The two girls were born three months and three hundred miles apart in 1909, one in Kharpert’s Kessrik village and the other in Ordu’s seaside hills and dales. Soon enough, my grandmothers as girls were to have little in common and were to become, by circumstance, distant strangers in fate and future.

On Saturday morning, April 24, 1915, Siroon, who had quickly come to be known as Sarah and whose Nalbandian family had immigrated to the San Joaquin Valley just a few years earlier, was skipping rope, jumping hop-scotch and picking up jacks among friends from her first grade class at Cherry Avenue Elementary School.

She was to graduate from Tulare Union High School, marry early to larger-than-life Kaspar, and name her four sons John, Ralph, Richard, and Vernon into whom she cemented security, confidence, America and the English language. She took the helm as Relief Society and the Ladies Guild at Holy Trinity. Her sprawling ranch house with the thick wood shingle roof looked onto the Sunnyside Country Club. She drove a white four-door Fleetwood Cadillac with a soft and purry velure interior.

Khnguhi’s smile was turned on that day. Although she “survived” the Genocide, Khnguhi’s smile was turned down that day, at once and forever. In the years and decades to come, in picture after picture, it was one visual dirge, one unmilitated lament after another, a funeral procession that lasted for nearly all of her 91 years.

Fifty years in this country and she still spoke English in choppy sentences, mis-conjugated verbs and mixed-up tenses, outstretched arms and expressive eyes. She went to no schools in America, made no friends, played no games. She bent her back, swallowed her pride, and went to work in Fresno’s fields. She married the quiet and restrained strength of Hovakim and named her daughters Vartitter and Nazik. The son she lost was to be named Vrej, meaning Revenge. Maybe the boy died so that his name would live in us. Khnguhi’s matchbox-sized house with the thin decaying roof was similar to the hundreds of houses which Kaspar gathered. She never drove a car. Neither did Hovakim.

As we mark the centennial of the Armenian Genocide, I struggle to settle on a definition of the scope of what was lost, what was taken. Was it only the childhood of Khnguhi and the roots of Siroon? Were their sorrows and anguish really that much different from each other in the end? Were they not both disinherited of their provenance, dispossessed of their destinies, displaced even from themselves? This much I know; but for the Genocide, Siroon wouldn’t be playing hide-and-seek in Tulare and Khnguhi would have played a lot of tennis near the Black Sea. And I’d most likely be somewhere between Erzerum and Kharpert.

My grandmothers and yours shared a common fundamental characteristic: they faced the darkness and insisted on a future for their families, took silent oaths to not give up, to say yes to life, to believe in the possibility of justice. To our parents, we say thank you for living strong and for showing us the way. Because they did not give up, because they believed, then we will not give up and we will believe.

With the stories of these girls embedded in my life and the stories of your families engraved in yours, we must see to it that the chronic pain and continuing effects of the Genocide are not dehumanized, that they are not examined only analytically and scientifically, that their significance is never lost or forgotten. Though it is now a hardening scab, we cannot let the bleeding wound be forgotten. Only when it is personalized will it be real enough to play a role in the decisions we make.

These memories of hardship may test our hopes and try our conscience, but memory is our sacred duty, not simply to remember, however, but to act. Let us tell the world not only how our people died, but also how they lived, how they loved, how they hoped, how they dreamed.

The Armenian Bar Association is one of the places where those stories can come together to be shared and where the bleeding may finally find a way to stop. And although so much has already been written and spoken, mere words—mine and yours—somehow are not enough. Remembrance without resolve is a hollow gesture. Awareness without action changes nothing. “Never again” without follow-through means “Wait till next time.”

As we enter the second century after the Genocide, we are now poised and prepared to take care of ourselves. Perhaps it’s time that we should not coddle public officials so slavishly, we should not grovel to government with upturned palms, we should not seek shallow solace in recognitions, splinters of victory in resolutions. We should not rely on someone else to make us whole. Because they can’t. They never could. From now on, let our redemption begin and end with us.
GENOCIDE REPARATIONS FEATURED AT UNIVERSITY CONFERENCE

By Vaché Thomassian

Attaining justice following mass human rights atrocities is an arduous and complex task involving both criminal and civil law. The international community’s efforts to criminally punish human rights violators have developed significantly over the last 70 years—from the Nuremberg Trials after World War II to the International Criminal Court today. In the realm of civil redress for human rights abuses, models exist and continue to develop.

In the Armenian case, it is important to note that following World War I, attempts to criminally punish members of the Ittihadist government for the massacre of Armenians (through the Constantinople and Malta Tribunals) ended in dismal failure. Abandoned by the international community, the task of bringing the individual perpetrators to justice was left to a group of extra-judicial avengers called Operation Nemesis. However, there remained the issue of restoring the wealth, property, land and rights of the dispossessed Armenian people. For these reasons, growing attention has been directed towards legal means of attaining monetary and territorial reparations in order to repair the damage felt by victims of the Armenian Genocide and their descendants.

This was the theme of a distinguished panel held at California State University, Northridge’s Armenian Studies Program one-day conference on January 31, 2015. Co-sponsored by the United Armenian Council of Los Angeles and the Armenian Bar Association, the conference was part of a series of commemorative events that the organizations have planned to commemorate the centennial of the Armenian Genocide. The session entitled “Legal Responses to Genocide-Related Liabilities” was introduced by Armenian Bar Association Chairman Ex-Officio, Garo Ghazarian. Ghazarian’s powerful remarks evoked the spirit of Armenian lawmaker and politician Krikor Zohrab, calling for a unified front to move forward the reparations movement.

Armenian Bar Association Chairman Armen K. Hovannisian then gave an impassioned speech, leading with the real and rhetorical questions, “Is the destruction of a nation quantifiable? Is the decimation of a people compensable? Is what was lost, what was taken recoverable by any stretch of our efforts or of our imagination? Can the decisions of a court of law, in the U.S., in Turkey, in Europe, or anywhere, ever make us whole?” He provided a comparative analysis of the Armenian case with that of the Jewish people, discussing the history of reparations that followed the Holocaust, with their roots in the 1951 Conference on Jewish Material Claims Against Germany. Hovannisian explained that the Claims Conference was a coordinated effort by the State of Israel and 23 Jewish organizations to gain restitution from post-war Germany. As a result, billions of dollars in reparations were paid to Holocaust survivors, their heirs, and also funded the infrastructural development of the fledgling Jewish state.

The first panelist, Saro Kerkonian, delved into the topic titled “Opportunities and Challenges in US Courts.” Kerkonian focused his presentation on recent cases filed in federal court that aimed to recover property owed to Armenian Genocide victims and heirs. He reviewed three recent cases and their procedural history. The first case involved a class of roughly 10,000 people who alleged unjust enrichment, breach of good faith and fair dealing, and money had and received from insurance giant New York Life (Marootian, et al. v. New York Life Insurance Company). In Marootian, a major hurdle was overcome when the California legislature enacted Civil Procedure §354.4, extending the statute of limitations in Armenian Genocide-era insurance cases to 2010 (and later to 2016). That case ended with a $20 million dollar settlement, dispersed to heirs of victims and community organizations, along with attorney fees and costs. The next case Kerkonian discussed also involved failure to pay on Armenian Genocide-era insurance policies. The suit against French insurance company AXA eventually settled for $17.5 million in 2005, with payouts that began in 2007 (Kyurkjian, v. AXA Reinsurance Company, et al.). The last case discussed was brought by Reeverd Vazken Movsesian in 2003 against Victoria Insurance (Movsesian v. Victoria Versicherung AG, et al.). Refusing to settle, Victoria argued that §354.4 was unconstitutional since the United States government does not explicitly recognize the Armenian Genocide. Attorneys for Victoria contend that California, as a state, did not have the ability to pass legislation that conflicted with federal policy. After several appeals,
MEMBERS IN THE NEWS AND ON THE MOVE

Michael Ashjian was appointed the 2014 Festival Director of the Arpa International Film Festival. Started in 1997, Arpa’s mission is to create a dynamic forum for international and local filmmakers who explore such issues as diaspora, war, genocide, dual-identity, exile and multiculturalism. Mr. Ashjian is a graduate of Southwestern Law School, where he excelled in intellectual property and entertainment law. He was President of the Entertainment Law Society and wrote articles about trends in the entertainment industry and has worked with Universal Pictures, Starz Entertainment, William Morris Endeavor, and Ramo Law.

Sarkis Jacob Babachian was appointed to the Board of Directors of the Glendale Bar Association. He has over 20 years of experience in both criminal and civil litigation, and mediating litigated cases in both state and federal courts. He is a graduate of Southwestern Law School and for many years has served as the attorney-coach for the Armenian Sisters Academy Mock Trial team.

A former Armenian Bar board member, Ara Babaian was selected as a 2015 Super Lawyer in the field of Business/Corporate law. Super Lawyers recognizes 5% of attorneys in each state, following a screening and voting process. Ara’s practice focuses on entity formation, management of companies, contracts, intellectual property, securities transactions, and mergers/acquisitions. He often acts as outside general counsel for many of his clients, who are in a range of industries, including technology, financial services, healthcare, manufacturing and distribution, professional services, real estate, restaurants, hospitality, entertainment, and media. Ara’s firm is called Encore Law Group, which is based in Beverly Hills, California. www.encorelaw.com. Please let us know if you are a Super Lawyer too.

Patrick Baghdassarian, certified family law specialist, accredited minor’s counsel and mediator was named partner in the Law Offices of Donald P. Schweitzer. Patrick is a graduate of Southwestern Law School. He has published in the area of discovery in family law, specifically, how to use discovery tools properly to settle family law cases. The full text of the article may be found: http://www.avvo.com/legal-guides/uge/discovery-in-family-law-.

Judge Samuel Der-Yeghiayan was one of twelve dignitaries to ride on the first American Armenian float in the 126th Rose Parade. On January 1, 2015, the float entered by the American Armenian Rose Float Association called Cradle of Civilization was one of 40 floats showcasing “Inspiring Stories” and won the President’s Award for most effective floral use and presentation. Judge Der-Yeghiayan is a United States federal judge for the Northern District of Illinois. Confirmed in 2003, he was selected as a float VIP because he is the first Armenian immigrant federal judge in the United States.

Malvina Mardirosyan recently joined the legal department of Integrated Electrical Services, Inc. (“IES”) as an Assistant Corporate Secretary where she concentrates in corporate governance and securities law. Prior to joining IES, Malvina was an associate with the MasterCard Incorporated - Office of the Corporate Secretary. Malvina helped promote among Armenian Bar members the creation of an Online Museum by the Near East Relief Historical Society which will launch in April 2015 in commemoration of the approaching centennial of the Armenian Genocide. She is an active member of the Armenian Bar and has played an important role in connecting law students to the Association.

Craig Missakian has been appointed Deputy Chief Counsel for the U.S. House of Representatives Select Committee on Benghazi. The House formed the special committee in early 2014 to investigate the events surrounding the attacks on the Department of State and CIA facilities in Benghazi, Libya on September 11, 2012—attacks that left four Americans, including Ambassador Chris Stevens, dead. The investigation, which is expected to last until 2016, will result in a report to Congress on the committee’s findings. Prior to his appointment, Mr. Missakian worked as a prosecutor for nearly ten years for the U.S. Attorney’s Office in Los Angeles.

Albert Momjian was the recipient of the Judge Learned Hand Award at a dinner at the Rittenhouse Hotel in Philadelphia, PA. The annual award recognizes leaders in the legal profession for excellence and for their contribution to the legal community. The recipients of this award embody much of what Judge Hand represented – the right of the individual and the importance of democratic values in an orderly society. Mr. Momjian is a nationally-renowned family law attorney and regarded as the dean of the Pennsylvania family law bar, who recently retired from Schnader Harrison Segal & Lewis LLP. Mr. Momjian co-chaired the Committee to Consolidate Pennsylvania Family Laws and served as a consultant to the Pennsylvania House and Senate Judiciary Committees during passage of the 1980 Divorce Code. His landmark treatise, Pennsylvania Family Law, is often cited by the Commonwealth’s appellate courts.

Raffi Ohanian recently joined Thon Beck Vanni Callahan & Powell. His practice is in the areas of catastrophic personal injuries. Mr. Ohanian is a graduate of Southwestern Law School where he was the president of the Armenian Law Students Association. He currently serves on the board of the South Bay Youth Sports Network, a nonprofit organization that serves underprivileged youth through sports activities.

Talin Yacoubian was appointed Chairwoman for the Armenian General Benevolent Union Western District. In the western region of the United States, the AGBU is headquartered in Pasadena and serves the Armenian community through its chapters, special groups, community centers, two schools with a thousand students, a Saturday school, cultural, artistic, social, and youth-oriented programs such as sports and scouts, a theater company, and a mentorship program.

Lucy Varpetian was also appointed as a member of the AGBU Western District Board.

Alice Yardum-Hunter has again, for the 14th year in a row, won the Super Lawyers Award for 2015, published by Thomson Reuters in the specializations of Immigration and Nationality Law.
Law is the business of social ordering. So it is particularly fitting, on the eve of the Genocide Centennial, for Armenian lawyers to give some thought as to the state of our present social order. This is a complicated undertaking for a number of reasons, as such consideration necessarily touches on our history, on our politics, on our pride and, of course, on our very insecurities as a people. But it is further complicated by something monumentally deeper—something not necessarily easily articulable: the inescapable reality that our nation’s historic disenfranchisement has left none of us untouched, has left none of us uncathed and has left none of us able to deny that the very blood flowing through our veins today, which we pass to our children and theirs, stained desert sand just a century ago for no justifiable reason. For lawyers trained to value reason over emotion, the challenge is clear.

That Which Binds Us

The Genocide was a national trauma of unspeakable proportion; and our nation today still lives in a post-traumatic period. We cannot underestimate the impact on the psychology of our identity; on our own self-perception of who we are. We cannot pretend that the last century’s discourse of disenfranchisement has not utterly consumed, and perhaps even confused, our view of our own identity today. It is axiomatic that we are more than the Genocide—but trauma skews perspective, it blurs the horizon and it renders the future a mirage. You see, this is the purpose of Genocide itself—to erase the people, to erase the nation in the minds of the people who remain, and to erase everything else from the identity of the rest of us. It is a disgusting truth; but it is precisely what Genocide is.

Look around. Today, the Genocide may be our single most commonly shared trait of group identity, particularly outside of Armenia. Even a quick survey of those who we consider, or would consider themselves, Armenians quickly demonstrates that it is entirely possible that neither language, location, vocation, cuisine, culture, religion, nor even genetics links one Armenian to another to the extent the Genocide does. This should disturb us. It should frighten us that we are left holding more hands in our trauma than in our dances, left sharing more pride in our protests than in our literature and left embracing one another more in commemoration than in celebration. We are not historic artifacts; we are a living nation, surely with stories yet to tell and epics yet to write.

It is time to hand the evidence over to our lawyers and let them prosecute the crimes of inhumanity perpetrated on our people. And it is time for the rest of us to begin rebuilding our national consciousness, rediscovering our national identity and re-entrenching the value of that identity in our children, wherever on this earth they may sleep. It is time for us to champion our progress, not our perseverance. We must awake on April 25, 2015 with a national consciousness that rises above the Genocide, that embraces Armenians living in a Republic and an ever-growing Diaspora and that insists that we as Armenians forevermore define our identity by what we have done rather than what has been done to us.

Missing the Forest for the Trees

The Republic of Armenia, in and of itself, is not the solution to defining a comprehensive national consciousness. Our nation is larger than the Republic of Armenia—we have to accept this and assume the responsibility it imposes. Of course, the Republic is of vital importance to us as Armenians, an integral element of the survival of the Armenian people, and we must do everything we can to support its development and ensure its stability. However, the Republic is neither the Armenian nation nor its savior.

I say this not to belittle the importance of an independent state, but we cannot pretend that its emergence was something different than it was. The Republic was not born as our Israel. The independence of the Republic of Armenia, as was the fall of the Soviet Union more generally, was an event which few—including the leading Western Soviet scholars at the time—came even close to predicting. The Republic was not the result of a national intellectual movement to save the Armenian nation and it was not the great white horse for ending the indignities against the Armenian people. Israel, on the other hand, was both for the Jews.

A cursory review of Theodore Herzl’s late-nineteenth century work, Judenstaat, immediately introduces the reader to a national agenda, a national plan to create a nation-state for Jews in either Palestine or Argentina for the purpose of saving the Jews from widespread and incessant persecution, particularly in Europe. Herzl’s intellectual seed sprouted nationalist sentiment among Jewish intellectuals throughout Europe and awakened a national consciousness that fueled an emerging Zionist platform. The lectures given at the various Jewish World Congresses, particularly the First Zionist Congress in 1897, only buttressed the intellectual foundation upon which the concept of a Jewish state was rooted. When the State of Israel emerged in 1948, thousands of Jews waiting aboard massive ships in coastal Mediterranean waters arrived on the new land fulfilling a political and intellectual agenda nearly a century in the making.

This type of nationalistic foundation is absent from the independence of the Republic of Armenia. The Republic gained its independence as a result of a political and economic implosion of the Soviet Union with which the rest of the Armenian nation, institutionally and particularly in the Diaspora, played at best a nominal role. As much as the demonstrations in Yerevan for unification of Karabagh with Armenia contributed to the world’s visual of the great Soviet collapse unfolding, it would not be accurate to claim that these demonstrations substantively caused the downfall of the Soviet Union and the independence of Armenia. The refusal to see the Republic in this context is escapist rhetoric that has led the Diaspora into a near complete abandonment of any vital Armenian
issue outside of the Republic and beyond the Genocide.

We must be fair to ourselves. We must place our Republic in its fair context. We cannot coax ourselves into complacency believing that the work of building a national consciousness—one that exists beyond the Genocide and beyond the Republic—is something that the Republic will do for us. Did we really need to wait for the tragic suffering of the Armenians of Aleppo, the gutting of our historic presence in Kessab and the emptying of the Armenian Quarter in Jerusalem to realize that Yerevan is not our only home and that the Genocide, not our only travesty? We know better; but, the truth is, shaping a national consciousness that unifies us is not only physically, but intellectually, laboring work.

**Toward a Post-Genocide Armenian Identity**

National identity is a product. It is the result of certain things that are, that occur and, sometimes, that people simply want. There are cultural factors, of course: language, art, music and others. And then there are the formative historical events: wars, calamities and prominent figures, for example. But sometimes, there is a third element—forces of engineering, of structuring and of teleology—moving with a predetermined resolve to shape a national identity.

Modernist scholar of nations and nationalism, Benedict Anderson, spoke of the nation as something “imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion.” He attributed national consciousness to, among other things, advances in communications which targeted people and martialed their interests toward a desired end. This analysis sees national consciousness as a product of a discourse that reaches, teaches and propels a people who may never meet one another toward a shared goal. National identity is not the simple byproduct of shared territory, it can be shaped through discourse and a unifying objective—particularly in this era where technological advances in communication have contributed to revolutions.

Understanding national consciousness in this context is important to us as Armenians. We have had the fortune of strong cultural forms and defining historical moments; yet the discourse of our national consciousness has not been comprehensive, progressive or teleological. In the Diaspora, it has been largely a singularly focused, retributive political agenda; in the Republic it has been a survivalist, economic one—both for good reason and both of necessity. But neither discourse has sufficiently espoused a whole of which it is only a part; neither has seriously defined the Armenian nation as existing beyond its own understanding.

Without a national consciousness that rises above the passions de jure, we risk the unsharing of our national values, as what is valuable to one Armenian begins to be weighed differently by other Armenians and, ultimately, national identity diverges. This is not theory: it is happening today as Armenians weigh the role of the Genocide and the Republic in their own lives—and the conversations voice a divergence which decades ago would have been unspeakable.

Of course, to us as Americans, we think of this divergence as simply diversity within a national identity. But, you see, the American experience allows us to see divergence as diversity because the American identity is particularly defined to champion precisely this—whether in the 14th Amendment, high school textbooks teaching the civil rights movement, the very concept of the “melting pot” or, for that matter, the belief that everyone should share in the American Dream. Whether the dream has been achieved, of course, is the very beauty of the American experiment: that no matter where we are on the path, we know in principle the goals to which we are aspiring as a society. This is the benefit of a structured national identity, one reinforced through institutions and, in the American example, based on principles, the rule of law and certain concepts of social justice and equality.

The problem we face as Armenians is that divergence without structure is not diversity within the nation—it’s just plain divergence. It is separation, a parting of ways. It was easy to rally national consciousness by chanting “teby yergir” when the idea of an actual Armenia was a pipe dream. It was easy to protest Genocide in those years when we were unschooled in international law and the law of reparations. And all of this was so massively important: we survived, we did so much to hold on to one another. But the greatest challenges to our survival as a nation may still lie ahead; dare I say that the “simpler” days are over. The challenge of defining a national consciousness that will shape, and with which we will survive, our next century together will be a sophisticated, tough and extraordinary undertaking.

With the Republic a reality, the Genocide Centennial upon us and a people strewn all over the globe, it is time for Armenian lawyers to think earnestly about our present social order and how we must structure, perhaps even govern, our nation in the years to come. We are at the threshold of something immensely precarious, yet unavoidable: to define who and what the Armenian nation is and who and what the Armenian nation will be. There is, I guess, an eerie simplicity to the whole thing: what will it mean to be an Armenian? But, mind you, it will not be a judge who will ask you the question...it will be your ten year old.

**Karnig Kerkonian**

Of Chicago, Illinois, is a distinguished graduate magna cum laude of Harvard University who holds two law degrees—a Doctorate in Law from the University of Chicago and a post-doctoral Diploma in International Law from Cambridge University, England. Since 1999, Karnig has represented numerous U.S. companies and multinational entities in transactional matters as well as complex business litigation matters. He is well recognized for his work in international law, both public and private, and has been tapped as specialized counsel in cross-border matters as well as a leading speaker before law associations on various international legal issues.
There is little disagreement amongst political circles in Armenia that serious and lasting reforms to the pension system are needed and inevitable. With an aging population and a labor force that is not set to increase anytime in the foreseeable future, even paying the low pensions that are now distributed to pensioners, an average of approximately $85 per month,1 may be a difficult task for the government in the future. Thus, the fight is not over whether to implement pension reform but the type of system to adopt. Until recently, the pension system worked much like Social Security does in the United States, where the employed pay a specific tax which funds current pensioners. However, in 2013 significant changes to the pension system in Armenia took place – changes that are still not fully resolved and ones met with a tremendous amount of public and political resistance.

For several years, the ruling Republican Party pressed forward with the development of a pension system similar to the 401K plan in America, but with one major difference – the contributions in Armenia would be made mandatory. Under this new system called the Law on Funded Pensions, citizens born on or after January 1, 1974 would be required to pay 5 percent of their gross income into a pension fund with the government matching the contribution. Upon reaching the age of retirement, the individuals who paid into this new system would receive a monthly pension calculated according to the amount accumulated during their working years.2

Those taxpayers born before 1974 would continue to pay into and receive their pension under the previous system. A key element of the new law, which the government believed made the pension plan reliable and worthy of support, was the fact that the mandatory contributions were to be paid into a fund managed by two internationally-recognized private financial institutions. This, the government argued, increased the chances of a reliable return on investment and seriously reduced the risk of corruption. Although the Law on Funded Pensions was much more detailed, the previously-mentioned components were the most essential, affecting the overwhelming majority of participants.

As stated above, the transition to this new pension law, which took effect on January 1, 2014, was anything but smooth. There was a powerful show of public opposition, which spawned the well-organized and popular “Dem Em” (I am against) movement.3 With frequent protests outside government buildings, sit-ins blocking city streets and marches, the leaders of the protest movement vowed to also organize mass worker strikes if the government did not recall the part of the law which made the pension contributions mandatory. Moreover, a substantial number of employers honored the wishes of their employees by refusing to withhold the legally-required amount from their employees’ paychecks. This fight eventually ended up in Armenia’s Constitutional Court when thirty-six members from various opposition parties of the National Assembly filed a case on December 16, 2013, calling on the Court to declare the new pension law unconstitutional.

Constitutional Court Challenge

After one round of oral arguments and a few months of deliberations, the Constitutional Court announced its ruling on April 2, 2014, in a 64-page decision. Much to the joy and surprise of the public, the nine justices found the pension law to be unconstitutional. An overwhelming segment of...
the working population was relieved that they would no longer be required to make the mandatory monthly contribution. With average wages in Armenia at approximately $400 per month,\(^4\) many felt their finances did not provide them the luxury to contribute beyond the taxes they were already required to pay. Many were also surprised that the Court had reached a decision that went against the wishes of the ruling party. Not long before the Court's decision, President Serzh Sargsyan publicly announced that he was in complete support of the new pension plan and that his party would push forward and implement the reforms despite the fact that “80 percent” of the population,\(^5\) in his own words, was not in favor of the changes. Mr. Sargsyan stated that the pension plan was a “conscious step we took for the sake of Armenia's future, for our children and grandchildren.”\(^6\)

One of the arguments put forward by the applicants in their petition to the Constitutional Court related to a legal concept akin to the law of eminent domain in the United States. In 2006, the Constitutional Court in case SDO-649\(^7\) held that one's wages are that person's personal property under Article 31 of the Armenian Constitution. According to Article 31, the government can deprive one of his or her personal property only in “exclusive cases of eminent public interest.” The relevant language of Article 31 reads: “Everyone shall have the right to freely own, use, dispose of and bequeath the property belonging to him/her. Private property may be appropriated for the needs of society and the state only in exclusive cases of eminent public interest, in the manner prescribed by the law and with prior equivalent compensation.”

Citing the Court's 2006 decision, the applicants argued that the pension plan did not rise to the level of “exclusive cases of eminent public interest.” Thus, the government did not have the authority to “appropriate” such wages for the purposes of paying future pensions. In other words, the eminent domain standard had not been met. The applicants put forward a second Article 31 argument as well, contending that the law also violated this article by depriving an individual from the right to “freely own, use [and] dispose” of the private property which belongs to him or her - wages in this case.

It is indisputable that providing pensions to retirees is one of the most fundamental duties of any government. Thus, the withholding of wages or income to pay for pensions appears to be well within a government's domain. So what else was it about this new pension law that violated the Constitution according to the applicants? To answer this question we must turn to Article 45 of the Constitution and then to the Constitutional Court's decision in case SDO-753. Article 45 states: “Everyone shall be obliged to pay taxes, duties and other compulsory fees in conformity with the procedure prescribed by law.” This provision is clear and unequivocal. The applicants did not contend that the government does not have the authority to tax its citizens or require them to pay “other compulsory fees.” In fact, before the new pension law took effect, all pensions in Armenia were paid with funds collected through a social tax and the constitutionality of this tax was never challenged. The crucial difference between the pension withholdings and tax withholdings, argued the applicants, was the designation of the funds. In the case of tax withholdings, the funds are paid into the state budget and subsequently spent according to the government's budget plans. The contributions to the pension plan, on the other hand, were to be paid directly into a fund managed by private financial institutions. (Participants were given the opportunity to pick between one of two financial institutions that had been chosen to manage the pension system.) This is where the Court's ruling in case SDO-753 becomes relevant. In that case, the Court ruled that a tax is legal under Article 45 of the Constitution if the funds collected are paid into the state or local budget.\(^8\) Because the new pension law mandated that the contributions be directed into a fund and not the state budget, as required by the Court's interpretation of Article 45, the applicants argued that the pension law was unconstitutional.

The applicants also offered a philosophical argument against the pension law – a philosophy or principle they argued is enshrined in Armenia's Constitution. The applicants claimed that the new “self-financing” pension system, where each citizen funds his/her own retirement pension, violated the fundamental principle of “harmony between generations” codified in Article 36 of the Constitution, which states: “Parents shall have the right and obligation to take care of the education, health of as well as the full and harmonious development of their children. Able-bodied adults are obliged to take care of their disabled and needy parents.” Read together, these two elements of
Article 36 essentially state that in Armenian society adults are obliged to care for the young when the young are incapable of taking care of themselves and the young are obliged to take care of the elderly when the elderly are incapable of taking care of themselves. According to the applicants, this principle of “harmony between generations” is an essential and fundamental element of Armenian society and is appropriately and correctly reflected in the pension system the new law aims to replace. 

In its lengthy decision, the Court dealt with many elements of the law, which it found to be in violation of the Constitution, even going beyond the arguments put forward by the applicants. Nevertheless, the Court was persuaded by the applicants’ claim that the new pension law violated Article 45 of the Constitution because the funds were to be deposited with private fund managers and not the state budget. The Court held that this was an unconstitutional assignment of the government’s duties, which includes oversight and ultimate responsibility over the pension funds. The Court stated that the law requiring collected taxes be paid into the state budget is not a mere formality but a mechanism to provide the state the necessary control over taxpayer money. In speaking about the destination of the pension funds, the Court highlighted three benefits that would be gained from depositing the funds into the state budget: 1) it would give the National Assembly direct oversight of the funds, which would raise the level of good governance and the guarantee that the funds would be returned to pensioners; 2) it would solidify the government’s duties in the pension system in terms of effective oversight and public accountability; and 3) it would significantly raise the public’s confidence in the trustworthiness of the pension system. Furthermore, the Court explicitly set out the mechanism through which this element of the law, the destination of the funds, could be made to comply with the Constitution in a future version. The Court stated that the contributions ought to be a “social payment” collected by the government, mingled in reasonable proportion with other taxes not foreseen for social security, paid into a special account of the state budget, and through contract or by law, with clear guarantees and government responsibility, be assigned over to private financial institutions for management. 

The Court also agreed with the applicants finding that the pension system violated Article 31 of the Constitution by denying citizens the right to “freely own, use, dispose of and bequeath the property belonging to him/her.” The thing to keep in mind regarding this particular finding is that the Court considered the contributed funds to be private property, not a tax, because they were being directly paid to fund for management by private financial institutions instead of the state budget. Although the government has the right to levy “taxes, duties and other compulsory fees” under Article 45, it does not have the authority to require citizens to contribute such fund to private financial institutions, even if those payments will eventually be returned in the form of pensions. In other words, a tax is an unconstitutional tax if it is not paid into the state budget.

Law on Funded Pensions

Not too long after the Court’s decision, the government of Armenia made changes to the Law on Funded Pensions taking into account the Court’s ruling. There are two key differences between the unconstitutional version and the latest version of the law, which went into effect on July 1, 2014. The first is that the contributions are now considered a “target social payment” and not a “mandatory cumulative payment” as before. The second and more important difference is that the collected funds are now paid into the state budget. Currently, only state employees are required to pay into the system. Private sector employees have been given a three-year exemption. This is not the end of the story, however. Opposition members of the National Assembly have once again filed a case with the Constitutional Court challenging the latest version of the law. The court is set to hear the case on March 31, 2015. Given that many of the changes to the new law stem from explicit suggestions made by the Constitutional Court, it appears that the applicants will have an uphill battle in winning this time around.
Movsesian made it all the way to the Ninth Circuit Court of Appeals where the court decided en banc that the legislation intruded on the federal government’s exclusive power to conduct and regulate foreign affairs by recognizing the Armenian Genocide. A Petition for a Writ of Certiorari was sought at the US Supreme Court and denied. The Armenian Bar filed an amicus brief with the Supreme Court by a team of lawyers led by founding Chairman David Balabanian.

The second panelist, Co-Vice-Chair of the Armenian Bar Association Edvin Minassian, spoke on the topic of “Opportunities and Challenges in Turkey’s Courts.” Born and raised in Istanbul, Minassian discussed the complex legal frameworks that were established by the Turkish government during and following the Armenian Genocide to attempt to legally dispossess Western Armenians of land and property. Minassian pointed out the irony that today’s Republic of Turkey may hold available and proper venues to adjudicate Armenian Genocide-era deeds and titles in order to bring these claims.

The final speaker in the session was Karnig Kerkonian whose talk was titled “Opportunities and Challenges in International Courts.” With a post-doctoral diploma in International Law from Cambridge University, England, Kerkonian’s presentation focused largely on a potential Armenian Genocide case at the International Court of Justice (ICJ). He explained that there are two means to seek redress within the framework of the ICJ: through an advisory opinion or through a contentious case. Since ICJ advisory opinions are non-binding and do not pertain to issues of historical relevance, the right means would be for a state (likely, but not necessarily the Republic of Armenia) to bring a case against the Republic of Turkey. Kerkonian noted key challenges including the retroactive applicability of treaties. Here, he emphasized the point that “crimes against humanity” have long been understood to be unlawful and part of customary international law, while “genocide” is a term that was brought into legal existence in 1948. Accordingly, Kerkonian advised that a case at the ICJ should be based tactically on “crimes against humanity,” rather than on the moral term “genocide.”

Overall, the reparations panel laid a good historical foundation while highlighting contemporary challenges and possibilities. A recurring theme echoed by the panelists was that reference to the word “genocide” or proving up the crime of genocide is not necessarily a condition to recovery for the great losses suffered by the Armenian people during the Genocide. Claims of reparations can be established irrespective of whether the element of genocide is shown. Additionally, it underscored the intersectionality between law and politics necessitating us to further our efforts on both fronts in order to bring about proper justice for the Armenian Genocide.
Seldom is thought given to the other victims of genocide when what is at stake is human life. When the goal is complete annihilation of a people, then naturally, with it there often is complete destruction of artifacts, literature, churches, and culture. And when the goal is survival – survival beyond one’s own life, survival of a people – then naturally, much beyond the individual becomes a priority. It was the survival of a people that the Zeytuntsis, 100 years ago, were concerned about when they took on the responsibility of saving the Zeytun Gospels.

The Zeytun Gospels were illuminated by the master artist Toros Roslin* at the scriptorium in Hromkla for Catholicos Constantine I in 1256. Prior to the Genocide, the entire Zeytun Gospels were located in the city of Zeytun and in the joint possession of the Sourenian family and their parish church in the same city. The parish church was under the jurisdiction of the Armenian Catholicosate of the Great House of Cilicia through a direct line of elected Catholicoses from the time of Catholicos Constantine I, who commissioned the Gospels, to the present Cilician Catholicos, His Holiness Aram I. Through the centuries, the Zeytun Gospels had become a cultural treasure for the Armenian Apostolic Church.

Armenians believed that manuscripts like the Zeytun Gospels wielded supernatural powers that would protect and save all those associated with its creation and protection. For over six centuries, the Zeytun Gospels were venerated by the Armenians of Zeytun – especially during times of war. During the critical days of the Genocide, the full Armenian church hierarchy in procession paraded the Zeytun Gospels through every street in Zeytun in order to create a divine firewall of protection around the city.

By the late nineteenth century, the Gospels were in joint possession of the church and the Sourenian family. The Gospels were placed in an iron chest in the wall of the Church of the Holy Mother of God, secured by two locks. The Church had the key to one of the locks and the Sourenian family had the key to the other. The Gospels could only be “freed” by the insertion of both keys at the same time.

In about 1915, the Zeytun Gospels were taken from the Church of the Holy Mother of God in Zeytun and handed to Prince Asadur Agha Sourenian who, because of his prominent family connections with the Turks, was amongst the last to leave Zeytun when all Armenians were ordered exiled. Prince Asadur and his family were not ultimately deported to Marash until late 1915, at which point he brought the magical Gospels to Marash with him in order to save them from certain destruction, and also to be protected by their divine power.

In the spring of 1916, the Sourenian family, which was continuing to safeguard the Zeytun Gospels in Marash, was ordered exiled to Der Zor in the Syrian desert. Also in Marash with the Sourenians was their friend and doctor, Dr. H. Der Ghazarian, who was working at the German hospital. He discovered the Sourenians were going to be deported and asked to borrow the Zeytun Gospels the day before they were exiled. Dr. Der Ghazarian’s ardent requests to borrow the Gospels ultimately saved them. The doctor, because of his work at the hospital, was allowed to stay in Marash longer than most others. The Sourenian family, along with 1.5 million other Armenians, fell victim to the Genocide.

With the Sourenian clan exiled to the desert, the Gospels remained temporarily with Dr. Der Ghazarian in Marash. It is believed that Dr. Der Ghazarian and his sister(s) fled Marash together in the spring of 1920 following the retreat of the French Army. As the Turkish troops were moving in and the Armenians were under fire, in order to save her life, Dr. Der Ghazarian’s sister was forced to leave behind the Gospels she was carrying as she fled the city.

Subsequently, a Turkish man found the Zeytun Gospels and brought them to Melkon Atamian in Marash for him to sell. It is believed that Atamian cut away eight folios or sixteen pages bearing the eight Canon Tables and returned the manuscript to the Turk stating that he did not want to handle it.

The Gospels Without the Canon Tables

The Turk, still in possession of the Gospels, had nightmares and subsequently took the manuscript, minus the eight folios, to Khachatur Vartaped Der Ghazarian, Prelate of the Armenian Church of Marash, who gave 22 mecid for “freeing an extraordinary national treasure.” Khachatur Vartaped Der Ghazarian, before his own deportation, entrusted the Gospels to Reverend James K. Lyman, a missionary in Marash. Dr. Lyman sent word from Marash to the Zeytun Compatriotic Union in Aleppo that he was in possession of the Gospels and was prepared to transfer them for safekeeping.

During a subsequent trip to Aleppo, Dr. Lyman was visited by a delegation of Zeytuntsis. At the time, Turkish laws were extremely strict about allowing objects with historical value to be taken out of the country. Thus, Dr. Lyman told the delegation that he could not bring the Gospels out himself from Turkey, but was ready to entrust them to the Zeytuntsis if they would send someone to Marash. Otherwise, Dr. Lyman wanted to entrust the Gospels either to the American “Bible House” in Istanbul, or to the Armenian Patriarchate there. With the consent of the Patriarch of Marash, Dr. Lyman was told to pass the Gospels on to the Patriarchate of the Armenian Church in Istanbul.

In the late 1960s, with the consent of Catholicosate of the Great House of Cilicia, the Armenian Patriarch of Istanbul Archbishop Shnork, in an effort to prevent the Turkish government from sequestering sacred church objects, took the Gospels to Armenia and entrusted them to Catholicos Vasken in Echmiadzin. The Gospels, minus the eight folios containing the Canon Tables, were then presented to the Matenadaran. The Matenadaran, located in Yerevan, a state museum and the main repository for ancient Armenian manuscripts, is where the Zeytun Gospels are currently preserved.

The Canon Tables and Getty’s Acquisition

The eight stolen folios containing the Canon Tables were maintained in the private collections of the Atamian family for a period of 90 years. The folios were loaned to the Pierpont Morgan Library in 1994 for an exhibition entitled, “Treasures in Heaven.” The Atamian family’s name remained anonymous at the time of the exhibition.
Thereafter, the Canon Tables were acquired by the J. Paul Getty Museum.

**The Complaint**

When Vartkes Yeghiayan heard about the eight loose-leaf pages of the Zeytun Gospels at the Los Angeles Getty Museum, he thought of them as Genocide orphans and resolved to help them find their way home. Yeghiayan flew to Antelias, Lebanon to meet with His Holiness Catholicos Aram I. He then traveled to Yerevan, Armenia and met with officials at Matenadaran. Then came the lawsuit.

The complaint was filed in the Superior Court of the State of California in 2011 on behalf of the Western Prelacy of the Armenian Apostolic Church of America, established in 1973, headquartered in La Crescenta, California and currently headed by His Eminence Archbishop Moushegh Marderosian. The Second Amended Complaint alleges the following causes of actions: (1) Replevin; (2) Conversion; (3) Damages under California Penal Code §496; (4) Quiet Title; and (5) Declaratory Relief.

In its demurrer, the J. Paul Getty Museum argued that Plaintiff’s claims are time-barred under any statute limitations that could apply to this case. In September 2010, California enacted AB2765, codified in California Code of Civil Procedure §338, which extended the statute of limitations on claims for “the specific recovery of a work of fine art brought against a museum, gallery, auctioneer, or dealer,” where the claim involves “an unlawful taking or theft,” to a period of six years from the actual discovery of (i) the identity and the whereabouts of the work of fine art and (ii) information or facts that are sufficient to indicate that the claimant has a claim for a possessory interest in the work of fine art. Getty argued that the Church discovered all of the necessary information no later than the mid-1940s.

There was no written opinion, but rather the judge issued his one-word ruling denying the Getty’s demurrer from the bench. The action was then stayed pending settlement discussions. Concurrently, a separate case relating to CCP §338, pending in the U.S. Court of Appeals for the Ninth Circuit (Cassirer v. Thyssen-Bournemisza Collection Foundation, Case No. 12-56159), affirmed its constitutionality.

Western Prelacy v. Getty Museum has been restored to active status. The parties have resumed discovery, with depositions scheduled. Trial is scheduled for November 2015.

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* Art historian Levon Chookaszyan has made the following observation: Scholars engaged in the study of Roslin’s artistic legacy have overlooked a very important detail in the colophons of the artist about himself: “Toros makanun Roslin.” The word “makanun” means “surname” in Armenian, i.e. he wrote, “Toros surnamed Roslin.” However, only Armenians of noble origin had a surname in the Middle Ages; therefore, Roslin indicated that he belonged to nobility; and yet the surname of Roslin does not figure among the noble Armenian families. This means that the surname of Roslin should be looked for beyond Armenia. We propose a new version explaining the appearance of the surname of Roslin in the Armenian milieu. In Scotland, not far away from Edinburgh, there is a village called Roslin and, in close vicinity of it, a fortress and a chapel of the same name, well known far outside the country. The owners of this territory, the family of the Sinclairs or Saint-Clairs, took part in the Crusades. In particular, Henry Sancto Claro or Sinclair, known as baron of Rosslyn/Roslin, fought with Godfrey de Bouillon during the campaign of 1096. If we assume that Crusader Henry Sinclair married an Armenian, and the family was Armenianized in the 11th -12th centuries, then possibly, the roots of the genealogy and surname of Toros Roslin should be sought for here. S. Der Nersessian’s opinion that almost all famous Crusaders who came to the East were married to Armenians counts in favor of this hypothesis as well. [http://armenianstudies.csufresno.edu/ArmeniaDigitalProject/biography/biography.html#3]

** Plaintiff is represented by Vartkes Yeghiayan and Michael J. Bazyler, of counsel with Yeghiayan Law Firm, P.C., and Kathryn Lee Boyd and Rajika L. Shah of Brownstein Hyatt Farber Schreck LLP.

*** Defendants are represented by Luis Li and Fred A. Rowley, Jr. of Munger, Tolles & Olson LLP.
The principal responsibility of the Nominations Committee is to determine the nominees for election to the Board of Governors of the Armenian Bar Association. The Board is composed of 17 members, divided into three classes of six, six and five members, each member serving a three-year term. The activities and affairs of the Association are managed by or under the direction of the Board of Governors. The Executive Committee, appointed by the Board, manages day-to-day affairs.

In recent years, as the status of the Armenian Bar Association has grown, the desirability of holding a Board position has grown commensurately. Accordingly, there is no shortage of qualified candidates from whom the Nominations Committee must choose.

The Nominations Committee is composed of two Co-Chairs: Michael Amerian, based in Los Angeles, and Gary Moomjian, based in New York. Throughout the year, Michael and Gary are in regular communication. They also communicate with other Armenian Bar members in their quest to obtain valuable nominee information. Prior to any final determination as to a candidate, either Michael or Gary will interview the possible nominee.

The Committee considers a number of criteria in making its determinations. One critical factor is the past contributions to the Armenian Bar made by the candidate, as well as anticipated future contributions. Related are the nominee’s accomplishments outside of the Armenian Bar. As Michael Amerian points out, “we are not only looking for someone who shows up for three in-person Board meetings per year, but for someone who is willing to work year-round for the cause in and outside his/her community.” Balance is also sought in terms of geography and gender. With respect to geography, Board membership currently covers the west coast, east coast, middle America and Canada. Board members are also encouraged to donate financially to the Armenian Bar. The Nominations Committee is further charged with balancing the re-nomination of productive incumbents with the desirability of bringing on new members with fresh ideas.

After the Nominations Committee determines a suggested slate, it is generally distributed to the membership before the Annual Meeting. While there is desirability for the number of persons on the slate to be equal to the number of positions open, it is possible that there will be more nominees than openings. The Bylaws also allow for nominations from the Annual Meeting floor and such nominations have been made over the last several years. At the Annual Meeting, all nominees are provided an opportunity to make a statement of intent and interest to the membership. Thereafter a membership vote is held, and those persons receiving the most votes, up to the number of vacancies, are elected.

According to Gary Moomjian, “In a nutshell, the goal of the Nominations Committee is to work all year to help put together a Board of Governors that will continue to allow our organization to achieve the highest levels of contribution to the community.”

Michael R. Amerian is a Deputy City Attorney with the Los Angeles City Attorney’s Office. For more than eight years, he worked as a prosecutor for that office. For more than three years, Michael has worked in the City Attorney Office’s Police Litigation Unit, which defends the City of Los Angeles and its police officers in both state and federal courts against alleged civil rights violations. Michael earned a Bachelor of Science in Foreign Service from Georgetown University and a Juris Doctorate from the University of Southern California Law School.

Gary Moomjian is a corporate/securities lawyer in the law firm of Moomjian, Waite & Coleman, LLP, Jericho, New York, which firm focuses primarily on acquisitions, corporate finance, general corporate and litigation. Gary is a graduate of NYU School of Law and began his career at Wachtell, Lipton, Rosen & Katz, N.Y., N.Y.

If you have suggestions, or if you would like to nominate a candidate for consideration, please email Gary at gmoomjian@mwcllp.com or Michael at Michael@MichaelAmerian.com.
Alexander Bedrosyan, a recipient of the Armenian Bar Association’s 2014-2015 scholarship, along with Katy Akopjan, another Armenian student on the University of Pennsylvania’s team, took first place honors at the Phillip C. Jessup International Law Moot Court U.S. Regional competition in Washington, D.C. By winning the U.S. regional competition, they will represent the United States in the international rounds in Washington, D.C. this April, where they will compete against teams from over 100 countries.

In addition to winning the overall national competition, they received the award for the best memorial (brief), placed first in the preliminary round-robin, and won a number of best oralist awards. This year’s Jessup case, titled “The Differences Between the States Concerning the Secession and Annexation of East Agnostica” is based on a fact pattern similar to the recent events in Russia, Crimea, and Ukraine.

Born in Baku, Katy came to the United States as a refugee during the anti-Armenian pogroms in 1988. She graduated from NYU in 2012. A phenomenal public speaker, she has seven years of mock trial experience from her high school and undergraduate years. In addition to oral skills, she is also a gifted writer; she is one of only 18 third-year law students at Penn who have been selected to teach first-year students legal writing skills. Katy adapted these oral and written skills to the field of international law for this competition. After graduation in May, Katy will work for the law firm Hughes Hubbard & Reed in New York.

Born and raised in Toronto, Canada, Alexander came to the United States for his undergraduate studies, which he completed at Columbia University in 2012. He has had a strong interest in international law and international issues, learning several languages (French, German, Russian) and working abroad on numerous occasions, for example through AGBU’s Moscow Summer Intern Program. Thus, unlike Katy, the challenge for Alexander was not to familiarize himself with the field of international law, but rather to develop his oral and written skills. Alexander is an Executive Editor on the University of Pennsylvania Law Review, the oldest law review in the country. This summer, he will work in the area of international arbitration for the law firm Hughes Hubbard & Reed in Washington DC.

In an email to the Armenian Bar, Alexander stated: “The issues in the competition revolved around the self-determination of peoples. Your scholarship assistance has thus helped me gain the skills necessary to advocate on issues of great relevance to Armenia. Thank you for investing in me.”

The Jessup competition presents a dispute between two fictitious countries before the International Court of Justice. This year’s dispute mirrored the events taking place in the Crimea, in which one country encouraged a secessionist movement by its ethnic kin in the neighboring country. The added twist was that the region that seceded contained valuable natural resources, which the two countries had agreed to regulate pursuant to a bilateral treaty between them. Thus, the dispute concerned issues of self-determination, sovereignty over natural resources, and treaty interpretation.

Competing teams consist of two pairs, each of which represents one of the fictitious countries. Each team submits a written memorial (50-page essay) presenting the country’s arguments. Then, each pair defends those arguments in oral rounds at the regional competition. In the oral rounds, each pair speaks for 45 minutes (22.5 minutes for each oralist) and answers frequent questions from a panel of three judges. The judges consist of former Justices at the International Court of Justices as well as other practitioners of international law. Oralist advocates are evaluated on their knowledge of the law and the facts of the case, their ability to answer questions, and overall presentation style.

“We went an undefeated 7-0 in oral rounds over the weekend. Our team also won the award for best written memorial. I am not sure if any team has ever won both the oral and written components of the regional competition before,” Alexander said.

The international rounds, taking place from April 5-11, 2015, in Washington DC, include one or two winning teams from all of the following regional and national competitions (https://www.ilsa.org/jessuphome/2014-08-15-09-28-30/national-rounds). Singapore and Australia are historical favorites. Penn’s goal, if not to win the world championship, is to advance farther than any of the American teams in the international rounds, in order to make a claim to being the best team in the country.
GENOCIDE DENIAL ON TRIAL AND ON WORLD’S COMPUTER SCREENS

By Harry Dikranian

As was widely reported because of the involvement of Ms. Amal Clooney, on January 28, 2015, a hearing took place in Sorbonne, France, before the Grand Chamber of the European Court of Human Rights.

The case involved Doğu Perinçek, the leader of the left nationalist Turkish Workers’ Party, who had been found guilty of “denying the Armenian genocide for racist motives” in three speeches in Switzerland, contrary to Swiss law.

The Turkish government intervened in the case to support Perinçek even though in 2008 the Istanbul Penal Court had convicted him for having been a member of ultra-nationalist Ergenekon group. In 2008, the Turkish court held that Ergenekon was a secret terrorist organization and Perinçek, as a member of that group, was found guilty of plotting against the government. Other members were again convicted in 2011.

Before the Grand Chamber, the Armenian government was, like Turkey, considered a third party member-state intervenor. As a result, it was allowed to make oral representations. Widely written about in the Armenian and foreign press, the Armenian government was represented by British human rights attorney Geoffrey Robertson QC and his associate Ms. Amal Clooney.

The entire hearing is available at the website of the Court:

Mr. Robertson’s representations begin immediately after the Armenian government’s representative Gevork Kostanyan at 1:30:15 and Ms. Clooney’s at 1:42:30. It is also accessible by selecting intervenants in a scroll down menu and selecting “Tiers Intervenant: Arménie.”

Although somewhat colorful, the Armenian government’s position was cogently made and an overall positive contribution to the debate.

It is worth noting, since it was not part of oral argument, that there were written submissions by a third party non-state intervenor. This intervenor was a coalition of non-governmental organizations (NGOs) initiated by the Institute for Genocide and Human Rights Studies (IAGS and Zoryan Institute).

After having pressured the Swiss government to move the appeal to the Grand Chamber, through a massive publicity campaign in Switzerland, with lobbying also by the Swiss Armenian community, the IAGS’s efforts brought in both the Turkish Human Rights Association, the oldest and largest human rights NGO in Turkey, and the Truth Justice Memory Centre (Hakikat Adalet Hafiza) in Istanbul.

According to McGill Law Professor and international human rights lawyer Payam Akhavan, who acted on behalf of the intervening NGOs, the Turkish government’s intervention “argues desperately that only what Perinçek did in Switzerland is relevant; that the Court could somehow ignore who Perinçek really is and why he is on this relentless campaign to deny the Armenian Genocide.”

As repeated during oral argument and Professor Akhavan agrees: “Clearly, the case is not about whether international lawyers could dispute the legal classification of those events as genocide, and it would be a mistake to go to Court and argue that it is a genocide as if that is the issue. The issue is whether Perinçek has discriminatory motives and (given his actions, associations and previous criminal conviction) the answer to that question is rather obvious.”

The case has been taken under advisement. The parties and the intervenors will be advised as soon as a judgment is rendered which is expected 6 months after the oral argument but could take longer.

NOW ACCEPTING APPLICATIONS FOR ANNUAL SCHOLARSHIP PROGRAM

The Armenian Bar Association is pleased to announce that it is accepting applications for its Annual Scholarship Program. The Program is designed to support meritorious students of Armenian descent attending, or accepted for admission to, an approved law school in the United States, Armenia or elsewhere. Recipients must demonstrate an outstanding academic record as well as a strong commitment to the Armenian community, particularly in humanitarian and/or law-related endeavors. The Scholarship Program is primarily funded by donations and by fundraising events hosted by the Armenian Bar Association. In addition to the Scholarship Program, the Armenian Bar Association supports Armenian law students through its varied programs and events including the mentorship and internship programs and presentations by legal scholars.

Students interested in applying for an Armenian Bar Association scholarship should obtain an application at the Armenian Bar Association’s website (www.armenianbar.com). The application must be received no later than midnight (PST) on Friday, April 17, 2015.

Harry Dikranian is a Montreal commercial, civil and human rights lawyer practicing with Sternthal Katznelson Montigny. He has successfully challenged the application of illegal provincial laws in Quebec and Turkey. He is a graduate of Bachelor of Civil and Common Law from the McGill University’s Faculty of Law and has served two terms as a member of the Armenian Bar Association Board of Governors, currently as Co-Vice Chair.
The Eleventh Annual Christmas Ball of the Western Diocese of the Armenian Church was held on Saturday, December 6, 2014, at the Diocesan Complex in Burbank. Each year, the Western Diocese recognizes several individuals for their professional accomplishments and for their contributions benefitting both the Armenian and American communities. Among the ten honorees selected in 2014 were the Armenian Bar Association’s Pro Bono Committee Co-Chairpersons, Azniv Kasachikyan and Peter Hosharian, as well as attorney Arthur S. Charchian.

The festivities began with a reception and a tree lighting ceremony followed by a sumptuous dinner. His Eminence Archbishop Hovnan Derderian, Primate of the Western Diocese of the Armenian Church, addressed the 400 guests in attendance, shedding light on the theme for this year’s ball: “Our theme this year, ‘Shine Your Light,’ truly captured the spirit and purpose of its mission to recognize the talent of a group of dedicated men and women of our community. We are proud of the opportunity to shed light on their achievements and to allow them the opportunity to share their accomplishments with us all.”

United States Congressman Adam Schiff was in attendance and added his remarks as well. Also present was Armenian Bar Chairperson Armen K. Hovannisian and past Armenian Bar honorees of the gala event, Garo Ghazarian, Saro Kerkonian and Lucy Varpetian. Guests were entertained by live musical performances of several well-known singers and quite literally danced the night away.

Former Armenian Bar Board Member Melineh Blackwell Verma participated in the swearing-in of her husband, Richard Verma, who recently was confirmed U.S. Ambassador to India. Secretary of State John Kerry presided over the event. Melineh, Ambassador Verma, and their children were on hand to receive and welcome President Obama and First Lady Michelle Obama last month as they stepped off Air Force One on his January visit to India. “It is a great honor for our family to be here in India furthering U.S. relations with the world’s largest democracy,” she said. You can find the Embassy’s website at http://newdelhi.usembassy.gov/. “India is a land rich in diverse cultures and languages, and of course there has been a strong association of Armenians in India for many centuries, and Rich and I feel this is a great place for us to teach our own children about the importance of diversity and appreciation of different cultures,”
Turkish and Armenian-American organizations are working together to commemorate the centennial of the Armenian Genocide on April 24, 2015, and to encourage Armenians from around the world to attend. The concerted campaign by Ottoman leaders a century ago resulted in the deaths and exile of the vast majority of their Armenian citizens.

While Turkish groups have organized memorial events in Istanbul for the past several years, DurDe and Project 2015, a US-based organization, are working to ensure that a large contingent of Armenians come to Turkey for the historic centennial commemoration.

“We encourage and welcome Armenians from around the globe to assemble with citizens of Turkey in Istanbul to participate in these memorial events,” said Levent Sensever of DurDe. “As Turks, we want to express our solidarity with Armenians as we pay our respects to the victims and survivors of this terrible crime, and press our government to recognize the Genocide.”

The events in Istanbul will include a public assembly in Taksim Square on the evening of April 24. It will also include a memorial service at Şişli Armenian Apostolic Cemetery (Şişli Ermeni Gregoryen Mezarlığı), where Sevag Şahin Balikçi is buried; Balikçi was an Armenian soldier serving in the Turkish military and murdered by a Turkish soldier on April 24, 2011. Information about the planned events can be found at www.armenianproject2015.org.

“As Armenians, we are going to Istanbul to memorialize the brutal massacre of our family members, and to remind the world that 100 years later, we are still seeking justice and accountability from the Turkish government,” said Sarah Leah Whitson, board member of Project 2015, active Armenian Bar Association member from New York, and former Chairperson of the Armenian Bar’s Rights Watch Committee. “For many of us, this is a first return to the lands of our ancestors, who lived here for thousands of years before their murders and expulsions 100 years ago.”

Discussion of the Armenian Genocide in Turkey remains a highly sensitive subject in Turkey and subject to criminal sanctions. The Turkish government has prosecuted journalists, writers and academics for making reference to the Armenian Genocide. However, past commemorations of the Armenian Genocide in Istanbul have taken place without incident, and with the benefit of municipal police protection.

In 2014, then-Prime Minister Recep Tayyip Erdoğan expressed his condolences to the grandchildren of “Armenians who lost their lives in the context of the early 20th century” but failed to acknowledge the role of the Ottoman government in systematically causing these losses. The Turkish government has refused to recognize the massacres of the Armenians as genocide.

“As Turks, we are striving to broaden the space to discuss the events leading to the near total destruction of one of the region’s oldest indigenous communities,” Sensever said. “We want to demonstrate to the world that while the Turkish government may not be ready to come to terms with this country’s past, we as citizens of Turkey are ready.”

DurDe is one of Turkey’s leading civil and human rights organizations, working to combat racism, nationalism and hate crimes. It is an activist network that in recent years has played an important role in organizing commemorations of the Armenian Genocide in Istanbul. Project 2015 is a US-based non-profit organization comprised of Armenians, Turks and Americans to encourage wide participation in the commemoration events in Istanbul.

“Commemorating the Armenian Genocide in the place where the crimes took place will be a deeply meaningful experience,” said Nancy Kricorian, Project 2015 board member. “Our presence in Istanbul will be a form of resistance to erasure and denial.”

For more information about Project 2015 and the planned commemoration events, visit:
http://www.armenianproject2015.org/
Facebook: https://www.facebook.com/ArmenianProject2015
Follow on Twitter: @2015_Project
Email for questions: armenianproject2015@gmail.com

For more information about DurDe, visit:
https://www.durde.org
Facebook: https://www.facebook.com/yuzililik.yuzlesme
Follow on Twitter: @DurDeTr

For information about the Armenian Genocide, visit:
http://www.armenian-genocide.org/genocidefaq.html
CALL FOR LAW JOURNAL PAPERS

On the occasion of the centennial of the Armenian Genocide, the Armenian Bar Association will publish a law journal encompassing a collection of manuscripts focusing on the range of potential legal responses to the events of 1915-1923, which resulted in genocide and dispossession. A call for papers has been initiated and is directed exclusively to students currently enrolled in any law school in the world. The authors of the top three articles will be awarded monetary scholarships, with $3,000 for first place, $2,000 for second place, and $1,000 for third place. The deadline to submit manuscripts is April 24, 2015.

Armen K. Hovannisian, Chairman of the Armenian Bar Association, described this important research, writing and implementation initiative as follows: “Turkey pirouetted to the vulgar dance of denialism throughout most of the first century after the Genocide. While the tricksters’ spins and swirls of indecency will reappear, probably stronger still, in the second century after the Genocide, they had better get used to having some company. A whole nation will lie in wait little longer. Though many years and several lifetimes have passed between the wrongful acts and their judgment days yet to come, we-and not time--will heal our own wounds.”

Contributors are asked to concentrate their efforts on the following: Research, analyze, and write on the viability of reparations and restitution for events that occurred during the Armenian Genocide. While the tricksters’ defenses (i.e., statutes of limitation) and a discussion of a claimant’s potential arguments against such defenses should be made.

The editorial board offers the following recommendations: the articles to be printed will analyze the given issue and suggest a solution. Such analysis usually articulates some background information to inform the reader, before turning to an existing or novel argument. Along these lines, published articles regularly follow a traditional roadmap of introduction, background, analysis/argument, and conclusion, and provide a comprehensive treatment of a particular area of law. Articles tend to be formal in both the author’s tone and in the obligation to ground information and analysis in comprehensive substantive support via consistent citation.

We encourage contributors to submit their manuscripts electronically, preferably in Microsoft Word format, to info@armenianbar.com. Articles must be under 12,500 words in length—the equivalent of 25 law review pages—including text and footnotes. Please use footnotes rather than endnotes. Footnotes should conform to the 19th edition of The Bluebook. Please also include a table of contents, a current CV, and a cover letter with the author’s name, address, telephone number, and email address.
RAFFI YESSAYAN APPOINTED JUSTICE OF MASSACHUSETTS SUPERIOR COURT

By David Boyajian

Raffi Nerses Yessayan has begun serving as a justice of the Massachusetts Superior Court. Nominated by then-Governor Deval Patrick in September 2014, he was unanimously approved two months later by the eight-member, elected Governor’s Council.

A graduate of the New England School of Law, the University of Massachusetts at Boston, and Boston Latin School, Yessayan, 46, moved to the United States from Lebanon with his family in 1970. He was born in Khalil Badawi, a Beirut suburb, to Nerses Yessayan and Azniv Garabedian Yessayan.

From 1995 to 2007, Yessayan was an assistant district attorney (ADA) for Suffolk County, which includes Boston.

During his tenure, the Brian J. Honan Charitable Fund gave him its award for “excellence in the courtroom and commitment to the communities we serve.” Yessayan was a board member of the George Lewis Ruffin Society. Named after the first African American (1834-86) to graduate from Harvard Law School, it serves minority communities. Yessayan was also board president of the Dorchester Community Center for the Visual Arts, which offers art classes for children. For Read Boston, a literacy program for children, he read to students and helped to select books for its annual awards. Says Yessayan of his community work, “I am trying to make a difference.”

He co-produced “Understanding Violence,” a gang prevention film and curriculum intended for young people, teachers, and mental health professionals.

In his first years as an ADA, Yessayan prosecuted violent felonies, drug trafficking, illegal firearm possession, and juvenile offenses. As a rapid indictment prosecutor, he brought shooting cases before grand juries within 48 hours.

In 2002, he became chief ADA for the “Gang Unit.” Working with federal and state agencies and the Boston Police, he supervised gang-related prosecutions.

After leaving the DA’s office in 2007, Yessayan began a private practice focusing on criminal defense and immigration law. His clients ranged from children, the poor, the mentally ill, and the drug-addicted to businesspersons and police officers.

In 2010, the Quincy (Massachusetts) Bar Association gave him its Public Service Award. The Massachusetts House of Representatives appointed him to its Gun Advisory Group in 2013 because of his expertise in prosecuting gun offenses.

As a justice, Yessayan was required to give up his private practice.

He has authored two crime novels published by Ballantine Books/Random House: 2 in the Hat and 8 in the Box. Each focuses on the hunt for a serial killer in Boston.

On arriving in America in 1970, the Yessayan family settled in West Roxbury, a mainly blue-collar and middle-class white and Irish Catholic neighborhood of Boston. The father, Nerses, owned a local Mediterranean imports business.

When Raffi was 7, his mother Azniv passed away, leaving her husband, three daughters, and four sons. The oldest children, Hasmig and Hagop, helped to raise their siblings. Their father died in 2008.

Raffi Yessayan’s paternal grandfather, Yessayi Yessayan, hailed from the city of Aintab. Though he survived the Armenian Genocide because the Turks needed his carpentry skills, he later died in his mid-20s in Aleppo, Syria. His wife’s name was Serpouhi.

Raffi Yessayan’s maternal grandmother, Rebecca Tashjian Garabedian, was from Severeg in the Dikranagerd/Diyarbakir province of Western Armenia. She was the only member of her family to survive the genocide. Rebecca’s husband, Krikor, survived the genocide that killed his family. They met in an orphanage in Jibeyl, Lebanon.

Many Armenian Americans are familiar with the Superior Court because of the unsuccessful candidacy of attorney Joseph Berman. Nominated by Governor Patrick in 2013, Berman failed to win approval by the Governor’s Council after a long, heated battle that aroused Boston media and the legal establishment.

Among the reasons for Berman’s loss were his large, questionable contributions to political candidates, and a lack of candor about having asked then-State Senator, now Congresswoman, Katherine Clark to call governor’s councilors on his behalf.

Another factor was Berman’s position as a national commissioner of the Anti-Defamation League (ADL), known for diminishing the factuality of the Armenian Genocide and working with Turkey against a congressional resolution on that genocide. Though Berman claimed to have opposed the ADL’s anti-Armenian policies when they made national and international headlines in 2007, there was little proof of that.

Associate Superior Court Justice Carol S. Ball testified for Yessayan at his Governor’s Council hearing. She called him “extremely intelligent and talented” and “blessed with common sense and great compassion.” He is one of about 80 Superior Court justices in Massachusetts. Justice Yessayan’s wife, Candice, teaches college-level English.

Yessayan has addressed Armenian organizations, including the Men’s Club of St. James Armenian Apostolic Church in Watertown, Mass.

He is apparently the first Armenian American to sit on the Massachusetts Superior Court.

By David Boyajian

David Boyajian is a freelance Armenian-American journalist. Many of his articles are archived at Armeniapedia.org. This Article was Originally printed in the Armenian Weekly.
THEIR DAY IN COURT: ARMENIAN MIDDLE SCHOOL STUDENTS AT THE LECTERN

By Sarkis Jacob Babachanian

Evan Shem stood in court, accused of grand theft. Prosecutors alleged Shem, an art student, used a position of trust to steal Fletcher Yazoo’s Treason, switching the valuable painting for his own expert copy. Evan’s good name, budding career and freedom were all on the line, entrusted to his defense team, an intrepid band of middle-schoolers from Armenian Sisters Academy (ASA) in Montrose!

Welcome to the Constitutional Rights Foundation California Mock Trial Program. Here, students from 6th through 12th grade spend countless hours prepping with detailed fact sheets, witness statements and real-world rules to zealously litigate criminal cases in actual courtrooms.

Under the able supervision of teacher-coach Will Bassett, ASA has fielded a middle school Mock Trial team (the only Armenian middle school team in the program) for over six years now. Each autumn, teens and tweens become prosecutors, defense counsel, lay and expert witnesses, bailiffs, clerks, timekeepers and, often, courtroom artists. The team spends months in an elective class, after school practices – and on occasional weekends – honing their research, critical thinking, public speaking and pizza-eating skills. In preparation for trial, students apply the advocacy techniques they’ve learned to principles of constitutional and criminal law, criminal procedure and evidence. In essence, the team learns how to create and deliver persuasive legal arguments.

“It’s an interesting transformation to see,” says Sarkis Jacob Babachanian, an ASA attorney-coach and Armenian Bar Association member who volunteers along with Saro Kerkonian, an Armenian Bar Association’s Executive Board Member. “New team members come in enthusiastic but intimidated, find their comfort spots, put their noses to the grindstone and work. Soon you see their metamorphosis into confident trial advocates in command of the law and facts. It makes me smile.”

And as much as winning is important, so, too, is the experience. Says Babachanian, “A couple of years back, a key witness, overcome with stage fright, hid out in a phone booth at Mosk Courthouse. With gentle encouragement, she went forward, played her role well and signed up again the following year. The program builds confidence.”

When trial time comes, students gather at the Stanley Mosk Courthouse to make opening statements, conduct direct and cross-examinations, and deliver closing arguments. Time limits are strict and coaches are relegated to the role of spectators as the team goes it alone. Volunteer judges – California jurists and lawyers – render judgment and keep score. What ultimately counts isn’t so much a decision of guilty or not guilty, but the numbers – how well the team performed. And they’re all aiming to make it to the finals.

ASA’s team has always performed valiantly, often competing against large schools with student populations in the thousands. This year, two students – Rita Bedrosian and Elizabeth Hovakimyan – won first place awards as the best witnesses for their roles in the competition. Both girls received awards from the Constitutional Rights Foundation and later this month will be recognized by the Los Angeles County Board of Supervisors. ASA’s 2014 team made very positive strides and will work to advance even farther next year.
The article below appeared in the Fresno Bee on February 14, 2015. It was with something far beyond interest that we read about the ties that bind our communities—shared, if not somewhat different, experiences of undeserved inhumanity followed by generations of silent sacrifices and, finally and hopefully, the balm of redemption. The article, most of all, refreshed the meaning of the Armenian Bar Association’s recent pilgrimage to Manzanar.

Forget-me-not: honoring the history of Japanese and Armenian Americans

By David Mas Masumoto

The article below appeared in the Fresno Bee on February 14, 2015. It was with something far beyond interest that we read about the ties that bind our communities—shared, if not somewhat different, experiences of undeserved inhumanity followed by generations of silent sacrifices and, finally and hopefully, the balm of redemption. The article, most of all, refreshed the meaning of the Armenian Bar Association’s recent pilgrimage to Manzanar.

Forget-me-not. A small, delicate, five-petal flower. Legend says when this tiny flower was created, color was missing. The flower cried out, “Forget me not!” and a small dash of blue was added so all will remember. Prefers moist habitats where not native. Chosen as the flower to commemorate the 100th anniversary of the Armenian Genocide.

While growing up in a small Japanese American farm community south of Fresno, I had lots of Armenian friends. I did not know it at the time, but we all carried secrets and wounds that our families spoke little about. There were no communitywide recognition events, each family bore the weight of history privately.

During World War II, Japanese Americans had been rounded up, forced to evacuate and were interned in relocation camps. My family spent years behind barbed wire, because they looked like the enemy.

In 1915, Armenians began to flee a reign of terror in their native homeland in Eastern Europe; hundreds of thousands were killed and displaced. Many families fled to the Central Valley of California to start anew.

I grew up in wounded communities. Japanese and Armenian Americans could never escape the scars of the past. For years, we carried the burden of history privately.

This is a story about remembering never to forget. Many Valley residents share a past too often ignored. Feb. 19 has been declared a Day of Remembrance for the Japanese American internment. April 24 is proclaimed Remembrance Day of the Armenian Genocide, and this year, 2015, marks the 100th anniversary.

In the 1980s, Japanese Americans received some recognition when a redress campaign was launched. My family received an official letter of apology from the U.S. government and President George Bush. But for many Armenians, they still wait; some politicians even deny the genocide occurred.

That’s why I pause to remember the meaning of Feb. 19, the day President Franklin D. Roosevelt signed Executive Order 9066 in 1942, which granted authority for the military to arrest and intern all Americans of Japanese ancestry. And that’s why this year, for this special anniversary of the Armenian Genocide, I also stop to remember. Our two communities share a tragic history and a burden of a past we should never forget.

“Remember and demand” was chosen to commemorate the 100th anniversary of the Armenian Genocide. April 24, 1915, the date when hundreds of Armenians were rounded up and killed, marking the beginning of the first genocide of the 20th century. Historians estimate that 1.5 million were murdered, in addition to the rape and beatings of countless others.

Genocide is the targeting and killing of a specific people, often by race or ethnicity. During the collapse of the Ottoman Empire in the early 1900s, the Young Turk movement seized power and sided with Germany during World War I. Armenians were deemed the enemy, because they had supposedly sided with Russia in that war. A campaign of mass executions and massacres unfolded for almost a decade.

The government of Turkey has rejected this history, claiming no premeditation in deaths and no systematic attempt to destroy a people. Complicated by international politics and strategic military geography, many in our own government have refused to acknowledge the genocide, often citing the need for an ally in the Middle East.

Acknowledgment and recognition. For decades, my family carried the secret of Japanese American internment. My family had been shamed: It took public recognition to free themselves of this burden.

Likewise, the Armenian Genocide must also be remembered. There are few, if any, direct survivors of the killings. But their stories enable us to relive this history and make it real. Then we can put our personal family histories in context — why one community, traumatized by atrocities, left a homeland in order to begin new lives.

This is all part of a hidden history when wounded families were compelled to privately carry a dark, unspoken tragedy. This silence can dismiss history. Or it can demand we remember.

By instilling memory and repeating the story of this past, we can reclaim this history. Japanese and Armenian Americans are descendents of a tragedy, and we bear the responsibility to remember. Only with stories can we become living monuments to a past that forever changed our communities.

Acknowledge history so that it may never be repeated. Honor those before us by repeating their stories of struggle Continued on page 21
ARMENIAN BAR ASSOCIATION PARTNERS WITH SOUTHWESTERN LAW SCHOOL AT SEMINAL STUDENT EVENTS

By Tonya Moralyan

On Saturday, January 31, 2015, Southwestern Law School, in collaboration with the Armenian Bar Association, welcomed approximately one hundred current and prospective Armenian-American students to its special annual event at the historic Bullocks Wilshire landmark campus. The day’s events ran on two tracks—one for current law students and one for prospective law students.

The first session saw the unveiling of a distinguished and diverse panel of practitioners offer career pointers across a broad spectrum of disciplines, followed by a speed networking component for current law students. The students welcomed the opportunity to network with prominent Southwestern alumni and members of the Armenian Bar Association from various areas of the legal profession—from entertainment to family law, and from solo practice to the judicial bench. “I’m so thrilled to have Southwestern Law School and the Armenian Bar Association afford us this invaluable experience to network with successful Armenian-American lawyers,” remarked first year student, Daniel Repchian.

Special thanks go to principal organizers Professor Anahid Gharakhanyan and Armenian Bar Board Member Hovanes Margarian, as well as to the panelists: Sally Avitsian; Judge Jacqueline Chooljian; Steven Dadalan; Harout Dimijian; Sevan Gobel; Lauren Hazarian; Naris Khalatian; Lina Melidonian; Fred Mesropi; Tigran Palyan; Zepur Simonian; Sona Tatinyants; and Lucy Varpetian.

Meanwhile, eager prospective students received a reality-based glimpse of law school by sitting in on a mock class taught by distinguished professor Rachel VanLandingham. The program followed with a panel of Armenian Law Students Association members who shared with future law students tips on how to succeed in law school, and advice on particular courses, honors programs, and career paths. Over fifty prospective students then enjoyed a luncheon with current students and professors, where they also had the opportunity to ask questions, seek advice, make friends, and wrap up the day with tours of the campus, including the Dean’s Office as well as the on-campus LEED Platinum-certified Residences at 7th.

“We are excited to welcome everyone to our vibrant and friendly campus, and to extend to fellow prospective Armenian-American students a real taste of law school here at Southwestern,” said members of the ALSA Board. Southwestern, with more than 100 Armenian law students, boasts the largest Armenian student body of outside the Republic of Armenia.

David Mas Masumoto

Continued from page 20

and survival. By bearing witness, we are able to confirm true our family’s private and personal stories and shine a public light on their proper place in history. I hope we can demand nothing will be forgotten.

This month I will plant forget-me-not flowers in honor of Japanese Americans who endured evacuation and internment. In the spring, they will bloom and commemorate the Armenian Genocide. I dream of our two communities filled with thousands of these delicate flowers, a crescendo of whispers united in a single cry: Forget me not.

This article has been reprinted with permission of the author. Award-winning author and organic farmer, David Mas Masumoto of Del Rey writes about the San Joaquin Valley and its people. Email: mas-masumoto@gmail.com.
On December 17, 2014, the Armenian Bar Association hosted its second annual Continuing Legal Education and Winter Soiree program at the picturesque Beverly Hilton Hotel’s Stardust Penthouse.

The ever-popular series provides members with both continuing legal education credits in those hard-to-obtain subjects such as legal ethics and substance abuse prevention and an opportunity to network and socialize with colleagues in various practice areas of the law.

With over 150 guests in attendance, the evening started with a CLE program moderated by Los Angeles Superior Court Judge and longtime Armenian Bar Association member, the Honorable Suzanne G. Bruguera. The first presentation entitled “State Bar Discipline and Ethical Practice of Law” featured Senior Trial Counsel for the Office of the Chief Trial Counsel of the State Bar of California, Ashod Mooradian. Mr. Mooradian gave the audience an informative lecture of the pitfalls to which many attorneys are susceptible and suggestions as how to avoid them. He discussed the types of conduct which most frequently result in discipline, such as trust account violations, failure to communicate, and most recently in the area of mortgage refinancing and foreclosure. Another major shortcoming is the problem of obtaining fees in advance and then failing to deliver services and making promises about results that cannot be obtained.

Following Mr. Mooradian’s presentation, California Deputy Attorney General S. Paul Bruguera provided an interesting lecture about “Court Reporters and Their Impact on Litigation and Appeals.” Mr. Bruguera noted that in this era of courts operating under severe financial cutbacks, one of the areas that have been winnowed down has been the courts’ provision of official reporters. Mr. Bruguera raised the point that litigators must now often deal with the question of whether to incur the cost of hiring a court reporter to provide an adequate record of the proceedings. He emphasized the importance of having a court reporter present so that an adequate record of the proceedings is documented upon which an appellate court may rely in the future. He cautioned that failure to have a court reporter may require the parties to try to reconstruct the record on appeal after trial, and this may result in an inadequate record for a higher court.

Following the presentation, the panelists fielded many questions from the audience concerning the topics they presented.

The evening’s festivities then continued with participants having the opportunity to develop camaraderie with fellow members of the Bar while enjoying the ambiance of an art exhibit, music performed by a live band, and scrumptious refreshments.

Armenian Bar Association Chairman Armen K. Hovannisian stated that “We are so pleased to once again provide to our members in one evening and under one roof valuable education credits and to bring together large numbers of Armenian attorneys together to forge and foster professional relationships. We are grateful to our sponsors South Western Financial Network & Insurance Services, Oak Brook Realty and The Beverly Hilton for their financial support in making this evening possible.”

Hovannisian concluded: “We also wish to thank our Board Member and Social Media Committee Chairman Gerard Kassabian and all of the members of the committee for organizing such a wonderful event. We very much look forward to the next educational and social program, which undoubtedly will be the next installment of these stand-out events that our members have now come to know and appreciate.”

To see more pictures from this event, visit: https://www.armenianbar.com/gallery/2014/winter-soiree/.
The present volume, which celebrates the contributions of American-Armenian women to the United States is the fifth in our Yes, We Have series of books.

Awe-inspiring in scope and diversity, the achievements of American-Armenian women pertain to fields of endeavor ranging from military service and political activism to law and from literature, music, the visual arts, and journalism to the cosmetics and entertainment industries. In all of these spheres, American-Armenian women have excelled with their outstanding service or pioneering ideas, and often been honored with prestigious awards.

102 American Armenian Women

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www.TheArmenian.com
The Newsletter was the great passion of Vicken I. Simonian. He was the author of many of the articles that were featured over the years. We hope to continue in Vicken’s tradition of writing informative articles for the Armenian Bar Association members and friends.

The Newsletter Committee extends its appreciation to Stepan Partamian for his significant and kind voluntary efforts in the preparation and production of the Armenian Bar Association Newsletter. For several years in our organization’s early history, Stepan helped distinguish our publications in the most favorable, positive and colorful of ways. We welcome Stepan back to our “newsroom” and thank him for bringing along his inimitable flair and standard professionalism.

Saro Kerkonian and Lucy Varpetian
The Armenian Bar Association is a non-profit, non-partisan organization, formed in 1989 to enable attorneys of Armenian heritage 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.

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 and mid-year national meetings
- The Newsletter
- Membership directory
- Amicus curiae submission on issues of interest
- Topical and regional practice groups
- Cooperation with other bar associations and lawyers’ societies

The Newsletter is published periodically by the Armenian Bar Association. Members and friends of the Association receive a subscription to the Newsletter as part of their membership. Opinions expressed in the Newsletter are those of the authors of the articles and/or the editors of the Newsletter and do not necessarily represent the views of the Armenian Bar Association.

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