VINCENT E. DOYLE III

President, New York State Bar Association

Connors & Vilardo, LLP 1000 Liberty Building 424 Main Street Buffalo, NY 14202 716/852-5533 FAX 716/852-5649 ved@connors-vilardo.com

June 25, 2011

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 allows me to note key items during my brief remarks at the meeting while freeing as much time as possible for us to address the substantive reports on our agenda.

You should find the following topics of interest as well as representative of the many critical issues with which the Association is involved.

PRESIDENTIAL INITIATIVES

Diversity Challenge

Coming off the success of the 2008 membership challenge, we are pleased to announce the launch of the Section Diversity Challenge, which started at the Section Leaders Conference on May 12, 2011, and will conclude at the April 14, 2012 House of Delegates meeting in Buffalo. Included in your materials is the brochure outlining the challenge that was handed out at the Conference.

The challenge is for each Section to institute additional initiatives to increase the diversity in its membership, leadership or programs and to evaluate the results. Ways in which a section can accomplish this goal could include creating diversity seats on its Executive Committee, holding CLE's in conjunction with minority bar associations, and recruiting young lawyers. The brochure outlines many other possible initiatives.

We hope the challenge encourages communication and support between sections and our Membership and Diversity and Inclusion Committees. My goal is that this challenge will establish a framework for continuing diversity efforts. I also am calling upon each section to actively participate in the Celebrating Diversity Reception during the Annual Meeting.

The effort will be overseen by a special joint sub-committee of our Membership and Diversity and Inclusion Committees. Glenn Lau-Kee and Sherry Levin Wallach, the current Co-Chairs of the

Membership Committee are co-chairing this effort. They will present the challenge in its entirety during this House meeting.

Special Committee on Military Veterans

The men and women who have given so much for our country shouldn't suffer as a result of their service. We need to do everything we can to make sure their needs are met. Therefore, we have created a Special Committee on Military Veterans, co-chaired by Michael C. Lancer and Karen R. Hennigan. It will focus on the legal needs of veterans, service members and their families. These needs include both pre- and post-deployment issues, such as matrimonial and family law matters, medical needs, substance abuse, foreclosures, homelessness, consumer credit problems and criminal issues. In order to achieve its goals, the Committee has created three subcommittees: the Veterans' Court Subcommittee; the Legal Services Subcommittee; and the Legal Education Subcommittee.

The Veterans Court Subcommittee will aim toward working with various communities in New York State to establish Veterans' Treatments Courts modeled on the ground-breaking Buffalo Veterans' Treatment Court.

The Legal Services Subcommittee will be dedicated to ensuring that adequate for-fee and pro bono legal services are available to veterans, service-members and their families. The subcommittee will endeavor to put in place a referral system to help attorneys and those in need of legal services make such connections.

Finally, the Legal Education Subcommittee will strive to create and execute legal education programs for attorneys and the general public. In addition to presenting CLE's, the subcommittee will seek to deliver templates for ready-to-go programs to local legal organizations who also wish to make such presentations.

Special Committee on Immigration Representation

The stakes for immigrants are extremely high. They often are unrepresented or vulnerable to unscrupulous individuals who exploit language barriers and exact exorbitant fees for incompetent and insufficient assistance. To assist, we have created a Special Committee on Immigration Representation, co-chaired by Jojo Annobil and Joanne Macri.

The mission and objective of the Special Committee on Immigration Representation is to examine the challenges faced by respondents and the courts in these matters, and generate a report and recommendations to improve the quality and availability of legal representation in immigration cases. The Special Committee will seek input from judges and attorneys with experience in immigration proceedings, and it will consider possible improvements to attorney training and CLE; expansion of pro bono opportunities; creation of referral services and legal orientation programs around the state to assist respondents; and implementation of written standards for representation in immigration matters. It will examine the challenges faced by immigrants in deportation and other legal proceedings. The Special Committee intends to generate a report with recommendations for ways to improve access to competent representation.

Indigent Criminal Defense Services

The current "system" of indigent criminal defense services tasks the counties to operate and fund their own defense providers. Years of study demonstrate conclusively that these programs are underfunded and overworked so badly that it is hard for them to operate effectively. In response, we have tasked the existing Committee to Ensure Quality of Mandated Representation, chaired by Norman P. Effman, to find ways these providers can pool and share resources, to improve efficiency and the quality of available legal representation.

Court Funding and Reorganization

During my term, the Association will monitor how a \$170 million budget cut will affect the ability of the courts to remain open and accessible to all New Yorkers. We will aggressively advocate for the state government to adequately finance the court system. In addition, the Association will examine ways to reduce long-term court costs and find efficiencies, including the possible consolidation of the state's 13 different trial courts. In addition, we are changing the name of the Committee on Court Structure and Judicial Selection to the Committee on Court Structure and Operations, co-chaired by Henry M. Greenberg and Stephen P. Younger, to reflect the Committee's added focus on the impact of budget cuts on court functions.

Task Force on Family Friendly Issues

While working on these important statewide initiatives that impact all New Yorkers, we also plan to study how the Association can accommodate its members' personal lives. Following up on the important work of Immediate-Past President Stephen Younger and the Task Force of the Future of the Legal Profession that examined the need to balance attorney work-life issues, I want to make State Bar events more family-friendly, offering activities for children, day care and programs for spouses. To assist in this endeavor, I have created a Special Committee on Family-Friendly Issues, co-chaired by Sheryl L. Randazzo and Tucker C. Stanclift. We will hear from the Committee during today's meeting.

Resolutions Committee

We are resurrecting a relatively inactive committee, the Resolutions Committee, and have tasked it with determining how to further implement recommendations contained in reports that have been adopted by the Executive Committee and/or the House of Delegates. The committee, which will be chaired by the Association's Secretary, David Miranda, also will be monitoring and reporting to you on the status of implementation throughout the year.

The committee's first task for the year has been to arrange for the implementation of the report that was issued by the Task Force on the Future of the Legal Profession in February 2011 and adopted by the House of Delegates in April 2011. The committee has compiled a list of the report's recommendations and the entities that should be tasked with their implementation. It expects to present the list to the Executive Committee during the meetings on June 23 and 24, 2011.

LEGISLATIVE INITIATIVES

Comprehensive Government Ethics Reform Legislation -- the Public Integrity Reform Act of 2011.

We are pleased to report that the State Legislature and the Governor acted on this topic, one of the State Bar Association's 2011 legislative priorities.

The Association had an integral role in making recommendations for the development of this legislation. In 2009, then President Michael E. Getnick created a special committee to develop principles that should underlie any ethics legislation. Immediate Past President Stephen P. Younger built on this initiative by creating the Association's Task Force on Government Ethics, which studied and reported on issues relating to public sector ethics laws. The Task Force report was approved by our House of Delegates on January 28, 2011, and formed the basis for the Association's strong advocacy efforts led by President Younger throughout the 2011 legislative session.

New Yorkers are entitled to know if their public officials have outside business interests that might conflict with the public interest. By enhancing government transparency and accountability, the new ethics law will go a long way toward restoring public trust in state government. Moreover, the new law may require additional reporting requirements for persons and firms dealing with New York State government. The new and more complicated state ethics and lobbying laws may require new steps to ensure compliance.

The major theme of the new ethics law is the increased disclosure by both public officials and members of the private sector who deal with the government, including:

- New disclosures by all state agencies, public authorities, boards, commissions, departments, or divisions. Beginning in 2013, an online and downloadable database will disclose information regarding all firms and individuals who appear before these entities regarding any matter pertaining to procurement, rate-making proceedings, regulatory matters, judicial or quasi-judicial proceedings, or attempts to have a regulation repealed or amended; and,
- Increased disclosures by public officials. Financial disclosure statements of public officials will require greater and more precise disclosure of salary and investment information. In addition, for business conducted after July 2012, many public officials, including elected officials and state employees, will be required to disclose the names of clients or customers to whom they personally provide services or have referred to their firm, regarding representation involving interaction with the state that results in fees greater than \$10,000. The law includes a definition of "state agency" that covers a broad range of state entities. Certain exceptions to the disclosure requirements that will be of particular interest to legal practitioners are provided in the new statute, including one that applies "where disclosure of a client's identity is likely to cause harm."

Although we anticipate further analysis and interpretation of the new law when all its provisions take effect, we wanted to immediately alert you to these important changes in state law so that you may consider the impact on you or your firm.

Marriage Equality

Throughout the 2011 legislative session, the State Bar has vigorously supported legislation to authorize same-sex marriage in New York State.

In meetings with policymakers and written materials, we have focused on the point that marriage is a contract that creates a legal relationship under our law. Without being able to marry, same-sex couples face discrimination in a wide range of areas that most New Yorkers take for granted. This includes health care, housing, child raising, inheritance, wrongful death actions and property rights should a couple split up.

Without a law to authorize same-sex marriage, substantial hardship will result for these couples, because there are over 1,300 laws and regulations in New York that affect married and unmarried couples differently. Many of these laws provide automatic safeguards for married couples; there are no such safeguards for same-sex couples.

On May 17, 2011, at a press conference organized by the New York State Bar Association and the Association of the Bar of the City of New York, leaders of the 22 bar associations in New York State urged the State Legislature to bring an end to legal discrimination against same-sex couples who wish to marry in New York.

In calling for a marriage equality law, the bar associations said existing laws discriminate against samesex couples in a wide range of areas, including health care, housing, child raising, inheritance, wrongful death actions and property rights should a couple split up.

In addition to the State and New York City Bar Associations, other legal organizations supporting samesex marriage legislation include:

American Bar Association

Albany County Bar Association

American Academy of Matrimonial Lawyers/NY Chapter

Asian American Bar Association of New York

Bronx County Bar Association

Dominican Bar Association

Hispanic National Bar Association

LGBT Bar Association of Greater New York (LeGaL)

Metropolitan Black Bar Association

Monroe County Bar Association

Muslim Bar Association of New York

New York County Lawyers' Association

New York Criminal Bar Association

New York State Association of Criminal Defense Lawyers

Onondaga County Bar Association

Puerto Rican Bar Association

Queens County Bar Association

Rockland County Bar Association

Society of New York Workers' Compensation Bar Association

Suffolk County Bar Association
South Asian Bar Association of New York
Women's Bar Association of the State of New York

Since that time, we have worked to carry the Association's message on this important issue to members of the State Legislature and the Governor's office.

Michele Kahn, Chair of NYSBA's Committee on LGBT People and the Law, and members of the committee have been a valuable resource to the Association's leadership as we have lobbied on this issue.

Passing legislation to authorize same-sex marriage is a top legislative priority for our bar associations, because it concerns fairness and equity under the law, and it is sound public policy. Permitting marriage would relieve the tens of thousands of same-sex couples in our state and their children from the legal limbo that now surrounds them.

As of the time this report was written, the Assembly had passed the Governor's program legislation on marriage equity. Public reports indicated that 31 Senators —of the 32 required to pass a bill—have committed to voting for marriage equity legislation.

Federal Budget and Funding for the Legal Services Corporation ("LSC")

Adequate funding for the Legal Services Corporation, which provides financial support to providers of legal services for low-income New Yorkers, is one of the Association's 2011 federal legislative priorities. Then President Stephen P. Younger led a NYSBA group that met on April 13 and 14 with members of New York's Congressional delegation as part of the American Bar Association's "ABA Day." As the Congress worked to avert a shutdown of the federal government, our group emphasized the importance of LSC to people throughout New York.

President Obama and Congress reached agreement on funding for the remainder of Fiscal Year 2011, which ends on September 30. The agreement included a \$15.8 million cut for LSC. Although any cut is difficult for LSC to absorb, this cut was smaller than the \$70 million that the House of Representatives proposal released in February. LSC received \$420 million from Congress last year, so the cut represents a 3.8% reduction in its full-year budget.

The Association will continue to emphasize during meetings with New York's Majority members of the House of Representatives that adequate funding for legal services is fundamental to the operation of our system of democracy. Most of the New York members of the House Majority were elected in 2010, so our efforts have focused on establishing effective communications with those offices and highlighting issues that are priorities to NYSBA.

Legislation re DNA/Wrongful Conviction

As the State Legislature worked to conclude the regular 2011 legislative session, the State Bar weighed in on legislation focused on collection and use of DNA. This topic is relevant to another of the Association's top legislative priorities: elimination of wrongful convictions.

The Association's Task Force on Wrongful Convictions was created on June 2, 2008, to study the root causes of wrongful convictions in New York and to promulgate any changes necessary to make certain that only the guilty are convicted. Ensuring the fair administration of justice must be the number one priority in our criminal justice system. As a profession, we have a responsibility to do everything we can to protect the innocent and make sure men and women are not punished – not even for one day – for crimes they did not commit.

One bill would amend various provisions of law to protect against the conviction of innocent persons, and to assure that those who are the true perpetrators of crime are convicted. It would require the State Forensic Science Commission to consider and establish standards for the testing, preservation and cataloguing of certain evidence. It would establish specific statutory authority for the comparison of DNA crime scene evidence to certain DNA databases not currently addressed in the statute that establishes the statewide DNA Identification Index. The bill also would establish the State Commission for the Integrity of the Criminal Justice System, designed to study instances of wrongful conviction in this state and make recommendations to help prevent wrongful convictions from occurring in the future.

The Association supports the following portions of the bill:

- Provision to create of a State Commission for the Integrity of the Criminal Justice System, which
 would serve the same purpose for which the Association's Wrongful Convictions Task Force
 was created--to study the root causes of wrongful convictions and recommend changes to ensure
 the only the guilty are convicted;
- Provision to allow post-conviction testing of crime scene material or other specified evidence for DNA identification information, whether the case was resolved by jury trial or otherwise;
- Provision to amend Court of Claims Act Section 8-b to eliminate certain restrictions that have unfairly prevented persons exonerated and freed after a wrongful conviction from receiving compensation in the State Court of Claims;
- Provision to require the electronic recording of custodial interrogations at places of detention;
 and,
- Provision that would expand the collection of DNA to all those convicted of penal law felonies or misdemeanors.

At the time this report was written, state policymakers were still negotiating on this topic.

CLE Programs

Smooth Moves 2011

On Thursday, April 14th, the Association's Commercial and Federal Litigation Section presented, "Smooth Moves 2011: Career Strategies for Attorneys of Color," at the Lincoln Center for the Performing Arts.

The event was free and was co-sponsored by 10 other sections and major law firms.

The Continuing Legal Education (CLE) program, entitled, "Creating a Professional Home Where All Can Thrive: Diversity Best Practices in the Legal Profession," explored early outreach, effective mentoring and retention techniques, and other diversity best practices. Panelists will identify techniques for diverse attorneys to maximize their potential within various legal practice environments. Attendees received 1.5 MCLE credits.

Following the CLE program, the section hosted a networking reception where Carmen Beauchamp Ciparick, judge of the Court of Appeals, received the George Bundy Smith Pioneer Award. The section also presented its Minority Summer Student Fellowships.

Since its inception, the Smooth Moves program has served as the Commercial & Federal Litigation Section's premier event to attract attorneys of color to active membership in the Section; to serve professional development goals; to help create student awareness of commercial litigation; and to foster greater diversity among commercial and federal litigators throughout New York.

On May 20, the Law Practice Management Committee hosted a successful companion program to "Building a Practice" called "Starting Your Own Practice." The full-day program was designed to provide a blueprint for starting a practice, for both recent law graduates and those who are contemplating career changes. Topics included the following: "Creating and Financing Your Startup Law Practice;" and "Choosing a Practice Concentration – What Services Will You Provide? To Whom?" Twelve speakers participated, and sixteen minority, ethnic, and women's bar associations co-sponsored the event.

State Bar Marks Global Law Week with Leading International Legal Experts

To commemorate Global Law Week, the International Section of the State Bar Association held a program which began on Tuesday, May 10 and ran through Friday, May 13. The program featured 22 panel discussions on specific issues of international practice.

The program, at venues throughout Manhattan, was hosted and sponsored by law firms and other legal institutions. The panelists represent prominent law firms and corporations worldwide, including Belgium, Brazil, China, the Czech Republic, England, Germany, Luxembourg, Mexico, Russia, Sweden, and the United States, as well as experts from the judiciary, academia and government.

Topics included universal bankruptcy regime, protecting clients in international litigation, International Criminal Court, and cross-border tax perils.

Committee to Ensure Quality of Mandated Representation (CEQMR)

Pursuant to the mandate of a resolution passed by the House of Delegates, the CEQMR biennially develops a training program for mandated providers – public defenders, conflict defenders, assigned counsel and 18-B panel attorneys – who represent indigent clients in Criminal, Civil and/or Family Court proceedings. On June 17, I attended the free, day-long seminar at the State Bar Center. Entitled "Staying Ahead of the Curve: Everything A Criminal Defense Lawyer Needs to Known", the training program covered significant developments in sentencing and diversion in light of the 2009 Amendments to the Rockefeller drug laws; the impact of *Padilla v. Kentucky* on attorneys' responsibility to provide competent effective representation; ethical issues confronting defense attorneys; and appellate advocacy.

During the training, the Committee to Ensure Quality of Mandated Representation also presented the 2011 Dennison Ray Criminal Defender Award to Jerome K. Frost, Rensselaer County Public Defender. The 2011 Awards for Outstanding Achievements in Promoting Standards of Excellence in Mandated Representation for an organization was presented to the Office of the Appellate Defender in New York City, and the individual attorney honoree was Charles F. O'Brien, New York State Defenders Association, Albany, New York.

Law Day

Court of Appeals Ceremony

At the Court of Appeals' ceremony commemorating Law Day 2011, then President Stephen P. Younger cautioned that the legal profession is undergoing a rapid evolution and called on lawyers to identify and embrace ways to adapt to these changes.

On hand for the event celebrating the legacy of John Adams were Chief Judge Jonathan Lippman, Lt. Governor Robert Duffy and the esteemed judges from the state Court of Appeals.

Mr. Younger said, "the legal profession is often characterized as being incapable of quickly adapting to change. However, the lawyers who will thrive in this season of rapid change will be those who heed John Adams' call to 'let the human mind loose."

2011 President's Pro Bono Service Awards

Following the Law Day ceremony at the Court, then President Younger hosted a luncheon and awards ceremony at the Bar Center where he bestowed the prestigious President's Pro Bono Service Awards on attorneys from around the state who have made extraordinary contributions in delivering free civil legal services to low-income individuals. A total of twenty awards were presented: one to an attorney from twelve of the thirteen judicial districts; a law student and a law student group; a young lawyer and a senior lawyer; three law firms ranging in size from 2 attorneys to more than 201 attorneys; and to a government office.

Community Law Day

Under the auspices of the New York State Access to Justice Program (Hon. Fern Fisher) and the Third Judicial District Office (Hon. George B. Ceresia), the Department of Pro Bono Affairs joined with the Legal Aid Society of Northeastern New York, the Legal Project, the Albany Law School Clinic Programs, the Albany County Bar Association and the Capital District Black and Hispanic Bar Association in sponsoring the first Capital District Informational Legal Clinic for the general public at Crossgates Mall on Saturday April 30, 2011 from 10:00 am to 2:00 pm. Resource materials on divorce, domestic violence, housing, evictions, mortgage foreclosure, consumer debt, and tax were provided and attorneys and staff from the participating organizations were available to provide members of the public with referral information.

Law Day at Albany High School

On May 24th, 2011, in keeping with the purpose and ideals of Law Day, the Department of Pro Bono Affairs partnered with attorneys from the Capital District Black and Hispanic Bar Association to attend social studies classes at Albany High School to educate high school students about the rule of law, pro bono, and legal careers. Albany High School is the largest inner-city high school in the Capital District.

Awards

ABA National Grassroots Award

The American Bar Association recognized the New York State Bar Association with its 2011 Grassroots Advocacy Award for its judicial and legislative campaign to defeat new federal restrictions on the legal profession.

The ABA credited the New York State Bar for "its successful efforts in rallying more than 50 state and local bar associations" in opposition to the Federal Trade Commission's (FTC) Red Flag rule. The federal agency required creditors to develop programs to identify, detect and respond to identity theft. The State Bar Association successfully argued the FTC had exceeded the intent of Congress by applying the rule to lawyers.

The ABA recognized the New York State Bar for its advocacy in Congress and the FTC and for submitting an amicus curiae brief in a case the ABA subsequently brought against the FTC. The brief was filed by Arent Fox on a pro bono basis. "The NYSBA's efforts motivated 54 state and local bar associations to endorse the brief," according to the ABA.

A federal judge ruled against the FTC. While the appeal was pending, the State Bar Association, joined by bar associations across the nation, successfully lobbied Congress to pass a law that exempted attorneys from the Red Flag rule.

"The New York State Bar's work on the Red Flags Rule is a great example of how the legal community works together and succeeds together when it comes to critical legal issues," said ABA President Stephen N. Zack.

After being addressed by Justices Scalia and Breyer, we were given tremendous accolades by Steve Zack. He said that at every House meeting New York has been the leader on every key resolution. He said that lawyers throughout the country look to New York for leadership.

ABA Solo and Small Firm Award

The American Bar Association also recognized the New York State Bar Association with its 2011 Solo and Small Firm Project Award for the program, "Building A Successful Solo/Small Firm Practice: Taking Steps to Achieve Success."

"Building a Practice" was designed to help solo and small-firm lawyers make their existing practices thrive. Topics included: "Using a Website and Social Media to Build Your Practice;" "The Future of Solo and Small Firm Practice;" and "Running Your Practice Efficiently: Best Practices for Solos." Nineteen speakers and two moderators participated.

The full-day program was offered live on November 8, 2010, in New York City and in Albany, via videoconference. It was recorded and made available for later viewing. Twelve minority, ethnic and women's bar associations co-sponsored the event. Eighty-five percent of the 147 attendees rated the program, "excellent" or "good."

Lawyer Referral Service's Angelo T. Cometa Award

Robert T. Booth of Plattsburgh received the New York State Bar Association Committee on Lawyer Referral Service's Angelo T. Cometa Award.

Mr. Booth was honored for his 28 years of service to the Committee on Lawyer Referral Service, which he chaired from 1985 to 1988. Committee members cited his strong advocacy for quality legal services and the importance of providing a resource for reliable legal referrals to members of the community.

George Bundy Smith Pioneer Award

Carmen Beauchamp Ciparick, senior associate judge of the New York State Court of Appeals, received the New York State Bar Association's 2011 George Bundy Smith Pioneer Award.

Judge Ciparick made history by being the first Hispanic to serve on New York's highest court. She has served on the Court of Appeals since January 1994. In 1978, she was appointed judge of the New York City Criminal Court where she was the first Hispanic woman to serve on a court of record in New York State while also being one of the state's youngest judges. In 1982, Judge Ciparick was elected to the New York State Supreme Court where she served until her appointment to the Court of Appeals.

The award, sponsored by the Commercial and Federal Litigation Section, recognizes lawyers who demonstrate commitment to legal excellence, community service and mentoring.

Howard A. Levine Award for Juvenile Justice and Child Welfare

Chief Judge Jonathan Lippman and Stephanie Gendell of New York City were both honored with the prestigious 2011 Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare by the New York State Bar Association Committee on Children and the Law.

The award recognizes individuals who have done outstanding work protecting and promoting the rights of New York's children.

Judge Lippman was appointed chief judge by Governor Paterson on January 13, 2009 and confirmed by the New York State Senate on February 11, 2009. He has received wide acclaim for his concern for juvenile offenders and call to transform the juvenile justice system. He served as chief administrative judge from 1996-2007.

Ms. Gendell is the associate executive director of the Citizens' Committee for Children of New York, Inc. She has practiced in the field of child welfare for nearly 15 years. She previously served as vice-chair of the New York City Bar's Council on Children and chaired its legislative subcommittee.

Law, Youth & Citizenship Award

Albany City Court Judge Helena Heath-Roland is the recipient of the 2011 Distinguished Service Award by the Law, Youth and Citizenship Committee of the New York State Bar Association.

Judge Heath-Roland collaborated with the Albany Police Department and helped establish the Albany Youth Police Council to facilitate communication and foster mutual respect between inner-city teenagers and police officers. The council created a "Know Your Rights" training video to increase student and community understanding of the role of police officers and the judicial system.

Judge Heath-Roland currently serves as co-chair of the Capital District Black and Hispanic Bar Association's Youth and the Law Committee. As past co-chair of the Capital District Women's Bar Association's Lawyer in the Classroom Committee, Heath-Roland spearheaded a program where the Capital District Women's Bar Association members made law-related presentations to students in Capital District area middle and high schools.

Law, Youth & Citizenship Program Emil Zullo Teacher of the Year Award

Burnt Hills-Ballston Lake teacher Karen Ferris-Fearnside was honored as the Emil Zullo Teacher of the Year Award by the Law, Youth & Citizenship Committee of the New York State Bar Association.

The award is presented annually by the State Bar Association to an educator who has made an outstanding contribution to law-related and civic education. It is named in honor of social studies teacher Emil "Butch" Zullo, who was a Social Studies teacher at Kingston High School for many years and later an assistant director the LYC Program before his death in 2003.

Trusts and Estates Law Section Fellowships

Claire H. Fortin of Amherst, a student at University at Buffalo Law School, and Lauren L. Morales of Melville, a student at Touro College Jacob D. Fuchsberg Law Center, are the first recipients of The New York Bar Foundation's Trusts and Estates Law Section Fellowships.

As the winners of \$5,000 fellowships, Ms. Fortin will work this summer in the chambers of Erie County Surrogate Judge Barbara Howe in Buffalo and Ms. Morales will work in the chambers of Suffolk County Surrogate Judge John M. Czygier, Jr. in Riverhead.

Commercial and Federal Litigation Section Minority Fellowships

New York City residents Mariel S. Fernandez, a first-year student at Columbia Law School, and Danielle D. May, a first-year student at Fordham University School of Law, are the 2011 recipients of The New York Bar Foundation's Commercial and Federal Litigation Section Minority Fellowships.

As the winners of \$6,000 fellowships, Ms. Fernandez will work this summer in the chambers of Acting Justice O. Peter Sherwood, and Ms. May will work in the chambers of Justice Barbara R. Kapnick. Both are justices of the New York State Supreme Court, New York County, Commercial Division.

Honorable Charles L. Brieant, Jr., Fellowship

New York City resident Daniel G. Agius, Jr., a first-year student at Fordham Law, is the 2011 recipient of the New York Bar Foundation's Honorable Charles L. Brieant, Jr. Fellowship.

Judge Loretta A. Preska, Chief United States District Court Judge for the Southern District of New York, selected Agius to serve as a judicial intern during this summer. A \$5,000 award will be applied to his law school tuition.

Criminal Justice Achievement

The New York State Bar Association Criminal Justice Section presented its *Awards for Outstanding Achievement* to five individuals for their contributions in the criminal justice field.

Award categories and recipients were:

Outstanding Contribution to Legislation: Attorney General Eric Schneiderman and John P. Amodeo of Albany (Office of the Attorney General).

Outstanding Contribution for Public Information: Brendan Lyons of Halfmoon, senior writer for the Albany Times Union.

David S. Michaels Memorial Award for Courageous Efforts in Promoting Integrity of the Criminal <u>Justice System</u>: Vincent Briccetti, U.S. District Judge for the Southern District of New York.

Outstanding Appellate Practitioner: Susan Salomon of the Center for Appellate Litigation in New York City.

OTHER NOTEWORTHY EVENTS

Possible Changes in Civics Education

A day after a report that showed American students know little about their nation's history, we urged New York education officials to continue to foster the state's nationally acclaimed social studies programs.

The State Department of Education has been weighing changes that would diminish the importance of the teaching of social studies. It is unclear whether the Board of Regents will act on those proposals at its meeting.

The National Assessment of Educational Progress, issued by the National Center for Education Statistics, found that only 12 percent of twelfth graders tested are proficient in American history. Among fourth graders, 20 percent were rated proficient while 17 percent of eighth graders were proficient. Only 9 percent of fourth graders, shown a picture of President Abraham Lincoln, could provide two reasons why he was important.

In response to the possible changes, Richard W. Bader, Chair of the Law, Youth and Citzenship Committee, wrote an op-ed entitled "One Nation, Undereducated".

New York is currently among the national leaders in civics education. But recent changes—and others under consideration--by our education officials will dilute New York's historic commitment to civics education.

A recent report by the Thomas B. Fordham Institute found, "New York U.S. history standards are among the most substantively comprehensive and sophisticated in the nation." The Washington, D.C. think tank awarded New York an "A-minus"; the average grade of other states was "D".

On a national level, civics education is a top legislative priority of the New York State Bar Association.

Meeting with Chief Administrative Judge Pfau

Steven Younger, Pat Bucklin and I attended a meeting with Judge Pfau on May 16, 2011. These quarterly meetings provide an opportunity to discuss issues of mutual interest. Among the topics discussed were: the impact of cuts to the Judiciary Budget; the status of the Judicial Salary Commission; Civil Legal Services funding; E-filing; Wrongful Convictions; the Office of Indigent Legal Services; Advertising rules; and the work of our Family Court Task Force.

State Bar President Named Four to Judicial Screening Panels

In a letter to Governor Andrew Cuomo, Stephen P. Younger, in his role as President of the State Bar Association, appointed four individuals to serve on screening panels to evaluate the qualifications of candidates for appointment or designation to judicial office.

The appointees are:

- <u>First Department</u>: Bernice K. Leber of New York (Arent Fox, LLP), Past President of the State Bar Association.
- <u>Second Department</u>: Manuel A. Romero of Brooklyn (Manuel A. Romero, P.C.), Vice-President, Second Judicial District, State Bar Association.
- <u>Third Department</u>: Hermes Fernandez of Albany (Bond, Schoeneck & King, PLLC), Member-at-Large of Executive Committee, State Bar Association.
- <u>Fourth Department</u>: A. Vincent Buzard of Pittsford (Harris Beach, PPLC), Past President of the State Bar Association.

The Governor's Executive Order 15 (Establishing Judicial Screening Committees) authorizes the president of the State Bar Association to select one member for each of the four departmental screening committees. Each committee has 13 members.

The departmental committees review candidates for designation to the Appellate Division and for appointment to fill interim vacancies on the state Supreme Court. In addition, the departmental committee members serve on county screening committees to review candidates to fill interim vacancies on the county-level courts outside the City of New York.

Court of Appeals' In-House Counsel Rule

In April, then President Stephen P. Younger commended the Court of Appeals for adopting a rule that allows out-of-state attorneys to serve as in-house counsel to corporations and other entities located within New York State.

The new rule will make it easier for in-house attorneys and their employers to relocate to New York, enhancing the state's position as the business and non-profit capital of the world. This is a good measure for economic development in New York. The Association had recommended that the Court adopt an in-house counsel rule.

The newly created Part 522 of the Rules of the Court of Appeals allows attorneys who are admitted to practice in other states to serve as in-house counsel to businesses, not-for-profit organizations and other entities in New York without needing to pass the New York bar exam and without meeting practice requirements otherwise required for admission.

Their legal practice would be limited to advising their employer on business-related legal issues. They would be required to register with the Appellate Division and would be subject to New York's professional conduct and disciplinary rules.

In November 2010, the House of Delegates approved a report recommending that New York adopt an inhouse counsel rule. Forty-three other states and the District of Columbia have adopted similar in-house counsel rules.

ABA Annual Meeting

The Association will host a reception at the ABA meeting in Toronto to honor retired Chief Judge Judith S. Kaye and Robert MacCrate for their many contributions to the legal system and the work of both the New York State Bar Association and the ABA. Since this reception will take the place of the traditional non-resident reception, non-resident members will be especially welcomed at the event. The reception will be held on Sat., Aug. 6th.

Other Engagements

On April 11, I attended the Queens County Bar Association's Annual Past Presidents Golden Jubiliarians and Judicial Night. On April 27-29 I was in Boston for the meeting of the ABA Standing Committee on Lawyer's Professional Liability. On May 2, we hosted the Court of Appeals Judges at a dinner at the Bar Center in Albany. I spoke at the Section Leadership Conference on May 12. I attended the Puerto Rican Bar Association 54th Anniversary Scholarship Fund Gala Banquet on May 12. On May 13-15, I attended the Lawyer Assistance Program's Spring Retreat in Silver Bay, New York. On May 21, I attended at the Women's Bar Association of the State of New York convention at the Equinox, Manchester, Vermont. On June 8, I spoke at the Erie County Bar Association's 124 Annual Dinner. On June 16, I addressed the Committee on Attorneys in Public Service at the Bar Center in Albany. On June 20 and 21, I attended an event entitled "Padilla and the Future of the Defense Function" at the Cardozo Law School and participated in a panel discussion on "Overseeing Quality in Comprehensive Defense Environments." I also gave the concluding remarks at the evening reception. On June 22, I spoke at the Monroe County Bar Association's Installation dinner.

Mark Your Calendars!

April 12-14, 2012

The April 2012 Executive and House of Delegates meeting will be held in Buffalo at the Hyatt Regency. The Reception/Dinner for House of Delegates members in town will be held at the Buffalo and Erie County Historical Society.

It is a privilege and honor to serve the State Bar. I look forward to continuing to work with you all during my term.

Vincent E. Doyle III

Vinnt & Doy & III