



NYSBACLE

Wednesday, November 13, 2013
Melville, LI

Thursday, November 14, 2013
Albany

Wednesday, December 4, 2013
Rochester

Thursday, December 5, 2013
New York City



INCLUDES
1.0 ethics credits
See inside for more details.

Federal Civil Practice: A Primer

Topics to be covered include:

- Differences between civil practice in state court and in federal district court.
- The most recent developments concerning discovery of electronically stored information.
- Best practices for litigating civil matters in federal court.
- Federal judges' perspectives on effective practice techniques.

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Commercial and Federal Litigation Section

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NYSBACLE



All program materials will be distributed exclusively online in searchable PDF format, allowing attendees more flexibility in storing this information and allowing you to copy and paste relevant portions of the materials for specific use in your practice. A *CLE NotePad*® (paper) will be provided to all attendees at the live program site. The *CLE NotePad*® includes lined pages for taking notes on each topic, as well as any PowerPoint presentations submitted prior to printing.

Traditional printed course books can be ordered at the program site for a discounted price and will be shipped subsequent to the program date.



Program Description

The Commercial and Federal Litigation Section of the New York State Bar Association is pleased to offer an up-to-date, timely, and traditionally popular day-long course on basic federal civil practice. This course will focus on practice and procedure in federal district courts and is designed to familiarize the general practitioner, the general litigator, and other attorneys who have not had extensive exposure to the federal court system with numerous best practices for litigating civil matters in federal court. The agenda includes a special segment on ethics.

Experienced federal court practitioners and a number of judges will offer helpful, practical tips and guidance on handling all aspects of a civil case in federal court, based upon their

own respective experiences and favored tactics. The program is designed to provide practical “nuts-and-bolts” information and places particular emphasis on discovery, including discussion of the most recent developments concerning discovery of electronically stored information. The faculty will highlight many of the differences between civil practice in state court and in federal district court. Opportunities will be scheduled for questions from the audience.

This course, which will be presented in locations covering all four federal districts of New York, should also be a useful review for more experienced practitioners who may want to brush up on their knowledge.

Who Should Attend: • The general practitioner, the general litigator, or other attorney who has not had extensive exposure to the federal court system • More experienced practitioners who may want to brush up on their skills and knowledge.

Agenda

(Please note the different time schedule below for Albany's and Rochester's afternoon sessions.)

8:30-9:00 a.m.

REGISTRATION (outside meeting room)

9:00-9:10

WELCOME AND INTRODUCTION

9:10-10:25

I. COMMENCEMENT OF THE ACTION

Subject Matter Jurisdiction and Removal * Personal Jurisdiction and Venue * Complaint and Answer

Peter J. Ausili, Esq. (Melville) * **James T. Potter, Esq.** (Albany) * **William G. Bauer, Esq.**, **Kathryn K. Lee, Esq.**, **Connie O. Walker, Esq.** (Rochester) * **Daniel D. Edelman, Esq.**, **Andrew J. Melnick, Esq.**, **Judith L. Mogul, Esq.** (New York City)

10:25-10:40

COFFEE BREAK

10:40-11:30

II. ETHICS IN NEW YORK'S FEDERAL COURTS

Admission to Practice * What Disciplinary Rules Apply * Communicating with a Represented Party * Document Production and Inadvertent Production of Privileged Materials * Recent Developments

James M. Wicks, Esq. (Melville) * **Michael J. Murphy, Esq.** (Albany) * **Laurie A. Giordano, Esq.**, **David H. Tennant, Esq.** (Rochester) * **Celia Goldwag Barenholtz, Esq.**, **Robert J. Jossen, Esq.**, **Sarah Diane McShea, Esq.** (New York City)

11:30-12:20 p.m.

III. MOTION PRACTICE

Temporary Restraining Orders * Preliminary Injunctions * Motions to Dismiss * Summary Judgment

Michael Cardello III, Esq. (Melville) * **Seth F. Eisenberg, Esq.** (Albany) * **Jeffrey J. Calabrese, Esq.**, **Colleen D. Holland, Esq.**, **John T. Refermat, Esq.** (Rochester) * **Jacob W. Buchdahl, Esq.**, **Sharon L. Nelles, Esq.**, **Dennis P. Orr, Esq.** (New York City)

ALBANY AND ROCHESTER SESSIONS

12:20-12:45

ADR (ALTERNATIVE DISPUTE RESOLUTION)

Robert B. Calihan, Esq., **Linda T. Prestegaard, Esq.** (Rochester) * **Scott A. Barbour, Esq.** (Albany)

12:20-1:20 [12:45-1:45 Albany and Rochester]

LUNCH (on your own)

1:20 –2:10

IV. DISCOVERY (other than Depositions) [1:45-2:35 Albany and Rochester]

Rule 26(a) Disclosure and Rule 26(f) Meeting * Interrogatories * Document Requests * Requests for Admission

Patrick McCormick, Esq. (Melville) * **Yvonne E. Hennessey, Esq.** (Albany) * **Sarah Snyder Merkel, Esq.**, **Hon. Marian W. Payson, J. Nelson Thomas, Esq.** (Rochester) * **Gregory G. Ballard, Esq.**, **Sarah Loomis Cave Esq.**, **Jason M. Hall, Esq.** (New York City)

2:10-3:00

V. DEPOSITIONS [2:35-3:25 Albany and Rochester]

Preparing Witnesses * Examining Witnesses * Expert Depositions

John P. McEntee, Esq. (Melville) * **Oliver N. Blaise, III, Esq.** (Albany) *

Edward P. Hourihan, Jr., Esq., **Jill K. Schultz, Esq.**, **Sheldon K. Smith, Esq.** (Rochester) * **Edward A. Friedman, Esq.**, **Vilia B. Hayes, Esq.**, **Sean F. O'Shea, Esq.** (New York City)

3:00-3:15

COFFEE/SOFT DRINK BREAK [3:25-3:40 Albany and Rochester]

3:15-4:05

VI. TRIALS AND FEDERAL RULES OF EVIDENCE [3:40-4:30 Albany and Rochester]

Clifford S. Robert, Esq. (Melville) * **Albert J. Millus, Jr., Esq.** (Albany) * **Margaret A. Clemens, Esq.**, **Hon. Jonathan W. Feldman, Eric J. Ward, Esq.** (Rochester) * **Celia Goldwag Barenholtz, Esq.**, **Steven F. Molo, Esq.**, **Lawrence J. Zweifach, Esq.** (New York City)

4:05-4:30

VII. A VIEW FROM THE BENCH [4:30-4:55 Albany and Rochester]

Hon. A. Kathleen Tomlinson (Melville) * **Hon. Christian F. Hummel** (Albany) * **Hon. Frank P. Geraci, Jr.** (Rochester) * **Hon. William F. Kuntz, II** (New York City)

4:30 p.m. [4:55 p.m. Albany and Rochester]

ADJOURNMENT

7.0 - 7.5 MCLE CREDITS:

Melville and New York City Sessions: 7.0 MCLE CREDITS: 1.0 Ethics; 2.5 Skills; 3.5 Professional Practice
Albany and Rochester Sessions: 7.5 MCLE CREDITS: 1.0 Ethics; 2.5 Skills; 4.0 Professional Practice

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, including newly admitted ones (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **5.0** credit hours of substantive law and **1.0** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

This program has been approved by the **Board on Continuing Legal Education of the Supreme Court of New Jersey** for 7.0 hours (Melville and NYC sessions) and 7.5 hours (Albany and Rochester sessions) of total CLE credit. Of these, 1.0 qualify as hours of credit for ethics/professionalism (all four sessions), and 0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law, and/or matrimonial law. This course does not qualify under any of the nine specified new admit areas, in five of which New Jersey attorneys admitted in 2009 or thereafter, in their first full two-year compliance period, must take 15 of their 24 required credit hours (see BCLE Reg. 201:2).

The New York State Bar Association's Committee on Continuing Legal Education has been certified as an accredited provider of continuing legal education in the States of New York, New Jersey, Pennsylvania, and California.

IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Program Faculty

Overall Statewide Planning Chair



Richard B. Friedman, Esq.
McKenna Long & Aldridge LLP
New York City

Local Panels

Melville, L.I. Session: James M. Wicks, Esq., Farrell Fritz, P.C., Uniondale (Chair and Moderator) * Peter J. Ausili, Esq., Law Clerk to the Hon. Leonard D. Wexler, United States District Judge, Eastern District of New York, Central Islip * Michael Cardello III, Esq., Moritt Hock & Hamroff LLP, Garden City * Patrick McCormick, Esq., Campolo, Middleton, & McCormick, LLP, Bohemia * John P. McEntee, Esq., Farrell Fritz, P.C., Uniondale * Clifford S. Robert, Esq., Robert & Robert, PLLC, Melville * Hon. A. Kathleen Tomlinson, United States Magistrate Judge, Eastern District of New York, Central Islip * James M. Wicks, Esq., Farrell Fritz, P.C., Uniondale.

Albany Session: Maria E. Lisi-Murray, Esq., Levene Gouldin & Thompson, LLP, Binghamton (Chair and Moderator) * Scott A. Barbour, Esq., McNamee, Lochner, Titus & Williams, P.C., Albany * Oliver N. Blaise, III, Esq., Coughlin & Gerhart, LLP, Binghamton * Seth F. Eisenberg, Esq., Law Clerk to the Hon. Thomas J. McAvooy, Senior United States District Judge, Northern District of New York, Binghamton * Yvonne E. Hennessey, Esq., Hiscock & Barclay LLP, Albany * Hon. Christian F. Hummel, United States Magistrate Judge, Northern District of New York, Troy * Albert J. Millus, Jr., Esq., Hinman, Howard & Kattell LLP, Binghamton * Michael J. Murphy, Esq., Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C., Albany * James T. Potter, Esq., Hinman Straub, P.C., Albany.

Rochester Session: David H. Tennant, Esq., Nixon Peabody LLP, Rochester (Chair and Moderator) * William G. Bauer, Esq., Woods Oviatt Gilman LLP, Rochester * Jeffrey J. Calabrese, Esq., Harter Secrest & Emery LLP, Rochester * Robert B. Calihan, Esq., Calihan Law PLLC, Rochester * Margaret A. Clemens, Esq., Littler Mendelson P.C., Rochester * Hon. Jonathan W. Feldman, United States Magistrate Judge, Western District of New York, Rochester * Hon. Frank P. Geraci, Jr., United States District Judge, Western District of New York, Rochester * Laurie A. Giordano, Esq., Leclair Korona Giordano Cole LLP, Rochester * Colleen D. Holland, Esq., LeClairRyan, Rochester * Edward P. Hourihan, Jr., Esq., Bond Schoeneck & King PLLC, Rochester * Kathryn K. Lee, Esq., Faraci Lange, LLP, Rochester * Sarah Snyder Merkel, Esq., The Wolford Law Firm LLP, Rochester * Hon. Marian W. Payson, United States Magistrate Judge, Western District of New York, Rochester * Linda T. Prestegard, Esq., Phillips Lytle LLP, Rochester * John T. Refermat, Esq., Lacy Katzen LLP, Rochester * Jill K. Schultz, Esq., Davidson Fink LLP, Rochester * Sheldon K. Smith, Esq., Nixon Peabody LLP, Buffalo * David H. Tennant, Esq., Nixon Peabody LLP, Rochester * J. Nelson Thomas, Esq., Thomas & Solomon LLP, Rochester * Connie O. Walker, Esq., Law Clerk to the Hon. Frank P. Geraci, Jr., United States District Judge, Western District of New York, Rochester * Eric J. Ward, Esq., Ward Greenberg Heller & Reidy LLP, Rochester.

New York City Session: Lawrence J. Zweifach, Esq., Gibson, Dunn & Crutcher LLP, New York City (Chair and Moderator) * Gregory G. Ballard, Esq., Sidley Austin LLP, New York City * Celia Goldwag Barenholtz, Esq., Cooley LLP, New York City * Jacob W. Buchdahl, Esq., Susman Godfrey L.L.P., New York City * Sarah Loomis Cave, Esq., Hughes Hubbard & Reed LLP, New York City * Daniel D. Edelman, Esq., Crowell & Moring LLP, New York City * Edward A. Friedman, Esq., Friedman Kaplan Seiler & Adelman, LLP, New York City * Jason M. Hall, Esq., Cahill Gordon & Reindel LLP, New York City * Vilia B. Hayes, Esq., Hughes Hubbard & Reed LLP, New York City * Robert J. Jossen, Esq., Dechert LLP, New York City * Hon. William F. Kuntz, II, United States District Judge, Eastern District of New York, Brooklyn * Sarah Diane McShea, Esq., Law Offices of Sarah Diane McShea, New York City * Andrew J. Melnick, Esq., Schindler, Cohen & Hochman LLP, New York City * Judith L. Mogul, Esq., Morvillo Abramowitz Grand Iason & Anello P.C., New York City * Steven F. Molo, Esq., Molo Lamken LLP, New York City * Sharon L. Nelles, Esq., Sullivan & Cromwell LLP, New York City * Dennis P. Orr, Esq., Morrison & Foerster LLP, New York City * Sean F. O'Shea, Esq., O'Shea Partners LLP, New York City * Lawrence J. Zweifach, Esq., Gibson, Dunn & Crutcher LLP, New York City.

Information and Policies

Pre-registration Strongly Advised: You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis.

Cancellations are easy – full refunds are given: Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the State Bar Service Center at One Elk Street, Albany, New York 12207; or fax (518) 487-5618; or call (800) 582-2452. If you do not cancel and do not attend the program, access to a complete set of course materials in PDF format will be forwarded to you via e-mail in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.


MCLE Credit: This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions.

Tuition Assistance: New York Attorneys may apply for tuition assistance to attend this program based on financial hardship. Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program by completing a *Tuition Assistance Request Form* and returning it to the CLE Department no later than five working days prior to the program, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. For more details, please contact our State Bar Service Center at (800) 582-2452.


Group Discounts: Subject to availability and exclusions, group discounts are available to law firms and organizations sending 3 or more employees to any one NYSBA CLE program. Please contact Jane Nielsen, at (518) 487-5586 for more information.

CLE Coupon Plan: For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at 1.800.582.2452.

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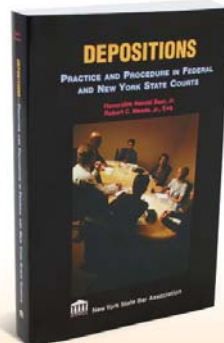
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Program Locations

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Wednesday
November 13, 2013
Melville, LI
PC: (ODC83)

Melville Marriott Long Island
1350 Walt Whitman Road
Melville, NY 11747
(631) 423-1600

Wednesday
December 4, 2013
Rochester
PC: (ODC85)

Holiday Inn Rochester Airport
911 Brooks Avenue
Rochester, NY 14624
(585) 328-6000

Thursday
November 14, 2013
Albany
PC: (ODC81)

New York State Nurses Association
11 Cornell Road
Latham, NY 12110
(518) 782-9400

Thursday
December 5, 2013
New York City
PC: (ODC84)

Radisson Martinique on Broadway
49 West 32nd Street
New York, NY 10001
(212) 736-3800

 See our Fall 2013 schedule online at www.nysba.org/cle



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