

Center for Continuing Legal Education

Winter 2012

CLE Programs 2012

Ethics and Professionalism 2012
February 4

Contested Probate Proceedings
February 9

Alternative Financing and Structure in Real Estate
February 16

Ethical Considerations in Environmental Risk Management
February 23

Protecting Your Clients' Assets from Creditors
February 28

Climate Change and Insurance
March 1

Symposium on Legal Challenges and Opportunities for Offshore Wind and
Hydrokinetic Energy Development in the Northeast
March 2

Trademarks and Copyright: Protection, Enforcement, Licensing, and Exploitation,
with Preservation of Evidence
March 6

Elder Law Update: New Medicaid Enhanced Estate Recovery Rules
March 8

Planning for Same Sex Couples in the New Millenium
March 14

What You Don't Know Can Hurt You:
Current Developments in Wage and Hour and Employment Law
March 20

Legal Issues for Planning and Zoning Boards: Open Meetings Law and FOIL, Ethics and Recent Cases
(Co-sponsored with the Westchester Municipal Planning Federation)
March 22

CPLR Update 2012
March 28

FEBRUARY

ETHICS AND PROFESSIONALISM UPDATE 2012

Saturday, February 4, 8:00 p.m. —8:30 am Registration and Continental Breakfast;

8:30 am—12:30 pm CLE Program

Pace Law School—Moot Court Room, Law Library

Format: Live

CLE: 4 transitional/non-transitional in Ethics and Professionalism

Instructors:

Kathleen Donelli, Esq., McCarthy Fingar et al;

Gary Casella, Esq., Chief Counsel, Grievance Committee for the 9th Judicial District;

Deborah Scalise, Esq., Scalise and Hamilton LLP

After an overview and update of the Rules of Professional Conduct, the panel will target specific rule violations including advertising, solicitation, client relations, conflicts of interest, dealing with represented and unrepresented parties, specialization, competence, prosecutorial abuse and civility.

REGISTER NOW

CONTESTED PROBATE PROCEEDINGS

Thursday February 9, 6:00 p.m. — 8:30 p.m.

Pace Law School—Moot Court Room, Law Library

Format: Live/Webcast

CLE: .5 transitional/non-transitional Skills

Instructors:

Joseph Accetta, Esq., Chief Clerk, Surrogate's Court, Westchester County

This program will give a Nuts and Bolts overview of procedural/substantive aspects of a probate contest, from pre-objection evaluation of issues, filing of objections, burdens/quantum of proof and related issues, and motion/trial-related issues.

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ALTERNATIVE FINANCING AND STRUCTURE IN REAL ESTATE

Thursday, February 16, 6:00 p.m. —8:30 p.m.

Pace Law School—Moot Court Room, Law Library

Format: Live/Webcast

CLE: 2.5 transitional/non-transitional Skills

Instructors:

John Lettera, '99, Silvestro, Mosiello and Lettera LLP

Jodi Mosiello, Esq., LMA Law Group

Sharene De Palma, Esq., LMA Law Group

As a result of today's lending climate many buyers are unable to get institutional financing. This CLE will provide insight into alternative financing options and explore the legalities of financial analysis and planning including valuation theories and understanding the capital structure. We will discuss the intricacies of the capital stack with an emphasis on debt. We will discuss the legal documents involved, including the pitfalls. We will end with a discussion concerning the most litigated topics with respect to Alternative Financing.

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**ETHICAL CONSIDERATIONS IN ENVIRONMENTAL RISK MANAGEMENT:
ENSURING THAT ENVIRONMENTAL PROFESSIONALS, RISK MANAGERS,
BROKERS AND COUNSEL DO THE RIGHT THING!**

Thursday, February 23, 5:00 p.m.—7:00 p.m.

Pace Law School—Judicial Institute

Format: Live/Webcast

CLE: 2 transitional/non-transitional Ethics and Professionalism

Instructors:

John Nevius, Esq, P.E., Anderson Kill & Olick PC

Jeff Cohen, Esq., Anderson Kill & Olick PC

Randall Young, Esq., Regional Attorney, DEC Region 6

Gene Devine, Esq., Senior VP, Arthur J. Gallagher and Co.

This presentation by a panel of leading experts in minimizing environmental risks will cover issues in environmental ethics based upon real-world scenarios. How to get the most for your clients while knowing where the boundaries are for all involved is crucial to negotiating complex transactions that involve real estate. This presentation will provide the skills you need to ask the right questions and know how to find the right answers.

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PROTECTING YOUR CLIENTS' ASSETS FROM CREDITORS

Tuesday, February 28, 6:00 p.m.—8:30 p.m.

Pace Law School—Moot Court Room, Law Library

Format: Live/Webcast

CLE: 2.5 transitional/non-transitional in Skills

Instructors:

Harris Markhoff, Esq., Danziger & Markhoff LLP

Michael Markhoff Esq., Danziger & Markhoff LLP

Andy Roth, Esq., Danziger & Markhoff, LLP

With most professionals, such as physicians, attorneys, engineers, accountants and architects, as well as real estate developers concerned with malpractice judgments and other claims, this seminar will discuss various techniques which effectively shield assets from creditors. The topics discussed will include transferring assets to a spouse or limited liability company, the use of qualified retirement plans to avoid creditor's claims, factoring accounts receivable of the business to obtain asset protection from creditors and transferring assets to a Delaware or Alaska trust as well as the use of offshore trusts.

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MARCH

CLIMATE CHANGE AND INSURANCE

Thursday, March 1, 6:00 —8:00 pm

Pace Law School—Classroom A-103

Format: Live/Webcast

CLE: 2 Practice CLE credits

Speaker: Professor John Nevius

This CLE will summarize the material covered for LLM students in this specialized class. Taught by an experienced litigator, former federal regulator and Pace Grad, it will provide practitioners of all stripes with a valuable overview, not just of climate change litigation, but of how this emerging area of law fits with insurance generally and the expanding field of environmental risk management. The charge for this program is \$35-non pacebridge members – alum and non-alum.

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SYMPOSIUM ON LEGAL CHALLENGES AND OPPORTUNITIES FOR OFFSHORE WIND AND HYDROKINETIC ENERGY DEVELOPMENT IN THE NORTHEAST

Friday, March 2, 9:00 a.m.—2:50 p.m.

Pace Law School—Judicial Institute

Format: Live/Webcast

CLE: 4 Transitional/non-transition Practice

This one day symposium will focus on existing federal and state legal frameworks for regulating and promoting the development of offshore wind and hydrokinetic energy resources in the Northeast. The Symposium will bring together legal minds from governments, private industry and practice, academia, think tanks, and not-for-profit organizations to discuss and propose revisions to legal frameworks and policies that are driving and/or hindering the development of offshore wind and hydrokinetic electric generation facilities. Panelists will be drawn from federal and state government agencies involved in policy making and permitting processes, environmental organizations, industry groups, legal practitioners and academics with expertise in these areas.

Panel 1: Offshore Wind (9:30 - 11:15 a.m.)

Franz Litz, Executive Director, Pace Energy and Climate Center - moderator

Michael Burger, Assoc Professor of Law, Roger Williams University School of Law

Michael Ernst, Director of Regulatory Affairs, Tetra Tech

Brandi Colander, Esq., Air and Energy Program, Natural Resources Defense Council

Carlisle Tuggey McLean, Sr Natural Resource Policy Advisor, State of Maine office of the Governor

Panel 2: Hydrokinetics (1:00 - 2:45 p.m.)

Ann Powers, Associate Professor of Law, Pace Law School, Center for Environmental Legal Studies - moderator

Rachel Salcido, Professor of Law and Director of the Sustainable Development Institute, University of the Pacific

Julia Wood, Esq., Van Ness Feldman, P.C., D.C. Office

Seth Kaplan, Conservation Law Foundation

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TRADEMARKS AND COPYRIGHT: PROTECTION, ENFORCEMENT, LICENSING, AND EXPLOITATION WITH PRESERVATION OF EVIDENCE

Tuesday, March 6, 6:00—8:30 pm

Pace Law School—Moot Court Room, Pace Law School

CLE: 2 transitional/non-transitional Skills; .5 Ethics

Instructors:

Matthew Wagner, Esq., Partner and Chair of the Intellectual Property Department, Diserio Martin O'Connor & Castiglioni, LLP

Jonathan Longobardi, Esq., Associate, Diserio Martin O'Connor & Castiglioni, LLP

Trademarks and Copyrights: what are they, how can they be protected, enforced, licensed and exploited (with forms and sample documents). A primer on some basics and more detailed applications of intellectual property law for litigators, commercial and transactional attorneys and in-house counsel. This course will discuss the foundational elements of trademarks and copyrights, including when a trademark or work of original expression is protectable and why Federal registration is important. An overview of Trademark Office practice and procedure, including the application process, cancellations and oppositions. We will then explore the various ways infringement can occur and how IP owners can police unauthorized uses of their trademarks and copyrights, as applied to online, print media, publishing and physical goods. Also included will be an overview and instruction on preservation of evidence, electronically stored information, and application of document retention policies, after notice of a dispute or institution of litigation. Included in this topic will be a discussion of the Digital Millennium Copyright Act and its Notice and Take Down procedures, Uniform Domain Name Procedure dispute resolution, and counterfeiting. Lastly, we will review a typical website development agreement and intellectual property license agreement, and discuss key aspects of negotiation and drafting.

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ELDER LAW UPDATE: NEW MEDICAID ENHANCED ESTATE RECOVERY RULES

Thursday, March 8, 6:00 p.m.—8:30 pm
Pace Law School—Moot Court Room, Law Library
Format: Live/Webcast
CLE: 2 transitional/non-transitional Practice and .5 Skills

Moderator

Kathy Rosenthal, Esq., Rosenthal and Markowitz LLP

Instructors:

Frances Pantaleo, Esq., Walsh Amicucci & Pantaleo LLP

Anthony Enea, Esq., Enea Scanlon & Sirignano LLP

Salvatore DiCostanzo, Esq., McMillan Constabile Maker & Perone LLP

Prior Law Restricted estate recovery against the estate of Medicaid recipients to assets which passed through probate. Amendments to the Social Services law enacted in March 2011 have significantly expanded the assets which may be subject to estate recovery to include assets held in joint tenancy, life estate and revocable trusts. We will provide an overview of the amendments to Social Services Law and regulations and recent administrative directive issued by the Medicaid program. Following the overview, a panel of experienced elder law attorneys will focus on practical planning under the new rules.

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PLANNING FOR SAME SEX COUPLES IN THE NEW MILLENIUM

Wednesday, March 14, 6:00 p.m.—8:30 p.m.
Pace Law School—Moot Court Room, Law Library
CLE: 2.5 transitional/non-transitional Practice

Instructors:

Linda Markowitz, Esq., Rosenthal and Markowitz, LLP

Lynn Maier, Esq., Kurzman Eisenberg Corbin & Lever LLP

Adrienne Orbach, Esq., Rosenthal & Markowitz LLP

The speakers will give an update on the law surrounding same sex couples, including New York's Marriage Equality Act, the Federal Defense of Marriage Act, and discuss the impact of these laws on planning for same sex couples whether they choose to marry or not. In addition to the case law update and a discussion of these statutes, there will be a discussion on pre-nuptial and post nuptial agreements, whether or not there is a continued necessity for second parent adoptions for same sex couples, the differing legal rights and obligations for same sex couples in the area of parental rights and support, and specific issues for same sex couples as far as estate planning goes.

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WHAT YOU DON'T KNOW CAN HURT YOU: CURRENT DEVELOPMENTS IN WAGE AND HOUR AND EMPLOYMENT LAW

Tuesday, March 20, 6:00 p.m.—8:30 p.m.
Pace Law School—Moot Court Room, Law Library
CLE: 2.5 transitional/non-transitional Practice

Instructors:

Richard Steer, Esq., Adjunct Professor, Pace Law School; Partner and head of EPLI Practice Area at Tarter Krinsky & Drogin LLP ; additional panelist TBA

This program will discuss developments in Wage and Hour Laws including the new NY Wage Theft Prevention Act; Developments in Employment Law including cyber liability; Developments in Employment Law including the expansion of exposure under the NY Human Rights law and New York City Human Rights Law.

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LEGAL ISSUES FOR PLANNING AND ZONING BOARDS: OPEN MEETINGS LAW AND FOIL, ETHICS AND RECENT CASES

(Co-sponsored with the Westchester Municipal Planning Federation)

Thursday, March 22, 6:00 —9:30 pm

Pace Law School— Moot Court Room, Law Library

Format: Live/Webcast

CLE: 2 Practice; 1 Ethics

Panelists:

Linda Whitehead, Esq., McCullough Goldberger & Staudt LLP – moderator & instructor

Clinton Smith, Esq. Wormser Kiely Galef & Jacobs LLP

Adam Wekstein, Esq., Hockerman Tortorella & Wekstein LLP

This CLE program is cosponsored with the Westchester Municipal Planning Federation – The fee for this program (non-pacebridge) is \$65 alum and non-alum. There will also be an additional fee payable to the Westchester Municipal Planning Federation on the night of the program.

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CARLISLE, HALPERN AND CENTONE ON CPLR 2012

Wednesday, March 28, 6 :00 p.m. — 8:30 p.m.

Pace Law School—Moot Court Room, Law Library

Format: Live/Webcast

CLE: 2.5 transitional/non-transitional Practice

Instructors:

Professor Jay Carlisle, Pace Law School;

Philip Halpern, '80, Collier Halpern Newberg Nollette & Bock LLP;

Anthony Centone, Esq., Adjunct Professor, Pace Law School

This program will review the developments in New York Civil Procedure including jurisdiction, motion practice, pleadings, Bill of Particulars, Statute of Limitations, Accelerated Judgments, provisional remedies and disclosure.

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Sneak Peek April—June 2012

International Criminal Law: A Current Perspective	April 11
Defending the DWI Case	April 17
Significant Recent Developments in Patent Law Reform	April 25
Current Developments in the Practice of Animal Law	May 2
Did Walmart Kill The Class Action? A Look At Rule 23	May 9
Making Sense of Nonsense: Some Unusual Real Estate Cases	May 17
Update of the Latest, Greatest Land Use Cases	May 22
Attorney Discipline and Professional Responsibility 2012	June 6
Making Housing Accessible for Persons with Disabilities	June 12
ABC's of Matrimonial Law	June 21