

NYLITIGATOR INDEX (2000-present)

Title	Author	Vol.	No.	Issue	Yr.	Pg.
From the Bench	Weinstein, Jack B.	6	1	SUMMER	2000	5
The Developing Right to Privacy in Federal Discovery: Does a Privacy Privilege Exist and Should It?	Axinn, David	6	1	SUMMER	2000	7
Update on Securities Litigation: Excessive Markup Claims Against Broker-Dealers		6	1	SUMMER	2000	13
Ethics Update: Recent Developments and Safe Navigation: A Panel Discussion		6	1	SUMMER	2000	23
Mediation Advocacy: Representing Clients in Mediation		6	1	SUMMER	2000	34
Pro Bono Innovations: A Report on Associate Externships and Fellowships		6	1	SUMMER	2000	43
Book Review: <i>Business and Commercial Litigation in Federal Courts</i>	Paul, Gerald G. (reviewer)	6	1	SUMMER	2000	55
An Introduction to Civility and Ethics in Civil Litigation: A Panel Discussion		6	2	WINTER	2000	4
The Choice Between Federal Court, the Commercial Division of the State Supreme Court (New York County), and Arbitration: A Report on a Survey Entitled, "Factors Affecting Choice of Forum for Commercial Litigation"		6	2	WINTER	2000	18
Multidisciplinary Practice (MDP): Changing the Way We Practice Law: A Panel Discussion		6	2	WINTER	2000	23
Effective Oral Arguments and Appellate Advocacy: A Panel Discussion		6	2	WINTER	2000	37
Case Comment: <i>Lunney v. Prodigy Services Co.</i>	Filipovic, Natasha	6	2	WINTER	2000	44
Electronic Filing in the Commercial Division—How It Can Help the Practitioner and the Client	Crane, Stephen G., Hon.	7	1	SUMMER	2001	5
Appendix: Revised FBEM Regulations		7	1	SUMMER	2001	10
Litigation and Digital Investigations: Gathering Electronic Evidence in the Computer Age	Ginsberg, Barry; Seymour, Daniel P.	7	1	SUMMER	2001	15
Appendix: Internal Investigations: Special Considerations for Pre-Litigation Internal Situations		7	1	SUMMER	2001	19
Does Discovery of Electronic Information Require Amendments to the Federal Rules of Civil Procedure?		7	1	SUMMER	2001	20
Defending an Agent Against a Claim for Breach of Warranty of Authority	Brodsky, Stephen L.	7	1	SUMMER	2001	26

Attachment Disorder: Cleaning Up the Last Century's Law on the Availability of Attachment in Aid of International Arbitration	Smith, Michael B.	7	1	SUMMER	2001	30
Book Review: <i>Successful Partnering Between Inside and Outside Counsel</i>	Oberman, Michael S. (reviewer)	7	1	SUMMER	2001	40
Federal Courts: Issue Preclusion and Arbitration	Brieant, Charles L.; Hannon, Sherene D.	7	2	WINTER	2001	4
The Proposed Hague Convention on Jurisdiction and the Recognition and Enforcement of Foreign Judgments	Semaya, Ted G.	7	2	WINTER	2001	9
Appendix: Most Recent Draft Text of the Proposed Hague Convention on the Enforcement of Foreign Judgments (June, 2001)		7	2	WINTER	2001	20
Potential Constitutional Conflicts Between the Hague Convention and the Due Process Clause	Orel, Stephen	7	2	WINTER	2001	59
Taxability of Damages in Employment Discrimination Actions		7	2	WINTER	2001	67
Contribution and Confusion in Settling Commercial Litigation in New York—Some Background and Pointers for Practitioners Concerned with General Obligations Law § 15-108	Beha, James A. II	7	2	WINTER	2001	74
Appendix A: Relevant Statutes and Rules		7	2	WINTER	2001	104
Appendix B: The <i>Williams</i> Scenarios		7	2	WINTER	2001	105
Report of the Commercial and Federal Litigation Section on a Proposal for Revision of CPLR Article 65		7	2	WINTER	2001	107
Appendix to Report on Proposal for Revision of CPLR Article 65		7	2	WINTER	2001	120
Book Review: <i>New York Civil Practice Before Trial</i>	Oberman, Michael S. (reviewer)	7	2	WINTER	2001	124
Committee Report: The State of State Antitrust Enforcement	Antitrust Committee	8	1	WINTER	2003	4
Protecting the Sanctity of Silence: Client Confidences and Responding to a Grand Jury Subpoena Directed to Attorneys	Lupkin, Jonathan D.; Tiscione, Steven	8	1	WINTER	2003	11
Sexual Harassment: To What Extent Need the Conduct Be Sexual in Nature?	Sciotti, Michael J.; Powers, John G.	8	1	WINTER	2003	17
When Bad Things Happen to Good Laws: Fighting Spam with the Law of Trespass and Other Novel Approaches	Anyanwu, Evan C.	8	1	WINTER	2003	24

Book Review: <i>The Deposition Handbook</i> —Fourth Edition	Michael S. Oberman (reviewer)	8	1	WINTER	2003	28
Briefly Noted: <i>New York Evidence Handbook</i> —Second Edition		8	1	WINTER	2003	30
Truth or Dare: Navigating the Minefield of Voluntary Disclosures	O'Neil, Thomas F; Kirshnitz, Eliot J.	9	1	FALL	2004	6
Rules, Guidelines, and Personal Preferences: Commercial Division Judges Discuss Procedural Issues in Complex Litigation	Panel Discussion	9	1	FALL	2004	18
A Discovery Road Map for Complex Financial Services Litigation	Finard, Joel	9	1	FALL	2004	35
Who's in Charge? The Lead Plaintiff Provisions of the PSLRA Come of Age	Klafter, Jeffrey A.	9	1	FALL	2004	42
The Elusive Definition of Primary Liability Under Section 10(b) of the Securities and Exchange Act of 1934	Harwood, Anthony J.	9	1	FALL	2004	53
SLUSA Preemption and the PSLRA Discovery Stay: The Evolving Application of Federal Preemptive Concepts to Securities Class Action Claims	Conroy, Douglas C.	9	1	FALL	2004	58
Committee Report: Eliminating a Trap for the Unwary: A Proposed Revision of Federal Rule of Civil Procedure 50	Arenson, Gregory K.; McGanney, Thomas	9	1	FALL	2004	67
Committee Report on Rule 30(b)(6)	Arenson, Gregory K.; Beha, James A. II	9	1	FALL	2004	72
DVD/Video Review: Preparing the Lay Witness for Deposition	Oberman, Michael S. (reviewer)	9	1	FALL	2004	86
Briefly Noted: Taking and Defending Depositions by Stuart M. Israel	Oberman, Michael S. (reviewer)	9	1	FALL	2004	88
Book Review: <i>Electronic Discovery and Evidence</i> by Michael R. Arkfeld	Kamins, Heather	9	1	FALL	2004	90
Independent Private Sector Inspectors General: Privately Funded Overseers of the Public Integrity	Lupkin, Stanley N.; Lewandowski, Edgar J.	10	1	SUMMER	2005	6
Committee Report—Should Deposition Witnesses Be Allowed to Confer With Their Counsel During a Deposition?		10	1	SUMMER	2005	20
Differences in Discovery in State and Federal Courts—Electronic Discovery and Other Miscellany		10	1	SUMMER	2005	27

Electronic Evidence and its Admissibility Under Exceptions to the Hearsay Rule in State and Federal Courts		10	1	SUMMER	2005	32
Committee Report—What Should be the Precedential Effect of "Unpublished" Decisions?		10	1	SUMMER	2005	38
New York Attorney General Eliot Spitzer's Acceptance of Section's Stanley Fuld Award		10	1	SUMMER	2005	55
Committee Report—Providing Offers of Judgment With "Teeth": A Proposal for the Amendment of Federal Rule of Civil Procedure 68		10	1	SUMMER	2005	59
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: Chair's Introduction	Younger, Stephen P.	11	1	SPRING	2006	4
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: Welcome from the Judiciary	Lippman, Hon. Jonathan	11	1	SPRING	2006	5
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: In-House Attorneys and Executives	Rosenthal, Lesley F.	11	1	SPRING	2006	6
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: Host's Welcome	Levy, Reynold	11	1	SPRING	2006	7
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: A Remarkable Coincidence	Buzard, A Vincent.	11	1	SPRING	2006	8
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: Keynote Address from the Chief Judge of the New York Court of Appeals	Kaye, Hon. Judith S.	11	1	SPRING	2006	9
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: Keynote Address from the Bar—The Commercial Division Ten Years Later: How Did We Get Here and How Are We Doing?	Alcott, Mark H.	11	1	SPRING	2006	11
Tenth Anniversary Celebration of the Commercial Division of the New York State Courts: Keynote Address from the Business Sector: What I Like About the Commercial Division	Parent, Louise	11	1	SPRING	2006	13
Court of Appeals Sharply Diminishes the Substantive Due Process Rights of Property Owners in New York	Halpern, Philip M.	11	1	SPRING	2006	16

Report of the Commercial and Federal Litigation Section on the Lawsuit Abuse Reduction Act of 2005		11	1	SPRING	2006	26
Report: Seeking to Require Party Witnesses Located Out-of-State and Outside 100 Miles to Appear at Trial Is Not a Compelling Request	Arenson, Gregory K.; McGanney, Thomas (principal authors)	11	1	SPRING	2006	41
Report: Is Personal Service of a Subpoena Required Under Rule 45	Parver, James F. (principal author)	11	1	SPRING	2006	47
Essay: An Exception to the Finality Requirement	Schatkin, Andrew J.	11	1	SPRING	2006	55
Book Review: <i>New York Trial Notebook</i>	Oberman, Michael S. (reviewer)	11	1	SPRING	2006	57
Book Review: <i>Commercial Litigation in New York State Courts, Second Edition</i>	Wachtler, Lauren J.	11	1	SPRING	2006	60
Book Review: <i>Winning with Expert Witnesses in Commercial Litigation</i>	Oberman, Michael S. (reviewer)	11	1	SPRING	2006	61
Presentation of the Commercial and Federal Litigation Section's Robert L. Haig Award for Distinguished Public Service to Hon. John M. Walker, Jr.	Leval, Hon. Pierre N.	11	2	FALL	2006	6
Reforming the Administration of Justice in Emerging Democracies—A Role for the Bar	Walker, Jr., Hon. John M.	11	2	FALL	2006	8
Lane Violation: Solving a Mountainous Problem as if it Were a Molehill	Rokuson, Craig	11	2	FALL	2006	12
Do ADR Mediators Have an Ethical Duty to Ensure an Agreement's Substantive Fairness?	Dubey, Zachary	11	2	FALL	2006	26
Report on the Revised Uniform Arbitration Act		11	2	FALL	2006	36
Appendix 1: Consensus Version of the Working Group of New York State, City and County Bar Associations		11	2	FALL	2006	44
Report of the Commercial and Federal Litigation Section in Support of the Proposed Revisions to the Lawyer's Code of Professional Conduct on Lawyer Advertising		11	2	FALL	2006	53

Response of the Commercial and Federal Litigation Section to the American Bar Association Recommendation for Proposed Amendments to Federal Rules of Bankruptcy Procedure		11	2	FALL	2006	55
Appendix A: Proposed Attorney Discipline Amendments to the Federal Rules of Bankruptcy Procedure		11	2	FALL	2006	56
Report of the Commercial and Federal Litigation Section Opposing the Recommendation of the American Bar Association Section of Litigation that Draft Expert Reports and Communications Between Experts and Attorneys Not Be Discoverable Insofar as it Applies to New York State Practice		11	2	FALL	2006	58
Book Review: <i>Business and Commercial Litigation in Federal Courts (Second Edition)</i>	Auspitz, Jack C. (reviewer)	11	2	FALL	2006	60
Book Review: <i>New York Contract Law</i>	Oberman, Michael S. (reviewer)	11	2	FALL	2006	61
Book Reviews: <i>Electronic Discovery and eDiscovery & Digital Evidence</i>	Simon, Norman C. (reviewer)	11	2	FALL	2006	64
Should We Reconsider Corporate Criminal Liability?	Kaplan, Hon. Lewis A.	12	1	SPRING	2007	3
"Hail to the Chiefs": Welcoming Remarks	Rosenthal, Lesley Friedman	12	1	SPRING	2007	6
"Hail to the Chiefs": Keynote Address: Judicial Independence	Alcott, Mark H.	12	1	SPRING	2007	10
"Hail to the Chiefs": Pro Bono Panels	Wood, Hon. Kimba M.	12	1	SPRING	2007	12
"Hail to the Chiefs": Addressing Bankruptcy Court Challenges	Cyganowsli, Hon. Melanie L	12	1	SPRING	2007	13
"Hail to the Chiefs": Effective and Efficient Utilization of Magistrate Judges	Smith, Hon. Lisa Margaret	12	1	SPRING	2007	15
Remarks Upon the Establishment of the Hon. George Bundy Smith Pioneer Award	Smith, Hon. George Bundy	12	1	SPRING	2007	16
Litigation Requirements for Corporate Counsel (Panel Discussion)		12	1	SPRING	2007	17
The Contours of Common-Law Dissolution in New York	Halpern, Philip M.	12	1	SPRING	2007	25

Unsettling Observations on the Settlement Privilege	Blum, Ronald G.; Turro, Andrew J.	12	1	SPRING	2007	31
Report: Treating the Federal Government Like Any Other Person: Toward a Consistent Application of Rule 45		12	1	SPRING	2007	35
A Review of <i>HF Management Services LLC v. Pistone</i> : Does an Underwriter's Due Diligence Counsel Have a Fiduciary Duty to an Issuer?		12	1	SPRING	2007	39
Protecting Employees' Constitutional Rights in Governmental Investigations: The <i>U.S. v. Stein</i> Decisions		12	1	SPRING	2007	47
Report on Proposed Federal Rule of Evidence 502		12	1	SPRING	2007	49
Report: Certification of Questions of State Law in the Second Circuit		12	1	SPRING	2007	59
Report on Class Certification for Particular <i>Issues</i> Pursuant to Federal Rule of Civil Procedure 23(c)(4)(A)		12	1	SPRING	2007	63
Remarks on Presentation to Mark H. Alcott of the Robert L. Haig Award for Distinguished Public Service	Kaplan, Hon. Lewis A.	12	2	WINTER	2007	3
Recipient of Robert L Haig Award for Distinguished Public Service Acceptance Remarks	Alcott, Mark H.	12	2	WINTER	2007	5
Tributes to Mark H. Alcott on His Receipt of the Robert L. Haig Award		12	2	WINTER	2007	9
Discovery from Non-Parties in Arbitration	Levitt, Jamie A.	12	2	WINTER	2007	11
Reaping the Rewards: Enforcing U.S. Judgments in England and Wales and Enforcing Foreign Money Judgments in New York	Normington, James A.; Colby, Jeremy A.	12	2	WINTER	2007	16
Sovereign Terrorist? Applying the FSIA to Cases of International Terrorism	Thomas, Matthew	12	2	WINTER	2007	22
<i>Trinko</i> and Beyond	Antitrust Committee of the Commercial and Federal Litigation Section	12	2	WINTER	2007	34
Remarks on the Presentation of the Stanley H. Fuld Award to the Honorable Albert M. Rosenblatt at the Commercial and Federal Litigation Section Annual Reception and Luncheon, January 30, 2008	Kaye, Judith S.	13	1	SUMMER	2008	3

Recipient of the Stanley H. Fuld Award at the Commercial and Federal Litigation Section Annual Reception and Luncheon, January 30, 2008	Rosenblatt, Albert M.	13	1	SUMMER	2008	5
Presentation of 2008 Hon. George Bundy Smith Pioneer Award to Cesar A. Perales and 2008 Minority Law Student Summer Fellowship to Ji Zhang on April 7, 2008		13	1	SUMMER	2008	7
RICO Damages After Set-Off: Treble Versus Double Recoveries	Rakower, Michael C.	13	1	SUMMER	2008	12
Ethical Lawyering in the "Wireless Handheld" Age	Feinberg, Jeremy R.	13	1	SUMMER	2008	15
The Mediation Process: Pre-Mediation Preparation Through Private Caucus Negotiations	Gray, Stacey M.	13	1	SUMMER	2008	18
Metadata: Basic Guidance for New York Attorneys	Electronic Discovery Committee	13	1	SUMMER	2008	24
Contact by Counsel with Putative Members of Class Prior to Class Certification	Class Action Litigation and Ethics and Professionalism Committee	13	1	SUMMER	2008	26
A Primer on Net Neutrality	Internet and Intellectual Property Litigation Committee	13	1	SUMMER	2008	30
Individual Practices of Judges and Magistrate Judges in the Southern District of New York	Federal Judiciary Committee	13	1	SUMMER	2008	36
Report Recommending Certain Amendments to the CPLR Concerning Electronic Discovery	Civil Practice Law and Rules Committee	13	1	SUMMER	2008	52
Proposed New York Adoption of UFTA with Amendments	Bankruptcy Litigation Committee	13	1	SUMMER	2008	60
The Legality of Linking and Framing: <i>Perfect 10 v. Amazon.com</i>		13	1	SUMMER	2008	67
Antitrust Looms Large in the Supreme Court's Past Term	Antitrust Litigation Committee	13	1	SUMMER	2008	79

Tributes to the 20th Anniversary of the Commercial and Federal Litigation Section						
Productivity, Accomplishments, Collegiality and Fun	Haig, Robert L.	14	1	SPRING	2009	3
“A Commercial Court for New York,” Revised	Alcott, Mark H.	14	1	SPRING	2009	4
Commercial and Federal Litigation Section—20th Anniversary Celebration	Leber, Bernice K.	14	1	SPRING	2009	7
Commercial and Federal Litigation Section	Castel, P. Kevin, Hon.	14	1	SPRING	2009	8
Happy 20th Anniversary	Auspitz, Jack C.	14	1	SPRING	2009	10
Scenes from the Commercial and Federal Litigation Section 20th Anniversary Celebration		14	1	SPRING	2009	11
A Tribute to the Honorable Herman Cahn’s Years on the Bench	Smoley, Lewis M.	14	1	SPRING	2009	12
Remarks on the Presentation of the Robert L. Haig Award for Distinguished Public Service to the Honorable P. Kevin Castel at the Commercial and Federal Litigation Section Spring Meeting, May 3, 2008	Duffy, Kevin T.	14	1	SPRING	2009	14
Recipient of the Robert L. Haig Award for Distinguished Public Service at the Commercial and Federal Litigation Section Spring Meeting, May 3, 2008	Castel, P. Kevin, Hon. (Acceptance Remarks)	14	1	SPRING	2009	16
The Supreme Court Trims Money-Laundering Laws	Schnieders, Allison G.; Stodola, Damion K.L	14	1	SPRING	2009	17
Report Approving Proposal to Amend CPLR 1008	Civil Practice Law and Rules Committee	14	1	SPRING	2009	19
Rule 8(a)(2) After <i>Twombly</i> : Has There Been a Plausible Change?	Federal Procedure Committee	14	1	SPRING	2009	22

Spring Meeting Remarks, Awards and Presentations		14	2	WINTER	2009	
NYSBA Commercial and Federal Litigation Section in Association with the Young Lawyers Section: Litigation in the Modern Age		14	2	WINTER	2009	
Opening Banquet at the Baseball Hall of Fame, Cooperstown, NY		14	2	WINTER	2009	5
Gala Dinner at the Otesaga Hotel, Cooperstown, NY		14	2	WINTER	2009	8
Presentation of the 2009 Robert L. Haig Award for Distinguished Public Service to the Honorable Judith S. Kaye		14	2	WINTER	2009	
Presentation Remarks by the Honorable Jonathan Lippman		14	2	WINTER	2009	12
Acceptance Remarks by the Honorable Judith S. Kaye		14	2	WINTER	2009	13
Presentation: What to Do When the Media Calls?		14	2	WINTER	2009	15
Presentation: Trying Your First Non-Jury Case and Preserving Issues for Appeal: The Mechanics for Success		14	2	WINTER	2009	31
Scenes from the Commercial and Federal Litigation Section Spring Meeting		14	2	WINTER	2009	48
<i>Tyco</i> : Can a Civil Discovery Statute Trump a Criminal Defendant's Constitutional Right to Subpoena, Obtain and Present Favorable Evidence?	Lewis, Alan; Shapiro, Michael	14	2	WINTER	2009	51
New Rules for Electronic Discovery in New York Courts: What You <i>Must</i> Know Before Appearing at a Preliminary Conference	Schoenthal, Allison J.	14	2	WINTER	2009	56
Practice Points for Excluding Lost Profits Damages	Oberman, Michael S.	14	2	WINTER	2009	60
The Ethics of Recording Witness Statements: An Overview of the Applicable Rules	Adams, Rebecca; Committee on Ethics and Professionalism	14	2	WINTER	2009	66
Are Off-the Record Communications with Counsel During a Deposition Recess Discoverable?	Schoenberg, Michael A.H.; Koehler, Jennifer C.	14	2	WINTER	2009	71
Presentation of the Stanley H. Fuld Award for Outstanding Contributions to Commercial Law and Litigation at the Commercial and Federal Litigation	Presentation Remarks by Hon. Judith S. Kaye	15	1	SUMMER	2010	4

Section Annual Meeting, January 27, 2010	Acceptance Remarks by the Hon. Jonathan Lippman					
Presentation: Behind the Veil: A Frank Discussion About Our Appellate Courts		15	1	SUMMER	2010	8
Presentation: The Future Ain't What It Used to Be: Finding Opportunity in a Changing Economy		15	1	SUMMER	2010	24
Mandatory E-Filing in New York County Supreme Court—May 2010	Heitler, Hon. Sherry Klein; Carucci, Jeffrey	15	1	SUMMER	2010	33
Sealing Documents in Business Litigation: A Comparison of Various Rules and Methods Applied in Federal, New York State and Delaware Courts	Commercial Division Committee	15	1	SUMMER	2010	35
The Continuing Surge in Immigration Appeals in the Second Circuit: The Past, the Present and the Future	Committee on Immigration Litigation	15	1	SUMMER	2010	41
Committee Spotlight: Committee on Immigration Litigation		15	1	SUMMER	2010	57
Remarks, Awards and Presentations from the Commercial and Federal Litigation Section, Spring Meeting, May 22-23, 2010		15	2	FALL	2010	
Remarks from the Gala Dinner	Lupkin, Jonathan; Syracuse, Vincent; Younger, Stephen	15	2	FALL	2010	5
Presentation of the Robert L. Haig Award for Distinguished Public Service to the Honorable Reena Raggi		15	2	FALL	2010	
Presentation Remarks by the Honorable Edward R. Korman		15	2	FALL	2010	11
Acceptance Remarks by the Honorable Reena Raggi		15	2	FALL	2010	13
Presentation: Introduction to Appearing Before the Commercial Division: Preparation, Practices, and Potential Pitfalls		15	2	FALL	2010	16
Presentation: Fundamental Ethical and Practical Considerations in E-Discovery: Views From the Bench		15	2	FALL	2010	30
Presentation: Discussion Following a Screening of "The Response"		15	2	FALL	2010	45

Scenes from the Commercial and Federal Litigation Section Spring Meeting		15	2	FALL	2010	52
En Banc Review for Intermediate Appellate Courts in New York State	Appellate Practice Committee	15	2	FALL	2010	54
Criminal Prosecutorial Discretion in Insider Trading Cases: Let's Look at the Numbers	Securities Subcommittee of the White Collar Criminal Litigation Committee	15	2	FALL	2010	56
Experiments in the Lab: Donnelly Act Diversions from Federal Antitrust Law	Antitrust Committee	15	2	FALL	2010	61
Annual Meeting Remarks, Awards and Presentations		16	1	SUMMER	2011	
Presentation of the Stanley H. Fuld Award for Outstanding Contributions to Commercial Law and Litigation at the Commercial and Federal Litigation Section Annual Meeting, January 26, 2011		16	1	SUMMER	2011	
Presentation remarks by the Honorable Jed S. Rakoff		16	1	SUMMER	2011	5
Acceptance remarks by the Honorable Robert A. Katzmann		16	1	SUMMER	2011	6
Presentation: Bridging the E-Discovery Gap Between Bench and Bar		16	1	SUMMER	2011	9
Presentation: How Inside and Outside Litigation Counsel Can Add Value and Reduce Costs for Corporate Clients—Fee Arrangements, Budgeting, and Billing		16	1	SUMMER	2011	24
Presentation: How Inside and Outside Litigation Counsel Can Add Value and Reduce Costs for Corporate Clients—Case Management and Staffing		16	1	SUMMER	2011	34
Section Report: A Proposal for Enhanced Expert Disclosure in the New York State Commercial Division	Committee on the Commercial Division	16	1	SUMMER	2011	44
Dealing with the Dodgy Debtor: The Art of Enforcing a Money Judgment Under Article 52 of the CPLR	Hollis, Rebecca Adams	16	1	SUMMER	2011	56
The Supreme Court's Proximate Cause Analysis Under RICO: A Distinction Between Direct and Foreseeable Harm	Rakower, Michael C.	16	1	SUMMER	2011	61
Is Your Clock Ticking? The (Non-)Interpretation of 28 U.S.C. 1367(d) by	Miller, David E.	16	1	SUMMER	2011	67

New York Courts						
Think a Spouse's Individual Credit Card Debt Cannot Result in the Foreclosure of the Marital Home? Think Again	Scholz, Andrew J.	16	1	SUMMER	2011	70
Data Breaches	Noe, Mary	17	1	SUMMER	2012	6
Retelling the History of the United States District Court for the Southern District of New York	Winter, John D.; Maidman, Richard	17	1	SUMMER	2012	9
The Nuts and Bolts of Expert Selection	Heckman, Carol E.; Altieri, Dan J.	17	1	SUMMER	2012	18
Book Review: Commercial Litigation in New York Courts, Third Edition	Baglin, Cathi (Reviewer)	17	1	SUMMER	2012	20
Report on Proposed Amendments to Federal Rule of Civil Procedure 45	Prepared by the Commercial and Federal Litigation Section Committee on Federal Procedure	17	1	SUMMER	2012	21
Presentation of the Stanley H. Fuld Award for Outstanding Contributions to Commercial Law and Litigation	Award Presenter: Honorable Robert A. Katzmann Award Recipient: Honorable Jed S. Rakoff	18	1	SUMMER	2013	55
"Representing Teen Victims of Online Pornographic Postings: Litigation Challenges and Strategies"	Russell Bogart	18	1	SUMMER	2013	9
The Mysterious Disappearance of the Private Right of Action Under the Automatic Renewal Statutes	Virginia K. Trunkes	18	1	SUMMER	2013	15
New York City Environmental Control Board's Denial of Due Process	Sean Roman Strockyj	18	1	SUMMER	2013	18
Rule 5 of the Federal Rules of Civil Procedure Should Be Revised to Allow for Electronic Service of Papers Without Prior Consent		18	2	WINTER	2013	4
New York State Bar Association Commercial & Federal Litigation Section Report on Proposed Amendments to Federal Rules of Civil Procedure 1, 4, 16, 26, 30, 31, 33, 34, 36, 37, 84, and Appendix of Forms		18	2	WINTER	2013	8
Litigation Proliferates Over the Streaming of Broadcast Television: <i>American Broadcasting Companies, Inc. v. Aereo, Inc.</i> and <i>Fox Television Stations, Inc. v. BarryDriller Content Systems, PLC</i>	Pizzi, Peter J.	18	2	WINTER	2013	30

Whether the Heightened Pleading Requirements of <i>Twombly</i> and <i>Iqbal</i> Apply to Pleading Affirmative Defenses Appendix A: Cases Applying <i>Iqbal/Twombly</i> Heightened Pleading Standards to Affirmative Defenses Appendix B: Cases Holding That the <i>Iqbal/Twombly</i> Heightened Pleading Standards Do Not Apply to Affirmative Defenses		18	2	WINTER	2013	43
When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation		18	2	WINTER	2013	47
Presentation of the Stanley H. Fuld Award for Outstanding Contributions to Commercial Law and Litigation	Award Presenter: Hon. Jack B. Weinstein; Award Recipient: Hon. Shira A. Scheindlin	19	1	SPRING	2014	4
Report on District Court Review of Magistrate Judges' Reports and Recommendations: Should Arguments Not Previously Made to the Magistrate Judge Be Considered?		19	1	SPRING	2014	8
Privilege Logs for the New Millennium	Crane, Melissa A. Becker, Robert L.	19	1	SPRING	2014	22
Void Versus Voidable Contracts: the Subtle Distinction that Can Affect Good-Faith Purchasers' title to Goods	Yang, Melissa	19	1	SPRING	2014	31
Federal False claims Act and SEC Whistleblower Program Practice Points	Finerty, Hon. Margaret J.; Dircks, Richard J.	19	1	SPRING	2014	36
A Message from the Chair: Jury Duty—or How I Spent My Summer Vacation	Sarkozi, Paul D.	19	2	FALL	2014	3
Former Chair's Column: In a Heartbeat	Zauderer, Mark C.	19	2	FALL	2014	5
Presentation of the Robert L. Haig Award for Distinguished Public Service	Presenter: Honorable Lewis A. Kaplan Award Recipient: Honorable Robert S. Smith	19	2	FALL	2014	7
New York State Bar Association Commercial and Federal Litigation Section Spring Meeting	Dinner Speaker: Zachary W. Carter	19	2	FALL	2014	12

Is a Complex Commercial Appeal Different from All Others? The View from the Bench	Moderator: Mark C. Zauderer Panel Members: Honorable Victoria Graffeo Honorable Helen Freedman Honorable Karla Moskowitz Honorable Karen Peters Honorable Thomas Dickerson Honorable Barbara Kapnick Honorable Barry Cozier	19	2	FALL	2014	15
Oil in the Joints or Monkey Wrench in the Gears: Deferred and Non-Prosecution Agreements in Antitrust Cases	New York State Bar Association Commercial and Federal Litigation Section Antitrust Committee	19	2	FALL	2014	27
Arbitration Dos and Don'ts for the Trial Lawyer	Mattiaccio, Richard L.	19	2	FALL	2014	36
Models for Use of Mediation in E-Discovery	Bennett, Steven C.	19	2	FALL	2014	47
Piercing the Corporate Veil	Wadler, Barry A.	19	2	FALL	2014	54
Blacklisting a Former Employee in retaliation for Post-Employment Protected Activity Can Create SOX Exposure: <i>Kshetrapal v. Dish Network, LLC</i>	Pizzi, Peter J.	20	1	FALL	2015	4
Whistle While You Work—For a Cartelist: Whistleblower Protection and Antitrust	New York State Bar Association Commercial and Federal Litigation Section Antitrust Committee	20	1	FALL	2015	8
Settlement Releases and Waiving the "Unknown"	Trunkes, Virginia	20	1	FALL	2015	17
Federal Rule of Evidence 502	Skiff, Gregory J.	20	1	FALL	2015	21
Rule 68 Offers of Judgment and Mootness, Especially for Collective or Class Actions	New York State Bar Association Commercial and Federal Litigation Section Committee on Federal Procedure and Committee on Employment and Labor Relations	20	1	FALL	2015	25
Social Media Ethics Guidelines	New York State Bar Association	20	1	FALL	2015	35

	Commercial and Federal Litigation Section Social Media Committee					
A Message from the Chair: The Importance of Lawyer Independence	Wicks, James M.	21	1	SPRING	2016	3
Making Class Action Coupon Settlements Deliver Real Value to Class Members	Dickerson, Hon. Thomas A.	21	1	SPRING	2016	4
Nowhere to Go but Up	Kerzhner, Eve; Shertzer, Amit	21	1	SPRING	2016	7
International Arbitration: Enforceability of Hybrid Arbitration Clauses	Flebus, Clara	21	1	SPRING	2016	9
Forum Selection Clauses in Travel Contracts: Should Adequate Notice Be Required?	Dickerson, Hon. Thomas A.	21	1	SPRING	2016	14
Statutory Indemnification of Corporate Directors and Officers: Foresight Is Power	Rakower, Michael C.; Yang, Melissa	21	1	SPRING	2016	16
The Tyranny of the Litigation Hold	Reice, Richard	21	1	SPRING	2016	19
Problems and the Usefulness of Categorical Privilege Logs	Nissenbaum, Yitzy	21	1	SPRING	2016	21
Social Media Jury Instruction Report	New York State Bar Association Commercial and Federal Litigation Section Ethics and Professionalism Committee	21	1	SPRING	2016	26
Threatening Disciplinary Action Against Attorneys in New York	By the New York State Bar Association Commercial and Federal Litigation Section Ethics and Professionalism Committee	21	1	SPRING	2016	47
The Differing Standards of Review That Have Been Applied to Rule 19 Determinations	By the New York State Bar Association Commercial and Federal Litigation Section Federal Procedure Committee	21	1	SPRING	2016	53
Preserving Privilege and Maintaining Client Confidences When Dealing With Third-Party Consultants During a Crisis	Argen, Robert D.; Canales, Jason; Kewalramani, Devika	21	2	FALL	2016	4
Antitrust Plays Whack-a-Mole as Exclusion of Competition by Drug Monopolists Pops Up Again: Gaming the "REMS"	By the New York State Bar Association Commercial and	21	2	FALL	2016	9

	Federal Litigation Section Antitrust Committee					
Enforcement of Foreign Country Judgments: Expanded Use Confronts Increasing Questions	Mandelsberg, Steven J.	21	2	FALL	2016	19
The Remarkable Invulnerability of the Unconditional Guaranty	Rodgers, John D.	21	2	FALL	2016	25
2016 Amendments to the Uniform Rules for the Commercial Division	Einhorn, Marcy	21	2	FALL	2016	34
You've Got Service: Service of Process by Email and Social Media	Ng, James	21	2	FALL	2016	36
Attorneys' Eyes Only? Confidential? Really?—Reducing Logistical Headaches in Confidentiality Agreements	O'Connor, John M.; Maylor DiCanio, Carrie; Aviles, Jorge R.	21	2	FALL	2016	38
Protecting Confidentiality When Compelled to Provide Discovery to Foreign Litigants Pursuant to 28 U.S.C. § 1782	Katz, Matthew; Dickson, Francesca; Hochman, Jonathan; Mietlicki, Michael	21	2	FALL	2016	43
Fair Value Measurements: In the Crosshairs of Regulators	Zyla, Mark L.	21	2	FALL	2016	48
A New York Litigator's Guide to the New Federal Trade Secret Law	Szymczak, Heath J.; Hoppe, Bradley A.	21	2	FALL	2016	51
International Arbitration: Enforcing Arbitral Awards Against Non-Signatories	Flebus, Clara	21	2	FALL	2016	57
Uber: The Turning of the Tide	Dickerson, Thomas A.; Hinds-Radix, Sylvia O.	22	1	SPRING	2017	3
Should Mediation Begin Together or Apart?	Weil, Richard S.	22	1	SPRING	2017	6
Protecting Your Trade Secrets	Reice, Richard M.	22	1	SPRING	2017	7
Defending Lender Liability Claims Under the Common Law	Moar, Daniel B.	22	1	SPRING	2017	9
"I Show Your Exhibit E for Identification": Differing Approaches for Authentication of Electronic Evidence at Trial	Fox, Michael L.	22	1	SPRING	2017	14
Role of Emails in CPLR 3211(a)(1) Motions	Lederman, Bruce L.	22	1	SPRING	2017	18
Competing New York and Foreign Actions: Anti-Suit Injunctions in Commercial Disputes	Nagin, Benjamin R.; Widmann, Richard J.	22	1	SPRING	2017	23

The <i>Ambac</i> Decision and the Future of the Common Interest Privilege Under New York Law	Trotter, Richard W.; Stallone, Maryann C.; Leone, Amanda M.	22	1	SPRING	2017	29
The Judiciary Article of the New York State Constitution—Opportunities to Restructure and Modernize the New York Courts	Committee Report	22	1	SPRING	2017	36
Proposed Diversity and Inclusion and Elimination of Bias CLE Requirement for New York State Attorneys	Committee Report	22	1	SPRING	2017	37
Pilot ADR Project	Committee Report	22	1	SPRING	2017	40
Proposed Amendment to Rule 20 of the Rules of the Commercial Division Regarding Applications for Temporary Restraining Orders	Committee Report	22	1	SPRING	2017	41
Proposed Amendment to Rule 6 of the Commercial Division to Permit the Court to Require Hyperlinking in Electronically Filed Documents	Committee Report	22	1	SPRING	2017	46
Proposed Amendment to Rule 26 of the Rules of the Commercial Division Addressing the Limitation of Total Hours of Trial	Committee Report	22	1	SPRING	2017	52
Utilizing a Smart Phone “App” to Protect Companies and Individuals in Critical Law Enforcement Encounters: M&M Defend™	Feldman, Steven D.	22	2	SUMMER /FALL	2017	3
Seeking Benefits Owed Under an ERISA Top-Hat Plan: A Primer for Litigators	Rakower, Michael C.; Yang, Melissa	22	2	SUMMER /FALL	2017	5
Why Mediate?	Weil, Rick S.	22	2	SUMMER /FALL	2017	8
A Litigator’s Guide to the Management of New York Limited Liability Companies	Firestone, Michael J.	22	2	SUMMER /FALL	2017	10
Merits-Based Review of Arbitration Awards: A Potentially “Appealing” Option	Cheng, Theodore K.	22	2	SUMMER /FALL	2017	21
Calculating Lost Profits—An Overview	Ferraro, Stephen L.	22	2	SUMMER /FALL	2017	24
Promissory Estoppel and the Statute of Frauds in New York	Eaton, Mary; Advani, Sameer; Haynes, Patricia O.	22	2	SUMMER /FALL	2017	27
The Time Has Come (Accompanied by Affidavits): A Method for More Expeditious Trials in Commercial Cases	Driscoll, Timothy S.	22	2	SUMMER /FALL	2017	32

Book Review: Business and Commercial Litigation in Federal Courts	Nonna, John	22	2	SUMMER /FALL	2017	35
An Overview of the New York Rules of Professional Conduct in the Context of Mediation	Einhorn, Marcy	22	2	SUMMER /FALL	2017	36
International Arbitration: The Evolving U.S. Jurisprudence on Recognition and Enforcement of Awards Annulled Abroad	Flebus, Clara	22	2	SUMMER /FALL	2017	39
Examining the Scope of Waivers for Intentional Production of Privileged Information	Nagin, Benjamin R.; Alter-Nelson, Marissa	22	2	SUMMER /FALL	2017	47
If Not Now, When? Achieving Equality for Women Attorneys in the Courtroom and in ADR	Committee Report	22	2	SUMMER /FALL	2017	51
Evolution of General Jurisdiction Rules in the Years Since <i>Daimler Ag v. Bauman</i>	Committee Report	22	2	SUMMER /FALL	2017	91
Proposed Amendment to the Rules of the Commercial Division to Include a Sample Choice of Law Clause for Use in Commercial Contracts	Committee Report	22	2	SUMMER /FALL	2017	109
Proposed Establishment of a “Large Complex Case List” in the Commercial Division	Committee Report	22	2	SUMMER /FALL	2017	110
Proposed Rules for Electronic Filing in the Appellate Division of the Supreme Court	Committee Report	22	2	SUMMER /FALL	2017	111
Proposed Model Status Conference Stipulation and Order Form for Use in the Commercial Division	Committee Report	22	2	SUMMER /FALL	2017	114
Recent Travel Industry Antitrust Actions	Dickerson, Thomas A.	23	1	SPRING	2018	3
Lost Profit Legal Rules and the Forensic CPA	Ferraro, Stephen L.; Amodio, Charles S.	23	1	SPRING	2018	5
Special Proceedings Against Municipalities Jeopardized; Conflict Arises Within Second Department	Gartner, Kenneth L.; Frigenti, Tiffany D.	23	1	SPRING	2018	8
The Arbitration from Hell and How the New York Courts Got It Wrong	Solovay, Norman	23	1	SPRING	2018	12
New York High Court Adopts Unconscionability Standard to Overcome Statute of Frauds	Clarke, Karen E.	23	1	SPRING	2018	19

Online Dispute Resolution: The “New Normal”	Einhorn, Marcy	23	1	SPRING	2018	22
Think Before You Tweet: Discoverability of Private Social Media Account Information in Litigation	Schnapp, Daniel A.; Savio, Catherine A.	23	1	SPRING	2018	24
Sometimes Less Is More (and Vice Versa): A Primer on Pleading Practice in Arbitration	Cheng, Theodore K.	23	1	SPRING	2018	28
Proposal to Mitigate Risk Associated with Inadvertent Privilege Waiver During Disclosure	Committee Report	23	1	SPRING	2018	32
Justice Ramos Receives Stanley H. Fuld Award		23	1	SPRING	2018	110
The Business Theory of Diversity: How Diversity Improves Law Firms’ Bottom Lines	Katz, Mitchell J.; Boroosan, Moshe O.	23	1	SPRING	2018	113
Court Reaffirms the Importance of Sufficiently Alleging Demand Futility in Derivative Lawsuits	Schoenberg, Michael A.H.	23	2	FALL	2018	3
Mediation Myths: Barriers to the Use of Mediation	Bennett, Steven C.	23	2	FALL	2018	5
Ten Common Mistakes to Avoid in Arbitration	Zammit, Joseph P.	23	2	FALL	2018	7
In Memoriam: Hon. Thomas A. Dickerson	Wiig, Daniel K.	23	2	FALL	2018	14
The Return of the Chinese Tick Case	Dickerson, Thomas A.	23	2	FALL	2018	15
New York PFOA Environmental Tort and Medical Monitoring Class Action Certified	Dickerson, Thomas A.	23	2	FALL	2018	17
When Experts Come From Different Planets: Finding the Difference Driving Seemingly Irreconcilable Expert Evidence in Arbitration	Cheng, Theodore K.; Kahn, Sherman	23	2	FALL	2018	19
International Litigation: Recognition of Foreign Country Money Judgments and the Jurisdictional Nexus	Flebus, Clara	23	2	FALL	2018	23
Administering Financial Antitrust Settlements Involving Complex Financial Instruments and Related Markets	Kovach, Loree; McGeever, Lauren	23	2	FALL	2018	26
The Application of Daimler AG’s Principal-Place-of-Business Standard in New York Courts	Higgitt, John R.	23	2	FALL	2018	30

Proposed Amendment of Rule 3 of the Rules of the Commercial Division, Rule 3(a), Relating to Selection of Mediators	Committee Report	23	2	FALL	2018	37
Fed. R. Civ. P. 30(b)(6), 56(c)(4) and Fed. R. Evid. 602, 802: Can the Concept of "Corporate Knowledge" Be Stretched?	Harnik, Stephen M.; Kaiser, Armin	24	1	SPRING	2019	5
"The Future Ain't What It Used to Be": Rigorous Analysis, Predominance and Other Developments in U.S. Class Actions	Himes, Jay L.; Crevier, Jonathan S.	24	1	SPRING	2019	12
Preparation is the Key to a Rewarding and Successful Mediation	Cheng, Theo	24	1	SPRING	2019	28
In-House Counsel Can and Should Collect Attorney Fees	Wiig, Daniel K.	24	1	SPRING	2019	32
Third-Party Litigation Financing in the United States	Katz, Aaron; Schoenfeld, Steven	24	1	SPRING	2019	34
Deposition Witness Review of Privileged Materials: A Certain Waiver?	Nagin, Benjamin R.; Colon-Bosolet, Melissa	24	1	SPRING	2019	44
Guidelines for Obtaining Cross-Border Evidence	Section Report	24	1	SPRING	2019	46
Report of the Nominating Committee	Section Report	24	1	SPRING	2019	51
Proposed Amendment of Rule 3 of the Rules of the Commercial Division	Section Report	24	1	SPRING	2019	52