NEW YORK STATE BAR ASSOCIATION

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Tracee E. Davis
Zeichner Ellman & Krause LLP
New York City

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NYSBA

Commercial and Federal Litigation Section

Spring Meeting

Gideon Putnam Resort
Saratoga Springs, New York
May 3 - 5, 2013

This MCLE program offers **up to 6 MCLE credit hours** consisting of **4.5 in Professional Practice and 1.5 in Ethics**.

NYSBA

SCHEDULE OF EVENTS

Friday, May 3

3:00 p.m. **Registration – Hotel Lobby**

6:00 p.m. **Cocktail Reception – Gallery**

6:45 p.m. **Opening Banquet – Hathorne Coesa**

8:30 - 9:20 p.m. ***From Tomb Raiders in Turkey to Hitler's Crimes Against Humanity: Recovering Stolen Artworks and Other Cultural Property (1 Professional Practice)***

Speaker: **Howard N. Spiegler, Esq.,** Co-Chair, Art Law Group, Herrick Feinstein LLP, will share with us his experiences in recovering artworks and antiquities stolen before and during World War II or looted from native lands. This program will analyze the legal principles underlying the efforts to recover cultural property with examples of cases.

Saturday, May 4

8:00 a.m. **Registration – Gallery**

8:00 – 10:00 a.m. **Continental Breakfast**

9:00 a.m. – 12:30 p.m. **General Session – Hathorne Coesa**

9:00 – 9:15 a.m. **Welcoming Remarks**
Tracee E. Davis, Esq., Section Chair

New York State Bar Association Welcome
David M. Schraver, Esq., President-Elect, New York State Bar Association

Program Overview
Gregory K. Arenson, Esq., Section Chair-Elect and Program Chair

9:15 – 10:45 a.m. ***The Southern District of New York Pilot Program and Practice in Complex Cases: How Will It Improve Practice for Commercial Litigators and Has It worked So Far?* (1.5 Professional Practice)**
The Southern District of New York Pilot Program begun in November 2011 promulgated special rules for complex civil cases in an attempt to make them faster, cheaper and more efficient. This program will discuss how those rules have withstood practical everyday experience and whether they have made a difference in the cases to which they have been applied.

Moderator: **Jay Safer, Esq.**
Locke Lord LLP
New York City

Panelists:

Hon. Victor Marrero
United States District Court
Southern District of New York

Hon. Shira Scheindlin
United States District Court
Southern District of New York

Steven C. Bennett, Esq.
Jones Day
New York City

Melanie L. Cyganowski, Esq.
Otterbourg, Steindler, Houston & Rosen P.C.
New York City

Saturday, May 4 (continued)

10:45 – 11:00 a.m. **Refreshment Break**

11:00 a.m. – 12:30 p.m. ***Third-Party Litigation Funding: Boon or Bane? (1.5 Ethics)***
This program will explore the ethical and legal implications of third-party litigation funding. It will consider the pros and cons of such funding and discuss which jurisdictions have accepted and rejected it so far.

Moderator: **Prof. Patrick Connors,** Albany Law School, Albany

Panelists:

John H. Beisner Esq.
Skadden, Arps, Slate,
Meagher & Flom LLP
Washington, D.C.

John P. "Sean" Coffey, Esq.
Managing Director
BlackRobe Capital Partners, LLC
New York City

Jeremy Feinberg, Esq.
Statewide Special Counsel for Ethics
Office of Court Administration
New York City

Harvey R. Hirschfeld
President, LawCash
Brooklyn

Prof. Anthony Sebok
Cardozo Law School
New York City

12:30 – 2:00 p.m. **Buffet Lunch - Arches**

2:00 – 6:00 p.m. **Afternoon Free for Recreation and Spa Activities**

6:30 p.m. **Cocktail Reception - Gallery**

7:30 p.m. **Gala Dinner – Orenda Geyser Coesa**

Presentation of the Robert L. Haig Award for Distinguished Public Service

Presenter: **Hon. Reena Raggi,** Judge, Unites States Court of Appeals for the Second Circuit

Recipient: **Hon. Carol B. Amon,** Chief United States District Judge, Eastern District of New York

Sunday, May 5

8:15 a.m. **Registration – Gallery**

8:00 – 10:00 a.m. **Continental Breakfast**

8:45 a.m. – Noon **General Session – Hathorne Coesa**
Blowing the Whistle on Commercial Fraud
This program will examine the use of whistleblower laws in the civil prosecution of commercial fraud under the federal False Claims Act, the New York False Claims Act, and the Securities and Exchange Commission Whistleblower Program. It should provide practical guidance to private practitioners, government lawyers and the judiciary.

8:45 – 9:45 a.m. ***The Federal False Claims Act (1 Professional Practice)***
This panel will examine the recently strengthened federal False Claims Act, first passed in 1863, and its varied uses as the federal government's most powerful civil weapon to fight fraud on the government in health care, the financial industry, and beyond.

Moderator: **Richard J. Dircks, Esq.,** Getnick & Getnick LLP, New York City

Sunday, May 5 (continued)

Panelists:

Pierre Armand, Esq.
Assistant United States Attorney
Deputy Chief, Civil Frauds Unit
Southern District of New York

Robin L. Baker, Esq.
WilmerHale
New York City

Neil V. Getnick, Esq.
Getnick & Getnick LLP
New York City

9:45 – 10:40 a.m.

***The New York False Claims Act* (1 Professional Practice)**
The New York False Claims Act is the strongest state false claims act in the nation and is unique in its breadth of application. This panel presents a rare opportunity to hear directly from the prosecutorial force behind its enforcement: the Office of the New York Attorney General.

Moderator:

Dana V. Syracuse, Esq.
Assistant Attorney General
Taxpayer Protection Bureau
Office of the New York Attorney General
New York City

Panelists:

Sally G. Blinken, Esq.
Special Assistant Attorney General
Office of the New York Attorney General
New York City

Randall M. Fox, Esq.
Bureau Chief
Taxpayer Protection Bureau
Office of the New York Attorney General
New York City

Gregory M. Krakower, Esq.
Senior Advisor and Counselor to the Attorney General
Office of the New York Attorney General
New York City

10:40 – 10:55 a.m.

Refreshment Break

10:55 – 11:50 a.m.

***The SEC Whistleblower Program* (1 Professional Practice)**
The Dodd-Frank Act established the SEC Whistleblower Program in 2010. This panel looks at the structure of the program as well as developments to date from the perspectives of whistleblower counsel, defense counsel, and the SEC.

Moderator:

Margaret J. Finerty, Esq.
Getnick & Getnick LLP
New York City

Panelists:

Carolyn G. Nussbaum, Esq.
Nixon Peabody LLP
Rochester

Michael J. Osnato, Jr., Esq.
Assistant Regional Director
Securities and Exchange Commission
New York City

Jordan A. Thomas, Esq.
Labaton Sucharow LLP
New York City

11:50 a.m. – Noon

Q&A (program wide)

12:00 Noon

Adjournment & Departure

Lunch is on your own

SARATOGA SPRINGS

Saratoga Springs offers the perfect blend of tradition and fun. Downtown Saratoga Springs' famous Broadway has been a recipient of the "Great American Main Street" award. There are Saratoga attractions for everyone including naturally carbonated mineral spas, harness racing and polo, golf, 10 historic museums, dining at one of the 102 restaurants, unique downtown boutiques as well as the Beekman Street Arts District, known for its mix of art galleries and local artists. There is something for everyone in all seasons of the year.

With shopping, restaurants, and the Saratoga Spa State Park just steps from your door, the Gideon Putnam Resort is the perfect starting point. The Gideon Putnam Resort Hotel is an historic Georgian revival period hotel, with an up-to-date conference center and spa. The hotel is located in the center of the tranquil 2,300-acre Saratoga Spa State Park. The Spa State Park boasts a beautiful 18-hole championship golf course and a par-three executive course, miles of jogging and hiking trails, and more. In addition, the park's Roosevelt Mineral Baths & Spa provides luxurious body therapies, soothing facials, healing mineral baths and a host of salon services only moments from the Gideon Putnam Resort. The Spa State Park also features some of Saratoga's top cultural attractions including the Saratoga Automobile Museum, Hall of Springs, Spa Little Theatre, the National Museum of Dance and Saratoga Performing Arts Center.

National Museum of Dance & Hall of Fame

99 South Broadway, 518.584.2225. Only museum in the country devoted to American Professional Dance. www.dancemuseum.org

National Museum of Racing & Hall of Fame

Union Avenue, 518.584.0400. Trace the history and adventure of the Thoroughbred from 17th & 18th century racing in New York to the present day scene! www.racingmuseum.org

Saratoga Automobile Museum

110 Avenue of the Pines, Saratoga Spa State Park, 518.587.1935. Located in a historic bottling plant, The Saratoga Automobile Museum preserves, interprets and exhibits automobiles and automotive artifacts. The museum offers education to the general public, students and enthusiasts regarding the role of the automobile in the past, present, and future. www.saratogaautomuseum.org

Saratoga Battlefield National Historical Park

648 Route 32, Stillwater, 518.664.9821 ext. 224. In the autumn of 1777 American forces met, defeated and forced a major British army to surrender. The Battle of Saratoga was a crucial American victory that renewed patriots' hopes for independence and secured essential foreign recognition and support. www.nps.gov/sara

Saratoga Spa Golf Course

60 Roosevelt Drive, 518.584.2006. Saratoga Spa Golf is located just south of historic Saratoga Springs, NY. Set in a pine forest, and surrounded by the natural and historic beauty of Saratoga Spa State Park, 'SPA GOLF' is comprised of an 18-hole Championship Course, a 9-hole Executive Course, an all grass driving range, a practice putting green, and a full service golf shop. www.saratogaspagolf.com

Roosevelt Baths and Spa

37-39 Roosevelt Drive, 518.226.4790. Stroll across the park from the Gideon Putnam to the spa to enjoy the luxury of Saratoga's naturally effervescent waters, with soothing baths and wonderfully relaxing spa treatments. Open 9 am to 7 pm. Appointments are recommended. Please call 800.452.7275 ext. 4. www.gideonputnam.com

Saratoga Winery

462 Route 29, 518.584.9463. The family-owned and operated Saratoga Winery offers a diverse selection of traditional wines, as well as their signature wine called Melomel; the ancestor of all fermented drinks. Melomel is centuries old in Europe, Africa and Asia. Not to be confused with mead, Melomel is made of fruit and honey offering a smooth, somewhat sweet flavor to the palate. Visit any time for a tasting at their warm and inviting Adirondack style tasting bar. www.thesaratogawinery.com

Tang Teaching Museum and Art Gallery

Skidmore College, 815 N. Broadway, 518.580.8080. One of the first interdisciplinary museums of its kind in the country, the Tang develops exhibitions and programs that combine a variety of subjects such as antique maps, scientific artifacts and Shaker furniture together with new works of international, contemporary art. Artist talks, curator tours, films, music on the roof, and children's activities bring everyone together to explore art in new ways. http://tang.skidmore.edu

Tennis Courts at Spa State Park

Saratoga Spa State Park, Four hard top and four clay courts are available to Spa State Park visitors on a first come, first serve basis.

Yaddo Artists' Community

Union Ave at Henning Road, 518.584.0746.Yaddo offers residencies to professional creative artists from all nations and backgrounds working in a variety of media. The Yaddo Gardens are open daily dawn to dusk, free of charge. A formal rose garden and an informal rock garden feature turn-of-the-century fountains and statues. The Gardens are the only part of the Yaddo estate open to the public. www.yaddo.org

RESTAURANTS

Boca Bistro | 384 Broadway | 518.583.1142
A Spanish Bistro and Tapas Bar. Combining earthen and distressed textures with stylistic accents and a touch of Mediterranean influence Boca Bistro embodies the charismatic old-world essence of an authentic Spanish restaurant. www.bocabistro.com

Cantina | 430 Broadway | 518.587.5577
At Cantina, we are committed to serving fresh, delicious Mexican cuisine and festive drinks in a relaxing atmosphere made from the freshest local ingredients. Stop by for our famous margaritas or bring the whole family for dinner. www.cantinasaratoga.com

Capriccio Saratoga | 26 Henry Street | 518.587.9463
Capriccio Saratoga is an elegant and authentic Neapolitan Trattoria featuring the flavors of Napoli in a warm, neighborhood atmosphere. We offer assorted antipasti, house cured artisan meats, a variety of classic pasta dishes, wood fired pizza made in the traditional Neapolitan style as well as delicious risottos and exceptional desserts. www.capricciosaratoga.com

Chianti Il Ristorante
The Lofts at 18 Division Street | 518.580.0025
An authentic Italian restaurant where charming atmosphere, excellent food, and impeccable service blend together to give you a wonderful dining experience. www.chiantiristorante.com

Forno Bistro | 541 Broadway | 518.581.2401
a variety of rustic Italian food, Tuscan style. From the thin crust-wood fired pizza to the homemade pastas in an elegant but casual atmosphere. www.fornobistro.com

Hattie's Restaurant | 45 Phila Street | 518.584.4790
We feature authentic Southern & Louisiana cuisine. Unique and elegant outdoor dining & Patio bar. Winner of the Fried Chicken Throwdown with Bobby Flay as seen on the Food Network! www.hattiesrestaurant.com

Jacob & Anthony's American Grille
38 High Rock | 518.871.1600
With a look that is a slice of pure Americana and dishes featuring classic recipes with a modern presentation Jacob & Anthony's is a true American Classic. www.jacobandanthonys.com

Limoncello Ristorante | 1 Ballston Avenue | 518.580.8700
An elegant Northern Italian Trattoria located steps from beautiful Congress Park in the heart of Downtown Saratoga Springs. www.limoncelloristorante.com

Maestro's at the Van Dam | 353 Broadway | 518.580.0312
Great Food, Great Hospitality, and a Great New Space. We feature a classic bar, lounge, beautiful dining room and an amazing raised 50 seat terrace for outdoor dining located right on Broadway in the beautiful historic Rip Van Dam building. We serve great food in a casual and fun atmosphere with no pretense and with warm hospitality. www.maestrosatthevandam.com

Max London's Restaurant & Bar
466 Broadway | 518.587.3535
The dinner menu is divided into small plates, pizzas, pasta, and salads. Max London's also offers nearly 20 different beers and 30 different wines along with your "sure to please" choice of over 30 cocktails! www.maxlondons.com

Mouzon House | 1 York Street | 518.226.0014
Fine dining in a restored 1800's home overlooking High Rock Park. Highlighting true French Quarter cuisine, fresh from local organic farms. www.mouzonhouse.com

One Caroline Street Bistro
One Caroline Street | 518.587.2026
An intimate little bistro with fabulous food and a great wine list. Live music nightly and soft piano music during dinner. www.onecaroline.com

Prime at Saratoga National Golf Club
458 Union Avenue | 518.583.4653
The beef is dry-aged, the wines of fine vintage and the service unsurpassed. Fresh seafood and a range of other offerings round out a diverse menu. www.golfsaratoga.com/prime.html

Sperry's | 30 1/2 Caroline Street | 518.584.9618
Sperry's is noted for its fresh grilled seafood, Maryland crab cakes, soft-shell crabs (in season) and steak au poivre. www.sperrysrestaurant.com

Wheatfields Restaurant | 440 Broadway | 518.587.0534
Using only the finest ingredients, this downtown Saratoga Springs restaurant has been producing handmade pastas daily since 1988. Fresh from local fields to your plate. www.wheatfields.com

Wine Bar | 417 Broadway | 518.584.8777
The Wine Bar serves eclectic American food with a focus on fresh ingredients and featuring over 40 wines by the glass, cocktails and bottled beers. www.thewinebarofsaratoga.com

Wishing Well Restaurant
745 Route 9 | Gansevoort 518.584.7640
Live Maine lobsters, prime steaks, hand-cut veal and fresh seafood are a staple of this Saratoga landmark. www.wishingwellrestaurant.com

TRAVEL INFORMATION

Hotel Address
Gideon Putnam Hotel
24 Gideon Putnam Road
Saratoga Springs, NY 12866
Tel: 866-890-1171
Fax: 518-583-2832
website: http://www.gideonputnam.com

Directions

From South (New York City)
Take I-87 north (New York State Thruway).
Exit 24 to I-87 (Northway).
Exit 13N (Route 9).
At 4th light turn left into the park.
Bear left after 8/10 mile - hotel is ahead on right.

From West (Buffalo)
Take I-90 east (New York State Thruway).
Exit at Amsterdam Exit 27, pay toll.
Take right to Route 67 to Ballston Spa.
Take Route 50 north.
Take right into park at 2nd light after sign, "Saratoga Performing Arts Center."
Follow signs to hotel.

From North
Take I-87 south (Northway).
Exit 14 and make a right on Route 9P (Union Avenue).
At the end of Union Avenue make a left onto West Circular Street.
Bear right at first stop sign.
Turn left onto Broadway at 1st light.
At 3rd light turn right into the park.
Bear left after 8/10 mile - hotel is ahead on right.

From East (Boston)
Take I-90 west (Mass. Turnpike) continue until Albany, use Troy/Albany Exits (24).Take I-87 (Northway).
Take Exit 13N (Route 9).
At 4th light turn left into the park.
Bear left after 8/10 mile - hotel ahead on right.

From the Albany Airport
Starting from the main parking/car rental area, continue through the toll booths to first traffic light.
Turn left onto Albany-Shaker Road following signage to I-87 North (the Adirondack Northway).
Turn left to take ramp onto I-87 North.
Follow I-87 N to Exit 13N.
Continue onto Route 9 North.

CLE Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will qualify for **UP TO a total of 6 MCLE credits consisting of 4.5 in Professional Practice and 1.5 in Ethics.** This program is not transitional and is **not** suitable for MCLE credit for newly-admitted attorneys.

Discounts and Scholarships: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, **not later than ten working days** prior to the start of program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207. 518.487.5500 or lnicoll@nysba.org.

Accommodations for Persons with Disabilities:
NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518.487.5563 or lnicoll@nysba.org.

NYSBA

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MEETINGS DEPARTMENT
One Elk Street
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