



**Section Chair**

**Mitchell J. Katz, Esq.**

Menter, Rudin & Trivelpiece, P.C.  
Syracuse

**Program Chair**

**Robert N. Holtzman, Esq.**

Kramer Levin Naftalis  
& Frankel LLP  
New York City

# NYSBA

## Commercial and Federal Litigation Section

### Spring Meeting

The Sagamore  
Bolton Landing, NY  
May 4 - 6, 2018

This MCLE program offers up to 6 MCLE credit hours consisting of 4 credits in Areas of Professional Practice, 1 credit in Skills and 1 credit in Ethics.





## Hotel Information:

**The Sagamore Resort, 110 Sagamore Road Bolton Landing, NY 12814  
Go to: [www.nysba.org/COMFEDSP18](http://www.nysba.org/COMFEDSP18) to be directed to the Hotel  
webpage to book your accommodations online by April 4th**

## CLE Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will qualify for **6 MCLE credits consisting of 4 credits in Areas of Professional Practice, 1 credit in Skills and 1 credit in Ethics.**

### Discounts and Scholarships:

New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, **not later than ten working days** prior to the start of program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207. 518.487.5563 or [lnicoll@nysba.org](mailto:lnicoll@nysba.org).

### 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 or [lnicoll@nysba.org](mailto:lnicoll@nysba.org).

# SCHEDULE OF EVENTS

## Friday, May 4

3:00 p.m. – 6:30 p.m.

**Registration - Hotel Lobby**

6:30 p.m. – 9:30 p.m.

**Children's Dinner - Albenia Room (Conference Center)**

The children will have dinner first. After dinner they will be escorted to the Rec Center which is located next to the Conference Center. There are many activities they will be able to partake in such as board games, coloring, toys, puzzles, arts and crafts. **Pre-registration is required.**

6:30 p.m. – 7:30 p.m.

**Cocktail Reception - Veranda Lower Terrace**

7:30 p.m. – 9:30 p.m.

**Dinner - Nirvana**

**Welcoming Remarks – Mitchell J. Katz, Esq.**, Section Chair

**Dinner Speaker: William C. Banks**, Director, Institute for National Security and Counterterrorism (INSCT) Board of Advisors Distinguished Professor, Syracuse University, College of Law, Maxwell School of Citizenship & Public Affairs

## Saturday, May 5

7:00 a.m.

An informal 5K run is planned for this morning for all those who are interested. We will convene at 7:00 a.m. at the hotel entrance and start the run promptly at 7:10 a.m. Walkers are welcome too!

8:00 a.m.

**Registration - Conference Foyer**

8:00 a.m.

**Continental Breakfast with Exhibitors - Conference Foyer**

9:00 a.m. – 12:00 p.m.

**Children's Morning Activities - Rec Center**

During the day's activities there will be some lawn games, wiffle ball, kickball, basketball, a scavenger hunt & much more. **Pre-registration is required.**

8:45 a.m. – 12:00 p.m.

**General Session – Wapanak Room**

8:45 a.m. – 9:10 a.m.

**Opening General Session Remarks – Mitchell J. Katz, Esq.**, Section Chair

**NYSBA Welcome - Michael Miller, Esq.**, President-Elect, New York State Bar Association

**Program Overview – Robert N. Holtzman, Esq.**, Section Chair-Elect and Spring Meeting Program Chair

9:10 a.m. – 10:25 a.m.

**The Good, the Bad, and the Ugly: The Bench's View on What Works Well, and What Does Not, in Commercial Trials** (1.5 credits in Areas of Professional Practice)

Commercial litigators are experienced and adept at motion practice, depositions and settlement negotiations. But some cases actually get to trial, and, suddenly, many business litigators find themselves in unfamiliar territory. Fear not! A panel of judges who regularly hear commercial trials have tips to help you be just as effective and impressive at trial as you are in all other parts of the representation.

Panel Co-Chairs:

**Helene R. Hechtkopf, Esq.**, Hoguet Newman Regal & Kenney, LLP, New York City  
**Paul D. Sarkozi, Esq.**, Tannenbaum Helpert Syracuse & Hirschtritt LLP, New York City

Introductory Remarks:

**Michael C. Rakower, Esq.**, Rakower Law PLLC, New York City

Panelists:

**Honorable Timothy S. Driscoll**, New York State Supreme Court, Commercial Division, Nassau County  
**Honorable Nicholas G. Garaufis**, United States District Court, Eastern District of New York  
**Honorable William H. Pauley, III**, United States District Court, Southern District of New York  
**Honorable Saliann Scarpulla**, New York State Supreme Court, Commercial Division, New York County

# SCHEDULE OF EVENTS

## Saturday, May 5 (continued)

- 10:25 a.m. – 10:45 a.m. **Refreshment Break with Exhibitors - Conference Foyer**
- 10:45 a.m. – Noon **Privilege and Ethical Issues Encountered in Corporate Investigations**  
(A Joint program with the Criminal Justice Section) (1.0 credits in Areas of Professional Practice & .5 credits in Ethics)  
This program will focus on important developments concerning the application of the attorney-client privilege to business organizations conducting internal investigations. Among other topics, this panel will discuss corporate internal investigations, various ethical issues that arise in these corporate internal investigations, the privilege as applied to individual employees, cooperation with government and regulatory investigations, ramifications for civil litigation, and recent cases that have significantly limited the scope of privilege in certain jurisdictions.
- Panel Chair: **Carrie H. Cohen, Esq.**, Morrison & Foerster LLP, New York City
- Panelists: **Evan T. Barr, Esq.**, Fried, Frank, Harris, Shriver & Jacobson LLP New York City  
**Jillian B. Berman, Esq.**, Levine Lee LLP, New York City  
**Parvin Daphne Moyne, Esq.**, Akin Gump Strauss Hauer & Feld LLP, New York City  
**Jay Shapiro, Esq.**, White and Williams LLP, New York City
- 12:00 p.m. – 2:00 p.m. **Buffet Luncheon** (for all attendees, spouses, guests, children) - **Nirvana Room**  
Joint luncheon with the Criminal Justice Section
- 12:00 p.m. – 2:00 p.m. **Task Force on Women’s Initiatives Luncheon - Evelley Room**  
The lunch will be an open forum to discuss the Section’s initiatives to advance women in the profession, including increasing the number of women who have a primary role in the courtroom and in arbitral forums. **Pre-registration is required and limited to 30 attendees. No CLE will be given at this luncheon.**
- 1:00 p.m. **The Sagamore Golf Course** – Tee times have been reserved beginning at 1:00 p.m. **Prior sign up required on the registration form.** Individual fees payable at Golf Pro Shop.
- 2:00 p.m. – 6:00 p.m. **Afternoon Free for Recreation**
- 6:30 p.m. – 10:00 p.m. **Children’s Dinner - Albenia Room (Conference Center)**  
The children will have dinner first. After dinner they will be escorted to the Rec Center which is located next to the Conference Center. There are many activities they will be able to partake in such as board games, coloring, toys, puzzles, arts and crafts. **Pre-registration is required.**
- 6:30 p.m. – 7:30 p.m. **Cocktail Reception - Mountainview Terrace**
- 7:30 p.m. – 9:30 p.m. **Gala Dinner - Mountainview Terrace & Lawn**  
**Presentation of the Robert L. Haig Award for Distinguished Public Service**
- Presenter: **Honorable Joseph E. Fahey (retired)**  
Onondaga County Court
- Recipient: **Honorable Glenn T. Suddaby**  
Chief U.S. District Court Judge  
Northern District of New York



# SCHEDULE OF EVENTS

## Sunday, May 6

- 8:30 a.m. **Registration - Conference Foyer**
- 8:30 a.m. **Continental Breakfast with Exhibitors - Conference Foyer**
- 9:00 a.m. – 12:00 p.m. **General Session - Wapanak Room**
- 9:00 a.m. – 10:15 a.m. **Using ADR to Resolve B2B Data Privacy and Cybersecurity Disputes** (1.5 credits in Areas of Professional Practice)  
Data privacy and security litigation in consumer cases is on the rise — and, although less publicized, so are business-to-business disputes arising from security incidents between companies. This panel will discuss the coming wave of data privacy and security commercial litigation between corporations and the benefits of ADR in resolving these disputes.
- Panel Chair: **Joseph V. DeMarco, Esq.**, DeVore & DeMarco, LLP, New York City
- Panelists: **Andrew S. Nadolna, Esq.**, JAMS, New York City  
**Christopher P. Rosado, Esq.**, WorldQuant, Greenwich, CT  
**Kevin D. Szczepanski, Esq.**, Barclay Damon, Buffalo  
**Jennifer Welding, Esq.**, Ellucian, Malvern, PA
- 9:00 a.m. – 12:00 p.m. **Children’s Program – Rec Center**  
During the day’s activities there will be some lawn games, wiffle ball, kickball, basketball, a scavenger hunt & much more. **Pre-registration is required.**
- 10:15 a.m. – 10:35 a.m. **Refreshment Break with Exhibitors - Conference Foyer**
- 10:40 a.m. – 11:55 a.m. **Forensic Examination of Digital Devices: The Legal, Ethical and Technical Pitfalls**  
(1.0 credits in Skills & .5 credits in Ethics)  
Contents of smartphones (and other mobile digital devices) may contain critical evidence. Learn from a panel of experts the Do’s and Don’ts for conducting a forensic examination so that you come away with relevant and admissible evidence and your law license intact.
- Panel Chair: **David H. Tennant, Esq.**, Nixon Peabody LLP, Rochester
- Panelists: **Samantha V. Ettari, Esq.**, Kramer Levin Naftalis & Frankel LLP, New York City  
**Michael McCartney**, President, Avalon Cyber, Buffalo
- Moderator: **Ignatius Grande, Esq.**, Berkeley Research Group, New York City
- 12:00 p.m. **Adjournment & Departure**

EXHIBITORS

# Commercial and Federal Litigation Section

# Thank You

to Our Exhibitors for their Generous Support



**BAKER TILLY**

Accountants and Advisors

FORENSIC ACCOUNTING  
AND BUSINESS VALUATIONS



COUNSEL PRESS

## THINGS TO DO

### **The Adirondack Museum**

One of the largest museums in upstate New York, the Adirondack Museum is the place for Adirondack visitors to deepen their appreciation for what's special about the region and to explore how people have lived, worked, traveled, and played in the Adirondacks from the 19th century right up until today! Interactive, hands-on activities abound making the stories of the Adirondacks and its people highly engaging for children as well as adults. Must see for all families visiting the Adirondacks. [www.adkmuseum.org](http://www.adkmuseum.org)

### **National Museum of Dance**

As the only one of its kind in the United States, this museum is dedicated entirely to preserving the history and tradition of dance. It is located in a beautiful 1918 historic building in Saratoga Spa State Park, formerly the Washington Bath House, and its presence, both inside and outside, is quite captivating. Within the museum, established in 1986, find photographs, videos, costumes, biographies, artifacts and archives, as well as exhibitions including C.V. Whitney Hall of Fame. [www.dancemuseum.org](http://www.dancemuseum.org)

### **Lake George Shoreline Cruise**

2 Kurosaka Lane, Lake George. 518-668-4644. May-Oct. Admission Fee. [www.lakegeorghoreline.com](http://www.lakegeorghoreline.com) Narrated day and evening sightseeing and entertainment cruises aboard five enclosed cruise ships. [www.lakegeorghoreline.com](http://www.lakegeorghoreline.com)

### **Lake George Steamboat Company**

Steel Pier, Beach Rd., Lake George. 518-668-5777 or 800-553-BOAT. May-Oct. Admission Fee. Narrated one- to four-hour scenic cruises aboard classic ships: the 1907 M/V Mohican; the SS Minne-Ha-Ha, an authentic steamboat paddlewheeler; and the 190-foot Lac du Saint Sacrement, a reproduction of classic 19th century Hudson River day vessel. [www.lakegeorgesteamboat.com](http://www.lakegeorgesteamboat.com)

### **The Factory Outlets of Lake George**

The Factory Outlets of Lake George with over 50 designer and famous name outlet stores offer 20% - 70% off retail prices. Shoppers will find a wide variety of designer and name-brand clothing and accessories, baby clothes, footwear, housewares, camping equipment, and more. The Factory Outlets of Lake George are located just off I-87, Adirondack Northway Exit 20.

[www.factoryoutletsoflakegeorge.com](http://www.factoryoutletsoflakegeorge.com)

### **Adirondack Winery in Lake George**

At Adirondack Winery, their mission as a small, family-owned business is to provide their customers with delicious, award-winning, quality wines that are all hand-crafted locally. They provide an unparalleled selection of wines with something to satisfy every palate, from unique, fruit-infused wines to traditional white and red varietals and more!

[www.adirondackwinery.com](http://www.adirondackwinery.com)

### **The Spa at The Sagamore**

Awaken your sense of health and well-being among the natural beauty of the Adirondacks. Natural woods and soft, neutral tones welcome guests to a tranquil sanctuary with 14 treatment rooms, a relaxing hydrotherapy area and irresistible treatments designed to nurture the body and revitalize the spirit. [www.thesagamore.com/spa](http://www.thesagamore.com/spa)

### **Fitness Center at The Sagamore**

Located in the south wing of our Lake George hotel, The Sagamore Resort's glass enclosed Fitness Center has everything you need to keep up with your daily fitness routine. State-of-the-art cardiovascular and strength training equipment are complemented by a full selection of free weights and daily fitness classes. Access to the Fitness Center is complimentary and available to all guests 16 years of age and over. [www.thesagamore.com/play-fitness](http://www.thesagamore.com/play-fitness)

### **Sagamore Kids Club**

Designed for children ages four to 12, The Sagamore Kids Club (SKC) is the perfect addition to your stay. The fun-filled camp allows your children to make new friends and enjoy a dynamic range of Lake George activities from crafts and sports to nature hikes and scavenger hunts. Our qualified counselors will make your child feel like part of The Sagamore family while they learn about local wildlife, play games and work on creative projects that they get to take home at the end of the day. This program is included in your resort fee and we encourage you to let your children participate. To sign your child up for the Sagamore Kids Club, please stop by The Rec.

[www.thesagamore.com/sagamore-kids-club](http://www.thesagamore.com/sagamore-kids-club)

**For more information on things to do in the area and at The Sagamore check out these websites.**

[www.thesagamore.com/play](http://www.thesagamore.com/play)  
[www.lakegeorge.com/boltonlanding](http://www.lakegeorge.com/boltonlanding)  
[www.lakegeorge.com/things-to-do](http://www.lakegeorge.com/things-to-do)



NEW YORK STATE BAR ASSOCIATION  
**SECTION AND MEETING SERVICES DEPARTMENT**

One Elk Street  
Albany, NY 12207