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

I. Legislative Activities

State and Federal 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. As I announced at our meeting in November, the process for selecting the Association's 2015 Legislative Priorities began in July, and after due consideration of the reports by the chairpersons of our legislative committees – Messrs. Nonna and Fernandez – the Executive Committee adopted the Association's legislative priorities for 2015. I am pleased to report that our 2015 Legislative Priorities are as follows:

Our State priorities include support for the legal profession; integrity of the justice system; raising the age of criminal responsibility; combating wrongful convictions; sealing certain criminal convictions; revising the state franchise law; and increasing voter participation.

Federal priorities include support of the legal profession; integrity of the justice system; support for the Paycheck Fairness Act; support for legal representation in immigration proceedings; and support for state authority to regulate the tort system.

Advocacy for our state budget related priorities

On January 12th and 13th, joined by President-Elect David Miranda, Executive Director David Watson, and our Governmental Relations team, I met with key members and staff in the legislature to highlight the issues we support in the 2015-2016 state budget, as follows:

a. 2015-16 Judiciary Budget Request

NYSBA request:

Approve the 2015-16 Judiciary Budget to ensure access to justice, and proper operation of the courts;

Approve the Judiciary's request of \$70 million for civil legal services (an increase of \$15 million over last year); and,
Approve the Judiciary's request for \$15 million to support the Interest on Lawyers Account (IOLA) Fund.

b. State Bar Support for funding to establish civil legal services center

NYSBA request:

\$5-million from surplus funds for a one-time capital investment to create a civil legal services center in Albany.

c. Indigent (Criminal Defense) Legal Services

NYSBA request:

Provide appropriate funds for operation of the Office of Indigent Legal Service (ILS) during the 2015-16 fiscal year; and

Increase the current budget of \$81 million for distribution of funds to counties by adding \$20 million to address excessive caseloads, inadequate support services, supervision and oversight throughout the state.

d. Prisoners Legal Services (PLS)

NYSBA request:

New York State should provide adequate funding for PLS in the 2015-16.

Background on the Albany Civil Legal Services Center

On January 19th, I announced that the New York State Bar Association is seeking \$5 million in state funding for the creation of a legal services center in Albany to enhance the availability of legal services to low income individuals.

With the state's surplus, there is now an opportunity to make a one-time investment that could be very meaningful in terms of improving the access of people needing legal assistance to available services and enhancing the ability of lawyers to provide these services.

In far too many cases, people with no legal experience are forced into court without a lawyer, and face loss of their apartment or home, or loss of custody of a child, or denial of benefits to which they are entitled. The center would enhance the legal services available to low-income individuals.

The Albany-based center could offer a unified intake system that could direct clients to an appropriate provider. Capital District legal services providers could also work with clients at the center or out of their current offices.

The center also could offer legal service attorneys (including pro bono attorneys) office space to meet with clients and for training, computers and a library of legal resources. It could be valuable for out-of-town attorneys for the indigent who have arguments in the Third Department and

Court of Appeals. There also could be a courtroom where they could prepare their arguments in a moot setting.

In our meetings in Albany, this concept was well received. We will continue to advocate for the center with our state leaders.

2015 State of the State and Executive Budget Presentation

On January 21, I was again joined by those mentioned above at Governor Andrew Cuomo's combined State of the State and Executive Budget presentation. Prior to the 21st, but included in his budget the Governor announced a proposal to increase the age of criminal responsibility. The Association has long-supported raising the age of criminal responsibility. We will be examining the proposal to determine if it is something we can readily support.

Federal Activity

In late February, I will be joined in Washington, D.C. by members of the Committee on Federal Legislative Priorities and other Association leaders to lobby our congressional delegation on our Federal legislative priorities. I look forward to reporting to you about that trip at our spring meeting.

II. Mandatory Pro Bono Reporting

The Office of Court Administration is currently drafting the rules that will govern Mandatory Pro Bono Reporting. These rules incorporate the compromise reached between NYSBA and Chief Judge Lippman. Once OCA has completed its work, the rules will be submitted to the Administrative Board of the Courts for approval. I will continue to keep our members updated on this important issue as we move forward.

III. Uniform Bar Exam

As you are no doubt aware, Chief Judge Jonathan Lippman has agreed to our requests that the State Board of Law Examiners extend the comment period and delay implementation of a Uniform Bar Examination. The Committee on Legal Education and Admission to the Bar has continued to work diligently to ensure that the Association is in a position to present informed testimony at the upcoming hearings scheduled for February 3, 2015.

IV. Pro Bono Department

2014 Empire State Counsel[®] Program

Pro Bono changes lives. The Empire State Counsel[®] Program recognizes NYSBA members' pro bono contributions. By generously donating their time and expertise our members help low-income and vulnerable persons, who cannot afford to hire an attorney, gain access to the civil justice system. To date, 1,045 NYSBA members performed 190,000 hours of free legal services in a diverse range of cases impacting the basic necessities of life, such as food, shelter and safety.

I expect these numbers will inch even higher once all of the 2014 verification forms are received. In 2014 we also enrolled nine new law firms in the program.

Two individual attorneys were recognized during the Justice for All Luncheon for their outstanding pro bono contributions. *Lisa A. Coppola*, an attorney from the Buffalo area, successfully represented an immigrant family of five caught-up in deportation proceedings. Although Ms. Coppola is veteran litigator, she lacked expertise in immigration law. She was inspired to tackle the challenges presented by the case because she is the mother of immigrant children.

Susan Corcoran, the second recipient of the 2014 Outstanding Pro Bono Service Award, was singled out for special recognition on account of having provided 17 years-worth of free legal assistance to non-profit organizations serving low-income and vulnerable population groups. These organizations operate on shoe-string budgets and cannot afford to pay for advice on corporate governance and employment issues.

Law firm support of the program is vital to its continued success and we are pleased to have identified nine law firms for their significant enrollment of attorneys in the 2014 Empire State Counsel[®] Program. On Thursday, during the Justice for All Luncheon, the Association presented the Platinum Sponsor awards to *Skadden Arps* and *Sullivan & Cromwell* based on the amount of pro bono provided by their lawyers. *WilmerHale* and *Gibson Dunn* were honored as Gold Sponsors. *White & Case*, *Hogan Lovells* and *Kirkland & Ellis* earned the designation of Silver Sponsors. *Davis Polk* and *Orrick* were recognized as Bronze Sponsors. These award winning firms employed a total of 550 Empire State Counsel[®] who collectively donated 112,469 hours of free legal services – a truly remarkable accomplishment.

Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest (SLAPI)

Public service attorneys play a critical role in society. Historically, however, public service lawyers earn a mere fraction of what their corporate counterparts are paid working for a private law firm or a large corporation. This pay disparity in combination with daunting law school loan debt – in some cases as much as a mortgage for a modest home – tends to dissuade many from pursuing a public service career or staying in the field for the long term.

In recognition of the ever increasing need for attorneys in the field of public service, the New York State Bar Association, under the leadership of then president Steven C. Krane, created the Student Loan Assistance for the Public Interest (“SLAPI”) Program in 2002 to encourage lawyers to remain in public service careers by providing financial assistance to attorneys who meet eligibility criteria, including qualifying employment and salary limitations.

In 2010, the program was renamed in memory of Mr. Krane who passed away unexpectedly. Upon Mr. Krane’s passing a Memorial Fund was created in his honor by the New York Bar Foundation. Approximately \$50,000 was donated to the Memorial Fund which allowed SLAPI to make modest loans to eligible mid-level public service attorneys in 2012, 2013, and 2014. On average the loans have ranged from \$2,500-\$3,000. Loan recipients are required to remain continuously employed in the public service legal field for three years after receipt of a loan, which ensures that legal services employers will be able to retain more experienced attorneys.

In June 2014, SLAPI was merged as a subcommittee into the President's Committee on Access to Justice (PCAJ). PCAJ co-chairs President-Elect David P. Miranda and William Russell (Simpson Thatcher) earlier this week announced that the remaining \$12,000 in the Memorial Fund would be disbursed among four 2015 loan recipients:

Michelle de Mareo has been employed by LAWNY for twelve years representing low-income and vulnerable individuals on the verge of homelessness. During 2014, Michelle opened 118 cases, enabling 259 persons remain sheltered. Michelle has received a SLAPI loan each year since 2012. The SLAPI loans have enabled her to purchase her own home and be able to ensure that her law school student loans are always paid on time.

Maurice Q. Robinson, a first time SLAPI loan recipient, is employed as an Administrative Hearing Officer with the New York City Department of Housing Preservation and Development. He adjudicates appeal hearings of tenants who have been terminated from Section 8 housing. Maurice has dedicated his legal career to public service. In addition, he serves as the caretaker of his elderly, sickly and financially challenged grandmother.

Kelly McGovern has dedicated her career to legal services advocacy. As a staff attorney employed at LAWNY she represents low-income individuals residing in Monroe County. Kelly concentrates her practice in public benefits law, working primarily with clients who have limited English language proficiency skills obtain essential government benefits such as food stamps, social security, disability benefits, and housing. In addition to her caseload, Kelly also works with the organization's pro bono coordinator to encourage more law students and retired attorneys to volunteer with their office. The SLAPI loan enables Kelly to continue doing the work she loves without falling behind in repaying her law student loan debt.

Adam DeFayette has dedicated his legal career representing chronically ill, poor rural individuals and families, prisoners, and the disabled residing in Clinton, Franklin, Essex and Hamilton counties since graduating law school in 2008. Employed by the Legal Aid Society of Northeastern NY since 2012, he began his legal career at Prisoners Legal Services. The SLAPI loan makes a huge difference in Adam's life as he is the sole breadwinner for his family while his wife completes her undergraduate college degree. Adam and his wife have an infant son.

Although these loans are very modest, they have allowed dedicated attorneys to continue working in programs that focus on the legal need of some of the most needy and vulnerable clients. I am very proud and grateful that Steven Krane created this program.

V. Civics Education Advocacy

Law Youth and Citizenship

In conjunction with NYSBA leaders, the NYSBA Law Youth and Citizenship Committee (LYC) continued to advocate for increased funding and support for civics education programs. In January 2014, the LYC Committee submitted a report on Civic Education to the House of Delegates. The report received a unanimous vote.

NYSBA adopted civics education as one of the Association's state legislative priorities for 2014: "Civics Education – Democracy depends upon an educated citizenry. A core mission of the Association is to foster an understanding and respect for democracy and the rule of law. The

Association supports the enactment of public policy to require the incorporation of civics education in all grades, and the appropriate funding to implement this policy, to ensure an understanding of our system of government.

The State Bar's commitment to promoting civic understanding and participation is not new. The Law, Youth and Citizenship program has been actively involved in increasing civic awareness for the students in New York for over 40 years.

VI. Judiciary Matters

On December 1, the State Commission on Judicial Nomination released the names of seven candidates for appointment to the Court of Appeals to fill the vacancy created by the retirement of Associate Judge Robert S. Smith. Our Committee to Review Judicial Nominations considered the qualifications of these candidates and conducted interviews; as a result, six candidates were found to be "well qualified" for appointment and one candidate was found "qualified" for appointment. On January 15, 2015, Governor Cuomo announced the appointment of Hon. Eugene H. Fahey of Buffalo to fill the vacancy. We await the scheduling of hearings in the State Senate for his confirmation as well as that of Hon. Leslie E. Stein, who was nominated for appointment in November 2014.

VII. Noteworthy Events

Local Bar Association and NYSBA Section Events

President-Elect David Miranda, President-Elect-Nominee Claire Gutekunst and I were pleased to participate in several local and minority bar association events: The Dutchess County Bar Association's Monthly Membership Meeting, the American Bar Foundation Dinner in New York, the Puerto Rican Bar Association Heritage Month Celebration, the Brooklyn Bar Foundation Annual Dinner, the Network of Bar Leaders Meeting with judges from the Second Circuit, the New York County Lawyers Association 100th Annual Dinner, the Albany County Bar Association Annual Meeting and Swearing In Ceremony, and the Ulster County Bar Association Monthly Member Dinner.

Non-Resident News

The fifth Annual Meeting Breakfast Roundtable for Non-Resident Members took place on Tuesday, January 27, 2015 at the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison LLP. A CLE presentation was included entitled "Online Communications and Social Media: Liability and Ethical Pitfalls for Attorneys;" the presenter was David P. Atkins of Pullman & Comley law firm. Other featured speakers included President Lau-Kee, President-Elect Miranda, and Past President and State Delegate to the ABA House of Delegates Mark H. Alcott. Event sponsors were: The NYSBA: Committee on Membership, Law Practice Management Committee, and the Torts, Insurance & Compensation Law Section; Deitz Court Reporting; and the law firm of Pullman & Comley LLC.

In the coming weeks, the Subcommittee on Non-Resident Membership of the Committee on Membership plans to send out a poll to Non-Resident Members (live and work outside of New York State) for feedback on several “hot topics” concerning such members. Hailing from 49 States, the District of Columbia, and over 100 countries, Non-Resident membership currently fluctuates between 28% - 30% of the total Association membership.

Spring meeting of the House of Delegates

Our next House of Delegates and Executive Committee Meetings will be held on Friday, March 27 and Saturday, March 28 at the State Bar Center in Albany. We look forward to seeing you there!

Sincerely,

A handwritten signature in cursive script, appearing to read "Glen L. Hester".