THE ANNUAL MEETING
IN WASHINGTON, D.C. WAS A SUCCESS

A Welcome from the Editors

The Editors would like to extend a warm welcome to the new Executive Committee and committee chairs elected at the recent 11th Annual Armenian Bar Association Meeting in Washington, D.C. Harry Cherken, Jr. has been elected to the position of Chair, and Lisa Eisanian, former Secretary to the Association, has been elected Vice Chair and Chair-Elect for 2001. Saro Kerkorian will serve his second term as Treasurer, and Professor Ann Lousin will serve as our new Secretary.

We are pleased to see many new faces chairing our committees as well. Michael Babikian will head the Continuing Legal Education Committee, Nigol Manoukian will chair the Pro Bono Committee, and Rouman Ebrahim and Talar Iskian will be co-chairs of the Student Affairs Committee. In addition, we have an exciting new committee, Fundraising for Projects in Armenia, chaired by former Newsletter Editor Lisa Barsoomian.

(Continued on page 6)

UPCOMING EVENTS

- July 15, 2000 Armenian Bar Association Golf Tournament
  We are holding a golf tournament on Saturday, July 15, 2000 at the Brookside Golf Course, 1133 North Rosemont Ave., Pasadena. Check in will be at 10:00 a.m. A dinner & awards ceremony will immediately follow the tournament (5:00 p.m.) $125.00 per golfer (includes box lunch & dinner). RSVP by June 25, 2000. (Please add $25 late fee if registering after 6/25/00.) To sponsor a tee and for other information, call 323.666.6288 or email: golf@armenianbar.org.

- September 29 - 30, 2000 Armenian Bar Association Mid Year Meeting
  We will be holding our Mid-Year meeting in Fresno, California during the weekend of September 29, 2000. Speakers will include a number of famous dignitaries, including the Honorable Marvin Baxter and Senator Chuck Poochigian.
THE UNITED STATES SUPREME COURT ADMITS 17 ARMENBAR MEMBERS

The Annual Meeting weekend culminated in a grand fashion on Monday, March 20, with the admittance of 17 members of the Armenian Bar Association to the U.S. Supreme Court Bar.

The morning began with a breakfast arranged by Melineh Blackwell of the firm of Steptoe & Johnson, LLP in the Supreme Court Clerk’s Dining Room. Following breakfast, the members entered the highest court in the United States for the swearing-in ceremony, which was also arranged by Ms. Blackwell. All nine Supreme Court Justices were present for the ceremony. Dean Shahinian of the United States Senate Banking Committee then rose and declared, “Mr. Chief Justice and may it please the Court, I am proud to move the admission of the following attorneys...” whereupon he named Steve Dadaian, Gina Eskigian, Melineh Blackwell, Armen Baghdasarian, Ara Tramblian, Jacob Bournazian, Zaven Sinanian, Chris Parnagian, Frank Zerunyan, Vicken Simonian, Lisa Stepanian-Burton, Lou Aronian, Edvin Minassian, Alex Gilani, Sara Bedirjian, Nigol Manoukian and Megan Karakalian as eligible candidates for admission. Chief Justice Rehnquist responded, “Your motion is granted and each of the applicants will be admitted.” And with those words 17 members of the Armenian Bar Association joined an elite group of attorneys admitted to practice in the Supreme Court.

Following the swearing-in ceremony, the newly admitted attorneys were permitted to observe oral argument before the Court, after which they were given a tour of and lecture about the Supreme Court. Dean Shahinian arranged lunch for everyone in the Members Dining Room of the United States Senate.

Congratulations to the Graduates of 2000!

The Armenian Bar Association wishes to extend its heartfelt congratulations to our student members who have graduated, or will be graduating, from law school in 2000. You have successfully completed the trials and tribulations of the study of the law, and will soon be engaging in the wonderfully enriching practice of the law. The future is your courtroom. The Armenian Bar Association wishes you the very best in all your future endeavors. Congratulations Counselors!

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ANTHONY BARSAMIAN of Hutchings, Barsamian & Levy, P.C. was featured in an article entitled "Point, Click--Settle Quick!" in the April 2000 volume of the American Bar Association Journal (p. 82). The article discussed the experiences of Mr. Barsamian and other lawyers with Cybersettle, an online service that assists lawyers in deciding how they should settle lawsuits.

JUDGE SOUSSAN BRUQUEIRA's recent decision could, on appeal, raise the key question of whether the industry-wide practice of assigning insurance company lawyers to policyholders is inherently illegal and/or unethical.

In a wrongful termination suit against Farmers Insurance and its Los Angeles law firm, Early, Maslach & Price, brought by Donald Ricketts, a former Early, Maslach litigator, (Ricketts v. Farmers Group Inc., BC 165961) Judge Bruguera ruled that Farmers Insurance and Early, Maslach & Price had engaged in the illegal practice of law when they used claims adjusters to direct attorneys defending policyholders. Early, Maslach & Price was established in 1948 as a "captive law firm" of Farmers, working exclusively for the insurance carrier. Legal precedent apparently did not require the court to find that Ricketts' whistle-blowing was true, only that he had a reasonable basis for his concerns and that the firing was retaliatory. However, Farmers argued that the judge had to make a finding as to the truth of his allegations. And Judge Bruguera did just that. In an April 13 order denying Farmers' request for a new trial, Bruguera wrote "the court, in response to repeated requests by defendants that it do so, finds that defendants Farmers Insurance Exchange and Early, Maslach & Price, by their use of non-attorney personnel to control the defense of insureds did engage in the illegal practice of law, and that supervising attorney-employees of defendants, including Stephen Price, engaged in the illegal practice of law and/or assisted in the illegal practice of law."

The ruling questions the ethicality of the industry-wide practice of assigning insurance company lawyers to policyholders.

GRANT HANESSIAN was recently made a partner at the New York City office of Baker & McKenzie. Mr. Hanessian concentrates his practice in international litigation and arbitration, and represents domestic and foreign companies, governmental entities and individuals in a wide range of commercial disputes, including intellectual property, securities, banking, construction, commodities, insurance and other matters. Mr. Hanessian has extensive experience litigating issues related to transnational commercial matters. Mr. Hanessian has handled numerous arbitrations conducted under the rules of the American Arbitration Association, the International Chamber of Commerce, the United Nations Commission on International Trade Law, the Iran-United States Claims Tribunal, and the United Nations Compensation Commission, which is resolving claims against Iraq arising out of the Gulf War, and other forums.

Mr. Hanessian is a member of the law faculty of Hofstra University School of Law, where he teaches International Arbitration. He holds degrees from Columbia University School of Law (L.L.M., International Law), New York University School of Law (J.D.) and the University of Pennsylvania (B.A.).

Mr. Hanessian can be reached at Baker & McKenzie, 805 Third Avenue, New York, New York 10022, telephone (212) 891-3986, facsimile (212) 759-9133, e-mail: grant.hanessian@bakernet.com.

GREGOIRE JAKHIAN has left the firm of Janson Baugniet in Brussels, Belgium to join the Brussels law firm of Bogaert & Vandemeulebroke, as partner. Mr. Jakhian can be reached at Woluweadal 20 at 1932 St-Stevens-Woluwe, Bruxelles, telephone ++32-2-710.78.11, fax ++32-2-710.78.53.

CHRISTOPHER P. PARMAGIAN and Robert A. O'Hare Jr., have formed O'Hare Parnagian, LLP, located at 63 Wall Street, Suite 1801, New York, NY, telephone 212-425-1401. Mr. Parnagian, formerly a business and finance department associate with Thelen Reid & Priest, LLP, specializes in transactional and securities work for individuals and small to medium-sized businesses. His partner, Mr. O'Hare, formerly a litigation department associate with Skadden, Arps, Slate, Meagher & Flom, LLP, focuses on commercial litigation, including appellate practice and personal injury related litigation. More information about the firm and its capabilities may be obtained at www.oharesparnagian.com.

LUCY VARPETIAN has joined the law firm of Meserve, Mumper & Hughes, LLP. Meserve, Mumper & Hughes is one of California’s oldest law firms having been founded in 1889. Meserve, Mumper & Hughes has offices in Los Angeles, Irvine, and San Diego. Ms. Varpetian will be joining the litigation department of the Los Angeles office, 555 South Flower Street, 18th Floor, Los Angeles, CA 90071-2319, telephone: 213-620-0300, facsimile:213-625-1930, e-mail: LVarpetian@nmhllp.com.

Please send your job announcements, press releases, articles for submission and information about your appointments, publications and/or noteworthy cases for publication to: Robert E. Cannuscio, Esq. (rcannuscio@gdm.com)
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THE ANNUAL MEETING IN WASHINGTON, D.C. WAS A SUCCESS

Surrounded by early pink cherry blossoms and the sights of our Nation’s Capitol, the Armenian Bar Association’s Eleventh Annual Meeting in Washington, D.C. drew enthusiastic Association members from as far away as Hawaii and Paris. During four busy days spanning March 17-20th, 2000, Association members heard a variety of panelists, debated a range of issues, and planned the Association’s next three meetings.

Welcoming Reception
The festivities began on Friday evening, when Association members and their guests enjoyed a catered reception at the Hilton Embassy Row. Picturesquely located amidst embassy buildings near Dupont Circle, the Hilton afforded an excellent location for this year’s Annual Meeting.

On Friday night, after the reception, a group of members ventured out into the evening for a nice, pleasant dinner at Gabrielle’s. The restaurant was elegant and warmly-lit, with a quiet ambiance that catered to a relaxing meal. Gabrielle’s provided the perfect setting for the group to get better acquainted with one another, nurturing new and revitalizing old friendships. After dinner some members headed over to a trendy bar in Adams Morgan to celebrate St. Patrick’s night - Washington Style.

Saturday Events
Members were greeted on Saturday morning with a spread of breakfast favorites. Association Chair Vicken Simonian began the Saturday morning business meeting by welcoming members, guests and speakers, and reviewing the Association’s activities in 1999. Mr. Simonian thanked the Washington, D.C. organizing committee, which was led by Association board member Ara Trambilian and included Lisa Baroomian, Robert Roomian, Melineh Blackwell, Jake Bournazian, Dean Shahinian, Gregory Leylegian and Onnig Dombalagian, for spending countless hours arranging for a weekend of wonderful events. Mr. Simonian also thanked this year’s Annual Meeting sponsors, which included Kirkland & Ellis (Chicago, IL), Nick Nishanian (Los Angeles, CA), Saro Kerkonian (Pasadena, CA), Robert G. Roomian (Alexandria, VA), Vicken Simonian (Pasadena, CA) and Steptoe & Johnson, LLP (Washington, DC).

Mr. Simonian then introduced Professor Ann Lousin, who paid tribute to the late Honorable Jack Hoogasian. A founding member of the Association, Judge Hoogasian was one of our most dedicated supporters, serving several terms on the Board of Directors. He will be missed for his enthusiasm, good will and kindness. As several Association members acknowledged, Annual Meetings will not be the same without him.

Following the tribute, the Association past chair and Board member Tamar Hajian reported on the successes of and obstacles facing the Public Interest Research and Advocacy Group (PIRAG) project in Armenia, as well as the current economic and political landscape in Armenia. Following this update, Association past chair and Board member Armen Hovannisian described the Association’s efforts to gather and develop information regarding...
ing life insurance policies and bank accounts held by Armenians in Turkey before the Genocide. Mr. Hovannisian reviewed the information that has been provided to the Armenian Bar Association by a number of California Armenians, noting that he had secured a promise of assistance from California Insurance Commissioner, Chuck Quackenbush.

Association member Lisa Esayan provided a discussion about plans for an April 19 presentation in Chicago by Professor Vahakn Dadrian, which was to be co-sponsored by the Armenian Bar Association and the Chicago Region of the Armenian Network. (Details of that event are described in a separate article in this newsletter.)

The weekend's first panel presentation was moderated by Robert Roomian and included presentations from litigators Marsha Kazarosian and Brett Kassanian, who provided their personal perspective on trial tactics and techniques in civil and criminal practice. Ms. Kazarosian, of Haverhill, Massachusetts, delighted Association members with her description of experiences in litigating a recent high-profile case against a Haverhill, Massachusetts golf club that refused to extend membership privileges to women equal to those of men. Mr. Kassanian, of Annandale, Virginia, who has the unique qualifications of having been a prosecutor, defense counsel, and judge, emphasized the importance of knowing local rules and customs, as well as the practices of specific judges. (Details of Ms. Kazarosian's and Mr. Kassanian's remarks are described in a separate article in this newsletter.)

The meeting continued with a luncheon, featuring a keynote address by Association Board member Tom Samuelian. Mr. Samuelian spoke about the urgent need for Armenia to develop a stable economic infrastructure, which would offer solutions to many of the problems facing Armenian society.

The afternoon session included a panel presentation on “The Armenian Lobby: Issues and Challenges,” which brought a spirited reaction from Association and local community members. Bryan Ardouny, Congressional Affairs Director for the Armenian Assembly, and Aram Hamparian of the Armenian National Committee, described their organizations’ efforts on such “hot button” issues as maintaining Section 907 of the Freedom Support Act, pressing for Congressional and White House recognition of the Armenian Genocide, and maintaining funding for Armenia, Nagorno-Karabagh, and other just and supportive measures. Ted Loud, a key staffer for Representative Frank Pallone (who co-chairs the Armenian Caucus in the House of Representatives), described how his office has worked with these and other Armenian organizations to achieve legislative victories. And Hon. Brady Kiesling, Deputy Special Negotiator for Nagorno-Karabagh, set forth the State Department's views concerning what Armenia needs to do to achieve peace with Azerbaijan. Mr. Kiesling's remarks generated questions and controversy.

Saturday's panel discussions concluded with the discussion, "Doing Business in Armenia," moderated by Tom Samuelian. The presentation included Ayvaz Chalabyan discussing Armenia's efforts to enter the World Trade Organization as a full member, Onnig Dombalagian discussing current U.S.-Armenian Tax and Social Security Treaties, and Dmitri Levonyan discussing the current investment climate in Armenia. (Details of both panel presentations are included in a separate article.)

**Evening at the Embassy**

Following the Saturday events, our members took a short walk from the United States to Armenia as they entered the Armenian Embassy in Washington, D.C. for a catered reception, hosted by Ambassador Armen Kirakossian and Deputy Chief of Mission Armin Khazarian. Mr. Khazarian greeted the Armenian Bar, making what was the first visit to the Armenian Embassy for many members a truly memorable event. Association Board member Lisa Barsoomian did a wonderful job organizing this event for us.

After the magnificent evening at the Armenian Embassy, a large group of members set off for one of Washington, D.C.’s hottest clubs - Tuscan West. No prodding was needed to get everyone on the floor to dance.

**Sunday Events**

At Sunday’s business meeting, the Association elected several long-time Association members -- Harry Cherken, Jr. (Pennsylvania), Armen Hovannisian (California), the Honorable Aram Serverian (California) and Vicken Simonian (California) -- to the Board of Governors for a two-year term. Also at Sunday’s business meeting, the Association elected its executive officers: Harry Cherken, Jr., Chair; Lisa Esayan (Illinois), Vice Chair; Saro Kerkenian (California), Treasurer; Professor Ann Louise (Illinois), Secretary; and Vicken Simonian, ex officio. An outstanding group of individuals were elected as Committee Chairs for the year 2000: Newsletter – Robert Cannuscio (Pennsylvania) and Melineh Blackwell (Washington, DC); Continuing Legal Education – Michael Babikian (California); Pro Bono – Nigol Manoukian (California); Student Affairs – Rouman Ebrahim (California) and Talar Iskian (New York); Armenia Rights Watch – Mark
Horoupian (California) and Sarah Leah Whitson (New York); Membership – Christine Engustian (Rhode Island), Mark Kelegian (California) and Robert Roomian (Washington, DC); Armenia Projects – Tom Samuelian (Armenia); and Spring 2001 Annual Meeting – Lucy Varpetian (California).

The Board of Governors then announced the locations of the next three Association meetings: the 2000 Mid-Year Meeting – Fresno, CA, late September; the 2001 Annual Meeting – Las Vegas, NV, spring; and the 2001 Mid-Year Meeting, Yerevan, Armenia, fall.

Sunday afternoon’s panel discussion, “Genocide: Denial, Recognition, Accountability” was moderated by Association vice-chair Steve Dadaian and featured Genocide historian Professor Roger Smith of the College of William and Mary and Attorney Vartkes Yeghiayan of California. Mr. Yeghiayan described the factual investigation that led to his filing a class-action lawsuit in the California state courts against New York Life Insurance Company. This suit seeks recovery of the proceeds of life insurance policies purchased from New York Life by Armenians living in Turkey before the Genocide. Mr. Yeghiayan explained that New York Life is raising several defenses, including statute of limitations, but that pending California legislation should improve the suit’s chances of success.

Professor Smith described how his visits with persons in the Armenian community made him more determined to confront and educate those who deny the Armenian Genocide, and he described how such attempts at denial are carried out. He also spoke about recent efforts to block recognition in the Virginia General Assembly of the authentic and historical facts of the Armenian Genocide.

Sunday’s session also included a showing of “Wall of Silence,” the film that details the work of Genocide historians Vahakn Dadrian (a speaker at the 1999 annual meeting in Las Vegas) and Taner Akcam, one of the few Turkish historians who acknowledges the authenticity of the Armenian Genocide and who calls for the Turkish government to acknowledge historical fact.

The Supreme Court Ceremony
On Monday, the Annual Meeting concluded with the swearing-in ceremony of a large group of ArmenBar members by the United States Supreme Court. The ceremony also included a tour of the Court and lunch in the Senators’ Dining Room on Capitol Hill. Arranged by Melineh Blackwell and Dean Shahnian, the Supreme Court experience provided a fitting conclusion to an outstanding weekend of events. (A separate article discusses the Supreme Court ceremony in more detail.)

A WELCOME FROM THE EDITORS
continued from page 1

Thomas Samuelian will continue his dedicated efforts as head of the Armenia Programs Committee, Mark Horoupian and Sarah Leah Whitson will co-chair the Armenian Rights Committee, Christine Engustian, Mark Kelegian and Robert Roomian will together run the Membership Committee, and Lisa Esayan and Amy Hoogasian will co-chair the Grants Committee. Thanks to all in advance for your efforts and hard work!

The Editors would also like to thank Lisa Baroomian, who was formerly and for years the much relied-upon Editor of our Newsletter. She single-handedly generated an informative and professional newsletter issue after issue that educated our members about current and future events in our nationwide community. Her dedication and effort is inspiring and very appreciated. She is now taking a much deserved break from the Newsletter to coordinate the Fundraising for Projects in Armenia Committee and to take care of her new baby girl, Julia Paige Rosenstein.
PROFESSOR STEPHEN BARNETT APPOINTED DEAN OF AUA LAW DEPARTMENT

Although 1999 was a politically tumultuous year in Armenia, the American University of Armenia (AUA) and its Law Department were able to withstand external pressures while continuing to advance the development of the school within Armenia. In February 2000, the AUA Law Department proudly admitted its third class of L.L.M. students and at the same time welcomed its new Dean, Professor Stephen R. Barnett.

Professor Barnett is the Elizabeth J. Boalt Professor of Law at the University of California, Berkeley School of Law (Boalt Hall). A graduate of Harvard College and Harvard Law School, he served as law clerk to the late Justice William J. Brennan, Jr. of the U.S. Supreme Court, and as Deputy Solicitor General of the U.S. Department of Justice. A specialist in intellectual property and many other areas of the law, Professor Barnett has lectured and taught in many countries. In May and June of this year, Professor Barnett will teach intellectual property law at AUA.

Professor Barnett takes over the reigns of AUA’s Law Department from Professor Richard M. Buxbaum, also of Boalt Hall, who retired as Dean after serving in AUA’s Law Department since its founding in 1997. The resident Associate Dean in Yerevan is currently Professor Barnabas D. Johnson, who will continue to manage the Department on a day-to-day basis. Professor Johnson and Professor Lowry Wyman are full-time law professors in the program. The Law Department also uses visiting faculty from American and European universities, as well as practicing lawyers in Armenia, to teach specific courses at the school.

The American University of Armenia was founded in 1991 as a joint project of the Republic of Armenia’s Ministry of Education and Science and the American University of Armenia Corporation (AUAC), an affiliate of the University of California. AUA receives its primary financial support from the Armenian-American community, including the AGBU, and the United States Government (through USAID and the U.S. Information Agency). The majority of the students attending AUA are of Armenian descent, although the school is open to all students regardless of ethnicity. All courses at the school are taught in English, and students are required to take an intensive course in English before starting their studies unless they receive an exemption.

AUA’s Law Department awards an L.L.M. degree after completion of two years of part-time study. Since its inception, AUA has graduated two classes, totaling 25 students, who are now working in various disciplines, including law, business, higher education and government service as judges or officials. The present class in the Law Department consists of 15 students who have a wide range of professional backgrounds including, for the first time, some whose university degrees are in disciplines other than law.

The Law Department hopes to admit a fourth class next February if funds are available, thus converting to an annual rather than bi-annual class cycle and doubling its student body and curriculum capacity.

The Law curriculum at AUA provides a basic introduction into the “Western Legal Tradition” and to modern approaches to creating and sustaining a constitutional democracy based on the Rule of Law. The curriculum builds on that foundation with courses such as agency and corporation law, international commercial and trade law, banking and finance law, comparative administrative law, European Union law, international litigation and arbitration, and intellectual property law. Each student must complete a Master’s Essay and must earn one credit each quarter in a one-on-one mentoring program, which is possible because of the small class size.

The AUA Law Department also includes the Legal Research Center (LRC), which maintains an extensive collection of printed and electronic materials on law for use by practicing attorneys and others in Armenia. The LRC subscribes to Westlaw and has access to the vast and growing legal resources available on the Internet.

Each year, the AUA Law Department supports two AUA students or recent graduates as student interns at Boalt Hall, where they attend regular law classes and learn about American law. This year, the AUA Law Department is proud to sponsor two AUA interns, Irina Vardanyan and Evelina Manukyan (pictured), for the spring 2000 semester at Berkeley.

The AUA Law Department welcomes support from the Armenian Bar Association and its members. The Law Department’s website can be found at: www.aua.am/AUA/masters/law. Professor Barnett can be contacted via e-mail at barnettr@law.berkeley.edu. To assist in achieving its goals, the AUA Law Department accepts financial contributions. These contributions can be made to AUAC (a tax-exempt educational corporation) at: American University of Armenia Corporation, 300 Lakeside Drive, 4th Floor, Oakland, CA 94612.
OVERVIEW OF SPEECH BY MARSHA V. KAZAROSIAN, ESQ.

Personal Thoughts on Civil Litigation

On the other hand, I learned the hard way that a bench trial should never be confused with a jury trial. A little reminder was handed out to me several years ago when a Superior Court judge, sitting on the bench with the bleary eyes of justice, said to me (in front of my client), “That’s enough showboating counsel. There is no jury here, and I know exactly what you are doing.” Whatever it was I was doing, I didn’t do it anymore. Thank God I won that case.

On the other hand, if you don’t do a little showboating or creative questioning in front of the jury, particularly in a long or complicated case, you are left with a bored, uninterested panel: a jury needs to see a bit of your personality, as well as that of your witness. In the Country Club trial, a very telling, inadvertent incident occurred that did a great deal to solidify the jury’s concept of the two battling attorneys.

Throughout the trial, the defense counsel appeared cold and discourteous when exchanging documents and generally noncommunicative and disrespectful to me and my associate, Janet E. Dutcher, who second-seated the case with me. I was cross-examining one of the defense witnesses, engrossed in getting a document in through the witness on cross. Opposing counsel, during the previous weeks, raised aggressive objections, and rightly so, to any documents I had attempted to introduce that had any markings on them. As I pulled out the documents I had introduced through this witness, I noticed a squiggly pencil line in the margin. Without thinking, I reached over for the nearest pencil with an eraser in an attempt to avoid another series of loud, bombastic objections. Unfortunately, the pencil happened to be on the defense counsel’s table.

Opposing counsel immediately started to make loud comments to his two co-counsel such as, “She took my pencil! Give me back my pencil!” Of course, I returned the pencil and apologized, trying to draw the least amount of attention to the situation. To my chagrin, however, opposing counsel continued to object loudly, announcing to the judge, “She took my pencil! Tell her to stay away from defense counsel’s table!”

I apologized again. The judge said nothing. But the jurors were laughing. I could have sworn I got sympathetic smiles from that day forward.

Simple points for any trial: Have a theory of your case and stick to it. Make sure each witness, document, and offer of evidence is another part of the jigsaw puzzle that you are going to present so that the final picture is painted the way you want it to be shown.

Judges want you to be concise and organized. Get yourself a trial notebook where you have organized the documents that you would like to get into evidence. Have one for the judge, one for opposing counsel, and of course make sure that you have one as well.
ANNUAL MEETING 2000

OVERVIEW OF SPEECH BY BRETT A. KASSABIAN, ESQ.

Personal Thoughts on Criminal Litigation

On March 18, 2000, I had the pleasure to participate in a panel discussion with Marsha V. Kazarian, Esquire, at the 11th Annual Armenian Bar Association National Convention in Washington, D.C. The following is a summary of that presentation, which focused on general observations and trends in trial practice.

I am a partner, with my father, in the law firm of Kassarian & Kassarian, PL.C., located in Annandale, Virginia. Prior to joining the firm, I prosecuted cases as a Senior Assistant Commonwealth’s Attorney in Fairfax County until 1993. I am also presently the City Prosecutor for the City of Fairfax. In 1998, I began serving as a Substitute General District Court and Juvenile Court and Domestic Relations District Court Judge for the 19th Judicial District. I am engaged in the general practice of law with an emphasis on criminal defense.

My primary observation at the Convention focused on the lack of civility among bar members toward one another. It has become almost commonplace to interject a personal attack on an attorney with a legal attack, whether it be by Motion for Prosecutorial Misconduct or by interjecting personal motives in charging decisions. It appears to be done with impunity and without concern for future contact.

These tactics are rarely successful and make the practice of law less enjoyable for all. I discussed a variety of practice tips to help minimize unnecessary participation in, and to protect oneself from, such personal attacks.

I also believe that there is a perception of a lack of client control among some attorneys. I recognize that some clients are uncontrollable, especially in criminal cases. There are ways, however, of asserting client control, even on criminal defendants. These practice tips include: keeping a client fully informed of the status of case; memorializing meetings and using written fee agreements; limiting the scope of the representation; setting reasonable goals and expectations; and finally, never allowing a client to substitute his own judgment for yours on a legal question.

Other quick trial tips I mentioned at the Convention: always be prepared in court; associate with attorneys who appear in that courtroom and do not hesitate to network and share your theory with lawyers that you trust; and finally, know substantive and procedural law, but also be cognizant of local, noncodified rules of the court. In conclusion, it was an honor and pleasure to participate in the panel discussion. I am hopeful that the members found it as rewarding as I did.

Make sure that you have pre-marked and stipulated to any exhibits that you and opposing counsel have agreed will come in without objection. Judges love this because it makes everybody’s life a lot easier. It also shows the judge that you are not taking the trial process or the time investment of the court lightly.

Prepare findings of fact in advance, even though they are sure to change by the end of the trial. These are the facts you must prove to convince the judge to find in your favor.

Be respectful. Always have something prepared just in case bad things happen. Prepare a question or two in advance for those terrifying moments when the judge has sustained objections to your last few questions and you haven’t been able to get a single positive response from your witness. These should be familiar and safe bail-out questions that your witness will almost certainly answer in your favor.

If you are unsure whether an opening statement is necessary in a bench trial, always have a simple outline prepared and always listen to the voice and tone of the judge to gauge whether the judge wants an opening statement. For example, if at the beginning of the trial he/she says something like, “Do you feel the need to make an opening, Counselor?”, trust me, the answer must ALWAYS be, “Absolutely not, your Honor!” If he/she looks at you in a puzzled way and says something like, “Can someone please tell me what the heck this case is all about?”, you need to make an opening. This is your segue to say to the judge, “Your honor, I have prepared a short opening, if it please the court.” Keep it short, don’t get creative, and stick to the facts that you are going to present to prove your spin.

With juries, always keep the opening interesting. You’ll be setting the stage for the show they’ll be watching for the rest of the trial. Don’t promise something you can’t deliver. Juries have collective memories like elephants. Everyone gets sidetracked by his or her own witness at some point, just minimize the impact by being general and summarizing your evidence without overstating it in your opening.

In Washington, a young lawyer asked me whether a trial lawyer ever gets over feeling fear and anxiety on the eve of trial. My answer is this: if you ever go to trial without fear and anxiety, TAKE A VACATION. Fear and anxiety force you to prepare, prepare, and prepare. Each time you get embarrassed or dressed down by a judge, you learn what NOT to do the next time. This said, it does get easier, and it starts to be a lot of fun too.

Some lawyers are made to try cases, others are better in other areas of law. Only you can decide which is your niche. But whatever you choose, as Armenian lawyers and people, strive to do your family and your heritage proud, and you will never fail.
ANNUAL MEETING 2000

THE ARMENIAN LOBBY AND U.S. RECOGNITION OF THE ARMENIAN GENOCIDE

A spirited roundtable discussion on Armenian political advocacy efforts in Congress shed new light on the progress and challenges faced by Armenian-Americans seeking to advance the Armenian Cause. The hour-long discussion focused on a number of subjects dealing with Armenia, Nagorno-Karabagh and the continuing battle to secure U.S. recognition of the Armenian Genocide. The discussion included the participation of Ted Loud, Congressman Frank Pallone’s liaison to the Armenian Issues Caucus, Bryan Ardouny, the Armenian Assembly of America’s Director of Congressional Affairs, Aram Hamparian, the Armenian National Committee of America’s Executive Director, and Brady Keisling, the U.S. State Department’s Deputy Special Negotiator for Newly Independent States Regional Conflicts.

The highlight of the roundtable centered on several bold assertions concerning the Armenian Genocide made by the U.S. State Department’s Brady Keisling. The roundtable was moderated by Raffi Hamparian. Mr. Hamparian is the foreign policy aide for Congressman Steven Rothman, who serves on the House International Relations Committee.

In opening remarks to ABA members, each panelist outlined his perspective on the state of the Armenian Lobby. Ted Loud, who has been with Rep. Pallone since he first entered Congress explained that his “experience with the Armenian Issues Caucus in Congress has been the most rewarding, most interesting and challenging work that I have been able to do.” In explaining the workings of the Armenian Issues Caucus, which Rep. Pallone began in 1995, Loud said, “I want to stress that bi-partisanship is the key to being effective. Our Caucus is diverse, so you see democrats, liberals, conservatives, who do not usually agree on other issues, working together to advance the cause of the Caucus.”

The ANC’s Executive Director Aram Hamparian emphasized the universality of the issues championed by the ANC and its regional and local chapters across the country. “We at the ANC advance the issue which you all grew up caring about - Armenian liberty, Armenian independence and securing justice for the Genocide that was committed against our people,” he exclaimed. The Assembly’s Bryan Ardouny, who was a former Hill staffer for Rep. Michael Bilirakis, cautioned that Armenian-Americans must be constantly aware of ever-changing developments in Congress and the executive branch that affect Armenia and Nagorno-Karabagh. Specifically, Mr. Ardouny cited the Clinton Administration’s intention to phase out U.S. aid for Nagorno-Karabagh in May of this year and the...
T
he final panel presentation on
Saturday, entitled "Doing Business
in Armenia Today," has become a
recurring theme at ABA meetings.

Arevik Chalabyan, a Muskie Fellow at
UNC Kenan-Flagler Business School,
gave a very intriguing and thorough
presentation on Armenia's efforts to
enter the World Trade Organization
as a full member. Mr. Chalabyan
described how efforts have been progressing
over the last five years, resulting in the adoption of a large package
of market framework legislation and institutional reforms and leading
to an improved overall investment climate. Bureaucratic red tape and
other non-tariff barriers were tackled by the State in an effort to
promote free trade and reduce the environment of corruption. This latter
problem has been particularly grating on diasporan Armenians who
trade and make investments in the Republic. An interesting result of
Armenia's eventual accession to the WTO will be the requirement that
Turkey, already a WTO member with Most Favored Nation Status,
must open its trade borders with Armenia.

Our second panelist, Onnig Domonakian, provided a discussion of
current U.S.-Armenian Tax and Social Security Treaties. Such treaties
allow for the elimination of double taxation, encourage cross-border
trade and give tax credits where they apply. The Social Security treaties
would eliminate dual jurisdiction and taxation, as well as discrepancies in pensionable
income divided between two jurisdictions, and allow non-U.S. resi-
dents who have worked in the U.S. to preserve their right to benefits while liv-
ing outside of the country. The Senate Foreign Relations Committee is cur-
rently reviewing the need to negotiate new treaties governing U.S.-Armenian
tax issues, as the present statutes governing these relationships date back to 1976 and the days of the USSR. It was noted that, with more ArmenBar members moving to Armenia to live
and work, these treaties should be care-
fully watched.

The final presenter was Dmitri
Levonyan, who provided an intriguing
discussion on the investment climate in
Armenia. Mr. Levonyan reviewed the
evolution of the legal framework for
investment protection and the develop-
ment of the financial industry infra-
structure returns on private sector develop-
ment, and critiqued the international
credit organizations' investment models.

need for Armenian organizations and
individuals to challenge this plan of action.

During the question and answer period that followed the panelists' opening remarks the State Department's Brady Keisling was
posed a number of questions concerning the Administration's position on the Armenian
Genocide. Mr. Keisling was also questioned on a portion of his opening remarks in which
he stated that, "...the Armenian lobby needs to be the force that educates the U.S. Congress on the Caucasus. But education does not mean telling just a distorted view of
history you may read in your history books."

In response to this remark, an ABA mem-
ber put the following question to Mr.
Keisling, "What did you mean by your reference to the Armenian Lobby as a force for a
distorted version of history?" Mr. Keisling
answered in the following way, "...Let me be brave and talk about the genocide. No one,
except a tiny fraction of the population, would deny what happened in 1915 and
before that. An enormous crime was com-
mittled, yes, and we acknowledge that this was
a crime and I suspect that if you start the
lawyers looking at it... well I am not going to
predict what the Genocide Convention actu-
ally says... the issue is justice for whom from
whom."

In providing a rejoinder to Mr. Keisling's
comments, Mr. Hamparian remarked, "If
the Turkish Government wants to deny the
Armenian Genocide, that is its business. But
the U.S. Government has no business being complicit in that denial. The message that
the U.S. Government has to send is - they
to have to send their Ambassador to speak to
whatever General is running Turkey that week and sit down with them and say you
cannot deny the Armenian Genocide, that is
your business, but we (America) are out of
that game."

When asked about the question of whether
Turkey should provide reparations for the
Armenians killed or displaced during
the Genocide Mr. Keisling had the following to
say, "The issue of reparations is a sticky one
because if the Armenian community in the
United States should somehow impose on the
debate the idea that Turkey has to give back
territory to Armenia it will lock Armenia into
isolation for the foreseeable future. This
would be a dangerous victory to win."

Overall, this forum provided ABA mem-
bers and the public with an "insiders" perspec-
tive on the inner workings of the
Armenian Lobby. From the cooperative
relationship Armenian advocacy groups
have secured with members of Congress, to
the challenges faced in dealing with the State
Department's opposition to Armenian
Genocide recognition, members and guests
got a first-hand look at the current state of
the Armenian Lobby. Of the many issues
touched on by the panel, the one indelible
fact is that the Armenian Lobby has come a
long way since the days of Vahan Cardashian
(a.k.a. - the Lone Crusader) who is widely
recognized as the first Armenian-American
to lobby Congress on behalf of the
Armenian Cause in the 1920's.
April 24, 1915. For Armenians, this date marks the anniversary of the Genocide that claimed the lives of innumerable ancestors. Although it was seemingly a lifetime ago, the scars are still unforgettable for those who survived—and to the generations carrying this legacy who have since followed.

Vahakn N. Dadrian, Ph.D., a noted historian recognized for his efforts on demystifying the "blueprints" of the Armenian Genocide, lectured at an event jointly sponsored by the Armenian Bar Association and the Armenian Network of Chicago at the John Hancock Center in Chicago on April 19. Dr. Dadrian spoke passionately yet pragmatically to a full room of people who have been directly and indirectly affected by the 1915 events. Although he is not an attorney, Dr. Dadrian supported his arguments with extensive documentary evidence, much like a trial lawyer presenting his closing argument.

"The intent was to ruin the total population of the Armenian people and 3,000 years of culture," said Dadrian, who then went on to dispel four key arguments that the Turks use to justify the killings. "Contrary to the Turkish pretext, there is no evidence of a temporary expulsion of Armenians as they have maintained," explained Dadrian. "The removal of the Armenians was undeniably conducted surreptitiously and discreetly during the night. Turkish claims that the Armenian people were plotting acts of sabotage, espionage and uprising against the Turks and that they merely acted in retaliation are groundless. Further, since this was an empire-wide removal of all Armenians, the Turkish rationalization of removing only those in the war zones is also unsupported," Dadrian concluded.

Currently, the director of Genocide Research at the Zoryan Institute, Dr. Dadrian's groundbreaking research dealing with the legal analysis of the Armenian Genocide has been supported by two substantial grants. He has uncovered compelling evidence by reconstructing the Armenian Genocide through a unique methodology he devised. Intentionally excluded from his research were documents from the Ottoman Empire enemy camp, missionary recollections and Armenian survivor accounts that may appear to lack credibility due to victim bias. Even without those striking firsthand chronicles, however, Dr. Dadrian exposed ample incriminating evidence. This included secret and confidential Turkish ally (German and Hungarian) documents intended only for internal use, transcripts of debates held in the Ottoman Parliament with confessionalists about the planned extermination of the Armenian population, and authentic Turkish reports stressing the importance of removing all traces of guilty evidence.

Dr. Dadrian's Chicago presentation was well-attended by ArmenBar and Armenian Network members and has been praised by members of the Armenian community in Chicago. ArmenBar member Greta Doumanian deserves a special thank you for organizing and spearheading this successful event. Look for additional Armenian Bar Association events in Chicago soon!
ARMENBAR WELCOMES JUDGES FROM ARMENIA

On June 5, 2000, the Association hosted a reception for the Honorable Vladimir Hovanesian. Judge Hovanesian is the Associate Chief Justice of the Constitutional Court. He is the President of the Armenian Association of International Law, a group committed to the advancement of a rule of law in Armenia. Hovanesian recently authored a book entitled, "1500 Anniversary of the Armenian Constitution," which discusses the first Constitution of Armenia adopted in the Sixth Century, setting forth the foundation of democratic principles common today.

The Honorable Armen Melkonian, Consul General of the Republic of Armenia was also in attendance. Hon. Melkonian commented on the progress in Armenia, the important role that the Constitutional Court plays in Armenia and encouraged the Association to continue its assistance to the legal system in Armenia.

Also in attendance were leading candidate for Los Angeles County District Attorney, Steve Cooley, and candidate for California State Assembly for the 43rd Assembly District, Craig Missakian.

Ambassador George Chilingarian, of Honduras presented both Judge Tervizian and Justice Arabian with the "Peter the Great" award, for their many years of service and leadership in the Armenian legal community, and their continuous assistance to the Republic of Armenia.

Both receptions were held at the Armenian owned Burger Continental, which provided an outstanding dinner for the events.

VARTAN SARKISOV DONATES $5,000.00 TO ARMENBAR

Los Angeles internet entrepreneur Vartan Sarkisov, made a generous donation of $5,000.00 to the Armenian Bar Association at the Mid-Year Meeting, held in San Diego, California in September, 1999. Sarkisov has made a meteoric rise to success with the advent of the internet. Sarkisov was a guest at the meeting where his friend, Professor Garo B. Ghazarian, gave an MCLE lecture.

"We appreciate the generosity of Mr. Sarkisov in providing our organization with much needed funding," said Chairman Ex-Officio Vicken I. Simonian. "This type of donation allows our organization to continue its important work both in the United States and in the Republic of Armenia," said Simonian.

Sarkisov graciously expressed a willingness to assist in future Armenianbar projects.
SOUTHWESTERN UNIVERSITY STUDENTS WELCOME VARTKES YEYGIYAN

On April 10, 2000 the Armenian Law Students Association of Southwestern University School of Law, chaired by Hrair Kaladjian, hosted an event to commemorate the the Armenian Holy Martyr’s Day, April 24. In honor of the occasion, Mssrs. Vartkes Yeghiyian and Joe O’Connell gave a lecture on the lawsuit brought by the survivors of the Armenian Genocide and the heirs of the victims against New York Life Insurance for monies owed to the Armenian genocide victims’ beneficiaries.

Mr. Yeghiyian told the story of how Talaat Pasha made a request to American Ambassador Morgenthau to collect on the policies. "I wish that you would get the American life insurance companies to send us a complete list of their Armenian policy holders. They are practically all dead now and have left no heirs to collect the money. It of course all escheats to the State. The Government is the beneficiary now."

Needless to say, Ambassador Morgenthau did not comply with this demand.

Mr. Yeghiyian feels that the insurance companies initially had the intention to pay the policies out. However, because of the holocaust and the logistic inability to find beneficiaries, by 1915 the insurance companies stopped trying and, according to Mr. Yeghiyian, in 1923 New York Life’s intentional denial of these policies began.

The litigation is still in its initial stages and Mssrs. Yeghiyian and O’Connell indicated that anyone interested in assisting with this litigation should contact their office.

Mr. Yeghiyian was born in Addis-Ababa, Ethiopia and at the age of 11, he went to the American Academy High School in Cyprus, then to the University of California at Berkeley in 1955. He attended the Lincoln University in 1965 and graduated from Hastings Law School in 1972. Mr. Yeghiyian worked from 1965-70 at the California Rural Assistance Program and then spent 5 years as Assistant Director for the Action Agency of the Peace Corps under President Nixon. He opened a law office with his colleague Joe O’Connell in Los Angeles and in San Francisco.

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HRAND AND MANOUSHAK SIMONIAN DONATE $1,000.00 TO ARMENIAN EMBASSY, ON BEHALF OF THE ARMENIAN BAR ASSOCIATION

Mr. and Mrs. Hrandroid Manoushak Simonian of Hollywood, California donated $1,000.00 to the Armenian Embassy in Washington, D.C., during the Annual Meeting in March, 2000. The Simonians are the proud parents of Chairman Ex-Officio, Vicken I. Simonian.

One of the highlights of the Annual Meeting was a Saturday night reception at the Armenian Embassy. "It was an historic occasion to have the Armenian Bar Association attend a reception on both Armenian and U.S. soil simultaneously," said Hrandroid Simonian, the current editor of Hye Gyank Weekly Armenian newspaper. "Given all of the hard work and assistance Armenbar has given to the Republic of Armenia, and given the financial needs of the Embassy, we felt the donation was the right thing to do at the right time," he said.

The Honorable Armen Khassayan of the Armenian Embassy addressed the attendees at the reception, and thanked the Simonians for their generous donation. He encouraged similar donations from the community to assist in allowing the Embassy to continue its work on behalf of Armenia.
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AIMS AND STRUCTURE

The Armenian Bar Association is a non-profit, non-partisan organization formed in 1989 to enable attorneys of Armenian heritage and other interested individuals to better serve the law, the legal profession, and the Armenian community.

The Association provides pro bono services and legal education in Armenian communities across the country and sponsors programs to promote democracy and the rule of law in the Republic of Armenia.

Coming together socially and professionally, members from around the world have the opportunity to learn from one another as they join their different backgrounds and experiences in Association activities.

The Association is a democratic organization. It is supported and directed by its members, who approve its bylaws, elect its Board of Governors, nominate prominent jurists as honorary members, and set the Association's annual goals and policies.

The Armenian Bar Association is committed to serving the profession of law, addressing the legal concerns of the Armenian community and fostering respect for human and civil rights.

ACTIVITIES AND BENEFITS

Some of the Association's operations include:

- Worldwide Network of Attorneys
- Continuing Legal Education, Seminars & Workshops
- Pro Bono Program
- Rule of Law Projects in the Republic of Armenia
- Armenian Rights Watch
- Annual National Meeting
- Quarterly Newsletter
- Membership Directory
- Amicus Curiae Submissions on Issues of Community Interest
- Topical and Regional Practice Groups
- Cooperation with other bar associations and lawyers' societies

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