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## NEW EXECUTIVE DIRECTOR

David R. Watson of Cleveland is the State Bar's new executive director. Read about his commitment to voluntary bars in a profile of him.

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## MUNICIPAL LAW SECTION PROFILE

Section Chair Mark Davies explains the benefits of being a member of this section.

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# NEW YORK STATE BAR ASSOCIATION State Bar News

## Lau-Kee pledges continuity and change

By Patricia Sears Doherty

After Glenn Lau-Kee raised his right hand and took the President's oath of office at the Cooperstown House of Delegates meeting, he made it clear that he would waste no time on ceremony and get right down to business.

In his acceptance speech, Lau-Kee, of New York City (Kee & Lau-Kee) pledged to establish new opportunities for young lawyers to find mentors and heroes within the State Bar's membership "as we grapple with the issues of our profession and seek to balance change with continuity."

Then, breaking tradition, he did not escort his family from the hall for a photo session marking the ceremony. He moved right on to his President's Report, because "there is a lot of work to be done."

His wife, Rita, and his parents apparently agreed. Unusually, they stayed through the entire meeting.

Before administering the oath of office, Hon. Victoria Graffeo, senior associate judge of the state Court of Appeals, congratulated Lau-Kee, and called him a "trailblazer" and "very thoughtful, considerate and an all-around rock solid person."

Graffeo said she came to know Lau-Kee when they served on several State Bar and court committees over the years.

"He possesses all of the qualities

that we need in a great bar leader," she said.

### His heroes

"Phew! It's official now!" Lau-Kee said after taking the oath. Actually, the June 21 swearing in was ceremonial. He took office on June 1.

He thanked Graffeo, the State Bar staff and his colleagues in the House of Delegates in his acceptance speech.

"I thank you for putting your trust in me. I pledge to give it my all," he said.

He acknowledged the accomplishment of becoming the first Asian American president, but because of the "opportunity it presents to all of the State Bar's members. I think its greatest significance is what it says about this association itself and the true openness in the Association."

Lau-Kee is a fourth generation American. He described with pride the military service of his grandfather and

father. He said that the example set by his parents and their deep involvement in public service, within their commu-

*Continued on page 4*



**Official oath**—President Glenn Lau-Kee takes the official oath of office from Hon. Victoria Graffeo, senior associate judge of the state Court of Appeals, right, during the House of Delegates meeting in Cooperstown. Lau-Kee's wife, Rita, holds the bible for her husband. [Photo by Marty Kerins, Jr.]

## Convocation culmination of year-long focus on challenges facing schools and the legal profession

By Patricia Sears Doherty

There has been talk about it all year long. Legal education and the future of the profession: two topics with a close relationship and an even closer connection to the State Bar. It was the signature concern of David M. Schraver's presidency and he worked hard all year to turn the talk about it into an action plan.

That was the impetus for a joint, daylong, convocation on emerging trends in legal education and the future of the profession on May 22 hosted by Schraver, the State Bar's



**Convocation welcome**—Then-President David Schraver welcomes practitioners and educators from the state and national legal community to a May 22 convocation on emerging trends in legal education and the future of the profession at the New York State Judicial Institute on Professionalism in the Law at Pace Law School in White Plains. The event was co-sponsored by the State Bar and was the culminating event of Schraver's presidential year in which he made the topic his primary focus. [Photo by Steve Hart/Happening Photos]

*Continued on page 8*

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# Delegates at work

## House takes president's advice; delays mandatory pro bono vote

By Patricia Sears Doherty

The House of Delegates again postponed a vote on a resolution that would both accept a "ministerial" com-



**Official referee**—President-elect David P. Miranda dons a baseball catcher's mask, to surprised laughter from delegates, as the House of Delegates turned to consideration of an Executive Committee resolution concerning a controversial mandatory pro bono and charitable donation reporting rule. [Photos by Marty Kerins, Jr.]

ment to Rule 6.1 of the New York Rules of Professional Comment and seek repeal of the Chief Judge's pro bono reporting requirement that has thrust the State Bar into an adversarial role with the Judiciary since last year.

The rule requires attorneys to report their pro bono work and charitable contributions on their biennial registration forms. The amendments to Rule 6.1 also raise from 20 to 50 hours the amount of time attorneys should aspire

to perform pro bono services. The rule became effective on May 1, 2013.

The Executive Committee resolution, first postponed by the House of Delegates in January, was postponed



until November at the request of President Glenn Lau-Kee at the June 21 Cooperstown meeting.

In an unusual move, President Glenn Lau-Kee left the dais and took up a microphone on the floor of the House. He introduced a motion for further postponement of the Executive Committee resolution because "the conversation has fundamentally shifted."

On June 17, he and President-elect David P. Miranda of Albany (Heslin

Rothenberg Farley & Mesiti P.C.) met with Chief Administrative Judge A. Gail Prudenti and Helaine Barnett, chair of the Chief Judge's Task Force to Expand Access to Civil Legal Services. Lau-Kee said that court officials are now considering arguments from the State Bar and others on two "large issues" of contention, public disclosure of attorneys' pro bono and charitable donations and expanding the definition of pro bono.

"There seems to be some serious movement," Lau-Kee said, adding that he and Miranda would meet with court officials on the issue again on July 16. "I would like the chance to try to come up with some concrete proposals to bring to the Executive Committee and to this House," said Lau-Kee.

The House approved Lau-Kee's motion by a 136-46 vote.

### Continuing debate

The proposed resolution opposing mandatory reporting of pro bono and charitable contributions on attorneys' biennial registration forms had been hotly debated by delegates and members for the past year.

In January, then-president David  
*Continued on page 21*

# Delegates tend to business in Cooperstown

Scattered between agenda items holding more drama and ceremony, the House of Delegates also greeted



Carlson

distinguished visitors and a new executive director and passed reports from two committees during its meeting in Cooperstown.

Both reports—from the Nominating Committee and the Audit Committee—passed easily by voice vote.

Past President Stephen P. Younger of New York City (Patterson Belknap Webb & Tyler LLP) presented the Nominating Committee's request to approve several permanent changes to the Model Rules of the committee.

The permanent changes authorized by the House concerned submission of candidacies, letters of support, biographical data, the first meeting, alternate members' service and disclosure of comments.

Audit Committee member Lesley Friedman Rosenthal of New York

City (Lincoln Center for the Performing Arts, Inc.) and Chair Scott Karson of Melville (Lamb & Barnosky LLP) described the requested amendments to the State Bar's Code of Conduct, Business Conduct Standards and the committee's duties and responsibilities.

The changes were needed to bring the State Bar into compliance with the Nonprofit Revitalization Act of 2013, which became effective on July 1, said Rosenthal. The State Bar had lobbied vigorously for the act's passage by the state Legislature.

The Code of Conduct guides members on potential conflicts of interest; the use of confidential information; antitrust issues; and reporting suspected violations of the code.

The amendments replaced the section called "Rule on Business Decisions" with sections concerning related party transactions and conflicts of interest.

The amendments to the Audit Committee's duties and responsibilities added a new section requiring that the committee be comprised of independent members.

The change appears in Appendix B

of the State Bar's Bylaws, and can be seen at [www.nysba.org/bylaws](http://www.nysba.org/bylaws).

American Bar Association (ABA) President James Silkenat, who was unable to attend the Cooperstown meeting, sent greetings as well as Robert M. Carlson of Butte, Montana, chair of the American Bar Association's (ABA) House of Delegates to participate in the summer meeting. Carlson outlined the duties of the ABA House of Delegates and its role in shaping the policy of the organization.

### Introducing new staff

Immediate Past President David M. Schraver of Rochester (Nixon Peabody LLP), who led the Executive Director Search Committee, introduced David R. Watson as the committee's choice to be the new staff leader.

Watson took up his new duties on July 21. He was most recently executive director of the Cleveland Metropolitan Bar Association. (Read a profile of Watson on Page 7.)

View a webcast of the entire House of Delegates meeting at [www.nysba.org/webcastarchive](http://www.nysba.org/webcastarchive). ♦

## State Bar News



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## Lau-Kee promises continuity and change

*Continued from page 1*

nity and with international projects, was powerful.

"They have shown me a purpose and that is something that I always seek to carry on," he said.

### Of heroes and leaders

His father, Norman Kee, even at the age of 87, is still active in the firm.

Although the elder Kee never suggested that Lau-Kee become a lawyer, the son said he has figured out why he made the choice.

"It is because he (the father) is a real hero of mine.

He spoke of his heroes in the legal profession. "These men and women have been tested, whose qualities and values were gained as they dealt with issues big and small," said Lau-Kee. "I came to appreciate that many of my greatest heroes over the course of my

professional life are much closer. They are people that I have worked with, who mentored me, who are in this room today."

As the time neared for him to assume the presidency of the State Bar, Lau-Kee said he began to wonder about the next generation of lawyers he had observed moving into the profession.

"I wondered: who are their heroes? Will they find their inspiration here as I have? These are important questions to ponder as we grapple with the issues of our profession and seek to balance change with continuity," said Lau-Kee.

Enough said. The new president asked President-elect David Miranda to move on with the day's agenda.

"We've got a lot of work to do." ♦

*Sears Doherty is State Bar News editor.*



**Congratulations**—Hon. Victoria Graffeo, senior associate judge of the state Court of Appeals congratulates Glenn Lau-Kee after administering the Presidential Oath of Office at the House of Delegates meeting in Cooperstown, as Lau-Kee's wife, Rita, holds the bible. *[Photo by Marty Kerins, Jr.]*

## Schraver receives Albany Law School Dean's Medal

*Editor's Note: Albany Law School Dean Penny Andrews honored New York State Bar President David M. Schraver with the 2014 Dean's Medal for Exemplary Service to the Legal Profession. Below is the text of brief remarks he delivered at the Albany Law School graduation ceremony on May 16.*

"Thank you, Dean Andrews and the Board of Trustees. I am honored to receive the Dean's Medal and to be part of this important occasion.

On behalf of the New York State Bar Association and our 75,000 members, I congratulate all of you who have loved, nurtured and supported these graduates on their journeys. And to the Albany Law School Class of 2014, I congratulate you for having completed the educational requirements that bring you a step closer to entering the noble and learned profession of the law.

At Albany Law School, you have laid the foundation for a legal career. As you build on that foundation, I hope you will keep in mind certain core values of the legal profession.

They include access to justice and to representation by a competent attorney in criminal matters and in civil matters involving the very necessities of life.

A second core value is preserving and protecting an independent legal profession and an independent and adequately funded judiciary.

And a third core value is promoting understanding of and respect for the rule of law. It is critical that all of our citizens are educated to understand the rule of law in the United States of America to include concepts of due



**Exemplary leader**—Then-State Bar President David M. Schraver accepts the 2014 Dean's Medal for Exemplary Service to the Legal Profession from Dean Penny Andrews during Albany Law School's commencement. *[Photo by Denis Nally]*

process and fairness and a democratic government. People around the world are struggling and dying to live in countries that are governed by the rule of law.

Another aspect of promoting respect for the rule of law is increasing diversity and inclusion in the legal profession and the judiciary. We cannot have an "us and them" legal system if we expect all of our citizens to respect the rule of law.

In my term as president of the New York State Bar Association, I have focused a lot of attention on the changes and challenges facing legal education and the legal profession. I think it

is important that the organized bar, and the New York State Bar Association in particular, help practicing lawyers understand these changes and challenges and play a leadership role in bringing together all of the stakeholders—the courts, practicing lawyers, the Board of Law Examiners and the law schools—to discuss these issues in depth as, together, we shape the future of our profession.

Let me close by borrowing from a retirement speech delivered recently by one of my partners. In reflecting on his legal career, he said, "It's an awesome feeling I can't describe very well. And I don't mean awesome as in Twitterspeak or a longer way of texting OMG. I mean it literally in the sense of inspiring wonder or fear. It happens

when a client calls up and says, 'I, my company, my child, or someone else important to that client has an interesting question, may have a problem, is in trouble.' It's humbling to think that another human being who needs help thinks you might be able to do something to solve the problem, lessen the pain, or help in some way."

He added that those who have reached that "trusted advisor status" have achieved what one commentator called "earned success," which is not something like money or influence. No, they have created value with their lives and created value in the lives of others.

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

## Correction

A photo caption in the New York Bar Foundation column in the May/June 2014 issue was incorrect. It should have read:

**Welcome help**—Cristine Cioffi, president of The New York Bar Foundation, presents a grant check to Lifespan of Greater Rochester during the State Bar's April 5 House of Delegates meeting in Rochester. The organization will use the grant for funding its Future Care Planning

Services Program. L to R are Ed Riviera, consumer of the Future Care Planning Services Program; Margaret Lonnen, Lifespan Guardianship Program social worker; Jennifer Helmbold, MSW, director, Future Care Planning Services; Ann Marie Cook, president and CEO of Lifespan of Greater Rochester; and Cristine Cioffi, president of The New York Bar Foundation. ♦

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# Root/Stimson winner: Time sometimes better than cash

By Brandon Vogel

When Thomas Beecher approached the St. Vincent de Paul Dining Room, a Buffalo soup kitchen, he offered the cooks the \$100 in his wallet to help.

The nun in charge told him what they most needed was his manual labor. Beecher, a former U.S. Army cook, put on an apron and cooked that Saturday morning. He volunteered every Saturday morning for the next 10 years.

"That was tougher than the Army," said Beecher. "However, it was great fun and a total change from a hectic travel schedule."

The Dining Room was just one of many community activities that Beecher has donated his time and talents to throughout his life.

For his community devotion and strong leadership, the Committee on Annual Award presented Beecher with the Root/Stimson Award at the House of Delegates on June 21.

## Community leader

Beecher graduated from the College of the Holy Cross with a Bachelor of Arts degree in English in 1956. He planned to eventually join his family's textile business, but instead decided to first attend the State University of New York at Buffalo School of Law.

"I thought I'd practice for a year or so. But I liked it well enough to stick with it," said Beecher. He began his legal career at Albrecht, Maguire, Heffern & Gregg, which later merged into Phillips Lytle. He is counsel to the firm today

and also chairman of the board of Barrantys LLC, a multi-family financial consulting firm, which he founded.

He concentrates his practice in the areas of estates and trusts, corporate governance in public and closely-held companies, foundations and not-for-profit entities.

While maintaining his practice, Beecher has chaired the board of several major organizations, including the Buffalo Niagara Medical Campus (BNMC). Beecher said he understood that consolidating health care services was necessary to improve the quality of care in Western New York and to ensure economic viability. He had just participated in the merger of three hospitals in 2001, when he received a call from the then-mayor of Buffalo, Anthony Masiello.

"The plan was to revitalize downtown Buffalo. The time was right," said Beecher, who is now chair emeritus. He chaired the board of Buffalo General Hospital from 1991-1994 and Kaleida Health from 1998-1999.

Albert Mugel, a former law professor, gave critical advice and support to Beecher.

"No one believed it could happen," said Beecher. "I was either too dumb or stubborn to give up. My skill set was keeping people at the table. We kept talking until something happened."

The BNMC is now home to the Roswell Park Cancer Institute and Kaleida Health. It will be the site of the relocated University of Buffalo Medical School in the fall of 2016 and a new



**Community leader**—Thomas Beecher of Buffalo receives the Root/Stimson Award from President Glenn Lau-Kee during the House of Delegates meeting in Cooperstown. [Photo by Marty Kerins, Jr.]

Children's Hospital in 2017.

Because of Beecher's leadership, the BNMC has approximately \$1.7 billion in new investment since its founding in 2002. Its workforce will have increased from 7,000 to an estimated 17,000 by 2016.

He learned two important lessons from this experience: first, to visit successful models to look for ideas; second, when you come up against a brick wall, do something else.

The Thomas R. Beecher Innovation Center on the BNMC Campus was named in his honor.

## Gift that keeps on giving

Another Beecher project came about

21 years ago, when Beecher had dinner with his best friend, Larry Jacobs. Jacobs' son, Christopher L. Jacobs, had worked for Secretary Jack Kemp at the U.S. Department of Housing and Urban Development, helping residents of public housing projects start businesses and buy homes of their own. Christopher Jacobs assisted with a scholarship program and wanted to bring a similar program to Buffalo, while he was attending law school.

Beecher, Christopher Jacobs and Paul Bauer co-founded the Bison Children's Scholarship Fund in 1995. They raised enough money to provide 200 scholarships for low-income students to receive private elementary education that year. Now, 2,000 students receive scholarships annually and 23,000 students have benefited from the program.

"If they get a good start in grammar school, they go on to greater success. Eighty-five percent will get into a good high school," said Beecher. "It was very rewarding and fun to work on. It's one of the best things I've been involved in."

"I am very glad I spent my time the way I did," said Beecher. "It was more satisfying than charging a few more hours."

Beecher accepted the award in honor of his law partner, Robert Michael Greene, who won the award in 2011.

"It's a team effort that lets me do the work," said Beecher. ♦

Vogel is NYSBA's media writer.

# Appellate courts committee offering moot court program

By Alan J. Pierce

The Committee on Courts of Appellate Jurisdiction will begin offering a Moot Court Program in the fall to counsel with cases in the New York Court of Appeals.

Any attorney with a case before the Court of Appeals can apply and request that the program "moot" his/her argument before a panel of three to seven "judges," who are experienced appellate practitioners and former judges.

Following the simulated argument by counsel, the judges will provide the attorney with a candid evaluation, including the strengths and weaknesses of counsel's presentation and suggestions for improvement.

This program will be a particular benefit to solo practitioners and counsel from small firms who may not have experience in the Court of Appeals or the opportunity to moot an appeal.

## First moots

The first moots will be for cases already scheduled for oral argument in the Court of Appeals during the October 14-16, 21-23, and November 17-19 sessions.

There are approximately seven moot appellate courts in the United States. The State Bar program is modeled on similar programs operated at four law schools, as well as programs run by the Indianapolis Bar Association and the Erie County Bar Association's Appellate Practice Committee. With one exception, each of these programs was established in the last two years.

The program will follow the "unilateral" approach (only one side to the appeal will be heard), used by every program except the moots held in former state Court of Appeals Associate Judge Albert Rosenblatt's New York University Law School course, which uses the "bilateral" approach (both sides argue).

Consistent with this, the committee will take the first party to an appeal who requests a "moot" and require all participants to agree to a confidentiality agreement. However, bilateral arguments will be accepted if both parties consent, and the judges will provide separate evaluation times for each lawyer.

Counsel are encouraged to apply immediately after their appeal is calendared by the Court for a term session. Initially, the committee expects to moot one case per term; more if a sufficient number of judges are available.

Copies of the Briefs and Record (or crucial portions) must be provided approximately 30 days before the moot argument, which will be held approximately 7 to 14 days before the actual argument date. Moot court sessions will be held at the Bar Center in Albany, unless the participants agree to an alternative location.

The committee reserves the right to reject requested moots based on the

subcommittee's view that the appeal in question is not "moot-worthy."

However, acceptance into the program will not be based on subject matter or the attorney requesting the moot.

The program is available to all State Bar members without additional fee.

The committee plans to expand the program to encompass Appellate Division appeals in 2015, and to have the infrastructure in place so that moots can be scheduled throughout the state.

Forms to request a moot or to volunteer as a moot judge are available on the committee's website ([www.nysba.org/ccaj](http://www.nysba.org/ccaj)). Direct questions to the committee's liaison, Jean Nelson, at [jnelson@nysba.org](mailto:jnelson@nysba.org) or 518-487-5588. ♦

Pierce, of Syracuse, is a partner with Hancock Estabrook, LLP. He is chair of the Committee on Courts of Appellate Jurisdiction and of its Moot Court Program Subcommittee.

# 'The New Guy'

David R. Watson takes hold as NYSBA's executive director with charm and a practiced eye

By Patricia Sears Doherty



Watson

First impressions are important. A strong handshake and what seems like a laser-like, focused attention on the recipient of that handshake make the State Bar's new executive director difficult to ignore, even in a crowded room.

David R. Watson, lately executive director of the Cleveland Metropolitan Bar, took occupancy of the State Bar executive director's office on July 21. However, he was already becoming known in the halls of the Bar Center in Albany during the previous month, attending staff meetings in person or by Skype, greeting co-workers in their departments, and, noticeably, cheering on staff during the three-day House of Delegates summer meeting in Cooperstown.

He succeeds Patricia K. Bucklin, who stepped down in March, after nearly 13 years.

## National respect

Immediate Past President David Schraver of Rochester (Nixon Peabody LLP), who chaired the search committee for a new executive director, introduced Watson to the House of Delegates in Cooperstown. He noted that Watson is well-known in national legal circles, especially by the National Association of Bar Executives, "where he enjoys great respect from his colleagues."

"I enthusiastically look forward to him joining us," Schraver said.

Watson has spent 20 years managing for-profit and non-profit legal organizations, including the Commercial Law League of America, Defense Research Institute, Lexis-Nexis and Fries Correctional Equipment Corporation. At the Cleveland Metropolitan Bar, Watson was responsible for day-to-day operation and management of the association and its charitable arm, the Cleveland Metropolitan Bar Foundation.

He has first-hand experience in practical aspects of the profession. He established a solo, general law practice in Ohio in 1992 and maintained it until August, 2001. Areas of practice included estate planning and administration, contract law, domestic relations, real estate, municipal, criminal, corporations/business and collections. Watson also has been a financial advisor at Edward Jones Investments.

"My goal is to ensure that we out-service everybody else in terms of member service and value," Watson said during a brief interview on the Otesaga porch in Cooperstown. "So, when our members get that dues invoice, they say, 'I can't do without this association.'"

After receiving a bachelor of arts degree in political science and religion with a minor in history from Kenyon College in Gambier, Ohio, Watson took the "natural continuation" and earned his J.D. from Case Western Reserve University School of Law in Cleveland.

"I enjoy the people aspect of being a lawyer, the relationship as a lawyer and working with clients," he said. "There are days when I miss the practice of law. But, I have really enjoyed bar association work and helping lawyers be lawyers."



**Introducing himself**—David R. Watson, the State Bar's new executive director, addresses the House of Delegates in Cooperstown. Immediate Past President David Schraver, behind him, who chaired the Executive Director Search Committee, said he was "proud and pleased" that Watson was chosen. [Photo by Marty Kerins, Jr.]

## Voluntary passion

The State Bar is the fourth voluntary bar association that Watson has managed. He appreciates that its members made the conscious choice to join. "I have seen a level of passion in voluntary bars that you don't always see in a mandatory bar. Once attorneys become familiar with what voluntary bar associations offer for their members, they often will make a lifelong commitment to the association and to the profession. That passion and commitment is unique with voluntary bars," he said.

Voluntary bar associations naturally encourage their management to collaborate with their members. "There are pressures related to the revenue stream to which we must pay attention in a voluntary bar," he said. "That adds a certain wrinkle and is a focus of the leadership."

The expression, "one size fits all," does not apply to why attorneys join a voluntary bar association. The reasons for becoming a member of a bar association "are uniquely different, depending on who you ask: 'the young attorney who hangs a solo shingle' either by choice or out of necessity, or the lawyer in the 'big downtown firm,' or, those who work in the public sector, he said.

"Our challenge as a bar association is to try to answer the question of 'why belong to NYSBA?' by being nimble and responsive to our members' needs," Watson said. "I understand we must think creatively and not do the same-old, same-old."

Watson plans to move to Albany with his wife, Natalie, three dogs and one parrot. He has two adult sons. ♦

*Sears Doherty is State Bar News editor.*

## State Bar extends program offering discounted legal help to veterans

The State Bar has extended through November a statewide program that provides discounted legal help to military veterans.

The Veteran Referral Panel program, established in November, 2013, assists veterans with a broad range of legal matters, including obtaining federal benefits, military discharge upgrades, adoptions and family law, and bankruptcy.

The program was scheduled to end in May.

More than 250 attorneys from around the state are participating in the effort. Under the program, partici-

pating attorneys provide an initial free, phone consultation and offer a 25 percent discount on their regular fees.

Immediate Past President David M. Schraver of Rochester (Nixon Peabody) served in the Judge Advocate General's Corps in the U.S. Navy and is an advocate for the program.

"Veterans are often forced to deal with a variety of issues relating to employment, family matters, health care, housing, disability, pensions and finances. The State Bar Association is committed to those who have served our country and who now need our

help," Schraver said.

The committee extended the program because of the need.

"New York is home to more than 988,000 military veterans, many of whom find themselves in situations in which they need legal assistance. There is an unmet need for this kind of service in New York," said Anna K. Christian of Schenectady (Boies, Schiller & Flexner LLP), chair of the State Bar's Committee on Lawyer Referral Service.

## Contact information

Veterans who wish to take advan-

tage of the discounted legal services should call 1-800-342-3661 or email [lr@nysba.org](mailto:lr@nysba.org).

Attorneys who wish to assist veterans should visit [www.nysba.org/vet-volunteer](http://www.nysba.org/vet-volunteer) for an application.

Creating a panel to assist veterans with legal matters was among the recommendations of a 2012 report by the State Bar's Special Committee on Veterans.

To view the report, visit: [www.nysba.org/veteransreport](http://www.nysba.org/veteransreport).

The State Bar also provides other resources to veterans at [www.nysba.org/vethelp](http://www.nysba.org/vethelp). ♦



# Panelists offer best practices on legal education, professionalism

By Patricia Sears Doherty

They were two panels with daunting tasks: the first examining changes in present and future legal education; and the second analyzing the impact proposed changes in education will have on professionalism today and going forward.

In other words, how to teach students to be lawyers while infusing their studies and aspirations with the loftier goal of acting with a high degree of professionalism from their earliest employment—a tall order for discussion and in practice.

After conducting hearings around the state and then discussing the challenges all day long at a joint convocation, both sets of panelists seemed to come to the same conclusion: Just Do It.

The State Bar and the Judicial Institute on Professionalism in the Law co-hosted a daylong convocation, “The Coming Changes to Legal Education: Ensuring Professional Values,” on May 22 at Pace University Law School in White Plains. Past State Bar President Vincent E. Doyle III of Buffalo (Connors & Vilardo, LLP) moderated the morning panel, “Examination of the Changes of Legal Education.” Judicial Institute Chair Paul C.



**Fewer students**—Diane F. Bosse, chair of the state Board of Law Examiners notes that first-year law school enrollments have dropped recently during a panel examining changes in legal education during a convocation on legal education and professionalism at Pace Law School in May. [Photo by Steve Hart/Happening Photos]

Saunders, of New York City (Cravath, Swaine & Moore LLP) guided the afternoon discussion, “Examination of the Impact on Professionalism Arising from the Various Proposals for Change in Legal Education.”

In various ways, speakers on both panels agreed that despite all of the philosophy, history and critical thinking skills taught in law school, they are often not the lessons that inform daily

practice. More than a few speakers on both panels said lawyers learn how to be effective, ethical and successful lawyers by watching practicing lawyers model that behavior in law firms and courtrooms every day.

## Blending book learning with experiences

Michael Cardozo of New York City (Proskauer Rose) noticed the move toward what he termed “experiential learning” after the 9-11 attack, when he was the corporation counsel for New York City.

“I realized that young lawyers are hungry for hands-on experience,” Cardozo said. That opinion was strengthened during the recession years when members of the Class of 2011 were sent to assist in the corporation counsel’s office while they waited to join firms, which were delaying many new associates’ arrivals in order to minimize financial constraints.

In his office, Cardozo said the young lawyers had opportunities to learn while doing meaningful basic practices that they are often not allowed to do in a firm setting.

“Once in those firms, (the young lawyers) were valued more highly by

the firm because of their experience,” said Cardozo. “Maybe there is something to this.”

Luke Bierman, dean-designate of Elon University School of Law in Greensboro, North Carolina, noted that his grandfather, a lawyer in 1922, and his father, a lawyer in 1952, could have entered a law school classroom when he was a student in 1982 and would not have seen any substantial changes in the curriculum. “The only real innovation in the last 100 years is the advent of clinical education,” said Bierman.

One law school riding the clinical education wave is the University of New Hampshire School of Law with its Daniel Webster Scholar Honors Program. Professor John Burwell Garvey said that the historic American Bar Association MacCrate Report made the need for “a more robust, vigorous component to legal education very clear.”

He said Webster Scholar students “go through experiences that blend the doctrinal with feedback from real lawyers and judges. Then they go out and apply that in the externships” after the first year.

The externships allow students “to come into their second year with some

*Continued on page 9*

## Convocation culmination of year’s focus on law schools and profession’s next generation

*Continued from page 1*

Committee on Legal Education and Admission to the Bar and the New York State Judicial Institute on Professionalism in the Law. It was held on the campus of Pace University Law School in White Plains.

Panelists from all walks of the profession spoke candidly to an audience of local, state and national bar leaders, educators and practitioners. Schraever of Rochester (Nixon Peabody LLP) and Judicial Institute Chair Paul C. Saunders of New York City (Cravath, Swaine & Moore LLP), hosted the day’s guest speakers, keynote addresses and two panels, all examining “The Coming Changes to Legal Education: Ensuring Professional Values,” the day’s theme.

“I think their experience and perspectives painted a picture of the current situation and of what it could be,” Schraever said a day later.

“It is important that the State Bar stay involved and continue to bring the various stakeholders together to continue these discussions,” he said. “We need to identify what the New York State Bar Association can do to contribute to shaping legal education and the profession, because things are changing and will continue to change. We should play a leadership role in shaping that change.”

In his concluding address, Matthew Diller, dean of the Benjamin N. Cardozo School of Law, said that practitioners and law school faculty share a deep concern and passion for lifelong learning and for justice. The convocation and the hearings held around the state leading up to it show that educators and practitioners alike are grappling “with a tumble of issues that won’t be untangled easily.”

“We are feeling our way into the future,” he said.

The problems have been well defined—how to educate the next generation to enter the profession ready to work and how to help the next generation continue the high level of professionalism now expected of practitioners.

The challenge, he said, will be to persuade the practicing bar to roll up its sleeves and teach young lawyers how to practice. “The challenge will be getting that ethos to permeate throughout the profession,” said Diller.

“The convocation was very important in that it established the groundwork for moving forward on these concerns,” said President Glenn Lau-Kee of New York City (Kee & Lau-Kee, PLLC). “The issues presented during the convocation are profound issues that will require examination and

action over a sustained time period, which is what we at the State Bar intend to do.”

## A purposeful agenda

When Schraever became president in June 2013, he set the State Bar on a path to bring the challenges facing both legal education and the profession to the front of the daily agenda. He wanted to engage law students, new lawyers and experienced lawyers in planning a future together.

He began by revitalizing the State Bar’s longstanding Committee on Legal Education and Admission to the Bar with new members and a broadened agenda.

He took advantage of the power of the State Bar’s press. The September issue of the Journal was devoted to several nationally recognized experts who examined and discussed the educational challenges now apparent to practitioners and legal philosophers alike. Many of those experts were panelists at the May Convocation.

Throughout the year, Schraever worked with the staff of the Association’s newspaper, the State Bar News (SBN), to investigate the issue from several angles. The lead article in the September/October issue explained the committee’s new mis-

sion: to focus on finding concrete proposals for changing how law students are educated and admitted to the bar. In November/December, the newspaper examined how the cost of a legal education has grown in the past 20 years and how stressful financing that education has become for new lawyers searching for jobs in the post-Recession economy.

The January/February 2014 issue introduced participants in the Presidential Summit scheduled for the Annual Meeting, where Schraever would use the Summit’s bully pulpit to gather national experts on two panels to discuss the crises in law education and ways to support experienced lawyers.

The March/April edition reported on the Summit discussions.

The final issue of the SBN under his presidency, May/June, asked small and large firm partners and members of the judiciary and the public sector what skills they expected graduates and young lawyers to possess when applying for employment.

On this page, and on Pages 9 and 15, find our reports on the Convocation discussions. ♦

*Sears Doherty is State Bar News editor.*



# Speakers to education convocation: Changes needed now

By Patricia Sears Doherty

"By the end of the day, I want some real solutions," co-host Paul C. Saunders told attendees of the May 22 joint Convocation on Legal Education and the Future of the Profession. "I regard this group as a working group."

Saunders, of New York City (Cravath, Swaine & Moore LLP), is chair of the New York State Judicial Institute on Professionalism in the Law, which co-sponsored with the State Bar a daylong convocation to examine "The Coming Changes to Legal Education: Ensuring Professional Values" at Pace University School of Law in White Plains.

In his welcoming remarks, Saunders asked that the discussion center on the "proper rule of law schools" in the inculcation of professional values" in the profession's future practitioners.

"If we do not inculcate into our students the critical importance of professional values, then, in my view, our profession will not survive," Saunders said.

Then-State Bar president David M. Schrauer agreed. "It is critically important that the profession understand these issues," he said in his welcome. He thanked the focus groups who provided the background to the convocation's discussions. "The discussions have been going on for many years. The discussions will continue and the New York State Bar Association needs to be involved" as a stakeholder in the future of the profession, said Schrauer.

James R. Silkenat, president of the American Bar Association (ABA), noted the recommendations of the ABA's Task Force on the Future of the

Profession concerning legal education.

Law schools need to "redesign the financial model" to reduce the debt burden on the profession's newest practitioners and, he said, there need to be "revisions in accreditation" of law schools and in the availability of legal services.

Silkenat said that a new ABA task force will look at the cost of law school, student debt, tuition and need-based financial aid, among other concerns.

"Law is a great profession. It provides a meaningful and inspired career," Silkenat said, "even today."

## Demand v. supply

Chief Judge Jonathan Lippman asked the convocation participants to remember the increasing and critical needs for better access to justice "for the people of limited means, who are fighting for the necessities of life, a roof over their heads. Those people among us who are threatened by the difficult economy and the difficulty of getting legal representation."

Despite the fact that "law schools are in the middle of that disconnect, kids come out of law school without a job," Lippman said. "Law schools must focus on the values of our profession so that the next generation can play a vital role in the future of the profession."

Now is the time to find solutions, said Lippman. "We have to enrich and make the three years of law school as meaningful as possible," and make law school "more relevant to the world around us."

Keynote speaker Hon. Rebecca Love Kourlis, executive director of the Institute for the Advancement of the American Legal System and former justice of the Colorado Supreme Court,

crystalized the challenge for the convocation.

She said the day's discussions hinged on two premises:

- "Law schools should serve law students, not professors or the practicing bar, but law students; and,
- "Practicing lawyers directly serve their clients and society."

Those statements "seem axiomatic, but they have not been the guiding design of law schools," which are attempting to produce "the effective student," said Kourlis.

Kourlis then offered her personal—seven—solutions to the dilemma.

"Number One: Figure out what law students need to learn to be successful lawyers. Begin with what they need to know at the end of law school. What a concept!" she noted, moving into the rest of her plan:

Solution #2: "Allow and encourage law schools to differentiate. Law schools should have areas of focus—and not all law schools should serve all students."

Solution #3: "I am looking at the sacred cow—the role of scholarship should be examined," she said. "Scholarship cannot proceed at the expense of teaching."

Solution #4: "Law students should develop a course plan that corresponds to *their* future. We must allow students to chart courses to prepare them to practice *their own interests*."

Solution #5: "Embed in students the core apprenticeship of professionalism. Ethics is a way of life, not a class. Integrity needs to be taught."

Solution #6: "Encourage lawyers to hire according to the attributes of the candidate, not according to the ranking of the law school."



**Kenote address**—Hon. Rebecca Love Kourlis delivers the keynote address at the Convocation on Legal Education and the Future of the Profession at Pace Law School on May 22. The event was co-sponsored by the State Bar and the Institute on Professionalism in the Law. [Photo by Steve Hart/Happening Photos]

Solution #7: "Implement ideas designed to help more new lawyers. This is the practicing bar's opportunity to step into the conversation and play it forward."

Every cohort of the legal profession, said Kourlis, needs to "reinvest in redirection and redesign, hold onto the principles that we hold dear and then, to teach them."

Challenge issued. ♦

Sears Doherty is State Bar News editor.

## Convocation panels delve into problems of educating next generation, finding answers

Continued from page 8

practical experiences, allowing them to reflect on that and to accelerate their studies," said Garvey. "More schools are blending these two experiences rather than viewing them as separate ways of studying."

### Education costly for students and schools

One factor limiting innovations by law schools that could give students skills training necessary for real world practice is the high cost of maintaining fulltime faculty and also providing clinical experience, where classes are small.

Dr. Robert Lapiner of New York University noted that he is seeing a

growing number of part-time students who are working adults, not just law students. "The issue of cost is a terrible driver of the movement away from being fulltime students," he said.

Cardozo said the high cost of education is bumping headlong against the real world's reaction to the economic recession: fewer jobs and those jobs that are available with lower pay scales. "Students are graduating with \$125,000 school debt and taking a \$50,000 salary. They can't afford to make their payments," said Cardozo. "That all has an enormous impact."

Diane F. Bosse, chair of the New York State Board of Law Examiners, noted that first-year student enroll-

ment in this academic year was less than 40,000. "The last time that happened was in 1977. But the number of faculty increased by 37 percent," she said.

One bright spot in that equation is that the ABA's accreditation standards will see some changes over the next few months, she said. One change will be that law schools will be required to provide at least six experiential hours of training, Bosse said.

However, the practicing bar and the teaching bar need to collaborate more often in order to really effect meaningful change in preparing students for practice, alleviate the cost of providing their education and of tuition, said the

panelists.

Cardozo suggested creating more partnerships for experiential learning with private law firms to provide more law schools modelled after the Webster Scholar program.

"Do we need as many fulltime tenured professors teaching all three years?" continued Cardozo. "There are a lot of qualified lawyers who would jump at the chance to teach. Is it better to have a professor who knows all of the cases, or a practicing lawyer who teaches it from his or her experience?"

Webster's Garvey agreed that practicing lawyers are important.

Bierman summed up his fellow pan-

Continued on page 15

# Youth Law Day opens possibilities to prospective students

By Mark Wilson

For nearly 10 years, the State Bar has sponsored a pipeline initiative that draws prospective diverse law stu-

a career in the legal profession.

As with most beginnings, the idea for the program sprung from a fundamental need. In 2004, then President Kenneth G. Standard convened a



**Looking ahead**—High school students seem enthusiastic about attending the Youth Law Day program hosted by New York Law School in February. [Photo by Meghan Lalonde]

dents – the nation’s future lawyers – closer to the threshold of the legal profession.

Initially developed through the State Bar’s Law, Youth and Citizenship (LYC) program (the first event was held at Fordham Law School in fall 2006), Youth Law Day (YLD) increasingly has become part of many law schools’ efforts to reach diverse high school students interested in learning more about

Special Committee on Youth Outreach to address inequities in available opportunities for diverse youth—in particular, the educational underachievement of minorities and the impact it has on society.

Eileen Gerrish, LYC director, recalled starting her job and taking on this new initiative. She attended meetings of the special committee to gain insight on its mission and develop a plan.

“The idea was to segment concerns within the special committee and deal with discrete issues that might be more manageable,” said Gerrish. “One of the issues in the education-achievement area was the eventual creation of the Youth Law Day program.”

Gerrish prepared an educationally sound program model that could be replicated easily by any law school interested in hosting an event. Her office developed templates of invitations, checklists, correspondence and related information and posted them on the YLD website. She added the American Bar Association’s “Choose Law” video as a program resource, established a work relationship with Debra Lesser and the New York City public school system to connect with area high schools, and provided printed copies of the Pocket Constitution to all program attendees.

A few years later, responsibility for the program shifted from LYC to the Committee on Minorities in the Profession, later renamed the Committee on Diversity and Inclusion. Today, there is a subcommittee with seven members who maintain contacts at all 15 law schools throughout New York and work to develop programs at each school on a regular basis. As a result, six schools held YLD programs between February 7 and March 31 this year.

“This past year we’ve been very focused about having a dialogue and

that’s why we got six schools on board,” said Elise Jaffe, chair of the Youth Law Day Program Subcommittee. “As the program grows, it develops and deepens into an interactive element that brings students to the table. Once there is momentum and an ongoing relationship with the schools, you can think more about the substance. Those relationships are important. We’ve created momentum and continuity and the ability to do more.”

Programs typically include keynote speakers from diverse backgrounds, such as Bronx and Brooklyn district attorneys Robert Johnson and Kenneth Thompson, respectively, and Brookhaven Councilwoman Valerie Cartright. Members from the Committee on Diversity and Inclusion attend the lunch portion of the program and discuss their experiences with students. These one-on-one conversations are sometimes the defining moment in a student’s decision to pursue a law-school education and legal career.

“It’s another example of how NYSBA members step up and do wonderful things for students in New York State,” said Gerrish. ♦

*Wilson is NYSBA’s manager of Bar Services. This article was first published in the June 2014 issue of Stride, the Committee on Diversity and Inclusion’s periodic newsletter.*

## Levine Award winners make protecting children life’s work

By Brandon J. Vogel

Two judges who have devoted their careers to representing and protecting children were honored by the State Bar for their life’s work.

The Committee on Children and the Law recognized Hon. Vincent J. Reilly, Jr. of Schenectady, (New York State Supreme Court; Schenectady County) and Hon. Monica Drinane, supervising judge in Bronx County Family Court, with the Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare on May 7 in Albany.

“Judge Drinane and Judge Reilly consider the best interests of the child where appropriate and ensure that each child’s legal rights are protected by making sure that children are represented in court and their voices are heard,” said Karen Fisher Gutheil of Manhattan (The Legal Aid Society in New York City), chair of the committee. “They are fine jurists and most deserving recipients.”

### Monica Drinane

Drinane has devoted her professional life to helping children and families. She began her career teaching in intercity schools, “mostly with kids trying to get to grade level.” She also worked in Appalachia and with single parents. Both experiences influenced her decision to study public interest law. She attended New York University School of Law, where she was a Root-Tilden Scholar.

She began her legal career at the Legal Aid Society in the Criminal Appeals Bureau. Wanting more contact with clients, she transferred to the Juvenile Rights Division in 1985 and became the attorney in charge in 1998. She became a Family Court judge in 2004 and plans to retire by the end of 2014.

“I’ve really been fortunate to have a done a number of things that are meaningful and helpful,” said Drinane. “To be a Family Court judge in a coun-



**Protecting children**—Hon. Vincent J. Reilly, Jr. and Hon. Monica Drinane were presented with the 2014 Howard Levine Award at a reception at the Bar Center in May. The award is sponsored by the State Bar’s Committee on Children and the Law. Left to right are: Hon. Howard A. Levine, for whom the award is named; Drinane; Reilly; Karen Fisher Gutheil, committee chair; and State Bar President-elect David P. Miranda. [Photo by Don Allison]

ty like the Bronx has been the most challenging and satisfying job I’ve had. It brought a lot of the talents and skills that I learned over the years together.”

A Family Court judgeship is “a posi-

tion where you have the opportunity to do a lot of good and, hopefully, not a lot of harm.”

Receiving the Levine Award was “a  
*Continued on page 13*



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# State Bar announces new committee chairs

State Bar President Glenn Lau-Kee has appointed 17 attorneys as chairs and co-chairs of Association committees.

The committees sponsor conferences, seminars, monitor legislation and conduct research studies. Each committee contributes to policymaking, both in subject areas and Association-wide.

The new committee chairs are:

## Animals and the Law

**Natalie Carraway** of Barneveld is the new chair of the Committee on Animals and the Law.



**Carraway**

Carraway is the assistant dean of the Center for Social Sciences, Business and Information Sciences at Mohawk Valley Community College.

Carraway is a 14-year member

of the State Bar.

Carraway graduated from the State University of New York at Albany and earned her law degree from Albany Law School.

## Children and the Law

**Betsy Ruslander** of Albany is the new chair of the Committee on Children and the Law.



**Ruslander**

Ruslander is the director of the Office of Attorneys for Children for the Appellate Division, Third Judicial Department.

A 26-year member of the State Bar,

Ruslander is a member of the Family Law Section.

Ruslander graduated from Gettysburg College and Pace University School of Law.

## Letters to the Editor

The *State Bar News* welcomes letters to the editor written by members of the legal profession and which would be of interest to New York state lawyers.

Send to: *State Bar News*  
1 Elk St., Albany, NY, 12207.

## Courts of Appellate Jurisdiction

**Alan J. Pierce** of Syracuse is the new chair of the Committee on Courts of Appellate Jurisdiction.



**Pierce**

Pierce is a partner at Hancock Estabrook, LLP. He concentrates his practice in appellate work, insurance coverage, defamation, and civil and commercial litigation.

A 29-year member of the State Bar, Pierce is a member of the Commercial and Federal Litigation, and the Torts, Insurance and Compensation Law sections.

Pierce graduated *summa cum laude* from St. Lawrence University and earned his law degree *summa cum laude* from Syracuse University College of Law.

## Disability Rights

**Tara Lynn Moffett** of Albany is the new chair of the Committee on Disability Rights.



**Moffett**

Moffett is an associate at Girvin & Ferlazzo PC. She concentrates her practice in education law with a focus on special education.

Moffett is a 14-year member of the State Bar.

Moffett graduated from the State University of New York at Albany and earned her law degree from Albany Law School.

## Ensure Quality of Mandated Representation

**Andrew D. Kossover** of New Paltz is the new chair of the Committee to Ensure Quality of Mandated Representation.



**Kossover**

Kossover is a partner in the Kossover Law Offices and is Ulster County's part-time public defender.

A 30-year member of the State Bar, Kossover is a member of the Criminal Justice Section.

Kossover graduated from the State University of New York at Buffalo and

earned his law degree from Vermont Law School.

## Law Practice Management

**Marian C. Rice** of Garden City is the new co-chair of the Committee on Law Practice Management.



**Rice**

Rice is a partner of L'Abbate Balkan Colavita & Contini, LLP. She concentrates her practice on representing attorneys and risk management for attorneys.

A 27-year member of the State Bar, Rice is a past chair of the Committee on Association Insurance Programs. She is a member of the Torts, Insurance and Compensation Law and Trial Lawyers sections.

Rice graduated from Fordham College and earned her law degree from St. John's University School of Law.

## Lawyers in Transition

**Kim Wolf Price** is the new chair of the Committee on Lawyers in Transition.



**Wolf Price**

Price is the assistant dean of career services at Syracuse University College of Law.

Price is a 10-year member of the State Bar.

Price graduated from Colgate University and earned her law degree *magna cum laude* from Syracuse University College of Law.

## Law, Youth & Citizenship

**Hon. Jonah Triebwasser** of Red Hook is the new chair of the Committee on Law, Youth & Citizenship.



**Triebwasser**

Triebwasser is the town and village justice for Red Hook.

A 34-year member of the State Bar, Triebwasser is a member of the Judicial Section.

Triebwasser graduated from John Jay College of Criminal Justice and earned his law degree from New York Law School.

## Legal Aid

**Bryan D. Hetherington** of Rochester is the new co-chair of the Committee on Legal Aid.



**Hetherington**

Hetherington is the chief counsel of the Empire Justice Center in Rochester.

A 26-year member of the State Bar, Hetherington is a member-at-large of the Executive Committee. He is

a member of the Commercial and Federal Litigation Section, President's Committee on Access to Justice, and Steven C. Krane Special Committee on Student Loan Assistance for the Public Interest. He received the State Bar's Haywood Burns Award in 2012.

Hetherington graduated from LaSalle College and earned his law degree from Cornell Law School.

## Legal Aid

**Keisha A. Williams** of Buffalo is the new co-chair of the Committee on Legal Aid.



**Williams**

Williams is a staff attorney with the Western New York Law Center.

A four-year member of the State Bar, Williams is a member of the Real Property Law Section.

Williams graduated from Pace University School of Law.

## Legal Education and Admission to the Bar

**Patricia Salkin** of Central Islip is the new co-chair of the Committee on Legal Education and Admission to the Bar.



**Salkin**

Salkin is the dean and a professor of law at the Touro College Jacob D. Fuchsberg Law Center.

A 25-year member of the State Bar, Salkin is a past chair of the Committee on

Attorneys in Public Service, Municipal Law Section, and the Task Forces on Eminent Domain and Town and Village Courts. She is a member of the

*Continued on page 13*



## State Bar names new committee chairs, effective June 1

Continued from page 12

Committee on Leadership Development and Committee on Court Structure and Judicial Selection.

Salkin graduated from the State University of New York at Albany and earned her law degree at Albany Law School.

### Mass Disaster Response

**Michelle Parker** of Buffalo is the new chair of the Committee on Mass Disaster Response.



**Parker**

Parker is the first assistant county attorney to the Erie County Department of Law.

A 19-year member of the State Bar, Parker is a member of the Task Force on Gun Violence and

the Torts, Insurance and Compensation Law Section.

Parker graduated from Canisius College and earned her law degree from the State University of New York at Buffalo Law School.

### President's Committee on Access to Justice

**William T. Russell** of New York City is the new co-chair of the President's Committee on Access to Justice.



**Russell**

Russell is a partner at Simpson Thacher & Bartlett LLP. He represents financial institutions, private equity sponsors, corporations and other businesses in commercial disputes.

A 23-year member of the State Bar, Russell is a member of the Commercial and Federal Litigation Section. He was a member of the House of Delegates from 2007 to 2011.

Russell graduated *magna cum laude* from Princeton University and earned his law degree from New York University School of Law.

### Professional Ethics

**Marjorie Gross** of New York City is the new chair of the Committee on Professional Ethics.



**Gross**

Gross is the principal of the Law Office of Marjorie Gross. She represents financial institutions on a wide range of matters arising under banking and financial services laws.

A 34-year member of the State Bar, Gross is a member of the Business Law Section.

Gross received her undergraduate degree from Mount Holyoke College and earned her law degree from Georgetown University Law Center.

### Resolutions

**Ellen G. Makofsky** of Garden City is the new chair of the Resolutions Committee.



**Makofsky**

Makofsky is a founding partner of Raskin & Makofsky. She concentrates her practice in elder law and trusts and estates.

A 26-year member of the State Bar, Makofsky is secretary of the State Bar and co-chair of the Committee on Women in the Law. She was a member-at-large on the Executive Committee for four years. She chaired the Elder Law Section and is a member of the Senior Lawyers and the Trusts and Estates Law sections. She is a member of the Committee on Continuing Legal Education and the Membership Committee. She also is president of the National Academy of Elder Law Attorneys, New York Chapter.

Makofsky graduated from Boston University and earned her law degree *cum laude* from Brooklyn Law School.

### Standards of Attorney Conduct

**Roy D. Simon** of New York City is the new chair of the Committee on Standards of Attorney Conduct.



**Simon**

Simon is a distinguished professor emeritus of law at Hofstra University School of Law.

A 21-year member of the State Bar, Simon is a past chair of the Committee on Professional

Ethics.

Simon graduated from Williams College and earned his law degree at New York University School of Law.

### Women in the Law

**Ferve E. Ozturk** of New York City is the new co-chair of the Committee on Women in the Law.



**Ozturk**

Ozturk is an associate at Baker & Hostetler LLP. She litigates and facilitates transactions in a wide range of matters in large-scale liquidations and restructurings.

A five-year member of the State Bar, Ozturk is a member of the Business Law Section.

Ozturk graduated *magna cum laude* from Brown University and earned her law degree from Cornell Law School. ♦

—Compiled by Brandon Vogel

## Levine Award winners protect children

Continued from page 10

real honor for me," said Drinane. "To be included in the group of past award recipients was a very humbling experience."

Hon. Carol Sherman, of the Bronx County Family Court, wrote that Drinane's "commitment to the children and families who appear before the Family Court is reflected every day in her handling of the cases before her. Judge Drinane is devoted to providing litigants with easier access to justice, shorter waiting times, more expeditious processing of cases and motions, and more meaningful and substantive appearances."

Drinane was co-chair of the Family Court Advisory and Rules Committee from 2008 to 2013. She also served on the Permanent Judicial Commission for Justice for Children. She is a member of the New York City School-Justice Partnership Task Force, New York City Juvenile Justice Advisory Committee for Probation and the state Office of Children and Family Services' Close to Home Initiative.

### Vincent Reilly

Reilly became a lawyer "a bit by accident." While studying classics at the College of the Holy Cross, he discovered that he liked "logic and language," more than mathematics and science. A career in the law was a logical next step for him.

He began his career as an assistant district attorney and did Attorney for the Child work pro bono to gain courtroom experience. While maintaining his

practice, he was a part-time Niskayuna Town Court justice from 1977 to 1984.

The father of six children was elected to Family Court in Schenectady County in 1985 and to the Supreme Court in the Fourth Judicial District in 2000. He retired in 2012 and is certificated for a two-year term. He says this position has been "the most rewarding." He appreciates the intellectual challenge and application of law.

Reilly has been a friend of Howard Levine for nearly 50 years. He was "very proud" to receive the award that honors his friend.

In a nomination letter of support, Hon. Mark Powers (Schenectady County Family Court) wrote, "Judge Reilly ensures that every juvenile is treated with respect and dignity; and that they have the benefit of a zealous advocate. He reminds young people that they matter; that their failures are his failures; that they have an opportunity to make a choice for their future; that he will put the full force of services in their corner; and that it is not too late."

Reilly is chair of the Advisory Committee for the Office of Attorneys for Children in the Third Judicial Department.

He was a member of the New York State Council on Children and Families and its Juvenile Delinquency Division; the Statewide Law Guardian Advisory Committee; and the State Bar's Committee on Children and the Law. ♦

Vogel is NYSBA's Media Writer.

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## Governmental Relations

By Ronald F. Kennedy, Director

### Success on State Bar's legislative priority: Creation of new Family Court judgeships

The regular 2014 state legislative session concluded on a high note in June with passage of legislation authorizing the creation of new Family Court judgeships in several counties across the state.



Kennedy

Earlier in the session, Immediate Past President David Schraver, President Glenn Lau-Kee, and President-elect David Miranda led the State Bar's advocacy efforts regarding our legislative priorities.

Creating the new judgeships became the Association's highest legislative priority. President Schraver vigorously promoted the State Bar position last fall and winter in meetings with the Office of Court Administration, the Legislature, and the Governor's Office.

We are pleased to report that this legislation was signed into law by the Governor on June 26.

The problem that this new law seeks to address is not new; rather, it has been building for many years. Recognizing that a crisis was building in the Family Courts, the State Bar in 2010 established the Task Force on Family Court to study the problems and make recommendations.

In announcing the new task force, which was ably co-chaired by Susan B. Lindenauer and Hon. Rita Connerton, then-President Stephen P. Younger noted that "with overcrowded dockets, too few judges and far too many delays, these courts resemble hospital emergency rooms and our family law attorneys are forced to perform triage."

The task force's final report identified numerous issues and varied reasons for the extensive delays in Family Court proceedings, including the inadequate number of judges. The report was adopted by our House of Delegates in January 2013.

"Circumstances that bring a child to Family Court, such as adoption, custody or delinquency are fraught with emotion. By seeking to increase resources for the courts, this bill will help children move ahead with their lives," said President Lau-Kee when the legislation was passed in June.

He thanked policymakers "for taking this critically important step toward remedying the insufficient number of judges in our Family Courts.

"We are particularly grateful to Assembly Judiciary Chair Helene Weinstein and Senate Judiciary Chair John Bonacic for taking the lead on this issue," he said.

Lau-Kee also praised the state Judiciary for including funding for 20 new judgeships in its 2014-15 budget proposal, saying, "We cannot overstate the importance of the Judiciary's action."

Funding for new Family Court judgeships had been the State Bar's highest budget priority, and funding for 20 judgeships was in the Judiciary budget that was enacted in April.

Five additional judgeships were created by the authorizing bill that passed in June. Funding for those five positions will be considered during next year's state budget process.

#### Other affirmative legislative proposals

In addition to the State Bar's 2014 state legislative priorities, our legislative program also includes other Affirmative Legislative Proposals (ALPs) approved by the Executive Committee.

Many ALPs are geared to particular areas of practice. The following ALPs developed by the Trusts & Estates Law Section, the Committee on Civil Practice Law (CPLR) and Rules and the Committee on Disability Rights passed both houses of the state Legislature and will be considered by the Governor:

- **A.1185, relating to interest on delayed legacies.** This proposal would amend the Estates, Powers and Trusts Law to change the interest rate paid on legacies that are improperly delayed from the statutory rate of 6 percent to an interest rate based on the Federal Funds Rate. Thus, requiring compensation to the beneficiary for the delay in payment of their legacy based on the current value of money, rather than based on a fixed rate;
- **A.9757, making technical amendments to the Surrogate's Court Procedure Act.** This bill would amend the Surrogate's Court Procedure Act to improve it by correcting an inaccurate reference to repealed sections of the Estates, Power and Trusts Law;
- **A.9075, relating to dismissal of civil action for "want of prosecution."** This proposal by the Committee on CPLR was in response to widespread complaints

from practitioners concerning provisions that cover dismissal for "want of prosecution." The proposal requires that a judge dismissing a plaintiff's case detail the specific conduct constituting plaintiff's neglect to prosecute. The new provi-



**Successful advocacy**—Past President Stephen P. Younger led the House in thanking Susan B. Lindenauer, left, and Hon. Rita Connerton, not pictured, co-chairs of the Task Force on Family Court, for their efforts in winning the approval of new Family Court judgeships by the state Legislature. Governor Cuomo signed the bill on June 26. *[Photo by Marty Kerins, Jr.]*

sion is intended to ensure that a CPLR 3216 dismissal falls on a deserving plaintiff and does not disadvantage a compliant plaintiff by forcing him/her to forego necessary disclosure. The proposal was also approved by, and part of, legislation introduced at the request of the Office of Court Administration; and,

- **A.5781, legislation re "service animals."** Both houses passed legislation that reflected an affirmative legislative proposal of the Committee on Disability Rights to update and provide clarity to state laws regarding "service animals." ♦

#### Bills that passed both houses of the state Legislature

A list of the bills that passed the 2014 state legislative session may be viewed at: [www.nysba.org/2014PassedBothHouses](http://www.nysba.org/2014PassedBothHouses).

Text of the legislation and sponsor's memorandum may be viewed by entering the bill number at: [public.leginfo.state.ny.us/menuf.cgi](http://public.leginfo.state.ny.us/menuf.cgi).

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NEW YORK STATE BAR ASSOCIATION  
LAWYER ASSISTANCE PROGRAM







**'Why?'**—Past President Robert Witmer, lower right, asks a question during a panel discussion on whether professionalism needs to be taught during law school at the Convocation on Legal Education and the Future of the Profession.



**Thanks**—Judicial Institute Chair Paul C. Saunders, left, thanks Chief Judge Jonathan Lippman for his opening remarks at the May 22 convocation, held at the Pace University School of Law.



**Hosting duties**—Paul C. Saunders, chair of the Judicial Institute on Professionalism in the Law, co-hosted the convocation with the State Bar.



**Define 'professional'**—Panelist James M. Wicks talks about the difficulty of teaching professionalism as Myra Berman, Patrick Longan and Martin Katz listen.



**Rapt attention**—Attorneys, judges, educators and bar leaders gave close attention to day-long discussions on legal education and the future of the profession during the May 22 convocation.



**National leader**—James Silkenat, president of the American Bar Association, offered greetings and insight.

[All photos by Steve Hart/Happening Photos]

## Convocation panelists discuss ways to make education more relevant to profession

*Continued from page 9*

elists' vision of the future. "It is time to start doing, to experiment. It is time to take some of these ideas and see if they work," he said.

### Keeping professional ethics

Saunders opened the afternoon panel discussion with a question designed to advance the conclusions reached by the morning panel.

"Given that change is happening, how do those changes affect the inculcation of professional values in law students?" he asked.

The question proved difficult to answer. John T. Broderick, Jr., dean of the University of New Hampshire School of Law and former Chief Justice of the New Hampshire Supreme Court, said he was "not sure that it should be expected of law schools."

He described being a young associate in a firm whose attorneys allowed him to tag along to client meetings and observe how they worked.

"I was not 'overhead,'" he said. "But that world is largely gone. Today, when graduates leave law school, there are fewer opportunities for them to learn."

"I learned to be a lawyer from other lawyers, I didn't learn it in the classroom," said Broderick. He challenged

the practicing bar "to make yourself available to model for other lawyers."

Law school faculties have different core identities today, said Martin Katz, dean and professor of law at the University of Denver Sturm College of Law. "How important is experience to teaching professionalism? Very important," he said. "The best way to do that is to provide experiences with an apprenticeship."

Law schools that provide such opportunities need to spend time with those apprentices "supervising them, giving them the opportunity to try being a lawyer," he said, "and giving them feedback to help them create their professional identity."

Law schools also teach professionalism, said Myra Berman, associate dean for Experiential Learning and director of the Collaborative Court Programs at Touro College's Jacob D. Fuschsberg Law Center. "Part of what we do must be to address what it is to be a lawyer, to teach the values that you need to be a practicing lawyer," said Berman, because "reputation is everything" to a lawyer's success.

However, she emphasized that it is "absolutely necessary to be outside the classroom to get experiential, practical learning."

Panelists James M. Wicks and Professor Patrick Longan agreed.

"Maybe we have to define what it means to be a professional from Day One of law school. Maybe that can't be taught," said Wicks, of Uniondale (Farrell Fritz PC), an adjunct professor at St. John's University School of Law. "Can I teach them [skills]? You bet. But I can't teach professionalism."

When presented with difficult situations, lawyers need integrity and wisdom to implement professionalism, said Longan, who teaches at Mercer University Law School.

"We can begin the process, but we can't complete it" in school, Longan said.

### More adjuncts

Saunders noted that one way to infuse classrooms with real world experience is to employ more adjunct faculty, often practicing lawyers who teach on a part-time basis. However, the ABA limits the use of adjuncts, he said.

"Are we sending a message to students that courses taught by adjuncts are not as important as courses taught by a fulltime professor?" asked Saunders.

"Yes," said Katz. He said the most popular courses taught at Sturm are those taught in partnerships between

fulltime faculty and practitioners. "The students rave about it," he said.

Broderick said law schools' view of the ABA limits is that they are "too granular."

"There need to be opportunities for law to change, to be entrepreneurial, to be flexible," said Broderick. "Adjunct partnerships may be one way of doing that."

Berman suggested that rather than waiting for the ABA to reform its rules, law schools need to enlist its alumni in the cause, allowing students to shadow "practice mentors," and observe basic practices such as uncontested divorce work.

"The whole first year should be an ongoing informational exposure to what it means to be a lawyer," she said. Those opportunities should gain speed for 2Ls until the third year of experiential learning, she added.

In responding to a question from the audience, Saunders summed up the discussion.

"Students are desperate for this type of training and they want to be seen as part of the legal profession," he said. ♦

*Sears Doherty is State Bar News editor.*



## Scenes from Cooperstown



**Family support**—President Glenn Lau-Kee, center, stands proudly with his family during the summer meeting of the House of Delegates at the Otesaga in Cooperstown. L to R, his daughters Kenzie and Kelly, nephew Davis Lai, his wife, Rita, President Lau-Kee, his parents, Esther Kee and Norman Lau Kee, sister Gail Chaudhri and niece Alina Chaudhri.



**House welcome**—First-time delegates to the House of Delegates gather during a welcome reception before the Friday Delegates Dinner at the Otesaga. They are standing with President Glenn Lau-Kee, fourth from right, and President-elect David P. Miranda, second from left front, and Past President Kathryn Grant Madigan, third from right, chair of the Committee on Leadership Development, which hosted the reception.



**Happy to be colleagues**—Treasurer Sharon Stern Gerstman, left, her husband Dan, and Richard Gutierrez, vice president from the 1st Judicial District, and his wife, Yvette, gather during the Friday night Delegates Dinner.



**Jumping for NYSBA**—Beautiful weather, a reception on the lawn, why not jump? L to R: Elena DeFio Kean, Betty Lugo, Abayomi Ajaiyeoba, Earamichia Brown, Deborah L. Martin, Edwina Frances Martin, Violet E. Samuels, Hon. Doris Ling-Cohan and Rebecca Rose Woodland.



**First-time welcome**—Delegate David Louis Cohen, left, and Past President Seymour W. James welcome new delegates Elena DeFio Kean, left, and Jill C. Owens to the New Delegates reception.



**Father and son**—Michael Miller, right, and his son, Max, enjoy the Delegates reception on the lawn of the Otesaga in Cooperstown.



**A big honor**—President-elect David P. Miranda, right, helps Immediate Past President David Schraver show off the "medal" he received at the Delegates dinner, augmenting the award given him by Albany Law School for exemplary service.



**'Say cheese, dear'**—Past President Justin Vigdor snaps a photo of his wife, Louise, with his cellphone as they enjoy the Otesaga's beautiful location during the Friday reception before the Delegates Dinner.



## Delegates at Work



**Postpone**—Barbara Carol Moses says 'yes' to postponing pro bono reporting resolution to allow President Glenn Lau-Kee time to negotiate a compromise with the Judiciary.



**Report question**—Matthew J. Kelly questions the co-chairs of a working group that presented an informational report on unmet civil legal needs during the House of Delegates meeting in Cooperstown.



**Delay**—Elena DeFio Kean urges delegates to wait until November to vote on an Executive Committee resolution seeking changes to Rule 6.1 of the New York Code of Professional Conduct.



**Say 'yes'**—Dawn Kirby advises delegates to allow the president time to negotiate a compromise on mandatory pro bono reporting, because it is the right thing to do.



**A resolution**—Executive Committee member Scott Karson introduces a resolution concerning the mandatory pro bono reporting rule during the House of Delegates meeting in Cooperstown.



**New tweeter**—Secretary Ellen Makovsky concentrates on tweeting the action as President-elect David P. Miranda confers with President Glenn Lau-Kee during the House of Delegates meeting.



**Leading the Pledge**—President-elect David P. Miranda gets some help leading the Pledge of Allegiance at the start of the House of Delegates meeting in Cooperstown. Left to right, Jackson Schofield, son of Robert T. Schofield; Alina Brown, daughter of T. Andrew Brown; Zeta Schofield, Jackson's sister; and Alina Chaudhri, niece of President Glenn Lau-Kee.



**Working Group**—William Russell presents a report prepared by a working group on the need for better reporting and statistics on unmet civil legal needs. Hon. George H. Lowe, left, introduced Russell and Andrew A. Scherer, right.



**Overflow crowd**—For the first time, an extra room equipped with a live television feed from the main House of Delegates meeting room was provided to delegates who sought more elbow room during the proceedings. Those who wished to speak had to move quickly to reach the microphones, which were located in the main room.



# Art, the Law, NYSBA will converge in sculpture defining ‘Justice is....’

By Patricia Sears Doherty

What is justice?  
Yes, yes: it means different things to different people and in a myriad of situations.



Alonzo

But one retired superior court judge, a longtime State Bar member who also happens to hold a Master of Fine Arts in woodworking and furniture design, is on a quest to create a sculpture for the State Bar which captures members’ personal definitions of justice.

Hon. Gerard Alonzo of Geneseo loved being a superior court judge. He loved being “a general practice attorney” in Geneseo and Livonia. He loves being a judicial hearing officer in Family Court.

But, the thing he loves to do most is sculpt wood into beautiful, evocative pieces of art that tell stories. He has created several sculptures using justice as a concept. And, he wants to do one inspired by the definitions suggested by State Bar members. When completed, the sculpture will be displayed at bar events around the state and, eventually, offered to the Association by the artist.

Throughout the summer, members attending continuing legal education programs at the Bar Center in Albany and readers of the State Bar News will have the opportunity to anonymously complete this sentence: “Justice is ....”  
On June 21, delegates at the House of Delegates meeting in Cooperstown were invited by President-elect David P. Miranda to provide their thoughts on specially designed cards placed at every seat in the hall.  
The words members send to the artist are displayed on his website—[www.jerryalonzo.com](http://www.jerryalonzo.com).

### Inspiration’s labor

Alonzo’s fascination with wood began early. His mother gave him a power saw when he was seven. That was a giant leap of faith for both of his parents. His mother was a nurse and his father, the physician in small Lyndhurst, New Jersey. Neither were skilled in operating power saws. So, his mother talked a neighbor into instructing her son in its use.

“It was a good gift. I was always making things,” said Alonzo.

But, helping people with their problems also inspired the young Alonzo and he answered the siren call of the law. He opened a solo practice in Geneseo and Livonia, concentrating on family law, real estate and wills. As time went on, he increasingly spent time as an attorney for the child.

“That’s the court that needs the help,” said Alonzo. The people who appear in Family Court “appear mostly without attorneys. It is the emergency room of the courts, if you will.”

Alonzo was a local justice for 17 years. “In a rural county, you put on many hats” and sit as a multi-bench judge, he said.

But presiding over Family Court also inspired his art. “You know, a rough Family Court day gets one thinking about who has access to legal represen-

tation.” Alonzo said his days in court “educated me about who gets the good stuff, the good lawyers.” Those observations followed him into his studio and inspired many of his pieces.

In 1988, he left his legal career to earn his Master of Fine Arts at the Rochester Institute of Technology. “The idea was that maybe I would be a college art teacher,” said Alonzo. “But I migrated back to halftime art and law and devoted three days a week to each of them for a number of years.” He jumped back into fulltime law in 1995 when he won a seat on the Livingston County court.

His artwork became integral to his life on the bench. He created a bench for his chambers that he carved with “words that made me tick as judge.” He would sit on it often, touching the words when he needed motivation to render decisions.

After he left fulltime legal work, the bench was displayed in a one-man show at the State University of New York at Geneseo, then sold to “nobody related to law at all. Today, it sits in someone’s front hall.”

Even while working as a judge, Alonzo was in his home studio by 5 a.m., before heading off to put in a full day at court. He created a piece called “The Jury Box” during that time which was exhibited at the Memorial Art Gallery in Rochester. It is now part of the permanent collection at the Fuller Craft Museum in Boston.

“Gideon’s Goal,” one of a number of pieces Alonzo did as reflections on the work still needed to fulfill the intent of

the landmark Supreme Court case, *Gideon v. Wainwright*, now graces the Rochester Volunteer Legal Services Project. It landed there after appearing in a national juried show on art and the law that toured the country.

Another *Gideon*-inspired piece, “Aspire,” demonstrates the difficulty that some people still have in gaining access to justice and finding legal services. A tall white tower surrounded by barbed wire sits atop a boulder that can be scaled by one of two ladders—a solid ladder or one with broken rungs. “Aspire is that which we strive for,” said Alonzo.

“I enjoy the pieces as self-expression—the idea of what lawyers and people in the law are fueled by, being able to see what somebody in Buffalo and somebody in Nassau County thinks is justice,” said Alonzo.

### What is your definition?

Now retired and a fulltime sculptor, Alonzo still feeds his legal side by serving as a part-time judicial hearing officer.

His offer to create a sculpture for the State Bar, built on members’ personal reflections on the sentence, “Justice is....” has become an Association-wide project.

Readers of the State Bar News can contribute to the artwork by sending their answers to that question—in 25 words or less—to Alonzo or by emailing the editor at [pssearsdoherty@nysba.org](mailto:pssearsdoherty@nysba.org). ♦

Sears Doherty is State Bar News editor.

## “Justice is.....”

Send to Jerry Alonzo, P.O. Box 101, Geneseo, NY 14454, or [jerry.alonzo+justice.is@gmail.com](mailto:jerry.alonzo+justice.is@gmail.com) or the State Bar News, [pssearsdoherty@nysba.org](mailto:pssearsdoherty@nysba.org).



**State champs**—The 2014 Mock Trial Tournament State Finals were held in Albany May 18-20 at the James T. Foley Federal Courthouse. Eight teams, one from each region of the state, competed in the tournament. The case of the *People of the State of New York vs. Penn HydraGas, Inc. and Mitchell Tomley*, CEO was argued before Hon. Susan Phillips Read, associate judge of the New York State Court of Appeals. This year’s State Champion was William Floyd High School from Mastic Beach. The runner-up was Notre Dame-Bishop Gibbons High School in Schenectady. [Photo by Maurice Christopher]



## At the Bar Center

### Associate Executive Director Rich Martin retires



**Martin**

Richard Martin, associate executive director of the State Bar, retires in August after 16 years of service.

Initially hired in 1998, Martin steadily rose through Association ranks. He became senior director of marketing and management information services in 2003, assistant executive director in 2011 and associate executive director in 2013. He will continue to consult with the State Bar on strategic planning.

"I have had the opportunity to meet and work with giants of the legal profession," said Martin. "I was very fortunate to have my career progress here."

He first was hired as director of the marketing department, which was created in response to the pending implementation of mandatory continuing legal education.

Martin worked closely with Terry Brooks, the then-director of continuing legal education, to create a marketing plan. They covered all aspects, from pricing to direct mail campaigns.

"We wanted 'jump off your desk,' four-color creative presentations," said Martin. "At that time, websites were not dynamic. We were limited to posting static front covers of brochures."

Marketing has changed a lot since those first campaigns. "We have gone from relying almost exclusively on direct mail to a system of advanced email distribution, the widespread use of social media, smartphones with

mobile apps and websites with responsive design to support our members' increasing use of mobile technology," said Martin.

#### Graphics, research, sections

One of the first projects Martin worked on was the development of graphic standards for the State Bar. "We needed greater consistency and to give everything a professional look that was identifiable with the NYSBA brand," said Martin.

The process took two years, but Martin's vision paid off when, at an Annual Meeting, a member saw the uniform look of the State Bar's book rack. "Now I get it. It came from NYSBA," said the member to Martin.

Martin also was a part of the research essential for building membership.

"Consistent research allows us to understand what is most important and relevant to members. We evolve as their needs change," Martin said.

Research has included member and lapsed-member surveys, as well as surveys on publications, continuing legal education and sections.

He also was integral to the internal and external strategic planning processes. The Executive Committee recently approved the report and recommendations of the joint Executive Committee and Staff Strategic Planning Works Group on the vision, mission and goals statements for the Association.

He also helped develop the first internal disaster recovery plan, the Section Services Department in 2011 and worked with bar leaders and section chairs. ♦

## LYC Conference to explore 'Media Literacy for the Classroom'

Teaching students how to become informed citizens through media literacy is the focus of this year's Law, Youth and Citizenship Conference.

The Committee on Law, Youth & Citizenship will present, "The Informed Citizen: Media Literacy for the Classroom" on October 10 at Stony Brook University/Wang Center in Stony Brook.

An afternoon panel discussion will feature important figures from Supreme Court cases that defined the rights of students in U.S. public schools. Mary Beth and John Tinker, siblings who wore armbands in school to protest the Vietnam war, and Cathy Kuhlmeier Frey, who was one of three students to challenge the school principal for deleting pages from the school newspaper will participate in the day's final panel discussion.

In *Tinker v. Des Moines Independent Community School District*, the court held that the First Amendment applied to public schools. In *Hazelwood School District v. Kuhlmeier*, the court ruled that public schools do

not have to allow student speech if it is inconsistent with the schools' educational mission. David L. Hudson, author of the book "Let the Students Speak: A History of the Fight for Free Expression in American Schools," will also participate in the discussion.

Howard Schneider, dean of the school of journalism at Stony Brook University, will provide the luncheon keynote address. He helped develop the nation's first course in news literacy.

The conference also will feature discussions on "Rethinking Citizenship Education in a Digital World;" "Policy Solutions to Media Literacy;" and "Do You Know What Your Children Are Saying Online?: The First Amendment Rights of Public School Students in the Digital Age."

To register for the conference, visit [www.nysba.org/LYCconf](http://www.nysba.org/LYCconf). The full conference fee is \$40, which includes breakfast, a luncheon, two 90-minute morning sessions and the afternoon discussion. Rooms can be booked at the Hilton Garden Inn Stony Brook for \$112 a night. ♦

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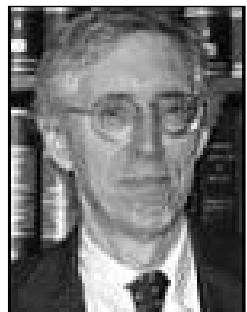
**Opening remarks**—Then-President David M. Schrauer poses with speakers at the Federation of Bar Associations Fourth Judicial District's Annual Meeting on April 26. Schrauer made opening remarks at the meeting, which were followed by a continuing legal education program. From left to right: Hon. William McCarthy, Appellate Division, 3rd Department; Hon. Guy Tomlinson, Montgomery County surrogate; Hon. David Krogmann, Warren County; Schrauer; Adam Cooper, president, Federation of Bar Associations of the Fourth Judicial District; Professor Michael Hutter, Albany Law School. Not pictured is Professor Patrick Connors of Albany Law School.



## Municipal Law Section Profile

By Mark Davies

### Numerous diverse subjects mean section's listserve, programs key to success



Davies

The practice of municipal law covers an amazingly diverse range of subjects, from land use law to environmental, civil rights, labor, criminal, and administrative law, municipal ethics, and even state and federal constitutional law.

It covers matters of finance, taxation, health, insurance, and economic development; litigation of all sorts; all at the federal, state, and local levels. In fact, municipal lawyers practice almost every type of law that exists.

And therein lies the rub. One cannot know everything. Perhaps for that rea-

son, the section's listserve is one of the most active in the State Bar. Within hours, often within minutes, a municipal lawyer can get experienced and expert advice on even the most arcane questions of municipal law.

#### Access guaranteed

Section membership, thus, offers quick access to the expertise of more than 1,000 municipal attorneys around the state. Section members include not only in-house and outside counsel for municipalities, but attorneys representing private clients before and against municipal agencies.

The Municipal Lawyer, the section's quarterly newsletter, contains articles on every aspect of municipal practice. We encourage all of our members to submit articles for publication. It is a good way to get your name out there.

The section's website provides a wealth of information on municipal law, including sample laws, model ethics laws and financial disclosure forms, and links to hard-to-find municipal codes and a number of sites on many aspects of municipal regulation, and soon, short videos offering an introduction to many aspects of municipal practice.

Section committees afford an excellent way to network with other municipal lawyers. Recently revamped and restructured, the section's substantive committees include: Employment Relations; Ethics and Professionalism; Land Use, Green Development, and Environmental; Legislation; Liability and Insurance; Membership and Diversity; Taxation, Finance, and Economic Development; Municipal Counsel; and State and Federal

Constitutional Law.

To join a committee (or the section itself, if you are not yet a member), just go to the section's webpage at <http://nysba.org/muni> and click "Join the Section."

At our annual and fall meetings, we present CLE panels on current and cutting edge topics in municipal law. The Section's fall meeting will be held on October 17-19 at the Gideon-Putnam Resort in Saratoga Springs.

Finally, section members are just a great group of people. Helpful, interesting, and down to earth. Try section membership for a year, and see what you think. I am convinced you'll find it very rewarding. ♦

*Davies is chair of the Municipal Law Section. He is executive director of the New York City Conflicts of Interest Board.*

## Section Profile

### Supreme Court upholds tradition, continues controversy in *Greece v. Galloway*

By Lisa M. Cobb

Opening a legislative session with a prayer or invocation is nothing new in the United States. The members of the First Congress voted to appoint and pay chaplains. Notably, they did this in the same week that they also voted to approve the draft of the First Amendment containing the Establishment Clause: "Congress shall make no law respecting an establishment of religion . . ."

As Chief Justice Warren Burger wrote in *Marsh v. Chambers*, "Clearly, the men who wrote the First Amendment Religion Clause did not view paid legislative chaplains and opening prayers as a violation of [the First] Amendment . . ."

#### Old and new

Despite the historical acceptance of the practice, however, the controversy concerning prayers at public meetings has a history as lengthy as the practice itself. Opposition has been expressed by historical figures, such as John Jay and John Rutledge, who opposed the motion to begin the first session of the Continental Congress with a prayer.

The controversy continues in 2014, with the recent pronouncement by the Supreme Court in *Town of Greece v. Galloway*. Demonstrating the continuing lack of unanimity, the Court's decision

contains five separate opinions.

The Opinion of the Court is written by Justice Anthony Kennedy. He begins by tracing the historical acceptance of prayer at meetings and reaffirming *Marsh*. He and four other justices (John Roberts, Samuel A. Alito, Antonin Scalia and Clarence Thomas) concluded that the prayer practice in the Town of Greece comported with *Marsh*, and that sectarian prayer was permissible.

Indeed, ensuring that prayer was nondenominational would require approval by the town of the prayer's content, impermissibly condoning censorship of religion. Rather, the growing religious diversity in this country should be accomplished "not by proscribing sectarian content but by welcoming ministers of many creeds," wrote Justice Kennedy.

In a portion of the decision joined only by Justices Roberts and Alito and therefore not part of the Court's opinion, Justice Kennedy concluded that the record did not contain any evidence that prayer at a local body, as distinct from a state or federal body, was coercive, despite the fact that the audience might be seeking approval from the board members for various projects. Concurring opinions were filed by Justices Alito and Thomas.

Justice Stephen G. Breyer filed a brief dissenting opinion, concluding

that the town had not done enough to ensure that minority faiths were represented. He also joined in the dissenting opinion of Justice Elena Kagan, which was longer than the decision itself.

While agreeing with the Court's decision in *Marsh*, she faulted the town for not being sufficiently inclusive in its choice of prayer-givers, forcing those with different views to either go along or stand apart, thereby causing a civic function to "bring[] religious differences to the fore . . ." As the Second Circuit did, she also contrasted congressional legislative sessions from local municipal board meetings, finding the local settings potentially more coercive.

All the justices agreed that prayer at legislative sessions generally is permissible, that the issue was whether the town's actions comported with the Court's teachings in *Marsh*, and that the inquiry was fact-specific. Beyond

that, like religious beliefs, the views diverged.

Due to the fact-specific nature of the decision, little guidance is offered to municipalities. No bright-line test is established. By holding that the record did not support a conclusion that the prayers at these local meetings were impermissibly coercive, Justice Kennedy opened the door to permit a showing in a future case that differences between sessions held by federal, state and local legislative bodies warrant different treatment.

Until then, as *Marsh* states, "God save the United States and this Honorable Court." ♦

*Cobb, of Wappingers Falls, is an associate with Stenger, Roberts, Davis & Diamond, LLP. She is a member of the Executive Committee of the Municipal Law Section and co-chair of its Land Use, Green Development and Environmental Committee.*



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## House of Delegates postpones vote on mandatory pro bono until November meeting

*Continued from page 3*

Schraver of Rochester (Nixon Peabody LLP) was authorized to retain outside counsel to explore legal options.

At the Cooperstown meeting, the House also heard an informational report from a working group that, since January, had examined aspects of the new mandate.

The working group was a joint project of the Committee on Legal Aid, the President's Committee on Access to Justice and the Pro Bono Coordinators' Network. Its report was presented by Hon. George H. Lowe of Syracuse (Bond Schoeneck & King LLP) and Andrew Scherer of Montclair (Andrew

Scherer Consulting) and William Russell of New York (Simpson Thacher & Bartlett LLP).

The group's report recommends that collected information gathered from the registrations should be made public only in the aggregate and that the State Bar should assist in developing a comprehensive plan to promote pro bono service and contributions. The working group also recommends asking the Office of Court Administration to broaden its definition of pro bono work.

The working group examined the dilemma posed by increasing unmet civil legal services needs and attorneys'

objections to the May 2013 reporting rule from Chief Judge Jonathan Lippman. The rule was imposed without prior discussion and could imperil attorneys' rights to privacy and potential hardship for solo practitioners and small firms.

### Taking precautions

Prior to the vote, Miranda, who was chairing his first House meeting, injected some humor into the discussion by donning a baseball catcher's mask as Executive Committee member Scott Karson of Melville (Lamb & Barnosky LLP) took the podium to present the committee's resolution.

Discussion of the issue had been vociferous at previous House meetings, and Miranda came prepared to monitor another such debate.

However, this time, delegates lined up at microphones after hearing the working group's informational report and again after Lau-Kee's motion to voice with sincerity, and sometimes humor, their dissatisfaction and their opposition or support of Rule 6.1.

View a webcast of the entire House of Delegates meeting at [www.nysba.org/webcastarchive](http://www.nysba.org/webcastarchive). ♦

*Sears Doherty is State Bar News editor.*



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## Law Practice Management

By Katherine Suchocki, Director

### Tips on being a better manager

A great boss can inspire and motivate you. A great boss can shape your career and the type of manager you become. A positive relationship with a manager or boss directly influences an employee's job satisfaction.



Suchocki

Whether you manage one person or a staff of 500, mastering management skills is crucial to your firm or business. Many people become managers without getting proper training to manage. The Law Practice Management Committee will host several programs on management this fall.

I asked colleagues to share tips about the best bosses they've ever had, what they learned from leaders and advice on various management styles. Following is a summary of responses.

#### Hire the right people; value your employees

Everything starts with hiring the right employees and staff, and fostering their growth. A firm is only as good as the people who work there.

You have to build from the ground up. Be sure your employees know their purpose. If you know what your employees do and how they do it, you are better able to identify obstacles when they arise.

It is your job as a manager to remove those obstacles. You have to value your employees. If there are issues with firm management and high employee turnover, you have to work on those issues first.

#### Be a leader, manager and motivator

Leaders and managers are not one and the same. Leaders are not working alone; they are working with others and help to instill a vision.

As a leader you have to value those working for you. If you don't, it shows. The key is to keep lines of communication open, set expectations and have the flexibility to know when you should go in another direction.

#### Communicate clear expectations

Provide direction. Say what you mean and mean what you say. Your employees should know what your expectations are so they can meet or exceed them.

Be specific; don't leave details up to their imaginations. Being vague just increases the chances for misunderstandings and mistakes.

#### Empowerment and engagement leads to success

People support a world they help create. Employee engagement is key to retention and productivity. To get buy-in from others, you need to make staff feel empowered in the process, so they feel personally vested in the project or initiative.

When someone feels that he or she is personally having an impact on something, they will work to see it through.

#### Trust your employees to do their work

You set up your staff; trust they can do the work. Let them take vacation time and allow flexible work environments. Trust them to manage their time effectively and efficiently.

Nothing else matters if the work is getting done and getting done well. Employees in trust environments perform better and innovate more. Hold employees accountable for results.

#### Invite others to solve problems

Feedback is the answer to most management challenges. The higher you are in management, the less likely that you will be in touch with reality.

People tend to tell managers what they want to hear. Branch out for information and ask for input. As a manager you are leading and steering, but your employees who do the work have control over the process.

Many of the best improvement ideas routinely come from employees in the trenches, as they are the ones closest to the actual work. When you implement their ideas, they are committed to success because of their personal involvement.

#### The power of a thank you

Praise the hard work of your staff. Acknowledge good performance and your appreciation. Genuine and meaningful praise goes a long way. You would be amazed at how people go out of their way for you because they know you appreciate them and value their work.

#### Be an agent for change

Think about the big picture; be flexible and adaptable. Recognize the effect your actions have on current and future efforts. Understand where you want to go and how you will get there.

William Pollard once warned, "The arrogance of success is to think that what you did yesterday will be sufficient for tomorrow." Advances in

technology have significantly changed the practice of law and workflow, not only for law firms, but for businesses in general. One of the mistakes managers tend to make is failing to embrace new developments. The other is relying too much on technology to solve all problems.

#### Be a "can-do" person

View problems as challenges and do everything you can to find ways to overcome them. Taking issues head on and resolving them immediately can prevent an issue from getting worse.

Open lines of communication, employee appreciation and long-range planning are key to firm culture. Well-chosen words can inspire staff. Your firm culture is only as strong as you make it.

We want to help you be a better law firm manager. This fall, the Law Practice Management Committee will sponsor a mini-MBA series of programs covering topics including finance, human resources, marketing and technology. Learn more at [www.nysba.org/LPM](http://www.nysba.org/LPM). ♦

*Law Practice Management resources provide lawyers, law firm managers and legal professionals with information on practice management trends, marketing, client development, legal technology and finance. Whether you are a solo practitioner or a managing partner at a national law firm, you will find law practice management resources to meet your day-to-day practice needs. Checklists, best practices, publications and continuing legal education programs provide up-to-date information and practical tips to help you better manage your law practice.*



**Supreme Court Admittees**—On June 9, 42 attorneys and members of the State Bar were admitted to the bar of the U.S. Supreme Court. The event, sponsored by the Young Lawyers Section, drew attorneys from Italy, Japan, France and Switzerland, as well as New York. Justice Ruth Bader Ginsburg spoke to the group and answered questions. President Glenn Lau-Kee of New York City (Kee and Lau-Kee, PLLC), far right, moved the group for admissions. Sarah Gold of Albany (The Gold Law Firm), second from right, chairs the Young Lawyers Section. [Photo by Beth Gould]





**Decade of reform**—The Committee to Ensure Quality of Mandated Representation convened on June 6 at Albany Law School to discuss “The Past, Present and Future of Indigent Defense in New York: Where Has 10 Years of Reform Gotten Us; and Where Are We Going?” The event brought together mandated representation providers such as public defenders, assigned counsel and appellate defenders as panelists. Left to right: (Standing) Andrew Davies, Kim Ball, Dannielle Hille, Robert D. Lonski, Corey Stoughton, Committee Chair Andrew Kossover, Justine Luongo, Norman Lefstein, William Coughlin, Hon. Juanita Bing Newton, Past State Bar President Seymour James Jr., Committee Past Chair Norman P. Effman, Past State Bar President Vincent E. Doyle III, Chief Judge Jonathan Lippman, State Bar President Glenn Lau-Kee, Joseph F. Wierschem, State Bar Pro Bono Director Gloria Herron Arthur, law students Pamela Lowe and Peter Stroe. (Seated) Erica Rangel, William Hellerstein, William J. Leahy, Dean Penelope Andrews, Jonathan Gradess, Hon. Mark H. Dadd.

*[Photo by Donna Vlahos]*

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## Pro Bono: 'Moving Towards Civil Gideon' is Partnership Conference theme

By Gloria Herron Arthur, Director



Herron Arthur

"Moving towards Civil Gideon" is the theme of the 2014 Partnership Conference, the premier continuing legal education training program for civil legal services

attorneys.

The conference will be held in Albany from September 10–12 at the Albany Marriott. The State Bar's Committee on Legal Aid sponsors the biennial conference.

President Glenn Lau-Kee will welcome legal aid attorneys, paralegals and pro bono coordinators from

around New York state to the opening plenary session. Lau-Kee's participation in the conference underscores the State Bar's continuing commitment to, and support of, the civil legal services community.

### Chief Judge keynoter

Chief Judge Jonathan Lippman again will be the keynote speaker at the Denison Ray Awards Ceremony, which honors outstanding civil legal services attorneys, executive directors and pro bono coordinators. Lippman has been a staunch supporter of civil legal services, vigorously advocating for and securing increased funding for programs that meet the legal needs of low-income and vulnerable persons.

"Having Chief Judge Lippman as

our keynote speaker at the 2014 Partnership Conference greatly enhances the reputation and importance of this prestigious conference," said Edwina Francis Martin, the conference planning chair and immediate past co-chair of the Committee on Legal Aid.

### Poverty Law workshops offered

The conference features a wide assortment of CLE accredited programs. Participants can choose to attend workshops on the Affordable Care Act and Medicaid; housing and foreclosure; diversity; benefits; immigration; pro bono; ethics; consumer debt and credit; family law; re-entry; and meeting the legal needs of limited

English language proficient clients. Workshops for enhancing the leadership skills of managers of legal services programs also will be offered. A workshop on how to use technology to expand access to civil legal services also is scheduled. To view the conference "Agenda at a Glance," go to [www.nysba.org/partnership](http://www.nysba.org/partnership).

For more information, please contact [sbsc@nysba.org](mailto:sbsc@nysba.org) or call the State Bar Service Center at (800) 582-2452.

The Steering Committee has secured lodging for conference attendees at the Albany Marriott. Single or double room occupancy rates remain at \$132 per night. Hotel accommodations may be made at: <http://goo.gl/Zig9L5>. ♦

## The New York Bar Foundation

By The New York Bar Foundation President Cristine Cioffi

### NYSBA and The Foundation, collaborating to bring opportunity to those in need

What do Glenn Lau-Kee and Cris Cioffi have in common?



Cioffi

Well, right now we both wear a "President" name tag at meetings, Glenn as president of the New York State Bar Association and Cris as president of The New York Bar Foundation.

And, when we recently met to discuss the collaborative opportunities for these two great organizations, we found they have much in common. We share the belief that everyone, rich or poor, young or old, has a right to have his or her grievances heard in court. This is a basic tenet of our democratic society that each of our organizations champions.

That value is embedded in the missions of both the State Bar and The Foundation.

The State Bar encourages its members to volunteer their legal services to ensure that low-income individuals have access to justice. It highlights exemplary pro bono service with the President's Pro Bono Service Awards. Its Empire State Counsel Program recognizes attorneys who donate 50 hours or more to helping vulnerable and/or low-income populations.

Despite the good works of its members, the State Bar knows that the justice gap cannot be closed solely by

attorneys providing legal services on a pro bono basis. Thus, it has become an effective voice in Albany and Washington lobbying for public funding of basic civil legal services for low-income and vulnerable populations.

The Foundation also strives to meet the need for legal services.

This year, it awarded \$392,500 in grants, about 70 percent of which were earmarked for programs that provide legal services to those who cannot otherwise afford legal representation.

In addition, nearly 30 percent of Foundation grants encompass the criteria of improving the justice system and the law, and increasing public understanding of the law.

Foundation grants help civil legal service organizations assist children in foster care, domestic abuse survivors, immigrants, the elderly and veterans. Their legal matters include guardianships, bankruptcy, foreclosures, elder abuse, and debt collection and consumer debt.

Requests for grants always exceed the funds available. To help meet the growing need for legal services, The Foundation has set a goal of raising 30 percent more in contributions during each of the next three years. Ambitious, but necessary. By the year 2018, The Foundation looks to double the amount of charitable donations it receives. This will substantially increase its grant-making power.

### Civics education essential

Continuing our conversation, we—

Cris and Glenn—quickly identified the need for civics education as another shared value of our organizations. For the United States to sustain a free, democratic society, future generations must understand their rights and responsibilities as citizens. As parents, we know firsthand that schools never seem to have enough time to cover everything. Civics often gets overlooked.

The State Bar, through its Law, Youth and Citizenship (LYC) Committee, offers enrichment activities for K-12 students at no cost to school districts. The Mock Trial program annually reaches approximately 15,000 students statewide. "We the People," a national program administered by LYC, focuses on study of the U.S. Constitution and trains teachers in this important area of law. During the past

decade, the program has reached an estimated 500,000 New York students and teachers.

The Foundation stands side-by-side with the State Bar in these programs, providing LYC with \$42,000 a year for the Mock Trial program, as well as \$7,500 to a separate organization to host the LYC-PATCH 2014 Summer Institute for teacher development.

Our message to you is clear and direct: Together, as members of the State Bar and as contributors to The Foundation, we all can do more to fund our shared values. Join us and donate today.

Help us fill the unmet legal needs of the unserved and underserved people in our state, and help keep our students aware of our great legal heritage.

We invite you to make an online donation at [www.tnybf.org/donation](http://www.tnybf.org/donation). ♦

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## Recommended Reading

'Nudge' a little 'Saturday' into your day; let the 'Federalist' make the 'mountains echo'

David M. Schraver

***Nudge: Improving Decisions About Health, Wealth and Happiness***  
by Richard H. Thaler and Cass R. Sunstein



Schraver

At the 2014 Section Leaders Conference, when we were discussing how staff section liaisons can help section chairs, and how section chairs can lead other section leaders and section members, the word of the day seemed to be "nudge."

So when I was browsing the book store at JFK while waiting for my flight back to Rochester, how could I not buy the book, *Nudge* (a New York Times Bestseller and A Best Book of the Year by the Economist)?

The verb "nudge" means "to prod lightly or urge into action," or "to push mildly or poke gently in the ribs."

The book is full of examples that illustrate the authors' concept of "libertarian paternalism"—how to influence people's choices for the better (or what we think would be more desirable) while maintaining or increasing their freedom to choose.

While the focus of the book is largely on public policy choices relating to health, investments and the environment, creative minds could adapt the concept to the bar association context. Members could use the concept to nudge people to make better decisions and take desirable actions, while still leaving them free to make a mess of things if they wish.

*Schraver, of Rochester (Nixon Peabody LLP), is NYSBA's immediate past president.*

Ronald G. Dunn

***And the Mountains Echoed***  
by Khaled Hosseini



Dunn

Hosseini's characters all have a connection to Afghanistan. This one spans the three generations that have lived through that country's hellish 30-plus years of war.

But this is not a tale of war.

Rather, it is the story of several interconnected families set in a time of war. Each is affected by the devastation to normal people that is the inevitable true cost of war. The book moves through a series of narrators telling their very human stories of life, family, faith, love, honor, disappointment and, ultimately, wisdom.

The hook is Afghanistan and its remarkable people. It is a terrific read telling universal truths.

I loved reading *The Kite Runner*. I think I loved this Khaled Hosseini tale more!

*Dunn, of Albany (Gleason Dunn Walsh & O'Shea), is chair of the Labor and Employment Law Section.*

Michael C. Lancer

***Saturday***  
by Ian McEwan



Lancer

Is there such a thing as a "typical day" in the life of London's most renowned brain surgeon? Probably not. In his novel *Saturday*, Ian McEwan explores an exceptional series of events over the course of a single day for Henry Perowne, a 48-year-old neurosurgeon.

As the story unfolds, the reader is treated to a fascinating ride that ranges from Henry's ponderings on the meaning of life while cooking fish stew for his family, to his frustration at the inability of the "little guy" to influence world affairs. The author's description of brain surgery in and of itself places this book into the "good read" category.

With a large demonstration against the 2003 invasion of Iraq as a backdrop, McEwan fuses the mundane with the exceptional. The character of Henry Perowne is a product of the author's shadowing of a real neurosurgeon over a two-year period. The result is a stunning portrayal of a witty, articulate and likeable main character, who loves his family while leading an extraordinary life.

And, if you were expecting a military read from this old soldier, may I suggest, *Matterhorn: A Novel of the Vietnam War* by Karl Marlantes.

*Lancer, of Buffalo (Collins & Collins Attorneys, LLC), is co-chair of NYSBA's Committee on Veterans.*

Richard W. Bader

***The Federalist Papers***  
by Alexander Hamilton, James Madison and John Jay



Bader

About 10 years ago, I was at the U.S. Supreme Court with a group of students meeting with one of Justice Sandra Day O'Connor's law clerks. The clerk described how demanding it was to keep abreast of all the reading in his job. A student asked, "Do you ever get the chance to just read for fun?" To which the clerk replied cheerily, "Why, yes, just last weekend I reread *Federalist* No. 51!"

Why read *The Federalist Papers*? Why read the owner's manual for your car? To understand how it is supposed to operate and not run it into the ground. *The Federalist Papers* are, simply, the most eloquent explanation of the purposes and intents of the democratic republic our Constitution intended to create.

If you want to understand how the Framers intended to make it work, curl up with *The Federalist Papers* on a quiet beach, away from the maddening cries of 24-hour cable news personalities. Just you, the softly crashing surf and Alexander Hamilton, James Madison and John Jay. Nos. 10, 39 and 51 should not be missed.

*Bader, of Albany (New Visions Law & Government Program), is the immediate past chair of NYSBA's Committee on Law, Youth and Citizenship. ♦*

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## Lawyer Assistance Program: Young lawyer faces her problems with courage

By Patricia Spataro, Director



Spataro

Dear Readers,  
First, I want to thank you for taking the time to read my column. For this edition, I am honored to turn over my State Bar News space to a courageous young attorney who has an important message. For obvious reasons, we are keeping her identity to ourselves.

After I did a presentation on the mental health risks facing lawyers at this year's Annual Meeting, this guest author introduced herself to me. She was poised and confident and began to share her serious mental health diagnosis. She agreed with what I said in my presentation, that lawyers need to guard their wellbeing and take responsibility and action whenever it was threatened. Facing what could have been a career-ending diagnosis, this young lawyer took responsibility and faced the problem head on. I will let her take it from here.

—Patricia Spataro

"Think like a lawyer." This is the first thing they tell you when you enter law school. I never thought about what it meant until after my suicide attempt.

At the time, it meant that I could not show any weakness in character, because that would jeopardize my "fitness" to practice law. I could not show any weakness in academics, because I

obviously could not be an attorney if I did not graduate from law school. I could not show any weakness in my ability, because failure had never been an option for me.

I didn't even realize how much the pressure was getting to me, which is why my suicide attempt even surprised me.

It was October of my 3L year. That semester, I was getting a little behind with the reading and I had been spending a lot of money on insignificant things.

I was alone in my studio apartment the night of Oct. 7, 2011, drinking some wine (this had become a standard nightly routine) when I just decided that I was done.

I was done with law school. I was done with my fiancé, with whom I had been fighting a lot. I was done with hearing from my family about how law school shouldn't be this stressful, and that failure was not an option. I was just DONE.

I wanted to make sure that I succeeded at killing myself—because failure was not an option. And if I failed at trying to kill myself, I would have to admit to everyone that I did, in fact, fail at something. I would be a loser.

So, I googled exactly how many muscle relaxers I should take for someone my size; I didn't want to take too many and get sick, because then they would not do the job. I took out the exact number, plus three or four more and I started taking them a few at a time.

Nothing seemed to be happening,

even though I had taken them all. I started to panic: "I NEED this to work!" I tried to strangle myself and suffocate myself, without any success. It was now 8 a.m. and I was not dead. I had run out of ideas and pills. I had FAILED!

To jump ahead a bit, I called my family, who sent an ambulance to my apartment. I spent the day in the padded room at the hospital with an aide watching me until my father could fly to New Orleans from New York.

This was literally the lowest of lows because, not only did I fail at life, but I had failed at death, too. When I got to New York, I found a psychiatrist who diagnosed me with bipolar disorder and put me on medication. Thankfully, I am stable now.

### Attorney, rising

As sad as this story is for my life, it is the best thing that has ever happened to me.

I say "happened to me" on purpose, because I know that I was not myself and "Polly" (what I call myself when the depressive mood takes over) managed to get the best of me. I decided that I would never let her get the best of me again.

Now that I have failed, I know how to ask for help before things spiral out of control. Failure is not a bad thing anymore, because I gained so much from failure.

Almost exactly two years later, on Oct. 20, 2013, I married that fiancé with whom I had been fighting.

At the hospital in New York, he promised to stick with me through the good and the bad. On that beautiful Sunday, we made our love and commitment official for all of our friends and family to witness.

Since October 2011, I have managed to graduate from law school on time, pass the New York bar exam on the first attempt, get a first job that I really liked a lot and get recruited by a firm that wanted me because of my performance in court. Even before I found that I have a mental illness, I never imagined my life going this well.

I appreciate the little things in life now, and I realize that failure is an option. I realize that it is necessary to reach out for help sometimes.

"Thinking like a lawyer" should mean that you can be proud of your achievements and failures. Without failure, we cannot possibly learn to be better.

So, my one piece of advice would be that you need to be nicer to yourself and know that sometimes perfection means you need to lean on other people. Don't feel like you have to go at it alone, because there is *always* someone out there to lean on.

I now know that I am stronger than I thought I was, and that is exactly why I can admit that I'm not perfect. ♦

*If you are experiencing suicidal thoughts or know someone who appears depressed, call us at 800-255-0569, or the national suicide hotline, 1-800-273-TALK (8255) to get help.*

## TECHLEX

By Barbara Beauchamp

## When good listserves go bad, State Bar transitioning to communities

I love a good mystery, especially a legal thriller. When it comes to novels,



Beauchamp

give me a John Grisham or a Linda Fairstein, my couch and a rainy day and I am all set. What I do not enjoy is a mystery when it pertains to who sent a message to a listserve.

Earlier this spring, several large email providers (Yahoo, AOL, Google's Gmail, etc.) made a sudden decision to change the way listserve messages were configured.

It had been a long-time standard practice that a participant on a listserve would send a message to the list

address and when the message was delivered, it showed the sender's email address.

The sudden change – spurred on by the group DMARC (Domain-based Message Authentication, Reporting & Conformance) – means that those email providers have now declined to deliver any messages using that format.

Instead, they insist that the sender or "from" field must use the listserve address – the same address as the "to" field. If you think something like that would cause mass confusion, you are correct. (Those interested in the specifics can visit [www.dmarc.org/](http://www.dmarc.org/).)

The DMARC fiasco has put organizations that provide listserves in a very difficult position. Retaining the original format means that at least 50 percent of messages will be undeliverable

based on the decisions of the recipients' email providers.

Moving to the new format means many listserve messages now fall into the "mystery poster" category – when a sender doesn't sign a post. Fortunately, the online archive continues to show the "from" address for each individual poster. The online archive is available at [www.nysba.org/listservearchive](http://www.nysba.org/listservearchive) and requires logging in with your NYSBA username and password. Posts will remain in the archive for 180 days.

### Changing direction

Often, when there is no good solution available, the best decision is to go in another direction. State Bar communities are configured differently and are not subject to the deliverability issues related to DMARC.

Over the next six months, NYSBA will work with individual sections and committees to transition their listserves to the new communities. The process will be adapted to the specific needs of each group. I look forward to working with our staff and leaders to craft a transition plan that takes advantage of the new features of the communities.

The Elder Law and Special Needs Section listserve is a good example of the advantage of online communities. The section's listserve was the largest and most active of the State Bar's more than 280 listserves. In mid-June, the Elder Law and Special Needs Section listserve became the Elder Law and Special Needs Section Community.

While the email address for posting messages changed, the ability to share

*Continued on page 27*



## The Bar Around The Corner: Metropolitan Black Bar Association



### Association Address / Phone:

275 Madison Avenue, 14th Floor;  
New York, NY 10016; 212-964-1645;  
info@mbbanyc.org

**Web site:** www.mbbanyc.org/

**Founded:** July 5, 1984

**Number of Members:** 300

**Brief Association Vision:** To advance equality and excellence in the pursuit of justice, aid the progress of blacks and other minorities in the profession, address legal issues affecting the citywide community, and foster the study of law by encouraging the personal and professional development of young lawyers and law students. The Metropolitan Black Bar Association (MBBA) is an affiliate of the National Bar Association (NBA). Founded in 1925, the NBA is the nation's oldest and largest association of African American lawyers and judges.

**Brief History:** Founded on July 5, 1984, the MBBA was created from the merger of the Harlem Lawyers Association, founded in 1921, and the Bedford Stuyvesant Lawyers Association, founded in 1933. As one of the largest organizations of black attorneys in New York state, the MBBA continues the rich legacy of its two predecessor organizations by providing a voice for black legal professionals in the communities it serves.

Today, the MBBA is comprised of mostly minority attorneys in large and small law firms, solo practitioners, and at all levels of government, academia, corporations, financial

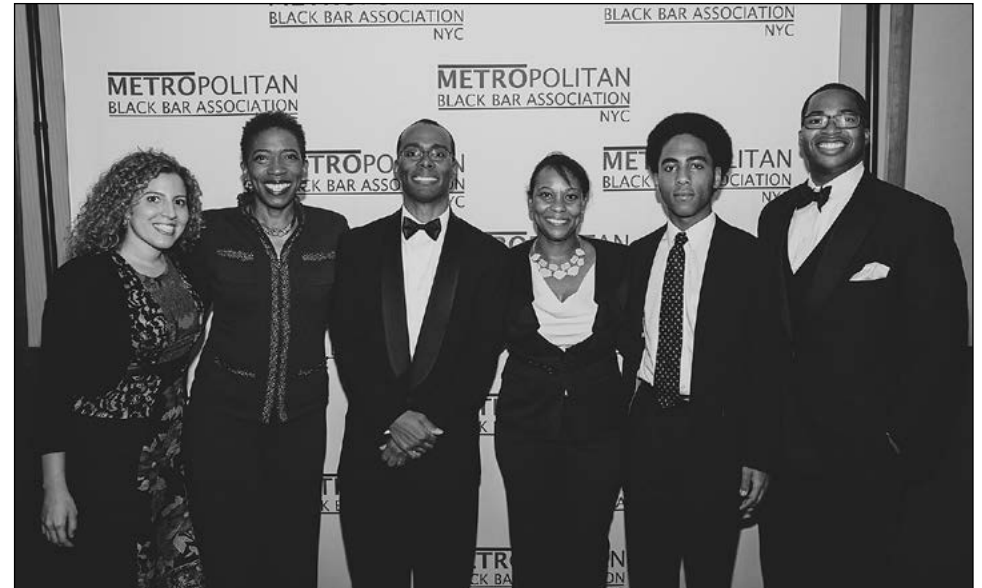
institutions, not-for-profit organizations and the judiciary.

**What is your association's most popular outing / social event?** The MBBA offers programs on a variety of practice areas to its members and the broader legal community. Our signature event is the Annual Awards Gala. Each year, more than 500 members of the legal community and guests from the business and not-for-profit sector join MBBA members to recognize the achievements of outstanding and noteworthy black attorneys.

This year, the Gala marked the MBBA's 30<sup>th</sup> anniversary. The Awards Gala was held on May 16 at Pier Sixty in New York City. The gala's theme was "The Power of Us: Celebrating 30 Years of Leadership, Innovation and Community." Michele Coleman Mayes, vice president, general counsel and secretary of the New York Public Library, and Theodore V. Wells, Jr., partner and co-chair of the litigation department at Paul, Weiss, Rifkind, Wharton & Garrison LLP, were the co-chairs of the MBBA Gala Committee. In addition to the president, the MBBA Gala Committee members include Jason Clark, Paula T. Edgar, Hon. Cheryl J. Gonzales, Taa Grays, Deborah L. Martin, Francesca J. Perkins and Hon. Alvin M. Yearwood.

The honorees were:

- **Trailblazer of the Year:** Raymond J. McGuire, global head of Corporate and Investment Banking, Citigroup, Inc.;
- **Corporate Counsel of the Year:** Duane L. Hughes, managing director, Morgan Stanley;
- **Private Practitioner of the Year:** Carmen J. Lawrence, partner, King & Spalding LLP;
- **Jurist of the Year:** Hon. Sheila Abdus-Salaam, associate judge, New York State Court of Appeals;
- **Public Servant of the Year:** Jennifer Jones Austin, CEO/executive director, Federation of Protestant Welfare Agencies and co-chair, Mayor Bill de



**A gala night**—The Metropolitan Black Bar Association held its annual gala recently and presented Duane Hughes of Morgan Stanley with its Corporate Counsel of the Year Award. From left to right: Morgan Stanley co-workers Claudette Pulido, Carla Harris, Hughes, Brooke Reid, Coleman Hughes (Duane Hughes' son) and Nate Saint-Victor.

Blasio's transition team; and

- **Member of the Year:** Shirley Stewart Farmer, first president, Metropolitan Black Bar Association (posthumously).

**What is your association's most pressing concern regarding the legal profession?** "We have been faced with several challenges to laws imposed to ensure equality. We are also still faced with uncertainty in our economy and continued fluctuations in the employment market. We have also been faced with the challenges to affirmative action and voter legislation," said President Nadine Fontaine.

Under Fontaine's leadership, MBBA has provided employment, networking, and mentorship opportunities for our members and also supported our community.

**What is your association's goal for next year?** The MBBA will continue Fontaine's work under our new president, Taa Grays, who began her two-year term on June 30. Grays' agenda will have an added focus on the following areas:

1. Legal Profession: Deepen diversity

and inclusion within the profession through partnerships and collaborations with fellow bar associations and relevant professional and non-profit organizations.

2. Members: Enhance the members' experience with the organization.
3. Community: Advocate on behalf of and provide resources to women attempting to improve their lives and the lives of their children.

**Final comments:** "Lawyers must be activists to leave a contribution to society," E. Clinton Bamberger, director of the Office of Equal Opportunity's Legal Services Program, explained in a 1965 speech to the National Legal Aid and Defender Association. "The law is a more than a control; it is an instrument for social change."

The MBBA strives to make an indelible impact on the legal profession one event, one partnership and one community service program at a time. ♦

*The Bar Around The Corner is a project of the New York State Conference of Bar Leaders, www.nyscbl.org.*

## TechLex column: When good listserve goes bad, there is a State Bar community

*Continued from page 26*

substantive information, ask questions and build knowledge remained the same. Members who were participating on the listserve were automatically transferred to the community using their existing subscription preferences. That is, those who wanted the messages as they are posted continue to get

the messages in real time; those who elected to receive a digest now receive a Daily Digest.

A link to the archive of previous messages was posted to the community home page as well as distributed as a discussion post.

The Elder Law and Special Needs

Section officers and Executive Committee did a spectacular job of answering questions, testing functionality and partnering with State Bar staff to make the transition as smooth as possible.

When your group is ready to transition to a community, the State Bar's staff is ready to help. Call me, email

me or talk to your section or committee liaison. We can help minimize the frustration and get you started on a new knowledge-sharing community that better serves your needs. ♦

*Beauchamp can be reached at bbeauchamp@nysba.org or 518-487-5644.*



# Nominating Committee seeks candidates for NYSBA offices

The Nominating Committee invites members of the Association to submit recommendations of themselves or others for consideration in developing its slate of nominees for Association offices beginning in 2015.

It is suggested that anyone wishing to become an officer or member of the NYSBA Executive Committee review Article VIII of the Association's Bylaws describing the Nominating Committee and nominations for office ([www.nysba.org/bylaws](http://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 23 in New York City and at its meeting on October 31 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), member-at-large recommended by the Section Delegates Caucus, and member-at-large recommended by the Young Lawyers Section.

## Offices for nomination

The Nominating Committee is accepting and will be interviewing candidates for the following:

- President-Elect
- Secretary
- Treasurer
- Members-at-Large of the Executive Committee – Four (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 Thirteenth Judicial District, since there currently is a member-at-large selected to further diversity from that district; at least one of these members-at-large is selected from the First Judicial District, since there must be at least two members-at-large from the First Judicial District and currently there is one member-at-large 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 member chosen by the Section Delegates Caucus and the member chosen by the Young Lawyers Section to fill the positions of Executive Committee member-at-large. 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 Caucus and Young Lawyers Section to determine deadlines and such criteria as may be established for consideration to fill the positions of vice-president, elected delegate, and Executive Committee member-at-large from the Section Delegates Caucus and Young Lawyers Section. For relevant contact information, please email your request to [NominatingChair@nysba.org](mailto:NominatingChair@nysba.org).

## Special eligibility criteria for candidates

A candidate for president-elect or vice-president must have served as a member of the House of Delegates, but does not need to be a member of the House at the time of nomination for office.

Candidates for the four member-at-large positions of the Executive Committee referenced above must be current members of the House or section chairs, or have served in either capacity within three years of the time of selection.

## Nature of service

The nature of service for Association offices is described in the Association's Bylaws ([www.nysba.org/bylaws](http://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 the business and activities of the Association and generally meet quarterly. They also serve as liaisons to Association 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 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 Caucus.

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 the Association'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 September 1, 2014**.

Candidates seeking all other offices are strongly encouraged to file a declaration of candidacy and submit all background materials by September 1, 2014, 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 House of Delegates in November 2003. The policy emphasizes the commitment to achieving diversity in the "member-

ship, 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 curriculum vitae or resume and a maximum of five letters of recommendation. Letters of recommendation should be received prior to the deadlines stated previously.

Please direct this information to the following: Vincent E. Doyle, III, Chair, Nominating Committee, New York State Bar Association, One Elk Street, Albany, NY 12207 or by email to [NominatingChair@nysba.org](mailto:NominatingChair@nysba.org) or by fax to 518-487-5564.

## 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 **September 1, 2014**.

For more information, please contact Patricia Sears Doherty at [psearsdoherty@nysba.org](mailto:psearsdoherty@nysba.org) or 518-487-5536. ♦

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### New York's Nonprofit Revitalization Act of 2013

Tuesday, August 5 | 1:00 – 2:30 p.m.  
1.5 MCLE Credits: 0.5 Skills; 1.0 Area of Professional Practice  
*Real Time Interactive Q&A Session with Michael A. de Freitas, Partner, William C. Moran & Associates, P.C., Williamsville, NY (2:30-3:00 p.m.)*

### CPLR Update 2014 with David Horowitz

Wednesday, August 6 | 12:00 – 3:20 p.m. [without breaks]  
4.0 MCLE Credits: 3.0 Areas of Professional Practice; 1.0 Ethics  
*Real Time Interactive Q&A Session with David Paul Horowitz, Of Counsel, Ressler & Ressler (3:20 – 3:50 p.m.)*

### Practicing Entertainment Law in New York: What You Need to Know – Entertainment Lawyers, Careers and Scope of Work

Thursday, August 7 | 1:00 – 2:20 p.m.  
1.5 MCLE Credits: 1.5 Professional Practice  
*Real Time Interactive Q&A Session with: Ethan Y. Bordman, Principal, Ethan Y. Bordman PLLC, Ridgewood, NJ (2:20 – 2:50 p.m.)*

### Starting a Practice in New York (2014)

Wednesday, August 13, 2014 | 9:00 a.m. – 4:30 p.m.  
7.5 MCLE Credits: 5.0 Professional Practice; 2.5 Ethics  
*Real Time Interactive Q&A Session Cliff Ennico, Esq. (4:30 – 5:00 p.m.)*

### Issues in Consumer Bankruptcy

Thursday, August 14 | 12:00 - 12:50 p.m.  
1.0 MCLE Credits: 1.0 Areas of Professional Practice/Law Practice Management  
*Real Time Interactive Q&A Session with Ronald J. Friedman, Partner, SilvermanAcam-pora LLP, Jericho, NY (12:50 – 1:20 p.m.)*

### 2014 Changes to New York's Estate, Gift, and Trust Income Taxes

Tuesday, August 19 | 1:00 – 2:15 p.m.  
1.5 MCLE Credits: 1.5 Area of Professional Practice  
*Real Time Interactive Q&A Session with Susan Taxin Baer, Law Offices of Susan Taxin Baer, White Plains and New York City (2:15 – 2:45)*

### DWI on Trial: Using Their Tests to Prove Sobriety with Peter Gerstenzang

Wednesday, August 20 | 12:00 – 1:30 p.m.  
1.5 MCLE Credits: 1.5 Areas of Professional Practice  
*Real Time Interactive Q&A Session with Peter Gerstenzang, Senior Partner, Gerstenzang, O'Hern, Hickey, Sills & Gerstenzang, Albany, NY (1:30 – 2:00 p.m.)*

### Practicing Entertainment Law in New York: What You Need to Know – Crowd-Funding: Stories from the Front

Thursday, August 21 | 1:00-2:00 p.m.  
1.0 MCLE Credits: 1.0 Professional Practice  
*Real Time Interactive Q&A Session with: Stephen Rodner, Senior Counsel, Pryor Cashman, New York, NY (2:00 – 2:30 p.m.)*

### Introduction to Easement Law in New York

Tuesday, August 26 | 12:00-2:30 p.m.  
3.5 MCLE Credits: 3.5 Areas of Professional Practice/Law Practice Management  
*Real Time Interactive Q&A Session with Laura E. Ayers, Principal, The Law Office of Laura E. Ayers, Schoharie, NY (2:30-3:00 p.m.)*

### Hiring and Managing Staff | Lawyer as Employer (2014)

Wednesday, August 27, 2014 | 1:00 p.m. – 3:00 p.m.  
2.0 MCLE Credits  
*Real Time Q&A with Nancy B. Schess, Esq. (3:00 – 3:30 p.m.)*

### 11 Steps to Superior Legal Writing with William Bernhardt

Thursday, August 28 | 10:00 - 4:00 p.m.  
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*Q&A Session with: William Bernhardt*



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