



NYSBACLE

Thursday, April 6, 2017

9:00 a.m. – 4:30 p.m.

**New York Society of
Security Analysts**

1540 Broadway, Suite 1010
New York, NY 10036

Webcast

Can't attend in person? This program is also available via a simultaneous live webcast option.

Newly admitted attorneys (less than 24 months) who attend via webcast are only eligible to receive Professional Practice and Ethics MCLE credits. Please note that Ethics credits must be viewed simultaneously with the live webcast to receive MCLE credit. Newly admitted attorneys must attend the program in person to receive New York MCLE credit for Skills.



**INCLUDES
4.0 Skills Credits**

See inside for
more details.

Securities Arbitration and Mediation 2017: The Courage to Simplify

Topics to be covered include:

- Crafting Persuasive Pleadings
- Supervisory and Clearing Firm Liability
- Proving and Defending Bond Cases
- Ethics and Expungements

...and much more!

Co-Sponsors:

Securities Litigation and
Arbitration Committee of
the Commercial and Federal
Litigation Section

Committee on Continuing
Legal Education

Register Now!

Register Early and Guarantee Your Seat at the Program!



Program Description

The key to successful securities arbitration and mediation is telling your story in memorable and persuasive fashion. This program will help you master those skills while also bringing you up to date on recent developments in the law. Gathered from the “best and brightest” of the New York State Bar, this program will, in one day, highlight the most critical advancements in securities arbitration and mediation since this program was last presented.

Our faculty is usually large so that our attendees get the best cross-section possible of experienced practitioners. The subjects selected are based on the assessment of our faculty. Don't miss this opportunity to get a complete update on the law and a thorough analysis of how to succeed in Securities Arbitration and Mediation!

Who Should Attend: Attorneys practicing securities law should not miss this program, and attorneys involved in Arbitration and Mediation in other fields will also find this program to be most beneficial.

Interested in registering more than one attorney?

Three or more registrations from the same firm/organization are eligible for our **20% Group Discount!**

Agenda

- | | |
|--|---|
| 8:30 a.m. – 9:00 a.m. Registration | 12:45 p.m – 1:45 p.m. Lunch (on your own) |
| 9:00 a.m. – 9:10 a.m. Welcome & Introductions | 1:45 p.m – 2:35 p.m. Whether and When to Settle a Securities Mediation |
| 9:10 a.m. – 10:00 a.m. Developments and Trends in Securities Arbitration and Mediation Cases <ul style="list-style-type: none">• Case filing trends and statistics• Special considerations for elderly claimants• Sample industry cases• Overview of common attorney mistakes | <ul style="list-style-type: none">• Most cases that settle do so through direct communications: bringing back the art of direct settlement discussions• When to mediate, whom to select, what to expect from your mediator and how best to prepare yourself and your client for mediation: settling and not winning |
| 10:00 a.m. – 10:50 a.m. Telling Your Story Simply From Intake to Closing Statements <ul style="list-style-type: none">• Crafting pleadings that tell stories: the courage to simplify• Carrying the story forward to the hearing: opening, case presentation, and closing• How to prepare witnesses to best tell the story• How to prepare for the other side's story• How to keep the arbitrators focused on the story | 2:35 p.m – 3:25 p.m. Proving and Defending Bond Cases <ul style="list-style-type: none">• Why are bond cases different from all other cases• Is reliance on ratings agencies sufficient?• What other broker due diligence is required?• Bond pricing and broker comp• Discovery in bond cases• Proving up a bad bond case• Computing damages in bond cases (esp. addressing the NOP problem) |
| 10:50 a.m. – 11:05 a.m. Refreshment Break | |
| 11:05 a.m. – 11:55 a.m. Securities Industry Experts' Perspective on Securities Arbitration <ul style="list-style-type: none">• Experienced experts have attended more arbitration hearings than most party attorneys• What are their recommendations from the start to the end of the case?• How to assess potential arbitrators• Expert advice on persuasive closing statements | 3:25 p.m – 3:40 p.m. Refreshment Break |
| 11:55 a.m. – 12:45 p.m. Supervisory and Clearing Firm Liability <ul style="list-style-type: none">• Wrongdoing rarely takes place without the assistance or acquiescence of others• How does a Claimant get into the “deep pockets” of the retail firm for failure to supervise and of clearing firms that effectuate the trades at issue?• A primer on the law• What are the best defenses to such allegations? | 3:40 p.m – 4:30 p.m. Ethics and Expungements <ul style="list-style-type: none">• When should expungements be sought?• Ethical conflicts for defense counsel and expungement requests and discussions with brokers• How should expungements be obtained?• What to expect at the hearing• Ethics and the customer attorney with regard to participation after a settlement – take the money and run? |
| | 4:30 p.m. Adjournment |

Program Faculty

Program Co-Chairs:

David E. Robbins, Esq.
Kaufmann Gildin &
Robbins LLP
New York, NY

James D. Yellen, Esq.
Yellen Arbitration and
Mediation Services
New York, NY

Section Chair:

Mark A. Berman, Esq.
Ganfer & Shore, LLP
New York, NY

Richard W. Berry, Esq., FINRA Dispute Resolution, New York, NY * **William D. Briendel, Esq.**, Greenberg Traurig LLP, White Plains, NY * **Alida Camp, Esq.**, ADR Offices of Alida Camp, New York, NY * **Marc Conner**, Corporate Treasury Investment Consulting LLC, Baltimore, MD * **Philip S. Cottone, Esq.**, Philip S. Cottone, Malvern, PA * **Kenneth G. Crowley, Esq.**, UBS Financial Services Inc., Weehawken, NJ * **Jerry DeNigris**, Riverside Financial Group, LLC, Cranford, NJ * **H. Thomas Fehn, Esq.**, Fields, Fehn & Sherwin, Los Angeles, CA * **Martin L. Feinberg, Esq.**, New York, NY * **Aegis J. Frumento, Esq.**, Stern Tannenbaum & Bell LLP, New York, NY * **Darya Geetter, Esq.**, LPL Financial, Boston, MA * **Jonathan L. Hochman, Esq.**, Schindler Cohen & Hochman LLP, New York, NY * **Professor Seth E. Lipner**, Deutsch & Lipner, Garden City, NY * **Jenice L. Malecki, Esq.**, Malecki Law, New York, NY * **Henry F. Minnerop, Esq.**, Upper Nyack, NY * **Timothy J. O'Connor, Esq.**, The Law Offices of Timothy J. O'Connor, Albany, NY * **Matthew C. Plant, Esq.**, Bressler, Amery & Ross, P.C., New York, NY * **Michael Pysno, Esq.**, Attorney and Mediator, Plymouth, MN * **Professor Paul Radvany**, Fordham University School of Law, New York, NY * **Alan S. Rafterman, Esq.**, Wells Fargo & Company, St. Louis, MO * **Richard P. Ryder, Esq.**, Securities Arbitration Commentator, Inc., Maplewood, NJ * **Michael G. Shannon, Esq.**, Thompson Hine LLP, New York, NY * **Barry Temkin, Esq.**, Mound Cotton Wollah & Greengrass LLP, New York, NY * **Ross Tulman**, Trade Investment Analysis Group, Columbus, OH * **Angela A. Turiano, Esq.**, Bressler, Amery & Ross, P.C., New York, NY * **Robert Usinger, Esq.**, One Beacon Insurance Group, New York, NY

7.0 MCLE CREDITS: 2.0 Professional Practice; 4.0 Skills; 1.0 Ethics

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, **including** newly admitted (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 hour 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 7.1 hours of total CLE credit. Of these, 1.1 qualify as hours of credit for ethics/professionalism, 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 [B.CLE Reg. 201:2](#)).

The New York State Bar Association 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.

Information and Policies

Pre-Registration Strongly Advised: You can save money and guarantee your seat and course materials by registering early. Registrations received at the door are subject to an additional \$15.00 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) three business days prior to the date of the program for which you registered. Registrations cancelled less than three business days from the program date will be assessed a cancellation fee of \$25.00. To cancel, call or email the Member Resource Center at **(800) 582-2452** or mrc@nysba.org. 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: 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 date, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. To download a

Tuition Assistance Request Form, visit www.nysba.org/tuitionassistance. For more details, please contact Holly Murray at (518) 487-5586.

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 Holly Murray at (518) 487-5586 for more information.

Recording of NYSBA Seminars in Any Form Is Strictly Prohibited.



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 Cindy O'Brien at (518) 487-5585 or cobrien@nysba.org.

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Program materials are distributed at each CLE live program in a print course book publication. In addition, complete course materials are distributed via email to registered attendees in downloadable, digital PDF searchable format prior to the program date, providing flexibility in using these materials in your day-to-day practice.

Special Offer from the NYSBA Bookstore

Save 20% on our featured product

Arbitration and Mediation, 2016-17

- Enforceability of Arbitration Agreements
- Hearing Procedures
- The Benefits of Mediation
- Current Uses of Mediation to Resolve Disputes

This title provides useful practice tips on navigating arbitration hearing procedures and describes how mediation is used to resolve disputes. Complete with valuable practice pointers, sample arbitration forms and appendices, this practice guide also includes Forms on CD.



Print: 40247 | 2016-17 | **NYSBA Members \$125** | Non-Members \$165

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4 WAYS TO REGISTER

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Call **1.800.582.2452** (U.S. and Canada)
or **518.463.3724** in Albany & surrounding area

Use the order form located next to the address section on back page:

Mail Member Resource Center
New York State Bar Association
One Elk Street
Albany, NY 12207

Fax **518.463.5993**

REGISTRATION FEES

NYSBA Members: \$175.00
Commercial and Federal Litigation
Section Members: \$148.75
Non-Members: \$275

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Source Code: CL4393

Program Location

Important Note: If you plan to register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, at **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes. Please register as early as possible to avoid disappointment.

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New York City
PC: OEP04

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Register online at www.nysba.org/SAM2017.

NYSBA Members: \$175 | Commercial and Federal Litigation Section Members: \$148.75 | Non-Members: \$275

Please Note: Registrations canceled less than three business days from the program date will be assessed a \$25.00 cancellation fee.



See our Spring 2017 schedule online at www.nysba.org/cle



NEW YORK STATE BAR ASSOCIATION
CONTINUING LEGAL EDUCATION
1 Elk Street, Albany, NY 12207

Registrant note: Is your name and address listed correctly on the mailing label at the right? If not, please contact the Member Resource Center at 800.582.2452/518.463.3200. If you receive multiple copies of this brochure, please pass them along to colleagues who may be interested in this program.

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Securities Arbitration and Mediation 2017

– PC: (OEP04)

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New York State Bar Association
One Elk Street, Albany, NY 12207

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Telephone (_____) _____



INCLUDES
4.0 Skills Credits
See inside for
more details.



Securities Arbitration and Mediation 2017: The Courage to Simplify

NYSBA presents **CLE**

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