



# Staff Memorandum

## **EXECUTIVE COMMITTEE Agenda Item #14**

Attached are Executive Committee liaison reports from David L. Cohen with respect to the Criminal Justice Section/Task Force on Wrongful Convictions and the Committee on Media Law, and from Mark S. Gorgos with respect to the Committee on Law Practice Management, the Committee on Mass Disaster Response, and the Municipal Law Section.

To: NYSBA Executive Committee

From: David Louis Cohen

I am the Executive Committee liaison to the *Criminal Justice Section and the Task Force on Wrongful Convictions*.

While, in the past there have been some issues regarding this Section, it is currently doing all that we can expect from a Section. The Section is quite energized now that the current President and President-elect are active members of the Section.

There are regular Section Executive Committee meetings. Issues are discussed and positions taken. Requested reports have been timely provided to the Executive Committee. The Section finances are strong thanks to Treasurer- Sherry Levin-Wallach.

The Section leadership is focused on increasing membership and diversity. The Section has committees devoted to both of these areas. The Section does have a diverse membership and efforts are being made to increase the general membership.

The Section runs a number of CLE programs. This May it conducted a very well attended CLE this May in Saratoga. A fall program is in the works. Efforts are made to run programs in all parts of the State. There is always a CLE at the Annual Meeting along with a luncheon where the Section's awards are presented. This is always a very well attended event.

The Section maintains an active list serve and publishes a quarterly magazine. The staff liaison, Kevin Kerwin is actively involved with Section activities.

As you may not be aware, the Task Force on Wrongful Convictions, created by Past President Bernice Leiber has become a committee of the Criminal Justice Section. The Task Force did trail blazing work in the area of the root causes of wrongful convictions. The report of the task force received national attention and resulted in the Chief Judge creating a Wrongful Convictions Task force and in a number of legislative proposals.

Barry Kamins, pre-judicial appointment, was the initial chair and he has been succeeded by Judge Phyllis Bamberger, a retired Justice of the Supreme Court. Judge Bamberger has keep the committee working at a high level. Experts in many fields of forensic science have been added as members. The committee conducted a CLE on forensic science that was well received. In October another CLE on forensic Science is being planned.

A Committee list serve is in operation and very active. Reports on issues of concern are prepared and circulated for comment. This is a functioning committee and its integration in to the Section has been seamless.

Richard Rivkin has been the staff liaison and his insight and guidance have been invaluable. The only issue I see is one of staffing. As this task force has been made a part of the Criminal Justice Section, does it require a separate staff and executive committee liaison?

To: NYSBA Executive Committee

From: David Louis Cohen

I am the Executive Committee liaison to the *Media Law Committee*. While relatively small in numbers this committee is composed of many of the top lawyers who represent the major media outlets of our country.

It is a very active committee. There are monthly meetings with speakers who are involved in the most current and high profile cases dealing with issues of freedom of the press, free speech and public access to information. The meetings are well attended and most informative.

The committee also has an active list serve. As soon as a case is reported that impacts on "media law" it is put out on the list serve. Comments fly back and forth and positions are eloquently set forth. Many of the committee members are counsel to major media corporations so they have access to legislative activity and cases throughout the country. This information is distributed on the list serve.

The committee conducts a cle at the annual meeting. This year it was about free speech, schools and social media. In addition, the committee conducted a lunch time cle webinar.

The committee also coordinates activities with the City Bar and they have an annual joint cocktail party.

I will work with the staff liaison to try to get the section to focus on increasing membership and diversity. However, due to the specialized nature of the practice this may be hard to accomplish.

## MEMORANDUM

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TO: New York State Bar Association Executive Committee

FROM: Mark S. Gorgos

DATE: June 13, 2011

RE: Liaison Report – Committee on Law Practice Management

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This Committee is unbelievably active. Its purpose is to assist practitioners with the vitally important “other” part of the practice of law: the business aspects of managing and maintaining one’s practice. The work of this Committee is particularly valuable to the solo and small firm practitioners who often do not have ready access to the resources that larger firms can call upon.

The Committee is chaired by Professor Gary Munneke and members of the Committee include several highly respected law firm and State Bar leaders. Here is just a sampling of this Committee and its members’ work during the past six months:

- 1) CLE sponsored/co-sponsored programs: “Protecting Your Practice: Risk Management for Solo/Small Firms”; “Best Practices” webcast series; “Getting (and Keeping) the Clients You Want”; “Starting Your Own Practice”;
- 2) Publications completed or in process: Retirement and Succession Planning; “Best Practices in Legal Management: A Comprehensive Guide”; Marketing for Lawyers.
- 3) Electronic Publications: Law Practice Technology Blog; LPM Tip of the Week; “How to Succeed at Law Practice (By Really Trying)” (in process); Law Practice Management T-News.

Members of the Committee were also very involved in Past-President Younger’s initiative with the “Task Force on the Future of the Legal Profession”.

The Committee has expressed some concerns regarding the limitations of the State Bar website and its blog platforms. Similar concerns were expressed by members of the Executive Committee at its recent strategic planning meeting. The LPM Committee understands and appreciates that reviews and improvements of the State Bar’s technology system are in process.

There is always a concern that a Committee which does so much cannot continue to sustain the pace. Here however, the Committee members are passionate about their work and recognize how valuable and important this work is to NYSBA members. I think we can continue to expect many great things from the LPM Committee for years to come.

## MEMORANDUM

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TO: New York State Bar Association Executive Committee

FROM: Mark S. Gorgos

DATE: June 13, 2011

RE: Liaison Report – Committee on Mass Disaster Response

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This is one of our few NYSBA Committees that one hopes never has to do very much. Nevertheless, this tight knit group is always prepared to leave their own busy practices to begin the essential work of this Committee when a tragedy strikes.

The purpose of the Committee on MDR is twofold. When a large scale disaster is reported, and after authorization by NYSBA leadership, Committee members head to the epicenter of the disaster and seek to gain entry into the Family Assistance Center (FAC) that is usually established by the emergency management agency in charge. Entry to a FAC is not always easy as there is often some initial skepticism about the goal of lawyers arriving at the scene of a disaster.

Under the banner of the State Bar, members of the Committee provide first line legal counsel on numerous matters of concern to victims and their families including estate matters, powers of attorney, disability claims, litigation issues, etc. The Committee also monitors the Internet and to the extent possible, communications to victims from less than scrupulous attorneys, who choose to ignore the non-contact solicitation period. This time buffer is designed to provide victims with some time and space to thoughtfully consider and choose their legal counsel.

The good work of this Committee was exemplified some months ago during the tragic crash of the tour bus carrying a large group of tourists based in the NYC Chinatown area. Within hours of the crash, Committee Chair Mark Masini was at the FAC with help arriving soon thereafter from other Committee members. Each disaster always has its own unique issues, and certainly the language barriers in this case proved to be a challenge for the Committee members at the FAC. The Committee also looked at certain solicitations aimed at victims' families and considered the need for a referral to the appropriate grievance committees for review.

There are eighteen members of this Committee but there are some geographic gaps that need to be filled, particularly in the Syracuse and Northern Adirondack areas. As one might imagine, it takes a certain individual to be effective in these situations; certainly a calm demeanor, a broad based legal background and good local connections are helpful attributes. Executive Committee members from all districts are encouraged to pass on the names of attorneys who might be well suited for this Committee.

## MEMORANDUM

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TO: New York State Bar Association Executive Committee

FROM: Mark S. Gorgos

DATE: June 13, 2011

RE: Liaison Report – Municipal Law Section

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This Committee benefitted greatly in the past year from the very capable leadership of Professor Patty Salkin, who is recognized throughout the state and nationally as an expert in the field of Municipal Law. The Section has a very active Executive Committee and meets regularly. The Section is among the smallest in our Association but it has a very dedicated and loyal following.

In the fall of 2010, the Section sponsored the Supreme Court Admission Program and municipal law CLE in Washington, D.C. This program received rave reviews, but certain high overhead expenses relating to the hotel accommodations caused a temporary financial pinch. Credit goes to Linda Castilla, the NYSBA Staff liaison, for working out a solution to the problem with the cooperation of the hotel. The Section will be holding its annual fall conference at the Gideon Putnam in Saratoga.

Members of the Section played an important role this past year on the Government Ethics Task Force initiative. Responding to a request for input from Governor Cuomo, the Section also formed a Special Committee on Mandate Relief and submitted a number of insightful and informative reports on topics of concern to local municipalities.

The Section publishes The Municipal Lawyer on a quarterly basis. In the past, this has been a joint project between the Section and The Edwin Michaelian Municipal Law Resource Center at Pace University. Unfortunately, Pace has decided to discontinue funding for the Center. The Section's Executive Committee is reviewing how to best respond to this challenge but it is not anticipated that this publication will be adversely impacted. The Section also hosts a municipal law list-serve which is used widely across the state by municipal lawyers.

The Executive Committee has recognized the need for continued diversity among its members and its leadership. One factor that has hampered that effort is that most municipal lawyers in the state are employed in the public sector. Membership and participation in bar association activities has been a low priority for many public sector employers as governments struggle with budget and staffing concerns. Recent appointments to the Executive Committee would indicate that the diversity awareness efforts of the Committee members are having a positive benefit.