

MESSAGE FROM THE CHAIR

COMFED—The Intersection of the Federal and State Judiciary

This year the Commercial and Federal Litigation Section celebrates the intersection of the federal and state courts. We have brought new meaning to the Section's name of being the *go to* bar group representing "Commercial and Federal" litigators by melding both the federal and state judiciaries into our programing.



This year, the Section created a new annual award, the first in a decade, called the *Shira A. Scheindlin Award for Excellence in the Courtroom*. The award is named after retired United States District Judge and former Chair of the Section, Shira A. Scheindlin, to honor a woman who has distinguished herself in either state or federal court and who has been actively involved in mentoring attorneys. The award was conferred in the Ceremonial Courtroom at the Southern District of New York and the audience heard remarks from New York State Court of Appeals Chief Judge Janet DiFiore, Second Circuit Judge Denny Chin, Southern District Chief Judge Colleen McMahon and Eastern District Chief Judge Dora Irizarry. During that same event, the Section presented to five young women attorneys scholarships named after New York's former Chief Judge called the *Judith S. Kaye Commercial and Federal Litigation Scholarship*.

Further, to celebrate the 125th anniversary of the United States Court of Appeals for the Second Circuit, New York Chief Judge DiFiore presented the Section's 2017 Stanley H. Fuld Award to the Second Circuit. Second Circuit Chief Judge Robert A. Katzmann accepted the award on behalf of the Second Circuit in recognition of the Circuit's outstanding contributions to the development of commercial law and jurisprudence in New York State. The Second Circuit was the ideal choice for the Fuld Award as its thoughtful and insightful opinions have advanced commercial law in New York and have provided guidance to business and litigators regarding the legal standards under which businesses operate in our State. The Annual Meeting's CLEs included judges from both state and federal courts, including Second Circuit Judge Rosemary S. Pooler and Commercial Division Justices O. Peter Sherwood and Timothy S. Driscoll.

In furtherance of celebrating the Second Circuit's anniversary, the Section hosted a reception at the Thurgood Marshall United States Courthouse, the evening before its Annual Meeting, where young attorneys had the opportunity to meet the judges. Approximately 100 people attended the event, including federal and state court judges from around the state.

The Section will work with the Second Circuit and the New York Courts Historical Society to develop a program that will look at the historical link between the New York State Court of Appeals and the Second Circuit through the prism of commercial law in which both courts have been leaders. Concepts for this program are under development and may include cases where the Second Circuit certified questions of New York law to the New York Court of Appeals on commercial issues.

The Section has traveled and will travel throughout the State for its monthly meetings, some of which have been held for the first time in various federal courthouses. In December, we traveled to Syracuse to hear United States District Judge Brenda R. Sannes speak; in January, Karen Greve Milton, the Second Circuit Executive spoke to our Executive Committee; and then, in February, we traveled to the Charles L. Briant Jr. Federal Building and Courthouse in Westchester to hear United States District Judge Cathy Seibel.

The Section's upcoming *Legal Ethics in the Digital Age* CLE; its all-day CLE program entitled *Cross-Fertilization of Best Practices Recommendations by ComFed and the DR Section for Improving Dispute Resolution in the Courts and in Arbitration*; and its biennial *Commercial Litigation Academy* will each feature on their panels many sitting and retired federal and state judges.

The Section this spring will further its true significance within the state and federal bars in New York, and around the country, as it will be coming out with its long anticipated updates to its acclaimed *Social Media Legal Ethics Guidelines* and *Best Practices in EDiscovery in New York State and Federal Courts*.

The Section looks forward to continuing this wonderful conjoining of the state and federal judiciaries in our programming for the years to come.

Mark A. Berman

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