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NEW YORK STATE BAR ASSOCIATION

State Bar News

SUMMER 2019
VOLUME 61, NO. 2
WWW.NYSBA.ORG



Greenberg raises the Bar

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Wall St. Journal

Head of New York State Bar Association Lays Out Agenda

Bloomberg Law

N.Y. Bar Association to Study Legal Impact of Driverless Cars

Associated Press

NY Bar Association Launches Effort to Save Local News



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NY Bar Diversifies Leadership for Its Committees, Groups, June 4, 2019



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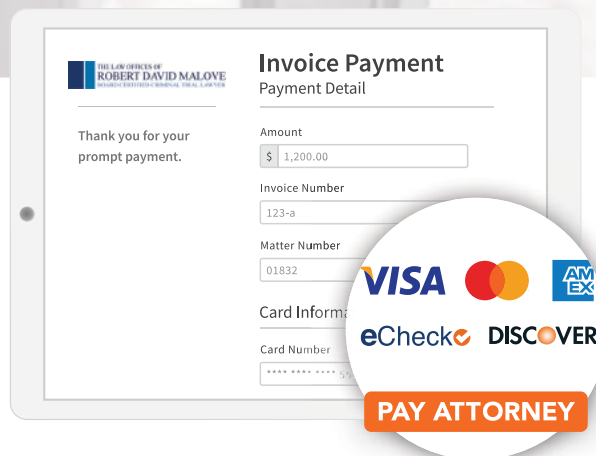
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Managing Editor

Dan Weiller, *Senior Director of Communications*

Communications

Joan Fucillo
Brendan Kennedy
Christian Nolan
Brandon Vogel

Designers

Lori Herzing
Erin Corcoran
Christine Ekstrom

Publisher

Pamela McDevitt, *Executive Director*

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Address all communications to *State Bar News*, 1 Elk St., Albany, NY, 12207. jfucillo@nysba.org

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Unprecedented Start to New Presidency

Hank Greenberg's Public Policy Initiatives Garner National Attention

By Christian Nolan

Ever since Hank Greenberg was sworn in as the 122nd president of the New York State Bar Association, it has been nonstop activity, including at the highest levels of government.

Greenberg kicked off his presidency by announcing groundbreaking public policy initiatives that garnered widespread media attention pertaining to rural justice, attorney wellness, diversity in the legal profession, autonomous vehicles, and the crisis in local journalism.

Greenberg spoke on behalf of NYSBA at a press conference with Gov. Andrew Cuomo on June 11 in support of legislation that was ultimately signed into law that ends the gay panic and trans panic defenses, which had allowed murder defendants to claim extreme emotional disturbance caused by a victim's sexual orientation or gender identity.

About a week later, Greenberg and NYSBA's Committee on Families and the Law Chair Susan Lindenauer testified at a public hearing of the state Office of Indigent Legal Services on financial eligibility for appointment of assigned counsel in family matters.

Also, in June, Greenberg rolled out his business plan for a virtual bar center and global membership to the House of Delegates in Cooperstown. Specifically, this vision reimagines how NYSBA will deliver services to its membership in a digital age and provide NYSBA with an opportunity to expand its global membership reach.

Further, Greenberg formed special committees on association structure and operations and strategic communications. Chaired by past NYSBA President Glenn Lau-Kee, the Special Committee on Association Structure and Operations will make recommen-

dations for improving the overall effectiveness and functioning of the organization through a systematic review of the association and its constituent parts.

The Special Committee on Strategic Communications, chaired by past NYSBA President David Miranda, will assist the association in speaking with one voice as a state, national and global leader for the legal profession. This will be done through coordination of NYSBA's marketing efforts and a review of its external and internal communications plans.

As if that wasn't enough, Greenberg still managed to find time to handle numerous interviews with reporters, get sworn in by Chief Judge Janet DiFiore during a ceremony at the State Bar Center in Albany June 6, and serve as the keynote speaker at a ceremony for over 600 newly admitted New York attorneys June 26 in Albany.

Public Policy Initiatives

In June, Greenberg announced five high-priority public policy initiatives:

- Task Force on Autonomous Vehicles and the Law
- Task Force on Free Expression in the Digital Age
- Task Force on Parole System
- Task Force on Rural Justice
- Diversity Initiative
- Blue Ribbon Wellness Work Group.

"Every great social and political issue of the day invariably becomes a legal issue," said Greenberg. "From our groundbreaking initiatives to support and save local news outlets to our efforts to examine autonomous vehicles, NYSBA will not only be at the forefront of shaping the future of the legal profession but also the societal trends impacting us all."

The Task Force on Autonomous Vehicles and the Law will study and



understand the seismic impact that autonomous vehicles will have on our legal system and society, and make recommendations on how New York state and its legal institutions can prepare for this revolutionary technological change.

NYSBA's local news initiative aims to tackle the crisis of local journalism in the digital age and make recommendations on how the legal and business sectors can protect local news and define the future of local media in New York and throughout the country.

The Task Force on Parole System will study and propose reforms to release practices as well as revocation and reincarceration. It will seek to identify problems in the current system and propose policy solutions, including new concepts in the administration of the parole system and changes in the law.

The Task Force on Rural Justice will examine the challenges faced by lawyers who practice in rural areas and the access to justice crisis that now exists in many of them.

In order to address the diversity imbalance that plagues the legal profession, Greenberg, through the presidential appointment process, announced that all 59 standing committees will have a chair, co-chair or vice-chair who is a woman, person of color, or otherwise represents diversity. Additionally, NYSBA will develop and implement an association-wide diversity and inclusion plan.

Greenberg also announced the establishment of a blue-ribbon multidisciplinary work group that will review the state's bar application questionnaire to ensure mental health treatment will not be a deterrent to gaining admission. (See page 13 for more information.)

National Media Attention

Over the course of about a two-week period beginning June 1, NYSBA-related news items – largely centered on the new initiatives – dominated the legal news cycle and made their way into daily newspapers and online news sites around the state and the country.

The issues appealed to not only lawyers but also the general public. There was great interest from legal media such as the *New York Law Journal* and *Law360*, but also from mainstream news media like the *Wall Street Journal* and *Associated Press*.

The *Associated Press* covered NYSBA's local news initiative, which aims to tackle the crisis of local journalism in the digital age and make recommendations on how the legal and business sectors can protect local news and define the future of local media in New York and throughout the country.

Since most major daily newspapers and online news publications are members of the *Associated Press*, articles about the initiative ran in New York state dailies as well as many online news sites, including those owned by Tribune Publishing in other major media markets like Chicago and throughout California.

The *Wall Street Journal* featured Greenberg and his autonomous vehicles initiative with a large spread and photo in its June 3 edition. *Bloomberg Law* also covered the new initiative.

NYSBA's new diversity and wellness initiatives also generated coverage throughout legal media including from *Bloomberg Law*, *Law360*, *Above the Law* and the *New York Law Journal* including *Law.com*.

A Closer Look at NYSBA's New Public Policy Initiatives

The following summaries will get you caught up on the initiatives that Greenberg has announced for the coming year. (See page 13 to read about his wellness initiative.)

Task Force on Autonomous Vehicles and the Law

This task force, led by Dean and Professor of Law Aviva Abramovsky, of University at Buffalo School of Law, will study and understand the seismic impact that autonomous vehicles will have on our legal system and society, and make recommendations on how New York state and its legal institutions can prepare for this revolutionary technological change. The initiative will focus on, among other things:

- Studying the potential impact autonomous vehicles may have on lawyers, their clients, courts and the civil justice system
- Assessing what laws and regulations may need to be enacted
- Reviewing potential privacy and data protection issues
- Analyzing safety concerns
- Considering the potential impact on injury and insurance law, and licensing

"Autonomous vehicles are already being tested in some areas of the country and their role in our transportation systems will continue to grow, but there has been little discussion about what laws and regulations need to be put in place, and the potential impacts on our justice system and our everyday lives," said Greenberg. "NYSBA is proud to lead the national discussion and begin the necessary work to understand this immense technological innovation."

Task Force on Free Expression in the Digital Age

The decade-long decline in local journalism has been driven by dramatic changes in technology and the economics of advertis-

ing. There is a compelling need to consider whether there are appropriate legal responses to this crisis.

The task force will be co-chaired by David McCraw, deputy general counsel for *The New York Times*, and Cynthia Arato, a partner at Shapiro Arato Bach, and will examine how changes in the law may help assure local government transparency and accountability even as the economic landscape of local journalism is fundamentally altered. The task force will make recommendations on how to maintain and strengthen the public's ability to engage in appropriate oversight of the institutions of local government amidst the challenges of our ever-changing digital age.

"The rapid and ever-growing rise of social media as a source of news has triggered a substantial decline in local journalism. This places at risk First Amendment values and a vibrant, fearless free press. Now more than ever, our local news outlets need the support to hold truth to power," said Greenberg. "The future of local journalism is in jeopardy, but there has been no major effort to find ways to provide support. NYSBA is taking the critical first step in trying to address this problem."

Task Force on Rural Justice

The task force will investigate the impact of rural attorney shortages on access to justice, challenges in delivering legal services in rural areas, and the unique practice needs of rural practitioners. The task force will also make recommendations for potential changes in law and public policy and will identify viable solutions to support rural law practice and greater access to justice in New York's rural communities.

Taier Perlman, staff attorney at Albany Law School's Government Law Center and who leads their Rural Law Initiative, and State Supreme Court Justice Stan L. Pritzker, Third Judicial Department, will co-chair the task force.

"Research confirms what many attorneys in upstate New York already know – that there is an access to justice crisis in rural areas through-

out New York and across the country," said Greenberg. "NYSBA remains committed to ensuring access to justice for all New Yorkers, regardless of where they live, and the important work of this task force will go a long way toward enacting the necessary reforms to achieve that goal."

Task Force on the Parole System

The mission of this task force will be to study the current parole system with a focus on release practices as well as revocation and reincarceration. It will seek to identify problems in the current system and propose policy solutions, including new concepts in the administration of the parole system and changes in the law.

The task force will be co-chaired by past NYSBA President Seymour W. James, Jr., a longtime criminal defense lawyer who is currently a partner at Barket Epstein Kearon Aldea & LoTurco in New York City, and William T. Russell, Jr., a NYSBA Executive Committee member and partner at Simpson Thacher & Bartlett in New York City.

"The state Legislature has undertaken wide-ranging criminal procedure reform in areas of bail, speedy trial guarantees, and the discovery process," said Greenberg. "However, these reforms have focused on issues that arise prior to the trial, conviction, and sentencing. The task force will examine our state's parole system, as it continues to present problems of fairness and due process for the thousands of parolees statewide."

Diversity Initiative

"A troubling fact is that the legal profession is one of the least diverse professions in the nation," said Greenberg. "Our clients are women and men, straight and gay, of every race, color, ethnicity, national origin, and religion. Yet, the legal profession is not nearly as inclusive as the people we represent. Indeed, a diversity imbalance plagues law firms, the judiciary, and every other sphere where lawyers work."

On diversity, NYSBA will lead by example. This year, through the presidential appointment process, all 59

standing committees will have a chair, co-chair or vice-chair who is a woman, person of color, or otherwise represents diversity. Additionally, NYSBA will develop and implement an association-wide diversity and inclusion plan.

"It is a moral imperative that our profession better reflects the diversity exemplified by our clients, and we can no longer accept empty rhetoric or half-measures to realize that goal," Greenberg said. "It's the right thing to do, it's the smart thing to do, and clients are increasingly demanding it."

Multi-Disciplinary Working Group to Review New York Bar Admission Questionnaire

Greenberg has established a blue-ribbon multidisciplinary work group to review New York State's bar application questionnaire to ensure mental health treatment will not be a deterrent to gaining admission to the profession. Recent studies have shown that law school students are experiencing anxiety, depression, stress, and other mental health issues at alarming rates and are not seeking the help they need because they are concerned that doing so will negatively impact their bar admission. In fact, one study discovered that 42 percent of surveyed law students believed they needed help for emotional or mental health issues in the past year, but only half sought assistance. That is because 45 percent of the respondents feared that seeking help could pose a threat to their bar admission.

NYSBA's workgroup will review the potential removal of questions from the questionnaire that address an applicant's mental health issues. The workgroup is composed of representatives from NYSBA's Young Lawyers Section, Committee on Disability Rights, Committee on Legal Education and Admission to the Bar, Law Practice Management's Attorney Wellness Sub-Committee, and Lawyer Assistance Committee.

Immigrants' Right to Counsel Resolution Highlights NYSBA's Summer Meeting

By Joan Fucillo

A resolution urging the Governor and state Legislature to establish a first-in-the-nation right to counsel in immigration proceedings as a statutory requirement under New York law was among the highlights from NYSBA's summer meeting.

Also, at the House of Delegates meeting in Cooperstown, President Hank Greenberg delivered his first president's report and the American Bar Association's (ABA) incoming President Judy Perry Martinez gave a keynote address.

Right to Counsel Resolution

A resolution and report from NYSBA's Committee on Immigration Representation was presented by its co-chairs, Camille Mackler, director of immigration legal policy at the New York Immigration Coalition, and Sarah F. Rogerson, director of the Immigration Law Clinic at Albany Law School.

Along with the report, "we are asking all of you to adopt a resolution calling on New York state to become the first state in the nation to pass a right to counsel for immigrants facing deportation," said Mackler. "This is just matter of due process," she added.

Rogerson pointed out that "a lot of people in removal proceedings are in fact documented, a lot of people who are detained are in fact documented," adding that people who present themselves at the bor-

der seeking asylum are not here illegally, but they remain undocumented while pursuing their claims. She noted that for asylum seekers deportation can be a death sentence.

The report, entitled "The Need for Access to Counsel in Immigration Proceedings in New York," cited studies showing that the outcomes for both detained and never-detained immigrants change dramatically if they have access to legal representation. About 78 percent of never-detained immigrants facing deportation who have representation win their case. Detained immigrants with representation have a 32 percent chance of winning their case, as opposed to a 3 percent chance without a lawyer.

The House approved the report and resolution with an addendum in support of the ABA's position that there should be a federally funded system of appointed counsel for indigent respondents in removal proceedings but urges the state Legislature to act, considering the rights and principles involved.

The committee's report and resolution are available at <http://www.nysba.org/immigrationreport0619/>.

The press release is available at <http://www.nysba.org/CustomTemplates/SecondaryStandard.aspx?id=94435>.

The presentation and comments may be viewed at <http://www.nysba.org/CustomTemplates/SecondaryStandard.aspx?id=60766>, at 1:26:55–1:53:20.

First President's Report

Calling NYSBA's new president "an idealist who knows how to get things done," former Court of Appeals Judge Howard Levine swore in Hank Greenberg as NYSBA's 122nd president. Greenberg followed with a discussion of NYSBA's history of leadership, the challenges NYSBA faces and a plan for the future.

NYSBA's "legacy and tradition of leadership" are more important than ever to our members and the



Committee on Immigrant Representation Co-Chairs Camille Mackler (left) and Sarah Rogerson (right) take questions from House members.

public, said Greenberg, noting that NYSBA has grown steadily for most of its 143-year history.

"Brilliant, visionary leadership in the past has put us where we are today," he said, adding that "we are strong and growing stronger."

But Greenberg noted that the digital revolution has transformed the way people – lawyers and our clients – work, learn and communicate. That transformation is ongoing, and NYSBA must meet its members and the public where they are today, while keeping an eye on tomorrow and anticipating the future. A critical element of that task is rebuilding NYSBA's infrastructure – not with bricks and mortar but with state-of-the-art association management, e-commerce and information systems and a world-class website.

"These are the tools that will enable us to continue our legacy of service to and leadership for the profession and the public, and as defenders of the rule of law."

Greenberg's remarks, entitled "Building a Virtual Bar Center," can be found at <http://www.nysba.org/CustomTemplates/SecondaryStandard.aspx?id=60766> at 27:00–102:55.

Keynote Address

Incoming ABA President Judy Perry Martinez focused her address on the dire need for greater access to justice for the indigent and how that lack can and must be addressed. She began by saying that she had spent her year as presi-

dent-elect traveling the country and meeting with clients and stakeholders about the issues.

"Our efforts are wonderful, but inadequate," said Martinez, noting that 85 percent of those in need are not being served.

She added that those clients have insights.

"We need to listen," she said. "Earlier and more often. We need to hear the stories of our clients."

Along with demanding robust funding for indigent legal services, "we need to take all necessary and reasonable steps, no matter how unpopular," Martinez added, quoting Michael Miller, NYSBA's immediate past president. This includes exploring all online legal services options.

"The public looks to lawyers and our finest moments have been when we used our resources and our voice to speak for access to justice, an independent judiciary, a free press, and the rule of law," said Martinez.

The key, she said, is in the partnership between the ABA and the state and local bars across the country. Standing up for our values and speaking with one voice, brings the argument to the nation and amplifies our local voices, she said.

"When we join forces," Martinez said, "we complement each other's work. We are stronger together and we inspire each other," she added.

Martinez's full remarks are available at <http://www.nysba.org/CustomTemplates/SecondaryStandard.aspx?id=60766> at 1:07–1:26:15.



The ABA's Judy Perry Martinez delivers the keynote address.

NYSBA Honors Judge and Attorney for Children with the Howard A. Levine Award

By Joan Fucillo

In one of his first official acts as president of the New York State Bar Association, Hank Greenberg hosted the 2019 Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare. These awards, given annually by NYSBA's Committee on Children and the Law, honor those whose outstanding work has helped improve New York's juvenile justice and child welfare system.

The awards were presented on June 5 at the Bar Center in Albany.

Judge Jeannette Ruiz, administrative judge of New York City Family Court, and Tracy Hamilton, director of the Office of Attorneys for Children, Appellate Division, Fourth Department, were the 2019 Levine honorees. Angela Burton, director of Quality Enhancement for Parent Representation at the New York State Office for Indigent

Legal Services (ILS), was honored with the committee's special recognition award.

Greenberg welcomed the committee's new chair, Lorraine Silverman (Coppes DiPaola Silverman, PLLC, Albany), and expressed his admiration for the honorees, for whom the causes of juvenile justice and child welfare are their fulltime job and life's work.

"I recognize how difficult this work can be, and I also know how important it is," said Greenberg, noting that all seven Court of Appeals judges were at the event, including former Court of Appeals Judge Howard Levine, for whom the award is named.

Greenberg introduced Judge Jeannette Ruiz, noting that prior to taking the bench, she was a case-worker, social worker and deputy commissioner of the New York

City Administration for Children's Services. "She has devoted her entire career to families and children, and is well-deserving of this high honor," Greenberg noted.

Tracy Hamilton received her award from past honorees Betsy Ruslander (Levine, 2018; director of the Office of Attorneys for Children, Appellate Division, Third Department) and Harriet Weinberger (Levine, 2013; director of the Office of Attorneys for Children, Appellate Division, Second Department).

"Her decades of impressive work are befitting of this prestigious award," said Ruslander, praising Hamilton for her dedication "to ensuring that children are provided with the highest quality legal representation."

During her 2018 State of the Judiciary address, Chief Judge Janet DiFiore announced the cre-

ation of a Commission on Parental Legal Representation, saying that supporting the well-being of children requires "supporting the legal needs of their parents." She named Hon. Karen K. Peters, former presiding justice of the Appellate Division, Third Department, as chair, and tasked the commission to work with the ILS – "particularly Director of Quality Enhancement, Angela Burton."

Greenberg presented Burton with the committee's special recognition award, "for your outstanding service as advisor to the commission and as a drafter of its 2019 interim report."

The Levine Award was created to honor Judge Levine, who has served on NYSBA's Committee on Children and the Law since its inception in 1978, as the Special Committee on Juvenile Justice, and was its first chair.

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Scenes from Cooperstown



President Hank Greenberg addresses the House of Delegates.



State Bar delegate Evan Goldberg, with Milsa Stein, and delegate Hon. Michelle Weston.



President-elect Scott Karson wields the gavel as chair of the House meeting.



Taa Grays chats with New York City Bar Association President Roger Juan Maldonado.



State Bar delegates Sandra Rivera (center left) and Lorraine Silverman (center right) and guests.



Treasurer Domenick Napoletano, center, and friends pose for a picture.



President Hank Greenberg (left), Immediate Past President Michael Miller (center) and Past President Dave Miranda (right) smile for the camera.

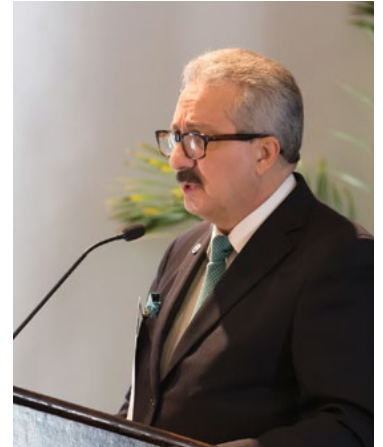


President Hank Greenberg shares a laugh with State Bar delegate Hon. Barry Kamins.

Seen in Cooperstown



President-elect Scott Karson (center left), President Hank Greenberg (center right) and NYSBA leadership welcome new House members.



Domenick Napoletano gives the treasurer's report.



Immediate Past President Michael Miller greets Executive Director Pam McDevitt and Secretary Sherry Levin Wallach.



Former Court of Appeals judges speak during the Executive Committee meeting: Hon. Howard Levine (left), Hon. Victoria Graffeo (center) and Hon. Albert Rosenblatt (right).



Past President Mark Alcott talks with Hon. Albert Rosenblatt.



New House members are recognized. Standing in the foreground are Stuart Andre Warner (left), Hon. Michael Sonberg (center) and Barbara Jeane Graves-Poller (right).



House members gathering on the veranda of the Otesaga in Cooperstown.



"Lawyers Are the Guardians of Justice"

Meet President-elect Scott Karson

By Joan Fucillo

Scott Karson's deeply held belief in the power of the law and the responsibility of lawyers can be summed up in one simple sentence that he delivers with confidence and resolve: "Lawyers are the guardians of justice."

Guardians protect and defend, Karson notes, and lawyers do that every day for their clients. Karson believes that the lawyers who are members of the New York State Bar Association understand this weighty responsibility. Those who serve the association through its sections and committees protect and defend when they advance the cause of justice by helping to make the rules fair, elevate the finest candidates to the bench and ensure that the legal system works for everyone.

Sometimes it takes years before a task force or committee sees legislation passed or a rule changed as a result of its recommendation, acknowledges Karson, a NYSBA member for more than 31 years. It requires stamina and persistence, and the certainty of a just cause. These lawyers are in it for the long haul.

Guardian of Justice

Scott Karson knows this from personal experience. During his

tenure as chair of the association's Committee on Courts of Appellate Jurisdiction from 1998 to 1999, the committee initiated a study of the rates charged for court transcripts, which could vary widely, despite the rules of the Chief Administrator of the Courts, which set standard rates.

"The key to variance in the rates was the phrase in the rule 'unless otherwise agreed to,'" explains Karson. That meant that if asked about their rates, the court reporter could name the rate he or she wished to be paid, rather than what the rule prescribed. If an attorney was uninformed about the rule and said 'yes' (as was generally the case), then the rate was 'otherwise agreed to.' Of course, the additional cost of obtaining the transcript was ultimately borne by the client.

As the result of a report issued by the committee, which was approved by the association, the rule was amended to eliminate the fee disparities. However, the court reporters' unions challenged the amendment, arguing before the Public Employment Relations Board (PERB) that any change in the rule should be subject to collective bargaining. Karson testified on behalf of the Unified Court System at the hearing, but the administra-

tive law judge found for the unions. The Unified Court System brought an Article 78 proceeding to challenge the decision. The Appellate Division, Third Department reversed, finding for the state in a ruling that quoted Karson's PERB testimony.

What some might see as a technical correction, Karson sees its larger context. "You could have situations where the court and the attorneys could be charged five dollars a page for a transcript of hundreds of pages," he says, "when the rule stated it should be a dollar a page. This markedly increased the costs of litigation, which can affect how and whether justice is served."

As a strong supporter of the judiciary, Karson has been fighting for fair pay and working conditions for those who serve on the bench. Beginning in 1992, NYSBA passed a series of resolutions endorsing judicial pay raises. In 2011, NYSBA joined a renewed push to raise judges' pay, which had stagnated since 1997. "As then-President Vince Doyle testified at a hearing about judicial pay, when adjusted for statewide cost of living, judicial pay ranked last in the nation," Karson recalls. "We know that just compensation is essential

to attracting the highest quality candidates for judgeships."

While some have questioned whether bar associations should be involved in judicial candidate screening, Karson strongly believes they should.

"An active, thorough and rigorous screening program is essential to ensure that only the most qualified people end up on the bench," he says, adding, "and there is no one more qualified to conduct such screening than lawyers and no organizations better suited to do so than bar associations." Karson applauds the recent approval by the House of Delegates of the report and recommendations of the Task Force on the Evaluation of Candidates for Election to Judicial Office. He says, "The Task Force report and recommendations should encourage bar associations to conduct screening of candidates for judicial office."

Karson recently completed his second stint on NYSBA's Committee to Review Judicial Nominations, which evaluates candidates for the New York Court of Appeals. Karson says that his service on that committee has been a "real honor."

"We split up into small groups to interview the different candi-

dates for the Court of Appeals. It was an amazing – and sobering – experience interviewing candidates for the highest court in the state,” he relates, adding, “It really was exciting.”

Karson has a well-earned reputation as a lawyer who sees all aspects of an issue, pays great attention to detail, is determined to get it right and has the patience to make sure that he does. He describes himself as “deliberative.” These are optimal qualities for a lawyer, but Karson had no thought of law school when he started college. “I was pre-med,” he says. However, he concluded after his freshman year that medicine was not in his future.

From Pre-med to Law

For young American men in the 1960s, the Vietnam War cast an enormous shadow, as many were subject to be drafted into the armed forces. Although Karson considered education as an alternative to medicine, the availability of draft deferments caused many to seek out teaching jobs, making that field crowded and fiercely competitive. Karson switched to an interdisciplinary major in the social sciences including history, psychology, anthropology, sociology and communications, a broad survey of areas of study a lawyer would need. He remained interested in education and spent his final semester at college as a student-teacher in high school social studies. But, again, there was a glut of draft age young men seeking teaching jobs, so Karson decided to go to law school.

It was fortuitous. Karson was then engaged to his wife, Joleen. He implies that he went to law school because he wanted to get married and so didn’t take the time to “find himself,” as it seemed so many other young people were doing. But clearly, Karson did find himself in law school.

At Syracuse University College of Law, Karson was senior survey editor of the *Syracuse Law Review* and graduated *cum laude*. After graduation and admission to the bar, he joined the Suffolk County District Attorney’s Office as an assistant district attorney, where he tried cases, conducted investiga-

tions and, ultimately, argued appeals. His appellate work impressed the Hon. Lawrence J. Bracken, Associate Justice of the Appellate Division, Second Department, who invited Karson to be his law secretary. Karson accepted, a decision he will never regret. He says, “Justice Bracken was a superb judge, a mentor and a friend. He made me a well-rounded and respected member of our profession.”

Justice Bracken was a member of NYSBA’s Committee on Courts of Appellate Jurisdiction, and he urged Karson to join NYSBA because he believed that Karson would be a real asset to that committee. Karson joined NYSBA and was appointed to the committee in 1993. Five years later, then-NYSBA President Joshua Pruzansky named him committee chair.

After his time as law secretary, Karson entered private practice, joining Lamb & Barnosky in Melville where he is a commercial and municipal litigator with a concentration in appellate work. He is now a partner.

Lamb & Barnosky has a strong history of service and an active presence at the Suffolk County Bar. “Bar activity is part of the firm DNA,” Karson says. When Karson became Suffolk County Bar Association president in 2004, he

was the fourth member of his firm to hold that office. It was for his term as president that Karson developed his theme, “Lawyers are the guardians of justice.”

“*No one in my family was a lawyer, but we all believed in the power of the law.*”

— Scott Karson

Civic Education

When asked what he sees as important during his term as president, Karson unhesitatingly cites civic education. “We have citizens who can name all the judges on ‘American Idol’ but can’t name a justice of the U.S. Supreme Court,” he said.

Karson believes that “bar associations can make a big contribution to the level of knowledge in society.” He and President Hank Greenberg have agreed to work together, with the support of N.Y. Court of Appeals Chief Judge Janet DiFiore, on joint bench-bar strategies and programming around civic education.

And if he could snap his fingers and put in place a mechanism for

that education? Karson talked about the Colorado Justice Learning Center, a 4,000-square-foot interactive museum about the law housed in that state’s supreme

and appellate court building in Denver.

The museum, which is free, features installations about the law and the history of the judicial system, as well as kiosks where a small group can conduct a mock trial, playing the various roles of party attorneys, judge and jury, or where individuals take turns being a judge in a bench trial.

“It’s impressive,” notes Karson. “Giving people the hands-on opportunity to see how the judicial process works and to be part of it – it’s eye-opening, especially for young people. The future of our democracy depends on our youth. Having this experience may interest them in learning more about the law.”

A Little History, and a Celebration

- Karson’s family was part of the great post-World War II wave of families who left the city and moved to Long Island. The Karsons ended up in Great Neck, and the family fit right in with the progressive community there. “No one in my family was a lawyer,” he says, “but we all believed in the power of the law to right wrongs and to ensure justice.”
- Karson met his wife, Joleen, when they were counselors at Camp Wel-Met, a summer camp in Narrowsburg, New York, in the Catskills. The camp was just 10 miles from the three-day Woodstock festival in 1969, and Scott and Joleen spent their day off at the festival.
- When Karson becomes president on June 1, 2020, it will mark the first time that NYSBA has had back-to-back presidents who earned their law degrees from the Syracuse University College of Law.
- This past April, the Suffolk County Bar Association hosted an event to celebrate Karson’s selection as NYSBA president-elect. Nearly 200 people attended, including incoming NYSBA treasurer, Domenick Napoletano. That impressed some of the attendees: “He came all the way from Brooklyn?!” Karson replied, “He had to. I have to go to Brooklyn tomorrow night.” Humor aside, Karson was deeply moved by the outpouring of support and affection from his colleagues. “I will cherish this evening,” he said.



Five Ways NYSBA's Social Media Can Improve Your Practice

By Brandon Vogel

Information overload is a fact of life these days, but there are definite advantages to using social media in your law practice. Here are five ways the New York State Bar Association's social media can help you.

1) NYSBA is your digital home.

We currently have an active social media presence on Twitter (@nysba), Facebook (NYSBA), LinkedIn and Instagram (@nystatebar). Our posts are created with you in mind to add value to your member experience. We post our own news, legislative updates, as well as breaking news from the legal profession, to keep you informed and at the top of your game. Many of our sections now use Twitter to highlight relevant cases, promote upcoming events and shine a light on the work their members do. You can find

them all at www.nysba.org/socialmedia.

- 2) **Sharing content is as valuable as original content.** An easy and effective way to use social media is to share content versus your own original posts. Through sharing substantive content, you position yourself as a trusted source of information and an authority in your field. We love when members share our Facebook and LinkedIn posts, as well as retweet us. We also encourage you to tag us at CLE events or section meetings or when sharing your content for a section publication.
- 3) **Real time equals real results.** Years ago, we met an attorney who was known for his courtroom strategy. While court was in recess, he would read the latest court decisions on his laptop. When he would come back into court, he

could pause mid-argument and cite a just-issued decision to the astonishment of the judge and fellow counsel. Usually, it led to a favorable result for his client. With the Court of Appeals and Appellate Divisions all using Twitter to post decisions, you can develop a similar strategy yourself by setting up notifications and alerts for designated Twitter feeds. This way, you can stay informed and know more than your opposing counsel.

- 4) **Set the record straight.** The spread of information is fast but the spread of misinformation is often faster, especially on social media. One of the most common misconceptions on social media is that NYSBA is the disciplinary body for attorneys in New York state. We are frequently asked on Twitter to disbar attorneys. We have used social

media to respond quickly and correctly, and also guide the public on where to go. Attorneys have helped us with the public education and outreach, adding to their credibility and accessibility to the public.

- 5) **Find your voice.** Our goal is always to have a human voice behind the organization. No one goes on social media looking to be bored. We go there to read the news, be entertained, and connect with people. If your posts accomplish all three, you will gain a larger following and be more visible to the public. Having a genuine, authentic voice on your posts will help you connect with other attorneys and the public. With the right substantive content in your own voice, you will distinguish yourself from your peers and you might just get a new client.



NYSBA Creates Blue-Ribbon Wellness Task Force

By Christian Nolan

NYSBA President Hank Greenberg has announced the establishment of a blue-ribbon multidisciplinary task force to review the state's bar application questionnaire to ensure mental health treatment will not be a deterrent to gaining admission.

"NYSBA is committed to fostering the next generation of healthy, competent, and dedicated lawyers," said NYSBA President Henry M. Greenberg. "Seeking help for anxiety, stress, or other mental health issues should be encouraged, supported and rewarded.

"The idea that bravely and smartly addressing one's personal challenges early on could have a negative impact on admission to the bar is not consistent with our profession's core values," continued Greenberg. "The review of the bar application's questionnaire is an important first step in our efforts to help law students become healthy lawyers."

Recent studies have shown that law school students are experiencing these issues at alarming rates and are not seeking the help they need because they are concerned that doing so will negatively im-

pact their bar admission.

In fact, a recent American Bar Association study discovered that 42 percent of surveyed law students believed they needed help for emotional or mental health issues in the past year, but only half sought assistance. That is because 45 percent of the respondents feared that seeking help could pose a threat to their bar admission.

In February 2019, the Conference of Chief Justices passed a resolution urging its members and state and territorial bar admission authorities to eliminate from bar admission applications any

questions that ask about "mental health history, diagnosis, or treatment" and to instead use questions that only focus on an applicant's conduct.

NYSBA's task force will review questions on the New York bar application's character and fitness questionnaire that address an applicant's mental health issues to determine if they comport with the nationally endorsed recommendations found in the Conference of Chief Justices' resolution.

Greenberg has asked NYSBA's Young Lawyers Section, Committee on Disability Rights, Committee on Legal Education and Admission to the Bar, Law Practice Management's Attorney Wellness Sub-Committee, and Lawyer Assistance Committee, to appoint representatives to serve on the task force and issue recommendations for comment and possible adoption at NYSBA's November 2019 House of Delegates meeting.

Greenberg has also announced that retired Third Department Presiding Justice Karen K. Peters and retired Family Court Judge Sarah (Sallie) L. Krauss will work with NYSBA in the coming months to review and improve the association's well-being and wellness programs for attorneys and judges.

Lawyer Assistance Program Receives Grant from NY Court System

By Joan Fucillo

The New York State Bar Association's Lawyer Assistance Program (LAP) has received a generous grant from the state Unified Court System (UCS), which is being used to fund a new LAP director position.

Until now, the confidential program for lawyers, law students and immediate family members largely focused on addiction and recovery. Part of the director's mission will be to broaden the program's scope to include mental health treatment, wellness and prevention.

Stacey Whiteley, previously NYSBA's managing director of legal and community services, will serve as director of LAP under the grant and will continue to oversee NYSBA's Law, Youth and Citizenship and Lawyer Referral Services programs. Whiteley will concentrate her efforts on revitalizing LAP and its mission, with the input and assistance of NYSBA's Lawyer Assistance Committee.

"In moving LAP forward, we will be reaching out to everyone from law students to retirees who may have mental health or other issues where they need help but are having trouble asking for it," said Whiteley.

"This is a national conversation, so the timing is great," she added, noting NYSBA President Hank Greenberg's creation of a task force to ensure that getting mental health treatment will not be a barrier to bar admission. Whiteley said she looks forward to coordinating their work, where it makes sense to do so.

The UCS grant, which is awarded by the Office of Court Administration's Division of Professional and Court Services, runs through June 30, 2024, giving Whiteley five years to make a difference.

"If we can expand our program to help any attorney in need, no matter what the issues are, it will make us stronger and will help strengthen the entire profession," said Whiteley.

Fayetteville-Manlius High School Wins NYS Mock Trial Tournament

By Joan Fucillo

A mock trial is “a reflection of real life in a courtroom,” said the Hon. Mae D’Agostino, U.S. District Judge for the Northern District of New York, when she opened the final round of the 2019 New York State High School Mock Trial Tournament.

In her 30 years as a trial lawyer, she said, she had both won and lost some cases that could easily have gone either way. This is particularly true when the sides are evenly matched. “You are the two best teams in the state,” Judge D’Agostino said. The finals took place in the James T. Foley U.S. Courthouse in Albany, on Tuesday, May 21 after Monday’s semifinals.

The Verdict

“I love this job, and I despise it,” said Judge D’Agostino, before rendering her verdict, explaining that she loved seeing that level of talent in her courtroom but hated having to choose one team over the other. Then, she announced the results: Fayetteville-Manlius High School, Onondaga County, had edged out the Mount Academy, Ulster County, “by only the smallest of margins.” Judge D’Agostino closed with an offer. Saying that she hoped many of the participants would consider law school, she invited interested students to contact her if they wanted to observe a courtroom proceeding.

The six other regional finalists were Brooklyn Technical High School, Kings County; Buffalo Academy of the Sacred Heart, Erie County; Forest Hills High School, Queens County; Northport High School, Suffolk County; Notre Dame-Bishop Gibbons High School, Schenectady County; and the Wheatley School, Nassau County.

The eight regional finalists had prevailed in a field of more than 400 teams statewide. The Mock Trial Tournament, created by the New York State Bar Association in 1978, began as a pilot project, in which eight New York City high



Members of the Fayetteville-Manlius team celebrate after learning they had made the final round.

schools participated. The first statewide tournament was held in 1982.

Statewide Semifinals

In Monday’s semifinals, each regional finalist argued in one round for the petitioner, and the other for the respondent.

The Honorable Michael Garcia, Associate Judge of the Court of Appeals, spoke to the students during their luncheon, and the day culminated with a dinner for the teams, their coaches and attorneys and members of NYSBA’s Committee on Law, Youth and Citizenship (LYC), who worked at the mock trial as observers, scorers, judges and bailiff.

At the dinner, before the finalists were announced, LYC Chair Craig Bucki and NYSBA President-elect Hank Greenberg spoke to the students and their mentors.

Bucki recounted his experience as a freshman at Canisius High School in Buffalo, trying out for the mock trial team, being among those chosen and the thrill of making it to the final round. But, he said, no matter which teams are the finalists, or what your team rank is, “you are one of eight teams. It was incredibly difficult to get here.” It is literally “magic in a bottle, and you are privileged to be able to come. Savor the time you came to the finals,” Bucki added.

“Lessons learned in mock trial will serve you well in the future,” he said, noting that his former teammates include doctors, a few lawyers and a hedge fund manager. Bucki listed a few of these lessons: developing critical thinking skills, learning teamwork, understanding the system of government and knowing where you stand in the law.

Greenberg opened by saying, “It is a privilege to be surrounded by excellence. Eight teams out of 400 – I am overwhelmed by your commitment and your extraordinary achievement. Never forget what you did to get here.”

Now that you have learned about the American trial system, you know that without it, we don’t have a democracy, said Greenberg, adding, “Here are two important points.”

“Insinuation doesn’t matter – facts matter,” said Greenberg, “that is the genius at the core of the American trial system.” The process of a trial, Greenberg noted, with its direct examination and cross examination, brings you to the truth. A trial is the greatest engine of truth, he added, saying that without facts, democracy cannot stand.

“In the courtroom, we don’t scream, we don’t name call and we don’t resort to violence,” Greenberg went on, stressing the importance of civility. He noted that the fier-

est disputes are aired in a trial conducted and settled with civility, decorum and respect.

“How many of you are thinking about law school?,” Greenberg asked, then urged the students to consider it. The law needs attorneys with your skills, he said. “Harnessing technology and coping with change is second nature to you.”

“Being a lawyer is the most influential and consequential profession, it has the greatest impact. Lawyers are problem solvers. We are the foot soldiers of the Constitution,” Greenberg said, adding that the students had just undertaken a study of the law and the American trial system, and now know how it functions. “If someone tells you government doesn’t work,” he said, point to the American justice system: Judges, lawyers, juries keep us free; they protect the rule of law.

Finalists

When the finalists were announced, there were eruptions of joy from the entire room.

Parents expressed their pride. Gary Lim, whose daughter Michelle was on the Fayetteville team, said that he had seen her grow through the experience, especially in her ability to be prepared for the unexpected, which often happens during trial.

The members of the teams that did not make the finals uniformly showed their delight in being in Albany and their determination to return in 2020. Northport High School team captain Maggie Dowling kept saying, “I am so proud of my teammates.” When asked if she planned on studying law, she said, “No, fashion design,” even as she vowed to be back next year.

The 2019 competition marked the 37th anniversary of the New York State High School Mock Trial Tournament, one of the largest in the country. It is administered by LYC and supported by the New York Bar Foundation.

NYSBA Launches Inaugural Tech Summit

By Christian Nolan

Need to learn how to prevent hackers from compromising your client's confidential information? Or want to know how the latest Macs, iPhones and iPads can be used effectively in your law practice?

This and so much other timely and cutting-edge information will be available at the New York State Bar Association's first-ever technology summit at Crowne Plaza in Times Square, Sept. 19 and Sept. 20, 2019.

The tech summit will bring together national speakers and key New York attorneys from large and small firms, including members of the NYSBA Committee on Technology and the Legal Profession and the Committee on Law Practice Management.

The experts will explore ways new technologies are affecting law

firms and client information. Meetings and other breakout sessions will cover an array of topics including cybersecurity and ways to improve office efficiency. Panelists will provide attendees the information they need to stay abreast of recent tech cases, legislation and what is on the horizon.

During this special day-and-a-half-long program, attendees will be able to earn 12 MCLE credits. The programs will also be recorded, and in-person participants will receive access to all the program recordings including two bonus online archives. In total, they will receive 24 credit hours satisfying the New York MCLE requirement.

Get answers to tech questions, learn about new areas of law and learn to become more efficient in your practice. Gain key practical skills, save time and money.

Keynote, Plenary and Breakout Session Topics Include:

- Cybersecurity and Ethical Pitfalls of Everyday Law Office Computing
- The Latest on How Macs, iPhones and iPads Can be Used Effectively in a Law Practice
- Cybersecurity – Law Firm Hackers Just Because You're Cyber-Paranoid, Doesn't Mean the Hacker's Aren't Out to Get You!
- Word Master Class Power Hour and PDF Master Class Power Hour
- Cyber Insurance Demystified – Necessary, Expensive and Confusing
- Hey Siri, Hey Alexa ... Is this Admissible?
- Cybersecurity and Ethical Considerations

- How to Start-Up or Start-Over with Tech ... in the Cloud and on the Ground
- Who's Reading Your Email, Who Owns Your Social Media and Data
- Legal Tech Tips, Tricks, Gadgets and Cool Stuff – Your Technology Action Plan

The two-day event will begin Thursday, Sept. 19 from 9 a.m. to 5 p.m. and continue Friday, Sept. 20 from 9 a.m. to 1 p.m.

Don't miss this special opportunity. Continental breakfasts, a generous lunch buffet and premium reception are included. Register today and guarantee your seat at the program.

To register, please visit www.nysba.org/2019techsummit/. If you have any questions about this program, please contact Katherine Suchocki at ksuchocki@nysba.org or 518-487-5590.

Fall CLE Preview: Great Opportunity to Use NYSBA's New CLE Credit Tracker

By Joan Fucillo

Rather than waiting until deadlines leave you scrambling for the continuing legal education credits that you need, start looking now for opportunities this fall.

Now is also a great time to start utilizing the New York State Bar Association's new Continuing Legal Education (CLE) Credit Tracker and Learning Dashboard.

This summer, NYSBA announced the launch and premier upgrade to its credit-tracking software.

The new CLE Credit Tracker lets you download and store your MCLE certificates of attendance on demand and print individual transcripts or a full transcript of all your courses. And, the new diversity, inclusion and elimination of bias credit is now automatically listed as a credit option for experienced attorneys.

The new Learning Dashboard lets you view and connect to all your past program archives, including videos, course materials and customer receipts and access your information all in one place.

CLE credits you earn through NYSBA are automatically uploaded

to your Credit Tracker. CLE credit earned from other providers must be added manually.

Once you get started, you will be able to easily and accurately track your credits. And getting started is as easy as logging in. Questions? Contact Katherine Suchocki, NYSBA's director of CLE and Law Practice Management, at ksuchocki@nysba.org.

CLE

In addition to NYSBA's first ever technology summit (as featured in the article on this same page), fall CLE highlights include two skills-based litigation programs dealing with auto and truck claims, and commercial litigation.

NYSBA CLEs are presented by the top practitioners in their fields. So, get ready to enhance your knowledge and your practice, sharpen your skills and expand your horizons into new areas of law. Find the complete schedule, including credits and other details at http://www.nysba.org/CLE/Upcoming_CLE_Programs/.

Auto and Truck Claims, Accidents and Litigation

Subtitled "The Motor Vehicle

Hitch: How to Avoid It, How to Deal with It," this program on auto and truck claims is a nuts and bolts seminar to help lawyers develop the skills they need to effectively litigate accident and other vehicular claims. Seasoned practitioners will present an overview of the law governing depositions and provide practice pointers on deposition practice under both New York and federal court rules. New and experienced attorneys, in virtually any area of practice, will benefit.

The program begins with a dissection of an accident, including pre- and post-accident investigations. This is followed by a summary of the criminal law that civil lawyers need to know and a session on the ethical issues facing attorneys representing multiple injured parties in multi-vehicle accident litigation. Coverage issues including underinsured and uninsured motorists will be discussed, as will liability – ranging from spoliation to distracted driving – and how to use an expert.

Details: Programs will take place from 9 a.m. to 4 p.m. during the month of September at five different locations in the state. The Albany program will be webcast.

Commercial Litigation | Bridging the Gap

Save the date for an in-depth exploration of commercial litigation at the two-day Commercial Litigation Academy program. The academy brings together an outstanding panel of distinguished and well-known commercial litigators, current and former in-house counsel and judges. These professionals will share their expertise and provide valuable lessons on the entire arc of federal and state commercial litigation, from choosing the proper venue through the appellate process. Attendees will receive training and enhance their skills in everything from drafting pleadings and seeking injunctive relief, disclosure and discovery (including expert discovery and e-discovery), to the trial and the appeal, all with an eye toward litigating commercial cases efficiently.

The expert faculty will also discuss key ethical and evidentiary issues confronted by the commercial litigator. The program will be recorded and webcast live.

Details: This program will be held on Thursday, Nov. 14 – Friday, Nov. 15 in New York City.

On June 1, NYSBA Committees, Task Forces and Sections Welcomed New Leadership, and NYSBA's Executive Committee Welcomed New Members

Congratulations to the new chairs, co-chairs, vice chairs and Executive Committee members. Thank you for your willingness to serve.

Committees

Audit Committee

Elizabeth J. Shampnoi, Chair
Shampnoi Dispute Resolution and Management Services, Inc.
New York, NY

Committee on Annual Awards

Bernice K. Leber, Chair
Arent Fox
New York, NY

Committee on Association

Insurance Programs

Laurie Kamaiko, Vice Chair
Saul Ewing Arnstein & Lehr LLP
New York, NY

Committee on Attorney

Professionalism

Vivian Wesson, Vice Chair
Marsh & McLennan Cos.
New York, NY

Committee on Bylaws

Anita L. Pelletier, Vice Chair
Nixon Peabody
Rochester, NY

Committee on Children and the Law

Lorraine R. Silverman, Chair
Coppes DiPaola Silverman
Albany, NY

Committee on Committees

Carol A. Sigmond, Co-Chair
Cohen Segalías Pallas Greenhall & Furman PC
New York, NY

Committee on Communications and Publications

Kelly L. McNamee, Vice Chair
Greenberg Traurig LLP
Albany, NY

Committee on Diversity and Inclusion

Mirna M. Santiago, Chair
Acaia Network
Bronx, NY
Violet E. Samuels, Vice Chair
Samuels & Associates PC
Rosedale, NY

Committee on Finance

John H. Gross, Vice Chair
Ingerman Smith LLP
Hauppauge, NY

Committee on Judicial Wellness

Hon. Linda Poust Lopez, Vice Chair
Supreme Court, Bronx County
Bronx, NY

Committee on Law Practice Management

Sarah Gold, Co-Chair
Gold Law Firm
Albany, NY

Committee on Law, Youth and Citizenship

Gail Ehrlich, Vice Chair
Private practitioner
Mount Vernon, NY

Committee on Lawyer Assistance

Daniella Keller, Co-Chair
New York State Department of Environmental Conservation
Albany, NY

Committee on Lawyer Referral

Soma Syed, Chair
Soma Syed & Associates
Queens, NY

Committee on Leadership Development

Hon. Helena Heath, Co-Chair
Albany City Court
Albany, NY

Edwina Frances Martin, Co-Chair
Commissioner and Public Administrator of Richmond County
Staten Island, NY

Committee on Legal Aid

Sally Fisher Curran, Co-Chair
Volunteer Lawyers Project of Onondaga County, Inc.
Syracuse, NY

Adriene Holder, Co-Chair
Legal Aid Society – Civil Practice
New York, NY

Committee on Legal Education and Admission to the Bar

Marta Galan Ricardo, Co-Chair
Columbia Law School
New York, NY

Committee on Mandated Representation

Leah Nowotarski, Vice Chair
Wyoming County Public Defender's Office
Warsaw, NY

Committee on Media Law

Daniel R. Novack, Co-Chair
Penguin Random House
New York, NY

Committee on Technology and the Legal Profession

Gail Gottehrer, Vice Chair
Law Office of Gail Gottehrer
Stamford, CT

Committee on Transportation

Marcy Einhorn, Vice Chair
Law Office of Marcy Einhorn
New York, NY

Membership Committee

Hyun Suk Choi, Co-Chair
Choi & Park LLC
Trenton, NJ

Nominating Committee

Claire P. Gutekunst, Chair
Judges and Lawyers Breast Cancer Alert
New York, NY

President's Committee on Access to Justice

Scott M. Karson, Co-Chair
Lamb & Barnosky LLP
Melville, NY

Tiffany Liston, Vice Chair
Mobilization for Justice Inc.
New York, NY

Special Committee on Association Structure and Operations

Glenn Lau-Kee, Chair
Lau-Kee Law Group PLLC
New York, NY

Special Committee on Strategic Communications

David P. Miranda, Chair
Heslin Rothenberg Farley & Mesiti P.C.
Albany, NY

Elizabeth J. Shampnoi, Vice Chair
Shampnoi Dispute Resolution and Management Services, Inc.
New York, NY

Task Force on Autonomous Vehicles and the Law

Dean Aviva Abramovsky, Chair
University at Buffalo School of Law
Buffalo, NY

Task Force on Free Expression in the Digital Age

David E. McCraw, Co-Chair
The New York Times Co.
New York, NY

Cynthia Arato, Co-Chair
Shapiro Arato Bach
New York, NY

Task Force on New York Bar Examination

Eileen D. Millett, Co-Chair
Phillips Nizer LLP
New York, NY

Hon. Alan D. Scheinkman, Co-Chair
Appellate Division, Second Judicial Department
Brooklyn, NY

Task Force on Parole Reform

Seymour James, Co-Chair
Barkett Epstein Kearon Aldea & LoTurco, LLP
New York, NY

William T. Russell, Jr., Co-Chair
Simpson Thacher & Bartlett LLP
New York, NY

Task Force on Rural Justice

Taier Perlman, Co-Chair
Government Law Center, Albany Law School
Albany, NY

Continued on page 26

TEST YOUR KNOWLEDGE

a) Most disabilities are a result of on-the-job injury and freak accidents.

TRUE or FALSE

b) The average long-term disability lasts less than a year.

TRUE or FALSE

c) Social Security covers the majority of long-term disability claims.

TRUE or FALSE

DID YOU KNOW...

All three statements above are FALSE. And all three represent common — and potentially costly — myths about disability. The TRUTH is that the loss of income due to a sudden illness or injury happens more often, costs more and lasts longer than you might think.

As an NYSBA member, you can apply for up to \$10,000 a month in Group Long-Term Disability benefits at competitive member-only rates that are not available to the public.

It only takes a minute for the unexpected to happen. Don't let a long-term disability leave your family financially vulnerable. Help protect your income today.



Visit nysbainsurance.com/bn4 to learn more* and to apply online
Questions? Call 800-727-7770 weekdays — 8:30 a.m. to 4:30 p.m. (ET)

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New York, NY 10010

Answer key:

a) Musculoskeletal disorders and illnesses such as heart attack, cancer, and diabetes cause the majority of long-term disabilities, not freak accidents or injuries.¹

b) 64% of initial Social Security Disability claims applications were denied in 2018.²

c) The duration of the average long-term disability claim is nearly 3 years (34.6 months).³

^{1,2} <https://disabilitycanhappen.org/disability-statistic/> updated March 2018

³ <https://disabilitycanhappen.org/overview/> viewed Feb 2019

*Contact the Administrator for current information including features, costs, eligibility, renewability, exclusions and limitations.

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NYBSA_SBN_LTD_06/19

Nominating Committee Seeks Candidates for Bar Association Offices

The Nominating Committee invites members of the New York State Bar Association to submit recommendations of themselves or others for consideration in developing its slate of nominees for association offices beginning in 2020.

Members wishing to become an officer or member of the NYSBA Executive Committee should review Article VIII of NYSBA's Bylaws describing the Nominating Committee and nominations for office (www.nysba.org/bylaws).

As part of the selection process, candidates for the offices of president-elect, secretary, and treasurer may be required to appear in person before the Nominating Committee at its meeting on September 16 in New York City and at its meeting on November 1 in Albany.

Candidates for the office of member-at-large of the Executive Committee may be required to appear in person before the Nominating Committee at one of the two meetings. No appearance before the Nominating Committee is required for the positions of vice president, elected delegate (three for each judicial district), the one member-at-large recommended by the Section Delegates to the House of Delegates, and the member-at-large recommended by the Young Lawyers Section.

Offices for Nomination

The Nominating Committee is accepting and will be interviewing candidates for president-elect, secretary, treasurer, members-at-large of the Executive Committee — three (please indicate if you are seeking a regular seat or diversity seat). At least one of these members-at-large is selected to further ethnic and racial diversity in the association and must come from a judicial district other than the Eleventh Judicial District, since there currently is a member-at-large selected to further diversity from that district.

Other Offices

The Nominating Committee does not decide on the names of the vice-presidents and the elected delegates that are presented to the House of Delegates for election at the Annual Meeting. (See NYSBA Bylaws, Article VIII § 1(A)(3).)

Similarly, the Nominating Committee does not decide on the names of the one member chosen by the Section Delegates to the House of Delegates and the one member chosen by the Young Lawyers Section to fill the position of members-at-large to the Executive Committee.

Therefore, candidates for these positions are not required to appear before the Nominating Committee. (See NYSBA Bylaws, Article VIII §§ 1(A)(4) & 1(A)(5).)

However, the Nominating Committee does encourage anyone interested in these positions to contact the vice-presidents of their respective judicial districts and/or the chairs of the Section Delegates to the House of Delegates and Young Lawyers Section to determine deadlines and such criteria as may be established for consideration to fill the positions of a vice-president, elected delegate, or Executive Committee member-at-large from the Section Delegates to the House of Delegates or Young Lawyers Section. For relevant contact information, please email your request to NominatingChair@nysba.org.

Special Eligibility Criteria for Candidates

A candidate for president-elect must have served as a member of the House of Delegates within five years preceding the time of nomination but need not be a member of the House at the time of nomination for office.

Nature of Service

The nature of service for NYSBA offices is described in the

association's Bylaws (www.nysba.org/bylaws).

The president-elect, secretary, treasurer, 14 vice-presidents, and 11 members-at-large serve on the Executive Committee and in the House of Delegates, which manage

Sept. 3, 2019 to ensure adequate time for review by the Nominating Committee.

In making nominations, members are encouraged to keep in mind the association's diversity policy, which was adopted by the

Be a Leader.

the business and activities of the association and generally meet quarterly. They also serve as liaisons to NYSBA committees and sections.

The president-elect chairs the House, assists the president, and becomes president on June 1 of the following year. Persons serving as president and president-elect will receive a stipend of \$75,000 and \$37,500, respectively.

The secretary keeps a record of House of Delegates and Executive Committee meetings. The secretary also chairs the Resolutions Committee and serves as a liaison to the Section Delegates to the House of Delegates.

The treasurer serves as an *ex officio* member (as does the president-elect) of the Finance Committee, which oversees the financial affairs of the association and meets approximately four times per year. The treasurer presents NYSBA's financial report at each House meeting.

Timetable for Submitting Recommendations

Members who are seeking office may place their names before the Nominating Committee by self-declaration or nomination.

Candidates for president-elect must submit their declarations of candidacy to the Secretary by **no later than Sept. 3, 2019**.

Candidates seeking all other offices are strongly encouraged to file a declaration of candidacy and submit all background materials by

House of Delegates in November 2003.

The policy emphasizes the commitment to achieving diversity in the "membership, officers, staff, House of Delegates, Executive Committee, sections and committees and their respective leaders. Diversity is an inclusive concept, encompassing gender, race, color, ethnic origin, national origin, religion, sexual orientation, age and disability."

Submissions must include a current curriculum vitae or resume; a maximum of five letters of support; a written statement of no more than 500 words setting forth the reason for seeking office; and a disclosure of any public professional discipline, sanction, and/or contempt finding by a court. Please direct this information to Claire P. Gutekunst, Chair, Nominating Committee, New York State Bar Association, One Elk Street, Albany, NY 12207, or by email to NominatingChair@nysba.org or by fax to 518-463-8527.

Timetable for President-elect Candidates' Statements for Publication

Each candidate for president-elect is invited to submit a 400-word statement for publication in *State Bar News* by **Sept. 3, 2019**. For more information, please contact Senior Director of Communications Dan Weiller at 518-487-5500 or dweiller@nysba.org.

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REPORT TO MEMBERSHIP 2018–2019

Immediate Past President's Message *The Year in Review*



It has been the greatest honor and privilege of my professional life to serve as the 121st president of the New York State Bar Association. Together, we made great strides toward creating a more vibrant bar association. NYSBA's voice is stronger, more relevant and very effective. The future holds great promise for our association.

NYSBA Policy

NYSBA task forces, committees and working groups are charged with studying and analyzing some of the most important issues facing lawyers, our communities and the practice of law. Their work helps set NYSBA policy as we strive to support the rule of law and enhance access to justice. In the past year, our House of Delegates approved several reports that shared the excellent work and recommendations of task forces, committees

and working groups.

The Task Force on Evaluation of Candidates for Election to Judicial Office created a set of best practices for judicial screening committees and made recommendations for establishing regional screening committees for counties not currently being served.

New York's counties. As a result of their compelling advocacy, we are already seeing progress.

The Task Force on Incarceration and Release Planning recommended working on the issues that affect recidivism rates, such as inconsistent rules, housing, substance abuse and mental health treatment.

paid to private attorneys assigned to represent litigants pursuant to 18-B of the County Law.

Our Committee on Attorney Professionalism recommended updates to the Standards of Civility to reflect changes in technology and communication which have occurred since their initial adoption in 1997. Additionally, they expanded the scope to include non-litigation settings.

The report by the Working Group on Judiciary Law Section 470, formed by past President David Miranda, called for the law's repeal, concluding that requiring non-resident lawyers admitted to practice in New York to have a physical office in New York in order to practice in the state made no sense in our digital world.

The Task Force on School to Prison Pipeline, established by past President Sharon Stern Gerstman,

“*NYSBA's voice is stronger, more relevant and very effective.*”

— Michael Miller

One of the key recommendations of the Task Force on Wrongful Convictions was to establish conviction integrity units in each of

The Criminal Justice Section and the Committee on Mandated Representation recommended a long overdue increase in the rates

recommended restorative justice practices rather than suspension to deal with student misconduct.

You can view NYSBA reports at <http://www.nysba.org/substantive-reports/>.

NYSBA Advocacy

We were delighted that some of our longtime lobbying efforts, along with those of other stakeholders, in the areas of voting and criminal justice reform became law. The state Legislature passed, and the Governor signed into law, legislation modernizing New York's voting laws. The state has overhauled criminal discovery to re-

Judiciary address, specifically citing NYSBA's report on the *Judiciary Article of the New York State Constitution* as a way forward. NYSBA President Hank Greenberg chaired the Committee on the New York State Constitution, which wrote the report.

Our Tax Section reviewed a provision of the N.Y. Tax Law that allowed for suspension of a driver's license as an incentive for a party to pay state tax arrears. The section concluded that Tax Law Section 171-v violated longstanding debtor protection laws and proposed an affirmative amendment to the law, to allow hardship exemptions

graduate members can get substantial savings on bar review courses through our new partnership with Kaplan Bar Review. NYSBA members and their families enjoy discounts on other Kaplan Test Prep courses, including the GRE, SAT, PSAT and LSAT. For more information visit www.nysba.org/kaplanbenefit/.

Even as associations across the country face challenges in engaging, recruiting and retaining members, I am pleased to share encouraging news. Our international membership has grown considerably in the past decade, and the NYSBA brand is remarkably strong in the international sector. Lawyers in other countries view NYSBA as the premier bar association. Our work to repeal Judiciary Law Section 470 has garnered many expressions of appreciation from non-resident members and should encourage out-of-state membership. These are opportunities for growth, but we already are moving in the right direction. We ended 2018 with more than 70,000 members and had our highest member-retention rate in six years.

Advocating for the Rule of Law

Throughout its 143-year history, NYSBA has been staunchly committed to the rule of law and fundamental principles of justice, including an independent and impartial judiciary, equal treatment for all under the law, and the right of every individual to be represented by and have a protected, confidential relationship with an attorney.

During my term, we had many occasions to defend those principles, and we did so vigorously. Among our efforts, we condemned the federal government shutdown, which severely hobbled the judiciary and, with it, access to justice. We lauded U.S. Supreme Court Chief Justice John Roberts for his public defense of an independent judiciary. And we worked with – and honored – the lawyers, interpreters and others who provided much-needed legal services to the

influx of Immigration and Customs Enforcement (ICE) detainees brought to Albany last summer.

We condemned as inhumane the separation of children from their asylum-seeking families at the southern border, and we responded by working with the New York Bar Foundation to launch the *#NYLawyers4Children* fund to pursue legal measures to ensure the safety and well-being of minor migrant children in custody.

Thank You

While there have been many unique and wonderful moments during my term (it's not likely that I will ever again share a podium with a robot), what I will cherish most is the time I have spent with all of you.

As president, I had the distinct honor of working with the Committee on Women in the Law in its transition to becoming the Women in Law Section, the fastest growing NYSBA section in many years. Susan Harper has been an outstanding inaugural chair of this important and vibrant section, and I was deeply honored to receive its 2019 Outstanding Champion Award.

I also had the honor of attending many section and committee meetings and events where I learned so much about our members' issues and concerns. Consistently, I was impressed by the depth of knowledge and the quality of discussion. You truly are the best and the brightest of our profession.

Our dedicated staff, led by Pamela McDevitt, do an extraordinary job day in and day out, helping us meet our mission to be relevant to our members, improve access to justice, support an independent judiciary and protect the rule of law.

Thank you for your generosity and your support. You will be very well-served by President Greenberg, and I look forward to assisting his efforts in any way I can.

Onward to the future!



“
Throughout its 143-year history, NYSBA has been staunchly committed to the rule of law and fundamental principles of justice.”
”

— Michael Miller

quire that prosecutors share evidence at the earliest stages of a case. We supported bail reform, and the state has curtailed the use of cash bail and pretrial detention for most people accused of low-level offenses.

Even as we lobbied for increases to the assigned counsel fees for mandated representation, the state wanted to require attorneys to subsidize additional funding by adding \$50 to the cost of the biennial attorney registration fee. For the second time in two years, we led a successful campaign against this targeted tax on attorneys.

NYSBA has long advocated for the restructuring and modernization of New York's state court system to make it simpler and fairer. Thus, we were pleased when N.Y. Court of Appeals Chief Judge Janet DiFiore addressed the topic during her February 2019 State of the

under certain circumstances. The amendment was included in the state budget.

NYSBA Membership

We are looking at all aspects of NYSBA operations to find ways to better serve our members. The NYSBA website, our primary communications hub with our members, is being entirely redesigned to make it easier for members to use. We will start rolling out many of these new systems and features later this year.

As we do this, we continue to provide membership benefits including deep discounts on products and services you have come to rely on – along with some new benefits, such as discounts on sporting events and travel services. Find all these benefits and more at www.nysba.org/MemberBenefits/.

Law student and recent law

Legislative Advocacy

State

Once again, NYSBA led a coalition of lawyers from throughout the state to protest a proposed \$50 increase in the biennial attorney registration fee. The fee increase was included in the Governor's fiscal year 2019-2020 budget to help fund New York state's indigent criminal defense programs. NYSBA leaders argued forcefully that indigent criminal defense is a state responsibility mandated by the Constitution, and the state must fully fund it. The budgetary provision was unfair and a targeted tax on lawyers, NYSBA said. The state finally agreed, and the provision was removed from the budget.

State bar leaders, President Michael Miller and President-elect Hank Greenberg led NYSBA's lob-

bying efforts on its 2019 state legislative priorities. Two of NYSBA's major priorities were passed by the Legislature and signed by Governor Andrew Cuomo.

Sweeping changes to criminal law brought discovery reform to the state. The new rules, long championed by NYSBA, require prosecutors to automatically turn over evidence to the defense 15 days after an indictment. Previously, the prosecution could withhold the evidence until just before trial, which often meant that evidence never was shared, as relatively few cases went to trial. This should result in more pleas by the guilty and fewer wrongful convictions.

Another NYSBA priority was an overhaul of the state's voter registration to make it easier to regis-

ter and vote. The state enacted early in-person voting, and Election Day and same-day registration. The new laws also allow 16- and 17-year-olds to preregister to vote.

Federal

On the American Bar Association's Lobby Day in April, NYSBA President Michael Miller and President-elect Hank Greenberg joined other bar leaders in Washington, D.C. NYSBA's delegation met with key policy makers in New York state's congressional delegation.

Advocacy efforts for the day focused on increasing funding for the Legal Services Corporation (LSC). For the third year in a row, LSC funding was eliminated from the White House's proposed fiscal year

2020 budget. On June 3, Congress gave final approval to a disaster-aid package that included a \$15 million boost for LSC.

Other issues set forth by NYSBA included exempting Puerto Rico from the Jones Act and preserving the federal Public Service Loan Forgiveness (PSLF) program. The Jones Act restricts the types of vessels that can transport goods between U.S. ports, causing island businesses and residents to pay more for the imports on which they rely and making U.S. goods more expensive than those shipped from foreign countries. The PSLF program makes it possible for young people, such as lawyers with burdensome law school debt, to choose to enter public service.

House of Delegates

Reports Approved by the House

June 2018

Building on the work of NYSBA's long-time Committee on Women in the Law, the House voted on June 16, during its quarterly meeting in Cooperstown, to create a Women in Law Section.

The Sealing Committee of the Criminal Justice Section produced a report on federal sealing, recommending that NYSBA support such legislation without allying itself with any one proposal.

NYSBA also approved the New York City Bar Associations Report on the Jones Act, which recommends exempting Puerto Rico from the Jones Act, which has and continues to have a substantial negative impact on the island's economy.

November 2018

The Local and State Government Law Section created a model pro bono policy for attorney employees of local governments and local government agencies. State and federal policy is not translatable to local government

entities, whose attorneys want to perform pro bono service but needed a guide to ensuring it fits with their local responsibilities and conforms with legal and ethical requirements.

January 2019

The Working Group on Judiciary Law Section 470 issued its report, which recommended outright repeal of Section 470, which required that an attorney practicing in New York must maintain a physical office in the state.

April 2019

The Committee on Standards of Attorney Conduct produced a report recommending amendments to the conflict of interest provisions in the New York Rules of Professional Conduct.

The Committee on Attorney Professionalism report recommended changes to the Standards of Civility to include technological advances in communication and to extend the standards to non-litigation settings.

Three of the reports approved by the House studied pressing criminal justice and potential criminal justice issues.

- Among the recommendations in the report of the Task Force on School to Prison Pipeline was increased use of restorative justice practices rather than suspension for student misbehavior.
- The report by the Task Force on Wrongful Convictions recommended that each district attorney's office in New York state have a conviction integrity unit to evaluate and review convictions.

- The Task Force on Incarceration and Release Planning recommended focusing on the issues that contribute to recidivism – such as housing and education needs, financial issues and substance abuse and mental health support.

The Task Force on Evaluation of Candidates for Election to Judicial Office developed best practice guidelines for bar associations that do not already have in place independent judicial screening committees and suggests ways that smaller counties with fewer resources could form regional committees.

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Legal and Community Services

Pro Bono

NYSBA's Department of Pro Bono Services advocates for equal access to justice for all New Yorkers by encouraging pro bono service and collaborating with NYSBA sections and committees. The department partners with legal service providers, the courts, governmental organizations, and law schools and convenes stakeholder meetings throughout the year, including three days of events at NYSBA's Annual Meeting.

NYSBA is a strong advocate for increased civil legal service funding. The department ensures that NYSBA members are informed of access to justice issues and encourages sections and committees to prepare advisory and recommendation reports on access to justice issues to be advanced as association policy.

Several times throughout the year, NYSBA administers awards ceremonies that highlight the pro bono contributions of its members, including recognition of Empire State Counsel at the Annual Meeting in January; the President's Pro Bono Service Awards on Law Day in May; and the Denison Ray Civil Award and the Phil Daley Award at the biennial Partnership Conference.

As part of NYSBA's commitment to closing the access to justice gap, the Department of Pro Bono Services administers ny.freelegalanswers.org, part of the American Bar Association's Free Legal Answers project. This project provides a web-based opportunity for lawyers to provide pro bono service and for low-income New Yorkers to receive basic legal assistance.

The department's biennial Partnership Conference provides affordable, high-quality continuing legal education and networking opportunities for civil legal service and pro bono professionals from across the state. The conference is the second-largest NYSBA event after the Annual Meeting. The next

Partnership Conference is scheduled for Sept. 16–18, 2020 at the Albany Capital Center.

Committee on Law, Youth and Citizenship (LYC)

With support from the New York Bar Foundation, LYC administers the New York State High School Mock Trial Tournament. The tournament was created by NYSBA in 1978, and the first statewide tournament was held in 1982. The New York State High School Mock Trial Tournament is one of the largest in the country.

The final round for 2019 was held on May 21 at the James T. Foley U.S. Courthouse in Albany. Fayetteville-Manlius High School took home the honors. See the story on page 14.

LYC's fall 2018 Civics and Law-Related Education Conference tackled *The Contours of Student and Faculty Free Speech Rights in a Politically Charged World*. This October, LYC's 43rd annual conference will cover the topic of *Student and Faculty Mental Health and Substance Abuse Issues – What Can School Districts Do?*

Lawyer Assistance Program (LAP)

NYSBA's Lawyer Assistance Program (LAP) provides confidential assistance to attorneys, judges, and law students who are struggling with substance abuse, mental health issues or other personal concerns that can potentially impact their abilities to successfully function in the legal profession. LAP also provides continuing legal education to professionals and educational programs to law school students on recognizing, preventing, and dealing with addiction, suicide, and other mental health issues. LAP helpline: 800.255.0569/lap@nysba.org. See related stories on page 13.

Lawyer Referral and Information Service (LRIS)

In 2017, NYSBA's Lawyer Referral and Information Service launched an online referral platform for people seeking an attorney (www.FindaLawyerNYS.org). Being in the online marketplace has made it easier for potential clients to request a referral or find an LRIS panel attorney, and easier for participating attorneys because the platform provides them with consistent reporting, up-to-date data and an easy way to pay LRIS fees.

Starting in summer 2019, LRIS will offer automatic referrals, available 24/7, via the www.FindaLawyerNYS.org website. Callers during business hours will speak to a live person, but a new 24-hour feature will help callers connect with an attorney after hours and on weekends.

- LRIS received nearly 10,000 calls for assistance in 2018.

- LRIS engagement rate is 13.3%. (ABA average is 3%–8%)

Office for Diversity and Inclusion

NYSBA's diversity and inclusion specialist oversees and facilitates NYSBA's efforts to increase diversity and inclusion in the association's leadership and in the legal profession, particularly in New York state, through educational programming and outreach in coordination with the NYSBA's committees and sections. The diversity and inclusion specialist also serves as a liaison to the following NYSBA committees that focus on diversity, inclusion and the elimination of bias: Committee on Diversity and Inclusion, Committee on LGBT People and the Law and the Membership Committee's Subcommittee on Diversity and Inclusion.

NYSBA GALA DINNER

*Special Guest of Honor & Keynote Speaker
to be announced*


THE NEW YORK STATE COURT OF APPEALS
*and other state court appellate judges
will also be honored*

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SIX THIRTY IN THE EVENING

AMERICAN MUSEUM OF NATURAL HISTORY
Central Park West at 79th Street, NYC

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Sections and Committees

NYSBA's 26 sections are practice-oriented or focus on a particular demographic such as the recently formed Women in Law Section. Sections offer online communities, resources and innovative and substantive continuing legal education programs.

Committees, task forces and working groups research issues that lawyers care about, publish reports and make recommendations for consideration by NYSBA's House of Delegates.

Section Highlights

Activities

In its first year, the Women in Law Section grew to more than 650 members, making it NYSBA's fastest growing section. The International Section's fall 2018 meeting in Montreal featured the robot "Sophia" as presenter at a program on artificial intelligence. The Real Property Law Section developed an online Local Practice Guide to help members track residential closings practices, which vary by county. The Young Lawyers Section's 2018 summer meeting focused on *Mindfulness for Lawyers and the Introverted Lawyer*. The Health Law Section held membership receptions for law students at Albany Law School and Fordham University School of Law. The Business Law Section's 2018 fall meeting reviewed cybersecurity developments from a diverse set of legal perspectives in the world of business and finance. The Torts, Insurance & Compensation Law Section traveled statewide and beyond in 2018, hosting networking events in Buffalo, Syracuse and Saratoga Springs and went on to Enniskerry, Ireland for its summer meeting.

Diversity

The Real Property Law Section held a *Diversity Kick-off* event in Brooklyn. The Health Law Section offered an eight-week summer diversity fellowship. In February, the Business Law Section hosted a di-

versity, inclusion and elimination of bias MCLE program and networking reception, with speakers Hon. George B. Daniels, U.S. District Judge, Southern District of N.Y., and Hon. Milton A. Tingling, New York County Clerk, retired justice of the New York State Supreme Court, New York County.

Joint Efforts

The Real Property Law Section and the Criminal Justice Section coordinated internship programs with various law schools. The Trial Lawyers Section and Torts, Insurance & Compensation Law Section honored Court of Appeals Judge Michael J. Garcia at their joint Annual Meeting dinner in New York City. The General Practice Section and NYSBA's Committee on Professional Discipline teamed up for an Annual Meeting program, which included *The Ethical Obligations of a Lawyer to Learn the True Facts*. Panelists included Monica A. Duffy, Attorney Grievance Committee, Third Judicial Department; Professor Bruce A. Green, Fordham University School of Law; David B. Lat, editor-at-large and founder of Above the Law; Hon. Colleen McMahon, Chief U.S. District Judge, Southern District of N.Y.; and Michael S. Ross, Law Offices of Michael S. Ross. Joel Cohen, Stroock & Stroock & Lavan, served as chair.

Giving Back

The Business Law Section's Small Business Support Fund issued a grant, administered by the New York Bar Foundation, to Start Small Think Big for its Small Business Legal Project. The project provides critically needed one-on-one small business legal services and educational programming to New York City entrepreneurs with limited resources who demonstrate a commitment to growing their business and creating jobs within their community.

Committee Highlights

NYSBA added three new task forces to study, and educate the bar on, cutting edge issues. Reports and recommendations from the Task Force on Evaluation of Candidates for Election to Judicial Office and the Task Force on Incarceration Release Planning and Programs were approved by the House in April 2019. Find the reports at <http://www.nysba.org/substantivereports/>. The Task Force on Mass Shootings and Assault Weapons, which is looking at the connection between mental health, domestic violence and mass shootings, will continue its work.

- The Committee on Diversity and Inclusion presented its Diversity Trailblazer award to Associate Justice Sylvia Hinds-Radix, Appellate Division, Second Judicial Department, for her exceptional efforts to enhance diversity and inclusion in the legal community. The award was presented during the committee's *Diversity Works/Celebrating Diversity in the Bar* program during NYSBA's 2019 Annual Meeting. With support from the New York Bar Foundation, the committee held Youth Law Day programs at seven different law schools throughout the state. The pipeline diversity program provides high school students from underserved communities with a sense of the law school experience and introduces the possibility that law school could be in their future.

In coordination with NYSBA's Committee on Continuing Legal Education, the committee sponsors a series of free diversity CLE programs.

- Committee on LGBT People and the Law established a working subgroup to consider legislation on gestational surrogacy, which coordinated with other sections and committees also working on the project. Legislation to allow compensated gestational surrogacy was considered by the state legislature. The committee co-sponsored the American Bar Association's Section of Litigation's 2019 LGBT+ Forum held in New York City, which marked the 50th anniversary of the Stonewall uprising, and addressed litigation, career development and networking opportunities. The committee reached out to LGBT bars and organizations to help sponsor their commemoration events in an effort to foster relations with the state's LGBT specialized and local bar leaders.
- The Membership Committee's Subcommittee on Diversity and Inclusion holds meet and greet diversity events to network with and attract diverse attorneys. The subcommittee held three events in 2018, garnering a total of 20 new members, and will hold four in 2019 in Syracuse, Buffalo, Albany and New York City.

Follow NYSBA on Twitter

Stay up-to-date on the latest news from the Association

www.twitter.com/nysba

Continuing Legal Education and Publications

Continuing Legal Education (CLE)

NYSBA CLE provides the best and most relevant continuing legal education programming for New York attorneys. We rely on our CLE volunteers – the judges and lawyers who for decades have been developing and presenting seminars, preparing rich collections of written materials and raising the bar for legal practice in New York. Last year more than 2,000 lawyers and judges volunteered.

- NYSBA CLE is increasing the number of regional live and online programs we offer. In 2018, NYSBA presented 146 program topics in a variety of formats at 240 locations statewide. As of June 2019, NYSBA presented over 88 programs in 161 locations. Programs range from practical skills-based CLEs that introduce lawyers to new areas of practice to sophisticated ‘institutes’ that offer in-depth analysis for experienced attorneys. Almost all programs are recorded and made available in our online on-demand audio and video library.
- NYSBA’s popular *Bridging the Gap*, a two-day program for newly admitted attorneys, is now being offered in Albany, Buffalo, Syracuse and New York City, with live presenters in each location.
- The Law Practice Management Committee (LPM) focuses on the needs of solo and small firm practitioners. LPM produces CLE programs and publications and maintains an online resource database, providing up-to-date information and practical tips on how to manage and apply technology in day-to-day practice. The LPM Committee teamed with the Committee on Technology and the Legal Profession to present several webcasts and webinars on technology related topics including artificial intelligence, integrated courtroom technology, blockchain and cryptocurrency, data protection, privacy and social media guidelines. View available programs on LPM-related topics at www.nysba.org/LPM.
- NYSBA CLE’s Online On-Demand audio and video library offers over 4,000 programs. Our new learning management software allows registrants to self-attest and download their MCLE certificate at the conclusion of a program. A note-taking ability is also available. All standalone CD products have been replaced with a combined DVD/CD product, which includes the audio MP3 and video MP4 downloads.
- NYSBA has launched its CLE Online All-Access Pass. For a flat rate of \$795, members can access every MCLE online program for a full year. New programs are added each month. Learn more about law firm packages and group billing at www.nysba.org/AllAccessPass.
- NYSBA CLE works with sections and committees to develop new, timely and relevant New York-based CLE programs to keep members apprised of legislative updates and reforms.

loadable forms and document assembly products created by experienced attorneys exclusively for attorneys practicing in New York. Titles published include the 2018–2019 edition of our *Practical Skills Series*, a 19-volume set covering 26 areas of practice; and updates to *Construction Site Personal Injury Litigation, 2d ed.*, *Siegel on Entertainment Law, Preparing For and Trying the Civil Lawsuit, 2d ed.* and *Estate Planning and Will Drafting in New York*. All offer practical, real-world information and advice to help New York attorneys succeed.

We continue to provide access to the complete NYSBA online publications library through Fastcase. NYSBA members get electronic access to virtually all our reference titles at an exclusive discount, which more than covers the cost of membership. We continue to publish the *New York State Law Digest*, the *NYSBA Journal*, and *CasePrepPlus*, a weekly e-newsletter summarizing recent and significant New York appellate cases. These are free to all NYSBA members. In addition, we produce 26 section publications (totaling 72 issues a year), a key benefit of section membership.

Publications

This past year, NYSBA published more than 23 books, supplements and form products, in addition to down-

Foundation Grants Improve Access to Civil Justice, Strengthen the Rule of Law

The New York Bar Foundation, the charitable arm of NYSBA, provides financial support to law-related programs, scholarships and educational activities throughout New York State. For its current three-year strategic plan, launched in June 2018 to coincide with the term of its incoming president, Lesley Rosenthal, the foundation selected the rule of law as its guiding theme. The basic idea is that governments guided by the rule of law provide a level playing field, evenhandedly applying a well-publicized set of laws, allowing funda-

mental rights to flourish, and providing other preconditions for justice to be done.

As part of its planning process, the board of directors of the foundation set a goal to improve rule of law adherence in New York State and sought to measure progress toward that goal. The board determined to focus on improving access to civil justice, an area of significant concern and need, according to the World Justice Project’s Rule of Law Index. The foundation determined to locate and refer to data gathered in the state to help guide its path. By better



Representatives from one of the foundation’s grantees, Henry Street Settlement.

Finances

NYSBA Finances

The New York State Bar Association is committed to being accountable to its members and the public for its finances.

The association works hard to ensure that member dollars are used to create professional, public service, and educational activities and benefits in the diverse and changing legal profession. Copies of the complete audited financial statements for the years 2018 and 2017 are available to members and may be obtained by contacting Kristin M. O'Brien, Senior Director of Finance, kobrien@nysba.org.

Revenue and Support:

| | |
|-----------------------------------|-------------|
| Dues | \$9,902,000 |
| Annual Meeting | \$838,000 |
| Investment Income, Net | \$717,000 |
| Other | \$518,000 |
| Books and Publications | \$1,076,000 |
| Administration Fees and Royalties | \$2,483,000 |
| Sections | \$3,822,000 |
| Continuing Legal Education | \$3,240,000 |

Assets:

| | |
|------------------------|--------------|
| Cash | \$1,940,000 |
| Investments | \$43,393,000 |
| Property and Equipment | \$1,344,000 |
| Other Assets | \$2,650,000 |

Foundation continued

understanding the most urgent unmet civil legal needs, the foundation could apply its resources where they would do the greatest good.

Relying on data from the World Justice Project and the Chief Judge's Permanent Commission on Access to Justice, among other sources, the foundation board members studying the issues as a task force concluded that access and affordability of civil justice is one of the weaker areas of rule of law adherence in our state. Targeted grantmaking to pro bono civil legal services organizations in New York that address essentials of life – subsistence benefits, housing, family issues including violence against women, children's issues including immigration and guardianship issues, and access to health care and education entitlements – would make the greatest difference in the perception and reality of rule of law adherence in New York. The report was unanimously adopted by the Board on November 3, 2018, and can be viewed at <http://www.tnybf.org/bullseyereport>.

While beyond the scope of the commission's focus, the foundation also determined to prioritize rural areas of the state not well served by civil justice organizations, and also to

address non-litigation civil matters.

Through the generosity of its donors, including NYSBA members and Fellows, the foundation presented nearly \$750,000 in grants to 100 programs across New York state that address these essentials of life, helping women in human trafficking situations; unaccompanied minors and asylum seekers facing deportation; children requiring foster care placement or other protection due to parental addiction to opioids; and seniors and veterans in need of legal assistance to obtain benefits to which they are entitled.

Additionally:

- More than \$215,000 was distributed through fellowships and scholarships. One, the Catalyst Public Service Fellowship, was initiated by Chief Judge Janet DiFiore. Through Catalyst, law students from every school in the state work in paid summer internships with public interest law organizations across New York, serving crucial public interests and learning important skills.
- In partnership with NYSBA's Committee on Children and the Law, the foundation ad-

ministrators scholarships inspired by the late Chief Judge Judith Kaye, to students who will or have aged out of foster care and are enrolled in an accredited undergraduate or post-high school certificate program. In all, \$12,000 in scholarships were distributed.

- In an on-line 24-hour campaign, which took place on Veterans Day, the Young Lawyer Friends of The Foundation and Young Lawyers Section raised more than \$10,000 for a grant program to assist veterans of the U.S. Armed Forces in need of legal services.

- Two new funds were established through gifts from NYSBA's Local and State Government Law Section and Senior Lawyers Section to create new scholarship and fellowship opportunities for 2019.

The foundation looks forward to greater growth and development in the coming year and expresses its gratitude to all those who demonstrate concern for the rule of law, and who embody the caring and compassionate side of our profession.

The New York Bar Foundation's annual report can be found at www.tnybf.org/TNYBFAnnualReport/.

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New York Yankees vs. Los Angeles Angels
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NYSBA Attorney Day at Yankee Stadium

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For Questions, Please Reach Out to Paolino Curto
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