

Fourth Department Admissions Ceremony
January 16, 2014
Remarks of David M. Schraver
President, New York State Bar Association

Presiding Justice Scudder, Honorable Justices of the Appellate Division of the Supreme Court for the Fourth Department, may it please the Court. Presiding Justice Scudder, thank you for inviting me to speak here today. I am honored to be part of this important occasion.

Members of the Judiciary, honored guests, family members, friends and loved ones, and candidates for admission as attorneys in the State of New York:

On behalf of the New York State Bar Association, I congratulate all of you who have encouraged, nurtured, supported and loved these candidates for admission to the bar during their journeys. And I congratulate all of the candidates for having successfully completed the education, examination, and character and fitness requirements that have brought you to this place as you are about to enter the learned and noble profession of the law. You enter the profession at an interesting time of change and challenge, and I wish you personal happiness and professional satisfaction as you do so.

Last week I was reading the ABA Journal on line and I came across a short article about a lecturer who teaches a course at Duke University and the University of Pennsylvania on lawyers and personal wellbeing. He says happy lawyers make choices that make them less miserable than their pessimistic counterparts. How's that for a happy and optimistic statement? He outlined six ways that lawyers can make the choice to be happy:

1. Look at the big picture. Happy lawyers have perspective and don't obsess over every setback.
2. Lighten up and savor moments of laughter, which can enhance your mood and that of the people you interact with.
3. Learn optimism. Law school training can discourage optimistic thinking, translating to chronic pessimism that affects all parts of your life.
4. Stop multitasking, and spend some time focusing on friends and family.
5. Try physical activity to reduce stress and boost mood. And
6. Develop positive relationships with others.

And I add #7, join your local and state bar associations. Take advantage of the benefits and get involved. Diane has talked about the benefits of bar association membership, and I echo her remarks. I believe that being an active member of the organized bar will enrich your professional life and your personal life. I understand that there is an application in your packets to join the New

York State Bar Association for free – you can't beat free. I hope you will read it with care and send it in. But don't just join -- get involved, get active, join a section (the Young Lawyers Section or a section that is relevant to your area of practice). There are many opportunities to get involved and, like anything else in life, the more you put into it, the more you will get out of it.

Finding out that you passed the bar exam is one of those life experiences that you never forget – where you were when you found out, and how you found out. Although I took the bar exam many years ago, I have a clear recollection of how I learned that I had probably passed the bar exam.

I grew up in Albany. I had an Aunt Helen who worked in downtown Albany and rode the bus to work every day with a woman who worked in the office of the New York State Board of Law Examiners. One day, a couple of weeks before the bar results came out, this woman asked my Aunt Helen, “Did your nephew take the bar examination.” Aunt Helen replied, “Why yes, he did.” Her friend, being an honorable woman, knew she could not tell Aunt Helen I had passed, so she said, “Well, I can't tell you whether he passed – but he did very well.” That took a little pressure off.

I want to talk to you very briefly about some of the core values of the New York State Bar Association and, I think, of the legal profession. These values fall into three categories: access to justice, the independence of the legal profession and of the courts, and the rule of law. Part of the mission of the State Bar is to promote and advocate for these values.

Access to justice includes the right of all persons, regardless of their ability to pay, to have access to our justice system and to have the advice and representation of a competent attorney in criminal matters and in civil matters involving the necessities of life. You are aware that over 50 years ago, the Supreme Court of the United States held in *Gideon v. Wainwright* that there is a constitutional right to be represented by counsel in criminal matters. We are still trying to make that right a reality, and the State Bar continues to lobby for adequate funding for indigent legal defense.

There is not, or at least not yet, a constitutional right to civil legal services. But the bar and the courts in this state recognize the vital importance of legal representation in matters involving families, housing, employment, health and other benefits that relate to the very necessities of life. That is one reason why our Rules of Professional Conduct strongly encourage all lawyers voluntarily to provide pro bono legal services to benefit poor persons and to

contribute financially to organizations that provide legal services to poor persons. I encourage each of you to do your part.

Second core value, the independence of the legal profession and of the courts. An independent and largely self-governing legal profession is an important force in preserving government under law because the abuse of legal authority is more readily challenged by a profession whose members are not dependent on the government for the right to practice law. But the relative autonomy of the legal profession carries with it special responsibilities of self-governance. Every lawyer is responsible for knowing and observing the Rules of Professional Conduct. Neglect of these responsibilities compromises the independence of the profession and the public interest that it serves.

The independence of the courts is fundamentally important in our democratic society, and lawyers have a special responsibility to protect judicial independence from improper political and other influences. We also have an obligation to advocate for adequate funding of the courts so that they can be independent and able to perform their constitutional and statutory functions as the third branch of our government. The State Bar has been very active in recent years, both in Albany and in Washington, lobbying on behalf of adequate funding for our state and

federal courts. I was at the Capitol in Albany this past Tuesday with our President-elect Glenn Lau-Kee, two of our staff government relations counsel, and our outside lobbying firm meeting with members of the Senate and Assembly and their staffs and with counsel to the Governor to support the Judiciary budget. I was in Washington in December (for about the fourth time in 2013) continuing to educate our congressional delegation about the serious impacts of budget cuts and sequestration on the federal judiciary.

Rule of Law. The third core value I want to mention is respect for and understanding of the rule of law. Our legal system is the envy of the world. In other parts of the parts of the world, rule of law can mean something very different from what it means in the United States of America. Last October, I was in Hanoi, Viet Nam for the meeting of the International Section of the New York State Bar Association. We heard from the United States Ambassador to Viet Nam about the United States' efforts to move Viet Nam in the direction of a rule of law that includes concepts of due process, respect for civil rights and the protection of individual freedoms. We also heard from a member of our International Section with an office in Singapore who told us that rule of law in that country is primarily to protect the safety and security of the regime. As former Supreme Court Justice David Souter said in Albany a couple of months ago, it is critically important

to the survival of the United States and our form of government as we know it that our citizens appreciate our democratic values and understand and participate in our system of government. The State Bar actively promotes civics education and provides educational materials for schools throughout the State through our Law, Youth and Citizenship Program.

Another aspect of respect for the rule of law is the need to increase diversity in the legal profession and the justice system, so that lawyers and judges will more fully reflect and represent our increasingly diverse society. We cannot have an “us” and “them” legal system if we expect all citizens to respect the rule of law.

Core values of your profession: access to justice, independent legal profession and judiciary, and understanding of and respect for the rule of law.

Let me close by borrowing some thoughts and words from a retirement speech delivered Tuesday night by one of my partners. Of course, I did not hear it in person because I was on the Thruway returning from our Lobby Day in Albany. My partner said, “. . .let me elaborate on one thing from my legal career. . . . It’s an awesome feeling I can’t describe very well. And I don’t mean awesome as in Twitterspeak or a longer way of texting OMG. I mean it literally in the sense of inspiring wonder

or fear. It happens when a client calls up and says, I, my company, my child, my brother-in-law, [or someone else important to that client] has an interesting question, may have a problem, is in trouble . . .

It's humbling to think that another human being who needs help . . . thinks you might be able to do something to solve the problem, lessen the pain or [help in some way]. Reaching that 'trusted advisor' status by gaining either enough experience or perhaps a smidgeon of wisdom is a rare blessing."

After referring to a few other partners who are retiring this year, he added that they too "have reached that same trusted advisor status. Moreover (he said) through hard work and merit, they have achieved what [one commentator] calls 'earned success,' which is not something like money or influence. No, they have created value with their lives and created value in the lives of others."

May you, as lawyers, create value with your lives and create value in the lives of others.

Thank you.