

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK CITY BAR

President's Report at Annual Meeting, May 19, 2009

As always, at the heart of our Association are our wonderful committees, whose work has established us as a premier bar association. Our 160 committees generate policy positions, present programs, write amicus briefs and undertake their other activities at a fast, sometimes dizzying, pace. In this month alone, we are presenting 35 programs not counting CLE, and we produce over 150 CLE programs annually.

I want to take a few minutes to tell you of some of the work our committees have done. Time does not permit me to mention all the committees involved in each of these activities – and many of these activities involve collaborations among the committees – let alone to mention all the reports we have issued. I encourage you to look at the Reports section of the Association's website to get a full sense of the scope of our activity. And I want to thank all the committee chairs and members who have contributed to these efforts. You do invaluable work for the Association and the profession.

National Security

I want to start with an area that has been a central part of the Association's work for nearly a decade: issues involving national security and the rule of law. Since the September 11th attacks, the City Bar has been a leader in exploring these issues in depth, encouraging the bar to address them, and advocating policies and legal positions that we believe strike the proper balance between keeping us safe and preserving our civil liberties. This work is led by our Task Force on national Security and the Rule of Law, chaired by Sid Rosdeitcher. Here is just some of what we have done on these issues just in the last year

The Task Force wrote an excellent report last summer urging the Bush Administration and Congress to repeal portions of the Military Commissions Act and the related executive order that violate the standards for due process and humane treatment in Common Article 3 of the General Conventions. In writing to Government officials upon release of the report in July, 2008, I noted that:

“Full compliance by the United States with the humanitarian standards of common Article 3 is vital to the restoration of America's tradition of humane treatment of detainees in armed conflicts; to the standing of the United States in the world community; and to protection of American citizens and military personnel who might some day be detained abroad.”

The Task Force followed that up with a transition paper for the Obama Administration which addressed the issues involved in handling, interrogating and trying detainees, notably those being held at Guantanamo, and made recommendations to the new Administration. We of course have been monitoring the new Administration as it considers how to proceed to address these difficult and complex issues.

The Association has filed two national security-related amicus briefs in the U.S. Supreme Court. One, was in the al-Marri case, where we argued that the federal courts are fully appropriate for trying a person arrested in the United States for suspected terrorist activities. Before the Court could decide the issue, Mr. al-Marri pled guilty to certain charges in a federal court proceeding. The other brief, recently filed in the Kiyemba case, urged reversal of a D.C. Circuit's decision denying Guantanamo detainees a remedy in a habeas proceeding because the Court held their claim was more properly an immigration matter beyond the reach of the judiciary. The brief argued that upholding this decision would effectively eviscerate the habeas corpus right of these detainees.

We also continue to participate as amicus and advocate for change in the law regarding the government's warrantless surveillance policies and the government's use of the state secrets defense to eliminate legal challenges to government conduct that is arguably connected to national security interests.

Earlier this month, the Association hosted an important program featuring Mary Robinson, former President of Ireland, who presented a report by the Eminent Jurists Panel on the alarming risk to human rights by excessive and abusive anti-terrorism laws and policies, in the U.S. and other nations.

Presidential Transition

I noted that we submitted a paper to the Obama transition team on national security. In addition, committees prepared and submitted papers to the new Administration with recommendations regarding financial regulation, environment, civil and human rights, corrections, animal welfare and U.S. involvement in the International Criminal Court. The financial services report alone involved the participation of a dozen City Bar committees. I salute all the committees that prepared these papers, who operated on a tight time frame so that their positions could be transmitted as the new Administration was formulating its policies.

International Activities

The Association has long been known for its international activities. Our involvement in, and relationships with, bar associations and legal communities worldwide give us a special perspective. Fifteen of our committees are primarily devoted to international affairs, including our coordinating Council on International Affairs, chaired by Michael Byowitz. Other committees also address international issues as part of their activities.

As usual, we have supported efforts of lawyers around the world to preserve human rights. In the past year, we have written with regard to the treatment of lawyers and human rights workers in Iran, Ethiopia, China, Belarus and Zimbabwe, and we wrote to the Mumbai Bar Association to criticize its resolution urging Mumbai Bar members not to represent those implicated in the Mumbai terrorist attacks. We also continued to support the restoration of Pakistan's Chief Justice Chaudhry to his position on that court, a goal that was accomplished earlier this year. We had the privilege of presenting him with Honorary Membership in the Association this past November.

We issued a number of significant reports that involved international issues, in areas ranging from taxes and trade to climate change and arbitration. We hosted many foreign dignitaries this year, both as speakers at committee meetings and as presenters in Meeting Hall programs. Among those events was an engaging program on the South African Constitutional Court with Justice Albie Sachs of that Court. We are also conducting a series of programs to introduce the Bar to various aspects of Islamic law.

The Vance Center for International Justice continues its important work, including creating a network of justice reform advocates in Latin America and Africa to undertake pro bono matters and address human rights concerns. The Center is adding signatories to its Pro Bono Declaration for the Americas, a form of which was adopted by the International Bar Association at its 2008 annual meeting.

In addition to these efforts, we continue to reach out to students in the international LL.M. programs in law schools throughout the Northeast. Approximately 200 LL.M. candidates attended our annual fall reception to introduce them to legal practice in the City, and to the Association. We are also engaging the LL.M. students, who are already lawyers in their home jurisdictions, in the activities of our committees.

Response to Economic Crisis and Access to Justice

Graduating law students are finding fewer job opportunities because law firms are losing clients and billings due to the economy. At the same time, disadvantaged New Yorkers are facing increased need and reduced funding for legal services.

The legal community has come up with a way to address both concerns, as law firms are offering stipends to incoming associates to defer their start in order to work for up to a year in a public-interest organization that provides legal services. The City Bar is facilitating the matching of interested associates and organizations; we have accumulated a database with over 200 opportunities available to associates. We have also brought together law firms and public interest organizations to address issues that arise in forging this new program. We hope this program will serve as a model for providing pro bono legal services even in good times.

Career Development

In addition to our Volunteer-Matching Project, we are making a major effort to assist people who are having trouble finding legal employment, or who are looking to change their careers because of the economy, as well as helping people develop the skills to obtain, retain and advance in their legal employment.

Since September, City Bar committees have held over 20 programs on career development, focusing on a wide range of topics. In addition to those programs, the Committee on Career Advancement and Management, chaired by Tanya Gill, and the Committee on Women in the Profession, chaired by Brande Stellings, have been presenting a year-long series for lawyers looking to re-enter the profession. The series has featured networking events and programs on topics to aid in the re-entry process.

In January, the City Bar launched the Career Counselor Referral Program which offers members referrals for an initial one-on-one counseling session with an experienced career counselor at a discounted rate.

Many of our members practice on their own or in small firms, and others are seeking to open their own practice. Our Small Law Firm Center and the Committee on Small Law Firms, chaired by Olivera Medenica, have offered numerous programs and given advice and support to small and solo practitioners. Our Center has a conference room and work space that are heavily used by our members, who can also take advantage of free Lexis and Westlaw service in our terrific Library.

The stresses of the legal profession can be particularly acute during business downturns. Therefore, our Lawyer Assistance Program continues to assist lawyers with issues of substance abuse, depression and stress, conducting workshops and providing referrals, monitoring lawyers under the auspices of the Departmental Disciplinary Committee and providing other assistance where necessary.

Another aspect of our outreach to the legal community is our Young Lawyers Connect program, launched this year. The program provides a mix of live events and online programming for young attorneys. The programs includes our “First Thursdays” events, which feature social events like salsa dancing and allow the participants to network and also to relax and enjoy themselves.

Judiciary Committee and Ethics

Two of the pillars of our work are our Judiciary Committee and our committees that address lawyer ethics. Our Judiciary Committee, chaired by Carey Dunne, reviews over 100 judicial candidates each year, including all candidates for election or appointment to a judicial position in New York. That Committee will also work with the Executive Committee in the review of President Obama’s upcoming Supreme Court nomination.

Our Professional and Judicial Ethics Committee, chaired by Seth Schwartz, continues to prepare formal ethics opinions and to provide a hotline for any lawyer in New York with an ethical question regarding her or his own prospective conduct. That Committee, along with the Professional Responsibility Committee, chaired by Jeffrey Udell, prepared a detailed analysis of the new advertising rules that govern New York lawyers. This report will be in our next edition of The Record, due out shortly.

In looking over the year’s activities, I would be remiss if I did not single out our annual Justice Ruth Bader Ginsburg Distinguished Lecture, which is a terrific occasion every year, enhanced by the active participation of Justice Ginsburg. This year we were privileged to have as our lecturer Linda Greenhouse, fresh from her extraordinary service covering the Supreme Court for The New York Times.

There are many people responsible for the extraordinary work that this Association accomplishes – but two stand out – Barbara Berger Opatowsky, our Executive Director, and Alan Rothstein, our General Counsel – they are the glue that holds this organization together, but more

importantly, they are the engine that drives this Association. And, they are supported by a superb and dedicated staff.

It is all of you who make this Association an important voice, not only in this City and County, but in the world. And, I want to thank all of you for your dedication and support.

Finally, I want to thank my husband, Roy L. Reardon, for his support and good humor in putting up with me. And, I would like to thank my law firm, Allen & Overy, for their support. I look forward to working with all of you in this coming year to continue the important work of this Association.