

NEW YORK COUNTY LAWYER

Summer 2005

Visit us at www.nycla.org

Volume 1 / Number 5



Speakers at the event were (from left to right): Norman L. Reimer, NYCLA President; Hon. John M. Walker Jr., Chief Judge of the U.S. Court of Appeals, Second Circuit; Hon. Judith S. Kaye, Chief Judge of the State of New York; Hon. Michael Cardozo, New York City Corporation Counsel (a distant cousin of Hon. Benjamin N. Cardozo, who spoke at the dedication of the building in 1930 when he was the Chief Judge, New York State Court of Appeals); and Robert MacCrate, former ABA President and Senior Counsel at Sullivan & Cromwell LLP, who delivered the Charles Evans Hughes Lecture. Not pictured is Paul Goldberger, architecture critic for *The New Yorker*.

“ To the life of the law and the uses of the Bar, let this edifice now and forever be dedicated. ”

Seventy-five years ago, William Nelson Cromwell, NYCLA’s 12th President, spoke these words at the Home of Law’s dedication ceremony. On May 26, 2005, NYCLA celebrated the silver anniversary of its Cass Gilbert-designed building and held its Annual Meeting at St. Paul’s Chapel (across the street), followed by a gala reception at the Home of Law.

Speakers at the ceremony represented the federal and state judiciaries – Hon. John M. Walker Jr., Chief Judge of the Second Circuit, and Hon. Judith S. Kaye, Chief Judge of the New York State Court of Appeals; New York City’s Corporation Counsel, Hon. Michael A. Cardozo; and Paul Goldberger, architecture critic for *The New Yorker*, who offered an architectural perspective. Robert MacCrate, former ABA President and Senior Counsel at Sullivan & Cromwell (the law firm founded by Mr. Cromwell), gave the Charles Evans Hughes Lecture. Norman L. Reimer, NYCLA President, and Edwin David Robertson, NYCLA President-Elect, also spoke at the ceremony. (The complete text of the speeches begins on page 11.)

Celebrating THE HOME OF LAW'S

Anniversary & Annual Meeting

Officers Inducted

The five NYCLA officers inducted were: Mr. Reimer, a partner at Gould Reimer Walsh Goffin & Cohen, LLP, as President; Mr. Robertson, a partner at Cadwalader, Wickersham & Taft, as President-Elect; Catherine Ann Christian, Director of Legal Staff Training, the New York County District Attorneys’ Office, Office of the Special Narcotics Prosecu-

tor, as Vice President; Ann B. Lesk, a partner at Fried, Frank, Harris, Shriver & Jacobson LLP, as Secretary; and Joel B. Harris, a partner at Thatcher Proffitt & Wood, as Treasurer.

Annual Report

In his Annual Report, Mr. Reimer announced that NYCLA’s fiscal performance had “improved dramatically,” thanks to its

See ANNIVERSARY, Page 8

INSIDE

JULY
EVENTS
CALENDAR

3

EXAM JAM
2005

3

MEMBER
PROFILE

4



MESSAGE
FROM THE
PRESIDENT

Annual
Report

5

SPECIAL
SECTION: TEXT
OF SPEECHES
DELIVERED AT
THE HOME OF
LAW'S 75TH
ANNIVERSARY
CELEBRATION

11

NOBEL PEACE
PRIZE WINNER
SPEAKS AT
NYCLA

22

Tell Trouble to Step Aside.



You can take care of your family, no matter what happens.

Especially when your association offers affordable group

LEVEL TERM LIFE INSURANCE *that meets the unique needs of attorneys.*

10-Year and 20-Year Level Term Life Insurance Plan Benefits:

- ▲ Level premiums for 10 and 20-year plans.
- ▲ Premium discounts available for amounts above \$200,000 based on medical underwriting.
- ▲ Coverage up to \$2,000,000 for members and \$1,000,000 for spouses.
- ▲ Simplified underwriting for amounts under \$200,000.
Issuance of a Certificate of Insurance or payment of benefits may depend upon the answers given in the application and the truthfulness thereof.
- ▲ Accelerated death benefit in the event of a terminal illness

Call **1-800-544-2672** today to find out more,
or visit **www.jltbenefits.com/nycla** to download an application.

Administered by:



JLT SERVICES
Corporation

300 South Wacker Drive, Suite 700
Chicago, IL 60606

Endorsed by:



New York County Lawyers' Association

Underwritten by:

The United States Life Insurance Company
in the City of New York
A member company of American International Group, Inc.

AIG AMERICAN
GENERAL

This plan is subject to the terms, conditions, exclusions, and limitations of the group policy. For costs and complete details of coverage, contact the plan administrator. Coverage may vary or may not be available in all states.

AG-3257

1-800-544-2672 • www.jltbenefits.com/nycla

J U L Y E V E N T S C A L E N D A R

All events are free and held at NYCLA's Home of Law, 14 Vesey Street, unless otherwise noted. Events are subject to change; please check the Association's website, www.nycla.org, for schedule changes and additions.



Photo of Afghan woman taken by Steve McCurry

**WOMEN OF AFGHANISTAN:
A SLIDE SHOW PRESENTATION
BY AWARD-WINNING
PHOTOGRAPHER STEVE
MCCURRY**

Wednesday, July 13

6:00 PM – Reception

6:30 PM – Slide Show Presentation

Place: NYCLA Home of Law –
14 Vesey Street

Posters, which Mr. McCurry will sign, will be available for purchase for \$20 at the event. Proceeds will help underwrite an upcoming conference in Afghanistan sponsored by Women for Afghan Women.

Sponsors: Women's Rights Committee and Women for Afghan Women

Co-Sponsors: Cyberspace Law, Foreign & International Law and Pro Bono Committees

RSVP: Email Dianna Lamb at dlamb@nycla.org by July 8.

**NYCLA AMERICAN LAW
ACADEMY**

Monday July 25 – Thursday, July 28

Place: NYCLA Home of Law –
14 Vesey Street

This four-part CLE seminar provides a comprehensive overview of the United States legal system. Tailored for foreign-based attorneys seeking an understanding of how various areas of practice dovetail with federal and state laws and regulations, this program is also an excellent primer for licensed U.S. attorneys new to the practice of law. For more information, please refer to the CLE listings on NYCLA's website.

**SECURITIES AND EXCHANGES
COMMITTEE'S ANNUAL DINNER**

Wednesday, July 27

6:00 PM

Place: The New York Stock Exchange Luncheon Club

Cost: \$75 per person, which includes an open bar and buffet dinner; \$800 for a

table of 10.

Open bar and hot hors d'oeuvres

The event will feature several notable speakers from the securities industry and regulators as well as plaintiff and defense lawyers. A tour of the NYSE trading floor is planned.

RSVP: Reservations are due by July 13. Please make all checks payable to NYCLA and send them to: Ernest E. Badway, Saiber Schlesinger Satz & Goldstein, LLC, One Gateway Center, 13th Floor, Newark, NJ 07102. If you have questions, please contact Mr. Badway at 973-622-3333 or email him at eeb@saiber.com.

EXAM JAM 2005

Wednesday, July 17

6:00 – 9:00 PM

Place: NYCLA Home of Law

FREE

Bar exam takers and their supporters are invited to enjoy refreshments and live Rock'N'Roll.

T A B L E O F C O N T E N T S

Home of Law's Anniversary and Annual Meeting...1

July Events...3

Member Benefits...4

Member Profile...4

Membership...4

Annual Report of Norman L. Reimer...5

Membership Request Form...7

2005 Attorneys' Guide...7

Public Policy Developments...9

Enright Court Reporting...9

Commercial Litigation Book Raffle...9

Message from Foundation's Executive Director...10

Bloomberg Professional Online...10

City Council Honors NYCLA...10

Entertainment and Special Events Programs...10

Law Day 2005...10

75th Anniversary of the Home of Law: Text of Speeches Delivered by: Norman L. Reimer, NYCLA President; Edwin David Robertson, NYCLA's President-Elect; Hon. Judith S. Kaye, Chief Judge of the State of New York; Michael A. Cardozo, New York City's Corporation Counsel; Hon. John M. Walker Jr., Chief Judge of the Second

Circuit; Paul Goldberger, architecture critic for The New Yorker; and Robert MacCrate, Senior Counsel, Sullivan & Cromwell...11

Criminal Justice Public Service Fellowship Winners...15

County Lawyer Editorial Policy...16

Member Benefits...16

Professional Ethics Committee Issues Opinion...16

Law Student Graduates...16

CLE Programs...17

Library Notes...18

CLE Tech Programs...19

Minority Judicial Internship Program...19

NYCLA Reference Librarian Receives Award...19

Ethics Hotline...20

Forum on U.N.'s Nuclear Non-Proliferation Treaty...20

What's Wrong With the Children's Rights Movement?...20

Diversity Initiative Progress...21

Nobel Peace Prize Winner Speaks at NYCLA...22

Book Review...22

When It's Over . . .

Join Us At

EXAM JAM 2005

July 27, 2005 6:00 – 9:00 PM

Hosted by

New York County Lawyers' Association
14 Vesey Street (between Broadway
and Church Street)

**Both Exam Takers and Their
Supporters Are WELCOME!**

**Beer, Soft Drinks, Sandwiches, T-Shirts and
Live Rock'N'Roll with Judge Me Not.**

**Law Grads And Newly Admitted Attorneys
Receive A Complimentary Year Of NYLCA
Membership!**

DIRECTIONS TO NYCLA

**From the West Side: take the A, C or E train to
Chambers Street; or the 2 or 3 train to Park Place.**

**From the East Side: Take the 4 or 5 train
to Fulton Street**

MEMBER BENEFITS

COURTROOM CONNECT (NEW)

Courtroom Connect has partnered with NYCLA to provide complimentary high-speed wireless Internet services at the Home of Law. This convenient service allows members to stay connected to their office network while visiting NYCLA, send and receive emails and conduct research on the web using their wireless-enabled laptops.

Courtroom Connect is also offering NYCLA members a \$175 discounted annual subscription rate (normally \$225) for non-trial wireless services at all of its permanently networked courthouses in Manhattan. For information, call 1-877-838-9067 or log on to: <http://courtroomconnect.com/nycla>.

WordPerfect
OFFICE 12

COREL WORDPERFECT (NEW)

Corel Corporation will provide WordPerfect Office 12 to NYCLA members at the special discount price of \$115 – approximately 60% less than the suggested retail price. To take advantage of the offer, call 1-800-545-1294 or email: corel@softmart.com. For a FREE 30-day trial of WordPerfect Office 12, go to www.wordperfect.com.

For information on all of NYCLA's benefits, go to www.nycla.org and click on Membership Directory, log in and click on Benefits.

MEMBER PROFILE

Name: Joan Beck-Wall

Residence: Brooklyn, NY

Employer: NYC Environmental Control Board and Transit Adjudications Bureau/MTA

Position: Administrative Law Judge

Admitted to the Bar: 1996

Education: Fordham University School of Law, 1995

NYCLA member since 1997



Q. What do you enjoy most about practicing law?

A. I enjoy interacting with "live people" (i.e., litigants, witnesses, *pro bono* clinic clients) and being a part of the process that brings cases to their final dispositions. Practicing law is my second career after serving as a teacher and school administrator in the New York City school system, which is a microcosm of the broader community. Years before I actually left the school system, I had a burning desire to expand my service into other areas of the public interest. I chose a career in law as another means by which I could continue working towards a better society.

After graduating from Fordham Law School in 1995, I became an assistant district attorney in the office of Robert T. Johnson, District Attorney, Bronx County. My work at the DA's office was exciting and challenging. There, I gained first-hand experience in the workings of the criminal justice system. I also greatly enhanced my lawyering skills (i.e., presenting cases to the grand jury, negotiating plea bargains, conducting hearings and trials). My last assignment in the DA's office was as an ADA in the Narcotics Bureau.

After leaving the DA's office in 1998, new areas of practice piqued my interest and I became an administrative law judge. In this capacity, I conduct administrative law hearings primarily for the NYC Environmental Control Board and the Metropolitan Transportation Authority's Transit Adjudications Bureau. Petitioners and respondents appear before me to adjudicate matters involving violations of New York City and State statutes, ordinances and rules. I enjoy my work as an ALJ, but I still consider myself an educator. Concurrent with my ALJ duties, I have been an adjunct professor as part of the NYC Teaching Fellows Program and Paralegal Studies Program at Queens College.

Q. What brought you to NYCLA and what keeps you as a member?

A. I first joined NYCLA's Solo and Small Firm Practice Committee. Then in 1999, I read an article in NYCLA's newsletter describing the new *Pro Bono* Uncontested Divorce Clinic Program. I contacted Lois Davis, *Pro Bono* Director - and the rest is history. I was hooked! The training I received at that clinic was invaluable and I was able to assist clients on the path to obtaining uncontested divorces. Since then, I have been an active participant in the *Pro Bono* Legal Clinic, where volunteer attorneys counsel clients in matters related to employment discrimination, bankruptcy, landlord-tenant issues and matrimonial law. I have not only benefited from the formal training attorneys receive for these clinics, but I have enjoyed interacting with and learning from other attorney participants. Most of all, I welcome the opportunity to serve people who need someone to listen to their problems and provide free legal counseling.

MEMBERSHIP

by Harriet S. Astor

When the Membership Committee had an opportunity to purchase a number of specially priced New York Mets tickets, we enthusiastically agreed to buy some and offer them free to our members. The morning after we sent the email announcement, I arrived at the Home of Law, turned on my computer and was stunned to discover that there were literally hundreds of requests for tickets. Delighted and admittedly a bit panicked, I called the Mets ticket office and pleaded for more tickets - and on April 15, nearly 600 NYCLA members and their friends and family enjoyed watching the Mets beat the Florida Marlins.

If the response for tickets was overwhelming, so was the gratitude. Many of you sent wonderful notes, e.g., "Thank you so much for the Mets tickets. It was my daughter's first baseball game and she loved it." "Thank you for the 2 tickets, it was cold but my date and I had a blast!" "I want to thank you for the tickets. My son and I had a great time. And the Mets won!"

The response to this event served as an aide memoire. Our challenge as an Association goes beyond meeting your professional needs; it encompasses building opportunities for you to socialize with colleagues, as well as family and friends. At present, NYCLA offers discounted tickets to concerts, lectures and theater, and plans to organize even more social events. You can visit our website at www.nycla.org to take advantage of discounts to Broadway plays - current options include On Golden Pond, Sweet Charity and La Cage aux Folles - as well as new discounted programs at the Metropolitan Museum this fall.

Please let us know what appeals to you and we'll do our best to organize events that accommodate your interests. You can call me 212-267-6646, ext. 212 or email hastor@nycla.org with suggestions.

Ms. Astor is Director of Membership.

THE DRAMATIC DIFFERENCE IN THE PRESENTATION OF YOUR EVIDENCE

WMAGRAPHS
DEMONSTRATIVE EVIDENCE

- ACCIDENT RECONSTRUCTION GRAPHICS -
- MEDICAL ILLUSTRATION - TECHNICAL ILLUSTRATION -
- COMPUTER ANIMATION - MAGNETIC EXHIBITS -
- POWERPOINT/MULTIMEDIA PRESENTATIONS -
- SITE/LOCATION PLANS - CHARTS & GRAPHS -
- PHOTOGRAPHIC & DOCUMENT ENLARGEMENTS -
- SCALE MODELS - TIME LINES & CHRONOLOGIES -
- EXHIBIT CONSULTATION - TESTIMONY -

Congratulations to the New York County Bar Association on your Inaugural issue of the New York County Lawyer

We invite you to see how our Twenty Five years of experience can translate into concise trial exhibits which will simplify the complexity of your issues.

WMAGRAPHS.COM

Fast Dependable Service

Rob Frein - Director

80G lenH eadR oad, GlenH ead, New York 1 1545
(516)759-2300- fax(516)759-4019
graphics@wmaconsult.com

WMAGRAPHS
DEMONSTRATIVE EVIDENCE

A Division of Wilson Management Associates, Inc.

ANNUAL REPORT OF Norman L. Reimer, NYCLA President

NYCLA's Bylaws require the President to report annually on the state of the Association. I take great pleasure in that responsibility this year as I can use this happy occasion to present a remarkable portrait of Association achievements. The capstone of the year is the celebration of the diamond jubilee of our magnificent landmark gem, our Cass Gilbert-designed Home of Law. This splendid event provides the punctuation mark for NYCLA's performance that may best be described by the lyrics, widely popularized by the great crooner, Frank Sinatra: "It was a very good year."

NYCLA is well on the road to an historic transformation into a modern, dynamic public service organization that affords its members a unique blend of modern technological support and a wide array of professional resources and benefits. The organization's commitment to its core mission and principles remains as vibrant as it was on May 26, 1930, when William Nelson Cromwell dedicated the Home of Law to "noble aims and purposes and the high duties of the legal profession in the administration of justice and to all worthy concerns of a civic and patriotic nature."

The past year saw the final adoption and the implementation of a bold strategic plan crafted to ensure the strength and endurance of one of the profession's most progressive and effective bar associations for the next generation and beyond. More than two years in the making, the Final Report of the Task Force on the Future has given NYCLA a detailed roadmap to guide every aspect of the Association's operation. Tangible results are already evident, to a degree that not even the most optimistic among us dared to predict.

NYCLA's fiscal performance has improved dramatically. NYCLA is on a course that will soon lead us to the first balanced budget in more than a decade. NYCLA's governance mechanisms now embody the best practices for not-for-profit corporations. This past year, the organization became one of the first local bar associations to formally adopt a code of conduct for its Board of Directors and staff, as well as an Association-wide antitrust policy.



Operationally, NYCLA is functioning at an optimal level. The highly acclaimed CLE Institute continues to produce first-rate programming, with consistently increasing attendance. Membership rolls, which stabilized last year, are showing signs of sustainable growth. The *Pro Bono* Department sponsors an expanding array of services our volunteer members provide to the public. The Library continues its transition into a modern, high-tech resource, while cataloging and preserving its remarkable archival collection. NYCLA's communications infrastructure, highlighted by a new, more attractive and expanded *New York County Lawyer* publication, is stronger than ever. Within a few months, NYCLA will launch a completely redesigned web site that will provide members with one of the most innovative and useful desktop services provided by any bar association.

The rejuvenation and restructuring of the NYCLA Foundation is another integral component of the strategic plan. For the first time in the Association's history, NYCLA is now positioned to undertake a sustained effort to seek external funding for the Association's wide range of public service projects. The Foundation will not only support NYCLA's annual and capital campaigns to strengthen the endowment and renovate the Home of Law, but it will also work synergistically with a reinvigorated *Pro Bono* Department to marshal the resources of the bar in service to the community. This will enable NYCLA to fulfill one of the bedrock principles upon which the organization was founded: expanding access to justice for indigent and low-income people.

All that we do internally to strengthen the Association is designed for one purpose, and one purpose only: the discharge of NYCLA's mission to improve our legal system and to expand access to justice. Thanks to our incredible committees, sections and task forces, this has been an extraordinarily productive year, one in which NYCLA has undertaken a wide range of public policy initiatives in furtherance of that overarching mission. For a full compendium of these projects, members are invited to visit the NYCLA web site

(www.nycla.org) or read the past year's editions of the *New York County Lawyer*. Nevertheless, in order to insure scrupulous compliance with the command of the Bylaws, I wish to highlight some of the more noteworthy projects and accomplishments of the past year, all illustrative of NYCLA's vibrant role as a leader of the profession.

Public Policy

NYCLA's Justice Center, under the leadership of Dean John Feerick, Judge Joseph Kevin McKay and Professor Bruce Green, has truly blossomed. One of its earliest projects, the Criminal Court Conference, resulted in the formation of a Task Force that is now hard at work on an array of projects to implement proposals generated at the Conference. Groups are working on reforms that will promote alternatives to bail to minimize the detention of poor individuals charged with petty crimes and decrease failure-to-appear rates. Another group is conducting a four-borough comparison of discovery practices and developing an "expungement project" to help minor offenders clear their records in order to facilitate employment. In addition, to encourage cooperation and understanding among all of the constituent groups in the criminal justice system, the Task Force holds regularly scheduled roundtables, bringing the various constituent groups together for a freewheeling, confidential discussion of topical issues. Finally, I am pleased to report that the proceedings of the Conference have been published in a special edition of the *Fordham Urban Policy Law Journal*.

Last fall, the Justice Center convened a Housing Court Conference, which marked the 30th anniversary of that Court with a major convocation of academics, judges, practitioners and other stakeholders. Consistent with the Justice Center mission to build bridges between the legal system and the community, the Conference was designed to develop better mechanisms for serving litigants and preventing homelessness. A number of reform initiatives emerged from the various working groups, and NYCLA will soon establish a Housing Court Task Force to pursue implementation. This summer, the *Cardozo Public Law, Policy and Ethics Journal* will publish the working papers and findings of the Housing Court Conference.

As a direct result of the Housing Court Conference, NYCLA's Board has adopted a resolution calling for the establishment of a right to counsel in Housing Court for indigent tenants in residential eviction proceedings. This policy initiative responds to the staggering fact that nearly 90 percent of tenants are not represented by counsel, while more than 90 percent of landlords are. The correlation between the lack of representation and eviction is clear, as is the correlation between eviction and homelessness. NYCLA representatives are participating on a Right to Counsel Coalition that is identifying the cost savings and social benefits to New York City of providing counsel in Housing Court for various at-risk populations.

The Justice Center is also seeking support for a Youth Law Education Project whose components include publishing a revised Youth Law Manual and providing training to the teachers and students in the 100 high schools with law-related curricula so that young people know their rights and responsibilities as citizens.

Finally, building on the enormous success of the Criminal and Housing Court Conferences, in the upcoming year I plan to ask the Justice Center to sponsor a Family Court Conference to focus on the challenges confronting our juvenile justice system.

NYCLA's Task Force on Judicial Selection, under the superb leadership of Co-Chairs Susan B. Lindemeyer and NYCLA Past President Rosalind S. Fink, has generated a series of NYCLA reports designed to enhance public confidence in the integrity of the judiciary. In one case, NYCLA's proposal was implemented by the Unified Court System and in another, the New York State Bar Association's House of Delegates adopted the proposal as official State Bar policy. The Task Force will remain active in the coming months, tackling virtually every aspect of the judicial selection process.

Separate from the work of the Task Force on Judicial Selection, NYCLA continues to speak out in support of the independence of the judiciary, responding forcefully to irresponsible attacks that undermine confidence in our legal system. In the coming months, I will appoint a special working group to develop a long-range strategy to guide the Association's efforts to preserve judicial independence and the separation of powers.

Other committees, sections and task forces have also produced outstanding reports, including: the LGBT Committee report surveying the progress of New York City's top 25 law firms on LGBT issues; testimony by the Immigration and Naturalization Law Committee on City Council legislation; testimony by the Solo and Small Firm Practice Committee before the New York State Commission to Examine Solo and Small Firm Practice; the Federal Court Committee's report on Senate and House resolutions impinging on judicial independence; and testimony by both the Family Court and Child Welfare

NEW YORK COUNTY LAWYER

New York County
Lawyers' Association
14 Vesey Street
New York, NY 10007-2992.
Phone: (212) 267-6646
Fax: (212) 406-9252

Norman L. Reimer
President

Sophia J. Gianacoplos
Executive Director

Lucas A. Ferrara
Chair, Newsletter
Editorial Board

Marilyn J. Flood
Counsel to NYCLA
Executive Director of
the NYCLA Foundation

Anita Aboulafia
Editor

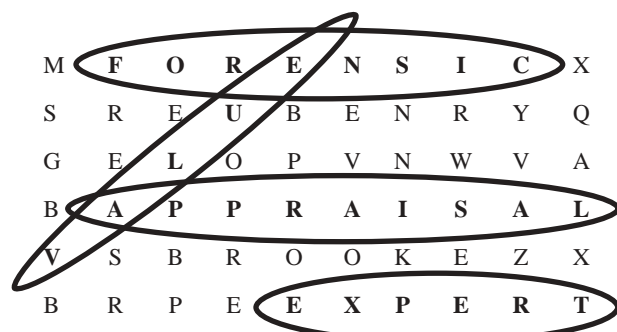
Paul J. Roberts
Advertising Manager
Long Island Business News
631-913-4235

Copyright © 2005 New York County Lawyers' Association. All rights reserved. New York County Lawyers' Association grants permission for articles and other material herein or portions thereof to be reproduced and distributed for educational or professional use through direct contact with clients, prospective clients, professional colleagues and students provided that such use shall not involve any matter for which payment (other than legal fees or tuition) is made and provided further that all reproductions include the name of the author of the article, the copyright notice(s) included in the original publication, and a notice indicating the name and date of the Association publication from which the reprint is made. Subscription rate: \$10.00 per year for non-members.

New York County Lawyer is published monthly (except January and August) for \$10 per year by New York County Lawyers' Association, 14 Vesey Street, New York, NY 10007. Application to mail Periodicals postage rates is pending at New York, NY and additional mailing offices. POSTMASTER: Send address changes to: New York County Lawyer, 14 Vesey Street, New York, NY 10007-2992.

\$10.00 of membership dues is deducted for a one-year subscription to the *New York County Lawyer*.

VALUATION & APPRAISAL SERVICES SOMETIMES VALUING A BUSINESS, PRACTICE OR LICENSE CAN BE A REAL PUZZLE.



Determining the value of a Business, Practice, or License/Degree doesn't have to be a puzzling experience.

Mark S. Gottlieb, CPA, PC is recognized as one of the premiere valuation and appraisal firms in our area. Whether your matter involves a divorce, shareholder dispute or tax matter, we have the credentials and experience to identify those issues germane to closely held businesses.

Our approach translates to a clear, concise conclusion that you can depend upon as a foundation for your case.

Call us today, we'd be happy to discuss your Business Valuation & Litigation Support needs or send you our most recent newsletter, "Valuation Verdicts."



**ACCOUNTANTS,
CONSULTANTS, &
BUSINESS VALUATORS**

MARK S. GOTTLIEB, CPA, PC
98 Cutter Mill Road, Great Neck, New York 11021
Tel: 516-829-4936 / 212-732-8902 Fax: 516-829-3057
www.msgcpa.com

ANNUAL REPORT OF

Norman L. Reimer, NYCLA President *continued*

Committee and the Matrimonial Law Section before the New York State Matrimonial Commission.

NYCLA continues its historic advocacy in support of reform of New York's system of indigent defense. NYCLA provided comprehensive recommendations to a New York State Bar Association special committee on indigent defense, most of which were adopted, and secured further modification to the State Bar report at the April meeting of the State Bar House of Delegates. In addition, NYCLA submitted both written and oral testimony to the Chief Judge's Commission on Indigent Defense, articulating a bold plan for systemic reform. Also, in connection with indigent defense reform, as further evidence of NYCLA's national reputation for leadership on this issue, a NYCLA representative was invited to participate in the ABA Conference on Indigent Defense, sponsored by the Standing Committee on Legal Aid and Defense, in conjunction with the 40th anniversary of the landmark *Gideon* decision.

In furtherance of NYCLA's historic commitment to expanding access to justice and securing equal rights for all, the Association's advocacy was pivotal on two key fronts. NYCLA played a significant role in the effort to obtain State Bar support of equal marriage rights for same-sex couples, a position that NYCLA previously adopted. Under the inspired guidance of a special Task Force, led by NYCLA Past President Michael Miller and Ivan Dominguez, NYCLA galvanized the reform efforts that resulted in the adoption of a House of Delegates proposal that would secure the right to civil unions and eliminate all legal impediments faced by same-sex couples. In conjunction with these efforts, NYCLA has filed *amicus curiae* briefs in two cases currently pending before the Appellate Divisions for the Second and Third Departments that will consider same-sex marriage rights.

The second major initiative is in the area of diversity in the legal profession. The NYCLA Diversity Statement, under which law firms pledge to quantify and disclose the level of involvement of minority lawyers on client matters, has now been adopted by more than 150 law firms, corporate legal departments and bar groups. Capped by a Diversity Breakfast on May 11, the diversity project has achieved widespread coverage both in New York and around the country. We are fortunate to have three outstanding leaders spearheading NYCLA's Task Force to Increase Diversity in the Legal Profession: Task Force Chair, Hon. Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives, NYCLA Vice President Catherine A. Christian and NYCLA Past President Robert L. Haig. Another important component of our diversity initiatives is our Summer Minority Judicial Internship Program, coordinated by the Committee on Minorities and the Law.

This year NYCLA pressed forward on other critical issues. While continuing to urge the profession to increase its *pro bono* commitment, NYCLA was instrumental in shaping a State Bar initiative to broaden the definition of *pro bono* to include the vast array of good works that expand access to justice for low-income individuals who do not meet a strict test for indigency. The expanded definition also encompasses other *pro bono* service in support of charitable and public benefit projects. NYCLA has also continued to advocate for its signature initiative to require the videotaping of all custodial interrogations. With the active support of State Bar President Kenneth Standard, the proposal is gaining traction in the New York State Legislature.

Also of note on the public policy front, NYCLA continues to lend its voice when and where it is appropriate in pending litigation. This year NYCLA filed briefs as *amicus curiae* in matters involving the exercise of summary authority by the administrative arm of the court system, the availability of counsel fees for civil rights violations involving nominal damages and, as mentioned earlier, the right to marriage for same-sex couples. In addition, NYCLA plays an active role in state and national bar work through our participation on the New York State and American Bar Association House of Delegates.

Northeast Business Law Center

This year also saw the launch of NYCLA's Northeast Business Law Center. This project brings together leaders of the business law bench and bar from Delaware to Massachusetts to promote ethics and the highest practice standards in that field. Initial programs conducted in New York and Delaware provided a magnificent opportunity for candid and informal exchange among prominent leaders in commercial law. Under the leadership of NYCLA Past President Arthur Norman Field, the Center plans to further its mission through sponsorship of public forums and CLE programs.

Sustaining Members

This past year, NYCLA's Sustaining Member ranks grew to 214, by far the highest number in our history. To encourage this extra measure of support, NYCLA continues to enhance the array of benefits available to our Sus-

taining Members. Last fall, NYCLA held a Sustaining Member reception in conjunction with the dedication of the portrait of Past President Craig Landy. Sustaining Members were invited to participate in a special benefit for our Library that featured a talk by David Von Drehle, the noted author of a critically acclaimed book about the Triangle Shirtwaist Factory fire. A principal source for Mr. Von Drehle's book was the trial transcript discovered in the NYCLA archives.

Sustaining members were also invited guests at a special reception and tour of the New-York Historical Society's Alexander Hamilton exhibit, an evening that was highlighted by an extraordinary Hamilton/Jefferson debate. Finally, NYCLA continues the tradition of inviting Sustaining Members to an Honoree Reception immediately preceding the Annual Dinner at the Waldorf Astoria.

Special Events

Sponsorship of special events that promote appreciation for the work of the profession is an important component of NYCLA's program. This year was certainly no exception. The premier event of the year, NYCLA's 90th Annual Dinner, was perhaps the most successful and highly acclaimed event of its kind. With more than 1300 dinner guests, NYCLA honored Outstanding Women of the Bar, including an amazing dais of honorees from every aspect of the profession. Remarks delivered by Senator Hillary Rodham Clinton, who received honorary membership in NYCLA, and by Chief Judge Judith S. Kaye, who received the William Nelson Cromwell Award, helped to make this a truly memorable evening for the New York bar.

Other significant special events of the past year include the Federal Courts Committee luncheon honoring United States District Judge Jack B. Weinstein, who delivered a compelling address on the need for compassion in our justice system; the Judicial Reception featuring an eloquent plea for judicial independence by United States District Judge Lewis Kaplan; and the Law Day Luncheon, sponsored by the Supreme Court Committee, at which Kenneth Feinberg was honored for his *pro bono* efforts as Special Master of the 9/11 Fund and State Supreme Court Justice Helen E. Freedman received the Capozzoli Gavel Award.

Other notable events included the Civil Court Practice Section Dinner last June where Hon. Peter Tom of the Appellate Division, First Department, was honored and the Section's Luncheon in March, where Civil Court Administrative Judge Fern Fisher was honored; the Criminal Justice Section Reception last June where Barry Kamins was honored; the Women's Rights Committee Luncheon, at which the Edith I. Spivack Award was bestowed upon Edith Spivack for her lifelong dedication to advancing the cause of women's rights; and the Matrimonial Law Section's reception where Justice Judith J. Gische was honored. Finally, NYCLA was once again pleased to combine the Silent Auction benefiting the Summer Minority Judicial Internship Program with the conferral of the Ida B. Wells-Barnett Award. This year's Award recipient was one of the great leaders of our profession, Kay C. Murray.

Our committees and sections continued to produce a fascinating array of forums and receptions. To mention a few, the Real Property Section sponsored a debate about the proposed West Side stadium; the Securities and Exchanges Committee held an event at the New York Stock Exchange; the Lesbian, Gay, Bisexual and Transgender (LGBT) Issues Committee sponsored a panel on the LGBT vote; the Election Law Committee sponsored a forum on electronic voting; the Foreign and International Law Committee held events on such timely topics as nuclear dangers; the Elder Law Committee presented a program on legal issues in caring for elderly relatives; the Young Lawyers' Section held a program on career transitions; the Admiralty and Maritime Law Committee hosted guest speakers throughout the year; and the Cyberspace Law Committee held a forum on the PATRIOT ACT. The Entertainment, Media, Intellectual Property and Sports (EMIPS) Section sponsored several wine tastings and social events.

Special annual lectures included the Haywood Burns Lecture given by Professor Susan R. Jones of George Washington University Law School, the Ethel Danzig Lecture, which featured a film and speakers about the plight of Afghani women, and the Nanette Dembitz Lecture presented by Professor Martin Guggenheim of New York University Law School.

Awards

This was also a year in which NYCLA received extraordinary recognition. At its annual breakfast in January, the New York State Conference of Bar Leaders presented NYCLA with a 2004 Award of Merit for Local Bar Associations for the work of the Justice Center. And, on April 21, NYCLA was honored by the New York City Council in a ceremony in the City Council chambers for our work on access to justice.

So, with just these highlights, you see why I can say, "It was a very good year."

If I have learned one thing in my five years as an officer and in my first year as President, it is that to accomplish anything of value, teamwork is vital. And NYCLA has a terrific team of staff and volunteers. First and foremost, NYCLA's staff, the backbone of the Association, always strives for excellence. Led by our extraordinary Executive Director, Sophia J. Gianacoplos, the staff has worked tirelessly to implement the strategic plan with energy and innovation. Sophia and Membership Director Harriet Astor, *Pro Bono* Director Lois Davis, CLE Director Douglas Guevara, Library Director Nuchine Nohari and every member of their respective teams deserves the lion's share of the credit for a successful year.

Marilyn J. Flood, in her role as Executive Director of the Foundation, has overseen the transformation of the Foundation and has implemented a comprehensive development program with dedication and skill. The early results of these new strategies exceed all expectations and hold out the promise that NYCLA may derive ever-increasing external support for its building and programs. Marilyn has also excelled in her role as Counsel to NYCLA, overseeing NYCLA communications and public policy initiatives. Working with innovative Communications Manager Anita Aboulafia, Marilyn produces a newsletter of unprecedented quality and content. Additionally, coverage of NYCLA events and initiatives has never been more extensive, thus geometrically enhancing the Association's capacity to influence public policy.

I also want to acknowledge my fellow officers for their unstinting support and commitment: President-Elect Edwin David Robertson, Vice President Catherine A. Christian, Treasurer Marjorie Gross, Secretary Ann B. Lesk and Immediate Past President Michael Miller. I want to express special appreciation to Marj Gross who has served us so ably as Treasurer for the past two years. Her attention to detail has kept our eyes riveted on the big picture, thus enabling us to improve our fiscal performance dramatically. And I welcome our new Treasurer, Joel B. Harris, a partner at Thacher Proffitt. Joel brings a keen mind and ebullient personality to NYCLA leader-

ship and all of us are looking forward to working with him.

On the Foundation side, the organization is fortunate to have two of NYCLA's most esteemed and capable leaders guiding our efforts: M. Robert Goldstein, Chair of the Foundation, and James B. Kobak Jr., President. It is impossible to catalogue the many ways in which Bob and Jim have served NYCLA over the years. Suffice it say that our Foundation could not be in better hands.

Always an important component of NYCLA's leadership is our roster of past presidents. This has never been more significant than in this past year when virtually every one of these distinguished bar leaders has played an integral role in the implementation of our strategic plan. To each of them, I express deep appreciation.

Similarly, NYCLA's Board of Directors is a group of some of the most talented, engaged and forward-looking lawyers ever assembled. The Board's willingness to think creatively and act boldly keeps the organization strong and its message relevant. Special thanks are in order for the Board members and past presidents who chair our revitalized governance committees: Audit – John J. Kenney; CLE Advisory Board and Oversight Committee – Hon. Stephen G. Crane and Lucas A. Ferrara; Committee on Committees – David J. Lansner; Communications – Lucas A. Ferrara; Investment – Arthur Norman Field; Membership – M. Barry Levy and Susan J. Walsh; *Pro Bono* – Anthony L. Soudatt; and Research and Technology – James B. Kobak Jr.

Finally and most importantly, NYCLA's stature depends to a large degree upon the energy, drive and expertise of our more than 60 committee and section chairs and the countless members who serve on those committees and sections. They are the true engineers of reform. They are the heart and soul of this extraordinary bar association.

So, to all who comprise this remarkable network of support for our bar association, thank you. Now let's tackle a new year of challenges! There are plenty of them.

To our magnificent membership, rest assured that all of us are determined to earn your trust and confidence as we continue to serve the New NYCLA and the legal profession.

PROFESSIONAL LIABILITY PROGRAM



**125,000 lawyers are expert witnesses
to our reputation.**

Top law firms trust CNA's Professional Liability Program. As part of an insurance organization with \$60 billion in assets and with an "A" rating by A.M. Best, we help clients manage malpractice risks.

See how our legal expertise can help your firm by contacting

Parsons & Associates at 1-877-452-9776 ext. 109

**Happy Anniversary to NYCLA's Home of Law!
Parsons & Associates is celebrating 75 years of service, too.**

www.parsonsinsurance.com / www.lawyersinsurance.com

**Parsons &
Associates, Inc.**



CNA is a service mark and trade name registered with the U.S. Patent and Trademark Office. The program referenced herein is underwritten by one or more of the CNA companies.

WANT TO SAVE \$100 ON YOUR NYCLA DUES? INVITE A COLLEAGUE TO JOIN NYCLA

You receive a \$100 credit toward your next year's NYCLA dues for every new attorney who joins the Association at your invitation. Your colleague receives a special welcome gift – a free, three-credit CLE course – only when he or she joins through you.

I request that NYCLA send an application(s) to the following attorney(s). Please write my name and telephone number on the sponsor line of the application and include a note indicating that I requested NYCLA send this material.

My Name _____

My Telephone _____

SEND APPLICATION(S) TO: PLEASE PRINT CLEARLY

Name _____

Address _____

USE SEPARATE SHEET OF PAPER FOR ADDITIONAL NAMES

I would like to invite a colleague(s) to join NYCLA, please send me _____ (number) applications.

My Name _____

My Address _____

**COMPLETE THE SPONSOR INFORMATION BEFORE SENDING THE APPLICATION(S) TO YOUR CANDIDATE(S).
Please see regulations.**

**FAX this form to 212-406-9252, or
MAIL to NYCLA, 14 Vesey Street, New York, NY 10007,
or EMAIL invitations to your colleagues on
NYCLA's web site at www.nycla.org.**

Please call Harriet Astor 212-267-6646,
ext. 212 for more information.

2005 ATTORNEYS' GUIDE TO CIVIL PRACTICE IN THE NEW YORK COUNTY SUPREME COURT

The *Attorneys' Guide to Civil Practice in the New York County Supreme Court* is a valuable reference tool for all lawyers practicing on the civil side in Manhattan. Produced by the Committee on the Supreme Court, it is a concise resource for details about judges, court personnel and procedures in the Supreme Court. Highlights include: Commencing a Lawsuit, Assignments and Case Processing under the CCJP, Motion Practice, Back Offices and major County Clerk Operations, Commercial Division, Judges and Staff, and much more!

ORDER FORM

To order the *Attorneys' Guide*, complete this form and fax or mail it to NYCLA. Fax with your credit card information to: 212-406-9252, or mail with your check or credit card information to: NYCLA, Guide, 14 Vesey Street, New York, NY 10007. Call Harriet Astor at 212-267-6646, ext. 212 for more information.

Number of copies _____ @ \$50/NYCLA member rate _____
NYCLA ID

Number of copies _____ @ \$100/non-member rate

Name _____

Firm _____

Address _____

Phone _____ E-mail _____

Credit card number _____ exp. date _____

Signature _____

Check enclosed _____

NEW YORK COUNTY LAWYERS' ASSOCIATION MEMBER INVITATIONAL CAMPAIGN REGULATIONS

NYCLA Sponsor

1. The sponsor must be a current NYCLA member in good standing.
2. The sponsor's name must be on the official application to receive credit.
3. No retroactive credit will be given to a sponsor.
4. Only one sponsor will be given credit for each new member.
5. There is no limit on the dues credit a member can receive.
6. The sponsor credit is good toward his/her next year's dues.
7. Sponsor credit amount exceeding annual dues will be credited to following years.
8. There is no cash reimbursement or transfer of sponsor credit.

New Member

9. The New Member must be a "first-time" member, no reinstatements.
10. The New Member must be an Active or Sustaining full-dues paying member.

[Law students, Provisionals, Law Grads, Newly Admitted and Associate Members and Members paying a discounted rate are excluded.]

Campaign Deadline

Applications and full dues must be received by
December 1, 2005.

Home of Law's 75th Anniversary and Annual Meeting

From page 1

highly acclaimed CLE Institute and growth in membership. The Association's reinvigorated *Pro Bono* Department continues to marshal the resources of the bar in service to the community. NYCLA's commitment to expanding access to justice and securing equal rights for all is reflected in the work of its committees, sections and task forces. Among NYCLA's 2004-2005 public policy initiatives were the report and *amicus* briefs filed in support of equal marriage rights for same-sex couples and a conference on the Housing Court and subsequent Board resolution supporting a right to counsel for indigent tenants in that court. Among the Association's future initiatives is the sponsorship of a Family Court Conference to focus on the challenges confronting the juvenile justice system.



Three past presidents of NYCLA (left to right) Robert L. Haig, Michael Miller and Stephen D. Hoffman, pose with Ann B. Lesk, NYCLA Secretary.

Preserving Judicial Independence and Separation of Powers

Mr. Reimer decried "multi-faceted attacks by ratings-driven media and an array of ideologues" as posing an ominous threat to America's legal system. He questioned the appropriateness of public officials inciting anger against our judiciary. "We must protect free speech," Mr. Reimer admonished, "but we should boldly condemn corrosive speech." In response, he announced the formation of a special working group whose mission will be to develop a long-range strategy to guide the Association's efforts to preserve judicial freedom and the separation of powers in our country.

Redesigned Website

Mr. Reimer announced the launch this fall of a completely redesigned website that will provide members with "one of the most innovative and useful desktop services provided by any bar association."

For the complete text of the Annual Report, please refer to page 11. To read more about NYCLA's Public Policy initiatives, log on www.nycla.org, click on Publications and then on NYCLA Reports and Resolutions.



Boris Kostelanetz, Past President of NYCLA



Students from the Mannes College of Music, a division of New School University, performed at the reception.



Norman L. Reimer, NYCLA President, and Hon. Judith S. Kaye, Chief Judge of New York State Court of Appeals



From left to right: James B. Kobak Jr., President of the NYCLA Foundation; Edwin David Robertson, NYCLA President-Elect, law student member and Frank C. McLaughlin Jr., former Board member



A view of St. Paul's Chapel

A BRIEF HISTORY OF THE HOME OF LAW

Ground for the Home of Law was broken on December 7, 1929, a brave move considering the economic climate of the times. It took a mere six and a half months for the building to be completed. The block had been owned by the Astors, who had a hotel on the corner of Broadway and Vesey Street. William Nelson Cromwell chose the site for the Home of Law because, with St. Paul's Chapel across the street, no building would ever block the view.

On May 26, 1930, the building was officially opened at a ribbon-cutting ceremony attended by Hon. Benjamin N. Cardozo, Chief Judge, Court of Appeals; Hon. Samuel Seabury, former NYCLA President (from 1925-1927); William Nelson Cromwell, NYCLA President (from 1927-1930); and Charles C. Burlingham, President of City Bar, among many other notables. Since the U.S. Supreme Court was sitting that day, Hon. Charles Evans Hughes, former NYCLA President (from 1919-1921), could not be present, but communications were read from him and from Hon. Harlan Fiske Stone, Associate Justice, U. S. Supreme Court. Cass Gilbert, the architect, concluded the proceedings.

In his remarks, Mr. Reimer noted, "Through wars, depressions and recessions, blinding blizzards, sweltering summers and the unspeakable calamity of September 11, 2001, the building endures as a symbol of the law itself: strong and stable, able to withstand the onslaught of powerful forces, but also adaptable to change and amenable to innovation." Judge Kaye concluded, "In our Home of Law we come together as a family to preserve and enjoy what is best about our past, while assuring that the profession continues to meet the needs of an evolving society."

PUBLIC POLICY DEVELOPMENTS

April 2005 – New York, NY – NYCLA adopted a report prepared by its Criminal Court Task Force that asks the City of New York to provide funds to support the implementation in one borough of a pilot conditional-release project for misdemeanors to reduce the current failure-to-appear rate and increase the release-on-recognition rate. Also noted was a built-in feature to document the results and the reduction of costs to the City for housing defendants.

May 2005 – New York, NY – The Network of Bar Leaders, an organization consisting of the presidents and selected representatives of 45 diverse bar associations from the greater metropolitan area, voted unanimously to adopt NYCLA's resolution that condemned the recent attacks on the judiciary as an unwarranted threat to the balance of power among the branches of government.

May 2005 – New York, NY – NYCLA adopted a report, "Report on Non-Retention/Retention Elections," recommends against instituting retention elections, that the Feerick Commission had proposed for elected judges. Prepared by a subcommittee of NYCLA's Task Force on Judicial Selection, the Report concludes that the retention-election process, with its very real potential for 'anti-retention' campaigns, directly encourages the ('evil') that retention elections are intended to guard against.

May 2005 – New York, NY – The Matrimonial Law Section testified at a hearing of the Unified Court System's Matrimonial Commission on May 9, recommending ways to reduce the time and expense of divorce litigation. The Committee on the Family Court and Child Welfare also testified about the need to assign counsel for indigent litigants in Supreme Court.

May 2005 – New York, NY – NYCLA filed *amicus* briefs with the Appellate Divisions, Second and Third Departments, requesting that the courts reverse lower-court decisions upholding the prohibition of civil marriage between same-sex couples. Joining NYCLA in the two briefs is the Washington, DC-based National Black Justice Coalition, the nation's largest black gay civil rights organization.

May 2005 – New York, NY – NYCLA sent a letter to NYS Governor George E. Pataki expressing its opposition to Senate and Assembly Bills. The Bills, which propose amendments to New York law relating to domestic and foreign limited liability companies, limited partnerships and limited liability partnerships, seek to modify the requirement that such entities publish notice of formation in newspapers in the county in which they are located. The letter sent to the Governor states, in part; that "[T]he amendments posed by the Bills are unclear in certain respects, do not serve their stated objectives in others, and would impose, in many instances, a financial hardship on start-up businesses."

June 2005 – The Committee on the Family Court and Child Welfare issued a report opposing sections of S.4383, a New York State Senate bill, which would extensively restructure Family Court proceedings governing initial, continued and permanent separation of families through the placement of children in foster care in child protective proceedings, as well as by voluntary placement, and reduce procedural protections against loss of parental rights.

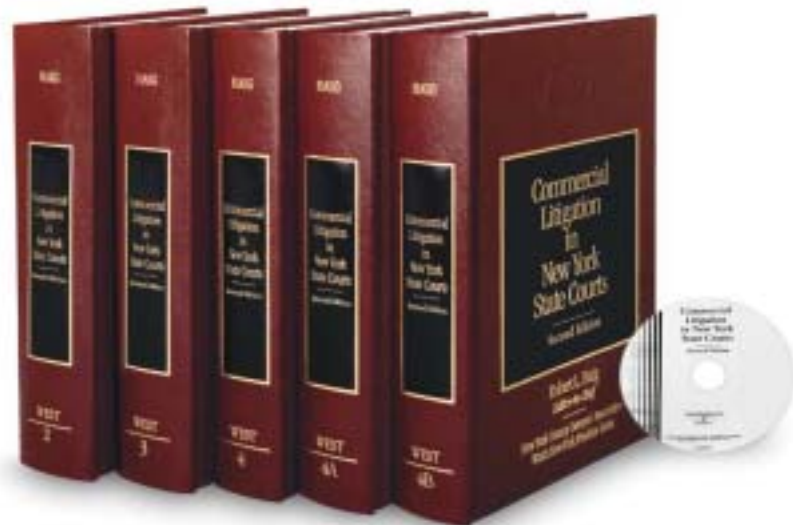
To read the complete text of the reports and testimony, log on to www.nycla.org, click on Publications and then on NYCLA Reports and Resolutions.

Insight into preserving the record: guide now available through Enright Court Reporting

Often, the accuracy of testimony submitted at pre-trial proceedings is essential to winning a case. Enright Court Reporting, Inc., based in Sayville, Long Island, recently published a valuable guide that provides information on how to ensure an accurate transcript. The insight Enright shares can make a difference when preparing your case for trial.

This pamphlet details what can be done before the deposition begins to help the proceeding move quickly and efficiently, as well as information on marking exhibits, nonverbal responses, requesting documents for production/insertions, off-the-record discussions and much more. Members of the New York County Lawyers' Association can order their complimentary copy of this informative booklet by emailing their request to Denise Armstrong at denise@enrightcorp.com or calling 1-800-809-7797 or visiting Enright's website at www.enrightcorp.com for further information.

Win the newly released five-volume Second Edition of *Commercial Litigation in New York State Courts*



Totally revised, expanded, updated!

Entry Date has been extended!

Entries must be submitted by: **July 31, 2005.**

NYCLA will raffle one copy of its critically acclaimed treatise on **August 1, 2005.**

Only one entry per person. Duplicate entries will result in disqualification.

Entry Form

Name: _____

Address: _____

NYCLA Member ID#: _____

Return this form to:
New York County Lawyers' Association
Raffle
14 Vesey Street
New York, NY 10007

or

Fax entry to: (212) 406-9252



TASA's experienced Referral Advisors save you valuable search time by skillfully matching your needs with TOP LOCAL and NATIONAL Expert Witnesses and Consultants.

We Provide

- Outstanding experts in more than 10,000 categories, even hard-to-find specialties
- More than 900 medical and healthcare practice areas
- Time-saving, customized searches, referrals, resumes, and your initial interview calls with experts

Experts for Every Need. Service Second to None.



TECHNICAL ADVISORY SERVICE FOR ATTORNEYS

A Division of The TASA Group, Inc.

800-523-2319 • 212-732-2736

experts@tasanet.com • www.tasanet.com

Serving New York County Lawyers Since 1961

MESSAGE FROM THE
FOUNDATION'S EXECUTIVE
DIRECTOR AND
NYCLA'S COUNSEL

Marilyn J. Flood

International women's issues

Several years ago NYCLA was granted special consultative status by the Economic and Social Council of the United Nations, commonly referred to as non-governmental organization (NGO) status. Since then, our Foreign and International Law Committee has taken the lead in participating in UN events, as well as sponsoring an array of forums and committee meetings featuring international speakers.

Our Women's Rights Committee has also coordinated a number of programs on international women's issues such as violence against women and international trafficking in women and girls. More recently, the Committee held a fascinating program on the status of women in Afghanistan, which included the showing of a CNN documentary and speakers from the Queens-based organization, Women for Afghan Women.

On June 1, the Women's Rights and the Foreign and International Law Committees co-sponsored, with The Global Fund for Women, a very special and memorable program in which Shirin Ebadi, Iranian woman lawyer, human rights activist and winner of the 2003 Nobel Peace Prize, spoke about her life, the legal and political barriers to equality for Iranian women in Iran and the status of the legal profession in Iran. Ms. Ebadi described the deterioration, since the revolution, in legal rights for women; for instance, child custody rules were changed to provide that men automatically got custody of young children after a divorce. She attributed the publicity she received after winning the



Nobel Peace Prize as instrumental in revising this law. Sadly, the legal profession in Iran is also under attack. Previously the Iran Bar Association had the power to admit and recertify lawyers; now the judiciary has the authority to admit lawyers and to require annual recertification. Clearly, this damaging shift may change a once-independent legal profession into an arm of the judiciary in front of whom it practices.

Another extraordinary program will take place at NYCLA on July 13 at 6:00 p.m. In cooperation with Women for Afghan Women, the Women's Rights Committee will host a program featuring a slide show and commentary by Steve McCurry, legendary and award-winning photographer. Mr. McCurry has photographed many areas of international and civic conflict, as well as the rubble at Ground Zero on September 11. Perhaps he is most famous for the photo on the cover of *National Geographic* in 1985 of the green-eyed Afghan girl whose family had fled to a refugee camp in Pakistan. Rediscovered by Mr. McCurry two decades later, the young woman, Sharbat Gula, is still striking. Posters of the photo of Ms. Gula will be for sale at the July 13 program; proceeds will help support a conference that Women for Afghan Women is sponsoring in Afghanistan later this summer.

Please join us for this very special opportunity to witness, through Steve McCurry's images and commentary, the lives of women and girls in Afghanistan.

Bloomberg Professional Online

Visitors to the Library can now access the Bloomberg Professional Service, an online database that provides real-time pricing, data, history, news, analytics and research for global financial markets. The database contains comprehensive news on companies, countries or people, advice on stocks and funds, and produces in-depth, categorized and archived news stories.

The Library plans to conduct seminars and CLE courses on the use of this database for the legal professional. Topics covered will include: navigation within the database using function keys, toolbars, menus and Help screens; basic research and document retrieval; retrieval of securities information, including specific securities and securities by type; research of mergers and acquisitions and underwriters; and accessing news alerts. Attendees will also learn how to access files used primarily by lawyers, such as cases, dockets and class action suits. You don't have to wait for a class - drop in and the Library's reference staff will show you how to look up your favorite stock or client.

City Council honors NYCLA

The New York City Council honored NYCLA at City Hall on April 26 with a Proclamation presented by Council Speaker Gifford Miller that stated (in part), "The Council of the City of New York is pleased and proud to honor the New York County Lawyers' Association...[for] ensuring access to justice for all, advocating for a strong and independent judiciary, maintaining high ethical standards for the bench and bar, and promoting the administration of justice and reforms in the law in the public interest."

Coming Soon: Entertainment and Special Event Programs

by M. Barry Levy

As a way to foster collegiality, the Membership Department will host a series of special event programs this fall. What type of events would interest you? Programs already suggested include Broadway theater, chamber music, golf or tennis outings, a night at the opera, poker, bridge and dinner cruises. Share your ideas about the types of programs or events that you would enjoy. And, if you'd like to help organize these programs, contact me at mbarrylevy@spcblaw.com or our Director of Membership, Harriet Astor, at hastor@nycla.org. You may also fax your suggestions to me at 212-425-1797.

M. Barry Levy is Co-Chair of the Membership Committee."

Law Day 2005



NYCLA's Committee on the Supreme Court held its annual Law Day Luncheon on April 22 and presented the Capozzoli Gavel Award to Hon. Helen E. Freedman (third from left), New York State Supreme Court Justice, and a special award to Kenneth Feinberg (first from left), The Feinberg Group, LLP, for his role as Special Master of the September 11 Victim Compensation Fund. Norman L. Reimer, NYCLA President, acknowledged that the recent political attacks on the state and federal judiciary constituted the most direct and explicit attempt to undermine the independence of the judiciary since *Marbury v. Madison*. Reinforcing the Association's commitment to resist all efforts to curtail that independence, Mr. Reimer pledged to create a Task Force on the Independence of the Judiciary. Co-Chairs of the Committee on the Supreme Court and Law Day Luncheon were Samuel E. Kramer and Richard P. Swanson.

75TH ANNIVERSARY OF THE DEDICATION OF THE HOME OF LAW / MAY 26, 2005



Norman L. Reimer, NYCLA President, and Edwin David Robertson, President-Elect

Remarks of Norman L. Reimer, NYCLA President

At this hour, on the 26th of May 1930, William Nelson Cromwell presided over a program of dedication for the Home of Law featuring an audience of nearly 1,000, addresses by 11 guest speakers and messages from 10 others. This roster of dignitaries included such legendary names as: Cromwell, Charles Evans Hughes, Harlan Fiske Stone, Samuel Seabury, Benjamin Cardozo, John W. Davis, Charles Burlingham, Henry Taft and, of course, Cass Gilbert, the architect who left an indelible imprint on lower Manhattan.

Nowhere in the stenographic record of those proceedings is there one word that even hints at any reception or celebration that accompanied the program. In planning this event, we decided to change that. And so we accepted the gracious invitation of Father Hoke to hold the ceremony in historic St. Paul's – and, immediately following the program, we will cross Vesey Street where the Home of Law awaits us with food, drink and a social time appropriate to this milestone. In other words, for a party. And party we will!

There is no better way to mark this anniversary than to use the Home of Law for its ultimate purpose: joining together the leaders of New York's bench and bar in celebration, not just of the building, but of the profession and the principles to which it was dedicated on that day 75 years ago.

Mr. Cromwell would have been immensely pleased to look out and see, as I do, this amazing array of judges, lawyers, members of the NYCLA family and the legal community gathered to pay tribute to his vision. This is truly a roomful of dignitaries. Then again, by now you know this about me: because of my love for this profession, I consider that one lawyer sitting alone in a room is a roomful of dignitaries.

So while I view all of you as dignitaries and members of the extended NYCLA family, I want to acknowledge some very special guests, including: NYCLA past presidents; past Cromwell Award winners; federal and state court judges; presiding justices; elected officials, particularly NYCLA member and Council Member Alan Gerson for his leadership on the critical issue of right to counsel for the indigent; and bar leaders from near and far.

My special thanks to our Guest Speakers – each of whom will be given a proper introduction: the leaders of New York's federal and state judiciary; the City's leading lawyer, representing the Mayor; a renowned author, educator and architectural critic; and the preeminent leader of the New York Bar who will deliver

the 2005 Hughes Lecture.

The genius of the Home of Law, both as structure and concept, is that it bridges the past and the future. Cromwell understood that the roots of the American legal system, grounded in a love of liberty and resistance to tyranny, are its strength. That explains his quest to secure the land directly across from St. Paul's Chapel and his insistence that its design complement the exquisite architecture of the Colonial period. He wanted to achieve an indelible link to the patriots of the Revolution, as an enduring source of inspiration for all lawyers and for all time.

At the dedication, Cromwell said that he wanted young lawyers as they entered the gates of the Home of Law, in generation after generation, to derive inspiration from the "patriotism, freedom and sacrifice" of the Nation's founders. Another speaker, Judge Samuel Seabury, referred to the "great lawyers of an earlier day" who "toiled within a stone's throw of the building," and saw it as a place to "keep alive in the future that spirit and tradition."

And so it was that location and design served the building's purpose. Any doubt as to what that purpose might be was resolved on December 7, 1929 at the cornerstone laying, when Cromwell dubbed the building the "Home of Law":

- a place to support the work of what NYCLA founder Joseph Choate called "the great democratic bar association";
- a welcoming Home for the entire bench and bar, without regard to race, religion, gender or ethnicity to promote NYCLA's mission;
- a center to gather daily in the pursuit of justice.

For three-quarters of a century, NYCLA and its Home of Law have fulfilled that vision – striving for full equality, seeking to elevate ethical standards and preserve the independence and integrity of the judiciary and, above all, seeking to expand access to justice.

Through wars, depressions and recessions, blinding blizzards, sweltering summers and the unspeakable calamity of September 11, 2001, the Home of Law endures as a symbol of the law itself: strong and stable, able to withstand the onslaught of powerful forces, but also adaptable to change and innovation. Constructed at a time when its designers could scarcely have imagined such advances as central air-conditioning, let alone a wireless internet, the building has proved its resiliency throughout the decades.

But just as Cromwell's eye was focused keenly on the future, so too it is our responsibility, as custodians of his vision, to pave a road to the future.

To do so, we must now confront two great challenges.

As is the case with every human creation, the seasons take their toll. And that is true with our Landmark Home of Law. It cries out for rehabilitation and reconfiguration to meet the needs of a 21st-century bar association. The time has now come when we must invest in renovation and restoration. That is our first challenge.

Generous as Cromwell was, he could not have succeeded without broad support from the New York legal community. At the dedication ceremony, the Association's Treasurer, Benno Lewinson, acknowledged the support of 3,000 individuals, including hundreds donating relatively modest sums that he duly characterized as "the most valuable" because their relatively greater sacrifice evidenced an intense spirit of support for the Association's mission.

And so, appealing to the same spirit that enabled the original construction, I am tonight, on this anniversary, announcing a Centennial Capital Campaign, beginning now and lasting through NYCLA's 100th Anniversary on April 21, 2008. Our goal will be to raise \$5,000,000 for the support of the Association's endowment and building fund.

This Campaign is the culmination of several

years of planning and restructuring, capped by the Board's adoption of a strategic plan. And I am pleased to tell you that our efforts are already off to a soaring start – thanks to a generous pledge of support by the amazing law firm that William Nelson Cromwell founded. Please join me in saluting Sullivan & Cromwell.

The dedicated members of the NYCLA and NYCLA Foundation Boards of Directors have also demonstrated their personal support. Thanks to their extraordinary generosity, we begin the public phase of this campaign approaching 100% participation by our Boards and with total pledges of nearly half a million dollars. As in 1930, some pledges are large and some are more modest, but all are invaluable. Please join me in expressing our gratitude to NYCLA and the Foundation Boards.

I hope that when we commence the public phase of this campaign, the NYCLA family and the broader legal community will answer our call.

But it is support of another kind that is indispensable to the preservation of the aspirations and principles that underlie the Home of Law – support that is measured not in dollars but in values. That is the second of the great challenges that lie before us.

Caring for our magnificent Home is only part of our mission for the future. There is a far more insidious danger than the ravages of time threatening the Home of Law.

The American justice system, its lawyers and judges, its centuries-old bulwarks and protections for even the weakest among us, its time-tested framework for equality under the law, faces multi-faceted, episodic attacks from an array of determined ideologues and interests. With unthinking recklessness, they aim to turn the judicial system on its head and to contort age-old constitutional principles to advance narrow goals.

We lawyers need to be on the front lines in the struggle against this threat to the principles to which this Home of Law was dedicated.

It's sometimes easy to turn a blind eye to the battle raging around us. We live in a curious age when even the most important issues are reduced to daily fodder for the entertainment culture that seems to define our times. It starts when we permit the trivialization of fundamental precepts into some kind of mindless inanity offered for our amusement.

The pattern is a familiar one: sound bites become late-night one-liners, and then grist for the ubiquitous pundits and lawyers-turned-TV stars who will say anything to boost their ratings. And in no time at all, and small wonder, Americans tell pollsters that juries are bad, the Bill of Rights is too broad, and judges are out of control. Sensationalism and distortion, aided by instantaneous and unfettered communication tools, can reduce the public perception of even the most thoughtful, temperate judicial decision to a target of scorn and derision.

No stretch is too far, and those who would dismantle our legal system know this. Save the spotted owl and they demand an end to environmental laws. A successful plaintiff was scalded by hot coffee at McDonald's and they want to eviscerate our civil tort law. A couple of troubled kids go on an insane shooting spree in a high school and they ascribe blame to judicial decisions upholding the separation of church and state upon which the country was founded. And in the wake of the despicable attack that occurred on this block, our Nation embraces a rash curtailment of domestic civil liberties and a toleration for international human rights violations that somehow seem to utter variance with the principles for which our citizens are fighting and dying overseas.

When the ridicule and anger reach a boiling point, more quickly these days than ever before, the custodians of our way of life, the lawyers and judges who serve the system, become the scapegoats, a toxic scenario fueled by ratings-driven media and vote-hungry politicians – of all political stripes. Even the core

values secured by those patriots who rest in the graveyard of this Chapel, and in so many other locales throughout the country, are challenged in ways that were once unimaginable: judicial independence, separation of powers, separation of church and state, are all subject to a rising tide of turbulence.

Think of the atmosphere in which we live today. What does it say when a federal judge whose husband and mother were murdered by a twisted malcontent upset with her rulings has to go to Capitol Hill to plead with lawmakers to tone down the rhetoric and respect our system of justice and the men and women who serve it?

Is it really appropriate for public officials to incite anger against our judiciary, then with a wink say they didn't mean it? Can we afford to stand by idly in the face of irresponsible demagoguery? I think not.

We must staunchly protect free speech; but we should boldly condemn corrosive speech. Judges, constrained by ethical strictures, need the help of the profession to repel efforts to intimidate the judiciary. We who share this Home of Law, and all the other Homes of Law in our community, must stand up, take steps to combat this threat, or, like the aging infrastructure of a fine old building, our precious justice system will erode from within.

It matters little whether your bar association is housed in a landmark building, an office tower or a rented suite, or whether it travels from office to office with the periodic election of new leaders.

Nor is it important whether it is on Vesey St. or 44th St. or Elk St. in Albany, 148th St. in Jamaica, Remsen St. in Brooklyn or the Grand Concourse --- the great challenge for our profession is, as Cromwell saw it, to perpetuate the spirit of freedom and sacrifice exemplified by America's founders.

Cromwell did not build the Home of Law as a mausoleum or a social club. He built it as a gift and a challenge to future generations to advance the law and the principles of America's constitutional democracy into an uncertain future.

Let us all accept the challenge. That is the only sure way to preserve the noble purposes of this or any other Home of Law.

Remarks of Edwin David Robertson, NYCLA's President-Elect

The New York County Lawyers' Association thanks each one of you for sharing this evening with us. The County Lawyers is especially grateful to Trinity Parish for sharing with us today this place and this space, St. Paul's Chapel. This is our great City's oldest public building in continuous use.

Over the last eight decades, St. Paul's has been more than merely our neighbor to the south. It is special. And today is a special day. Three hours and 75 years ago ... our Home of Law, across the street, was dedicated. When Mr. Cromwell selected that lot for the Home of Law, he conceived a place and a space that would ennoble our profession. As Mr. Cromwell expressed it at the time:

"Our building has a unique location as well – unique in its historical association in sacred memories. It faces dear old St. Paul's, the oldest of the churches in our Island City. Within whose walls and under whose guardianship rest the precious souvenirs and records of Colonial days, and confronts, too, the neighboring graveyard where, amidst all the swirl of the modern world, lay the remains of our forefathers who left us the ever living memory of their achievements and heroic deeds. It was here in St. Paul's, ... that Washington walked with his distinguished conferees immediately following the ceremonies of his taking the

12 Summer 2005 / New York County Lawyer

oath of office as our First President.”

As Mr. Cromwell explained: “How fitting, then, that a Home of Law should be established in such a unique setting. How inspiring to the youths of law as well as to the elders, that the example of patriotism, freedom, sacrifice, unity and fraternity of their forefathers should ever be present to their senses as, generation after generation, they enter the gates of this, our Home of Law.”

Of course Mr. Cromwell never suspected that, only 71 years later, St. Paul’s would, in the darkness of September 2001, rekindle a beacon of hope and renewal that eclipsed even what had gone before. Mr. Cromwell’s indebtedness to this space was matched by the words of our architect Cass Gilbert.

In 1928, Mr. Gilbert proposed what he planned to do with the lot across the street. As he explained:

“It is not designed to develop a new or startling type of architecture, but rather to adopt an architectural style which is calm and serene and has had the test of time, in short, which is in good taste now and will always remain so.”

As he put it, “The design of the building will be in harmony with the type of architecture so adequately represented by St. Paul’s Church. One of the most graceful and beautiful structures of the early period of New York.”

This evening we do not pretend to present any historical reenactment of the proceedings of 75 years ago. On the other hand, each of our speakers has a historic link to the events of that May afternoon. And you will hear more of that as they are introduced. Let’s go back for a moment to the events of 220 years ago when the new republic was being organized.

When the first Congress was convened in New York City in March 1789, senators and representatives had such difficulty getting here that almost a month passed before a quorum of both houses of Congress was present. Then they could proceed with the first order of business – counting the electoral votes to determine who would become our first president. At the time there were no federal judges, because the federal judiciary had not been established. Who would administer the oath of office to General Washington?

That task was assigned to the highest judicial official of the State of New York, Robert Livingston, the Chancellor of the State of New York. From all the contemporary accounts, Washington’s inaugural speech was marked by an anxiety that was uncharacteristic of a general who had commanded troops in battle and presided over legislative debates for many years – indeed the deliberations that drafted the new constitution.

Following his inauguration, the President and new Congress came here. The buildings where they slept, and ate, and talked, and wrote have all fallen to the wrecking ball. But we know that the founders came here, to this chamber, while New York City was the seat of government. For example, the pew of George Washington is clearly marked. Yet, many of us wonder, where did Hamilton sit? Was Madison or Randolph near by? Where was John Jay? What words did they whisper as they lingered here? These were the people who began to put the first flesh on the skeleton of our constitution. The people who gave us our first laws. The people who drafted the Bill of Rights. And the people who enacted the First Judiciary Act. These were the people who laid the firm foundation of what we call the “rule of law.” Mr. Cromwell was certainly wise in choosing Vesey Street for our Home of Law. As a place and a space, it was calculated to inspire us to remain faithful to our charter just as the members of the first Congress were faithful to the charter of the new republic.

When our Association was founded almost a century ago, its leaders joined together and pledged to advance the science of jurisprudence and to elevate the standards of integrity, honor and courtesy in the legal profession, all to the end that we may serve the public interest and promote the public good. Our Association’s founders rested their case on the simple proposition that membership in the bar of this great City gives each us – as New York County Lawyers – a common bond and a common purpose that are stronger than any difference of sex, or race, or religion that may, sadly, tug at others to pull them apart.

Today our Home of Law stands as a monument to the vision of our founders, and an inspiration to those of us who strive to keep that faith alive.

Remarks of Hon. Judith S. Kaye, Chief Judge of the State of New York

Last weekend, in preparation for this evening’s proceedings, I had the pleasure of reading the record of the Dedicatory Ceremonies of the Home of Law, held this very day--May 26--a mere 75 years ago. As lawyers trained in the common law system, we like to know, and rely upon, precedents. So I thank you, Norman Reimer, County Lawyers’ extraordinary President, for yet another act of incredible thoughtfulness, in sending me this document.

In his cover note, Norman wrote, “Happily we will be having somewhat fewer speakers than appeared on 5/26/30.” And indeed, that is



Hon. Judith S. Kaye

a fact to be celebrated, distinguished as the roster was--the most notable lawyers and judges of the day. I see that May 26 that year fell on a Monday, that the ceremonies began at 3 p.m., and that the audience practically filled every room of this magnificent edifice, no doubt leaving open the possibility that they could continue the extensive speeches well into the night, and then all through the week. The speakers did go on and on, in grand rhetorical style--a life-threatening risk for speakers today.

One word rang in my ears as I read through the document: heritage--the condition or state transmitted from ancestors, rightful successors to a great building and a great tradition.

It is in many respects a daunting responsibility to be the keepers, and transmitters, of a great heritage. And Norman, I feel this most especially for you as County Lawyers’ President. As we know, it was the vision of County Lawyers’ President William Nelson Cromwell that inspired this bar association in 1908 and then this building in 1930--his vision, and much, much more. As I learned from reading the program, it was he--the President himself--who personally stepped in and overnight, on his own, purchased the building site from the Astors, who required that he additionally purchase an equal block of contiguous property. And he did. Talk about following precedent!

But concerned as I am for Norman, the burden of following precedent grew even more worrisome when I reached the remarks of my own Chief Judge predecessor, Benjamin Nathan Cardozo, introduced that day as the greatest lawyer of his day and age, loved and revered by the profession as no other. In the words of President Cromwell:

“It is surplusage to say more of one who bestows upon his State and Nation honor without limit; learning of amazing profundity and wisdom; character without a blemish; modesty without equal; the personification of ‘noble, sublime, god-like justice.’ Let us rise and pre-

sent our homage to the Chief Judge of the Court of Appeals.”

What a nice ring that has!

I could not begin to match the eloquence or scholarship of our illustrious Court of Appeals predecessor--my Colleague Judge Robert Smith’s (in the audience) and mine. Cardozo’s references ranged from the Greeks, to Shakespeare, to Colonial America. But his message, I believe, is as relevant to this day and this occasion as *Meinhard v. Salmon* to the law of fiduciaries, and *Palsgraf v. Long Island Railroad* to the law of torts, and I would simply adopt it as my own. That is one of the innumerable joys of serving on the Court of Appeals, his Court. In one of my own Opinions, I can simply write, “As we have previously noted, ‘Danger invites rescue.’” And then it’s mine, all mine.

So, “our” tribute (Cardozo’s and mine) begins with the building itself--a Colonial home, in a style known to George Washington, facing the church where Washington worshiped. We all know, and appreciate, the key significance of a building’s architecture, how vitally it shapes and influences the lives of its inhabitants. Here, the concept of “home” is, of course, the major ingredient. Not merely a library; not merely a clubhouse for lawyers and judges. This was to be, this will forever be, a Home of Law, where we together learn of our great traditions; where we elevate professional standards to better serve society; where we become part of immemorial succession; where we are imbued with a passion to keep the succession true.

And indeed, as members of the American Bar, ours is a great heritage, with roots in distant lands and distant centuries. Chief Judge Cardozo, with tongue in cheek, gave two examples of traditions of ancient origin that flourish to this very day--lengthy lawyer orations of questionable relevance, designed to incline judges and juries to their clients’ position; and the timeless fashion of the public to dwell on the shortcomings of the Bar, barely noticing its virtues. As Cardozo observed, “Popular the members of our profession have never been able to become through all the ages of its history”--no vision of Utopia, from Plato to H.G. Wells, has ever included us--and he speculated that that may be why we cling so ferociously in friendship and comradeship to one another.

And cling to one another we happily do, much to the benefit of one another, the profession and the public, a tradition greatly enhanced by this handsome, welcoming, highly functional facility that has indeed stood the toughest test of all--the test of time. Within its walls, we meet as friends; as students; as teachers; as celebrants of memorable people, events and anniversaries; as researchers combing through musty volumes or googling around the globe; as counsel engaged in our noble profession’s highest tradition of *pro bono* service, advising clients without fee in fields such as family, employment, consumer bankruptcy and landlord-tenant law; as responsible leaders promoting access to justice, diversity, equality of opportunity irrespective of race, gender or sexual orientation, and planning for the future of this Association; as good, kind, caring neighbors, particularly in time of unspeakable horror and tragedy. In short, in our Home of Law we come together as a family to preserve and enjoy what is best about our past, while assuring that the profession continues to meet the needs of an evolving society.

I close with the picture in my mind’s eye of Monday afternoon, May 26, 1930, when every room of our glorious Home of Law was filled with notables straining, through the miracle of modern radio, to catch every word of congratulation and every expression of hope for what the building would signify for the profession and the larger world. Seventy-five years later, in a brave new world of technology, every room of our Home is filled with the realization of that hope.

On behalf of the entire New York State Judiciary, I thank and congratulate the visionaries of 1930 and all those who followed: rightful successors to a great building, a great tradition, a great heritage.

Remarks of Michael A. Cardozo

Thank you Dave [Robertson].

It is my honor, on behalf of New York City, to join in this celebration of the 75th anniversary

of the construction of the wonderful building across the street. I want to particularly congratulate this Association and its members whose work have done so much to preserve and advance the rule of law.

Let me begin by looking back to May 26, 1930.

It was, with all due respect to Charles Dickens, the worst of times for most New Yorkers.

Seven months earlier, a few blocks from here, the stock market had crashed. In May 1930, New Yorkers, and certainly New York City, were in the depth of the Great Depression.

The economic challenges were so great that New York City told its marshals not to evict people who were behind in their rent. When that action was challenged, Arthur Hilly, the Corporation Counsel at that time, was unable to persuade the Court that such non-action was justified in order to prevent evicted tenants from becoming “burdens on the city.” As I have learned from painful experience, this is not the last example of a Corporation Counsel being unable to persuade the courts of the lawfulness of a particular action by New York City government.

When we compare the legal issues of 1930 to those we face today, we find some interesting comparisons, going far beyond the fact that one of the speakers when the Home of Law was first opened was another Cardozo, a distant cousin mine, who was then the Chief Judge of the Court of Appeals.

There are substantive parallels between the legal issues in which New York City was involved in 1930 and today. In 1930, because of the Depression, the construction of the Triborough bridge had been halted, and controversy reigned over whether the City should, and if so how, find the money to complete the project. Then, as now, disputes like these ended up in the courts with the then Corporation Counsel successfully arguing that a proposed financing arrangement for the Bridge’s construction was



Michael A. Cardozo

legal. Fast forward 75 years, move west and somewhat south, and one finds another Corporation Counsel embroiled in a legal skirmish over the construction, not of a bridge, but of a stadium.

On another note, in 1930, legal issues surrounded the institution of marriage, just as they do at present. Today, of course, the question is the constitutionality of New York State’s law prohibiting same sex couples from marrying, an issue on which this Association has spoken forcefully. In 1930, the issue was the right of the city clerk to question the validity of a Mexican divorce.

But the single most important overlap of the legal landscape then and now is the role of the rule of law, and in particular the continued efforts of this bar association and its members to uphold and strengthen it.

When the Home of Law opened in 1930, the City was awash with rumors over corruption in New York City government. It was said, for example, that appointments to the criminal court depended on a payment of \$10,000 or more to Tammany Hall. And the bar, particularly leaders of this Association, stood up to complain. Samuel Seabury, a former President of County Lawyers, was appointed to head an investigation

into this alleged corruption. Not only did his work lead to the resignation of Mayor Jimmy Walker, but it also resulted in the removal of a number of municipal judges.

Certainly no parallel can be found in this respect between Jimmy Walker and Mike Bloomberg. But there is a powerful lesson to be learned from the 1930s corruption in the appointment of lower court judges. The good news for New Yorkers today is that municipal judges are appointed by the Mayor pursuant to a merit appointment system, not the political pay-off method followed by Jimmy Walker. But unfortunately today there are some who question the integrity of our judiciary. We must make every effort to ensure that there is public confidence in the entire court system. To avoid the appearance of impropriety, and most importantly to select the very best judges, Mayor Bloomberg believes, as do I, that judges in this State should be appointed under a merit appointment system similar to the one followed by the Mayor in his judicial appointments. But at the very least, we should have merit screening panels such as those proposed by the chief judge and her Feerick Commission.

NYCLA has long been in the forefront of advocating for a judicial selection method that will result in only the most highly qualified persons serving as our judges. On behalf of Mayor Bloomberg, I urge you to never cease in those critical efforts.

The dedication and accomplishments of this Association in advancing the public interest are too numerous to detail, but I do want to single out one particular and recent example; your successful fight to increase the rates paid to so-called 18b lawyers, the attorneys who represent poor people accused of committing a crime. In my role as Corporation Counsel, it was my job to defend against the suit that you brought. But your dogged and ultimately successful efforts in that litigation are an example of the bar, and particularly bar associations, especially this Bar Association, operating at their very best, putting personal gain to the side and focusing only on advancing the public good.

I congratulate the New York County Lawyers' Association not only for the rededication of its magnificent House of Law, but for all it has done, and particularly for all I know that it will do in the future, to advance the rule of law.

Remarks of Hon. John M. Walker Jr.

Thank you President-elect Robertson.

It is a privilege to participate in this ceremony marking the 75th anniversary of the day that the New York County Lawyers' Association building, revered as the "Home of Law," was dedicated and opened to its members. The beautiful home of the County Lawyers was designed by Cass Gilbert. Cass Gilbert was profoundly connected to buildings dedicated to the administration of justice. His earlier Customs House at Bowling Green now houses the Bankruptcy Court for the Southern District of New York, and within a few years after the 1930 dedication, which we are remembering here, he designed two masterpieces central to the administration of justice: the recently named Thurgood Marshall Courthouse at nearby Foley Square – the home of the Second Circuit Court of Appeals – and the United States Supreme Court building in Washington. Notably, both of these great public buildings are presently undergoing major infrastructure renovations that will allow them to continue to serve the nation for generations to come without sacrificing the grandeur of Cass Gilbert's conception.

Cass Gilbert was the architect of the Home of Law, but in truth, it was the brainchild of one of New York's outstanding lawyers, William Nelson Cromwell, who conceived the building, led the funding of its design and groundbreaking, raised the funds for its construction and endowed a Foundation to support the aims of the Association. President Reimer has shared with me the dedicatory remarks of those New York legal luminaries who spoke in the auditorium of the Association on May 26, 1930. In addition to President Cromwell, who gave his remarks and read a lengthy letter from Chief Justice Charles Evans Hughes, Chief Judge Cardozo addressed the gathering that day, as did representatives from all the appellate courts, state

and federal, and many distinguished members of the Bar, including John W. Davis and Charles C. Burlingham.

The speeches of that day, of course, were filled with encomiums to the great architect, Cass Gilbert, and to this gem of his creation. But there was also this recurrent theme, hinted at in the Chief Judge's remarks: how can we restore the public image of the practicing Bar, which then, as today, was all too often the target of calumny and the subject of lawyers' jokes? One senses in going back over the proceedings 75 years ago that the leaders in the law of this great city were aware that things were amiss, that they wanted to set things right and that the New York County Lawyers' Association, in its new Home of Law, offered the hope of a brighter day for the legal profession. If the dedication of the building inspired a special response from bench and bar that appealed to the better angels of the profession, that response may have also reflected the origins of the New York County Lawyers' Association itself. The Association was formed in 1908 as a progressive answer to the more conservative City Bar Association and the old exclusionary ways it was seen as representing. We should not forget



Hon. John M. Walker Jr.

that before the pluralistic, tolerant and diverse profession we have today, there was a time when things were quite different – at the top levels of the profession there was no room for Catholics or Jews, not to mention African Americans and women. The founders of the County Lawyers, of course, saw things differently. Well in advance of the rest of the legal community, including the American Bar Association, the County Lawyers' Association was dedicated to a profession that would be inclusive and merit based. Its doors would be open to lawyers of integrity, skill and learning without regard to race, religion, gender or ethnic origin.

And over the years, the Association has carried out the promise of its founders and the hopes of the speakers of May 26, 1930. To take but one example, the Association was the first major bar association to press for inclusiveness in law firm hiring. More recently, the Association founded a Federal Criminal Practice Institute to train qualified state practitioners, with the goal of increasing the participation of minorities on Criminal Justice Act Panels. Surely, it is evidence of the high values of this organization that Thurgood Marshall chose to work in the Home of Law when drafting the briefs in *Brown v. Board of Education*.

The Association has long endeavored to provide access to justice to indigent litigants. It has led the fight for an increase in the state's rate of compensation for assigned counsel. And the Association has a proud tradition of sponsoring a wide array of pro bono projects to assist those who are financially deprived and need advice or representation in areas involving tax, landlord/tenant, consumer bankruptcy, family and employment law.

Closer to home for the judges who are present today, the County Lawyers has been at the vanguard of the organized bar's efforts to resist the attacks on judicial independence that, to many of us, have seemed to reach a fevered

pitch in this time of political polarization. I am happy to report that other bar associations have joined in this effort. It is an effort vital not just to the independence of our judiciary, but to the well-being of our constitutional democracy, if we hope to be governed through the impartial administration of the rule of law. The organized bar must continue and intensify its work in this regard, not least because judges themselves are not permitted to enter the political fray.

Our judiciary continues to hold the respect of the American people; without this respect it could not perform its function. The judiciary has neither the sword of the executive nor the purse of the legislature. Its judgments are honored because the courts are respected and the third branch is only as effective as the esteem in which it is held. That esteem depends upon its neutrality and its independence from outside forces, particularly political forces. The judiciary must remain as far from the political arena as possible. It must be, and be perceived to be, an impartial interpreter of the law and an even-handed arbiter of disputes.

Of course, I am preaching to the choir. I do so both to honor the County Lawyers' past efforts to support an independent judiciary and to encourage more of the same in the future. As the voices of many joined in one, this particular "choir" has a special place in the debate. It must continue to be heard.

In 1931, when Cass Gilbert received the Gold Medal of Architecture from the Society of Arts and Sciences, he spoke these words:

"My plea therefore is for beauty and sincerity, for the solution of our own problems in the spirit of our own age illuminated by the light of the past; to carry on, to shape new thoughts, new hopes and new desires in new forms of beauty as we may and can; but to disregard nothing of the past that may guide us in doing so."

Cass Gilbert's plea as an architect, I think, is one that we, who are steeped in the legal profession, might also embrace this evening, as we honor the past of this organization while marking its continued role today and its importance to the future.

Allow me, then, to congratulate the New York County Lawyers' Association on the 75th Anniversary of its magnificent Home of Law. I congratulate you for appealing, as you have always done, to the better angels of the profession and for tirelessly working for the impartial administration of justice. As I have said, it is a task as vital to our nation today as it has ever been. The legal luminaries who gathered in the building 75 years ago to celebrate its inauguration are here in spirit. I think they must be quite pleased with how things have turned out.

Remarks of Paul Goldberger

Thank you. I am happy to be here to celebrate this building, which you may think of as unique, but which I have always thought of as the third in the triumvirate of great buildings in this neighborhood by that extraordinary architect Cass Gilbert, who started off in 1907 with the old Custom House, now the New York branch of the Museum of the American Indian down on Bowling Green, then went on to do the Woolworth Building in 1913 and then this building in 1930. This is pretty good company to be in, to say the least. And while the Home of Law, as you like to call it, isn't in quite the category of the Woolworth Building – and don't be insulted by that, since very few buildings are, given that the Woolworth is one of the greatest skyscrapers ever made anywhere – but it is pretty good to have a kind of sibling connection to it, if we can call it that. The Woolworth is your big brother, in every way.

These three Cass Gilbert buildings are totally different structures, of course, sharing only the same authorship, so to speak and, of course, this piece of geography we call Lower Manhattan. Everything else about them couldn't be more different. Why this is so tells us a lot not only about Cass Gilbert himself and his values, but about what architecture was trying to do in the first decades of this century.

The New York County Lawyers' Association was built in a time when architects thought of buildings less in terms of pure physical form than in terms of what cultural associations they had, and consistency mattered a lot less than

picking the right style for the right situation. Few architects had what we would today call a "signature" style; instead, they looked for historical styles that conveyed particular meanings. Image was key, in other words. Greek temples connoted dignity and democracy and government and solemnity – think of the state courthouse at Foley Square, or the Post Office on Eighth Avenue – while Italian Renaissance palazzos signified grandeur and solidity, as in the Federal Reserve Bank down the street from here, or so many of the City's great mansions. And Beaux-Arts architecture signified grandeur and richness in the public realm, as in the New York Public Library or Grand Central Terminal, or Cass Gilbert's own Custom House.

For the Lawyers' Association, Gilbert chose none of these styles. Instead, he used a much more modest, understated American Federal architecture, a variation on colonial architecture that we could also describe as a kind of delicate, domestic classicism. This building feels more houselike than institutional, and that is no accident. The Home of Law isn't a nickname, it was an idea that went to the very heart of what William Nelson Cromwell and Cass Gilbert were trying to do – to get away from the grandiose, sometimes even pompous, aura of many courthouses and public buildings and to create a place of reflection, of socializing, of dialogue and discussion. These rooms really do feel almost domestic – maybe not the domestic scale you and I are accustomed to, but I suspect probably pretty close to what William Nelson Cromwell was used to. In his day, there were plenty of Fifth Avenue mansions grander than this building. He wanted not overwhelming pomp, but an inviting, welcoming, civilizing tone.

And that is exactly what Gilbert gave him: a gathering house for lawyers, dignified and welcoming, while suggesting that tradition mattered most of all. Both Cass Gilbert and Cromwell were deeply conservative; they had no interest in radically changing the world, just in making what they probably would have described as enlightened improvements to it. Gilbert thought very little of modern architecture; like many of his peers, architects like John Russell Pope, James Gamble Rogers or William Adams Delano, he believed that the mission of an architect was not to develop a new language, but to make beautiful things in an established one, and that the highest achievement of an architect was to create handsome, inspiring, well-proportioned



Paul Goldberger

compositions with a combination of dignity and warmth.

Cromwell and Gilbert agreed on the basic concept of the building, but this is not to say that their working relationship was always smooth. Cromwell was an insistent micromanager, and I suspect he didn't leave Gilbert alone for a moment. There is one record of some notes by Gilbert's son, the architect Cass Gilbert Jr., who worked with him on the project, that were made after Cromwell insisted on accompanying the architects to a showroom to view lighting fixtures. Cromwell denounced the lights the Gilberts had chosen, saying they reminded him of "bar-room fixtures." Cass Gilbert Jr. wrote in his notes, "I replied I was glad that Mr. Cromwell did not like the fixture

because that made me certain that the fixture was good." Gilbert's notes then go on to say, "Mr. Cromwell looked odd" – no surprise, since I suspect he was not accustomed to being spoken to that way – and then young Gilbert said he preferred his father's taste to his client's.

Now, this may be just a case of an impertinent young architect, but I suspect it has as much to do with Mr. Cromwell as with Cass Gilbert Jr. since both Gilberts were, as I said, traditional, conservative gentlemen-architects who shared a very conservative view of the world. In fact, Gilbert was conservative enough so that his early schemes included separate facilities for women in the building, including a small, private lounge and reception area for women members and a balcony in the auditorium for wives. The New York County Lawyers' Association may have been more progressive than the City Bar Association – but this was still the 1920s, and even a moderately progressive organization thought in terms of a separate balcony so that wives observing proceedings would not be a distraction to their husbands' serious business.

None of these separate facilities came to pass, but the reason, Gilbert's notes tell us, is that it was going to cost too much and be a difficult fit. It proved easier and cheaper to put an end to sexual segregation, and so it was.

It is also worth remembering that by 1930, the year the building was completed, the world had begun to change in many ways, including architecturally. The streamlined, Art Moderne energy of the Chrysler Building was already apparent on the skyline; Rockefeller Center was only a couple of years away. Modern New York, jazz-age New York, was beginning. Gilbert and Cromwell chose not to look forward to this time – neither of them was constitutionally able to do so, I would think – and instead looked back, to the world they knew, to the world that made them comfortable. In Gilbert's case it was to look all the way back to the late eighteenth and early nineteenth centuries, which the architecture of 14 Vesey Street recalls, to a time of gentility and propriety. This building is a case of architectural decorum being created to give the impression of social decorum and to suggest that the world was ordered, safe and unchanging.

There are a lot of images that we might want to project for the law and it wouldn't be hard to argue that this one, in its deep embrace of the very traditional, gets in the way of thinking of the law as progressive and changing. Perhaps it does. But there is another way to look at it, too, which is to suggest that Gilbert was really motivated by a desire to remind people that the law is a civilizing presence and a benign one, and a force for continuity. If you look at it this way, this building might be thought of as a metaphor for law as possessing not only dignity but also beauty, and even grace, for this is one of the more graceful facades that exist anywhere in New York City. And this building symbolizes something else too, perhaps the most important thing of all, which is in the way it sits comfortably among its neighbors on Vesey Street, fitting in rather than standing aloof, which conveys to us the idea of the law as something that does not stand apart from the rest of the city but connects closely to day-to-day urban life, and brings the law into harmony with daily life.

I congratulate you all on the first 75 years of this wonderful building and look forward to seeing you all at the centennial.

Charles Evans Hughes Lecture Delivered by Robert MacCrate

Dear Friends of Law:

The officers of the Association could not have fashioned a more fitting way to celebrate 75 years of the Home of Law than here across Vesey Street in St. Paul's Chapel on that day in May on which the Home of Law was dedicated "to the life of the law and the uses of the Bar."

President Cromwell in his opening address that day expressed his thrill that the Cass Gilbert building, a dream of seven years had come to "glorious reality" facing, what he referred to as "dear old St. Paul's," the oldest church on the island of Manhattan, and standing "only fifty feet from [where] Washington walked immediately following the ceremonies of his taking the oath of office as our First President." We walk today on hallowed ground.

Cromwell's thrill and satisfaction on that day in 1930 can only be fully appreciated if we see him as more than a highly successful international business lawyer, but as the boy whose father was killed in the Civil War, grew up in Brooklyn in extremely straightened circumstances, finished high school, went to work to support his mother and brother, and obtained a job as an accountant with Algernon Sidney Sullivan's law firm. Mr. Sullivan, recognizing his young accountant's extraordinary abilities, offered to put him through Columbia Law School. On Cromwell's graduation from law school in 1876, Sullivan took him into his law office. Three years later, one of Sullivan's partners became the Surrogate of New York County and his law firm was dissolved; whereupon the successor firm of Sullivan & Cromwell was founded by Mr. Sullivan with Cromwell, then only 25 years of age, as his partner.

Twenty-nine years later, in 1908, Mr. Cromwell joined with other leaders of the legal community to found this Association.



Robert MacCrate

He firmly believed that every lawyer should be a member of the organized bar and that being a lawyer should be the sole qualification for membership. The exclusion of his mentor, Mr. Sullivan, from the group who organized the City Bar in 1870 undoubtedly affected Cromwell's strong commitment to this fundamental principle of NYCLA.

At the Program of Dedication in 1930, Cromwell presided. Chief Judge Benjamin Cardozo of the New York Court of Appeals gave the principal address. He spoke movingly of the Home of Law where "lawyers of all conditions, the old and the young, the great and the humble, may come together as co-workers and as equals in the spirit of the great democracy of justice in whose name they have enrolled."

Judge Cardozo concluded his address with this eloquent peroration:

"We praise and celebrate today the symmetry of walls. Within those walls, in days now far away, when all our voices shall be hushed, an unnumbered multitude of our brethren will be busy with the endless quest for a symmetry still greater, the symmetry that men call justice, the adaptation of the rule of life to the symmetry they call divine."

"May the work be worthy of the monument; the workers, of the home."

How fitting that we have heard today from the Corporation Counsel of our City a first cousin, three generations removed of Jus-

IN HONOR OF THE 75TH ANNIVERSARY OF THE NEW YORK COUNTY LAWYERS ASSOCIATION'S HOME OF LAW REPRESENTATIVE JERROLD NADLER OF NEW YORK IN THE U.S. HOUSE OF REPRESENTATIVES THURSDAY, MAY 26, 2005

MR. SPEAKER, I RISE TODAY TO HONOR THE NEW YORK COUNTY LAWYERS ASSOCIATION (NYCLA), AND THE 75TH ANNIVERSARY OF ITS BUILDING, LOCATED AT 14 VESSEY STREET IN NEW YORK CITY. THIS LOCATION, IN THE HEART OF BOTH MY DISTRICT AND LOWER MANHATTAN, HAS BEEN THE HOME OF NYCLA AND ITS MANY CHARITABLE AND EDUCATIONAL PROGRAMS, ALL OF WHICH FURTHER ITS PRIMARY PURPOSE OF SERVING THE PUBLIC INTEREST.

TONIGHT'S CELEBRATION WILL FEATURE MANY OF NEW YORK CITY'S MOST ESTEEMED SCHOLARS. THEY INCLUDE THE HON. JUDITH KAYE, CHIEF JUDGE OF THE STATE OF NEW YORK, HON. JOHN M. WALKER JR., CHIEF JUDGE OF THE U.S. COURT OF APPEALS, SECOND CIRCUIT, MICHAEL CARDOZO, CORPORATION COUNSEL FOR THE CITY OF NEW YORK, AND PAUL GOLDBERGER, ARCHITECTURE CRITIC FOR THE NEW YORKER.

THE HOME OF LAW WAS DESIGNED BY LEGENDARY AMERICAN ARCHITECT CASS GILBERT, DESIGNER OF THE WOODWORTH AND U.S. SUPREME COURT BUILDINGS, AND CONSULTING ARCHITECT FOR THE GEORGE WASHINGTON BRIDGE. THE GROUNDBREAKING FOR THE HOME OF LAW TOOK PLACE IN 1929 AND CONSTRUCTION WAS COMPLETED JUST FIVE AND A HALF MONTHS LATER, ON MAY 26, 1930, EXACTLY 75 YEARS AGO TODAY. THE RIBBON-CUTTING CERIMONY WAS ATTENDED BY SUCH NOTABLE FIGURES AS THEN CHIEF OF APPEALS CHIEF JUDGE BENJAMIN N. CARDOZO, JUDGE SAMUEL SEABURY, JOHN W. DAVIS, AND CITY BAR PRESIDENT CHARLES C. BURLINGHAM. THEN-NYCLA PRESIDENT WILLIAM NELSON CHOPPELL CHOSE 14 VESSEY STREET FOR THE HOME OF LAW BECAUSE, WITH ST. PAUL'S CHAPEL ACROSS THE STREET, NO BUILDING WOULD EVER BLOCK THE VIEW.

NYCLA, IN ITS 75-YEAR HISTORY, HAS PROVEN TO BE A VISIONARY AND INCLUSIVE ORGANIZATION, PIONEERING SOME OF THE MOST FAR-REACHING AND TANGIBLE REFORMS IN AMERICAN JURISPRUDENCE AND PLAYING AN ACTIVE ROLE IN LEGAL DEVELOPMENTS AND PUBLIC POLICY. NYCLA ALSO BEARS THE MARK OF DISTINCTION OF BEING THE FIRST MAJOR BAR ASSOCIATION IN THE UNITED STATES THAT ADMITTED MEMBERS WITHOUT REGARD TO RACE, ETHNICITY, RELIGION OR GENDER. NYCLA AND ITS HOME OF LAW SERVE NEW YORK WITH DISTINCTION, AND I AM PLEASED TO HONOR THEM TODAY ON THE 75TH ANNIVERSARY OF THEIR HISTORIC BUILDING.

Cardozo. Michael Cardozo needs no reminder that the Office of Corporation Counsel is the public law office in which our beloved Edith I. Spivack found employment in 1934 and continued to serve for more than half a century. She was the first chair of NYCLA's Women's Rights Committee and recipient of both the William Nelson Cromwell Award and the Association's Conspicuous Public Service Award. Her life in the law led me in May 1988 to hold her up as a model for the nation of truly devoted public service.

May I thank the officers of the New York County Lawyers' Association for inviting this aging relic to share in this Celebration as they probably thought that I was here in 1930. Giving the Charles Evans Hughes lecture has allowed me to savor happy memories and to offer in passing a few observations regarding our beloved profession.

What a treat for me to share in this program with Chief Judge Kaye and with Chief Judge Walker. I shared with Judge Kaye her very first days in law practice and I met Judge Walker for the first time when he was only a prospective appointee to the Federal Bench. As our resident judicial historians, the two Chief Judges earlier this month instructed us regarding David Dudley Field – the eleventh President of the ABA (my number was one hundred eleven, Charles Evans Hughes' forty-seven); and now they are here today for this re-dedication of NYCLA's Home of Law.

One salient and welcome difference between the 1930 Program of Dedication and today's Program lies in who are today's participants in that "great democracy of justice" to which Judge Cardozo referred. At the 1930 Dedication, all visible participants were white males. Today, throughout America, women and racial and ethnic minorities are belatedly welcomed into the organized bar and are assuming their rightful role in the legal profession. This Association proudly was one of the first bar associations in the nation to eliminate all barriers to membership based on race or gender.

Such reminiscing reminds me of how fortunate I have been in my life in the law. Since my admission to the New York Bar in 1949, I have been privileged to visit with lawyers in every state of our nation, as well as with foreign lawyers in more than a score of countries. I have come to realize that my decision as a Brooklyn boy like Mr. Cromwell to enter practice in New York County with his firm in 1948 – the year that he died – was indeed one of the most felicitous and rewarding decisions that I ever made. Throughout my career at the Bar (except when absent in public service), New York County has been my professional home.

I am proud to be a member of the New York County Lawyers' Association and salute the Association's enduring commitment to what for me are the core values of the American legal profession and the independence of the judiciary.



Criminal Justice Public Service Fellowship winners announced

by Susan J. Walsh

Monyca White, Staff Attorney, Criminal Defense Division, The Legal Aid Society, and John T. Carlton, Assistant District Attorney, Office of the Special Narcotics Prosecutor, have been selected to receive the 2005 Criminal Justice Public Service Fellowships. The fellowships will be bestowed at a NYCLA ceremony to be held on September 28 in conjunction with a program recognizing other public sector members.

Since 1992, the Criminal Justice Section has sponsored annual Public Service Awards honoring attorneys who have chosen to practice criminal law in the public sector. The increasing cost of legal education and the concomitant reduction in public sector funding create onerous obstacles for young lawyers to practice in the public sector. As a result, less affluent, highly qualified attorneys who would otherwise be drawn to practice in the public sector are often

dissuaded from pursuing that career path, while those who do must shoulder an enormous financial burden. The Public Service Awards are a vehicle by which NYCLA can recognize, in a small way, the commitment of these dedicated lawyers and remind the profession of society's responsibility to provide adequate funding for the criminal justice system. On December 11, 2000, NYCLA adopted the Criminal Justice Section's Public Service Fellowship as an official program of the Association. Donations to support the Fellowship can be made directly to the NYCLA Foundation, a 501(c) (3) organization.

This year's fellowships were awarded based on an essay competition that questioned, "Should All Custodial Interrogations be Recorded?" Mark your calendar for September 28 when NYCLA will celebrate an evening in honor of public service.

Ms. Walsh is Co-Chair of the Membership Committee.



how can I grow
without increasing
fixed costs?
we need to improve profits

SPECIAL COUNSEL

THAT'S WHAT WE DO, EVERY DAY.® Building a business while controlling costs is a challenge. Special Counsel has the answers. Leading law firms and corporate legal departments have come to rely on our full range of legal workforce solutions. From temporary staffing to direct hire, and with leading edge solutions such as our Concise® Deposition Summary Service, we handle it all. We do it by containing costs so you can grow your bottom line. Call us today and find out how we can do it for you.

DID YOU KNOW that Special Counsel now offers medical document review services? **Legal Nurse Services** has qualified professionals on call. Call toll-free today for information. 1-888-58-NURSE (1-888-586-8773)

(212) 218-7155
(800) 737-3436
specialcounsel.com

A Member of the MPS Group MPS
EST. 1988
NYSE

Put your trust in...

ESCROW ORGANIZER

Escrow Organizer accounting software offers an easy-to-use and cost-effective solution for managing the receipts and disbursements of client funds.

For a law practice, Escrow Organizer is perfect for:

- Personal injury cases
- Malpractice cases
- Client trust and guardian cases
- Commercial and residential property
- Civil law cases

Some of the many features of Escrow Organizer:

- Multiple bank accounts and unlimited client accounts
- Real time balances
- Reduces paper work
- Simplified check printing
- Monthly bank reconciliation
- Detail on-screen, printed reports, text and "CSV" files
- Microsoft Windows and network compatible

It's the ideal solution for accurately recording client funds.

A free full-featured demonstration is available at our web site:
www.escroworganizer.com Email: info@escroworganizer.com
Toll Free 877 674-6312 Fax: 631 265-8307

FOR
LETTERHEAD
ENVELOPES
BUSINESS CARDS
AND
POCKET FOLDERS

Call

LEGAL-PRINTING.COM

"Printing Exclusively for the Legal Profession"

631 218 0430

www.legal-printing.com

DUFFY & POSILICO AGENCY INC.

Court Bond Specialists

BONDS • BONDS • BONDS • BONDS

- Administration • Appeal
- Executor • Guardianship • Injunction • Conservator
- Lost Instrument • Stay • Mechanics Lien
- Plaintiff & Defendant's Bonds

*Serving Attorneys since 1975
Complete Bonding Facilities*

1-800-841-8879

FAX: 516-741-6311

Immediate Service!

1 Birchwood Court • Mineola, NY 11501 (Across from Nassau County Courts)
NYC Location: 108 Greenwich Street • New York, New York 10006

County Lawyer Editorial Policy

The Editorial Board of New York County Lawyer welcomes the submission of articles by members of the legal community for inclusion in this publication. Submissions will be edited and may not be returned to the writer for approval. The Editorial Board reserves the right to make the final decision regarding the suitability, content and form of all submissions and further reserves the right to incorporate modifications and edits to same, without prior notice to the author or contributor. Materials accepted for

publication are assumed to be original work product and shall not contain, in whole or in part, any infringing content unless appropriate attribution and consents have been secured by the author or contributor prior to submission to the Editorial Board. Unless otherwise indicated, all views or opinions presented are solely those of the designated author(s) and do not necessarily represent those of the New York County Lawyers' Association. Material(s) accepted for publication shall appear in print and electronic formats and shall become the property of the Association once posted or published and may not be reprinted or otherwise utilized by any person or party absent the Editorial Board's expressed written consent.



**ACCURATE TRANSCRIPTS FOR ALL
TYPES OF LEGAL PROCEEDINGS**

COMPLIMENTARY DEPOSITION SUITES

**INTERPRETERS AND DOCUMENT
TRANSLATION SERVICES**

VIDEO CONFERENCING AND VIDEO DEPOSITIONS

**TRANSCRIPTION SERVICES FOR LETTERS,
RECORDED STATEMENTS AND MORE**

**ENRIGHT ALWAYS OFFERS
PROFESSIONALISM AND RELIABILITY**

Founding Partner of the Partnership for Justice Fund
New York State Trial Lawyers Association

100 SOUTH MAIN STREET
SUITE 202
SAYVILLE, NEW YORK 11782
631.589.7788
1.800.809.7797
FAX: 631.589.1103
WWW.ENRIGHTCORP.COM

Serving Metro New York | Long Island | White Plains

MEMBER BENEFITS

Get fit at a discount!

NEW YORK HEALTH & RACQUET CLUB

A corporate health club discount is available for NYCLA members. Membership rates are \$895 a year - a savings of \$400 - and are valid at all nine NYHRC locations. The discount is available to all members, their spouses/partners and dependents.

There are over 500 weekly classes, state-of-the-art cardiovascular and strength-training equipment, pools at each location, and sauna and steam rooms. Each club offers personal training and massage therapy. Squash and racquetball are also available at certain clubs. Please contact Eve Goodnow at NYHRC at 212-220-0778 or email: egoodnow@nyhrc.com for more details, or visit www.nyhrc.com.



CRUNCH FITNESS

During open-enrollment periods, NYCLA members receive a 10%-15% discount on Club rates at all Crunch Fitness Gyms. To qualify, members must call Stephen Veraja at 212-269-1067 or email: sveraja@crunch.com, or enroll through Mr. Veraja at the Crunch Gym at 25 Broadway. Visit www.crunch.com for details.



The Roland Stafford Golf School is offering NYCLA members an additional 10% off their already low-priced packages, holidays excluded. The Roland Stafford Golf School has been teaching golf to executives in metropolitan areas for 24 years. The hallmark of the schools is their teaching methodology created by the school's namesake, Roland Stafford. When requesting information and making reservations, please remember to tell its staff about your NYCLA membership. Call 800-447-8894 or visit the web site at www.staffordgolf.com.

EQUINOX FITNESS CLUBS

Equinox is offering a Corporate Program discount for NYCLA members. Members can choose from Select, Corporate or All Access Membership and save up to 40% off the normal rates. The discount is

available to all members and their families. For more details, please email Jaime Piccolo at jpiccoco@equinoxfitness.com or call 646-871-7449. You can download a complimentary three-day pass on NYCLA's website - www.nycla.org (see instructions below).

ABSOLUTE BROADWAY (NEW DISCOUNTS)

Members can enjoy discounts of 35%-50% on tickets to: On Golden Pond, Sweet Charity, La Cage Aux Folles and more. For details, log on to: <http://www.absolute-broadway.com/partners/nycla.html>.

For information on all of NYCLA's benefits, go to www.nycla.org and click on Membership Directory, log in and click on Benefits.

Jump to the head of the class

NYCLA has vacancies for chairs for the Insurance and Health Law Committee and Torts Law Section. If you are interested in applying, please contact David Lansner, Chair of the Committee on Committees, at 212-349-0900, or email him at: dlansner@lanskub.com.

COMMITTEE ON PROFESSIONAL ETHICS ISSUES OPINION

The Committee on Professional Ethics published Opinion Number 734 on May 12, 2005 on the topic of a lawyer's disclosure obligation to prospective or current clients regarding malpractice insurance. To read the full text of the opinion, log on to www.nycla.org and click on Publications and then on Ethics Opinions.

NYCLA EXTENDS ITS CONGRATULATIONS TO THE FOLLOWING LAW STUDENT MEMBERS ON THEIR RECENT GRADUATION:

Eric M. Basterrechea
Jeffrey Pascale

Pace Law School
Brooklyn Law School

JULY AND AUGUST CLE PROGRAMS

Two-Part Course

**Wednesday & Thursday,
July 6 & 7**

5:30 – 8:30 PM

VIDEO REPLAY: WHAT YOU
NEED TO KNOW TO PRACTICE
IMMIGRATION LAW SUCCESSFULLY:
GETTING YOUR CLIENT THE RIGHT
NON-IMMIGRANT VISA AND
"GREEN CARD"

6 MCLE Credits: 1 Ethics; 2 Skills;
3 Professional Practice; Non-Transitional

Registration Fee:
Member: \$120
Non-Member: \$145

Monday, July 11

5:30 – 8:30 PM

VIDEO REPLAY: FORMING THE NEW
YORK LIMITED LIABILITY COMPANY

3 MCLE Credits: 1 Skills;
2 Professional Practice; Non-Transitional

Registration Fee:
Member: \$95
Non-Member: \$120

Two-Part Course

**Friday & Saturday,
July 15 & 16**

9:00 AM - 5:00 PM

BRIDGE-THE-GAP 1: A PROGRAM FOR
NEWLY ADMITTED ATTORNEYS

16 MCLE Credits: 3 Ethics, 6 Skills,
2 Law Practice Management;
5 Professional Practice; Transitional

Registration Fee:
Member: \$255
Non-Member: \$355

Monday, July 18

5:30 – 8:30 PM

VIDEO REPLAY: ANATOMY
OF A DEPOSITION

3 MCLE Credits: 3 Skills;
Non-Transitional

Registration Fee:
Member: \$95
Non-Member: \$120

Tuesday, July 19

5:30 – 8:30 PM

VIDEO REPLAY: CO-OPS AND
CONDOS – A PRACTICE GUIDE
FOR THE NEW YORK ATTORNEY

3 MCLE Credits: 1 Skills;
2 Professional Practice; Non-Transitional

Registration Fee:
Member: \$95
Non-Member: \$120

Wednesday, July 20

6:00 – 9:00 PM

IDENTIFYING FINANCIAL ASSETS AND
STRUCTURING SETTLEMENTS IN A
MATRIMONIAL MATTER

3 MCLE Credits: 1 Skills;
2 Professional Practice; Transitional

Registration Fee:
Member: \$120
Non-Member: \$160

Thursday, July 21

5:30 – 8:30 PM

VIDEO REPLAY: HOT TOPICS IN LEGAL
ETHICS: RECENT DEVELOPMENTS IN
NEW YORK ETHICS LAW

3 MCLE Credits: 3 Ethics/
Professionalism; Non-Transitional

Registration Fee:
Member: \$95
Non-Member: \$120

Four-Part Course

**Monday & Tuesday,
July 25 & 26**

5:30 – 9:00 PM

**Monday & Tuesday,
August 1 & 2**

5:30 – 9:00 PM

VIDEO REPLAY MARATHON:
CIVIL TRIAL PRACTICE INSTITUTE

14 MCLE Credits: 2 Ethics, 6 Skills,
2 Law Practice Management;
4 Professional Practice; Non-Transitional

Registration Fee:
Member: \$175
Non-Member: \$215

Four-Part Seminar

July 25 – July 28

**Monday, Tuesday
& Thursday**

9:00 AM – 1:00 PM

Wednesday,

2:00 – 5:00 PM

NYCLA AMERICAN LAW ACADEMY

12 MCLE Credits: 1.5 Ethics;
2 Law Practice Management;
8.5 Professional Practice;

Registration Fee:
Member: \$595
Non-Member: \$750

Friday, July 29

9:30 AM – 12:30 PM

NAVIGATING THE NEW YORK
STATE SUPREME COURT: ONSITE
AT 60 CENTRE STREET

Program Location: New York State
Supreme Court, 60 Centre St.,
Room 228

3 MCLE Credits: 3 Law Practice
Management; Transitional

Registration Fee:
Member: \$120
Non-Member: \$160

Wednesday, August 3

6:00 – 8:30 PM

MARKETING FOR LAWYERS: CREATING
A SUCCESSFUL RAINMAKING
PROGRAM FOR YOUR PRACTICE

2.5 MCLE Credits: 2.5 Law Practice
Management; Transitional

Registration Fee:
Member: \$120
Non-Member: \$160

Thursday, August 4

5:30 – 8:00 PM

VIDEO REPLAY: THE TRIALS OF
LENNY BRUCE: FREE SPEECH OR
CRUDE COMEDY?

AN UPDATE ON FIRST AMENDMENT
OBSCENITY LAW

2.5 MCLE Credits: 2.5 Professional

Practice, Non-Transitional

Registration Fee:
Member: \$95
Non-Member: \$120

Two-Part Course

**Monday & Tuesday,
August 8 & 9**

5:30 – 8:30 PM

VIDEO REPLAY WITH LIVE
MODERATORS: CERTIFIED GUARDIAN,
COURT EVALUATOR AND COUNSEL
FOR ALLEGED INCAPACITATED PERSON
TRAINING: CERTIFICATION PROGRAM
APPROVED BY THE OFFICE OF COURT
ADMINISTRATION

6 MCLE Credits: 1 Ethics; 1.5 Skills;
3.5 Professional Practice; Non-Transitional

Registration Fee:
Member: \$120
Non-Member: \$145

Wednesday, August 10

5:30 – 8:00 PM

VIDEO REPLAY: ETHICAL BOUNDS OF
AGGRESSIVE LITIGATION

2.5 MCLE Credits: 2.5 Ethics/
Professionalism; Non-Transitional

Registration Fee:
Member: \$95
Non-Member: \$120

Friday & Saturday, August 12 & 13

9:00 AM - 5:00 PM

BRIDGE-THE-GAP TWO: A SECOND
YEAR PROGRAM FOR NEWLY
ADMITTED ATTORNEYS

16 MCLE Credits: 3 Ethics; 6 Skills;
2 Law Practice Management;
5 Professional Practice; Transitional

Registration Fee:
Member: \$255
Non-Member: \$355

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

Expand Your New York County New Client Roster!

Strengthen Your Competitive Position!

Enhance Your Brand's Value!

**NEW YORK
COUNTY LAWYER**

Advertise in New York County Lawyer
For Information & Reservations Contact:
Paul Roberts
631.913.4235 - paul.roberts@libn.com

Bonding & Insurance

(800) 921-1008 • Same Day Results

Serving the Legal Community since 1949

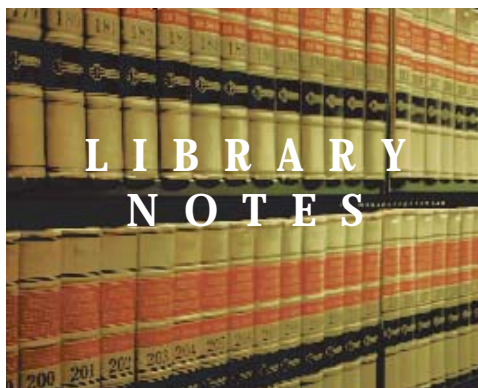
Administration	Janitorial-3D	Lost Instruments
Probate -Appeal	Liquor-Ber	Licenses-Permits
Attachments-Stays	Fiduciary Trustees	Liens-Conservators

Bernard Fleischer & Sons



2 John Street, Suite 201
New York, NY 10038-2502
www.bfbond.com

18 Summer 2005 / New York County Lawyer



by William Manz

Here are titles recently received by the Library, as well as a list of new annual editions and useful websites. To make suggestions about book purchases, please contact the Library staff via email at nno-bari@nycla.org or call the Library at: 212-267-6646, ext. 204.

INTERNET

New York State Department of Taxation and Finance http://www.tax.state.ny.us/pubs_and_bulls Provides tax memos since 1978, advisory opinions since 1981 and notices since 1985, all grouped by subject. Contains tax forms and instructions. Links the site of the Division of Tax Appeals and the Tax Appeals Tribunal. <http://www.nysdta.org/whatsnew.htm> has searchable database of orders, determinations and decisions.

NEW TITLES

Alan R. Bromberg & Larry B. Ribstein, *Bromberg and Ribstein on Partnership* (Aspen 2005). Covers formation of partnership and partnership property, power of partners to find partnership, enforcement of rights and obligations, and dissolution and winding up.

American Law Institute, *Proceedings of the 81st Annual Meeting (2005)*. Includes discussion of the Restatement (Third) Property (Wills and Donative Transfers) and Restatement (Third) Restitution and Unjust Enrichment.

Bruce R. Hopkins, *Starting and Managing a Non-Profit Organization: A Legal Guide* (John Wiley & Sons, 4th ed. 2005). Contains sections on starting a non-profit organization, their legal requirements and tax questions and chapters providing helpful hints and techniques.

Bruce R. Hopkins, *The Law of Tax-Exempt Organizations* (John Wiley & Sons, 8th ed. 2003). Major sections include: an introduction to the law of tax-exempt organizations, tax-exempt charitable organizations, non-charitable tax-exempt organizations, general exempt organization laws, the commerciality doctrine and unrelated business income taxation, and inter-organizational structures and operational forms. Appendixes include selected IRS Code sections and a list of 68 categories of tax-exempt organizations.

Counterterrorism Technology and Privacy (McCormick Tribune Foundation 2005). A report from a conference conducted by the ABA Standing Committee on Law and National Security, the National Strategy Forum and the McCormick Tribune Foundation that "examined questions and issues regarding the use of information technology in the fight against terrorism and whether the privacy of American citizens will be a casualty of the war on terror."

David L. Ratner & Thomas Lee Hazen, *Securities Regulation in a Nutshell* (Thomson West 2005). Provides basic content of federal and state securities law. More detailed information is available in Hazen's six-volume Treatise on the Law of Securities Regulation (5th ed. 2005) and his Hornbook on Securities Regulation (5th ed. 2005).

Environment, Energy, and Resources Law: The Year in Review (Marla E. Mansfield, ed.) (ABA 2005). Discusses developments in such areas as air quality, endangered species, toxic torts and waste management, as well as reports on the work of ABA committees.

Federal Judicial Code Revision Project (American Law Institute 2005). Includes proposed revisions for supplemental jurisdiction, venue and transfer and removal.

Fifth Annual School Law Institute (PLI 2005). Based on a program given on April 13, 2005. Contains chapters on autistic students, students with disabilities, charter school funding and student disciplinary procedures in New York State and New York City. Documents provided include New York State regulations on autistic students, charter schools and the public employee retirement system, and article 56 of the New York State Education Law.

Mark Lee Levine, *Real Estate Transactions: Tax Planning and Consequences* (Thomson West 2005). Reissued annually, this work is intended to provide a practical, single-source work. The 2005 edition includes the latest cases, rulings, tax rate changes, etc.

Michael O'Connor, *O'Connor's Federal Civil Forms 2005* (Jones McClure Publishing 2005). Provides over 1,000 pages of forms for cases involving Admiralty-Jones Act, trademark infringement, Age Discrimination in Employment Act, Family and Medical Leave Act, breach of contract, the Federal Tort Claims Act, copyright infringement, employment discrimination and sexual harassment, negligence under the Federal Employer's Liability Act and auto accident personal injuries.

New York CPLR: 2005 (PLI 2005). Prepared for a course given in April 2005. Contains brief summaries of cases of interest in the areas of service, statute of limitations, disclosure, motion practice, arbitration, etc.

Orrick, Herrington & Sutcliffe, LLP, *Employment Law Yearbook 2005* (PLI 2005). Covers such topics as wrongful termination, EEO class actions, age discrimination, sexual harassment, whistleblowers, arbitration and trade secrets.

Samuel M. Davis, *Rights of Juveniles, 2nd edition* (Thomson West 2005). New features in the 2005 edition include coverage of the Sixth Amendment right to confrontation, the death penalty for juveniles, and search and seizure cases involving drug-sniffing dogs at routine traffic stops.

Shepard's New York Supplement Citations (LexisNexis 2005). New 13-volume edition covering cases through vol. 505 of New York Supplement Second Series.

NEW UPDATES

American Law of Products Liability, 3rd edition (the Feb. 2005 supplement and three revised chapters)

Attorney Corporate Client Privilege, 3rd edition (Feb. 2005 cumulative supplement)

Civil Actions Against State and Local Government, Its Divisions, Agencies, and Officers (Spring 2005 cumulative supplement)

Elder Law and Guardianship in New York (2005 update volume)

Fletcher Cyclopedic of the Law of Private Corporations (vol. 4, 2005 revised volume)

Handling Drug and Narcotic Cases (2005 cumulative supplement)

Immigration Law and Business (release #11, March 2005)

Lien Priorities in New York (2005 cumulative supplement)

Lindley on Entertainment, Publishing and the Arts, 3rd edition (Release #2)

McCarthy on Trademarks and Unfair Competition (release 33)

Recovery of Damages for Lost Profits, 5th edition (March 2005 cumulative supplement)

Searches & Seizures, Arrests and Confessions, 2nd edition

Uncharged Misconduct Evidence

Mr. Manz is a reference librarian at NYCLA.

BERTHOLON AD

JULY AND AUGUST CLE TECH PROGRAMS

The Electronic Research Center serves as a training facility for the legal community. Listed below are Continuing Legal Education Tech courses held in July and August.

Friday, July 1

10:00 _ 11:30 AM

NEW YORK MATERIAL LEGAL RESEARCH FOR THE ATTORNEY & PARALEGAL
1.5 MCLE Credits: 1.5 Skills; Transitional

Registration Fee:
Member: \$65
Non-Member: \$85
Non-Legal Staff: \$35

Wednesday, July 6

10:30 _ 11:30 AM

LEXIS ON THE WEB: BASIC LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from the LexisNexis offices.

Wednesday, July 6

12:00 – 1:00 PM

CRIMINAL LAW WITH LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from LexisNexis offices.

Monday, July 11

11:00 AM – 12:00 PM

MERGERS & ACQUISITIONS CASE STUDY ON LivEdgar WITH GSI
1 MCLE Credits: .5 Skills .5 Professional Practice; Transitional

Registration Fee:
Member: \$65
Non-Member: \$85
Non-Legal Staff: \$35

Wednesday, July 13

10:30 _ 11:30 AM

LEXIS ON THE WEB: BASIC LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from the LexisNexis offices.

Wednesday, July 13

12:00 _ 1:00 PM

LITIGATION WITH LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from the LexisNexis offices.

Thursday, July 14

6:00 _ 7:30 PM

ACCESSING MEDICAL RESOURCES ON THE INTERNET: AN OVERVIEW
1.5 MCLE Credit: 1.5 Law Practice Management; Transitional

Registration Fee:
Member: \$65
Non-Member: \$85
Non-Legal Staff: \$35

Tuesday, July 19

6:00 _ 7:30 PM

ACCESSING IMMIGRATION RESOURCES ON THE INTERNET: AN OVERVIEW
1.5 MCLE Credit: 1.5 Law Practice Management; Transitional

Registration Fee:
Member: \$65

Non-Member: \$85
Non-Legal Staff: \$35

Wednesday, July 20

10:00 AM – 12:30 PM

BANKRUPTCY COURT ELECTRONIC CASE FILING SYSTEM: HANDS-ON
2.5 MCLE Credits: 2.5 Skills; Transitional

Registration Fee:
Member: \$65
Non-Member: \$85
Non-Legal Staff: \$35

Thursday, July 21

6:00 – 7:30 PM

ACCESSING LEGAL RESOURCES ON THE INTERNET: AN OVERVIEW
1.5 MCLE Credits: 1.5 Law Practice Management; Transitional

Registration Fee:
Member: \$65
Non-Member: \$85
Non-Legal Staff: \$35

Wednesday, August 10

10:30 – 11:30 AM

LEXIS ON THE WEB: ADVANCED LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from LexisNexis offices

Wednesday, August 10

12:00 – 1:00 PM

ETHICS WITH LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE

Non-Member: FREE

Note: CLE certificates will be issued to participants from LexisNexis offices

Friday, August 12

10:00 _ 11:30 AM

NEW YORK MANUAL LEGAL RESEARCH FOR THE ATTORNEY & PARALEGAL
1.5 MCLE Credits: 1.5 Skills; Transitional

Registration Fee:
Member: \$65
Non-Member: \$85
Non-Legal Staff: \$35

Wednesday, August 24

10:30 – 11:30 AM

BANKRUPTCY WITH LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from LexisNexis offices

Wednesday, August 24

12:00 – 1:00 PM

LEXIS ON THE WEB: BASIC LEXIS
1 MCLE Credit: 1 Skills; Transitional

Registration Fee:
Member: FREE
Non-Member: FREE

Note: CLE certificates will be issued to participants from LexisNexis offices



Minority Judicial Internship Program

NYCLA held a reception for the interns in its 2005 Minority Judicial Internship Program on May 24. Founded by Hon. Harold Baer Jr. and his wife, Dr. Suzanne Baer, the program provides minority law students with eight-week stipended internships with state and federal judges. Pictured (from left to right) are: Janiece Brown Spitzmueller, Co-Chair of the Minorities and the Law Committee; Ayesha Ilmi, intern, Fordham University School of Law; Marka Belinfanti, intern, Fordham University School of Law; Maria Yong Fedor, intern, Brooklyn Law School; George Ching, Fordham University School of Law; Stephanie Jean, intern, CUNY School of Law; Jasmine M. Georges, intern, Fordham University School of Law; Hon. Pamela Jackman Brown, Co-Chair, Minorities and the Law Committee; and Norman L. Reimer, NYCLA President.



Reference librarian receives award

William H. Manz, the NYCLA Library's part-time reference librarian, has received the 2005 Joseph L. Andrews Bibliographical Award for his revision to Gibson's *New York Legal Research Guide* (3rd ed., Hein 2004). The award is presented each year to an author of a significant contribution to legal bibliographical literature. Mr. Manz, an attorney, is also the senior research librarian at St. John's University Law School, teaches two CLE Tech courses at NYCLA and has authored numerous books and articles.

PAST EVENTS

ETHICS HOTLINE

The Committee on Professional Ethics sponsors an ethics hotline for dispensing advice over the phone to attorneys requiring quick guidance on ethical issues. The schedule of attorneys changes monthly.

July 1-16
Barry Temkin
(212) 890-8000

July 17-31
Sarah McShea
(212) 679-9090

August
Peter Ziotnik
(212) 692-6887

DIRECTIONS TO NYCLA

NYCLA is located at 14 Vesey Street between Broadway and Church, across the street from St. Paul's Chapel and around the corner from City Hall.

By Subway:

2 and 3 to Park Place;
A, C and E to Chambers Street; 4, 5 and M to Fulton Street.

By Bus: M103 to City Hall;
M1 and M6 to Fulton Street

SUBSTANCE ABUSE HOTLINE

Attorneys, judges, law students and members of their immediate families can get confidential help with alcohol or substance-abuse problems 24 hours a day, seven days a week, by calling the toll-free hotline (800) 255-0569.

Forum on the UN's nuclear non-proliferation treaty

by Ian Anderson

On April 26, the Foreign and International Law Committee co-sponsored a public forum with the Lawyers' Committee on Nuclear Policy on the future of the nuclear



Norman L Reimer, NYCLA President, Hon. CG Weeramantry and Ian Anderson, Co-Chair of the Foreign and International Law Committee.

non-proliferation treaty, with guest speaker Hon. CG. Weeramantry, former Vice President of the World Court. Judge Weeramantry was in New York to attend the UN

Nuclear Non-Proliferation Treaty Review Conference. Originally the Treaty, which came into force in March 1970 and has 186 signatory countries, was limited to a 25-year period. However, the ambitious provisions of the Treaty, requiring non-nuclear

state signatories to forgo the development of nuclear weapons on the undertaking of nuclear states to seek nuclear disarmament, proved problematical in practice. As a result, in 1995, the Treaty was extended in-

definitely and is reviewed every five years.

Due to the lack of progress by nuclear states to fulfill their undertakings under the Treaty, the UN General Assembly sought an advisory opinion from the World Court on the legality of the threat and use of nuclear weapons. In July 1996, the World Court unanimously found that the threat or use of nuclear weapons was generally contrary to the rules of international law. In a separate opinion, Judge Weeramantry took the view that customary international law prohibited both the threat and use of nuclear weapons due to their indiscriminate destructive effects, harming friend and foe alike. During the forum, Judge Weeramantry referred to the comprehensive 2000 Report of the Foreign and International Law Committee on the Unlawfulness of Nuclear Weapons, drafted by committee member Charles Moxley, and urged other local bar associations to review and report on such issues. He concluded that with the UN impasse over achieving the Treaty's aim of nuclear disarmament, civil society, including the international legal community, has an important role in assessing and recommending ways to avert the Treaty's failure and humanity's destruction.

Mr. Anderson is co-chair of the Foreign and International Law Committee.

What's wrong with the children's rights movement?

by David J. Lansner

Martin Guggenheim, Professor of Clinical Law at New York University School of Law, sharply criticized the Children's Rights Movement, including his own work, in a scintillating lecture at the NYCLA Committee on the Family Court and Child Welfare's annual Nanette Dembitz Memorial Lecture on May 18. Professor Guggenheim, a nationally recognized expert on both child welfare and the legal representation of children, said the children's rights movement is not for children, is not about children, has not helped children, and has actually harmed children.

Professor Guggenheim, based on the arguments in his new book, *What's Wrong With Children's Rights*, made the following points:

Adults want to believe that there is an effective children's rights movement because it demonstrates that we care about children. However, the movement is led by lawyers and, while it may provide children with such negative rights as protection from some police and other government actions, it does not do much to help children with any positive rights, such as providing health care. It also works to trump parental power, at a cost to children.

Over the past 20 years, grandparent visitation statutes have been enacted in all 50

states. The campaign to enact such statutes has been successful by claiming that the laws provide children with an opportunity to see their grandparents, avoiding criticism that grandparents were seeking to overrule their children and forcibly intrude into the families.

By using the ('best interests of the child') standard in deciding custody cases between parents, both mothers and fathers can avoid being seen as merely wanting custody to satisfy their own interests.

Judges claim that it is very hard to decide custody cases when both parents are fit. However, those should be easy cases for judges under the "best interests" standard because whichever way the judge decides, the child will be with a good parent. However, the cases are hard because they will result in unhappiness on the part of an adult.

The child welfare system has moved from helping children to policing pathology in families. The system is a triumph for the right, who oppose the idea of forcing government to help children, which would cost a significant amount of money. What has happened is that liberals have been duped into policing and disrupting families, sapping the energy of those wanting to fight for children. It has allowed politicians to make noise about child abuse and avoid their responsibility to help children. The lack of affordable health insurance hurts far



Professor Martin Guggenheim and Hon. Louise Gruner Gans, Chair of the Family Court and Child Welfare Committee.

more children in the United States than child abuse ever did.

The United States has appalling rates of child poverty, infant mortality, lead poisoning, asthma, racism, suicide and homicide among children. The conditions have in fact worsened during the children's rights movement, which began in 1967 with the Supreme Court's decision in *In Re Gault*. Gault was a decision that held that children had constitutional due process rights against the "helping" intrusion of the state and juvenile court. The children's rights movement has now shifted to one, especially in the child welfare area, which trusts the intrusion of the state and defers decisions to the judge.

Mr. Lansner is Chair of the Committee on Committees.

Diversity initiative progress

NYCLA held a press conference on May 11 to announce its progress in efforts to increase diversity at all levels of the legal profession. Speakers at the event were: Hon. Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives, Administrative Judge of the Criminal Court of the City of New York and chair of NYCLA's Task Force to Increase Diversity in the Legal Profession; George W. Madison, Executive Vice President and General Counsel, TIAA-CREF; Michele Coleman Mayes, Senior Vice President and General Counsel, Pit-

ney Bowes; Robert L. Haig, Past President of NYCLA; and two NYCLA officers – Norman L. Reimer, President, and Catherine A. Christian, Vice President.

Judge Bing Newton announced that 150 law firms, corporations and bar associations have thus far signed diversity statements prepared by NYCLA. Law firms and corporations signed the statement not merely pledging to promote diversity but asking them to quantify the results of their diversity activities by "report[ing] the amount of legal fees which

they pay for services rendered by minority lawyers." The initiative also marks the first time that bar associations throughout New York State have joined in a statement committing them to efforts to increase diversity in the legal profession.

Press conference attendees included representatives from among the 75 law firms that signed the statement, (corporate counsel, including counsel from the Coca-Cola Company in Atlanta, Georgia), bar association representatives and a law class from Murry Bergtraum High School.

NYCLA continues to seek signatories to its diversity statements in order to: (1) reflect and confirm support for efforts to increase diversity in the legal profession; (2) engage the attention of lawyers on the subject of diversity; and (3) focus attention on practical strategies for achieving meaningful diversity in law firms, corporations and bar associations. A list of diversity statement signatories appears below.

Law Firm / Corporate Signatories as of June 2005

Aaronson Rappaport Feinstein & Deutsch, LLP
Altria Group, Inc.
Arent Fox PLLC
Arnold & Porter LLP
The Bank of New York
Bingham McCutchen LLP
Brown Raysman Millstein Felder & Steiner LLP
Bryan Cave LLP
Buchanan Ingersoll, P.C.
Cadwalader Wickersham & Taft
Cahill Gordon & Reindel LLP
Cendant Car Rental Group, Inc.
Chadbourne & Parke LLP
Cleary, Gottlieb, Steen & Hamilton
The Coca-Cola Company
Cravath, Swaine & Moore LLP
Davis & Gilbert LLP
Debevoise & Plimpton
Dewey Ballantine LLP
Dorsey & Whitney LLP
Emmet, Marvin & Martin, LLP
Finkelstein Newman LLP
Fitzpatrick, Cella, Harper & Scinto
Fried Frank Harris Shriver & Jacobson LLP
Fulbright & Jaworski L.L.P.
General Electric Company
Gibbons, Del Deo, Dolan, Griffinger & Vecchione
Gibson, Dunn & Crutcher LLP
Hachette Filipacchi Media U.S., Inc.
Harwood Lloyd LLC
Herzfeld & Rubin PC
Holland & Knight LLP
Hughes Hubbard & Reed, LLP
Hunton & Williams
Kahn and Horwitz PC
Kanematsu USA, Inc.
Kaye Scholer LLP
Kelley Drye & Warren, LLP
KeySpan Corporation
King & Spalding LLP
Kirkland & Ellis LLP

Kostelanetz & Fink, LLP
Kramer Levin Naftalis & Frankel LLP
Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
Mayer, Brown, Rowe & Maw
McKee Nelson LLP
Merck & Co., Inc.
Merrill Lynch & Co., Inc.
The Metropolitan Opera
Milbank, Tweed, Hadley & McCloy LLP
Morgan, Lewis & Bockius LLP
Orrick, Herrington & Sutcliffe LLP
Patterson Belknap Webb & Tyler LLP
Paul, Hastings, Janofsky & Walker LLP
Paul Weiss Rifkind Warton & Garrison, LLP
Pillsbury Winthrop Shaw Pittman LLP
Pitney Bowes
Pratt & Whitney
Proskauer Rose LLP
Prudential Securities
Seward & Kissel LLP
Shearman & Sterling
Sidley Austin Brown & Wood LLP
Simpson Thacher & Bartlett LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Sokolow Carreras LLP
Sonnenschein Nath & Rosenthal
Thacher Proffitt & Wood
Thelen Reid & Priest, LLP
TIAA-CREF
Weil Gotshal & Manges, LLP
White & Case LLP
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
Winston & Strawn, LLP
Wolf, Block, Schorr & Solis-Cohen LLP
Wyeth
Xerox Corporation

Bar Associations Signatories as of June 2005

Albany County Bar Association
Allegany County Bar Association
American Academy of Matrimonial Lawyers - NY Chapter

American Immigration Lawyers Association
Asian American Bar Association of New York
Association of Arbitrators of NYC Small Claims Court
Association of Black Lawyers of Westchester County
Association of Black Women Attorneys
Association of the Bar of the City of New York
Bar Association of Erie County
Black and Hispanic Bar Association
Black and Hispanic Bar Association of Long Island
Bronx County Bar Association
Bronx Women's Bar Association
Brooklyn Bar Association
Brooklyn-Manhattan Trial Lawyers Association
Broome County Bar Association
Capital District Trial Lawyers Association
Capital District Chapter, Women's Bar Association
Capital Region Bankruptcy Bar Association
District Attorneys Assn. of the State of New York
Dominican Bar Association, Inc.
Dutchess County Bar Association
Federal Bar Council
Hispanic National Bar Association – New York Region
Greater Rochester Association for Women Attorneys
Injured Workers' Bar Association
Jamestown Bar Association
Kings County Criminal Bar Association
Larchmont-Mamaroneck-Harrison Bar Association
Latino Lawyers Association of Queens County
Lesbian, Gay, Bisexual & Transgender Law Association
Lewis County Bar Association
Livingston County Bar Association
Macon B. Allen Black Bar Association
Metropolitan Black Bar Association
Mid-Hudson Chapter, Women's Bar Association
Minority Bar Association of Western

New York
Monroe County Bar Association
Mount Vernon Bar Association
National Bar Association – Region II
National Black Prosecutors Association – Region 7
National Employment Lawyers Association / NY
National Lawyers Guild – NYC Chapter
New Rochelle Bar Association
New York City Trial Lawyers Association
New York County Lawyers' Association
New York State Administrative Law Judges Assoc.
New York State Assoc. of Criminal Defense Lawyers
New York State Bar Association
New York State Defenders Association, Inc.
New York Women's Bar Association
Nigerian Lawyers Association
Onondaga County Bar Association
Oneida County Bar Association
Orange County Bar Association, Inc.
Orleans County Bar Association
Peekskill Bar Association
Puerto Rican Bar Association, Inc.
Putnam County Bar Association
Queens County Bar Association
Rockland County Bar Association
Rockland County Women's Bar Association
Saratoga County Bar Association
Schenectady County Bar Association
Suffolk County Bar Association
Suffolk County Women's Bar Association
Tompkins County Bar Association
Tonawanda Bar Association
Westchester County Bar Association
Westchester Women's Bar Association
Women's Bar Association of the State of New York
Workers' Compensation Bar
Yorktown Bar Association

P A S T E V E N T S

Nobel Peace Prize winner speaks at NYCLA



(From left to right) Mr. Reimer, Ms. Ebadi and Ms. Ramdas

Shirin Ebadi, the 2003 Nobel Peace Prize winner from Iran, and Kavita N. Ramdas, President and CEO of The Global Fund for Women, were the featured speakers at a special event, "Women, Law and Democracy," held at NYCLA on June 1. Ms. Ebadi, an Iranian lawyer, judge and activist, is the first Muslim woman to receive the Nobel Peace Prize, which recognized her courageous efforts to promote democracy and human rights. She was one of the first female judges in Iran, has been involved, at great personal risk, in many controversial political cases, and has served as an attorney for the families of those who were killed due to their vocal opposition to her country's Islamic government. The standing-room-only crowd heard Ms. Ebadi speak about ways to interpret Islamic law that are in harmony with democracy, equality, religious freedom and freedom of speech.

The Global Fund for Women (www.globalfundforwomen.org), based in San Francisco, is the largest foundation in the world committed exclusively to women's rights. Since 1987, it has been a catalyst for change in the international women's rights movement – awarding over \$40 million in flexible grants to seed, strengthen and link more than 2,700 women's organizations in 161 countries. Ms. Ramdas has won numerous awards for her vision and advancement of an inclusive philanthropy, in which donors and grantees are treated as equals. Under her leadership, The Global Fund's assets have grown from \$6 million to more than \$15 million.

The event was co-sponsored by: Simpson Thacher & Bartlett LLP; Skadden, Arps, Slater, Meagher & Flom LLP; and Eileen Fisher, the women's clothing designer.

B O O K R E V I E W *by Eileen F. Shapiro*

This column presents reviews of recently released fiction and non-fiction books related to the practice of law. Members are invited to contribute to this regular feature.

John Mortimer

Rumpole and the Penge Bungalow Murders: A Novel

Those readers addicted to John Mortimer's stories about Rumpole, the Old Bailey hack, may recall Rumpole's frequent references to the notorious Penge Bungalow Murder case, in which he defended the accused "alone and without a leader." What the Penge Bungalow murders were and why Rumpole stood alone for the defense are the principal subjects of this delightful faux memoir. Mortimer also reveals another long-standing mystery here: how that most incompatible of couples, Rumpole and Hilda Wystan, also known as "She Who Must Be Obeyed," came to be married.

The novel opens on a meeting of the members of Rumpole's Chambers at 4 Equity Court. Somehow Rumpole manages, as he often does, to bring up the subject of the Penge Bungalow Murders. When no one present has the slightest idea of what he is talking about, he decides that it is time to write a memoir of his most famous case.

Sparing no rhetorical flourish, Rumpole plunges us back "in the mists of time," "down the long corridor of history," or at least to the early 1950s, when, as a white wig or newly minted barrister, Rumpole is a pupil in 4 Equity Court. Hilda's father, C.H. Wystan, QC, who was then Head of Chambers, has been offered the lead brief for the defense in the Penge double-murder case. It soon becomes apparent to the

reader that Hilda, herself discouraged from studying law by the lack of a women's toilet in 4 Equity Court, has her eye on Rumpole as a future spouse. Much to Rumpole's bewilderment and joy, Hilda arranges for her father to select him as his junior in this important case.

Penge was then a London suburb of modest bungalows. Before the war, the two victims, Jerry and Charley, lived next door to each other. Both went to war together and they, along with a third airman, were in the same bomber plane when it was shot down over Germany. The two neighbors came home after the war, but the third airman was apparently killed in the crash.

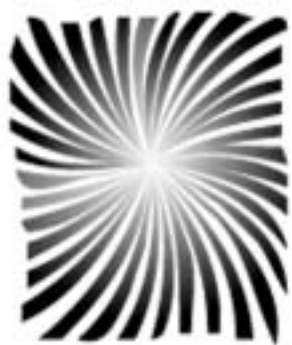
There was a boisterous reunion of members of the bomber squadron in Jerry's bungalow the night of the murders. The victims were found dead the next morning, each in his own bungalow, and each shot in the heart with a German bullet. The police immediately arrested Jerry's son, Simon, based on reports of an incident at the previous evening's party, when Simon angrily brandished his father's German Luger.

Wystan is, from the first, convinced of Simon's guilt, and plans merely to go through the motions of mounting a defense. Rumpole, however, has other ideas. When Rumpole meets young Simon in the bleak interview room at the Old Bailey, he becomes con-

vinced of his innocence. Although cautioned by his leader that his role is limited to taking an occasional note, Rumpole cannot resist conducting his own investigation of the case. He plunges into examining the evidence – researching blood spatter patterns, interviewing witnesses and surveying the crime scenes. As he bumbles along, he develops a theory, which turns out to be correct, that the motive for the murders was connected to the death of the third airman in Germany. His chance finally comes at the beginning of the trial. Wystan is called away to another courtroom and Rumpole, contrary to strict instructions, seizes the opportunity to cross-examine a witness.

The client is so impressed with Rumpole's cross-examination that he discharges Wystan and elects to be defended by Rumpole alone. But the very angry Wystan tosses Rumpole out of Chambers, leaving him to prepare for his first important trial in the Tastee Bite on Fleet Street. Of course, those readers familiar with Rumpole's exploits know from the beginning that Simon will be acquitted. Rumpole, in the first flush of his victory, finds himself agreeing to marry Hilda and, in typical Mortimer fashion, the remaining loose strings are neatly tied up. All in all, a satisfying read.

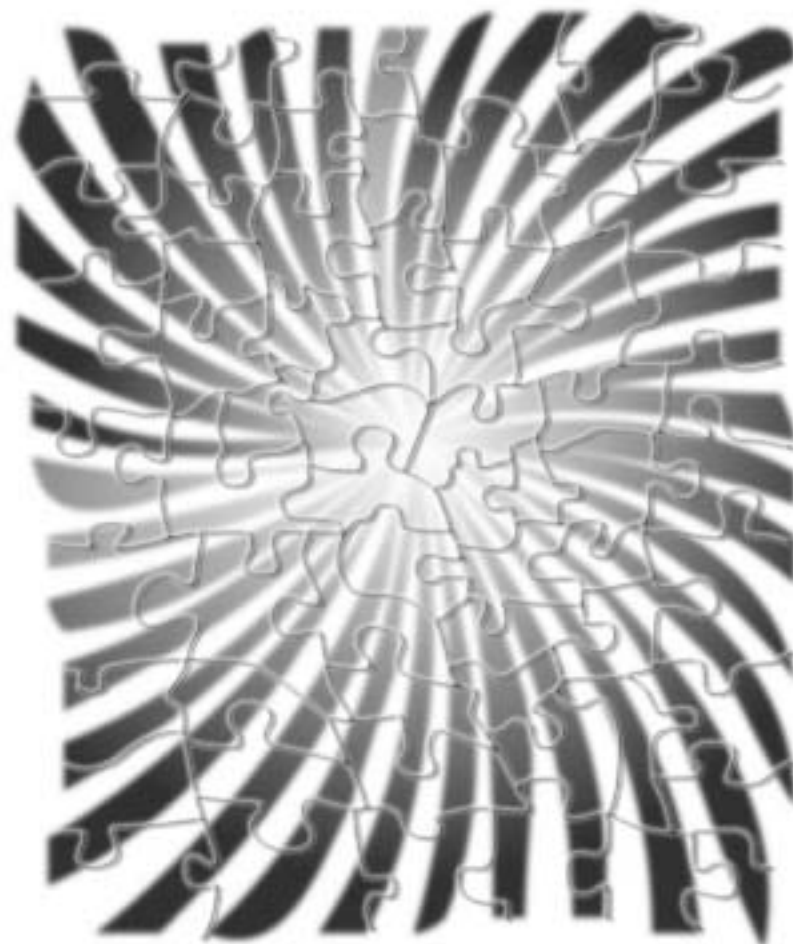
Ms. Shapiro is a member of the Law and Literature Committee.



Robson Forensic

I N C O R P O R A T E D

formerly **Robson Lapina**



Clarity from Complexity

344 Willis Avenue • Mineola, NY 11501

100 Hanover Avenue, Suite 305 • Cedar Knolls, NJ 07927

*An investigation and consulting firm of forensic experts in more than 50 disciplines
to provide scientific analysis, testing and expert testimony in litigation and insurance claims.*

212.614.0404

www.robsonforensic.com

Working together to take you where you want to go.



No matter where your practice takes you, the LexisNexis® Bar Association Member Benefit Program is always behind you to help smooth out the ride.

Go Beyond Cases & Codes
Manage Your Practice
Grow Your Practice

The changing demands of your practice take you in new directions every day.

Whether you're conducting legal research, managing your front and back office, or even identifying best client prospects, the LexisNexis® Total Research System has the expansive tools and content to help you quickly and confidently switch gears.

And with the **LexisNexis® Bar Association Member Benefit Program**, you can take advantage of a wide range of exclusive LexisNexis benefits through your sponsoring Bar or Association. These member benefits were created with the unique needs of small law firms and solo practitioners in mind.

To learn more about exclusive LexisNexis Bar Association Member Benefit Program offerings, call for details at 866.836.8116 and mention code 203592.



A MEMBER BENEFIT OF



NEW YORK COUNTY
LAWYERS' ASSOCIATION