NYCLA launches Centennial Celebration

In the fall of 1907, a group of lawyers gathered in Carnegie Hall to address the prospect of forming a bar group where the barriers of race, gender, and economic status would not be obstacles to inclusion. They were determined to create, in the words of Hon. Joseph H. Choate (who would become NYCLA’s president in 1912), “the great democratic bar association of the City [where] any attorney who had met the rigid standards set up by law for admission to the bar should, by virtue of that circumstance, be eligible for admission.” The New York County Lawyers’ Association was officially incorporated on April 21, 1908 by 143 “attorneys or counsellors of the Supreme Court of the State of New York in active practice, residing or having offices in New York County.”

NYCLA launches the 100th Anniversary of its founding this month. The Centennial theme – Advocating Equality...Creating Opportunities - is a testament to the powerful impact the Association has had on the law and public policy and its commitment to equal access to justice for all. From now through December 2008, the Association will host a series of programs related to this theme, the first of which is the Annual Meeting on May 24, when Catherine A. Christian is inducted as the 55th president and Ann B. Leek is inducted as president-elect.

Each issue of the New York County Lawyer will have a Centennial Page in the centerfold featuring Centennial events, articles, anecdotes, photographs and more in recognition of NYCLA’s vibrant legacy. In addition, NYCLA’s homepage at www.nyccla.org, has debuted a “Did you know...?” section containing historical facts about the Association and events that have shaped the legal community and beyond, which will be updated weekly and available in an archive.

A NYCLA ‘First’

Among the many ‘firsts’ that NYCLA can lay claim to is that it was the first bar association in America to establish a Committee on Professional Ethics. The Committee whether the insertion of such a card in a trade journal would be deemed unethical.

Answer: The form of advertisement proposed by you cannot be characterized as unprofessional, but its adoption must be left to the sense of propriety of the individual practitioner. The Committee, however, does not approve of such formal advertisement.

Law Day 2007

by Justice Richard Lee Price

Each year, Law Day underscores how the law and legal process have contributed to the freedoms that all Americans share and provides an opportunity for us as lawyers and judges to reach out to the community and educate the public about the legal system. This year, the NYCLA Law-Related Education (LRE) Committee and the New York City Bar Association will provide speakers to New York City high schools to discuss various legal topics. We think this is an exciting opportunity to engage New York City’s children, but it is a substantial undertaking and requires the contributions of all of us.

Law Day will be celebrated on Tuesday, May 1. This year’s theme is Liberty Under Law: Empowering Youth, Assuring Democracy, which aligns perfectly with a major American Bar Association (ABA) presidential initiative: Youth at Risk. According to the ABA, the Law Day 2007 theme encourages us to assure that our youth are equipped with the knowledge and skills necessary to effectively make their voices heard within our democracy. By empowering all youth to learn about and become active in our democracy, we can help reduce the staggering numbers of our nation’s youth at risk.

The LRE Committee is looking for volunteers to speak for 45-90 minutes as needed by a particular school during “Law Week,” the first week in May. You may be asked to give a short speech and answer students’ questions or perhaps participate in a Law Day program or assembly. All who are interested - from junior associate to senior partner - are welcome to participate. The commitment is minimal in terms of time but rewarding in terms of the satisfaction you will receive from making an impact on the lives of young people.

If you are interested, please call Lois Davis, NYCLA’s Director of Pro Bono Services, who is coordinating Law Day, at 212-267-6646, ext. 217 or email her at ldavis@nyccla.org. Let her know if you would like a copy of the newly revised NYC Youth Law Manual, a valuable 23-chapter resource book detailing the rights and responsibilities of New York City’s young people. The publication is also available at www.nyccla.org/pdf/manual.pdf. A free ABA Law Day planning guide may be obtained by calling 800-285-2221.

Justice Price is the Chair of the New York County Lawyers’ Association’s Law-Related Education Committee.

Ethics Opinion #1

Question: A member of the Bar submitted to the Committee a sample business card containing his name, profession, office address and telephone number, and asked the Committee whether the insertion of such a card in a trade journal would be deemed unethical.

Answer: The form of advertisement proposed by you cannot be characterized as unprofessional, but its adoption must be left to the sense of propriety of the individual practitioner. The Committee, however, does not approve of such formal advertisement.
IT’S TIME TO GROW YOUR RETIREMENT

Legal professionals know that growing a future begins now. A good start is selecting the right resource for a retirement plan for your firm. Your best option may be the cost-effective program that was created by lawyers for lawyers, and run by experts.

ABA Retirement Funds has been providing tax qualified plans for over 40 years. Today our program offers full service solutions including plan administration, investment flexibility and advice. Now we also offer our new Retirement Date Funds that regularly rebalance the fund’s assets based on your selected target retirement date. Plus, our program now accepts Roth 401(k) contributions from profit sharing plans that currently offer a 401(k) feature. Isn’t it time to start growing your future with the ABA Retirement Funds?

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Call an ABA Retirement Funds Consultant at 1-877-947-2272 www.abaretirement.com

GET A FREE PLAN COST COMPARISON
Is your plan as cost-effective as it could be? Just call 1-877-947-2272 for a custom cost comparison

For a copy of the Prospectus with more complete information, including charges and expenses associated with the Program, or to speak to a Program consultant, call 1-877-947-2272, or visit www.abaretirement.com or write ABA Retirement Funds P.O. Box 5142 • Boston, MA 02206-5142 • abaretirement@citistreetonline.com. Be sure to read the Prospectus carefully before you invest or send money. The Program is available through the New York County Lawyers Association as a member benefit. However, this does not constitute, and is in no way a recommendation with respect to any security that is available through the Program. 11/2006
SAVE THE DATE
Kenneth C. Frazier to deliver Hughes Lecture in September

On September 6, as part of NYCLA’s Centennial Celebration, Kenneth C. Frazier will deliver the Charles Evans Hughes Lecture at the NYCLA Home of Law. Originally from inner-city Philadelphia, Mr. Frazier went from Pennsylvania State University to Harvard Law School to partnership at Philadelphia’s Drinker Biddle & Reath. Currently executive vice president and general counsel of Merck & Co., Inc., the nation’s second-largest pharmaceutical company, Mr. Frazier is one of only 14 African-American general counsels working in Fortune 500 companies.

CENTENNIAL CALENDAR OF EVENTS
Events are subject to change; please check the Association’s websites, www.nycla.org, for schedule changes and additions.

APRIL

NANETTE DEMBITZ LECTURE: CHANGING THE TERMS – A LOOK AT JUVENILE DETENTION
Tuesday, April 17
6:00-8:00 PM
Place: NYCLA Home of Law – 14 Vesey Street FREE
Speakers: Dr. Deborah Jones-Brown, John Jay College; Ms. Lewis, Staff Attorney and Arzey, Nater Fellow, ACLU Women’s Rights Project; Ms. Faruqee, Director, Juvenile Justice Project, Correctional Association of New York.
Moderator: Nancy Rosenblum, Director of the Special Litigation Unit, The Legal Aid Society, Juvenile Rights Division
Sponsor: Family Court and Child Welfare Committee
RSVP: jlamb@nycla.org and write ‘April 17 event’ on Subject line.

PUBLIC FORUM CAUGHT ON CAMERA/SECURITY CONCERNS VS. PRIVACY RIGHTS
Wednesday, April 25
6:00-8:00 PM
Place: NYCLA Home of Law – 14 Vesey Street FREE
Speakers (list in formatating): Hon. Alan Gerson, City Council Member; Norman Siegel, Chair, NYCLA Municipal Affairs Committee; Anthony L. Soudatt, Vice Chair, NYCLA Cyberspace Law Committee
Video surveillance cameras are proliferating in New York City, especially in Lower Manhattan. The forum will discuss the competing concerns of security and privacy, including whether and how video surveillance should be regulated, how data is collected and stored, and who does or should have access to it.
Moderator: Sandra Einbinder, Political Reporter, New York 1 News
Sponsors: Civil Rights, Cyberspace Law and Municipal Affairs Committees and Criminal Justice Section
RSVP: jlamb@nycla.org and write ‘April 25 event’ on Subject line.

MAY

2007 LAW DAY LUNCHEON – LIBERTY UNDER LAW: EMPOWERING YOUTH, ASSURING DEMOCRACY
Friday, May 11
12:00 PM
Place: The Ritz-Carlton, Two West Street Capozzoli Gavel Award: Hon. Harold Baer Jr., U.S. District Court, Southern District of New York, former Supreme Court Justice, New York County Court. Hon. Karla Moskowitz, Justice, Supreme Court, New York County, and Hon. David B. Saxe, Justice, Appellate Division, First Department, will receive certificates for 25 Years of Distinguished Judicial Service
Tickets: $150.00
Sponsor: Supreme Court Committee Luncheon Co-Chairs: Howard W. Burns Jr. and Henry L. Kennedy
RSVP: Please send a check (payable to NYCLA) to: NYCLA – Law Day 2007, 14 Vesey Street, New York, NY 10007

NYCLA ANNUAL MEETING
Thursday, May 24
5:30 PM
Place: NYCLA Home of Law – 14 Vesey Street FREE

A presentation of the Annual Report by the President, the Treasurer’s Report and the induction of NYCLA officers and directors. NYCLA officers to be inducted are: Catherine A. Christian as President, Ann B. Lesk as President Elect, James B. Kobak Jr. as Vice President, Louis Crespo as Secretary and Joel B. Harris as Treasurer.
For more information, please refer to page 4.

CENTENNIAL CELEBRATION EVENTS:
NYCLA LAW AND LITERATURE AWARD RECEPTION
Thursday, May 31
6:00 PM
Place: NYCLA Home of Law – 14 Vesey Street FREE
Former New York Times columnist Anthony Lewis will receive the NYCLA Law and Literature Award. Members will receive a free program and a brochure. For more information, please refer to page 11.

NEW YORK COUNTY LAWYERS’ ASSOCIATION
Free Breakfast Series
So, You Want to be a Writer!
Discuss the nuts and bolts of writing and publishing with successful authors, agents and editors.
April 25 – 8:30 AM
Home of Law – 14 Vesey Street (between Broadway and Church Street)

Speakers
Susan Isaacs, Victoria Skurnick
Novelist, Essayist and Screenwriter Editor-in-Chief, Book-of-the-Month Club
Susan Ginsburg
Writers House, Senior Agent
RSVP: Katharine Wells at 212-267-6646, ext. 209 or email kwells@nycla.org

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Uptown Justice Center Project launched

by Darin B. Wizenberg, Esq.

During the summer of 2006, it became increasingly clear to members of the NYCLA Justice Center that outreach to some of the city’s most economically challenged areas was necessary. A new program, the NYCLA Uptown Justice Center Project, launched in November 2006 with a series of panel presentations for the Harlem community.

The first program, on immigration issues, was led by Manuel D. Vargas of the New York State Defenders Association’s Immigrant Defense Project and Frank Lipner of Pulvers, Pulvers & Thompson. NYCLA retained the services of a French interpreter to facilitate the question-and-answer process. Another program, presented by two NYCLA leaders, Norman L. Reimer, Immediate Past President, and Susan J. Wahh, Board member, along with two members of the Criminal Justice Section, Edward D. Wilford and Darin B. Wizenberg, focused on criminal justice and civil rights issues. The third and final program of the series addressed issues related to domestic relations, emphasizing the special issues facing women. The speakers were Charlyne Peay and Stacy Charland of Lansner & Kubitschek, and Assistant District Attorney Alecia Riewerts of the New York County District Attorney’s Office.

At the conclusion of this inaugural project, both NYCLA and Harlem community leaders agreed to expand the breadth of legal offerings for the next series.

Mr. Wizenberg is a member of the New York County Lawyers’ Association’s Criminal Justice Section.

Musicians from Marlboro

NYCLA members are invited to the final concert of the 42nd season of Musicians from Marlboro, held in the Grace Rainey Rogers Auditorium at the Metropolitan Museum on Friday, May 11 at 8:00 PM. Tickets under this offer are $25 (regularly $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 from the Met).

To take advantage of this discounted ticket offer, please contact Julia Lin at 212-581-5197, ext.12 or jlin@marlboromusic.org and provide your NYCLA ID number.

Friday, May 11 at 8:00 PM
Mozart - Piano Trio in G Major, K. 496
Shostakovich - Quartet No. 8
Dvořák - Piano Quartet in E flat Major

Music from Marlboro is provided by the New York County Lawyers’ Association, New York County Bar Association, New York State Bar Association, New York State Trial Lawyers’ Association and the New York City Bar Association.

NEW YORK COUNTY LAWYERS ASSOCIATION

Annual Meeting on Thursday, May 24 at 5:30 PM at NYCLA Home of Law

Notice of Annual Meeting

To Be Held May 24, 2007

NYCLA Home of Law
135 East 58th Street, New York, NY 10022
(212) 838-8400

Announcement of the following

Notice of Annual Meeting on Thursday, May 24 at 5:30 PM at NYCLA Home of Law

Annual Report of the President
Treasurer’s Report
Election of Officers and Directors

On January 29, 2007, the following were nominated as officers and directors by the Committee on Nominations.

Nomination of Officers:
President
Catherine A. Christian
President Elect
Ann B. Lesk
Vice President
James B. Kobuk Jr.
Secretary
Louis Crespo
Treasurer
Joel B. Harris

Board of Directors:
Class of 2008:
Hon. Marcy S. Friedman
Class of 2010:
Stewart D. Aaron
Rhea Kemble Dignam
Gail Donoghue
Thomas G. Draper Jr.
David M. Granblatt
Vilia B. Hayes
Mariana Hogan
Stacey J. Rappaport
Hon. George Bundy Smith
Lewis F. Tesser

Committee on Nominations:
Class of 2010:
Hon. Stephen G. Crane
Louis Crespo
Stephen D. Hoffman
Ann B. Lesk
Michael Miller

Printed below is a proxy for your use if you cannot attend the Annual Meeting. Please mail or fax your completed proxy to Ruth Zipper (fax: 212-406-9252) prior to the Annual meeting on May 24, 2007.

PROXY

For Annual Meeting of Members of the NEW YORK COUNTY LAWYERS’ ASSOCIATION To Be Held May 24, 2007

Know all people by these presents: That the undersigned Member of New York County Lawyers’ Association hereby constitutes and appoints Edwin David Robertson, Catherine A. Christian and Ann B. Lesk, or any of them, proxies of the undersigned, with full power of substitution to each, for, and in the name, place and stead of the undersigned, to attend the Annual Meeting of Members of the New York County Lawyers’ Association, to be held at the NYCLA Home of Law on May 24, 2007 at 5:30 PM and any adjournment or adjournments thereof; and thereat to vote or authorize such proxies to vote upon all matters that may properly come before said meeting as fully and with the same effect as the undersigned might or could do if personally present at said meeting or any adjournment or adjournments thereof.

The undersigned hereby revokes any proxy or proxies heretofore given by, for or on behalf of the undersigned to vote at said meeting or any adjournment or adjournments thereof.

Dated: _________________

(Signature)

(Provisional and law student members may not vote.)

Upon receipt, please mail to Ruth Zipper, New York County Lawyers’ Association, 14 Vesey Street, New York, NY 10007 or fax: 212-406-9252. Thank you.

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(NY) 110 Greenwich Street (across from the Met)
A MESSAGE FROM THE PRESIDENT

Edwin David Robertson

Independence Revisited

My last president’s message stressed the importance of the bar’s independence. Contrary to popular opinion, independence does not mean “unaccountability.” Indeed, independence imposes a heavy responsibility on lawyers; other- wise, the liberty of our independence would be little more than a license to harass others. For lawyers, our professional ethics constrain our pro- fessional independence into constructive conduct that serves the public rather than exploits it.

In 1932, Edwin J. Boston established the first bar association in America to establish a committee on professional ethics. In 1912, NYCLA issued its first ethics opinion in 1912. This witness the start of a body of practices that is closer to the front page. Read it for yourself and then think about the topic of NYCLA’s “first” opinion, refer to the white page. NYCLA’s Professional Ethics Committee has maintained its unique role in the Association by issuing independent, thoughtful and insightful views on professional ethics.

Through its creation, the Committee’s independ- ence from the bar is evidenced by its opinions. In this resolution and questions without identifying the lawyer posing the queries. By that means, the Committee could consider the issues with a degree of dispatch that might have been tainted by knowing the individual questioner.

Today, NYCLA’s Board of Directors adopted a resolution to reinforce the Committee’s independence. This latest resolution further insu- lates the Committee from potentially inappro- priate influence - even from NYCLA’s Board itself - in issuing its opinions. We urge lawyers not to use this resolution up as a model for how other bar associations that might not yet have adopted comparable measures to ensure the Committee’s independence. These measures are designed to protect them from pressures that would inherently attract cynical criticism.

Regarding the ethics opinions issued by bar associations, the public has for years criticized the issues that were brought before them from time to time. Since 2002, one such “hot topic” was the lawyer’s role in corporate govern- ance. It was also under the subject of the ABA’s major Task Force on Corporate Responsibility that ren- dered its report in 2007. That same year, the SEC issued New York’s “goodwill two shoes” who tried to do other things with the same cloak of self-righteousness that he used to mask his own inevitable human failings. Nothing can be further from the truth.

NYCLA’s Independence Revisited.

New York’s problems are closely inter- twined with our ethical rules governing law firm conduct. Indeed, New York, these problems are deeply implicated and, in some cases, have been fired or indicted for criminal behavior. Obviously, the prophylactic provisions of Sarbanes Oxley have failed in these instances.

These ethics rules are not merely matters of federal concern or SEC oversight. In New York, these problems are closely interconnected with the law firm’s disciplinary rules. Indeed, New York’s problems are deeply implicated and, in some cases, have been fired or indicted for criminal behavior. Obviously, the prophylactic provisions of Sarbanes Oxley have failed in these instances.

This is not to say that other states do not: they impose responsibility on “law firms” in this area. This seems even more troubling now because revelations of another state’s “material” information is a crime under the Code’s “formal written opinions” to serve as guidance to New York lawyers because the word “crime” is not only traditional law firms but also corporate law firms and government agencies. It also contains a unique rule that directly imposes spe- cial responsibilities for law firms in those states.

Our Code of Professional Responsibility con- tains a broad definition of “law firm” that includes only traditional law firms but also corporate law firms and government agencies.

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Fourth Annual Auction a smashing success!

by Janiece Brown Spitzmueller, Esq.

Original artwork by Romare Bearden and Marc Chagall, signed lithographs, serigraphs and giclees were the centerpiece of NYCLA’s Minorities and the Law Committee’s Annual Auction held on March 7 at the NYCLA Home of Law. This year, in addition to the Fourth Annual Silent Auction, the event was expanded to feature a Live Auction that also featured works by: Charles Bibbs, Leroy Campbell, Andrew Wyeth and Vincent Van Gogh and a wide selection of genres, including African-American, legal themes, impressionist, abstract, sculpture, landscapes, Judaic and Christian themes, and sports memorabilia and collectibles.

The evening began with a champagne reception and superb entertainment by the jazz quartet, Subject to Change. Attendees had the opportunity to preview the artwork for sale at the Live Auction and bid on Silent Auction items – luxury goods, tickets to sporting and cultural events, and gift certificates to local restaurants – on display in the Lounge and Auditorium. The evening concluded with a raffle drawing and bidding war on an all-inclusive trip for two to Barbados. Proceeds from the event benefit NYCLA’s Summer Minority Judicial Internship Program, which provides law students of color with paid eight-week internships with state and federal judges. To help the Committee raise funds for the Program throughout the year, visit www.marlinart.com and register to shop online. Please make sure you enter code 63328 on the online registration form since a percentage of the amount of your purchase will be held in an account for NYCLA.

The Committee extends its thanks to all who made the evening a smashing success and hearty congratulations to David Lunsner, Esq., NYCLA Board member and this year’s highest bidder. The Committee expresses its appreciation to longtime donors: A.L. Bazzini Company, ECCO! Restaurant, Capsouto Frères Restaurant, ROC Restaurant and Thalassa Restaurant, and asks that NYCLA members give back to the downtown Manhattan community by patronizing these fine establishments. To our newest donors – the Barbados Tourism Board, Air Jamaica and Almond Beach Properties – thank you. The Committee suggests that you keep them in mind when planning your next getaway.

Ms. Spitzmueller is co-chair of the Minorities and the Law Committee. She and Louis Crespo, Esq. are co-chairs of the Annual Auction.
A Message from Bari Chase, Director of the CLE Institute

The CLE Institute offers exciting and diverse programs in April.

This April, the CLE Institute is pleased to offer several new programs. On Wednesday, April 11, a panel of experts will lead a discussion on How to Protect Your Law License: Practicing Ethically and Responsibly, from 6:00-9:00 PM. Fee: $125 for members, $165 for non-members. On Wednesday, April 11, Elizabeth J. Coleman, Esq. of Professional Stress Management Solutions, Ltd. will present a new program, Managing Stress and Managing Work Relationships for the Practitioner: From the Office to the Courthouse. During this two-hour session, which runs from 6:00-8:00 PM, lawyers will learn practical ways to manage stress and interpersonal relationships in their work, without compromising their ethical obligations.

CLE PROGRAMS IN APRIL

Wednesday, April 11
6:00 - 9:00 PM
HOW TO PROTECT YOUR LAW LICENSE: PRACTICING ETHICALLY AND RESPONSIBLY
3 MCLE Credits: 3 Ethics; Transitional and Non-Transitional
Early Registration (on or before 4/9) Member: $95 Non-Member: $135
Registration Fee (4/10-4/11) Member: $130 Non-Member: $170

Thursday & Friday, April 12 & 13
8:30 - 10:00 AM
BREAKFAST WITH NYCLA - VIDEO REPLAY: SAFEGUARDING CLIENT AND BUSINESS INFORMATION IN THE EMAIL AGE
3 MCLE Credits: 1 Ethics, 2 Skills; Non-Transitional
Early Registration (on or before 4/10) Member: $95 Non-Member: $120
Registration Fee (4/11-4/12) Member: $120 Non-Member: $145

Monday, April 16
6:00 - 8:30 PM
VIDEO REPLAY: DRAFTING CONSTRUCTION CONTRACTS
2.5 MCLE Credits: 1 Ethics, 1 Skills, 5 Professional Practice; Non-Transitional
Early Registration (on or before 4/14) Member: $95 for members; $120 for non-members.

Tuesday, April 17
6:00 - 9:00 PM
HEAT TOPICS IN PATENT LAW
3 MCLE Credits: 1 Ethics, 1 Skills, 1 Professional Practice; Transitional and Non-Transitional
Early Registration (on or before 4/16) Member: $95 Non-Member: $120
Registration Fee (4/17-4/18) Member: $120 Non-Member: $145

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        - Registration Fee (4/17-4/18) Member: $120 Non-Member: $145

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NYCLA member presents
at UIA winter seminar
by Mather R. Martin

NYCLA member Christopher B. Kende delivered a lecture, “Representations and Warranties on Environmental Risks,” at the second annual Union Internationale des Avocats (UIA) Winter Seminar on February 20 in Sestriere, Italy.

Mr. Kende works at Cozen O’Connor’s downtown New York office, where he chairs the firm’s international insurance practice and co-chairs the reinsurance practice. He is a past chair of NYCLA’s Admiralty and Maritime Law Committee. Currently, Mr. Kende is an adjunct professor of maritime law at Brooklyn Law School in New York, in addition to being a frequent lecturer at bar association conventions, seminars and continuing education programs and the author of several reference works on marine pollution. Mr. Kende received his law degree from New York University in 1973.

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

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**Past Events**

**NYCLA recognizes Women’s History Month**

Civil Court Practice Section

In honor of Women’s History Month, NYCLA’s Civil Court Practice Section held a luncheon on March 21 honoring Hon. Juanita Bing Newton (fourth from left), Judge, Court of Claims, Administrative Judge, Criminal Court of New York City, and Deputy Chief Administrative Judge, Justice Initiatives. Also in attendance were (from left to right): Edward Baer, Luncheon Co-Chair; Edwin David Robertson, NYCLA’s President; Hon. Jonathan Lippman, Justice, Chief Administrative Judge, Office of Court Administration, who presented Judge Newton with the award; and the Civil Court Practice Section’s Co-Chairs, Joyce S. Zimberg, who also served as Luncheon Co-Chair, and Robert G. Silversmith.

Judge Newton’s work exemplifies her commitment to the theme of this year’s Women’s History Month – “Generations of Women Moving History Forward.” Among the committees and organizations with which she is affiliated is the NYCLA Special Committee to Increase Diversity in the Legal Profession, which she chairs, and the CUNY Law School Board of Visitors and ABA Commission on Sentencing, Corrections and Re-entry (Judge Newton’s remarks can be downloaded from NYCLA’s website by logging on to www.nycla.org and clicking on News & Publications and then on Speeches).

On March 26, NYCLA’s Women’s Rights Committee held its tenth annual Edith I. Spivack Award Reception. This year, the award went to internationally known human rights lawyer, Janet Benshoof (third from left). The President and Founder of the Global Justice Center, Ms. Benshoof is also responsible for founding the Center for Reproductive Rights in 1992. Ms. Benshoof spoke about the effect of U.S. reproductive rights policies on reproductive rights around the world. (Ms. Benshoof’s remarks can be downloaded from NYCLA’s website by logging on to www.nycla.org and clicking on News & Publications and then on Speeches.) Also pictured are (from left to right): Edwin David Robertson, NYCLA President; Rita Christopher, a daughter of Ms. Spivack; Ms. Benshoof; Amy Bass, another daughter of Ms. Spivack; and the Co-Chairs of the Women’s Rights Committee – Marcia J. Goffin and Hon. Eileen A. Rakower.

Women’s Rights Committee

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On March 1, NYCLA hosted a reception for the Honorary Student Co-Chairs from New York Law School (NYLS). Edwin David Robertson, NYCLA President, and Professor Mariana Hogan, Director of Externship Programs at NYLS, and a member of NYCLA’s Membership Committee, made brief presentations. Among the guests were Alex Tolston (at left), an Honorary Student Co-Chair of the Banking Committee, standing with Herbert Thornhill (on the right), Co-Chair of the Banking Committee.

From left to right: Thomas Marino, Chair of the Federal Courts Committee, chats with Cassita Charles, an Honorary Student Co-Chair of the Entertainment, Media, Intellectual Property and Sports Law Section.

Arbitration and ADR Committee

On February 26, the Arbitration and ADR Committee hosted the “8th Annual NASD Listens… And Speaks” with Katherine M. Bayer, Esq. (at left), Deputy Director, Northeast Regional Office, NASD Dispute Resolution, and Elizabeth R. Clancy, Esq. (on the right), Vice President, NASD Dispute Resolution, and Director, Northeast Regional Office. Martin L. Feinberg (middle), a member of the Arbitration and ADR and the Securities & Exchanges Committees, served as moderator in a lively exchange that featured, among other topics, a detailed discussion of the newly approved NASD arbitration code and new subpoena rules. The public forum was cosponsored by the Labor Relations and Employment Law and Securities & Exchanges Committees.
As one of NYCLA’s oldest living past presidents* (it’s a kind of ‘has been’), I was truly honored to have been asked to serve as chair of NYCLA’s special committee to plan our Centennial celebration. As many of you undoubtedly know, NYCLA was founded in 1908 – actually in April of that year. Hence, our Centennial year begins this spring. And so our special committee has been actively scheming and planning since last fall. We have adopted a theme – “Advocating Equality… Creating Opportunities” – reflecting the Association’s heritage as New York’s great democratic bar association open to all members of the bar and reflecting, too, our commitment to the future and to, among other things, promoting diversity in all parts of our profession and seeking access to justice for all in our society. You will see our logo and theme displayed on this page and on all other written and online material during our Centennial Year. We will officially launch the Centennial celebration at our Annual Meeting on May 24, when Catherine Christian becomes our President and Dave Robertson assumes the chairman-like role of Immediate Past President (IPP). He and our current IPP, Norman Reimer, have been of enormous help and inspiration in planning the Centennial celebration.

Furthermore, each issue of New York County Lawyer will have, on this page, an update on Centennial events, as well as features of historical and current interest and information about the progress of the NYCLA Foundation’s Capital Campaign. And, because time passes so quickly when you’re having fun and you can never get enough of a good thing, we have decided that our “Centennial Year,” which begins this spring, will last through the 2008 calendar year.

Mr. Eppler was NYCLA’s president in 1995.

Rearrangement of Things Past

In recognition of NYCLA’s Centennial Celebration, members are invited to share their memorable NYCLA experiences. Hon. Stephen G. Crane, Appellate Division, Second Department and Chair of NYCLA’s History Committee, shares this experience:

During Bob Haig’s presidency (1992-1994) while I was still a co-chair of the Criminal Justice Section, an article appeared in the New York Post lambasting Judge Laura Safer Espinosa for releasing a defendant without bail. The defendant had been charged with a class A misdemeanor and was free of a record and the charge could only be made out after a lab report verified that he possessed a controlled substance. Promptly after release he fatally shot a police officer in the Bronx. The Post claimed that Judge Espinosa was a cop killer. The Criminal Justice Section then had a mechanism for prompt response to unjust criticism of judges. The Post and its owner, Rupert Murdoch, ignored our protest and request for retraction. But, Bob Haig and I eventually succeeded in obtaining a mea culpas from the Post and editor Breeden. He was later a member of counsel’s office, Jan Constantine.

At the meeting we were told that our protest was chillsing the First Amendment rights of the author, Jack Newfield, the perennial reporter of the 10 Worst Judges articles that the Post loved to publish. Mr. Newfield was not at the meeting. We did get the editor to undertake to call us for referral to legal experts before publishing articles on subjects like the function of bail in criminal cases to avoid misleading stories.
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Writing Retainer Agreements, Setting Fees and Getting Paid (Part I)
Legal, ethical and practical considerations when you write your retainer agreements and set your fees. How to treat your clients so they will want to pay you.
April 17, 2007 – 6:00 PM
Speaker: Martin L. Feinberg

Writing Retainer Agreements, Setting Fees and Getting Paid (Part II)
Legal, ethical and practical considerations when you write your retainer agreements and set your fees. How to treat your clients so they will want to pay you.
April 24, 2007 – 6:00 PM
Speaker: Martin L. Feinberg

Great Tips for Building a Successful Practice
Dorcen and Clyde, with a combined 30 years of experience, provide their top suggestions for building a successful solo and small-firm practice. The emphasis is on specific, straightforward, no-holds-barred, practical advice and personal insights.
May 1, 2007 – 6:00 PM
Speakers: Clyde Eisman and Doron Zanani

Keeping Your Firm’s Finances
Discussion of various financial matters concerning starting and running your law practice, including taxes, insurance, bookkeeping, software, time recording and office systems.
May 8, 2007 – 6:00 PM
Speaker: Richard Klass

Manage Your Relationships With Clients, Judges and Opposing Counsel, So They Don’t Manage You!
An analytical and practical approach to anticipate, be prepared for, handle and avoid conflicts with other players in the legal profession. Discussion of problems that attorneys routinely face (including the “unexpected” curve balls) and suggested resolutions. Attendance is limited to 20.
May 15, 2007 – 6:00 PM
Speakers: Clyde Eisman and Doron Zanani

Preparing a Trial Notebook
Learn the basics of preparing a trial notebook, issuing subpoenas, jury selection, opening/closing statements and direct/cross examination. Evidentiary issues, including in time motions, demonstrative evidence and objections, will be discussed.
May 22, 2007 – 6:00 PM
Speaker: Jeffrey M. Mimmel

Trial Techniques for Beginners
Detailed discussions concerning trial strategy, witness preparation, jury selection, opening/closing statements and direct/cross examination. Hearandy objections and other evidentiary issues will be discussed.
May 29, 2007 – 6:00 PM
Speaker: Jeffrey M. Mimmel

What Every Lawyer Needs To Know About the Part 137 Fee Dispute Resolution Program
Your rights and responsibilities when your client disputes your fees and the law requires that you arbitrate.
June 5, 2007 – 6:00 PM
Speaker: Martin L. Feinberg

NYCLA members can also rent public videoconference rooms at the discounted rate of $165 per hour at any of Courtroom Connect’s hundreds of locations worldwide and receive a 10 percent discount on Law School Connect law firm memberships and a 10 percent discount on the cost of event services. For more information, call Sally Mundell at 877-838-9067, ext. 27 or visit courtroomconnect.com/nycla. Please provide your NYCLA ID number when ordering services to receive the discounted rates.

Courtroom Connect has partnered with NYCLA to provide FREE high-speed wireless Internet services at the Home of Law. This convenient service allows members to stay connected to their office network, send and receive emails and research on the web using their wireless-enabled laptops while visiting NYCLA. NYCLA members can also rent public videoconference rooms at the discounted rate of $165 per hour at any of Courtroom Connect’s hundreds of locations worldwide and receive a 10 percent discount on Law School Connect law firm memberships and a 10 percent discount on the cost of event services. For more information, call Sally Mundell at 877-838-0067, ext. 27 or visit courtroomconnect.com/nycla. Please provide your NYCLA ID number when ordering services to receive the discounted rates.

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Best Business Practices in the Electronic Age (Part I)

by David B. Collier, Esq.

On December 1, 2006, the new Federal Rules of Civil Procedure went into effect and changed how electronic records are handled by the courts. To a business owner, these changes have a significant impact on the way he or she uses electronic records and the potential liability if he or she should have to go to court. The Federal Rules place a duty on business owners to properly protect documents and electronic data that are relevant to litigation. Should a business owner fail in his or her duty, costly sanctions and/or adverse inferences may result. Preparing well and following a few simple steps can save your client long-term anguish and expense. This is the first in a two-part article about the development of sound business practices for clients to follow in order to minimize their risks.

Electronic data are generally available at one of three levels: accessible, archived and recoverable. Accessible data are readily available and commonly used, such as online files on a personal computer at home or a network server in the office. Archived data have been taken offline for storage, restoring the pertinent data (which requires reeling through the entire tape in many cases) and using a technician for restoration. Recoverable data can run in the tens of thousands of dollars per hard drive to produce and require a computer forensics expert, hardware and costly software.

The cost of producing the data is generally the responsibility of the person who must produce it. That means the cost difference between accessible, archived and recoverable data is significant to a litigant responsible for producing the data. Under the new Federal Rules, it may be possible to shift some of the cost burden to the party requesting the records, but it is not guaranteed and it is very fact specific to the particular case. Therefore, the following recommendations can significantly reduce one’s exposure to such liability.

Know your data back-up system – Most business computer systems include a back-up procedure that archives data in the event of catastrophic system failures. If your client does not have a back-up procedure, then he or she should. There is a “safe harbor” in the discovery rules for losing records to a catastrophic failure, such as an unrecoverable system crash or destructive virus. However, the exception is uncertain and has not yet been clearly defined or tested. It would be unwise to hope that the safe harbor would protect a client who did not use the most basic data-preservation standard common to all businesses. What many back-up procedures neglect to include is an index of the records being stored that allows a client to know what is stored on the tapes and where on the tapes it is stored. This is a simple feature to request. If your client uses a back-up procedure, then the procedure should also include an index. A discovery request can be narrowed and limited if the respondent can point to the location where the requestor’s records can be found, otherwise he or she might have to restore everything and sift through all of the files looking for what an opponent needs, possibly exposing more than one wanted or would otherwise be required to disclose.

Mr. Collier is a member of the New York County Lawyers’ Association’s Construction Law Committee and holds degrees in business administration and information technology. He has taught systems engineering and is a member of the Institute of Electrical and Electronics Engineers (IEEE). Mr. Collier practices with Garcia & Milas, in New Haven, CT (www.garciamilas.com). He can be reached at DCollier@GarciaMilas.com.

(This article concludes in next month’s issue.)
What's the Fastest Law Firm in New York City?

Racing the Bar will be held at Icahn Stadium on Randall’s Island on Thursday, July 12, 2007 from 4:00 – 7:30 PM. It will be an exciting evening of challenging and fun Track and Field activities for people of all levels and abilities. Each firm will comprise a team and points will be given in each event for the top eight finishers. At end of the evening, Icahn Stadium Law Championship Trophies will be given to the firms with the most points. The top awards will be given in two categories - firms competing with fewer than 50 associates and those with more than 50 associates. The winning firms will be able to keep the trophy on their premises for one year until the next Championship Meet. Prizes will be awarded to individual and/or team winners for each event.

EVENTS WILL INCLUDE:
- Relay Race – 4 people per team running 100 meters each (each team must have at least one woman)
- Individual 100 meter Dash (Men’s and Women’s Division)
- Individual 400 meter Dash (Men’s and Women’s Division)
- Long Jump (Men’s and Women’s Division)
- Shot Put (Men’s and Women’s Division)
- Turbo Javelin (Men’s and Women’s Division)
- 3-legged 100 meter Dash (co-ed)
- Potato Sack 40 meter Race (co-ed)
- Water Balloon Toss

Check in and registration begin at 3:30 PM; the event will officially kick off with the National Anthem at 4:00 and activities will run until 7:30 PM. Each firm will receive color-coded team T-shirts and will sit in a designated team area of the stadium. Firms are encouraged to bring their own signs and banners to generate team spirit. Refreshments will be served throughout the event.

Money raised from this event will underwrite the Randall’s Island Kids (RIK) free sports and camp programs on the Island. Currently, Randall’s Island Sports Foundation (RISF) provides more than 10,000 under-resourced children, primarily from Harlem and the South Bronx, with free Randall’s Island Kids programming including RIK Camp, RIK Sports, RIK Nature, RIK Dance and the Jesse Owens Track & Field Club. RISF will be responsible for running the entire event. Firms need only schedule a bus and bring their Associates for an exciting evening of fellowship and spirited competition. Costs for Racing the Bar will be $250 per Summer Associate and $150 for all others.

For information, please call: Nichole Spates, Randall’s Island Sports Foundation, at 212-830-7716 or email nichole.spates@parks.nyc.gov.

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For more information, please call Mr. Babitsky at 508-548-9443, email him at StevenBabitsky@seak.com or log on to www.SEAK.com.
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