



**Commercial & Federal
Litigation Section**

Spring Meeting 2022

 **Friday, May 13 -
Sunday, May 15, 2022**

 Ithaca, New York

New York State Bar Association

[NYSBA.ORG](https://www.nysba.org)

6.0

MCLE Credits

3.5 Areas of Professional Practice
1.0 Diversity, Inclusion, &
Elimination of Bias
0.5 Ethics
1.0 Skills

Commercial & Federal Litigation Section Spring Meeting

Commercial & Federal Litigation Section Chair:

Daniel K. Wiig, Esq., City University of New York, New York, NY

Program Chair:

Ignatius A. Grande, Esq., Berkeley Research Group, New York, NY

Program Description

Join the Commercial & Federal Litigation Section in Ithaca on May 13-15 to celebrate the return of the in-person Spring Meeting. The highlight of the event is always the gala awards dinner on Saturday evening, where this year we will present the Robert L. Haig Award to Hon. Rolando T. Acosta.

During the weekend, we will have CLE programs on new technologies in commercial disputes, expert witness best practices, fostering diversity, equity & inclusion in the legal profession, and comparing New York and Delaware practices and procedures of commercial matters.

In addition to the many planned activities, Saturday afternoon will be free for golf, tennis, boating or exploring the Finger Lakes area.

6.0 MCLE Credits

This program is transitional and approved for MCLE credit in New York for all attorneys, including those newly admitted.

6.0 Total Credits: 0.5 Ethics, 1.0 Skills, 3.5 Areas of Professional Practice, 1.0 Diversity, Inclusion and Elimination of Bias

The New York State Bar Association has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. For information about the CLE Rules, visit NYCOURTS.GOV/ATTORNEYS/CLE

Statler Hotel

130 Statler Drive, Cornell University, Ithaca, New York 14853

Book Your Lodging via the Hotel Reservation Link at: www.nysba.org/ComFedSP22

Hotel Reservation Deadline: April 22.

Room availability is not guaranteed – please book early, rooms sell out quickly at this venue.

Hotel Rate for Traditional Guestrooms:

\$245 Single/Double plus taxes/fees. Check in is 4:00 p.m.; check out: 12 noon.

Hotel Parking: \$15 per night self-parking or valet.

The Hoy Parking garage is just down the street from the Statler. Parking passes may be purchased at the Parking Booth on Hoy Road or you may or contact the Office of Visitor Relations at 607-254-4636, Monday through Friday, for parking information.

Getting to the Statler Hotel and Around Ithaca

Ithaca Tompkins Regional Airport (ITH) offers daily flights to and from Washington Dulles, Detroit and Philadelphia (www.flyithaca.com). The Statler Hotel offers a complimentary shuttle to and from the Ithaca Tompkins Regional Airport. The operational hours are from 7:00 a.m. until 12:00 Midnight. Please email frontoffice@sha.cornell.edu or call 607-254-2500 in advance to schedule your shuttle pick-up. Departure requests can be handled at the hotel front desk upon check in. The shuttle clearly marked with the hotel's logo will be parked outside of the baggage claim area at the airport. Exit the building and approach the shuttle when you arrive. If you are waiting for checked bags, please introduce yourself to the van driver. He/she will be happy to wait for you. The Statler tracks the flights into Ithaca and will plan scheduled trips accordingly. If you do not see the van outside of the airport after a reasonable amount of time, please call the hotel at 607-254-2500.

Transportation within the City

Uber and Lyft; Collegetown Cab: 607-588-8888; University Taxi: 607-277-7777; Cayuga Taxi: 607 277-TAXI (8294); Yellow Taxi: (607) 277-CABS (2227). Various Bus Routes also service the downtown area from the Cornell campus, visit: www.tcatbus.com for route information.

Additional ground transportation information may be found at www.flyithaca.com/ground.

Finger Lakes Region Information:

www.visitfingerlakes.com

www.cayugawinetrail.com

Information on Cornell University and/or the City of Ithaca May Be Found At:

www.visitithaca.com

www.downtownithaca.com

www.cornell.edu

Things To Do On Campus

Johnson Museum of Art: 114 Central Ave., Open Daily 10:00 a.m. to 5:00 p.m. Free admission. www.museum.cornell.edu

Cornell Costume and Textile Collection Gallery: College of Human Ecology, 37 Forest Home Drive, First Floor. 607-255-3151.

Cornell Botanic Gardens: 124 Comstock Knoll Drive (Nevin Welcome Center). www.cornellbotanicgardens.org

Cornell Lab of Ornithology: 159 Sapsucker Woods Rd. Open 10:00 a.m. - 5:00 p.m. daily.

Things To Do Locally

Cayuga Wine Trail: A collection of some of the finest wineries along Cayuga Lake. www.cayugawinetrail.com

Ithaca Falls: This set of 105-foot-high falls is open year-round to visitors. nyfalls.com/waterfalls/ithaca-falls

Ithaca Farmers Market: 545 Third St., Ithaca. Open every Saturday 9:00 a.m. to 3:00 p.m. www.ithacamarket.com

Taughannock Fall State Park: 1740 Taughannock Blvd., Trumansburg. Open year-round. www.parks.ny.gov/parks/62

Cayuga Lake Creamery: 8421 State Route 89, Interlaken. Open Friday-Saturday 12:00-7:00 p.m. www.cayugalakecreamery.com

Shipwreck Amusements: 759 State Route 13, Cortland. Offers outdoor and indoor blacklight mini golf, paintball, arcade games and more. www.shipwreck-amusements.com

AGENDA

Friday, May 13, 2022

- 3:00 p.m. – 6:30 p.m. **Registration** | Loews Lobby
- 4:00 p.m. – 5:00 p.m. **Young Lawyers Section Meeting** | Yale Princeton Room
- 6:30 p.m. – 10:00 p.m. **Children’s Dinner** | Pennsylvania Room
The children will have dinner first. After dinner there will be activities for them to partake in.
Pre-Registration is required.
- 6:30 p.m. – 7:30 p.m. **Cocktail Reception** | Carrier Ballroom Foyer
- 7:30 p.m. – 9:30 p.m. **Dinner** | Carrier Ballroom

Saturday, May 14, 2022

- 8:00 a.m. **Registration** | Loews Lobby
- 8:00 a.m. **Continental Breakfast with Exhibitors** | Carrier Ballroom Foyer
- 9:00 a.m. – 12:00 p.m. **Children’s Morning Activities** | Pennsylvania Room
Pre-Registration is required
- 8:45 a.m. – 12:30 p.m. **General Session** | Carrier Ballroom
- 8:45 a.m. – 9:00 a.m. **Opening General Session Remarks** | Daniel K. Wiig, Esq., Section Chair
Program Overview – Ignatius Grande, Esq.,
Section Chair-Elect and Spring Meeting Chair
- 9:00 a.m. – 10:15 a.m. **Addressing New Technologies in Commercial Disputes & Investigations**
Just about every commercial dispute is impacted in some way by new technologies. This panel will discuss examples of how these technologies are impacting litigations and arbitration, including discussion of recent case law. Topics that will be discussed include:
- Cryptocurrency disputes
 - Ephemeral messaging
 - Hyperlinks in Client Documents (i.e., Google Doc/OneDrive, etc.)
 - Use of Zoom and Microsoft Teams
- Speakers:**
Ralph J. Carter, Esq., Senior Counsel, Litigation & Cybersecurity,
Workday; New York, NY
Peter Kamminga, Esq., Ph.D., JAMS, New York, NY
(1.5 Credits in Areas of Professional Practice)
- 10:15 a.m. – 10:25 a.m. **Refreshment Break**

10:25 a.m. – 11:15 a.m. **How Law Firms and Attorneys Can Help Foster Diversity & Inclusion in the New Normal**

We have all lived through a pandemic which lasted much longer than initially anticipated. Many of us worked remotely on a regular basis for long periods of time. Many younger associates have spent long portions of the past two years working remotely and they have not had the in-person interactions and impromptu networking that associates generally have the opportunity to experience.

A panel that will include diversity officers, a partner, and an associate will discuss these issues and more.

- How has remote working impacted law firms' diversity and inclusion efforts?
- What can small, medium, and large firms be doing to address any inequities that may result from remote working and the current hybrid workplace arrangements?
- As we return to the office more regularly in the coming months, what measures can law firms engage to provide fair opportunities for all of their associates?
- What are some ways to address work allocation in a world where some attorneys spend more time working remotely than in person?

Moderator: Deborah Martin Owens, Esq., East Coast Diversity Director, Sidley Austin LLP, New York, NY

Panelist:

Maryana A. Kodner, Morvillo Abramowitz Grand Iason & Anello P.C., New York, NY
Mahnoor Misbah, Esq., Morrison Cohen LLP, New York, NY

(1.0 Credits in Diversity & Inclusion)

11:15 a.m. – 12:30 pm **Expert Witness Best Practices in Federal Court & the Commercial Division**

Expert witnesses are an important part of the litigation process in any court. This panel will discuss expert witness best practices in federal court and the Commercial Division and will address the following issues:

- What are the procedural and substantive differences between New York and federal practice as it relates to expert witnesses?
- Is there a difference in how experts are viewed in bench trials v. jury trials?
- How can experts be used to win or settle cases?
- When is the right time to engage an expert witness?
- What are some best practices for counsel when preparing an expert at trial?
- How to steer clear of ethical minefields.
- Ethical considerations

Speakers:

Tom M. Fini, Esq., Catafago & Fini LLP, New York, NY

Hon. Deborah H. Karalunas, Supreme Court Justice, Commercial Division, Syracuse, NY

Hon. James M. Wicks, United States District Court for the Eastern District of New York, New York, NY

(1.0 Credit in Areas of Professional Practice, 0.5 Credit in Ethics)

- 12:30 p.m. – 2:00 p.m. **Buffet Luncheon** (for all attendees, spouses, guests, children) | Carrier Ballroom
- 2:00 p.m. – 6:00 p.m. **Afternoon Free for Recreation**
- 3:00 p.m. – 6:00 p.m. **Golf Tournament** | RaNic Golf Club, 189 Pleasant Grove Road, Ithaca
Meet at the Golf Pro Shop at 3:00 p.m. \$75 per person. Fee includes 18 holes of golf and golf cart. Directions available at registration desk.
- 6:30 p.m. – 10:00 p.m. **Children’s Dinner** | Pennsylvania Room
- 6:30 p.m. – 7:30 p.m. **Cocktail Reception** | Carrier Ballroom Foyer
- 7:30 p.m. – 9:30 p.m. **Gala Dinner** | Carrier Ballroom
- Presentation of the Robert L. Haig Award for Distinguished Public Service**
Recipient: Hon. Rolando T. Acosta, New York Appellate Division of the Supreme Court, First Judicial Department
- 10:00 p.m. **Pub Crawl Sponsored by the Young Lawyers Section** | Meet in Hotel Lobby

Sunday, May 15, 2022

- 8:30 a.m. **Registration** | Loews Lobby
- 8:30 a.m. **Continental Breakfast with Exhibitors** | Carrier Ballroom Foyer
- 9:00 a.m. – 11:30 a.m. **Children’s Morning Activities** | Pennsylvania Room
Pre-Registration is required
- 9:00 a.m. – 10:45 a.m. **General Session** | Carrier Ballroom
- 9:00 a.m. – 9:05 a.m. **Opening Remarks**
- 9:05 a.m. – 10:55 a.m. **Practice & Procedures Contrasted:
NYS Commercial Division & Delaware Chancery Court**
Using a hypothetical fiduciary duty dispute, this panel will present a comparative analysis of practice in the Delaware Chancery Court and the New York Commercial Division, with an emphasis on comparing the practices and procedures, both formal and informal, in both jurisdictions. Issues to be discussed will include filing strategy, seeking a temporary restraining order, oral argument, expedited discovery and the holding of a preliminary injunction hearing.
Speakers:
Hon. Melissa A. Crane, New York State Supreme Court, Commercial Division, New York, NY
Jonathan D. Lupkin, Esq., Lupkin PLLC, New York, NY
Oderah C. Nwaeze, Esq., Faegre Drinker Biddle & Reath LLP, Wilmington, DE
Vice-Chancellor Lori W. Will, Delaware Court of Chancery, Wilmington, DE
(1.0 Credit in Areas of Professional Practice, 1.0 Credit in Skills)
- 10:55 a.m. – 11:00 a.m. **Closing Remarks**

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