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To: Members of the House of Delegates

Consistent with the approach taken for prior House meetings, I am providing you with this written President's Report to read at your convenience and to distribute to others as you deem appropriate. This will allow me to note key items during my remarks at the meeting while freeing as much time as possible for us to address the substantive reports on our agenda.

I hope that you find the following topics to be of interest. They are representative of the many critical issues with which the Association is involved. If you have any questions or would like more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "David M. Schraver". The signature is written in a cursive, flowing style.

David M. Schraver

Contents

I. Presidential Initiatives	2
A. Special Committee on Voter Participation	2
B. Special Committee on Human Trafficking	2
C. Special Committee on Re-Entry	2
D. Task Force on Gun Violence	3
E. Task Force on Criminal Discovery	3
F. Committee on Legal Education and Admission to the Bar.....	3
II. Legislative Activities	3
A. Sealing Criminal Records	3
B. Revising and Improving the Not-for-profit Corporation Law	4
C. Wrongful Convictions.....	4
D. Raising the Age of Criminal Responsibility	4
III. Section, Committee, Membership, and Departmental Initiatives.....	4
A. Section Leaders Conference	4
B. New York State Conference of Bar Leaders.....	5
C. Superstorm Sandy Relief Efforts	5
D. Pro Bono Programs	5
E. Technology	6
F. Lawyer Assistance Program Spring Retreat	6
G. Young Lawyers Section Supreme Court Admission Program	7
IV. American Bar Association.....	7
V. Honors, Awards, and Appointments.....	7
A. President’s Pro Bono Service Awards	7
VI. Noteworthy Events	7
A. Local Bar Association Events	7
B. Albany Meeting in November	8

I. Presidential Initiatives

A. Special Committee on Voter Participation

Since receiving House approval in January, the Special Committee on Voter Participation, created by Immediate Past President Seymour W. James, Jr., has been working to advance the recommendations included in its report. Committee co-chairs John Dunne and Dan Kolb have met with Governor Andrew Cuomo's Special Counsel and numerous critical players in the New York State Assembly and Senate as they address: (1) modernization of the voter registration system; (2) pre-registration of 16- and 17-year-olds; (3) Election Day and same day registration; (4) early in-person voting; (5) improved ballot design; (6) no-excuse absentee ballots; (7) the recruitment and training of poll workers; and (8) the provision of more severe and comprehensive penalties for deceptive practices. The Committee's recommendations have been well-received and its members will continue their lobbying efforts. We are pleased that a bill has passed the Assembly that would amend the Election Law to provide for the pre-registration of 16- and 17-year olds, and we continue to promote its advancement in the Senate. We thank the committee members for their ongoing service.

B. Special Committee on Human Trafficking

The Special Committee on Human Trafficking also continues its demanding task of analyzing state and federal human trafficking issues. Under the leadership of co-chairs Bernice Leber and Sandra Rivera, the committee plans to recommend initiatives that would protect victims, prosecute traffickers, and coordinate efforts to fight trafficking. The committee has divided into three subcommittees on sex trafficking, labor trafficking, and child trafficking. It is currently completing its report, which examines the following topics: (1) education; (2) training; (3) provision of legal services; (4) coordination of resources for victims; and (5) the effective prosecution of traffickers in New York State. We thank the committee members for their service, and we look forward to receiving their recommendations.

C. Special Committee on Re-Entry

The work of the Special Committee on Re-Entry is well underway. The committee is specifically focusing on measures that can be taken during incarceration, as well as the re-entry process, to help bridge the gap between incarceration and participation in free society. The committee aims to recommend initiatives that will facilitate formerly incarcerated individuals' reintegration into their communities and ultimately curb recidivism. With this goal in mind, the committee plans to address: the adverse impacts of re-entering society with the stigma of a criminal record; the unique issues associated with actual release versus conditional release; and the obligations of the correctional system at each stage of the process. The committee has divided into subcommittees that will examine these larger issues and their influence on: (1) job training and employment; (2) benefits and family rights; (3) education; (4) housing; (5) medical access and mental health; and (6) young people in juvenile detention settings. The committee is also revisiting the 2006 Report and Recommendations of the Special Committee on Collateral Consequences of Criminal Proceedings. The committee intends to examine the initiatives recommended in the report and to assess the legislative, judicial, and other changes that have arisen in the past seven years. Thank you to the committee members – including co-chairs Sheila Gaddis and Ron Tabak and Vice co-chair Richard Raysman – for their continuing efforts.

D. Task Force on Gun Violence

Earlier this year, the Executive Committee authorized the creation of a Task Force on Gun Violence. Following this decision, then-President Seymour W. James, Jr. and I selected members from diverse backgrounds and geographic regions of the state to deal with this controversial and complex topic under co-chairs Earamichia Brown and Dave Tennant. The task force held an organizational meeting on May 30 to begin its work. We look forward to receiving the findings of the task force as it undertakes a well-informed and well-reasoned examination of this contentious topic.

E. Task Force on Criminal Discovery

Immediate Past President James continues to be actively involved with the work of the task force that he created last year. The group, comprised of members who work as defense lawyers, prosecutors, and in the judiciary, has worked strenuously under the direction of co-chairs Mark Dwyer and Peter Harvey to address a number of concerns raised by prosecutors. We anticipate that work will continue during the summer and autumn and that a report will be developed for consideration next year.

F. Committee on Legal Education and Admission to the Bar

Since January, I have been working with Committee co-chairs Eileen Millett and Eileen Kaufman to broaden the mission and increase the membership of the Committee as we focus this year on challenges facing legal education. These issues will be addressed in the September issue for the New York State Bar Journal and at the Presidential Summit at the Annual Meeting in January.

II. Legislative Activities

Since the meeting of the House of Delegates in April, Immediate-Past President Seymour James and I, along with President-Elect Glenn Lau-Kee and several other members, have been actively engaged in promoting the Association's legislative agenda at both the state and federal level. Following enactment of the New York State Budget in March, the Association's non-budget legislative issues became the focus of attention. Messrs. James and Lau-Kee joined me for meetings in Albany on April 30 and June 4 to promote the Association's 2013 proposals to address issues including wrongful convictions, increasing the age of criminal responsibility, sealing records of criminal conviction, and revision of the state's Not-for-profit Corporation Law.

A. Sealing Criminal Records

The NYSBA proposal is based on the Criminal Justice Section's report on sealing that was approved by the House of Delegates in 2012. Senator Lee Zeldin introduced S5385, the "Second Chance for Ex-Offenders Act," to allow for the sealing of certain low-level offenses and violations under specific circumstances. We support this legislation as an important first step toward public policy that would effectively assist reentry to mainstream society for those who have lived law-abiding lives after conviction. If subsequent to sealing of records, a person were found guilty of an additional offense, the records would "spring-back" to view. Therefore, an individual who had sealed records would effectively be on life-time probation, an extremely strong incentive to make the most of a second chance.

B. Revising and Improving the Not-for-profit Corporation Law

The non-profit sector in New York State is enormous and wide-ranging, consisting of foundations and charities, health care organizations, service agencies, clubs and neighborhood groups, cultural institutions, religious organizations, research and educational centers, chambers of commerce, economic development corporations, and more. The impact of the sector is vital to the people and economy of the State of New York. This proposal is intended to adopt policies and practices commonly used throughout the United States, and to eliminate New York's outdated, idiosyncratic provisions of law. Under the direction of Senator Michael Ranzenhofer, the State Senate Committee on Corporations conducted hearings on the topic in New York City, Albany and Rochester. With the assistance of Business Law Section members Fred Attea, Michael de Freitas and Michael Cooney, the Association presented testimony at the hearings and has been actively involved in negotiations to develop legislation during the final weeks of the legislative session. I want to thank those members for the countless hours of work that they have contributed to this effort. As this report went to print, and the legislative session drew to a close, negotiations continued over the provisions of bills sponsored by Senator Ranzenhofer and Assembly Corporations Committee Chair James Brennan.

C. Wrongful Convictions

Activity also continued in the final days of the legislative session to reach agreement on this important legislative priority. Governor Cuomo stated in his State-of-the-State address that this would be one of his priorities during the 2013 legislative session. The State Bar is a member of Chief Judge Lippman's Justice Task Force and has collaborated with the Innocence Project in its efforts to reach agreement with the State District Attorneys Association on issues relating to reform of eyewitness line-up procedures and the recording of custodial interrogations. Nevertheless, I cannot report at this time that an agreement is close.

D. Raising the Age of Criminal Responsibility

Concerns over the cost that would be required by local governments to implement changes in this area have resulted in opposition by some groups, including the New York State Association of Counties. After those concerns and issues are addressed, we anticipate that this very important issue will move farther during next year's session.

As the 2013 regular legislative session, scheduled to conclude on June 20, winds down, I want to thank the many members and staff people who have contributed countless hours to ensure that the Legislature considers our views on the dozens and hundreds of bills that are flowing through the system in the final days.

III. Section, Committee, Membership, and Departmental Initiatives

A. Section Leaders Conference

We hosted a successful Section Leaders Conference in May in New York City. More than 70 section representatives attended, and the presence of NYSBA officers, event speakers, and staff brought the total to more than 90. Attendees' written evaluations of the program were very positive. The conference featured a variety of programs, including "How to be Successful in Your Term as a Section Officer." Other programs covered the following topics: (1) budgeting and finance; (2) continuing legal education and section meeting planning; (3) media relations; (4) electronic and print communications; (5) membership development and diversity; and (6)

lobbying, legislation, and governmental relations. During lunch, Immediate Past President Seymour W. James, Jr., recognized this year's section diversity award winners. Attendees also participated in roundtable discussions about best practices and completed surveys summarizing their recommendations. I was pleased to share the survey results with attendees at the end of the day. Thank you to all who participated in this valuable conference!

B. New York State Conference of Bar Leaders

We coordinate the New York State Conference of Bar Leaders ("NYSCBL") to serve local, county, ethnic, minority, special purpose, specialty, and women's bar associations in New York State. NYSCBL recently hosted a workshop for bar association representatives in New York City, which I attended. The program attracted nearly 20 bar leaders from throughout the state. The workshop was entitled "Partners for Diversity: Improving Participation and Retention in Bar Associations." Speakers from the following national associations attended the workshop and shared their insights for keeping members active and engaged: (1) National Association of Women Lawyers; (2) Hispanic National Bar Association; (3) National Bar Association; (4) National Asian Pacific American Bar Association; and (5) National LGBT Bar Association. The workshop also included a continuing legal education ethics program entitled "Diversity Issues in the Workplace – A Management Perspective" presented by John Higgins. We appreciate the efforts of all of those who were involved with this excellent program.

C. Superstorm Sandy Relief Efforts

In cooperation with NYSBA, The New York Bar Foundation recently distributed \$52,000 to 13 legal service organizations that serve Superstorm Sandy victims. Immediate Past President Seymour W. James, Jr. and Foundation President Cristine Cioffi traveled to five of the organizations to personally present the checks. These grants are the latest in NYSBA's efforts to provide Superstorm Sandy relief. For example, our Lawyer Referral and Information Service ("LRIS") staffed an official state hotline for the Federal Emergency Management Agency, with the goals of directing resources to those in need and gathering relevant data. Through the hotline, LRIS facilitated the efforts of 100 volunteer attorneys who provided free legal consultations over a six-month period. In total, staff members fielded more than 3,000 calls through the hotline, on topics ranging from insurance to landlord/tenant issues. Thank you to all who donated funding and time to help the victims of this disaster.

D. Pro Bono Programs

Our Pro Bono Department continually works to assist the legal community in providing legal services to people in need by coordinating events, training programs and other initiatives across New York state. For example, the director of Pro Bono Affairs and I are serving on the Monroe County Task Force to Expand the Scope of the Attorney Emeritus Program. Under the oversight of the Feerick Center, we are exploring ways to incentivize participation in the voluntary program in order to encourage attorneys who are winding down their careers to become involved with pro bono.

Charity Corps, a joint effort between NYSBA and the New York State Attorney General's Office to provide pro bono legal assistance to nonprofit organizations, is another fine example of our pro bono efforts. We recently collaborated with Skadden Arps Slate Meagher & Flom LLP and Nixon Peabody to hold the inaugural Charity Corps celebration for charities and volunteers participating in the program. Receptions were simultaneously hosted in New York City, Albany, and Rochester, connected by video link. The event afforded attendees an opportunity to network

and engage in informal discussions about issues affecting nonprofit organizations with lawyers knowledgeable in the field.

We also welcome opportunities to reach beyond New York State to collaborate, learn and benefit from the experiences of our colleagues in other parts of the country. As such, it was our pleasure to host Chief Justice Wallace Jefferson of the Texas Supreme Court to discuss the Association's efforts to raise awareness about the need for pro bono, pro bono recognition programs, the 50-hour rule, and the new biennial pro bono reporting requirement for licensed attorneys. I am proud to report that the Chief Justice was impressed with the State Bar's pro bono initiatives.

E. Technology

Our Management Information Services ("MIS") Department continues to make major improvements in NYSBA's technology, consistent with our strategic plan. Approximately 12% of the action steps in our strategic plan are related to a new website content management system ("CMS"), which we expect to roll out in September. Thanks to the new CMS, the newly redesigned NYSBA website will feature "responsive design" that automatically recognizes the device being used to access the site and provides an optimized view for that phone, tablet or web browser. The website will also feature a new shopping cart function, which will make it easier for members and the public to purchase NYSBA products. To prepare for the CMS roll-out, staff members have received training, and they are moving content from our current website to the new system. Staff members also recently moved our data center from NYSBA headquarters to another building downtown, both in preparation for the CMS roll-out and to support power back-up and regulatory compliance. In addition, NYSBA's e-mail system was recently moved from NYSBA headquarters to a cloud service provider to enhance availability, aid in disaster recovery and power failures, and better support remote and mobile access. Finally, staff members are preparing to convert NYSBA listserves to a new system of "private online professional communities," which we expect to launch in the Fall. This new system will feature a member directory, document libraries, and collaboration tools for our members. We are grateful for the efforts of the Electronic Communications Committee, the MIS Department and other staff members on these important initiatives!

F. Lawyer Assistance Program Spring Retreat

Our Lawyer Assistance Program ("LAP") assists in the prevention, early identification, and intervention of mental health and behavioral problems that can affect professional conduct and quality of life. LAP has helped many lawyers, judges, and law students throughout the state; and I attended LAP's spring retreat in Silver Bay (Lake George). This annual event, now in its 23rd year, attracted record-breaking attendance with more than 100 participants. It featured a presentation by a filmmaker who produced a documentary about Bill Wilson, a co-founder of Alcoholics Anonymous. The retreat offered several 12-step meetings, including one for people who have family members that are dealing with addiction. Attendees were able to participate in meditation and yoga classes as well. It was a great honor to be so warmly welcomed into the very inspiring LAP community. Thank you to LAP and our Lawyer Assistance Committee for co-sponsoring this special event.

G. Young Lawyers Section Supreme Court Admissions Program

On June 9-10, I joined the Young Lawyers Section in Washington, D.C. for their Supreme Court Admissions Program. On Monday morning, June 10, I successfully moved the admission to the bar of the Supreme Court of the United States of 44 applicants of all ages, following which Justice Ruth Bader Ginsburg joined our group for a few remarks and a group photo.

IV. American Bar Association

The ABA Days are a nationwide lobbying effort where State Bar Associations from all of the states gather in Washington D.C. under the auspices of the American Bar Association to lobby on specific issues identified as priorities for this Congressional session. I am pleased to report that this April I led the largest NYSBA delegation in the Association's history to meet with Congressional members from New York. Our team included approximately a dozen State Bar members, and included ABA President-Elect James Silkenat. Because we had the benefit of such a large delegation of State Bar representatives, we were able to divide into three teams, which enabled us to meet with nearly every New York Member of Congress or staff.

We advocated for funding for the Legal Services Corporation and the federal courts, both of which faced serious cuts due to sequestration. We also advocated for granting counsel to certain vulnerable individuals who faced immigration hearings, urging the retention of a provision to this effect which is currently included in the Senate immigration bill and was included in the bill that emerged from the Senate Judiciary Committee. As more of our members participate in this event, our voice becomes stronger on issues of importance to the Association.

We have held regular conference calls with ABA President-elect James Silkenat and look forward to working closely with Jim after he takes office as President in August.

V. Honors, Awards, and Appointments

A. President's Pro Bono Service Awards

May 1st marked the 23rd celebration of the President's Pro Bono Service Awards, which recognize extraordinary pro bono contributions made by members of the legal profession. A total of 20 awards were presented to attorneys and organizations representing a broad cross-section of our profession including solo practitioners, a government employee, a law student, a young lawyer, a senior attorney, a corporate in-house counsel, large, mid-sized, and small law firms, and a government office. The recipients provided an inspiring and impressive variety of legal services to people in need. These volunteers are exemplary role models we can all strive to emulate as we incorporate pro bono into our own practices.

Last week, NYSBA also recognized recipients of the Outstanding Achievements in Promoting Standards of Excellence in Mandated Representation and the Denison Ray Criminal Defender Awards. These awards recognize attorneys who provide zealous, skilled, and vigorous advocacy to indigent clients. Congratulations to all of the very deserving recipients.

VI. Noteworthy Events

A. Local Bar Association Events

Immediate Past President Seymour W. James, Jr., President-Elect Glenn Lau-Kee, and I were pleased to participate in many local bar association events during the busy spring season of

installations, galas, and annual meetings. For example, Seymour and I hosted the second in a series of meetings with minority bar association leaders in New York City on April 10. On May 9, I delivered a keynote address at the Westchester County Bar Association's 116th Annual Banquet and Officer Installation. Later in May, I spoke at the Warren County Bar Association's Annual Meeting in Bolton Landing. On June 12, I attended the Bar Association of Erie County's Annual Dinner. The next day, I spoke at the Monroe County Bar Association Annual Installation of Officers. On June 17, I spoke at a reception in Rochester for Court of Appeals Judges Jenny Rivera and Sheila Abdus-Salaam sponsored by the Erie, Monroe and Onondaga County Bar Associations. Many thanks to these bar associations for including us in their terrific events.

B. Albany Meeting in November

Our next House of Delegates and Executive Committee meetings will be on November 1 and 2 at the State Bar Center in Albany. I look forward to seeing you there!