



January/February 2014

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**Make the most out of Annual Meeting 2014**

Check out the Preview Section in this issue!



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**JUDICIAL SECTION PROFILE**  
Read about the strides made by the section in enhancing the professionalism of the state's Judiciary:  
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# NEW YORK STATE BAR ASSOCIATION State Bar News

## Committee seeks official State Bar policy strengthening civics education in schools

By Patricia Sears Doherty

*"The first duty of the State and the surest evidence of good government is the encouragement of education...."*

— Governor DeWitt Clinton, Jan. 3, 1826, from an address to the State Legislature

When the House of Delegates convenes during the Annual Meeting in New York City in January, it will be asked to adopt a formal association policy advocating that the state's political and educational leaders take seriously their constitutional mandate to strengthen civics education, not diminish it, as appears to be the case in the rush to implement Common Core curriculum into classrooms throughout the state.

The report and recommendations on civics education by the Committee on Law, Youth and Citizenship (LYC) will be on the House agenda on January 31 for action. Former Chief Judge Judith Kaye will speak at the House meeting in support of the committee's report and recommendations.

Coincidentally, the committee, whose mission is to promote citizenship and law-related education in the state's schools, will mark the 40<sup>th</sup> anniversary of its creation at the House meeting.

The committee will ask the State Bar to adopt a policy on civics education that would "encourage policymakers



**Teaching civics**—The award-winning Law, Youth and Citizenship Program promotes professional development for educators throughout New York. Pictured above, iCivics instructor Desiree Bayonet works with teachers at the LYC/PATCH Summer Institute for civics and law-related education at Northport/East Northport UFSD. More than 100 teachers attend the annual June/July institute to learn about programs such as iCivics. LYC reaches hundreds of teachers each year, and thousands of K-12 NY students through a variety of programs. [Photo by Eileen Gerrish]

at all levels of government," including, but not limited to the governor, state Legislature, Board of Regents and state Department of Education, to ensure

that all students experience high quality civic learning and that it is given an

*Continued on page 4*

## Presidential Summit focuses on legal education, rapidly changing profession

By Mark Mahoney

Legal education and the legal profession each are in the midst of transition. Law schools are re-examining the way they prepare future lawyers. Practicing attorneys are acclimating to a rapidly changing business climate.

It is around this parallel convergence of change that State Bar President David M. Schraver of Rochester (Nixon Peabody LLP) has designed the 2014 Presidential Summit at the Annual Meeting.

The first of the two programs is entitled, "Educating Tomorrow's Lawyers: Can Lawyers, Employers, Regulators and Educators Come Together to

Address Our Challenges?" The second program is titled, "Supporting Today's Lawyers: The Rapidly Changing Legal Profession."

"They are so interrelated," Schraver said in a recent interview. "They are two parts to the same puzzle."

Schraver has made legal education one of the cornerstones of his administration. He says it is important that the State Bar take an active and meaningful role in bringing about necessary reforms.

"My hope is that this will help keep the discussion going," said Schraver.

Earlier this year, Schraver re-invigorated the State Bar's Committee on

Legal Education and Admission to the Bar, co-chaired by Eileen D. Millett of New York City (Epstein Becker & Green, P.C) and Eileen R. Kaufman of Central Islip (Touro College School of Law), to help assess the changes in the profession and legal education and to make recommendations next year.

In addition, Schraver is coordinating a convocation in May with the New York State Judicial Institute on Professionalism in the Law that will employ focus groups of legal education experts in hopes of framing issues and developing solutions.

Besides the State Bar, the American

*Continued on page 6*

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# House of Delegates

Diversity task force sees improvement, but there is room for more

By Mark Mahoney

When the House of Delegates meets during Annual Meeting Week, it will take action on the 2013 Diversity Report Card from the Committee on Diversity and Inclusion and hear informational updates from a number of committees working on reports examining issues of great concern to the association and its members.

President David M. Schraever also will present the Ruth G. Schapiro Award during the meeting.

Committees presenting informational reports at the meeting include the Task Force on Gun Violence, the Task Force on Criminal Discovery, and the Committee on Legal Education and Admission to the Bar.

## Diversity longtime concern

The 2013 Diversity Report Card is issued biennially as part of a seven-year effort to improve diversity within the 76,000-member association and its sections and committees.

The State Bar has made "significant strides" over the past several years in expanding its availability to individuals based on gender, ethnic background and sexual orientation, but it still has "work to do," according to the Report Card.

The report was prepared by the State Bar's Committee on Diversity

*The House of Delegates will meet on January 31 at the New York Hilton Midtown in New York City.*

and Inclusion, which is co-chaired by Rosevelie Marquez Morales of New York City (Harris Beach PLLC) and former State Bar President Kenneth G. Standard of New York City (Epstein Becker & Green PC).

Among the key findings of the report:

- Women now chair 11 of the association's 25 sections, or 44 percent, compared to 25 percent two years ago when the last survey was conducted.
- Only three section chairs are diverse based on ethnicity, race or sexual orientation.
- The number of section executive committees that had ethnic/racial diversity equal to or greater than their section membership rose from five in 2011 to 12 in 2013.
- Twice as many executive committees, 12, had sexual orientation

diversity equal to or greater than their section membership than in 2011.

- The number of members who declined to report their diversity status continued to climb.

Of those figures, the committee said it found the level of diversity in section chairs "very disappointing," and said the increase in the number of members unwilling to report their diversity status was of "increasing concern to the committee."

The 38-page report also contains a detailed breakdown of State Bar membership and highlights the State Bar's continuing efforts to improve diversity.

The House of Delegates adopted a diversity policy in 2003 that read, in part, that the association is "committed to diversity in its membership, officers, staff, House of Delegates, Executive Committee, sections and committees and their respective leaders."

In 2005, the Committee on Diversity and Leadership Development conducted the initial section diversity survey. The results of that survey were transposed into the Diversity Report Card, which is now issued every two years.

The House of Delegates will meet on January 31 at the New York Hilton Midtown in New York City. ♦

—Mark Mahoney

# State Bar seeks attorneys to help veterans

By Mark Mahoney

The State Bar is seeking attorneys to join a corps of 175 lawyers already committed to providing free consultations and discounted legal services to military veterans statewide.

The pilot program, the Veteran Referral Panel, was established shortly after Veterans Day and runs through Memorial Day 2014.

Under the program, participating attorneys in New York have agreed to provide free initial phone consultations and offer a 25 percent discount on their regular fees.

The program is available to veterans in need of various legal services, not just those services related to obtaining veterans benefits.

The creation of a panel to assist veterans with legal matters was among the recommendations contained in a report issued in September 2012 by the State Bar's Special Committee on Veterans.

"Veterans are often forced to deal

with a variety of issues relating to employment, family matters, health-care, housing, disability, pensions and finances," said State Bar President David M. Schraever of Rochester (Nixon Peabody LLP). "With this pilot program, the State Bar Association continues its commitment to those who have served our country and who now need our help."

Schraever is a veteran himself, having served in the U.S. Navy as an attorney in the Judge Advocate General's Corps.

Anna K. Christian of Schenectady (Boies, Schiller & Flexner LLP), chair of the State Bar's Committee on Lawyer Referral Service, said there is a great unmet need for this kind of service in New York.

"New York is home to more than 988,000 military veterans, many of whom find themselves in situations in which they need legal assistance," Christian said. "I'm pleased that so many attorneys and bar associations

have enthusiastically embraced this opportunity to help our veterans in their time of need."

## How to join

Attorneys are needed in all areas of practice for which veterans might need legal assistance, including bankruptcy, contracts, document preparation, real estate, labor relations, family and criminal law, and matrimonial/divorce law.

Attorneys who wish to join the program should visit [www.nysba.org/vetvolunteer](http://www.nysba.org/vetvolunteer) for an application.

Among the local bar associations participating in the program are the Westchester County Bar Association and the Richmond County Bar Association. ♦

Mahoney is NYSBA's associate director of media services.

## State Bar News



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## ANNUAL MEETING 2014 PREVIEW

## Attorney's commitment to civics education all in the family

By Brandon Vogel



Cohen

Growing up in a family of lawyers, Jeremy A. Cohen had an early commitment to civics.

He has volunteered with Legal Outreach, Inc. since he was a first-year student at Columbia Law School. The non-profit organization helps New York City high school students develop legal skills, including persuasive writing, critical thinking and public speaking.

During his 16 years of volunteering at the organization, he has served as a mock trial coach, fundraiser and a member of the advisory board.

In recognition of his dedication to high school students and Legal Outreach, the Committee on Law, Youth and Citizenship will honor

Cohen with the Distinguished Attorney Award at a breakfast on January 29.

**Commitment to children**

Cohen is an associate at Kramer Levin Naftalis & Frankel LLP. He concentrates his practice on commercial litigation, real estate litigation and false advertising cases. He lives in Rye Brook with his wife, Jana, and their daughters.

When he began volunteering at Legal Outreach, Cohen wasn't sure what to expect. Two of the mock trial teams he coached came from the lowest-performing school in Harlem's Community School District Five. Only one of his teams won the local tournament, but the other two gained confidence in their abilities and took great pride in their work.

"The kids blew me away with their commitment. It made me want to do more with the program," said Cohen. "For the kids I try to reach, the law may come with negative connotations. That shouldn't be the case. Law-related

education projects provide a positive view of the legal system and a path forward for our students that may include careers in law."

After graduating from law school and joining Kramer Levin, he continued to volunteer at Legal Outreach and was a mentor and coach for the Constitutional Law Debate Program. He spent many hours helping students acquire the skills needed to analyze cases, develop arguments and make presentations. His teams did well. Two of his former students are now attorneys.

According to James O'Neal, the executive director of Legal Outreach, Cohen is known for asking tough questions as a debate judge and for his high standards.

Cohen has involved his firm in Legal Outreach's efforts. In 2005, he persuaded Kramer Levin to become a sponsor of the Legal Outreach internships. He has organized and supervised the internship program for Legal Outreach every year since. Currently,

45 law firms, agencies, and others sponsor internships. Interns spend a week acting as associates, learning about practice areas and delivering oral arguments to partner "judges."

Kramer Levin was the first major law firm to support Legal Outreach's College-to-Law School Pipeline. Cohen also funds annual college scholarships for deserving graduates each year.

"Jeremy Cohen stands out as the most committed volunteer with whom I have worked, devoted to the cause of helping young people become effective citizens and, even more importantly, strong advocates for their rights within society," wrote O'Neal in his nomination letter. "I can truly say that he has made more of an impact on their lives than any single individual who is not employed by Legal Outreach."

Cohen said he is humbled by the award. "It validates that work I've done and the work of Legal Outreach." ♦

*Vogel is NYSBA's media writer.*

## Committee seeks NYSBA policy strengthening civics education in schools

*Continued from page 1*

"educational priority on a par with reading and mathematics," according to the report.

**Civics crucial to education**

Governor Clinton's words, at the top of this article, are carved into the polished black marble wall over the security desk in the annex to the State Education Building. It is the first thing visitors see when they walk into the entrance hall. Significantly, the State Bar's LYC program office is housed in the same building.

"That quote actually means, 'the encouragement of civics education,'" said Richard W. Bader, committee chair.

The committee's report was a response to troubling surveys and studies showing how little Americans know about civics. "The magnitude and breadth of people's lack of civic knowledge and understanding is staggering," states the report. It provides examples, such as:

- "Nearly half (45 percent) of Americans were unable to correctly identify the three branches of government," according to a 2011 report from the American Bar Association (ABA);
- "More than half (57 percent) of Americans couldn't name a single current justice on the U.S. Supreme Court," according to the same ABA report;

- "Out of 14,000 college students, 71 percent of those Americans failed a basic civics test," according to news reports.

The committee will recommend that its goal of addressing those failures be achieved "by enactment of statutes and regulations to require civics education in all grades for all elementary, middle and secondary students in the schools of the nation and this state, in addition to providing appropriate funding for such programs as may be necessary to fulfill these policy goals."

Bader of Albany (New Visions Law & Government Program) said adopting a formal policy identifying the importance of strengthening civics education should be the State Bar's first step in its effort to hold state policymakers accountable for what the report calls the alarming decline in "Americans' knowledge, understanding and appreciation of democratic values and fundamental constitutional principles."

"The point is that our educational system should strengthen civics education, not diminish it," Bader said. The next logical action for the State Bar to take, Bader said, would be to "sit down with the state Education Commissioner (John King) and the Board of Regents and see how we can work with state Education to empower students as productive citizens." Changes cannot be made in the current curricula "until

you can talk to the people who will be implementing that education," he said.

**A powerful voice**

The report makes note of the State Bar's long tradition of encouraging civics education. Since its launch in 1974, the LYC program has enhanced civics education throughout the state with such programs as "We The People" and "Project Citizen," its statewide Mock Trial Competition and Mock Trial Summer Institute and by training hundreds of teachers each year.

In 1988, to mark the bicentennial of New York's ratification of the Constitution, the State Bar and the New York Bar Foundation produced "An Empire of Reason," a mock television news special. In it, legendary newsman Walter Cronkite chronicled the debate that raged among the states during the ratification process. The film received national praise.

In 2011, when the changes mandated by the implementation of the Common Core curriculum in New York's schools were first realized, then-President Vincent E. Doyle III began "sounding the alarm" about the diminishment of civics education in press releases, public service announcements and an article in the State Bar News.

Doyle and the State Bar made civics education a top legislative priority because "a vibrant democracy needs engaged citizens who understand the

rights and responsibilities of being an American."

At the 2013 House of Delegates meeting during Annual Meeting, the report of the Special Committee on Voter Participation was approved. Its report, and a Presidential Summit panel discussion that week, addressed barriers to voting and proposed policy changes that could improve voter turnout.

The Voter Participation report recommended that pre-registration of 16- and 17-year-olds as voters be established. "The LYC committee would be happy" to work with the State Bar on advocacy for that change, said Bader.

One of the State Bar's state legislative priorities for 2014 is enactment of a public policy to require that civics education be incorporated in all grades.

"It is very possible that if the state and education policymakers see an association of this prominence and size taking a position supporting increased civics education, they will take the step toward improvement," said Bader.

The House of Delegates will vote on the report during its meeting on January 31 at the New York Hilton Midtown in New York City. ♦

*Sears Doherty is State Bar News editor.*

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## Presidential summit focuses on legal education, rapidly changing profession

*Continued from page 1*

Bar Association (ABA) and the New York City Bar Association also are studying potential changes to legal education. (See box.)

During the Annual Meeting's Presidential Summit, ABA President James R. Silkenat of New York (Sullivan & Worcester LLP) will moderate the legal education panel. He, like Schraver, has made legal education one of the priorities of his term.

In announcing the ABA draft report on legal education, Silkenat said, "Legal education in the United States is the best in the world, but it must continue to evolve to match the rapid changes that are taking place in legal practice in the United States."

"This is a topic that is critical to our profession and essential to the delivery of legal services in the United States."

The keynote address for the panel will be delivered by William M. Sullivan, founding director of Educating Tomorrow's Lawyers, a University of Denver-based organization that works with law schools to promote excellence in legal education. Sullivan also was a co-author of the 2007 Carnegie Foundation report on legal education.

The panel for the program includes

Phoebe A. Haddon, dean and law professor at the Francis King Carey School of Law at the University of Maryland; Hon. Jenny Rivera, associate judge of the New York State Court of Appeals and a former law professor at the City University of New York School of Law; and Kent D. Syverud, chancellor and president of Syracuse University and the former dean of the Washington University School of Law in St. Louis.

The panel will discuss the cost of legal education, the extent to which the curriculum prepares students for practice, the need for greater diversity in the profession, the relevance of the bar exam to the practice of law, the job market facing law school graduates, and other relevant issues.

### Legal profession panel

Once law students graduate, they will encounter a new set of challenges already being faced by current members of the profession, Schraver said. Among those challenges are developments in technology, increasing globalization, competition from non-traditional vendors of law-related services, changing expectations and demands from clients, a tougher job market, and the difficulty of maintaining a quality lifestyle in the face of

lower compensation and large student-debt burdens.

"A lot of lawyers are either unaware or may be in denial, but they are going to be affected by it," Schraver said of the changes in the profession.

Stephen P. Younger of New York City (Patterson Belknap Webb & Tyler LLP), a former State Bar president, will moderate the legal profession panel. As president, Younger appointed the Task Force on the Future of the Legal Profession, which issued a report in February 2011 on the rapid pace of change in the profession and recommending ways for attorneys to adapt.

In a recent interview, he said many of the issues raised then are similar to what is happening today. He said there has been some self-correction caused by the glut of lawyers, as law school enrollments have dropped. But he said it is as difficult for lawyers to find jobs as it was a few years ago, and lawyers have to be more resourceful in landing a job.

Younger said he hopes through the Presidential Summit panel to provide insight from those in solo practices, small firms and large firms as to how best to serve clients in an era when technology and other changes have altered the way legal services are delivered.

"Clients are looking for more expertise, and more sorts of senior, value-added opinions. This leaves us in the quandary of how do you get to that level when clients don't need as many young lawyers to crank those things out," Younger said. "Hopefully, the summit will generate different people's ideas about what clients want from us

so that we know how to fulfill those expectations."

The keynote address for the second panel will be delivered by Bruce MacEwen, president of Adam Smith, Esq. LLC in New York City, which provides consulting services to the legal profession, focusing on law firms, legal professionals and legal vendors. MacEwen also wrote the book, "Growth is Dead: Now What?" on the challenges facing big law firms.

Panelists will be Ben Wilson, a principal at Beveridge & Diamond P.C., a large Washington, D.C.-based law firm; Anne Reynolds Copps (Law Office of Anne Reynolds Copps), owner of a small law firm in Albany; and Frank Jimenez, general counsel, secretary and managing director of government affairs at Bunge Limited, a White Plains-based food processing company.

The panel will address the challenges and changes facing today's lawyers, including developments in the provision of law-related services, new technology, increased globalization, a changing economic climate and new client demands. It also will discuss how these factors are affecting the practice of law, and how lawyers, law firms and clients are responding to them.

The Presidential Summit will take place during the Annual Meeting in New York City on January 29 from 2 to 5 p.m. Attorneys who pay the general registration fee for Annual Meeting may attend the summit and will receive 3 MCLE credits. ♦

*Mahoney is NYSBA's associate director of media services.*

## Other bars also studying legal education, possible changes

### American Bar Association

In September 2013, the ABA issued a draft report from its Task Force on the Future of Legal Education. The report called for changes in the pricing of legal education, liberalizing or eliminating certain accreditation standards, and speeding the pace of innovation and practical-skills training at law schools. It also called on courts and bar authorities to devise new frameworks for licensing legal service providers.

Specifically, the task force called for "serious re-engineering" of the complex practices involved in funding legal education; repealing or dramatically liberalizing the ABA Standards for Approval of Law Schools that establish strict standardization levels for law schools; fostering innovation through changes to the ABA accreditation system; shifting the emphasis in education more toward developing attorney competencies; and expanding the pool of those who can deliver legal services beyond just lawyers.

### New York City Bar Association

In mid-November 2013, the City Bar's Task Force on New Lawyers in a Changing Profession issued a report that examined the complex legal landscape, identified innovative trends in preparing new lawyers and looked at careers and their relationship to meeting unmet needs in the community.

Its recommendations include supporting innovations in legal education that provide skills and expertise needed in a changing legal landscape; providing students with opportunities to obtain "hard skills" and gain practical experience; finding ways for law schools to reduce costs; ensuring diversity in the profession; removing structural impediments that inhibit innovation, such as reducing the impact of the U.S. News & World Report rankings and reforming ABA standards to allow flexibility in curriculum design; reforming bar exams; and seeking new "sustainable career opportunities."

—Mark Mahoney

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# New section chairs take office during Annual Meeting

Seven new State Bar section chairs will take office during the Annual Meeting, which will take place January 27-February 1.

They are:

## Antitrust



Barbara J. Hart of White Plains will be the new chair of the 513-member Antitrust Law Section.

**Hart**

Hart is the chief operating officer and head of Lowey Dannenberg Cohen & Hart's securities litigation practice. She represents a broad range of clients in complex class action litigation, with a particular emphasis on securities and antitrust litigation.

A 20-year member of the State Bar, Hart is vice-chair of the section.

Hart is a graduate of Vanderbilt University and earned her law degree from Fordham University School of Law. She is a resident of Croton-on-Hudson.

## Corporate Counsel



Thomas A. Reed of Manhattan will be the new chair of the 1,630-member Corporate Counsel Section.

**Reed**

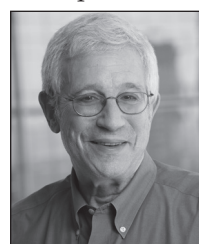
Reed is a legal consultant assisting companies with commercial contracts. He is a former in-house counsel for numerous telecommunications companies.

A 42-year member of the State Bar, Reed chaired the Corporate Counsel Section from 2002-2003. He is chair-

elect of the section and a member of the House of Delegates.

Reed is a graduate of Haverford College and earned his law degree from University of Pennsylvania School of Law.

## Entertainment, Arts and Sports Law



Stephen B. Rodner of Manhattan will be the new chair of the 1,605-member Entertainment, Arts and Sports Law Section.

**Rodner**

Rodner is senior counsel to Pryor Cashman. His practice includes transactional matters in all areas of the entertainment field involving theatre, film, television, home video, Internet and e-commerce.

A 22-year member of the State Bar, Rodner is vice-chair of the section.

Rodner is a graduate of Columbia College and earned his law degree from New York University Law School.

## Senior Lawyers Section



Carole A. Burns of Rocky Point will be the new chair of the 2,800-member Senior Lawyers Section.

**Burns**

Burns is a retired private practitioner. She currently volunteers with Nassau Suffolk Law Services, working on consumer and medical debt cases.

A 15-year member of the State Bar, Burns most recently served as chair-elect of the section. She previously was a member of the Environmental

and Municipal Law sections, as well as the Committees on Lawyer Referral Service and Lawyers in Transition.

Burns received her undergraduate degree from Hunter College and earned her law degree from Fordham University School of Law. She also has an LL.M. from New York University School of Law.

## Torts, Insurance and Compensation Law



Robert H. Coughlin, Jr. of Albany will be the new chair of the 2,530-member Torts, Insurance and Compensation Law Section.

**Coughlin**

Coughlin is a member of Flink Smith LLC. He practices in the area of civil litigation with an emphasis on personal injury for both injured persons and well as defendants, negligence, insurance law, fire and explosions and commercial matters.

A 29-year member of the State Bar, Coughlin is vice-chair of the section. He also is a member of the Dispute Resolution, Trial Lawyers and Senior Lawyers sections, as well as the Committee on the Tort System.

Coughlin is a graduate of Hamilton College and earned his law degree from Albany Law School. He is a resident of Saratoga Springs.

## Trial Lawyers

A. Michael Furman of Manhattan is the new chair of the 2,257-member Trial Lawyers Section.

Furman is a partner at Furman Kornfeld and Brennan LLP. He concentrates his practice on defending law-



**Furman**

yers, insurance brokers and other professionals in complex professional liability litigation in federal and state courts.

A 23-year member of the State Bar, Furman most recently served as secretary of the section. He chairs the section's Committee on Lawyers Professional Liability and Ethics. He also is a member of the Torts, Insurance and Compensation Law Section.

## Trusts and Estates



**Weiss**

Ronald J. Weiss of Manhattan will be the new chair of the 4,747-member Trusts and Estates Law Section.

Weiss is a partner in Skadden, Arps, Slate, Meagher & Flom's Trusts and Estates Group. His practice focuses on estate planning and taxation, as well as the representation of not-for-profit organizations, principally private foundations.

A 24-year member of the State Bar, Weiss is chairperson-elect of the section. He previously chaired the section's Committee on Legislation and Governmental Relations and the Committee on Ethics and Practice.

Weiss is a graduate of Yale University and earned his law degree from Albany Law School. ♦

—Compiled by Brandon Vogel

# Cuomo signs State Bar's guardianship bill

By Mark Mahoney

Governor Andrew Cuomo has signed legislation supported by the State Bar that clarifies rules regarding adult guardianship and allows for more interstate cooperation in guardianship disputes.

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) creates a clear, uniform process for establishing a legal relationship between incapacitated adults and their caregivers, thus reducing the potential for litigation, reducing disputes among states and reducing the possibility of abuses.

A key provision of the bill (A.857/S.2534) recognizes the jurisdiction of the home state of an incapacitated individual for

guardianship purposes, regardless of the person's physical location.

In most cases, the act would require states to cede jurisdiction in guardianship cases to the individual's home state and cooperate with the home state with regard to the collection of evidence. It also would provide procedures for the transfer of guardianship between states and for the registration of guardianship orders from one state to another.

## NYSBA drafts law

State Bar President David M. Schraver of Rochester (Nixon Peabody LLP) said the law was needed because multi-state guardianship disputes have become more common as society has become increasingly mobile.

"Under the U.S. Constitution, the

guardianship decisions of one state are not necessarily enforceable in another state. This often results in significant legal obstacles when an incapacitated person moves or is transported from one state to another," Schraver said. "Passage of this act will reduce the stresses placed on families, as well as eliminate many of the legal and financial complications that such situations often create."

The initial draft of the legislation was proposed by the State Bar's Elder Law Section and endorsed by the Executive Committee.

Elder Law Section Chair Frances M. Pantaleo of Purchase (Walsh Amicucci & Pantaleo LLP) said her section worked with the Alzheimer's Association to modify an interstate law to meet the needs of New York.

"We are proud of the efforts of our Legislation Committee. We believe that this legislation will simplify and reduce the cost of guardianship proceedings involving frail and elderly New Yorkers," she said.

With the addition of New York, 37 states, the District of Columbia and Puerto Rico have enacted some form of UAGPPJA.

The bill was sponsored by Assemblywoman Helene E. Weinstein (D-Brooklyn) and Sen. Kemp Hannon (R-Garden City) and passed in both houses in April. Cuomo signed the bill as Chapter 427 on October 23. ♦

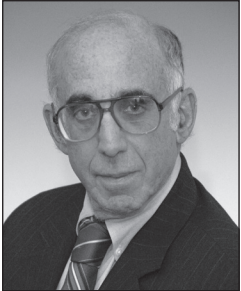
Mahoney is NYSBA's associate director of media services.



## Ethics

By Richard Rifkin, Special Counsel

### How real estate's 'gross ups' affect lawyers and Rules of Professional Conduct



Rifkin

The Professional Ethics Committee recently issued its third opinion on the subject of "gross ups" — a technical but highly controversial topic in the world of residential real

estate transactions.

The opinions represent an effort to resolve the tensions between a common and well-understood practice by those regularly involved in real estate

matters and the obligation of lawyers to comply with the Rules of Professional Conduct.

The first opinion, No. 817, was issued in November 2007. It caused quite a stir among real property lawyers, with the result being the issuance of two later opinions refining the original. All three are reviewed here in the hope that it helps to bring clarification after six years of extensive discussion.

#### Opinion 817

In Opinion 817, the committee faced the following basic facts: After a buyer and seller had entered into an agree-

ment, the buyer asked that the stated selling price, to be reflected in the written documents, be increased by 3 percent with the understanding that the seller would offer a concession at the closing in the same amount.

This "gross up" enabled the buyer to obtain a mortgage loan based on the higher amount, although the actual amount received by the seller at the closing would be the agreed-upon price. The committee was told that this was a common practice, authorized in the lender's underwriting manual and acceptable to the Federal National Mortgage Association (Fannie Mae)

and the Federal Home Loan Mortgage Corporation (Freddie Mac).

The question for the committee was whether a lawyer's knowing participation in this arrangement was consistent with the then-applicable Code of Professional Responsibility.

The committee was concerned with DR 1-102(A)(4) (now Rule 8.4(c)), which prohibits a lawyer from engaging in "conduct involving dishonesty...deceit or misrepresentation." It looked to prior opinions of North Carolina (Opinion 12) and New Jersey (Opinion 710), both of which found

*Continued on page 10*

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## Governmental Relations

By Ronald F. Kennedy, Director

### NYSBA continues to argue that federal courts must have proper funding



Kennedy

Early in 2012, then-President Seymour W. James, Jr. and the State Bar were among the earliest advocates focused on sequestration and its destructive impact on critically important

federal programs.

Current President David M. Schraver has continued to deliver a specific message to members of Congress from New York, most recently during his trip to Capitol Hill on Dec. 4, 2013.

That message: the courts serve as the cornerstone for our democratic society, and it is critical that they receive the funding they need to carry out their functions. We realize that there currently are significant budgetary pressures on Congress, but the requirements of the courts must be met if we are to have a meaningful system of justice.

The reduced funding over recent years, including the impact of sequestration in the last fiscal year, has resulted in a reduction of \$350 million in the budget of the courts. This has caused a 14 percent staff reduction and a slashing of non-salary items.

We continue to impress upon federal policymakers that the courts cannot function with further cuts. Even with flat funding in 2014, the court system will face a crisis.

The following are examples of the actions that will have to be taken by the courts if funding is not increased.

- **Courts salaries and expenses:** Flat funding in 2014 would result in a 3

percent drop in operating budgets for court units nationwide. This would mean an estimated loss of 1,000 additional employees through the end of the fiscal year, on top of the staffing loss of 3,000 employees since July 2011. This would lengthen an already severe backlog in the processing of civil and bankruptcy cases and further reduce public hours in clerks' offices;

- **Defender services:** Without additional funding from Congress for defender services, the Judiciary will need to defer up to two weeks of panel attorney payments into fiscal 2015 and temporarily reduce panel attorney hourly rates by \$15 per hour for capital and non-capital work performed from Sept. 1, 2013 to Sept. 30, 2014. This would diminish the size and quality of the available pool of qualified attorneys, could damage the federal defender program and impede the constitutionally mandated right to counsel;
- **Fees of jurors:** A hard freeze for fees of jurors in 2014 would result in a \$6 million shortfall. This would mean that funding for juror costs would run out two months before the end of the fiscal year; and,
- **Court security:** Flat funding for court security in 2014 would result in a \$23 million funding shortfall, and require further reductions in security systems and equipment. Cuts of this magnitude would create severe security vulnerabilities throughout the federal court system by impairing the U.S. Marshals Service's ability to provide adequate security for judges, jurors, litigants, court personnel and the public.



**D.C. lobby**—President David M. Schraver and members of the Committee on Federal Legislative priorities meet with Rep. Jose Serrano on Dec. 4, 2013 to discuss the impact of federal budget sequestration on the federal courts and funding for legal services. L-R: Alan Rothstein, Sandra Rivera, Serrano and Schraver.

#### Dispute resolution

In addition to these fundamental concerns related to the ability of our Judiciary to fulfill its crucial constitutional role, New York has a unique interest in supporting the integrity of our justice system, given our state's role in resolving commercial disputes, in both domestic and international matters.

The business community requires accurate and comprehensive information on choice of laws, procedures and legal systems to govern agreements. Because of New York's long history as a commercial center for domestic and international transactions, New York case law provides rich and comprehensive guidance for a broad range of commercial disputes. This provides a high level of predictability and stability to parties, contract negotiators and litigators.

In recent years, New York has faced competition from other global business

centers that have become increasingly attractive to parties crafting cross-border agreements or engaged in international disputes.

Inadequate court funding, resulting from sequestration and other funding cuts threaten the efficiency and predictability of our Judiciary. Additional costs for litigants due to funding-related delays, along with the concerns that accompany the downward budget spiral, serve as particularly significant disincentives for the international community to choose New York as the forum for dispute resolution.

In light of these and other important issues, the State Bar has continued to request funding for our federal judicial system necessary to maintain the high quality of our courts, ensure fair treatment of parties in civil and criminal proceedings, and ensure that our Judiciary is able to fulfill its constitutional mandate. ♦

### How real estate's 'gross ups' affect lawyers and Rules of Professional Conduct

*Continued from page 9*

violations of similar provisions in those states because the higher price set forth in the written documents did not reflect the actual price that the seller would receive after the concession at the closing.

The North Carolina opinion focused on the true price being concealed from subsequent purchasers of nearby lots, and the New Jersey opinion focused on its being concealed from subsequent purchasers of mortgage-backed bonds in the secondary market (which, as we now know, had many other significant problems not yet identified in 2007).

After considering these opinions, the committee said that "while we recognize the evidence that the practice of

grossing up the price post-contract has become common, we find the concerns expressed in North Carolina Op. 12 and New Jersey Op. 710 of considerable weight."

The committee was not able to define specifically when deception would result in a violation of New York's ethical standards, but said that "a lawyer may not ethically participate in such a 'gross up' ... unless there is neither deception nor misrepresentation at work in the transaction and its predictable consequences." It concluded that in this situation "reporting a seller's concession, without more, is misleading."

This opinion troubled many lawyers whose practices include residen-

tial real estate transactions. The committee was asked to re-examine the issue. In 2011, it undertook the requested re-examination and invited lawyers from the State Bar's Real Property Law Section to attend a meeting and explain the problems caused by the opinion. The result of this process was Opinion 882.

With the additional knowledge, the committee was able to be more specific. It concluded that where a lawyer, whether for the buyer, seller or lender, knows (or should know) that the transaction documents set forth the grossed up price without disclosing the seller's concession and the actual sales price, the lawyer's participation violates Rule 8.4(c) (successor to DR 1-102(A)(4)).

The committee was explicit in stating that it being a widespread practice or that lenders participate does not change the conclusion. The committee noted that some lenders are unable or unwilling to participate where the full facts are disclosed. That, said the committee, does not permit lawyers to engage "in conduct involving misrepresentation."

Since failure to disclose was the basis of the violation in such situations, the committee held that lawyers could participate "where the sales contract, the HUD-1 Settlement Statement, the transfer tax return and any other documents that contain the sales price each contain the following statement (or a

*Continued on page 12*



## ANNUAL MEETING 2014 PREVIEW

# Darryl Gibbs to receive Diversity Trailblazer Award

By Brandon Vogel

For some law students, Darryl Gibbs is the role model he never had.

He has risen through the ranks of his profession and given back at every turn to law students of color.

For his leadership and ability to draw others to the cause, the Committee on Diversity and Inclusion will present its Diversity Trailblazer Award to Gibbs at the Celebrating Diversity Reception on January 27 during the Annual Meeting.

### A choice for the better

Growing up, Gibbs wanted to be "one of the cool businessmen in suits." The South Jamaica, Queens, native was the first in his family to go to college.

He dropped out after his first year and ran with a tough crowd, until he decided to do something better with his life. While working with black and Latino teenagers and young boys in group homes for seven years, he earned his undergraduate degree from

Long Island University, Brooklyn Campus, and entered law school. "I knew that I would have better opportunities with a law degree," said Gibbs.

He graduated from St. John's School of Law in 2000 and joined Proskauer Rose LLP. He went to work for Safe Horizon, Inc., a nonprofit, two years later and then began work at AXA in 2005, where he manages the Commercial Agreements Group as lead director and associate general counsel.

### Mentor-in-chief

About six years ago, Gibbs met Professor Leonard Baynes, the first director of the Ronald H. Brown Center for Civil Rights at St. John's School of Law and the 2010 recipient of the Diversity Trailblazer Award. They quickly connected and discussed ways to improve minority representation in the legal profession.

The Brown Center hosts a two-year program for first-generation college students, historically underrepresented

students or students from disadvantaged backgrounds. "I could have used a summer-long program like this prior to law school," said Gibbs. "I thought it was a good organization."

In 2009, AXA began to take interns from the program, as did Hughes, Hubbard & Reed LLP and Paul Hastings LLP. The interns at AXA told Gibbs that they really needed mentors, so he created a mentoring partnership with the Brown Center. "The lawyers are really excited to be mentors," said Gibbs.

Since the Brown Center partnership was created, eight interns have gone on to law school.

"Darryl is a leader in the legal profession who serves as a role model for men and women of every race and background," wrote Baynes in his nomination letter.

Gibbs is excited to receive the award. "This is what I love to do. It gives me a sense of the impact I have had," said Gibbs. "The award gives me a chance to smile and smell the roses



Gibbs

for a bit. There's a lot of work to do yet, but I am enjoying it now." ♦

Vogel is NYSBA's Media Writer.

## Judicial Section Profile

By Hon. Rachel Kretser

### Helping judges make a difference for judiciary across the state



Kretser

Formed in 1924, the Judicial Section is the oldest section in the State Bar. With a membership of more than 300 dedicated judges at all levels of the judiciary, the section is a vibrant part of the association.

It is a tremendous honor to chair the section that is the voice of the judiciary in the State Bar. I am pleased to report that, together, we have accomplished much during the first half of my tenure.

### First section newsletter

The section's premier newsletter has launched. *The Judicial Dispatch* promises to be the independent voice of the judiciary in New York state. It is the only newsletter written by judges for judges, encompassing all courts of record statewide. We are grateful to have state Supreme Court Justice Deborah Karalunas, Commercial Division, Onondaga County, serve as our editor.

### New award established

Last June, the Executive Committee

voted unanimously to establish the annual Distinguished Jurist Award. Created to honor a jurist who embodies the highest ideals of our section, exemplifies judicial excellence and an extraordinary commitment to the rule of law, the award will be presented at the section's 2014 Annual Luncheon on January 31 during the State Bar's Annual Meeting in New York City.

### Increased national presence

We have made substantial progress toward our goal of increasing the section's presence at the national level. Our section drafted a position paper on American Bar Association (ABA) resolutions 108 and 18-B relating to judicial disqualifications arising from campaign contributions.

The ABA House of Delegates tabled its debate on the issue in August, partly due to opposition from our section. Proponents of the resolutions have pledged to work with the judiciary on a more realistic and workable mechanism to address this issue.

As a newly appointed delegate to the ABA's National Conference of State Trial Judges, I will work to ensure that the voice of New York judges continues to resonate nationally.

### Diversity analysis of judiciary

As initial statistics reveal a lack of diversity in many judicial districts, particularly upstate, the section will conduct a comprehensive statistical analysis of the judiciary's racial and gender composition and compare it to the census data of each district.

With the help of our Diversity Committee, this ambitious and exciting effort will culminate in a report to the State Bar House of Delegates, which we hope will raise public awareness and serve as a call to corrective action on the part of party leaders and appointing officials.

### Advocacy efforts

The section also is increasing our presence in the halls of the state Legislature by advocating for more funding for the courts and promoting legislation to improve the justice system and the lives of our judges.

We have had some success already with the passage of legislation (A. 8013) to redress "paper terrorism," or attempts by so-called "sovereign citizens" to use false and malicious court filings to harass and intimidate judges and other public officials.

This legislation increases the penalty

for such filings and expedites the process to expunge them from the public record.

Although the judiciary is a co-equal branch of government, its funding is only 1.5 percent of the state's overall budget. As reliance on the state's court system expands and caseloads increase, the Judicial Section and the State Bar must ensure that our courts are properly funded.

This issue will be a major focus for the section during the upcoming legislative session.

### Come join us

I'd like to thank all of our section members for their support, and pledge to continue our efforts to ensure that their membership is useful and rewarding. If you are, or have been, a judge or justice of any court of New York state, or a New York state resident who is or has been a judge or justice of a United States court, I invite you to join our section and be a part of our vital work to improve the court system and strengthen the judiciary.

Visit [www.nysba.org/membership](http://www.nysba.org/membership) to join online today. ♦

Kretser serves as an Albany City Criminal Court judge. She is presiding member of the Judicial Section.



## ANNUAL MEETING 2014 PREVIEW

### Louis A. Craco to receive Gold Medal during Annual Meeting



Craco

By Mark Mahoney

Long Island attorney Louis A. Craco—a longtime advocate for professionalism and reform in the legal profession—will be awarded the State Bar's Gold Medal during the 2014 Annual Meeting in New York City.

The Gold Medal, the association's highest honor, is presented to individuals in recognition of lifelong excel-

lence in the legal profession and constructive contributions to civic and community matters.

State Bar President David M. Schraver of Rochester (Nixon Peabody LLP) will present the award to Craco during the President's Dinner on February 1 at the Harvard Club.

"Mr. Craco has long been a leader in promoting the highest standards of ethics and professionalism in the legal community," Schraver said. "His work has brought about changes in the legal profession that have become a staple in how every attorney in New York State practices law. We are honored to recognize him with our association's highest award."

#### Notable statewide impact

A former president of the New York City Bar Association and chair of the New York State Judicial Institute on Professionalism in the Law, Craco is well known for chairing the Chief Judge's Committee on the Profession and the Courts. The blue ribbon panel, appointed in 1993 by then-Chief Judge Judith S. Kaye, explored the scope of public dissatisfaction with the legal profession.

The committee, which became known as the "Craco Committee," made several recommendations for

reform that were adopted in principal by the Administrative Board of the Courts.

Among the committee's recommendations were requiring continuing legal education for the New York Bar, expanding court rules to address frivolous conduct by attorneys, standardizing grievance committee practices around the state, adopting an aspirational Code of Civility, and requiring that a Statement of Client's Rights be posted in every New York law office.

Out of that committee was formed the New York State Judicial Institute on Professionalism in the Law, an organization established in 1999 under the Unified Court System to promote scholarship and attention to ethics and professionalism issues, sponsor forums and promote public understanding of the role of lawyers in society. Craco was its first chair and is chair emeritus.

The State Bar is working with the institute on a convocation in May that will examine legal education and the legal profession.

In 1984, as president of the New York City Bar Association, Craco established the Volunteers of Legal Service (VOLS) of New York City. Last year, more than 800 lawyers volunteered 26,300 hours through the pro bono program, helping 3,700 people stop evictions, win government benefits, resolve immigration issues and start small businesses.

During a legal career spanning more than five decades, Craco worked

as a litigation partner at Willkie Farr & Gallagher from 1964 until his retirement in 2003. He is of-counsel to Craco & Ellsworth LLP, a Huntington law firm of which his son, Paul V. Craco, is a partner.

He has been recognized with The Legal Aid Society's Servant of Justice Award as a strong voice for the legal profession, and is a fellow to the American College of Trial Lawyers and the College of Commercial Arbitrators.

Craco received his LL.B. degree *cum laude* from New York University, where he served as notes editor of the NYU Law Review. He graduated *magna cum laude* with a bachelor's degree from the College of Holy Cross in Worcester, Massachusetts.

Past winners of the State Bar's Gold Medal include U.S. Supreme Court justices Ruth Bader Ginsburg, William Brennan, Jr. and Sandra Day O'Connor; U.S. Attorney General Eric Holder; former New York state chief judges Judith S. Kaye and Sol Wachtler; former New York City prosecutor Robert Morgenthau, and last year's winners, Barry Scheck and Peter Neufeld, co-founders of The Innocence Project.

The presentation of the Gold Medal is the culmination of the Annual Meeting Week, which runs from January 27 through February 1. ♦

*Mahoney is NYSBA's associate director of media services.*

### Ethics: Real estate 'gross ups' debate

*Continued from page 10*

substantially similar statement: "The sales price has been increased by a sum equal to the seller's concession." With such disclosure, lawyers would not violate their ethical responsibilities. Thus, the committee, although not changing its view, gave definition to when a lawyer could or could not participate.

#### Insufficient definition

However, this definition proved to be insufficient. Earlier this year, the committee was informed that a local bar association and local association of realtors, in an attempt to comply with the previous opinions, inserted a disclosure clause in the standard real property contract to cover every transaction in which there was a seller's concession.

They read the prior opinions to require this disclosure and said that it was causing problems with lenders, including delays, the striking of the clause and even the rejection of mort-

gage loans. Thus, the committee, once again, reconsidered the issue.

On Nov. 13, 2013, the committee issued its response in Opinion 993. It again recognized that the disclosure required by its prior opinions was causing difficulties, including resistance by mortgage lenders, but it said that the reasoning of these opinions "continued to be sound."

However, it said the recent inquiry "is based on a misunderstanding of our prior opinions." These opinions did not require disclosure of every seller's concession, as the request for reconsideration had presumed.

The committee concluded that "the mere existence of a seller's concession does not require a statement that the purchase price has been increased."

However, when the price is grossed up and combined with a seller's concession, "the lawyer who participates in the transaction is required to ensure that the grossing up of the price is disclosed." ♦

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# ANNUAL MEETING 2014 PREVIEW

## NYSBA Annual Meeting 2014

Jan. 27–31, 2014 New York Hilton Midtown, New York City

### NYSBA's 137th Annual Meeting: Preliminary Calendar

## Tuesday

JANUARY 28, 2014

### SECTION MEETINGS

#### ►Elder Law Section

*Annual Update on Elder Law; Update on Managed Long-Term Care: Enrollment of Dual Eligibles and Other New Developments; Elder Abuse; Retirement Planning with Trusts; Problems Facing the Nursing Home Industry; Fiscal Constraints Caused by Health Insurance Reimbursement Formulas; Unauthorized Practice of Law in the Filing of Medicaid Applications; the Role of Private Payment in Assuring Fiscal Solvency; New Models for Enhancing Quality of Care.*  
Meeting 1:30 p.m. – 6:15 p.m.  
Reception following

#### ►Entertainment, Arts and Sports Law Section

*The program will highlight the following topics:*  
1) *Copyright Fair Use Across the Media—Fine art, publishing, motion pictures and television are all governed by the same legal precepts, but how copyright fair use is applied in practice in each of them can be very different. The norms and concerns are shaped, in part, by different financing and insurance requirements as well as different levels of risk tolerance. We will cover the basic concepts, and then compare and contrast the application across the media. We expect vigorous audience participation in this vibrant discussion.*  
2) *The Battle for Over-the-Air TV Retransmissions: How Aereo and FilmOnX Disruptive Technologies are Pushing Copyright to its Limits, Dividing the Courts and Affecting an Industry—An in-depth moderated panel discussion by leading practitioners in the copyright and broadcast fields focusing on the impact to the broadcast TV industry and the divisiveness created among the federal courts resulting from the mini-antenna technology and related systems employed by Aereo and FilmOnX (f/k/a AereoKiller) to retransmit over-the-air broadcast programming to multiple individual subscribers.*  
Meeting 1:00 p.m. – 5:30 p.m.  
Reception 5:45 p.m.  
Offsite: Warwick New York Hotel

#### ►General Practice Section and the Committee on Professional Discipline

*In this program a panel of experts will engage in a moderated discussion of the benefits and detriments of attorney advertising on the internet. They will explore the implications of such advertising in social media, websites and also traditional advertising, and compare and contrast the ethical considerations in each area. This program will address the questions you have had, or should have, when using the internet for promotion of*

*your practice.*  
Meeting 9:00 a.m. – 1:00 p.m.

#### ►Intellectual Property Law Section

*Something Bold, Something New: How Global Changes Can Affect All of You! Topics will include: International Changes in IP—Is it Chaos or the New Normal?; 3-D Printers—Do We Need New IP Laws?; Trademarks, Metadata, and Key Word Searching—Are Things Changing?; Claims Construction—When Should it be Considered? And How Much Deference Should the CAFC Give the District Court?; Top Ten IP Cases of 2013; The Intersection of IP and Financial Transactions: Assets, Monetization and Collateralization Issues; Inter Partes Review: Is This the New Normal?; Ethics: Subject Matter Conflicts.*  
Meeting 8:45 a.m. – 12:35 p.m.  
Luncheon 12:35 p.m. – 2:00 p.m.  
Meeting resumes 2:00 p.m. – 5:30 p.m.  
Reception following

#### ►Senior Lawyers Section

*Strategies for Optimizing and Protecting You and Your Clients' Assets in Retirement—This half-day program is designed to give practitioners guidance on some of the most common issues confronted when retirement is contemplated. Experts in their respective fields will address the timing of social security benefits and IRA minimum distributions, as well as Roth conversions; the function of a will as opposed to a trust will be examined, along with the criteria for determining when each should be used; types of house transfers and their consequences will be explored, as will the use of charitable trusts and special needs trusts for the benefit of disabled children or grandchildren. The program also will address the planning options available to protect assets for long-term care planning purposes and possible Medicaid eligibility.*  
Meeting 9:00 a.m. – 1:00 p.m.

#### ►Tax Section

*The program will discuss Hot Topics in Corporate Tax; Partnership Tax; and International Law; in addition to the following topics: Application of NY False Claims Act to Taxes; a Two-Part FATCA Extravaganza—FATCA Basics For Transactional Lawyers and Advanced FATCA For Those Who Can't Get Enough.*  
Meeting 9:00 a.m. – 12:00 p.m.  
Reception/Luncheon 12:00 p.m. – 2:00 p.m.  
Meeting resumes 2:15 p.m. – 4:00 p.m.

### COMMITTEE MEETINGS

#### ►Committee on Attorneys in Public Service

*Meeting 1:00 p.m. – 5:15 p.m..  
Awards for Excellence in Public Service Reception 5:30 p.m. – 7:00 p.m.*

#### ►Committee on Women in the Law

*Show Me the Money: Can We Close the Gender Equity Gap? In compensation, promotion and business development, women lawyers remain notched behind male lawyers despite their growing rep-*

*resentation in law firms, the government and corporate counsel offices. What can we do to regain momentum and eliminate the long-standing pay and promotion disparity between male and female lawyers? We are pleased to offer a dynamic program reviewing federal and state Fair Pay Acts, enforcement of such legislation by government agencies and private litigants—including strategies to improve the compensation and promotion process—and showcasing strategies for women lawyers to narrow the gender equity gap by honing professional practice skills and by successfully navigating ethical and employment pitfalls resulting from gender bias.*  
Meeting 9:00 a.m. – 12:15 p.m.  
Luncheon 12:15 p.m. – 1:30 p.m.  
Meeting resumes 1:45 p.m. – 4:15 p.m.  
Networking Reception 4:15 p.m. – 5:30 p.m.

### SPECIAL EVENT

#### ►Charity Corps

*What Does the New Nonprofit Revitalization Act Mean for Nonprofit Organizations and the Lawyers Who Work With Them? In 2012 the New York State Legislature passed the Nonprofit Revitalization Act with overwhelming bipartisan support. What does the new law mean to existing and fledgling nonprofits? What does it spell for attorneys and law students aspiring to work with nonprofit organizations? New York's not-for-profit sector will need to be more mindful of oversight and apply good governance measures to continue offering their services. The speakers will discuss the anticipated impact and necessary changes in best practices to day-to-day operations of not-for-profit organizations.*  
Meeting 9:00 a.m. – 10:30 a.m.

### MEMBER BENEFIT

►The New York State Bar Association and Fastcase are offering complimentary seminars during the 2014 Annual Meeting to help NYSBA members boost their online legal research skills on Fastcase, a recently added NYSBA member benefit. Attendees will receive one MCLE credit (Law Practice Management). Seating is limited – register early.  
Meeting 3:00 p.m. – 4:00 p.m.

## Wednesday

JANUARY 29, 2014

### PRESIDENTIAL SUMMIT

2:00 p.m. – 5:00 p.m.

#### I. Educating Tomorrow's Lawyers: Can Lawyers, Employers, Regulators and Educators Come Together to Address Our Challenges?

#### II. Supporting Today's Lawyers: The Rapidly Changing Legal Profession

#### President's Reception

Complimentary reception for all members  
5:00 p.m. – 7:00 p.m.

### SECTION MEETINGS

#### ►Business Law and Corporate Counsel Sections

*New York Business Lawyers: Competing*

*Ethically in a Global Marketplace—Panels will cover NYSBA reports and achievements in assuring New York's future in the business law world and the newest challenges every New York attorney faces; and transactional ethical issues, including conflict of interest situations, personal interest conflicts, client-to-client conflicts and prospective client conflicts.*  
Meeting 9:00 a.m. – 12:15 p.m.  
Reception/Luncheon 12:15 p.m. – 2:00 p.m.

#### ►Commercial and Federal Litigation Section

*The program will highlight the following topics:*

1) *The Interplay of Delaware and New York Law in Resolving Corporate and Commercial Disputes—New York's importance as a center of commerce and finance, and Delaware's dominance in the jurisdictional competition for business associations, have given the courts in those states an out-sized role in shaping the decisional law that governs the nation's corporate and commercial life. The Commercial and Federal Litigation Section is pleased to present a panel discussion of experts about the influential role of Delaware law in the adjudication of business disputes in New York courts, with special guests Vice Chancellor Travis Laster of the Delaware Court of Chancery and Associate Justice David Friedman of the Appellate Division, First Department. Topics to be examined include fiduciary duty in closely held entities and the ability to contract around them; advancement and indemnification of corporate officers and directors; the covenant of good faith and fair dealing; direct and derivative claims; freeze-out mergers; inspection of books and records; oral operating and partnership agreements; and the reliance factor in commercial fraud cases.*  
2) *Are Your Social Media Communications Legally Ethical? Join the Section in an interactive cutting-edge presentation featuring some of the country's top speakers on social media ethics. Can you advise a client to "take down" incriminating social media postings? Do you need to inform an unrepresented witness when "friending" to gain access to her "private" postings that you are an attorney and/or the purpose of such communication? Are there any limitations that an attorney must be aware of when accessing "public" social media posts by the other party? Are there limitations when researching a juror on social media? Can you identify your firm's areas of practice under "specialties" on LinkedIn? Can a judge use social media? The panel will seek to provide the answers to some of these ethical questions.*  
Meeting 9:00 a.m. – 12:00 p.m.  
Reception/Luncheon 12:00 p.m. – 2:00 p.m.

#### ►Health Law Section

*Hot Topics for NY Healthcare Lawyers—This program will cover current and timely issues of concern to healthcare lawyers in New York, including the NY health insurance exchange, regulation of, and liabilities surrounding, mobile medical apps, genetic testing and applicability to healthcare lawyers, recent OPMC and CPH initiatives, NY regulatory updates, reimbursement challenges and more.*  
Meeting 9:00 a.m. – 1:00 p.m.  
Luncheon 1:00 p.m. – 2:00 p.m.  
Meeting resumes 2:00 p.m. – 5:00 p.m.

Continued on page 14



# ANNUAL MEETING 2014 PREVIEW

## ►International Section

Topics will include: *That's Your Opinion: Opinion Practice in International Transactions; Dispute Resolution Clauses in International Transactions: The Devil You Thought You Knew; Non-Lawyer Ownership of Law Firms: The View From Here and There.*

Meeting 8:45 a.m. – 12:50 p.m.  
Reception/Luncheon 12:50 p.m. – 2:00 p.m.

## ►Torts, Insurance & Compensation Law and Trial Lawyers Sections

Reception/Dinner 6:00 p.m.  
Offsite: The Harvard Club

## ►Trusts and Estates Law Section

*Til Death Do Us Part: Updates on Marriage and Estate Law—Topics will include abandonment, estate tax considerations, portability and disqualification in the context of estate planning and estate litigation.*

Meeting 8:50 a.m. – 12:10 p.m.  
Reception/Luncheon 12:10 p.m. – 2:30 p.m.

Speaker: Roberta A. Kaplan, Esq. will give a personal account of the recent Windsor case before the Supreme Court.

## ►Young Lawyers Section

The program will focus on consumer and corporate bankruptcy issues. It will begin with a session on Bankruptcy 101 that will provide an introduction to bankruptcy and key concepts for young practitioners. The panels also will include a discussion of consumer debtor intake, the meeting of the creditors, and an overview of bankruptcy litigation arising in the consumer and corporate contexts.

Meeting 8:45 a.m. – 12:00 p.m.

## COMMITTEE MEETINGS

### ►Committee on Animals and the Law

*Human Animal Conflict: Balancing Property Rights, Nuisances and Public Safety with Animal Welfare, Conservation and Humanity—This program is not to be missed by lawyers practicing animal, municipal, zoning and environmental law. The knowledgeable panel will provide a detailed discussion of the most common, and not so common, situations in which both private and public nuisance actions are brought, and the state and federal laws that apply. Topics to be covered will include hot topic nuisance issues, such as geese roundup and eradication, feral cats, animal hospice facilities, hoarding, factory farm practices and the ownership, rehabilitation, exhibition of exotic animals and wildlife and landlord/tenant issues.*

Meeting 1:00 p.m. – 5:00 p.m.

### ►Committee to Ensure Quality of Mandated Representation, Co-Sponsored with the Committee on Courts of Appellate Jurisdiction and the Criminal Justice Section

Please join us for a viewing of the documentary "Scenes of a Crime" which explores the real-live case of People v. Adrian Thomas in which the lengthy interrogation of the defendant was videotaped. Defendant Thomas was convicted, and his appeal—including claims that his interrogation was unduly coercive, and that expert testimony should have been allowed—will be argued in the Court of Appeals on Jan. 14, 2014. The film will be followed by a panel discussion on wrongful confessions/ videotaping of interrogations.

Meeting 10:00 a.m. – 12:30 p.m.

## ►Committee on Law, Youth & Citizenship

*Education and the Law*

Meeting 9:00 a.m. – 12:00 p.m.

## MEMBER BENEFIT

►The New York State Bar Association and Fastcase are offering complimentary seminars during the 2014 Annual Meeting to help NYSBA members boost their online legal research skills on Fastcase, a recently added NYSBA member benefit. Attendees will receive one MCLE credit (Law Practice Management). Seating is limited – register early.

Meeting 9:00 a.m. – 10:00 a.m.

# Thursday

JANUARY 30, 2014

## SECTION MEETINGS

### ►Antitrust Law Section

*Antitrust Developments Roundup; Navigating Federal and State Regulators During Your Merger; Antitrust Class Certification: Getting Tougher?; Antitrust Trials: Why You Win or Lose; Social Media and Competition Policy; Antitrust Law Evolves: Do Dissents and Concurrences Matter?*

Meeting 8:30 a.m. – 5:00 p.m.

Reception/Dinner

Offsite: University Club

### ►Criminal Justice Section

*Topics will include: Search and Seizure; New York's Right to Counsel; Confrontation After Crawford.*

Meeting 9:00 a.m. – 12:00 p.m.

Reception/Luncheon 12:00 p.m. – 2:00 p.m.

### ►Dispute Resolution Section

*Diving Deep—Taking a Fresh Look at Our Underlying Assumptions and Approaches to Mediation and Arbitration Theory, Practice and Skills; Navigating ADR Forums; Crossing Cultural Divides in Mediation and Negotiation.*

Meeting 9:15 a.m. – 12:00 p.m.

Networking Luncheon

Offsite: Dorsey & Whitney LLP

12:00 p.m. – 1:30 p.m.

Meeting resumes 1:30 p.m. – 4:00 p.m.

Reception immediately following

Offsite: New York International Arbitration Center

### ►Family Law Section

Reception/Luncheon

12:00 p.m. – 2:00 p.m.

Keynote Luncheon Speaker:

Arnold Shienvold, PhD, Riegler Shienvold & Associates of Harrisburg, PA

*Divorce Lawyers Under Siege: Strategies for Differentiating Your Client's Anxieties From Your Own. Dr. Shienvold is a clinical psychologist who specializes in dealing with high conflict families. He is a nationally-recognized expert in forensic custody evaluations and family mediation. In addition to his clinical practice, Dr. Shienvold consults to public and private agencies, teaches and lectures at a multitude of professional conferences and schools, and regularly writes on these topics.*

Meeting 2:00 p.m. – 4:30 p.m.

2014 Family Law Update: The Year in Review—We will walk through this year's interesting cases, current issues, changes in rules and statutes and must-know issues on the horizon.

## ►Food, Drug & Cosmetic Law Section

*This session will address important evolving FDA legal issues, including regulation of compounding pharmacies, implementation of new food safety rules, an update from FDA Office of Counsel and an ethics presentation from a preeminent bioethicist.*

Meeting 8:45 a.m. – 12:45 p.m.

## ►Municipal Law Section

*Land Use and SEQRA Update; "Ethics Jeopardy"; Freedom of Information Law and Confidential Information; Hot Topics Regarding IDAs and LDCs; the Ins and Outs of Article 78 Proceedings; the Application of the Affordable Care Act to Municipalities.*

Meeting 9:00 a.m. – 12:05 p.m.

Lunch — on your own

12:05 p.m. – 1:35 p.m.

Meeting resumes 1:45 p.m. – 4:30 p.m.

## ►Real Property Law Section

*Panel discussions will include the following: Not-for-Profit Corporation Law—How the Osborn Decision Impacts Real Property Tax Exemptions For Not-For-Profit Corporations; Lease Negotiations Beyond the Lease; 2013 Real Property Case Law Update—Six Court of Appeals Cases, Plus Cases on PCDS and Other Matters; Mechanics Liens—Filing, Bonding, Priority and Recent Case Law; The Constitution Pipeline—120 Miles of Condemnation Litigation.*

Meeting 8:15 a.m. – 12:15 p.m.

Reception/Luncheon

Offsite: The 21 Club

12:45 p.m. – 2:15 p.m.

## ►Torts, Insurance and Compensation Law and Trial Lawyers Sections

*All Roads Lead to Resolution Part I: State of the Union—Trial and the Summary Jury Trial; All Roads Lead to Resolution Part II: State of the Union—Arbitration and Mediation; Ethics Update; #legalprobs—Trial in the Aftermath of Social Media Discovery Rulings; Back to the Future of the Legal Profession—The Modern Day Legal Apprentice?*

Meeting 8:30 a.m. – 12:00 p.m.

Meeting resumes 1:00 p.m. – 5:00 p.m.

## ►Young Lawyers Section

*Bridge the Gap 2014: Intellectual Property; Personal Injury; Appeals; ABC Law; Estate Planning; Environmental, Land Use/Zoning; Criminal Law; Family Law; Matrimonial Law; Work/Life Balance; Ethics; Landlord/ Tenant Residential Real Estate; Social Media.*

Meeting 9:00 a.m. – 5:00 p.m.

## COMMITTEE MEETINGS

### ►Committees on Civil Rights and Diversity and Inclusion

*Contemporary Civil Rights Issues in Relation to the 50th Anniversary of the Civil Rights Act.*

Meeting 2:30 p.m. – 5:30 p.m.

### ►Committee on Condominiums and Cooperatives of the Real Property Law Section

*Advanced Topics in Condominium and Cooperative Law.*

Meeting 2:00 p.m. – 5:00 p.m.

### ►Committee on Immigration

*The Future of Immigration Reform—What Will It Look Like and How Will It Define Our Legal Obligations?*

Meeting 9:00 a.m. – 12:00 p.m.

## ►Committee on Issues Affecting People with Disabilities

*When Special Education is Not Enough: Students Falling Between the Cracks—This program will examine the challenges facing schools, communities and families to meet the needs of an ever growing number of school age children with disabilities that transcend what public schools can offer. In addition to defining the obligations of the public schools to serve this population, the panel will highlight the unique problems facing children involved in the court system, children facing serious family crises, serious mental illness, social maladjustment and drug/alcohol addiction. With a panel of experts from OPWDD, DSS, OMH and the court system, this program will identify the barriers to the development of highly coordinated cooperative community-based model of services and supports for children and families and will share strategies for replacing the outdated and fragmented ones.*

Meeting 9:15 a.m. – 12:15 p.m.

### ►Committee on Law Practice Management, Co-Sponsored by the Committees on Attorney Professionalism, CLE, Electronic Communications and Lawyer Assistance

*Risk Management 360—The integrated practitioner navigates law practice risks, the stresses of lawyering and ever-changing technology, all while maintaining professional standards. This full-day program will feature speakers and panelists from multiple disciplines discussing these topics while sharing their expertise about the law of law practice as well as the many resources available to make your practice efficient, effective and rewarding.*

Meeting 9:00 a.m. – 5:00 p.m.

# Friday

JANUARY 31, 2014

## SECTION MEETINGS

### ►Environmental Law Section

*A session filled with discussions on a number of hot topics facing environmental attorneys today, including hydrofracking issues to be decided by the Court of Appeals, the recently announced New York State Department of Environmental Conservation Audit Policy and its related ethical implications, as well as a potpourri of topics that will inform and enlighten the Environmental Law Section.*

Meeting 8:50 a.m. – 12:10 p.m.

Reception/Luncheon 12:30 p.m. – 2:00 p.m.

### ►Judicial Section/Council of Judicial Associations

Reception/Luncheon 12:00 p.m. – 2:00 p.m.

### ►Labor and Employment Law Section

*Plenary sessions and workshops will include: The Hard Questions Under the Affordable Care Act; New Developments in the Whistleblower Law; DOMA is Dead—The Impact of its Obituary on Other Laws; Impasse Resolution Under the Taylor Law with Emphasis on the New Standard for Interest Arbitration; Recent Developments and Issues in Labor Relations Law.*

Meeting 8:30 a.m. – 12:30 p.m.

Dutch Treat Reception and

Luncheon 12:30 p.m. – 2:30 p.m.

Continued on page 22



## Lawyer Assistance Program

By Patricia Spataro, Director

Start 2014 right: Protect the solo practice by protecting the solo practitioner, and vice versa



Spataro

most of them go by the wayside by Valentine's Day ... at the latest.

It is the beginning of a new year and a great time to look at taking steps to ensure that you and your law practice are happy and healthy.

Let's not talk in terms of resolutions, because

Let's frame these concepts as words to the wise. Interestingly, this phrase means that you only have to hint something to wise people to get them to understand. Thank you, Google! Just for clarification, these are not hints.

I've learned several things from the legal professionals who have called my office for assistance. I'd like to share these universal insights in hopes that you will implement them promptly, if they are not already in place.

The attorneys who called framed

the following in the "if only" lament. It is said that "if only" are the saddest two words anyone can mutter. If only I didn't ignore the signs, if only I called sooner, if only I managed my stress better. I am presenting them as words to the wise that might save your law practice, and even your life.

### Insight One

- Pay attention to those early signs that something is not right.

In general, mental health issues,

such as problem drinking and depression, interfere with a lawyer's ability to fully function as person and as a lawyer. Maybe not at first, but certainly at some point an interference or interruption to life and law will emerge.

The early warning signs can hint (there's that word again) at the serious issues that lie ahead.

These early warning signs can manifest in any area of a person's life.

Depression can show itself in a simple

*Continued on page 18*

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## Law Practice Management

By Katherine Suchocki, Director

### 'LPM Day' planned at Annual Meeting; upcoming programs of interest a good choice



Suchocki

The Law Practice Management Committee is teaming with the committees on Attorney Professionalism, Lawyer Assistance, Continuing Legal Education and the Electronic Communications

Committee to present "LPM Day" on January 30 at the State Bar's Annual Meeting at the New York Hilton Midtown.

"Risk Management 360," this year's program, will explore technology, the stresses of lawyering and maintaining professional standards. Focusing on the integrated law practice, speakers and panelists from multiple disciplines will share their expertise as well as the many resources available to make your practice efficient, effective, rewarding and protected.

Panelists will discuss how their firms have implemented new ways of practicing law, as well as how these

new methods impact attorney ethics, professionalism and best practices. This year's program also will include a networking luncheon, providing ample time to interact with your colleagues. Seating is limited for the special program. Register online at [www.nysba.org/LPM](http://www.nysba.org/LPM).

The Law Practice Management Committee also is presenting the 2014 Career Development Conference at Annual Meeting on January 27, with the Committee on Lawyers in Transition and the Committee on Diversity and Inclusion. For more information, visit [www.nysba.org/2014CareerConference](http://www.nysba.org/2014CareerConference).

#### Marketing in March

Each year, the Law Practice Management Committee sponsors a conference on business development and marketing for attorneys. The 2014 March Marketing Conference will be held on March 5 at the Concierge Conference Center in New York City.

Chaired by committee members Paris Gunther of New York (Kleinberg, Kaplan, Wolff & Cohen PC) and Carol Schiro Greenwald of Larchmont (Marketing Partners), this

year's program will feature marketing experts and attorneys sharing best practices.

Topics include: "Adding Marketing to Your Practice Mix;" "Integrating Business Data into Marketing Decisions;" "Growing Your Practice By Using Outside Attorneys;" "When Do You Hire Non-lawyer Expertise and Why?;" "Time-management: Fitting Marketing into an Over-filled Day;" "Collaboration Using Online Marketing Tools – Forms of Small Firm Coordination;" "Using LinkedIn for Developing New Business;" "Marketing in-Person: Joining Groups – the What, How and Why;" and "Easy, Inexpensive PR & Advertising Initiatives."

The March Marketing Conference will be webcast. The archive will be available online. This is a great opportunity to get information on the ins and outs of Internet marketing—not just having a website—but using the web in a variety of ways to generate business legally and ethically.

NYSBA members have access to Law Practice Management CLE programs with discounted rates on cutting-edge topics, including the "Legal

Implications of Social Networking," "Twittering, Linking, Posting & Friending," "Search Engine Optimization," "Building a Strong Web Presence" and "Marketing on a Shoestring." Programs are available at [www.nysba.org/MarketingYourPractice](http://www.nysba.org/MarketingYourPractice).

Regional law practice management programs on "Attorney Escrow Accounts" and "Planning Ahead" will be scheduled in March and April. The ever-popular "Starting a Practice in New York" CLE program chaired by Clifford R. Ennico of Fairfield, Connecticut (Law Offices of Clifford R. Ennico) will be held in early May.

If you would like to get involved with law practice management initiatives, we want to hear from you. Contact me at [ksuchocki@nysba.org](mailto:ksuchocki@nysba.org) or 518-487-5590. Please visit our site at [www.nysba.org/LPM](http://www.nysba.org/LPM) to find information on practice management trends, marketing, client development, legal technology and finance. Also, you can now follow us on Twitter. Follow us at #NYSBALPM. Be the first to know about program announcements and new items on the LPM website. ♦

## TECHLEX

By Barbara Beauchamp

### New online communities making their debut during Annual Meeting Week



Beauchamp

For most people, the winter holidays are over. But here at the State Bar, the excitement remains high as the staff puts together Annual Meeting activities. I am particu-

larly excited this year because Annual Meeting also is the official launch of our private online professional communities.

Communities are a new benefit for members. The State Bar's strategic plan identified networking and collaboration as two key components of membership and outlined ways to improve and enhance the opportunities for members to engage in those activities.

The online professional communities are a communication tool, but so much more.

Many members currently take advantage of our listserves (member-to-member email communications

among a defined group). The new online communities will take that functionality and add to it.

#### What's new

Among the new features are opportunities to make connections with others in your group. You may have had the experience of serving on a State Bar committee, attending meetings via teleconference, even collaborating on a report by exchanging messages and redlined versions of documents. You can actually have a significant impact on the association and the legal profession while never meeting your co-committee members in person.

Increasingly, the pressures of time and budgets make remote participation attractive and affordable. But the price can be a lack of connection among members.

Communities address that concern by making the contact information you choose to share available to others in your group. They allow you to connect with others individually and send private messages, or connect to the group through discussion posts.

Communities also facilitate sharing documents, files, links and other resources through an online resource library reserved for each group. Posting to the library is literally as simple as attaching a file to a discussion post. (There is a way to add resources without making a discussion post and it is equivalent in difficulty to writing and sending an email.)

I encourage you to use the 2014 Annual Meeting as an opportunity to get involved with our communities.

If you are a female member, you are familiar by now with the new Women's Community initiative, which also features an online community component.

As a reader of this column, you know bringing new technology to the NYSBA membership is a significant aspect of my position here. So, I encourage you to take a look at the new Technology Community when it launches at Annual Meeting.

Members of the Electronic Communication and Law Practice Management committees have volun-

teered to participate in the Technology Community, answer your questions and share news and information of interest to attorneys.

It can be intimidating to be an early adopter of new technology, so if you are feeling a little shy about joining the Technology Community, allow me to suggest a topic for your first post: What are your technology goals for 2014?

I will post that question in the community and would be delighted if you would go to <http://communities.nysba.org> and sign in with your NYSBA username and password. Join the Technology Community and let's have a conversation.

Look for me near the computers at Annual Meeting. Be sure to look for members and staff sporting "I'm Connected" stickers. We will be handing those out to everyone who joins our communities through Annual Meeting.

Watch your email for more details on prizes, meetups and other treats for communities users. ♦



## The Bar Around The Corner: Rochester Black Bar Association



**Association Address / Phone:**  
P.O. Box 14569, Rochester, NY;  
585-802-8736

**Website:** www.rbblaw.org

**Founded:** 1994

**Number of Members:** 100

**Brief Association Vision:** To address challenges minority attorneys face by creating an environment of support for minority lawyers in the Rochester community.

**Brief History:** In 1994, attorneys Kendel Tyre, Jr., Don M. Wade and Margaret Williams established the Rochester Black Bar Association (RBBA), an organization that would not only provide a support network for African-American lawyers in the greater Rochester community, but also tap into the resources and network of the National Bar Association (NBA). The NBA, the oldest and largest national association of predominately African-American lawyers and judges, had no affiliate chapter in Rochester at that time.

**What is your association's most popular outing / social event?** The Bridges to Success networking event is our most popular social event. This annual event marks the beginning of the RBBA's bar year, welcoming new members while promoting the RBBA's theme of building successful and dynamic partnerships with our friends and colleagues. The event draws a diverse cross-section of the business and legal community, including local dignitaries.

**What is your association's most pressing concern regarding the legal profession?** Diversity and inclusion in the bench and bar. There are no minority judges in County or Supreme Court in Monroe County. Previously, RBBA has addressed this issue by holding an informational seminar on the election process. RBBA is collaborating with the Franklin H. Williams Judicial Committee, the Monroe County Bar Association (MCBA) and the Greater Rochester Association of Women Attorneys (GRAWA) to present a CLE entitled, "Everything You Need to Know about Becoming a Judge." This comprehensive half-day CLE will detail the process of becoming a local, state or federal judge. It is scheduled for January 17 at MCBA in the Rubin Center for Education, 1 W. Main Street, 5th Floor, Rochester, New York.

**What is your association's most important current project / initiative?** RBBA will celebrate its 20th anniversary



**Bridges to success**—The RBBA's Third Annual Bridges to Success networking event honors a local judge with the "Bridge Builder Award" for their support and contributions to the association and the community and their mentorship of young attorneys. In 2013, the recipient was Hon. Rose H. Sconiers, 4th Department Appellate Division. Left to right: 2013 RBBA President Sara L. Valencia; Sconiers; and event co-chairs Josie Sheppard and Sheldon Smith.

in 2014. We have much to celebrate and our membership plans to do so by holding a gala next fall. We plan to invite founding members and highlight the tremendous accomplishments of our membership.

**Final comments:** RBBA is committed to collaborating with local bar associations and law firms in its programming. RBBA partnered with Nixon Peabody for the first two years of its Bridges to Success event, with the firm as the host and pri-

mary underwriter for the event. For the 2013 Bridges to Success event, Harris Beach, PLLC was the host and primary underwriter. RBBA is now collaborating with GRAWA in planning a reception to honor RBBA member Lovely Ann Warren, the first African-American female mayor of the City of Rochester. ♦

*The Bar Around The Corner is a project of the New York State Conference of Bar Leaders, www.nyscbl.org.*

## NYSBA welcomes 72 new Sustaining Members

By Maria Kroth

The State Bar extends sincere gratitude to the following 72 individuals who recently became new Sustaining Members of the New York State Bar Association.

Sustaining Members are a distinguished group of 813 members, representing 20 states and 17 countries, who provide the association with extra financial support to help NYSBA maintain its leadership position as the voice of New York attorneys.

### How to join

Sustaining Membership dues are \$400 per year. For more information on how to become a Sustaining Member, please contact the Membership Services Department at 518-487-5571 or [membership@nysba.org](mailto:membership@nysba.org).

### New Sustaining Members

John D. Aspland, Jr. of Glens Falls  
Ricardo A. Baez of Rockville Centre  
Carl T. Baker of Glens Falls  
James R. Barnes of Albany  
Toni Ann Christine Barone of Staten Island

Robert E. Brown of Rochester  
Nancy Burner of East Setauket  
Michael H. Byowitz of New York  
Kelly A. Carrero of New York  
Marilda Cassago of Brescia, Italy  
Mudita Chawla of New York  
Joseph Dinardo of Williamsville  
Sean M. Doolan of Albany  
James F. Dwyer of Wyckoff, New Jersey  
Jeffrey R. Egan of New York  
Lawrence Elmen, Jr. of Glens Falls  
Klaus Eppler of New York  
Hon. Paul G. Feinman of New York  
Alan P. Fitzpatrick of Schenectady  
James Harris Freeman of New York  
Jeffrey L. Futter of New York  
Daniel Garcia of Pearland, Texas  
Sharon Stern Gerstman of Buffalo  
Joan M. Gilbride of New York  
Ira S. Goldenberg of White Plains  
Richard M. Gutierrez of Forest Hills  
Annette G. Hasapidis of South Salem  
Karen R. Hennigan of New York  
Richard B. Herman of New York  
Ellen Cutler Igoe of Oceanside  
Charles P. Inclima of Rochester

Robert William Johnson, III of Troy  
Esier Kim of Grosse Pointe, Michigan  
Ralph M. Kirk of Kingston  
Prescott E. Klosner of Ilion  
Kristine M. Koren of New York  
Ronald Kreismann of New York  
Robert Kresse of Buffalo  
Lisa A. Levy of New York  
Betty Lugo of Brooklyn  
Bertrand R. Madsen of New York  
Anna C. Manger of Rye  
Thomas J. Maroney of New York  
Scott Douglas Miller of New York  
Marcia Joan Mills of Rockville, Maryland  
Sean R. O'Loughlin of New York  
Joseph J. Orlando, Jr. of Santa Monica, California  
Frances M. Pantaleo of Purchase  
Michael F. Perlis of Los Angeles, California  
Daniel J. Persing of Latham  
Hon. Vincent J. Reilly, Jr. of Schenectady  
Morgan Leia Richardson of Astoria  
Michael Rikon of New York  
Eric J. Russo of Sayville

James R. Sandner of Delmar  
Charles Saperstein of New York  
Walter A. Saurack of New York  
Deborah A. Scalise of Scarsdale  
Edmund A. Schaffzin of New York  
Yisroel Y. Schulman of New York  
David C. Singer of New York  
Mark T. Starkman of Highland Mills  
Joshua Stein of New York  
Richard P. Swanson of New York  
Thomas P. Valet of New York  
Donald P. VanStry of Syracuse  
Maria T. Vullo of New York  
Stewart L. Weisman of Manlius  
Andrew S. Weissman of Mount Kisco  
Joseph M. Wentland of Fayetteville  
Roberta G. Williams of Auburn  
Adrian Zuckerman of Chester, New Jersey ♦

*Kroth is a senior assistant in NYSBA's Membership Services Department.*

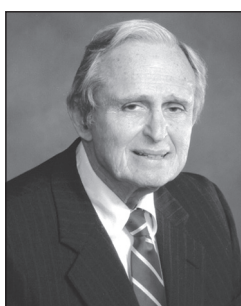
## The New York Bar Foundation

By The New York Bar Foundation President Cristine Cioffi

### Past State Bar President Justin Vigdor to receive Lifetime Achievement Award



Cioffi



Vigdor

On rare occasions, The Foundation convenes to recognize an individual whose work has significantly advanced the purposes of The Foundation. On January 31, past State Bar President Justin L. Vigdor of Rochester (Boylan Code LLP) will be presented with The Foundation's Lifetime Achievement Award.

A past president of both The

Foundation and the State Bar, Vigdor's leadership of both organizations has been legendary. He has lived a life characterized by profes-

sional excellence and service to others. His community service, in particular, stands as an example for attorneys everywhere. Without expectation of compensation, he has applied his legal knowledge and leadership skills to advance his vision of a better society.

#### An example of service to others

Civic leadership has been a hallmark of Vigdor's career. His extensive community involvement has benefited the arts (current president and chairman of the board, Rochester Fringe Festival, and member of the Dean's Advisory Committee of the Eastman School of Music), relief organizations (past director, Rochester Chapter, American Red Cross), civic education (past Advisory Committee member, League of Women Voters), and many other agencies.

But Vigdor has done far more than sit on boards and advisory committees. He has provided strategic vision in his community. When the legal services providers in Rochester needed a home,

Vigdor stepped up to chair the capital campaign.

The "Partnership for Equal Justice Campaign" led to the creation of the Telesca Center for Justice, which houses The Legal Aid Society of Rochester, Volunteer Legal Services Project of Monroe County, LAW NY, Empire Justice Center and the Monroe County Bar Association and its Foundation. This facility creates synergies between like-minded legal service organizations and allows for some shared cost savings.

His work with the Al Sigl Center in Rochester (past chair, Board of Governors, Al Sigl Center Partners' Foundation, and past chair, Board of Directors of the Al Sigl Center for Rehabilitation Agencies) also exemplifies Vigdor's larger vision for his community.

The Al Sigl Center is a multi-tenant center for not-for-profit agencies that assist disabled individuals in different ways. It creates a high quality, collaborative work space for multiple charitable organizations, emphasizing cost-effectiveness, and allowing busi-

ness efficiencies and shared savings.

This theme of leveraging resources in the not-for-profit world is a hallmark of The New York Bar Foundation, and clearly, a priority in Vigdor's community service.

The Foundation is proud to be able to honor Vigdor with its Lifetime Achievement Award. Let us recognize him together on January 31, as an example of the best of our profession.

#### Another innovation

For the first time, The New York Bar Foundation has compiled a directory of individuals receiving awards during the State Bar's Annual Meeting Week. At a glance in the booklet, it is possible to find all those men and women being honored by a section, committee, the association or The Foundation. The publication, available at Annual Meeting, offers a convenient, single location to recognize these leaders of our profession.

The awards booklet is yet another example of how The Foundation and the association have partnered this year. ♦

## Lawyer Assistance: Start 2014 right, protect your practice by managing your stress

*Continued from page 15*

and ignorable way, such as not wanting to socialize lately even though you once enjoyed being with colleagues, friends and family.

Harmless, maybe, but then the unshakable sadness makes it hard to concentrate, and your procrastination is noticed by colleagues and, worse, clients. Your spouse starts telling you that you are not yourself, you get irritated and sink further into depression and the relationship becomes compromised.

You eat and sleep more than usual. Before you know it, your doctor is telling you that your blood pressure is dangerously high. Over time, every area of your life is touched by your depression, but you are not connecting these dots.

Then a letter arrives from the grievance committee and it sits in the pile on your desk of the other documents you just can't seem to get to.

A drinking problem can run a similar course. You recently started to drink more to deal with stress. One day, you almost miss a court date because you are hung over and cannot get out of bed.

Isolated incident ... maybe ... but, then, the start time for your first drink is at lunch instead of dinner and you argue easily with just about everyone in

your life. Much to your surprise, you get pulled over on your way home from work and your blood alcohol content (BAC) is 0.28 and it is only 6:45 p.m.

Depression and procrastination go hand-in-hand, as does drinking too much and too often with preoccupation. Lawyers who procrastinate and are preoccupied are moments away from serious problems.

#### Insight Two

- Manage stress before it manages you.

Everyone deals with stress, but not everyone gets to a place where it swallows them up.

Stress can cause, or at the very least, exacerbate mental health concerns. This is one area where protecting the practice by protecting the practitioner is a "what comes first" dilemma.

Managing your personal stress and the stress that's caused by your practice needs to occur at the same time.

Personal stress can effectively be managed by healthy life choices. Exercising and eating well are quickly dismissed as "who has time for that," but it has been shown over and over that those who are not overcome by stress, most often engage in these two healthy habits.

Practice stress can be managed by engaging with colleagues in a spirit of

support. Yes, I know that the competitive profession of law isn't all too amenable to this practice. But again, those who have the greatest success in this profession do just this.

Here's one I bet you haven't considered: screen clients and, thereby, stop saying "yes" to everyone who walks through your door.

Just about every solo who calls my office admits to being a "yes" person and cannot deny it causes them serious problems.

There are many more ways to manage personal and professional stress. Find the strategies that work for you and use them every day.

#### Insight Three

- Make the call to the Lawyer Assistance Program (LAP) sooner rather than later.

"Making the call to LAP is the best thing I've done in a long time."

"Calling LAP saved my life."

"I wish I made this call sooner."

"You've given me many great ideas on how to deal with my issues."

These are common remarks we hear and the best thing I can do to persuade you to contact LAP is to share what your colleagues are saying about their experience.

Before you pick up your phone, let me remind you that the call is confiden-

tial. We understand and, perhaps most importantly, we do not judge. The fear of stigma and shame often stops a lawyer with a serious problem from making the call. Please know we understand that it is hard to make the call, and we will put you at ease quickly.

Start the year off on the right foot. At the State Bar, the Lawyer Assistance Program is partnering with Law Practice Management at Annual Meeting to cover the separate and overlapping issues that keep the lawyer and the law practice healthy. The Committees on Attorney Professionalism, CLE and Electronic Communications are co-sponsors of the program.

Register today for Annual Meeting and take advantage of "LPM Day," January 30, 9 a.m. to 5 p.m. Go to [www.nysba.org/AM2014LPM](http://www.nysba.org/AM2014LPM).

Go to [www.nysba.org/LAP](http://www.nysba.org/LAP) to get help or to find out how to help a colleague. ♦

#### Letters to the Editor

The *State Bar News* welcomes letters to the editor written by members of the legal profession and which would be of interest to New York state lawyers.

Send to: *State Bar News*  
1 Elk St., Albany, NY, 12207.



## RECENT DECISIONS & CASE LAW DEVELOPMENTS

The State Bar is pleased to provide you with case summaries and legislation alerts prepared by **CasePrepPlus™**, the Association's affinity partner. **CasePrepPlus™** is an online service highlighting and summarizing the most recent and significant New York appellate cases (with links to the full opinions), and Second Circuit and U.S. Supreme Court cases having significance for New York practitioners—plus alerts and reminders about recent legislation and uniform rules changes.

This service is part of our ongoing initiatives to continually provide relevant benefits to our members. To sign up for this full service at an exclusive member discount, go to [www.caseprepplus.com](http://www.caseprepplus.com) and enter discount code NYB2323 when placing your order.

### Court of Appeals

**CRIMINAL LAW. TRIALS. VERDICTS. INCONSISTENT/LEGAL SUFFICIENCY DISTINCTION.** In this case involving a commercial building fire loss, defendant (building owner) was acquitted of arson and reckless endangerment, but convicted of insurance fraud for making a false statement to his fire insurance carrier that he did know the cause of the fire. On appeal, the defendant contended that the verdict was inconsistent because without the jury finding that he committed arson, he could not have submitted a false claim to his carrier. The Appellate Division affirmed the conviction, holding that there was legally sufficient evidence to support the verdict that the defendant concealed the cause of the fire from his insurance carrier. The Court of Appeals affirms (6-1). "A verdict is factually inconsistent where, in light of the evidence presented, an acquittal on one count is factually irreconcilable with a conviction on another count." However, an inconsistent verdict does not provide a reviewing court with power to overturn it. Rather, it is the trial court that may exercise discretion in pointing out the inconsistency to the jury, issuing further instructions, and then having it continue deliberations. "In contrast, a conviction that is not supported by legally sufficient evidence should be overturned." Here, there was sufficient evidence for the jury to conclude that the defendant committed insurance fraud by submitting a written statement to his carrier that concealed information about the cause of the fire. *People v. Abraham*. Decided 11/26/13.

**CRIMINAL LAW. MHL ARTICLE 10. CIVIL CONFINEMENT. "STRICT AND INTENSIVE SUPERVISION AND TREATMENT" (SIST). APPLICABILITY.** Respondent, a mentally retarded convicted sex offender who was released from incarceration, was found by a jury in a MHL article 10 proceeding to suffer from a mental abnormality as defined by the statute. The Supreme Court, after negotiations between the State and the respondent, eventually ordered the respondent's confinement in an inpatient facility that, in its opinion, did not constitute a "secure treatment facility," which is

the only recognized facility authorized for confinement under MHL article 10. The Appellate Division affirmed, holding that the respondent's confinement in the subject facility did not violate his substantive due process rights because it provided "strict and intensive supervision and treatment" (SIST) as provided under the statute. The Court of Appeals reverses and remits the matter to the Supreme Court for further proceedings. MHL article 10 provides for only two dispositional outcomes: (1) confinement; or (2) participation in an outpatient SIST program. Accordingly, absent a finding that the respondent suffers from a condition that requires his confinement in a secure facility, his involuntary confinement as part of an SIST program violates the plain language of MHL article 10. *State of New York v. Nelson D.* Decided 11/26/13.

### First Department

**CIVIL PROCEDURE. MOTIONS. EXTENSION OF TIME TO SERVE PROCESS. CPLR 306-b. FAILURE TO ATTEMPT "NAIL AND MAIL" SERVICE.** In this personal injury action, the defendant moved to dismiss the complaint for lack of personal jurisdiction. In response, the plaintiff cross moved to extend the time to serve process [CPLR 306-b]. Order granting defendant's motion and denying plaintiff's cross motion is affirmed. The plaintiff's process server failed to attempt "nail and mail" service [CPLR 308(4)] after attempting to effectuate service at defendant's address pursuant to CPLR 308(1) and (2). *Kennis v. Meleco*. Decided 11/26/13.

**CIVIL PROCEDURE. DISBARMENT OF PARTY'S ATTORNEY. 30-DAY STAY OF PROCEEDINGS. CPLR 321(e).** In this matter where defendants' counsel was disbarred, the defendants' answer was stricken and their counterclaims were dismissed upon plaintiff's motion when they failed to appear for a court directed conference. Order granting defendants' motion to vacate the orders is granted. Where a party's attorney is disbarred, an automatic stay takes effect until thirty days after notice to appoint another attorney is served on the affected party [CPLR 321(c)]. Here, the court's order directing the defendants to appear did not constitute a "notice to appoint another attorney" within the meaning of CPLR 321(c). Accordingly, the 30-day period

never began to run and the automatic stay was still in effect at the time of the conference. *Scirica v. Colantonio*. Decided 11/26/13.

### Second Department

**CRIMINAL PROCEDURE. TRIALS. VOIR DIRE. CHALLENGE FOR CAUSE. SON RECENTLY ARRESTED AND BEING PROSECUTED.** Defendant, who was convicted by a jury of assault and robbery, contended on appeal that the trial court improperly granted the ADA's challenge for cause to a juror whose son was recently arrested and being prosecuted. Conviction is affirmed. The prospective juror's responses to questioning during voir dire failed to demonstrate an absolute belief that her son's arrest and prosecution would not have an influence on her verdict [CPL 270.20(1)(b)]. *People v. Hoke*. Decided 11/27/13.

**PERSONAL INJURY. SIDEWALK OBSTRUCTION. CHILDREN'S RIDE. NYC ADMINISTRATIVE CODE.** Plaintiff, a sidewalk pedestrian, was injured while rounding a corner onto Broadway from a side street when his left elbow struck a "Mickey Mouse" children's ride that was placed in front of the defendants' pizza shop. In moving for summary judgment, the abutting owners contended that the ride was open and obvious, not inherently dangerous, and complied with the provisions of NYC Administrative Code §19-136(a), (j). Order granting defendants' motion is reversed, and motion denied. The abutting owners failed to establish their prima facie entitlement to summary judgment because they did not demonstrate that the placement of the ride complied with the Code and that, given how the accident occurred, the ride was open, obvious and not inherently dangerous. *Toro v. Friedland Properties, Inc.* Decided 11/27/13.

### Third Department

**CRIMINAL PROCEDURE. PLEAS. VALIDITY. MENTAL ILLNESS. PSYCHOTROPIC MEDICATIONS.** Defendant, a former police officer and a lawyer, moved to vacate his plea to two counts of aggravated harassment in the second degree as a hate crime on the ground that it was invalid because he was suffering from a mental illness at the time and was on psychotropic medication. In support, the defendant submitted substantial documentation

and opinion evidence that the bizarre behavior underlying the criminal allegations against him resulted from a bipolar disorder and medication. Order denying defendant's motion without a hearing is reversed, with the matter remanded for a hearing. Although a post-judgment motion ordinarily can be decided on the "papers," a hearing is required where facts outside the record are material [CPL 440.30(5)]. Here, a hearing is required because further development of the record is needed to determine the extent to which defendant's mental incapacity impaired his understanding of his plea and whether he knowingly, voluntarily and intelligently entered it. *People v. Hennessey*. Decided 11/27/13.

**CRIMINAL LAW. TRIALS. SUMMATIONS. PREJUDICIAL COMMENTS BY PROSECUTOR. SHIFTING OF BURDEN OF PROOF. SPECULATION. ARGUMENTS NOT BASED UPON EVIDENCE.** Defendant, who was convicted by a jury of assault and robbery, contended on appeal, among other things, that the prosecutor's comments during summation were so prejudicial and improper that he was deprived of his right to a fair trial. Conviction is reversed, and a new trial ordered. The ADA improperly vouched for the credibility of a witness who testified for the People by commenting, "He's telling the truth." This was compounded by the ADA's speculative comments that, "the only reason that the defendant wasn't involved in the other robbery that was committed not long after the attack upon the victim was because he couldn't be there with them," which suggested that he would have been there had he not been in custody. This was made even more prejudicial by the ADA's argument that the only way to believe the defendant was to believe that the entire justice system, including himself and the presiding judge, were involved in a conspiracy to frame and convict him, which was not based upon any evidence and, in effect, shifted the burden of proof. Thus, despite substantial evidence of the defendant's guilt, the magnitude of the ADA's comments were so great as to overcome any argument by the People that they constituted harmless error. *People v. Forbes*. ♦

# CLE Seminar Schedule

To register or for more information, call toll-free 1/800/582-2452. For Albany and surrounding areas call 518/463-3724 or fax your request to 518/487-5618. Check [www.nysba.org/cle](http://www.nysba.org/cle) for New York MCLE credit hours for courses. (This schedule is subject to change)

## PRACTICAL SKILLS SERIES

### BRIDGING THE GAP

(T-W) March 11 & 12	Albany (VC)	New York State Nurses Association
(T-W) March 11 & 12	Buffalo (VC)	The Conference Center Niagara Falls
(T-W) March 11 & 12	New York City	New York's Hotel Pennsylvania

### MEDICARE COMPLIANCE UNDER THE MEDICARE SECONDARY PAYER ACT

(1:00 p.m. – 5:00 p.m.) – Live & Webcast

(W) February 26

Albany New York State Bar Association

(F) March 14

Albany TBD  
Buffalo TBD

(F) March 21

Syracuse TBD

(F) March 28

New York City TBD

### 2014 MARCH MARKETING PROGRAM

(W) March 5

New York City Concierge Conference Center

### MEDICAL MALPRACTICE

(F) March 7

Long Island TBD

### SECURITIES ARBITRATION

Live & Webcast

(F) March 11

New York City TBD

### 10th ANNUAL INTERNATIONAL ESTATE PLANNING INSTITUTE

(Th-F) March 13-14

New York City Crowne Plaza Times Square Manhattan

### CONSTRUCTION SITE ACCIDENTS

(F) March 14

Albany TBD  
Long Island TBD

(F) March 21

New York City TBD

### CPLR UPDATE 2014

(Sat) March 15 (9:00-12:40)

Buffalo TBD

(F) March 21 (9:00-12:40)

Albany TBD

(Sat) March 22 (9:00-12:40)

Syracuse TBD

(Th) April 10 (6:00-9:40)

Long Island TBD

(Th) May 8 (6:00-9:40)

New York City TBD

### INTRODUCTORY LESSONS ON ETHICS & CIVILITY

(F) April 4

Long Island TBD

Syracuse TBD

(F) April 11

Albany TBD

Buffalo TBD

(F) April 25

New York City TBD

### ADVANCED INSURANCE PRACTICE

(F) May 2

New York City TBD

Syracuse TBD

(F) May 9

Albany TBD

Buffalo TBD

(F) May 16

Long Island TBD

### DWI: THE BIG APPLE XIV

Live & Webcast

(Th) May 8

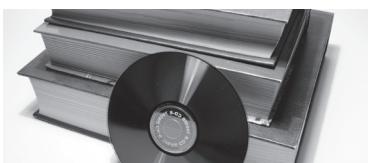
New York City TBD

### COMMERCIAL LITIGATION ACADEMY

Live & Webcast

(Th-F) June 5-6

New York City TBD



## FROM THE NYSBA BOOKSTORE

January/February 2014

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### Why?

Attorneys seeking the opportunity to make a difference in the work of the organized bar in New York are invited to apply for service as members of the committees listed below. Through NYSBA committee work, many women and men have worked diligently throughout the history of the New York State Bar Association to build effective programs not only for the benefit of the profession, but the public as well.

### What's it all about?

There are two kinds of committees: standing and special. Standing committees consider and study matters relating to the general purposes and business of the Bar that are of a continuous and recurring nature. Special committees study issues of an immediate and non-recurring nature.

Generally, committees analyze legislation, propose improvements to the justice system and incorporate the creative thinking of the best legal minds to produce programs and resources for the benefit of the profession and public. The primary responsibility of committees is to act as a catalyst for change in the legal profession.

Historically, NYSBA committees have helped the Association play an important role in shaping the state's laws and policies.

### Lawyers like you.

Lawyers from all practice settings, including public, private, solo, public interest, government, judiciary, academia, and corporate, participate on committees, which offer them a rewarding opportunity to meaningfully contribute to the work of the organized bar. Committee service has historically led to leadership opportunities in the Association—and that is the pinnacle of a lifetime of professional achievement.

We should note that the Association has formally adopted a Diversity Policy and is committed to achieving diversity in all of its forms.

### What's in it for me?

Committee work does require a commitment of time, but the rewards are significant. It provides you with the opportunity to have meaningful input into matters that affect the practicing bar and the public whom we serve. Committee service allows you to enjoy the company of lawyers from areas throughout the state in a collegial atmosphere and to have the unique experience of working with leading practitioners. Committee members not only contribute, they learn and benefit from a shared networking experience. But you have to be committed. You must be willing to give your time and to share your expertise, experience and perspective.

### How much time will it take?

On average, most committees meet quarterly or bi-monthly and in most cases a few hours of preparation are necessary for each meeting. Under the Bylaws, members are appointed annually by the president, but usually serve three years.

### Who makes the appointments?

Appointments are made by the president who assumes office on June 1. In anticipation of taking office, the president-elect reviews and evaluates the work of each committee during the spring and makes appointments taking into account the completed Committee Assignment Request Form. Committee assignments are effective June 1, 2014. The deadline for responding is April 1, 2014. You will receive notification of your appointment in May 2014.

### What do I need to do?

You can complete the form on this page or visit the NYSBA Web site and fill out your information online at [www.nysba.org/joincommittees](http://www.nysba.org/joincommittees). You also may write directly to President-elect Glenn Lau-Kee, c/o New York State Bar Association, 1 Elk St., Albany NY 12207, to advise him of your interest in being appointed to serve on a committee noting any special qualifications you may possess. Please provide a brief statement supporting your application (300-word maximum). Please include practice area, your relevant prior experience, bar service, all known prior presidential appointments, and, if applicable, prior service on the committee for which you are applying.

### NYSBA Committee Assignment Request Form:

Deadline is April 1, 2014.

### Please Note

If you are presently serving on an Association committee(s), you do not need to submit this form for your current committee. Due to the specialized nature of committee work, eligibility must be restricted to attorney members only. Law student members are encouraged to apply for committee positions upon their formal admission to practice.

We appreciate your interest and will do our best to accommodate all requests but due to the large volume of requests received this may not be possible. In that event, we encourage you to continue to apply in the future.

### Application requirements:

- A brief statement supporting your application (300 word maximum).
- A list of your practice area, relevant prior experience, bar service and all known prior presidential appointments.
- A copy of your CV.

**Please note:** Submissions not accompanied with a statement and CV will be returned with a request for additional information. Please ensure that your application package is complete prior to submission to avoid delays in the selection process.

*Please list your first, second and third preferences.*

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\_\_\_\_\_

\_\_\_\_\_

**Please complete and return** this form along with your letter of interest, prior bar experience and CV by April 1, 2014 to: Kimberly McHargue, Executive Offices, NYSBA, One Elk Street, Albany, NY 12207. Fax: 518.487.5624.

To apply online\* go to: [www.nysba.org/joincommittees](http://www.nysba.org/joincommittees)

\*You will need your NYSBA username and password to access this area. If you need this information, please call 518.463.3200.



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## NYSBA WEBCAST

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## Annual Meeting 2014 Preview

Continued from page 14

### ►Young Lawyers Section

Bridge the Gap 2014: See Information  
from Thursday's Meeting.  
Meeting 9:00 a.m. – 5:00 p.m.

### COMMITTEE MEETINGS

#### ►Committee on Children and the Law

Advanced Child Protective Litigation—This  
program will explore recent developments  
in child protective law and such difficult  
situations as when the attorney for the  
child must take the initiative, managing the

interconnection with family offense and  
custody proceedings, complying and coping  
with Nicolson guidelines on removal of  
children, involving non-respondent parents  
and other family resources and pursuing  
alternatives to foster care placement.  
Meeting 9:00 a.m. – 12:15 p.m.

#### ►Committee on Not-For-Profit of the Real Property Law Section and the Municipal Law Section

Primer on Real Property Tax Exemptions.  
Meeting 9:00 a.m. – 12:10 p.m. ♦



**NYSBA**  
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