

# NEW YORK COUNTY LAWYER

October 2012

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Volume 7 / Number 16

## The Value of a Shoeshine

**By Christopher Fraser, Esq.**

As a junior associate the focus of my career thus far can be summarized in a single word, “experience.” Each morning I find myself rushing toward experience; finding satisfaction in every deposition taken, every motion drafted, and every court appearance made. Yet while my experience grows with each task undertaken, I have learned of another type of experience that cannot be rushed and only comes with time.

The experience that I write of is that of a 96-year-old attorney and native New Yorker, who beats me to work most days at 7:30 in the morning. This gentleman, whom I will respectfully refer to as “Mr. T,” is of an age that few are lucky enough to reach, and even fewer reach in a suit and tie, with a joke and a smile. Mr. T’s experience is shared by the founding partner of my firm who, after 50 years of litigation, still possesses the fire and determination of a man out to make a name for himself. It is also the experience of a 90-year-old former New York County Supreme Court Justice, who rents office space within our firm, and whose spontaneous toasts combine the wit of Twain and rhyme of Ali.

With over a century of combined experience it would be easy to fill this article with enough anecdotes to entertain an entire county of New York lawyers. However, doing so would not capture the essence of their experiences, or explain what I have learned from practicing in a multi-generational law firm. Instead, I have chosen to set forth several realizations that I have come to in witnessing the success and endurance of these attorneys. They are not listed in order of importance, but all have been formative in establishing a vision of the attorney I hope to become.

**Committing to the Process**  
I have come to understand that finding a routine and committing yourself to the process is essential to establishing a long and prosperous practice. One of the customs, which my boss has adopted over the course of his career, is a zealous penchant for a high-gloss shoeshine. Beyond the obvious benefits of maintaining a professional appearance, I have found the ritual of arriving at work each morning with an adequate polish to be a way of showing respect for yourself, your profession, and those with whom you interact. In committing yourself to something as fleeting as a

shoeshine, which inevitably loses its luster, there are several worthwhile representations that an attorney is making to the world at large. The first is a belief in the importance of staying in the moment, and the value of the task at hand. The second is an understanding that no blemish is permanent. And the third is a resolve to commit oneself to a custom that must be renewed each day.

**Recognizing Humanity in the Profession**  
To litigate in New York County is to encounter a multi-generational workforce both within the firm and without. Whether interacting with part clerks, court officers, or legal reporters, the Unified Court System is filled with individuals as diverse in age and background as the boroughs in which they reside. Understanding one’s audience and striking the proper tone can have a large impact on an attorney’s ability to navigate the administrative aspects of New York litigation. This is neither good nor bad, but a truth that any attorney will affirm who has had motion papers rejected for a ministerial defect, only to witness the same defect miraculously resolve itself in the papers of an attorney who struck the right tone.

*(See Shoeshine on page 14)*

## The Multigenerational Workforce: Managing and Motivating Multiple Generations in the Legal Workplace

**By Sally Kane, About.com Guide**

For the first time in the nation’s history, four generations are working side by side in the workplace. As attorneys, paralegals and other legal professionals work beyond retirement age, many law firms and legal departments are trying to balance a generation gap of more than 50 years between the oldest and youngest employees. Although there is no consensus of the exact birth dates that define each generation, they are generally broken into four distinct groups:

- The Traditionalists - Born between 1927 and 1945
- The Baby Boomers - Born between 1946 and 1964
- Generation X – Born between 1965 and the early 1980s
- Generation Y – Born in 1980 or later

The diverse perspectives, motivations, attitudes and needs of these four generations have changed the dynamics of the legal workforce. A little insight into the differences among the generations can help you better understand the needs and expecta-



tions of your colleagues in an age-diverse workforce. By learning the motivations and generational footprint of each segment, you can leverage your talents and capitalize on the diversity of your legal teams.

**The Traditionalists**  
Born between 1927 and 1945, Traditionalists (also known as the Silent Generation) in the legal workplace today are in their 60s, 70s and 80s. About 95% of Traditionalists are retired from the workforce. Those who are not retired are at or near retirement

age and many are working reduced hours. Many Traditionalists in the legal workplace are aging partners, managers and “of counsel” to law firms.

On the job, Traditionalists are hardworking and loyal. Raised during the Depression, Traditionalists cherish their jobs and are hard workers. Many Traditionalists have worked for only one employer their entire work life and are extremely loyal to coworkers and employers. Traditionalists are great team players and get along well

*(See Multigenerational Workforce on page 15)*

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# Generations of Lawyers: Family Law Takes on a New Meaning

By Eugene Goldstein, Esq. and Michael Goldstein, Esq.

Eugene Goldstein & Associates is a boutique law firm concentrating in business immigration law. We work with colleges, universities, hospitals, the entertainment industry, and businesses who need to bring foreign personnel into the United States, or to keep them here. The individuals in the firm are Eugene Goldstein who is a 40-year veteran in the field, Michael and Lawrence Goldstein – sons of the principal, and Lucy Cheung – Michael's wife, Eugene's daughter-in-law, and Lawrence's sister-in-law. (Eugene's wife, and Michael and Lawrence's mother was given the opportunity to attend law school – but wisely refused.)

How do the generations work together? The beginning and end is mutual trust and respect, understanding and maturity. "Do what I tell you, or you don't get dessert" – doesn't cut it.

The patience needed to mutually teach—and to mutually learn—must be there along with the ultimate respect for each individual intellect, even when ideas may be shared somewhat aggressively, or the pressures of the practice makes one curt. We are in there together to resolve the issue for the benefit of the client – and

maybe grab dinner at the end of the day.

All that being said, the family intricacies with the different generational, technological, and methodological approaches make for a vibrant dynamic.

We come from two generations with different learning experiences and different methods of practicing. Our Principal walked into an immigration office 40+ years ago where four women were using IBM Selectrics (those were typewriters). While that sounds like a scene straight out of *Mad Men*, this generation uses smart devices. The work of the four secretaries is now often done by a new generation of lawyers, with the client sitting across from us – developing issues as we draft documents and complete forms that can be a minefield – in less than half the time it took to use a typewriter. Rumor has it that our office still has a typewriter for occasionally inserting words into a form. The second generation doesn't know how to use it.

We research differently. Not only in the paper versus computer context, but also in memory recall. The Principal remembers hardcopies of documents he once read. The Associates often remember reading information from an email or a linked website, although we find that there are

benefits to both methods and that our approaches to research are merging. Research with books or electronically has been the focus of some competition – often resolved by the individual's familiarity with the particular resource. It can be faster to locate the paper bookmark than the electronic one – or the other way around.

But, perhaps most important, the generational differences make the firm better equipped to relate to different client groups and audiences. Younger folks often find it easier to approach younger firm members. A generation that grew up on the *Simpsons* and *Seinfeld* can often solidify that client relationship even after the initial meeting. On the other hand, older folks (who grew up on *Howdy Doody*) may prefer the older and wiser Principal with his wealth of experience.

The firm is successful because both generations are willing to learn from each other. Tools that are no longer taught in law school are still being used successfully in a fully functional legal practice. Having said that, there is always room for improvement. Constantly being open to new ideas is the key to identifying new opportunities. These opportunities exist in the rainmaking setting, but can also be as simple as improving intra-office communication. Different perspectives might

be the greatest thing each generation can offer the other – but for the message to be heard, both must be willing to listen and learn from each other. The bottom line – this article has been a collaborative effort.

*Eugene Goldstein, a NYCLA member, is the managing attorney of Eugene Goldstein and Associates. He is a graduate of CCNY and the School of Law of Washington University in St. Louis. He has been practicing immigration law for more than 40 years during which he has taught, spoken and served in various capacities in various organizations – though he is still crossing the desert. He can be reached at EGLaw@aol.com, or through www.eglaw-group.com.*

*Michael J. Goldstein, a NYCLA member, is an associate attorney at the Law Offices of Eugene Goldstein & Associates. He is a graduate of Washington University in St. Louis and New England School of Law. Michael is a member of the New York Bar. He practices immigration law working with international students, scholars, advisors, businesses, and the entertainment industry. Michael is a frequent speaker at a variety of schools and organizations in the New York/New Jersey area. He can be reached at EGLaw@aol.com.*

## BOOK REVIEW

### DISROBED

By Judge Frederic Block  
Published by Thomas Reuters  
Westlaw (2012)

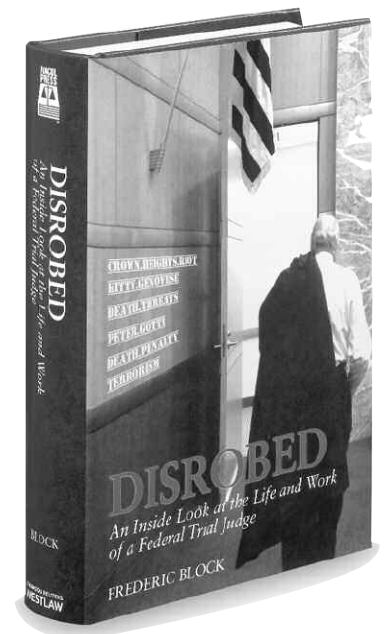
Reviewed by Hon. Emily Jane Goodman

The best part of being a federal judge is not that it's a lifetime appointment, or that you set your own working schedule, or that you retire with full pay, but

that you are charged with interpreting and applying the US Constitution every day and preside over some of the most interesting and important cases of the time. For Judge Frederic Block those cases have included organized crime, holocaust survivors' claims against Swiss banks, the Crown Heights racial conflict of 1991, and the Egyptian plane crash which may have been the first airplane suicide/homicide.

Frederic Block, the lawyer, was no stranger to ground breaking litigation which helped set him on his trajectory from small town, politically active Democrat with a big vision, albeit in Republican Suffolk County, to the "Payoff," his judicial nomination by President Bill Clinton. Not only is it unusual to find a non-prosecutor on the federal bench, it is even more unusual to find a criminal defense lawyer. In his small firms and solo practices he handled both civil and criminal matters which lead to landmark law. These are presented in the first half of *DISROBED* in chapters divided by decades. There was *People v. Clayton* which led to the Clayton motion to dismiss a criminal case in the interests of justice notwithstanding possible guilt. And *Baker v. Carr* which went to the Supreme Court of the US and established one-man-one-vote. He represented NYC Family Court judges suing to equalize their pay with their suburban colleagues.

Even though justice can be elusive in our courts, Block says simply, "Justice matters." He writes that, too many crimes have been enacted and too much money is spent on prisons. "The U.S. proportionally puts more people in jail than any other country - even China..." the racial disparity is striking... "The U.S. with 5% of the world's population, now accounts for 25% of the world's inmates." And in a detailed chapter about guns, he says that "our nation has an infatuation with guns." His uncommonly frequent use of the word "human," and his references to



the "poor and powerless" signal a humanist, liberal philosophy most judges do not seem to share, or are unable to write about. Yet sometimes that philosophy is a bit ambiguous. For example, the Judge is against the death penalty, "save for the most depraved killers," suggesting a contradiction because that's who it is applied to. But on an issue very much in the news, involving perhaps more philosophy and politics than law, Block explains search and seizure/stop and frisk, saying, "If someone was walking down the street he could be stopped and searched if he was observed simply smoking a joint or acting in a covert manner." Unfortunately, that is what

(See *Disrobed* on page 14)

### BOOK SIGNING *Disrobed: An Inside Look at the Life and Work of a Federal Trial Judge* by Hon. Frederic Block

Attend this book signing event and hear from *Disrobed* author Hon. Frederick Block about his newly released book which offers perspective into some of the most newsworthy and sensational cases of the last 20 years.

Monday, November 19  
6 p.m.  
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MESSAGE FROM STEWART D. AARON  
PRESIDENT OF THE NEW YORK COUNTY LAWYERS' ASSOCIATION

Dear Readers:

Generational challenges have existed in the workplace since there ever was a workplace, just as generational challenges exist in any organization, or any family unit or group of people. In my experience, success in meeting generational challenges is dependent on flexibility.

We gathered stories from lawyers who have had various experiences working with lawyers of other generations, and tapped into experts on the multigenerational workforce to put together this issue of the *New York County Lawyer*, which is devoted to this topic.

Younger generations oftentimes have different priorities, different ways of doing things and different ways of expressing themselves. These all need to be accepted and embraced. For insight into how to work with the younger generation, turn to page 13 to read, "A Guide to Managing and Motivating Millennials."



**Stewart D. Aaron**  
President, New York County  
Lawyers' Association

Meanwhile, the older generations' viewpoints and activities should be respected and emulated, as appropriate. NYCLA member Christopher Fraser of The Dweck Law Firm, LLP, is a lawyer from the younger generation who has gained life lessons from working alongside older generations of lawyers and offers insight into lessons he's learned in "The Value of a Shoeshine" on page 1.

A vibrant organization that wants to continue to be productive must make itself attractive to all—and provide a safe and nurturing atmosphere for all who are in the organization. "Keeping an Intergenerational Office Copacetic" on page 12 highlights ways to building an effective workplace for all generations.

I invite you to learn from other generations of lawyers with whom you work. Exchange the latest apps and technologies, swap musical ideas, or share recipes for food and success.

Tweet me @NYCLAPres and share how you are working with lawyers of other generations and issues you are facing.

Stewart D. Aaron  
President  
New York County Lawyers' Association

## Balancing Multiple Generations at Work

By Jennifer FitzPatrick, MSW, LCSW-C

Since mandatory retirement has long been abolished in most industries, we are living in a time where there are multiple generations of employees working together. Healthy seasoned octogenarians working alongside college interns, and every age group in between, can make for a particularly generationally diverse workforce. This age diversity in the workplace presents challenges in areas of communication, expectations, work ethic, and abilities and strengths.

While multigenerational coworkers struggle to understand each other, some of the most difficult situations involve managing a much older or younger staff. Younger managers sometimes categorize their older workers as slower and technologically deficient. Older managers tend to question younger employees' experience, maturity, and work ethic.

Samantha, a newly hired 28-year-old vice president of a small company is meeting with David, a 52-year-old manager who reports to her. Samantha asks David to spearhead a project to create a Facebook page for their company. David responds that he does not know much about Facebook but comments that his teenage sons use it all the time. When David asks why the company would want a Facebook page, Samantha rolls her eyes and chalks this up to David being behind the times.

Robert is a 61-year-old supervisor and is constantly receiving requests from his team about working from home. While much of his team's work does not have to be done on site, he does not believe in the concept. Since many of this staff are in their twenties and thirties and have young children, he expects that much work won't be getting done at home. Robert tends to have less confidence in employees wanting flexible schedules.

What can Samantha and Robert do to

better lead their employees of different generations? Samantha would probably best engage David if she approached the Facebook situation with patience and additional training. Robert would likely inspire the most loyalty with his team by being a bit more flexible. If Robert made an effort to put some work-life balance policies in place his staff might perceive him as more reasonable and work even harder to get their jobs done.

There are challenges from the subordinate's perspective as well.

While it's usually a mistake to underestimate a younger manager, many older workers do. Sure, it's possible that a younger employee might have been hired or promoted due to nepotism or other unjustifiable reasons. But typically, that younger person is deserving of the position due to education, experience, leadership potential, or other abilities. Regardless, it is important to judge younger managers on merit rather than age. While a seasoned employee may resent a younger person coming in and telling him/her what to do, it is likely this person has something unique to offer.

Sometimes the resentment toward a younger boss has more to do with the older worker than anything the younger manager has done. Reporting to a younger manager can trigger feelings of inadequacy, feeling "old," and regret for how an older worker's career has turned out. The older worker may think back to when he/she began his/her career and begin to second guess choices. Older employees struggling with accepting their younger managers should focus on getting along with them and supporting them as they would with any other boss. In managing the situation, the older worker should consider:

- Keeping an open mind about the younger manager. Almost everyone we encounter at work can teach us

*something.* At the very least, most younger managers have fresh new ideas that can invigorate the workplace.

- Avoiding discussion of the younger manager's age. When an older worker starts to compare the younger manager to his/her daughter or even granddaughter, it can offend the younger manager. Younger managers know their age; they don't need older staff reminding them.
- Refraining from too many references about the past. Harping on the way "it's always been done" or they way things were "before you were out of diapers" will not be appreciated by the younger manager.
- Making an effort to learn technology that the younger boss uses. Not only will this impress a younger manager, it will increase the older subordinate's skill set.
- Accepting that this person is the boss. Ultimately if the older worker wants to remain in the position, an attitude shift is critical in remaining employed or even being promoted.

Younger workers also have a challenge understanding their older managers. They find themselves frustrated when the older manager does not embrace technology, lives in the past, or dismisses younger counterparts when they don't recognize pop culture references of the past.

In working with a boss of an older generation, younger employees should consider:

- Respecting the years of experience the older manager brings to the table. Even when an older boss acts in a way the younger staff does not agree with, it should be acknowledged that the decision may be based on past

(See *Multigenerational Workforce* on page 11)

## NEW YORK COUNTY LAWYER

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# NYCLA CLE INSTITUTE

## Special Programs This October

Along with a full roster of CLE programs this October in a number of diverse practice areas and for attorneys of all skill levels, the CLE Institute will host a number of special events.

Join **NYCLA's Anti-Trust and Trade Regulation Committee** and **ABA Section of International Law** on Monday, October 15 for a full-day conference, **Effective Compliance Tools for Cross-Border Regulations**, and multiple networking opportunities where leading government officials, in-house and external counsel in multiple fields discuss the latest trends in regulatory enforcement and cutting-edge strategies for addressing the threat of cross-border investigations.

The conference provides a unique opportunity to hear how leading practitioners counsel their clients on how to respond most effectively and efficiently to cross-border investigations, including:

- An overview of recent enforcement trends and priorities from leading regulatory officials
- A practical guide to assessing risks and designing compliance programs to manage those risks
- Best practices for managing internal investigations
- Recommendations for dealing with ethical issues that arise during internal investigations, including the protection of the legal privilege, conflicts of interest, and spoliation
- How to develop a critical action plan and respond to a dawn raid

We gratefully acknowledge **Ernst & Young**, Official Conference Sponsor, **Tompkins & Davidson, LLP**, networking coffee break sponsor, **Hughes Hubbard & Reed LLP**, cocktail reception sponsor, and our conference partner **Fordham Law Corporate Compliance Forum**.

NYCLA members are invited to a FREE CLE program on Wednesday, October 10 on **Digital Video Conferencing: The Future of Legal Communications** underwritten by **Whitlock**. Enjoy a cocktail reception, network and view demonstrations on video conferencing technology.

Learn about the areas of legal practice that have grown to rely on video conferencing (VC), including the taking of depositions, communicating with clients via secure audio/visual systems, the courts' use of video for violent offenders and using video to increase capacity and efficiency

Understand how to build an effective video conferencing program

**New York Criminal Bar Association** and **NYCLA's Criminal Justice Section** are co-sponsoring **The Next Chapter in Eyewitness Identification in New**

### SAVE THE DATE

**Jeffrey Toobin** discusses his new book **The Oath: The Obama White House and the Supreme Court**, Thursday, November 1

**York: Remaining Controversies, Emerging Issues and the Path Forward for Judicial Gatekeeping** on Tuesday, October 23, featuring Special Guest Speaker **Kristine Hamann**, *Executive Assistant District Attorney, Office of the NYC Special Narcotics Prosecutor*. Proceeding from the perspective of the problem of wrongful convictions, the largest portion of which are attributable to misidentifications, participants will discuss where the law now stands on expert testimony on eyewitness identification, where it seems likely to go and where it ought to go.

## CLE Course List

### October 2012

**CPLR Update 2012: Case Law Review, Ethics and Emerging Issues**  
Wednesday, October 3 - 5:30- 9 p.m.  
4 MCLE Credits: 1.5 Ethics; 0.5 PP; 2 Skills

**Delaware Advanced LLCs**  
Friday, October 5 - 9:30 a.m.-12:30 p.m.  
3 MCLE Credits: Credit Breakdown TBA; Transitional and Non-transitional (also NJ)

**FREE PROGRAM for NYCLA MEMBERS: Digital Video Conferencing: The Future of Legal Communications**  
Program Underwritten by: **Whitlock**  
Wednesday, October 10 - 6-8 p.m.  
1.5 MCLE Credits: 1PP/LPM; 0.5 Skills; Transitional and Non-transitional (also NJ)

**Ethical Issues in E-Discovery and the Cloud**  
Thursday, October 11 - 6-9 p.m.  
3 MCLE Credits: 3 Ethics; Transitional and Non-transitional

**SPECIAL EVENT: Effective Compliance Tools for Cross-Border Regulations**  
Monday, October 15 - 9 a.m.-7 p.m.  
8 MCLE Credits: 2 ethics; 4 Skills; 2 PP; Transitional and Non-transitional (also NJ)

**Tax Update**  
Monday, October 22 - 6-9 p.m.  
2 MCLE Credits: 2 PP; Transitional and Non-transitional (also NJ)

**Roberts v. Tishman Speyer: The Aftermath 3 Years Later**  
Program Co-sponsor: Rent Stabilization Association (RSA)  
Tuesday, October 23 - 9 a.m.-noon  
MCLE Credits: 3 PP; Transitional and Non-transitional

**The Next Chapter in Eyewitness Identification in New York: Remaining Controversies, Emerging Issues and the Path Forward**  
Tuesday, October 23 - 6-9 p.m.  
3 MCLE Credits: 3 PP; 1 Skills; Transitional and Non-transitional (also NJ)

**How to Work with an Interpreter**  
Wednesday, October 24 - 6-8 p.m.  
2 MCLE Credits: 2 Skills; Transitional and Non-transitional (also NJ)

**How to Try an Order of Protection Proceeding in a Divorce Case**  
Thursday, October 25 - 6-9 p.m.  
3 MCLE credits: 1.5 Skills; 1.5 PP; Transitional and Non-transitional

**The New Form of Owner's Rider to the Standard Agreement Between Owner and Contractor (AIA Document A107)**  
Monday, October 29 - 6-7:30 p.m.  
1.5 MCLE Credits: 1.5 PP; Transitional and Non-transitional (also NJ)

### NYCLA's CLE Institute now an Accredited Provider in New Jersey

New York County Lawyers' Association's CLE Institute is currently certified as an Accredited Provider of continuing legal education in the State New Jersey. Courses qualifying for CLE credit in New Jersey will be so designated on the NYCLA website. Be sure to consult [www.nycla.org](http://www.nycla.org) for program details and program locations.

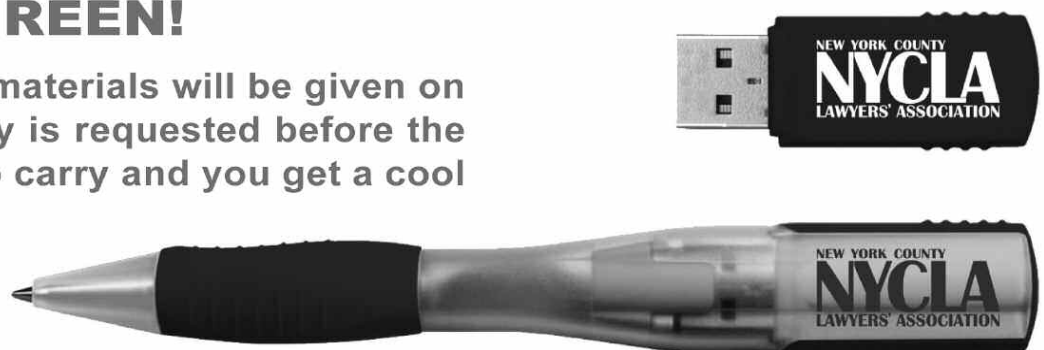
*Please note that Tuition Assistance is available for qualified attorneys for live programs offered by the CLE Institute. Check our website at [www.nycla.org](http://www.nycla.org) for more information and how to apply for Tuition Assistance. Check our website for course details, faculty, complete program descriptions and pricing.*

Be sure to check our website for a complete listing of programs.

## CLE is going GREEN!

Starting in September most program materials will be given on our new USB pens unless a hard copy is requested before the day of the event. Less paper, easier to carry and you get a cool pen with our logo on it!

Any questions, please contact the CLE department.





# EFFECTIVE COMPLIANCE TOOLS FOR CROSS-BORDER REGULATION

MONDAY, OCTOBER 15, 2012

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PROGRAM: 9:00 AM – 5:30 PM  
NETWORKING RECEPTION: 5:30 PM – 7:00 PM

TO REGISTER OR FOR MORE INFO VISIT  
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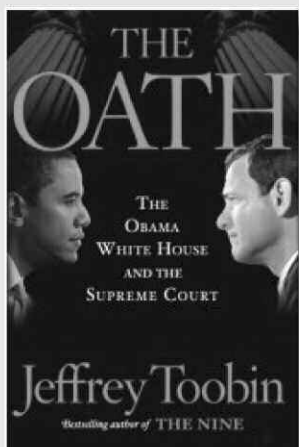
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## SPECIAL EVENT IN NOVEMBER!



SAVE  
THE DATE!

Save the date November 1  
from 6:00pm – 7:30pm for a  
very special event featuring  
**Jeffrey Toobin**, senior CNN  
legal analyst and staff writer  
for The New Yorker, as he  
discusses his new book *The  
Oath: The Obama White  
House and the Roberts  
Supreme Court*.

The book has been described as a gripping insider's account of the momentous ideological war between the John Roberts Supreme Court and the Obama administration. From the moment John Roberts, the chief justice of the United States, blundered through the Oath of Office at Barack Obama's inauguration, the relationship between the Supreme Court and the White House has been confrontational. Both men are young, brilliant, charismatic, charming, determined to change the course of the nation—and completely at odds on almost every major constitutional issue. One is radical; one essentially conservative. The surprise is that Obama is the conservative—a believer in incremental change, compromise, and pragmatism over ideology. Roberts—and his allies on the Court—seek to overturn decades of precedent: in short, to undo the ultimate victory FDR achieved in the New Deal.

Attendees at the program will receive a copy of the  
publication. Don't miss this once in a lifetime opportunity.

## WANT TO BE A MENTOR?

NYCLA's award winning *Mentoring Program* is seeking experienced attorneys (admitted to practice 6+ years) to serve as mentors to the 2013 "class" of mentees. Each mentee is mentored by an experienced attorney with a goal toward enhancing the experience of the junior attorney in the legal profession.

The next Mentoring Program session will begin in January 2013. Experienced attorneys seeking to give back to the legal community are encouraged to apply to serve as mentors. Many mentors agree that they have also learned valuable lessons from their young colleagues.

For more information contact  
**Cherie Samuels**, CLE Program Coordinator  
csamuels@nycla.org



MESSAGE FROM BARBARA MOSES  
PRESIDENT OF THE NYCLA FOUNDATION

Dear Friends:

Early last month, as eager law students came back to school and lawyers and judges returned from their summer vacations, NYCLA's Young Lawyers' Section hosted its second annual Reception and Mentor for a Day Auction to bring together students and professionals with the hope that each could gain something from another. While enjoying an evening of food, drink, networking, and fun, the 50+ law students in attendance were provided with faux money and participated in an auction session where they placed "bids" for the opportunity to shadow or spend time with a lawyer or a judge and make a valuable connection, at no cost to them. The students in attendance were thrilled by the opportunity to connect with a mentor and learn from him or her, and the mentors who volunteered to be auctioned off—including most of NYCLA's leadership—were not only delighted to give a future lawyer an opportunity to gain experience and insight, but were also eager to learn something from a member of the next legal generation.

In this issue, you'll read more about



the ways in which lawyers of different generations can learn from one another. The Mentor for a Day Auction is just one example of how NYCLA brings together multiple generations of lawyers to help and learn from each other. On Tuesday evening, October 9, lawyers of all generations are invited to come together again at NYCLA's Oktoberfest Networking 101 event, where you can enjoy a sampling of beer and hors d'oeuvres while learning about the do's and don'ts of networking.

As a NYCLA member, you have the opportunity to attend events like this at no extra cost. Unfortunately, however, your dues do not cover all of NYCLA's programs and services. Contributions

(made to the NYCLA Foundation, which is recognized by the IRS as a 501(c)(3) organization) help us offer these and other exciting NYCLA events and programs. You can make a donation—in any amount you choose—by going to [www.nycla.org](http://www.nycla.org) and clicking on "Giving to NYCLA." You can also mail a check, payable to "NYCLA Foundation," to NYCLA Foundation, 14 Vesey Street, New York, NY 10007. We are grateful for every contribution, and are pleased to say "thank you" with a selection of DVDs, books, prints, and other gifts described on our web site. Since the NYCLA Foundation is recognized by the IRS as a 501(c)(3) organization, gifts are deductible to the extent provided by law.

NYCLA needs both your support and your ideas. Please do not hesitate to contact me with suggestions for fundraising or related topics. You can reach me at [bmoses@maglaw.com](mailto:bmoses@maglaw.com).

Sincerely,  
Barbara Moses  
President of the NYCLA Foundation

## Ethics Hotline

The Committee on Professional Ethics accepts both written and telephone inquiries on ethics matters and provides advisory opinions. For additional information, call the members listed below.

**October 1-15**  
Ellen Yaroshefsky  
212-790-0386

**October 16-31**  
Greg LeDonne  
212-335-9152

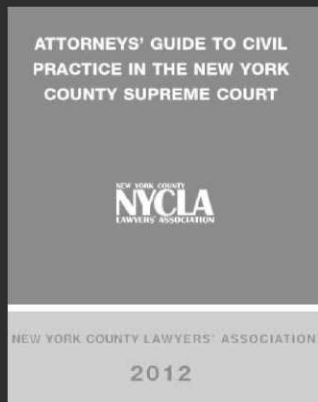
**November 1-15**  
Gordon Eng  
203-769-8812

**November 16-30**  
Wally Larson  
212-225-2359

*Please Note: Assignments are subject to change.*

Questions to the Hotline are limited to an inquiring attorney's prospective conduct. The Hotline does not answer questions regarding past conduct, the conduct of other attorneys, questions that are being litigated or before a disciplinary committee or ethics committee, or questions of law. This notation shall not be construed to contain all Hotline guidelines. For a full discussion of Ethics Hotline guidelines, please see the article below, "Guidelines on NYCLA's Ethics Hotline," published in the September 2006 issue of *New York County Lawyer*.

A valuable tool for all lawyers practicing on the civil side in Manhattan. Produced by the Committee on the Supreme Court, the Attorneys' Guide is a concise resource for details about judges, court personnel, and procedures in the Supreme Court. *Highlights include: Commencing a Lawsuit, Assignments and Case Processing under the CCJP, Motion Practice, Back Offices and major County Clerk Operations, including Entry of Judgments, Commercial Division, Judges and Staff, and much more!*



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## Safety Concerns In Family Court

By Chris Imperioli, Esq.

Family Court in New York City can be a confusing and stressful forum for anyone, self-represented litigants and attorneys alike. Long security lines, inconvenient hours for anyone with a 9-5 job (all adjourn from 1 p.m. to 2:15 p.m., and for the day at 4:30 p.m.), bifurcation of issues common sense dictates should be handled together, i.e., child support and child custody, and some of the most emotionally charged cases in the city, from child removal proceedings to severe matters of life-threatening domestic violence, all contribute to the chaotic nature of this forum. Parties seeking an order of protection are given little choice but to wait for their case to be called in the same small area with their alleged perpetrator mere feet away.

As an attorney who represents victims of intimate partner violence, most of my cases involve clients who have experienced serious physical and mental trauma due to the actions of their abuser. These clients are seeking orders of protection, custody of the children they have in common, monetary support from the non-custodial parent, and just general peace of mind. However, they oftentimes have to re-experience the trauma they suffered, and are subjected to harassment and intimidation on the part of their intimate partner, just by virtue of coming to court to assert their rights. I believe that this is a substantial problem with the way the family courts are set up and managed.

While some family courts in New York City are better equipped facility-wise to minimize the risk of an incident occurring within their walls, others are simply not designed for accused batterers and alleged victims to appropriately share space. It is one thing to require the parties to stand a few feet from each other while on the record in front of a judge, with court officers, lawyers, clerks, and observers in the gallery all present, but it is an entirely different story when those same parties must wait, sometimes for hours at a time, in a closely confined court hallway or common area that for the most part is not constantly supervised by a court officer.

While most court officers diligently do their jobs and provide a watchful eye over the waiting areas, I have witnessed many occasions where the officers leave their posts without being relieved. This obviously is not a prudent course of action, when the officers know that the adversarial parties who are waiting to appear before the finder of fact are not exactly on the best of terms.

Though many of the court common areas are large enough to allow a sufficient amount of physical separation, some are merely narrow, cramped hallways or rooms the size of a doctor's office waiting area. This lack of space gives the accused ample opportunity to make eye contact with, communicate with, and generally intimidate and harass his or her accuser. Child custody issues only exacerbate the situation. The parties, already in an emotionally charged state by virtue

of just being in court to deal with allegations of domestic violence, are sometimes strongly urged by court attorneys to negotiate custody and visitation terms in small conference rooms. This is usually before they are even allowed to consult with counsel, and before they are allowed into the courtroom to have their case heard before the judge. This placement of alleged victim and abuser in such a tenuous position does a disservice to litigants who really should not be forced to communicate with one another, and gives the perpetrator another opportunity to exercise control over the injured party.

It is of course not uncommon for adversarial parties in any court to have to share some sort of common space while waiting for their matter to be heard. However, in cases of domestic violence, the family courts should be taking extra care to ensure that victims seeking protection are not subjected to additional abuse while in the courthouse itself. There are several cost effective steps that could be taken immediately to decrease potential incidents. One, courts with limited space could institute staggered appearance times, or require the parties to appear in different rooms or waiting areas. Simple communication among court staff regarding the whereabouts of the litigants could ensure that the matters are not unduly delayed. Two, court officers could be posted in certain potentially dangerous locations, required to take written reports of any incidents,

and also be required to obtain relief before leaving these posted areas. I have witnessed a few situations where officers have disregarded complaints made to them, reprimanding both parties when only one was clearly at fault, or have left waiting areas completely unsupervised. Three, courts could provide more frequent training sessions for court personnel on domestic violence awareness, and how to better handle potential problems between litigants. Since courts are already facing serious budget considerations, these trainings could be provided by area legal services or anti-domestic violence organizations for no cost.

The family courts will never be perfect. So long as domestic violence remains a serious problem and a fact of life for far too many intimate partners in New York City, they will continue to be overburdened with litigants and will strain to safely accommodate those who seek its protection. Some perpetrators are simply so brazen and hell bent on exerting power and control over their victims that they will harass and intimidate even within the confines of the courthouse. But that doesn't mean more can't be done to minimize victims' exposure to acts of abuse while seeking court intervention.

*Chris Imperioli is a NYCLA and Women's Rights Committee member and an attorney at Safe Horizon, the largest organization helping victims of crime and abuse in the United States.*

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## NYCLA RECENT EVENTS

### NYCLA Honors Public Sector Attorneys



At NYCLA's Public Awards Reception on September 12, public service award recipients pose with U.S. Attorney for S.D.N.Y., Preet Bharara (third from right); former NYCLA President and Chair of NYCLA's Public Service Awards Committee, Catherine A. Christian (second from right); and NYCLA President, Stewart D. Aaron (right). Awardees, from left to right: Janie Azia, chief, Bureau of Consumer Frauds and Protection, Office of the New York State Attorney General; Kevin Egan, principal legal adviser, Statewide Electronic Filing Program, Manhattan Supreme Court, Civil Branch; Carolyn Coffey, supervising attorney, Consumer Rights Project, MFY Legal Services; Abigail Everett, senior supervising attorney, Center for Appellate Litigation; Elie Honig, assistant U.S. attorney, Criminal Division, Southern District; Jessica Rose, director, Community and Economic Development Unit, Brooklyn Legal Services Corporation A, Legal Services NYC; and Gail Rubin, division chief, Affirmative Litigation Division, New York City Law Department.

NYCLA's Criminal Justice Section, co-chaired by Keith Schmidt (second from right) and Alison Wilkey (left), recognized Matthieu Goddeyne (second from left) and Michael Pope (third from right), winners of its 2012 Public Service Fellowship Essay Contest, at its Public Service Awards Reception on September 15. Both newly admitted public sector attorneys working in the fields of criminal justice with more than \$30,000 in educational debt, Goddeyne and Pope were awarded cash stipends of \$2,500 to alleviate educational debt. Also on hand congratulating Goddeyne and Pope was NYCLA's President, Stewart D. Aaron (right).



### NYCLA Holds Fashion Law Review



On September 5, the Eve of NYC Fashion Week, NYCLA featured the "Second Annual Review of Fashion Law," a CLE program held yearly by the Fashion Law Subcommittee. Chair, Joseph F. Murphy, Jr. (second from right), moderated a presentation and discussion among a panel of distinguished Fashion Law experts including Frances P. Hadfield, Esq. (left), Joseph Gioconda, Esq. (second from left); FIT Professor Guillermo Jimenez, Academic Advisor to the Subcommittee (third from left); and noted Fashion Attorney Charles "Chuck" Colman (right).

### Law Students Bid on Mentors During Auction

Over 50 law students attended NYCLA's Reception and Mentor for a Day Auction, hosted by the Young Lawyers' Section on September 5, where they enjoyed beer and pizza while bidding using faux money provided by NYCLA for the opportunity to spend time with or shadow lawyers and judges.



Event attendees read about mentors for auction and place bids



Law students Scott Keatly (left) and Judith Leibowitz (right) cash in after winning the opportunity to spend time with mentor-for-auction, Hon. Richard Lee Price, Bronx Supreme Court



# NYCLA UPCOMING EVENTS

## Events Calendar

All events, unless otherwise noted, will be held at NYCLA Home of Law, 14 Vesey Street. Visit the Association's website, [nyccla.org](http://nyccla.org) for more details, schedule changes and additions, and to R.S.V.P. for events, which are subject to change.

### October

#### New York State's Campaign Against Sex Trafficking: What's Next Conference

Friday, October 5 - 9 a.m.-12:30 p.m.  
Co-Sponsored by NYCLA  
Fordham Law School, McNally Amphitheatre, 140 West 62nd Street  
Hosted by the Feerick Center for Social Justice of Fordham Law School; 2.5 CLE credits available free of charge

#### Oktoberfest Networking

Tuesday, October 9 - 7 p.m.  
Sponsored by NYCLA's Young Lawyers' Section  
Learn the do's and don'ts of networking while mingling and enjoy beer and hors d'oeuvres. Deena Baikowitz, Chief Networking Officer of Fireball Network, a NYC-based coaching and consulting firm, and Stephanie Cuba, Esq., Principal of CC Strategies, a real estate consulting firm, will discuss what to do, and what not to do, to network successfully and build your legal career. Attend

and learn to: Identify and access the key people you need to meet to build your career; Establish your own brand as a valuable professional with unique qualifications; Develop and maintain relationships with peers, mentors, partners and clients; and Work any room with confidence and ease: at the bar, boardroom or bar association. Exclusive members-only event. Not a member? Join to attend.

#### Current Trends and Career Development in ADR

Thursday, October 11 - 7 p.m.  
Sponsored by NYCLA's Young Lawyers' Section  
Panelists to include Robert B. Davidson, Executive Director, JAMS Arbitration Practice; Kenneth L. Andrichik, Senior Vice President, Chief Counsel and Director of Mediation and Strategy, FINRA Dispute Resolution; James E. Berger, Of Counsel, Paul Hastings; Hon. Betty Weinberg Ellerin, Special Counsel, Alston & Bird LLP. Event Chairs, Harold Rodriguez, Esq. and Anna Mitchell, Esq. \$20 registration fee for non-members.

#### Cocktails and Dinner

Thursday, October 11 - 6 p.m.  
BLT Prime, 111 East 22nd Street  
Sponsored by NYCLA's Construction

#### Law Committee

Cost of tickets: \$150 per person, includes drinks and three-course dinner. To reserve your space at the event, visit [nyccla.org](http://nyccla.org) to fill out the cocktails and dinner registration form and to buy your ticket.

#### In Practice

Thursday, October 18 - 12:30 - 1:30 p.m.  
Sponsored by NYCLA's Young Lawyers' Section  
In "Practice" with Michael McNamara, Commercial Litigation Partner at Seward & Kissell LLP

#### Federal Courts Luncheon

Wednesday, October 24 - 12 noon  
Sponsored by NYCLA's Federal Courts Committee  
The New York County Lawyers' Association Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice will be presented to Judge Sidney H. Stein of the United States District Court for the Southern District of New York by Judge Ralph K. Winter, United States Court of Appeals for the Second Circuit. Ticket information: \$175 - public and NYCLA members; \$130 - Federal Courts Committee members. Send all checks (payable to NYCLA) and names of attendees to: Jai Chandrasekhar, Esq., Luncheon Chair, New York County

Lawyers' Association, c/o Bernstein Litowitz Berger & Grossmann LLP, 1285 Avenue of the Americas, 38th Floor, New York, NY 10019

### November

#### In Chambers with Hon. Richard J. Sullivan

Thursday, November 15 - 5:30 p.m.  
Sponsored by NYCLA's Young Lawyers' Section  
"In Chambers" with Hon. Richard J. Sullivan, U.S. District Court, SDNY

#### Book Signing

Monday, November 19 - 6 p.m.  
Disrobed: An Inside Look at the Life and Work of a Federal Trial Judge by Hon. Frederic Block

#### Discussion Series: Hot Topics in E-Discovery

Wednesday, November 28 - 7 p.m.  
Sponsored by NYCLA's Young Lawyers' Section  
Panelists: Hon. Carolyn Demarest, New York Supreme Court Commercial Division; Yoav M. Griver, Partner - Zeichner Ellman & Krause LLP; Daniel B. Garrie, Law & Forensics. Event Chair and Moderator: Yitzy Nissenbaum, Esq. Co-Sponsoring Committees: Federal Courts and In House/Outside Counsel.

## NYCLA's Young Lawyers' Section presents Oktoberfest Networking 101

Exclusive Members-Only Event!

Tuesday, October 9  
7 p.m.

NYCLA Home of Law - 14 Vesey Street  
Register at [nyccla.org](http://nyccla.org)

Learn the do's and don'ts of networking while mingling and enjoying Oktoberfest-themed drinks and hors d'oeuvres

Hear what to do and what not to do to network successfully and build your legal career from networking guru Deena Baikowitz, Chief Networking Officer of Fireball Network, a NYC-based consulting firm and learn how to:

- Identify and access the key people you need to meet to build your career
- Establish your own brand as a valuable professional with unique qualifications
- Develop and maintain relationships with peers, mentors, partners and clients
- Work any room with confidence and ease: at the bar, boardroom or bar association

Exclusive members-only event sponsored by Emerge212, Balls Vodka, and Brooklyn Brewery



### What's Tweeting?

A sample of posts on Twitter this past month

@[nyccla](#): According to Robert Half Legal's Hiring Index, 1/3 of lawyers plan to make hires during the 4th quarter of 2012 [ow.ly/dlnv1](http://ow.ly/dlnv1)

@[WSJ](#): Companies try to keep millennials by offering perks and opportunities without upsetting older workers. [on.wsj.com/O5S5fy](http://on.wsj.com/O5S5fy)

@[LawPracticeTips](#): Communication Tips for Summer Associates and New Lawyers [bit.ly/PMUmy3](http://bit.ly/PMUmy3) #LawStudent

@[ABAJournal](#): Are You More Productive Working at the Office, or Working from Home? [dlvr.it/1x6pS9](http://dlvr.it/1x6pS9)

@[MarkReganCEO](#): Don't send offensive emails and 11 other tips to perfect your email etiquette [bit.ly/UmyoIT](http://bit.ly/UmyoIT)

@[AMLawDaily](#): The Careerist: The Associates Are Getting So Weird [bit.ly/PquWE3](http://bit.ly/PquWE3)

@[LawPracticeTips](#): Where Were the Leaders? How a Failure of #Leadership Doomed Dewey - 7 lessons to help your firm: [bit.ly/NCc72c](http://bit.ly/NCc72c)

Follow us on Twitter @nyccla



## NYCLA LIBRARY NOTES

To make suggestions about book, ebook, or database purchases, please contact Dan Jordan, Director of Library Services, at [djordan@nycla.org](mailto:djordan@nycla.org) or at 212-267-6646 x201.

### How to find the Blawg you want.

More and more attorneys are using Blawgs as a current awareness service to stay on top of developments in their area of practice, areas of intellectual interest, information on law practice management and a near infinite number of other topics.

What was once called a weblog transmuted to the more popular term, blog, some time back. A Google search for the term "blog" found the following definition: "a personal website on which an individual records opinions, links to other sites, etc. on a regular basis."

A legal blog is usually referred to as a blawg, and is usually written by a law professor, a law student, or a lawyer. Those who blog have created a true marketplace of ideas, with some blawgs being well crafted, well written, and reliable, while other blawgs look more like a first draft. Like all commentary, one of the problems in evaluating blawgs is in separating the good blawgs from the lesser blawgs, the wheat from the chaff. Another problem is drilling down into the world blawgs to find one focusing on the narrow area of interest.

**ABA JOURNAL Blawg 100** - Like many blawg aficionados I am waiting for the next annual version of the *ABA Journal Blawg 100*. The nominations for this 2012 list just closed in early September and the new list should come out before too long. The 2011 list, found at [www.abajournal.com/blawg100](http://www.abajournal.com/blawg100), breaks the blawgs on this list into twelve categories such as: News, Trial Practice, LPM (Law Practice Management), Niche, IP Law, Legal Technology and other subjects. The 2011 ABA Journal Blawg 100 also allows you to see the list in alphabetical order.

In addition to the *Blawg 100* the *ABA Journal* has a blawg directory of thousands of blawgs at [www.abajournal.com/blawgs/](http://www.abajournal.com/blawgs/). Under the Main heading on this page it highlights a blog of note, and allows the user to see and click on "recently featured" blawgs, "popular today" blawgs and "random topics." From this first page of the ABA Blawg Directory you can search for Blawgs by topic, under 110+ legal practice areas. Under the topic "Health Law," scores and scores of health law related blawgs are listed, from food safety to FMLA, from HIPAA to monitoring health legislation in Washington.

The Blawg Directory also organizes blogs by their target audience (Partners, Associates, Contract Attorneys, etc.), Region (Circuit or State), and by Law School.

**Blawg**, found at [www.blawg.com](http://www.blawg.com), was started in 2002 by Bill Gratsch. While not a blogger himself, he set out to organize the legal blogosphere and to encourage the "connecting, collaborating and communicating" of legal blogs.

Blawg.com tracks 6,080 blawgs, 4,333 of which are active. The site has received over 429,000 posts from users of the site concerning the blawgs it tracks. The Blawg.com homepage breaks the blogs into 31 subject categories, for example: Bar Exams, Law Students, Practice Management, Pro Bono, Solo Practice, Legal Subjects and Areas, Marketing & PR, Public Defense, etc.

The Blawg.com home page also has a search box that allows the user to search for a short list of particular postings within the many blogs tracked. My subject today concerns Gen X, Gen Y and Boomers and I was able to find a short list of postings on each group, though no discussion of all three groups together.

**Google Blogs Search**, found at [www.google.com/blogsearch?hl=en](http://www.google.com/blogsearch?hl=en) allows the researcher to search blogs for particular entries. This search page can also be found by clicking "more" and then "even more" from the general Google.com search page. A search for Blawg, "Gen X," "Gen Y" turned up over 90 blog entries for these concepts though none when I added the Boomer term.

Alternatives to blogs for information would include digital indexes to periodicals, many of which are available in the NYCLA Library. Most of these databases also offer the user the full text of the articles retrieved. As an example, I searched ABI-Inform Global and my search for "law firm" and "Gen Y" turned up more than 100 articles mentioning these terms.

So get the information you want where ever you like to get it from. If you are in the Library I am happy to show you what I have outlined above.

Many NYCLA members qualify for off-site access to legal research materials. If you are a New York or Connecticut resident please contact Dan Jordan at [djordan@nycla.org](mailto:djordan@nycla.org) for further information.

Fee based services:

The NYCLA Library can help you find expert witnesses on all subjects.

Records & Briefs for the Court of Appeals of New York and for the four New York Appellate Divisions are our specialty.

The NYCLA Westlaw database has access to the selected trial court filings from New York Civil cases.

## Digital Training Center CLE Programs

*Unless otherwise noted, courses are free and open to the public. Register at [nycla.org](http://nycla.org). Questions? Contact Irina Chopinova at [ichopinova@nycla.org](mailto:ichopinova@nycla.org) or 212-267-6646 x203.*

### October

Westlaw: Advanced  
October 10 – 10-11 a.m.  
1 MCLE Credit: 1 Skills; Transitional

Westlaw: Employment Law  
October 10 - 11:30 a.m.-12:30 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Lexis: I  
October 11 – 11:00 a.m. – 12:00 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Lexis: Research Update  
October 11 – 12:30 – 1:30 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Lexis Expert Witness Searching  
October 11 - 2:00 - 3:00 p.m.

1 MCLE Credit: 1 Skills; Transitional

Using Bloomberglaw.com for Litigation  
October 18 – 10-10:50 a.m.  
1 MCLE Credit: 1 Skills; Transitional

Using Bloomberglaw.com for a Corporate Transactional Practice  
October 18 - 11:05 - 11:55 a.m.  
1 MCLE Credit: 1 Skills; Transitional

U.S. Bankruptcy Court Electronic Case Filing System  
October 24 – 10 a.m.-12:30 p.m.  
2.5 MCLE Credits: 2.5 Skills; Transitional  
Member: \$65 Non-member: \$85  
Non-legal Staff: \$35

Westlaw: Basic  
October 30 - 1:30 - 2:30 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Westlaw: Criminal Law  
October 30 – 3 - 4 p.m.  
1 MCLE Credit: 1 Skills; Transitional

### November

Westlaw: Basic  
November 7 – 10-11 a.m.  
1 MCLE Credit: 1 Skills; Transitional

Westlaw: Securities Law Research  
November 7 - 11:30 a.m.-12:30 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Lexis: I  
November 9 – 10:30 – 11:30 a.m.  
1 MCLE Credit: 1 Skills; Transitional

Lexis For Microsoft Office  
November 9 – 12-1 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Lexis: II  
November 9 - 1:30 - 2:30 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Westlaw: Intermediate  
November 14 - 1:30 - 2:30 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Westlaw: Insurance Law  
November 14 – 3 - 4 p.m.  
1 MCLE Credit: 1 Skills; Transitional

Using Bloomberglaw.com for Litigation  
November 15 - 10-10:50 a.m.  
1 MCLE Credit: 1 Skills; Transitional (Also NJ)

Using Bloomberglaw.com for a Corporate Transactional Practice  
November 15 - 11:05 - 11:55 a.m.  
1 MCLE Credit: 1 Skills; Transitional (Also NJ)

U.S. Bankruptcy Court Electronic Case Filing System  
November 28 – 10 a.m.-12:30 p.m.  
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# To Use or Not To Use Affidavits at Trial – That Is the Question

By Hon. Eileen N. Nadelson

At the NYCLA Civil Court Practice Section's October 2010 meeting, its chair, Civil Court Judge David Cohen, floated the idea of studying the use of affidavits in lieu of direct testimony to possibly streamline the trials in Civil Court.

The idea derived from a recent report submitted by the Trial Practice Subcommittee of the NYCLA Task Force on the Family Court, whose objective was to examine procedures and make recommendations to alleviate trial delays at Family Court. The use of affidavits in lieu of direct testimony is already in place in the federal courts and by some judges in state courts. The affidavits of parties or experts are shared among counsel prior to trial. The affiant must appear for cross-examination and re-direct examination. But the use of such affidavits is not permitted if a party

appears *pro se*.

The question is whether the use of affidavits in lieu of direct testimony also could be employed in Civil Court matters, and whether the bar would encourage it. The Civil Court Practice Section developed a survey, which was disseminated to all NYCLA members. It was also sent to all judges in NYC and several judges in a majority of the upstate counties.

We were encouraged in successfully receiving 260 responses. In fact, nearly 25 percent of those responding—an amazing percentage in an anonymous survey—not only gave their names, but also their e-mail or phone numbers for further contact. Attorneys in private practice made up the largest percentage (46.9 percent); court system employees (e.g., clerks or court attorneys, 24.4 percent) were the next largest group. Approximately 20 percent of the responses came from judges. The remainder were

government attorneys or attorneys from a public interest organization or with a legal services provider.

Some other interesting facts: The judges responding were evenly represented in Supreme, Family, and Civil Court (including Housing) with about a third of the total responding in each. The lion's share of attorneys practiced in Supreme Court.

We acknowledge and are grateful for the time taken by our colleagues to complete the survey. Even more gratifying and enlightening are the individualized comments expressed by many. There was a nearly equal divide of opinions of those favoring the use of affidavits for expert testimony and those opposing it in all circumstances. Generally, arguments in support of the affidavit noted that it would expedite the trial. The opposition, however, preferred the personal and direct examination to establish demeanor and credi-

bility. In short, the survey did not show a consensus. After discussion of the survey, at its May 2012 meeting, the Section decided that it would make no recommendation as to the procedure in Civil Court.

To use or not to use affidavits at trial? With all apologies to the Bard, "the question" remains unanswered for now.

*Hon. Eileen Nadelson is a member of NYCLA and its Civil Court Practice Section. She was elected to the New York City Civil Court and served in the New York County and Kings County courts. She also sat in the Criminal Court, Kings County. Upon her retirement from the bench, she was certified to serve as a Judicial Hearing Officer in the Supreme, Civil and Criminal Courts of New York City and also serves as an arbitrator in securities matters for FINRA.*

## Balancing Generations

(Continued from page 3)

experiences from which the older manager has learned.

- Understanding that "face time" may be very important to an older manager. It is common for older bosses to be less open to the trend of working from home because it was not something with which they had ever become comfortable. If staff members do have flexible schedules or work off site from the older manager, they may want to check in regularly and take steps to reassure the older manager that work is getting done.
- Explaining current pop culture references without making the older employee feel out of the loop. A twenty-something who mentions something he/she saw on the latest reality show should take the time to



let his/her sixty-something boss in on the joke.

- Accepting that meetings and phone calls may be preferred rather than texting, Skype, instant messaging, and e-mail. While

many older workers embrace technology, some still favor more traditional modes of communication. Going with the flow on the boss' desired communication method will be appreciated by the older manager.

During this economic time, it is guaranteed that we will continue to see multiple generations collaborating at work. More retirees are reentering the workforce for extra cash and many older adults are delaying retirement indefinitely. With more and more high school and college graduates entering the workforce every year, it is important for workers of all ages to make an effort to understand and appreciate each other.

*Jennifer FitzPatrick, MSW, LCSW-C is an author, speaker, and educator. Founder of Generations Health Education, Inc., she has more than 20 years' experience in healthcare. Jennifer is a frequent speaker at national and regional conferences and is an adjunct instructor at Johns Hopkins University. Her new book, "Your 24/7 Older Parent," answers the prayers of those dealing with the care of an elderly parent. For more information on Jennifer FitzPatrick's speaking, please visit [www.generationshealth.com](http://www.generationshealth.com).*

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# Keeping an Intergenerational Office Copacetic

By Esther Francis Joseph

Today's complicated office structure is made up of several different generations of employees, yet there are two that can be radically different: Baby Boomers (approaching retirement; born between 1946 and 1964) and Millennials (entering the workforce; between the ages of 18 and 30). Each age group is distinct in its own way. When the groups are balanced, they bring value, but when at odds, they can make the workplace an unpleasant environment for all. The workplace is destined to remain this way for some time since today's economy has dictated that more people continue to work instead of retiring. What that means is the workplace is staffed by intergenerational employees and the office space confronted with problems caused by the age differences between those groups.

Some of the common intergenerational

workplace problems include the following:

**Problem 1:** Older workers treat Millennials like children

Millennials who want to come to work in casual clothes are sometimes the subject of discussion and disrespect amongst Baby Boomers in the office. Older supervisors frequently micro-manage Millennials, especially their computer use. Baby Boomers believe that Millennials waste company resources by socializing and spending too much time on social networking sites and emails, and keep a tight rein on how Millennials use their work time. Millennials feel like they are treated more like the Baby Boomers' grand-children rather than their coworkers.

Younger staff members need to understand that Baby Boomers are often heavily invested in their work. They are efficient and focus on quality rather than

quantity, and plan for their retirement. Their preferred form of communicating is via telephone or in person. They often consider reliance on technology and social media the juvenile behavior of children.

Baby Boomers are rule followers; they step into their role at work and adapt to it. Millennials feel that their job should be flexible and mesh with the other aspects of their lives. This creates a disparity in the way these two age groups regard their duties at the same workplace. By understanding and respecting each other's point of view, coworkers can make necessary compromises in attitudes and behavior to make their office fitting for all age groups. Millennials would be well advised to follow guidelines considered "hard and fast" by their more seasoned counterparts. At the same time, Baby Boomers and Generation X employees would do well to allow Millennials some leeway in situations that do not affect work quality in order to keep the younger generation motivated.

**Problem 2:** Lack of workplace etiquette in younger employees

A common complaint from older employees is that the younger staff shows a lack of protocol in the workplace. This includes but is not limited to:

- No notice from younger employees who decide to change jobs
- Unprofessional emails
- Texting during meetings
- Inappropriate dress

Baby Boomers must realize that these actions may not be an intentional lack of disrespect, but a hallmark of the generation. Millennials are a multi-tasking group that communicates primarily by social media, and their texting is sometimes work related. Unlike their older counterparts, Millennials celebrate diversity, value friends the same as family, live for the moment and thrive on a flexible yet supportive structured work environment.

When younger people find themselves in intergenerational offices, they should learn and respect the office policies of the company for which they work. This does not mean giving up individuality but rather a presentation of workplace courtesy. Giving adequate notice when leaving a job; being professional in all forms of communication; abiding by company dress codes; and learning the guidelines for texting in the office are simply good manners.

**Problem 3:** Lack of respect for young management from older employees

When an older worker moves to a company with younger management, he/she can feel out of place. When a younger coworker is promoted, older workers may find it difficult, and resist giving the proper level of respect to the newly promoted person. While management cannot

make older workers feel comfortable working with a younger coworker or force respect from older to younger employees, they have the duty to set the tone that they want their employees to follow.

Often giving respect earns respect. It is one of the core values that motivates the Baby Boomer generation. Younger management should make an effort to communicate and improve the tone of the office; they will often find that respect will come with time and results. When Baby Boomers see that younger managers are effective, respect follows.

**Problem 4:** A work environment that suits one generation but not another

Many different work environments exist today. An established law firm with a strict dress code and rules could be a difficult fit for a Millennial, but without the expertise of a younger workforce, firms such as these would find it tough to compete in today's market. Companies such as Facebook and Google, which are managed by younger, creative managers, could be a hard adjustment for older employees. However, without the experience and expertise of older staff members, companies could make costly mistakes.

Before accepting a job offer, Millennials need to know what the office rules are. Older employees should seek out guidelines concerning expectations for the job in a younger office setting. Baby Boomers must let go of preconceived models of what is right and wrong and must adapt to the new workplace, while still holding on to their traditional work ethics. All the age groups should strive to fit in and be productive members of their work team, while staying true to who they are.

## What Business Can Do

Businesses can facilitate the challenges of their intergenerational staff in a variety of ways, such as creating a forum in which employees can discuss challenges, instituting a mentoring program, and offering communication training. Strategic interpersonal communication methods can help ease the challenges different generations will face as they work together. The current job market and workplace demand that companies foster the positive characteristics of each age group if they are to prosper in these trying economic times.

*Esther Joseph is a personal and family coach and author of "Memories of Hell, Visions of Heaven: A Story of Survival, Transformation, and Hope," her personal story of survival and perseverance, despite a violent childhood. Growing up on the picturesque island of St. Lucia, Esther molded her literary talents with her childhood experiences as she continues down her path to leading a joyous and fulfilled adult life. To contact Esther or hear her speak, please visit [www.unity-inherited.com](http://www.unity-inherited.com).*

## NYCLA In The News

A roundup of recent national and local news stories featuring NYCLA and its members

### New York Law Journal

NYCLA Honors Public Service  
September 14, 2012  
A photo taken at NYCLA's Public Service Awards Reception featuring award recipients, NYCLA leadership, and Preet Bharara, U.S. Attorney, S.D.N.Y., ran on page 5 of the Law Journal.

### Thomson Reuters New & Insight

Bar groups urge state's high court to overturn city's indigent defense plan  
September 6, 2012  
This article covers the *New York County Lawyers' Association v. Bloomberg* case. It focuses on the background of the case and why each side is involved.

### New York Law Journal

City Defends Assigned Counsel Plan Over Bar Groups' Objections  
September 6, 2012  
This front page story on *New York County Lawyers' Association v. Bloomberg* went into detail about what was discussed in court the previous day while providing in-depth background.

### New York Law Journal

Judges to Take Up City's Proposal to Revise 18-B Assignments  
September 4, 2012  
This article covers *New York County Lawyers' Association v. Bloomberg* in which bar associations, including NYCLA, are arguing that the city should not be allowed to adopt a plan

the groups insist will undermine their role in the assigned counsel program.

### Metropolitan Corporate Counsel

Letter from the President of the New York County Lawyers' Association  
September 2012  
A letter from NYCLA President, Stewart Aaron appears in the September issue of this publication and on its website. It focuses on technology and the legal field.

### NYPost.com

Taking shots at stop-and-frisk-Letter to the Editor  
August 27, 2012  
A letter to the editor of the *New York Post* from Stewart Aaron regarding the article, "Scheidlin Strikes Again," on stop and frisk and Judge Scheindlin's latest ruling, was published by the newspaper.

### Law360.com

NY Complex Litigation Pilot Looks Promising Despite Criticism  
August 17, 2012  
NYCLA Federal Courts Committee Chair Vincent Chang was quoted in this article about a New York federal court program designed to streamline corporate class actions to rein in runaway litigation costs.

### Verdict - Justia.com

Two New York State Court Panels Suppress Evidence and Spark Great Controversy: Part Two  
August 15, 2012  
A quote by NYCLA President, Stewart Aaron was mentioned in this article about stop and frisk.



# The 'Why' of Generation Y: A Guide to Managing and Motivating Millennials



By Charles A. Volkert, Esq.

To be successful as a manager in the legal field, you need to understand what makes your employees "tick." This is particularly true when dealing with workers who belong to Generation Y (those born since 1980). At 80 million strong, members of Generation Y, also known as Millennials, represent a demographic that will be part of the workforce for many years to come. They are tomorrow's supervisors and leaders. The more you learn about them, the more effective you will be at managing, motivating and retaining them.

The oldest members of Generation Y began entering the workforce a little more than a decade ago. So, what are these up-and-coming professionals like who work in the legal field? Research conducted by Robert Half Legal, revealed that Millennials value autonomy (being allowed to work independently) and reinforcement (regular feedback from their managers) in their jobs, and they prefer workplaces that are fun and informal. Because members of this generation grew up using personal computers and other devices, this group is highly technologically proficient. Like members of Generation X (those born between 1964 and 1979), Generation Y professionals prize work-life balance and desire flexible schedules that leverage mobile technologies.

But members of Generation Y are also pragmatic. *What Millennial Workers Want: How to Attract and Retain Gen Y Employees*, a guide produced by Robert Half and Yahoo! HotJobs, revealed that when evaluating job opportunities, Gen Y members look at salary, benefits and room for professional growth before any other factors. In this way, they're not so different from their older colleagues. But the guide also reports that Gen Y places a premium on close supervision and frequent feedback from their managers.

## Recruiting Gen Y

To attract Gen Y candidates, ensure that the compensation for a given position is slightly above the average for your industry and region, if possible. Check sources such as the *Salary Guide* from Robert Half Legal, data from the U. S. Department of Labor's Bureau of Labor Statistics and industry or trade publications to determine appropriate levels.

Since benefits are also important to this generation, don't make your Gen Y hires wait three months for healthcare coverage, or a year to be fully vested in your firm's 401(k) plan. Try to make benefits such as these take effect as soon as possible. Gen Y prizes professional growth, so be sure to showcase your firm's in-house training programs, tuition reimbursement or formal mentoring programs.

## Managing and Motivating Millennials

Research we conducted shows that Gen Y workers respond positively to managers who communicate frequently and offer feedback, praise and encouragement. Rather than waiting until the annual performance review, give your staff input on their performance as tasks and projects are completed. Remain open to their ideas and suggestions.

Gen Y members tend to be highly social, so create opportunities for interaction among colleagues. Open seating plans, monthly staff lunches or Friday morning coffee-and-bagels will help them feel connected and make them more productive.

## Keeping Them Happy

One-quarter (23 percent) of Gen Y members interviewed for the *Future Law Office* white paper cited career satisfaction as a leading concern. This generation seeks fulfillment on the job and a positive work environment where they can realize their potential. To retain these professionals, give them assignments that challenge them and allow them to develop new skills. Try to make their jobs exciting and varied, and make sure they know they're valued members of the team.

To attract and retain top Millennial generation talent, offer the compensation, benefits, career paths, professional development opportunities and work environment they value most. This will significantly boost your chances of recruiting and retaining these enthusiastic workers.

*Charles A. Volkert is executive director of Robert Half Legal, a leading staffing service specializing in the placement of attorneys, paralegals, legal administrators and other legal professionals with law firms and corporate legal departments. Based in Menlo Park, Calif., Robert Half Legal has offices in major North American and international markets.*

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## New York State Attorney General to Present Keynote Remarks at Annual Dinner

*Gather with colleagues and the NY legal community at NYCLA's 2012 Annual Dinner and hear keynote remarks from New York State Attorney General, Eric T. Schneiderman*

**Date:**  
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**Time:**  
Reception - 6:30 p.m.; Dinner - 7:30 p.m.

**Location:**  
Waldorf-Astoria

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### Shoeshine

(Continued From Page 1)

In striking the proper tone a common thread that should run through every interaction, regardless of one's audience, is a showing of respect. Working closely with attorneys of an advanced age has strengthened my belief in the importance of patience and respect. While respect for one's elders is a basic concept, it is usually just that, an illusory belief rather than a custom or practice. In working at a small firm where "senior attorney" connotes age rather than title, my legal training has included helping Mr. T hail a cab on a rainy afternoon, or assisting his honor with changing a light bulb or mounting a paint-

ing on an office wall. Such tasks do not necessarily translate into legal experience, but they do give rise to life experience. They have helped me recognize that one day, when I no longer hunger for experience, I will still need help.

Recognizing humanity in the profession, and in all of those who comprise it, can be a challenging endeavor. However, as demonstrated by the multi-generational careers of those attorneys I have described, the fruits of making such a commitment, both in referrals and rewarding work, are capable of sustaining you for a lifetime.

*Christopher Fraser is a NYCLA member and junior associate at The Dweck Law Firm, LLP.*

### Disrobed

(Continued From Page 2)

street cops may believe, but the frisk part of stop and frisk actually requires reasonable suspicion that the person is armed and dangerous.

Style questions can be subjective and best left to editors, but here the editing is wanting. For example, the table of contents has no page references, and the index lists only names of people without subjects. Writing in a breezy, informal manner, decidedly sometimes leads to inartful and clichéd usage, such as, "defendants trying to deep six the litigation," "legal beagles," and repeated bemused references to himself

as "Judge Blockhead," the name conferred on him by the judicial critics at *The New York Daily News*. Occasionally the attempts at humor can be even unsettling, such as "the story had more holes than Osama Ben Laden's body."

The legal community should not miss the book because of its described as being written for the general public. What that means, in this case, is that it is readable and accessible to all; it is inclusive. Lawyers will enjoy reading a federal judge's thinking about cases he has heard, his personal experiences, and, in many ways, his view of the world around us, or, as he says, "the human condition."

*Hon. Emily Jane Goodman is a New York State Supreme Court Justice. (Ret.)*

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## Multigenerational Workforce

(Continued From Page 1)

with others in the workplace.

Traditionalists differ from younger generations in how they process and respond to information. They are less tech-savvy than younger generations and prefer in-person interaction to e-mails and technological gadgets. Therefore, the best way to engage this generation is through face-to-face interaction.

Unlike younger generations, Traditionalists are comfortable sitting in long lectures and meetings are less inclined to incorporate

video-conferencing and web-based technology into the workplace.

### Baby Boomers

Born between 1946 and 1964, the Baby Boomer generation is predominately in their 40s and 50s. They are well-established in their careers and hold positions of power and authority. This generational segment constitutes a large majority of today's law firm leaders, corporate executives, senior paralegals and legal managers. In fact, nearly 70 percent of law firm partners are Baby Boomers.

Members of the Post-War War II generation, Baby Boomers are loyal, work-centric and cynical. This generation has lived through many changes in the legal industry and brings a different perspective to the workplace.

Baby Boomers often equate salaries, high billables and long hours with success and commitment to the workplace. They value face time in the office and may not welcome work flexibility or work/life balance trends. High levels of responsibility, perks, praise and challenges will motivate this generation.

### Generation X

Generation X encompasses the 44 to 50 million Americans born between 1965 and 1980. This generation marks the period of birth decline after the baby boom and is significantly smaller than the previous and succeeding generations. Members of Generation X are largely in their 30s and early 40s and hold junior partner, senior associate, mid-level paralegal and mid-level support staff positions in law firms as well as middle-management positions in corporate legal departments.

After witnessing the burnout or layoff of their hardworking parents, Generation X entered the workplace with different work ethic and culture than previous generations. Unlike the Boomers, Generation X places a premium on family time and has a different attitude about work. They are ambitious and hardworking but value work/life balance.

In the legal workplace, Generation X dislikes rigid work requirements. They value the freedom to set their own hours. Flexible work schedules and work-from-home options (as long as billable quotas are met) may help to retain and motivate this generation.

Generation X has an entrepreneurial spirit. This generation thrives on diversity, challenge, responsibility and creative input. If their current law firm does not provide them with these opportunities, they will not hesitate to seek an employer who will.

A hands-off attitude often works best when supervising, mentoring or working with this generation. Members of Generation X value freedom and autonomy to achieve desired goals and often prefer to work alone rather than in teams. They dislike "meetings about meetings" and don't want face time. Flexible hours and challenging assignments will motivate this generation.

### Generation Y

Generation Y legal professionals are in their 20s and are just entering the workforce. With numbers estimated as high as 70 million, Generation Y (also known as the Millennials) is the fastest growing segment of today's workforce. As law firms compete for available talent, employers cannot ignore the needs, desires and attitudes of this vast generation.

This new generation holds entry level associate, paralegal, law clerk and legal support positions in law firms, corporate legal departments, the government and other practice environments.

Generation Y is smart, creative, optimistic, achievement-oriented and tech-savvy. This young generation seeks out creative challenges, personal growth and meaningful careers. They seek supervisors and mentors who are highly engaged in their professional development. Generation Y are excellent multi-taskers and prefer communications through e-mail and text messaging over face-to-face interaction. Their attitude is "don't waste my time making me come to your office." They would rather send an e-mail so they can be drafting a brief, research a case and answering e-mail at the same time. Cybertraining and lectures through web-based delivery systems may be more effective than traditional lectures.

The legal industry is notorious for imposing long hours and billable hour quotas. As Generation Y demands work/life balance in the law firm, employers will need to accommodate them by creating a culture of flexibility. E-mail, laptops, Blackberrys, and other technology tools will help Generation Y work remotely and remain connected 24/7.

When working with or supervising Generation Y, it's wise to impose structure and stability and cultivate a team-oriented environment. Immediate feedback and praise will help motivate and reassure this young generation. Frequent communication and reassurance will help keep members of Generation Y eager and involved.

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