



ERIE INSTITUTE OF LAW PRODUCT CATALOG



Keeping Pace with the Profession: Continuing Legal Education at the Erie Institute of Law

Membership surveys confirm that CLE seminars remain the single most valuable benefit that members derive from belonging to the Bar Association of Erie County. The Erie Institute of Law, the fully accredited educational arm of the BAEC, offers full day, half day, and mini-seminars in a wide range of legal practice and ethics areas. Established in 1993, the Institute provides attorneys in both public and private practice with cutting edge programs that meet continuing education requirements for the substance, practice and ethics of law. Members can earn their credits by attending live seminars or purchasing DVD, CD and On-Demand recordings. Revenues are used to offset program costs and contribute to other worthwhile Association programs.

The Erie Institute of Law coordinates the popular Midday Lecture Series and other special seminars. With the rapid and frequent changes that occur in many areas of law, these programs help bar members keep pace with the complexities of the profession. And with special pricing “for members only,” we think you'll agree that the Erie Institute offers members the best CLE value in Western New York.

Product Information

Our products are recordings of the Erie Institute of Law's successful and well-attended CLE seminars. All recordings are professionally edited. Many of our members find this to be the most convenient way to obtain their mandatory CLE credits.

CLE Credit for Non- Traditional Course Formats

The Erie Institute of Law requires attorneys to complete an attestation form for each program reviewed. In addition to the attorney affirmation required, alphanumeric codes are embedded on our recorded seminars. You are required to submit these code numbers to verify that you have completed the course before receiving CLE credit. Upon receipt of the completed form, the Institute will issue a certificate of completion for the CLE activity. We strongly advise you to be cognizant of legal developments that may have occurred since the dates of the live programs from which our recordings and written materials originated, and to use these products promptly to earn your MCLE credit at the earliest possible time.

EXPERIENCED ATTORNEYS (admitted to practice law for more than two years) may fulfill some or all of their MCLE requirements through approved forms of “non-traditional” CLE programs.

NEWLY ADMITTED ATTORNEYS (admitted to practice law for less than two years) must take accredited transitional CLE courses in a format permissible for the category of credit. Transitional courses are designed to help newly admitted attorneys develop a foundation in the practical skills, techniques and procedures that are essential to the practice of law. **Skills** credit must be earned in the traditional live classroom setting or by attendance at a fully interactive videoconference that has been approved by the CLE Board for use by newly admitted attorneys. **Ethics and Professionalism** credit may be completed in the traditional live classroom setting, by attendance at a fully interactive videoconference that has been approved by the CLE Board for use by newly admitted attorneys, or by participation in the live simultaneous transmission of a live program, such as a webinar or teleconference, where audience questions are allowed during the program (synchronous interactivity). If there is no opportunity for questions during the program, then a newly admitted attorney may not earn Ethics and Professionalism credit for the program. **Areas of Professional Practice and/or Law Practice Management** credit may be completed in any approved format, including non-participatory formats such as on-demand video, live broadcast, DVD, audio recording, etc.

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The Erie Institute of Law now provides course material via electronic delivery. Hard copies may still be obtained at an additional cost per program. See pricing details listed under each program title. Thank you for helping us to conserve resources, keep costs down, and be more respectful of Mother Earth!



ALTERNATIVE DISPUTE RESOLUTION

Mediation: Let's Make a Deal

Product Code 2136

Presented on January 21, 2009 • 4.5 CLE Credits: 0.5 Ethics, 2.0 Law Practice Management/Professional Practice, 2.0 Skills

CD: \$100 BAEC Members, \$140 Non-Members, \$10 Printed Course Material

Mediation is here to stay. Advocates of the approach emphasize its many advantages over traditional litigation.

A distinguished panel of local lawyers and jurists discuss the current state of Alternative Dispute Resolution (ADR) in Erie County including court programs and mediation panels. The program includes focus groups, a mock mediation, discussions of ADR procedures and the ethical issues involved, and comments from Hon. Eugene F. Pigott, Jr.

Secrets of Successful Advocates in Mediation

Product Code 2179

Presented on June 9, 2011 • 3.5 CLE Credits: 1.5 Areas of Professional Practice, 1.0 Law Practice Management, 1.0 Skills

CD: \$85 BAEC Members, \$125 Non-Members, \$10 Printed Course Material

More and more lawyers are representing clients in mediation proceedings. This seminar, given by experienced advocates who have handled personal injury, business and employment mediations, will cover preparing the client for mediation, the suggested content and tone of the mediation memorandum, selection of a mediator, do's and don'ts in your presentation, preparing and working with the mediator, and other pertinent aspects of effectively representing your client in mediation in order to achieve a satisfactory settlement.

Program includes Guest Speaker, Edna Sussman, a fulltime arbitrator and mediator, and principal of Sussman ADR LLC.

APPELLATE PRACTICE

Appellate Practice in the Digital Age:

New Appellate Division Rules and E-Filing in the Fourth Department

Product Code 2305

Presented on June 1, 2018 • 2.0 CLE credits: 0.5 Areas of Professional Practice, 1.5 Skills

CD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members (**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

Justice Peradotto presents the Top 10 Mistakes You Should Avoid in appellate briefs and oral argument. Mark W. Bennett, Esq., Robert C. Brucato, Esq. and Michael Lazik, Chief of Technical Services with the Appellate Division cover the new appellate division rules, as well as instructions on E-Filing.

Appellate Practice in the Fourth Department (The Former Law Clerk's Perspective)

Product Code 2210

Presented on June 27, 2013 • 3.0 CLE credits: 1.0 Areas of Professional Practice, 2.0 Skills

CD: \$80 BAEC Members, \$120 Non-Members, \$5 Printed Course Material

Learn about Appellate Practice in the Fourth Department from the perspective of former law clerks! Our experienced presenters cover brief writing, issue preservation and motion practice. A panel discussion on career paths concludes this informative program, which will benefit both civil and criminal practitioners.

Preservation, Notices of Appeal and Other Scary Criminal Appellate Things

Product Code 2270

Presented on September 16, 2016 • 3.0 CLE Credits: 1.0 Ethics, 1.0 Areas of Professional Practice, 1.0 Skills

CD or DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members (**PROMO CODE:** member2017), \$130 Non-Members, \$10 Printed Course Material

The Appellate Practice Committee presents: Preservation, Notices of Appeal and Other Scary Appellate Things. Topics covered in this seminar:

- Preserving Issues for Appeal: Don't Just Sit There, Say Something
 - Access to Appellate Review: Notices of Appeal and Other Monsters, and
 - Let's Talk Ethics: Appeals and Other Issues
-

Pros in Action: Court of Appeals Arguments

Product Code 2198

Presented on June 29, 2012 • 3.0 CLE Credits: 1.0 Law Practice Management, 2.0 Skills

DVD: \$80 BAEC Members, \$120 Non-Members, Electronic Material only

The Appellate Practice Committee invites you to join New York State Court of Appeals Judge Eugene F. Pigott, Jr., Buffalo attorneys Paul Cambria, Shawn Hennessy, Edward Markarian and Alan Voos, watch and discuss video replays of *People v Spicola* and *Bissell v Town of Amherst*. These cases were well-argued at the Court of Appeals, where Judge Pigott and the other Judges of the Court heard the arguments of Cambria, Hennessy, Voos and New York City Attorney, Hal Friedman. The participants will discuss how the issues were framed in their briefs, how they prepared for oral argument, whether questions from the court surprised them, and whether, with hindsight, they wished they had handled issues differently.

Writing the Winning Brief: Tips from the Bench and Bar

Product Code 2285

Presented on June 27, 2017 • 1.5 CLE Credits: Skills

CD or DVD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 Members
(**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

Presenters of this program include Hon. Lawrence J. Vilardo, Hon. Victoria A. Graffeo, Hon. Eugene F. Pigott, Jr., Erin E. McCampbell, and Timothy P. Murphy.

BANKRUPTCY

A Review of Major Changes to the Bankruptcy Petition & Official Forms

Product Code 2253

Presented on December 11, 2015 • 2.0 CLE Credits: Areas of Professional Practice

CD or DVD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members
(**PROMO CODE:** member2017), \$100 Non-Members, \$10 Printed Course Material

As of December 1, 2015, most of the official bankruptcy forms will be revised, replaced, and renumbered as part of the forms modernization project undertaken by the Advisory Committee on Bankruptcy Rules. This CLE reviews the significant changes to those forms.

CERTIFIED TRAINING PROGRAMS

Court Certified Article 81 Training

Product Code 2289

Presented on October 20, 2017 • 7.0 CLE credit: 1.5 Ethics, 4.0 Areas of Professional Practice, and 1.5 Skills

CD or DVD: \$125 BAEC Members, \$170 Non-Members, **ON DEMAND:** \$130 Member
(**PROMO CODE:** member2017), \$180 Non-Member, \$20 Printed Course Material

This full-day program meets the legal requirements certified by the NYS Office of Court Administration Guardian and Fiduciary Services; therefore, all participants of this program are eligible for enrollment on the list of the Chief Administrator, pursuant to Part 36 of the Rules of the Chief Judge, in the category of “Guardian, Court Evaluator, and Attorney for Alleged Incapacitated Person.”

This program takes a functional approach to determining whether an alleged incapacitated person requires a guardian and places a premium on employing the least restrictive intervention to preserve independence and self-determination. Article 81 requires the appointment of a court evaluator in all cases to determine the functional strengths and weaknesses of the alleged incapacitated person, to explain the court proceedings and to advise the person of his or her rights, including the right to counsel. The authority and powers of the guardian are then tailored to the specific needs of the incapacitated person and may be reduced or increased over time as the person’s needs change. You will hear from attorneys, court representatives and others with expertise in this important area of practice.

Part 36 Receivership Training

Product Code 2255

Presented on December 16, 2015 • 3.0 CLE Credits: 0.5 Ethics, 2.0 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members (**PROMO CODE:** member2017), \$130 Non-Members, \$10 Printed Course Material

This 3 hour program provides an overview of the types of situations in which a receiver is available; instructions on applying for and obtaining a receiver; and the compensation, duties, and powers of a receiver in various contexts.

This seminar is important for individuals interested in receiving training to serve as court-appointed receivers. Attorneys working in a practice area in which the appointment of a receiver may be a necessary or helpful provisional remedy, such as mortgage foreclosures, creditors' enforcement actions and corporate dissolutions, will also find this useful.

Referee's Powers and Duties in a Foreclosure Sale

Product Code 2236

Presented on April 22, 2015 • 1.0 CLE Credit: Areas of Professional Practice

CD: \$30 BAEC Members, \$40 Non-Members, \$5 Printed Course Material

This informative program explains the referee's role in real estate foreclosures. Attorney Franklin W. Heller addresses the statutory mandate of appointment of referee, when and how a referee is appointed, and what the court reviews and determines prior to the appointment of a referee.

Surrogate's Court Guardian Ad Litem Training

Product Code 2303

Presented on May 23, 2018 • 5.0 CLE Credits: 2.0 Areas of Professional Practice, 1.0 Diversity, Inclusion and Elimination of Bias, 0.5 Ethics, 1.5 Skills

CD or DVD: \$105 BAEC Members, \$150 Non-Members, **ON DEMAND:** \$110 Members (**PROMO CODE:** member2017), \$160 Non-Members, \$20 Printed Course Material

This program is designed to provide the information necessary to allow an attending attorney to qualify as a Guardian Ad Litem in Surrogate's Courts proceedings by providing the attendee with information concerning Part 36 and the duties of a Guardian Ad Litem in various types of Surrogate's Court proceedings.

At this program you will learn what you need to be aware of with respect to Part 36 of the NYCRR, the required forms and appointment process. In addition, you will be instructed as to your obligations as a Guardian Ad Litem in various types of proceedings.

Included in the program this year is a section on Diversity, Inclusion and Elimination of Bias.

CIVIL PRACTICE

2017 Update on NYS Civil Practice and Procedure

Product Code 2287

Presented on September 8, 2017 • 3.0 CLE credits: Areas of Professional Practice

CD or DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members
(**PROMO CODE:** member2017), \$130 Non-Members, \$5 Printed Course Material

This half-day seminar will cover salient developments in statutory and case law from 2016-2017 pertaining to civil practice in New York State, with a particular emphasis on decisions from the Fourth Department. The lectures and course materials will cover a wide array of issues under CPLR, including jurisdiction, statute of limitations, service and dispositive motions. Topics include:

- Legislative amendments to CPLR sections
- Timing issues related to filing notices of claim
- Jurisdiction over non-domiciliary entities under CPLR 302
- Jurisdictional defects associated with improper commencement of actions under CPLR 2001
- Service by mail under CPLR 312
- Case updates on dispositive rulings
- Deposition rules
- Physical office requirements under Judiciary Law 470

How to Use the NYS Freedom of Information Law Effectively (FOIL)

Product Code 2284

Presented on June 21, 2017 • 1.0 CLE credit: 0.5 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

This Midday Learning Lecture will supply you with effective strategies on how to draft FOIL requests and administrative appeals. In addition, you will learn how to commence an Article 78 proceeding to compel recalcitrant agencies to release sought-after records. Information on how to recover attorney fees and litigation costs will also be provided. Anyone interested in open government issues won't want to miss this one-of-a-kind lecture.

Presenter Michael Kuzma is a solo practitioner based in Buffalo, who has utilized federal and state Freedom of Information laws for nearly four decades. He successfully argued Bottom v. Fischer, 129 AD 3d 1604 (4th Dept. 2015), in which attorney's fees and litigation costs were awarded under FOIL. Leslie James Pickering, Co-Owner of Burning Books is also a presenter.

CRIMINAL LAW

An Overview of Traffic Procedures

Product Code 2245

Presented on October 15, 2015 • 1.0 CLE credit: Areas of Professional Practice

CD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 BAEC Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Speaker, Michael S. Deal, Esq., of DeMarie, Schoenborn & Betz, PC covers the following topics: Practical Approaches, Pleadings, Special Issues, Traffic Violations Bureaus, the New Buffalo Traffic Violations Agency

Cross Examination of an Arresting Officer and Breath Test Operator in DWI Cases

Product Code 2298

Presented on January 23, 2018 • 2.0 CLE Credits: Skills

CD or DVD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members (**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

This program is presented by Criminal Law Chair Michael Anthony Rossi, Esq. and Co-Chair Nicholas Michael Rossi.

Defending the DWI Defendant: From the Basics through Recent Developments

Product Code 2188

Presented on December 2, 2011 • 4.5 CLE Credits: 1.0 Ethics, 3.5 Skills

CD: \$100 BAEC Members, \$140 Non-Members, \$10 Printed Course Material

Topics covered during the seminar include:

Getting Your Client Through it all: From the Late Night Phone Call Through License Restoration; DWI Statutory and Case Law Update; Direct and Collateral Consequences of DWI; Defending the DWI: Motion Practice; and Ethical Representation of Your Client.

DWI: Practical Tips and Traps – Refresher Overview of the 2012 DMV Regulations, Case Law Update and Various Trial Issues

Product Code 2271

Presented on September 22, 2016 • 1.0 CLE credit: 0.5 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Member (**PROMO CODE:** member2017), \$50 Non-Member, \$5 Printed Course Material

Michael Anthony Rossi and Nicholas Michael Rossi of the Rossi Law Firm give a brief overview/refresher of the 2012 DMV regulations, Case Law Update and Various Trial Issues.

Ethical Issues in DWI Cases, and Handling DWAI by Drugs Cases

Product Code 2288

Presented on September 28, 2017 • 2.0 CLE credits: Ethics

CD or DVD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members
(**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

Attorney presenters, Michael Anthony Rossi and Nicholas Michael Rossi, cover Ethical Issues in DWI Cases, as well as DWAI by Drugs Cases in this two hour informative program.

Federal Criminal CLE

Product Code 2259

Presented on February 26, 2016 • 3.0 CLE Credits: 1.0 Ethics, 2.0 Areas of Professional Practice

CD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members (**PROMO CODE:** member2017), \$130 Non-Members, \$10 Printed Course Material

Topics covered in this recording of the Federal Criminal CLE:

Federal Criminal Court Primer for the State Court Practitioner, NYS Parole Revocations Implications, and Fundamental Ethical Considerations for Criminal Defense.

Sentencing in State Court

Product Code 2196

Presented on June 1, 2012 • 7.0 CLE Credits: 4.0 Areas of Professional Practice, 3.0 Skills

CD: \$125 BAEC Members, \$170 Non-Members, Electronic Material only

Topics covered in this seminar are:

Making the Best of a Bad Situation; Plea Negotiations, Pre-Sentence Investigations, and SORA Considerations; Pre-Sentence Memoranda: Preparation and Use; Drug Sentences in New York; State Sentencing Guidelines; Certificates of Relief from Civil Disabilities; Alternatives to Incarceration; Immigration Issues; and Treatment Court.

U.S. Supreme Court Review and Preview

Product Code 2294

Presented on November 15, 2017 • 3.5 CLE Credit: Areas of Professional Practice

CD or DVD: \$85 BAEC Members, \$125 Non-Members, **ON DEMAND:** \$90 Members (**PROMO CODE:** member2017), \$135 Non-Members, \$10 Printed Course Material

This seminar will provide you with a review of key decisions from the U.S. Supreme Court's last term in civil cases, criminal cases and constitutional matters, as well as a preview of upcoming cases for the Court's current term.

DIVERSITY, INCLUSION AND ELIMINATION OF BIAS

Creating Opportunities, Improving Outcomes (Diversity CLE)

Product Code 2300

Presented on March 13, 2018 • 3.0 CLE Credits: 2.0 Diversity, Inclusion and Elimination of Bias, 1.0 Ethics

CD or DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members
(PROMO CODE: member2017), \$130 Non-Members, \$10 Printed Course Material

On March 13th, 2018, Dr. Ursuline Bankhead and Katelyn Niedermier, Esq. presented an educational seminar addressing issues of Diversity and Inclusion. This educational offering explores the ways the culture of the legal profession interacts with under-served and minority populations. Presenters review some of the unique challenges specific populations face when entering the legal system and possible ways to recognize and address those challenges in an effective manner. A sampling of the topics include communication styles, ethics, and recognizing the value of diversity. Ultimately, participants should gain an understanding of the importance of an inclusive setting for working with clients.

Implicit Bias, Diversity, & Inclusion: A Primer

Product Code 2306

Presented on May 23, 2018 • 1.0 CLE credit: Diversity, Inclusion and Elimination of Bias

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(PROMO CODE: member2017), \$50 Non-Members, \$5 Printed Course Material

This program outlines the origins and effects of implicit bias, stereotyping and discrimination. It explains the manifestations of bias and explores ways to use language and other tools to move toward inclusion. Presented by Ursuline Bankhead, PhD.

ELDER LAW

It's Never Too Late to Plan: The Key to Gifts and Promissory Notes in Crisis Planning

Product Code 2304

Presented on May 31, 2018 • 3.0 CLE credits: 2.0 Areas of Professional Practice, 1.0 Skills

CD or DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members
(PROMO CODE: member2017), \$130 Non-Members, \$10 Printed Course Material

Attorneys Charles W. Beinhauer and Jean Harris present *It's Never Too Late to Plan: The Key to Gifts and Promissory Notes in Crisis Planning*. You will learn how to gather the facts, frame the plan, what's in/what's out, and "spending down" for married and single persons.

The Power of Attorney Law, Revised 2010

Product Code 2166

Presented on September 10, 2010 • 3.0 CLE Credits: Skills

CD: \$80 BAEC Members, \$120 Non-Members, \$10 Printed Course Material

This program will provide a detailed overview of the plethora of procedural and substantive

changes to the Power of Attorney Law, effective September 2010. A hard copy of the New Power of Attorney and Statutory Gifts Rider forms is included in the materials. The presenters discuss the changes to the law and walk attendees through the new forms. This CLE is recommended for all attorneys who prepare Powers of Attorney for clients in the course of their practice.

The Role of Caregivers in Successful Aging

Product Code 2215

Presented on October 30, 2013 • 1.5 CLE credits: 1.0 Areas of Professional Practice, 0.5 Skills
CD: \$40 BAEC Members, \$50 Non-Members, \$5 Printed Course Material

An estimated 10 million Americans are considered to be part of the “Sandwich Generation” — taking care of children and their aging parents at the same time. The cost to individuals can be high in terms of increased stress and negative implications on their jobs and personal lives. The costs are also high for employers: US businesses have lost between \$11.4 billion and \$29 billion in retention, absenteeism and productivity due to elder care giving.

Many caregivers are unaware of the options available to plan for the legal, financial and healthcare needs of their loved ones that can help them manage their caregiver roles more effectively.

Charles Beinhauer is a senior partner in the law firm Pfalzgraf, Beinhauer & Menzies, the only law firm in Western New York focused solely on elder care and age-related planning. Charles shares valuable information about issues of concern to many seniors and their caregivers to help reduce stress, worry and lost productivity that results from caring for elderly family members including:

Do my loved ones have the right plan for their future needs?

Do they have the right documents to carry out their wishes?

How can my loved ones plan to stay in their home? If remaining at home is not possible, what are other options?

How much will it cost for care?

Participants will receive an overview of the information and documents necessary to put together a successful plan and learn about the various levels of care, how much they cost, and who will pay for them.

ETHICS

An Ethical Year in Review and the Ethics of Social Media

Product Code 2232

Presented on January 30, 2015 • 3.0 CLE Credits: Ethics

CD: \$80 BAEC Members, \$120 Non-Members, \$5 Printed Course Material

Judge Michael Mohun, Douglas Heath, David Nelson and Roderick Quebral provide an overview of the Eighth Judicial District attorney grievance committee.

This program also includes a review of ethics decisions from 2014 by Roderick Quebral. Nicole Black covers social media and its ethical issues.

An Overview of the Attorney Grievance Process and Ethical Pitfalls to Avoid

Product Code 2307

Presented on July 18, 2018 • 0.5 CLE Credit: Ethics

CD or DVD: \$15 BAEC Members, \$25 Non-Members, **ON DEMAND:** \$20 BAEC Members
(**PROMO CODE:** member2017), \$30 Non-Members, \$5 Printed Course Material

Judge Michael Mohun gives an informative lecture on the attorney grievance process.

The Ethy Awards: 2015 Edition - The Best of the Worst Ethics Violations

Product Code 2243

Presented on September 30, 2015 • 2.0 CLE credits: Ethics

CD or DVD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 BAEC Members
(**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

Each year at our annual Ethy Awards, America's foremost legal humorist recaps the best of the worst ethics violations from the year. In doing so, he explains the specific ethics violation, discusses how we can avoid similar outcomes in our practice of law, and awards the Ethy to the "winner" in each of the following categories:

- The Outlaw(yer) Award (Violations of Rule 8.4 – Misconduct – Criminal Acts)
- Most Creative Billing (Violations of Rule 1.5 – Fees)
- The Houdini Award (Violations of Rule 1.15 – Safekeeping property)
- Best Supporting Actor In a Criminal Enterprise (Violations of Rule 8.4 – Misconduct)
- The AT&T Award (Violations of Rule 1.4 – Communication)
- The Joan Rivers Award (Violations of Rule 1.6 – Confidentiality)
- Least Competent in a Legal Representation (Violations of Rule 1.1 – Competence and Rule 1.3 – Diligence)
- Best use of Deception in Legal Marketing (Violations of Rule 7.1 – Advertising, Rule 7.4 – Identification of Practice and Specialty, and rule 7.5 – Professional Notices, Letterheads and Signs)
- Worst Love Scene (Violations of Rules 1.7 & 1.8 – Conflicts of Interest)
- The Lifetime Achievement Award (Amazing compilations of ethics violations by one attorney)

The Ethy Awards: 2015 Edition - Lawyers Behaving Badly

Product Code 2244

Presented on September 30, 2015 • 2.0 CLE credits: Ethics

CD or DVD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 BAEC Members
(**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

In this off-beat "awards" program, America's funniest lawyer examines attorney misbehavior in

light of our obligations to behave professionally and civilly. Using the New York Rules of Professional Conduct and New York Standards of Civility as guides for appropriate behavior, he will explain where these lawyers went wrong, provide tips to help you avoid being a nominee in the 2016 Ety Awards, and announce the winners in the following categories:

- Most Over-animated Courtroom Outburst (Breaches of courtroom decorum)
- The Pit Bull Award (Vexatious conduct)
- Worst Legal Strategy (Dubious litigation tactics)
- Miss (Mister) Uncongeniality (Acts of rudeness and disrespect)
- The Archie Bunker Award (Exhibiting racial, gender and other biases)
- Critic's Choice Award (Improper criticism of judges)
- Worst Temper in a Non-Legal Setting (Acts of violence outside the practice of law)
- Most Impaired in a Legal Setting (Using intoxicating substances in the practice of law)
- Most Impaired in a Non-legal Setting (Substance abuse outside the practice of law)
- The Hitchcock Award (Misconduct that surprisingly resulted in bar discipline)

The Nuremberg Trials 70 Years Later: Legal Ethics and the Holocaust

Product Code 2273

Presented on October 28, 2016 • 3.5 CLE Credits: Ethics

CD: \$85 BAEC Members, \$125 Non-Members, **ON DEMAND:** \$90 Members (**PROMO CODE:** member2017), \$135 Non-Members, \$20 Printed Course Material

Join us for a series of presentations that focus on the 70th anniversary of the Nuremberg Trials and its impact on our justice system. This program includes a panel discussion and a Q&A session.

Presenters include Hon. Lawrence J. Vilardo, *United States District Judge, Western District of New York*, Hon. Eugene M. Fahey, *NYS Court of Appeals*, Hon. Howard W. Gutman, *United States Ambassador to Belgium (retired)*, Professor John Q. Barrett, *St. John's University School of Law, Jackson biographer*, and Professor James G. Milles, *University at Buffalo School of Law*.

This program is moderated by Attorney Vincent E. Doyle III, *Connors LLP, Former President, NYSBA*.

Tough Ethics Issues That Matter to You and to Attorneys You Know

Product Code 2169

Presented on December 10, 2010 • 3.0 CLE Credits: Ethics

CD: \$80 BAEC Members, \$120 Non-Members, \$20 Printed Course Material

Certain issues of legal ethics come up over and over again. Many involve the impact of the Rules of Professional Conduct on the business operations of a law office, such as the handling of funds, the retention and disposal of records and client files, and the marketing of legal services. Other common issues concern the lawyer's obligations to preserve client confidences and to avoid conflicts of interest. The purpose of this course is to address some of the frequently asked questions

on these topics that have been presented to the Bar Association's Committee on Professional Ethics.

When a Letter From the Grievance Committee Arrives, What Should You Do?

Product Code 2276

Presented on February 23, 2017 • 1.0 CLE Credit: Ethics

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(PROMO CODE: member2017), \$50 Non-Members, \$5 Printed Course Material

Lawyers practice in a highly regulated environment. There are statutes, regulations, rules of professional conduct and the common law, all of which can serve as the basis for a complaint letter from the Grievance Committee. How a lawyer manages the handling of a complaint letter can have significant impact on the ultimate disposition of the complaint.

This program, presented by attorney Patrick Brown, provides guidance on how to handle receipt of a grievance letter so as to not exacerbate the situation.

FAMILY LAW

Advanced Elements of Matrimonial Practice

Product Code 2293

Presented on November 9, 2017 • 6.5 CLE Credits: 0.5 Ethics, 4.0 Areas of Professional Practice, 2.0 Skills

CD: \$120 BAEC Members, \$165 Non-Members, **ON DEMAND:** \$125 Members (**PROMO CODE:** member2017), \$175 Non-Members, \$20 Printed Course Material

This program focuses on unique issues that tend to present themselves in matrimonial matters of a complex and/or on-complex nature. Our distinguished panel discusses issues involving taxation, tax returns, evidentiary considerations regarding social media and digital media, the use of experts, how to read an expert report, how to prepare to cross examine an expert regarding a valuation report, reallocation of maintenance and child support as it relates to taking advantage of the differential in the parties' tax rates, and recent developments regarding other matrimonial issues such as custody, relocation, cohabitation, and Veteran benefits. The seminar also delves into ethical considerations and includes helpful commentary and insight from Justice Dennis E. Ward, J.S.C. and Justice Mary L. Slisz, J.S.C. Additional speakers include Paul A. Vance, Susan Grzybowski, William Allen, Elizabeth DiPirro, Keith Schulefand, Shari Jo Reich, and Justin Ginter.

NYS Paid Family Leave: What You Need to Know for Your Business and Your Clients

Product Code 2291

Presented on November 6, 2017 • 1.5 CLE credits: Areas of Professional Practice

CD or DVD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 BAEC Members
(PROMO CODE: member2017), \$60 Non-Members, \$5 Printed Course Material

This program provides critical information about New York State's new Paid Family Leave Benefits Law, which became effective on January 1, 2018. Learn which employers are covered, which employees are eligible, what benefits will be available and under what circumstances, how benefits will be funded, how it differs from disability or Family Medical Leave Act leave, and whether it provides job protection, among other things. You'll learn the ins and outs of the required notices, payroll deductions, benefit amounts, and what your firm (or your client) should be doing to get ready for this new program.

Status Offenses, PINS Petitions, and Article 7 of the Family Court Act

Product Code 2265

Presented on June 17, 2016 • 1.5 CLE Credits: Skills

CD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 Members (**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

Retired Family Court Judicial Hearing Officer, Judge Paul Buchanan presents this informative program, organized by the Practice and Procedure in Family Court Committee Chair, Bernadette Hoppe.

Support Collections Unit: The Advanced Course

Product Code 2302

Presented on May 8, 2018 • 1.5 CLE credits: Areas of Professional Practice

CD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND** \$45 Members (**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

Hon. Dennis E. Ward and attorneys John J. Aman and Kellie Gallagher give an informative lecture on the Support Collections Unit – (a government agency that helps to collect and distribute child support payments).

FEDERAL PRACTICE

Federal Criminal CLE

Product Code 2259

Presented on February 26, 2016 • 3.0 CLE Credits: 1.0 Ethics, 2.0 Areas of Professional Practice

CD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members (**PROMO CODE:** member2017), \$130 Non-Members, \$10 Printed Course Material

Topics covered in this recording of the Federal Criminal CLE:
Federal Criminal Court Primer for the State Court Practitioner, NYS Parole Revocations Implications, and Fundamental Ethical Considerations for Criminal Defense.

Federal Freedom of Information Act (FOIA)

Product Code 2275

Presented on February 22, 2017 • 1.0 CLE credit: 0.5 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$10 Printed Course Material

The Erie Institute of Law presented a workshop on the federal Freedom of Information Act (FOIA). Michael Kuzma, Daire Brian Irwin and Leslie James Pickering discussed how attorneys, journalists, historians, or any person can file successful FOIA requests with federal agencies. The presenters share tactics they have learned from the various FOIA requests and appeals that they have submitted. Real examples of FOIA requests, appeals, and releases are used to demonstrate how to pry loose records from oft-times recalcitrant federal agencies.

Don't miss this unique opportunity to exercise your rights by utilizing this critically important tool!

Federal Removal and Remand for State Court Practitioners

Product Code 2263

Presented on May 6, 2016 • 2.0 CLE Credits: 1.5 Areas of Professional Practice, 0.5 Skills

CD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members (**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

This program covers the following topics:

- What is Removal?
 - Why Do Defense Attorneys Remove Cases?
 - What Kinds of Cases Can Be Removed?
 - Requirements for Diversity Jurisdiction
 - How Removal Happens
 - Remand: How Do I Get Back to State Court?
 - Common Issues Affecting Remand that Plaintiffs' Attorneys Can Consider
 - What If I Win My Remand Motion?
 - What If I Lose My Remand Motion?
-

U.S. Supreme Court Review and Preview

Product Code 2294

Presented on November 15, 2017 • 3.5 CLE Credit: Areas of Professional Practice

CD or DVD: \$85 BAEC Members, \$125 Non-Members, **ON DEMAND:** \$90 Members (**PROMO CODE:** member2017), \$135 Non-Members, \$10 Printed Course Material

This seminar will provide you with a review of key decisions from the U.S. Supreme Court's last term in civil cases, criminal cases and constitutional matters, as well as a preview of upcoming cases for the Court's current term.

HEALTH CARE LAW

Office of the Medicaid Inspector General (OMIG) Investigations and More

Product Code 2286

Presented on June 28, 2017 • 1.5 CLE Credits: Areas of Professional Practice

CD or DVD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 Members (**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

This program covers OMIG investigations, self- disclosures, how to handle an audit, negotiating with the OMIG, and more.

IMMIGRATION LAW

Canadian Cottage: What's Old and What's New

Product Code 2296

Presented on January 17, 2018 • 1.0 CLE Credit: Areas of Professional Practice

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Presented by Richard S. Halinda of Richard S. Halinda Law Corporation.

U.S. Attorneys should be aware of the Canadian tax consequences related to U.S. clients buying, selling, and holding Canadian property as well as consequences of owing Canadian property at death. Learn the “Deeming” rules which require U.S. residents to file Canadian tax returns and pay capital gains tax in the case of family transfers and in the case of death. Avoid penalties and interest for failure to file or on time. Learn of new taxes and new filings that are required of U.S. residents. Understand how Ancillary Estate proceeding are handled in Ontario. This should prove to be a very useful and informative program for the U.S. attorney who wants to understand how certain events can trigger Canadian tax consequences with respect to the holding of Canadian property for the benefit of your clients. This program will include a review of what has been in place and what new things are applicable to U.S. clients in these situations.

This lecture covers the following topics:

- Procedures in transfers of Canadian property
- Procedures on Ancillary Probate proceedings in Ontario
- Canadian taxes applicable to transfers and dispositions
- Estate planning techniques
- Use of Trusts and U.S. resident corporations
- Application of new Land Speculation Tax
- Filing requirements by U.S. Resident Corporations in Canada
- Filing requirements by owners of U.S. Resident Corporations in Canada
- Tax Consequences of gifting, death and divorce
- Capital gains tax and the U.S. – Canada Tax Treaty

LABOR AND EMPLOYMENT LAW

Labor and Employment Law Symposium

Product Code 2224

Presented on May 9, 2014 • 5.0 CLE credits: 1.0 Ethics, 3.0 Areas of Professional Practice, 1.0 Skills

CD: \$105 BAEC Members, \$150 Non-Members, \$10 Printed Course Material

To help address changes in employment laws and regulations, the Labor Law Committee presents the Labor and Employment Law Symposium. Ethical pitfalls, Revisions to Section 193 of the NYS Labor Law, the National Labor Relations Act in the Non-Union Workplace, An Update on the PPACA, Burdens of Proof in Title VII, ADEA and ADA Cases, and Effective Preparation and Representation of Clients in Employment Discrimination Mediation are some of the topics covered in this program.

NYS Paid Family Leave: What You Need to Know for Your Business and Your Clients

Product Code 2291

Presented on November 6, 2017 • 1.5 CLE credits: Areas of Professional Practice

CD or DVD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 BAEC Members (**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

This program provides critical information about New York State's new Paid Family Leave Benefits Law, which became effective on January 1, 2018. Learn which employers are covered, which employees are eligible, what benefits will be available and under what circumstances, how benefits will be funded, how it differs from disability or Family Medical Leave Act leave, and whether it provides job protection, among other things. You'll learn the ins and outs of the required notices, payroll deductions, benefit amounts, and what your firm (or your client) should be doing to get ready for this new program.

PERSONAL INJURY

Admissibility of Medical Records at Trial: The Fundamentals

Product Code 2248

Presented on October 28, 2015 • 1.0 CLE Credit: Skills

CD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$35 Members (**PROMO CODE:** member2017), \$45 Non-Members, \$5 Printed Course Material

Speaker, Hon. John M. Curran presents Admissibility of Medical Records at Trial.

Deposition Basics in Personal Injury Litigation

Product Code 2261

Presented on March 22, 2016 • 2.0 CLE Credits: Areas of Professional Practice

CD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members (**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

This program is presented by attorneys Michael Chmiel and Ashley Trank.

Domestic Animal Owner Liability in the Fourth Department

Product Code 2269

Presented on September 15, 2016 • 1.0 CLE Credit: Areas of Professional Practice

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Venture through the records on appeal from recent Fourth Department decisions concerning the liability of owners of domestic animals, from horses to canines.

Resolving Contingent Fee Disputes in Personal Injury Cases: A Wake Up Call for the Discharged Lawyer

Product Code 2281

Presented on May 24, 2017 • 0.5 CLE Credit: Ethics

CD or DVD: \$15 BAEC Members, \$25 Non-Members, **ON DEMAND:** \$20 Members
(**PROMO CODE:** member2017), \$30 Non-Members, \$5 Printed Course Material

This CLE program is presented by attorney Joseph A. Matteliano.

Serious Injury Threshold Practice in the Fourth Department

Product Code 2290

Presented on November 2, 2017 • 2.0 CLE credits: Areas of Professional Practice

CD/DVD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 BAEC Members
(**PROMO CODE:** member2017), \$100 Non-Members, \$10 Printed Course Material

New York's "serious injury threshold" serves as a gatekeeper, limiting the class of plaintiffs who can recover in tort for automobile accident-related injuries.

The process of separating the "serious injury" from non-"serious injury" is a "complex, fact-laden determination" (*Pommells v. Perez*, 4 N.Y.3d 566, 571 (2005)) -- the verbal statutory categories being an "elusive standard that all too frequently escapes facile and final resolution" (*Brown v. Achy*, 9 A.D.3d 30, 31 (1st Dept. 2004)).

Presenter attorney Matthew J. Kaiser, explores recent New York decisions involving the "threshold," attempting to convert "the sometimes frustrating task" (*see Brown*, 9 AD3d at 31) into something more manageable.

Settling Your Personal Injury Case and Sleeping at Night 2012

Product Code 2197

Presented on June 14, 2012 • 8.0 CLE Credits: 1.0 Ethics, 4.0 Areas of Professional Practice, 1.0 Law Practice Management, 2.0 Skills

CD: \$135 BAEC Members, \$180 Non-Members, \$10 Printed Course Material

This experienced, expert panel of speakers presents comprehensive solutions on how to best combat claims as the settlement proceeds. The seminar will serve as a guide to the resolution of problems and issues impacting the settlement of personal injury cases, such as liens, public benefits and private subrogation claims.

The program not only raises the following the questions:

Which claims against the settlement proceeds are valid?

What claims is your client required to reimburse?

Can you preserve some public benefits for your client and still accept the settlement?

How can you safeguard your client's settlement funds from dissipation risks and reduce your potential exposure for failing to advise them of such an option?

Furthermore, the seminar will address with specificity which claims against the settlement proceeds are valid. The seminar will provide the answers, including an update on the recent developments as to lien laws and subrogation claims, including, Medicare Conditional Payments; Medicare Set-Asides, Medicare Advantage Plans; Self-Funded ERISA Health Insurance Plans; and Medicaid, and the manner to address the restrictions imposed by various state and federal public benefit laws.

PRACTICE MANAGEMENT

A Terrible Melancholy: Depression in the Legal Profession

Product Code 2165

Documentary created 2010 • 0.5 CLE Credit: Ethics

DVD: *No charge, must view at the Bar Association of Erie County if seeking CLE credit.*

“A Terrible Melancholy: Depression in the Legal Profession,” an original documentary film produced by Buffalo attorney Daniel T. Lukasik and the first of its kind in the nation, was recently completed and is now being widely distributed, beginning in Erie County.

Depression has long been a serious concern for the legal profession. The documentary's title is based on a book about the life of President Lincoln. A renowned trial lawyer before becoming president, Lincoln suffered from depression his entire life. The film features four lawyers and a former judge discussing their personal experiences with the illness, along with several national experts on the subject. It is intended to provide hope and resources to those who may be suffering in silence.

The 30-minute documentary was made possible by generous grants from the Erie County Bar Foundation, the New York Lawyer Assistance Trust and the Margaret B. Wendt Foundation. Lukasik served as executive producer and the BAEC Committee to Assist Lawyers with Depression that he chairs assisted in the planning and production.

Be Prepared: Planning Ahead (For Retirement and Disasters)

Product Code 2283

Presented on June 20, 2017 • 3.0 CLE Credits: 1.0 Ethics, 2.0 Areas of Professional Practice

CD or DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members
(**PROMO CODE:** member2017), \$130 Non-Members, \$10 Printed Course Material

Are you thinking about retirement? Are you prepared for an unexpected disaster or sudden incapacity or worse? What will happen to your practice and your clients if something unforeseen happens to you? Do you have a contingency succession plan in place? Have you chosen a reliable responsible successor attorney for your clients? How solid is your retirement plan? Should you sell your practice before you retire? How comprehensive is your health care planning? Do you have long-term care insurance? Will Medicare and Medicaid cover your medical needs? Who will pay your bills and protect your family if you are unable to do so?

The Erie County Bar Foundation, the Erie Institute of Law and the New York State Bar Association co-sponsored a continuing legal education program to answer these questions and many others of vital importance to all attorneys, and particularly solo and small firm lawyers.

Presenters include Attorneys Kelly Barrett, Francis Carroll, Sarah Diane McShea, Joseph F. Saeli, and Anthony Szczygiel. This program was chaired by Attorney Dennis J. Bischof.

Client Document Preservation and Destruction

Product Code 2222

Presented on March 28, 2014 • 3.0 CLE credits: 2.0 Ethics, 1.0 Law Practice Management

CD or DVD: \$80 BAEC Members, \$120 Non-Members, \$5 Printed Course Material

The seminar addresses what lawyers must do to preserve and protect client files and documents after a matter has been closed, and will present helpful strategies for managing legal records. Among the questions discussed are: How must I preserve a file? For how long? What can be destroyed? What must be preserved and safeguarded? Where may files be stored? How may they be destroyed, and by whom? What must I do with funds remaining in my IOLA account?

Dealing with Difficult Clients: How to Recognize, Communicate With and Manage Different Types of Clients

Product Code 2218

Presented on December 5, 2013 • 4.0 CLE credits: 1.5 Ethics, 2.0 Law Practice Management, 0.5 Skills

CD or DVD: \$95 BAEC Members, \$135 Non-Members, \$5 Printed Course Material

Participants in this CLE program will gain valuable knowledge of the skills and resolution strategies effective in handling difficult or high conflict clients and situations. This program offers a practical approach to developing and maintaining effective and ethical relationships with clients.

Media Relations for Attorneys: Going Beyond “No Comment”

Product Code 2258

Presented on February 9, 2016 • 1.5 CLE Credits: 1.0 Areas of Professional Practice, 0.5 Skills

CD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 Members (**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

This presentation focuses on effective communications in anticipation of and during litigation, media relations, television interviews and general public relations for practitioners.

Stress, Anxiety & Depression in the Legal Profession: What’s the Problem and What Can We Do About It?

Product Code 2262

Presented on April 7, 2016 • 3.0 CLE Credits: 1.0 Ethics, 2.0 Law Practice Management

DVD: \$80 BAEC Members, \$120 Non-Members, **ON DEMAND:** \$85 Members (**PROMO CODE:** member2017), \$130 Non-Members, \$5 Printed Course Material

This program explores the topics of stress, anxiety and depression in the legal profession. Learn what steps you can take to lead a happier and healthier life in the law. This program is for lawyers, judges, law students and mental health professionals who have an interest in the mental health and well-being of those in the legal profession.

REAL PROPERTY LAW

27th Annual Real Estate Conference

Product Code 2277

Presented on March 3, 2017 • 6.5 CLE Credits: 0.5 Ethics, 4.5 Areas of Professional Practice, 1.5 Skills

CD or DVD: \$120 BAEC Members, \$165 Non-Members, **ON DEMAND:** \$125 Members (**PROMO CODE:** member2017), \$175 Non-Members, \$20 Printed Course Material

This annual seminar will provide you with exciting updates to local practice.

28th Annual Real Estate Conference

Product Code 2299

Presented on March 10, 2018 • 4.0 CLE Credit: 1.0 Ethics, 1.5 Areas of Professional Practice, and 1.5 Skills

CD or DVD: \$95 BAEC Members, \$135 Non-Members, **ON DEMAND:** \$100 Members (**PROMO CODE:** member2017), \$145 Non-Members, \$20 Printed Course Material

Faculty includes:

Nicole E. Fenz, Esq., *Chair, Real Property Law Committee*

Margaret C. Callanan, Esq., *Attorney Grievance Committee*

Richard DiGiacomo, Esq., *Nesper, Ferber, DiGiacomo, Johnson & Grimm*
Michael P. Kearns, *Erie County Clerk's Office*
David C. Mineo, Esq., *Law Office of David C. Mineo*
Katie Newton, *Stewart Title*
Julie O'Keefe, *Stewart Title*
Mark Reesor, *Stewart Title*
Nancy W. Saia, Esq., *Law Offices of Nancy W. Saia*
Glenn J. Speller, Esq., *Dennis J. Speller, P.C.*

Good Cop/Bad Cop: Two Sides of Landlord/Tenant Law

Product Code 2280

Presented on April 19, 2017 • 1.0 CLE Credit: 0.5 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

This program focuses on eviction cases. The following topics will be covered:

- Prerequisites, filing and serving eviction case
- Defenses
- Warranty of Habitability
- Negotiations and Settlement Agreements
- Money Judgments
- Questions

New York's Residential Mortgage Foreclosure Process

Product Code 2274

Presented on November 16, 2016 • 1.0 CLE Credit: Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Governor Andrew Cuomo signed into law Chapter 73 of the Laws of New York 2016 (commonly referenced as the Zombie Foreclosure Legislation). The law, effective December 20, 2016, amends several key provisions of New York Real Property Actions and Proceedings Law. This will have a significant impact on New York's residential mortgage foreclosure process.

This lecture provides attendees with a chronological overview of the residential mortgage foreclosure process with particular emphasis on the stages impacted by the new law.

Nuts and Bolts of Residential Real Estate

Product Code 2175

Presented on April 6, 2011 • 1.0 CLE Credit: Skills

CD: \$30 BAEC Members, \$40 Non-Members, \$5 Printed Course Material

Presented by Barbara Strzemeski-Haase and the Real Property Law Committee, Nuts and Bolts of Residential Real Estate walks a practitioner through a residential real estate closing from the initial contract through closing and post-closing requirements. The seminar addresses representing both a buyer and seller and addresses what is required in representing each.

TILA-RESPA Integrated Disclosure Rule

Product Code 2249

Presented on October 29, 2015 • 1.0 CLE Credit: Areas of Professional Practice

CD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

The following topics are covered in this lecture:

- What is the TILA-RESPA Integrated Disclosure Rule?
- Loan Estimate
- Closing Disclosure
- Mortgage timelines and impacts
- Introducing YourLOAN Tracker
- What you can do

SURROGATE'S COURT PRACTICE

Case Law Update in Erie County Surrogate's Court 2018

Product Code 2297

Presented on January 18, 2018 • 1.0 CLE Credit: Areas of Professional Practice

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$20 Printed Course Material

Presented by Joseph A. Shifflett, Esq., *Chief Court Attorney, Erie County Surrogate's Court*, this program covers important case decisions over the past year from Erie County Surrogate's Court, as well as touches upon significant decisions in surrogate's court practice from other New York courts.

Surrogate's Court Guardian Ad Litem Training

Product Code 2303

Presented on May 23, 2018 • 5.0 CLE Credits: 2.0 Areas of Professional Practice, 1.0 Diversity, Inclusion and Elimination of Bias, 0.5 Ethics, 1.5 Skills

CD or DVD: \$105 BAEC Members, \$150 Non-Members, **ON DEMAND:** \$110 Members (**PROMO CODE:** member2017), \$160 Non-Members, \$20 Printed Course Material

This program is designed to provide the information necessary to allow an attending attorney to

qualify as a Guardian Ad Litem in Surrogate's Courts proceedings by providing the attendee with information concerning Part 36 and the duties of a Guardian Ad Litem in various types of Surrogate's Court proceedings.

At this program you will learn what you need to be aware of with respect to Part 36 of the NYCRR, the required forms and appointment process. In addition, you will be instructed as to your obligations as a Guardian Ad Litem in various types of proceedings.

Included in the program this year is one hour on Diversity, Inclusion and Elimination of Bias.

Surrogate's Court Practice in the Digital Age

Product Code 2282

Presented on May 25, 2017 • 3.5 CLE credits: 1.0 Ethics, 1.5 Areas of Professional Practice, 1.0 Skills

CD or DVD: \$85 BAEC Members, \$125 Non-Members, **ON DEMAND:** \$190 BAEC Members (**PROMO CODE:** member2017), \$135 Non-Members, \$10 Printed Course Material

This program is presented by the Practice and Procedure in Surrogate's Court Committee. The program was moderated by Sharon L. Wick, and speakers are Hon. Barbara Howe, Jennifer A. Beckage, Jennifer G. Flannery, William D. Maldovan, and Joseph A. Shifflett.

The following topics are covered:

- Discovery
 - Motion Practice
 - Digital Assets
 - Privacy Issues in E-Filing
 - Ethical Issues in Law Firm Technology
-

Wills, Trusts and Probate

Product Code 2237

Presented on May 7, 2015 • 4.0 CLE credits: 1.0 Ethics, 2.0 Areas of Professional Practice, 1.0 Skills

CD: \$95 BAEC Members, \$135 Non-Members, \$20 Printed Course Material

The Wills, Trusts and Probate program addresses estate planning, drafting and Will execution considerations to avoid problems in estate and trust administration, as well as in the probate process. The program includes a presentation on the probate process which will address the preparation of probate pleadings, probate contests and problems that a practitioner may face in getting a Will admitted to probate. The ethics portion is specific to estate and trust planning and administration issues, which are unique. The presenters focus on best practices and practice tips. The program is designed for experienced trust and estate practitioners, as well as those with less experience and those who practice in this area of law on a periodic basis.

TECHNOLOGY AND THE LAW

Redaction Mandates, Sealing and Other Privacy Issues in Electronic Filing of Civil Actions at NYSCEF

Product Code 2301

Presented on April 18, 2018 • 1.0 CLE Credit: Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Hear a discussion of the application of New York General Business Law § 399-ddd, the new Amendments to 22 NYCRR 202.5-b, 22 NYCRR 216.1 and other privacy issues in regards to court filings at NYSCEF. Presented by Hon. Henry Nowak, Justice of the Supreme Court and Patricia L. Fulwiler, Legal Deputy to the Erie County Clerk.

TRIAL PRACTICE

Deposition Basics in Personal Injury Litigation

Product Code 2261

Presented on March 22, 2016 • 2.0 CLE Credits: Areas of Professional Practice

CD: \$55 BAEC Members, \$90 Non-Members, **ON DEMAND:** \$60 Members (**PROMO CODE:** member2017), \$100 Non-Members, \$5 Printed Course Material

Hear from highly knowledgeable presenters Michael Chmiel and Ashley Trank about Deposition Basics in Personal Injury Litigation.

Effective Brief Writing and Argumentation

Product Code 2126

Presented on May 8, 2008 • 4.0 CLE Credits: 1.5 Law Practice Management/
Professional Practice, 2.5 Skills

CD: \$95 BAEC Members, \$135 Non-Members, \$10 Printed Course Material

Good lawyers win cases day in and day out not because their arguments are clever and elegant, but because they are coherent, solidly grounded, and clearly communicated. In this seminar, an all-star faculty of distinguished professors and judges will hone your ability to identify and construct the sound, internally consistent arguments that win cases. You will also learn how to ground those arguments solidly and persuasively in law and fact and to communicate them with sufficient clarity to persuade a judge.

Great Cross Examinations and Techniques

Product Code 2151

Presented on October 30, 2009 • 3.5 CLE Credits: Skills

CD or DVD: \$85 BAEC Members, \$125 Non-Members, \$5 Printed Course Material

Great cross-examinations in history and on film can teach great trial techniques. They provide lessons in what works in a courtroom and what doesn't. With the aid of famous movie clips of cross-examinations and actual crosses in legendary trials, this highly engaging and instructive

seminar explores the best in cross examination skills and strategies.

This seminar includes:

- How to identify and select the content for a winning cross;
- Techniques for controlling evasive and other difficult witnesses;
- Methods for constructing a persuasive, storytelling cross;
- How to successfully cross-examine expert witnesses;
- Concession-seeking cross-examinations;
- Impeachment cross-examinations;
- Character and conduct of the effective cross-examiner;
- Crosses in historical trials — O. J. Simpson, Scopes, McMartin Preschool, Zacarias Maussaoui trials among others and memorable movie cross-examinations.

Jury Selection: A Practical Approach

Product Code 2278

Presented on March 29, 2017 • 1.5 CLE Credits: Skills

CD: \$40 BAEC Members, \$50 Non-Members, **ON DEMAND:** \$45 Members (**PROMO CODE:** member2017), \$60 Non-Members, \$5 Printed Course Material

This CLE addresses practical analysis of successful methods, strategies, law and mechanics of jury selection in both civil and criminal cases. Topics discussed include effective and revealing juror questioning, common mistakes and how to avoid them, identifying juror bias and how to incorporate case themes. Other topics include the overall Voir Dire process in both state and federal venues; how to stay organized during the selection process; peremptory and for cause challenges: when you can use them, when you should use them and which one to use. This CLE is a must for anyone that has never picked a jury.

Legal Writing and Oral Argument in Civil and Criminal Cases

Product Code 2180

Presented on June 17, 2011 • 3.0 CLE Credits: 1.0 Law Practice Management, 2.0 Skills

CD: \$80 BAEC Members, \$120 Non-Members, \$10 Printed Course Material

Effective brief writing and oral argument skills are essential to compelling advocacy. These skills are well understood by NYS Court of Appeals Judge Eugene F. Pigott, Jr. and Appellate Division, Fourth Department Justice Erin M. Peradotto. Always interesting and informative, Judge Pigott and Justice Peradotto are sought after CLE lecturers. They will discuss the writing and argument methods which they find persuasive, as well as common blunders to be avoided. In addition, a panel of experienced practitioners with diverse backgrounds will provide useful nuts and bolts tips on how they approach, and carry out, the tasks of writing briefs and arguing cases. This seminar was co-presented by the Appellate Practice and Negligence Committees.

The Art of Civil Trial Advocacy

Product Code 2149

Presented on September 25, 2009 • 7.5 CLE Credits: 0.5 Ethics, 1.0 Law Practice Management/Professional Practice, 6.0 Skills

CD or DVD: \$130 BAEC Members, \$175 Non-Members, \$10 Printed Course Material

Few among us would question that the art of persuasion is the most effective tool in the arsenal of a successful trial attorney. Local, and highly knowledgeable civil and criminal lawyers discuss cutting edge approaches to the art of trial advocacy. In this session, top plaintiffs' and defense attorneys address the trial of a civil case.

The Art of Criminal Trial Advocacy

Product Code 2150

Presented on September 26, 2009 • 7.0 CLE Credits: 0.5 Ethics, 1.0 Law Practice Management/Professional Practice, 5.5 Skills

CD or DVD: \$125 BAEC Members, \$170 Non-Members, \$20 Printed Course Material

Few among us would question that the art of persuasion is the most effective tool in the arsenal of a successful trial attorney. Local, and highly knowledgeable civil and criminal lawyers discuss cutting edge approaches to the art of trial advocacy. In this session, top plaintiffs' and defense attorneys address the trial of a criminal case.

The Art of Persuasion – How to Persuade the Jury

Product Code 2252

Presented on December 8, 2015 • 1.0 CLE Credit: Skills

CD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Jeffrey Marion presents “How to Persuade the Jury”, a CLE organized by the Solo and Small Practice Firm Committee.

The Art of Persuasion – How to Persuade Your Opponent

Product Code 2254

Presented on December 15, 2015 • 1.0 CLE Credit: 0.5 Ethics, 0.5 Skills

CD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Learn the secrets to create an extraordinary practice and life through persuasion, presented by attorney Leonard D. Zaccagnino.

The Art of Persuasion: Don't Say That!

Product Code 2256

Presented on January 27, 2016 • 1.0 CLE Credits: Ethics

CD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Presented by attorney Steven Fox, learn to distinguish shading from lying; opinion from fact; arm twisting from arm breaking; content from character. We have obligations to be truthful to clients and courts and ourselves, yet we can still use logic, rhetoric and argument to make them an offer they can refuse, but don't want to.

MISCELLANEOUS TOPICS

Business Valuations and Estate Planning

Product Code 2272

Presented on October 25, 2016 • 3.5 CLE Credits: 2.0 Areas of Professional Practice, 1.5 Skills

CD: \$85 BAEC Members, \$125 Non-Members, **ON DEMAND:** \$90 Members (**PROMO CODE:** member2017), \$135 Non-Members, Electronic Material only

- CPA Anthony Duffy of ValuQuest covers the Code Section 2704 Proposed Regulations issues August 2016.
- Attorneys Nathan W.G. Berti and Kevin Gluc from Hodgson Russ discuss Estate Planning for Business Owners.
- CPA Daniel Koscielny of ValuQuest discusses Business Valuation: Processes, Procedures, Approaches and Possibilities.

Consumer Debt: Helping Your Clients Vacate or Avoid Judgements

Product Code 2295

Presented on November 28, 2017 • 1.0 CLE Credit: Areas of Professional Practice

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members (**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

Over the last decade, New York courts have seen an epidemic of consumer debt lawsuits brought against low and middle-income people. Often filed in bulk and with scant evidence, debt collection firms count on unrepresented litigants either not responding or not being able to defend themselves. Many of these lawsuits are brought by "debt buyers" that possess scant, no, or inauthentic evidence, many consumers have defenses, and many judgments are entered without proper notice. With relatively little effort, attorneys can have a profound impact on these cases, helping consumer defendants to eliminate judgments or defeat lawsuits, thus improving their credit and finances.

This session will provide an introduction to the most common litigation tasks with which consumer defendants may request assistance from general practice attorneys: vacating default judgments and answering a consumer credit transaction summons.

Federal Freedom of Information Act (FOIA)

Product Code 2275

Presented on February 22, 2017 • 1.0 CLE credit: 0.5 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$10 Printed Course Material

The Erie Institute of Law presented a workshop on the federal Freedom of Information Act (FOIA). Michael Kuzma, Daire Brian Irwin and Leslie James Pickering discussed how attorneys, journalists, historians, or any person can file successful FOIA requests with federal agencies. The presenters share tactics they have learned from the various FOIA requests and appeals that they have submitted. Real examples of FOIA requests, appeals, and releases are used to demonstrate how to pry loose records from oft-times recalcitrant federal agencies.

Don't miss this unique opportunity to exercise your rights by utilizing this critically important tool!

How to Use the NYS Freedom of Information Law Effectively (FOIL)

Product Code 2284

Presented on June 21, 2017 • 1.0 CLE credit: 0.5 Areas of Professional Practice, 0.5 Skills

CD or DVD: \$30 BAEC Members, \$40 Non-Members, **ON DEMAND:** \$40 Members
(**PROMO CODE:** member2017), \$50 Non-Members, \$5 Printed Course Material

This Midday Learning Lecture will supply you with effective strategies on how to draft FOIL requests and administrative appeals. In addition, you will learn how to commence an Article 78 proceeding to compel recalcitrant agencies to release sought-after records. Information on how to recover attorney fees and litigation costs will also be provided. Anyone interested in open government issues won't want to miss this one-of-a-kind lecture.

Presenter Michael Kuzma is a solo practitioner based in Buffalo, who has utilized federal and state Freedom of Information laws for nearly four decades. He successfully argued Bottom v. Fischer, 129 AD 3d 1604 (4th Dept. 2015), in which attorney's fees and litigation costs were awarded under FOIL. Leslie James Pickering, Co-Owner of Burning Books is also a presenter.

Judgment Enforcement in NYS

Product Code 2221

Presented on March 19, 2014 • 1.0 CLE credit: Areas of Professional Practice

CD or DVD: \$30 BAEC Members, \$40 Non-Members, \$5 Printed Course Material

Presenter, Daniel E. Sarzynski, of Rupp, Baase, Pfalzgraf, Cunningham & Coppola presents Judgment Enforcement in New York.

Topics covered include:

Securing the judgment, locating assets through information subpoenas, restraining notices, depositions, subjecting assets to the judgment through executions, levies, and garnishments,

exempt and non-exempt property, and duration of judgment and renewal.

The Florida Bar 2018 Survey of Florida Law *(Not approved for New York MCLE credits)*

Product Code 2308

CLE approval period: May 15, 2018 — November 15, 2019

CD: There is an administrative fee of \$25 to RENT the CD's. They must be returned to the BAEC within 2 weeks.

This program qualifies an attorney for 13.5 General, 1.0 Ethics, 3.0 Technology, 0.5 Mental Illness, and 0.5 Substance Abuse Florida CLER credits.

FLORIDA CLER credits ONLY. (Not approved for NY MCLE Credits)

Buddy System Registration Form

Accreditation for viewing a CLE tape is handled on an individual basis. Each lawyer must pay the requisite fee, fulfill the requirements for accreditation, and acquire and retain his or her own certificates of completed Continuing Legal Education activity.

However, as a service to our members who wish to participate in group or sequential viewing of CLE tapes, the Erie Institute of Law offers the following alternative: One member in the group may purchase the audio tape of their choice, paying the listed price; all other members in the viewing group who wish to receive accreditation for viewing the tape will receive a \$30 discount. One set of CDs or DVDs will be provided along with course materials for each participant. *Please note that the buddy system does not apply to our OnDemand programming.*

In order to administer CLE credit, the names of all participating attorneys must be given at the time of purchase. No more than five people per tape allowed. The buddy system applies to programs costing \$100 and up.

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