

Commercial and Federal Litigation Section
Annual Meeting

WEDNESDAY, JANUARY 29, 2014		
New York Hilton MIDTOWN 1335 Avenue of the Americas, New York City		
Section Program 8:40 a.m. – Noon Rendevouz Ballroom, 3rd Floor	Cocktail Reception Noon – 12:30 p.m. Petit Trianon Ballroom Foyer 3rd Floor	Luncheon 12:30 – 2:00 p.m. Trianon Ballroom, 3rd Floor

IMPORTANT INFORMATION

Under New York’s MCLE rule, this program has been approved for 3 MCLE credits consisting of 1.5 in Ethics and 1.5 in Professional Practice. *This program is NOT a transitional program and does not qualify 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 or lnicoll@nysba.org. *Written scholarship requests must be received by January 17th.*

This presentation will be digitally interactive. There will be “live tweeting” and we encourage actual and virtual participants to tweet about the event, ask questions and get the word out with the hashtag: #ComFed14. Follow the Section on Twitter: @NYSBAComFed

SECTION CHAIR
GREGORY K. ARENSON, ESQ.
Kaplan Fox & Kilsheimer LLP
New York City

PROGRAM CHAIR
JAMES M. WICKS, ESQ.
Farrell Fritz PC
Uniondale

8:40 – 8:45 a.m. INTRODUCTION
SECTION CHAIR
GREGORY K. ARENSON, ESQ.
Kaplan Fox & Kilsheimer LLP
New York City

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8:45 – 10:15 a.m. **SOCIAL MEDIA IN YOUR PRACTICE: THE ETHICS OF INVESTIGATION, MARKETING, AND MORE (1.5 credits in Ethics)**
Join the Section on Commercial and Federal Litigation in an interactive cutting-edge presentation featuring top speakers on social media ethics. This panel will address ethical questions such as:

- Can you advise a client to “take down” incriminating social media postings?
- What do you need to inform an unrepresented witness when “friending” to gain access to her private postings?
- How do you respond to a request for legal services when made in a “chat room”?
- What if any ethical considerations are there in researching a juror’s social media presence?
- Can you identify areas of practice under “Skills & Expertise” on LinkedIn?
- Can you accept a request to be connected to a judge on social media?

Moderator: MARK A. BERMAN, ESQ.
Ganfer & Shore, LLP
New York City

Panelists: HON. LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

HON. RONALD J. HEDGES
United States Magistrate Judge (retired)
District of New Jersey

NICOLE BLACK, ESQ.
MyCase.com
Rochester, NY

PROF. JONATHAN I. EZOR
Touro Law School
Central Islip

IGNATIUS A. GRANDE, ESQ.
Hughes Hubbard & Reed LLP
New York City

10:15 – 10:30 a.m. Refreshment Break - Sponsored by DOAR Litigation Consulting LLC

Transcription services provided by Hudson Court Reporting & Digital Media



10:30 a.m.– Noon ***THE INTERPLAY OF DELAWARE AND NEW YORK LAW IN RESOLVING CORPORATE AND COMMERCIAL DISPUTES (1.5 credits in Professional Practice)***
New York’s importance as a center of commerce and finance, and Delaware’s dominance in the jurisdictional competition for business associations, have given the courts in those states an out-sized role in shaping the decisional law that governs the nation’s corporate and commercial life. The Commercial and Federal Litigation Section is pleased to present a panel discussion of experts about the influential role of Delaware law in the adjudication of business disputes in New York courts, with special guests Vice Chancellor Travis Laster of the Delaware Court of Chancery and Associate Justice David Friedman of the Appellate Division, First Department. Topics to be examined include fiduciary duty in closely held entities and the ability to contract around them; advancement and indemnification of corporate officers and directors; the covenant of good faith and fair dealing; freeze-out mergers; inspection of books and records; oral operating and partnership agreements; and the reliance factor in commercial fraud cases.

Panelists:

HON. DAVID FRIEDMAN Associate Justice Supreme Court of New York Appellate Divison First Department	VICE CHANCELLOR J. TRAVIS LASTER Delaware Court of Chancery
JEFFREY M. EILENDER, ESQ. Schlam Stone & Dolan LLP New York City	KURT M. HEYMAN, ESQ. Proctor Heyman LLP Wilmington, Delaware
PETER A. MAHLER, ESQ. Farrell Fritz P.C. New York City	

Noon– 12:30 p.m. **Cocktail Reception** - Petit Trianon Ballroom Foyer, 3rd floor

12:30–2:00 p.m. **Luncheon** - Trianon Ballroom, 3rd Floor

PRESENTATION OF THE STANLEY H. FULD AWARD FOR OUTSTANDING CONTRIBUTIONS TO COMMERCIAL LAW AND LITIGATION

<u>Award Recipient</u> Honorable Shira Scheindlin United States District Court Southern District of New York	<u>Award Presenter</u> Honorable Jack B. Weinstein United States District Court Eastern District of New York
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 **Accommodations for Persons with Disabilities:** NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518-487-5563.

 For overnight room accommodations, please call the Hilton New York at 1-800-445-8667 and identify yourself as a member of the New York State Bar Association. Room rates are \$249.00 for single/double occupancy. **Reservations must be made by December 23, 2013. You also can reserve your overnight room on the web at www.nysba.org/14accomm.**

 For questions about this specific program, please contact Lori Nicoll at 518-487-5563. **For registration questions only, please call 518-487-5621. Fax registration form to 518-463-5993.**

Commercial and Federal Litigation Section

Wednesday, January 29, 2014
New York Hilton Midtown
1335 Avenue of the Americas
New York City

Section Program – 8:40 a.m. - Noon
Reception and Luncheon – 12:00 - 2:00 p.m.
Presidential Summit – 2:00 - 5:00 p.m.

Follow the section on Twitter for
breaking news, tips & rules updates
at: @NYSBAComFed