

NYSBA Annual Meeting

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MONDAY, JANUARY 25, 2016

Exploring New Rule Changes in Commercial Disputes

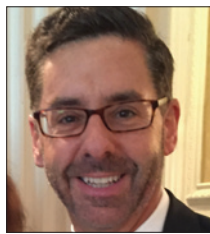
The Commercial and Federal Litigation Section continues to play a leadership role in the many facets of commercial disputes. Through programming, initiatives and our Section reports, we are working hard toward making litigating commercial disputes more efficient here in New York, to maintain the reputation of our courts, both federal and state, as leaders in the commercial and business world.

We have conducted statewide Bench and Bar programs—Long Island, Westchester, Queens, Rochester, Syracuse, Buffalo and Albany—to help better educate commercial litigators on the many new rule changes in the Commercial Division. With the help of the Commercial Division Justices throughout the state, we have had successful interactive panel discussions between the bench and bar to explore these new rule changes. Not only have these programs helped educate, but they continue to foster cooperation and collegiality among the judges and practitioners, all of which helps more efficient litigation of commercial cases.

But that's not all! As most know, there are also new and significant rule changes this year to the Federal Rules of Civil Procedure. Our Federal Practice Committee is busily planning a similar program to highlight those changes as they apply to business litigation.

This year, the Section also developed Social Media Guidelines, through our Social Media Committee led by Mark Berman and Ignatius Grande, which have gained national attention. We continue to devote much attention to these Guidelines and recently our Section issued a report on social media jury instructions which we hope will help guide the courts. As a result, our State Bar has become a leader in this area.

For the Section's Annual Meeting, we are proud to bestow the Stanley H. Fuld Award on the Hon. Sheila Abdus-Salaam, Associate Judge of the Court of Appeals for the State of



James M. Wicks

**Chair
Commercial and
Federal Litigation Section**

New York, for her outstanding contributions to commercial law and litigation. Judge Abdus-Salaam, having served on trial and appellate courts, has made important rulings on key commercial issues involving insurance, contract and fiduciary duty issues, and epitomizes what the Award stands for.

We have planned three diverse, and exciting programs for the Annual Meeting. We start the morning off with a program on the "psychology of perception," which will explore the question, "What do arbitrators, judges and jurors hear?" Our Vice Chair Mitch Katz has assembled leading experts in psychology and trial advocacy—Richard Waites, J.D. Ph.D., Attorney & Chief Trial Psychologist, The Advocates; Valerie P. Hans, Ph.D., Professor of Law, Cornell Law School; Julie E. Howe, Ph.D. of J. Howe Consulting—to discuss the psychological factors at play in winning arguments, and how to develop a powerful story for your case. The panel will be moderated by James McGuire of Dechert.

The second program follows up on one of our key initiatives this year—exploring the imbalance of gender diversity at the trial counsel table in commercial cases.

A group of former women chairs of the Section will discuss how men and women can work together to achieve equal opportunities and visibility for women among their peers and in the courtroom and boardroom.

The discussion, moderated by Carla M. Miller, will focus on providing practical advice, insight and diverse perspectives. The All-Star line-up includes: Hon. Shira A. Scheindlin, U.S. District Judge, Southern District of New York; Lauren J. Wachtler of Mitchell, Silberberg & Knupp; Lesley Rosenthal, VP General Counsel & Secretary of Lincoln Center for the Performing Arts in New York; Tracee E. Davis of Zeichner, Ellman & Krause; Bernice K. Leber of Arent Fox; Sharon M. Porcellio of Bond, Schoeneck & King; and Carrie H. Cohen, Assistant U.S. Attorney, Southern District of New York, Criminal Division.

Our final program is on choosing the right venue: state or federal court. Although there have been many programs in the past on choosing your venue, this is a "must see" in light of the significant rule changes in both state and federal court that appear to make practice in both very similar. What are the remaining differences? The panel will be moderated by Robert L. Haig of Kelley, Drye & Warren and will include the Hon. Deborah H. Karalunas, Onondaga County Supreme Court; Hon. Timothy S. Driscoll, Nassau County Supreme Court; Hon. Jeffrey K. Oing, New York County Supreme Court; Hon. Mae A. D'Agostino, U.S. District Judge, Northern District of New York; Hon. Margo K. Brodie, U.S. District Judge, Eastern District of New York; and Hon. P. Kevin Castel, U.S. District Judge, Southern District of New York.

Keep an eye out for announcements for our Spring Meeting, which this year will be held in Cooperstown May 13-15, 2016!

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