ABA Adopts Resolution Proposed by NYCLA to Assist Unrepresented Litigants in Civil Cases

By Lewis Tesser

NYCLA is pleased to announce the establishment of the NYCLA Ethics Institute. The Ethics Institute will offer substantive CLE programs on diverse topics each month, with each program having a strong ethics component. We anticipate holding the monthly Ethics programs on a specific day of the week each month so that attorneys will become accustomed to our specialized Ethics programming and know when they will be able to earn MCLE credits in Ethics. This formula has already proven to be highly successful with NYCLA’s evening Bridge the Gap programs.

I am pleased to serve as the Director of the Institute. In addition, NYCLA has assembled an esteemed Board of Advisors consisting of: Hon. Lois Bloom, U.S. District Court, Eastern District of New York; Andral Bratton, Departmental Disciplinary Committee, Appellate Division, First Department; Carol Buckler, New York Law School; Gordon Eng, Debevoise & Plimpton LLP; Alan Friedman, chief counsel, Departmental Disciplinary Committee, Appellate Division, First Department; Jeremy Feinberg, statewide counsel for ethics, Office of Court Administration; Bruce Green, Louis Stein Center for Law and Ethics, Fordham University School of Law; Sarah Jo Hamilton, Scalice & Hamilton LLP; John Horan, Fox Horan & Camerino LLP; James B. Kobak Jr., Hughes Hubbard & Reed LLP; Perry Krinsky, Law Offices of Michael S. Ross; Wallace Larson, Cleary Gottlieb Steen & Hamilton LLP; Hon. Gerald Ilevbosiv, New York City Civil Court; Housing Part; David Lewis, Proskauer Rose LLP; Hal Lieberman, Hinshaw & Culbertson LLP; Richard Maltz, Frankfurt Kurnit Klein & Selz, PC; Michael S. Ross, Law Offices of Sarah Diane McShea; Martin Minkowitz, Stroock & Stroock & Lavan LLP; Michael S. Ross, Law Offices of Michael S. Ross; Deborah Scalice; Scalice & Hamilton, LLP; Phillip Schaeffer, White & Case LLP; Barry Temkin, Law Offices of Edward Garfinkel; Hon. Laura Ward, Criminal Court of New York City; and Ellen Yaroshesfsky, Jacob Burns Ethics Center, Benjamin Cardozo Law School.

The Board of Advisors will play a key role in consulting with program chairs on program content, reviewing materials, offering advice on content and participating in programs as panelists or program chairs. The Ethics Institute will help to enhance NYCLA’s brand. Not only will it position NYCLA as the place to go for Ethics credits, but it will also be another example of the cutting-edge work that has helped to secure NYCLA’s profile with larger firms and corporations both in New York City and beyond.

The Ethics Institute was inaugurated at a cocktail reception and program held on September 17. The program, The Disciplinary Concept in New York, was presented by Program Chairs Alan Friedman, chief counsel, and Andral Bratton, special counsel, Departmental Disciplinary Committee, Appellate Division, First Department, and Gordon Eng, Debevoise & Plimpton, LLP.

Other events scheduled for 2008 include: October 29: Confronting Ethical Issues Arising During Litigation Program Chairs: Robert Kelner, Kelner & Kelner; Lewis Tesser, Tesser, Ryan & Rochman, LLP; Faculty: Hal Lieberman, Hinshaw & Culbertson LLP; Sarah Diane McShea, Law Offices of Sarah Diane McShea; Barry Temkin, Law Offices of Edward Garfinkel; Additional faculty to be announced.

November 19: Ethical Issues

(See Ethics Institute, Page 15)

On August 11, the American Bar Association (ABA) House of Delegates adopted a resolution urging all jurisdictions to adopt rules, guidelines and best practices in reviewing stipulations for the settlement of cases and for use in other proceedings involving unrepresented litigants, citing the August 2008 NYCLA Report titled “Best Practices for Judges in the Settlement and Trial of Cases Involving Unrepresented Litigants in Housing Court.” As an example of what jurisdictions can consider as they develop procedures for dealing with the significant increase in unrepresented litigants in civil matters, NYCLA’s Best Practices Report contains a more active role for judges “in approving settlements and conducting trials,” so that unrepresented litigants will better understand their rights, the court procedures and the results of the proceedings.

NYCLA’s Task Force on the Housing Court

NYCLA’s Best Practices Report issued in August 2008 is based on an earlier report, “Protocols for Judges in the Settlement and Trial of Cases Involving Unrepresented Litigants in Housing Court,” prepared by NYCLA’s Task Force on the Housing Court, which was co-chaired by Hon. Marty S. Friedman, Justice, New York State Supreme Court, and Paula Galowitz, clinical professor of law, New York University School of Law. The Task Force was an outgrowth of a major conference NYCLA sponsored in 2004, “The New York City Housing Court in the 21st Century: Can It Better Address the Problems Before It?” In addition to the Protocols Report, the Task Force issued two other reports: “Rights to Counsel in Housing Court” and “Resources in the Housing Court,” which contains recommendations on the establishment of guidelines when Guardians Ad Litem are assigned to cases of people with diminished capacity, improvement of coordination between various governmental agencies and expansion of the use of computer technology in the Court.

The Best Practices Report is available on NYCLA’s homepage at www.nycla.org. Additional Housing Court reports are available at www.nycla.org/siteFiles/News/News/59_2.pdf.
CENTENNIAL EVENTS CALENDAR

Events are subject to change; please check the Association’s website, www.nycla.org, for schedule changes and additions.

October

Centennial Celebration Event: LUNCHEON HONORING THE FEDERAL COURTS IN NEW YORK CITY

Thursday, October 16, 12:00 PM
Place: NYCLA Home of Law – 14 Vesey Street
The Weinfeld Award recognizes distinguished contributions to the administration of justice.

Winner: Mr. Robert J. Weinfeld, New York State Attorney General’s Office

RSVP: FREE

Free Checks, payable to NYCLA, will be accepted for publication in the Library of Congress’s Federal Rules Decisions, is cited as 249 F. R. D. 402 (2008).

November

Centennial Celebration Event: PUBLIC FORUM - A LOOK AT FINRA’S NEWLY LAUNCHED PILOT PROGRAM EVALUATING ARBITRATION PANELS

Wednesday, November 5, 6:00 PM
Place: NYCLA Home of Law – 14 Vesey Street
Speaker: Hon. José Alberto Cabranes, U.S. Court of Appeals for the Second Circuit

RSVP: FREE

Lecturer: Hon. José Alberto Cabranes, U.S. District Court, Southern District of New York

FREE Checks, payable to NYCLA, will be accepted for publication in the Library of Congress’s Federal Rules Decisions, is cited as 249 F. R. D. 402 (2008).

Correction

In the September 2008 issue of the New York County Lawyer, in an article titled Member News, we inadvertently attributed the writers of a report on the Arbitration Fairness Act to be members of NYCLAs Supreme Court Committee. The writers are members of NYCLAs Federal Courts Committee. In addition, the report, which was accepted for publication in the Library of Congress’s Federal Rules Decisions, is cited as 249 F. R. D. 402 (2008).

Volunteers Needed For Expansion Of Manhattan CLARO Project

Pro Bono Project for Pro Se Debtor Defendants in New York County Civil Court

NYCLA and the New York County Civil Court will jointly sponsor a two- evening training session on Wednesday, November 5 and Monday, November 10 from 6:00:00 PM for new volunteers. The training will be held at New York County Civil Court, 111 Centre Street (White Street entrance). You must attend both training sessions to participate in the program. MCJLE credits will be awarded upon completion of six hours of service.

Manhattan CLARO (Civil Legal Advice and Resource Office) is an innovative, advice-only, volunteer lawyer program for pro se litigants with consumer debt cases in New York County Civil Court. The project is a collaborative effort with Fordham Law School’s Feinberg Center for Social Justice.

CLARO’s Mission

Low- and moderate-income New Yorkers have a pressing need for legal assistance on a host of consumer law issues, particularly consumer debt. The Civil Court of New York needs volunteer lawyers to assist the ever-growing numbers of pro se litigants. Consumer debt cases have inundated the Civil Court; the docket has grown exponen-

Art Auction Postponed

The October 2 Art Auction to benefit NYCLAs Summer Minority Judicial Internship Program (SMJIP) has been postponed. A new date will be announced within the next few months. If you would like to make a contribution to the program, please send a check (made payable to NYCLA) to New York County Lawyers’ Association’s SMJIP, 14 Vesey Street, New York, NY 10007.

NYCLA DUES ARE TAX DEDUCTIBLE

NYCLA is a qualified tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code and is not affected by the provisions in the Revenue Reconciliation Act of 1993 dealing with lobbying and political expenditures.

New York County Lawyers’ Association Cordially invites you to a Reception & Beer Tasting For New Associates

OKTOBERFEST

Sample: Post Road Pumpkin Ale (New York); Ayinger Brauweiss, Paulaner Salvatore, Ayinger Oktoberfest (Germany); Magic Hat Blind Faith (Vermont) and Leffe Blond (Belgium).

Wednesday, October 22, 2008 - 6:00 PM
Home of Law 14 Vesey Street (between Broadway and Church Street)

Please RSVP by October 15, by fax 212-406-9252 or call Cindy Fraglissi at 212-267-6666, ext. 209 or email: cfraglissi@nycla.org

Firm Name ________________________________
Name ________________________________
Telephone ________________________________
Email ________________________________

The reception is free of charge and open to NYCLA members and potential members.
Networking And Rainmaking

Presented by Andrea Nierenberg, the Nierenberg Group


Thursday, November 20, 2008 - 6:00 PM
NYCLA Home of Law, 14 Vesey Street (between Broadway and Church Street)

RSVP: cfragliossi@nycla.org

Member News

This column spotlights members who have appeared in the media or who have published books. Members are invited to contribute information to Anita Aboulafia, Communications Director, at aaboulafia@nycla.org.

Noreen Healey, a member of NYCLA’s Law-Related Education Committee, has been re-appointed by Governor David Paterson as a commissioner of the New York State Liquor Authority and has received Senate confirmation.

Norman L. Reimer, former NYCLA president and Executive Director of the National Association of Criminal Defense Lawyers, and Hon. George Bundy Smith, chair of the NYCLA Justice Center and a partner at Chadbourn & Parke LLP, have been appointed to the New York State Bar Association’s Task Force on Wrongful Convictions. This newly created Task Force will study the systemic, procedural and statutory causes that contribute to wrongful convictions and propose solutions.

New York County Lawyer is published by Long Islander Newspapers under the auspices of the New York County Lawyers’ Association. For advertising information, call 631-427-7000. Mailing address: 149 Main Street, Huntington, NY 11743.

Copyright © 2008 New York County Lawyers’ Association. All rights reserved. New York County Lawyers’ Association grants permission for articles and other material herein or portions thereof to be reproduced and distributed for educational or professional use through direct contact with clients, prospective clients, professional colleagues and students provided that such use shall not involve any matter for which payment (other than legal fees or tuition) is made and provided further that all reproductions include the name of the author of the article, the copyright notice(s) included in the original publication, and a notice indicating the name and date of the Association publication from which the reprint is made. Subscription rate: $10.00 per year for non-members

New York County Lawyer is published monthly (except January and August) for $10 per year by New York County Lawyers’ Association, 14 Vesey Street, New York, NY 10007. Periodical postage paid at New York, NY and additional mailing offices. POSTMASTER: Send address changes to New York County Lawyer, 14 Vesey Street, New York, NY 10007-2992.

USPS #022-995
ISSN: 1558-5786
$10.00 of membership dues is deducted for a one-year subscription to the New York County Lawyer.

Photo Credits: Anita Aboulafia Cindy Fragliossi Chretien Risley Jennifer Ni Wang
Hon. José Cabranes to Deliver Hughes Lecture on November 18

On November 18, Judge José A. Cabranes of the Second Circuit will deliver the Charles Evans Hughes Memorial Lecture at NYCLA. Judge Cabranes was appointed to the United States Court of Appeals for the Second Circuit in 1994. At the time of his appointment, he was Chief Judge of the United States District Court for the District of Connecticut, a court to which he was appointed in 1979.

Judge Cabranes was born in 1940 in Mayagüez, Puerto Rico and at the age of five moved with his family to the South Bronx. After attending public schools in New York City, he graduated from Columbia College (A.B., 1961), Yale Law School (J.D., 1965) and the University of Cambridge, Cambridge, England (M.Litt. in International Law, 1967). He studied at Cambridge under a Kellett Research Fellowship from Columbia College and the Humanitarian Trust Studentship in Public International Law from the Faculty Board of Law of the University of Cambridge.

Judge Cabranes was serving as General Counsel of Yale University when he was appointed to the federal bench in 1979; he was the first Puerto Rican appointed to the federal bench in the continental United States. Previously, he had practiced in a New York City law firm, taught law on the full-time faculty of Rutgers University Law School and the adjunct faculty of Yale Law School; and served as Special Counsel to the Governor of Puerto Rico and as head of the Commonwealth of Puerto Rico’s office in Washington, D.C. He is the author of Citizenship and the American Empire (Yale Press, 1979), a legislative history of the United States citizenship of the people of Puerto Rico, and co-author (with Kate Stith) of Fear of Judging: Sentencing Guidelines in the Federal Courts (University of Chicago Press, 1998) (Certificate of Merit of the American Bar Association, 1999), and articles in various law journals.

Judge Cabranes served as a trustee of Yale University from 1987 to 1999 and now serves as a trustee of Columbia University. He is also a former trustee of Colgate University. He has been elected a member of the American Academy of Arts and Sciences and a Fellow of the American Bar Foundation.

He was the recipient of the Learned Hand Medal for Excellence in Federal Jurisprudence of the Federal Bar Council in 2000.

The lecture will begin at 6:00 PM, followed by a reception. To RSVP, please email Dianna Lamb at dlamb@nycla.org and write “Hughes Lecture” in the Subject line.
Program, Tuesday, October 21, we reprise the timely when both plaintiff and defendant are com-
will receive another approach to consider a mock personal injury dispute, attendees Thursday, October 16. Using the example of
bles facing such a struggle and how Antigua The program will delve into the legal obsta-
cross-border gambling services at the WTO. When a small island nation was forced to
deliberations. Economic and financial trial, from opening statements through jury
program demonstrates how to conduct a proportion of the vast range of issues involved and
Resolution of the jury trial process is explored on
October 24 in Masters in Trial: Statements to Jury Deliberations, co-
sponsored by the American Board of Trial Advocates, NYC Chapter and the American
Board of Trial Advocates (ABOTA) Foundation. Using a mock-trial format, this program demonstrates how to conduct a trial, from opening statements through jury deliberations. Economic and financial issues are explored in Litigation Implications of the Subprime Mortgage Crisis, slated for Tuesday, October 28 and co-sponsored by NYCLA's Federal Courts Committee. An update on pending and threatened litigation arising from the subprime mortgage crisis, a discussion of the vast range of issues involved and possible lessons learned are part of this program. Finally, on Thursday, October 29, we proudly offer NYCLA Ethics Institute, Program 1: Confronting Ethical Issues Arising During Litigation. Hypothetical situations will offer the basis for this interactive discussion featuring noted experts on handling ethical dilemmas, as well as experienced litigators who face these issues on a daily basis.

For the times and fees for all programs, additional information regarding October 2008’s live programs, current DVD/CD audio course offerings and online CLE available though LAWLINE, please visit our website at www.nycla.org.

CLE PROGRAMS
IN OCTOBER

Monday, October 6
5:30 – 9:00PM
GREAT EMPLOYMENT DEBATE
4 MCLE Credits: 1 Ethics, 3 Professional Practice; Transitional and Non-Transitional
Early Registration Fee: (on or before 10/4)
Member: $100
Non-Member: $125
Registration Fee: (10/5 – 10/6)
Member: $125
Non-Member: $150
*this is part D of Bridge the Gap

Tuesday, October 7
6:00 – 8:00PM
DAVID V. GOLIAH: THE WTO CASE OF ANTIQUA v. U.S.
2 MCLE Credits: 2 Professional Practice; Transitional and Non-Transitional
Early Registration Fee (on or before 10/5)
Member: $30
Non-Member: $55
Registration Fee: (10/6 – 10/7)
Member: $55
Non-Member: $80

Tuesday, October 16
6:00 – 9:00PM
MCK SUMMARY JURY TRIAL: AN INVENTIVE APPROACH TO RESOLVING CASES
3 MCLE Credits: .5 Ethics; 1 Professional Practice; 1.5 Skills; Transitional and Non-Transitional
Early Registration Fee (on or before 10/14)
Member: $125
Non-Member: $165
Registration Fee: (10/15 – 10/16)
Member: $150
Non-Member: $190

Tuesday, October 21
6:00 – 8:50PM
THE OBAMA FACTOR: RACE, LAW AND VOTING RIGHTS
2.5 MCLE Credits: 1 Ethics; 1.5 Professional Practice; Transitional and Non-Transitional
Early Registration Fee: (on or before 10/19)
Member: $40
Non-Member: $65
Registration Fee: (10/20 – 10/21)
Member: $65
Non-Member: $90

WITH BOOK - Race Law, and American Society

(See CLE Programs, Page 15)

Commemorate your participation in NYCLA’s 100-year history

Purchaze your CENTENNIAL CERTIFICATE OF MEMBERSHIP

Printed on elegant Neenah classic® linen paper, the 8.5” x 11” certificate is perfect for framing.

Price: $15
Includes tax and shipping

TO ORDER: Mail to NYCLA, Centennial Certificate, 14 Vesey Street, New York, NY 10007. Include check payable to NYCLA or credit card information, or fax this page with credit card information to: 212-406-9252. Please allow 2-4 weeks for delivery. For more information, please contact Diana Kosanovich: 212-267-6646, ext. 213 or dkosanovich@nycla.org.

Name ________________________________

Email ________________________________

Telephone ________________________________

Credit Card Number ________________________ Exp. Date __________

Authorized Signature ________________________________

EXTEND YOUR LEGAL REACH

OF COUNSEL LEGAL SERVICES

ANY TIME, ANY PLACE SERVICE

Professional legal service with competence and dependability

Pre-Trial Conferences
Discovery Conferences
Motions
EBT / Depositions

Legal Research
Bankruptcy Hearings
50-H Hearings
Small Claims (night)

Law Office of Ezra T. Greenberg, Esq.
204 West 98th Street, Suite 2H, New York, NY 10025
Tel: 212-663-1453 ・ Fax 212-663-6711 ・ Cell: 347-678-1080

Admitted New York Bar / Federal Court Law Clerk
Federal Court of Appeals / Georgetown Law School / JD
Message From James B. Kobak Jr. President Of NYCLA Foundation

Top 10 Reasons to Respond as Generously as Possible to NYCLA’s Centennial Capital Campaign

1.) Your contribution is fully tax deductible and NYCLA does more for the profession than the government does.

2.) You will help allow NYCLA to make much needed renovations and improvements to its landmark building—the Home of Law—where lawyers and judges meet, where its programs and events occur and where its Library and staff are housed.

3.) Hundreds of other NYCLA members have already given to this campaign and hundreds more have given in the past. It is only fair that you should do your part.

4.) NYCLA is an indispensable, irreplaceable resource for many lawyers, needy New Yorkers, and high school, college and law school students.

5.) You will feel good by being generous. You will make me feel good as well.

6.) NYCLA supports diversity, membership for all, access to justice, professionalism and the rule of law.

7.) Supporting a bar association and its law reform, pro bono and educational efforts are part of being a professional in the true sense of the word.

8.) NYCLA stands up for lawyers and judges when the need arises. They should stand up for NYCLA in its time of need.

9.) Those who make especially generous gifts are eligible to receive thank-you gifts in return or even naming opportunities. Moreover, your generous gifts may be made in the form of pledges over two or three years.

10.) If everyone responds, you will not have to read so many columns, letters and emails like this one appealing for funds.

NYCLA’s Centennial at the Annual Dinner

Please Join Us at NYCLA’s Centennial Dinner Honoring Corporate In-House Counsel December 16, 2008, 6:30 p.m. at the Waldorf Astoria Hotel

Dinner Chair
Robert L. Haig

Honorees* (General Counsel who have accepted NYCLA’s invitation to attend the Dinner as Honored Dais Guests)
Michelle D. Bergman
Noah J. Hanft
J. Andrew Murphy
Peter J. Beshar
Andrew D. Hendry

Contribution Level

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Designation</th>
<th>NYCLA Foundation Gift/Recognition</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100</td>
<td>Centennial Member</td>
<td>NYCLA Centennial DVD</td>
</tr>
<tr>
<td>$250</td>
<td>Centennial Friend</td>
<td>Autographed Centennial Book</td>
</tr>
<tr>
<td>$500</td>
<td>Centennial Partner</td>
<td>Limited Edition Print</td>
</tr>
<tr>
<td>$1,000</td>
<td>Centennial Fellow</td>
<td>Autographed Centennial Book and Limited Edition Print</td>
</tr>
<tr>
<td>$2,500</td>
<td>Centennial Supporter</td>
<td>Autographed Centennial Book, Limited Edition Print and Recognition on Plaque at the Home of Law</td>
</tr>
<tr>
<td>$5,000</td>
<td>Centennial Patron</td>
<td>Autographed Centennial Book, Framed Limited Edition Print, Tiffany Crystal Windham Box and Recognition on Plaque at the Home of Law</td>
</tr>
<tr>
<td>$15,000</td>
<td>Centennial Leader</td>
<td>All Centennial Patron Gifts and Recognition, Plus a Naming Opportunity at the Home of Law</td>
</tr>
</tbody>
</table>

Sarah A. O’Connor
Eric J. Bock
Jeffrey S. Hurwitz
Louise M. Parent
Robert Bostrom
Mark H. Jackson
James W. Peck
Louis J. Briskman
Ellen Oran Kaden
Arnold A. Pinkston
Michael A. Brizel
Karl Peter Kilb
Bradford W. Rich
Paul T. Dacier
Adam R. Kokas
Curt S. Rush
Jennifer Daniels
Seth D. Krauss
Dennis L. Schoff
Janet L. Dhillon
Michael H. Lanza
Margaret K. Scif
Lloyd H. Fisher
Parkin Lee
D. Bruce Sewell
John G. Finnan, Jr.
Andrew W. Levin
Jeffrey S. Sherman
William S. Garner, Jr.
Robert A. Lonergan
Larry D. Thompson
Susan E. Goldy
Brian M. Martin
Richard Toomey
Sol Glassner
Michele Coleman Mayes
Andrea E. Utecht
Robert J. Grey
Bruce Metge
Richard H. Walker
Mary Beth Gustafsson
Sara E. Moss

NYCLA members receive a 20 percent discount* to the following concerts at the Metropolitan Museum of Art, located at Fifth Avenue and 81st Street. To purchase tickets, call 212-879-9999. (You must mention code NYCLA89 and provide your NYCLA ID number to get the discount) To order tickets online, register or log in with the source code NYCLA89, then proceed to the event on the C&L Calendar (www.metmuseum.org/tickets).

DJOLIBA ENSEMBLE OF MALI
Tuesday, October 7 at 8:00 PM
The Djoliba Ensemble of Mali uses traditional instruments, song and dance to portray the daily life of the colorful cultures of Mali, in Africa, in a contemporary way. The 20 members of the ensemble include singer Oumou Sangare and kora player Toumani Diabate, recognized performers in the Mandingo tradition. *Tickets are $40 (regularly $50)

ARTISTS IN CONCERT
Friday, November 7 at 8:00 PM
Haydn—String Quartet in G Major, Opus 76, No. 1; Beethoven—Septet in E flat Major, Opus 20; Cherubini—Pater Noster for Solo Violin and String Quartet, Tastemira—Rocking Mirror Daybreak for two violins. *Tickets are $28 (regularly $35)

MARC-ANDRÉ HAMELIN - Only New York Recital
Thursday, October 30 at 8:00 PM
Berg—Sonata, Opus 1; Chopin—Sonata No. 2 in B flat Minor, Opus 35; Alkan—Concerto for Solo Piano, Opus 39, Nos. 8–10. *Tickets are $36 (regularly $45)

LESLEY GORE
Friday, October 31 at 7:00 PM
As a solo artist in the 1960s, Lesley Gore had pop instincts and an independent spirit that stood out against the formulaic offerings on the radio. By the time she was 16, her hits rang like anthems for young American women and pointed the way for future generations of pop singers. *Tickets are $40 (regularly $50)

ARTISTS IN CONCERT
Friday, November 7 at 8:00 PM
Haydn—String Quartet in G Major, Opus 76, No. 1; Beethoven—Septet in E flat Major, Opus 20; Cherubini—Pater Noster for Solo Violin and String Quartet, Tastemira—Rocking Mirror Daybreak for two violins. *Tickets are $28 (regularly $35)

Respond as Generously

Top 10 Reasons to

1.) You will help allow NYCLA to make much needed renovations and improvements to its landmark building—the Home of Law—where lawyers and judges meet, where its programs and events occur and where its Library and staff are housed.

2.) You will help allow NYCLA to make much needed renovations and improvements to its landmark building—the Home of Law—where lawyers and judges meet, where its programs and events occur and where its Library and staff are housed.

3.) Hundreds of other NYCLA members have already given to this campaign and hundreds more have given in the past. It is only fair that you should do your part.

4.) NYCLA is an indispensable, irreplaceable resource for many lawyers, needy New Yorkers, and high school, college and law school students.

5.) You will feel good by being generous. You will make me feel good as well.

6.) NYCLA supports diversity, membership for all, access to justice, professionalism and the rule of law.

7.) Supporting a bar association and its law reform, pro bono and educational efforts are part of being a professional in the true sense of the word.

8.) NYCLA stands up for lawyers and judges when the need arises. They should stand up for NYCLA in its time of need.

9.) Those who make especially generous gifts are eligible to receive thank-you gifts in return or even naming opportunities. Moreover, your generous gifts may be made in the form of pledges over two or three years.

10.) If everyone responds, you will not have to read so many columns, letters and emails like this one appealing for funds.

For information on how to participate, please call Christina Andujar at 212-267-6646, ext. 221.
Two years ago, NYCLA and New York Law School launched a joint project, the Honorary Student Co-Chair Program, which provides law students with experience and insight into the legal community by appointing them honorary student co-chairs of NYCLA committees and sections. The student co-chairs attend meetings, conduct research and assist with other assignments.

New York Law School’s Mariana Hogan, professor of law and director of externship programs, who is also a member of NYCLA’s Board of Directors and chair of the Communications Committee, and Meg Reuter, assistant dean for career planning, created the program. Students are selected through a competitive process and finalists’ names are sent to NYCLA. NYCLA’s Membership Committee then reviews the applications and forwards resumes of promising candidates to appropriate committees and sections. Thirty-two two students have participated in the program thus far.

**Perspectives of Honorary Student Co-Chairs**

According to Alex Malychev, a second-year law student who served as honorary co-chair of the Real Property Section, “I helped organize a CLE program, Green Building 101. With the assistance of Section Chair Leo Genn, I had the opportunity to take my idea from the planning board to the finish line. Leo was great in letting me explore my areas of interest.” He continued, “Under Leo’s guidance, I identified and scheduled speakers, thus enabling me to make contacts in the legal community and learning the nuts and bolts of how events such as these are coordinated.”

Second-year law student Anna Skyarsky is entering her second year as an honorary co-chair of the Real Property Section. “Among the valuable lessons I’ve learned so far are: Make sure to get all your facts and contacts straight before moving forward. Communication can make or break any event, so having everyone on board is critically important. Be professional, even when you have to interact with unprofessional ‘professionals.’ And, finally, keep your cool and be prepared for the worst — for example, last minute cancellations.”

Third-year law student Elyssa Sims

(See Law Student Network, Page 15)

### New-York Historical Society Member Benefit

**By Jennifer Ni Wang**

The New-York Historical Society offers NYCLA members discounted membership rates: individual membership is $45 (regularly $55) and dual/family membership is $85 (regularly $100). The Society is located at 170 Central Park West. To join, contact Albert Min at 212-485-9288 or amalin@nyhistory.org.

Founded in 1804, the New-York Historical Society is New York City’s oldest museum, as well as a nationally recognized research institution. In addition to the four centuries of New York and American history it holds, the Society offers various educational programs for the public. Two of these opportunities are law-and politics-related exhibits that will be on display through 2008-2009 fall and winter seasons.

**If Elected: The Game Of American Politics**

*July 4, 2008 – January 20, 2009*

The New-York Historical Society will mark the occasion of the upcoming November election with an installation that surveys the history of American presidential elections through the lens of campaign ephemera and other items of material culture. The wide spectrum of 19th- and 20th-century presidential campaign memorabilia from the Society’s collection will be displayed, including lapel buttons, parade lanterns, flags, banners, whiskey bottles, thimbles, neckties and handkerchiefs. These objects illustrate the many forms of political persuasion that have been used over the past two centuries and reveal much about the nation’s changing election issues, prevailing political decorum and the characteristics that Americans value in their leaders.

**Nation At The Crossroads: The Great New York Debate Over The Constitution**

*November 14, 2008 – March 15, 2009*

The exhibition, to be presented online as well as in the Low Light Gallery at the Society, will illustrate and illuminate the intense process of argument and debate that preceded the vote of the 1787 New York State Convention to ratify the Constitution. It will tell a story, in the words of one guest curator of the project, historian Richard Leffler, “of political skill, hard-fought advocacy, and the political courage to compromise,” through documents, contemporary newspapers and broadsides, portraits and objects from the collection. Included will be such treasures as John Jay’s draft of Federalist #64 and the copy of the Constitution he annotated during the Poughkeepsie debate, John McKesson’s diary recording the debates on the floor, William Livingston’s marked-up draft of the Constitution with his notes from the Philadelphia convention, along with Rufus King’s on-the-spot reports of that event, as well as Giuseppe Ceracchi’s bust of John Jay (1792), watercolor depictions of the site of the meetings and of lower Manhattan’s Federal Hall and George Washington’s inaugural chair.

Ms. Wang is the Communications Assistant at New York County Lawyers’ Association.

---

**Perfect Together**

**Your Practice and Sterling’s Attorney Advantage Program: Perfect Together.**

At Sterling National Bank, we understand the challenges of practicing law and managing a successful business. Our senior decision makers work with you to create customized banking and financial solutions with products and services tailor-made for legal clients, including the ability to print certified checks right from your desktop!

Sterling’s Attorney Advantage benefits include:

- Sterling EZ-Cert™: On-site Certified Check Printing
- Escrow Accounts With Sophisticated Reporting Capabilities
- IOLA: Interest on Lawyer Accounts
- Master Attorney Accounts

We’re The Business Bank—our job is to help you grow. To speak to a specialist about Sterling’s Attorney Advantage program, please call (212) 757-1100.

Visit SterlingNationalBank.com

STERLING NATIONAL BANK

Est. 1929 Member FDIC

The Business Bank
Meet the Chairs

By Jennifer Ni Wang

We are continuing our profiles of newly appointed committees and section chairs, co-chairs and vice chairs.

Brian P. Corrigan
Associate, Holland & Knight LLP
Vice Chair, Estates Trusts Section
Brian P. Corrigan is an associate at Holland & Knight LLP, practicing primarily in the areas of probate and fiduciary litigation. Mr. Corrigan represents clients and companies in various contested Surrogate’s Court proceedings involving diverse issues, such as objections to wills and accountings, the validation of wills, termination of a decedent’s estate, probate proceedings by a decedent or agent, fiduciary removal and the construction of wills and trusts. His practice also includes commercial litigation related to estates and MHL Article 81 and SCPA Article 17 guardianship proceedings in Supreme and Surrogate’s Courts.

Mr. Corrigan has written articles and spoken at New York City Bar Association’s Court practice and trusts and estates law. He also commits a substantial amount of time each year to representing need people on a pro bono basis.

Mr. Corrigan graduated from Hofstra Law School, where he served as research editor of the Hofstra Labor and Employment Law Journal.

Sylvia E. Di Pietro
Law Office of Sylvia E. Di Pietro, LLC
Chair, Estates Trusts Section
Sylvia E. Di Pietro is a solo practitioner, providing a full range of services in the areas of estate planning, administration, drafting wills and trusts, complex estate litigation and planning, Guardianship counseling, petitioning and contested matters.

An accomplished speaker, Ms. Di Pietro has been an invited speaker on topics covering estate planning, conflicts over money and pre- and post-marital agreements. Her outside pro bono activities include having served as a pro bono employment/mentor to paralegal students at CUNY’s Associate Degree Program at New York City College of Technology in the Legal Assistant Studies Department.

Ms. Di Pietro was formerly the chair of NYCLA’s Real Property Section and co-chair of its subcommittee on Condoms and Coops (2004-2007). As a member of NYCLA, she has appeared as a speaker at CLE seminars, including Blueprint for Building Your Practice, and chaired the public forum debating the City’s West Side Stadium Project and the reception for New York City Council Speaker Christine Quinn. Currently, she is vice president of the New York Women’s Bar Association and a delegate to the New York Women’s Bar Association’s Co-Chair, Estates Trusts and Estates and Elder Law Sections, Committees on Elderly and Disabled, Estate Litigation and Pre-Mortem Probate, and chaired NYCLA’s Appellate Courts Committee from 1999 to 2002.

Ms. Di Pietro is a graduate of Brooklyn Law School.

Upcoming Committee Plans
Ms. Di Pietro and Mr. Corrigan plan to invite state and federal appellate court judges to speak at each of the Committee’s meetings. The Committee is also planning to sponsor a CLE program and issue a report on a topic of interest to appellate practitioners.

Mary Gail Gears
Partner, Bingham McCutchen LLP
Co-Chair, Securities and Exchanges Committee
Mary Gail Gears has more than 20 years of experience litigating in federal and state courts throughout the country and in proceedings before the SEC, state securities regulators and self-regulatory organizations. Her practice focuses at Bingham McCutchen LLP focuses on securities matters, including private securities litigation, regulatory enforcement proceedings, internal investigations and investigations by the SEC and other regulators. Her practice also includes the representation of multinational corporations, their officers and directors and other clients in a wide range of complex commercial matters, including partnership and shareholder disputes, RICO actions, fraudulent conveyance actions and various other business disputes. Ms. Gears’s experience includes all phases of litigation, from the initial pleading stage through trial and appeal. She serves as the firm’s national hiring partner and is the hiring partner for the New York office.

Ms. Gears has published articles about securities matters, including articles co-authored for the New York Law Journal and Derivatives Financial Products Report. She has also spoken at various events and CLE seminars. Ms. Gears has served as a member of New York City Bar Association’s Securities and Exchanges Committee and is a member of both the American Bar Association’s and New York State Bar Association’s Litigation Sections.

Ms. Gears is a graduate of Cornell Law School.

Helen Mangano
Law Office of Helen Mangano
Co-Chair, Securities and Exchanges Committee
Helen Mangano has been a solo practitioner for more than 15 years in the areas of litigation and arbitration. Earlier in her career, Ms. Mangano served as an enforcement attorney for the New York regional office of the SEC and as staff counsel in the New York office of the NASD. She has been a NYSE arbitrator and is currently planning to serve on the FINRA panel as a public arbitrator.

Ms. Mangano has been an active member of the Securities and Exchanges Committee for more than 20 years. She has conducted forum programs, CLE programs and committee meetings at NYCLA. Ms. Mangano values and views her committee work as educational and wants to carry on that tradition during her tenure.

Ms. Mangano is a graduate of New York Law School.

Upcoming Committee Plans
Ms. Gears and Ms. Mangano’s committee focus on education programs in the coming year. They plan to hold meetings with guest speakers who can offer their insights or lead discussions on topics of interest to securities law practitioners, such as the credit crisis and recent regulatory developments, including the impact on rate securities. They also plan to host CLE and other educational programs addressing recent developments and trends in securities law and regulation, including presentations concerning regulatory, compliance and enforcement matters and issues relating to private and derivative securities litigation.

Stephen C. Lessard
Associate, Orrick, Herrington & Sutcliffe LLP
Vice Chair, LGBT Issues Committee
Stephen Lessard is a partner in the Tax Group at Orrick, Herrington & Sutcliffe LLP, where his practice includes taxation of debt and equity offerings, collaborations, reorganizations, cross-border transactions and municipal finance. Mr. Lessard also has experience counseling non-profit organizations on federal tax law and corporate governance. He is active in the firm’s Diversity and Recruiting Committees, and has also engaged in a number of pro bono projects providing tax advice to non-profit organizations and writing briefs for the New York County District Attorney.

During a 20-year career with the U.S. Navy, Mr. Lessard served in a number of billets on ships and ashore as a surface warfare officer. While in the Navy, he was honored with various unit and service awards. Mr. Lessard has sought to continue his military service since retiring. He served as the Law Student Division Liaison to the ABA Standing Committee on Legal Assistance for Military Personnel and since 2005, has volunteered with the Legal Defense Network (SLDN). SLDN counsels LGBT service members about the “Don’t Ask, Don’t Tell” policy.

Mr. Lessard graduated from Georgetown University Law Center, where he was a member of The Tax Lawyer staff, serving as an executive editor and publications editor. He has published several articles on tax law issues, one of which received the 2006 Burton Award for Legal Achievement.

Upcoming Committee Plans
As vice chair, Mr. Lessard would like to see the Committee continue to sponsor programs similar to the Lawrence v. Texas forum that was recently held. He commented on the event, “I think [it] was a great success not only for the top-notch speakers and large audience that we attracted, but also because it was a forum for many of the City’s LGBT groups. I think that, too often, these groups have pursued separate agendas with little communication between them.” Mr. Lessard hopes that the Committee can continue to foster a more collaborative relationship among the City’s LGBT groups. He also plans to sponsor several networking and CLE activities of the Committee.

Ms. Wang is the Communications Assistant at the New York County Lawyers’ Association.
Andrew Hamilton Hall:
The Naming of NYCLA’s Auditorium

By Jennifer Ni Wang

Three quarters of a century ago, on October 19, 1933, Congressman James Beck gave a lecture at NYCLA, “The Nature of Citizenship,” to a standing-room-only crowd of 350 NYCLA members. Minutes later, this speech would prompt the eventual naming of the auditorium in which he was speaking as the Andrew Hamilton Hall. Beck, one of NYCLA’s founders and a member of the Board from 1914 to 1917, then rushed out of the building at 10:40 pm to catch a train departing from Grand Central Station. NYCLA’s then president, Charles A. Boston, took over and continued the meeting’s affairs.

Towards its conclusion, Boston commented:

“It occurred to me while [Beck] spoke, that it might be wise and desirable for some munificently inclined member of our Association to see that a tablet in this hall is erected to the memory of Andrew Hamilton, the Philadelphia lawyer, because he had the courage to come to the City of New York and defend Zenger in the accusation of libel...”

The president’s sentiments alluded to the resemblance of NYCLA’s assembly hall to the main chamber of Independence Hall in Philadelphia and that this hall is sufficiently near it to justify some recollection sometime that we, the people of New York, as well as the people of the United States, owe a debt to the architect of Independence Hall...”

The president’s sentiments alluded to the resemblance of NYCLA’s assembly hall to the main chamber of Independence Hall in Philadelphia, a comparison that was frequently made in various descriptions from the 1930s. Designed by architect Cass Gilbert, Sr., NYCLA’s Auditorium is indeed reminiscent of the interior of Philadelphia’s Independence Hall, where both the United States Declaration of Independence and Constitution were signed. The tablet in the main chamber of Independence Hall in Philadelphia, a comparison that was frequently made in various descriptions from the 1930s. Designed by architect Cass Gilbert, Sr., NYCLA’s Auditorium is indeed reminiscent of the interior of Philadelphia’s Independence Hall, where both the United States Declaration of Independence and Constitution were signed. In addition to the obvious similarity of these two milestones, Independence Hall is also said to be partially designed by the previously mentioned Andrew Hamilton, a “Philadelphia lawyer” whose reputation helped to coin the expression “Philadelphia lawyer” that is often used to refer to a New York lawyer. The tablet that would honor both the Zenger trial and Andrew Hamilton was erected in 1934, moved to appoint a committee to raise funds from NYCLA members for a tablet that would honor both the Zenger trial, Andrew Hamilton and the Home of Law. Weinberger declared, “…in New York, we often say, when we have a difficult problem, that you must get a Philadelphia lawyer to solve it. The reason we have that expression is because we had to go to Philadelphia to get Andrew Hamilton. I therefore move you that a Committee of three be appointed to undertake the raising of funds for the erection of such a tablet in this hall.”

At a November 27 directors’ meeting, a special committee consisting of three members, one of whom was Weinberger, proposed the tablet text with the concluding sentence, “This tablet presented by Members of the New York County Lawyers’ Association, A.D. 1934.” Over a month later, on January 4, 1934, Weinberger unveiled and formally presented the tablet at the Association’s meeting. Weinberger again paid tribute to the Zenger trial, stating, “It is fitting and proper in these times of stress and storm, when fear walks the earth, for lawyers on an occasion like this, while honoring a great fighter for liberty, to re-examine the guideposts of liberty and look at the old and appraise the new… No finer cause did any lawyer ever have than this Zenger trial.”

On March 9, 1934, in a ceremony at the original Independence Hall, NYCLA presented the Philadelphia Bar with a replica of the tablet that was first bestowed at NYCLA. Today, in our Centennial year, NYCLA’s Hamilton Hall remains the impressive site of many guideposts of liberty and look at the old and appraise the new… No finer cause did any lawyer ever have than this Zenger trial.”

Ms. Wang is the Communications Assistant at the New York County Lawyers’ Association.
and Ohio verdicts can be searched separately. The data include party name, attorney, expert, jurisdiction and the amount of the verdict or award. Because of an agreement with the publisher, this material is not available for public access but the Library staff can search it for you. We subscribe to the print version of VERDICTSEARCH NEW YORK but the indexing makes searching laborious. The Library staff can save your time and allow you to compare verdicts from several jurisdictions. Please contact us at reference@nycla.org to order a search.

**Featured Databases**

**ALM VERDICTSEARCH JURY VERDICTS (ALMS-JV, ALM-XX-JV)** is a group of databases supplied to WESTLAW by American Lawyer Media that contain summaries of state and federal civil verdicts, settlements, judgments and arbitration summaries of state and federal civil verdicts, by American Lawyer Media that contain a group of databases supplied to WESTLAW DICTS (ALMS-JV, ALM-XX-JV).

**Featured Title**

**Handling a Criminal Case in New York,** by Gary Muldoon, is a popular criminal law practice guide. It is written in a concise outline format that follows a case in New York State from representation and the assigned-counsel system to extraordinary remedies and appeals, with a chapter about juvenile and youthful offenders. Mr. Muldoon is a partner at Muldoon and Getz and dean of the Academy of Law of the Monroe County Bar Association. The first chapter is a “snapshot” of a criminal case and includes useful websites. The chapter on motion and hearing practice has a list of criminal hearings that shows when to use each one, provides statutory authority and shows which party bears the burden of proving the facts. Numerous checklists, practice pointers, charts, forms and case citations are provided. There are subject indices and forms with tables of cases and statutory references and a CD-ROM, which can be found at NYCLA Library’s reference desk. Federal criminal law is beyond the scope of this book.

**New Editions**


**NYCLA Job Postings**

NYCLA members can register online to receive new job postings by email. To register, log in at www.nycla.org and click on Jobs in the Members-Only section. You will automatically receive new job listings for 30 days. Members can easily extend or discontinue this free service. NYCLA will also post your job openings at no cost. Please send information electronically (PDF preferred) to cfragliossi@nycla.org. For more information, call Cindy at 212-267-6646, ext. 209.

**Attorneys’ Guide to Civil Practice in the New York County Supreme Court**

The 13th edition of the Guide is now available! You can view the Table of Contents at www.nycla.org (scroll down the homepage to News-June 13, 2008). An order form is enclosed in this issue. For more information, please call Cindy Fragliossi at 212-267-6646, ext. 209 or email cfragliossi@nycla.org.
The punishment meted out by the criminal justice system does not end once a person has served time for committing a crime and served his sentence. Rather, it is well known that convictions follow a person for the remainder of his life. The collateral consequences of a conviction can be severe and include being barred from the practice of law, losing the right to possess firearms, and losing the right to vote. These consequences also extend to the employment and housing sectors. Employment in many industries is heavily regulated by criminal background checks. In the event that a person has a criminal record, the likelihood of obtaining employment in these industries is significantly reduced.

On September 25, NYCLA hosted its annual Public Service Essay Contest – Eric Rosen, assistant district attorney; and Monyca White, staff attorney, The Legal Aid Society of New York. This year’s essay topic was: "The Sealing of Criminal Convictions: Should the System Ever Forget and Forgive?" Below are the winning essays.

**Essay #1, by Eric Rosen**

In that regard, there is little need to protect the public from those who commit petty offenses such as drug possession, shoplifting, and vandalism. These are offenses that do not pose a significant threat to public safety and should be treated as a part of the convicted person's public record. By adopting a policy that seals some convictions and enhances sentences for others, we are not only ensuring that the public is protected from those who pose a significant threat to public safety but also ensuring that we are treating those who have committed minor offenses with the same respect and dignity accorded to those who have committed serious offenses.

From the above analysis, it is apparent that there are two competing state interests: the interest in protecting society from potential harm and the interest in protecting society from the burden of criminal records. The use of criminal records for this purpose is quite valuable and serves to help convicts reintegrate into society. But there is also the need for society to protect itself against future harm. In balancing these interests, it is crucial to recognize the creation of a sliding scale, in which the severity of the offense and the likelihood of reoffending determine the severity of the sentence and the length of time the offender will remain in prison.

In these cases, a person could apply for sealing after the waiting period described above. The burden is on the individual to prove that he has worked to repair and become a productive member of society and the interest in protecting society against those who have shown the willingness to cause great harm. Put differently, society will not benefit if all criminal records are sealed. Instead, for crimes that are neither the most heinous nor the most petty, criminal records should be sealed after a significant period of time. This would be an important step in helping convicts reintegrate and become productive members of society.

**Essay #2, by Monyca White**

As attorneys, we are to believe that we have the power to create a system full of objectivity. We are led to believe that we can guidepost to the legal system as a whole as it moves to balance honesty and forgiveness. The legal system struggles to balance these two outcomes in ways that are often at odds. The legal system is based on the two fundamental human qualities of forgiveness and honesty. The legal system works to balance honesty and forgiveness.

We are led to believe that we can guidepost to the legal system as a whole as it moves to balance honesty and forgiveness. The legal system struggles to balance these two outcomes in ways that are often at odds. The legal system is based on the two fundamental human qualities of forgiveness and honesty. The legal system works to balance honesty and forgiveness.

**Criminal Justice Section’s Public Service Fellowship Essay Contest**

19 Years Experience
Competitive Fees
Definitive Answers To Your Exchange Transaction
Nationally Recognized
Certified Exchange Specialist™ On Staff

**WHY DON’T YOU WANT THE NORTHEAST’S LEADING QUALIFIED INTERMEDIARY TO HANDLE YOUR NEXT 1031 EXCHANGE?**

**Certified Exchange Specialist™ On Staff**

**EXCHANGE SOLUTIONS, INC.**

105 Greenwich Avenue, Suite 500, New York, NY 10014

**866-810-3707**

**www.exchange-solutions.com**

Design On Staff

**Members Of The Federation Of Exchange Brokers.**

**Trust The Professionals**

Diane Schaffer
Certified Exchange Specialist™

Frances Picoie
Senior Exchange Coordinator

Kim Rexions
Executive Assistant

EXCHANGE SOLUTIONS, INC.
51771-2480, Hempstead, NY 11520

www.exchange-solutions.com

Trust The Professionals

Diane Schaffer
Certified Exchange Specialist™

Frances Picoie
Senior Exchange Coordinator

Kim Rexions
Executive Assistant

EXCHANGE SOLUTIONS, INC.
51771-2480, Hempstead, NY 11520

www.exchange-solutions.com

Designer On Staff

Members Of The Federation Of Exchange Brokers."
NYCLA Issues Ethics Opinion 739 on Specialized Counsel Charging Fees for Services

NYCLA’s Professional Ethics Committee recently issued Opinion 739, which concludes that it is ethical for a plaintiff’s personal injury lawyer to retain specialized counsel to negotiate a client’s Medicare, Medicaid or private health care lien and charge the fee for those services as a disbursement against the settlement.

Traditionally, such liens were negotiated by a personal injury attorney as part of the services rendered in exchange for a contingency fee. However, the increasingly complex laws governing these liens have led to the development of specialized firms that negotiate such liens for a fee.

As stated in the opinion, a lawyer seeking to charge a fee for services as a disbursement must: (a) agree in a written retainer agreement at the outset of the representation that the attorney may do so; (b) pass on the charges (that must be reasonable) to the client at cost; (c) assure that the transaction results in a net benefit to the client on each lien negotiated; (d) also assure that the transaction complies with all principles of substantive law, including the fee limitations on contingent fees in the New York Judiciary Law and Appellate Division rules; and (e) retain responsibility for the overall work product.

The NYCLA Professional Ethics Committee is the oldest bar association ethics committee in the country and was the first to issue written ethics opinions. To download Ethics Opinion 739 and all other NYCLA ethics opinions, go to www.nycla.org and click on News & Publications and then on Ethics Opinions.

A Look at NYCLA’s EMIPS Section

The acronym EMIPS has often caused confusion for new NYCLA and EMIPS members themselves. EMIPS stands for the Entertainment, Media, Intellectual Property and Sports Law Section. Although EMIPS operates as one section at NYCLA, it is composed of several committees that address separate jurisdictions within the Section: Entertainment and Media, Intellectual Property and Sports Law. Each committee contributes greatly to the overall calendar of EMIPS and schedules monthly meetings in specific practice areas.

Public Policy Developments

July 22, 2008 – NEW YORK, NY – NYCLA’s Executive Committee has adopted the Report on the Uniform Prudent Management of Institutional Funds Act, prepared by NYCLA’s Non-Profit Organizations Committee. The report has been sent to the New York State Bar Association for consideration by the House of Delegates.

August 7, 2008 – NEW YORK, NY – NYCLA’s Professional Ethics Committee has issued Opinion 739 which concludes that it is ethical for a plaintiff’s personal injury lawyer to retain specialized counsel to negotiate a client’s Medicare, Medicaid or private health care lien and charge the fee for those services as a disbursement against the settlement. (For more information, refer to the front-page article.)

September 8, 2008 – NEW YORK, NY – NYCLA’s Board of Directors has adopted the Report and Recommendations on the Housing Court prepared by the Housing Court Subcommittee of the Task Force on Judicial Selection, co-chaired by Hon. Margaret J. Finerty and Susan B. Lindenauer. Paula Galowitz chaired the Subcommittee. The report proposes a number of reforms and revisions designed to better enable the Advisory Council and the Housing Court to perform their critical roles for the residents of New York City.

To read statements, reports, amicus briefs, letters and other documents related to NYCLA’s public policy initiatives, go to www.nycla.org and click on News & Publications.

Women’s Rights Committee to Co-Sponsor Program on Roe v. Wade

On Wednesday, October 15, NYCLA’s Women’s Rights Committee will co-sponsor a forum presented by the Women’s City Club (WCC), “What if Roe v. Wade Fell? Implications for New York State” that will take place at the Hunter College School of Social Work, 129 East 79th Street (at Lexington Avenue), 11th floor, Room 1010 beginning at 6:00 PM. (A networking and social half hour will take place from 5:30-6:00 PM.)

Event speakers are: Hon. Liz Krueger, New York State Senator and member of the Women’s City Club; Donna Lieberman, executive director of the New York Civil Liberties Union; and Katherine Grainger, vice president for Public Policy at NARAL-Pro Choice New York.

There is perhaps no political issue more volatile in the United States than abortion and no Supreme Court ruling that has been under more constant attack than Roe v. Wade. State laws have been enacted to restrict abortion, Congress has passed the first-ever ban on abortion procedures and anti-choice forces are waiting for the Supreme Court to overturn Roe. If this were to happen, what would this mean for women in general and women in New York State specifically? Would women be at risk of losing the right to choose? Would New York State need new legislation?

The event is free for members of Women’s City Club, students and media with I.D.; tickets cost $15 for non-members of WCC. Advanced registration is requested; please call 212-353-8070, ext. 204 to register.

In addition to NYCLA’s Women’s Rights Committee, event co-sponsors are NARAL Pro-Choice NY, Public Health Association of NYC and The Transition Network.
By Jennifer Ni Wang

On July 30, NYCLA’s Criminal Justice Section hosted Intern Night for summer interns interested in receiving firsthand guidance from seasoned professionals working in the New York City criminal justice system. Michael J. Yavinsky, co-chair of the Criminal Justice Section and Chief Court Attorney of the New York City Criminal Court, intended for the event “to give summer interns in the criminal justice system a forum where they can ask questions and obtain career advice from practitioners who will provide more practical answers than any placement office in a law school.” This goal was met, with Mr. Yavinsky and Section Co-Chair and solo practitioner Darin B. Wizenberg (pictured at right, second from left) leading the group in an open and enthusiastic discussion, addressing topics ranging from questions concerning law school to their experiences in the courtroom. Mr. Wizenberg later commented, “The dynamic between some of NYCLA’s ‘elder statesmen’ and the interns produced a riveting discussion that lasted hours. It was a sign of wonderful things to come.”

Ms. Wang is the Communications Assistant at the New York County Lawyers’ Association.

Ethics Hotline

October 1-15
Don Savatta
212-983-6000

October 16-31
Lameke Cannon
212-307-3300

November 1-15
Stacy Kerst
212-527-7721

November 16-30
Malvina Nathanson
212-608-6771

Questions to the Hotline are limited to an inquiring attorney’s prospective conduct. The Hotline does not answer questions regarding past conduct, the conduct of other attorneys, questions that are being litigated or before a disciplinary committee or ethics committee, or questions of law. This notation shall not be construed to contain all Hotline guidelines. For a full discussion of Ethics Hotline guidelines, please see “Guidelines on NYCLA’s Ethics Hotline,” September 2006, New York County Lawyer, Vol. 2, No. 7.

Substance Abuse Hotline

Attorneys, judges, law students and members of their immediate families can get confidential help with alcohol or substance-abuse problems 24 hours a day, seven days a week, by calling the toll-free hotline 800-255-0569.

VINCENT JAMES
Management Co.

With many years of experience managing hundreds of commercial and residential properties, encompassing millions of square feet across the country, our clients sleep well knowing that rent collections, bookkeeping, real estate tax payments, inspections, repair and maintenance, leasing, major capital improvements, interface with governmental agencies, and all management services will be vigilantly attended to.

Out commitment to timely and efficient service, flexibility and responsiveness to clients, requirements, and meticulous documentation provides further assurance that, regardless of whether properties are brought to us in the highest end of luxury, or deeply distressed with limited funds, we do our utmost to protect against potential liability.

- Real Estate Property Management
- Land Use Consulting Services
- Licensed Real Estate Broker
- Specializing in Court Appointments and Receiverships

Call Robert J. Fonti
212-532-4915 / phone
631-692-5064 / fax
Women’s Rights Committee Hosts Book Signing with Hon. Carolyn B. Maloney

On July 28, NYCLA’s Women’s Rights Committee hosted a book-signing event for Hon. Carolyn B. Maloney, U.S. congresswoman and nationally recognized advocate for women’s rights and family issues, at the Home of Law. The event was videotaped by C-SPAN 2’s Book TV, a cable program that appears every weekend, from Saturday, 8:00 AM to Monday, 8:00 AM, featuring lectures and book-signing events presented by authors of nonfiction works.

Congresswoman Maloney is the author of the recently published book, **Rumors of Our Progress Have Been Greatly Exaggerated: Why Women’s Lives Aren’t Getting Any Easier and How We Can Make Real Progress for Ourselves and Our Daughters**, which tells inspirational stories of those who are making a difference in the advancement of women’s rights—and provides a “Take-Action Guide,” highlighting what readers can do to move progress along in their own communities.

As former co-chair of the Women’s Caucus, Congresswoman Maloney has access to a wealth of cutting-edge data.

From left to right: Ann B. Lesk, NYCLA President, Congresswoman Maloney, Molly E. O’Rourke, Cadwalader, Wickersham & Taft LLP, co-chair, Women’s Rights Committee; and Susan L. Harper, Baritz & Colman LLP, event chair and co-chair, Women’s Rights Committee.

Her book exposes the myth that women have achieved equal status with men in American society. Why, Congresswoman Maloney asks, are women still getting paid only a little more than three-quarters of what men are being paid? In addition to wage discrimination and paycheck fairness, NYCLA’s Women’s Rights Committee co-sponsored the event. To read Congresswoman Maloney’s remarks, go to www.nycla.org and click on News & Publications and then on Speeches. Book TV book-signing events are often available on YouTube; please go to: www.youtube.com/booktv for more information.

### Musicians from Marlboro

NYCLA members are invited to the 44th season of Musicians from Marlboro, held at the Metropolitan Museum of Art at Fifth Avenue and 81st Street on Friday, December 12 at 8:00 PM. Tickets under this offer are $25 (normally $40) and include free admission to the Museum. You are also invited to a free wine-and-cheese reception with the artists after the concert, to be held at the Goethe Institute at 1014 Fifth Avenue (across the street from the Metropolitan Museum). To take advantage of this discounted ticket offer, please contact Tessa Chermiset at 212-581-5197, ext. 12 or at vchermiset@marlboromusic.org and provide your NYCLA ID number.

**Janaček - String Quartet No. 1 (“Kirnitzschtal”)**  
Mozart - String Quartet in E flat Major, K. 614  
Mendelssohn - Octet in E flat Major, Opus 20

**Save the Dates!** The final two concerts this season will be held on February 20, 2009 and May 1, 2009.

## S E R V I C E D I R E C T O R Y

### OFFICE SPACE

- **OFFICE SPACE**
  - **SECURITIES LAW**  
    John E. Lawlor, Esq.  
    Securities Arbitration / Litigation; FINRA Arbitrations; Federal and State Securities Matters  
    (516) 248-7700  
    129 Third Street  
    Mineola, NY 11501  
    johnlawlor.com

- **2 LARGE (16X13) WINDOWED OFFICES**  
  In new Law Suite on Franklin Avenue, Garden City. “A” Building, reception, conference room, kitchen secretarial space, photocopy included. Associate office available, ample parking, close to all.  
  516-742-7900 ~ Ask For Lou

- **OFFICES FOR RENT**
  - **OFFICE FOR RENT**
    Wall Street Office  
    Phone & Mail $125/mo.  
    Mail Service Only $70/mo.  
    • Beautiful corporate setting  
    • Attended reception area  
    • Personalized phone services  
    • Paging - Patching - Voice Mail  
    • Mail receiving, photocopier, fax services  
    • Conference rooms, furnished  
    at 110 Wall St., 11th Floor  
    (800) 205-7685  
    info@yourwallstreetoffice.com

#### Need to rent a property?  
Call To Advertise  
631-427-7000

### LEGAL SERVICES

- **APPELLATE ATTORNEY**  
  MARY ELLEN O’BRIEN-PALMIERI  
  FORMER APPELLATE DIVISION COURT ATTORNEY  
  NYCLA MEMBER  
  APPEALS - COMPLEX MOTIONS - MEMORANDA ORAL ARGUMENTS  
  OBRIENMEATTORNEY@AOL.COM  
  (516) 873-1632  
  CELL: (516) 319-3237

- **LEGAL SERVICES**
  - **LEGAL SERVICES**
    Court Appearances  
    Bronx, Westchester, Rockland & Orange  
    Referrals to other counties  
    JOEL ZUCKERBERG  
    Attorney at Law  
    Trial and conferences. Experienced. Reasonable  
    914-762-5815  
    Cell 914-762-4584  
    FAX 914-945-7158

#### Find The Qualified Help You Need!  
Call To Advertise  
631-427-7000

### Lawyer to Lawyer

**Advertising at reasonable rates**

REACH members of the bench and bar in  
**SUFFOLK, NASSAU, QUEENS & KINGS COUNTIES**  
through LONG ISLANDER NEWSPAPERS’  
ATTORNEY PUBLICATIONS  
631-427-7000

#### Need to rent a property?  
Call To Advertise  
631-427-7000

### OFFICE SPACE

- **OFFICE SPACE**
  - **Storefront For Rent**  
    $550 mo.  
    For General Practitioner / R.E. Attorney  
    Includes Storefront sign Share with 1 CPA  
    Bayside / Whitestone Border  
    Off Francis Lewis Blvd  
    (917) 733-0649

- **OFFICE SPACE**
  - **For General Practitioner / R.E. Attorney**  
    Includes Storefront sign  
    Share with 1 CPA  
    Bayside / Whitestone Border  
    Off Francis Lewis Blvd  
    (917) 733-0649

- **OFFICE SPACE**
  - **Wall Street Office**  
    Phone & Mail $125/mo.  
    Mail Service Only $70/mo.  
    • Beautiful corporate setting  
    • Attended reception area  
    • Personalized phone services  
    • Paging - Patching - Voice Mail  
    • Mail receiving, photocopier, fax services  
    • Conference rooms, furnished  
    at 110 Wall St., 11th Floor  
    (800) 205-7685  
    info@yourwallstreetoffice.com

#### Need to rent a property?  
Call To Advertise  
631-427-7000
Law Student Network (Continued From Page 7)

served as section secretary to the Criminal Justice Section and participated in a wide range of discussions during section meet-

ings. “Working with distinguished judges and attorneys was an excellent opportunity for me to learn more about criminal law, as well as their practical aspects of being an attorney, from both the prosecution and defense sides,” said Elsya. “The most valu-

able experience for me was the networking opportunities. Any chance I got, I made sure to sign up for events and speak with attorneys about what they did. NYCLA members are friendly and approachable and did what they could to help me out, whether it was offering general career advice or helping me select a class.” She continued. “There was always open and frank discussion about the positives and negatives in specific practice areas, which, I felt, gave me a well-balanced perspective of what’s it’s like to practice criminal law, which is the area that I’d like to pursue.”

Andrew Pruitt, a second-year law stu-

dent, is entering his second year as the hon-

erary co-chair of the Foreign and International Law Committee. He said, “I

assisted the chair in planning, organizing and obtaining CLE credit for committee events. I worked with lawyers who are

active in the legal community and commit-
ted to excellence in their field. I especially enjoyed learning about the community service aspect of the legal profession.”

As honorary co-chair of the Construction Law Committee, first-year law student Jonathorl Ciceri wrote the first draft of NYCLA’s Task Force on Judicial Selection report on the New York State Bar Association’s proposed code of ethics for administrative law judges. He also participated in drafting a Construction Law Committee report dealing with a pro-

posal to amend the charter to reorganize the Department of Buildings. “Jonathorl and I also worked collaboratively on schedul-
ing meetings, coordinating speakers and preparing meeting minutes,” explained Carol Sigmond, chair of the Construction Law Committee. She added, “He is a terrific young man with a bright future ahead of him.”

Another first-year law student, Jessica Nitze, served as honorary co-chair of the Non-Profit Organizations Committee. “I

attended committee meetings and conduct-
ed research with members on a report on the Uniform Prudent Management of Institutional Funds Act,” she said.

Final Thoughts “Thanks to my participation in this pro-

gram, I have been able to apply the con-

cepts that I learned in my classes to the rel-

evant and timely issues of concern to the legal community,” said Mr. Pruitt. “I worked collaboratively with lawyers prac-

tering in an area in which I am interested,”

said Ms. Nitze, “and, during the report-

writing process, I honed my research Skills.” Ms. Sims added, “This program provides law students with access to a net-

work of legal professionals that is unparal-

leled. Students gain an insider’s view of a wide range of practice areas, which they

would not get from just attending class or working for a firm. In addition,” she con-

cluded, “NYCLA is an excellent resource for job opportunities, volunteer work and legal information.”

CLE Programs (Continued From Page 5)

Early Registration Fee (on or before 10/19) Membership: $70 Non-Member: $95 Registration Fee: (10/20-21) Member: $95 Non-Member: $120 Member: $95 Non-Member: $120

Thursday, October 23

6:00 – 9:00PM INTERNATIONAL COPYRIGHT: WHAT THE U.S. PRACTITIONER NEEDS TO KNOW 3 MCLE Credits: 1 Skills; 2 Professional Practice; Transitional and Non-Transitional Early Registration Fee: (on or before 10/21) Member: $125 Non-Member: $165 Registration Fee: (10/22 – 10/23) Member: $150 Non-Member: $190

Friday, October 24

9:00AM – 5:00PM MASTERS IN TRIAL: STATEMENTS TO JURY DELIBERATIONS 7.5 MCLE Credits: 1 Ethics, 5 Skills; 1.5 Professional Practice; Transitional and Non-Transitional Early Registration Fee: (on or before 10/22) Member: $280 Non-Member: $380 Registration Fee: (10/23 – 10/24) Member: $305 Non-Member: $405

Tuesday, October 28

6:00 – 9:00PM LITIGATION IMPLICATIONS OF THE SUPRIME MORTGAGE CRISIS 3 MCLE Credits: 3 Professional Practice; Transitional and Non-Transitional Early Registration Fee: (on or before 10/26) Member: $125 Non-Member: $165 Registration Fee: (10/27 – 10/28) Member: $150 Non-Member: $190

Wednesday, October 29

6:00 – 8:00PM NYCLA ETHICS INSTITUTE, PROGRAM 1: CONFRONTING ETHICAL ISSUES ARISING DURING LITIGATION 3 MCLE Credits: 3 Ethics; Transitional and Non-Transitional Early Registration Fee: (on or before 10/27) Member: $125 Non-Member: $165 Registration Fee: (10/28 – 10/29) Member: $150 Non-Member: $190

Library Notes (Continued From Page 10)


Warren’s Heaton Surrogates


Periodicals


“There’s Danger Here, Cheri!”, Liability for the Promotion of Marketing and Drugs and Medical Devices for Off-Label Uses. Brooklyn Law Review, vol. 73 no. 4 (Summer 2008).

ELECTRONIC RESEARCH CENTER CLE TECH COURSES

October

Tuesday, October 7

1:30-2:30PM WESTLAW: BANKRUPTCY 1 MCLE Credit: 1 Skills; Transitional Member: Free Non-Member: Free

Tuesday, October 7

3:00-4:00PM WESTLAW: ADVANCED 1 MCLE Credit: 1 Skills; Transitional Member: Free Non-Member: Free

Wednesday, October 8

10:30-11:30AM

LEXIS: NEWS & PUBLIC RECORDS

Tuesday, October 10

10:00AM-12:30PM BANKRUPTCY COURT ELECTRONIC CASE FILE SYS TEM 2.5 MCLE Credits: 2 Skills; Transitional Member: $65 Non-Member: $85 Non-legal Staff: $35

Thursday, October 16

11:00AM-12:15PM BLOOMBERG PROFESSIONAL: INTRODUCTORY CLASS 1.5 MCLE Credits: 1 Skills; 5 Law Practice Management; Transitional Member: Free Non-Member: Free

Friday, October 24

10:00-11:00AM WESTLAW: BASIC 1 MCLE Credit: 1 Skills; Transitional Member: Free Non-Member: Free

Friday, October 24

11:30AM-12:30PM WESTLAW: ENTERTAINMENT LAW 1 MCLE Credit: 1 Skills; Transitional Member: Free Non-Member: Free

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

(Act of Oct. 23, 1974: Section 4360, Title 39, United States Code)
Legal Media Publishing offers an unsurpassed opportunity to reach more than 27,000 attorneys in five counties with official law publications reaching members of the bench and bar from Manhattan to Montauk - and all points in between.

We publish the official publications of the New York County Lawyers Association as well as the Bar Associations for Brooklyn, Queens and Suffolk Counties. We also publish The Attorney of Nassau County for members of the bench and bar in Nassau County.

Our readers comprise a group with significant buying power. In addition to purchasing goods and professional services vital to the practice of law, the readers of our legal publications are a lucrative market for high-end lifestyle advertising, including luxury cars, homes and vacations.