The National Meeting Returns to Boston in 2004

Come and experience springtime in Boston! The plans are well underway for the Armenian Bar Association's National Meeting in Boston on April 30-May 2nd. It has been ten years since the Armenian Bar has held a meeting in Boston, and by all accounts the wait is going to be well worth it.

The Organizing Committee has been working diligently to arrange for a magnificent event. Suffolk Law School, located at the base of beautiful Beacon Hill opposite the Boston Garden, has graciously offered its new facilities to the Armenian Bar for its Saturday meeting. The location of the school is immediately adjacent to the beautiful, Armenian-owned Nine-Zero hotel, which was voted Best of Boston Boutique Hotel in 2003 and is on the 2004 Gold List of the World's Best Places to Stay by Condé Nast Traveler. The Nine-Zero is opposite the State House and is perfectly situated for walking adventures to Faneuil Hall, the Waterfront, the Public Garden, the theater district and famous Newbury Street. The Armenian Bar has received a special rate of $184.00 per night for a limited number of rooms for guests that book before April 15, 2004.

As usual, the national meeting will include a welcome reception on Friday night. This meeting's reception will be held at the Armenian Library and Museum of America. Saturday events will take place at the Suffolk Law School and will include a membership meeting and elections, followed by a series of panel presentations and a continuing legal education program. A luncheon will be provided at the school.

Please check the Armenian Bar's website at www.armenianbar.org for updates and additional information.

So make your plans now to join your friends for springtime in Boston!

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ARMENBAR MEMBERSHIP AT RECORD LEVELS
2004 MEMBERSHIP CAMPAIGN UNDERWAY

Membership in the Armenian Bar Association continues to grow at a record-breaking pace as the number of dues paying members for 2003 reached 426. This number marks a key milestone, as it is the first time that the paid membership has gone over the 400 mark. The number of dues paying members totaled 385 in 2002 and 344 in 2001.

The increase in dues paying members is, in part, a result of ongoing efforts by the Membership Committee. The Membership Committee continuously updates the Association's mailing list by collecting new names and updating the addresses for old names. It also conducts yearly direct mail campaigns to encourage individuals on the Association's mailing list to become dues paying members.

Commenting on the increase in membership, Membership Committee Chairman Robert Roomian said, “I continue to be gratified by the marked increase in the number of dues paying members. The Armenian Bar Association is a unique organization that provides very worthwhile programs. Members find that the rewards of participating in and supporting the organization far outweigh the cost of membership.”

The 2004 membership campaign is now underway. Attorney membership is only $100.00. Readers who are not yet dues paying members may become so by completing the membership application form in the next to last page of the Newsletter.

CHANGE IN NEWSLETTER POLICY

In the past, the Armenian Bar Association has mailed its Newsletter to its entire mailing list. Many have remarked that the quality of the Newsletter is outstanding, making it one of the best publications by a bar association. However, that high quality comes at a price – increased printing costs. Those increased costs, combined with the growth of our mailing list (now at about 2700 names), have forced the Armenian Bar Association to limit the distribution of the Newsletter. Starting this year, only the first edition of the year will go to the entire mailing list. Each printed edition after that will be sent only to dues paid members. For anyone else who wishes to keep abreast of the Armenian Bar Association’s activities, past editions of the Newsletter will be periodically posted on the Armenian Bar Association’s website at www.armenianbar.org.

Of course, for those who wish to know what’s going on with the Armenian Bar Association on a more regular basis, we encourage you to support the Armenian Bar and join now.

JUDGE DICKRAN TEVRIZIAN RECEIVES PRESTIGIOUS LEGACY AWARD

Board of Governors member, United States District Court Judge Dickran M. Tevrizian, Jr. was recently awarded the Armenian National Committee (ANC) Legacy Award at the ANCA-WR's Annual Banquet held in November 2003. The ANC Legacy Award is given to an Armenian-American who has been a pioneer in their respective field and who has helped advance the common interests of the Armenian-American community.

Judge Tevrizian is the first Armenian-American to have served as a United States Federal Judge. He began his judicial career in 1972 when then-California Governor Ronald Reagan appointed him to the Los Angeles County Municipal Court bench. Judge Tevrizian has served the State of California and the United States Federal Court System for over three decades and has been recognized by numerous organizations in the legal profession for his tremendous work and dedication to the letter of the law. In 1999, Judge Tevrizian was awarded the Ellis Island Medal of Honor Award.

NEW YORK LIFE LITIGATION UPDATE

On January 28, 2004, a press release was issued announcing a tentative settlement in the lawsuit filed against the New York Life Insurance Company by descendants of Armenian policyholders who were killed during the Armenian Genocide. The press release indicated that the settlement was $20 million, which included up to $11 million to be paid to the beneficiaries of the policyholders, $4 million in attorneys’ fees, $3 million to be paid to nine Armenian organizations and at least $2 million to handle administration of the settlement.

The Armenian Bar has just obtained a copy of the proposed settlement agreement and will be posting it on the Armenian Bar’s website - www.ArmenianBar.org.
MEMBERS IN THE NEWS AND ON THE MOVE

Board of Governors member Judge Alice Altoo was recently appointed to the Los Angeles Superior Court Executive Committee. This is a very prestigious appointment since the appointment is by fellow judges. Judge Altoo can be reached at Los Angeles Superior Court, 210 W. Temple Street, Dept. 130, Los Angeles, CA 90012, 213-974-5855.

Fresno attorney Paul Hokokian was recently elected to the 2003-04 State Bar of California Board of Governors. Paul, a former Fresno County Bar Association president, will represent the Central Valley for three years on the 23-member board that meets eight times a year to discuss organizational and professional issues. Paul can be reached at Fresno County District Attorneys Office, 22220 Tulare Street, P.O. Box 12946, Fresno, CA 93779, 559-494-1029.

Nicholas Koumjian, a member living in the Netherlands, recently was in the news for his successful conviction of Serb doctor Milomir Stakic before the UN War Crimes Tribunal, for the extermination and persecution of Muslims and Croats during the Bosnian war. The life sentence was the longest sentence handed down to date by the tribunal. Nick can be reached at Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia, PO Box 13888, 2501 EW The Hague, Netherlands, 3170-512-8584, LAKoum@aol.com.

John Pridjian has recently accepted a position to be an adjunct professor of law at Loyola University Law School in Los Angeles. He will teach a joint JD and LLM class one night a week on commercial and corporate law. John has accepted this position as a hobby, and will continue to work as a partner with Deloitte & Touche focusing on structuring and negotiating mergers & acquisitions, and other matters.

Board of Governors member Tom Samuelian recently spoke at the Grolier Club in New York City to the New York Armenian Student Association (NY ASA). Tom discussed his practice and what it is like to live and work in Armenia. Tom is the managing director of, Arlex International, Ltd., where he and his associates provide legal and business consulting services to businesses based in Armenia and those seeking to do business in Armenia. Tom can be reached at Arlex International Ltd., 9 Tparigrcheri, #54, Yerevan, Armenia, 375010, 3742-580-213, tmanuelian@arlex.am.

SPECIAL NEWS!

While a little belated it is still a newsworthy mention. Our ranks continue to grow! On June 17, 2003, past Board Member Jim Derian and his wife Genya had a baby boy, John Van Derian ("Vanik"). Congratulations to mom, dad and baby Vanik. Jim can be reached at Buzel Long, 100 Bloomfield Hills Parkway, Suite 200, Bloomfield Hills, MI 48304, 248-258-1616, derian@buzel.com.

On December 20, 2003, Megen Karakelian, our Web Site Committee member, and her husband Jordan LaVine, had a baby boy, Nicholas Antranig. All are doing well. Congratulations to mom, dad and baby Nicholas. Megen can be reached at 216 Trianon Lane, Villanova, PA 19085, 610-527-0196, mcka5@hotmail.com.

Please send your job announcements, press releases, articles for submission and information about your appointments, publications and/or noteworthy cases for publication to:

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Editors Armenian Bar Association
SOUTH BEACH - A WARM AND WONDERFUL LOCATE FOR THE MID-YEAR MEETING

On November 7-9, 2003, the Armenian Bar Association held its Mid-Year meeting in sunny South Beach, Miami. It was the first time the Armenian Bar had a meeting in Florida, and a poll of those who attended unanimously felt it should not be the last.

All the meeting events were held at the eclectic Marriott hotel, located right on the beach. There could have been no better locale. Everything was in walking distance, except for the beach. For that, all you had to was just fall out the door.

BOARD MEETING

The weekend began in traditional fashion with a meeting of the Board of Governors on Friday, November 7th. Robert Cannuscio, the Armenian Bar's Chair, presided over the Board Meeting. The Board covered many pressing issues facing the Armenian Bar and the Armenian community. The following is a brief summary of some of the items discussed.

Former Board member Saro Kerkonian provided the Board with an overview of the issues surrounding the Simon Wiesenthal Center's Museum of Tolerance and its lack of a permanent exhibit about the Armenian Genocide. The Board has asked Saro to investigate what, if any, legal actions the Armenian Bar Association can take.

The Board was filled in on the actions taken by the Armenian Rights Watch Committee regarding the recent increase in defamatory references to Armenians in the media. The Board was informed that Board member John Pridjian, representing the Armenian Bar, and Steve Dadaian, representing the ANC, were invited to a meeting with the President of ABC TV. During the meeting, the President of ABC apologized for the Dragnet show that was highly derogatory with respect to Armenians and promised that ABC would not air the show again in syndication.

An update was also provided on the New York Life litigation, as well as the status of the establishment of an Armenian Bar Scholarship Fund. At the conclusion of the meeting, the Board voted to hold its 2004 Mid-Year meeting in Chicago.

RECEPTION

Following the meeting, the Board of Governors welcomed the attendees to the Friday reception. The reception was held on the patio adjacent to the beach. It was an exquisite way to welcome travelers from all across the country. A wonderful warm breeze, the sound of crashing waves, the delicious assortment of foods and the laughter of friends was the perfect starting point for an Armenian Bar weekend.

The reception proved to be a warm-up for many members who, at the conclusion of the reception, ventured off to sample the nightlife that makes South Beach famous.

MORNING SESSION

On Saturday morning, the attendees were welcomed with a wonderful array of pastries and eye-opening coffee and tea. Robert Cannuscio began the meeting by providing everyone with an overview of the day's events. Robert then gave a summary of the activities that the Armenian Bar has been involved in over the last few months and briefly described the discussions and decisions of the Board of Governors from the prior day.

Robert asked Steve Dadaian to fill everyone in on the meeting with ABC TV regarding the Dragnet episode. At the conclusion of Steve's summary, Robert held up that morning's Miami Herald, which included a blurb that Dragnet was formerly canceled by ABC TV.

Robert discussed the Armenian Bar's plans for raising money for the Scholarship Fund, and reiterated the Board's decision to have full participation.

Next Robert asked Michael Zerotoonian to talk about the plans for the Annual Meeting in Boston. Michael informed everyone that
the meeting was scheduled for the weekend of April 30-May 2, and that Suffolk University Law School, located in the heart of Boston Gardens, has offered its brand new facility for the Bar’s meetings. Michael provided everyone with an overview of the events that were being planned for the meeting.

At the conclusion of these updates, Robert introduced Robert Roomian, the Vice Chair of the Armenian Bar Association, to begin the CLE program.

The CLE program began with Dean Shahinian, Counsel on the United States Senate Committee on Banking, Housing and Urban Affairs, giving a very informative and interesting presentation on the Sarbanes-Oxley Act of 2002, which enacted major securities law reforms to address accounting and investor protection issues. Dean’s presentation provided an insider’s look at the politics and issues surrounding the development of the Act.

Dean also did an excellent job explaining the Act in practical terms, explaining its actual effect on corporate executives and its ramifications for the future regarding criminal enforcement of white-collar crimes. Dean’s candid, entertaining and humorous presentation turned out to be quite timely, as only days prior to the Mid-Year Meeting, Former HealthSouth Corporation Chairman Richard Scrushy was indicted under Sarbanes-Oxley on 85 counts of fraud and money laundering in a 2.7-billion-dollar scheme to rig the firm’s books; Scrushy could face a sentence of up to 650 years and more than 36 million dollars in fines if convicted. Dean concluded his presentation with a question and answer session as the audience had many insightful questions regarding this significant new law.

The next lecturer was John Kevork Sharmey, an attorney in the firm of Dooley & Drake, P.A. in Sarasota, Florida, who gave a presentation entitled “The Armenian Genocide and International Law: Past, Present and Future,” which was based on an international law article that John had published the previous year. John gave a quick summary of the key foundations of international law and then had the audience answer questions regarding some common misconceptions surrounding international law and the Armenian Genocide. Always an intense topic for Armenians, the audience seemed responsive and engaged, as John touched on the irony of the Turkish response and attitude towards the Genocide—initial condemnation, followed by almost 80 years of subsequent denial.

The crux of John’s thesis in his article and presentation was that the perpetrator of the Armenian Genocide—the Young Turks—would certainly be found guilty of genocide under UN/International Law definitions, but that the real battle now is one for the writing of history, as the events in question are nearly 90 years old. John also broached some controversial subjects, such as the notion that Armenians need to be careful not to demonize all Turks, as there were and are many “good Turks.” He also noted that not all Turks were responsible for the Armenian Genocide. John likened this to society’s condemnation of the Nazi party, but not of all Germans. John concluded his lecture by touching on possible future developments involving the Armenian Genocide, such as the possibility of Armenian-Turkish reconciliation and the possibility of an international lawsuit based on the retroactive application of the 1948 Genocide convention, as was previously postulated in a recent report by Dr. Alfred De Zayas.

After a lengthy, and sometimes heated, question and answer session following John’s lecture, the meeting broke for the most important ArmenBar sponsored event of the day: Lunch.

LUNCHEON

At the conclusion of the morning session, members and guests ventured out of the conference room to the sun drenched patio for a delicious lunch. With the waves crashing in the background, Robert Cannuscio took a few minutes to specifically recognize the individuals in attendance that had traveled from Paris and Armenia to be part of this event. Robert also introduced Father Vartan Joulfayan, the pastor of St. Mary’s Armenian Church located in Miami.

Robert then introduced the keynote speaker, Aram Kevorkian. Robert gave a brief description of Aram’s background, growing up in the city of Philadelphia, venturing to New York, and then Paris during WWII, coming back to New York with his French bride and finally going back to Paris, the city that would turn out to be his final resting place. Aram Kevorkian passed away on December 20, 2003. (A tribute to Aram is included in this Newsletter.)

Those in attendance will forever remember Aram that day, full of life and stories. Aram regaled everyone with a history of his life and how he felt part of both America and France. His words were wonderful, warm, humorous and, most of all, sincere. Simply put - the words were Aram.

AFTERNOON SESSION

The afternoon featured a program on intellectual property, with three intellectual property experts sharing their expertise on the subject. The first speaker was Robert G. Roomian, a sole practitioner in Alexandria, Virginia whose presentation was entitled “Important Basics of Trademark and Internet Domain Name Law.” Mr. Roomian began his presentation by pointing out that, although these two areas of the law are omnipresent in people’s everyday lives, they are at the same time clouded by misconceptions in the minds of both clients and many attorneys. He then explained the (Continued on page 6)
fundamentals of trademarks and distinguished them from copyrights and patents. A trademark may be a word, symbol, design, or combination word and design, a slogan or even a distinctive sound or smell that identifies and distinguishes the goods of one party from those of another. A copyright gives protection for an original artistic or literary work such as a book, music or painting, and a patent protects an invention.

Mr. Roomian went on to explain that not all terms, expressions or designs can qualify as trademarks. To be legally protectable, a trademark must be inherently distinctive. This means that it must be fanciful, arbitrary, or suggestive of the goods or services in connection with which it is used. Mr. Roomian presented and explained examples of each type of mark and then covered the applicable law and how trademark rights arise. In the United States, all trademark rights flow from and are underpinned by use of the mark. The mere registration of a term with a State Corporation Commission or a Domain Name Registrar does not create any ownership rights in the term as a trademark. The term must be used in a trademark sense in connection with goods or services. Other areas of interest covered in Mr. Roomian’s presentation included trademark infringement, federal trademark registration, trademark searching and Internet domain names.

The second speaker of the afternoon was Garo A. Partoyan, President of Management of Intellectual Property, Inc., Sarasota, Florida. Mr. Partoyan was also past president of the International Trademark Association and former General Counsel of Mars, Incorporated, the largest manufacturer of confectionery products in the world. Mr. Partoyan’s topic was “Management of Trademarks from a Business Perspective.” Using a very interesting slide presentation, Mr. Partoyan focused on how the management of trademarks as valuable assets was vital to the success of virtually any commercial enterprise, and how and where trademarks fit into the scheme of commerce.

Drawing on his years of experience as General Counsel at Mars, Inc., Mr. Partoyan began his presentation by recounting an event that vividly demonstrated why trademarks and the brands of which they are components are so valuable. Mr. Partoyan once met with the owners of Mars, Inc and presented them with a hypothetical situation in which they would be forced to choose between either the physical assets and technology of the company or the brands. They chose the brands, even though the physical assets and technology had a known value in the billions of dollars. Why so? Mr. Partoyan explained that without the brands, the owners of Mars, Inc. realized that they could not sell the products. It was unlikely that anyone would buy an unknown product, but a known product such as a “Snickers” candy bar could be manufactured under license at a different factory. That is why, Mr. Partoyan explained, brands are such valuable assets.

Mr. Partoyan went on to explain how companies use “marketing properties” to enable the public to recognize and select a product. First among marketing properties is the trademark in its various forms, such as words in plain block letters, with or without color, or in script or other stylized font. After explaining what trademarks are and why they are so valuable, Mr. Partoyan then turned to how to manage them from a business perspective. He said that this involves establishing trademarks, maintaining trademarks and enforcing trademarks. Using illustrative examples, Mr. Partoyan went on to explain the range of ways to accomplish this.

The CLE portion of the program concluded with a special guest speaker from Armenia, attorney Ruben Kalashyan, an

(Continued on page 14)
A San Francisco court dismissed on Friday a lawsuit calling for the removal of a plaque at the foot of Mt. Davidson Cross, in memory of the victims of the Armenian Genocide, filed by two Turkish organizations and Turkey’s Consul General to San Francisco against the Bay Area Armenian-American community. The plaque was placed after the site of the cross was purchased by Armenian-Americans.

San Francisco Superior Court Judge Paul Alvarado held in favor of the defendants’ motion to dismiss the case, based on the SLAPP statute that protects free speech. The SLAPP law requires plaintiffs to show probability of success in order for the case to proceed. This ensures that the mere filing of a lawsuit does not result in the suppression of free speech. Judge Alvarado’s ruling resulted in the dismissal of the third lawsuit involving the Mt. Davidson Cross since the 1990’s.

The defendants, the Council of Armenian-American Organizations of Northern California, were represented by David Balabanian, Geoffrey Holtz and Matthew Grey of the San Francisco law firm Bingham McCutchen. Plaintiffs were represented by attorneys Richard Carlson and Christopher Doyle of the Walnut Creek law firm of Miller, Starr and Regalia.

In a previous prior court battle, plaintiffs claimed San Francisco was in violation of the constitutional principle of separation of church and state, because the cross rests in a public park. A settlement was reached in 1997, when the land on which the cross sits was to go up for auction. A coalition of 32 Bay Area Armenian-American organizations won the auction, and the transfer of the land was later approved by a wide margin of San Francisco voters. After court appeals contesting the validity of the auction, the Supreme Court denied a hearing of the case in April 2003, letting stand the previous ruling validating the sale of the site.

The complaint by the Turkish American Alliance for Fairness, the Turkish American Association of California, and the honorary Consul General of Turkey for San Francisco, Bonnie Joy Kaslan, sought the removal of the memorial plaque at the foot of the cross. The suit alleged the plaque violated the city deed prohibiting the placement of a structure or sign on the land.

City officials stressed the intent of the deed restriction is to preserve the natural environment and avoid commercialization of the property. Mt. Davidson Cross is open to the public and is surrounded by Mt. Davidson Park. Representing the defendants, Balabanian argued in court on Friday that the true intent of the plaintiffs was to stop Armenian-Americans from commemorating their dead.

In 1997, Turkish groups actively opposed the acquisition of Mt. Davidson Cross by the Council of Armenian American Organizations of Northern California, conducting a protest campaign to city officials and urging San Francisco neighborhood and political groups to reject the ballot measure. The ballot passed with 68 percent in favor.

Turkish opposition to the memorial plaque is a part of a broad campaign to oppose any public acknowledgment of the Armenian Genocide. Successive Turkish governments have lobbied against the passage of local, state, and congressional resolutions commemorating the Armenian Genocide, inclusion of the history of the Armenian genocide in school curriculum, and plans to produce films about the genocide.

The plaque lays flat on the ground at the base of the 103-foot cross. It was unveiled during a public event in 1998 by Mayor Willie Brown and several Armenian Genocide survivors. It reads: “The Mt. Davidson Cross was designed and built by George Kelham and inaugurated by President Franklin D. Roosevelt in 1934. In 1997, the citizens of San Francisco voted to approve the sale of the monument to the Council of Armenian-American Organizations of Northern California, to preserve it as a historic landmark.

This revered site is cared for in memory of the 1,500,000 victims of the Armenian Genocide perpetrated by the Turkish government from 1915 to 1918. Over half of the Armenian population on its ancient homeland was killed, and no Armenian community remained in historical western Armenia.

By honoring those lost, we honor all victims of injustice and cruelty. In their name we dedicate ourselves to the protection of human rights and the dignity of all peoples.

‘If evil of this magnitude can be ignored, if our own children forget; then we deserve oblivion, and earn the world’s scorn.’

Avedis Aharonian
writer and educator
1866-1948

Armenian Genocide Commemoration Day April 24, 1998”

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[Ed. Note: David Balabanian is a longtime member of the Armenian Bar.]
ARMENBAR MID-YEAR MEETING HOSTS
ARMENIAN INTELLECTUAL PROPERTY EXPERT

By Robert Roomian

The ArmenBar Mid-Year meeting was honored to have as a special guest Armenian intellectual property attorney Ruben Kalashyan. Mr. Kalashyan is a renowned expert and scholar in the field of intellectual property rights in Armenia. He recently completed a fellowship at George Washington University School of Law, where he examined the differences between Armenian and American legislation on intellectual property rights to develop standardized, internationally accepted legislation in Armenia.

Armenian Intellectual Property Rights Development

Mr. Kalashyan began his lecture by tracing the history of the development of intellectual property law in Armenia from the period under the Soviet Union to the present situation in the Republic of Armenia. He pointed out that even under the former Soviet Union, Armenia stood out and occupied an advanced position in the field of intellectual property. During the period from 1980-1990, about 10,000 applications for inventions were submitted to the All Union Research Institute of Patent Examination by Armenian authors, of which about 6,000 were accepted as inventions. During the same period, the annual amount of inventions per 100,000 citizens of Armenia averaged sixteen.

Mr. Kalashyan explained that policy makers of the Republic of Armenia understood that a modern system to protect intellectual property rights is a critical element of a full-fledged market economy and that this system has vital importance for the development of culture, research and product identity. It is essential to enable full entrepreneurial usage, in contrast to the conditions of a centrally planned economy, where inventors inherently belonged to the state.

Mr. Kalashyan further explained that, since declaring its independence in 1991, the Republic of Armenia has undertaken serious steps aimed at establishing a system of intellectual property rights protection in compliance with the needs of a market-oriented economy and in harmony with internationally accepted standards, including WTO principles. The first steps were to establish the Armenian Patent Office (APO) in 1992 and Armenian National Copyright Agency (ANCA) in 1993. On April 22, 1993, Armenia became a member of the World Intellectual Property Organization.

Mr. Kalashyan then surveyed the present legislation regulating intellectual property rights protection in Armenia. These acts include: the Law on Patents (December 16, 1999), the Law on Copyright and Neighbouring Rights (January 20, 2000) and the Law on Trademarks, Service Marks and Appellations of Origin of the Goods (April 15, 2000), as well other laws covering the Protection of Trade Names, the Protection of Topographies of Integrated Circuits, the Protection of Selection Achievements and the Protection of Economic Competition.


Armenia and the WTO

Mr. Kalashyan pointed out that the Republic of Armenia has been a member of the WTO since February 5, 2003. The accession process lasted more than nine years. There are both many proponents and opponents to this accession in the Armenian community, but in his opinion, the main advantage gained by Armenia
through the WTO accession is the significant improvement of its legislative field. Under the Soviet centrally-planned system, Armenia never had professional legislators and usually used the legislation drafted in Moscow. This practice of simple translation and borrowing of the Russian legislative acts continued to exist in Armenia even after its independence and is still continuing in some cases. In this respect, under the auspice of legislative reform invoked by the WTO accession process and due largely to the requirements of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement), a huge amount of amendments were made to Armenian legislation, which were very useful not only for intellectual property right holders, but for all members of society.

Mr. Kalashyan also discussed what he believed to be some negative aspects to Armenia's WTO accession. For example, he said that non-governmental organizations created by foreign investments have come up with legislative amendments in the field of copyright (in respect of works made for hire), and believes that those amendments were made to the detriment of domestic creators. The development of a country substantially depends on the creativity of its population and the encouragement of this creativity is a necessary precondition for the development process. However, the main purpose of the Copyright protection in developing countries with a rich cultural past should be not only social and economic development, but also assistance to the enrichment and dissemination of a national cultural heritage. This means, first of all, protection for the authors of works, which frequently appear only as the employees hired by employers who are aspiring to possess all economic rights on the author's work. Even in U.S. legislation, this aspect is dealt with very delicately. Namely, U.S. legislation provides that, in certain cases, the work shall be considered as a work for hire, if the parties expressly agree on that in a written instrument signed by them, i.e. the rights assignment clauses shall (not may) be provided in a contract signed between an employee and employer (see definitions in § 101 of the U.S. Code Title 17-Copyright).

Nevertheless, Mr. Kalashyan believes that the participation of foreign non-governmental organizations in law-making is encouraging in the sense that it will also inspire domestic investors and creators to actively participate in the legislative processes related to the Intellectual Property field.

Mr. Kalashyan went on to explain that much of the intellectual property infringement that takes place in Armenia may be attributed to the ignorance of the law among the society and the lack of proper experience of Armenian attorneys. Rights holders and users of intellectual property objects are accustomed to relying on governmental authorities and, because of this, they passively wait for state decisions instead of actively asserting their rights themselves. Under a new market-oriented economic system, such a mentality should be changed through vivid illustrations of the foreign experience.

Touching on another issue, Mr. Kalashyan explained how, in the past, Armenian specialists in the field of intellectual property rights protection usually were educated in Moscow. There was also a two years public institute for patent specialists in Yerevan under the supervision of the Armenian Council of the Inventors' and Innovators' All Union Society, which no longer exists. The education provided by the latter institute was far from sufficient. Mr. Kalashyan discussed how it was unfortunate that there are no intellectual property rights related subjects taught in educational institutes, and that, as a result, Armenian experts are not able to get necessary education at home. It is necessary to deliver lectures on the subject in the few existing Armenian institutes, stressing the relationship of international integration and the role of non-governmental organizations in this process and on law implementation issues. Mr. Kalashyan concluded his presentation by suggesting that the legislators of Armenia should thoroughly consider the economic situation and potential existing in their home country and not automatically defer to borrowing the approaches adopted in developed countries.

On November 6, 2003, ArmenBar Vice Chair, Robert Roomian, accompanied Ruben Kalashyan, a specialist on intellectual property rights in Armenia, on a visit to the United States Patent and Trademark Office (USPTO) where they met with Michael Kazazian, a USPTO trademark examining attorney.

During the visit, Mr. Kazazian explained and demonstrated the procedures by which the USPTO examines federal trademark applications. Originally from Florida, by way of Montreal, Mr. Kazazian has been employed as a trademark examining attorney at the USPTO for five years.

Mr. Kalashyan has 19 years experience working in the field of intellectual property rights in Armenia. He recently completed a fellowship at George Washington University School of Law where he examined the differences between Armenian and American legislation on intellectual property rights to develop standardized, internationally accepted legislation in Armenia.

Mr. Kalashyan may be reached at rkalashyan@law.gwu.edu. Robert Roomian, a sole practitioner specializing in trademarks and copyrights, may be reached at r.roomian@att.net.
REMEMBRANCE OF ARAM JACK KEVORKIAN
(DEC. 31, 1928-DEC. 20, 2003)

by Professor Ann Lousin

On Saturday, December 20, 2003, the Armenian Bar Association lost one of its most prominent members. Aram Jack Kevorkian suffered a fatal heart attack at his home in Paris while listening to his favorite composer, Bach.

Known as “Aram” among Armenians and Europeans and as “Jack” among Americans, he was unquestionably the best-known Armenian lawyer in France. Yet, he always remained an American citizen. When someone asked him last fall if his book of essays reflected “the brilliant legal mind at work,” he replied, “it is the reflection of an Armenian-American-French legal mind at work.” It was a perfect summary and is now his valedictory.

Aram’s parents were Armenian immigrants who fled the genocide. His father Karnig was from Chunkoush, and his mother Hripsime was from Smyrna. In one of the last issues of “The Kevorkian Newsletter,” Aram wrote movingly of a recent visit to Chunkoush. He regularly wrote of his sorrow at the present Turkish government’s failure to recognize the role of the Armenian millet in the Ottoman Empire and the genocide of 1915. Who can forget his “Nobody here but us Turks?”

Even his given names, “Aram” and “Hagop,” were the names of his father’s two younger brothers, uncles who had not survived the genocide.

Little Aram and his older brother Avedis, a/k/a Andrew, spoke Armenian until they began attending the Philadelphia public schools. Both boys helped their parents print the Armenian-language newspaper “Groong” that their parents published for the diaspora. Clearly, Aram was a true Armenian from birth.

Aram said that the Philadelphia schools “turned children of the melting pot into Americans.” He became a first-class American in those schools. Always first in his class, he studied and learned all of his life. A graduate of the University of Pennsylvania and Harvard Law School, where he was an editor of the law review, Jack received a Fulbright Scholarship to study in France in 1953. He became an ardent Francophile and honorary Frenchman.

By then fluent in three languages, Jack returned to New York City to practice law with Dewey, Ballantine, but the U.S. Army called him to duty, again in France, as a member of the Judge Advocate General’s Corps. Because the U.S. Army would not release him three months early, he had to reject Justice Felix Frankfurter’s offer of a clerkship—one of the few regrets about his career that he had.

Jack practiced with his old firm from 1958 until April, 1961, when he and his French wife returned to France. He practiced with Courbet Freres in Paris, becoming a partner in 1964. Because William Saroyan was one of the firm’s clients, he came to represent and become good friends with the writer with whom he shared a heritage and so many interests.

By 1966, when Aram opened the law firm later called Kevorkian & Partners, the common market was flourishing. American businesses expanding in Europe wanted a U.S.-trained lawyer to represent them. Maitre Kevorkian was a natural choice. I have heard both French and American lawyers refer to him, perhaps a bit jealously, as “Monsieur Big Mac” and “Monsieur Coca-Cola,” obviously after two of his famous clients.

Almost by accident, he became the interpreter of France, French law, and the French mind, to others, especially American lawyers. He became a commentator for CNN and, most important, the author of “Legal Newsletter from France,” later named the “Kevorkian Newsletter.” In hard copy and later in e-mail, the newsletter had a readership of thousands, many of whom never knew each other until they happened to discover that they had Aram Kevorkian in common. (I have run into Harvard Law graduates who said that the first Armenian they knew was “Jack Kevorkian” and asked if I read his newsletter.) In 2002, Aram published a collection of his favorite newsletters under the title Confessions of a Francophile.

Aram’s practice flourished until the end of his life, and he kept up his newsletter and other writings, as well as his lifelong love of arts and letters. He learned to play the piano and harpsichord in order to play compositions of his adored Bach. He personified the Renaissance Man. He lectured in Armenia and America, he traveled everywhere, and he touched many lives. Aram is survived by his wife Genevieve, his seven children, thirteen grandchildren, one great-grandson and his only brother.

In mid-December, 2003, AramBar sent a donation to the Armenia Tce Project in honor of Aram’s 75th birthday. Now there will be a tree in Armenia as a memorial to him. In pace requiescat, Aram, and shed shnorhagal enk. From all of us who loved you and will always remember you.

A memorial service has been scheduled by Aram’s friends in New York City, and they encourage anyone who knew Aram to attend. The memorial service will be held on Monday, May 10 at 11 a.m. in the Greenberg lounge of Vanderbilt Hall, New York University Law School, located on Washington Square South in Manhattan. Aram’s long-time friend, law-school classmate and NYU law professor Norman Dorsen will preside at the memorial.
THE NEW YORK ARMENIAN STUDENT ASSOCIATION HOSTS YEREVAN-BASED ATTORNEY TOM SAMUELIAN AT THE GROLIER CLUB IN NEW YORK CITY

by Anahid Ugurlayan

On November 6, 2003, the New York Armenian Student Association (NY-ASA) welcomed prominent attorney Tom Samuelian to New York City to discuss his practice and what it is like to live and work in Armenia. Mr. Samuelian’s journey to Armenia was far from planned. As an associate at Steptoe & Johnson, a large law firm based in Washington, D.C., Tom practiced corporate law at the firm’s office in Almaty, Kazakhstan as well as Moscow, and he often traveled to Armenia on business. In 1998, he decided to take the step that many Armenians are eager to take, yet few actually attempt: to live and work in Armenia. There he founded, and is managing director of, Arlex International, Ltd., where he and his associates provide legal and business consulting services to businesses based in Armenia and those seeking to do business in Armenia.

His practice has greatly expanded over the years as his firm, among other things, has played an integral role in developing Armenian language software and promoting fledgling Armenian businesses to sell authentic Armenian handicraft throughout the world. He also started the Armenian Volunteer Corps (AVC) which affords Armenians in the Diaspora an opportunity to work for up to a year in Armenia in their field of interest. Many of the AVC participants have returned to Armenia, and 60% have remained in Armenia. Mr. Samuelian gave an example of a recent AVC volunteer, Keri Khachadoorian, who left her job at Martha Stewart Living, speaking practically no Armenian, and now resides in Yerevan, fluent in Armenian, working with a local artisans who create handicraft.

Another project initiated by Mr. Samuelian is “Armenia 2020,” a think tank whose goal is to envision various scenarios of the political and economic situation in Armenia in the year 2020 and the steps it can take to effectuate the desired scenario.

During his presentation to the NY-ASA, and the question and answer period that followed, Mr. Samuelian addressed the current political and economic situation in Armenia, acknowledging that it faces many hurdles such as attracting foreign investment and providing needed services to its citizens. Indeed, many of the amenities Diasporan Armenians take for granted, such as uninterrupted telephone service, hot water and heat, are not guaranteed in Armenia, and oftentimes an encumbered bureaucracy makes simple tasks, such as getting papers stamped, unnecessarily burdensome. However, Mr. Samuelian touched on positive developments such as the slowing of the “brain drain” of years past, where young professionals left Armenia for professional opportunities abroad, and noted that many Diasporan professionals have been moving to Armenia. Concerning the possibility of doing business in Armenia, Mr. Samuelian asserted that the essential elements are a portable business which does not necessitate reliance on Armenia’s infrastructure, and, above all, patience and love for Armenia.

Following the lecture, a reception at the Grolier Club took place allowing the attendees to mingle and speak to Mr. Samuelian. The NY-ASA and the attendees learned a great deal from Mr. Samuelian, whose first-hand account of living and working in Armenia was inspiring yet realistic. While recognizing the risks in starting a business in Armenia, Mr. Samuelian enthusiastically took on the challenge, and his eagerness to continue was quite palpable to all in attendance that evening. It was evident Mr. Samuelian has found great professional and personal success through his business (Arlex), the AVC, and his other endeavors. Above all, he conveyed a sentiment often forgotten while focusing on the current negative political and economic situation: hope for Armenia and its future.

The Armenian Student Association (ASA) is a nearly 100-year old nationwide organization. Its mission is to promote cultural and educational awareness among students of Armenian heritage in the U.S. and to strengthen their attachment to Armenia. The ASA has many local branches, one of which is the NY ASA, which is among the most active. In the past, the NY ASA has organized numerous lectures and seminars on various topics concerning Armenians in the Diaspora and Armenia. The NY ASA’s annual pivotal event has been the Artist’s Ball, where the works of young aspiring Armenian artists are exhibited.

Originally published by the New York-Armenian Students’ Association (NY-ASA),


[Editor’s note: Tom Samuelian is a long-time member of the Armenian Bar Association and a Member-at-Large of the ArmenianBar’s Board of Governors.]
TEACHING POSITION IN ARMENIA

The Law Department of the American University of Armenia expects to have a full-time faculty position available at the start of 2005, with a two-year commitment required. The person chosen must be a lawyer and would be a regular AUA faculty member, teaching, conducting research, and helping to administer the Law program. Applicants should have a strong academic background and preferably some teaching experience. Their legal knowledge should encompass some areas of international or comparative law. Although AUA operates in English, knowledge of Armenian and/or Russian would be valuable.

Interested persons should send their CVs to Professor Stephen Barnett, Dean of the Law Department, at: barnetts@law.berkeley.edu.

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ARMENIAN BAR STARTS THE NEW YEAR WITH ANOTHER SUCCESSFUL MIXER

By Anahid M. Ugurlayan

Winter has gripped New York with seemingly endless bone-chilling weather. But that did not deter over 25 New York and New Jersey attorneys from converging at the Turtle Bay Grill & Lounge in New York City on January 13 to mingle and network with one another. Each event brings forth new faces and is helping create a strong and dynamic base for the Armenian Bar Association in the Northeast. Many thanks again to Gary Moomjian, Lucy Varpetian and Lisa Boyadjian for their involvement with this event. For more information on upcoming events, please e-mail Anahid at anahide@aol.com.

WHEN IN ARMENIA... TEACH

Are you an attorney planning a visit to Armenia? The American University of Armenia Law Department would love to know you’re coming.

We are in the process of scheduling lectures, roundtables and presentations at the Law Department in diverse areas of the law. Generally, we are interested in topics with some international or comparative component although we are open to hearing your suggestions. All lectures are conducted in English. So if you are interested in adding “Teaching” to your “Armenia To Do” list, give us a holler.

If teaching is not your cup of tea, we still want to know you’re coming and would be happy to show you around the Law Department, introduce you to our faculty and law students, and tell you a little bit about our legal work in Armenia.

Contact Associate Dean Matthew Karanian or Assistant Dean Sara Anjargolian at mkaranian@aua.am or sanjargoo@aua.am, or at the Law Department Office in Yerevan at (011) (3742) 51-27-55. In the U.S., you can contact Dean Steve Barnett at barnetts@law.berkeley.edu

Looking forward to seeing you in Armenia!

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A WARM AND WONDERFUL LOCALE FOR THE MID-YEAR MEETING

(Continued from page 6)

expert in the field of Armenian intellectual property rights, who discussed the current state of intellectual property rights in the Republic of Armenia. Mr. Kalashyan began by tracing the history of the development of intellectual property law in Armenia from the period under the Soviet Union to the present situation in the Republic of Armenia. He pointed out that even under the former Soviet Union, Armenia stood out and occupied an advanced position in the field of intellectual property. Since declaring its independence in 1991, the Republic of Armenia has undertaken serious steps aimed at establishing a system of intellectual property rights protection in Armenia. Mr. Kalashyan also touched on Armenia's long-awaited acceptance into the WTO, and its ramifications for intellectual property legislation in Armenia.

Mr. Kalashyan explained that there is not a general understanding of intellectual property law in Armenia, and much of the intellectual property infringement that takes place there may be attributed to the ignorance of the law among the society in general, even among Armenian attorneys. This may be due to the fact that most Armenian specialists in the field of intellectual property rights protection usually were traditionally educated in Moscow, and the fact that there is still no real intellectual property education available in Armenia.

Mr. Kalashyan concluded his presentation by saying that the legislators of Armenia should be careful to not simply copy other nations' development of intellectual property law, but should forge a system that will take into account Armenia's unique population and situation.

CONCLUSION

After the scheduled events on Saturday, the attendees paired up with friends and went off to enjoy Miami’s South Beach for the remainder of the weekend. Whether it was soaking in the rays of the beautiful beach, sipping Cuban coffee at an outdoor café, or dancing on tables at a lively Greek tavern, these Armenian lawyers made their presence known—if only for a day. The Mid-Year Meeting was a great success: the events were fun and well organized, the lecturers were interesting and engaging, and the camaraderie was genuine. The meeting drew attendees from as far away as Los Angeles and Paris. Although it was the first ArmenBar meeting in Florida, all of the attendees, and certainly the Armenian legal community of Florida, hope it will not be the last. As a final note, if you have not done so already, make plans to attend the Boston Annual Meeting the weekend of April 30, as it will also be an ArmenBar event you won’t want to miss.

Message From the Chair

(Continued from page 1)

ences and externships. The Pro Bono Committee has continued its efforts to inform the large Armenian community in the Los Angeles area of its rights under the law. The Armenian Rights Watch Committee has monitored and addressed issues facing our Armenian community, including taking action against the recent negative portrayal of Armenians by the media. Through its CLE programs and this Newsletter, the Armenian Bar has provided its members with updates on changes in the law, both here and in Armenia.

And just as importantly, the Armenian Bar has encouraged the development of personal bonds among its membership through local mixers in various cities, including New York and California, its National meeting in Pasadena and its Mid-Year meeting in South Beach, Florida. These events have provided a forum for members to network, exchange ideas, meet new people and develop lasting friendships.

These are just some of the activities that our association has been involved in over the past year. And 2004 is looking to be even better with our Annual National meeting in Boston and our Mid-Year meeting in Chicago. We also hope to have a Scholarship Fund established this year – the culmination of a long-time dream of the founders of our association.

The Armenian Bar has also begun its annual membership drive. Membership in 2003 hit a record high! Our goal in 2004 is to surpass that number. Please renew your membership, and if you are not a member, I encourage you to become one. Your membership goes a long way to help others and to support the important activities of the Armenian Bar. Also, the Armenian Bar Association is a non-profit organization and, as such, your membership is tax-deductible.

There is another reason to join now. For many years this Newsletter has been provided to everyone free of charge. However, due to escalating costs associated with the publication of the Newsletter, the Armenian Bar Association has regretfully decided that only the first issue of every year will be circulated to the entire mailing list. After that, only dues paid members will receive the Newsletter. So I encourage you to join now so you do not miss out on any issues of the Newsletter.

In closing, on behalf of the entire membership, I want to take this opportunity to thank all of the individuals who have been active in our association over the past year. Your dedication has made my tenure as Chair a pleasure and an honor.

Your colleague and friend always,
Robert E. Cannuscio
Chair
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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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