

**Commercial & Federal  
Litigation Section**

**Section Chair**

**Lesley Friedman Rosenthal**

**Program Chair**

**Carrie H. Cohen**



**NYSBA**

## **Commercial & Federal Litigation Section**

### **Spring Meeting**

**The Cranwell Resort & Spa  
Lenox, Massachusetts**

**May 4 - 6, 2007**

THIS PROGRAM WILL PROVIDE YOU  
WITH **6 MCLE CREDIT HOURS IN  
PRACTICE MANAGEMENT**



# SCHEDULE OF EVENTS

## Friday, May 4

3:00 p.m.

**Registration**

6:30 p.m.

**Cocktail Reception - *Rose Terrace***

7:30 p.m.

**Opening Banquet - *Ballroom***

**Welcoming Remarks**

**LESLEY FRIEDMAN ROSENTHAL**, Section Chair

**CARRIE H. COHEN**, Section Chair-Elect and Program Chair

**Keynote Speaker**

**HON. ALBERT M. ROSENBLATT**

New York Court of Appeals (retired)

Poughkeepsie

After dinner, Judge Rosenblatt will discuss his new book entitled, "The Judges of the New York Court of Appeals: A Biographical History," published by Fordham University Press under the auspices of The Historical Society of the Courts of the State of New York.

Featuring original biographies of 106 chief and associate judges as well as coverage of landmark cases and key opinions, this book is an insider's view, and the presentation will be illuminated by the author's special insights as a veteran of that bench.

Following the presentation, there will be a book signing by Judge Rosenblatt.

## Saturday, May 5

8:00 a.m.

**Registration**

9:00 a.m.- Noon

**General Session - *Ballroom***

9:00 a.m.

**Welcoming Remarks**

**LESLEY FRIEDMAN ROSENTHAL**, Section Chair

9:05 - 10:20 a.m.

***THE GOVERNMENT AS PROSECUTOR AND CIVIL PLAINTIFF***

There has been much public attention focused on white collar criminal prosecutions of corporate executives by federal and state law enforcement agencies. Less well known, however, is that many of these same law enforcement agencies and other federal and state agencies also have civil authority and often pursue parallel civil investigations against the same individual and/or corporate targets. This program will explore the potential and actual ethical issues that may arise from such parallel investigations including, for example, whether the same attorney can and/or should handle both investigations, the government lawyers' access to grand jury proceedings and/or materials obtained after a search warrant for use in civil forfeiture matters, the relationship between an SEC administrative proceeding and a federal criminal investigation, and the application of DR 7-105, which generally prohibits leveraging the threat of criminal charges to obtain an advantage in a civil matter.

Moderator:

**RICHARD B. FRIEDMAN**

Dreier LLP

New York City

Panelists:

**MARLA ALHADEFF**

Director and Senior Counsel

Deutsche Bank

New York City

**MARK POMERANTZ**

Paul, Weiss, Rifkind,

Wharton & Garrison LLP

New York City

**RICHARD D. OWENS**

Latham & Watkins LLP

New York City

**MARK SCHONFELD**

Director of the Northeast Regional

Office of the United States Securities

and Exchange Commission

New York City

# SCHEDULE OF EVENTS

## Saturday, May 5 (continued)

10:20 - 10:30 a.m.

### **Refreshment Break**

10:30 a.m. - Noon

### **PRIVACY, TECHNOLOGY, AND THE LAW**

This program will explore recent legal developments in the areas of privacy and technology, such as those flowing from the recent Hewlett-Packard "pretexting" scandal; the Hollywood wiretapping indictments; the Department of Justice's initiatives against online purveyors of hardcore adult pornography, anti-spam and identity theft crimes; and the recent targeting of offshore Internet gambling operations doing business with United States residents.

Moderators:

#### **EVAN T. BARR**

Steptoe & Johnson LLP  
New York City

Panelists:

#### **JOSEPH DeMARCO**

Assistant United States Attorney  
Southern District of New York and  
Coordinator of the Computer Hacking  
& Intellectual Property Section  
New York City

#### **BART M. SCHWARTZ**

Bart M. Schwartz Counselor at Law  
New York City

#### **MICHAEL VATIS**

Steptoe & Johnson LLP  
New York City

12:15 - 1:30 p.m.

### **Buffet Lunch - *Rose Terrace***

### ***Presentation of Section Award for Excellence in Legal Writing***

1:30 - 5:30 p.m.

### **Choice of Afternoon Activities**

1:30 - 5:30 p.m.

### **Golf - *Cranwell Golf Course***

The fee is \$70.00 per person. ***To participate, sign up on Meeting Registration Form.***

1:30 - 5:30 p.m.

### **Norman Rockwell Museum; Trip to Lenox**

Join us for this rare view of paintings by Norman Rockwell from the Pfizer Collection, which are among the finest examples of the artist's imagery for advertising. On exhibit during our visit will be "Picturing Health: Norman Rockwell and the Art of Illustration." These paintings, which explore the subjects of the doctor/patient relationship, physical fitness, and health and healing across generations, will be accompanied by original works exploring similar themes by most prominent visual commentators.

After our visit to the Norman Rockwell Museum, you have the option of returning to The Cranwell or strolling around the Town of Lenox to explore its many interesting sites and shops. The fee is \$15.00 per person, which includes transportation and museum tour. ***To participate, sign up on Meeting Registration Form. (Limited to 28 participants)***

# SCHEDULE OF EVENTS

1:45 - 5:30 p.m.

## **Pleasant Valley Wildlife Sanctuary; Trip to Lenox**

Pleasant Valley's thriving beaver population is one of the many fascinating features of this sanctuary. As you walk along Yokun Brook, our guide will point out the "lodges" of tree branches and mud, where these nocturnal creatures spend their days. Salamander migrations are a major spring event along West Mountain Road. Seven miles of trails that wind through hardwood forest, meadows, wetlands, and along the slopes of Lenox Mountain make this site an excellent location for hiking.

After our visit to the Pleasant Valley Wildlife Sanctuary, you have the option of returning to The Cranwell or strolling around the Town of Lenox to explore its many interesting sites and shops. The fee is \$15.00 per person, which includes transportation and guided nature tour.

***To participate, sign up on Meeting Registration Form. (Limited to 20 participants)***

6:30 p.m.

## **Cocktail Reception - *Rose Terrace***

7:30 p.m.

## **Gala Dinner - *Ballroom***

**Presenter:**

### **Presentation of the Robert L. Haig Award for Distinguished Public Service**

**Honorable Lewis A. Kaplan**

U.S. District Court

Southern District of New York State

**Recipient**

**Mark H. Alcott, President, New York State Bar Association**

Paul, Weiss, Riffkind, Wharton & Garrison LLP

New York City

## **Sunday, May 6**

8:00 a.m.

## **Registration**

9:00 - 10:30 a.m.

## ***LITIGATION, ARBITRATION, MEDIATION, OR A COMBINATION?***

A great debate exists about whether disputes should be resolved through litigation or some form of Alternative Dispute Resolution ("ADR"). The choice is driven by many factors, including the need for speed, privacy, litigation expenses, the desire to create precedent, and the availability of legal or equitable relief in each of the forums. In some instances, parties may use multiple routes. How can litigators and arbitrators use the revised uniform arbitration act, trial skills and mediation advocacy to serve the goals of predictability and efficiency? This program will analyze these issues through an analysis of a commercial dispute analyzing the use of the courts and ADR. The discussion will include an interactive discussion and role play that will demonstrate the mechanics of the processes and provide guidance to both practitioners and ADR professionals.

**Moderator:**

**MARK A. ROBERTSON**

Fulbright & Jaworski LLP

New York City

**Panelists:**

**WILLIAM J. KUHNE**

Morrison & Foerster, LLP

New York City

**CARROLL E. NEESEMAN**

Morrison & Foerster, LLP

New York City

**HON. BARRINGTON D. PARKER, JR.**

**DAVID PLANT**

# SCHEDULE OF EVENTS

## Sunday, May 6 (continued)

**HON. KATHLEEN ROBERTS**

JAMS  
New York City

**STEPHEN P. YOUNGER**

Patterson, Belknap, Webb & Tyler LLP  
New York City

10:30 - 10:45 a.m.      **Refreshment Break**

10:45 a.m. - Noon      **Panel Discussion Resumes**

Noon      **Adjourn**

**The Commercial & Federal Litigation Section  
Gratefully Acknowledges Its Spring Meeting Sponsor**



## Important Information

**Under New York's MCLE rule**, this program has been approved for a total of **6 MCLE credits** in Practice Management. **This program is NOT a transitional program and will not qualify for credit for newly admitted attorneys.**

**Discounts and Scholarships:** New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. ***This discount applies to the educational portion of the program only.***

Under that policy, any member of our Association or non-member who has a genuine basis of his/her hardship, if approved, can receive a discount or scholarship, depending on the circumstances.

To apply for a discount or scholarship, please send your request in writing to Lori Nicoll at: New York State Bar Association, One Elk Street, Albany, New York 12207.

## FUN THINGS TO DO

### At The Cranwell Resort & Spa

The Cranwell is famous for its championship 18-hole golf course, which was built in 1926 by Wayne Styles and John van Kleeck on the site of the original Berkshire Hunt Club. The driving range offers a selection of grass tees or hitting mats, along with club rentals.

The Cranwell has four har-tru tennis courts. The tennis program is directed by Michael Brady who offers private and semi-private lessons.

The Cranwell provides bicycle rentals and can arrange other outdoor activities, such as hiking, boating, canoeing, fishing and horseback riding nearby.

The Cranwell has one of the largest spas in the Northeast. The Spa features a skylight along the main entrance corridor and 16 well appointed treatment rooms. Enclosing the 60-foot long indoor pool is a dramatic 20-foot high glass wall offering beautiful views of the Berkshire Mountains. Decorated in warm earth tones, the interior design of the Spa creates a comforting environment where guests don terry cloth robes and slippers and enjoy the specifically designed saunas, steam rooms and spacious whirlpool therapeutic baths. Before or after receiving a treatment, guests may wish to relax in a luxurious lounge complete with a refreshment bar and fireplace.

The Spa's Fitness Center is equipped with a complete line of cardio-vascular and strength training equipment as well as exercise studio offering yoga, aerobic and stretch classes. Guests also can swim in the indoor pool or take a water aerobics classes.

### Area Attractions

Historical Sites: Hancock Shaker Village, Mt. Greylock State Reservation, Natural Bridge, Williamstown House of Local History

Museums: MASS MoCa, Clark Art Institute, North Adams Museum of History & Science, Williams College Museum of Art

These are just a few area attractions. There are many more listed on The Cranwell Resort & Spa's website, [www.cranwell.com](http://www.cranwell.com).