



# NYSBACLE

**Thursday, May 4, 2017**

9:00 a.m. – 5:00 p.m.

**Friday, May 5, 2017**

9:00 a.m. – 5:00 p.m.

**New York Society of Security Analysts**

1540 Broadway, Suite 1010

New York, NY 10036

 **Webcast**

This program will also be streamed  
as a live webcast.



**INCLUDES**  
3.0 ethics credits

# Commercial Litigation Academy 2017

## Topics to be covered include:

- Venue Decisions: State Court vs. Federal Court vs. Arbitration
- Temporary restraining orders, preliminary and permanent injunctions, and orders to show cause
- Expert discovery in state and federal court
- Civil Appeals and Argument
- Pleadings in state court, federal court and arbitration
- Trials and evidence rules



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[www.nysba.org/CLAcademy2017](http://www.nysba.org/CLAcademy2017)



# Program Description

This two-day Academy program brings together an outstanding panel of distinguished and well-known commercial litigators, current and former in-house counsel and judges who will provide you with valuable insights on federal and state commercial litigation – from choosing the proper venue through the appellate process. There will be a focus on litigating commercial cases efficiently. You will receive training and enhance your skills in all aspects of commercial litigation; from drafting the pleadings and

seeking injunctive relief, through disclosure and discovery (including expert discovery and e-Discovery), and finally to the trial and the appeal. The expert faculty will also discuss key ethical and evidentiary issues confronted by the commercial litigator.

Don't miss this opportunity to learn from our top-notch faculty and network with your peers at this comprehensive two-day program! Earn 16.0 MCLE Credits (8.0 MCLE Credits each day).

**Who Should Attend:** Newly admitted attorneys and experienced practitioners seeking to sharpen their skills as commercial litigators and trial lawyers.

## Agenda

Day 1: Thursday, May 4, 2017 – 9:00 a.m. – 5:00 p.m.

8:30 a.m. – 9:00 a.m.	Registration
9:00 a.m. – 9:10 a.m.	Welcome and Introductions
9:10 a.m. – 10:50 a.m.	<b>Venue Decisions: State Court vs. Federal Court vs. Arbitration vs. Mediation</b> <i>2.0 MCLE Credits in Professional Practice</i>
10:50 a.m. – 11:00 a.m.	Refreshment Break
11:00 a.m. – 12:40 p.m.	<b>Pleadings in State Court, Federal Court, and Arbitration</b> <i>2.0 MCLE Credits (1.0 Skills, 1.0 Professional Practice)</i>
12:40 p.m. – 1:30 p.m.	Lunch (on your own)
1:30 p.m. – 3:10 p.m.	<b>Injunctive Relief: Temporary Restraining Orders, Preliminary and Permanent Injunctions and Orders to Show Cause</b> <i>2.0 MCLE Credits (1.0 Professional Practice, 1.0 Ethics)</i>
3:10 p.m. – 3:20 p.m.	Refreshment Break
3:20 p.m. – 5:00 p.m.	<b>Disclosure and Discovery, including E-Discovery, and Litigating Cases Efficiently</b> <i>2.0 MCLE Credits (1.0 Skills, 1.0 Ethics)</i>
5:00 p.m.	Adjournment

Day 2: Friday, May 5, 2017 – 9:00 a.m. – 5:00 p.m.

8:30 a.m. – 9:00 a.m.	Registration
9:00 a.m. – 9:10 a.m.	Welcome and Introductions
9:10 a.m. – 10:50 a.m.	<b>Expert Discovery in State and Federal Court</b> <i>2.0 MCLE Credits (1.0 Skills, 1.0 Ethics)</i>
10:50 a.m. – 11:00 a.m.	Refreshment Break
11:00 a.m. – 12:40 p.m.	<b>Dispositive Motions including Motions to Dismiss, Judgment on the Pleadings, and Summary Judgment Motions</b> <i>2.0 MCLE Credits (1.0 Skills, 1.0 Professional Practice)</i>
12:40 p.m. – 1:30 p.m.	Lunch (on your own)
1:30 p.m. – 3:10 p.m.	<b>Trials (Including Evidence Rules in Discussion)</b> <i>2.0 MCLE Credits (1.0 Skills, 1.0 Professional Practice)</i>
3:10 p.m. – 3:20 p.m.	Refreshment Break
3:20 p.m. – 5:00 p.m.	<b>Civil Appeals and Argument</b> <i>2.0 MCLE Credits (1.0 Skills, 1.0 Professional Practice)</i>
5:00 p.m.	Adjournment

## Program Faculty

### Overall Program Chair

**Kevin J. Smith, Esq.** | Sheppard, Mullin, Richter & Hampton LLP  
**Section Chair**

**Mark A. Berman, Esq.** | Ganfer & Shore, LLP

### Day 1 Speakers

**Robert M. Abrahams, Esq.** | Schulte Roth & Zabell LLP  
**Theodore K. Cheng, Esq.** | Fox Horan & Camerini LLP  
**Tracee E. Davis, Esq.** | Zeichner Ellman & Krause LLP  
**Steven M. Edwards, Esq.** | Quinn Emanuel Urquhart & Sullivan, LLP  
**Jeremy R. Feinberg, Esq.** | Special Referee, New York State Supreme Court, County of New York  
**Marshall H. Fishman, Esq.** | Goodwin Procter LLP  
**Robert S. Friedman, Esq.** | Sheppard, Mullin, Richter & Hampton LLP  
**Suzanne O. Galbato, Esq.** | Bond, Schoeneck & King  
**Timothy A. Greensfelder, Esq.** | AIG Investments  
**Gregory M. LaSpina, Esq.** | Borchert & LaSpina, P.C.  
**Danielle C. Lesser, Esq.** | Morrison Cohen LLP  
**Hon. Frank Maas (ret.)** | JAMS  
**Gregory A. Markel, Esq.** | Seyfarth Shaw LLP  
**Scott E. Mollen, Esq.** | Herrick Feinstein LLP  
**Robert D. Owen, Esq.** | Eversheds Sutherland  
**Carmen A. Pacheco, Esq.** | Pacheco & Lugo, PLLC  
**Bradley I. Ruskin, Esq.** | Proskauer Rose LLP  
**Hon. Saliann Scarpulla** | New York State Supreme Court, County of New York  
**Louis J. Solomon, Esq.** | Greenberg Traurig LLP  
**Mark C. Zauderer, Esq.** | Flemming Zulack Williamson Zauderer LLP

### Day 2 Speakers

**Lauren E. Aguiar, Esq.** | Skadden, Arps, Slate, Meagher & Flom LLP  
**James J. Beha II, Esq.** | Morrison & Foerster LLP  
**Mark A. Berman, Esq.** | Ganfer & Shore, LLP  
**Leslie D. Corwin, Esq.** | Blank Rome LLP  
**Hon. Barry A. Cozier (ret.)** | Fensterstock & Partners LLP  
**Hon. Helen E. Freedman (ret.)** | JAMS  
**Robert J. Jossen, Esq.** | Dechert LLP  
**Hon. Barbara R. Kapnick** | New York State Supreme Court, Appellate Division, First Judicial Department  
**Hon. Shirley W. Kornreich** | New York State Supreme Court, County of New York  
**Lewis J. Liman, Esq.** | Cleary Gottlieb Steen & Hamilton LLP  
**Betty Lugo, Esq.** | Pacheco & Lugo, PLLC  
**Jonathan D. Lupkin, Esq.** | Lupkin & Associates PLLC  
**David R. Marriott, Esq.** | Cravath, Swaine & Moore LLP  
**Scott D. Musoff, Esq.** | Skadden, Arps, Slate, Meagher & Flom LLP  
**Gary P. Naftalis, Esq.** | Kramer Levin Naftalis & Frankel LLP  
**Hon. Jeffrey Oing** | New York State Supreme Court, County of New York  
**Dennis P. Orr, Esq.** | White & Case LLP  
**James T. Potter, Esq.** | Hinman Straub P.C.  
**Michael C. Rakower, Esq.** | Rakower Law PLLC  
**Peter N. Wang, Esq.** | Foley & Lardner LLP  
**James D. Zirin, Esq.** | Sidley Austin LLP

## 16.0 MCLE CREDITS: 7.0 Professional Practice; 6.0 Skills; 3.0 Ethics.

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, **including** newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **10.5** credit hours of substantive law and **2.5** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

This program has been approved by the **Board on Continuing Legal Education of the Supreme Court of New Jersey** for 16.0 hours of total CLE credit. Of these, 3.0 qualify as hours of credit for ethics/professionalism, and 0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers' compensation law and/or matrimonial law. This course does not qualify under any of the nine specified new admit areas, in five of which New Jersey attorneys admitted in 2009 or thereafter, in their first full two-year compliance period, must take 15 of their 24 required credit hours (see [BCLE Reg. 201:2](#)).

The New York State Bar Association has been certified as an accredited provider of Continuing Legal Education in the states of New York, New Jersey, Pennsylvania and California.

**IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED.** Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

## Information and Policies

**Pre-Registration Strongly Advised:** You can save money and guarantee your seat and course materials by registering early. Registrations received at the door are subject to an additional \$15.00 registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis.

**Cancellations Are Easy – Full Refunds Are Given:** Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) three business days prior to the date of the program for which you registered. Registrations cancelled less than three business days from the program date will be assessed a cancellation fee of \$25.00. To cancel, call or email the Member Resource Center at **(800) 582-2452** or [mrc@nysba.org](mailto:mrc@nysba.org). If you do not cancel and do not attend the program, access to a complete set of course materials in PDF format will be forwarded to you via e-mail in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

**MCLE Credit:** This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions.

**Tuition Assistance:** Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program by completing a Tuition Assistance Request Form and returning it to the CLE Department no later than five working days prior to the program date, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. To download a

Tuition Assistance Request Form, visit [www.nysba.org/tuitionassistance](http://www.nysba.org/tuitionassistance). For more details, please contact Holly Hirsch at (518) 487-5586.

**Group Discounts:** Subject to availability and exclusions, group discounts are available to law firms and organizations sending 3 or more employees to any one NYSBA CLE program. Please contact Holly Hirsch at (518) 487-5586 for more information.

**Recording of NYSBA Seminars in Any Form Is Strictly Prohibited.**



**Accommodations for Persons with Disabilities:** NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at (518) 487-5585 or [cobrien@nysba.org](mailto:cobrien@nysba.org).

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**Mail** Member Resource Center  
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### REGISTRATION FEES

**NYSBA members: \$495.00**  
**Commercial & Federal Litigation Section member \$420.75**  
Newly Admitted: \$350.00  
Non-members: \$695.00

#### NOT A COMMERCIAL AND FEDERAL LITIGATION SECTION MEMBER? JOIN TODAY AND ENJOY VALUABLE BENEFITS.

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# Program Location

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Thursday & Friday  
May 4-5, 2017  
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**New York Society of Security Analysts**  
1540 Broadway, Suite 1010  
New York, NY 10036  
(212) 541-4530

**NYSBA Members: \$495.00**  
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Please Note: Registration canceled less than three business days from the program date will be assessed a \$25.00 cancelation fee.



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