

# NEW YORK STATE BAR ASSOCIATION



## Justice for All

Report to Membership 2011–2012



# Contents

Introduction	2
The Year in Review	3
Justice for All	6
Advancing our Profession	12
Serving Our Members	16
Section Highlights	18
Task Force and Committee Highlights	24
Financial Statement	30



# Justice for All

*This year, we have focused on important issues related to access to justice. The concept of ‘justice for all’ is almost universally recognized, not only as a policy priority, but also as a central aspect of our national identity. Through our new and ongoing initiatives, we strive to more fully realize that fundamental aspiration.”*

**President Vincent E. Doyle III**



# The Year in Review

## Working Together Toward Justice for All

At the beginning of my term, we adopted “Justice for All” as our theme for the year, and we undertook several initiatives aimed at improving access to justice. We approached these matters from multiple perspectives, focusing on broader concerns such as court funding, judicial compensation and wrongful convictions, while also examining the unique challenges that affect specific populations, such as veterans and respondents in immigration matters. At the same time, we worked to enhance the practice of law and we reaffirmed our long-standing commitment to improving diversity in our association and the legal profession. This past year, we celebrated not only our 135th anniversary, but also many victories and a great deal of progress.

## The President’s Diversity Challenge

At the beginning of my term, we asked our sections to plan and execute additional initiatives to enhance the diversity of their membership, leadership and programs, and to evaluate the results of their efforts. I am incredibly impressed by the response we received, and the creative approaches taken by our sections. The President’s Diversity Challenge, ably coordinated by co-chairs Glenn Lau-Kee and Sherry Levin Wallach, recently culminated with its final report, but it is my hope that the initiative will serve as a framework for continuing diversity efforts. I know that President-elect Seymour James, Jr. is strongly committed to diversity and will do a wonderful job building upon the State Bar’s efforts in this area.

## Court Funding

In response to dramatic reductions in the state judiciary budget, the New York State Bar Association undertook a statewide examination of the impact of budget cuts upon New York State courts. Last fall, we reached out to our Judicial District Vice Presidents and asked them to gather information about the effects of court funding cuts. We asked them to consult with their local bar associations, administrative judges and practitioners to help determine what types of matters have been most seriously affected, and to identify specific unmet areas of need in various regions around the state. We also asked them to investigate how court funding cutbacks have affected judges, court staff, parties to civil and criminal matters, attorneys and the public.

Our vice presidents reported back with a wealth of compelling information about different experiences across the state. A wide variety of important programs and resources are among the casualties of drastic budget cuts: courthouses have had to reduce their hours and staff; there is less administrative help for the many pro se parties seeking assistance with filings and paperwork; library services have been limited; pro bono coordinators who would ease the burden have been laid off; and child care resources have been cut. These are just a few of the findings included in our “Report on the Impact of Recent Budget Cuts in New York State Court Funding,” which you can find by visiting [www.nysba.org/court fundingreport](http://www.nysba.org/court fundingreport).

At the Presidential Summit held during the Association’s Annual Meeting, we discussed the results of the report with an impressive panel of speakers from New York State and beyond. We were also fortunate to be joined by ABA President Wm. T. (Bill) Robinson III, who delivered an impassioned and energizing keynote address. We believe this report will be a valuable resource, and we will draw from it as we continue to advocate for adequate funding for our courts.



## Judicial Compensation

Another way that we have worked to maintain the integrity of our justice system is by advocating for appropriate compensation for New York State judges. Judicial compensation has been a State Bar priority for nearly two decades. We strongly believe that our democratic society depends upon the justice system, and that the justice system depends upon the judges who control it. And although the cost of living has increased more than 40% since 1999, our judges have not received any increase in compensation

*"As we fight for adequate court funding and judicial compensation, we are also working to ensure that the providers of important civil legal services receive appropriate funding."*

during that time. This salary stagnation has made it more difficult to attract and retain the high quality judges for which New York State is renowned.

Last year, we formed a working group and retained a private economist to study the issue of judicial compensation. The Bar Association approved the working group's report and recommendations, including an adjustment of judicial pay to a level of at least \$192,000 per year for trial judges, with increases for appellate judges, and the implementation of regular adjustments to allow salaries to keep up with the cost of living. In July 2011, I testified before the Special Commission on Judicial Compensation to share our findings and state our position. We were disappointed when the Commission recommended a less substantial salary increase, to be phased in over three years, but we are pleased that it was implemented without further reductions, and we will continue to work on this important issue.

## Civil Legal Services

As we fight for adequate court funding and judicial compensation, we are also working to ensure that the providers of important civil legal services receive appropriate funding. Every year, millions of New Yorkers navigate the civil legal justice system without an attorney. Many are involved in matters related to basic necessities or sensitive family law cases. This year, the State Bar was once again honored

to take part in hearings held by Chief Judge Jonathan Lippman's Task Force to Expand Access to Civil Legal Services. The Task Force found that there continues to be a significant unmet need for civil legal services, with only approximately 20% of the need for services currently being met. We will continue to urge policymakers to provide stable, adequate sources of funding for civil legal service providers.

## Special Committee on Immigration Representation

When I took office, I designated immigration representation as a major priority for my term as president. We established a Special Committee on Immigration Representation, led by Joanne Macri and Jojo Annobil. The Committee is currently finalizing its report and recommendations to improve the quality and availability of representation in immigration proceedings. The report will include standards for immigration representation, proposals to enhance enforcement of existing laws against fraud and unauthorized practice of law and effective methods to educate immigrant communities about unscrupulous providers. The Committee has also been examining the Board of Immigration Appeals' recognition of organizations through its accredited representative program, and exploring other strategies to improve representation in underserved areas around the state, including the dissemination of pro se resources and a proposal for a pro bono program. The Committee plans to present its report for a vote by the House of Delegates at our June meeting in Cooperstown.

## Special Committee on Veterans

Veterans also face unique challenges in our justice system. With the influx of veterans returning home from multiple armed conflicts around the world, there is a heightened need for qualified attorneys willing to lend a hand. After sacrificing so much for our nation during active duty, many veterans return home to a host of difficult issues as they re-enter civilian life. Some suffer from physical and psychological disabilities related to combat. Others face indirect consequences such as unemployment, consumer credit problems, stress in their family relationships, mental health issues, and even substance abuse or homelessness. And too many veterans have a difficult time with basic needs such as accessing their benefits.

We established a Special Committee on Veterans, co-chaired by Karen Hennigan and Michael Lancer, which aims to help veterans identify their legal problems and connect them with qualified attorneys. They have been working to gather information about services that are currently available, to make it more accessible to veterans seeking free or affordable legal assistance. The Committee is also

working to bolster the quality of representation by identifying areas where civilian lawyers may need specialized substantive training, or where they may need to be familiarized with military culture. The Committee hosted a terrific CLE program at our Annual Meeting, offered free of charge to attorneys who agreed to take on a veteran's civil case on a pro bono basis. The Committee is also working to facilitate the implementation of additional veterans courts, which recognize and deal with the presence of service-related issues such as traumatic brain injury, depression or other mental health concerns that may contribute to veterans' involvement in the criminal justice system. Veterans courts work to treat those underlying conditions to help participants get their lives back on track.

## Legislative Efforts

Last year, we were proud to play an important role in the successful campaign for marriage equality in New York State. After years of research and advocacy in this area, led by our Committee on LGBT People and the Law, we partnered with local bar associations around New York State to make the legal case for full marriage equality. Before the new law went into effect, the State Bar and our Committee on LGBT People and the Law produced a brochure about issues involving the Marriage Equality Act and had planned our first live CLE seminar on same-sex marriage. We will continue to advocate for the repeal of the Defense of Marriage Act, to ensure that same-sex couples receive the same benefits and protections afforded to other married couples.

We also played an important role in the advocacy effort that led to the passage of Governor Cuomo's government ethics reform bill, which has greatly enhanced disclosure by public officials and agencies.

We are maintaining that momentum with our efforts this legislative session, including our work on a comprehensive package of reforms that would help to prevent wrongful convictions.

We urged lawmakers to pass a series of other measures in addition to DNA database expansion, including videotaping interrogations, improving police lineups to achieve more accurate eyewitness testimony, requiring prosecutors to turn over more exculpatory evidence, and allowing defendants to obtain DNA evidence even after they have pleaded guilty. Although we commend Governor Cuomo and lawmakers for their recent passage of legislation expanding the DNA database in a bill that will provide criminal defendants greater access to DNA evidence. Nevertheless, the State Bar will continue to advocate for a comprehensive approach with additional protections to prevent wrongful convictions.

## Improving the Practice of Law

In addition to all of these initiatives, we are also focused on improving the practice of law in New York State. Earlier this year, we released our first mobile app – the NYSBA Mobile Ethics App features the full database of all of our ethics opinions, from 1964 to the present. The app allows you to search the database of opinions by keyword, category or opinion number, and even makes them available on your phone when you are offline. This is just the first of a suite of apps that are in development, and we hope that you find it to be a convenient and helpful resource.

We also launched eLAP, the first online Lawyer Assistance Program resource featuring thousands of articles on mental health topics, assessments and self-help modules and offering direct electronic communication with a lawyer assistance professional. This allows attorneys to access helpful resources from the comfort and privacy of their homes, in a completely secure and confidential online format. The eLAP site has already made help available to attorneys in need of support – if you or someone you know is facing challenges related to stress, mental health issues or substance abuse, I encourage you to explore the eLAP website, which is available at [www.nysba.org/elap](http://www.nysba.org/elap), using the access code: NYLAP.

## A Team Effort

All of this tremendous work was made possible by a great team of officers, volunteer lawyers and staff. It has been a pleasure to work with President-elect Seymour W. James, Jr., Treasurer Claire Gutekunst and Secretary David Miranda. We have also received excellent support and assistance from the State Bar's staff, under the outstanding leadership of Executive Director Patrica K. Bucklin. Most importantly, all of this work is driven by and relies upon the extraordinary volunteer efforts of our attorney members, who so generously give of their time, talent and energy to do all of this important work. I would like to thank each and every one of our members who played a role in making this past year such a success, and urge everyone to become more involved with this association's work, so that our successes will continue for years to come.

I am also extremely grateful for the support and understanding of my partners and colleagues at Connors & Vilardo. I would also like to thank my wife, Kerry and my children Aidan, Blaise and Isabella. I have many fond childhood memories of accompanying my father to State Bar functions, and I am glad that my children have been able to share that experience as well, and to get to know the family of lawyers that makes up our association.

# Justice for All

*"Our nation's promise of 'justice for all' helps to keep us peaceful and indivisible as a society. But that promise is only as good as our efforts to fulfill it. As attorneys, we are uniquely suited to help others by improving the justice system, advocating for providers of important legal services and performing pro bono to help people in need."*

President Vincent E. Doyle III

## Special Committee on Veterans

One of the Association's key presidential initiatives for 2011 has been the Special Committee on Veterans, established to raise awareness of the legal needs of veterans and their families among the public and the legal community.

More than 1 million veterans currently call New York State home. As increasing numbers of troops return from active duty, New York's veteran population is expected to rise dramatically. These extraordinary Americans have many of the same civil legal needs that any client might face, from family law issues to consumer debt and credit issues, foreclosure, evictions, etc. While the legal needs of veterans and their families might not be different than those faced by most New Yorkers, the veteran client's legal problems may be complicated by his or her military experience, physical and psychological issues, such as post-traumatic stress, traumatic brain injury and homelessness.

During the 2012 Annual Meeting the Special Committee sponsored a MCLE program targeted at attorneys interested in providing civil legal services to eligible veterans and their families – whether pro bono, for a fee, or on a reduced fee basis. The CLE program was very successful and attended by more than 130 attorneys. In addition to the MCLE program, the Special Committee compiled a Model Veterans Treatment Court Manual for Veteran Court Mentors. This manual contains "best practices" for veteran court mentors to use in guiding their interactions with veterans participating in veteran court treatment programs.

## Special Committee on Immigration Representation

In immigration cases, the stakes are high and the obstacles are often great. Respondents in these proceedings often face unique challenges including language barriers and lack of resources, which can make it difficult to retain an attorney and render

them vulnerable to unscrupulous individuals who may take advantage of their immigration status. Even when attorneys are involved in these cases, they may be overburdened, or lack the specialized knowledge and experience necessary to properly handle immigration matters.

The Special Committee on Immigration Representation was established in 2011 as a top presidential initiative. The Special Committee is currently in the process of preparing a report and recommendations focusing on improving the quality and availability of immigration representation in New York State. The report will provide written minimum legal standards for immigration representation, effective methods to educate immigrant communities to avoid unscrupulous providers, and recommendations for improved enforcement of existing laws against fraud and unauthorized practice of law and improving the accredited representative program that allows non-lawyers to represent immigrants in certain proceedings.

The report will also address the need to improve the availability of immigration representation in underserved areas with a specific focus towards improving the quality of immigration representation for detained immigrants in Upstate New York. The Committee has compiled a list of "Know Your Rights" materials and other pro se legal resources that it will recommend to the New York State Department of Corrections and Community Supervision for distribution to immigrants detained in correctional facilities throughout New York State. The Committee will also submit a detailed proposal for the creation of a pro bono program designed to address the need for representation of immigrants in underserved areas of the state.

The Special Committee made an informational presentation at the March House of Delegates meeting in Buffalo, and will present its report for a full vote of the House of Delegates at the June Meeting.



## Funding for Indigent Defense

The New York State Bar Association has long played a significant leadership role in seeking to ensure adequate funding for indigent criminal defense representation and ensuring that lawyers representing the indigent have access to affordable, comprehensive and ongoing legal educational training. Mindful, however, that lawyers who provide mandated legal services frequently are not as well compensated as their counterparts in the private sector, and hence cannot always afford to pay for continuing legal education, the Association provides free legal education training on a biennial basis for attorneys who represent indigent civil or criminal clients.

The State Bar applauded the establishment of the Office of Indigent Legal Services and continues to advocate that sufficient funds be allocated for its operation so that it can responsibly fulfill its mission as it was originally envisioned.

## Funding for Civil Legal Services

Chief Judge Jonathan Lippman's Task Force to Expand Access to Civil Legal Services issued its second report at the end of November 2011 documenting that the crisis in New York State Courts has not abated. Indeed, the crisis appears to have worsened, with 63% of New Yorkers appearing unrepresented at statutorily mandated settlement conference in foreclosure cases, and the overwhelming majority of civil legal services providers reporting they are turning away eight out of nine potential clients or more due to lack of resources.

In 2010 the Task Force proposed a plan calling for the allocation of \$25 million annually for civil legal services over a four-year period to be included within the Judiciary's budget. The recommended amount for FY 2011-12 was \$25 million. However, on account of the state's unusually large projected deficit the Judiciary was asked to reduce its budget by \$170 million. Despite this drastic reduction to the Judiciary budget, Chief Judge Lippman established dedicated funding for civil legal services in matters involving the "essentials of life" by allocating \$12.5 million. In addition, the Chief Judge continued to allocate \$15 million to IOLA as rescue funding to address in part the loss in IOLA revenue – from \$32 million annually to \$6.5 million – due to the sharp drop in interest rates caused by the economic downturn.

The State Bar is deeply grateful to the Task Force for its work in monitoring the extent of the crisis in civil cases pending in our courts and for its foresight in developing specific, concrete and tangible non-

monetary recommendations to help remediate the effects of the crisis. Among other things, the Association supports the following Task Force recommendations: increasing available pro bono assistance provided by lawyers and law student resources to supplement civil legal services staff resources through new initiatives with these groups; averting or reducing litigation by prioritizing the provision of early intervention and preventative civil legal services and the implementation of alternative conflict resolution initiatives; and enhancing access to justice for unrepresented litigants through simplification efforts to help them navigate the court system without legal assistance.

The State Bar also applauds the Judiciary for again including \$25 million for civil legal services and another \$15 million for IOLA within its budget for FY 2012-13. The combined \$40 million in Judiciary funding for civil legal assistance for low-income New Yorkers represents a major commitment by the Judiciary to provide meaningful access to justice in matters involving the essentials of life – shelter, safety and benefits.

## Funding for the Legal Services Corporation

Over the years the State Bar has been a staunch supporter of the Legal Services Corporation (LSC), the single largest funder of civil legal aid for low-income Americans. Established by Congress in 1974, LSC was funded at \$348 million dollars for FY 2012. NYSBA has advocated for adequate funding for LSC and the elimination of legislative restrictions which unfairly limit the scope of legal services offered by participating LSC programs, such as the prohibition against class action law suits. NYSBA supports President Barack Obama's proposed appropriation of \$402 million in funding for LSC during FY 2013.

## Doing the Public Good

With the growing need for free legal assistance, pro bono service plays a critical role in providing access to justice for low-income individuals and the working poor. For 135 years, the State Bar has advocated for equal access to justice for the poor, and members of the State Bar have gone above and beyond in providing high-quality pro bono legal services. The State Bar recognizes that pro bono alone cannot adequately meet the growing unmet need for free representation, but for those individuals who are able to benefit from pro bono service, a single attorney's contribution of time and talent can make a world of difference.

## Empire State Counsel® Program

Participation in the Empire State Counsel® Program continues to skyrocket as the program gained national recognition. Bar associations from around the state sought tips on how to launch a similar recognition program. In 2011, the Association enrolled 1,473 members in the program, representing 70 law firms; of that number, 25 firms were first time participants in the program. Collectively, the 2011 Empire State Counsel® honorees donated more than 340,724 hours of free legal services. During the Justice for All Luncheon, awards were presented to the top five law firms enrolling the most Empire State Counsel® and two individual plaques were presented to the two associates who contributed the greatest number of pro bono hours.

Since the Empire State Counsel Program was launched in 2006 by past president Mark H. Alcott, nearly 6,800 NYSBA members have contributed an astonishing 1,001,924 pro bono hours.

## National Pro Bono Week

The State Bar marked the third anniversary of National Pro Bono Week with a Pro Bono Expo. The goal of the Pro Bono Expo was to demystify pro bono and show participants the wealth of pro bono opportunities available to them within the

Capital Region. The Expo featured an interactive ethics panel discussion led by area judges and lawyers and provided attendees with one MCLE credit in ethics. Capital District legal services providers also participated, staffing informational tables and providing attendees information about a diverse range of pro bono opportunities offered through their programs and signed up new volunteers. More than 60 attorneys participated.

The State Bar also unveiled the 2011 revised Model Pro Bono Policies Manual and the 2011 Pro Bono Manual for Attorneys at the Pro Bono Expo. The Model Pro Bono Policies Manual includes model pro bono policies currently used by law firms, corporate law offices and governmental entities, including the recently developed pro bono policy for the Appellate Division, Fourth Department – believed to be the first and only pro bono policy promulgated by a court. These policies can be easily adapted for use in a variety of legal practice forums.

The 2011 Pro Bono Manual for Attorneys includes the top 25 questions most frequently asked by prospective pro bono volunteers, contains excerpts from relevant provisions of the Rules of Professional Conduct, ethical decisions on a variety of pro bono practice issues, as well as detailed information about litigation and non-litigation pro bono opportunities available in the Capital District.

To date, approximately 860 copies of these publications have been distributed.

The Association also partnered with the Court's Access to Justice Program, the Office of the Mayor of the City of New York and the New York County Lawyers Association to celebrate National Pro Bono Week in New York City with a Pro Bono Expo and Recruitment Fair which was held at NYLCA's office.





## Recruitment of Pro Bono Volunteers

During 2011 the Department of Pro Bono Affairs partnered with local legal services providers offering free MCLE training programs for attorneys in exchange for their agreement to accept a pro bono case assignment. Trainings were offered throughout the year in a variety of Civil Gideon topics such as unemployment insurance benefits, landlord tenant law, bankruptcy and foreclosure.

## Community Law Day

2011 marked the launch of Community Law Day in the Capital Region. The State Bar's Department of Pro Bono Affairs, in collaboration with The Legal Aid Society of Northeastern New York, The Legal Project, Albany Law School, Prisoners Legal Services of New York, the Empire Justice Center, the Unified Court System and the Capital District Black and Hispanic Bar Association, held two informational fairs – one in April and the other in October – at a local shopping mall, informing the public about available free legal services in the areas of mortgage foreclosure, low-income tax payer assistance, consumer debt and credit issues, disability rights and domestic violence. The community law day events were followed by brief legal advice clinics held at area libraries where members of the public could sign up for free one-on-one legal consultations with attorneys. These events have been very successful in raising public awareness about available free civil legal services and enhancing the image of the legal profession.

## Charity Corps

In November 2011 the New York State Bar Association and the office of the New York State Attorney General launched a joint pro bono initiative called "Charity Corps." The goal of the pilot project was to match volunteer attorneys with 50 nonprofit organizations to provide legal advice on issues like board governance, fiduciary responsibilities and nonprofit law compliance. Organizations serving the needs of indigent people received priority in the program. The response from the nonprofit community was overwhelming, with more than 140 applications for assistance submitted. The Charity Corps project also has been enthusiastically embraced by the legal community with more than 40 attorneys answering the call to volunteer.

The Attorney General's Charities Bureau has supported the project by providing training and guidance to volunteer attorneys and nonprofits. The Charities Bureau is responsible for supervising charitable organizations to protect donors, and ensure funds and other property devoted to charitable purposes are properly used. Charity Corps is administered by the State Bar's Department of Pro Bono Affairs.

As part of the Association's 2012 Annual Meeting, Charity Corps, in conjunction with the Corporate Counsel Section, the Business Law Section and the Department of Pro Bono Affairs, sponsored its first MCLE program entitled, Advising Nonprofits about Corporate Governance and Compliance. The goal of the program was to empower lawyers to initiate and strengthen their relationships with public charities. The training session was very well attended. An encore presentation of this successful training program was presented in March in Buffalo, New York, during State Bar Week.

## President's Pro Bono Service Awards

Law Day 2011 marked the 21st anniversary of the President's Pro Bono Services Awards. These prestigious awards recognize the dedicated members of our profession who have provided outstanding pro bono legal services to some of New York State's neediest individuals – low-income families, the homeless, veterans, battered women and immigrants seeking asylum. More than 20 awards are given in the following categories: individual attorneys, including 13 judicial district awards, a young lawyer award, a senior lawyer award and a law student award; three law firm awards in the categories of a small firm (2 to 49 attorneys), a mid-sized law firm (50 to 200 attorneys) and a large law firm award (201 + attorneys); a law school group award; an in-house counsel; and/or a government office award.



Lesley Rosenthal moderates a Charity Corps training on assisting and advising nonprofit organizations. The State Bar and Attorney General Schneiderman launched the Charity Corps program in December to match nonprofits in need with volunteer attorneys. **L to R:** Rosenthal, Bart Friedman, Jason R. Lilien, and Thomas J. Ostertag.

**Left:** President Vincent E. Doyle III and ABA President Wm. T. (Bill) Robinson III gather during the Annual Meeting.

## Pro Bono News

During 2011-12 the Department of Pro Bono Affairs published three newsletters: a Winter edition, a Fall issue, and an Annual Meeting edition. The Winter issue spotlighted statewide innovative pro bono partnerships among law firms, legal services providers and law school projects which had substantially enhanced access to justice for low-income New Yorkers, highlighted contributions made by outstanding volunteers across New York State, and provided information about free MCLE/training opportunities for pro bono lawyers sponsored by the Association in collaboration with legal services providers, government agencies and local bar associations. The

Annual meeting, as well as a farewell tribute to several pro bono champions who retired from the legal services community and a welcome to their replacements. The Pro Bono Newsletter continues to gain recognition and popularity within the legal services community as more and more requests to reprint some of the featured articles of interest are received.

## Educating New York's Children

### Law, Youth & Citizenship Committee/Program

The Committee on Law, Youth and Citizenship (LYC) continues its mission of bringing free and

*"The Committee on Law, Youth and Citizenship continues its mission of bringing free and low-cost resources and training in law-related and civic education to the teachers and classrooms of New York State."*

Fall edition featured state-wide activities, training/pro bono recruitment events, and pro bono volunteer recognition ceremonies planned in connection with National Pro Bono Week. The Annual Meeting edition spotlighted many of the access to justice events which were scheduled to take place during the Association's



President-Elect Seymour W. James, Jr. addresses the Justice for All Luncheon held during the Association's Annual Meeting.

low-cost resources and training in law-related and civic education to the teachers and classrooms of New York State. In spite of dramatic cuts in federal funding and the elimination of many national and international civics programs, the State Bar was able to channel almost all of the Education for Democracy grant moneys it received directly to teachers, schools, teacher centers and students statewide. NYSBA also funded the We the People State Final Hearings in January 2012 and two teams were selected to move on to the 25th Annual National Hearings in Washington, D.C. at the end of April.

President Doyle has been an active supporter for civic education in New York State. A recent issue of the State Bar News (Sept/Oct 2011) focused on civic education and its importance, and the State Bar received a great deal of positive feedback with regard to its civic education advocacy. In addition, President Doyle recorded a Public Service announcement calling attention to the importance of civic education and posted a YouTube video touting civic education in our schools. The LYC Committee has been working to urge decision-makers to provide funding and support for civic education.

The New York State 2011-12 Statewide High School Mock Trial Tournament materials, prepared by the Law, Youth and Citizenship Mock Trial Subcommittee, were distributed to approximately 4,000 students on 280 teams across New York State in the fall. The New York Bar Foundation has sponsored the tournament

for 30 years, with additional funding provided through NYSBA's LYC Program. Following local and regional competitions, six regional winning teams are invited to compete in the state semi-finals in Albany held in May.

The Mock Trial Summer Institute was held for the seventh year in July. Students from across the state participated in an intensive, week-long educational experience. Instructors and attorneys assisted in preparing the students for a mock trial case on the final day. The New York Bar Foundation provided base funding for this program, with supplemental funding being supplied by LYC and a per student fee. One student received the Lorraine Power Tharp Scholarship, created and funded by Whiteman Osterman & Hanna LLP. Donations from the Young Lawyers, Labor and Employment and General Practice Sections helped additional students to attend.

In response to the large community of LYC-network educators in Long Island and the metro area, the 35th Annual Civics and Law-Related Education Conference was held in Port Jefferson (Suffolk County) in October 2011.

For nearly 40 years, the support of these programs, through the New York State Bar Association, The New York Bar Foundation and the legal community at large, has had a deep and meaningful impact on the education community of New York.

Students, teachers, administrators and attorneys interested in LYC programs can now stay up to date with social network sites such as Facebook, Twitter, YouTube and blogs. Links to those networks can be accessed on the LYC website, located at [www.lycny.org](http://www.lycny.org).

## Youth Courts

The Special Committee on Youth Courts, chaired by former Chief Judge Judith Kaye and Patricia Rodriguez, a member of the Association's Executive Committee, was created in June 2010 to examine what roles the Bar Association can play in strengthening Youth Courts, defining best practices, identifying locations where new Youth Courts can be established and developing strategies for raising funds to enlarge the initiative.

The Special Committee held an informational event in the fall of 2010 at the Bar Center in Albany and invited local stakeholders to attend. The purpose of this event was to lay the groundwork for the development of a Youth Court in Albany. Through work from members of the committee, the local judiciary and the Albany City School District, a Youth Court was established at Albany High School in the fall of 2011. With funding through the United States Attorney's office and support from the school district,

the first class of student members has been trained and will begin hearing cases in March 2012.

The Committee has also created legislation regarding Youth Courts and their role in juvenile justice in New York State. This legislation is currently before the Assembly.

The Committee, with the assistance of the Center for Court Innovation and the Association of New York State Youth Courts, is supporting development of a data collection program that will serve the needs of individual Youth Courts and be accessible to others seeking information and statistics regarding Youth Courts functioning in New York State.

Through an appeal made to the Criminal Justice Section of the NYSBA, a portion of funding was secured for use by the Committee to assist new Youth Courts in the state with seed money.



President Vincent E. Doyle III presents former Chief Administrative Judge Ann T. Pfau with a framed copy of an Executive Committee resolution praising her leadership on issues including advocating for judicial pay raises and improving the efficiency of the courts.



# Advancing Our Profession

*"With the rapid changes occurring in the practice of law, our Association remains committed to improving the practice of law and the administration of justice and upholding the core values of our profession."*

President Vincent E. Doyle III

## Court System Funding

The State Bar traditionally has advocated for adequate funding for the state's unified court system. Following the unprecedented elimination of \$170 million from the court system's 2011-2012 budget, the Executive Committee conducted a study of how the courts in each area of the state are coping with the decreased funding. State Bar vice presidents

reached out to administrative judges, trial judges, local bar associations and practitioners in their judicial districts, in order to gather information about the impact of court funding cuts on judges, attorneys, clients and the public generally. In January 2012, the Executive Committee issued a comprehensive report that includes a statewide



President Vincent E. Doyle III poses with the "Perspectives on Court Funding" panelists during the Presidential Summit. L to R: Doyle, Elaine R. Jones, Nels A. Pearsall, former Chief Judge Judith S. Kaye, Margaret J. Finerty, Abraham Lackman, Wm. T. (Bill) Robinson III.

analysis, as well as findings about each of the state's 13 judicial districts.

The Executive Committee's findings include: limited courthouse hours delay the resolution of cases, increase backlogs and increase costs to litigants; reductions in staff attributable to early retirements, layoffs and attrition have contributed to a decrease in experienced, knowledgeable staff; in many areas, fewer staff are handling larger caseloads due to increased filings; many emergency matters, including domestic violence and family court cases, cannot be heard the same day; in criminal cases, delays are leading to longer periods of pre-trial incarcerations; the reduction in pro se resources has impaired these litigants' chances of success and slowed down the litigation process for all parties; and educational and community programs traditionally held in courthouses have been limited or eliminated.

State Bar leaders used the report during meetings with key legislators, urging adoption of the 2012-2013 judiciary budget in full. The report was distributed to Governor Cuomo and the New York State Legislature, the American Bar Association, local bar associations and administrative judges throughout the state. The report also was featured during a panel discussion at the State Bar Presidential Summit in January 2012, where ABA President Wm. T. (Bill) Robinson III provided the keynote address. The report is available at [www.nysba.org/CourtFundingReport](http://www.nysba.org/CourtFundingReport).

## Judicial Compensation

The Association continued its decades-long commitment to ensuring appropriate compensation for New York State judges with a new working group that delivered a report and recommendations. Although the cost of living has increased more than 40% since 1999, New York's judges have not received any increase in compensation during that time.

In the summer of 2011, The Association issued a report drafted by the Working Group on Judicial Compensation, emphasizing the severity of the problem and the importance of fair compensation to the recruitment and retention of highly qualified judges. The report recommended that judicial salaries be increased substantially this year, in an amount at least to reflect the cost-of-living increase since 1999. The Bar Association approved the working group's report and recommendations, including an adjustment of judicial pay to a level of at least \$192,000 per year for trial judges, with increases for appellate judges, and the implementation of regular adjustments to allow salaries to keep up with the cost of living. President Doyle testified before the Special Commission on Judicial Compensation to share the Association's findings and state our position. The Association publicly expressed disappointment when

the Commission recommended a less substantial salary increase, to be phased in over three years, but will continue its work on this important issue.


## Lawyer Assistance Program

The New York State Bar Association's Lawyer Assistance Program (LAP) provides education and confidential assistance to attorneys, judges and law students who are affected by alcoholism, drug abuse, gambling, depression, stress or other mental health issues. Volunteers from the legal community along with a staff of licensed mental health professionals provide compassionate, competent and confidential services. LAP also provided assistance to colleagues, law partners and family members who are concerned about a member of the legal community. The LAP helpline number is 1.800.255.0569.

*"Following the unprecedented elimination of \$170 million from the court system's 2011-2012 budget, the Executive Committee conducted a study of how the courts in each area of the state are coping with the decreased funding."*

In May 2011, LAP received approximately 2,000 responses to our "Quality of Life as a Lawyer" survey. A report summarizing the data analysis is expected in the spring of 2012. The LAP looks forward to this opportunity to better align its services with the needs of legal professionals in New York State.

In November, LAP launched a new eLAP website, a state-of-the-art, convenient and confidential online resource to help attorneys assess and attend to their emotional and psychological well-being. The online resources of eLAP are designed to help busy professionals maintain psychological well-being. Members of the legal profession often see themselves as problem-solvers and are reluctant to seek assistance with problems they may be facing in their own lives. The status they have in their communities can prevent them from seeking help for fear of loss of respect. However, a career in the legal profession can be stressful, and poorly managed



stress can cause or exacerbate mental health problems.

The eLAP site provides over 2,000 articles on mental health topics, as well as assessments, self-help modules and direct email communication with a lawyer assistance professional. The site is as confidential as it is comprehensive. The brief registration process requires the user to establish a password. This password-protected site offers the user complete privacy and confidentiality. Visit [www.nysba.org/elap](http://www.nysba.org/elap) and use the access code NYLAP to get instant access to this website.

## President's Section Diversity Challenge

The State Bar has demonstrated a long-standing commitment to enhancing diversity within the Association and in the legal profession. Continuing this commitment, at the beginning of his term, President Doyle challenged each section of the Association to develop and execute initiatives to increase the diversity of its membership, leadership and programs and to evaluate the results. It was an exciting, multi-faceted initiative led by the Committees on Membership and Diversity and Inclusion.

Each section was asked to establish a Diversity Team, develop a plan of action, identify resources needed, as well as the timeframe and goals. A four-piece multi-colored puzzle based on the NYSBA logo was designed to symbolize the diverse pieces from which the Association is built.

Among the initiatives accomplished by the sections were: increasing the number of diverse speakers at educational programs; the development of Diversity Vision statements for Bylaws; new seats on Executive Committees for minority attorneys; mentoring programs for diverse law students; expansion of internship programs; and collaborations with minority bars on CLE programs.

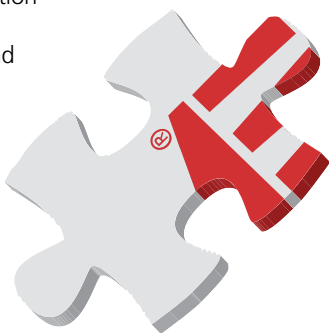
The response from section members and leadership has been overwhelmingly positive, and the President's Section Diversity Challenge will serve as a framework for future diversity efforts.

## ABA and the Task Force on Non-Lawyer Ownership

The State Bar continues to play an active role in the ABA. At the ABA's summer meeting in August, it sponsored a resolution based on the report of the Task Force on the Future of the Legal Profession. This report, which was approved by NYSBA's House of Delegates in June, included recommendations on the future of legal education. Following those recommendations, the State Bar presented a resolution calling on law schools, law firms, CLE providers and others to "provide the knowledge, skills and values that are required of the successful modern lawyer." The resolution further urged legal education providers "to implement curricular programs intended to develop practice-ready lawyers." This resolution was adopted by the ABA's House of Delegates.

At the February ABA meeting, the State Bar was proud that Jim Silkenat, a New Yorker and longtime NYSBA member, was nominated as President-elect of the ABA for a term starting in August 2012. He will become President in August 2013. Jim will be the first ABA president from New York in 25 years. He has been seeking thoughts and ideas from members, highlighted by a town meeting he held during the Association's Annual Meeting. With Jim as President, the next few years should prove to be a very busy and exciting time for New York's ABA delegation.

Finally, the State Bar has played an important role in a three-year ABA project dealing with the Model Rules of Professional Conduct. In 2009, the ABA





created the Commission on Ethics 20/20 to examine the Rules in light of modern practice, focusing on such subjects as technology, outsourcing and litigation financing. The Committee on Standards of Attorney Conduct played a significant role in commenting on behalf of the State Bar on each of the Commission's proposals. In December, the Ethics 20/20 Commission issued its most controversial paper, suggesting that non-lawyers be permitted to hold a limited ownership interest in law firms. While the State Bar had previously opposed a more wide-reaching proposal that would have permitted non-lawyer ownership, President Doyle created a task force, chaired by immediate past president Stephen Younger, to study the latest proposal and make recommendations. In addition, President Doyle testified before Ethics 20/20 on this topic at a hearing it held

in February. Although the Commission on Ethics 20/20 has since announced that it will not propose those changes, the Task Force will continue its work examining a companion choice of law proposal and examining issues of non-lawyer ownership generally.



**Above:** ABA President-Elect designee James Silkenat speaks at Town Hall meeting held during the Association's Annual Meeting.



**Left:** Lorna Schofield and Hon. Shira Scheindlin participate in a panel sponsored by the Committee on Women in the Law.



Bar leaders gather with the winners of the 2012 Trailblazer Award. **L to R:** President-Elect Seymour W. James, Jr., Past President Kenneth G. Standard, Betty Lugo, Paul Williams, Prof. Jenny Rivera, Joseph Hanna, Glenn Lau-Kee, Sherry Levin Wallach and President Vincent E. Doyle III.

# Serving Our Members

*"Bar association membership has been one of the most rewarding aspects of my professional life. The Association continues to provide a fulfilling membership experience by offering benefits, services and educational programs that enhance our practices and create opportunities to connect with colleagues."*

President Vincent E. Doyle III

## Technology and Social Media

In 2011, the State Bar made several improvements to its website, including an updated design that brings more information to the front page and the launch of a new search tool powered by Recommind. The new search tools help users access the full wealth of content available on the State Bar website, blogs and listserves.

The State Bar also introduced its first mobile app – the NYSBA Mobile Ethics App. The app is available for iPhone, iPad, Android phones and some BlackBerry configurations. It is available for free to all users and features the full library of more than 900 ethics opinions, searchable by keyword, category or opinion number.

The State Bar also entered a new partnership with CLIO, an organization offering cloud-based practice management systems. State Bar members now receive a 10 percent discount on CLIO's services, which offer a variety of benefits including streamlining information technology services and reducing costs.

In 2011 the State Bar used social media more often and in more formats than ever before. The NYSBA YouTube channel featured popular videos of President Doyle discussing civics education, veterans' affairs, same-sex marriage, section diversity and the importance of pro bono service. NYSBA offered a President's Facebook page and Twitter account, in addition to the main NYSBA social media channels on Facebook, Twitter and LinkedIn.

## CLE Programming

During 2011, the CLE Department, in conjunction with the Committee on Continuing Legal Education, continued to maintain its reputation for excellence, producing CLE programs in a wide variety of practice areas and formats, including live conferences, webcasts, DVD/CD products, video and audio online products and MP3/MP4 downloads. Aimed at the experienced attorney market, NYSBA CLE also

successfully produced three multi-day Institutes, with additional Institutes planned for 2012. Over the year, the CLE Department produced 69 topics at 231 sites across New York State. As of December 31, 2011, live course registrations had reached 18,793, exceeding end-of-year 2010 registrations.

The ongoing use of technology continues to be instrumental in expanding the geographic reach of our programming. Our Bridging the Gap program, produced three times a year, continued to generate sold out attendance in 2011, while allowing us to provide access to members in the Albany area through real-time video-conferencing technology. A third video conference link to Buffalo was added to the March 2012 Bridging the Gap program, further expanding member access.

The use of webcast technology increased in 2011, with webcast options being added to live programs and the introduction of a new online webcast CLE Video Replay Series. In Fall 2011, a webcast option was added to a number of half-day courses with impressive results. For example, the 4-hour single site Same Sex Marriage in New York CLE program held in New York City on September 9, generated 200 live, in person, attendees, while 228 watched via webcast. Webcast options will continue to be an important format option in 2012.

The CLE Department also added a major upgrade in its digital media product line, with the development of a data disc. The disc was added to existing CD and DVD products in January 2012. While CD and DVD discs may be played in a computer or CD/DVD player, the new data disc adds the ability to download content to another device. A video download option was also added in late 2011 to complement existing audio download offerings. NYSBA CLE will continue to provide quality programming and explore new formats to bring CLE programming to members.

## New York State Bar Publications

The State Bar publishes many invaluable reference books and form products written by leading attorneys, judges and experts in the field. The focus of bar publications is to provide comprehensive, practical guidance which can be used by a practitioner in his or her daily practice. This ever-growing library, which is available online through Loislaw, includes some of the most authoritative books available to New York attorneys on New York law. The reference library also includes several document assembly products and forms which can be downloaded from the State Bar website. Books and form products are available for purchase at exclusive discounts for State Bar members.

More than 35 reference books, updates to reference books and numerous forms products were released both online and on CD over the past year, including *The Legal Manual for New York Physicians, Third Edition*. This 1,130-page, bound book was co-published with the Medical Society of the State of New York and covers 54 topics frequently encountered in the medical profession. Written in an easy-to-read, question and answer format this extremely popular book was designed for use by medical professionals and attorneys representing the medical profession. Also released was *Contract Doctrine and Marital Agreements in New York*. Written by Elliot Scheinberg, Esq., this 1,500-page, two-volume loose leaf publication is a unique reference covering a complex and challenging area of law. Beginning with basic principles of contract doctrine the author tackles many issues, concluding with an analysis of how courts construed contractual language.

Highlighting the 2011 releases was the New York Lawyers' Practical Skill series, which replaced the New York Practice Monograph series. The 16-book series covers 21 areas of practice and includes forms on disc as part of the purchase price. These publications are designed to complement the extremely successful Practical Skills seminar series. The series focuses on handling a basic case or transaction, filling the gap between sketchy outlines—which are of little help to the novice attorney—and the voluminous reference sources which are often too general or too difficult to understand. These publications are updated annually and include many sample forms, checklists and other exhibits.

NYSBA Publications also released 70 section newsletters and journals, as well as the New York State Bar Association Journal, which is published nine times per year. The Journal is also published online and sent electronically to all members.

NYSBA Publications also released the redesigned LEGALease pamphlet series. The 23 pamphlets in the series were reviewed and updated with the assistance of several NYSBA Sections and Committees.

## New York State Conference of Bar Leaders

Under the continued leadership of chair Earamichia N. Brown, the Conference had an active year. It assisted Immediate Past President Stephen P. Younger during his closing month as President by coordinating a call for support from local, minority, specialty and women's bars of the New York State Marriage Equality Act, which was passed by the New York State Legislature in spring 2011.

The fall 2011 workshop in Albany focused on social media and strategic planning issues. The spring program, held in New York City, returned to the roots of leadership, with sessions on the concept of leadership roles, creating high-performance teams and developing personal mission objectives and action plans.

Further enhancing its outreach, the Conference held five sessions with bar leaders and directors by phone every other month to discuss issues affecting their organizations. There has been increased use of the bar leaders list serves to share information, and the Conference resumed publication of its monthly newsletter, *Leader to Leader*.

The New York State Conference of Bar Leaders receives financial and administrative support from the State Bar's Office of Bar Services, which is dedicated to fostering the Association's relationship with local, ethnic, women and specialty bar associations and facilitating their communication with each other. The Office of Bar Services also administers the NYSCBL website and a list of bar association websites statewide.

## Task Force on Family Friendly Meetings

President Doyle established a Task Force on Family Friendly Meetings to consider ways to make bar participation more accessible to young attorneys and those with families. The Task Force held events, tours and a "dinner and a movie" night at the House of Delegates Summer Meeting, and they are developing a brochure detailing best practices to assist sections in planning their meetings.



# Section Highlights

*"My Commercial and Federal Litigation Section membership allows me to stay well-informed in my area of practice and is a great networking resource for practitioners."*

Anting Jennifer Wang, NYSBA member since 2006

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## Antitrust Law Section

During the Association's Annual Meeting in January, the section honored Stephen D. Houck, Esq. (Menaker & Herrmann LLP, New York City) with its William T. Lifland Service Award in January.

The Honorable William Kovacic, Former Chairman and Commissioner of the FTC and Professor of Law at The George Washington School of Law, delivered the keynote speech on the state of Antitrust Law in the United States at the section's annual dinner.

## Business Law Section

The Business Law Section has been active on the legislative front, developing a proposal regarding remote attendance at shareholder meetings, and working to reform the New York State Franchise Act. The Not-for-Profit Corporations Subcommittee of the Corporations Law Committee was instrumental in introducing a current NYSBA legislative priority pertaining to not-for-profit corporation law reform.

The Section's nine substantive subcommittees continue to be active in the areas of banking law, bankruptcy law, corporations law, derivatives and structured products law, franchise, distribution and licensing law, insurance law, public utility law, securities regulation, and technology and venture law. The section has also named a diversity chair to further its representation among a broad cross-section of New York's practicing attorneys.

The Section's fall meeting in Cooperstown was well-received, featuring a plenary session on Dodd-Frank regulatory reform, with targeted break-out sessions in various areas relating to its standing subcommittees. The Section's Annual Meeting in New York City examined "Potential Ethical Troubles and Problem-Solving for Corporate and Transactional Lawyers," with views from Hon. Jed S. Rakoff, John P. (Sean) Coffey, and other leading practitioners.

## Commercial and Federal Litigation Section

The section's report by its E-Discovery Committee entitled "Best Practices in E-Discovery in New York State and Federal Courts" was approved by the Executive Committee and has been enthusiastically received by practicing lawyers and judges, while garnering rave reviews in the New York Law Journal and by Prof. David Siegel. It is available to the public on the NYSBA homepage and provides concise practical advice to help lawyers navigate the evolving standards for handling discovery of electronically stored information.

This section has broadened its diversity initiatives, which were already at the forefront of the Association's efforts to promote diversity in the profession. The marquis event remains the Smooth Moves program, now in its sixth year, and is the premier networking event for minority lawyers. The section also continued its commitment to funding a minority fellowship for placement with a Commercial Division justice for summer employment. In addition, the section has recruited attorneys of color to serve as mentors and mentees in the section's mentoring initiative, to broaden the reach of that initiative, now in its second year. The section has also undertaken a multi-year, statewide "pipeline" effort to establish moot court competitions aimed at attracting undergraduate students of color.

In addition to these initiatives, the section held programs in an effort to expand its ranks from upstate New York, featuring guest speaker Court of Appeals Judge Eugene Pigott, and a tri-city CLE program on streamlining litigation. The section has adopted a theme of "faster, cheaper, smarter" in an effort to find efficient ways to resolve commercial disputes, and its "FSC" working group is expected to produce a final report by June 2012.

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Right: President Vincent E. Doyle III with Ontario Bar President Paul Sweeny at the Ontario Bar Association-New York Legal Summit in Buffalo and Ontario.

## Corporate Counsel Section

The section celebrated its 30th Anniversary on November 10th with a complimentary member appreciation reception for members of the Corporate Counsel section Executive Committee and Section. On October 27th, the 4th Corporate Counsel Institute brought together a distinguished faculty, including general counsel of major corporations and leading practitioners, to address the wide array of issues important to in-house counsel.

The section's Kenneth G. Standard Internship Program had a banner year, incorporating a Fellowship within The New York Bar Foundation as part of the section's commitment to diversity, in conjunction with the President's Section Diversity Challenge. The program focuses on identifying and supporting in-house internship opportunities for law students from a diverse range of backgrounds. The program is named in honor of Past President Kenneth G. Standard, and his commitment to initiatives aimed at increasing diversity in the legal profession. The newly developed Fellowship will fund two interns this year for two not-for-profit or charitable organizations.

Past in-house counsel offices participating have included Alliance Bernstein, FINRA, Goldman Sachs, Con Edison, McGraw-Hill, the New York Power Authority, Oneida, Pepsi, Pfizer, USTA (United States Tennis Association), inMotion, Oneida, and the Institute for Conflict Prevention & Resolution. Law schools participating in the program have included Albany, Brooklyn, Buffalo, Cardozo, City University of New York, Hofstra, New York, Pace and St. John's.

## Criminal Justice Section

The section's report "Sealing Records of Conviction Regarding Certain Crimes" supporting passage of legislation to authorize the sealing of criminal records in some cases of reformed offenders was adopted by the House of Delegates. The proposal seeks to lessen the indirect or collateral consequences of criminal convictions in appropriate cases.

On October 29, the Section provided a CLE on Preventing Wrongful Convictions in NYC that included these important practice topics: "Why Innocent Suspects Confess – and How Their Confessions Corrupt;" "Perspectives on the Investigation of Crime Scenes for Physical Evidence in New York;" "The Forensic Lab Accreditation Scandal: What Prosecutors and Defense Attorneys Need to Know and Do;" and "A Panel Discussion on the Legal and Ethical Implications for Defense Counsel, Prosecutors and the Court in Cutting Edge Forensic Science Issues: Discovery and Disclosure Obligations." In addition, the spring meeting of the section provided the opportunity for participants, members and non-members, to obtain cutting edge information regarding evidentiary issues in the criminal justice field.

The section is also a generous sponsor and provides scholarships to the Young Lawyers Section Trial Academy for deserving candidates.



## Dispute Resolution Section

The Dispute Resolution Section is active in the areas of arbitration and mediation. It has been active in identifying, developing and promulgating Best Practices in arbitration and mediation and presents numerous CLE programs on these subjects each

*"The Elder Law Section also played a leading role in the repeal of a harmful expansion of the definition of 'estate' and the legislature's rejection of a measure that would repeal the 'spousal refusal' provision of the state Medicaid program."*

year. The section also offers a three-day training in commercial arbitration at the Benjamin N. Cardozo School of Law and a three-day training in commercial mediation at Fordham Law School each year. The section publishes the New York Dispute Resolution Lawyer, which contains articles on developments and Best Practices in arbitration and mediation, both domestic and international. The section recently launched its directory of mediators who are members of the section and is in the process of launching a Speakers Bureau. The section is also taking a leading role in the effort to get the message out as to New York as a world-class center for international arbitration.

## Elder Law Section

The Elder Law Section established a new mentorship program that partners experienced elder law attorneys with section members who are new to the practice of elder law. The program will provide opportunities to work together on programs, reports and events and engage in CLE programs tailored to new elder law attorneys. The section also sponsored the 2012 Mitchell Rabbino National Healthcare Decisions Day to inform the public about advance directives, which took place on April 16. In addition to its other programs, the Elder Law Section joined with the Trusts and Estates Section for an extremely successful joint meeting in Buffalo in October.

The Elder Law Section also played a leading role in the repeal of a harmful expansion of the definition of "estate" and the legislature's rejection of a measure that would repeal the "spousal refusal" provision of the state Medicaid program.

## Entertainment, Arts and Sports Law Section

The section expanded during the past year, both by number and geography with the addition of an International Law Committee. At the 2012 Annual Meeting, the section presented the EASL Award for exemplary efforts in promoting the arts, entertainment or sports in New York to Mayor Michael R. Bloomberg, who has greatly enhanced the ability to create in New York on many fronts.

The section has also worked tirelessly to enhance its diversity, and looks forward to carrying that momentum beyond the President's Section Diversity Challenge. The section's Diversity Committee organized two well-attended and well-received programs in conjunction with Manhattan Black Bar Association and the Black Entertainment & Sports Lawyers Association.

The section also holds pro bono clinics to assist artists with limited funds and perform other community outreach, with two clinics planned for May and June 2012.

## Environmental Law Section

The section focused a great deal of attention on the very timely issue of hydrofracturing and the Marcellus Shale. It held a successful meeting with the Municipal Law Section, which discussed this and other issues of shared concern. The section discussed Marcellus Shale drilling, brownfields, climate change and the Clean Up Albany Ethics Act of 2011 at its Annual Meeting program in January.

## Family Law Section

At Annual Meeting in January, the section joined with the Committee on LGBT People and the Law to present a program discussing the interplay between the Defense of Marriage Act and the Marriage Equality Act. The section also supported legislation regarding confidentiality in civil proceedings.

In addition, the Family Law Section donated to the Summer Justice Academy for Young Women at Pace as well as the Judith S. Kaye Youth Court Fund, and hosted networking events in New York City and Rochester.

## Food, Drug and Cosmetic Law Section

The section held an Annual Meeting program that provided an FDA update and discussed social media policy.



## General Practice Section

In 2011, the General Practice Section undertook two membership initiatives targeting new attorneys, and attorneys in general practice. A diversity chair has recently been named to increase the Section's representation among the diverse range of general practitioners.

The section has produced its first edition of GPS Tracker, a publication with helpful hints for busy general practitioners, and has its next issue in process. The General Practice Section listserve continues to be a popular member benefit, along with weekly webriefs, an active blog, and the Section's periodic publication, One to One. Committees focus on specific areas of the law to keep their members up to date.

The section's successful Annual Meeting program featured a joint presentation with the Committee on Professional Discipline, with a CPLR Update, ethical considerations in setting attorney fees, and "Hot Tips from the Experts" – a presentation of the latest issues in a variety of legal topics and updates on changes to law.

## Health Law Section

The Health Law Section hosted programs focusing on Accountable Care Organizations and Legal, Ethical and Mental Health Issues on Today's Higher Education Campus. The section also held successful networking events in Albany and New York City, attended by over 100 members.

## Intellectual Property Law Section

The Intellectual Property Law Section is proud to be celebrating its 20th year as a NYSBA section. The section continues to offer high-quality programming relating to current topics in intellectual property law. The fall meeting on "The State of Intellectual Property—What Would our Founding Fathers Think Today?" was held at the Rittenhouse Hotel in Philadelphia, PA, and offered timely MCLE programming and family-friendly activities throughout the weekend. Section committees have recently hosted roundtables on trademark law and international intellectual property law. The Section's well-attended Annual Meeting program covered such topics as copyright terminations, brand expansion into Europe, likelihood of confusion on the Internet, Rule 16 conferences and obtaining computer evidence in trade secret litigation.

The Section continues its Miriam Maccoby Netter Fellowship, administered by The New York Bar

Foundation, which provides funding for fellowships for students attending a law school in New York State to assist public interest intellectual property organizations or charities with intellectual property law matters. The section also gives an opportunity for the involvement of up-and-coming intellectual property lawyers with its Young Lawyer Fellowship, and awards prizes to the top student paper submissions in its annual Law Student Writing Competition.

## International Section

The 2011 seasonal meeting of the section was held in Panama and attended by nearly 200 lawyers from 10 states and 29 countries. Highlights of the meeting included the signing of a Memorandum of Understanding with the Panama Bar Association for future cooperation, 27 CLE programs on a wide range of international law topics and a gala dinner at the Panama Canal. The meeting was preceded by a meeting in Costa Rica, attended by many leaders of the Costa Rican Bar. The Section's CLE program at the January Annual Meeting on "The Madoff Fraud: A Ground-Breaking Case in Cross-Border, International Litigation" was also particularly well-attended.

In March 2012, the Section held a regional meeting in Prague with a full day educational program attended by about 60 participants from the United States, Eastern and Central Europe and elsewhere. Also in March, the section organized the Ontario – New York Legal Summit, a two-day program taking place in Toronto and Buffalo during Buffalo Bar Week. Presented jointly by the New York State Bar Association and the Ontario Bar Association, the Summit featured 18 CLE/CPD-eligible panels covering a wide range of issues, such as cross-border real estate and estate planning, cross-border financing transactions and venture capital, and multijurisdictional class litigation and dispute resolution.

The Section has been active in the meetings of the United Nations Commission on International Trade Law (UNCITRAL), with members participating as NYSBA delegates to the 2011 plenary session and working group sessions in Vienna in 2011 and New York in 2012. A reception hosted by the Section for delegates to the UNCITRAL arbitration working group in February drew 120 participants from 37 countries. The Section also was invited to attend, and was an active participant at, a March meeting of the U.S. State Department's Advisory Committee on Private International Law considering implementing legislation for the Hague Convention on Choice of Courts. The Section continues to publish its three publications, the New York International Law Review, the International Law Practicum, and the New York International Chapter News.

## Labor and Employment Law Section

This year the section restructured itself in an effort to enhance the services and opportunities provided to its members. For example, the section implemented a new leadership structure, amended its bylaws, reorganized its committees and launched its new mentoring program.

The section also established new committees covering such dynamic topics such as technology in the workplace and wage and hour issues have been created. With its focus on junior members, the Section established a New Lawyers Committee, designed to focus solely on the needs of the junior members of the section and launched a new mentoring program to welcome and nurture the next generation of labor and employment lawyers.

## Municipal Law Section

The section held a fall meeting in Saratoga Springs with the Environmental Law section, providing great opportunities for collaboration, dialogue and education. The section has also been working on increasing its diversity and is in the final stages of completing a book on Municipal Ethics.

## Real Property Law Section

Darcy Stacom (Vice Chair, CB Richard Ellis), crowned "Queen of the Skyscrapers" by the Wall Street Journal, was the luncheon speaker at the section's annual meeting program. The section's summer meeting took place at the Holiday Valley Conference Resort, Ellicottville, New York, July 21–24, 2011 attracting more than 85 attendees.

## Senior Lawyers Section

The section's Annual Meeting program, featuring the Honorable Judith S. Kaye, former Chief Judge of the New York Court of Appeals, was entitled "Considering What's Next," as the section continues to focus on preparing senior attorneys for the next phase in their career.

The section also presented a successful fall meeting in New York City, "Planning for a Financially Secure Retirement: A Primer for Lawyers and Their Clients." The general session was followed by roundtable discussions on specific topics related to planning for long-term care expenses, Medicaid, retirement planning for the attorney and his or her clients and the valuation of a professional practice.

The section continues to reach out to attorneys as they turn 55 with an aggressive annual membership campaign.

## Tax Section

The section has started a "tax club" for members of the Tax Section with fewer than 10 years of legal experience. Called the "Under 10," its aim is to serve as a source of professional development and networking for mid-level and senior associates. This section also reaches out to promote inclusion of women by organizing programs that provide for panel discussion and networking events for women.

The Tax Section prepared 25 detailed and technical reports on specific tax issues that were sent to prominent state and federal government officials. These reports commented on proposed regulations or legislation, or made suggestions on drafting future regulations. The reports consider both policy objectives, such as fairness and consistent treatment of similar transactions, and practical objectives such as reducing complexity and streamlining administration of the tax laws. The reports are highly regarded by the government recipients, and many of the section's recommendations are adopted.

In addition, the section has been hard at work promoting legislative proposals involving changes to New York's statute of limitations on collection of unpaid tax liabilities. Two bills based on recommendations by the section, S.3946/A.7238 (establishing a 20-year time limit to collect tax liability) and S.3945/A.8180 (reforming the offer-in-compromise program), were passed into law in August 2011.

More than 1000 persons attended the section's January 2012 annual meeting and luncheon in New York City, which included a presentation by Emily S. McMahon, Acting Assistant Secretary for Tax Policy, U.S. Department of the Treasury, Washington, D.C. More than 500 persons attended the Tax Section's annual meeting MCLE program covering topics such as "Current Developments in Corporate Tax and Financial Products and Tax Reform: What's All the Noise About." In co-sponsorship with the CLE Committee, the section presented its 16th Annual New York State and City Tax Institute covering upcoming and cutting-edge issues, as well as ongoing concerns, facing business executives and practitioners including ethical dilemmas and the latest sales tax issues.

## Trusts and Estates Law Section

The Trusts and Estates Law Section made a gift to The New York Bar Foundation to establish a new fellowship. The \$5,000 fellowships will be awarded to two second-year students in New York State Law schools to work in public sector trusts and estates law positions in New York during the summer of 2011.

The section also took part in its annual lobby day, advocating on issues including: interest on legacies, trustees commissions and charitable trusts, and directed trusteeships.

## Young Lawyers Section

Throughout the year, the section conducted numerous networking events across the state that included a holiday Toys-for-Tots drive in Albany, and it co-sponsored networking events with the Real Property Law Section and the General Property Section, as well as several district events throughout the state.

The section’s Annual Meeting “Bridging-The-Gap” program in January consisted of two and a half days of CLE programming, specifically designed for young attorneys. The 2012 program attracted a near-sellout crowd and highlighted a presentation from former Governor David Paterson. The section awarded its annual Outstanding Young Lawyer Award to Karen I. Wu of New York City (Perlmán & Perlman) on January 26.

The section’s fall program took place in Albany at the Bar Center from October 20–21. The program included MCLE in practical skills and ethics. The event also included a tour of the Court of Appeals courthouse.

In March, the section conducted its Trial Academy at Cornell Law School of Law from March 21-25. Experienced lawyers and judges throughout the state joined with the section at Cornell Law School to provide hands on training in trial techniques. The faculty provided instruction through lectures and critiques of the attendees’ presentations.

The section also produced its print newsletter publication, “Perspective.” The biannual publication offers substantive legal articles, section news and events, and a forum for expressing opinions and/or commentary on issues affecting young lawyers and law students today. The section also publishes a monthly “e-newsletter” entitled Electronically-In Touch, which highlights substantive articles and upcoming events within the section.

Panelists participate in programs held by the Criminal Justice Section (right) and the Trusts and Estates Law Section (below).





# Task Force and Committee Highlights

## Committee on Attorney Professionalism

The Committee on Attorney Professionalism presented its Annual Professionalism Award, for service to clients and a commitment to promoting respect for the legal system in pursuit of justice, to Christopher T. McGrath of Nassau County. It also joined with several other committees in presenting a CLE program at the Annual Meeting.

2011: What Every Government Lawyer and Lobbyist Should Know;" "Investigation of Wrongdoing by Government Employees and Theft of Honest Services post Skilling – Sorting out Jurisdiction, Authority and What Actions of Employees Are Covered;" and "Rules of Professional Conduct and the Government Lawyer."

## Committee on Attorneys in Public Service

On June 16, 2011, the Committee honored the achievements of the 2011 Citation winner, Milinda Reed, Director, Domestic Violence Services Program for Unity House of Troy. Milinda has worked at Unity House and developed numerous programs to assist victims of domestic violence. She developed and implemented The Law Project, which provides free legal representation in civil legal matters including divorce, custody, visitation and child support.

The Committee also presented a program entitled "The Hack and the Wonk on New York State Government Today—A Seasoned Journalist's Perspective vs. An Old[er] Professor's View," presented by Liz Benjamin and Gerald Benjamin—a father-daughter team, each known individually for their political savvy, insight and thoughtful commentary on Albany politics.

At the 2012 Annual Meeting, the committee presented two programs on January 24th. The first, Supreme Court Update was presented by William D. Araiza and Jason Mazzone, Brooklyn Law School. This session took a look back at the 2010-2011 term, the Justices, highlights of the biggest decisions of the term and look ahead to the upcoming 2011-2012 term.

The second program included three panels on New York Ethics Reform – Version 2.0, and was moderated by Professor Patricia E. Salkin of Albany Law School. The panels included "Public Integrity Reform Act of

## Committee on Children and the Law

The Committee on Children and the Law is very active in commenting on pending legislation relevant to juvenile justice. In 2011, the Executive Committee approved a resolution of the Committee on Children and the Law advocating for legislation raising the age of criminal responsibility and general juvenile delinquency jurisdictional age to 18. The committee's resolution on raising the age of criminal responsibility and general juvenile delinquency jurisdictional age to 18 has become a legislative priority for the Association.

The Committee on Children and the Law also sponsors a CLE program at the State Bar's Annual Meeting each year. This year's program was entitled "Truth in Parentage: Adoption Secrecy and Paternity Estoppel in the Age of Information." The program covered the elements of a paternity estoppel case, and considerations supporting preservation or abolition of estoppel; advantages and disadvantages of open adoption; (limited) remedies for finding birth parents or obtaining medical information; an overview of developments in broad-based genetic testing and sharing of information; and the psychological ramifications of truth in parentage.

In 2011, the committee presented the Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare at an award ceremony and reception held at the State Bar Center to Honorable Jonathan Lippman, New York State Court of Appeals Chief Judge and Stephanie Gendell, Esq. of New York

City. The Levine award recognizes an individual or individuals who have done outstanding work and have been proponents and leaders in the effort to improve New York's child welfare and juvenile justice system.

## Committee on Civil Practice Law and Rules

The Committee on Civil Practice Law and Rules successfully advocated for the proposal it developed after the decision in *Charles v. Long Island College Hospital* (47 A.D.3d 665, 850 N.Y.S.2d 173 [2nd Dept. 2008]). Its proposal, which became law in 2011, prohibits a third-party defendant from asserting a service objection relating to the initiating pleadings in the main action.

## Committee on Civil Rights

The committee's 2012 CLE program in January, "The Increased Use of Solitary Confinement in New York State Prisons: Violation of Human Rights or Necessary Prison Management Tool?" drew a near standing-room capacity of attorneys and prison-reform advocates to hear speakers from legal, mental health and correctional behavior backgrounds address the challenges related to solitary confinement and Special Housing Units. The program also drew the attention of several media outlets, including The Wall Street Journal.

The committee presented its 2012 Haywood Burns Award to Bryan D. Hetherington, Esq., on January 26, 2012. Mr. Hetherington serves as Chief Counsel for the Empire Justice Center in Rochester, NY. Most of his career has focused on complex litigation and other non-litigation advocacy with regard to social services programs, education, housing and civil rights.

The committee continues to highlight substantive legal issues affecting Guantánamo Bay detainees through its blog, "Guantánamo and Beyond: A Blog on Executive Detention, National Security and Due Process," found on the committee's homepage through [www.nysba.org/committees](http://www.nysba.org/committees).

## Committee on Courts of Appellate Jurisdiction

In partnership with The Legal Project and The Rural Law Center, two providers of legal services to low-income New Yorkers, the committee is sponsoring what has become a high-profile Pro Bono Appeals Program. This initiative makes volunteer appellate lawyers available to individuals wishing to appeal to the Appellate Division, Third Department trial court decisions in the areas of shelter and housing, subsistence income and benefits, health and education, personal safety and family stability.

The program had originally been limited to family or matrimonial law matters. During its inaugural year the Pro Bono Appeals program was hugely successful as evidenced by the fact that six worthy appeals were placed, one case was settled, and favorable decisions were received in four of the appeals, including one that established new precedent in the law governing modification of child support orders. From the beginning of the program in mid-2010, up to mid-February 2012, 10 appeals have been handled by committee members. In 2012, the committee is seeking to expand the program to other judicial departments.

In fall 2011, the committee presented in five locations across the state its biennial CLE program on New York appellate practice. Experienced practitioners, appellate court justices and judges and appellate court personnel served on the faculties.

Honored at the committee's January 2012 Annual Dinner were Chief Administrative Judge A. Gail Prudenti, retiring Appellate Division Fourth Department Associate Justice Samuel L. Green, and the late Presiding Justice of the Appellate Division Third Department, Hon. Anthony V. Cardona.

## Committee on Diversity and Inclusion

Three candidates from among nearly 20 qualified nominations were selected to receive the 2012 Trailblazer Award:

Paul T. Williams, Esq. — Change Maker  
Professor Jenny Rivera — Lifetime Achievement  
Joseph M. Hanna, Esq. — One to Watch

The awards were presented prior to the Celebrating Diversity in the Bar Reception at the Hilton New York Hotel on Monday, January 23.

Prior to the awards ceremony and reception, the committee – in co-sponsorship with the NYSBA's Office of Law Practice Management (LPM) – held a panel discussion and seminar during the LPM's Career Development Conference. The seminar, "Diversity and Dollars: Diversity as a Good Business Strategy for 2012," addressed ways firms can improve their bottom line, create a more diverse pool of talent and meet the needs of clients looking for ethnic and minority attorneys.

On Friday, January 27, the Committee sponsored a meeting of its members, Section leaders and leaders from minority bar associations to discuss partnership opportunities on various programs and events during the coming year.

## Committee to Ensure Quality of Mandated Representation

In June 2011, the CEQMR sponsored a free, day-long seminar for attorneys who represent indigent criminal clients at the Bar Center in Albany. The seminar, entitled “Staying Ahead of the Curve: Everything a Criminal Defense Lawyer Needs to Know,” covered recent developments in sentencing and diversion in light of the 2009 Amendments to the Rockefeller drug laws; the impact of *Padilla v. Kentucky*, a recent United States Supreme Court decision which held that effective assistance of counsel requires a defense attorney to advise a client of the potential immigration consequences of a guilty plea; ethical issues attorneys encounter in representing clients in criminal proceedings; and practice tips for attorneys to ensure more successful appellate advocacy. The program was highly successful, with more than 130 attorneys attending. 7.5 MCLE credits were awarded. Attendees also received a copy of the recently revised Standards for Providing Mandated Representation.

In addition to the substantive legal training, in June 2011 the CEQMR bestowed the prestigious Denison Ray Award on Rensselaer County Public Defender Jerome K. Frost. The Committee also awarded two Awards for Outstanding Achievements in Promoting Standards of Excellence in Quality of Mandated Representation to the Office of the Appellate Defender and Charles O’Brien of the New York State Defenders Association.

## Committee on Law Practice Management

The resources offered by the Committee on Law Practice Management provide lawyers, law firm managers and legal professionals with information on practice management trends, marketing/client development, legal technology and finance. Many of the Committee’s initiatives focus on the needs of solo and small firm practitioners. LPM Checklists, best practices, publications and continuing education programs provide up-to-date information and practical tips about the use of technology to help lawyers manage their law practices.

The Law Practice Management Committee sponsored and co-sponsored many live programs this year, including “Risk Management for Attorneys 2011 – Protect Your Practice;” “Building a Successful Solo/ Small Firm Practice: Taking Steps to Achieve Success;” the 2012 Career Development Conference on “Strategies for Success;” “Planning Ahead for Crises in Turbulent Times: A Seminar for Small Firms and Solo Practitioners;” “Technology in Your Practice: Trends, Tools and Ethics Rules;” “Marketing on a Shoestring;”

and “Starting a Practice in New York.” It also has a wide array of webcasts scheduled for 2012.

## Committee on Lawyer Referral Service

Through the coordinated efforts of the Lawyer Referral and Information Service dozens of volunteer attorneys provided free legal consultations to flood victims throughout New York State. In cooperation with FEMA and the ABA’s Young Lawyer’s Division, the service was able to assist 180 homeowners, tenants and businesses affected by flooding from Hurricane Irene and Tropical Storm Lee during the program’s 4-month operating period (September 2011- December 2011). As expected, many of the calls involved insurance questions, FEMA appeals and landlord/tenant disputes.

## Committee on Lawyers in Transition

The Committee on Lawyers in Transition sponsors free, live webcasts for all attorneys in need of career assistance. In 2011-2012 the committee has focused its efforts on job and career initiatives to assist attorneys who have been laid off and are looking for work.

The Committee sponsored several programs, including “Mock Interviewing;” “Attorney Marketing and Websites;” “Setting Up Your Home Office;” “Avoiding the Funk;” “Tax Issues Facing Lawyers in Transition;” “Alternative Careers for Lawyers;” and the 2012 Career Development Conference, held at the NYSBA Annual Meeting in conjunction with the Law Practice Management Committee and the Committee on Diversity and Inclusion.

The Committee is also actively involved in reviewing the Association’s health insurance and malpractice insurance programs in meeting the needs of transitioning attorneys.

Archives of the Committee’s programs are posted at the committee’s website at [www.nysba.org/LIT](http://www.nysba.org/LIT).

## Special Committee on Discovery and Case Management in Federal Litigation

The Special Committee on Discovery and Case Management in Federal Litigation was tasked with examining the perceived delays and expense of litigation in federal court and to make recommendations to reduce both. After looking at empirical data and examining scholarly and practical literature on the causes of delays and expenses, the Committee developed a report and recommendations



on various stages of federal litigation, which will be put before the House of Delegates in 2012.

## Special Committee on Strategic Planning

The Special Committee on Strategic Planning, co-chaired by David P. Miranda and Sharon Stern Gerstman, was appointed by Immediate Past President Steven P. Younger. The Special Committee identified issues in the areas of Membership, Technology, Finances and Programming and Services, and submitted a briefing report to the Executive Committee at its January 2011 meeting.

An interim report was presented in June, and the final report was presented to the Executive Committee at its November 2011 meeting, where it approved the report. The Executive Committee recommended a working group consisting of bar leaders and staff, who would necessarily play a significant role in developing an implementation plan. After a series of meetings and several rounds of revisions, the working group developed draft action steps which have been distributed to section chairs. They were invited to participate in a conference call to share their comments, and revisions were made to the action steps. The Special Committee on Strategic Planning presented an update to the Executive Committee at its March meeting that included the approved plan with action steps and presented the approved plan to the House of Delegates.

## Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest

Under the leadership of co-chairs Edwina Frances Martin and C. Bruce Lawrence, the special committee has developed a new website which provides information about SLAPI and federal and state loan repayment assistance programs. In October 2011 SLAPI held a very successful webinar for public service/government employees explaining the intricacies of federal and state loan repayment options. A second webinar took place on March 7, 2012 targeting not only government and public service attorneys but their employers as well. An employer tool kit, designed by Equal Justice Works, was unveiled to educate public service and government employers about available loan repayment assistance programs and how to use loan repayment assistance as a marketing tool to attract and retain public interest attorneys.

For the first time since 2008, SLAPI awarded four loan repayment assistance grants to deserving attorneys employed in the legal service field more than six years. These one-year grant awards provided \$4,000 per recipient, totaling \$16,000.



The State Bar's Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest awarded \$4,000 grants to four public service lawyers to help defray the cost of their student loans. **L to R:** President-elect Seymour W. James, Jr., Committee Co-chair Edwina Frances Martin, Amy E. Lowenstein, Jennifer A. Monthie, Michelle De Mareo, Stacey-Ann Harris, President Doyle.

The Special Committee also initiated an ongoing dialogue with the Young Lawyers Section and the Committee on Attorneys in Public Service in an effort to share information about the evolving world of loan repayment assistance and to encourage members of these groups to utilize SLAPI's website to obtain the most current information about available loan repayment assistance.

*"The Special Committee also initiated an ongoing dialogue with the Young Lawyers Section and the Committee on Attorneys in Public Service in an effort to share information about the evolving world of loan repayment assistance."*

## Task Force on Family Court

The Task Force on Family Court was created by Immediate Past President Stephen Younger to conduct a comprehensive study of the problems faced by the current family law system. This past year, the task force held a series of four hearings throughout the state. In December 2011, President Doyle joined the task force at its first hearing, which was held at the State Bar headquarters in Albany. Subsequent hearings were held at the New York County Lawyers' Association in New York City, the Nassau County Bar Association, and the United States Courthouse in Buffalo. The task force received testimony from judges and other court personnel, social services providers, government officials and legal services providers, and it is currently reviewing and analyzing the information obtained during these hearings with a goal of providing an informational report to the House of Delegates in June 2012.

## Task Force on New York Law in International Matters

The Task Force on New York Law in International Matters was created to educate lawyers, business leaders and investors about the benefits of selecting New York law and a New York forum for international dispute resolution. The task force issued a report, which the House of Delegates approved in June 2011. The report contains recommendations that include the following: (1) establish a permanent center in New York for hearings in international arbitration; (2) develop state court specialized chambers to assist with appropriate international arbitration matters; and (3) promote domestic and overseas continuing legal education programs on drafting international agreements. Following the report's approval, the task force has collaborated with the Resolutions Committee, other NYSBA leaders and New York community leaders to pursue many of its recommendations. The task force also publicized the report to approximately 10,000 targeted recipients. The report is available at [www.nysba.org/InternationalReport](http://www.nysba.org/InternationalReport).

## Task Force on the State of Our Courthouses

The Office of Court Administration (OCA) approved the task force's protocols for quarterly inspections of local court facilities, and outreach began in order to recruit volunteers from local bar associations to assist with the inspections. The Office of Bar Services worked with the Judicial District Vice Presidents of NYSBA's Executive Committee, and circulated a letter from President Doyle requesting volunteer assistance from the local bars. To date, 22 local bar members have volunteered to inspect 23 county courthouses. This information has been submitted to the OCA.



John S. Marwell of Mount Kisco (Shamberg Marwell Davis & Hollis PC), chair of the Bar's Working Group on Judicial Compensation Commission, listens to President Vincent E. Doyle III testify at the Hearing of the Judicial Compensation Commission in July 2011 in Albany. Judges received their first pay raise since 1999 this year.

## Task Force on Wrongful Convictions

In 2009, the House of Delegates approved the report and recommendations of the Association's Task Force on Wrongful Convictions. Following this approval, six bills were submitted to the Legislature in 2010 that reflected these recommendations. When Governor Cuomo proposed expanding the DNA database as part of his 2012-2013 budget proposal, the State Bar urged that some of its wrongful conviction bills be included in any legislation that was adopted.

In addition, the State Bar has served as a member of Chief Judge Jonathan Lippman's Task Force on Wrongful Convictions, which continues to meet. Based on the recommendations of his task force, Judge Lippman has taken a position similar to that of NYSBA. One of the recommendations of our Task Force on Wrongful Convictions is reflected in the provisions of the recent expansion of the DNA database, which will allow greater access to DNA evidence for certain criminal defendants. However, the State Bar will remain active in advocating for more extensive protections to prevent wrongful convictions.



Members of the State Bar's Task Force on Family Court, co-chaired by Susan B. Lindenauer and Hon. Mary Rita Connerton, listen to expert testimony at the first statewide hearing on December 2011 at the State Bar Center. The task force's report is expected later this year.



President Doyle speaks to Fernando Bermudez, who was wrongfully convicted of murder, at the joint press conference sponsored by the State Bar and the Innocence Project on March 5th.



# Financial Statement

## Audited Statement of Financial Position Years Ended December 31, 2011 and 2010

	2011	2010
<b>ASSETS</b>		
Cash	\$559,881	\$138,763
Continuing legal education receivable	37,183	77,497
Royalty and fees receivable	726,955	636,910
Accrued interest receivable	24,650	32,665
Inventories	339,342	377,770
Investments	30,518,955	30,382,088
Net property and equipment	2,582,772	2,714,332
Prepaid expenses	1,352,771	1,342,740
<b>Total assets</b>	<b>\$36,142,509</b>	<b>\$35,702,765</b>
<b>LIABILITIES AND FUND BALANCES</b>		
Accounts payable and accrued expenses	\$1,014,396	\$1,508,774
Deferred dues revenue	9,571,782	8,850,845
Other deferred and unearned revenue	665,082	674,195
Payable to The New York Bar Foundation	21,351	88,247
Accrued pension and profit sharing plan costs	3,553,221	1,701,300
Accrued postretirement plan costs	5,264,000	6,190,000
Other liabilities	129,663	155,384
<b>Total liabilities</b>	<b>20,219,495</b>	<b>19,168,745</b>
<b>NET ASSETS - UNRESTRICTED</b>		
Designated by the governing boards:		
Cromwell fund	1,537,683	1,599,763
Replacement reserve fund	2,116,874	2,107,650
Long-term reserve fund	4,413,435	5,428,746
Sections' fund	2,851,231	2,631,964
Undesignated:		
Invested in property and equipment, net	2,582,772	2,714,332
Other	2,421,019	2,051,565
<b>Total net assets</b>	<b>15,923,014</b>	<b>16,534,020</b>
<b>Total liabilities and net assets</b>	<b>\$36,142,509</b>	<b>\$35,702,765</b>

A copy of the complete audited financial statements for the years ended December 31, 2011 and 2010 is available to members and may be obtained by contacting Kristin M. O'Brien, Senior Director of Finance, [kobrien@nysba.org](mailto:kobrien@nysba.org).

## Audited Statement of Activities Years Ended December 31, 2011 and 2010

	2011	2010
<b>Revenues</b>		
Membership dues	\$10,611,070	\$10,554,088
Section revenues:		
Dues	1,456,512	1,427,403
Programs	1,847,697	1,735,375
Continuing legal education	5,656,422	6,066,538
Administrative fee and royalty revenue	2,277,053	2,250,983
Annual meeting	844,156	818,363
Investment income	519,713	462,008
Other revenue	450,355	477,924
<b>Total revenue</b>	<b>23,662,978</b>	<b>23,792,682</b>
<b>Program Expenses</b>		
Continuing Legal Education	4,315,324	4,668,704
Graphics	1,906,349	1,747,476
Governmental Relations program	345,413	319,831
Law, Youth & Citizenship program	205,036	219,040
Lawyer Assistance Program	190,583	186,084
Lawyer Referral & Information Services	127,688	115,989
Law Practice Management	127,367	105,834
Media services	308,249	268,136
Meetings	363,769	410,896
Membership services	980,942	1,122,260
Pro bono program	178,575	179,496
Local bar program	91,521	160,531
House of Delegates	423,628	415,763
Executive Committee	44,022	39,999
Other committees	1,203,599	1,256,508
Sections	3,161,426	3,183,820
Section newsletters	110,846	104,804
Publications	1,207,996	1,135,105
Annual meeting expenses	332,150	344,566
<b>Total program expenses</b>	<b>15,624,483</b>	<b>15,984,842</b>
<b>Management &amp; general expenses</b>		
Salaries and fringe benefits	3,698,931	3,199,565
Pension plans and other employee benefit plan costs	1,629,104	2,451,475
Rent and equipment costs	1,171,141	1,208,497
Consultant and other fees	761,296	691,343
Depreciation and amortization	404,273	351,189
Other administrative expenses	378,574	358,784
<b>Total management &amp; general expenses</b>	<b>8,043,319</b>	<b>8,260,853</b>
<b>Change in net assets before investment transactions and other items</b>	<b>(4,824)</b>	<b>(453,013)</b>
Realized and unrealized gain on investments	(606,180)	1,386,877
<b>Change in net assets</b>	<b>(611,004)</b>	<b>933,864</b>
<b>Net assets, beginning of year</b>	<b>16,534,020</b>	<b>15,600,156</b>
<b>Net assets, end of year</b>	<b>\$15,923,016</b>	<b>\$16,534,020</b>



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