

Perspective

A publication of the Young Lawyers Section
of the New York State Bar Association

A Message from the Section Chair

In this, my last Chair's column, I would like to thank everyone for their efforts and support during the past year. Your Section operates with a truly fine Executive Committee and Staff Liaison, Terry Scheid. We are all looking forward to another successful year with David Miranda at the helm, who will become the new Chair in June.



There are several articles in this newsletter about making transitions—transitioning from practicing in New York City to upstate; transitioning from private practice to government; and transitioning from private practice to a corporation. My most recent transition was from working full-time to working part-time and becoming a mother. For those of you who are considering a switch, I'll offer my advice on this transition. While I made a choice to not work full-time, I think the following suggestions will apply equally to attorneys/parents at home or working full-time.

Decide what you really want and go for it—There are a lot of factors to take into consideration when you

(Continued on page 12)

Do You Want to Be a Government Lawyer?

By Richard A. Reed

This article addresses two fundamental questions about working as a government lawyer: (1) How can you get such a job? and (2) What do government lawyers do?



This article does not describe every position that technically qualifies as employment as an attorney in state government. For example, judicial clerkships and counsel positions in the legislature are not covered. Rather, this article describes positions available in New York State's executive branch of government.

New York State's hiring process and government lawyer positions are similar in many ways to the hiring process and positions in other states' agencies and federal agencies. At the state level, states' civil service departments have a wealth of information regarding their state's government law jobs and how to get them. The federal government does not have a civil service department; however, federal job opportunities

are listed at a helpful Web site called "The Job Page" (<<http://access.america.gov.docs/thejobpage>>).

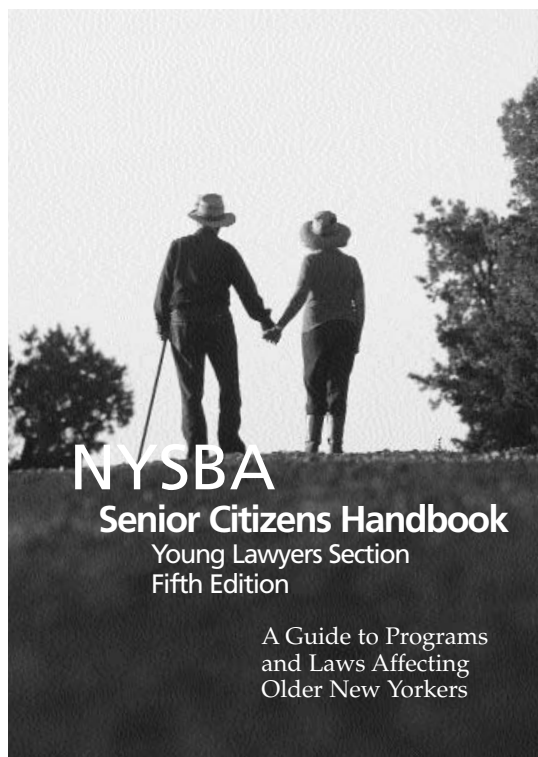
In New York State there are concentrations of government law jobs available in Albany, the state capital, and in New York City due to the great amount of state government activity there. However, there are

(Continued on page 18)

Inside

From the Editor's Desk	3
SOUND OFF!	4
Moving Outside the "Box": A Light-Hearted Look at Life as a Lawyer Outside Manhattan (Amelia Klein)	6
Flying Solo in New York (Steven M. Ratner)	8
Young Lawyers Section News and Events	10
Bradley P. Kammholz 2002 Outstanding Young Lawyer Award Recipient	13
On the Inside Looking Out (Katherine M. Sheehan)	14
TECHNOTALK Judicial Review of Domain Name Arbitration Decisions (David P. Miranda)	16

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From the Editor's Desk

"Eighty percent of success is showing up." —Woody Allen

Welcome to the Spring 2002 issue of *Perspective*. I think you will find the articles in this issue fairly represent the diverse view-

points and vocations of our members. I was fortunate to obtain several excellent articles discussing the often difficult decision of changing jobs and the pros and cons that go along it. From reading the recent **SOUND OFF!** responses (see page 4), one gets the feeling that many young lawyers are facing difficulties adjusting to their positions and hopefully these articles will offer insightful guidance.

For the next **SOUND OFF!** topic, we're asking members to voice their opinions on state Bar activities. You are encouraged to discuss your experiences, positive or negative, and to suggest avenues for change. Young Lawyers Section activities certainly fall within this group. Personally, I've found involvement in the YLS to be highly beneficial. When I first joined the YLS over five years ago, I had little concept of the opportunities available. As many members expressed in **SOUND OFF!**, I recall various times after I was first admitted when I felt on the outside looking into the profession of law. It was hard for me to envision myself meet-



ing and discussing topics with the likes of NYS Chief Judge Judith Kaye, or hearing U.S. Supreme Court Chief Justice Rehnquist state, "Mr. Rizzo, we'll hear your motion . . ." (during the U.S. Supreme Court Admissions Program), or becoming a voting member of the State Bar House of Delegates. I had no idea what the House of Delegates even did. Nor did I see myself as the editor of a publication going out to over 3,000 lawyers and law students. The YLS is an excellent gateway for such opportunities, if one is willing to "show up," and get involved with the variety of programs offered. The News and Events section in this issue lists many of the YLS projects and activities and any of the YLS officers can be contacted for more information.

One recent YLS meeting that deserves a special mention took place in March 2002, with Chief Judge Judith Kaye at the Court of Appeals. Chief Judge Kaye has been a strong advocate of wanting to hear from our Section. During our meeting, Judge Kaye generously sought our input on a myriad of topics and encouraged Section members to get involved in the various state bar committees to effect changes in the profession we will ultimately inherit.

Also, as of June 2002, Barb Samel will step down as Chair of the Section and David Miranda—our resident technology guru—will take over the reins. Barb has done a great

job as Chair this past year and her tireless efforts will serve the Section well for years to come. I must also throw in a personal thanks to Barb for obtaining three of the articles used in this issue!

You will observe that the **SOUND OFF!** responses were particularly emotional this time around and I thank those who responded. As many comments needed to be edited down to fit into this issue, I think a safe guideline is that a response should not take any more than 5-10 minutes to write. Besides the suggested **SOUND OFF!** topic, please feel free to submit any other comments of interest to our Section via e-mail to: jamesrizzo9@juno.com. Please also note that the deadline for all submissions (substantive articles, reviews, **SOUND OFF!** responses, etc.) to the Fall 2002 issue of *Perspective* is **August 15, 2002**.

Finally, this issue is dedicated to former President Clinton's dog "Buddy" who tragically passed away after an auto accident in January 2002. Readers will recall that Buddy's photo graced the pages of *Perspective's* last issue, and it was a pleasure to have seen him "in person" rummaging around the White House lawn back in 1999.

Lex deficere non potest in justitia exhibenda.

James S. Rizzo

"Great spirits have always found violent opposition from mediocrities. The latter cannot understand it when a man does not thoughtlessly submit to hereditary prejudices but honestly and courageously uses his intelligence."

—Albert Einstein

SOUND OFF!

Young Lawyers Respond to the Question:

"ARE YOU SATISFIED WITH YOUR DECISION TO BECOME A LAWYER?"

"The biggest worry is my \$165,000 student loan debt. I work at a great firm, but I still live at home because my \$1600/month loan payment doesn't permit me to live anywhere else."

"I am satisfied with my decision to become a lawyer. However, we are a flock of sheep. We are led to slaughter by the public. As soon as one attorney injures a client, we race around in circles screaming, 'Mea Culpa!' We rush to mandate pro bono when the medical field scoffs at anything remotely resembling voluntary care. When the public screams, 'Lawyers are like sharks!', we run to mandate Continuing Legal Education. We are our own worst enemies. We should stand up to the criticism like the professionals we are and stop beating ourselves over the head every time one bad apple pops up in the barrel. There . . . now I feel better!"

"I am very satisfied with my decision to become a lawyer. I am a solo practitioner and practice in the area of elder law. The day I quit my job as a tax associate to open my practice in New York City was the turning point in my career."

Steven M. Ratner, Esq.
New York City

"I am making \$28,000 a year and I have over \$100,000 worth of loans to pay back. For all intents and purposes, I work to pay my loans and parking—forget lunch money. The word 'satisfaction' isn't exactly in my vocabulary at this moment."

"I was pleased to read that the State Bar has formed a special committee to explore the issue of law school debt incurred by young lawyers. Since I am a young attorney saddled with enormous debt which literally affects every personal and professional decision I make, I feel compelled to comment on this issue."

Firstly, the issue of student law debt must be addressed at the federal level. The rules with respect to interest rates for federally guaranteed student loans are ludicrous. I borrowed a total of approximately \$100,000 for college and law school. My debt consists of a combination of federal subsidized and unsubsidized loans, along with private loans. When I graduated law school and started working, I was earning \$27,000 per year. My student loan payments were in excess of \$1,000 per month. Since I was unable to afford the payments, I had to defer some of my loans until my salary increased. During the deferment period, the interest was capitalized. As a result of capitalization of interest, despite the fact that I have made loan payments ranging from \$550 to \$1700 per month (depending on my salary) my debt has risen to an astonishing \$132,000.

Moreover, law schools do nothing to address this issue. In fact, I was encouraged to borrow money. At 22 years old, I can assure you I had no concept as I was agreeing to capitalized interest and deferred payments what an impact such a debt would have on the rest of my life. There was no counseling or education with regard to the burden of student loan debt. To the contrary, the impact of this debt was downplayed by my law school. Certainly, no one explained that I would be paying forty percent of my take-home salary towards student loan payments five years after graduation, and that it was likely that I would be paying my loans until my children (not yet born) graduate from college.

Finally, I am precluded from being the attorney I went to law school to be. Public interest work is out of the question unless I hit the lottery. The primary focus of my career now is to make as much money as possible so I can pay as much of my loans as possible so that I can one day have a career that I enjoy.

Because of my debt, I believe that law school was a huge mistake. If the government could foreclose on my law degree (i.e., erase my debt, but take my law

degree) I would seriously consider the option."

Jacquelyn Todaro, Esq.

"2nd year working in NYC, went to NYU. Law school great. Job great. The city is great. If things were any better I'd be dreaming. It's like the old song: 'The future's so bright, I gotta wear shades.'"

"I met the challenge of law school and two state Bars simply to help people. But that's not the sole focus of an attorney. It's all about time. My days are reduced to "0.1" increments and I don't have enough time to spend with my family and friends. Most days I am not satisfied with being an attorney. It's rewarding, but exhausting! Starbucks knows me very well."

Tax Attorney, San Diego, California

"There is no clear-cut answer. Being a lawyer is much different than what I had thought the practice would be. The amount of responsibility is overwhelming; however, it is every bit as exciting as I imagined. In short, I am happy with who I have become professionally, even if I am not the 'typical' attorney."

Buffalo, New York
Graduate of the University at Buffalo
School of Law

"Funny you should ask! I am extremely disillusioned with the practice of law (and I have only been admitted for 1 year!). The more attorneys I meet, the more I dislike them! (I am in the insurance defense business, maybe that is why). I cannot secure a job as an associate in another area of law because of the old cliché: Can't get a job without experience; can't get experience without a job. Thanks for asking!"

(Continued on page 19)

Tired of Long Hours, Law School Debt, or Maybe You Just Want to Congratulate a Colleague on a Recent Accomplishment?

If So, Then It Is Time for You to . . .

SOUND OFF!

Perspective is proud to offer a chance for our Section members to *anonymously* express their opinions, complaints and/or other assorted commentary on any number of subjects affecting young lawyers today. Each issue, a primary topic will be given for readers to comment on (see below). However, submissions are strongly encouraged on any other recent topic of interest (controversial local, state or federal laws being considered, a new regulation affecting young attorneys, law school/bar exam/law firm war stories, an attorney or program you'd like to congratulate or publicize, etc.). Your name, location and/or law school information is encouraged, but will only be published if the author requests it. All responses will be published in the next issue of *Perspective*.

***Sound Off!* Would Like Your Response to the Following Question:**

**DO YOU THINK IT IS BENEFICIAL TO BECOME
ACTIVELY INVOLVED IN STATE BAR ASSOCIATION
ACTIVITIES?**

WHY? WHY NOT?

Due to format constraints, all comments should be brief (40-60 words maximum, i.e., what can be written in 5-10 minutes) and should be sent to *Perspective's* Editor-in-Chief via e-mail at: jamesrizzo9@juno.com. *Perspective* reserves the right to edit responses and the right not to publish responses considered inappropriate.

We look forward to hearing from you!

Moving Outside the “Box”: A Light-Hearted Look at Life as a Lawyer Outside Manhattan

By Amelia Klein

So, you’re sitting in your office, looking out at other office buildings. You feel like you live there. You last saw grass when you visited your folks in the ‘burbs. So, you are dreaming about escaping from Manhattan. Maybe moving upstate. Practicing in a smaller firm, or maybe hanging out your own shingle. Get a little land. Maybe some animals. Grow some organic vegetables. Sounds idyllic, right?



I did it, six years ago. I was working in one of the big firms in Manhattan, making the big bucks, working the big hours. I cut my ties to the canyons of Wall Street and moved to a farm on a mountain outside of Albany. I went to work at a large, upstate firm (the size of which would be “medium,” at best, in Manhattan). So what’s it like?

Breaking Out of the Box

You have good grades, from a good law school. You work at an internationally recognized law firm. Your resume reads like a dream. So what is the biggest obstacle you will face in getting a job upstate? Convincing them that you want it. Why on earth would you move here? Do you have family, friends, and other ties here? Do you at least ski?

Don’t fly to your interview. Too ostentatious. Take the train or, better yet, drive. (You do know how to

drive, don’t you?) Practice saying the names of upstate towns: Rensselaer, Schuylerville, Schenectady, Syracuse. (If you are going to Syracuse, brush up on the Orangemen. If you don’t know what I am talking about, start studying.)

“Responsibility comes much more quickly outside of larger-firm Manhattan practice. It can be exhilarating. It can be frightening.”

Working Outside the Box

You got the job. The first thing you notice is the salary. That’s okay, you expected to be paid less than you earned in Manhattan. And the cost of living is less upstate, right? Well, housing certainly is cheaper. But your car is going to cost the same, although insurance is less. Car? You mean you don’t own a car? If you are married, you are going to need two. Public transportation is practically nonexistent. Which means you will never find the time to read *The New York Times* or *The Wall Street Journal* ever again. And dry cleaning . . . don’t get me started on dry cleaning. More expensive. But your New York City clothes will last you a good, long time upstate, because the latest fashions have not quite made their way up the Thruway yet (my pantsuits made quite a stir when I got here six years ago). Then you notice that your colleagues generally brown-bag their lunches. That’s right, lunch is more expensive. Where are all the hot-and-cold salad bars?

Speaking of food, if you are living on 52 kinds of take-out, all delivered to your door, fuhgettaboutit. We have pizza and Chinese food. But there’s sushi at the supermarkets now. And you can find a halfway decent bagel, if you look hard.

Another thing you notice is that the “fungible associate theory” no longer applies. You are not one of dozens of new lawyers. Your new firm needs YOU. They needed you yesterday. There’s a lot of work to be done. And you are expected to be able to do it. Right now, without a lot of coddling. You’re a lawyer, aren’t you? If you have been practicing in a small box (specialty) up until your move, you will discover it is much more difficult to concentrate your practice in a narrow way. Many upstate lawyers practice in more than one area of the law. If you are a litigator, you will litigate—all kinds of cases, from traffic matters in town court all the way on up to Superfund litigation. You’ll be taking depositions in no time; you’ll be in court sooner than you ever dreamed. Responsibility comes much more quickly outside of larger-firm Manhattan practice. It can be exhilarating. It can be frightening.

The office is very quiet after 5:30 p.m. And on weekends. Your billable-hour target is 1,800 hours, not 2,000 hours plus. Everyone has another life. Most of your colleagues are married, with children. They get to work early (if you are used to a 9:30 a.m., or later, start time, buy a new alarm clock). The cleaning staff vacuums the floors at 5 p.m. (creating a Pavlovian response in those of us from Manhattan firms: we are exhausted and hungry; it’s time to go home). There is no 24-hour word

processing, no late Fed-Ex pick-up. No car service. Dinner, if you must have it in the office, will be from a vending machine (or the can of soup you keep in your bottom drawer). Yes, we have computers, and PDAs and cell phones. We just shut them down, sometimes.

But the lower billable hours expectation has its cost. Chances are, you will not be one of several associates working on the mega-monster-monolith merger. The clients are generally smaller. The hours you spend on a project may NOT be just a drop in the bucket, they may be the whole bucket. Consequently, you may not be able to bill a solid eight hours to a single issue for a single client in a single day. The clients are not necessarily looking for (or willing to pay for) a memorandum that is worthy of a law review article. You start hearing terms like "realization rate." You've got to get the job done for a reasonable price. You've got to be efficient.

And then there's marketing. You are expected to build your practice, your clientele. Your previous marketing experience may be limited to ghostwriting articles and speeches for the partners in your firm. You

may find you are getting up to the podium yourself, very soon. Maybe too soon, for your comfort. And attending many luncheons and after-work functions. But at least you won't miss the take-out so much.

"Yes, we have computers, and PDAs and cell phones. We just shut them down, sometimes."

Existing Outside the Box

You are anonymous in New York City. In order to retain some sense of privacy on the street, on the subway, in the elevator, and all those other crowded places you frequent, you build an invisible box around yourself. I know I did. I avoided eye contact with strangers. I didn't know the names of the clerks in the deli, the dry cleaner, the newsstand. And I didn't care.

Upstaters generally do not have this "personal space" box. But I carried mine around long after its usefulness had diminished. After a month, I realized I still did not know all of the names of the staff in my new office. But there weren't hun-

dreds of them, like at my old firm. There were about 20. And they all thought I was a snob. After three months, I realized that the lady behind the counter at the deli in my small town OWNED the deli. She was going to be there every day. I did not know her name. I did not know that it was her son that made the only decent pizza I had found in the area. I had to change. I had to break out of my box.

Now I live in "Small-bany." A place where you have neighbors who (gasp!) actually want to get to know you. Where the person in front of you at the grocery store is the sister of your colleague's wife. Where you run into people you know at the mall. Where someone stops you and says they saw a speech you gave. Where you invite all of your colleagues, and their spouses, and their kids to a barbecue at your house. And do you know what? I love it. I wouldn't trade it for anything—not even a Manhattan big-firm year-end bonus.

Amelia ("Amy") Klein recently broke out of her associate box and became a partner at the Albany office of Bond, Schoeneck & King, LLP, where she practices employee benefits law.



Struggling with an ETHICS ISSUE?

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**E-mail: ethics@nysba.org
or fax your question to:
518-487-5694.**



Flying Solo in New York

By Steven M. Ratner

Have you ever dreamed of starting your own business and being your own boss? Are you tired of spending day after day behind your desk or in the library working on unrewarding projects? Has the thought ever crossed your mind that you are climbing an endless ladder that is leaning against the wrong wall?



A little over a year ago I quit a secure job as a tax lawyer to start my own practice as an elder law attorney. It took me three years to overcome self-doubt and the utter disbelief of my family—all of whom were convinced that my wife and I would go hungry and be turning to them for our next meal. One year later, I can confidently say that going into practice on my own is the best thing I have done in my life and I look forward to many years of a rewarding legal career.

Starting a successful law practice is an excruciatingly slow process. Many months may pass from the day you open your doors and start marketing your firm until the phone starts ringing. Unless you have a strong belief in yourself and count patience among your best qualities, it may serve you well to sit tight for a little longer.

My first month in practice was the most challenging. I am not going to repeat here all of the steps you need to take before opening your doors. Jay Foonberg's book, *How to Start and Build a Law Practice* (an ABA all-time bestseller) would be a good place for you to start. Needless

to say, try to avoid timing your grand opening with the next Verizon phone strike.

It stands to reason that in a city of eight million, there must be enough work to keep you busy and your family fed. My experience has proved this to be true. I spent the first six months marketing my practice by writing articles for local papers and the *New York Law Journal*, teaching classes to the public, joining various bar associations and committees, networking with other professionals, and experimenting with advertising. By the end of six months, my efforts paid off and I started turning a small profit.

"A little over a year ago I quit a secure job as a tax lawyer to start my own practice as an elder law attorney. . . ."

Certain types of practices are easier to start as a solo practitioner than others. For example, if your specialty is international taxation, you may have trouble finding clients unless you are able to take a book of business with you. Practices that are targeted toward individual consumers are easier to start from the ground up. Some of these practice areas include personal injury, estate planning, elder law, bankruptcy, and family law.

Many attorneys working at larger firms have no experience at bringing in work. Before I opened my practice, I had never brought in even one single client to the law firms for which I had worked. Don't let this discourage you. With a little hard work and creativity, you will soon have your phone ringing. Many of

the marketing opportunities that I have found have come through persistence. For example, I have been publishing a monthly column in a local weekly paper for the past year. This column has given me terrific exposure and has generated many new clients. I found this writing opportunity simply by calling up the newspaper, expressing a desire to write a column on elder law, and meeting with the editor. Since that time, I have been submitting an article each month and the column has been a terrific success.

It is imperative that you provide only the highest level of services to your clients. The satisfaction level of your initial clients will ultimately determine whether your practice is a success. Conventional wisdom holds that for every satisfied client you have, you will gain two additional clients at some point in your career. It is also essential that you return your clients' phone calls immediately. Many clients have come to me because I was the first attorney to return their call. Other clients told me that they left their former attorneys because the lawyers were not diligent in keeping in touch with them.

". . . One year later, I can confidently say that going into practice on my own is the best thing I have done in my life and I look forward to many years of a rewarding legal career."

Before I opened my practice, many attorneys expressed concern about my ability to provide a high level of service to my clients and also be able to run a practice at the same time. Most attorneys in larger firms have very little experience in han-

dling the day-to-day administrative affairs of running a practice. I have found that running my practice has been a very small burden. I rely heavily on my computer. There are several very inexpensive programs that are designed for small firm lawyers. These include *Timeslips* to keep track of your time, *Time Matters* to keep track of your contacts and calendar, and *Quick Books*, which I use to keep track of my finances.

I recently completed my first full year in practice and in the month of November, I netted nearly as much as I was earning before I quit my job as an associate. Of course, I do not expect that every month will be as good in the early years, but I am confident that if I continue to work hard I will be at least as financially successful as if I had remained in law-firm life. More importantly, I have the pride that comes from

being my own boss and having built a business on my own. While working as an associate, I would often long for the weekend and the handful of vacation days that I was given each year. This is no longer the case. I now wake up each morning looking forward to going to work.

"... I have the pride that comes from being my own boss and having built a business on my own."

The decision to give up a secure job should not be taken lightly. However, if you believe that you have the persistence needed to start a successful business and you have always dreamed of being on your own, I would highly encourage you to take

the plunge. If anyone has any questions regarding going into practice in New York, I can be found in the Manhattan White Pages under Steven M. Ratner and would be happy to discuss my experiences with you.

Steven M. Ratner practices elder law with offices in New York City and White Plains. He can be reached at 420 Lexington Avenue, Suite 300, New York, New York 10170; (212) 754-9117; Fax: (646) 349-4709; e-mail: smr_law@yahoo.com; Web site: www.ratnerlaw.com.

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Young Lawyers Section News and Events



Former Young Lawyers Section Chair and panel moderator Susan R. Bernis fielded questions from audience members on topics ranging from how to handle a client engaging in fraud, to how to balance work and personal life.

The Young Lawyers Section's highly successful Annual Meeting program took place on January 23, 2002, at the New York Marriott Marquis in New York City. The program was divided into two parts, the first being the ever-popular "CPLR Update" lecture given by David D. Siegel, Distinguished Professor of Law at Albany Law School of Union University. The lecture was standing room only. Following the "CPLR Update," a panel discussion was held on the topic of "Pitfalls of Practice." Tips on being a successful associate, common mistakes made by young lawyers, client relationships and balancing work and family were just some of the topics discussed. Former YLS Chair Susan R.L. Bernis of Royal & Sun Alliance, Farmington, Connecticut, moderated the panel which included Justice Charles E. Ramos, N.Y. State Supreme Court Justice, Commercial Division, New York City and David B. Kosakoff, a partner in the firm of L'Abbate, Balkan, Colavita & Contini, L.L.P. in Garden City. YLS member Scott E. Kossove was the program Chairperson. The YLS also co-sponsored a program for law

students on January 24, 2002, entitled, **"Practical Tips on How to Set Up Your Own Law Practice: The Nuts and Bolts Plus Pitfalls to Avoid."**

After the substantive meetings, the **Outstanding Young Lawyer Award** was given to Bradley P. Kammholz, whose many achieve-

ments are detailed on page 13 of this issue.

Also, on January 23, 2002, the YLS Executive Committee members met to discuss both ongoing and future projects of the Section, including publications, committees and events. Following the meeting, members attended the state Bar President's Reception and headed off to dinner at the unique Brazilian restaurant "Churrascira Plataforma," where skewers of various meats are continuously presented to patrons, which can only be halted by flashing the red "stop" sign given out. Two cast members of *Saturday Night Live* were also spotted dining at this fine establishment. All in all, the Annual Meeting in New York City consistently falls within the "not-to-be-missed" category.

On March 15, 2002, YLS members were treated to a personal meeting with Chief Judge Judith Kaye at the Court of Appeals. Judge Kaye generously gave her time answering questions, detailing the history of the Court and discussing the current state of the state Bar Association. She strongly encouraged involvement of our Section to allow our voices to be heard and even gave out research "assignments" to several members who inquired about issues affecting the Bar. Chief Judge Kaye also passed out copies of her very informative Marden Lecture entitled "Enduring Values and Changing Times," which outlines the state Bar's extraordinary efforts after the



Members of the YLS recently had the opportunity to meet with Chief Judge Kaye at the NYS Court of Appeals where she spoke with the members about the practice of law and their role within it.

September 11 tragedy and discusses the topic of pro bono services in depth. After the discussion, Chief Judge Kaye invited all present to take a photo with her on the bench of the Court and showed us the "secret" entranceway behind the bench where the Judges line up before arguments. As Chief Judge Kaye described the surroundings, she proudly pointed out a lock on the bathroom door and explained



After Judge Kaye's remarks, attendees were given the opportunity to experience how it feels to sit on the other side of the bench and were later taken on a tour of the Court of Appeals.

how her appointment to the Court necessitated that the lock be installed to allow women entry for the first time. Needless to say, all present were thankful for the opportunity to meet with our Chief Judge and the YLS hopes to continue to communicate our Section members' activities, needs and concerns with her in the future.

Congratulations are in order to Gregory L. Matalon and Kelly Lester for editing two award winning YLS publications, the *Mentor Directory*, and the 5th edition of the *Senior Citizens Handbook*. Both publications were awarded honors for comprehensive efforts in public service and service to the profession by the American Bar Association. Other activities of the

section include committees on Bridge the Gap and Gateway Programs, Design and Update of the YLS Web page, Increase and Participation of Women and Minorities, Law Student Involvement and Public Service. The YLS Web page, along with the state Bar site as a whole, has been completely

overhauled and improved. Check out the new site at <<http://www.nysba.org>> and follow the links to the Young Lawyers Section. Should you have any suggestions or improvements/additions to the site, please feel free to convey your thoughts.

Watch for your *Electronically In Touch* email/fax newsletter for more up-to-date information on YLS activities and upcoming district events near you. Also, do not hesitate to express your interest in any Executive Committee, Alternate or Liaison positions which may currently be vacant. If further information is needed, feel free to contact any of the Section officers listed on the back page of this issue.

"Justice is too good for some people and not good enough for the rest."

—Norman Douglas
Scottish author
(1868-1952)



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New York State Bar Association

A Message from the Section Chair

(Continued from page 1)

decide to cut back on your professional life. You can weigh the various factors, but you first have to seriously consider whether you really want to be at home. There are no raises or accolades when you've changed your twentieth diaper of the day or prevented a 2-year-old's trip to the emergency room from jumping off the back of the couch. You have to find personal satisfaction and happiness in being at home. What every child needs most is a happy mom (or dad) and being ambivalent about being at home won't make anyone happy.

Make peace with the dustbunnies—Let me explain. Children demand an inordinate amount of your time. Even when they are those cute little newborns that do nothing more than sleep, somehow you don't have the time you used to. Stop trying to think you can do as much as you used to and stop wanting to do as much as you used to. Get used to the fact that your biggest accomplishment for the day may be that you took a shower. As someone who used to accomplish a lot in one day, it took a long time to get used to the fact that although I've crossed nothing off my to-do list, I did accomplish something—I took care of my child. You may have dustbunnies the size of small dogs, people may get birthday cards two months late (I finally understand why this year I got a "Happy Anniversary" card for my birthday from my sister-in-law), and you may walk out of the house with fresh spit-up stains on your shoulder—but you have to be willing to let go of perfectionism in every area of your life because now you are juggling much more than you ever were used to. There are some areas of your life where you refuse to be less than perfect, and others you can compromise on.

Make your commitments clear—It has become so much more important, as a part-time lawyer, to make my availability very clear at the beginning of any relationship. Be very clear about deadlines, work expected, and when you are expected to be available.

The majority of work can be done within your availability, so if the deadlines or job description change arbitrarily, reaffirm your original agreement.

Back-up, back-up, back-up—Early on you should establish a child-care network that you are comfortable with. Have a list of people that you can call on when the unexpected happens. Even if you are working and have your child in day care, you need to establish back-up. You need people you can rely on when your child is sick, you have a meeting you have to make or when your regular child care cancels. If you are at home, you need someone to cover if you are sick or have other things that need to get done sans child. You should try to find at least three people to call on in emergencies.

Saying "yes" means saying "no" to something else—Every time you agree to do something, think about what will have to be eliminated from your schedule. Time is finite. Saying "no" is difficult, especially when you are asked to do something that would advance your career or pay well; but remember, for every choice there are consequences. Make sure you can live with the consequences of saying "yes."

Know your limitations and take the easy way out when you can—There was a story in the newspaper last Thanksgiving about a woman in New York City who managed Thanksgiving dinner for 30 or so friends every year. She lived in an apartment with an apartment-size kitchen and appliances. She had a hot breakfast available for anyone who showed up early and a light dinner for those who stayed late, in addition to the Thanksgiving dinner she managed to prepare on her tiny stove. When guests left, they were given their wrapped Christmas presents. I would love to be this woman. I would love to be organized enough to have my Christmas presents bought and wrapped by Thanksgiving. I would love to be able to cook

that many wonderful meals for that many people under those conditions in one day. Problem is, I know that I would never be able to do it even with years of advance planning and practice. So I'll pay for gift-wrapping, convince people that it is much more fun to receive presents after Christmas and manage invitations to other people's houses for Thanksgiving for as long as I can. However, I know that I can learn to bake a mean pumpkin pie. Order out, hire, do whatever you need to do to make your situation work.

Don't procrastinate—I'm the greatest procrastinator in the world. It's one of my greatest skills in life. However, being a parent means you can no longer count on finishing that project on the day before it is due. You have entered the realm of the truly unexpected. The time you set aside may instead be spent rocking a child who refuses to sleep. Start projects as soon as you get them, even if it means spending an hour a day in the beginning.

You can have it all; if you don't want that much—There are so many people in the world who are perfectly happy living without any of the trappings of success we have come to expect by being attorneys. In their minds, they "have it all" because they never expected to gain as much as we do by virtue of being professionals. If you don't expect a lot, you'll always have more than you need. This doesn't mean you can't have lofty goals and dreams, just don't become a slave to unrealistic expectations.

Enjoy—As John Lennon said, "Life is what happens to you while you're busy making other plans." Whatever you choose, and whatever path you are on, have fun!

I am honored to have served as your Chair this past year and wish you continued success in the coming year.

Barbara J. Samel

Bradley P. Kammholz

2002 Outstanding Young Lawyer Award Recipient

The New York State Bar Association Young Lawyers Section is pleased to honor Bradley P. Kammholz with the 2002 Outstanding



Young Lawyer Award. The award is presented annually to recognize the contributions of a New York attorney admitted to practice less than 10 years who has made significant contributions to the betterment of the community and the legal profession.

Mr. Kammholz, an associate with the law firm of Faraci and Lange, LLP, was admitted to the bar in 1991, upon earning his law degree from Boston University School of Law. His practice focuses on plaintiff's personal injury, including products liability, medical malpractice, automobile, premises liability and civil rights litigation.

Active in the Lawyers for Learning and Tools for Schools Programs since 1995, Mr. Kammholz has assisted in significantly increasing the size of the program to serve more than 1,000 children with the help of more than 112 attorneys. The program, which gained Mr. Kammholz the Monroe County Bar Association's Nathaniel Award honoring legal professionals for their volunteerism, continues to mentor, distribute donated school supplies, and provide grant money to students in the Rochester City School District.

Mr. Kammholz is a member of the New York State and Monroe County Bar Associations, American Trial Lawyers Association, NYS Trial Lawyers Association, the Genesee Valley Trial Lawyers Association, American Inns of Court and the American Bar Association. He is co-founder and past-secretary of the Rochester American Inns of Court.

Mr. Kammholz's past awards include the 2001 Rochester Business Journal's "40 under 40" award and

the 1998 Monroe County Bar Association President's Award.

As Cheryl A. Heller, immediate past-president of the Monroe County Bar Association, noted in support of Mr. Kammholz: "his faithful commitment to his profession and the bar association is steadfast. I am confident he will continue to be a strong leader and supporter of the association, and the community in which he lives, throughout the balance of his professional career."

"Bradley Kammholz is a shining example of everything that is best about the legal profession. He is truly dedicated to making his community a better place and making a lasting impact," said Barbara J. Samel, NYSBA Young Lawyers Section Chairperson.

The significant contributions that Mr. Kammholz has made to the public schools and legal community throughout Rochester make him a truly deserving recipient of the NYSBA Young Lawyer's Section Outstanding Young Lawyer Award.

Editor-in-Chief Needed for New Section Publication

The Young Lawyers Section is undertaking a new public service project for high school seniors. The Section will be producing a pamphlet to help young adults understand everyday legal issues that they will encounter as they reach the age of majority. Topics may include landlord/tenant, contracts, motor vehicles, and credit card use and debt. An editor-in-chief is needed to guide the process and coordinate authors of individual chapters.

Please indicate your desire to serve as editor-in-chief by contacting Barbara Samel, 39 Lawnridge Avenue, Albany, New York 12208, bsamel@localnet.com, by July 3.

On the Inside Looking Out

By Katherine M. Sheehan

For nearly three years, I have been the general counsel of a small publicly traded company in upstate New York. My job is challeng-



ing, fun and never boring. While I enjoyed the intellectual challenge of private practice, I often found myself wondering what type of impact I could have if I worked directly for a client. In 1996, after nearly two years in private practice, I accepted a 32-hour per week job as corporate counsel with Intermagnetics General Corporation. I was not looking for part-time work, but in-house counsel jobs are hard to come by in the Albany area, and I did not want to pass up the opportunity. It was not an easy decision to leave a secure job with a highly regarded upstate law firm. Partners warned me that having one client could be a career-shortening experience.

In the end, my decision paid off and I eventually became general counsel. For me, there are many differences between private practice and working as in-house counsel. Young lawyers reading this article should bear in mind, however, that I do not work in a large in-house legal department. Large in-house departments can function much the same way as law firms, even charging the client (e.g., the company's business units) by the hour. That said, young lawyers in private practice often ask me about my experience, so here it is.

"Roses are Red"—Becoming a Client

One of the bonuses of leaving private practice to take a job in-house is that you become a client, or at least a potential client. I went to work for a company that was not a client of my former law firm. On my first day at Intermagnetics, the firm sent me a dozen roses. Now I did leave the firm on good terms, and I believe that many of my colleagues were genuinely disappointed to see me go, but I have to believe that my "client potential" had something to do with the roses.

Actually, I thought I would enjoy being a client more than I really do. Being a client brings with it responsibility. I suppose if I were the sadistic type, I would have no problem calling a partner at my former firm and dumping a last-minute emergency on his desk at 5:05 p.m. on a Friday, in July. The problem is, I am not the sadistic type, and this is also no way to get really good legal work out of anyone. Being a client means being a good manager. As general counsel, I decide what firms to hire and how to distribute my outside legal work. I need to make sure I hire the right people for the job and that I provide them with the tools (e.g., information, access to our facilities, etc.) they need to do the job well.

In-house attorneys also have to manage a company's outside legal costs responsibly. Despite what attorneys in private practice may think, most in-house lawyers hate negotiating over fees or, worse yet, calling to complain about a bill. Setting expectations up front avoids sticker shock and uncomfortable conversations down the road. Still, for me this is the most unpleasant part of the job.

On the bright side, my former boss had a great approach to delegating work to outside counsel. He used to say, "We keep the fun stuff." While it is not always possible or practical to "keep the fun stuff," an in-house counsel usually has the ability to decide what work he or she will and will not do to an extent that simply is not possible as an associate in private practice.

"Jack of all Trades (Master of None?)"

As the legal profession becomes more specialized, many in-house attorneys find themselves becoming generalists. As general counsel for a small company with a small in-house legal department, it is critical for me to "know what I don't know," and in order to do that, I have to know a little bit about everything. Although larger in-house legal departments typically have practice groups similar to those found in law firms, many in-house attorneys do not have the luxury of becoming an "expert" in any particular area of law. If you have a passion for labor law or a burning desire to become a recognized authority in structuring complex commercial transactions, then it is important to think long and hard about making the leap in-house. While you may find a department large enough to support your specialty, keep in mind that you will have only one client.

Another difference between private practice and life in-house is mentoring. When I started at Intermagnetics, I was fortunate to have a very good mentor. The company's general counsel was an excellent lawyer and a great teacher. When he left to take a job at a significantly

larger company, I started to take over his duties, and within a few months, I was promoted to general counsel. While I relished the challenge of my new position, I missed the mentoring. At the time, I was five years out of law school and I was used to discussing ideas and legal strategy with a seasoned attorney. In private practice, partners and senior associates offer guidance, but in-house attorneys in small legal departments rarely enjoy this type of interaction. While outside counsel can help fill the void to some degree, the thing I miss the most about private practice is working with other lawyers every day.

"We Need an Answer NOW!"

If you are thinking about leaving private practice to take an in-house job, be prepared to get used to the sensation of walking a tightrope without a net. You will have only one client, and that client typically will have several divisions or business units, sometimes in multiple locations, and possibly overseas. When something goes wrong you will be the first person called and your client (who may actually sit in the office down the hall) will want an answer, immediately. A proactive, well-managed legal department can go a long way in heading off these "emergencies," but in-house attorneys typically spend more time in the trenches than in the law library.

I thoroughly enjoy this type of legal practice. As a member of the

company's executive staff, I have the ability to impact policy so that the company avoids legal problems before they arise. I am also able to provide training throughout the company and work one-on-one with managers to help them achieve the best result for their business units. In-house attorneys often are involved at the earliest stage of negotiations for key contracts and transactions. While an in-house lawyer must ensure that the deal documents reflect the parties' agreement, they also must be more than a scrivener. In-house attorneys have the ability to help formulate business decisions and shape risk allocation. This is a far more intimate and fulfilling role than I experienced in private practice. While the breadth of the work may preclude in-house attorneys from developing a specialty practice, the depth of knowledge they gain within their company allows them to add value for their client in a way that typically is not possible in private practice.

"Enough Already, Just Tell Us About the Hours!"

And now for an answer to the question I get asked most from lawyers in private practice: "So how many hours do you work?" The answer varies, depending on my workload. Intermagnetics recently completed two divestitures: an asset sale to a company in Finland and a stock sale to a Japanese company. During these transactions, I worked many late nights and weekends, and I even pulled a few all-nighters; but

for the most part, my hours are far more predictable as an in-house attorney than they were when I was in private practice, and working weekends is the exception, not the rule.

The strain of long hours has been replaced, however, with the stress of a higher level of responsibility. The days of drafting a memorandum for a client and giving it to a partner to review are long over. In-house attorneys make critical decisions every day that directly impact the company. I love what I do, even on bad days, so I know I made the right decision when I left private practice. My in-house experience has been invaluable and it has provided a path for me to accomplish goals I set for myself early in my legal career—to always be challenged, to like what I do and to never get bored.

Katherine M. Sheehan, Esq. is the General Counsel and Corporate Secretary of Intermagnetics General Corporation, a leading developer and manufacturer of superconducting materials, magnets, devices and related products for the Magnetic Resonance Imaging, Energy Technology and Instrumentation markets. She is a graduate of Bowling Green State University (B.A. degree, *cum laude*) and Albany Law School (J.D. degree, *magna cum laude*), where she was an editor of the *Albany Law Review*. Ms. Sheehan is responsible for Intermagnetics' overall legal affairs including compliance with securities laws, commercial contracts, corporate agreements, labor and employment issues, intellectual property matters and litigation management. She is a member of the New York State Bar Association.

"Experience is the name everyone gives to their mistakes."
—Oscar Wilde

Judicial Review of Domain Name Arbitration Decisions

By David P. Miranda

In the almost two years since ICANN's Uniform Domain Name Dispute Resolution Policy (UDRP) has been in effect, thou-

sands of trademark owners have used the arbitration process to recover domain names incorporating their trademarks.¹ A domain name registrant automatically agrees to the jurisdiction of UDRP arbitration upon the registration of a domain name through a registrar who has adopted the ICANN arbitration provisions as part of its policy. The ICANN arbitrator, or panel of arbitrators, can only direct the transfer of a domain; it cannot award damages, attorneys fees, costs or other relief. Nevertheless, many trademark owners find that the process provides a quick and relatively inexpensive means of recovering a domain name.

One of the shortcomings of the UDRP process is that there is no means of appeal built into the system and no binding precedent for arbitrators to follow. This has resulted in a lack of consistency in decisions, so for example, madonna.com is transferred to Madonna but sting.com is not returned to Sting.² A party unhappy with the UDRP process has the ability to "opt out," as the UDRP specifically contemplates and permits either party to file a lawsuit before, during or even after the administrative proceedings.³ In addition, in order to initiate UDRP proceedings, a complainant must first agree to litigate any challenges to the panel's ruling in either the jurisdiction encompassing the regis-



trar's principal place of business or the jurisdiction encompassing the registrant's address, and an aggrieved registrant can effectively suspend a panel's decision by filing a lawsuit in a specified jurisdiction and notifying the registrar.⁴

Even after a decision is rendered, the UDRP decision will be stayed if the aggrieved registrant commences a lawsuit within 10 business days. The ICANN policy provides:

If any Administrative Panel decides that your domain name registration should be canceled or transferred, we will wait ten (10) business days . . . before implementing that decision. We will then implement the decision unless we have received from you during that ten (10) business day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that you have commenced a lawsuit against the complainant in a jurisdiction to which the complainant has submitted . . . UDRP ¶4 (k).

In addition, a trademark owner who is unsuccessful in an ICANN proceeding is not precluded from bringing a lawsuit regarding the same domain name. There is, however, some question as to what weight an ICANN decision should be given in a subsequent formal court action.

In one of the few cases which have addressed this issue, a U.S. District Court for the Northern District of Illinois held that the "court is not bound by the outcome of the ICANN administrative proceedings."⁵ Although that court declined to determine the precise standard of

review of an ICANN decision and what degree of deference, if any, should be given to that decision, the court noted that the ICANN policy itself acknowledges that the court may give whatever weight it deems "appropriate" to an Administrative Panel's decision.

In another case, a domain registrant, after losing a UDRP proceeding, sought declaratory judgment in federal court that its use of a domain name was lawful under the Anti-cybersquatting Consumer Protection Act.⁶ The defendant in the lawsuit (and successful plaintiff in the UDRP proceeding) sought to dismiss the federal declaratory judgment action upon the grounds that it constituted an improper motion to vacate an arbitration award pursuant to the Federal Arbitration Act (FAA).⁷ The district court denied the motion to dismiss, finding that the FAA's restrictions on judicial review of arbitration awards do not apply to civil actions challenging UDRP panel decisions. The court held that the UDRP's unique contractual arrangement renders the FAA's provision for judicial review of arbitration awards inapplicable. The court offers several reasons for not applying the FAA rules. First, the UDRP itself contemplates parallel litigation in court; second, UDRP proceedings are not required as a prerequisite to litigation between parties; and third, since the remedies available through the UDRP are so narrow and specific, there is no basis for confirming or enforcing a UDRP panel decision pursuant to the FAA.⁸

Although there is no requirement that a trademark owner initiate a UDRP proceeding prior to commencement of the federal action,⁹ a trademark owner will not be placed in a weaker position by doing so.

After losing a UDRP decision, the owner of the federally registered mark "REFEREE" successfully sought and obtained a preliminary injunction in federal court against the domain name owner of erefeeree.com.¹⁰

Although courts to date have provided little weight to UDRP decisions, the procedure remains a quick and efficient method of recovering Internet domain names by trademark owners.

Endnotes

1. The ICANN (Internet Corporation for Assigned Names and Numbers) is a new, quasi-governmental Internet-regulating body, and its policy (approved on October 24, 1999) provides for a "mandatory administrative proceeding" in disputes between domain name owners and trademark owners and purportedly applies to every domain name registrant who registers its domain names through an ICANN-accredited registrar.
2. *Madonna Ciccone, P/K/A/ Madonna v. Dan Parisi*, D2000-0847; *Gordon Sumner v. Michael Urvam*, D2000-0596.
3. UDRP ¶4 (k).
4. UDRP Rule ¶3 (xiii), ¶4 (k).
5. *Weber-Stephen Prod. Co. v. Armitage Hardware & Bldg. Supply*, 54 U.S.P.Q.2d 1766 (N.D. Ill. 2000).
6. *Parisi v. Netlearning*, 59 U.S.P.Q. 2d 1051 (2001).
7. Federal Arbitration Act, 9 U.S.C. §§ 1 *et seq.*
8. *Parisi*, 59 U.S.P.Q. 2d 1051.
9. *Warrior Ins. Group, Inc. v. Insureon.com, Inc.*, 2000 U.S. Dist. LEXIS 18870 (N.D. Ill. Dec. 28, 2000).
10. *Referee Enter., Inc. v. Planet Ref, Inc.*, Case No. 00-C-1391 (E.D. Wis. Jan. 24, 2001).

David P. Miranda is a member of the intellectual property law firm of Heslin Rothenberg Farley & Mesiti P.C., in Albany, New York, and chair of an ABA Intellectual Property Law Subcommittee on trademarks and the Internet. He can be reached at dpm@hrfmlaw.com.

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Immediate Openings! Delegates to the American Bar Association Young Lawyer Division Assembly

The Young Lawyer Division Assembly is the principal policy-making body of the American Bar Association's Young Lawyer Division. The Assembly normally convenes twice a year at the ABA's Annual and Midyear Meetings and it is composed of delegates from across the nation. The Young Lawyers Section of the New York State Bar Association may appoint representative delegates to this Assembly. Future meetings will be held in San Diego, Chicago, Philadelphia and Washington, D.C.

The ABA offers a national platform to exchange ideas, discuss ethics, and explore important legal issues. The Assembly receives reports and acts upon resolutions and other matters presented to it both by YLD committees and other entities. In the past, issues debated have included: amendments to the Model Rules of Professional Conduct; the enactment of uniform state laws regarding elder abuse; the enactment of federal legislation to eliminate unnecessary legal and functional barriers to electronic commerce; guidelines for multi-disciplinary practice; government spending

on basic research and clinical trials to find a cure for breast cancer; and recommendations concerning biological evidence in criminal prosecutions.

For those interested, the position offers an opportunity for involvement in the American Bar Association without requiring a long-term commitment or additional work. A master list will be compiled of those individuals interested in serving as delegates and those individuals will be polled prior to each meeting as to whether they can serve as a delegate for that particular meeting. Delegates will not be required to participate in floor debates or prepare written materials for the meetings.

All delegates must have their principal office in New York State, must be a member of the New York State Bar Association Young Lawyers Section or a county bar association, must be a member of the American Bar Association Young Lawyers Division, and must be registered for the meeting they will be attending as a delegate. If you are interested in this unique and exciting opportunity, please contact Barbara Samel at (518) 435-9990, or via e-mail at: bsamel@localnet.com.

"A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few."

—Judge Learned Hand
(1872-1961)

Do You Want to Be a Government Lawyer?

(Continued from page 1)

state government jobs available throughout the state.

How Can You Get a Position as a Government Lawyer?

In New York State, there are primarily two ways to become a government lawyer. One is to take a civil service “test” and be hired into a senior attorney or hearing officer position, and the other is to be hired by the current administration into an appointed position. Attorneys hired into civil service positions in New York—and there are far more of such positions than there are appointed positions—must take a civil service examination and pass a probationary period to qualify for a permanent position.

New York’s civil service “test” for lawyers (Examination No. 20-131) actually is more of a questionnaire or application than a written examination; it is designed to match the education and experiences of individual attorneys with available positions. Thus, individual attorneys will be at the top of some lists, but not others, because each individual’s experience and abilities are more appropriate to some attorney positions than others. The Department of Civil Service’s Web site notes that applicant ratings are based on such factors as categories of legal experience, types of tasks previously performed within the legal sphere, major fields and levels of legal and non-legal education, licenses and certificates obtained, work experience outside the practice of law, and the duration of each type of experience.

The Department of Civil Service accepts applications throughout the year; however, individual applicants may apply no more than once a year.

What Do Government Lawyers Do?

Appointees typically serve as General Counsel or Deputy Counsel to an agency, Counsel or Assistant Counsel to the Governor, or as an Assistant Attorney General. Appointees tend to be more involved in policy making than attorneys in civil service positions. As a result, appointees tend to have a connection with the elected official (Governor, Attorney General or Comptroller) who appoints them, and they tend not to hold their position after that elected official is replaced with one affiliated with a different political party (although that is not always the case—many appointees survive changes in administrations).

Attorneys hired by state agencies typically begin as an Attorney Trainee or an Assistant Attorney. Upon successful completion of a probationary period, the attorney qualifies for a position as a Senior Attorney or a Hearing Officer (also referred to as an Administrative Law Judge or Referee). The latter position, however, requires completion of a civil service examination for the specific position, e.g., Motor Vehicle Referee or Workers’ Compensation Hearing Officer.

The work done by a government lawyer varies according to the agency where the lawyer works and the specific programs he or she works with within that agency. Here is how the Department of Civil Service currently describes the work of Senior Attorneys and Hearing Officers on its Web site:

Assignments will vary depending on the particular department or agency with which you work. As a Senior Attorney, your assignment might include such tasks as

rendering “in-house counsel” advice to program managers; preparing pleadings; writing memoranda of law; planning litigation strategy; drafting legislation, rules and regulations; performing legal research and analysis; drafting or reviewing contracts; preparing opinions and memoranda of law; or appearing at administrative tribunals or courts.

As a Hearing Officer, you might preside at quasi-judicial or administrative hearings which are of an adversarial or investigative nature concerning the resolution of issues of fact, law and regulatory practice; conduct hearings; issue subpoenas; evaluate evidence; make findings of fact and conclusions of law, and render or recommend decisions.

There can be a great variety of legal work flowing from the activities of a single agency. For example, the Office of General Services (OGS) is regularly engaged in building construction projects, commercial leasing of real property, procurement of goods and services for itself and other state agencies (which entails the negotiation of contracts in compliance with competitive bidding requirements), disposition of abandoned lands, rights to lands underwater, ensuring compliance with laws governing the State Employees Federated Appeal, employee discipline proceedings, and ethical matters. Senior Attorneys at OGS tend to work primarily with one or two programs within the agency.

Much information concerning the legal work at state agencies can be found on the Internet. Agencies typically have their own Web sites

containing information about the agency's mission, organization, activities and services. Some have Web pages that describe the particular work done by the Counsel's office.

Government law positions are not limited to agencies' Counsel's offices. An agency may have its own administrative appeals board or there may be a separate administrative body, such as the Tax Appeals Tribunal, which handles administrative appeals from determinations made by the Department of Taxation and Finance. These administrative appeals boards typically employ several attorneys to assist in the determination of appeals. Some agencies, such as the Department of Motor Vehicles and the Workers' Compensation Board, employ scores of administrative law judges.

State government is full of attorneys who have very satisfying careers as government lawyers. Many move into government after years of private practice, and many go to work for an agency right out of law school and stay for a satisfying and rewarding career. Of course, anyone considering a position in state government should be realistic: no job is perfect and each entails some level of aggravation or frustration. As Malcolm Forbes once said, "If you have a job without aggravations, you don't have a job."

Richard A. Reed is Deputy Commissioner and Counsel to the New York State Office of General Services. He previously served as Deputy Commissioner and Counsel to the New York State Department of Motor Vehicles. Upon his graduation from Albany Law School in 1981, he served as a law clerk to the Appellate Division, Third Department, and then to Hon. Richard D. Simons of the New York Court of Appeals. He was engaged in the private practice of law for 17 years before he became a government lawyer.

SOUND OFF!

"ARE YOU SATISFIED WITH YOUR DECISION TO BECOME A LAWYER?"

(Continued from page 3)

"The answer to your question depends on the day."

* * *

"I am sometimes disappointed with the uncivil, contentious way in which some lawyers behave while in court or when dealing with colleagues. However, the law, to me, is still the most valuable and exciting profession of which to be a part. The reason? The power to create change in society. The entire structure of the civilized world is based upon the rule of law and we, as lawyers, are responsible for the progress (or decline) of that civilization. It is a lofty responsibility we bear. However, it is worth every disappointment we may face to be able to say that we have the potential to see to it that the beauty of justice is done . . . even if that beauty must be accomplished step by step, one day at a time."

Christine R. Mertz, Esq.
Copiague, New York

* * *

"Satisfied: social status :-). Enriches with general knowledge and savvy. Dissatisfied: social status :-). Limited avenues to tread. Difficulty of achieving rewards that match the investment."

NYLS 1999, New York

* * *

"I find my job as a public interest/legal service attorney to be extremely rewarding. I enjoy the extensive client contact, and embrace the responsibilities associated with it. As a public interest attorney I have had the opportunity to practice in a number of different venues ranging from HMO grievances and administrative hearings to practice in district and state Supreme courts."

The biggest downside to my job as a public interest attorney is the financial aspect. While fortunate to have been aided with loan forgiveness through a fellowship and loan repayment from my law school, I find it very difficult to make ends meet. Approximately a third of my take-home pay goes towards servicing my law school loans. Repaying my loans and meeting my

other financial responsibilities leaves little money for discretionary expenditures.

All in all I'm satisfied with my decision to go to law school. However, I wish I would have more thoroughly considered the financial aspects of law school knowing that I wanted to pursue a career in public interest law."

Brant Campbell
Staff Attorney, Legal Aid Society,
Brooklyn Neighborhood Office
University of Pennsylvania, '99

* * *

"For the most part I am satisfied with my decision to become a lawyer. The intellectual transformation that I have been through can only be described as utterly phenomenal. The pride of my family and friends also make it all worthwhile. However, there are times that I question whether having gone to law school was the right decision. At times it seems like I was living better before I went to school. The debt loans we have encountered are outrageous. And the inequality in jobs and compensation is startling. How is it that one person's starting salary is \$125,000, and another's is \$30,000; especially when they both sat and passed the same Bar exam?"

Law Student
Thomas M. Cooley Law School

* * *

"I am very satisfied with my decision to become a lawyer. The legal profession offers two qualities that are essential to my job satisfaction . . . it is intellectually stimulating and it enables me to make a difference in other people's lives and society. Not too many other professions can say the same. The only down side is the incredible amount of debt that I have incurred to get my law degree!"

Pace Law School—Class of 1999

* * *

"I count the decision to become a lawyer as among the most important decisions of my life. On balance, I have found it enjoyable and challenging to interact with intelligent and stimulating colleagues, be they the bench or the bar, and to remain current

with the ever-changing face of the law. Is the practice of law for everyone? With over half of all graduated law students not practicing law, clearly not. The decision to stay active in the law is very personal and individual."

Philip Furgang, Esq.
Intellectual Property Lawyer with
offices in New York City

"My answer is 'sometimes.' Since graduating in May of 2000, I have definitely realized what I do NOT like about being a lawyer. On the other hand, I haven't quite found what I like about being a lawyer yet, but I think that is in part due to the fact that I now work at a big law firm. Law school teaches you that the law is about justice, equity, public policy, and precedent. When, in fact, the legal field is just like any other field—it is about the money and the business. Had I known this, I would have gone to business school in lieu of, or in addition to, law school.

The reason for my answer of 'sometimes' is that I cannot lie and say that the prestige and respect that go along with being an attorney do not excite me—they do. But the long hours, the billables, the office politics and working towards the common cause of securing monetary winnings is not the life for me. Ask me this question again in five years . . . either my answer will have changed to a resounding 'yes,' or I will respond 'I am no longer a lawyer by trade.'"

Rikki D. McCoy, Esq.
Washington D.C., Howard U. Law

"Yes, so far. Do I have another choice?"

yunjian yang @ Houston
Southern Methodist University School
of Law, Dallas

"Being an attorney has given me the chance to do exactly what I want to do. Instead of second-seating attorneys at trials and drafting motions for them while I was an intern, now I am the attorney trying the case or arguing the motion. I am also in court on a daily basis and this is exactly what I went to law school for."

Hofstra Law School

"I am immensely dissatisfied. Had I known that all my law school would do for me was to steal my money, I would have never gone to law school. I'm a 1996 graduate who has never been able to find a job. I've been forced to open my own practice and largely deal with the indigent. I've watched my loans balloon to \$175,000. I have no prayer of ever paying them off. I have no prayer of ever buying a house. I have no prayer of ever having a life. I'd be better off homeless. No, sorry, I'd be better off dead because I can't even claim bankruptcy."

"In 1998, I became a member of the Massachusetts Bar and began my life as a lawyer. In 2000, I quit, moved to New York, took (and passed!) the New York State Bar and became a party planner. I love party planning (who wouldn't?!) and never thought I would miss the ways of a lawyer's life. I was right and I was wrong. To stay within the word restriction of this editorial I will finish with this: I will never regret or forget my days as a lawyer . . . I will never regret my decision to quit. It was right for me!"

"Yes, I'm satisfied with my decision to become a lawyer. First, for the background that it provides in terms of constantly improving your communication skills, such as listening, speaking, reading and writing, but also for negotiation matters, developing a wide range of interests, strictly professional or personal, and also because it forces you to establish or gain trust and reliability. Secondly, although there are many things to criticize, it is always intellectually challenging and only very few days happen without facing an unknown issue which requires research and effort. Finally (to make it short), it certainly provides skills which could be useful in many other jobs, giving you the opportunity to change your career at one point."

Alexandre du Sartel
In-House Counsel, Research Triangle,
North Carolina
LLM Chicago-Kent College of Law,
Illinois Institute of Technology 1999
Master Degree in Business Law—
University of Bordeaux (France) 1998

"Absolutely! My ultimate goal in life is to effect change in the world by impacting the way people view their individual worlds. By practicing environmental law in a non-profit, I am able to provide the voice, perspective, expertise and tools that will ultimately allow my organization to help individuals and municipalities understand how their actions can either benefit or injure the planet."

Pace University School of Law,
Northeast

"YES, I am very happy with the decision and with the result. I feel like it has taught me the rules of the game, rules which apply to us and ignorance of which is no defense for breach or non-compliance."

Mirari Barriola, Esq., London
Columbia Law School '95, LLM

"No, I am not satisfied with my decision to be a lawyer, not at all. First, I had to take out huge loans to finance my law school education. I am from a relatively poor background, so I could not rely on sources other than loans and work-study to finance my education.

I graduated from law school, a school that is ranked in the top thirty in the country, in the middle of my class (about the 55 percentile). Thankfully enough I managed to pass the New York Bar exam the first time I took it, but it was a costly venture, both in terms of time taken away from work and in fees for the classes and for the exam itself.

After looking for an entry-level position in New York for a number of months, I landed a position at a small sweatshop of a law firm making less than \$50,000 a year. The people I worked for were not only nasty and cheap, they were also slightly nuts. I stayed at that position for as long as I thought physically and morally possible, then transferred to another firm making slightly more in income.

Bear in mind that none of the positions I have held involved work which I found personally or spiritually satisfying. These jobs turned out to be exercises in keeping up with the volume of the work assigned to me; very little of the work that I do involves application of original or creative thought. In essence, you are always trying

to make sure that none of the balls you are juggling will come back and hit you in the head with a lawsuit for malpractice.

I do not think that I am alone in my sentiments. Most New York lawyers I have spoken with would change careers without a second thought for another job which would pay slightly less than what they currently make."

"I followed the usual route—prestigious law school then national law firm. I am very unhappy because I don't get the type of training and mentoring that I need. Also, the type of work—civil litigation—is sometimes alienating as I deal only with corporations and not individuals. Moreover, I am Asian-American and it is harder to find role models."

"I am not satisfied with having a career as a lawyer. I am satisfied with becoming a lawyer and using that as a tool to do other things. I am a founder and the Chairman of the Museum of Comic and Cartoon Art ('MOCCA'). This gives me an opportunity to use my legal background to fulfill a passion and give back to the community.

It also gives me an opportunity to tackle certain issues such as free speech and First Amendment issues in the arts. For example, [a major newspaper] removed cartoonist Ted Rall's cartoon from its Web site yesterday. Ted Rall's cartoons raise questions on the most sensitive issues in our society today. I won't comment on whether his cartoons are worthwhile or emotionally troubling. The issue here is that the First Amendment is the amendment that keeps us free. It guarantees free speech, free press, religious freedom, and the rights of assembly and petition. However, it is under frequent attack. What troubles me is that [this paper] should be a forum for the exchange of ideas promoting free press, free speech, and free spirit for all people. I would hope they would have a deeper understanding of the First Amendment and what a free press means to a free society."

Lawrence Klein
Museum of Comic and Cartoon Art
New York City
Benjamin N. Cardozo School of Law
'94

"I am a medical doctor and received my JD a while ago. I have been very disappointed in my lack of ability to find a good job (or even a bad one). It's not the law's fault but I guess I'm one of those who thought being a lawyer would open all the doors I would ever wish for. It didn't. Too bad. Get real, self!

Anyway, the education (top 20 school) was brutal, degrading and dehumanizing—actually a disgrace in America, I believe. Can anyone honestly defend this Socratic bull****? I did OK nonetheless, top 20%. However, all in all, I would do it again, except differently (screw the top 20 school crap)—choose different places to work in the summer, and probably wind up right where I am. By the way, at least there are jobs for doctors and the pay is not that bad compared to the average, all in all. Medicine also is interesting and doesn't change with who happens to be the judge or majority.

Put me in the really cynical and not impressed category by the legal education bull****. How come there were no right or wrong answers in law school (except on the multiple choice tests . . .), yet in the end there was the Bar. . . . Yes, I won't deny it, I did flunk twice before I passed it. However, I never took the bar review course, so somewhat of a ha, ha, ha!!! Finally, best wishes to those who have had a successful career and those who haven't. Sincerely, too."

"Yes. I am very satisfied that I became a lawyer. Having said that, I noticed from observing and speaking with classmates, other attorneys, and co-workers, that many people initially become lawyers for either the wrong reasons, or for no particular reason at all. I think that the legal profession, more than any other, has many people in it who are, up until the end of law school, undecided as to what they want to do with their lives. Don't people always say that one goes to law school to put off entering the real world?

It occurred to me that becoming a lawyer has many expectations attached to it, and this is in no small part due to the press, Hollywood, and the high-profile cases that we see on a daily basis across our television screens via Dateline, Court TV, and sometimes even live coverage. There are entirely too many movies and TV shows that glamorize and aggrandize the alleged

'perks' that sometimes attach to the profession of law. I say 'alleged "perks"' because the big two, namely, money and power, are often and more likely than not, absent from most of the lives of the average practicing attorney. If the availability of a beautiful pastel-color matching office, fast cars, fast money, excitement, drama, and fast and idealized romance (See Ally McBeal, L. A. Law, and Family Law) is the reason for going into such a demanding profession, then for these hopefuls, disappointment awaits.

For the one percent of all law graduates that join large firms with NBA-style signing bonuses and perks, and that actually practice in areas besides the paper-heavy corporate law, bankruptcy law, and real estate law, kudos to you. To the other 99 percent out there, unless you went into the legal profession for the right reason, I hope you have a back-up plan.

I genuinely love the practice of law, and am always excited at the prospect of trying a case. I did not become an attorney for the fortune or fame. I am fortunate in that I enjoy what I do, and I enjoy the people I work with. Most law graduates, with the oversupply of law graduates out there (apparently hopeful of fame and fortune), struggle to find jobs, struggle to earn good money, and struggle to enjoy their jobs when they do find jobs. I have spoken to many who graduate law school, pass the Bar, then promptly accept employment where a college degree would have been plenty—never to return to the legal profession. Others accept employment at large law firms with inordinate sums of money, but do not practice 'real law' (glorified law clerks with six-figure salaries) and are unhappy about the 3,000 billable hours, the seven-day work weeks, the all-nighters and showers at the office."

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Can Those Who Write Articles for Your Section Newsletter Get MCLE Credit? How Do They Do So? What About Editors of Newsletters?

Under New York's Mandatory CLE Rule, MCLE credits may be earned for legal research-based writing, directed to an attorney audience. This might take the form of an article for a periodical, such as your Section's newsletter. The applicable portion of the MCLE Rule, at Part 1500.22(h), says:

Credit may be earned for legal research-based writing upon application to the CLE Board, provided the activity (i) produced material published or to be published in the form of an article, chapter or book written, in whole or in substantial part, by the applicant, and (ii) contributed substantially to the continuing legal education of the applicant and other attorneys. Authorship of articles for general circulation, newspapers or magazines directed to a nonlawyer audience does not qualify for CLE credit. Allocation of credit of jointly authored publications should be divided between or among the joint authors to reflect the proportional effort devoted to the research and writing of the publication.

Further explanation of this portion of the Rule is provided in the Regulations and Guidelines which pertain to the Rule. At Section 3.c.9 of those Regulations and Guidelines, one finds the specific criteria and procedure for earning credits for writing. In brief, they are as follows:

- the writing must be legal research-based

- the writing must be such that it contributes substantially to the continuing legal education of the author and other attorneys
- it must be published or accepted for publication
- it must have been written in whole or in substantial part by the applicant
- one credit is given for each hour of research or writing, up to a maximum of 12 credits
- only a maximum of 12 credit hours may be earned for writing in any one reporting cycle
- articles written for general circulation, newspapers and magazines directed at a non-lawyer audience do not qualify for credit
- only writings published or accepted for publication after January 1, 1998, can be used to earn credits
- credits (a maximum of 12) can be earned for updates and revisions of materials previously granted credit within any one reporting cycle
- **NO CREDIT CAN BE EARNED FOR EDITING SUCH WRITINGS** (this has particular relevance to Editors of Section newsletters)
- allocation of credit for jointly authored publications shall be divided between or among the joint authors to reflect the proportional effort devoted to the research or writing of the publication
- only attorneys admitted more than 24 months may earn credits for writing

In order to receive credit, the applicant must send a copy of the writing to the New York State Continuing Legal Education Board (the "Board"), 25 Beaver Street, 11th floor, NYC, NY 10004. A cover letter should be sent with the materials, and should include the following supporting documentation indicating:

- the legal research-based writing has been published or has been accepted for publication (after Jan. 1, 1998)
- how the writing substantially contributed to the continuing legal education of the author and other attorneys
- the time spent on research or writing
- a calculation of New York CLE credits earned and a breakdown of categories of credit (for the senior bar—those beyond the first 24 months of admission—there are two categories of credit: (1) ethics and professionalism; and (2) everything else (skills, practice management and traditional areas of practice))

After review of the correspondence and materials, the Board will notify the applicant by first class mail of its decision and the number of credits earned. Copies of the MCLE Rules and the Regulations and Guidelines can be downloaded from the Unified Court System Web site (<<http://www.courts.state.ny.us/mcle.htm>>) or obtained by calling the New York State Continuing Legal Education Board at (212) 428-2105 (for calls outside of New York City, toll-free at 1-877-NYS-4CLE). Questions about MCLE requirements may also be directed to the Board by e-mail at: CLE@courts.state.ny.us.

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"Everybody gets so much information all day long that they lose their common sense."

—Gertrude Stein
American author
(1874-1946)

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Odegami

***"If there is any principle of the Constitution that more imper-
atively calls for attachment than any other it is the principle
of free thought—not free thought for those who agree with
us but freedom for the thought that we hate."***

**—Oliver Wendell Holmes, Jr.
former U.S. Supreme Court Justice
(1841-1935)**

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James S. Rizzo, Esq.

Office of the Corporation Counsel for the City of Rome

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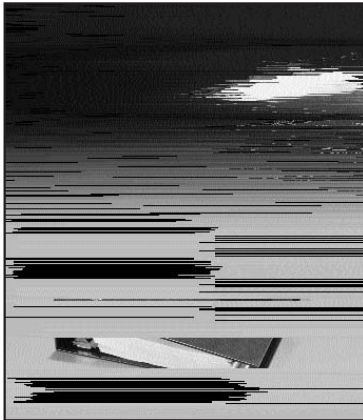
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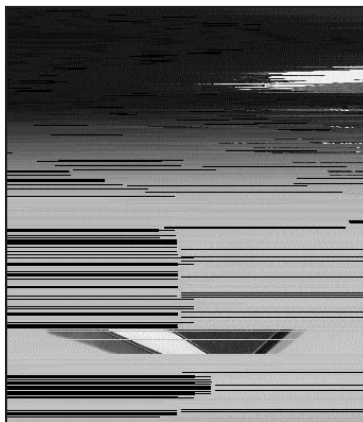
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James S. Rizzo, Esq.

Office of the Corporation Counsel for the City of Rome

City Hall, 198 North Washington Street

Rome, New York 13440

Phone: (315) 339-7670

Fax: (315) 339-7788

E-mail: jamesrizzo9@juno.com

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—Henry David Thoreau

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Regional Meetings of the 2002/2003 YLS Executive Committee

Friday, June 7	5:30-8:30 p.m.	State Bar Center, One Elk Street, Albany
Saturday, June 8	11:00 a.m.-2:00 p.m.	Bond Schoeneck & King, LLP, One Lincoln Center, Syracuse
Saturday, June 15	11:00 a.m.-2:00 p.m.	100 Park Ave. (between 40th and 41st Streets), 16th floor conference room, New York City

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James S. Rizzo
198 N. Washington Street
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New York State Bar Association
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