Guidelines on NYCLA's Ethics Hotline

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Cellphone Collection Drive to raise funds for Uncontested Divorce Project

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by Barry R. Temkin and Wally Larson Jr.

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Guidelines on NYCLA’s Ethics Hotline

by Barry R. Temkin and Wally Larson Jr.

NYCLA’s Ethics Hotline provides free, confidential advice to members concerning ethics questions that may arise in the course of their practice. The Hotline is staffed on a voluntary, rotating basis by members of the NYCLA Professional Ethics Committee, which includes a variety of practitioners with an interest in ethics. The names and phone numbers of Hotline staffers are available on the Association’s website at www.nycla.org, in its publication, the New York County Lawyer, or by calling NYCLA at 212-267-6646.

Here are some basic guidelines on the kinds of questions a Committee member staffing the Hotline is permitted to answer. First, questions about the inquiring lawyer’s prospective conduct may be answered, but not questions about the conduct of another attorney. The Hotline does not give opinions about the conduct of the inquiring attorney’s adversary. Second, the Hotline does not express opinions about matters that are currently the subject of litigation and/or that could be answered by a court presiding over pending litigation.

In addition, because our Committee’s jurisdiction is generally limited to interpretation of the Lawyer’s Code of Professional Responsibility, members staffing the Hotline will not interpret questions of substantive law raised in statutes, court rules or court decisions. For example, we may answer a question about the reasonableness of a fee under Disciplinary Rule 2-106 but will not advise whether a lawyer’s charging lien exists or is legally enforceable. Valid questions may relate to conflict situations, advertising limitations, office sharing or a lawyer’s ethical obligations with respect to confidentiality.

Specific advice is generally not given, as there is a limit to how much detail can be imported from a brief phone call. Therefore, the attorney staffing the Hotline will cite the applicable provisions of the Code and give general guidance but will not be able to definitively answer all questions posed by callers. Why? Because the ethical questions that arise in the course of our practice are often highly complex and fact specific and cannot be answered in a brief phone call to an ethics hotline. In the event that a question to the Hotline is too complex or fact intensive for a quick answer, a caller may request that the Committee publish an opinion. And, if the Committee member determines that the question is one of wide applicability so that a written opinion would be of value to the greater bar, the member may request that the Committee issue a formal written opinion. Since these opinions require substantial review and the consensus of the full Committee, it often takes several months to issue an opinion. And in certain cases, after discussion and/or research and drafting, the Committee may determine that it is unable to reach consensus needed for an opinion to be issued.

A word about confidentiality is in order. Hotline callers will be asked for their names and phone numbers in case the Hotline needs to correct or supplement any oral advice given. However, the identity and substance of all Hotline calls are confidential and not shared either with the full Committee or with anyone outside the Committee. The Hotline will not divulge the identity of its callers and if a formal written opinion is issued in response to a question raised by a caller, the opinion will generalize the facts sufficiently to shield the caller’s identity. However, Hotline callers should understand before deciding to utilize the Hotline that the Committee is not required to obtain their consent to draft an opinion on an issue stemming from a caller’s inquiry.

Sometimes an ethics problem is sufficiently advanced that the Hotline cannot assist the caller and the inquiring attorney is advised to retain independent counsel. For example, an attorney who is the subject of a formal investigation by the Departmental Disciplinary Committee, is the subject of a judicial Order to Show Cause or is named in a civil suit is well advised to retain private counsel.

The Ethics Hotline is a valuable service to the practicing bar. The Professional Ethics Committee urges NYCLA members to make full use of the Hotline. We encourage NYCLA members with an interest in professional ethics to join our Committee. Anyone with questions is welcome to contact us: Co-Chairs Barry Temkin at 212-809-8000 (Barry.Temkin@ALG.com) or Wally Larson at 212-530-5728 (WLarson@Milbank.com).

Mr. Temkin and Mr. Larson are Co-Chairs of the Professional Ethics Committee.

In Part II, Mr. Temkin and Mr. Larson will provide specific examples of the calls that the Hotline receives.

NYCLA Hosts Public Service Awards Reception

Thursday, September 28 - 6:00 PM

K’yteone Speaker and Conspicuous Service Awardee

Hon. Jonathan Lipman, Chief Administrative Judge of the Courts, New York State

NYCLA also salutes lawyers in the public sector and winners of the Criminal Justice Section’s Public Service Fellowship Essay Competition.
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Women’s Rights Committee for an examination of experience of women jurists

Three women jurists will discuss their experiences serving on the bench in a public forum sponsored by NYCLA’s Women’s Rights Committee and the Gender Fairness Committee of the New York County Supreme Court, Criminal Term on Wednesday, September 13 at 6:00 PM at the NYCLA Home of Law. The forum participants are Hon. Angela M. Mazzarelli, Associate Justice, Appellate Division, First Department, who is the moderator; Hon. M. Lucy Mailula, Judge of the High Court in Johannesburg, South Africa; and Hon. Dianne Renwick, chair of the Supreme Court, Bronx County. The forum is co-sponsored by two NYCLA committees – Minorities and the Law and Foreign and International Law Committees, and Women and Politics Institute at American University’s School of Public Affairs.

Profiles of Forum Participants

Hon. M. Lucy Mailula
Judge Mailula serves on the High Court in Johannesburg, South Africa and is also President of the South Africa Chapter of the International Association of Women Judges (IAWJ). She is one of 28 women named to South Africa’s higher courts since 1994, when a constitutional democracy replaced the apartheid regime. Appointed to the courts in 1995, Judge Mailula is the first black woman judge to be named to the Supreme Court. Before assuming that position, she served as an advocate and experienced the discrimination that characterized apartheid’s nearly all-white, nearly all male judiciary. Judge Mailula’s engagement in advancing women to the bench is part of her commitment to advancing gender equality in South Africa.

Hon. Angela M. Mazzarelli
Justice Mazzarelli began her legal career as a legal services lawyer in the South Bronx representing indigent persons in Housing and Family Courts. Elected a Civil Court judge for the City of New York, she served as chair of the court’s citywide Anti-Bias Committee, exploring the conditions of New York City courtrooms where female prisoners were held and developing childcare facilities for them. In 1992, she was elected to the Supreme Court of the State of New York and presided in the Civil Term in New York County. In 1994, Governor Mario M. Cuomo designated Justice Mazzarelli to be an associate justice of the Appellate Division, First Department; she has since been redesignated by Governor George E. Pataki.

Hon. Dianne Renwick
Prior to serving on the bench, Justice Renwick was a trial attorney for both the Federal Defender and Criminal Defense Divisions of The Legal Aid Society. She has served as a member of the Appellate Division, First Department; she has since been redesignated by Governor George E. Pataki.

The forum’s co-sponsor, the Women and Politics Institute, which is located in the School of Public Affairs at American University, seeks to advance the study of women and politics and promote opportunities for women in politics. The Institute offers courses taught by nationally recognized experts and provides opportunities to work in career-building internships in women’s organizations and in offices of women members of Congress.

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In a recent amendment to the Rules Governing Judicial Conduct, mandatory ethics training is now required for all candidates in judicial elections with the exception of those seeking election as town and village justices. Several options to fulfill the requirement will be made available through the Judicial Campaign Ethics Center. A live training session will be held on September 19 at the Judicial Institute in White Plains. Simulcasts of these sessions will also be held throughout the state and additional options for candidates who cannot attend either form of training will be made available, as well. The ethics training must be completed either 90 days prior to receiving the judicial nomination or 30 days after. The Judicial Campaign Ethics Center’s website (www.nycourts.gov/jpec) will have all of the latest news regarding the training sessions and requirements. In order to receive the most up-to-date information, contact the Center by phone at 888-600-5232 or via email at contact@ecourts.state.ny.us.

Courtroom Connect’s Videoconference Technology
by A ngie Goldberg

The benefits of videoconferencing are well documented. Most law firms recognize that it provides a convenient and cost-effective way to consult with witnesses, conduct depositions and appear for depositions without ever leaving the office.

Videoconferencing on a Solid Foundation
Like all of the prominent communications providers, Courtroom Connect meets all of the standard technical requirements for videoconferencing. Through partnerships with AT&T, Covad, Sonic Foundry and the industry leader in conferencing technology, Polycom, Courtroom Connect, with its highly trained technical staff and advanced data center, deliver and support sophisticated IP backbone and hosting services, ISDN communications and bridging services, deployment, set up, training and support.

Videoconferencing Applications
By providing you with more than just technology, Courtroom Connect enables you to get the most out of your investment in video technology. Courtroom Connect offers NYCLA members a $175 discounted annual subscription rate (normally $225) for non-trial members a $175 discounted annual subscription rate (normally $225). NYCLA members may also make use of videoconferencing, video streaming and Internet services no matter where you are – at court, in a deposition or in mediation.

The Bottom Line
Let Courtroom Connect help you get the most out of your investment in video technology. Courtroom Connect offers NYCLA members a $175 discounted annual subscription rate (normally $225) for non-trial services at all of its permanently networked courthouses in Manhattan. For more information about Courtroom Connect, go to www.courtroomconnect.com, call 877-838-9067 or email info@courtroomconnect.com.

M. Goldberg is the Senior Director of Videoconferencing Applications.

NYCLA runners
Are you planning to run the New York City Marathon on November 5? Would you like to share your thoughts about how you combine the rigors of practicing law with the physical rigors of training for the purpose of a good cause? Send your ideas to Anita Aboulafia, Editor, New York County Lawyer, at aaboulafia@nycla.org.

Theater discounts for NYCLA members
NYCLA members enjoy discounts to “The Times They Are A Changin’,” “Marianne: A Play About Marianne,” “Fame Becomes Me,” “Hairspray,” “Dirty Rotten Scoundrels,” “Wedding Singer,” “Mama Mia!,” “RENT” and “Chicago.” Go to www.nycla.org, enter your member information and click on Benefits in the Members Only listing. Click on Leisure and Retail in the dropdown menu and scroll down to OnStageSavings.

T-MOBILE discount for NYCLA members
T-Mobile USA is offering NYCLA members corporate level discounts on Blackbery and cellphones with the activation of a new line of service. There will be no activation fee for NYCLA members. There are also mail-in rebates on some models. To take advantage of this special discount, members must contact Amanda Bond, Major Account Executive, at Amanda.Bond2@t-mobile.com or call 917-470-0582.

Remainder: Calling all NYCLA authors
The Library has begun collecting publications written or edited by NYCLA members. Any NYCLA member in good standing who has written or edited a published book (one that has an ISBN number) on any subject is eligible and encouraged to participate. The NYCLA Author Collection will contain legal books, poetry, histories, biographies, novels, essay collections, cookbooks, etc. - as long as the book has an ISBN number and its writer has a valid NYCLA membership. Please note that all articles, including law review articles, do not qualify for the Collection. Members who donate books are eligible to receive a tax deduction to the extent provided by law. Please send a copy of your book to the NYCLA Library, 14 Vesey Street, New York, NY 10007. Attention: NYCLA Author Collection. If you have any questions, contact the Library at 212-267-6646, ext. 206.

New York County Lawyers’ Association’s Pro Bono Committee Launches

CELLPHONE COLLECTION DRIVE

The Drive supports NYCLA’s Uncontested Divorce Project, which assists low-income individuals obtain divorces. Inactive cellphones and batteries (no accessories, chargers, etc.) will be collected until the end of 2006 and will be recycled. Donate your inactive cellphones today.

Bring your cellphone to:
NYCLA Home of Law - 14 Vesey Street
in the lobby, across from the elevator.

For more information, contact Lois Davis, NYCLA’s Director of Pro Bono Services, at 212-267-6646, ext. 217 or email ldavis@nycla.org.

September 19 ethics training at Judicial Campaign Ethics Center

In a recent amendment to the Rules Governing Judicial Conduct, mandatory ethics training is now required for all candidates in judicial elections with the exception of those seeking election as town and village justices. Several options to fulfill the requirement will be made available through the Judicial Campaign Ethics Center. A live training session will be held on September 19 at the Judicial Institute in White Plains. Simulcasts of these sessions will also be held throughout the state and additional options for candidates who cannot attend either form of training will be made available, as well. The ethics training must be completed either 90 days prior to receiving the judicial nomination or 30 days after. The Judicial Campaign Ethics Center’s website (www.nycourts.gov/jpec) will have all of the latest news regarding the training sessions and requirements. In order to receive the most up-to-date information, contact the Center by phone at 888-600-5232 or via email at contact@ecourts.state.ny.us.
Summertime is usually downtime for bar associations, but this summer is different. The New York County Lawyers’ Association is busier than expected because the Presiding Justices of our four appellate divisions have issued proposed amendments to the Code of Professional Responsibility that become effective on November 1, 2006. On June 15, the Office of Court Administration issued a public notice requesting comments to the rule changes by September 15. That public notice was just as the July/August issue of New York County Lawyer was going to press and we were unable to solicit comments. The comment period (unless extended) will expire as this column is published.

Across the State, New York’s bar associations are preparing comments to the Proposed Rules and I am reluctant to speculate about the details of what that ongoing effort will generate. The background to the proposed changes began last year when the New York State Bar Association (NYSA) prepared a lengthy report on lawyer advertising and recommended extensive changes to the rules governing the solicitation of legal business, particularly with respect to broadcast advertisements and internet websites. Currently, internet websites are not specifically addressed by New York’s Code of Professional Responsibility.

NYSA’s report indicated that approximately one third of the advertisements were potentially misleading. Approximately 90 percent of those misleading advertisements involved the disclosure requirements governing fee arrangements. More than half neglected to comply with existing requirements regarding disclosure of the name, address and telephone number of law firms employing broadcast advertisements. The report acknowledged that the staffing of the departmental disciplinary committees is insufficient to meaningfully enforce the current rules governing ethically permissible advertising and it strongly recommended increasing the necessary staff to monitor and enforce the rules. The report also recommended expanding the rules governing the solicitation of advertising materials so that they can be better reviewed by disciplinary authorities for appropriate action where warranted.

With minor modifications, the report and recommendation were approved at the January meeting of NYSA’s House of Delegates. Against the background of attention directed to attorney advertising and soliciting legal business, there are other developments both within and outside of New York State. In New York, Chief Judge Judith S. Kaye has been unstinting in advancing the core values of professionalism and she never misses an opportunity to advance both the bar’s and the public’s perceptions of lawyers as “professionals.” In other states, bar associations and court administrators have also been addressing the topic of “professionalism” through various means. For example, to promote “civility” within the bar, several states have removed the word “zealous” as the adjective that precedes the word “zealousness” in describing a lawyer’s duty to a client. Increased emphasis on the notion of “civility” has led other states to adopt various codes of “civil conduct” similar to New York’s Standards of Civility promulgated almost a decade ago.

Professionalism in Florida

In December, the Florida Supreme Court is expected to resolve the Florida Bar’s imposition of sanctions and a public reprimand of two attorneys whose advertising efforts failed to meet the bar’s standards. In April, the Supreme Court of Florida held that the telephone number “1-800-PIT-BULL” aired by the attorneys violated the local rules of professional responsibility. The Court condemned this type of advertising as both unethical and unprofessional. The Florida Court elaborated by saying that any approval of the moniker “pit bull” can lead to the implicit approval of lawyers who solicit business by styling themselves as “sharks, wolves, crocodiles, and panthers.” Perhaps intentionally, the Florida Supreme Court omitted alligators from its litany of vicious beasts.

Professionalism in New Jersey

At the end of July, New Jersey’s Committee on Attorney Advertising issued Opinion 39, which condemns the appellation “Super Lawyers.” This opinion characterized the designation “Super Lawyers” or “best lawyers in America” as a form of comparative advertising, which it called a “simplest... sound bite” that clearly has the capacity to materially mislead the public. Within the week, the publication sponsoring the “Super Lawyers” designation contested the New Jersey committee’s edict and the issues involved are proving somewhat more controversial than expected.

U.S. Supreme Court Rules on Professionalism

Over the last 30 years, there has been tension between the two camps – those attempting to prohibit attorney advertising and those seeking to protect the U.S. Constitution’s First Amendment right to engage in free speech. As an example, in 1985, the U.S. Supreme Court’s ruling in Bates v. State Bar of Arizona struck down absolute bans on attorney advertising and solicitation. Since then, several Supreme Court cases have defined the contours of permissible regulation of lawyer advertising under the rubric of “commercial speech.” The Constitutional doctrines precluding any outright advertising ban while permitting regulation of advertising that is “inherently misleading” – Shapero v. Kentucky 485 U.S. 467 (1988) – have set the stage for categorical and so-called “commercial speech” regulations. For example, in Bates v. State Bar of Arizona, the Supreme Court upheld a ban on any solicitation of legal business from personal injury or wrongful death victim for a period of 30 days after an accident. Although that prohibition is “categorical,” its duration was deemed sufficiently limited as to satisfy the First Amendment’s constitutional limitations on commercial speech.

Here in New York, the Presiding Justices of the appellate divisions are currently receiving comments to their proposed new rules. The proposed rules are applicable to every lawyer (even someone who is not admitted in New York) who solicits business via the internet, television or radio in this State. The new rules would prohibit certain forms of “zealousness” and “solicitation” are extremely broad and that breadth will probably engender significant comment. What will likely distinguish the proposed “prohibition” on advertisements and solicitations (except for deceptive, misleading or false advertising), they mandate the inclusion of disclaimers in advertising materials that contain or suggest any promises of success. For example, only statements that are objectively verifiable can be disseminated and if comparative statements or client testimonials are used, a disclaimer must be included stating that the prior results do not predict future outcomes.

Perhaps the most controversial proposed rule is one imposing a 30-day ban on soliciting legal business from accident victims – a provision similar to the one upheld by the U.S. Supreme Court in the Watt F. F. It case. This type of ban troubles many lawyers because it permits insurance companies or other parties to obtain waivers or witness statements from accident victims and their families without any warning that the person being interviewed should consult counsel before compromising his or her rights. Indeed, the proposed rule may even invite that sort of opportunistic behavior by insulating an accident victim’s family from a lawyer’s un solicited legal advice at the very moment of their greatest need. Many attorneys urge that any prohibition of this nature be modeled on the Federal Aviation Disaster Family Assistance Act, which imposes restraints on solicitations by air carriers and insurance companies comparable to those imposed on potential plaintiffs’ counsel.

One rationale for regulating attorney advertising is, of course, the promotion of professionalism among members of the bar. Professionalism has several elements and certainly one of its goals is to earn the public’s favorable perception and respect. For our core values and acceptance of the principle of the rule of law depend on the connection between how the public views our legal system and its two principal components: the bench and the bar. Undeniably, the public esteem for the judiciary is diminished if the bar is perceived as unprofessional. In this respect, the Court of Appeals in Shapero v. Kentucky (1988) may wonder why lawyers’ prestige has fallen. Among the many conclusions offered in Shapero is that those polled believed that prestigious occupations are ones that help those in need, and, consequently, firefighters, doctors and nurses are at or near the top of the list. Making money does not equal prestige; therefore, business executives and stock brokers – two occupations usually associated with wealth – are both on the bottom half of the list. Prestige is also not equated with fame. Entertainers and actors – two professions usually regarded as glamorous – are also in the bottom half of the list, as are athletes. People may know and follow the careers of actors, actresses or musicians, but many do not consider what they do to rank as highly prestigious.

As a bar association, NYCLA promotes the core values of competence, integrity and collegiality. As professionals, we are duty bound to subordinate our personal interests to the interests of our clients and the integrity of the legal system. As the text of New York’s Disciplinary Rules make clear, NYCLA urges all members of the bar to subordinate personal interests to the public views our legal system and its two principal components: the bench and the bar. Undeniably, the public esteem for the judiciary is diminished if the bar is perceived as unprofessional. In this respect, the Court of Appeals in Shapero v. Kentucky (1988) may wonder why lawyers’ prestige has fallen. Among the many conclusions offered in Shapero is that those polled believed that prestigious occupations are ones that help those in need, and, consequently, firefighters, doctors and nurses are at or near the top of the list. Making money does not equal prestige; therefore, business executives and stock brokers – two occupations usually associated with wealth – are both on the bottom half of the list. Prestige is also not equated with fame. Entertainers and actors – two professions usually regarded as glamorous – are also in the bottom half of the list, as are athletes. People may know and follow the careers of actors, actresses or musicians, but many do not consider what they do to rank as highly prestigious.

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by Aliosn Slotnick

The corner of Vesey Street and Broadway, now the site of Staples and the New York Sports Club and, further west, NYCLA, was once home to New York City’s first luxury hotel. This 1913 photograph depicts the Astor House, the first hotel in New York to have extensive plumbing, including bath and toilet facilities. Originally called the Park Hotel, it opened in 1836 on the site of John Jacob Astor’s home on Broadway between Vesey and Bayard Streets. With 309 rooms, the Greek Revival-style hotel was once home to President Abraham Lincoln. After representing the pinnacle of luxury in New York for 77 years, the Astor House closed its doors in 1913. Ten years later, William Nelson Cromwell, who purchased the Park Hotel, opened the historic Astor House building after its closure, made NYCLA an offer to buy the property. Mr. Cromwell was willing to sell the land so the Association could construct its own

“Home of Law.” He was so set on having NYCLA make its home on Vesey Street that he ultimately contributed over $600,000 toward the building expenses and served as the Association’s President from 1927-1930. In 1927, NYCLA took ownership of the property on 12, 14 and 16 Vesey Street and in 1929, the cornerstone, which contains a time capsule, was laid. Cass Gilbert designed the auditorium after the main chamber of Independence Hall in Philadelphia and his plan for the building became a reality in 1930 when the NYCLA Home of Law was completed. The 1913 photograph is a gift to NYCLA from K. Jacob Ruppert, Esq., the great great grandson of brewer Jacob Ruppert Sr. and the NYCLA CLE Institute’s Senior Program Attorney from 2001-2004. He also serves as his family’s historian.

M. Slotnick is the Communications Assistant at New York County Lawyers’ Association.

by Robert C. Mende J. R.

In mid September, the New York County Supreme Court, impaneling the vision of Chief Judge Judith S. Kaye, inaugurates a program that will provide online access to Supreme Court records. It is a first in the State Supreme Court, Civil Branch’s records and data. What follows is a brief summary of this project, one of two in the State (Broome County is the other venue).

In the New York County project, a joint effort between the Court’s Chief Judge, Hon. Norman Goodman, and the Court (Hon. Jacqueline W. Silberman, Administrative Judge), County Clerk and Court staff have scanned and posted various civil case records in PDF format on the Court’s internet website (www.nycourts.gov/supcmtn). On that site, through a program created by the Court called the “Supreme Court Records On-Line Library” (or “SCROLL”), attorneys will be able to access, at no charge, case information (County Clerk data and data from the Court’s Civil Case Information System (CISIS) and images of key documents in each case in an integrated format.

Many types of documents will be accessible: the complaint or other initiating papers, the answer and other pleadings, Requests for Judicial Intervention, discovery orders, decisions (unless otherwise ordered), notices of motion and proposed orders to show cause (but not the supporting or opposing papers), notes of issue, jury demands and judgments. Cases will be available in SCROLL with a few exceptions: documents from Mental Hygiene Law cases, matrimonial cases and matters in which a sealing order has been issued will be excluded.

Four related local court rules have been proposed, but note that any private information will not be posted on the internet. In addition to documents in the case categories mentioned, bills of particulars, affidavits and memos of law will be excluded.

Beyond this, the rules direct attorneys who are filing documents covered by the project to avoid including therein bank account numbers, social security numbers and the like. To the extent that such information must be stated, it should be limited (e.g., only a few digits of a bank account number). The rules further provide that if such information must be set out in full, the filer shall seek a court directive that the document be excluded from the SCROLL system. Also, any party or person who may be adversely affected can request a directive of exclusion or deletion if the document has already been posted. Persons who wish to make this request can present it in a letter to the assigned Justice or the Administrative Judge (if the case is unassigned).

The public access project will generate a digital file that is not to be posted in the New York Court System’s electronic filing program (see Uniform Rule 202.5-b), which is authorized in tort, commercial and tax cases in Supreme Court in 16 counties across the State (including Broome and New York), the Court of Claims and Erie County Surrogate’s Court. E-filing, however, will offer benefits to the Bar that the public access project cannot (e.g., online filing, payment of court fees and service of subpoenas) and attorneys may thus find it useful to e-file their cases.

In transmitting to NYCLA and other bar groups a Notice to the Bar on this subject (also posted on the Court’s website), Administrative Judge Silberman has invited comments and suggestions. NYCLA Committees and Sections are welcome to submit them to Judge Silberman at the courthouse at 60 Centre Street (Room 611).

Mr. Mende is the First Deputy Chief Clerk, Supreme Court, Civil Branch, New York County. He is a both both strategic studies Co Chair. of NYCLA’s Supreme Court Commission.

Vesey Street and Broadway: then and now

by Aliosn Slotnick

A NYCLA Library fundraiser featuring a talk and book signing by Matthew Bogdanos, an Assistant District Attorney in Manhattan, Marine Corps Reserve Col., and member of Committees and Criminal Justice Section of the Association could construct its own

invasion of Baghdad. Among the successes in his recovery efforts was the Golden Temple of Nimrud, which consists of over 1,000 pieces of gold jewelry and precious stones from ninth and eighth centuries B.C.

Col. Bogdanos, who was often referred to as a “pit bull” by New York press and defense attorneys, has prosecuted high-profile defendants such as hip hop mogul Sean “P.Diddy” Combs and played an active part in seeking out terrorist suspects from the September 11 attacks. After September 11, Col. Bogdanos left the courtroom and revisited his Marine roots, organizing counter-terrorism operations in Afghanistan and later in Iraq. Without receiving any official sanctions, he emboldened private citizens and made use of his educational background, which includes Masters degrees in both strategic studies and classics. For his efforts in Iraq, he was awarded a National Humanities Medal by President George W. Bush in 2005.

If you are interested in attending the fundraiser, registration can be completed online via NYCLA’s website: www.nycla.org.

Ms. Slotnick is the Communications Assistant at New York County Lawyers’ Association.

Thieves of Baghdad author to visit NYCLA for book signing

by Aliosn Slotnick

NYCLA can purchase tickets for $50, are co-sponsoring the event. Members of Committees and Criminal Justice Section of the Association could construct its own

is a riveting adventure, packed wth wartime intrigue, the unique insights of a brave combatant, and the candor and humor of someone quite comfortable on the front lines, at home and abroad.” — New York Times best-selling crime novelist Linda Fairstein.
57-year NYCLA member wins age discrimination case

by Allison Slotnick

For nearly six decades, Murray Schwartz, Managing Partner in Schwartz & Perry, LLP, has practiced law, the last 20 years of which he has specialized in areas of litigation related to employment discrimination. He became a NYCLA member in 1949 upon receiving his J.D. from Brooklyn Law School and now has Sustaining Member status.

Mr. Schwartz’s most recent courtroom victory on June 9 was an age discrimination case in which, after less than an hour of jury deliberations, a $2.5 million verdict was awarded to the plaintiff. Mr. Schwartz, his daughter and partner, Davida S. Perry, as well as associate Brian Heller, tried the case in the U.S. District Court for the Southern District of New York.

Mr. Schwartz has been integral to several landmark “first impression” cases cited as precedent in current employment law disputes. Among the most notable of these cases is McIntyre v. Manhattan Ford, a sexual harassment and emotional distress case. As lead trial attorney and representative of the plaintiff, Mr. Schwartz won a $66.6 million settlement. Although the settlement was later reduced by trial and appellate courts, it remains as one of the highest awards for sexual harassment in the U.S. For their work on this case, Mr. Schwartz, along with his daughter and the plaintiff, were honored in a 1999 ceremony organized by the New York Chapter of the National Employment Lawyers Association (NELA/NY) for “Courageous Plaintiffs Who Fought Back.”

When not in the courtroom, Mr. Schwartz manages the active employment law practice of Schwartz & Perry and works with law school students as a scoring judge for the New York Regional Student Trial Advocacy Competition, as well as for New York Law School’s moot court competition. In addition, his firm created a summer legal internship approximately ten years ago that accepts law students from New York City law schools and provides a hands-on approach to the practice of employment law, as well as valuable access to his extensive experience.

Mr. Schwartz received his LL.M. from the New York University School of Law and has served as a panelist at symposiums at St. John’s University, the New York State Bar Association, the Practising Law Institute, the National Employment Lawyers Association and NYCLA. He is a member of the Lawline.com faculty and has served as a pro se attorney at the U.S. District Court for the Southern District of New York. Additionally, Mr. Schwartz has been featured on Court TV, Fox News and CNN’s Larry King Live.

Ms. Slotnick is the Communications Assistant at New York County Lawyers’ Association.

Noreen Healey named Commissioner of State Liquor Authority

NYCLA member Noreen Healey was confirmed in June as Commissioner of the State Liquor Authority. Ms. Healey is a member of NYCLA’s Law Related Education Committee and in 2005, she was the recipient of the Committee’s PRO BONO Award for her work with students in New York City high schools. Prior to being named Commissioner, Ms. Healey served as a Litigation Attorney representing the New York City Department of Social Services in Family Court and as an Assistant District Attorney in the Appeals Bureau of District Attorney’s Offices in Kings, Nassau and Queens Counties.

Catherine A. Christian inducted into the U.S. Court of International Trade

Catherine A. Christian, NYCLA President-Elect, was inducted into the U.S. Court of International Trade on July 5 at a special session of the Court. Hon. Jane A. Restani, Chief Judge, U.S. Court of International Trade, received an award from the Federal Bar Association’s Empire State Chapter.

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Log on to www.nycla.org, enter your member information and click on NYCLA Express to access this members-only portal. Two new selections have been added to the site: Real Estate Forms and the practice area of Professional Ethics.

Real Estate Forms
To view the newly added Real Estate Forms, click on the Practice Areas tab and then select Real Estate Forms from the drop-down menu. The forms are organized into several categories such as Deeds, Contracts of Sale and Retainers to make it easier to locate your desired form. Lease agreements, Power of Attorney forms and the EPA Lead Paint Disclosure form can be found on the page, along with many others.

Professional Ethics
Professional Ethics has been added in the Practice Areas section. Log on to access content on ethics opinions, a copy of the New York State Bar Association’s Lawyers’ Code of Professional Responsibility and more.
In September, the CLE Institute is presenting new programs designed to answer some of the pressing questions on the minds of attorneys today.

### Crisis Management: What Every Attorney Needs to Know
- **Focus:** How crises can be resolved effectively when they arise with a client or matter that an attorney is handling.
- **Registration:** All attendees will receive a copy of the publication, *Stop the Presses: The Litigation PR Desk Reference*, by Richard S. Levick and Larry Smith.

### Legal Issues of Long-Term Care
- **Focus:** How attorneys can offer the best possible counsel to their clients and inform them about the current long-term care options available to New Yorkers.
- **Registration:** Attorneys involved in medical malpractice and personal injury cases will find this program particularly enlightening.

### Medical Records: Organization, Analysis and Use
- **Focus:** Developing skills necessary to create a winning case.
- **Registration:** Taught by an RN, LNCC and president of a medical records review service, the course provides attorneys with the skills necessary for effective implementation in their law offices.

### Using Technology Effectively in the Law Office
- **Focus:** Compete more effectively with larger firms and provide better quality representation for clients.
- **Registration:** Visit our website at www.nycla.org for further details and to view the entire CLE course calendar.

**NYCLA presents Medical Records:** Organization, Analysis, and Use

- **by Lorna Morelli-Lofton, nurse consultant, author:**
  - *Proving Conscious Pain and Suffering: Harnessing the Medical Evidence* Law Bulletin Publishing Company, Chicago, IL

- **3 MCLE Credits: 1.5 Skills, 1.5 Professional Practice; Transitional**

**NYCLA presents Medical Records Review Service**

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SEAK to host 5th anniversary Legal Fiction Writing for Lawyers Conference

In an effort to encourage attorney-authors and aid them in publishing their work, SEAK (named for founder Steven Babitsky’s family: Steven, Ellen, Alex and Karen) will host its 5th Anniversary Legal Fiction Writing for Lawyers Conference on Cape Cod from October 20-22, 2006. The three-day conference provides participants a hands-on opportunity to improve their writing through workshops taught by New York Times best-selling attorney-authors Lisa Scottoline and Stephen Horn, as well as a chance to meet with literary agents who will critique and review material. Preconferences in areas such as “Screenwriting for Lawyers” and “How Attorneys Can Get Their First Novel Published” will also be offered from October 19-20. Tuition for the conference includes workshops, meals and unique networking opportunities such as a private book party and signing. Attendees will also receive information on how to enter SEAK’s National Fiction Writing Competition for Attorneys. To find out more about the conference and how to register, visit: http://www.seak.com/semLegFicWrit06.htm.
Meet the members of the NYCBA Board of Directors

by Aislinn Slotnick

At NYCBA’s Annual Meeting on May 25, 12 new Board members were elected. Below are profiles of these Board members.

Nelson Aviles
New York City Department of Finance
Attorney/Agency Disclosure Officer

As an attorney with the New York City Department of Finance and the Northern Manhattan Improvement Corporation, Mr. Aviles is active in the NYCLA’s Minority and the Law Committee and serves as a liaison on the NYCLA Committee on Committees. He is a graduate of the University at Buffalo School of Law.

Javon D. Domino
Wilson, Pickering, Albers & Spinelli PC

Mr. Domino was a partner at Wilson, Pickering, Albers & Spinelli PC and has previously served as Co-Chair of the NYCLA’s LGBT Community Center in 2005. Mr. Domino has been actively involved in fundraising efforts for the Center. Mr. Domino is a graduate of New York University School of Law.

Thomas G. Draper Jr.
Stroock & Stroock & Lavan LLP

Mr. Draper is a partner at Stroock & Stroock & Lavan LLP specializing in commercial litigation and white-collar crime. He is a former director of the National Association of Criminal Defense Lawyers. Mr. Draper received his J.D. from the University of Pennsylvania School of Law.

David N. Kelley
Banc of America Securities LLC

Mr. Kelley served as the interim United States attorney for the Southern District of New York from 2003-2005. Among his notable convictions were Martha Stewart and Bernard J. Ebbers, the former chief executive of WorldCom. In addition, Mr. Kelley served as one of the leaders in the Justice Department’s investigation of the September 11 attacks. He was also one of the prosecutors in the trial of Ramzi Yousef who was convicted in the 1993 World Trade Center bombing. Mr. Kelley now serves as the senior litigating partner at Cahill, Gordon & Reindel LLP. He is a graduate of New York Law School.

Lynn M. Kelly
MFY Legal Services
Executive Director

Ms. Kelly, Executive Director for MFY Legal Services since 1998, oversees more than 20 attorneys and paralegals in working helping low-income New Yorkers. She often testifies at government hearings and is a member of the board of directors for a number of organizations offering additional legal services for the underserved.

Deirdra Moore
The Office of Deirdra Moore

Ms. Moore worked in the Criminal Defense Division of the Legal Aid Society prior to starting her own practice. A recipient of the Criminal Justice Section’s 2003 Public Service Fellowship Award, as well as the Black Bar Association of Bronx County Scholarship Prize, Ms. Moore’s extracurricular activities include mentoring teens, serving as an inspirational/motivational speaker to adults and doing pro bono work for the homeless and disadvantaged. She serves on the NYCLA Pro Bono Women’s Rights and Law-Related Education Committee. Ms. Moore received her law degree from CUNY School of Law.

Eugene B. Nathanson
Law Office of Eugene B. Nathanson

A constitutional law specialist, Mr. Nathanson specializes in commercial litigation and civil rights law. He has concentrated in areas including the First Amendment rights, rights of free expression and discrimination. Mr. Nathanson served as Assistant District Attorney for the Kings County New York, Acting Special Counsel to the Corporation Counsel, and serves as a liaison on the NYCLA Committee on Committees. He is a graduate of Boston College Law School.

Stacey J. Rappaport
Milbank, Tweed, Hadley & McCloy LLP

Ms. Rappaport has been at Milbank, Tweed, Hadley & McCloy LLP since 1996, where she has served as an Associate and Senior Appointments Counsel. Prior to joining Stroock & Stroock & Lavan, Mr. Minkowitz served as the General Counsel and Deputy Superintendent of the New York State Insurance Department. He was responsible for overseeing, implementing and interpreting the New York Insurance Law and Regulations. He also represented the Insurance Department on National Association of Insurance Commissioner’s efforts and committees. Mr. Minkowitz currently serves as an Adjunct Professor at New York University School of Law. He has previously taught Business Law at Kingsborough Community College. He is the immediate past Chair of the NYCLA Professional Ethics Committee and a former Chair of the NYCLA Administrative Law, Workers’ Compensation and Unemployment Law Committee. Mr. Minkowitz received both an LL.B. and an LL.M. from Brooklyn Law School.

Mr. Slotnick is the Communications Assistant for the NYCLA’s Committee on Professional Ethics.
NYCLA Library Archival Collection

by William Manz

NYCLA’s Library contains a wealth of documents, research reports, primary and secondary sources, and New York City and State statutory materials dating back to the 18th century. The Library’s holdings are the transcript from the Triangle Shirtwaist Factory fire, the testimony of individual workers, and other related documents.

Triangle Trial Transcript

Smithsonian magazine’s August issue featured an article by David Von Drehle, author of Triangle: The Fire that Changed America, where he relates how two bound volumes of the transcript from the 1911 trial of the Triangle Waist Company owners – People of the State of New York v. Isaac Harris and Max Blanck – were unexpectedly located in NYCLA’s Library in the summer of 2001. The two volumes contained such vital information as the prosecution’s opening statement, both closing arguments, and the testimony. The site has been visited over 1,100 times, and nearly 400 complete copies of the transcript have been downloaded.

Judicial Institute: A Viable Online

The entire contents of the Triangle trial transcripts have been scanned and are now posted on Cornell University’s Kheel Center for Labor-Management Documentation and Archives website at http://www.ilr.cornell.edu/trianglefire. The product of over a year of effort, the digitized archive provides researchers with a high-quality pdf copy of the actual transcript as well as abstracts of the testimony. The site has been visited over 1,100 times and nearly 400 complete copies of the transcript have been downloaded.

Access to Justice in Our Hands

by A nthony L. Soudatt

In May, I attended the Eastern Region Conference co-sponsored by the Self-Represented at the New York State Judicial Institute. The conference focused on solutions for dealing with access to justice. As we seek to create strategies and solutions for dealing with access to justice, we do not have to first determine what qualifies as access to justice. We can measure the success of our efforts unless we have a standard by which to measure it.

The word ‘justice’ in the phrase ‘access to justice’ usually refers to a judicial system and create alternative forums that are better suited for laypersons. If we are to realize our goal of providing access to justice, we must first define what constitutes access to justice. We must be willing to reconsider our justice system and create alternative forums such as arbitration and mediation that can better dispense justice according to our own needs.

MEET AND GREET RECEPTION

NYCLA’s leaders welcomed new members to the Home of Law at the Meet and Greet - Summer Social Reception on August 1. Attendees enjoyed refreshments and complimentary massages provided by Equinox Fitness Clubs. In the top photo, Louis Crespo (at right), NYCLA Secretary, posed with Maureen McSweeney, Account Executive. Pictured below is Lennard K. Rambusch (at right), a member of the Board of Directors, and Sapna Maloor, a new NYCLA member.

S e p t e m b e r 2 0 0 6 / N e w Y o r k C o u n t y L a w y e r 1 1

P A S T E V E N T S

CIVIL COURT PRACTICE SECTION

In June, the Civil Court Practice Section held its annual dinner and honored Hon. Martin Shulman (far left), Supreme Court Justice of the State of New York, and Supervising Judge, Civil Court of the City of New York, New York County. Hon. Joan B. Carey, Deputy Chief Administrative Judge for the New York Court System, and Hon. Gregory A. Fish- er (third from left), Justice, Supreme Court of the State of New York, and Administrative Judge, Civil Court of the City of New York, spoke at the event, which was held at the New York Athletic Club. Also pictured are event co-chairs, Joyce S. Zimberg (second from left) and Warren A. Estis (far right).
After four New York State deaths last year as a result of faulty amusement park rides, the New York State Legislature recently passed several laws to improve the State’s supervisory role in maintaining ride safety.

Jeffrey Kimmel, co-chair of NYCLA’s Young Lawyers Section, has been at the forefront of advocating for amusement park safety improvements. Mr. Kimmel, a partner at Salenger Sack Schwartz & Kimmel, is representing Elayne Cassara in a lawsuit against Westchester County on behalf of her son, seven-year-old Jon-Kely, who died on Rye Playland’s Ye Olde Mill Ride in August 2005.

In March, Mr. Kimmel testified at a public hearing about the condition of current amusement park safety in New York State. After the hearing, which was held by the Chairs of the Senate Investigative and Senate Labor Committees, bills to amend the current Labor Law were introduced. Among the bills passed was one establishing a Carnival, Fair and Amusement Park Safety Advisory Board in the State’s Department of Labor and another mandating the creation and implementation of a public awareness campaign on ride safety.

Although Mr. Kimmel was satisfied with the bills, he supports further safeguards. He says the State should “develop a universal rating system, such as color coding or a five-star system ranging from mild to frightening,” as well as provide park visitors with more detailed ride information. In addition, Mr. Kimmel is pushing for the installation of trip switches, which would stop a ride if an emergency occurred, and surveillance cameras, neither of which was present at Rye Playland at the time of Jon-Kely’s death.

In late June, Ms. Cassara held a press conference to announce the launch of “Fashioned4Life,” a foundation to aid women whose lives have been affected by financial or emotional adversity. She was presented with a plaque and $5,000 donation to her foundation by Mr. Kimmel on behalf of his firm.

Ms. Slotnick is the Communications Assistant at New York County Lawyers’ Association.

The NYCLA Library would like to thank Chadbourne & Parke LLP for its recent donation of several microfiche file cabinets. The cabinets will be used to house the Library’s growing collection of records and briefs, as well as the Federal Register. To find out more about this collection, visit: http://www.nycla.org/index.cfm?section=LIBRARY&pages=RECORDS_AND_BRIEFS.

If you or your law firm is interested in making a similar donation to the Library, contact Nuchine Nobari, Director of Library Services, at nnobari@nycla.org or 212-267-6646, ext. 201. All donations are tax deductible to the extent provided by law.
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marks, avoiding repetition, concentrating on includes not wasting time on introductory re-
ter on the substance of the brief discusses
judge, avoiding memorization and reading
nitions to maintain eye contact with the
gearing one's argument to the standard of re-
tional language, plain English, the use of
emotion and handling distractions. Delivery
preparation (know the record, the law, the
has chapters dealing with nervousness,
Alan L. Dworksy (Fred B. Rothman 1991).
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Feature Title

Seeks to explain the psychology of persua-
sion. Has chapters dealing with nervousness,
preparation (know the record, the law, the
court, the rules and be able to anticipate ques-
tions and integrate them into one’s argument) and
the length and contents on an outline.
Covers style, including the use of conversa-
tional language, plain English, the use of
emotion and handling distractions. Delivery
includes manner of dress, hairstyle, posture,

New PLI Course Handbooks

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the program given on April 24–25, 2006.
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New Uliplets

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ment.

Selected New Issues of Legal Periodicals

2006). Symposium on Terrorism, Globali-
zation and the Rule of Law.
Cardozo Law Review, vol. 27, no. 6 (Apr.
2006). Symposium on Trust Law in the 21st
Century.
Columbia Journal of Law and Social
Problems, vol. 39, no. 3 (Spring 2006). Ar-
ticle on the inadequacies of the CAN-SPAM
Act.
(2006). Symposium on Performance-En-
hancing Drug Use in Sports.
81, no. 3 (June 2006). Tough on Crime: How
Campaigns for State Judiciary Violate
Criminal Defendants’ Due Process Rights.
Symposium: The LSAT, U.S. News &
World Report, vol. 21, no. 4 (2006), 17th
annual Supreme Court review; vol. 22,
no. 1 (2006), New York State constitutional
decisions compilation.
Mr. Manz is a part-time Reference Li-
brarian at NYCLA. He is also Assistant
Law Librarian and Director of Student
Publications at St. John’s University
School of Law.

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Introduction Class: Tuesday, September 19, 11:00 A.M. - 12:00 P.M.
L E X IS

Basic: Wednesday, September 21, 10:00 - 11:30 A.M.
WESTLAW

Beginner: Tuesday, September 26, 3:00 – 4:00 P.M.
Tax Research: Friday, September 29, 10:00 – 11:00 A.M.

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Registration for the following classes is free to all.
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LEXIS

Basic: Wednesday, September 21, 10:00 - 11:30 A.M.
WESTLAW

Beginner: Tuesday, September 26, 3:00 – 4:00 P.M.
Tax Research: Friday, September 29, 10:00 – 11:00 A.M.

INTERNET LEGAL RESOURCES: IMMI GRATION

Thursday, October 5, 6:00 P.M. - 7:30 P.M.
INTERNET LEGAL RESOURCES: NEW YORK MATERIALS

Wednesday, October 11, 10:00 - 11:30 A.M.
INTERNET LEGAL RESOURCES: MORTGAGES AND MORTGAGE FORECLOSURE SYSTEM

Wednesday, October 18, 10:00 A.M. - 12:30 P.M.
INTER NET LEGAL RESOURCES: AN OVERVIEW

Thursday, October 19, 6:00 - 7:30 P.M.

O C T O B E R

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Thursday, October 5, 6:00 P.M. - 7:30 P.M.
INTERNET LEGAL RESOURCES: NEW YORK MATERIALS

Wednesday, October 11, 10:00 - 11:30 A.M.
INTERNET LEGAL RESOURCES: BANKRUPTCY COURT: ELECTRONIC CASE FILING SYSTEM

Wednesday, October 18, 10:00 A.M. - 12:30 P.M.
INTERNET LEGAL RESOURCES: AN OVERVIEW

Thursday, October 19, 6:00 - 7:30 P.M.

FREE CLASSES

Registration for the following classes is free to all.
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Wednesday, October 18, 10:00 A.M. - 12:30 P.M.
INTERNET LEGAL RESOURCES: AN OVERVIEW

Thursday, October 19, 6:00 - 7:30 P.M.

W E S T L A W

A dvanced: Wednesday, October 11, 12:00 - 1:00 P.M.

FEE-BASED CLASSES

Registration for the following classes is free to all.
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(1.5 MCLE Credits: 1 Skills; Transitional)

LEXIS

News & Public Record: Wednesday, October 11, 10:00 - 12:00 A.M.

W E S T L A W

A dvanced: Friday, October 13, 10:00 - 12:00 P.M.

FEE-BASED CLASSES

Registration for the following classes is free to all.
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ment: Transitional)

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INTERNET LEGAL RESOURCES: AN OVERVIEW

Thursday, October 19, 6:00 - 7:30 P.M.

W E S T L A W

A dvanced: Friday, October 13, 10:00 - 12:00 P.M.

F E E - B A S E D C L A S S E S

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ment: Transitional)

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Wednesday, October 18, 10:00 A.M. - 12:30 P.M.
INTERNET LEGAL RESOURCES: AN OVERVIEW

Thursday, October 19, 6:00 - 7:30 P.M.
In June, NYCLA’s Law-Related Education Committee, under the sponsorship of the Justice Center, hosted the 2006 New York City High School Essay Contest Award Reception at the Home of Law. One hundred and fifty-five students from 20 high schools across the City participated in this year’s contest, which asked the question, “What Qualifications and Attributes Should a Supreme Court Justice Have?”

Presiding over the award ceremony, which was attended by students, teachers and the winners’ parents, was Hon. Richard Lee Price, Chair of the Law-Related Education Committee. First-place prize winner Ben Loffredo from the Fieldston School received $500. Aliza Keen from Flushing High School was the second-place winner and received $300. The third-place prize of $200 was awarded to Zachary Goldsberg of Columbia Grammar & Preparatory School and the fourth-place prize of $100 went to Leon Wilson from All Hallows School.

The following students received Honorable Mention: Nicole Georglis, Preston High School; Jenny Levy, Columbia Grammar & Preparatory School; Mike Marcusa, Horace Mann School; Natasha Panter, Flushing High School; Whitney Freiét, Louis D. Brandeis High School; and Jesse Waxman, Columbia Grammar & Preparatory School. (Excerpts from students’ essays will be published in the October issue.)

First-Place Winner: Ben Loffredo, The Fieldston School

What Qualifications and Attributes Should a Supreme Court Justice Have?

Judges often are said to require the wisdom of Solomon. Asked to determine the custody of a child between two competing women, Solomon initially ordered that the child be split in half. Bewitched by one of the claimants to let the child live, the King recognized her to be the true mother and awarded her the child.

A Supreme Court Justice no doubt requires some of the attributes ascribed to Solomon in this famous story: intelligence, impartiality and integrity. But a Justice also needs other qualities to do the work of the Supreme Court. Unlike Solomon, a Supreme Court Justice does not work alone but rather with other Justices, and he or she must be able to compromise and reach consensus.

Like Solomon, a Supreme Court Justice must be intelligent. The issues that come before the Court are challenging and complex. The early Marshall Court faced questions concerning such issues as the Bank of the United States and treatment of the Cherokee Indians; today, the Roberts Court faces questions about reproductive choice and treatment of homosexuals. A Justice must understand and complicated statutes, the rich history of the Constitution and the large body of precedent that has developed over more than 200 years. Many current issues – When does life begin? When should life end? – also require an understanding of biology, technology and other subjects in addition to law, including religion and philosophy.

Some of the most revered Justices have been legal scholars – for example, Justice Story in the 19th century and Justice Stone in the 20th. But some great Justices such as Justice Thurgood Marshall were more schooled in the ways of government and resolve contemporary problems.

Like Solomon, a Supreme Court Justice also must be impartial. The Constitution provides Supreme Court Justices with life tenure so that they can be independent of politics. The Constitution also separates power into three branches of government in order to ensure that each branch is a check and balance on the other two. If the Court is to check the power of the President and the Congress, then each Justice must be free of the influence of elected officials. Naturally, every Justice comes to the Court with a set of principles, values, and beliefs, with preferences and attitudes. But a Justice must be willing to look at issues with an open mind. He or she should not play personal favorites among litigants. He or she should not decide cases by voting party lines. The impartiality of each Justice perhaps also must be complemented by the impartiality of the Court – the Court represents not a single group or a single idea but the full diversity of our Nation’s people.

Like Solomon, a Supreme Court Justice also must have utter integrity. Only one Justice has ever resigned from the Court because of misconduct. A Justice cannot have a financial stake in any of the cases that come before the Court; a Justice cannot appear to have a personal reason, creativity and charm. This quality of collegiality allows a Supreme Court Justice to influence others through his or her reason, creativity and charm.

Unlike Solomon, a Supreme Court Justice must work without benefit of multiple servants and so must be industrious. The Court faces hundreds if not thousands of petitions each Term; the yearly docket includes scores of difficult appeals that must be reviewed, assessed and decided on in some way. Opinions must be written that explain the Court’s reasons for decision. The opinions must be clear so lower courts know the rules that need to be applied in future cases and individuals know the rules that need to be followed. A backlog of cases cannot develop. In addition to deciding cases, Supreme Court Justices also do administrative work such as the development of rules of procedure and these activities place additional demands on their time and resources.

The work of the Court is development of rules of procedure and these activities place additional demands on their time and resources. The work is hard and demanding and thus requires dedication and commitment.

Unlike Solomon, who comprised all of the power of Israel, the Supreme Court is only one branch of a democratic government and each member must be respectful of constitutional limits. The Constitution assigns to Congress the power to make the laws and to the President the power to carry out the laws. A Justice must appreciate the distinct role of a court from that of the elected branches. A Justice carries out a job that differs from that of a Senator or the President. Some may argue that a prospective Justice should therefore bring prior judicial experience to his or her work on the Supreme Court. Certainly many Supreme Court Justices served as state or federal judges and benefited from that activity. However, some of the most successful Supreme Court Justices came to the Court without any judicial experience at all, including such icons as John Marshall and Earl Warren. Judicial temperament may be more important than judicial experience.

Finally, unlike Solomon, a Supreme Court Justice lacks an army to defend his or her decisions. Yet a Justice sometimes will make unpopular decisions, whether as part of the majority or in dissent and must remain steadfast. B. Rovner, Board of Education was unanimous decision but it elicited a firestorm

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Since 1978 and won a Pulitzer Prize in 1998. Supreme Court for Supreme Court today. She has covered the Journey mun: Harry Blackmun's Supreme Court Times Supreme Court reporter Linda Greenhind the legal cases. Veteran Wade house, author of ERAL landmark decisions, including S Society in September and early October: For more information, contact Julie Seymour, Director of Membership, at 212-485-9233 or jsey mour@nyhistory.org.

The following law- and politics-related programs will be held at The New-York Historical Society in September and early October:

**Becoming Justice Blackmun: Harry Blackmun’s Supreme Court Journey**

Thursday, September 21 - 6:30 PM

During his 24 years on the Supreme Court, Justice Harry A. Blackmun, the author of several landmark decisions, including Roe v. Wade, underwent a personal transformation but never lost sight of the human beings behind the legal cases. Veteran New York Times Supreme Court reporter Linda Greenhouse, author of Becoming Justice Blackmun: Harry Blackmun’s Supreme Court Journey, provides an intimate look at America’s most private branch of government and suggests what insights Justice Blackmun’s story might provide for understanding the Supreme Court today. She has covered the Supreme Court for The New York Times since 1976 and won a Pulitzer Prize in 1998.

**The Many Faces of Alexander Hamilton**

Tuesday, September 26 - 6:30 PM

One of the indispensable architects of the Republic, Alexander Hamilton actively promoted partisan politics to advocate his own agenda. Three Hamilton scholars discuss his legacy and consider why history has denied him the central place that he occupied in his own time. The panelists – Douglas Ambrose, Sidney Wettmer Jr., Associate Professor of History at Hamilton College, and Robert W.T. Martin, Associate Professor of Government at Hamilton College – are the co-editors of The Many Faces of Alexander Hamilton: The Life and Legacy of America’s Most Elusive Founding Father.

**The Failure of the Founding Fathers: Jefferson, Marshall and the Rise of Presidential Democracy**

Thursday, September 28 - 6:30 PM

The Founding Fathers did not anticipate the two-party system and when Republicans battled Federalists for the presidency in 1800, the Constitution exacerbated the crisis. Bruce Ackerman, Sterling Professor of Law and Political Science at Yale University, discusses the intrigues among the parties and the bitter struggle over the courts once Thomas Jefferson gained power. Mr. Ackerman presents a fresh perspective on early American history with strong implications for the present day. He has written more than 15 books, including a multi-volume constitutional history, We the People.

**Freedom Riders**

Thursday, October 5 - 6:30 PM

In the spring and summer of 1961, more than 400 nonviolent activists known as Freedom Riders literally put their bodies on the line by riding buses through the American South, directly challenging Jim Crow segregation. Jolting the nation’s consciousness, the Freedom Riders’ provocative style of nonviolent direct action altered the course of the civil rights movement and changed the nature of American democracy. Several New York Freedom Riders will join the program. Presenter Raymond Arsenault is the John Hope Franklin Professor of Southern History at the University of South Florida and author of Freedom Riders: 1961 and the Struggle for Racial Justice. He also wrote two prize-winning books, St. Petersburg and the Florida Dream 1880-1950 and The Wild Ozarks: Jeff Davis and the Social Bases of Southern Politics.

Tickets for events at The New-York Historical Society are available through SmartTix. Call 212-868-4444 or log on to: www.smarttix.com.

Ms. Slotnick is the Communications Assistant at New York County Lawyers’ Association.

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**What Qualifications and Attributes Should a Supreme Court Justice Have?**

From Page 14

of opposition from states and citizens opposed to integration. The Bill of Rights establishes rights that protect the individual against democratic majorities in enacting these rights – to free speech or religious expression – the members of the Court will inevitably antagonize some groups. Each Justice must have courage to face public criticism and verbal assault.

The United States Constitution does not specify the qualities and attributes that a Justice must possess. It does not require a legal education, judicial experience or United States citizenship. Nor is there consensus on the appropriate role or the Supreme Court should play in governing the United States. The story goes that Judge Learned Hand parted company from Justice Oliver Wendell Holmes, saying, “Do justice, sir!” But Justice Holmes replied, “That is not my job. It is my job to apply the law.” To do his or her job, a Supreme Court Justice needs those qualities that form a judicial temperament: the wisdom of Solomon, a desire for justice, a belief in the rule of law – as well as collegiality, industriousness and courage. Yet, how can the Nation know whether a prospective Justice possesses these various judicial virtues? In this day and age, confirmation hearings typically focus on “hot button” issues such as abortion or the death penalty to determine whether the Senate should consent to a President’s nomination. If we are to have a Supreme Court suited to tackle today’s legal issues, the Senate and President must likewise have integrity and dedication to choose Justices who possess the necessary qualities and attributes.

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OCTOBER CLE PROGRAMS

From Page 8

October 2006:

Thursday, October 5
6:00 - 9:00 PM
DRAFTING CONSTRUCTION CONTRACTS
3 MCLE Credits; 2 Professional Practice; Transitional
Registration Fee:
Member: $125
Non-Member: $165

Tuesday, October 10
6:00 - 9:00 PM
THE IMPORTANT OF LEGAL WRITING IN THE ERA OF THE VANISHING TRIAL
3 MCLE Credits; 1.5 Ethics/Professionalism; 1.5 Skills; Transitional
Registration Fee:
Member: $125
Non-Member: $165

Friday & Saturday, October 13 & 14
9:00 AM - 5:00 PM
BLUEPRINT FOR BUILDING YOUR PRACTICE 2006: A CONFERENCE FOR SOLO AND SMALL-FIRM PRACTITIONERS
16 MCLE Credits; 2 Ethics; 12 Law Practice Management; 2 Professional Practice; Transitional
Registration Fee:
Member: $255
Non-Member: $355

Please Note: Transitional courses are open to both newly admitted and experienced lawyers.

NEW YORK COUNTY LAWYERS’ ASSOCIATION GROUP MENTORING PROGRAM

October 4
Great Tips for Building a Successful Practice
Mentor: Clyde Eisman
Mentor: Doron Zanani

October 11
Writing Retainer Agreements, Setting Fees and Getting Paid (Part I)
Mentor: Martin L. Feinberg

October 18
Writing Retainer Agreements, Setting Fees and Getting Paid (Part II)
Mentor: Martin L. Feinberg

October 25
Keeping Your Firm’s Financial Books
Mentor: Richard Klass

November 1
How to Successfully Manage Your Clients
Mentors: Clyde Eisman and Doron Zanani

November 8
Preparing a Trial Notebook
Mentor: Jeffrey M. Kimmel

November 15
Trial Techniques for Beginners
Mentor: Jeffrey M. Kimmel

The program is free and open to all NYCLA members. Pre-registration is required and will be accepted on a first-come, first-served basis. To register, email kwells@nycla.org or fax this page to: 212-406-9252. Entrance and facilities for people with disabilities are available. A ramp is provided for wheelchair access. Please call 212-267-6646 at least one day in advance to make arrangements. Programs are subject to change.

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Home of Law, 14 Vesey Street, New York, NY (between Broadway and Church Street)
6:00-8:00 PM

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