

2017 ANNUAL MEETING

Commercial and Federal Litigation Section

Wednesday, January 25, 2017 | New York Hilton Midtown

3.0 Total Credits: 2.0 Ethics; 1.0 Areas of Professional Practice (Non-transitional)

Tuesday, January 24, 2017

Evening at Thurgood Marshall Courthouse
with the Second Circuit

5:00 p.m. - 7:30 p.m.

www.nysba.org/ComFedJan24

Wednesday, January 25, 2017

Section Program

9:00 a.m. – 12:00 p.m. | Rendezvous Ballroom, 3rd Floor

Cocktail Reception

12:00 – 12:30 p.m. | Petit Trianon Ballroom Foyer, 3rd Floor

Luncheon

12:30 – 2:00 p.m. | Trianon Ballroom
3rd Floor

Wednesday, January 25, 2017

9:00–9:10 a.m.

INTRODUCTIONS

SECTION CHAIR

Mark A. Berman, Esq., Ganfer & Shore, LLP, New York City

PROGRAM CHAIR

Robert N. Holtzman, Esq., Kramer Levin Naftalis & Frankel LLP, New York City

9:10–10:50 a.m.

Current Ethics Issues in Commercial Litigation (2 credits in Ethics)

Practitioners face ethical issues on a daily basis in litigating commercial disputes. We have assembled a panel comprising practicing lawyers, a sitting judge, and a professor of legal ethics to discuss recent developments affecting litigation of commercial disputes in New York, including privilege issues arising in the context of litigation concerning the scope of the common-interest doctrine following the decision of the Court of Appeals in *Ambac Assurance Corp. v. Countrywide Home Loans Inc.*, privilege issues implicated in internal investigations by corporate counsel, transfer of the privilege in mergers and acquisitions, the use of law firm general counsel, and other developments.

Moderator:

Ellen Yaroshefsky, Esq., Howard Lichtenstein Distinguished Professor of Legal Ethics and Executive Director of the Monroe H. Freedman Institute for the Study of Legal Ethics, Hofstra Law School, Uniondale

Panelists:

Hon. Timothy S. Driscoll, Justice of the Supreme Court of the State of New York, Commercial Division, Nassau County, Mineola

Danielle C. Lesser, Esq., Morrison Cohen LLP, New York City

Michael S. Ross, Esq., Law Offices of Michael S. Ross, New York City

Vincent J. Syracuse, Esq., Tanenbaum Helpert Syracuse & Hirschtritt LLP, New York City

10:50–11:05 a.m.

Refreshment Break

11:05–11:55 a.m.

Appellate Attacks on Arbitration Awards (1 credit in Areas of Professional Practice)

One of the primary arguments in favor of arbitration is the (at least theoretical) finality of the process. This panel will discuss approaches used by parties seeking to overturn arbitration awards both in court and through arbitration appeal panels. Topics addressed will include discussion of the scope of permitted review under the Federal Arbitration Act and New York's Civil Practice Law and Rules, the use of appellate arbitration panels, and the impact these standards have on the arbitration process and the timely and efficient resolution of disputes through arbitration.

Moderator:

Hon. Rosemary S. Pooler, United States Circuit Judge, United States Court of Appeals for the Second Circuit, Syracuse

Panelists:
Hon. O. Peter Sherwood, Justice of the Supreme Court of the State of New York, Commercial Division,
New York County
Louis P. DiLorenzo, Esq., Bond Schoeneck & King, New York City
Lea Haber Kuck, Esq., Skadden, Arps, Slate, Meagher & Flom LLP, New York City
Jeanne C. Miller, Esq., JAMS, New York City

12:00–12:30 p.m.
COCKTAIL RECEPTION – Petit Trianon Ballroom Foyer, 3rd floor

12:30–2:00 p.m.
LUNCHEON – Trianon Ballroom, 3rd Floor

**PRESENTATION OF THE STANLEY H. FULD AWARD FOR OUTSTANDING CONTRIBUTIONS
TO COMMERCIAL LAW AND LITIGATION**

Award Recipient
United States Court of Appeals for the Second Circuit

Award Acceptance
Hon. Robert A. Katzmann, Chief United States Circuit Judge, United States Court of Appeals for the Second Circuit

Award Presenter
Hon. Janet DiFiore, Chief Judge of the Court of Appeals and of the State of New York

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IMPORTANT INFORMATION

Under New York’s MCLE rule, this program has been approved for a total of 3.0 credit hours (2 credits in Ethics and 1.0 Areas of Professional Practice). **This program will NOT qualify for credit for newly-admitted attorneys because it is not a basic practical skills program.**

Discounts and Scholarships: New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. This discount applies to the educational portion of the program only. Under this policy, any member of our Association or non-member who has a genuine basis for their hardship, if approved, can receive a discount or scholarship, depending on the circumstances. Request for discounts or scholarships must be received prior to January 13th, 2017. For more details, please contact Lori Nicoll in writing at New York State Bar Association, One Elk Street, Albany, New York 12207 or lnicoll@nysba.org.

 **Accommodations for Persons with Disabilities:** NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518-487-5563.

 For overnight room accommodations, please call the New York Hilton Midtown at 1-800-445-8667 and identify yourself as a member of the New York State Bar Association. Room rates are \$260.00 for single/double occupancy. Reservations must be made by Friday, December 16, 2016. You also can reserve your overnight room on the web at www.nysba.org/am17accomm.

 For questions about this specific program, please contact Lori Nicoll at 518-487-5563. **For registration questions only, please call the Member Resource Center at 800-582-2452. Fax registration form to 518-463-5993.**