First Amendment Protection for Employees’ Social Media Activity

By Jamie Sinclair, Esq., Meredith Singer, Esq., and Jacob Tebele, Esq.
Edited by Stephen McQuade, Esq.

The media storm surrounding Phil Robertson’s remarks on homosexuality and Justine Sacco’s tweet regarding AIDS made via social media? In other words, does the First Amendment protect an employee’s social media activities? The answer, as with everything else in the law, is that it depends.

The law differentiates between private sector employees (i.e. those who work primarily for businesses) and public sector employees (those who perform official functions and/or public service for a municipality, governmental entity and/or agency, such as law enforcement, public education, and public safety). As a general rule, the First Amendment applies only to public sector employers. In most states, private employers generally have pre-established social media policies in place, and in any event, they employ their employees at will, and a termination decision cannot be challenged unless it falls under a prohibited form of discrimination.

Based upon the Supreme Court’s decisions in Pickering v. Board of Education,6 and Connick v. Myers,7 there are two major elements to a public employee’s First Amendment claim. First, a public employee’s speech must address a matter of public concern. Speech becomes a matter of public concern when it relates to a political or social matter or any other matter that concerns the community as a whole. Second, the employee must show that the interest in his or her free speech outweighs the employer’s interest in an efficient workplace. In certain circuits, the First Amendment also protects "the right to be free from retaliation by a public official for the exercise of [First Amendment] rights."8 In a retaliation claim, a terminated public employee must also show that his or her speech was a substantial factor in the employer’s termination.9

Although the courts have been successful in providing the public with certain basic guidelines or factors, the outcome is ultimately fact-specific, as revealed by a recent case in the Fourth Circuit Court of Appeals. In Bland v. Roberts,10 the plaintiffs, former employees of the Hampton Sheriff’s office, brought suit alleging that the Sheriff of the City of Hampton, Virginia retaliated against them in violation of their First Amendment rights by choosing not to reappoint them because of their online support of the Sheriff’s electoral opponent. The facts of the case are dramatic: the Sheriff was up for re-election in November 2009, having served as sheriff for the prior 17 years. His opponent, Jim Adams, had previously been employed at the Sheriff’s office for 16 years. During the campaign season, some of the plaintiffs engaged in activities such as “liking” the opponent’s campaign Facebook page, posting words of encouragement on the page, and attending a barbeque in support of his election, photos of which were posted on Facebook. When the Sheriff won the re-election, he failed to reappoint the plaintiffs to their positions. In their complaint, the plaintiffs alleged they were not reappointed based on their lack of political allegiance to him in the 2009 election. They then brought suit alleging violation of their First Amendment rights of association and free speech.

The district court granted summary judgment in favor of the Sheriff. In analyzing the plaintiffs’ free speech claims, the district court noted that “merely ‘liking’ a Facebook page [was] insufficient speech to merit constitutional protection” and that the record did not sufficiently describe what statement [plaintiff] made.” (See Risk on page 3)

Legal Risks in Cloud Computing: Keys to Navigating the Storm

By Joseph J. Bambara, Esq.

Cloud computing is a paradigm of computing in which dynamically scalable and often virtualized resources are provided as a service over the Internet. Users need not have knowledge of, expertise in, or control over the technology infrastructure in the “cloud” that supports them. The term “cloud” is used as a metaphor for the Internet, based on how the Internet is depicted in computer network diagrams and is an abstraction for the complex infrastructure it conceals.

Cloud computing is an evolution from these previous efforts at shared computing. As prices for processing power and storage have fallen and high-speed Internet connections have become ubiquitous, cloud computing has become an increasingly attractive option for many individuals and businesses.

Types of Cloud Computing Services

Software as a Service (SaaS) is the most common and widely known type of cloud computing. SaaS applications provide the function of software that would normally have been installed and run on the user’s desktop. With SaaS, however, the application is stored on the cloud computing service provider’s servers and run through the user’s web browser over the Internet. Examples of SaaS include: Gmail, Google Apps, and Salesforce.

Platform as a Service (PaaS) cloud computing provides a place for developers to develop and publish new web applications stored on the servers of the PaaS provider. Customers use the Internet to access the platform and create applications using the PaaS provider’s API, web portal, or gateway software. Examples of PaaS include: Salesforce’s Force.com, Google

| See Risks on page 3 |
By Natalia Sulimani, Esq.

Social media is a cost effective way to promote your firm, and it helps you connect with potential clients. Before you embark on a social media campaign, let's explore the ethical considerations.

In the case where an attorney or law firm uses social networking as a way to market the practice, the traditional attorney advertising rules still apply. If anyone has ever attended my CLEs regarding social media and ethics, I have started the class by repeating the same line: Technology changes but the ethics rules do not change as quickly, and social media are applied the same online and offline.

First, make sure you reacquaint yourself with Rule 7 of the Rules of the Professional Conduct. Given the fast pace of the Internet, it may seem burdensome or difficult to abide by these guidelines. My suggestion is to use your firm’s website, which is probably already compliant, as the underlying platform for any advertising you may do online.

When setting up your social media for online advertising, first you must decide on your “handle” (in the case of Twitter) or username. It is not advisable to use a name that may be misleading or promise a particular outcome. So, when choosing your handle or username, while your firm name or personal name may be appropriate, be careful if you choose to use a name like “Facebook.com/alwaysgood” as this might create an expectation in a potential client.

Once you have chosen your name and signed up for an account, your next step is usually a description of who you are, what your firm does, etc. You want your message to be unified and cohesive. To comply with the Rules, it should neither contain statements that are deceptive or false nor should it reference yourself as an “expert” unless you do, in fact, fall into that narrow category, e.g., you passed the patent bar. On that note, a potential pitfall in LinkedIn is filling out the Specialties section of your profile. According to the Rules, you cannot call yourself an expert unless you have specific credentials, e.g., Patent Bar. So, I would suggest skipping this section altogether and instead fill out the “Skills and Expertise” section.

When utilizing peer or client recommendations post a disclaimer such as Prior Results Do Not Guarantee Outcome in a prominent position. Also, give your client’s consent in writing that they should never mention an ongoing matter. Lastly, review all recommendations and make sure they accurately portray what you did for the testi- monial.

Now you are ready to begin the task of marketing yourself through social media or to a lesser extent just interacting with the social stratosphere at large. However, it is vital that you keep in mind and guard against not making representations that will cause unrealistic expectations or provide a false impression. Usually, this takes the form of excited utterances after a great win. Or, perhaps more you had a bad day at court and need to vent to the world the impressive array of latent pitfalls. Does self-collection present too much temptation for custodians to delete unfavorable evidence? Even if existing to a truth, doesn’t it create a broad run the risk that custodians may overlook, alter, or delete relevant documents? How can you balance the temptation of maintaining the integrity of your discovery efforts against the need for controlling the costs associated with over-collection? We will address these questions with the help of two well-known experts: Mark Sidoti, Director of Governance and PC’s E-Discovery Liability and Business & Commercial Litigation Departments and Chair of the firm’s E-Discovery Task Force, and Kevin Treuberg, former Counterintelligence officer and current Director of Forensic Services at Complete Discovery Source (CDS) with more than 20 years of experience in E-Discovery.

KNOUFF: There have been several opin-
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NYCLA programs feature notable speakers and well-known authors who make learning come to life, like Jeffrey Toobin, author of The Oath: The Secret History of the Supreme Court; and CNN anchor — who discussed his book The Oath, and answered questions.

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Continued from page 1

On appeal, the Fourth Circuit affirmed in part, reversed in part, and remanded for a trial. In determining whether the plaintiff’s conduct amounted to speech, the Fourth Circuit analyzed the significance of “liking” a Facebook page. The court noted that each day more than 500 million Facebook members use the site and more than three billion “likes” and comments are posted. The court also found that “[l]iking on Facebook is a way for Facebook users to share their reactions with each other,” that “[l]iking something on Facebook is an easy way to let someone know that you enjoy it and that ‘[l]iking a Facebook Page’ means the user approves of the candidacy whose ‘likes’ and comments are posted. The court found that “[l]iking” on Facebook is a “likes” and comments are posted. The court understood the role of social media policies were lawful. The NLRB also ruled that placing a general savings clause in a social media policy prevents employers from engaging in protected activity like posting a picture of an employee carrying a picket sign. Lastly, the NLRB also ruled that placing a general savings clause in a social media policy is generally not permitted and does not prevent a policy from being deemed overbroad. 15

First Amendment topic is sure to enjoy continued attention on all sides in the coming years. As courts, agencies, and companies continue to struggle to balance free speech with workplace efficiency, the courts, agencies, and companies continue to struggle to balance free speech with workplace efficiency, the

Jamee Sinclaire, Esq., a Member of NYCLA’s Labor & Employment Law Committee, is an Associate at Goddstein, Rikon, Rikon & Haughton, P.C.

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Message from Barbara Moses President of NYCLA

Message from the NYCLA Foundation Fostering a Better Community

Dear Member:

Many New Yorkers are in need of help with legal services, including food, shelter, and clothing. The difficulty of making ends meet extends to legal services, with the cost of legal representation and advice often of no help for those needing it. The resources available in the legal services community are not always sufficient. At times like this, NYCLA is ready to lend a helping hand to address the gap between the growing number of persons who need assistance, but cannot afford or obtain services, and the limited resources through NYCLA’s pro bono programs. Our Members seek to improve the lives of and empower low-income New Yorkers by providing high-quality pro bono services.

One way in which pro bono assistance is offered is through the Manhattan CLARO Project (Civil Legal Advice and Resource Office). This free, walk-in clinic provides limited legal advice to pro se litigants with consumer debt matters in the New York City Courts. Created in response to the growing number of low-income individuals being sued in Civil Court by collection agencies, volunteer attorneys provide unrepresented litigants with information and resources to help them represent themselves effectively.

You can help support NYCLA’s pro bono projects such as this one by:

• Serving as a volunteer attorney in the Manhattan CLARO Project. NYCLA Members in good standing and admitted to the New York bar for at least one year can attend our upcoming spring training to get started. Visit nycla.org for training session details and to register.

Making a contribution to the NYCLA Foundation to help support NYCLA’s pro bono projects and in turn, help those in need. The NYCLA Foundation depends on your contributions to support the work that we do to benefit both the profession and the public. Consider making a gift to help NYCLA committee, is an Associate at Certilman Balin Adler & Hyman, LLP.


Id.


10 Id.

11 Id.

12 Id.

13 Id.

14 Id.

15 Id.

Together we can foster a better community.

Loew F. Tesser, President NYCLA Foundation


Suarez Corp. Indus. v. McFar, 202 F.3d 678, 685 (4th Cir. 2000).


Id. at 3-4.

Id. at 7-8.


Id. at 20.

Id. at 6.

Id. at 7.
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**Privacy and Cloud Computing Services**

Legal rights and regulatory authority for access to user data and applications, it is possible that your privacy could be compromised. Regulatory compliance may be impossible if your cloud computing service provider does not have access to it and under what circumstances? Can the customer—like Google or Microsoft—violate HIPAA? The federal Health Insurance Portability and Accountability Act (HIPAA) is applicable to health care providers and health plans. Under HIPAA’s Privacy Rule, a covered entity may not use or disclose protected health information (PHI) unless permitted by the Rule, or as authorized by the Rule, or as required by law. The HIPAA Privacy Rule is designed to safeguard the confidentiality, integrity, and availability of electronically protected health information (EPHI). The Health Insurance Portability and Accountability Act (HIPAA) sets out standards for patient privacy and security in the event of a breach of sensitive information or health information. This article is just an overview and enu-

**Risks**

Continued from page 3

App Engine, and Zoho Creator. Infrastructure as a Service (IaaS) seeks to obviate the need for customers to have their own data centers. IaaS providers gain customers access to web storage space, servers, and Internet connections. The IaaS provider must maintain the hardware and customers rent space according to their current needs. An example of IaaS is Amazon Web Services. IaaS is also known as utility computing.

Legal rights and regulatory authority for access to user data and applications, it is possible that your privacy could be compromised. Regulatory compliance may be impossible if your cloud computing service provider does not have access to it and under what circumstances? Can the customer—like Google or Microsoft—violate HIPAA? The federal Health Insurance Portability and Accountability Act (HIPAA) is applicable to health care providers and health plans. Under HIPAA’s Privacy Rule, a covered entity may not use or disclose protected health information (PHI) unless permitted by the Rule, or as authorized by the Rule, or as required by law. The HIPAA Privacy Rule is designed to safeguard the confidentiality, integrity, and availability of electronically protected health information (EPHI). The Health Insurance Portability and Accountability Act (HIPAA) sets out standards for patient privacy and security in the event of a breach of sensitive information or health information. This article is just an overview and enu-

**Summary**

This article is just an overview and enum-

**The Patriot Act**

The USA PATRIOT Act (Public Law Pub.L. 107-56) allows law enforcement agencies to compel disclosure of virtually any document, including elec-

**The New York County Lawyer**

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Joseph J. Bambara, Esq.,
Co-Chair of NYCLAs
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is currently In House counsel and VP of
techology at UCNY, Inc., where he serves as
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Speak Successfully, Even When You Don’t Feel Like Speaking!

By Maria Guida

Do you sometimes have to speak in the office, boardroom, or courtroom when you are not motivated or just not feeling your best?

To get motivated, deliver your message well, and project the desired qualities, attorneys should borrow a technique that actors use for rehearsal and before going on stage: “sense memory” or “affective memory,” as is it sometimes called.

To put yourself into the right frame of mind (and body!), you can learn to “trigger” whatever emotion or quality you desire that will help you speak with poise and power. As actors do, you can recreate sensations you experienced in the past that will prepare you to deliver your message with optimum success.

When you use this technique, your body will not know the difference between what is real and what has been re-created by you, so you will be able to feel and project qualities that will help you achieve your speaking goals.

Rehearse the following three steps, and do this process right before your important speaking moment:

1. Think of a situation in your past that made you feel any emotion/quality that you would like to project when you are speaking for business.
2. Be very specific, and take time to remember the physical and sensory environment of that past event. Recall the surroundings in great detail: the temperature of the environment, what you were wearing, what you saw, heard, smelled; all the physical sensations you experienced at that time.
3. Bring as many sensory details of the past event as possible to your mind. Allow your memory to transport you back to that time. Now rehearse your content aloud; the sensory work will immediately impact your energy level, tone of voice, and demeanor.

Practice this technique for a few minutes every day. Over time, you will become adept at “sense memory” and be able to access the target feelings/speaking behaviors more and more quickly.

Right before an important business conversation, pitch, or appearance in court, you will be able to use this technique to re-create emotions/behaviors of your own choosing that will enhance your credibility and help you project the image you desire.

Maria Guida is a speaking strategist/coach at major law firms and law associations, as well as a corporate and television spokesperson. As an actor on Broadway, TV, and film, she has worked with Paul Newman, James Earl Jones, and Kevin Kline. Maria can be reached at 718-884-2282 or via email at mariasuccesfulspeaker.com.

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SOCIAL MEDIA

Continued from page 2

The question posed to the NYSBA is whether a lawyer could answer legal questions online and whilst doing so, could they offer their services. Would this constitute solicitation? The NYSBA opined that an attorney could provide general answers to online questions for the purpose of education. If the person asking the question does ask the lawyer about his or her services, the lawyer should respond privately regarding his or her services so it would not be publicly seen. The opinion goes on to further state that answering a question individually could create an attorney-client relationship. So, the best rule of thumb is to answer generally with the intent on educating the general public. Anything further, take the conversation offline.

This is just the beginning of many opinions regarding attorney ethics and social media and the tips above are by no means exhaustive. So, when in doubt, check your local rules and utilize the Ethics Hotlines provided by bar associations such as the one available through NYCLA.

Natalie Sulmanti, Esq., is the founder and partner of Sulmanti & Naboum, PC and the past Co-Chair of the NYCLA Cyberpace Law Committee. She is engaged in a wide variety of intellectual property, technology, and general corporate matters with a focus on startup, entrepreneurs, and small- to medium-sized businesses. She has represented both domestic and international clients in an array of industries, including internet and new media, entertainment, jewelry, consulting, and the arts.
that is generally autonomous, unsupervised, and unregulated. This connotation may be altered by design, techniques to collect relevant data in a manner that changes the least amount of metadata (if any). As the sophistication of data collection becomes more important, and people under take their collections on their own, without the assistance of outside service providers. While this may be true in the short term, when mistakes occur, the cost tables may be turned. This is why regulated and careful self-collection is essential.

TREUBER: I agree with Mark. It’s a controversial topic because there will always be the argument of cost versus risk. For example, a client may decide not to engage in self-collection when the matter is a high-stakes government investigation, whereas self-collection may be used when that same client is conducting an internal investigation. However, on both examples, it is certainly recommended that advice is sought prior to collection.

KNOUFF: Sedona Conference Principle 6 states “Responding parties are best situated to evaluate the procedures, methodologies, and technologies appropriate for preserving and producing their own electronically stored information.” By corollary, would it be fair to say that individual data custodians are in the best position to evaluate the procedures, methodologies, and technologies appropriate for preserving and producing their own electronically stored information? In order to make that determination, counsel needs to be familiar with the contents of the custodians’ document repositories. Too often, an individual’s problematic practices, or even overt bad acts, are not discovered or probed by counsel until a witness is under oath describing activity that should not have been done. This is precisely the reason why, under Principle 6, counsel to supervise the collection process. However, as more IT professionals know, the simple process of accessing ESI on a hard drive alters the document metadata, which can lead to significant issues in some cases. Moreover, improper collection techniques can result in the failure to retrieve relevant ESI.

TREUBER: When this occurs, the metadata of the files can be altered (e.g., author, field, date created, date accessed, etc.). In addition, if it isn’t documented, information indicating the original source location of the data may be lost. Original source location can be extremely relevant (e.g., loading data into personal preservation and deletion practices, and recent deletion activity and the like, or in failing to pursue the existence of documents which should, under company or individual protocols, exist within the custodians’ document repositories. Too often, an individual’s problematic practices, or even overt bad acts, are not discovered or probed by counsel until a witness is under oath describing activity that should not have been done. This is precisely the reason why, under Principle 6, counsel to supervise the collection process. However, as more IT professionals know, the simple process of accessing ESI on a hard drive alters the document metadata, which can lead to significant issues in some cases. Moreover, improper collection techniques can result in the failure to retrieve relevant ESI.

KNOUFF: I am a custodian and my lawyer has asked me to identify some documents and e-mail them to her as attachments. What real damage can I possibly do to my documents in this case?

TREUBER: When this occurs, the metadata of the files can be altered (e.g., author, field, date created, date accessed, etc.). In addition, if it isn’t documented, information indicating the original source location of the data may be lost. Original source location can be extremely relevant (e.g., loading data into personal preservation and deletion practices, and recent deletion activity and the like, or in failing to pursue the existence of documents which should, under company or individual protocols, exist within the custodians’ document repositories. Too often, an individual’s problematic practices, or even overt bad acts, are not discovered or probed by counsel until a witness is under oath describing activity that should not have been done. This is precisely the reason why, under Principle 6, counsel to supervise the collection process. However, as more IT professionals know, the simple process of accessing ESI on a hard drive alters the document metadata, which can lead to significant issues in some cases. Moreover, improper collection techniques can result in the failure to retrieve relevant ESI.

KNOUFF: I have a user account that can “Download a copy of your Facebook data.” Can this feature work as a self-collection tool?

TREUBER: As of this discussion, this specific feature on Facebook has many limitations. Such limitations include the inability to capture video-data and a user’s posts on other user accounts “walls,” or “time-line.” How does self-collection apply to mobile devices and webmail? Is there any type of data source that should never be included in a self-collection protocol, or is everything fair game?

TREUBER: Each data point that is to be considered for self-collection should be evaluated individually and the following questions should be asked: Is this data point relevant to the ongoing matter? Is the data I am looking to collect replicated to another system (e.g., a corporate e-mail account that is present on a smartphone and replicated to the corporate mail server)? Do I have the proper tools and “know-how” to collect this type of data (e.g., the collection of data from multiple devices)? Will my efforts cause the alteration of the data, thereby opening the door to accusations of spoliation? Everyone seems to be buzzing about DropTechs, SkyDrive, GoogleDrive, and other document sharing applications in the cloud. Some are even promoted as viable tools for practices management. However, are these viable tools for self-collection?

TREUBER: It is always best to collect the data from its original location. Most of the cloud solutions replicate from a certain location on a Mac or PC, but some are the actual “source” of the data. I see using cloud based solutions as more of a way to deliver data than a tool to support self-collection.

KNOUFF: Will continue this conversation via a webinar with Mark Sidoti and Kevin Treuber on Tuesday, April 8th at 11 am EST. Discussion will include actual tactics and strategies for self-collection, sanctions cases such as Green v. Blitz U.S.A., and to avoid specific mistakes, the proper document to create and maintain during a self-collection process, how to verify that tasks were properly completed, degrees of culpability, future developments, and more. E-mail webinar@cdslegal.com to receive credentials for the teleconference.
Young Lawyers’ Section Hosts
Speed Networking Event

NYCLA’s Young Lawyers’ Section hosted a Speed Networking event on January 30 to help lawyers make the connections needed to propel their careers.
March

Portrait Unveiling of a Former President, Stewart D. Aaron
Wednesday, March 5 – 6 p.m.
Join as we unveil a portrait of immediate past NYCCLA President Stewart D. Aaron, partner and head of New York office at Arnold & Porter LLP, by artist Rachel Sard.
Reception to follow ceremony.

Hosted by NYCCLA’s Animal Law Committee
Thursday, March 20 – 6 p.m.
Lawyers Helping Animals Forum
Do you love animals? Would you like to learn how to use your legal skills to help animals in need?

NYCLA Foundation First Annual Spring Fundraiser: A Musical Tribute to the Hon. Betty Weinberg Ellerin in Honor of her Exemplary Contributions to NYCCLA
Thursday, April 24
Reception – 6 p.m., Performance – 7 p.m.
Regular Ticket: $75; Premium Ticket: $150, includes special seating and listing in the program. Send checks payable to the NYCCLA Foundation indicating Spring Fundraiser to NYCCLA Foundation, 14 Vesey Street, New York, NY 10007 and register at nycla.org.
All events, unless otherwise noted, will be held at NYCCLA Home of Law, 14 Vesey Street. Visit the Association’s website, nycla.org for more details, schedule changes and additions, and to R.S.V.P. for events, which are subject to change.

April

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Do you have a BLOG in you?

A recent Georgetown Journal of Legal Ethics article cited the ABA as saying that 22 percent of all lawyers are engaged in the process of writing blogs. Might there be a chosen subject may help an attorney on such writing. That said, writing on a chosen subject may help an attorney develop a practice in a desired direction. For a number of attorneys, their desire may be to work in some aspect of sports law. One of our fellow NYCLA members, Stephen Kunen, has chosen to write a blog entitled The Combat Sports Law Blog, wherein he covers cases and legislation dealing with Mixed Martial Arts (MMA), regulation within the industry, and more. His blog recently touched upon Assumption of Risk in MMA Training and Understanding Mixed Martial Arts Contract. Another blog, Fight Lawyer by Justin Klein, touches upon the same subject matter. From my Boomer perspective, Golf Dispute Resolution by Bob Harris, which tracks the intersection of golf and the resolution of legal disputes, may be more my speed.

In Recognition of St. Patrick’s Day

The Brief: The Legal Affairs Show

The Brief is a radio show dedicated to the free speech movement. This site is maintained by Delia Venables and contains a list of Irish legal blogs toward the bottom of the page at: www.venables.co.uk/blogs.htm.

Irish Law Links

— The most important Irish Law Portal

This site is maintained by Darius Whelan of University College Cork and includes the Guide to Irish Law 2d Revised edition; access points on the website to legislation and cases; and a bibliography of secondary sources by subject in print and electronic form.

British and Irish Legal Information

This site provides access to freely available British and Irish public legal information. British and Irish case law and legislation, European Union case law, Law Commission reports, and other related British and Irish materials.

Most NYCLA members qualify for the New York State Library—Attorney Borrower’s Card. Have you applied? It is available to New York state residents admitted to practice law in New York. For information about this free Internet-based access to legal information, contact Dan Jordan at djordan@nycla.org for an application for the NYSL-ABC.

To make suggestions about book, ebook, or database purchases for the NYCLA Library, please contact Dan Jordan, Director of Library Service, at djordan@nycla.org or at 212-267-6646, x201.

LEGAL PROFESIONAL CORNER

To advertise in the Legal Professional Corner, contact Kathleen Pishotta at 888-371-4933 or by email at kathleen@apogeepublications.com.

March

Westlaw: Introduction to Westlaw Next
March 11 – 10:11 a.m.
1 MCLE Credit: 1 Skills, Transitional

Westlaw: Business Law Research on Westlaw Next
March 11 — 11:30 a.m.—12:30 p.m.
1 MCLE Credit: 1 Skills, Transitional

Lexis: Basic Legal Research
March 13 — 10:30-11:30 a.m.
1 MCLE Credit: 1 Skills, Transitional

Lexis: Advanced Legal Research
March 13 — 12-1 p.m.
1 MCLE Credit: 1 Skills, Transitional

Lexis: Shepard’s Citation Service
March 13 — 1:30-2:30 p.m.
1 MCLE Credit: 1 Skills, Transitional

Westlaw: Advanced Research on Westlaw Next
March 28 — 1:30-2:30 p.m.
1 MCLE Credit: 1 Skills, Transitional

Westlaw: Real Property Law on Westlaw Next
March 28 — 3-4 p.m.
1 MCLE Credit: 1 Skills, Transitional

Electronic Research Center CLE programs

April

Westlaw: Introduction to Westlaw Next
April 8 — 10-11 a.m.
1 MCLE Credit: 1 Skills, Transitional

Westlaw: Form Finder / Form Builder on Westlaw Next
April 8 — 11:30 a.m.—12:30 p.m.
1 MCLE Credit: 1 Skills, Transitional

Lexis: Basic Legal Research
April 10 — 10-11 a.m.
1 MCLE Credit: 1 Skills, Transitional

Lexis: Legal Research Update
April 10 — 10-11 a.m.
1 MCLE Credit: 1 Skills, Transitional

Lexis: Company & News Research
April 10 — 10-11 a.m.
1 MCLE Credit: 1 Skills, Transitional

U.S. Bankruptcy Court Electronic Case Filing System
April 22 — 10 a.m.—11:30 a.m.
2.5 MCLE Credits: 2.5 Skills, Transitional

(Alien ND)
Non-member: $85; Non-Legal Staff: $35

Westlaw: Advanced Search on Westlaw Next
April 24 — 10-11 a.m.
1 MCLE Credit: 1 Skills, Transitional

Westlaw: Public Records Research on Westlaw Next
April 24 — 1-2 p.m.
1 MCLE Credit: 1 Skills, Transitional

Unless otherwise noted, courses are free and open to the public. Register at nycla.org.

Questions? Contact Trina Chopinova at ichopinova@nycla.org or 212-267-6646 Ext. 203.
New York Law Journal

NYCLA Puts on the Ritz
December 19, 2013

At a New York County Lawyers’ Association (NYCLA) headquarters in Tribeca, the New York County Lawyers’ Association (NYCLA) held its 99th Annual Dinner on Tuesday at the Waldorf-Astoria Hotel.

The Jewish Voice

Ethics Rules Put the Brakes on Attorney Whistleblowers
December 17, 2013

Two recent decisions—one by the U.S. Court of Appeals for the Second Circuit and one by the New York County Lawyers’ Association (NYCLA) Committee on Professional Ethics—addressing the interplay between attorney ethical obligations and statutory regimes that provide bounty awards for whistleblowers reached the same conclusion: Professional ethical obligations preclude attorneys from being bounty-seeking whistleblowers against current or former clients.

New York Law Journal

Judiciary’s Request for Increase in Funds Receives Early Support
December 4, 2013

At a New York County Lawyers’ Association hearing on Monday discussing how budget cuts have harmed state and federal courts, participants applauded the court system’s proposed budget—especially the effort to create more Family Court judgeships.

The New York County Lawyers’ Association hearing they are scheduled to appear at a public hearing on Monday.

Courthouse News Service

Prosecutors Say Budget Cuts Worsen Imprisoning New York’s Criminal Recidivists
December 2, 2013

U.S. Attorney Preet Bharara let loose his frustration about sequestration “lunacy” that prevents him from replacing prosecutors who leave their jobs or retire. The typically even-keel chief Manhattan prosecutor made the comment after his prepared remarks before the Task Force on Judicial Budget Cuts, which convened on Monday at the New York County Lawyers’ Association’s (NYCLA) headquarters in Tribeca.

Law360.com

Prosecutors Say Budget Woes Imperil NY Criminal Revenues
December 2, 2013

“Under sequestration, we will be furloughing people next year,” Lynch told a panel at the New York County Lawyers’ Association dedicated to keeping up the pressure on both state and federal lawmakers to find money for the Empire State courts, prosecutors and related agencies like federal defenders.

New York Daily News

Budget Cuts May Leave NYC Office of US Attorney In Peril
December 4, 2013

U.S. Attorney Preet Bharara said in a speech to the New York County Lawyers’ Association to focus on the continuing impact of budget cuts on the justice system.

What’s Tweeting?

A sample of legal technology-related posts on Twitter this past month

@BillTruba @Ian Porteous: the new anti-spam law, with today’s spam technology sounds obsolete at http://t.co/6MPRTU

@Business_of_Law: What the ILTA Technology Survey Says About Mobile Legal Research http://t.co/SgR5XV

@miIre: Technology RT @DiscoveryBeat: E-Discovery Technology and Case Law Highlights from 2013: http://t.co/2aXcKQ #eDiscovery

@FPLSHMAN: Has law enforcement technology gone too far? http://t.co/12cm0v via @whtby

@arjaws: When Does Technology Change Enough That the Law Should Too? http://t.co/4xUdG2

@RenewData: Five pioneer judges who shaped the evolution of e-discovery (via @LawTechNews) #lawreview http://t.co/xmJxS

@Business_of_Law: Technology: Contracting for cloud services, a roadmap for cloud users http://t.co/1oyFkK (via @InsideCounsel)

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In the New York Law Journal Reader Rankings Survey, 7 of NAM’s mediators and 8 of their arbitrators ranked in the top 10. With such a wealth of skilled arbitrators and mediators NAM is able to handle even the most complex of cases.