

# 44<sup>TH</sup> STREET NOTES

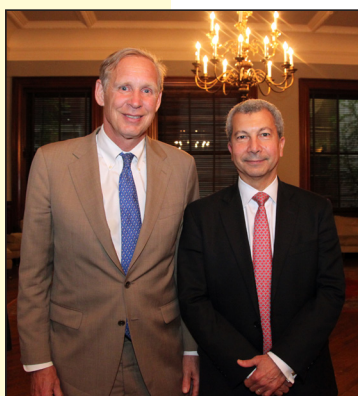
## Advancing the Association's Mission

By John S. Kiernan,  
Former City Bar  
President

There are many ways the City Bar defines itself as a bar association, in a legal profession and a New York community with many great bar associations. The most impressive, though, year after year, is the way membership, primarily through our committee structure, collectively reinforces in a remarkably decentralized way the animating sensibilities of advancement of the rule of law, fair and thoughtful commentary on important issues, support for enhancement of the administration of justice, and advocacy for good government that are central to this Association's mission.

In the past two years, our more than 150 committees crossed 5,000 members for the first time – a huge quantity of people who have made special personal commitments of time and effort to the Association's body of work. Committee after committee

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Former City Bar President John S. Kiernan (left) and current City Bar President Roger Juan Maldonado.

## PRESIDENT'S COLUMN

BY ROGER JUAN MALDONADO

## Q&A with City Bar President Roger Juan Maldonado

On May 15, 2018, following the Annual Meeting of the New York City Bar Association, **Roger Juan Maldonado** became the Association's 68<sup>th</sup> President. He is a partner at Smith, Gambrell & Russell, LLP, where he represents musicians, publishers, and record labels in litigation involving copyright and contractual matters, and corporate and commercial institutions in litigation on claims arising from software development/license disputes, lease agreements, and contract disputes. He also represents students in federal class actions involving special education services. At the City Bar, he has served as a Vice President and member of the

Executive Committee, and as Chair of the Task Force on Puerto Rico, the Council on Judicial Administration, the Task Force on International Legal Services, the Task Force on Housing Court, and the Housing Court Committee.

### How did you become involved with the City Bar and what has membership meant to you over the years in your various roles here?

I was at South Brooklyn Legal Services in the late eighties as the Director of the Housing Unit, and the Project Director thought it would be a good idea for me to join the City Bar and to become a member of the Housing Court Committee. So I joined the committee and found it very interesting, and two years later I was asked to chair the committee. The committee had pro landlord and pro tenant attorneys and housing court judges, and we came up with a proposal that everyone agreed made sense. I found that process fascinating. You have all these people with diverse interests coming up with something that they thought should happen. After that experience, I was asked to serve on other committees,

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# EXECUTIVE DIRECTOR'S COLUMN

BY BRET I. PARKER



## “Disruption” and Innovation at the City Bar

In the 1980s, the New York City Bar Association had 58 full and part-time staff in the library. On one level this isn't surprising, considering we all know that it was before the World Wide Web. Still, I find it a striking fact that illustrates just how much things have changed. Today, we obviously have far fewer staff in the library, but we are constantly investing in new online resources and databases for our members who use the library.

We also shouldn't be surprised that the “disruptions” wrought by the Information Age keep coming. The latest area to be disrupted is Continuing Legal Education (CLE). It's no longer necessary to leave your desk to take a CLE course, as it can be done online. More and more firms are also offering in-house CLEs, presenting another disincentive to leave the office. The City Bar is responding by presenting what we think is yet another very good reason to be engaged as a member here at the City Bar: We're making CLE a benefit of membership – free for many and heavily discounted for the rest. Find out more on page 3.

Rather than fight digital disruption, you could say we're looking to ride it. A good example is the Virtual Law Firm we offer our solo members, allowing them to have a midtown address, receive mail here, have their phones answered, and more. In just the past year, the number of VLF members has increased 27%, from 180 to 230.

Do you remember the dark and dingy “Room 2” at the back of the first floor? It's now the renovated and fully digitized Kaye Room. With a huge flat screen, videoconferencing capability, and wireless telephone mics spread around the table, it's now our brightest, most versatile, and technologically advanced room in the building.

We are also increasing our production of digital media, having recently leapt into podcasting. You can listen to our first couple of episodes – on gun control and immigration – by visiting [www.nycbar.org/podcasts](http://www.nycbar.org/podcasts).

In the past, we never had dedicated A/V staff to do sound checks and make sure that everything was working just right during events and CLEs. Now we have staff available on site, day and night, to make sure everything is working the way it should. Finally, did you know that if you call New York's 311 hotline and utter three words—“Need a lawyer”—the City will connect you to our Legal Referral Service? It's a prime example of how we are working to get our messages and services out there in new and innovative ways.

These are exciting times in the country and I would argue that there has never been a more interesting and critically important time to get involved here. While some bar associations around the country are experiencing a tough time with membership, we continue to attract new members. But there's always room for more, so spread the word among your colleagues!

So I'd venture to say that, as a 148-year-old institution, we're holding our own in staying up-to-date, and making sure we represent the diverse communities in which we live and work. Continuing a trend for the past few years, the Executive Committee that officially took office at the end of the Annual Meeting in May is extremely diverse, with 41% being female and 45% from minority or historically under-represented groups. Their pictures in the front entrance of our building help tell the story.

As times keep changing and disruptions keep coming, the City Bar continues to keep pace through innovations to engage our members of today while attracting the members of tomorrow. Stay tuned for more news in the months ahead as we leverage our history with an eye toward the future as we approach our 150<sup>th</sup> anniversary in 2020. ■

*Executive Director Bret I. Parker can be contacted at [Bret\\_Parker@nycbar.org](mailto:Bret_Parker@nycbar.org).*



Then and Now: The Library continues to serve our members as a space to study, collaborate, and network.



# City Bar Revamps Membership Model to Include Free CLE

Acknowledging shifts in the legal profession and technology, whereby lawyers can access [Continuing Legal Education \(CLE\)](#) in more places and online, the New York City Bar Association has announced an overhaul of its CLE programming for members, bolstering its ability to serve the needs of members of the legal profession.

Beginning in September, members in the following categories will be able to attend all CLE programs of four hours or less without charge as part of their City Bar membership:

- **Recent law graduates**  
(not yet admitted)
- **Newly admitted lawyers**  
(admitted less than two years)
- **In-house/corporate counsel**
- **Government sector, academia, and non-profit lawyers**
- **Judges and their staff**

The City Bar's renowned Bridge-the-Gap program, which allows attendees to earn all 16 required credits in two days, will also be free for members who are recent law graduates or attorneys admitted less than two years.

Members not in the above categories will have access to all CLEs four hours or less for a flat annual rate of \$499. The package will include live programs, live webcasts, and immediate access to hundreds of hours of on-demand programs.

Additionally, to make it available to more members, the City Bar has reduced the rate of the Select Solo CLE program to \$399 for solo practitioners, who it is hoped will find it as valuable to their careers as the library, digital research databases, conference rooms, and other benefits of membership they regularly utilize.

The City Bar will continue to present a number of CLEs free for all members, including in areas related to public interest, professional development, and diversity and inclusion.

This revamped CLE structure is designed to provide an atmosphere in which lawyers can expand their networks while attending affordable, quality programming and fulfilling their credit requirements. Many law firms offer CLE internally and to in-house lawyers, but the City Bar also offers an unparalleled venue for networking.

"You cannot put a price on the encounters you'll have by stepping out of your office and into our building," said City Bar Executive Director **Bret Parker**. "I can tell you from experience that by getting into the routine of coming here for CLE programs and other events, members will make lasting connections to further their careers and enhance the interests of their employers."

Parker added, "We think the quality of our programming, the leaders in the profession who organize and speak at our programs, the networking opportunities at our convenient central location, and all the other benefits that come with membership and engagement at the City Bar are strong draws." ■

*"You cannot put a price on the encounters you'll have by stepping out of your office and into our building."*

# CITY BAR FUND UPDATES

## Immigration Legal Services in an Era of High Enforcement

Major shifts in immigration policy under the Trump administration include increased enforcement, DACA's announced end date, the termination of Temporary Protected Status (TPS) for most countries, the "Travel Ban" Executive Orders, and the separation of children and families at the border. In practical terms, these changes mean over one million noncitizens residing in the United States must seek other immigration relief, return to their country of origin voluntarily, or face deportation. These new limitations on immigration remedies

have also affected the legal strategies and tactics used by immigration advocates, including the City Bar Justice Center's Immigrant Justice Project (IJP).

In this era of high enforcement, IJP is more active than ever. In the past year, the Justice Center held family emergency preparedness clinics, screening clinics for post-TPS and DACA relief, and placed individual humanitarian cases with pro bono attorneys. IJP conducted research on ICE in the courts, signed on to two amicus briefs, trained pro bono attorneys and state agency staff, won an appeal on an asylum case in the Second Circuit, and developed a new Anti-Harassment & Discrimination Project funded by the New York Women's Foundation. In March, IJP organized a naturalization clinic with 18 volunteer attorneys from Pfizer Inc. and Fragomen, Del Rey, Bernsen & Loewy, LLP, helping 36 college students prepare applications for citizenship. IJP also holds ongoing New York City Immigrant Advocacy Initiative clinics with the American Immigration Lawyers' Association's pro bono committee members and Fragomen attorneys, partnering with community organizations throughout the city to

provide free immigration consultations and screenings. The spring clinics served 50 individuals in the Bronx and 29 in Brooklyn. And on June 16, IJP partnered with Paul Weiss and Adhikaar at a clinic, assisting more than 50 clients from the Nepalese community in renewing their work authorization under TPS.

As immigration will likely remain a dominant issue in the coming years, IJP and the entire City Bar Justice Center will continue to leverage partnerships in the legal community to provide trainings for attorneys and pro bono legal services to clients. ■

### 13<sup>TH</sup> ANNUAL CITY BAR JUSTICE CENTER GALA



On April 11, at its 13<sup>th</sup> Annual Gala, the City Bar Justice Center honored Pfizer Inc. and Fragomen, Del Rey, Bernsen & Loewy, LLP, with the 2018

City Bar Justice Awards, for their leadership and dedication to pro bono and public service. This year's gala raised more than \$1 million in support of the Justice Center's work providing free legal services to over 20,000 vulnerable New Yorkers. From left: **Bret I. Parker**, Executive Director, New York City Bar Association; **Maryana Zubok**, Senior Corporate Counsel, Litigation Pro Bono Lead, Legal Division, Pfizer, Inc.; **Austin T. Fragomen, Jr.**, Chairman, Executive Committee, Fragomen, Del Rey, Bernsen & Loewy, LLP; **Robert F. Cusumano**, Chair, City Bar Fund Board; **Lynn M. Kelly**, Executive Director, City Bar Justice Center; and **John S. Kiernan**, President, New York City Bar Association. *Photo: Rick Kopstein*

## Associate Leadership Institute Fellows Dinner with Carla Harris

By Sheila Adams & Bijal Shah

The New York City Bar Association's Office for Diversity and Inclusion kicked off its second Associate Leadership Institute (ALI) in March 2018. This series of intensive skill and leadership development training for mid-level and senior minority and women associates included 63 participants from 37 signatory firms.

The Institute included keynote speakers and intensive training modules on executive presence and impactful communication skills, mentor and sponsor relationships, brand-building, management and leadership skills, and business development.

On April 11, the 2018 Fellows convened with the inaugural class of 2017 Fellows for a private dinner with **Carla Harris**, Vice Chairman of Wealth Management and Senior Client Advisor at Morgan Stanley. Harris was Chair of the Morgan Stanley Foundation from 2005 to 2014 and is the first African American to serve on the firm's Management Committee. She is also the author of *Expect to Win* and *Strategize to Win*, and a gospel recording artist.

**Nate Saint-Victor**, Executive Director at Morgan Stanley and member of the City Bar's Executive Committee, provided welcome remarks, describing Harris's background and how her "pearls" informed many decisions throughout his career.

**Gabrielle Lyse Brown**, Executive Director of Diversity & Inclusion at the City Bar, and Harris engaged in an hour-long discussion about performance, relationships, risk-taking, perception, and authenticity, and Harris provided prescriptive, actionable career advice for the Fellows.



From left: **Nate Saint-Victor**, **Gabrielle Lyse Brown**, and **Carla Harris** at the Associate Leadership Institute Fellows Dinner on April 11. *Photo: J. McClinton*

Harris spoke about the presence of two types of currency in the workplace: performance currency and relationship currency. Performance currency is generated by delivering on an assignment above expectations. Relationship currency entails building meaningful connections, especially with those within your work environment. Harris emphasized the importance of building relationships with assistants of powerful professionals, as this can help you get time on the demanding schedules of people you want to meet.

At one point, Harris shared a story to convey the power of risk-taking, especially for women, who sometimes underestimate their market value. She explained that at one time in her career, she

learned that one of her male colleagues who shared the same position simply would ask to be paid at the high end and accordingly was paid that salary. She was shocked by the revelation that she had never thought to do the same. From that moment on, she was empowered to talk about compensation in her performance reviews. Through this example, she underscored the importance of overcoming fear to ask for what you want and deserve.

Brown and Harris also touched on perception in the workplace. Harris said that it is crucial not to fall into the "they" syndrome of shifting blame to others instead of holding yourself accountable for your actions. At the same time, she said that how people perceive you—what

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## Lawyer Assistance Program: All Seasons and All Reasons

Seasonal Affective Disorder (SAD), which occurs for many during the winter months, has come to a close. For others, the same spring that bursts forth with new life and endless colors and smells, also brings feelings of anxiety and, yes, even depression. Seasonal changes require an adjustment in attitude, exposure to light, and a shift in circadian rhythm, affecting sleep, appetite, and work, as well as downtime.

In reality, there is no vacation from mental health or addiction problems. There is no time off from trauma or mental and/or physical abuse or illness. Stress, mostly a reaction to the things we have no control over, occurs multiple times

every day, with crowded trains, long lines, traffic, noise, clients, bosses, and life. No one is immune from any of this, as was painfully driven home for many by the recent suicides of Kate Spade and Anthony Bourdain. Suicide is frequently associated with mental disorders that are treatable, like anxiety, depression, and substance abuse. As with lawyers, many successful people fear stigma and become accomplished at hiding their feelings.

The daily work of lawyers offers a plethora of situations that can trigger stress, anxiety, depression, and frequently result in self-medicating with alcohol and/or other substances. Difficult clients, demanding workloads, and long hours, together with the normal ups and downs life brings, consistently present new challenges. Children moving out or back in, providing caregiving for a parent or relative, loss of a relationship, or mistreatment by a partner or coworker are just a small sample of issues affecting lawyers.



The City Bar's Lawyer Assistance Committee Volunteer Appreciation Dinner was held on June 11.

The *National Law Journal* recently reported that "the issue of attorneys' mental health will be a key issue confronting lawyers around the country when they gather in Chicago for the American Bar Association's annual conference this summer." The release of a report last summer by the ABA's Task Force on Lawyer Well-Being entitled "The Path to Lawyer Well-being: Practical Recommendations for Positive Change" began an exciting and much needed movement addressing the importance of lawyer wellness. An increasing number of legal employers are acknowledging that high rates of mental health and substance abuse exist in the profession and that all stakeholders must contribute to improving the health and well-being of lawyers, focusing first on prevention, development of resilience, and positive coping mechanisms in law school as a basis for lifelong mental and physical well-being.

The ABA is also spearheading an anti-stigma campaign. Stigma is a major obstacle preventing many lawyers, judges, and law students from reaching out for help. Normalizing mental health and addiction problems and encouraging individuals to seek help early is a primary goal of the Lawyer Assistance Program (LAP).

That's the big picture and a very hopeful one. It's also a good time to remind New York City lawyers, judges, law students, and family members that LAP is available to help with a variety of issues. ■

Even if you are not sure if LAP can help, just call 212.302.5787 to discuss whatever is concerning you about yourself or someone you care about. LAP is free and completely confidential. And if you or someone you know has suicidal thoughts, call LAP or the National Suicide Prevention Lifeline at 1.800.273.8255.

# Vance Center Supports Women's Rights in the Global South in the #MeToo Era

By Marie-Claude Jean-Baptiste

With the #MeToo movement, courageous women all over the world are speaking out about their experiences with sexual assault and harassment and generating initiatives to bring about accountability and change. While the movement has garnered significant press and set a positive example in the West, it is important to remember the women who are notably absent from this conversation, including those in the Global South.

The Cyrus R. Vance Center for International Justice has been a long-standing ally of, and advocate for, vulnerable women all over the world, particularly those living in challenging environments. A critical element of this work focuses on women in marginalized communities, and seeks to even the playing field for those who face increased systemic challenges in realizing the rights guaranteed to them under international law. The Vance Center's long-standing partnerships on women's rights cut across several issues and regions.

In Brazil, following the brutal gang rape of a 16-year-old in a Rio de Janeiro favela, the Vance Center entered into a multi-year partnership with Equality Now and local civil society organizations in Brazil, including pro bono law firms, in a campaign to ensure that all systems and laws work to protect and promote the rights of women and girls. The campaign seeks to secure access to justice both in law and in practice for survivors of sexual violence and hold authorities accountable. To do so, the Vance Center and its partners are studying the domestic legal framework, monitoring case developments and legal reform initiatives, and leveraging the

U.N. Sustainable Development Goals platform to pursue legal advocacy.

In Colombia, the Vance Center has focused on amplifying the voices of women in the country's transitional justice process, working for more than three years with victims' organizations, human rights NGOs, and the United Nations in support of the peace process. The work has focused on the most vulnerable, including Afro-Colombian women, who have been disproportionately affected by Colombia's long civil war. The work also seeks to tackle the taboo and lack of knowledge surrounding conflict-related sexual violence.

In Nicaragua, the Vance Center is supporting indigenous Miskito women, a particularly marginalized group facing the highest rates of violence against women and girls in the country. The project aims to create tools to educate these women about their rights and the means to access the justice system when those rights are violated. In partnership with leaders from the Miskito community, the Vance Center is making the tools available in the local language so that Miskito women can have meaningful access.

Another important element of the women's rights initiative is recognizing how some issues disproportionately affect women. For a number of years now, the Vance Center has worked at the intersection of women's issues and incarceration, first with research on the criminalization of pregnant women and then later partnering with local organizations to address women's incarceration challenges in Jamaica. This has led to the organizing of an international conference on women's imprisonment in the

context of the United Nations framework on incarceration of women, the "Bangkok Rules." This conference – "Women in Prison: Evidence, Advocacy and Reform" – in Colombia in September 2018, will bring together practitioners, including formerly incarcerated women, from all over the world to share experiences and engage in capacity building. The goal is to empower those working on this issue to improve the situation for women in their countries' prison systems.



The recent tidal swell around accountability for violence against women through the #MeToo movement is a welcome development. However, we all must remember the women who face challenges that exclude them from trends and hashtag-based conversations. The Vance Center has for years been a strong ally for these groups of women, with long-standing projects emphasizing meeting the needs of marginalized women and recognizing challenges that disproportionately affect them. This work will continue to close the impunity gap for vulnerable women around the globe during the #MeToo movement, and beyond it. ■

*Marie-Claude Jean-Baptiste leads the Human Rights and Access to Justice Program at the Vance Center, which oversees the programs mentioned in this article.*

including the Executive Committee, as well as to chair the [Council on Judicial Administration](#) and the Task Force on Puerto Rico. I currently serve as the City Bar's designated representative on the New York Community Trust Board, which also has been a very informative experience. My involvement with different committees focusing on different issues helped broaden my understanding of what is going on in the legal community, here and outside New York, and what needs to be done to better serve our clients and our communities. It's one of the things I've enjoyed about being a City Bar member – focusing on the needs and interests of the communities within which our members live and work, and those communities, here and abroad, with which we interact.

### **What's your reaction to being the first City Bar President of Hispanic heritage, and is it a point of pride for you or for others?**

Personally, I have to say that I feel incredibly privileged to be able to serve as President of the City Bar, without regard to the fact that I'm the first Hispanic City Bar President. I do know from other attorneys and family members who are Hispanic that they take great pride in the fact that the City Bar has recognized me to be the President, and the fact that they know that it is important to me through the work that the City Bar does to ensure that, among the people who we will be serving, are the residents of Puerto Rico who are going through a very hard time right now, and the many Hispanic immigrants who, for many years, the City Bar has sought to serve and which, through my term as president, whose circumstances we will continue to focus on. It's not that I – because I am the first Hispanic president – will do more on these issues; it just gives me an ability to work on these issues that are of great importance to me. I just see it as a wonderful opportunity for which I am thankful.

### **What sets the City Bar apart from other bar associations? How can membership help a lawyer's career?**

What's unique is our committee structure, including the task forces and all the various entities that are doing wonderful work here at the City Bar, that are driven by the volunteers who form those committees, who spend a lot of time researching, writing, and organizing work product and programs that are presented not just to other lawyers, but to many other people within the larger community. Being an active committee member and chairing a committee can help you get leadership opportunities in your firm or organization. The City Bar has helped advance my career in another way: through all the meetings I've convened and presided over, I'm really good at meetings! In certain of my cases and client matters, right now it's all negotiation – we're not in court – and everything depends on how the meeting goes. It's an important skill to have. What's also unique is our wonderful building, which is a great venue for uses beyond meetings. I've had several friends who've said, "You've got to make it fun, especially for younger lawyers, who are so pressed for time." That's why I'm glad to see we have activities such as Game Night, Bar@theBar, and the various functions that are designed to bring people together to enjoy the company of others here.

### **Are there particular areas you see yourself inclined to focus on from the "bully pulpit"?**

Every single current and former City Bar president whom I've spoken with has made clear that, without regard to whatever agenda I may think I want to push, there will be a requirement to respond to the issues of the day as they arise. Secondly, the more I learn about the work being done by the City Bar, the broader the areas of my own personal interest become. I've been very happy to learn that so much of what is important to me is actually already being focused on by the City Bar. With that preface, I want

to see the City Bar continue to engage outwardly with other legal organizations to ensure that the rule of law in society operates as it should, and to engage non-legal institutions on exactly how the rule of law works; and if it's not adhered to, to make plain that there are consequences that are borne, not just by those who are immediately left out of whatever the benefit or the right is, but by the larger society. We must continue to work with these institutions, both here and abroad, to ensure that the rule of law operates to serve the interests of all members of our diverse communities, and not just the interests of those who have the independent means to access the courts or petition government. It's important that we continue to work with all stakeholders who have a role in ensuring access to justice and those who need it, those who can help provide it, and those who can help procure the right to counsel. We must not lose sight of the fact that – and this goes back to our roots – one of the key means by which meaningful access to justice is secured is by having an independent judiciary. It does you no good to get in front of a court if the court has already tilted the scales based on whatever influences may be exerted on the court. This is a message that the City Bar has for years communicated abroad, but it's also one that's important for us to communicate here, both in New York and the rest of the United States. And when the City Bar engages actively in those issues we expect to arise, such as immigration, access to justice, and maintaining or securing essential rights or needs, the goal will be to identify who within society is already working on these issues, and identify who else can. Then we will encourage the committees and task forces not just to think about what can be done, but to articulate it to the outside world, whether it's through a report or amicus brief, or through a conference, and then to work with the rest of our communities to see that whatever it is we think needs to be done, or needs to change, actually happens. ■





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has independently pursued the three-legged goal of convening its members for thoughtful monthly discussions about cutting-edge issues, identifying components of their subject matter that seem likely to be of more general interest to the broader bar and organizing programs to expose the relevant issues to public view and advance the debate, and generation of advocacy pieces to improve the administration or the scope of the law in their subject matter areas.

The resulting output is dazzling in its scale and breadth. In the past two years, continuing the heightened productivity levels of recent prior years, our Committees sponsored about 750 CLE and non-CLE programs and other events at the City Bar, of almost unimaginable scope and variety. They also produced hundreds of advocacy pieces directed to influencing governmental or public opinion, in the form of about 300 reports or report-type letters to relevant decision-makers, 30 letters to international leaders, nine amicus curiae briefs, 16 transition memos to the incoming Trump administration, written and oral testimony at 10 hearings, a dozen letters to editors and numerous other similar formal communications. Thanks to the terrifically high quality of our committee memberships and the exhaustive vetting processes attached to that effort, the quality of this massive set of submissions has been consistently high. The totality of that work product provides support to the City Bar's arguable position as our nation's most prolific and highest quality non-partisan rule of law think tank.

The enormous volume of the contributions makes it difficult to single out particularly noteworthy ones, but let me do an injustice to many of our best contributors by singling out a few. As all of you undoubtedly appreciate, the past year and a few months have been remarkable for their combination of path-breaking progressive sensibility and action in our

City and State governments coupled with developments at the federal level that presented important questions about the proper balancing of our institutional commitment to non-partisanship and our defining mission of protection and advancement of the rule of law – as to which, if push came to shove, the rule of law priority remained at all times the highest one of all, as it has been throughout our Association's existence. The period has witnessed some extraordinary developments, in which the City Bar has tried to play the most constructive role it could. In what history may remember as the seminal legal development of the last two years, our City became the first in the nation – and hopefully an exemplar for others to follow – to pass legislation that will provide counsel without charge to every New Yorker with income under 200% of the poverty line who faces an eviction action, embracing a view of the need for counsel for citizens facing loss of essentials of life who cannot afford to pay for one that we can hope will ultimately achieve the degree of national consensus that now attaches to the right to counsel for criminal defendants. The City Bar contributed not only general supportive advocacy but also an important economic analysis of savings potentially achievable from the reduction of evictions under such a program, and we have recently constituted a Right to Counsel Committee to contribute what we can to the extraordinary complex roll-out of this important new initiative.

Following years of advocacy in which the City Bar was a steady voice, New York at long last also passed raise the age legislation last year, ending New York's position as one of the last two states still to treat 16 year olds as adults in criminal matters. Our Task Force on Mass Incarceration joined the chorus of responsible voices calling for the closing of the jail at Rikers Island. We continue to advocate for bail reform, particularly to end the unjust scourge of economically discriminatory

practices that leave arrested individuals in jail for long periods simply because they can't afford even the modest bail conditions that others charged with the same conduct are able to get themselves freed by satisfying. And we have advocated for reform of parole evaluation processes, access to personnel records and body cam records of police officers accused of misconduct, and legislation that will empower judges to impose sentences lower than statutory minimums when those minimums are so long that they cause injustice to a particular defendant and are unnecessary for achievement of rational penal goals.

After great work by our Constitutional Convention Task Force, we came out favoring a convention for the particular purpose of achieving changes relating to voting, electoral fairness, government ethics, and organization of the state's judiciary – subjects that have long been of great importance to our organization, and as to which a convention appeared to represent a highly promising opportunity, but also subjects that, as the ultimate vote confirmed, did not come anywhere near capturing public imagination and passions. Efforts to advance the City Bar's long-articulated policies in those departments through legislation are continuing.

Our Association displayed its power to marshal volunteer efforts by helping to answer Chief Judge DiFiore's call on New York lawyers to provide assistance to the victims of last fall's Hurricane disasters, organizing a training for hundreds of volunteers to help victims pursue FEMA appeals and convening volunteers on a succession of Monday evenings to advise displaced victims of Hurricane Maria with their FEMA-related issues.

Through a newly constituted Committee to Promote Efficiency in Dispute Resolution, we have tried to contribute to the conversations about ways of addressing the access to justice and administration of justice implications from the current reality that litigation consistently costs so

much and takes so long that achievement of decisions has become essentially unaffordable for the parties in most disputes. Some of that conversation has played a role in the recent establishment by New York's Chief Judge and Chief Administrative Judge of a new Advisory Committee on ADR to consider in bold ways a range of possible court-sponsored initiatives to reduce the cost and duration of litigations and improve the efficiency of dispute resolution processes.

We have also spoken out on the rule of law. We sponsored the successful ABA resolution calling on the President to withdraw his original travel ban executive order, wrote op-eds opposing the imposition of case quotas on immigration judges, and otherwise advocated for and held convenings on protecting immigrants' rights. We opposed the Presidential pardon of a sheriff who was found

in contempt of court for flouting court orders to stop discriminatorily harassing and violating the constitutional rights of members of a vulnerable minority group. We spoke out on environmental issues, foreign policy issues, many transition issues, criminal justice and sentencing reform, animal rights issues, policy issues regarding Puerto Rico, questions that should be presented searchingly to the proposed Attorney General about his commitment to enforcing laws to which he had expressed opposition and to the proposed director of the CIA regarding the legality of conduct in which she reportedly engaged in the past.

It's difficult to capture the degree to which this summary just scratches the surface. The overarching point is that this bar association has continued in the past couple of years, and will continue, to do important work while representing an

important vehicle for our members to become and to express themselves as their best selves as legal professionals. And the luckiest part of the equation, for many of us, is that all this worthy work gets packaged in a way that allows us to advance ourselves as professionals and people and to develop lasting and important friendships, rooted in shared values and efforts that add enormously to the richness of our lives and careers.

So, with that, let me thank you for the opportunity to serve this Association as President, and ask you to join me in celebrating the arrival of Roger Maldonado.

*This column was adapted from outgoing President John S. Kiernan's remarks at the City Bar's annual meeting on May 15. ■*



## THE HEART OF THE LEGAL PROFESSION

*This year, support the causes and the profession that uphold the rule of law by making a tax-deductible donation to the City Bar Fund, the 501(c)(3) arm of the New York City Bar Association.*



The City Bar Fund helps over 30,000 people each year through its humanitarian and social justice programs:

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Mobilizes the New York City legal community to expand access to justice for New Yorkers in need, including disabled veterans, immigrants, and the homeless

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### LAWYER ASSISTANCE PROGRAM

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To learn more about the City Bar Fund and to donate, please visit [nycbar.org/citybarfund](http://nycbar.org/citybarfund).

# Court Square Law Project: NYC's "Sliding Scale Law Firm"

Public school teacher, firefighter, pizza shop owner, corrections officer, librarian: these are just some of the people Court Square Law Project (CSLP) has provided legal representation to since opening in February 2016.

Created by the New York City Bar Association and the CUNY School of Law, with support from many of New York's leading law firms, CSLP was designed to serve those in the "middle" – that is, those who make too much to qualify for free legal services but not enough to afford market rates for legal help in New York City. With over 400 clients served, CSLP is making access to justice a reality for many who thought they couldn't afford a lawyer.

Legal Service non-profit organizations have income limits that restrict representation for people at or below 150% of the poverty line (about \$21,000 a year for a family of three). That leaves a large number of people who can't afford, for example, the \$325 an hour that a divorce attorney might charge, with a divorce involving kids costing around \$25,000.

CSLP charges clients on a sliding scale, starting at \$80/hour for those making up to \$49,000 a year, up to a maximum of \$185/hour.

CSLP is one of the projects that was inspired by the City Bar's [2013 report "Developing Legal Careers and Delivering Justice in the 21st Century."](#) In addition to identifying people of moderate means as underserved in the legal marketplace, the report also pointed toward an opportunity for lawyers to serve them. Located at the CUNY School of Law in Long Island City, CSLP began with a training and fellowship program for new lawyers interested in launching sustainable,



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\$185 an hour



"mission-driven" legal practices serving moderate-income clients.

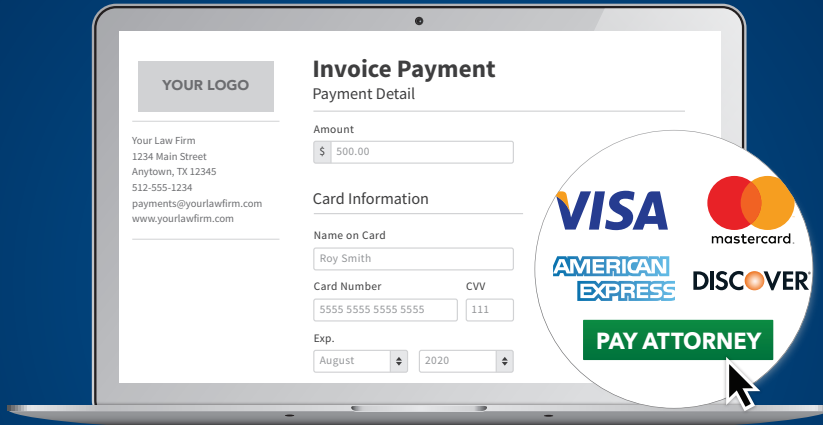
"No one should lose a home or stay with an abusive spouse because they can't afford an attorney," said **Cynthia Domingo-Foraste**, CSLP's Executive Director.

About 40% of CSLP's cases are in family law, with the rest divided equally among small business, housing, adult guardianship, and estate planning. "We stick to issues of law that are essential to maintaining stability in people's lives," said Domingo-Foraste, citing a contested Order-of-Protection case CSLP handled for a librarian just starting her career and making \$47,000 a year. "She called attorneys but couldn't afford their hourly rates," said Domingo-Foraste. "She then found CSLP and, based on her income, we were able to represent her at \$80 an hour. After three days of trial, the Court found in favor of our client and granted her an Order of Protection against her ex-boyfriend. For the 16 hours of work we put into her case, she paid us \$1,280. If her only option had been an attorney charging \$300 an hour, she would have had to come up with \$4,800. For people struggling to make it in this city, affordable help is imperative."

If successful, the effectiveness, sustainability, and scalability of the CSLP business model will be reviewed to determine if it could be replicated elsewhere in the United States.

Nineteen "Founding Sponsor" law firms each pledged start-up funding for CSLP: Cravath, Swaine & Moore LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton LLP; Fried, Frank, Harris, Shriver & Jacobson LLP; Gibson, Dunn & Crutcher LLP; Kirkland & Ellis LLP; Kramer Levin Naftalis & Frankel LLP; Latham & Watkins LLP; Morgan, Lewis & Bockius LLP; O'Melveny & Myers LLP; Paul, Weiss, Rifkind, Wharton & Garrison LLP; Proskauer Rose LLP; Schulte Roth & Zabel LLP; Shearman & Sterling LLP; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Wachtell, Lipton, Rosen & Katz; Weil, Gotshal & Manges LLP, and Winston & Strawn LLP. ■

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# IN CASE YOU MISSED IT



### Sexual Harassment & the Law

The City Bar issued a call to action for lawyers in the era of #MeToo, with its “Sexual Harassment & the Law” CLE program on June 4. **Carmelyn P. Malalis**, Commissioner, New York City Commission on Human Rights, delivered an inspiring introduction to the start of the day: “Years from now that when people ask you ‘what did you do during #MeToo?’....I hope that you think about this moment.... you all have actions to take. We are on the front lines as lawyers.”



### Justice Ruth Bader Ginsburg Lecture

The City Bar held its Annual Justice **Ruth Bader Ginsburg** Distinguished Lecture on Women and the Law on May 22, with Professor and author **Barbara Babcock** delivering the lecture, and City Bar President **Roger Juan Maldonado** delivering the introduction. Commenting on her official Supreme Court portrait now hanging in the Meeting Hall, Justice Ginsburg remarked, “as an official portrait, it will not be transported back from here to the Court until I am no longer part of this world. And as I am trying very hard to stay fit, I anticipate that the City Bar will possess that portrait for a fair number of years.” *Photo: J. McClinton.*



### Vance Pro Bono Declaration

On June 1, the **Cyrus R. Vance Center for International Justice** and the Managing Partners from **Baker McKenzie's** Latin America offices signed the Pro Bono Declaration of the Americas. From left (back row): **Alejandro C. Mesa-Neira**; **Jill Sallows**; **Pablo Berckholtz**; **Claudia Metzger**; **Simone Musa**; **Roger Juan Maldonado**, President, New York City Bar Association; **Alexander Papachristou**, Executive Director, **Cyrus R. Vance Center for International Justice**; **Gustavo Boruchowicz**; **Clarissa Machado**; **Antonio Ortuzar**; **Ronald Evans**; **Reynaldo Vizcarra**; Front row: **Jaime Trujillo**.



### Jeffrey Toobin Delivers the Leslie H. Arps Lecture

**Jeffrey Toobin**, staff writer for *The New Yorker* and senior legal analyst for CNN, delivered the **Leslie H. Arps Lecture** on April 16 on “The Supreme Court in the Age of Trump.” The memorial lecture is sponsored by **Skadden Arps Slate Meagher & Flom** and is named for **Leslie Arps**, a founding partner of the firm.



Kathryn A. McDonald Awards

The City Bar held the annual presentation of the Kathryn A. McDonald Awards for excellence in service to the New York City Family Court, on May 30. From left: **Hon. Jeanette Ruiz**, Administrative Judge, New York City Family Court; **Roger Juan Maldonado**, President, New York City Bar Association; **Janet Neustaetter**, The Children's Law Center; **Jane Spinak**, Edward Ross Aranow Clinical Professor of Law, Columbia Law School; **Dionne Lowery**, New York City Family Court; and **Hon. Janet DiFiore**, Chief Judge of the State of New York. *Photo: David Handschuh/NYLI.*



Rod Rosenstein Delivers White Collar Crime Keynote

On May 9, the City Bar held its 7th Annual White Collar Crime Institute, with U.S. Deputy Attorney General **Rod Rosenstein** as one of the Keynote Speakers. The other keynote speaker was **Steven Peikin**, Co-Enforcement Director, U.S. Securities and Exchange Commission. *Photo: David Handschuh/NYLI.*



Henry L. Stimson Medal Presentation

On June 6, the City Bar held its 26th Annual Henry L. Stimson Medal Presentation honoring outstanding assistant U.S. attorneys from the Southern and Eastern Districts of New York. From left: **Mark R. Hellerer**, Chair, City Bar's Stimson Medal Committee; **Hon. Debra A. Livingston**, United States Court of Appeals for the Second Circuit; **Lawrence H. Fogelman**, SDNY Civil Division; **Joan Loughnane**, SDNY Criminal Division; **F. Franklin Amanat**, EDNY Civil Division; **M. Kristin Mace**, EDNY Criminal Division; **Roger Juan Maldonado**, President, New York City Bar Association. The medal is awarded in honor of Henry L. Stimson, and the awards are made possible by the generosity of the firm of Pillsbury Winthrop Shaw Pittman, Henry Stimson's legacy firm.



Women in White Collar Kickoff Reception

The City Bar held its Women in White Collar Kickoff Reception on May 8. **Nancy Kestenbaum** (left), Covington & Burling LLP, interviewed **Hon. Cathy Seibel**, US District Court Judge, Southern District of New York.

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# MEMBER MOVES & NEWS

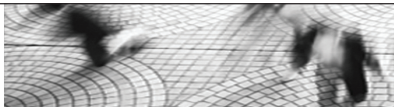
Switching firms or made partner? Receiving an award? Send your news to [MemberNews@nycbar.org](mailto:MemberNews@nycbar.org); select announcements may appear in the 44th Street Notes, eNews, or other City Bar materials.

**Barbara D. Underwood**, former Chair of the City Bar's Executive Committee, is serving as New York State's Acting Attorney General. The **New York City Bar Association** (represented by **Mark Morril**, **Stephanie Cohen**, and **Lea Haber Kuck**), the International Council for Commercial Arbitration (ICCA), and the International Institute for Conflict Prevention & Resolution (CPR) won the 2018 GAR Award for "Best Development 2018" for the Working Group it launched to focus on cybersecurity in international arbitration. **Bruce Green** received the 2018 ABA Michael Franck Professional Responsibility Award. **Sheila**

**Birnbaum** joined Dechert LLP. **Paulina Mejia** was honored by Crain's New York Business as one of the "Notable Women in Finance in NYC." **David Reichenberg** joined Cozen O'Connor as a member of the firm's Commercial Litigation Department. **Amal Bouchenaki** was promoted to partner at Herbert Smith Freehills. **Eric Schiele** joined Kirkland & Ellis LLP as partner. **Christopher Andrew Jarvinen** joined Richards Kibbe & Orbe as partner. Goodwin added **Kristopher Brown** and **Jonathan Schur** as partners in the firm's New York office. **Ted Rosen** joined Akerman LLP's Corporate Practice Group as partner. **Allison E. Ianni** joined Goldberg Segalla's Employment and Labor practice as partner. Pepper Hamilton added **Paul**

**Porretta** as a partner in the firm's Employee Benefits and Executive Compensation Practice Group. **Francis X. Nolan, III** was elected President of The Maritime Law Association of the United States (MLA) at the MLA Spring General Meeting in New York City. **Sharon L. Klein**, president of Wilmington Trust's Tri-State Region, was honored by UJA-Federation of New York's Trust & Estates Group for her professional and philanthropic achievements. Dunnington Bartholow & Miller added fashion lawyer **Olivera Medenica** as a partner. **Mark Chorazak** joined Cadwalader, Wickersham & Taft as a partner in the firm's Financial Services Group.

## Announcing our five new partners



Hodgson Russ LLP is pleased to announce  
five new partners in our  
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*Environmental Practice*  
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◀ Charles Malcomb  
*Environmental Practice*  
[cmalcomb@hodgsonruss.com](mailto:cmalcomb@hodgsonruss.com)



◀ Ryan Murphy  
*Employee Benefits Practice*  
[rmurphy@hodgsonruss.com](mailto:rmurphy@hodgsonruss.com)



▶ Emina Poricanin  
*Labor & Employment Practice*  
[eporican@hodgsonruss.com](mailto:eporican@hodgsonruss.com)



▶ Charles Rauch  
*Intellectual Property Practice*  
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she called the “baggage of the beholder”—directly impacts how they interact with you. To combat this tendency, she recommended that you come up with the adjectives that you want to be used to describe you and then actively manage your behavior to ensure that colleagues and others perceive you that way.

On the topic of authenticity, Harris said that her mantra is “Just be Carla.” In other words, you have to be yourself in the workplace. As a gospel singer with several albums, she shared a story of hesitating when she was asked to sing at an office party one year. However, when she eventually agreed and sang, many colleagues and clients commended her for her openness and also for allowing them to feel comfortable with sharing their faith in the workplace. (It’s OK to share your faith in the workplace as long as you’re not preaching or trying to impose it on others.)

Finally, Harris stressed that all these concepts—performance and relationship currency, risk-taking, perception, and authenticity—mean little if you do not pursue balance and find time for your personal passions. Harris’s passion for gospel singing has led her to perform at Carnegie Hall, and she insists that balance gives you the resilience to recover from stressful periods. She encouraged the Fellows to find a way to work their passions into their everyday lives.

Overall, the 2017 and 2018 ALI Fellows received tangible advice from Harris on how they can actively manage their careers, relationships, and behaviors to adopt her mindset of Expect to Win. ■

*Sheila Adams is an Associate at Davis Polk & Wardwell LLP, was a 2017 ALI Fellow, and served on the 2018 ALI Planning Committee. Bijal Shah is the Manager of the Office for Diversity & Inclusion at the New York City Bar Association and leads ALI programming execution.*



On April 7, **Elise Wilkens Michael** married **Christopher Terry Ilardi** in a ceremony at the New York City Bar Association officiated by First Department Appellate Term Justice **Doris Ling-Cohan**, for whom the bride had been a law clerk. The couple met as classmates at the Benjamin J. Cardozo School of Law and are both practicing lawyers. Elise has just left after three years at J.P. Morgan Chase to become an associate in the Financial Services group with Katten Muchin Rosenman LLP. Christopher is in his third year as an intellectual property litigation associate at Kirkland & Ellis LLP.

Elise is the granddaughter of the late New York Supreme Court Justice Irving Lawrence Levey, who was the Presiding Justice of the New York Supreme Court for 20 years. Her father, **Robert Michael**, has been Chair of the Committees on Foreign and Comparative Law and Middle Eastern and North African Affairs of the City Bar. Christopher’s father, **Terry Ilardi**, is Senior Counsel, IP Law Policy, at IBM.

The ceremony was performed on the steps between the Lower and Upper Lobbies, after the bride descended the spiral steps from the second floor, with the dinner in the Meeting Hall and following party in the Second Floor Reception Area.

*To learn how you can hold your own event at the City Bar, visit our event-venue website: [www.42West44.com](http://www.42West44.com).*





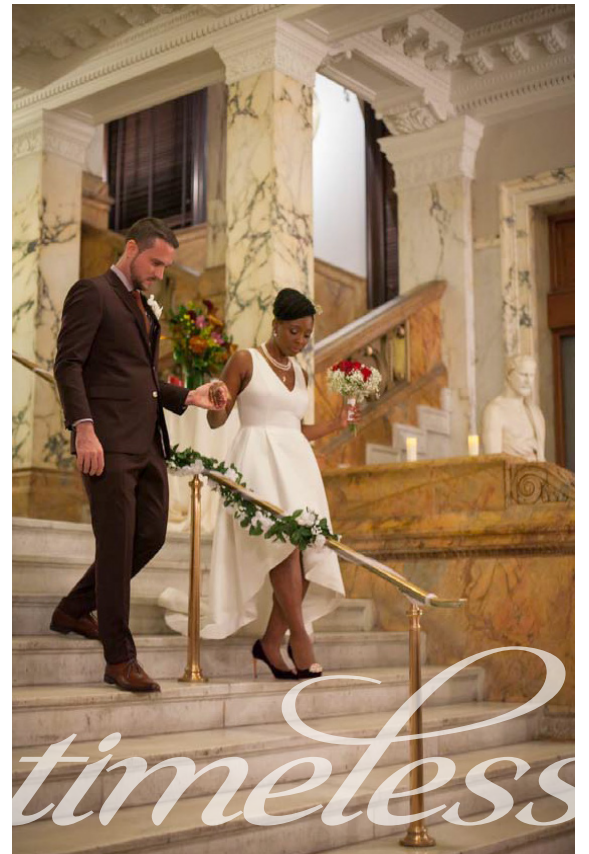
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## EVENTS & CLE

**TUESDAY, JULY 17, 6:30 PM - 8:30 PM**

Careers in Cybersecurity and Data Privacy - *City Bar Summer Series* (EVENT)

**WEDNESDAY, JULY 18, 6:00 PM - 9:00 PM**

Supreme Court — A Year in Review, 2017 Term (CLE)

**WEDNESDAY, AUGUST 1, 9:00 AM - 12:00 PM**

Accounting for Lawyers (CLE)

**WEDNESDAY, AUGUST 8, 6:00 PM - 9:00 PM**

Estate Planning Misfires of the Rich & Famous (CLE)

**WEDNESDAY, AUGUST 8, 6:30 PM - 8:30 PM**

Careers in Litigation Management, eDiscovery and Information Governance - *City Bar Summer Series* (EVENT)

**THURSDAY, AUGUST 9, 9:00 AM - 11:15 AM**

Current Legal Ethical Issues with Professor Stephen Gillers (CLE)

**TUESDAY, SEPTEMBER 25, 6:00 PM - 8:00 PM**

Artificial Intelligence and the Public Interest (EVENT)

**THURSDAY, SEPTEMBER 27, 6:00 PM - 8:00 PM**

How to Become a State or Federal Defender (EVENT)