NEW YORK STATE BAR ASSOCIATION

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NYSBA

Commercial and Federal Litigation Section

Spring Meeting

Gideon Putnam Hotel
Saratoga Springs, NY
May 19 - 21, 2017

This MCLE program offers **up to 6.0 MCLE credit hours in Professional Practice.**

NYSBA

CLE Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will qualify for **6.0 credits in Professional Practice.**

Discounts and Scholarships:

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

Accommodations for Persons with Disabilities:

NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518.487.5563 or lnicoll@nysba.org.

SCHEDULE OF EVENTS

Friday, May 19

3:00 p.m. – 6:30 p.m.	**Registration – Lobby**
6:30 p.m. – 9:30 p.m.	**Children's Dinner** There will be games, arts and craft and other fun activities ranging from tie dying to making jewelry. The children will be able to take home the projects they have made at the end of the event. **Pre-registration is required.**
6:30 – 7:30 p.m.	**Cocktail Reception – Portico**
7:30 p.m. – 9:30 p.m.	**Dinner – Arches**
	Welcoming Remarks – Mark A. Berman, Esq., Section Chair
	Dinner Speaker: Robert Allan Carter, Historian, National Museum of Racing and Hall of Fame

Saturday, May 20

7:00 a.m.	An informal 5K run is planned for this morning for all those who are interested. We will convene at 7:00 a.m. at the hotel entrance and start the run promptly at 7:10 a.m. Walkers are welcome too!
8:00 a.m.	**Registration – Passageway**
8:00 a.m.	**Continental Breakfast with Exhibitors – Gallery**
9:00 a.m. – Noon	**Children's Program – The Traveling Paints** On Saturday morning, "The Traveling Paints" will be on site for an unusual "paint and sip" program. The children will create their own version of the featured painting while sipping on smoothies of all types. Once the paintings are dry, they will get to take their masterpiece home to display with pride! **Pre-registration is required.**
9:00 a.m. – 12:00 p.m.	**General Session – Geyser Coesa**
9:00 – 9:10 a.m.	**Opening General Session Remarks – Mark A. Berman, Esq.,** Section Chair
	NYSBA Welcome – Claire P. Gutekunst Esq., President, New York State Bar Association
	Program Overview – Mitchell J. Katz, Esq., Section Chair-Elect and Spring Meeting Program Chair
9:10 – 10:25 a.m.	**The Not So Secret Law of Trade Secrets: How to Keep 'em and What To Do When You Lose 'em** (1.5 credits in Professional Practice) Until the recent enactment of the federal Defend Trade Secrets Act, employers in New York State had limited access to the federal courts when their trade secrets were misappropriated. The DTSA changed that in dramatic fashion because it allows employers to file a civil suit in federal court for theft of trade secrets and obtain injunctive relief against the misuse of those secrets, as well as damages and attorneys' fees. In extraordinary circumstances, a court may order the ex-parte seizure of trade secrets by law enforcement to prevent their propagation or dissemination. While non-competes and breach of non-solicitation cases will continue to be litigated primarily in state court, trade secret litigation may now shift to the federal courts. Our panel of experts will examine the issues of how to protect trade your secrets and what to do if they are misappropriated. Discussed will be the application and use of the DTSA, the Computer Fraud and Abuse Act, and New York common law. The panel's goal is to provide information about these statutes laws, review best practices with regards to workplace confidentiality policies, and how and in what forum to prosecute your claim and the relief you can expect.
Moderator:	**Richard M. Reice, Esq.,** Hoguet Newman Regal & Kenney LLP, New York City
Panelists:	**Honorable Naomi Reice Buchwald,** United States District Judge, Southern District of New York **Honorable Richard M. Platkin,** Supreme Court, Albany County (Commercial Division) **Alicia Li, PhD, CLP,** Executive Director, Center for Technology Licensing at Cornell University **Andrea Stempel,** Executive Director, Associate General Counsel and Head of US Employment Law, Ernst & Young US, New York City

Saturday, May 20 (continued)

10:25 – 10:45 a.m.	**Refreshment Break with Exhibitors – Gallery**
10:45 a.m. – Noon a.m.	**The Prosecution and Defense of Actions Involving Restrictive Covenants and Implied Duties of Confidentiality and Loyalty** (1.5 credit in Professional Practice)
Moderator:	**Jonathan B. Fellows, Esq.,** Bond, Schoeneck & King, PLLC, Syracuse, NY
Panelists:	**Honorable Deborah H. Karalunas,** Supreme Court, Onondaga County (Commercial Division) **Daniel S. Jonas,** Vice President and General Counsel, ConMed Corporation, Utica **Gerald T. Hathaway,** Partner, Drinker Biddle, New York City
12:00 – 2:00 p.m.	**Buffet Lunch – Hathorne Coesa**
12:00 – 2:00 p.m.	**Advancing Women in the Profession Luncheon Discussion**. The lunch will be an open forum to discuss the Section's initiatives to advance women in the profession, including increasing the number of women who have a primary role in the courtroom and in arbitral forums. **Pre-registration is required and limited to 30 attendees. No CLE will be given at this luncheon.**
1:00 p.m.	**Saratoga Spa State Park Golf Course –** Tee times have been reserved. Prior sign up required on the registration form. Individual fees payable at Golf Pro Shop.
2:00 – 6:00 p.m.	**Afternoon Free for Recreation**
6:30 – 9:30 p.m.	**Children's Dinner** There will be games, arts and craft and other fun activities ranging from tie dying to making jewelry. The children will be able to take home the projects they have made at the end of the event. **Pre-registration is required.**
6:30 – 7:30 p.m.	**Cocktail Reception – Portico**
7:30 – 9:30 p.m.	**Gala Dinner – Arches**
	Presentation of the Robert L. Haig Award for Distinguished Public Service
Presenter:	**Tracee E. Davis, Esq.** Zeichner Ellman & Krause, LLP New York City
Recipient:	**Seymour W. James, Jr., Esq.** Attorney-in-Chief The Legal Aid Society New York City

SCHEDULE OF EVENTS

Sunday, May 21

8:30 a.m.	**Registration – Passageway**
8:30 a.m.	**Continental Breakfast with Exhibitors – Gallery**
9:00 a.m. – 12:00 p.m.	**General Session – Geyser Coesa**
9:00 – 10:15 a.m.	***ICYMI: Keeping Up With Recent Changes to the Commercial Division Rules and the Federal Rules of Civil Procedure*** (1.5 credit in Professional Practice)
Moderator:	**Special Referee Jeremy R. Feinberg,** New York County Supreme Court, Civil Division, New York City
Panelists:	**Honorable Mae D'Agostino,** United States District Judge for the Northern District of New York **Honorable Elizabeth H. Emerson**, Supreme Court, Suffolk County (Commercial Division) **Sarah Snyder Merkel, Esq.,** The Wolford Law Firm LLP, Rochester **Carl Regelmann, Esq.,** Tannenbaum Helpern Syracuse and Hirschtritt LLP, New York City **Sheldon Smith, Esq.,** Nixon Peabody LLP, Buffalo
9:00 a.m. – Noon	**Children's Program – Reptile Adventure** On Sunday morning, Reptile Adventure will be on site to do an interactive reptile education program. The children will learn about reptiles as well as interact with 8 to 10 different species. Should they choose to, they will be able to hold and interact directly with the animals. **Pre-registration is required.**
10:15 – 10:35 a.m.	**Refreshment Break with Exhibitors – Gallery**
10:35 a.m.– Noon	***The Document Speaks for Itself … Or Does It ? Fake Evidence in the Era of Fake News*** (1.5 credit in Professional Practice) This is a panel discussion examining the challenges of authenticating evidence and, in particular, electronically stored information.
Moderator:	**Clifford S. Robert, Esq.,** Robert & Robert PLLC, Uniondale
Panelists:	**Honorable Barbara R. Kapnick,** Associate Justice, New York Supreme Court Appellate Division, First Department, New York City **Honorable John M. Leventhal,** Associate Justice, Appellate Division Second Judicial Department, Brooklyn **Professor Michael J. Hutter,** Albany Law School, Albany
12:00 p.m.	**Adjournment & Departure**

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THINGS TO DO

National Museum of Dance & Hall of Fame
99 South Broadway, 518.584.2225. Only museum in the country devoted to American Professional Dance.
www.dancemuseum.org

National Museum of Racing & Hall of Fame
Union Avenue, 518.584.0400. Trace the history and adventure of the Thoroughbred from 17th & 18th century racing in New York to the present day scene!
www.racingmuseum.org

Roosevelt Baths and Spa
37-39 Roosevelt Drive, 518.226.4790. Stroll across the park from the Gideon Putnam to the spa to enjoy the luxury of Saratoga's naturally effervescent waters, with soothing baths and wonderfully relaxing spa treatments. Open 9 am to 7 pm. Appointments are recommended. Please call 800.452.7275 ext. 4.
www.gideonputnam.com

Saratoga Automobile Museum
110 Avenue of the Pines, Saratoga Spa State Park, 518.587.1935. Located in a historic bottling plant, The Saratoga Automobile Museum preserves, interprets and exhibits automobiles and automotive artifacts. The museum offers education to the general public, students and enthusiasts regarding the role of the automobile in the past, present, and future.
www.saratogaautomuseum.org

Saratoga Battlefield National Historical Park
648 Route 32, Stillwater, 518.664.9821 ext. 224. In the autumn of 1777 American forces met, defeated and forced a major British army to surrender. The Battle of Saratoga was a crucial American victory that renewed patriots' hopes for independence and secured essential foreign recognition and support. www.nps.gov/sara

Saratoga Spa Golf Course
60 Roosevelt Drive, 518.584.2006. Saratoga Spa Golf is located just south of historic Saratoga Springs, NY. Set in a pine forest, and surrounded by the natural and historic beauty of Saratoga Spa State Park, 'SPA GOLF' is comprised of an 18-hole Championship Course, a 9-hole Executive Course, an all grass driving range, a practice putting green, and a full service golf shop.
www.saratogaspagolf.com

Saratoga Winery
462 Route 29, 518.584.9463. The family-owned and operated Saratoga Winery offers a diverse selection of traditional wines, as well as their signature wine called Melomel; the ancestor of all fermented drinks. Melomel is centuries old in Europe, Africa and Asia. Not to be confused with mead, Melomel is made of fruit and honey offering a smooth, somewhat sweet flavor to the palate. Visit any time for a tasting at their warm and inviting Adirondack style tasting bar.
www.thesaratogawinery.com

Tang Teaching Museum and Art Gallery
Skidmore College, 815 N. Broadway, 518.580.8080. One of the first interdisciplinary museums of its kind in the country, the Tang develops exhibitions and programs that combine a variety of subjects such as antique maps, scientific artifacts and Shaker furniture together with new works of international, contemporary art. Artist talks, curator tours, films, music on the roof, and children's activities bring everyone together to explore art in new ways. http://tang.skidmore.edu

Tennis Courts at Spa State Park
Saratoga Spa State Park, Four hard top and four clay courts are available to Spa State Park visitors on a first come, first serve basis.

Yaddo Artists' Community
Union Ave at Henning Road, 518.584.0746.Yaddo offers residencies to professional creative artists from all nations and backgrounds working in a variety of media. The Yaddo Gardens are open daily dawn to dusk, free of charge. A formal rose garden and an informal rock garden feature turn-of-the-century fountains and statues. The Gardens are the only part of the Yaddo estate open to the public.
www.yaddo.org

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SECTIONS AND MEETINGS DEPARTMENT
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