectives will be offered from the point of view of large multinational corporations, Canada and the European Union. **Please Note: This program will take place at White & Case, 1155 Ave. of the Americas, 40th Floor, Manhattan.**

Moderator:
EDNA SUSSMAN
Hoguet Newman & Regal LLP

Speakers:
EDWIN L. MONGAN III
Director, Energy & Environment, DuPont

JUDITH HULL
Senior Policy Advisor, Climate Change Economics, Environment Canada

STEFAN ULREICH
Environmental Trader, E.ON Energie AG

For more information or to register, please contact esussman@hnrllaw.com

14 Thursday, 12:30-2 pm

SMALL LAW FIRM LUNCHEON

Free and Inexpensive Legal Resources

Getting a handle on the many free and inexpensive legal resources available at area libraries and on the Internet can be overwhelming. Whatever your area of practice, you're sure to gain some useful time-saving information and tips from this lunch. You will learn about resources available at the Association's library, the New York Public Library's Science, Industry and Business Library (and NYPL Express), and on the Internet.

Moderator:
DEBRA BODIAN BERNSTEIN
Tarter Krinsky & Drogin LLP

Speakers:
RONALD MIRVIS
Head of Reference Services, Association of the Bar Library

KENNETH JOHNSON
Reference Librarian, NYPL - Science, Industry & Business Library

Supported by Lexis Nexis

Registration by April 7 is necessary. The fee, which includes lunch, is \$20 for members, \$30 for non-members. Please register on page 10 or online at www.abcn.org.

18 Monday, 6:30pm

Talent-Amateur Night at the Association

The Entertainment Committee cordially invites you to its second annual Talent-Amateur Night at the Association. With law as their "day job," attorneys ham it up by night. The evening will feature solo performances by singers, dancers, pianists, stand-up comics and more!

No advance registration or reservation required. For further information, or to participate, contact Martha Cohen Stine, Chair, Entertainment Committee, email: mstine@chblaw.com or 212-512-0810.

19 Tuesday, 6:30 pm

Commissioner's Roundtable

The Commissioners of the National Hockey League, National Basketball Association, and Major League Baseball will discuss the state of their respective sports, including such topics as labor relations, anti-drug policies, franchise and stadium issues, licensing and marketing, and the future of sports programming.

Moderator:
HOWARD L. GANZ
Proskauger Rose LLP

Speakers:
GARY BETTMAN
Commissioner, National Hockey League

ALLAN "BUD" SELIG
Commissioner, Major League Baseball

DAVID STERN
Commissioner, National Basketball Association

21 Thursday, 6-8 pm

Reception Honoring State Supreme Court Judges

The Committee on State Courts of Superior Jurisdiction will host a reception for all State Supreme Court Justices in New York City.

Speakers:
HON. JOAN B. CAREY
Deputy Chief Administrative Judge, New York City Courts

HON. JACQUELINE W. SILBERMANN
Administrative Judge, Supreme Court, Civil Branch, First Judicial District, and Statewide Administrative Judge for Matrimonial Matters

Registration by April 18 is necessary. The fee is \$25 (Supreme Court Justices are invited free of charge) and include hors d'oeuvres and drinks. Please register on page 10 or online at www.abcn.org.

26 Tuesday, 8:30-10 am

**Intelligent Interviewing:
Finding the Right Fit**

There is a learning curve for job interviewing...the more you do, the better you get. Unfortunately, in the Darwinian job market, you rarely get direct feedback on how well you did or why you were passed over, since that might trigger a lawsuit. Feedback is critical to improving and critiquing your performance in job interviews. So is knowing how to discover the "culture" of the firm or organization that's interviewing you. Asking the interviewer the right questions can help you convert an "interrogation" into a "dialogue between equals". The speakers, who each have twenty-five years of experience interviewing lawyers and advising lawyers how to advance their careers, will demonstrate the principles of intelligent job interviewing as well as videotape a mock interview and play it back so you can observe and critique job interviewing techniques.

Speakers:
JOANNE OLLMAN
Director, Strategic Initiatives,
Weil Gotshal & Manges

STEPHEN ROSEN
Chairman, Celia Paul Associates

Registration by April 22 is necessary. The fee, which includes breakfast, is \$10. Please register below or online at www.abcny.org

**27 Wednesday,
12:30- 2:30 pm**

**Luncheon with Justice
Sherry Klein Heitler**

Please join the Litigation Committee for a luncheon with Hon. Sherry Klein Heitler of the New York Supreme Court.

Seating is limited, registration by April 13 is necessary. The fee, which includes lunch, is \$20 for members. \$30 for non-members. Please register below or online at www.abcny.org.



EVENT SPOTLIGHT

April 19, 2005 6:30 p.m.

COMMISSIONER'S ROUNDTABLE

Attention sports fans! The Commissioners of the National Hockey League, National Basketball Association, and Major League Baseball will meet at the Association for a rare discussion together on the current state of their respective sports. The NBA and their players' association are currently negotiating a new collective bargaining agreement, and addressing such hot-button issues as salary caps and minimum-age requirements. Major League Baseball is in the midst of a crisis of confidence in its players, recently implementing an anti-steroid policy and wrestling with concerns over whether small-market teams can be competitive, given baseball's economic structure. The NHL, meanwhile, became the first North American professional sports league to cancel a full season. This promises to be a lively evening - a hard-hitting combination of sports anecdotes and news - with an audience Q & A session afterwards.

Moderator:
HOWARD L. GANZ, Partner, Proskauer Rose, LLP

Speakers:
GARY BETTMAN, Commissioner, National Hockey League
ALLAN "BUD" SELIG, Commissioner, Major League Baseball
DAVID STERN, Commissioner, National Basketball Association

ABCNY

**April 2005
Registration Form**



<input type="checkbox"/> Public Affairs Luncheon - April 12 <input type="checkbox"/> \$25	<input type="checkbox"/> Intelligent Interviewing - April 26 <input type="checkbox"/> \$10
<input type="checkbox"/> Small Law Firm Luncheon - April 14 <input type="checkbox"/> \$20 Member <input type="checkbox"/> \$30 Non-member	<input type="checkbox"/> Luncheon with Justice Sherry Heitler - April 27 <input type="checkbox"/> \$20 Member <input type="checkbox"/> \$30 Non-member
<input type="checkbox"/> Reception for State Supreme Ct. Judges - April 21 <input type="checkbox"/> \$25 <input type="checkbox"/> Free (Supreme Court Judges)	

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

April 2005

CLE Course Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
				1
<p>4</p> <p>CORPORATE & SECURITIES 6-9 p.m. M&A Transactions - Does the U.S. Style Work in Japan? 3 credits</p>	<p>5</p> <p>INTELLECTUAL PROPERTY// INTERNET 6-9 p.m. Advanced Trademark Issues For the IP Practitioner 3 credits</p>	<p>6</p> <p>ESTATE PLANNING 6-8 p.m. Family Limited Partnerships: How to Avoid the <i>Strangi</i> Stranglehold 2 credits</p>	<p>7</p> <p>EMPLOYMENT LAW 12 p.m. Benefits & Pitfalls of Sponsoring Retirement Plans Investing in Employment Securities 3 credits</p>	<p>8</p> <p>CORPORATE & SECURITIES 9-5 p.m. 6th Annual Corporate & Securities Law Update: Keeping Current With the Extensive Legal & Business Developments 7½ credits</p>
<p>11</p> <p>ETHICS 6-9 p.m. Ethical Challenges in Employment Law 3 credits</p>	<p>12</p> <p>ADR/ARBITRATION/ MEDIATION/NEGOTIATION 6-9 p.m. International Deals & Disputes: Using Mediation to Contain Conflict and Manage the Cost of Litigation & Arbitration 3 credits</p>	<p>13</p> <p>REAL ESTATE 6-9 p.m. Hot Topics Affecting Cooperatives & Condominiums 2005 3 credits</p>	<p>14</p>	<p>15</p> <p>INSURANCE LAW 9-1 p.m. Current Issues in Insurance Regulation 2005 3½ credits</p>
<p>18</p> <p>CORPORATE & SECURITIES 9-1 p.m. A Practical Guide to LLCs & LLPs 4½ credits</p>	<p>19</p> <p>TAX & ACCOUNTING 6-9 p.m. Current Issues in Accounting Litigation 3 credits</p>	<p>20</p> <p>ESTATE PLANNING 6-8 p.m. A Primer on Probate & Administration of New York Estates 2 credits</p>	<p>21</p> <p>CRIMINAL LAW 6-9 p.m. Everything You Wanted to Know About DNA Evidence But Were Afraid to Ask 3 credits</p>	<p>22</p> <p>AVIATION LAW 9-12 p.m. Current Issues in Aviation Law 3 credits</p>
<p>25</p>	<p>26</p>	<p>27</p> <p>PUBLIC SPEAKING 9-5:15 p.m. Talk Your Way to the Top of the Profession! Public Speaking for Lawyers 8 credits</p>	<p>28</p> <p>CORPORATE & SECURITIES 9-12 p.m. VIDEO REPLAY: A Guide to Corporate Compliance Programs 3 credits</p> <p>CRIMINAL LAW 6-9 p.m. You Don't Practice Criminal Law? 3 credits</p>	<p>29</p> <p>ETHICS 9-12 p.m. VIDEO REPLAY: Current Ethical Issues for the Entertainment Lawyer 3 credits</p>

CLE April 2005

Course Listings by Practice Area



ADR/ARBITRATION/ MEDIATION/NEGOTIATION

12 Tuesday, 6-9 p.m.

International Deals & Disputes: Using Mediation to Contain Conflict and Manage the Cost of Litigation & Arbitration

A diverse faculty with broad experience in international transactions will offer practical suggestions for anticipating disputes and managing the cost and controlling the outcome of international litigation and arbitration. The faculty will discuss dispute resolution clauses which have successfully resolved disputes in international transactions. The faculty will give specific suggestions for resolving international disputes through mediation and other collaborative processes. Cultural, relationship, reputation, commercial, and governmental interests will be addressed.

Program Chair:
ROGER M. DEITZ
Dispute Resolution

Faculty:
KENNETH L. ANDRICHIK
Senior Vice President and Director of Mediation
and Business Strategies
NASD Dispute Resolution

BARBARA E. DANIELE
Senior Vice President and General Counsel
G.E. Capital Commercial Equipment Financing

HELENA TAVARES ERICKSON
Senior Vice President
Research Development and Education
CPR Institute for Dispute Resolution

BRAD ERIC SCHELER
Chairman, Bankruptcy and Restructuring
Department
Fried, Frank, Harris, Shriver & Jacobson LLP

Co-sponsored with:
**CPR Institute for Dispute Resolution &
NASD**

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



AVIATION LAW

22 Friday, 9-12 p.m.

Current Issues in Aviation Law

This seminar will explore the current hot topics in the field of aviation law. A panel of experts will cover the following topics:

- Airline Bankruptcy and its effect on the flying public
- Airline security vs. passenger privacy
- Passenger rights in commercial air travel
- Ethical issues in aviation law

Program Chair:
ANDREW J. MALONEY III
Kreindler & Kreindler LLP

Faculty:
FREDERICK P. ALIMONTI
Alimonti Law Offices, P.C.

FRANCINE J. KERNER
Chief Counsel
Transportation Security Administration
Arlington, Virginia

JAMES L. LINSEY
Cohen, Weiss and Simon, LLP

PATRICIA A. MOORES
Reed Smith LLP

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

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



CORPORATE & SECURITIES

4 Monday, 6-9 p.m.

M&A Transactions - Does the U.S. Style Work in Japan?

M&A transactions have been increasingly active in Japan, encompassing both international and domestic deals; however, as there have been very few M&A transactions in Japan historically, the relevant strategies and techniques are still being developed. American lawyers often try to apply U.S. procedures and documentation policies to local transactions, but this sometimes proves to be problematic. This program will cover what you should know about M&A transactions in Japan and the current topics, including the unprecedented take-over battle among Japan's largest banks and the new Japanese corporate spinoff law (*kaisha bunkatsu*). Although this program will focus on Japanese transactions, the issues to be discussed will be useful in many other international M&A transactions.

Program Co-Chairs:
NAOMI AOYAMA
Debevoise & Plimpton LLP

ROBBI L. MILLER
Cravath, Swaine & Moore LLP

Faculty:
JASON F. COHEN
O'Melveny & Myers LLP

ROBERT G. DELAMATER
Sullivan & Cromwell LLP

SARAH A.W. FITTS
Debevoise & Plimpton LLP

BARRY METZGER
Coudert Brothers LLP

CURTIS J. MILHAUPT
Fuyo Professor of Law
Director, Center for Japanese Legal Studies
Columbia Law School

CLE April 2005 Course Listings by Practice Area

CLE Credit:

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

Live Program:

\$185 Member, \$285 on-member

8 Friday, 9-5 p.m.

6th Annual Corporate & Securities Law Update: Keeping Current With the Extensive Legal & Business Developments

This annual updates program, designed for experienced attorneys, will examine recent extensive regulatory and marketplace developments. A renowned faculty of corporate and securities lawyers from outside firms, in-house counsel, SEC staff and financial services companies will discuss practical ways to comply with the extensive new regulations in the securities, corporate and mergers and acquisitions areas. The program will include helpful SEC and other regulatory interpretive guidance. Other topics will include the latest developments in:

- Internal controls and SOX 404
- Securities Act Reform
- Comfort letter and accounting due diligence issues
- Public posting of SEC comment letters and responses
- Enforcement initiatives against corporate clients and officers
- How to protect and advise clients in the changed regulatory environment
- What types of deals can and are getting done in this market
- And much more!

Registration is limited.

Program Chair:

N. ADELE HOGAN

Cravath, Swaine & Moore LLP

Faculty:

ALAN L. BELLER

Director

Division of Corporation Finance

U.S. Securities & Exchange Commission

BRUCE C. BENNETT

Covington & Burling

DAVID M. BRODSKY

Latham & Watkins LLP

ANDREW M. CALAMARI

Associate Regional Director

U.S. Securities and Exchange Commission

Northeast Regional Office

KIRK A. DAVENPORT

Latham & Watkins LLP

RICHARD A. DRUCKER

Davis Polk & Wardwell LLP

KENNETH L. JOSSELYN

Managing Director

Goldman, Sachs & Co.

JOHN A. MARZULLI, JR

Shearman & Sterling

STUART S. MOSKOWITZ

Senior Counsel

International Business Machines Corporation

SAMUAL J. RANZILLA

KPMG

DAVID M. SILK

Wachtell, Lipton, Rosen & Katz

LEWIS R. STEINBERG

Managing Director

UBS Securities LLC

JOHN W. WHITE

Cravath, Swaine & Moore LLP

CLE Credit:

7½ credits total: 7 professional practice/practice management & ½ ethics. This program does not provide transitional credit for newly admitted attorneys.

Live Program:

\$315 Member, \$455 Non-member

18 Monday, 9-1 p.m.

A Practical Guide to LLCs & LLPs

An expert panel will present a practical guide to the use of LLCs and LLPs. The panel will provide concrete advice on critical formation and early-stage issues, such as the advantages and disadvantages of the LLC/LLP form, a comparison of LLCs and LLPs to corporations, the tax benefits of the LLC/LLP form and the choice of state law. As part of the choice-of-entity discussion, the panel will discuss specific businesses, fact patterns and exit strategies that may dictate the choice-of-entity decision. The panel will describe the mechanics of forming an LLC/LLP and the content of the principal agreements

incidental to such formation, including the basic operating agreement. Various management structures and control arrangements of LLCs and LLPs will be examined and considered from different perspectives and in different strategic and investment scenarios. The use of LLPs for law and other professional practices will be discussed, including current issues and events potentially testing their effectiveness with respect to liability. Securities issues will be considered in the context of the formation and growth of an LLC or an LLP. The panel also will examine various executive and other compensation structures in the context of an LLC, including in particular the use of equity-based incentive compensation arrangements and a comparison to traditional corporate stock option plans. The program is intended to provide practitioners with a comprehensive introduction to LLCs and LLPs in a practical and useful context.

Program Chair:

MARK A. LIMARDO

Jenkins & Gilchrist Parker Chapin LLP

Faculty:

CHRISTOPHER S. AUGUSTE

Kramer Levin Naftalis & Frankel LLP

ELLEN S. FRIEDENBERG

Hughes Hubbard & Reed LLP

CLE Credit:

4½ credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys. In accordance with the CLE Board's revised Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements. This program provides 1 CPE credit in taxation.

Live Program:

\$315 Member, \$455 Non-member

28 Thursday, 9-12 p.m.

VIDEO REPLAY:

A Guide to Corporate Compliance Programs

Long before the dramatic failures at Enron, WorldCom and other corporations, companies in virtually all areas of business had begun to implement compliance programs of unprecedented scope and vigor. The scandals of the past two years, and the resulting legislation and

CLE April 2005 Course Listings by Practice Area

regulations, have placed increased importance on developing truly effective compliance efforts. This seminar will review the emerging "law of compliance" and explore the elements of "best practices" compliance programs, including risk analyses, communications methods, "hotlines," compliance officer positions and compliance auditing protocols. A case study of a corporation with a global compliance program and on-line compliance training will be presented. Implications of compliance-related law for boards of directors, for parent-subsidiary reporting relationships and for enforcement proceedings and litigation will also be addressed.

Program Chair:
JEFFREY M. KAPLAN
Stier Anderson, LLC

Faculty:
REBECCA S. WALKER
Walker Compliance, P.C.
A Law Corporation

CAROLINE H. WEST
Vice President
Global Legal Compliance
Aventis

CLE Credit:
3 credits total: 2½ professional practice/practice management & ½ skills. This video replay does not provide transitional credit for newly admitted attorneys. In accordance with the CLE Board's revised Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements.

Video Replay:
\$185 Member, \$285 Non-member



CRIMINAL LAW

21 Thursday, 6-9 p.m.

Everything You Wanted to Know About DNA Evidence But Were Afraid to Ask

A panel of experts will discuss the perils and pitfalls of using DNA evidence in criminal cases, and how to use DNA evidence effectively to prove or disprove important facts in litigation. This program presents an important topic for all litigators.

Program Chair:
ROGER B. ADLER
Attorney at Law
Roger Bennet Adler, P.C.

Faculty:
MARK DWYER
Assistant District Attorney, New York County
District Attorney's Office,
Appeals Bureau

PAUL GIANNELLI
Albert J. Weatherhead III and Richard W.
Weatherhead Professor of Law
Case Western Reserve Law School
Cleveland, Ohio

HON. JOHN M. LEVENTHAL
Justice of Supreme Court
Kings County Supreme Court

ROBERT SHALER, M.D.
Director of Forensic Biology
Office of the New York City Chief Medical
Examiner

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

28 Thursday, 6-9 p.m.

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?

If you haven't thought about criminal law since you were required to take it in law school, what can you expect to encounter when a client calls you in the middle of the night about a criminal matter? What questions do you ask? How do you counsel your client? What should you do - or not do? This program is a must for any attorney unfamiliar with the practice of criminal law. Find out everything you need to do to preserve the rights of your client (whether dealing with a minor problem or a serious matter) from the first minute your telephone rings.

Program Chair:
MICHAEL S. WASHOR
Law Offices of Michael Washor, P.C.

Faculty:
STEVEN L. BROUNSTEIN
Papa, DaPola and Brounstein

HON. MATTHEW D'EMIC
New York State Supreme Court Justice
Kings County Supreme Court

JEFFREY C. HOFFMAN
Hoffman & Pollok LLP

RONALD M. KLEINBERG
Meissner, Kleinberg and Finkel

CLE Credit:
3 credits total: 2 professional practice/practice management & 1 skills. This program provides transitional credit for newly admitted attorneys. In accordance with the CLE Board's Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements.

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

CLE April 2005 Course Listings by Practice Area



EMPLOYMENT LAW

7 Thursday, 12 p.m.

Benefits & Pitfalls of Sponsoring Retirement Plans Investing in Employer Securities

Many of the recent corporate scandals have generated a flood of litigation - not only under the securities laws, but also under ERISA, the federal statute that governs pension, 401(k) and other types of plans. These cases often arise where the retirement plan sponsored by the troubled employer invests in the employer's stock and the stock price plummets. These plans are usually structured as employee stock ownership plans (ESOPs) or 401(k) plans that allow participants to direct the investment of their accounts in employer stock or mandate that employer contributions be invested in employer stock. Typically, the plaintiff plan participants sue the employer and a host of other persons they claim to be fiduciaries for breaches of fiduciary duties under ERISA.

Despite some of the significant risks and pitfalls of sponsoring these types of plans, possible benefits may exist. In addition to addressing the ERISA fiduciary issues affecting ESOPs and other plans investing in employer stock, this program will explain why businesses create ESOPs and similar plans, the tax incentives for owners of companies to sell stock to ESOPs, as well as other relevant considerations from an employer, employee and plan fiduciary perspective. A panel of ERISA experts will discuss not only the nuts and bolts of ESOPs and other plans investing in employer stock, but also what can, and occasionally does, go wrong with these plans.

The course will have two parts: (1) the transactional and compliance aspects of these plans; and (2) the litigation aspects of these plans, with a particular focus on fiduciary issues.

Program Co-chairs:
STEVEN ETKIND
Sadis & Goldberg LLC

DAVID S. PREMINGER
Rosen Preminger & Bloom LLP

Faculty:
MARC I. MACHIZ
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
Philadelphia, PA

JOHN L. MISCIONE
Managing Director
Duff & Phelps, LLC

KATHARINE H. PARKER
Proskauer Rose LLP

ANDREA S. RATTNER
Proskauer Rose LLP

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



ESTATE PLANNING

6 Wednesday, 6-8 p.m.

Family Limited Partnerships: How to Avoid the *Strangi* Stranglehold

This program will provide an in-depth analysis of the strengths and vulnerabilities of family limited partnerships in estate planning. Three leading commentators will discuss the latest case law developments, rulings by the IRS, how to draft a "Strangi-proof" family limited partnership agreement and what steps can be taken with regard to existing family limited partnerships.

Program Co-chairs:
PROFESSOR BRIDGET J. CRAWFORD
Pace University School of Law

KARA B. SCHISSLER
Katten Muchin Zavis Rosenman

Moderator:
RONNI G. DAVIDOWITZ
Katten Muchin Zavis Rosenman

Faculty:
JONATHAN G. BLATTMACHR
Milbank, Tweed, Hadley & McCloy LLP

PROFESSOR MITCHELL M. GANS
Hofstra University School of Law

PROFESSOR MADELINE J. RIVLIN
Adjunct Professor
Pace University School of Law

CLE Credit:
2 credits in professional practice/practice management. This program provides transitional credit for newly admitted attorneys. This program provides 2 CPE credits in taxation.

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

20 Wednesday, 6-8 p.m.

A Primer on Probate and Administration of New York Estates

After a client suffers the loss of a loved one, he will turn to his attorney to guide him through the estate administration process. This program is intended to provide practitioners with a basic understanding regarding the filing requirements to probate wills, the appointment of administrators for decedents without wills, and how to deal with other general administration matters. Discussion will include guidance on completing the essential Surrogate's Court forms.

Program Instructor:
DAVID K. LEITNER
Brown Raysman Millstein Felder & Steiner LLP

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

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

CLE April 2005 Course Listings by Practice Area



ETHICS

11 Monday, 6-9 p.m.

Ethical Challenges in Employment Law

In the constantly-evolving area of employment law, practitioners regularly face a number of ethical questions. Some of these questions are universal; others are more particular to this practice area. For example, what issues must company counsel consider in deciding whether, and with what caveats, she can represent a company officer or employee who is named as a co-defendant in a discrimination suit or agency complaint? What issues must plaintiffs' counsel consider in deciding whether and how to represent a class of plaintiffs, or more than one co-plaintiff whose claims may not be equally strong, or whose settlement needs or wishes may differ? Under what circumstances is an attorney obligated to disclose information to his adversary in the course of settlement negotiations?

All of these issues have been touched upon by ethics opinions of this Association and others within the last eighteen months alone, and they are just a few of the ethical issues an employment law practitioner can expect to face. In many instances, knowing and planning for issues like these can prevent a situation that may require discontinuance of the representation. At this program, a panel of ethics experts and employment law practitioners will examine these and other ethical questions that typically arise in this practice area through a series of hypotheticals, designed to give the practitioner tools for dealing with these issues in the real world.

Program Chair:

ADRIENNE B. KOCH

Esanu Katsky Korins & Siger, LLP

Faculty:

ANTHONY E. DAVIS

Hinshaw & Culbertson LLP

WILLIAM L. KANDEL

Mediator/Arbitrator

GINA LOPEZ-SUMMA

General Counsel

New York State Division of Human Rights

PAMELA POFF

Senior Vice President & Deputy General Counsel

UBS Financial Services, Inc.

ELLIOT SCHNAPP

Gordon, Gordon & Schnapp, P.C.

CLE Credit:

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

Live Program:

\$215 Member, \$315 Non-member

29 Friday, 9-12 p.m.

VIDEO REPLAY:

Ethical Issues for the Entertainment Lawyer

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

Program Chair:

ROSALIND S. LICHTER

Law Offices of Rosalind S. Lichter

Moderator:

ELIZABETH CORRADINO

Moses & Singer LLP

Faculty:

ANDREW J. GERBER

Attorney, Former General Counsel

The Columbia House Company

CHRISTINE LEPERA

Sonnenschein Nath & Rosenthal LLP

DAVID RABINOWITZ

Moses & Singer LLP

ELLEN YAROSHEVSKY

Clinical Professor of Law

Executive Director, Jacob Burns Ethics Center

Benjamin Cardozo School of Law

CLE Credit:

3 credits in ethics. This video replay does not provide transitional credit for newly admitted attorneys. In accordance with the CLE Board's

Regulations and Guidelines, if you attended this program in the past you may not be permitted to apply the CLE credit for this program to fulfill your current CLE requirements.

Video Replay:

\$215 Member, \$315 Non-member



INSURANCE LAW

15 Friday, 9-1 p.m.

Current Issues in Insurance Regulation 2005

This interactive program features a renowned regional and national faculty, including state insurance commissioners and industry officials, who will explore topical issues of importance. The hot topics to be explored include the ongoing impact of the investigations by states' attorneys general and the states' insurance departments into allegations of bid-rigging and excessive contingent commissions and a legislative update from the Chairman of the New York State Senate Committee on Insurance. A Regulators' Roundtable will address key issues facing insurers, regulators and consumers.

Co-Chairs

ROGER M. MOAK

Certified Arbitrator

IFNY Chairman

FRANCINE L. SEMAYA

Cozen O'Connor

Faculty

CRAIG A. BERRINGTON

Senior Vice President and General Counsel

American Insurance Association

Washington, D.C.

HON. MATTHEW DENN

Commissioner of Insurance

Delaware Insurance Department

Dover, Delaware

CLE April 2005 Course Listings by Practice Area

HON. ALESSANDRO A. IUPPA

Superintendent of Insurance
Maine Bureau of Insurance
Augusta, Maine

LINDA H. LAMEL

Counselor at Law and
Adjunct Associate Professor
Brooklyn Law School

HON. HOWARD MILLS

Acting Superintendent
New York State Insurance Department

RICHARD A. POPPA

President and Chief Executive Officer
Independent Insurance Agent &
Brokers of New York
DeWitt, NY

AUDREY M. SAMERS

Deputy Superintendent and General Counsel
New York State Insurance Department
New York, NY

HON. JAMES L. SEWARD

Chairman
New York State Senate Insurance Committee
Oneonta, NY

SCOTT SINDER

General Counsel
Counsel of Insurance Agents and Brokers
Collier Shannon Scott, PLLC
Washington, DC

Co-Sponsored with:

Co-sponsored with Insurance Federation of New York, Inc. (IFNY), ABA/TIPS Insurance Regulation Committee and Independent Insurance Agents/Brokers of New York Inc. (IABNY)

CLE Credit:

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

Live Program:

*\$185 City Bar & co-sponsoring members,
\$285 Non-member*



INTELLECTUAL PROPERTY/ INTERNET

5 Tuesday, 6-9 p.m.

Advanced Trademark Issues for the IP Practitioner

Learn insider tips, unwritten laws, and rules of thumb from leading practitioners in the trademark field. Topics to be discussed include: licensing issues, litigation strategies, and the protection of domestic and international trademark portfolios.

Program Chair:

SARAH M. ROBERTSON
Dorsey & Whitney LLP

Faculty:

RONALD D. COLEMAN
Coleman Law Firm
A Professional Corporation

SANDRA EDELMAN

Dorsey & Whitney LLP

ERIN S. HENNESSY

Senior Counsel, Intellectual Property
Time Warner Inc.

JAY KOGAN

Deputy General Counsel
DC Comics

KANDIS M. KOUSTENIS

Goodwin Procter LLP

AMANDA C. SAMUEL

Trademark and Copyright Attorney
Colgate-Palmolive Company

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



PUBLIC SPEAKING

27 Wednesday, 9-5:15 p.m.

Talk Your Way to the Top of the Profession! Public Speaking for Lawyers

Co-Sponsored with ALI-ABA

This intensive and entertaining program will use lectures and demonstrations to improve your speaking skills. Learn the essentials of knowing your audience, selecting a topic, gathering information, developing your speaking style, using humor, conquering fear, creating an image, handling questions and much more. As a special feature, the afternoon will include volunteer speaking demonstrations from four attendees, each of whom will present a three-minute talk and be critiqued by fellow attendees as well as the instructors. These volunteer talks, which will be interspersed with the afternoon lectures, will illustrate the techniques and nuances of delivery, speaking voice, and style. The afternoon session will be a learning experience for the volunteers, who will receive skill-sharpening suggestions in a non-threatening environment, and for the other attendees who will learn by participating in the critiques. Take advantage of this risk-free setting to polish your speaking skills, become a better orator and deliver more effective networking and marketing presentations.

Program Instructors:

WHITNEY NORTH SEYMOUR, JR.
Solo Practitioner

CONRAD L. TEITELL

Cummings & Lockwood LLC

CLE Credit:

8 credits in skills. This program provides transitional credit for newly admitted attorneys. This program is approved for MCLE credit in other MCLE jurisdictions. Credit breakdowns for other jurisdictions will be available at the program.

Live Program:

\$350 Member, \$450 Non-member

CLE April 2005 Course Listings by Practice Area



REAL ESTATE

13 Wednesday, 6-9 p.m.

Hot Topics Affecting Cooperatives & Condominiums 2005

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

Program Chair:
ANDREW P. BRUCKER
Schechter & Brucker, P.C.

Faculty:
DALE DEGENSHEIN
Cantor Epstein & Degenshein, LLP

GEOFFREY R. MAZEL
Hankin Handwerker & Mazel, PLLC

LEWIS TAISHOFF
Schechter & Brucker, P.C.

EVA C. TALEL
Stroock & Stroock & Lavan LLP

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



TAX & ACCOUNTING

19 Tuesday, 6-9 p.m.

Current Issues in Accounting Litigation

This program, intended for both lawyers and accountants, will focus on recent developments in this area. A panel of experts will address current issues, including:

- Federal and state statutes that affect accounting litigation
- Discovery when working with accountants and auditors
- Sources of and distinctions among Generally Accepted Accounting Principles and Generally Accepted Auditing Standards
- Accounting litigation based on the Sarbanes-Oxley Act of 2002

Program Chair:
SHARI HELAINE LICHTMAN
Attorney & CPA
Litigation, Consulting and Education

Faculty:
JOHN H. EICKEMEYER
Vedder Price Kaufman & Kammholz, P.C.

VINCENT LOVE
Kramer Love & Cutler LLP

JOEL B. STRAUSS
Kaplan Fox & Kilsheimer LLP

CLE Credit:
3 credits total: credit breakdown to be determined. 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

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.

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.

APRIL 2005 CLE REGISTRATION FORM

M&A Transactions - Does the U.S. Style Work in Japan — Apr. 4

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"/> \$455 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

Advanced Trademark Issues for IP Practitioners — Apr. 5

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"/> \$455 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

Family Limited Partnerships...Strang' Stranglehold — Apr. 6

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"/> \$455 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

Benefits & Pitfalls of Sponsoring Retirement Plans... — Apr. 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"/> \$455 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

6th Annual Corporate & Securities Law Update — Apr. 8

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

Ethical Challenges in Employment Law — Apr. 11

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

International Deals & Disputes — Apr. 12

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"/> \$455 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

Hot Topics Affecting Cooperatives & Condominiums 2005 — Apr. 13

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"/> \$455 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

Current Issues in Insurance Regulation 2005 — Apr. 15

Program	<input type="checkbox"/> \$185 City Bar/Co-sponsoring Member
	<input type="checkbox"/> \$285 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. 17.

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.

A Practical Guide to LLCs & LLPs — Apr. 18

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"/> \$95 Member	<input type="checkbox"/> \$125 Non-member

Current Issues in Accounting Litigation — Apr. 19

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"/> \$455 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

A Primer on Probate and Administration of New York Estates — Apr. 20

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"/> \$455 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

Everything You Wanted to Know About DNA Evidence... — Apr. 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"/> \$455 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

Current Issues in Aviation Law — Apr. 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"/> \$455 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

Talk Your Way to the Top of the Profession... — Apr. 27

Program	<input type="checkbox"/> \$350 Member	<input type="checkbox"/> \$450 Non-member
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VIDEO REPLAY: A Guide to Corporate Compliance Programs — Apr. 28

Video Replay	<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

You Don't Practice Criminal Law?... — Apr. 28

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"/> \$455 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

VIDEO REPLAY: Ethical Issues for the Entertainment Lawyer — Apr. 29

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

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 _____



The Monday Night LAW Program: Public Access to Legal Counselors

In New York, about half of all low- and moderate-income households face a serious legal problem each year, and the overwhelming majority cannot afford representation. This situation has led State Chief Judge Judith S. Kaye and bar leaders throughout the state to call for steps to improve the public's access to the court system.

New Yorkers seeking legal help can turn to the Association's Monday Night Legal Advisory Workshop (LAW). Monday Night LAW has assisted disadvantaged New Yorkers for more than a decade by matching them up with a volunteer attorney for a free consultation, and arranging counseling and advice on problems in the areas of consumer rights, bankruptcy, employment, family and housing law.

Some situations that require counseling include the following:

Mrs. K, a stay-at-home mother of two children, was married for 10 years when she and her husband divorced, without the benefit of an attorney. She was seeking information about child support and how she can ensure her family's security.

Ms. Y, a student with limited income and no family nearby, was facing eviction from her rent-stabilized apartment.

Ms. M, an unemployed artist, was worried because a collection agency had been calling her and threatening her daily with court collections actions. She had accumulated credit debt of \$60,000 due to her medical problems,

and was contemplating filing for bankruptcy in order to stop the harassing phone calls from the creditors.

Ms. L believed that she and her co-workers were victims of age discrimination, because the younger employees in her division received a bigger raise than the older employees.

These individuals were able to solve their problems by coming to the Monday Night LAW program. Every year, volunteer attorneys give hundreds of participants advice on their rights and the applicable law. The lawyers provide clients with information to continue their pro se representation, or with resources for finding representation.

Monday Night LAW counsels more than 600 clients annually. Participants call the Legal Referral Service, or are referred by the Service, to receive a 30-minute appointment to discuss their problem with a volunteer attorney who is trained in various areas of civil law. This year, the program has 80 volunteers, the most since the program began in 1991.

The program is organized and operated by the Association's Committee on Legal Services for Persons of Moderate Means, and assisted by the Legal Referral Service and the City Bar Fund. The Young Lawyers Committee created the program in 1991, and several original volunteers still donate their time. Look for information on volunteering in the June and September issues of *44th Street Notes*.

Corporate Governance and Compliance Task Force

Continued from pg 1.

alleged by government agencies, Congress and the courts. The Task Force will also consider the interplay between ethical rules, privileges and the evolving enforcement climate.

The Task Force may use various means to develop information, including interviewing lawyers, corporate executives and government officials, reviewing published cases and regulatory opinions and conducting public hearings. In addition to issuing a report on its conclusions, the Task Force will consider proposing guidelines for lawyers and law firms to ensure that they conduct themselves in an ethical manner and adhere to appropriate standards of professionalism. The Task Force will also consider making recommendations to the Association and its committees on the need for additional educational programs on these topics.

The final list of Task Force members will be announced shortly. It will include lawyers from many areas of practice and in different practice settings, including general counsels, ethicists, a law professor, experts in professional responsibility, plaintiff securities lawyers, lawyers with SEC backgrounds, a federal judge, chairs or former chairs of law firms, and many others.

The Task Force intends to focus its energy on examining the lawyer's role in guiding clients to do the right thing and provide guidance for lawyers facing dilemmas of how to conduct themselves in challenging corporate settings and in the aftermath of corporate scandals. The committee expects to complete its work by spring, 2006.

Bettina B. Flevar



SAVE THE DATES

Legal Referral Service Celebrates National Law Day in May

The Association celebrates Law Day by bringing the law to the people. More than 100 lawyers will again participate in a four-day legal street fair, providing free information and advice, and literature on many common legal problems at selected sites around the city. A pocket copy of the U.S. Constitution is also distributed to the public.

In the past, these events have attracted crowds of citizens seeking legal information, received media coverage, and garnered awards from the American Bar Association. This year we will again be working with the Bronx, Queens and Brooklyn Bar Associations, Legal Services for New York City, The Legal Aid Society, Better Business Bureau, CUNY Law School Resource Center, Brooklyn Volunteer Lawyers Project, US Small Business Administration and many other agencies and pro bono organizations in a series of free legal information fairs.

Please visit us at the following locations:

Queens: Monday, May 2, 2005: 11am-2pm - Queens Civil Court

Brooklyn: Tuesday, May 3, 2005: 11am-2pm - Brooklyn Borough Hall

Manhattan: Wednesday, May 4, 2005: 11am-2pm - Foley Square Park (South Plaza)

Bronx: Thursday, May 5, 2005: 11am-2pm - Bronx Supreme Court

Each site typically boasts approximately 10 tables staffed with informative community leaders, all of whom have generously donated their time to advise visitors, conduct workshops, or just chat about legal and other services provided by the participating organizations. Tell your neighbor!

If you would like more information about the Legal Fairs, or if you would like to volunteer, please call Jilian Vallade at (212) 382-4716 or email jvallade@abcny.org



Law Day 2004

Panel on Public Service Opportunities in the Metropolitan Area - Thursday, May 19

The CityBar Public Service Network's Panel on Public Service Opportunities in the Metropolitan Area will be held on **Thursday, May 19, 2005, 6:30 - 8:30 p.m.**, at the House of the Association. The panel will be moderated by Thomas Maligno, Director of Career Development and Public Interest at Touro Law School with opening remarks from Betsy Plevan, President of the Association.

The panelists will discuss their experiences with legal and non-legal volunteer projects and the variety of opportunities for volunteer community service for attorneys. An informal reception will follow to allow audience members to talk with panelists and representatives from the nonprofit community.

There is no fee for this program. To register, please contact Sara Chang at 212-382-6648 or schang@abcny.org.

About the Public Service Network:

"I feel very fortunate to have been placed with this institution as I am able to utilize my broad background in both business and law to serve a cause I really love."

- Public Service Network Volunteer

The CityBar Public Service Network, a project of the City Bar Fund, fosters public service in the legal profession by matching attorneys with legal and non-legal volunteer positions in the nonprofit sector. Working closely with nonprofit organizations, the Network identifies and develops innovative volunteer projects for attorneys at all stages of their careers, from junior associates to retirees. Network volunteers have an array of projects to choose from, including assisting with policy and legal research, serving on nonprofit boards, providing management assistance, mentoring, and donating traditional pro bono legal work. The Network works with a wide variety of organizations, from leading civil rights groups, to women's and children's programs to cultural institutions. If you are interested in finding out more about the Network, contact us at (212) 382-4713 or cpsn@abcny.org, or visit our webpage at www.abcny.org/citybar_network.html.

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COMMITMENT TO DIVERSITY

Attracting the Best Talent: Diversity Recruiting Strategies

New York City is blessed with one of the most diverse populations in the world and it attracts a diverse array of talented lawyers as well. Nevertheless, legal employers compete heavily for the best talent and to ensure a diverse incoming class. The February 10th Diversity Working Session, "Attracting and Hiring Diverse Talent," showed that there are concrete actions legal employers can take to ensure the recruitment of diverse attorneys at all levels as well as mechanisms to ensure even more diversity in the legal profession in the future.

Recruiting Research

- **Talent pool:** 49% of the 2003 law school graduates were women and 21% were racial/ethnic minorities (NALP, 2003)
- **Diversity over time:** Law school enrollment for women has steadily increased over time from 26% in 1976 to 40% in 1985, and 44% in 1997. For racial and ethnic minorities, the percentage has grown more slowly, from 8% in 1976 to 10% in 1985, and 19% in 1997.
- **Myth of Meritocracy:** 83% of minority partners graduated from a Top 10 law school compared to 48% of all partners. (MCCA, 2003)

Diversity Recruiting Strategies

1. Attract Diverse Talent. First, start by convening a diverse hiring committee to design an effective strategy. Your hiring committee can

forge external relationships, such as hosting events with law school student groups and minority bar associations throughout the year. Develop and publicize diversity efforts through your Web site, brochures, and recruiting presentations. In addition, offer opportunities to meet with diverse array of attorneys during the interviewing process.

2. Examine Recruiting Criteria. Examine hiring criteria, which may exclude diverse talent. To that end, assess characteristics and background of the current partnership to understand what it really takes to be successful in your firm. Expand feeder schools to include those with more diverse student populations, such as smaller local schools and historically black colleges. Finally, be sure to examine where diverse talent ends up in the firm to ensure they are not just clustered in a few practice areas.

3. Recruit to Retain. It is natural to want to hire the best, but it is also essential to hire those that fit within your organization's culture and are aligned with your organization's values. In addition, firms are also starting to re-examine their summer programs to ensure they provide a realistic preview of associate life. While many firms publicize their diversity efforts, savvy job seekers can see through diversity programs that are all talk and no action. And if they don't, you will lose them pretty quickly once they realize the true nature of the work environment.

4. Look at Laterals. Are you replacing the diversity of the talent

you are losing? Broaden recruiting networks by forging partnerships with minority bar associations, leveraging individual relationships with diverse attorneys, and maintaining contacts with alumni. Select search firms based on track record of diverse placements, and ensure they are providing you with a diverse candidate slate.

5. Strengthen the Pipeline. While there is certainly a great deal of diversity already in the legal profession, more can be done to bring additional racial/ethnic and socioeconomic diversity into the profession. Associations, such as the City Bar, sponsor internships and scholarships to expose minority high school and college-aged students to the legal profession. Individual employers have also forged ties and built name recognition by sponsoring their own fellowships and mentoring programs.

Filling The Pipeline: New York City Bar Programs

The Thurgood Marshall Summer Law Internship Program (High School)

Sponsored by the Association's Committee on the Thurgood Marshall Summer Law Internship Program, this program provides inner-city high school students with summer employment in law firms and corporate legal departments. The main purpose of the internship is to give inner-city students the opportunity to work in a legal environment. Students also participate in

related programs during the summer to enhance their knowledge of the justice system. To learn more, see page 4.

The Minority Fellowship Program (1L)

Sponsored by the Association's Committee on Recruitment and Retention of Lawyers, this program provides paid summer employment for first-year minority law students from New York City area law schools. For more than 10 years students who show strong leadership skills, strong academic records, a willingness to work hard and a genuine interest in law are matched with participating law firms and corporate legal departments. Students placed through the program receive the same compensation and assignments as other summer associates.

Certainly recruiting diverse talent is not enough. Legal employers must focus on retention as well. Luckily, the same programs and policies that aid retention ultimately lead to the hiring of more diverse talent as minority law students and lateral hires see a critical mass of lawyers like them throughout the organization. Bringing in diversity is just the beginning, and the New York City Bar is here to help your organization on its diversity journey.

To learn more about diversity recruiting practices or upcoming diversity working sessions, please see our website at www.abcny.org or contact Meredith Moore, Director of the City Bar's Office for Diversity, at mmoore@abcny.org.



44th Street NOTES
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