



## Google Me This.....

BY JOSEPH F. DEFELICE<sup>1</sup>

In the social media world of today, where men and women will not date without first conducting a Google search, lawyers have now begun to search out profiles of potential jurors.

A recent ABA Journal report noted that the District Attorney (Armando Villalobos) of Cameron, Texas has formally announced that his assistants will now check out the Facebook profiles of potential jurors on iPads claiming he did not want to give defense lawyers any edge in jury selection.

For those of you who haven't checked your maps of Texas lately, Cameron County is the home of such places as Brownsville, Texas (a border town) and South Padre Island. Having been sent to Brownsville some years back for training when I worked with the Immigration & Naturalization Service, I have some familiarity with the area, terrain and its location. Aside from the oil wells, there isn't much there.<sup>2</sup>

Of course, it is impossible to know whether other District Attorneys throughout the Country are also secretly participating in this type of jury selection tool, but at least we know that this one District Attorney's Office, which has made the formal announcement, is doing so. In any event, this writer thought the District Attorney's idea was novel even if it is copying the apparent "voir Google" work being conducted by the defense bar in Cameron, Texas, which caused the prosecutor to announce this new policy.

It struck me, however, that there doesn't seem to be any Court rules or regulations in New York, and probably not in any other State including Texas, which could regulate the use of social media outlets in the selection of jurors. Certainly, in Civil cases in New York, where jury selection is done without the direct supervision of a Judge and lawyers may have time to Google a potential juror or check Facebook or some other social media site, such searches can probably be utilized without much difficulty.

In Criminal matters, where the jury selection in New York is conducted in the Courtroom before a judge, a trial judge might have some restrictions on the use of computers and iPads during the selection process. As such, it would seem a bit more difficult to conduct this process in the criminal jury selection process. Further, this is especially true as the peremptory and cause challenges are, unless there is a luncheon recess, usually conducted immediately after conclusion of the voir dire by each side. This leaves little time for social media checking unless the attorney has an assistant at counsel table working on that task during voir dire.

It seems, however, that there should be some regulation or rules in the State on this practice and some thought might be given as to how this could affect challenges that are made under *Batson v Kentucky*, 476 US 79 (1986). Can challenges be based upon matters which are outside the direct information the parties and Court obtain in voir dire? Could counsel, in circumstances where a *Batson* claim is made, when questioned as to his/her reasons for exercising a peremptory challenge which is claimed to be discriminatory, be able to point to statements or information counsel learned from the social media site? After all, such challenge(s) could have been made by one side, upon information known only by that



Joseph F. DeFelice

party and without either side having an opportunity to question the juror as to that information. Information which may have been made by the potential juror on the social media site which is not necessarily accurate or true.

They say that "all is fair in love and war" and in this writer's opinion the same is true here with the use of social media sites in jury selection. Attorneys, if they have the knowhow and ability can use social media sites and comments made therein to weigh on their jury selection decisions. But, if you are going to use that information to bolster your *Batson* claim, it would seem

to this writer that your application, based upon that information, should be denied. That is because neither the Court (in Criminal cases or even in Civil matters where a Judge might be asked to rule on a challenge made by an opposing party) nor the opposing counsel(s) had that information for use during the jury selection process. The juror could not be questioned about the information or the accuracy or truth thereof. Of course, some may argue this questioning could be conducted at that time as the juror could be called back for questioning. However, this is not always possible because at times reference back to other jurors of the same race, gender etc. may be made as to the exclusion of those jurors to show a pattern and those jurors are often long gone by that time and unavailable. Further, as to the jurors who are still present, the selection process has already begun and strategic decisions have been made by opposing counsel based upon who he/she would prefer on the jury and who he/she may believe opposing counsel may challenge. So, it would be unfair to allow this social media information, known only by one party, to be utilized to substantiate that party's defense to a *Batson* claim.

Nevertheless, using iPads or computers to check social media sites can be a powerful tool for the attorney conducting voir dire and certainly provides an advantage if the opposing counsel is not using the same tools.

One other issue related to social media sites and jurors, but not to the jury selection process is that using such tools, after a jury is selected and during trial to monitor whether any particular juror is violating an oath by discussing the case is a completely different concern. In fact, this can be an effective tool to learn of juror misconduct and possibly result in convincing a Court to conduct a hearing or order a new trial. See *People v Rios*, 26 Misc.3d 1225(A) (Sup Ct, Bx County, 2010); *People v Jamison*, 24 Misc.3d 1238(A) (Sup Ct, Kings County, 2009); *Wilgus v F/V Sirius, Inc.*, 665 F.Supp.2d 23 (USDC, D Maine decided October 27, 2009) and *Juror Number One v State of California*, No Civ 2:11-393 WBS JFM (USDC, E.D. Cal. decided February 14, 2011). A discussion of these cases can be saved for another day but it is enough to know that these issues are finding their way into the Court system from coast to coast.

In the final analysis, legislation on the use of social media sites while conducting voir dire should be considered for the purposes of setting ground rules in the jury selection process.

<sup>1</sup> Joseph F DeFelice is a solo practitioner in Queens County practicing Criminal and Immigration law.

<sup>2</sup> I do wish to make it clear, I have nothing against oil wells and even wouldn't mind owning one.

## The Legal Community Trumpets Stresses' Toll

BY MARIE-ELEANA FIRST

Lawyers are embattled warriors within an inherently adversarial system championing the rights of people with their shields and swords, sometimes engaging in losing battles. Anxious and/or demanding clients depend on attorneys for resolution and justice. This work has arduous schedules, endless dead-



Marie-Eleana First

lines, complex legal issues, and high work standards. It's not easy to throw your heart into this profession. A six-letter word called "stress" is unequivocally the cause of many lawyers' diminishing health and well being, and physical, emotional, mental and spiritual problems.

The alarm is sounding as the legal community is trumpeting stress's toll on our beleaguered profession. An article in the December 4, 2010 edition of The Rapid City Journal quoted new president of the State Bar of South Dakota, Richard "Dick" Casey: "The practice of law....[is] a very demanding and stressful profession...[and] can develop into chronic depression within six months." It also quoted Tom Barnett, Executive Director for the State Bar of South Dakota, "Twenty to 30 years ago, the majority of attorneys brought before the state bar for ethical violations had substance-abuse problems... the last five years, substance abuse has been secondary to stress and depression," he said.<sup>1</sup>

On December 6, 2010, Debra Cassens Weiss reported in the ABA Journal that, "Lawyers under stress also generally become tense and overly critical, reluctant to take risks and make decisions, and emotionally distant, according to the results of personality tests of more than 1,800 lawyers from four large law firms."<sup>2</sup>

A documentary film by Daniel Lukasik, the producer, writer, and editor, entitled, "A Terrible Melancholy: Depression in the Legal Profession" is gaining nationwide attention. An article written by Karen Sloan for the ALM, (formerly known as American Lawyer Media) reports, "The film is designed to spread the message that depression is pervasive among lawyers but that it doesn't have to derail legal careers."<sup>3</sup> A former litigator in Buffalo, N.Y., Lukasik formerly suffered depression and subsequently created this film, as "a powerful emotional experience."<sup>4</sup>

What is stress anyway and in why is it so bad? Merriam-Webster's Dictionary defines stress

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THE DOCKET . . .

being the official notice of the meetings and programs listed below, which, unless otherwise noted, will be held at the Bar Association Building, 90-35 148th St., Jamaica, New York. More information and any changes will be made available to members via written notice and brochures. Questions? Please call (718) 291-4500.

PLEASE NOTE:

The Queens Bar Association has been certified by the NYS Continuing Legal Education Board as an Accredited Legal Education Provider in the State of New York.

2011 Winter CLE Seminar & Event Listing

March 2011

- Wednesday, March 2 CPLR Update (Tentative)
- Wednesday, March 9 Immigration Seminar
- Wednesday, March 23 Basic Criminal Law - Pt 1
- Wednesday, March 30 Basic Criminal Law - Pt 2

April 2011

- Wednesday, April 6 Equitable Distribution Update
- Monday, April 11 Past Presidents, Golden Jubilarians & Judiciary Night
- Wednesday, April 13 Article 81/Guardianship Training for Layperson 5:30 - 8:00 pm
- Thursday, April 14 Civil Court Committee Seminar
- Friday, April 22 Good Friday, Office Closed
- Thursday, April 28 Membership/Young Lawyers/Mentoring Event

May 2011

- Thursday, May 5 Annual Dinner & Installation of Officers
- Tuesday, May 10 Bankruptcy Seminar (Tentative)

CLE Dates to be Announced

- Elder Juvenile Justice
- Lawyer’s Assistance Surrogate’s Court, Estates & Trusts

CLE Dates to be Announced

- Elder Juvenile Justice
- Lawyer’s Assistance Surrogate’s Court, Estates & Trusts

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EDITOR’S MESSAGE

Trial by A Referee

BY PAUL E. KERSON



Paul E. Kerson

The New York State Office of Court Administration (OCA) has recently proposed its \$1.8 billion 2011-2012 budget to Governor Andrew Cuomo. This “budget” cuts out the \$7 million required to continue our Judicial Hearing Officers (JHOs).

We have here a classic example of Parkinson’s Law, first postulated by Prof. Cyril Northcote Parkinson in his world-renowned study of the British Government, *Parkinson’s Law: Pursuit of Progress*, London, UK, John Murray Publishers 1955.

Parkinson’s Law states as follows:

“1. An official wants to multiply subordinates, not rivals.

2. Officials make work for each other.”

Thus, Prof. Parkinson concluded: “Work expands so as to fill the time available for its completion.”

Prof. Parkinson was studying the British Colonial Office. He found that it had more employees after Britain gave up most of its colonies than it had before the

Empire declined.

Coincidentally, the New York State Court system was once administered by the very same British Colonial Office. It appears to exhibit the same characteristics as its parent.

The goal of our common law system is this: Disputes between people must be decided quickly and fairly to avoid violence in the streets.

The method of achieving justice is straightforward and time-honored: Plaintiff and defendant have a dispute. Their lawyers help them prepare their testimony and supporting documentation. A neutral third party (called a Justice, Judge, Law Secretary, Court Attorney, Referee, Arbitrator, or Mediator) listens to the evidence and reads the documents. This is called a trial, pre-trial conference, or settlement conference. A decision or strong recommendation for settlement is reached.

Everything else about our system detracts from the above listed method and

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QUEENS BAR BULLETIN

EDITOR - Paul E. Kerson (kersonpaul@aol.com)

Richard Golden (goldenlaw@nyc.rr.com)

Stephen David Fink (finkylaw@aol.com)

Gary DiLeonardo (garygcd@aol.com)

Manuel Herman (mannyherman@aol.com)

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## PRESIDENT'S MESSAGE

## March, 2011

In honor of Women's History Month, I'd like to salute the pioneering female attorneys who paved the way for women in our profession. Because of their courage and persistence, many other women — including myself, and other QCBA members — have enjoyed the kinds of freedom and careers that our "foremothers" could only have dreamed of.

Looking back at the history of the legal profession in the United States, it's clear that the hardest battle women fought was in the court of public opinion. Many people (male and female alike) believed in the stereotype that women were incapable of practicing law. For instance:

- In 1872, the United States Supreme Court agreed with the Supreme Court of Illinois decision which denied (**Mrs.**) **Myra Bradwell's** admission to the State Bar. The state court's denial was based on the grounds that, since a married woman could not enter into any contracts without her husband's permission, such a woman could

not competently represent her clients. The Supreme Court affirmed this decision, noting that *"the natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life"*

- In 1875, the Wisconsin State Bar denied admission to **Lavinia Goodell** — and the Wisconsin Supreme Court affirmed that denial with the familiar sentiment that *"nature has tempered women as little for the juridical conflicts of the court room, as for the physical conflicts of the battlefield. Womanhood is molded... for gentler and better things."*

Fortunately, women kept on fighting; and there were victories, even during this period. In 1873, after a year-long battle, **Belva Lockwood** was admitted to the Washington, D.C. bar. And on May 20, 1886, **Kate Stoneman** became the first woman to be admitted to the bar in



Chanwoo Lee

New York State.

**Stoneman** (1841-1925) had a fascinating life. Born in rural Lakewood, NY, she worked as a public school teacher, and was a founding member of the Women's Suffrage Society of Albany. When her interest in law was sparked through being named Executrix of her great aunt's estate, Stoneman apprenticed to a lawyer for three years and became the first woman to pass the New York State Bar in 1885. Denied entrance because of her sex, she was later admitted when the legislature intervened. Yet Stoneman didn't stop with that victory: She enrolled in Albany Law School and, in 1889, at

the age of 48, became its first woman graduate. And in 1918, she tasted the fruits of her labor when, as a poll watcher, she saw women voting for the first time in the State of New York.

What these trailblazing women all had in common was their courage and perseverance to seek justice and equality in their time. In our own time, the struggle for justice and equality continues. On days when that challenge feels particularly tough, we can *all* draw strength from the example of what these women accomplished — not just for individual women attorneys, but for the very future of the law.

Chanwoo Lee  
President

## Until next month:

Wednesday, April 6.....Equitable Distribution Update  
Monday, April 11.....Judiciary, Past Presidents & Golden Jubilarian Night  
Wednesday, April 13.....Article 81/Guardianship Training for the Layperson  
Thursday, April 14.....Civil Court Committee Seminar  
Thursday, April 28.....Mentoring Fair

## The History of the Selection of Supreme Court Justices in the State of New York

BY HON. SEYMOUR BOYERS

The Supreme Court of New York is the State's Trial Court of general jurisdiction, with an Appellate Division that hears appeals from certain lower courts. Under New York's current Constitution the State is divided into twelve judicial districts, and Supreme Court Justices are elected to 14 year terms in each district (see N.Y. Const., Art. VI, §6[c]). The New York State Legislature has provided for the election of a total of 328 Supreme Court Justices in this fashion.

Historically, over the years, New York has changed the method by which the Supreme Court Justices are selected several times. For example, under the New York State Constitution of 1821, all judicial officers except Justices of the Peace, were appointed by the Governor with the consent of the Senate. In 1846 New York amended its Constitution to require popular election of the Justices of the Supreme Court (and also Judges of the New York Court of Appeals).

In 1911, the New York Legislature enacted a law requiring political parties to select Supreme Court nominees through direct primary elections. A law enacted in 1921 required parties to select their candidates for the Supreme Court by a "Convention" composed of delegates elected by party members. New York retains this convention system of choosing party nominees for Supreme Court Justice to this day. Section 6-106 of New York's Election Law sets forth its

basic operation.

A "party" is any political organization whose candidate for Governor received 50,000 or more votes in the most recent gubernatorial election. In a September "delegate primary," party members elect delegates from each of New York's 150 assembly districts to attend the party's judicial convention for the judicial district in which the assembly district is located. An individual may run for delegate by submitting to the Board of Elections a designating petition signed by 500 enrolled party members residing in the assembly district, or by five percent of such enrolled members, whichever is less. These signatures must be gathered within a 37 day period preceding the filing deadline, which is approximately two months before the delegate primary [see Election Law §§6-134(4), 6-158(1)]. The delegates elected in these primaries are uncommitted; the primary ballot does not specify the judicial nominee whom they will support. §7-114.

The nominating conventions take place one to two weeks after the delegate primary. §§6-126, 6-158(5). Each of the twelve judicial districts has its own convention to nominate the party's Supreme Court candidate or candidates who will run at large in that district in the general election. §§6-124, 6-156. The general election takes place in November. §8-



Hon. Seymour Boyers

100(1)(c). The nominee from the party conventions appear automatically in the general election ballot. §7-104(5). They may be joined on the general election ballot by independent candidates and candidates of political organizations that fail to meet the 50,000 vote threshold for "party" status: these candidates gain access to the ballot by submitting timely nominating petitions with (depending on the judicial district) 3,500 or 4,000 signatures from voters in that district or signatures from five percent of the number of votes cast for Governor in that district in the prior election, whichever is less. §§6-138, 6-142(2).

In 2004, a Kings County Civil Court Judge Lopez Torres, together with other proposed candidates, brought suit in Federal Court against the New York Board of Elections, which is responsible for administering and enforcing the New York Election Law. They contended that New York's Election Law burdened the rights of challengers seeking to run against candidates favored by the party leadership, and deprived voters and candidates of their rights to gain access to the ballot and to associate in choosing their party's candidates. They sought a declaration that New York's Convention system for selecting Supreme Court Justices violates their First Amendment rights, and an injunc-

tion mandating the establishment of a direct primary election to select party nominees for Supreme Court Justices.

On January 27, 2006, Eastern District Federal Judge John Gleeson issued a preliminary injunction granting the relief requested, pending the New York Legislature's enactment of a new statutory scheme.

On August 30, 2006, in a ruling by Judge Chester J. Straub, the US Court of Appeals for the Second Circuit unanimously affirmed Judge Gleeson's decision. The United States Supreme Court granted certiorari.

In July 2007, the New York State Bar Association submitted to the United States Supreme Court an amicus curie brief jointly with the New York City Bar, the Fund for Modern Courts, and the City of New York, arguing that New York State's current judicial nominating system is unconstitutional.

The case was argued before the United States Supreme Court on October 3, 2007. On January 16, 2008, the United States Supreme Court unanimously upheld the constitutionality of New York State's Convention System for nominating Supreme Court Justices in a majority opinion written by Justice Antonin Scalia. Although, four Justices, in two separate concurring opinions expressed strong reservations about the wisdom of the 86 year old process, they wrote "that while New York's convention system may be unfair, it is not unconstitutional."



## CULTURE CORNER

BY HOWARD L. WIEDER

**The Pipeline Theatre Company's  
The Caucasian Chalk Circle**

The **Pipeline Theatre Company**, in March 2011, presented **THE CAUCASIAN CHALK CIRCLE** by **BERTOLT BRECHT**. This magnificent production was directed by Anya Saffir, with music by **CORMAC BLUESTONE**.

In the chaos of revolution, a kitchen maid rescues an abandoned child of royal blood and protects him against all odds. Two years later, order restored, the child's biological mother returns to reclaim him. Their case is heard by the judge—a drunk and a ruffian with a weakness for lopsided justice. Who will win the child?

In this modern morality masterpiece,

here brought to life with an original score, we see Brecht examine the perils—and necessity—of human goodness.

I enjoyed the terrific production. The talented actors and musicians featured: Sam Dash, John Early, Matthew Hanson, Glenn Hergenbahn, Maura Hooper, Daniel Johnsen, Jacquelyn Landgraf, Charley Layton, Vladimir Margolin, Sydney Matthews, Brian Maxsween, Joyce Miller, Alex Mills, Ronald Peet, Michael R. Piazza, Marek Sapieyevski, Chloé Wepper, and Gil Zabarsky.

Set and Lighting by Eric Southern  
Costumes by Katja Andreiev  
Choreography by Alison Beatty



Howard L. Wieder



Pipeline-The Caucasian Chalk Circle

**THE CAUCASIAN CHALK CIRCLE** was presented by **Pipeline Theatre Company** and was performed in the Joyce and Seward Johnson Theater at Theater for the New City (155 First Ave).

**UK theater company  
Cheek by Jowl's Macbeth**

BAM presents the US premiere of theater company Cheek by Jowl's stripped down, psychologically taut **MACBETH**, lauded as "one of the greatest events of the international theatre season" (El País, Spain). Under Declan Donnellan's deft direction this brutal tale of regicide and its aftershocks melds brisk military athleticism with subtle nuance, while Nick Ormerod's austere design sets off the ensemble to maximum effect. In this galvanizing production, Will Keen (Foyle's War) and Anastasia Hille play the titular Lord and his Lady as two halves of a "single, indissoluble psychic entity" (The Guardian, UK), while the iconic witches are quite literally spirited away, "appearing" only as disembodied voices throughout. The production premiered at Théâtre de Namur, Belgium in 2009, and has traveled around the globe, with the BAM engagement marking the last stop of its world tour.

Macbeth  
By William Shakespeare  
Cheek by Jowl  
Directed by Declan Donnellan  
Designed by Nick Ormerod

Associate direction/movement by Jane Gibson

Lighting design by Judith Greenwood  
Music by Catherine Jayes  
Sound design by Helen Atkinson  
BAM Harvey Theater (651 Fulton Street)  
Apr 5—9 & 12—15 at 7:30pm  
Apr 10 at 3pm  
Apr 16 at 2 & 7:30pm  
Tickets from \$25 to \$70

Artist Talk: Declan Donnellan, moderated by James Shapiro

Apr 3 at 6pm  
BAMcafé (30 Lafayette Avenue)  
Tickets: \$15 (\$7.50 for Friends of BAM)

**THE DIARY OF A MADMAN  
at BAM**

**Nikolai Gogol's THE DIARY OF A MADMAN** was performed at BAM to rave reviews. Actor **GEOFFREY RUSH** was magnificent. Gogol's work was developed for the stage by **DAVID HOLMAN**, and developed by both **GEOFFREY RUSH** and **NEIL ARMFIELD**. For future worthwhile shows at BAM, call BAM Ticket Services at 718.636.4100, or visit [www.BAM.org](http://www.BAM.org).

**SPY GARBO**

"**SPY GARBO**" explores the narrative possibilities created by digital technology, trespassing the borders that separate stage, cinema, historical documentary, spy thrillers and political commentary. With a 130 foot curved HD screen and a full stage holographic video projection system, "**SPY GARBO**" takes the audience from History's limbo into the winding trenches of World War I, to the Spanish Civil War, along the Nazi Hall of Triumph, down the

Continued On Page 6

## Fond Memories Of TAP

BY BARRY SEIDEL

I learned a lot about TAP (Trial Assignment Part) when I first started doing my per diem business. At that time, Justice Alfred Lerner presided in the Queens TAP part. When I started getting assignments to appear in the TAP, other lawyers warned me about Judge Lerner. The sentiment in the courthouse was "He's not going to like what you're doing, covering all these cases for other people and asking for



Barry Seidel

adjournments."

The reality for me was, at first, he didn't seem so bad. Even better, virtually every lawyer in the City thought he was tough, and they didn't want to appear before him.

From my perspective, he seemed dedicated and hard working, and singularly focused: he wanted to move the calendar and settle the cases. It was inevitable we would clash, since as my business grew, lawyers were constantly calling me to

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## COURT NOTES

**The Following Attorneys Were Disbarred By Order Of The Appellate Division, Second Judicial Department:****William P. Fitzgerald (September 28, 2010)**

On March 9, 2010, the respondent pleaded guilty in the County Court, Suffolk County, to four counts of grand larceny in the second degree, a class C felony; eight counts of grand larceny in the third degree, a class D felony; grand larceny in the fourth degree, a class E felony; and scheme to defraud in the first degree, a class E felony. By virtue of his felony convictions, the respondent ceased to be an attorney and counselor-at-law pursuant to Judiciary Law §90(4)(a) and was automatically disbarred as of March 9, 2010.

**Andrew McGee, admitted as Andrew Briscoe McGee (September 28, 2010)**

On June 2, 2009, the respondent pleaded guilty in the Criminal Court of the City of New York, Richmond County, to the crimes of driving while intoxicated, in violation of Vehicle and Traffic Law §1192.3, and aggravated driving while intoxicated, in violation of Vehicle and Traffic Law §1192.2(a), both misdemeanors. The convictions were for two separate offenses committed on December 16, 2008, and January 26, 2009, respectively. On March 19, 2010, the respondent pleaded guilty in the Supreme Court, Richmond County, to driving while intoxicated in violation of Vehicle and Traffic Law §1192.3. Pursuant to Vehicle and Traffic Law §1193(1)(c)(ii), that offense constitutes a class D felony in

view of the respondent's two prior convictions. By virtue of his felony conviction, the respondent ceased to be an attorney and counselor-at-law pursuant to Judiciary Law §90(4)(a) and was automatically disbarred as of March 19, 2010.

**The Following Attorneys Were Suspended From The Practice of Law By Order Of The Appellate Division, Second Judicial Department:****Barry R. Feerst, admitted as Barry Roy Feerst, a suspended attorney (September 28, 2010)**

On October 25, 2001, the respondent pleaded guilty to the federal felony of conspiracy to defraud the United States. On November 7, 2008, he was sentenced to a term of three years probation, on condition that he participates in 75 hours of community service. By decision & order on motion of the Appellate Division, Second Judicial Department, dated July 22, 2009, the respondent was suspended pursuant to Judiciary Law §90(4)(f) as a result of his conviction of a serious crime. Following a disciplinary hearing, the respondent was found guilty of having been convicted of a serious crime, in violation of Code of Professional Responsibility DR 1-102(A) (3),(4) and (7). He was suspended from the practice of law for an additional one year, commencing immediately, and continuing until further order of the Court.



Diana Szochet

**Koston Hui Feng, admitted as Koston F. Pelly (September 28, 2010)**

Following a disciplinary hearing, the respondent was found guilty of engaging in a pattern of converting funds entrusted to him as a fiduciary, incident to his practice of law; failing to safeguard funds entrusted to him as a fiduciary; using his attorney escrow account for purposes unrelated

to his practice of law; and failing to maintain required records for his attorney escrow account. In determining an appropriate measure of discipline to impose, the Court considered the absence of any prior history as well as respondent's explanation that he was unfamiliar with the rules governing escrow accounts; that he opened three accounts: a checking account, an escrow account and a money market account; and that he "did not realize at the time that transferring escrow funds back and forth between accounts was improper." Moreover, "when apprised by the Grievance Committee that his escrow practices were improper, the respondent immediately ceased such practices." Under the totality of the circumstances, the respondent was suspended from the practice of law for a period of six months, commencing October 29, 2010, and continuing until further order of the Court. In addition, the respondent was directed to make restitution to the New York State IOLA Fund of the interest generated by deposit-

ing fiduciary funds into his money market account.

**Eric A. Stewart, admitted as Eric Allen Stewart (October 13, 2010)**

The respondent was immediately suspended from the practice of law, pending further proceedings, upon a finding that he was guilty of professional misconduct immediately threatening the public interest based on his failure to cooperate with the Grievance Committee and other uncontroverted evidence of professional misconduct.

**The Following Suspended Attorneys And/OR Voluntary Resignors Were Reinstated As Attorneys And Counselors-At-Law By Order Of The Appellate Division, Second Judicial Department:**

Priya G. Bhatt, voluntary resignor (October 12, 2010)

Rene G. Garcia, a suspended attorney (October 12, 2010)

Andrew P. Jones, admitted as Andrew Paul Alexander Jones, a suspended attorney (October 12, 2010)

Gerard P. McLoughlin, admitted as Gerard Peter McLoughlin, a suspended attorney (October 12, 2010)  
**At A Recent Meeting of the Grievance Committee For The Second, Eleventh And Thirteenth Judicial Districts, The**

Continued On Page 12

# What is Your Next Play...



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## Culture Corner

*Continued From Page 4* —  
vast sewers of Vienna, and through WWII — to decide what makes an iconic figure a hero or a villain.

Playwright **SHEILA SCHWARTZ**'s long career devoted to parallel research obsessions and graduate academic projects connect film and propaganda, European history and philosophy of law, and overlap her life as a long time film and theater fan. Her investigating the literature of WWII, and interviewing soldiers, spies and witnesses culminates in the fusion of theater, film, and history that is **SPY GARBO**. Sheila's upcoming projects include a play about Ruth Draper and Gertrude Berg entitled *Duet for Solo Voices*.

Director **KEVIN CUNNINGHAM** is an award winning writer, director, designer, producer and entrepreneur based in New York City. Throughout his 30 year career he has authored, designed and directed many multidisciplinary artworks, including *Paris Orgy*, a new collaboration with Chuck Mee. Over the last 10 years he has focused on large scale live multimedia performance and experimental interactive work, receiving selection for the USITT American Pavilion at the Prague Quadrennial (the premier international exhibit for performance design). Kevin received a 2007 American Theatre Wing Hewes Design Award for the Production Design of *Losing Something*. He is the founder and Executive Artistic Director of *3 Legged Dog*.

The cast for "**SPY GARBO**" is: **STEVEN HAUCK** (William Canaris), **CHAD HOEPPNER** (Kim Philby), and **STEVEN RATAZZI** (Francisco Franco). Steven Hauck appeared on

Broadway opposite Tovah Feldshuh in *Irena's Vow*. Off Broadway credits include *Screw Tape* in *The Screw Tape Letters* and new plays with Playwrights Realm, the Directors Company, Invictus Theatre, Emerging Artists (company member), the York, NYMF, FringeNYC and the Young Playwrights Festival at the Cherry Lane. **STEVEN HAUCK** toured in *The Phantom of the Opera* (Paris, Berlin and Vienna) and appeared in *Clytemnestra* adapted and directed by Tadashi Suzuki. Regional theater credits include *Death of a Salesman* directed by Ethan McSweeney (UDeL REP), *Art* (Geva), *Cyrano* (Milwaukee Rep), *La Bête* (Two River Theater) and *How I Learned to Drive* (Tennessee Rep). Film: *Confessions of a Shopaholic*, *Almost Perfect* opposite Roger Rees and *You Can't Have it All* with Wendie Malick. TV highlights: *Delocated*, *Law & Order CI*, and *All My Children*.

**CHAD HOEPPNER**'s Broadway credits include: *Come Back Little Sheba* and *Butley*. Off Broadway he has been seen in *The Glass Cage* (Mint Theater); *Richard III* (CSC); *The Three Musketeers* and *Macbeth* (The Acting Company); *Cornfield* (Baryshnikov Arts Center); *Drinking Ink* (92nd Street Y); *As You Like It* (NYSF); and *Scituate* (The Barrow Group). His regional theater credits includes work at The Idaho Shakespeare Festival and the Chautauqua Theatre Company.

**MR. RATAZZI**'s New York credits include: *The Really Big Once*, *Dinner Party*, *Strictly Dishonorable*, and *The Seagull*, directed by David Herskovits (Target Margin); *Walk Across America* for Mother Earth, *The Painted Snake* on a Painted Chair, *Belize*, *Imminence*, *New Islands Archipelago* (The Talking Band); *The Age of Iron*, directed by Brian Kulick



Ingrid Fliter

(CSC); *Stunning*, directed by Anne Kauffman (Lincoln Center); *Henry V* with Liev Schriber (NYSF); *The Fourth Sister*, directed by Lisa Peterson (Vineyard); *Samuel's Major Problems*, directed by Richard Foreman (Ontological); and *McGurk: A Cautionary Tale* (Elevator Repair Service).

The set design is by Neal Wilkinson, the costume design by Clint Ramos, the lighting design by Laura Mroczkowski, the sound design by Marcelo Anez, and the music composed by Aldo Perez. The video designers will be Aaron Harrow, Jeff Morey, Peter Norrman. The video designers for outdoor projections are Pima Habibullah and Jared Mezzocchi. The graphic designer is Ms. Habibullah. The p.s.m. is Danielle Teague Daniels, and the general manager is Lisa Dozier. Dramaturgy: John Dias and Sarah Cameron Sunde.

"**SPY GARBO**" is performed at 3LD Art & Technology Center ([www.3ldnyc.org](http://www.3ldnyc.org)).

The complete schedule for "**SPY GARBO**" (March 1 through April 10) will be: Tuesdays thru Saturdays at 8:00 p.m., and Sundays at 3:00 p.m. Tickets will be \$30.00 for general admission, with a \$40.00 reserved seat ticket also available. To reserve tickets, visit [www.ovationtix.com/trs/pr/800025/1299027600000/prm/](http://www.ovationtix.com/trs/pr/800025/1299027600000/prm/) or call 212 352 3101.

### The 92nd Street Y

For wonderful artists, I urge you to consider a concert subscription to the 92nd Street Y. Please go to [www.92Y.org](http://www.92Y.org). Several noteworthy concerts were performed this year. **THE TOKYO STRING QUARTER** played Beethoven, with a wonderful pianist **ALEKSANDAR MADZAR**. MADZAR was particularly compelling in his interpretation of the

*Sonata in A flat [opus 110]*.

Argentine, award-winning pianist **INGRID FLITER** was excellent at her concert of Beethoven, Haydn, and Chopin. Her accounts of several Chopin waltzes were elegant and exuberant.

The **TAKACS QUARTET**, at its concert, delighted with works by Schubert. Particularly wonderful was the account by the venerable **TAKACS QUARTET** of Schubert's epic String Quartet in G. Schubert, a prolific composer, dies two years after writing that String Quartet in G, at age 31.

### CAMERON MOIR's CLASS A

**CAMERON MOIR**'s play **CLASS A** is a compelling study of drug addiction, concentrating on scenes pairing four drugs - - MDMA [better known as "ecstasy"], cocaine, heroin, and crystal meth - - with the addicts who are hooked on them. Cameron Moir's play, performed at the Gene Frankel Theatre in the east Village during February and March, 2011, is very interesting. It does need some tweaking in both writing and stage blocking, but deserves to be staged again.

The cast was very good. **PETER ZERNECK**, an excellent actor, gave a chilling account, as he played Cocaine as a demanding, debonair, but ultimately dictatorial taskmaster. **DAVID ARKEMA** was seductive and beguiling as Heroin. Among the victims, the standout performances were by **OLGA MALYKHIN** as a young woman whose neediness for cocaine was insatiable. **KIERAN MULCARE** was stunning as a heroin addict who could not avoid succumbing to the lure of heroin. **ANDREW LERNER** was excellent portraying a gay jock, hooked on crystal meth. **ANDREW LERNER**'s performance in addressing a twelve step group was a touching monologue, superbly acted by him and well written by **CAMERON MOIR**.

I wished that the talented director, **ALYSE M. FROSCH**, would have had **ANDREW LERNER** facing the audience, as opposed to a side view of him. This raises the issue of the blocking. All of the four addicts in "Class A" were confined to their classroom desks, making the actors playing the victims work even harder. Perhaps the setting was metaphorical of addicts being confined and limited by their circumstances.

Scenes like a picnic among male buddies and a family argument need to be rewritten in order to make connection to the rest of the play better understood. Yet, the groundwork is there for an excellent play, and **CAMERON MOIR**'s work

*Continued On Page 10*

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CORNER

## Foreclosure Conference Update, Monday, January 31, 2011



Corry McFarland, Mark Weliky, Hilary Gingold, Sumani Lanka and Chanwoo Lee



Violet Samuels, Joe Carola, Chanwoo Lee and Mark Weliky



Joe Carola, Mark Weliky and Chanwoo Lee



Cathy Lomuscio and George Poulos



Paul Goldblum, George Nashak and Greg Brown



Tracy Catapano-Fox, Chief Clerk,  
Supreme Court, Queens County



Sumani Lanka, Staff Attorney at Legal  
Aid Society



Hilary Gingold, Foreclosure Training  
Supervisor



Corry McFarland, Foreclosure  
Prevention Coordinator



Attendees to Foreclosure Update Seminar

**Note:** As of this issue of the Bar Bulletin, Hilary Gingold is now Court Attorney to Hon. Sidney Strauss and Corry McFarland is now the Foreclosure Training Supervisor. Good luck to them both on their new positions.

Photos by Walter Karling



PHOTO



CORNER

## Foreclosure Conference Update, Monday, January 31, 2011



Natalie Papier, Tracy Catapano-Fox, Chanwoo Lee and Ted Gorycki



Greg Newman, Mona Haas and Jim Pieret

**Note:** As of this issue of the Bar Bulletin, Hilary Gingold is now Court Attorney to Hon. Sidney Strauss and Corry McFarland is now the Foreclosure Training Supervisor. Good luck to them both on their new positions.

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# Culture Corner

Continued From Page 6 —————  
does merit, after further development, another staging.

## THE MET OPERA'S 2011-2012 SEASON

There is still time to buy tickets for the 2010-2011 season that closes in mid-May 2011. The Met Opera consistently brings performances of operas of exceptional quality. Now the Met Opera has announced its new 2011-2012 season to commence at the end of September 2011. The new season features:

Seven New Productions, Including a World Premiere, a Met Premiere, and the Complete *Ring* Cycle, Headline the Met's 2011-12 Season

James Levine conducts the final two installments of Robert Lepage's production of the *Ring*: *Siegfried* and *Götterdämmerung*; complete cycles scheduled for April and May 2012

The season opens with the first-ever Met performance of Donizetti's *Anna Bolena*, starring Anna Netrebko in the first of two new productions she sings this season; Laurent Pelly's production of *Manon* follows in April

The world premiere of *The Enchanted Island*, a pastiche of Baroque music and Shakespearean comedy, opens on New Year's Eve

Tony Award-winning stage directors Michael Grandage and Des McAnuff make their Met debuts with new productions of *Don Giovanni* and *Faust*

In its sixth season, *The Met: Live in HD* series will feature 11 live transmissions

The Metropolitan Opera's 2011-12 season will feature the world's leading singers, conductors, and stage directors in seven new productions, including a world premiere, a Met premiere, and the first complete performances of a new *Der Ring des Nibelungen* cycle conducted by Music Director **James Levine** and directed by **Robert Lepage**. The season includes the Met premiere of Donizetti's *Anna Bolena*, conducted by **Marco Armiliato** and directed by **David McVicar** (the beginning of an ambitious multi-season project to produce all three of Donizetti's famous "Queen" operas directed by McVicar); *The Enchanted Island*, the world premiere of a Baroque pastiche with an original libretto by **Jeremy Sams** and set to the music of Handel, Vivaldi, Rameau, and others, conducted by **William Christie** and directed by **Phelim McDermott**; the Met debuts of Tony Award winners **Michael Grandage** and **Des McAnuff** with new productions of *Don Giovanni*, conducted by Levine, and *Faust*, conducted by **Yannick Nézet-Séguin**; a new production of Massenet's

*Manon* conducted by Principal Guest Conductor **Fabio Luisi** and directed by **Laurent Pelly**; and **Robert Lepage's** productions of *Siegfried* and *Götterdämmerung*, the third and fourth installments of Wagner's *Ring* cycle, both conducted by Levine.

The Met Opera's General Manager, **PETER GELB**, stated: "The entire company is energized by the prospect of our new *Ring* cycle being fully realized. Our goal is to fill our seasons with a wide range of new productions and revivals to keep our audience stimulated from start to finish." Gelb noted that surveys done by the Met show that the average age of a Met audience member went from 60.4 in 2005 to 57.7 in 2011. Gelb continued: "Our audience is in transition and our presentations are intended to please both its older and younger segments."

## New Productions

### Anna Bolena Gaetano Donizetti

The season opens September 26 with the Met premiere of Donizetti's *Anna Bolena*, starring **Anna Netrebko** as the young queen of the title and conducted by Marco Armiliato. **El na Garan a** is Giovanna (Jane Seymour); **Stephen Costello** is Lord Percy; **Ildar Abdrazakov** is Enrico (Henry VIII); and **Tamara Mumford** is the queen's page, Smeton. Generally considered one of Donizetti's finest operas, *Anna Bolena* was the composer's first international success. Though never performed at the Met, the opera was famously revived at La Scala with Maria Callas in the 1950s. *Anna Bolena* is the first of a trilogy of Donizetti's operas based on the lives of Tudor-era queens that David McVicar will be directing at the Met in coming seasons. *Maria Stuarda* and *Roberto Devereux* complete the trilogy, each with a different design team. All three operas will be Met premieres.

David McVicar, whose 2009 production of *Il Trovatore* earned critical and audience acclaim, has said that his staging of *Anna Bolena* will "embrace the romanticism of the piece." His production team is led by set designer **Robert Jones**, an Olivier Award-nominated English designer of opera and stage productions; costume designer **Jenny Tiramani**, who previously served as Director of Theatre Design at Shakespeare's Globe; lighting designer **Paule Constable**, a three-time Olivier Award winner whose credits include *War Horse* on Broadway and *Satyagraha* at the Met; and choreographer **George Andrew**. Jones and Tiramani are making their Met debuts with *Anna Bolena*.

### Don Giovanni Wolfgang Amadeus Mozart

A new production of Mozart's *Don Giovanni*, directed by Tony Award winner Michael Grandage in his Met debut, opens October 13. Grandage says, "Don Giovanni has a charismatic lust for life, but he's not just some serial seducer; he's a dark, complex individual." The opera has two casts of gifted Mozart singers. The first, conducted by James Levine and led by **Mariusz Kwiecien** in the title role, features the Met debuts of Latvian soprano **Marina Rebeka** as Donna Anna and German soprano **Mojca Erdmann** as Zerlina. **Ramón Vargas** as Don Ottavio, **Luca Pisaroni** as Leporello, and **Štefan Kocán** as the Commendatore sing their roles for the first time at the Met, while **Barbara Frittoli** and **Joshua Bloom** reprise their performances of Donna Elvira

and Masetto. A later cast, conducted by **Andrew Davis**, will star **Gerald Finley** as the legendary seducer, opposite **Annette Dasch** as Donna Elvira, **Isabel Leonard** as Zerlina, **Matthew Polenzani** as Don Ottavio, **John Relyea** as Leporello, **Shenyang** as Masetto, and **James Morris** as the Commendatore. Rebeka will sing Donna Anna in both casts. Grandage's production will feature the Met debuts of Tony Award winner **Christopher Oram** (set and costume design) and **Ben Wright** (choreography), with lighting design by Paule Constable in her second new Met production of the season. The production is a gift of the Richard and Susan Braddock Family Foundation, with additional funding from Mr. and Mrs. Ezra K. Zilkha.

## Siegfried – Richard Wagner

Robert Lepage's production of *Siegfried* opens October 27, with Maestro Levine conducting and **Gary Lehman** in his first Met performances of the title role. Singers from earlier operas in the *Ring* cycle also appear, including **Deborah Voigt** as Brünnhilde, **Patricia Bardon** as Erda, **Bryn Terfel** as the Wanderer, and **Eric Owens** and **Gerhard Siegel** as the greedy brothers Alberich and Mime. For this third installment of Wagner's great epic, Lepage introduces a new 3D technology as part of the projections that transform the set into startlingly dramatic images that readjust as the scenery moves and changes shapes. The innovative 3D software, created by MAGINAIRE and licensed to Réalisations.net, has never before been used in a theatrical presentation. *Siegfried* is the only opera in the new *Ring* to make use of this technology, which will be utilized to create an enhanced sense of theatrical realism for Siegfried's forest dwelling. "When you come to *Siegfried*," Lepage says, "you can fully appreciate the complexity and genius of the leitmotifs Wagner has used to create another world. That is what we must do onstage as well—create an organic world of dragons and bears and insects and other creatures, where Siegfried can prove himself the strong, fearless, virile hero."

The production team also includes associate director **Neilson Vignola**, set designer **Carl Fillion**, costume designer **François St-Aubin**, lighting designer **Etienne Boucher**, and video image artist **Pedro Pirés**. The production is a gift of Ann Ziff and the Ziff family, in memory of William Ziff, and is presented in collaboration with Ex Machina.

## Faust – Charles Gounod

On November 29, a new production of Gounod's *Faust* opens, set by Tony Award-winning director Des McAnuff (Met debut) in the first part of the 20<sup>th</sup> century. McAnuff is interested in the opera's philosophies of "personal responsibility" and think that's the Faustian journey right there. It's trying to escape from ultimate knowledge, which includes evil." Star tenor **Jonas Kaufmann** sings his first Met performances of the title role, opposite **Angela Gheorghiu** as the innocent Marguerite, **Russell Braun** as Valentin, and **René Pape** as Méphistophélès; Yannick Nézet-Séguin, who led the new production premieres of *Carmen* and *Don Carlo* in recent seasons, conducts his first Met performances of the opera. Later casts include **Marina Poplavskaya**, **Roberto Alagna**, **Joseph Calleja**, and **Ferruccio Furlanetto**, as well as conductor **Alain Altinoglu's** first performances of *Faust* at the Met. Theatrical designers **Robert Brill**

(sets) and **Paul Tazewell** (costumes) make their Met debuts with this production, which also features lighting design by **Peter Mumford**, video design by **Dustin O'Neill**, choreography by **Kelly Devine**, and fight direction by **Stephen Rankin**. *Faust* is a co-production of the Metropolitan Opera and the English National Opera, where this production premiered earlier this season.

## The Enchanted Island

On New Year's Eve, the Met will present *The Enchanted Island*, a world premiere creation using Baroque music set to an all-new English-language libretto by Jeremy Sams, who collaborated with Baroque specialist William Christie, who conducts. Works by George Frideric Handel, Jean-Philippe Rameau, and Antonio Vivaldi make up the majority of the score with smaller excerpts of pieces by André Campra, Jean-Marie Leclair, and others. The opera combines characters and plot elements from two Shakespeare plays: the four mismatched lovers from *A Midsummer Night's Dream* are shipwrecked on an island where *The Tempest's* Prospero and Sycorax are embroiled in a supernatural battle. The starry cast includes **Danielle de Niese** as Ariel, **Lisette Oropesa** as Miranda, **Joyce DiDonato** as Sycorax, **David Daniels** as Prospero, **Anthony Roth Costanzo** as Ferdinand, **Plácido Domingo** as Neptune, and Luca Pisaroni as Caliban. Director Phelim McDermott, associate director and set designer **Julian Crouch**, and costume designer **Kevin Pollard**, the team behind the Met's production of Philip Glass's *Satyagraha*, have created an opulent, imaginative showcase for this 21<sup>st</sup>-century interpretation of an 18<sup>th</sup>-century pasticcio. Lighting designer **Brian MacDevitt**, choreographer **Graciela Daniele**, and animation and projection design company **59 Productions** help to create the magical world of *The Enchanted Island*.

As an operatic pasticcio or pastiche, *The Enchanted Island* harks back to the 18<sup>th</sup> century, when adapting new words to music from various composers to create an altogether new theatrical piece became standard procedure in opera houses. According to *The New Grove Dictionary of Music*, the tradition began in late 17<sup>th</sup>-century Italy but flourished particularly in London, where Handel himself was a prominent practitioner. "We wanted to create a modern vehicle for Baroque music featuring artists who are virtuoso performers of this style, so I turned to Jeremy Sams and William Christie," explained Gelb. "I believe this hybrid creation will showcase some of the great music of the period in a way that will honor the Baroque tradition, yet be modern in spirit – especially with a creative team led by Phelim McDermott and Julian Crouch."

## Götterdämmerung – Richard Wagner

Robert Lepage's production of the final opera in the *Ring* cycle, *Götterdämmerung*, opens January 27. In the cycle's thrilling conclusion, in which deception and greed lead to a global cataclysm, **Deborah Voigt** and **Katarina Dalayman** share the role of Brünnhilde and Gary Lehman and **Stephen Gould** share the role of Siegfried. The cast also includes **Waltraud Meier** as Waltraute, **Eric Owens** as Alberich, and, as the Gibichungs who scheme to destroy Siegfried, **Hans-Peter König** as Hagen, **Wendy Bryn Harmer** as Gutrun, and **Iain Paterson** as Gunther. "Götterdämmerung is different from the



Anna Netrebko



# Culture Corner

Continued From Page 10

other *Ring* operas because it is about society,” Lepage says. “The more the story progresses, the more it moves away from the realm of the gods to focus on the power and ambition of human beings. *Götterdämmerung* is about Brünnhilde in society, her journey as a character and her role as the heroine who must restore balance to the world.” Lepage’s design team from *Siegfried* reassembles to create the visuals for the final segment of the *Ring*. The production is a gift of Ann Ziff and the Ziff family, in memory of William Ziff, and is presented in collaboration with Ex Machina.

## Manon – Jules Massenet

Anna Netrebko opens her second new production of the season on March 26, portraying the impetuous, tragic title character in Massenet’s *Manon* for the first time at the Met. Also making Met role debuts are **Piotr Beczala** as Manon’s lover the Chevalier des Grieux, **Paulo Szot** as her cousin Lescaut, and **David Pittsinger** as the Comte des Grieux. Met Principal Guest Conductor Fabio Luisi conducts his first house performances of the work. Laurent Pelly’s stylish production, starring Netrebko, premiered to outstanding reviews at the Royal Opera House, Covent Garden, in 2010. Pelly says that his production of the opera will provide “an adventure that amuses, moves, and frightens” the audience. The production reunites Pelly’s design team from 2008’s *La Fille du Régiment*: **Chantal Thomas** (sets), Pelly (costumes), and **Joël Adam** (lighting). French choreographer **Lionel Hoche** makes his Met debut with this production. *Manon* is underwritten by The Sybil B. Harrington Endowment Fund and is a co-production of the Metropolitan Opera, New York; the Royal Opera House, Covent Garden, London; Teatro alla Scala, Milan; and Théâtre du Capitole de Toulouse.

## Ring Cycles

The Met will present three complete cycles of the new production of *Der Ring des Nibelungen* in April and May 2012. The cycles will be the 108<sup>th</sup>, 109<sup>th</sup> and 110<sup>th</sup> presented at the Met since the first cycle in the Western Hemisphere premiered at the house in 1889. James Levine will conduct all three, as he has the last 21 complete cycles at the Met. Lepage’s production is the first new Met *Ring* since 1988, and only the third to premiere at the house in the last 50 years. The cycles will star Bryn Terfel as Wotan/The Wanderer, Deborah Voigt and Katarina Dalayman as Brünnhilde, Gary Lehman and **Stephen Gould** as Siegfried, **Eva-Maria Westbroek** as Sieglinde, Wendy Bryn Harmer as Freia and Guttrune, Stephanie Blythe as Fricka, Patricia Bardon as Erda, **Karen Cargill** in her Met debut as Waltraute, Jonas Kaufmann and **Stuart Skelton** as Siegmund, **Stefan Margita** as Loge, Gerhard Siegel and **Robert Brubaker** as Mime, Eric Owens and **Richard Paul Fink** as Alberich, Iain Paterson as Gunther, Hans-Peter König as Fafner, Hunding and Hagen, and **Franz-Josef Selig** as Fasolt.

Cycle 1 will open April 7 (*Das Rheingold*) and continue on April 13 (*Die Walküre*), April 21 (*Siegfried*), and April 24 (*Götterdämmerung*). Cycle 2 will play April 26 (*Das Rheingold*), 28 (*Die Walküre*), 30 (*Siegfried*), and May 3 (*Götterdämmerung*). Finally, Cycle 3 will

take place on May 5 (*Das Rheingold*), 7 (*Die Walküre*), 9 (*Siegfried*), and 12 (*Götterdämmerung*).

## Major Met Debuts

Notable Met debuts this season include tenors Javier Camarena (Oct. 1) and Alexey Kudrya (Oct. 26) as Count Almaviva in *Il Barbiere di Siviglia*; sopranos Marina Rebeka as Donna Anna and Mojca Erdmann as Zerlina in *Don Giovanni* on October 13; the countertenors Iestyn Davies (Nov. 14) and Anthony Roth Costanzo (Dec. 7) as Unulfo in *Rodelinda*; bass Matthew Rose as Colline in *La Bohème* on November 18; conductor Robin Ticciati in *Hansel and Gretel* on December 16; soprano Malin Byström as Marguerite in *Faust* on December 23; conductor Mikko Franck in *Tosca* on January 10; baritone Laurent Naouri as Sharpless in *Madama Butterfly* on February 17; tenor Misha Didyk as Andrei and bass Anatoli Kotscherga as Ivan Khovansky in *Khovanshchina* on February 27; soprano Nadja Michael as Lady Macbeth in *Macbeth* on March 15; mezzo-soprano Karen Cargill as Waltraute in *Götterdämmerung* on April 24; Johan Reuter as Jaroslav Prus in *The Makropulos Case* on April 27; and tenor John Daszak as Captain Vere in *Billy Budd* on May 4.

## The Met: Live in HD 2011-12

The 2011-12 season of *The Met: Live in HD* will feature 11 transmissions, beginning on October 15 with *Anna Bolena* and continuing with *Don Giovanni* (October 29), *Siegfried* (November 5), *Satyagraha* (November 19), *Rodelinda* (December 3), *Faust* (December 10), *The Enchanted Island* (January 21), *Götterdämmerung* (February 11), *Ernani* (February 25), *Manon* (April 7), and *La Traviata* (April 14).

The company’s enormously successful Peabody and Emmy Award-winning series of live transmissions into movie theaters, which enters its sixth season in 2011-12, currently reaches more than 1,500 theaters in 46 countries. In the last completed season, 2009-10, a record-breaking 2.4 million tickets were sold in more than 1,200 theaters in 43 countries. The nine transmissions earned more than \$48 million in gross box office revenues, of which the Met’s portion was \$24 million. After production costs and revenue sharing, the Met realized more than \$8 million in net revenue. To date, more than 7 million tickets have been sold worldwide to *The Met: Live in HD* series.

Tickets for the 11 transmissions in the 2011-12 *Met: Live in HD* series will go on sale in September; Met members in the U.S. and Canada will have ticket priority before tickets are made available to the general public.

*The Met: Live in HD* series is made possible by a generous grant from its founding sponsor, The Neubauer Family Foundation. Global corporate sponsorship of *The Met: Live in HD* is provided by Bloomberg.

Archived transmissions from *The Met: Live in HD* began airing on PBS in January 2007. The series, called *Great Performances at the Met*, is produced in association with PBS and WNET, with support from Toll Brothers, America’s luxury home builder®.

## New Ticket Prices and Curtain Times

There will be a modest increase in ticket prices for the new season, averaging 2.7% on subscriptions and 4.2% on single

sale prices. The lowest-priced seats, at \$25, will not be increased. Even with this increase, approximately one third of the Met’s seats are priced at \$100 or less.

In response to customer requests for an earlier start time, the curtain time for most weekday performances this season will be 7:30 p.m. Longer operas such as *Khovanshchina* and the last three parts of the *Ring* cycle are exceptions and have earlier curtain times. The standard curtain time for Saturday matinees remains 1:00 p.m. and for Saturday evenings, 8:00 p.m. Some performances have start times that are different from the standard ones, so opera-goers should check the times on their tickets.

The Met’s successful Agnes Varis and Karl Leichtman Rush Ticket program will continue for a sixth season, thanks to the support of Met Board member Agnes Varis and her husband, Karl Leichtman. The program provides up to two tickets per customer for selected orchestra seats at the sharply discounted price of \$20, available two hours before curtain time. Two hundred Varis Rush Tickets are available for most Monday to Thursday evening performances, with the exception of galas, the openings of new productions, and the spring performances that are part of complete *Ring* cycles. The Met also reserves 50 Varis Rush tickets per performance for senior citizens.

The Varis Rush Ticket program will once again offer orchestra seats for week-end performances through an online lottery conducted on [www.metopera.org](http://www.metopera.org). Up to two tickets per winner in prime seating locations are available for \$25 a ticket to all weekend performances with the exception of galas, the opening nights of *The Enchanted Island* and *Götterdämmerung*, and the spring performances that are part of complete *Ring* cycles.

## Repertory

The Met’s 2011-12 season will feature 19 revivals, ranging from standard repertory productions with starry casts to revivals of rarely performed operatic masterpieces. Philip Glass’s *Satyagraha* will have its first Met revival in Phelim McDermott and Julian Crouch’s innovative production, conducted by **Dante Anzolini**, who led the opera’s Met premiere. Richard Croft will reprise his lead performance as Gandhi, with **Rachelle Durkin**, **Kim Josephson**, and **Alfred Walker** in principal roles.

Janáček’s *The Makropulos Case* will return to the Met for the first time since 2001, with Karita Mattila in the starring role of the supernaturally youthful diva Emilia Marty and Janáček specialist **Jiří B. Johlávek** conducting. **Kurt Streit** and **Johan Reuter** (in his Met debut) are two of Emilia’s admirers and **Tom Fox** is the skeptical lawyer Kolenatý.

Another 20<sup>th</sup>-century opera, Britten’s *Billy Budd*, has its first Met revival since 1997, with Nathan Gunn singing the title role for the first time at the Met. **John Daszak** makes his Met debut as Captain Vere and James Morris sings the villain John Claggart in Britten’s adaptation of the classic Melville novella, conducted by **David Robertson**.

Handel’s *Rodelinda* will return to the repertory, with Renée Fleming again singing the title role of the Queen of Lombardy, and **Kobie van Rensburg** and Stephanie Blythe as Grimoaldo and Eduige. **Harry Bicket**, who led the opera’s first performances at the Met, returns to conduct. Countertenors Andreas Scholl (as the usurped king Bertarido) and **Iestyn Davies** (in his Met debut as Unulfo, Bertarido’s friend) and bass-baritone

Shenyang (as the evil Garibaldo) complete the cast of Stephen Wadsworth’s acclaimed production.

Russian opera is represented this season by Mussorgsky’s dramatic historical epic *Khovanshchina*, not heard at the Met since 1999. Anatoli Kotscherga and Misha Didyk make their Met debuts in the roles of Ivan and Andrei Khovansky, surrounded by an outstanding cast of Russian and Georgian artists that includes Olga Borodina as Marfa, Vladimir Galouzine as Vasily Golitsin, George Gagnidze as Shaklovity, Ildar Abdrazakov as Dosifei, and conductor **Kirill Petrenko**.

Puccini lovers will hear revivals of the composer’s three most popular works. *Madama Butterfly*, in **Anthony Minghella**’s stunning production, will star Liping Zhang and Patricia Racette in the heartbreaking title role, with Robert Dean Smith and Marcello Giordani as the callous Lieutenant Pinkerton. **Maria Zifchak** returns to the role of Suzuki and **Luca Salsi** and Laurent Naouri (in his Met debut) sing Sharpless. Plácido Domingo, Marco Armiliato, and Yves Abel will each conduct performances of *Butterfly* in the coming season. **Carolyn Choa**, the production’s original choreographer and associate director, returns to stage the revival.

Racette will also sing the title role of *Tosca*, a part that earned her tremendous acclaim when she first sang it at the Met in 2010. Two tenors will alternate as her lover Cavaradossi: Roberto Alagna, who made an unexpected Met role debut in the part in the current season and Aleksandrs Antonenko, singing the role for the first time at the Met. Scarpia will be sung by George Gagnidze and James Morris. Young Finnish conductor **Mikko Franck** makes his Met debut.

Puccini’s enduring classic *La Bohème*, in Franco Zeffirelli’s spectacular staging, will return next season with Hibla Gerzmava and Hei-Kyung Hong as Mimì and Dimitri Pittas as Rodolfo. Susanna Phillips reprises her winning portrayal of Musetta and Alexey Markov, **Patrick Carfizzi**, and Matthew Rose (in his Met debut) comprise Rodolfo’s circle of bohemian friends. **Louis Langrée** conducts his first Met performances of the opera.

Bartlett Sher’s rollicking production of Rossini’s *Il Barbiere di Siviglia* returns to the Met for an extended run, with two casts of stars conducted by **Maurizio Benini**. An October revival will star Peter Mattei as Figaro and Isabel Leonard in her Met role debut as Rosina, with Javier Camarena making his Met debut as Count Almaviva, **Maurizio Muraro** as Dr. Bartolo, and **Paata Burchuladze** and Samuel Ramey singing Don Basilio. A spring run will feature Diana Damrau as Rosina, with **Rodion Pogosssov** as Figaro, **Colin Lee** as Almaviva, **John Del Carlo** as Dr. Bartolo, and Ferruccio Furlanetto as Don Basilio.

Two Donizetti comedies will join *Barbiere* on the lighter side of the season. *L’Elisir d’Amore* has a glittering cast of bel canto stars: Diana Damrau as the beautiful Adina, Juan Diego Flórez as the bumbling Nemorino, Mariusz Kwiecien as the cocky Belcore, and **Alessandro Corbelli** as the elixir-dispensing Dulcamara. **Donato Renzetti** conducts.

Laurent Pelly’s production of *La Fille du Régiment* returns for a third engagement, with Nino Machaidze making her house role debut in the title role and Lawrence Brownlee returning to the high C-laden role of Tonio. **Kiri Te Kanawa** will again grace the Met stage in the speaking role of the Duchess of

Continued On Page 13



# The Legal Community Trumpets Stresses' Toll

Continued From Page 1 — as:

“a physical, chemical, or emotional factor that causes bodily or mental tension and may be a factor in disease causation.”<sup>5</sup>

Stress takes a huge toll! As we hold stress in various parts of our body, it depletes the body’s immune system and causes tension around the neck, shoulders and back. It often leads to depression, substance and alcohol abuse. There’s no wonder that many seasoned lawyers walk around weary and tired with hunched shoulders, and drooping necks, from long days and countless hours of toiling in their craft.

As professionals, we look for ways to relieve our stress through exercise, hobbies, caffeine, sugar, fast foods, doctors, alcohol and illegal substances. I was an active person, avid dancer and student of Pilates; I gradually stopped because the daily demands and pressure progressively encroached on my available time. There were many days when I had coffee with sugar and milk and a doughnut for breakfast, pizza for lunch, and in the evening pint-size gobs of ice cream to soothe and uplift my spirits. Many of my colleagues see doctors for a variety of conditions including heart problems, ulcers, cancer, migraines, hypertension, back, leg and

knee problems, and depression. Other attorneys consume alcohol or use illegal substances to excess.

Just how successful have attorneys been at relieving stress? According to a John Hopkins Study, attorneys suffer from depression at a rate of four times that of the general population.<sup>6</sup> According to Thomas Barnett, “Attorneys have one of the highest suicide rates of any profession.”<sup>7</sup>

Our profession needs help. What we have been doing is not working; our members are suffering, stressed and depressed. I had a wakeup call to relieve my own stress. It was affecting my health and my career. After reading these articles, based on my own experiences and those of my colleagues, I was inspired to write this article. Disseminating information about effective ways to heal ourselves is important and needed at this time.

Experts agree that the key to reducing stress is proper oxygenation of the body and cells.<sup>8</sup> Some ways this can be accomplished is through deep breathing, meditation, stretching, aerobic exercise, yoga, acupuncture, and a diet rich in organic fruits and vegetables.

In my quest for stress relief, I have done all of the above-listed activities and they have indeed helped me reduce stress.

Lavender	Frankincense	Peppermint
Agitation	Depression	Concentration
Anger	Argumentative	Headache
Anxiety	Confusion	Obsessiveness
Despair	Disappointment	Body Aches
Panic	Inflammation	Sore Muscles
Restlessness	Discouragement	Forgetfulness
Backache		

However, I still had colds, fatigue, headaches and perpetual dark circles under my eyes. A friend of mine introduced me to essential oils. I learned that essential oils and other aromatics have been used for many centuries for the treatment of illness and other physical and spiritual needs. By using them, I can now prevent colds and headaches from developing. I have more energy, and the deep circles under my eyes have cleared up. They have made a huge shift in my life.

Essential oils go beyond providing oxygen to the body. They work on the emotional and physiological levels. Inhaling a therapeutic grade essential oil or applying it to the skin has been clinically proven to remove and lower stress levels. The sense of smell is the **only** one of the five senses that is linked to our emotions and it is the **only** way that emotional trauma can be released from the brain.<sup>9</sup> When applied topically, the oil is absorbed into the skin and quickly enters the bloodstream. Physiologically, essential oils may stimulate immune function and regenerate damaged tissue or combat infectious disease by killing viruses, bacteria and other pathogens.<sup>10</sup>

Compatibility is the key to their effectiveness: essential oil molecules are similar to human blood; they easily cross the cell walls of humans to repair the body.<sup>11</sup>

They are 100% more potent than herbs; 1 drop of peppermint oil is the equivalent of 28 cups of peppermint tea!

Envision something simple as holding a small amber bottle, applying one drop of essential oil in the palm of your hand, rubbing it, cupping your hands together and inhaling a powerful flowery aroma experiencing immediate relief. Imagine rubbing a drop of oil on an aching neck and shoulder; you’ll feel tension and stress melting away in just seconds. It’s a simple, natural, legal, chemical and alcohol free solution. The ability of essential oil to act on both the mind and the body is what makes it truly unique among natural therapeutic agents.<sup>12</sup> The fragrance and essence of an essential oil can affect everything from your emotional state to your lifespan.<sup>13</sup>

Essential oils can be applied in the following ways: applied neat on the skin, mixed with a carrier oil, diffused in the air, and I know one brand of essential oil made by Young Living that can be taken internally.<sup>14</sup>

While there are hundreds of essential oils available, three essential oils work well with stress in the mind, and tension in the body. The following is a chart that lists these oils and corresponding stress conditions:

By reducing stress, lawyers can transform the nature of the work and the way we interact with each other, ultimately being better advocates for our clients. The lost ancient art of aromatherapy can be used in our world today to soothe, relieve stress and tension, and put us on the pathway to health and wellness.

problem for attorneys,” Andrea J. Cook, Journal Staff, Rapid City Bar Journal, December 4, 2010, rapidcitybarjournal.com

<sup>2</sup> “7th Circuit Says Plaintiffs Lawyer ‘May Wish to Moderate His Fury,’” Debra Cassens Weiss, Senior Writer (Online), ABA Appellate Practice, December 6, 2010, abajournal.com

<sup>3</sup> “Film Confronts Depression In Legal Community,” Karen Sloan, published in *Connecticut Law Tribune*, Monday, December 06, 2010, Copyright 2010, ALM Properties, Inc.

<sup>4</sup> Id.

<sup>5</sup> Merriam Webster’s Collegiate Dictionary, Tenth Edition, p. 1164, Frederick C. Mish, Editor in Chief, Merriam-Webster, Incorporated, Springfield, MA, 1993

<sup>6</sup> “A Terrible Melancholy:” Depression in the Legal Field,” October 21, 2010, Shrink Rap, Source: Bar Association of Erie County via Vimeo

<sup>7</sup> “New state bar president says stress a problem for attorneys,” Andrea J. Cook, Journal Staff, Rapid City Bar Journal, December 4, 2010, rapidcitybarjournal.com

<sup>8</sup> Deep breathing will rapidly counteract the physiological effects of stress in your body and help you feel better within minutes...and will even improve your ability to solve life’s problems!” Steven H. Horne, RH, AHG (quoting Eckhart Tolle, author of the Power of Now), Stress Relief Secret #1: Stop and Breathe, Organic Times, Steven H. Horne, RH, AHG.

<sup>9</sup> Emotional memories are stored in the amygdala, one of the structures in the brain. In 1989 Dr. Joseph Ledoux at New York Medical University discovered that the amygdala plays a major role in storing and releasing emotional trauma. Essential Oils Desk Reference, Essential Science Publishing, 2009, USA, p. 12 [citing LeDoux, JE, Rationalizing Thoughtless Emotions, Insight, Sept. 1989]. In fact, it has been discovered that the only way to stimulate the amygdala gland is with the sense of smell, and that the gland only releases trauma with the sense of smell. Carl Janicek RMT, DHT, “Releasing Emotional Patterns with Essential Oils.”

<sup>10</sup> Essential Oils Pocket Reference, 4th Edition, YL Wisdom, 2007, p. 4

<sup>11</sup> Essential Oils Desk Reference, Id. p. 8

<sup>12</sup> Essential Oils Pocket Reference, p. 4

<sup>13</sup> Essential Oils Desk Reference, p. 15

<sup>14</sup> It is imperative that the purest quality oils available are used, because adulterated oils most likely will not produce therapeutic results and could possibly be toxic. Essential Oils Desk Reference, *supra*, p. 7. As far as I am concerned, I can only vouch for Young Living Essential Oils, (a company based in the state of Utah), to be safe and effective, free of chemicals and petrochemicals. They are therapeutic grade so they can be internally ingested and safely applied in all ways.

## Court Notes

Continued From Page 5 — Committee Voted To Sanction Attorneys For The Following Conduct:

Failing to timely re-register as an attorney with the New York State Office of Court Administration (6)

Neglecting a legal matter; failing to maintain adequate communication with a client; and failing to cooperate with the Grievance Committee (2)

Failing to adequately oversee the activity in an escrow account upon which he/she

was the signatory

Escrow irregularities including failing to maintain a contemporaneous ledger or similar record of deposits into, and withdrawals from, his/her escrow account; drawing escrow checks for business expenses; and making cash withdrawals

**This edition of COURT NOTES was compiled by Diana J. Szochet, Assistant Counsel to the Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts and Past President of the Brooklyn Bar Association. The material herein is reprinted with permission of the Brooklyn Bar Association.**

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<sup>1</sup> “New state bar president says stress a



# Culture Corner

Continued From Page 11

Krakenthorp, while **Ann Murray** and Maurizio Muraro sing the comic roles of the Marquise of Berkenfield and Sulpice. Yves Abel conducts the opera for the first time at the Met.

Verdi operas are heavily represented in the season, with five revivals of the composer's works. Natalie Dessay sings her first Met performances of Violetta in Willy Decker's innovative 2010 production of *La Traviata*, conducted by Met Principal Guest Conductor Fabio Luisi, with Matthew Polenzani reprising his portrayal of Alfredo and Dmitri Hvorostovsky as Giorgio Germont. Thomas Hampson makes a house role debut as the title character in *Macbeth*, opposite the Lady Macbeth of debuting soprano Nadja Michael. Verdi specialist **Gianandrea Noseda** conducts.

Sonja Frisell's grand production of *Aida* will feature Stephanie Blythe in her first Met performances of Amneris, opposite Violetta Urmana in the title role and Marcelo Álvarez as Radamès. *Ernani* will star Salvatore Licitra in the title role and Angela Meade—in her first full run of Met performances—as Elvira, with Dmitri Hvorostovsky as Carlo and Ferruccio Furlanetto as de Silva. Marco Armiliato will conduct both revivals.

The biblical epic *Nabucco* returns for 12 performances, with Maria Guleghina and **Marianne Cornetti** singing the role of Abigaille, and \_eljko Lu\_i\_ in the title role. Tenor Yonghoon Lee, whose Met debut in the title role of *Don Carlo* was much admired this season, sings Ismaele and **Paolo Carignani** conducts.

## Holiday Presentation: Hansel and Gretel

The Met's annual series of English-language holiday performances will continue beginning December 16 with a revival of Richard Jones's whimsical production of Humperdinck's *Hansel and Gretel*. The production, presented at special family-oriented prices for holiday weekday matinees, will star **Aleksandra Kurzak** and **Heidi Stober** (in her Met debut) as Gretel, opposite **Alice Coote** and **Kate Lindsey** as Hansel. The cast also includes **Michaela Martens** as Gertrude; Robert Brubaker as the Witch; and **Dwayne Croft** as Peter; Robin Ticciati conducts in his Met debut.

## Jonas Kaufmann in Recital

Tenor Jonas Kaufmann, who stars in next season's productions of *Faust* and *Die Walküre*, will make his New York recital debut at the Met on Sunday, October 30 at 5 p.m., with pianist **Helmuth Deutsch**. The recital program will be announced at a later date. New and renewing subscribers will have the option of ordering advance tickets to this event with their subscriptions, and single tickets will go on sale when the Met box office opens in fall 2011.

## The Arnold and Marie Schwartz Gallery Met

During the 2011-12 season, the contemporary art space located in the Met's south lobby will present two new exhibitions related to Wagner's *Ring* cycle. Admission is free and Gallery Met is open to the public six days a week; the hours are Monday through Friday from 6 p.m. through the last intermission, and Saturdays from noon through the last intermission of the

evening performance. For more information, visit [metopera.org/gallerymet](http://metopera.org/gallerymet).

## New DVD and CD releases

Twenty-two *Met: Live in HD* transmissions are currently available on DVD, including the recent releases of *Armida*, *Madama Butterfly*, *Salome*, *Doctor Atomic*, and *Simon Boccanegra*. *The Audition*, the acclaimed feature-length documentary directed by Susan Froemke, is also available.

Later this month, two additional titles from the *Live in HD* series, *Aida* and *Turandot*, will be released; these titles will initially be made available exclusively through Target. All other DVDs are available at the Met Opera Shop in the opera house lobby and online at [metoperashop.org](http://metoperashop.org). Also available are the box sets *James Levine: Celebrating 40 Years at the Met*, which collect some of the Met music director's most memorable performances on 32 CDs and 21 DVDs.

Following the January 2011 CD release of four performances from the Met archives—*Tosca* with Leontyne Price and Franco Corelli, plus exceptional performances of *Roméo et Juliette*, *Il Barbiere di Siviglia*, and *La Bohème*—Sony will continue to release live audio recordings drawn from the Met's vast archive of radio broadcasts. Additional titles scheduled for upcoming release throughout the 2011-12 season include performances featuring legendary Met stars such as Montserrat Caballé, Zinka Milanov, Birgit Nilsson, Risë Stevens, Jussi Björling, Robert Merrill, Richard Tucker, and Jon Vickers.

## Met Player

Furthering its innovative use of electronic media to reach a global audience, the Met continues to expand the catalogue of Met Player, the popular online streaming subscription service. Met Player offers selections from the company's extensive video and audio catalog of full-length performances online, on-demand, and in exceptional, state-of-the-art quality. Nearly 250 historic audio recordings and almost 100 full-length opera videos are available, including 34 of the company's acclaimed *Live in HD* transmissions. New content, including HD productions and archival broadcasts, is added monthly. For select titles, Met Player now offers subtitles in Spanish, French, and German.

## The Met on the Radio and the Web

The Met's 81<sup>st</sup> consecutive Saturday Matinee Radio Broadcast season kicks off on December 3 with a live broadcast of *Rodelinda*, and continues through the May 3 matinee of *The Makropulos Case*. The broadcast season will once again be heard live over the Toll Brothers-Metropolitan Opera International Radio Network. **Margaret Juntwait** returns for her eighth season as host and **Ira Siff** returns for his fifth season as commentator for the broadcasts, which feature a range of dynamic intermission features, live backstage interviews with artists, and the ever-popular Opera Quiz. The 2011-12 Metropolitan Opera Saturday matinee radio broadcast season will be sponsored by Toll Brothers, America's luxury homebuilder®, with generous long-term support from the Annenberg Foundation and the Vincent A. Stabile Endowment for Broadcast Media, and through contributions from listeners worldwide.

Metropolitan Opera Radio on SIRIUS channel 78 and XM Radio channel 79 is planning its sixth season as the country's

premier subscription radio channel dedicated to opera. Up to three live performances will be broadcast each week during the season, beginning with the Met's Opening Night performance of *Anna Bolena* on September 26, in addition to historic broadcasts from the Met's vast collection. Metropolitan Opera Radio on SIRIUS XM is available to subscribers in the United States and Canada. The subscription requires a satellite radio or is available via the internet or the Dish Network satellite television service.

The Met will continue to stream one live performance per week during the 2011-12 season on its website at [metopera.org](http://metopera.org). The Met website also features artist interviews, video and audio clips, photo galleries, and other information about Met productions and initiatives.

## The MET Orchestra at Carnegie Hall

The MET Orchestra continues its highly acclaimed annual series at Carnegie Hall with three concerts conducted by James Levine. The October 16 concert will begin with guest soloist **Richard Goode** performing Mozart's Piano Concerto No. 25 in C, K.503. Mezzo-soprano **Christine Rice** will sing the world premiere of "Closer to my own life" by **John Harbison** and **Alice Munro**, then the MET Orchestra will perform Gershwin's popular *An American in Paris*.

The January 15 concert will feature Aaron Copland's Clarinet Concerto (with soloist **Anthony McGill**), John Corigliano's Concerto for Clarinet and Orchestra (with soloist **Stephen Williamson**), Mahler's Rückert-Lieder, sung by Renée Fleming, and Schumann's Konzertstück for Four Horns and Orchestra, Op. 86.

The final Carnegie Hall concert of the season, on May 20, features solo violinist **Christian Tetzlaff** and the orchestra performing three diverse selections: Mozart's Adagio for Violin and Orchestra in E, K. 261, Mendelssohn's Violin Concerto in E minor, Op. 64, and Schoenberg's Violin Concerto, Op. 36.

## The Metropolitan Opera/Lincoln Center Theater "Opera/Theater Commissions" Program

The Met/LCT Opera/Theater Commissions program continues with 11 composer/librettist teams participating. The first work to be produced from this program will be **Nico Muhly**'s debut opera, *Two Boys*, set to a libretto by **Craig Lucas**. A co-production with English National Opera, the opera will be directed by Bartlett Sher, debuting at ENO's London Coliseum in June 2011 and at the Met during its 2013-14 season. A workshop was held early this year to explore further revisions to the score and libretto. A workshop of Michael Torke's opera *Senna*, with a libretto by Michael Korie, based on a concept by Des McAnuff, was held in October 2010, directed by McAnuff. The creative team is now working on revisions resulting from the workshop experience.

Three other teams have identified subjects for their collaborations and have signed on to develop their projects. Composer **Michael John LaChiusa** and librettist **Sybil Pearson** are collaborating on an original story loosely based on the

Scheherazade tale. Composer **Jeanine Tesori** and playwright **Tony Kushner** are collaborating on a project based on an original story by Kushner. Composer **Scott Wheeler** is working on an adaptation of **Romulus Linney**'s play *The Sorrows of Frederick*, adapted by the playwright before his death in January. The Met/LCT Opera/Theater Commissions program is funded by a generous gift to the Met from the Francis Goelet Charitable Trusts.

## Educational and Audience Development Initiatives

The Met's popular MetTalks series, which presents candid and informative panel discussions with the stars and creative teams of new productions, will return. The Met will also continue its popular Open House program, launched in 2006, which provides free dress rehearsal tickets to members of the general public.

The Met's *HD Live in Schools* program will continue for its fifth season, offering free opera transmissions to New York City schools in partnership with the New York City Department of Education and the Metropolitan Opera Guild. The program now enters its fourth season nationally, partnering with school districts across the country to bring *The Met: Live in HD* to students and teachers. The Met's HD education program includes backstage visits for students, where they learn about how costumes and scenery are constructed, Q&As with artists, access to final dress rehearsals, and teacher training workshops. Program and curriculum guides are created for in-school use in conjunction with HD screenings. *The Met: HD Live in Schools* is made possible by Bank of America.

Two popular initiatives for older students, both launched in the 2010-11 season, will continue in 2011-12. *MetOperaStudents* brings exclusive offers, including sharply discounted tickets, to full-time college and graduate students age 29 and under, in addition to access to select final dress rehearsals, Opera Shop discounts, and invitations to special events such as MetTalks with Met directors and stars. Eligible New York City college students will again be able to register to see *Live in HD* transmissions for free at screening locations in each of the five boroughs.

## The Met Opera Shop

The Met Opera Shop features a wide variety of CDs, DVDs, gifts, and apparel. This exclusive collection of products is inspired by the operas on the Met stage and the architecture of the house, and also showcases DVDs of performances from the Met's award-winning *Live in HD* series. The Met Opera Shop, located at the Metropolitan Opera in Lincoln Center, is open Monday through Saturday from 10:00 am to 10:00 pm and Sundays from noon to 6:00 pm and can be reached at (212) 580-4090; or, shop online at [metoperashop.org](http://metoperashop.org).

**HOWARD L. WIEDER** is the writer of both "THE CULTURE CORNER" and the "BOOKS AT THE BAR" columns, appearing regularly in THE QUEENS BAR BULLETIN, and is JUSTICE CHARLES J. MARKEY'S PRINCIPAL LAW CLERK in Supreme Court, Queens County, Long Island City, New York.

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## Trial by A Referee

*Continued From Page 2* —————  
is very expensive. Here are things we do every day that only marginally contribute to the making of justice:

- the Preliminary Conference (per diem attorneys filling out forms)
- the Compliance Conference (more per diem attorneys filling out forms)
- the Request for Judicial Intervention form (secretaries and clerks filling out forms)
- motion practice – piling up paper that cannot possibly be read by overworked law secretaries and court attorneys, thus preventing them from their productive duty of conferencing cases.
- Exactly what do we accomplish at the EBT, when we know there is a 99% chance the case will be settled someday at a settlement conference?
- attending multiple calendar calls because no one is available to conference the case.

Judicial Hearing Officers (JHOs) actually tried and conferenced cases. They are retired judges called in for this specific purpose. With a JHO, there are no adjournments, except under extraordinary circumstances. With a JHO, the litigants get a very experienced jurist who has heard similar cases before, and is prepared to hear

and read the evidence and decide the case quickly.

So why does OCA want to end the JHO system? JHOs perform the core function of the court system – the conduct of settlement conferences and trials, and the making of judicial decisions.

Prof. Parkinson can tell us. OCA itself tries no cases. Why does it get millions upon millions of dollars? OCA is asking for \$1.8 billion. What is #1 through #6 above? Prof. Parkinson would know. It is officials multiplying subordinates and making work for each other. There can be no question that steps #1 through #6 above have little or nothing to do with the efficient trial of a case and the rendering of a decision or settlement recommendation.

Steps #1 through #6 violate Kerson's Corollary to Parkinson's Law: "Rarely is anything substantive achieved in the New York State court system until all parties, their attorneys and the judicial officer are all in the same room at the same time."

So let us take our common law system back.

- CPLR Article 43 gives us the vehicle to do so.
- CPLR Section 4301 provides that "A Referee to determine an issue or to perform an act shall have all the powers of a court in performing a like function..."
- CPLR Rule 4311 provides that "An order of reference shall direct the referee to determine the entire action or spe-

cific issues, to report issues, to perform particular acts, or to receive and report evidence only..."

- CPLR Rule 4321 provides for "Fees and expenses." This statute, the potential savior of our justice system, provides as follows:

"An order or a stipulation for a reference shall determine the basis and method of computing the referee's fees and provide for their payment. The court may make an appropriate order for the payment of the reasonable expenses of the referee. Unless the court otherwise orders or the stipulation otherwise provides, such fees and expenses of the referee shall be taxed as costs."

At the March meeting of the QCBA Board of Managers, we voted to take a survey of the membership on the subject of a proposed Enhanced QCBA CPLR Article 43 Referee System. We hope all readers will enthusiastically endorse this proposal. Otherwise, without JHOs, it is highly likely that our local court system will be unable to perform its stated function.

So, please take a minute, answer these questions and e-mail or U.S. Mail your answers to Janice Ruiz at the QCBA or to [jruiz@qcba.org](mailto:jruiz@qcba.org).

1. If a QCBA – approved CPLR Article 43 Referee were appointed for you upon the purchase of an index number, would you advise your client to cooperate in paying the Referee's fee as approved by

the Court?

2. Would you be willing to attend several conferences at the Referee's office to determine whether you actually need a Preliminary Conference, Compliance Conference, RJL, motions or EBTs to decide your case?
3. Would you be willing to allow the Referee to set a pre-trial discovery and limited EBT schedule that the Referee would tightly manage so the case does not last for years or decades?
4. Would you be willing to do all this so your client would actually save money by getting his or her case resolved in less than one year?
5. Would you be willing to do all this so our beloved Queens County justice system is not ruined by the removal of our JHOs by OCA?
6. Would you be willing to apply to a new QCBA Referee Selection Committee to serve as a paid Referee?

QCBA already has a hand in selecting our existing justices and judges through our Judiciary Committee. QCBA selects our court-appointed lawyers for indigent criminal defendants through our Bar Panels Committee. There is no reason this historic expertise cannot be used to select Referees to save our Queens County Court system from meltdown at the hands of OCA.

Then they can use the \$1.8 billion to continue to do whatever it is that Prof. Parkinson tells us they do.



## Queens County Bar Association

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Dear Member:

The Queens County Bar Association's Scholarship Fund was created in 2005 to offer financial assistance to law students who are residents of Queens County or who attend law school in Queens County.

The recipients of the QCBA Scholarship are carefully chosen based on academic achievement, community service and financial need and is awarded at the Annual Dinner in May.

I know that times are hard, but I would hope that you could donate to this worthwhile purpose and your tax deductible donation (of any amount) will help to support and recognize those deserving law students who provide community service to the residents of Queens County. It also enhances the good name of our Association.

As President of the Queens County Bar Association, I thank you for your support of this valuable community-based program.

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Sincerely,  
CHANWOO LEE  
President



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“get one more adjournment in TAP.” I tried, but then it started to happen, Queens per-diem justice courtesy of his Honor. A few examples: making me come to court all day every day for six weeks waiting to pick a jury, and then assigning me to pick on two cases at once; making me pick a jury immediately, in his courtroom, in front of all the other lawyers; assigning the same hostile trial Judge on every case I appeared on.

He did these things to everybody. I actually admired some of his techniques, especially how he solved problems with trial ready cases. First, he insisted on hearing in detail what the case was about and what the settlement positions were. After this, he would hear about who wasn't ready, or who had a problem with a witness or some evidence, or some other motion that needed to be decided. At that point, he would reach into his mental bag of tricks and dispense hints about his potential rulings, obviously basing his opinion on where the settlement discussions were. He tried not

to commit, but made the lawyers make painful concessions. If one stood up to this pressure, he would be losing on the rulings in question. Of course, these techniques did tend to make the cases settle, or as we say in court, the cases were “disposed” or “folded” or “went away.”

Having the Judge's techniques used on me, as I covered for others, was bad for business and bad for healthy living. I decided on a radical plan and told a few of the courthouse regulars of my intentions. I decided to figure out Judge Lerner's motivations, then make an appointment and tell him about my per diem business. I would be honest, ask him what he would permit me to do and not do, and if he could not bless it, I would ask him to, at least, not destroy it.

I made an appointment and met with Justice Lerner in chambers one afternoon. I told him I respected the way he handled the calendar, and that I had started a per diem practice that led to a lot of lawyers asking me to appear in his part. I told him that I wanted to be able to effectively appear, but I understood that he wanted the part run a certain way....a way that maximized resolving cases. I also made clear that I did not expect special treatment, nor would I permit any perception

that I was getting special treatment. Then I stopped and held my breath.

He thought about it and said, “I have no problem with you or anyone else appearing in my part, and making a living. I don't think much of some of the firms that ask you to do their dirty work, or for lawyers who are lazy or disrespectful to the court. When you appear in my part, know the case and be prepared to talk about it and settle it. Have someone you can call for more authority when we negotiate. If the case has a problem, be up front about it. Sometimes, if there are lawyers you should not appear for, or requests you should not make, you will have to know these situations, and turn down THAT work. In the end, that will help you, wherever you appear.”

What he told me is what I adopted as the way to appear in a TAP part. In Justice Lerner's part I had a standard operating procedure. When the lawyers would come in and sit down with him, I made sure I was the one who answered his first question “What is this case about?”. I did it directly and with just the right amount of detail. I then summed up the settlement positions as I understood them, BEFORE he asked. This got the action going quickly, brought any problems to the fore, and

got me in and out of there quickly. The WORST thing another lawyer could do was go in there, and talk about the case like he was the Tin Man talking to the Wizard....”Well you see, we were walking down the yellow brick road, when....,“whereupon Wizard Lerner would bellow “SILENCE!!!!”.....Then he would ask ME what the case was about. If you do per diem work, and appear in TAP parts, I advise the following:

1. If your instructions are “please adjourn”, call and get better instructions.
2. Have someone to call from court if necessary. I make firms give me someone's cell phone. Otherwise, invariably when you are in trouble and call, “all the lawyers are in court.” If the staff says that, ask them to get someone on a cell phone.
3. Protect your reputation in the TAP part. Be candid about what you do, show that you are prepared, and if you get caught short....apologize.
4. Maintain a good relationship with the clerks and court attorneys.
5. If there is a TAP appearance you know you should not make....turn it down. Justice Lerner had it right.

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