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**President's Report to the
House of Delegates**

Legislative Priorities

Each year the Association designates a series of Legislative Priorities intended to reflect the issues facing our legal community and society at large. In addition to the issues facing our home state of New York, we look beyond our borders and lend our advocacy to the issues facing our nation. I am pleased to report that our 2014 Legislative Priorities are as follows:

Our State priorities include ensuring adequate funding for the courts and civil legal services; creating more Family Court judgeships; expanding the number of veterans treatment courts; reducing wrongful convictions; restricting the use of solitary confinement; sealing certain criminal convictions; increasing voter participation; providing more civics education for New York school children; and revising the New York Franchise Act.

Federal priorities include ensuring adequate funding for the federal courts and the Legal Services Corporation; repealing what remains of the Defense of Marriage Act; supporting efforts to increase voter participation; opposing measures that would restrict the ability of states to determine how injured individuals can pursue legal remedies in the courts; addressing representation in immigration cases; and opposing efforts to amend the Federal Rules of Civil Procedure to reinstate a system of mandatory sanctions on an attorney, law firm or party without allowing ameliorative action by the courts.

We have begun our advocacy activities to promote the State Legislative Priorities based on the distinction between “budget issues” and “non-budget” issues. Accordingly, in the context of the proposed state budget, “funding” is the primary focus of our recent activity.

The budget process includes the following stages:

- Submission of the Judiciary Budget on November 29;
- Submission of the Executive Budget on January 21;
- Hearings on the Public Protection Budget, scheduled for February 5; and,
- Development of and debate over the Budget in February and March with a deadline for final approval by April 1.

Enactment of the Nonprofit Revitalization Act

I was pleased to announce on December 19, 2013, that the Governor signed the Nonprofit Revitalization Act, which modernizes the way New York regulates nonprofit organizations. It

was one of our 2013 legislative priorities. The State Bar Association has long advocated for meaningful reform of New York's Not-for-Profit Corporation Law. In June, the bill— which the State Bar Association helped draft—was passed with overwhelming bipartisan support in the Legislature. The State Bar was actively involved in developing the legislation, working closely with interested stakeholders, legislators, their staffs and Attorney General Eric T. Schneiderman. Much of the thanks for the success on this issue is due to members of the Bar Association's Business Law Section who were very active in representing the Association to see this bill through to passage and enactment into law.

Adequate Funding for Courts

One of our Association's fundamental beliefs is that the courts serve as the cornerstone for our democratic society. This guiding principle dictates that we must advocate tirelessly, ensuring that the courts receive the funding they require in order to carry out their critical and numerous functions.

Federal

Immediate past president Seymour James, Jr. led our Association as one of the earliest advocates focused on sequestration and its destructive impact on critically important federal programs. Since then, our Association has continued down this path of advocacy. This past December, we traveled to Washington D.C. to express to Members of Congress from New York State our concerns over the negative impact of sequestration on the federal courts. On December 4, we met with key members of our Congressional delegation and again on December 20, we met with Senator Schumer. During these meetings we expressed our deep concern about the Fiscal Year 2013 sequestration cuts that imperiled the federal judiciary in its efforts to carry out its duties and responsibilities as set forth in the Constitution and by acts of Congress. Such cuts impact both criminal and civil proceedings in the federal courts, and the fair, efficient and effective administration of justice, which is the foundation of a free and democratic society, and which instills in the public the trust and confidence that is essential to preserve and protect the Rule of Law. I am pleased that our efforts had positive results. The Fiscal Year 2014 omnibus appropriations bill, which President Obama signed earlier this month, funds the judiciary at a level very close to the pre-sequester level, which is essentially the same level that the judiciary had requested.

State

On November 29, the State Judiciary submitted its 2014-2015 budget proposal. The Judiciary's General Fund State Operations budget request totals \$1.81 billion, a cash increase of \$44.2 million, or 2.5%. After five years of essentially flat budgets this request continues to promote efficiency and fiscal restraint in the court system, while also addressing important needs. The State Bar supports the proposed budget and commends the Judiciary for including in its proposal \$55 million for civil legal service and \$15 million to support the Interest on Lawyer Account Fund. The State Bar Association has long supported increased funding for civil legal services to address the civil legal needs of low-income New Yorkers.

I also am pleased to report that the State Judiciary budget proposal includes funding for 20 new Family Court judges. As proposed, the funding would begin on January 1, 2015. As the Chief Judge rightly points out, the demand for Family Court services has far outpaced the growth in the number of judges needed to handle the increased caseload. Increasing the number of Family Court judges is another of the State Bar's legislative priorities for 2014 and was a key

recommendation of the report issued in November 2012 by the Bar Association's Task Force on Family Court.

On January 14, President-Elect Glenn Lau-Kee and I met in Albany with legislators and staff to promote our 2014 State Legislative Priorities. At this point in the session the budget priorities were the primary topic of every meeting. In these meetings we urged the Legislature and Governor to address the pressing needs outlined in the Chief Judge's budget message and approve the Judiciary's proposed budget in its present form. Throughout the state budget process, the State Bar will continue advocating for funding to make access to justice a reality for those vulnerable New Yorkers who truly require it. We also had preliminary discussions on some "non-budget priorities," such as expanding veterans courts, addressing wrongful convictions, sealing of criminal convictions and revision of the New York Franchise Act. We are planning follow-up meetings on these issues as the legislative session progresses.

Legal Education and the Future of the Profession

There can be no question that legal education and the legal profession are in the midst of significant change. The cost of attending law school has grown exponentially while the number of legal positions has dwindled. The legal profession has moved away from traditional practices to accommodate changes in technology, globalization, and client expectation and demand, and, as legal practice evolves, so too must legal education. These two issues are entwined on almost every level; effectively addressing one requires careful consideration of the other.

As you are all aware, I have made legal education and the future of the profession a cornerstone of my term as president. We, as an Association have an obligation to play a dynamic role in bringing about the reforms that are so desperately needed to support attorneys, both of the present and of the future. In order to better understand the new challenges confronting legal education and our profession I have brought a new charge to our Committee on Legal Education and Admission to the Bar. Under the direction of Co-Chairs Eileen Millett, Eileen Kaufman, and new Co-Chair Ian Weinstein, the committee will assess these rapidly changing issues and recommend initiatives to help our Association facilitate change. Earlier this week, the Presidential Summit focused on these very issues and yielded thoughtful dialog from two panels of experts. Collectively the panels on legal education and the legal profession helped not only to illuminate the problems we face, but also to guide us as we develop solutions. I intend to carry forward this momentum we have gained. Later today we are hosting the Law School Deans Forum. President-elect Glenn Lau-Kee, Chief Judge Jonathan Lippman, and Associate Judge Victoria Graffeo will be joining Deans or their representatives from each of the New York State Law Schools. The agenda will include various discussion topics related to legal education and admission to the bar, a discussion of the Presidential Summit, and our planned convocation on legal education to be held on May 22, 2014 at Pace University School of Law. The convocation, which we are coordinating with the New York State Judicial Institute on Professionalism in the Law, will employ focus groups of practicing lawyers and legal education experts in hopes of framing issues and continuing to develop solutions.

We hope that our focus on this issue will allow us to better understand the role that NYSBA can and must play to effect real change. We have spent our careers advocating on behalf of others, now we must advocate on our own behalf – not only for our own benefit, but for the benefit of those who will come after us.

Pro Bono

As you are all aware, access to justice has long been a foundation of the New York State Bar Association's mission. Every year our members voluntarily provide tens of thousands of pro bono hours in addition to significant financial contributions to organizations that provide civil legal services. An excellent example of our Association's dedication to access to justice comes in the form of our Empire State Counsel[®] program. As of January 20th, 1, 234 NYSBA members are being inducted into the 2013 Class of Empire State Counsel and collectively they have performed nearly 200,000 hours of pro bono service. Since the program was first launched eight years ago by former Association president Mark H. Alcott, close to 10,000 members have earned the honorific designation of Empire State Counsel[®] for having performed 50 hours or more of free legal services to low-income, vulnerable and disadvantaged individuals and families. These pro bono services have enabled countless persons to avoid evictions and foreclosure, escape abusive relationships, emerge from crushing debt, and flee persecution in their native lands. I am especially proud of the fact that Empire State Counsel[®] do not limit their volunteer efforts to just New York State. To the contrary, they do the public good in virtually every state of the United States, as well as in Africa and Asia.

I am also pleased to report that this past October, the Association co-sponsored a volunteer recognition program in New York City along with the New York County Lawyers' Association, the City of New York Office of the Mayor, and the New York State Unified Court System's Access to Justice Program. NYSBA honored participants in the New York State Attorney Emeritus Program, an initiative of New York State Chief Judge Jonathan Lippman, which is administered by the Access to Justice Program. Emeritus volunteers can be active or retired, must be 55 years and older, have 10 years of experience, and be in good standing. They provide pro bono services either through court volunteer programs or approved legal services providers. Fifteen Emeritus volunteers were recognized for their contributions in helping to provide civil legal services to New Yorkers in need. Four Emeritus volunteers received special recognition for their outstanding service.

Another great stride was made on behalf of access to justice this past year when Chief Judge Lippman announced the new in-house counsel pro bono rule (§522.8), which allows in-house attorneys admitted to practice and in good standing in another state or territory of the United States or the District of Columbia to perform voluntary pro bono work on behalf of poor and underserved clients – including being able to appear before courts and other tribunals upon filing a notice of pro bono representation – provided such attorneys are properly registered with the New York Courts. The Association applauds the new in-house pro bono rule and believes it will go a long way to advance efforts to narrow the state's enormous access to justice gap by effectively leveraging the legal skills of thousands of highly skilled and experienced out-of-state attorneys who work in-house in New York. The additional pro bono service provided by in-house attorneys will benefit vulnerable New Yorkers in matters involving the essentials of life.

Along with our commitment to access to justice, our Association has, for nearly a decade, opposed a mandatory reporting requirement for pro bono hours. However, Chief Judge Lippman's amendments to Part 118 of the Rules of the Chief Administrative Judge were made without our input and in the time that has passed since the amended rule was announced, the decision has evoked strong reactions from our members and the legal community at large. Those of you in attendance at our November meeting of the House of Delegates will recall that the debate on this topic included impassioned arguments from both opponents and supporters alike. With that being said, our Association has taken the position that we oppose the mandatory

reporting requirement. After our November meeting I appointed a subcommittee of members of the Executive Committee to study mandatory reporting and asked that they prepare a report and recommendations to help guide the Association's continued involvement in the issue. The subcommittee's report will be presented to the House of Delegates following action on it by the Executive Committee.

Civics Education

Included on today's House of Delegates agenda is consideration of the report and recommendations of the Committee on Law, Youth, and Citizenship. The report calls upon NYSBA to formally adopt a policy on civics education to address a decade of dramatic decline in civic education and knowledge on a state and national level. Specifically, the committee recommends that NYSBA encourage members of the legal profession and policymakers at all levels to personally and actively engage in civics education in their communities; work to further Americans' understanding of the fundamental principles in our constitutional democracy; and support the inclusion of civics education in the core K-12 curriculum nationwide.

In a recent letter to Governor Cuomo I highlighted these same issues, urging the Governor to consider the critical need for civics education as he and the Legislature develop the state's 2014-2015 budget. I noted that "[o]ne of the major shortcomings of today's curriculum is the failure to provide meaningful civics education to our state's students. Comprehensive civics education in all grades is critical if we are to have a citizenry that understands the role and functioning of our government. Moreover, without a solid understanding of government, our children will be unable to become effective and responsible citizens or full partners in our democracy ..." and emphasized that "[o]ur governmental institutions, including our legal institutions and justice system, depend upon the effectiveness of today's educational institutions to develop Americans who are educated and committed to the maintenance of the rule of law. We need future citizens who understand the institutions of constitutional democracy, including our system of law and justice. No institution in American society other than our schools can accomplish this civic mission, and the need is even greater today as we welcome new Americans to our land during an era of historic immigration levels."

This past September, Supreme Court Justice David Souter traveled to Albany speak about the critical importance of funding humanities education and scholarship on behalf of the New York Council on the Humanities. The need for change is clear and I urge you to join the Association in promoting civics education as a priority in 2014.

CMS Website

When NYSBA's new website launched in September the Bar started using Google Analytics to measure traffic to the site, page views, and so on. In previous years the average page views per month ranged from 180,000 to 200,000. Following the launch of the new site those numbers increased and currently the site is averaging between 250,000 and 275,000 page views per month. Since the launch of the new site the number of returning visitors has climbed steadily. Currently about 40% of visitors are returning to the site and over time that number is expected to increase. The site is optimized for the mobile user experience and the analytics show that 75% of mobile users are on iPhones or iPads.

More than 50% of first time visitors to the site are coming through a search engine (mainly Google, followed by Yahoo). Close to 40% of visitors are coming to the site directly (such as

using the link www.nysba.org/membership) and the remainder are arriving at the site due to referring sites such as Fastcase, Loislaw, JobTarget, Forbes and the NYS Unified Court System.

In addition to the complete overhaul and re-launch of the main www.nysba.org website the NYSBA also has rolled out new private, online professional communities. There are currently 26 active communities available to members with more launching each week. The available communities are a mix of general, all-member communities such as the Technology Community and the LawCoach Community and specific, topical communities such as those for the Membership Committee, the Pro Bono Partnership Conference Steering Committee and the Corporate Counsel Section Executive Committee. Throughout this Annual Meeting NYSBA staff has been signing members up for Communities, meeting with Sections and Committees to discuss how Communities work and encouraging all of us to fill out our profiles.

As we continue the rollout of Communities we offer our thanks to the Electronic Communications Committee and the Task Force on Gun Violence. Both groups were beta testers for the Communities software and provided valuable feedback and advice along the way.

Local Bar Association and NYSBA Section Events

Immediate Past President Seymour W. James, Jr., President-Elect Glenn Lau-Kee, and I were pleased to participate in many local bar association events this fall and winter. The events included a meeting with minority bar association leaders from across New York State, the Black Bar Association of Bronx County 30th Anniversary Dinner, the Onondaga County Bar Annual Dinner, the Dutchess County Bar Association Monthly Member Luncheon, the Brooklyn Bar Association Foundation Annual Dinner, the Broome County Bar Association Holiday Party, the New York County Lawyers Annual Dinner, and the Richmond County Bar Association dinner with Board of Directors, Past Presidents and Judiciary. We also had the great pleasure of attending many Section events since our meeting in Cooperstown; these events included: the Tax Section Summer Meeting in Philadelphia, PA; the Real Property Law Section Summer Meeting in New Paltz; the Family Law Section Summer Meeting in Cooperstown; the Trial Lawyers Section Summer Meeting in Killarney, Ireland; the Torts, Insurance & Compensation Law Summer Meeting in Annapolis; the Business Law Section Fall Meeting in Lenox, MA; the Labor & Employment Law Section Fall Meeting at Niagara-on-the-Lake, Ontario, Canada; the Intellectual Property Law Section Fall Meeting in Bolton Landing; the Environmental/Municipal Joint Law Section Fall Meeting at the Jiminy Peak Mountain Resort; and the International Section Fall Meeting in Hanoi, Vietnam. We extend our thanks to these bar associations and sections for including us in their outstanding events and look forward to future occasions to join our colleagues.

ABA Annual Meeting

In August, I attended the ABA Annual Meeting in San Francisco with President-elect Glenn Lau-Kee, Immediate Past President Seymour James, State Delegate Mark Alcott, and the rest of our New York State Delegation. We were privileged to witness the installation of our member and friend Jim Silkenat as President of the American Bar Association.

Changes Within the Association

Earlier this month Pat Bucklin announced that she will be stepping down from her position as Executive Director of NYSBA. We are grateful to Pat for her service of nearly thirteen years and wish her the best as she pursues other opportunities. We have formed a search committee and have retained the legal search firm of Young Mayden Connect to conduct a nationwide

search for a new executive director. We consider this a time not only of change but of opportunity. We look forward to building an even stronger and more vibrant Association as we look to the future together.

April Meeting of the House of Delegates

Our next Executive Committee and House of Delegates meetings will be held on Friday April 4th and Saturday April 5th in Rochester, New York. I hope you will join us.