

44TH STREET NOTES

FROM THE PRESIDENT: DEBRA L. RASKIN

Dear New Lawyer,

You have been much on our minds at the New York City Bar Association. In recent years, we have offered increased opportunities for you to network, develop your career, position yourself to land a job, hone your skills, participate in committee work, and enjoy yourself with new colleagues and friends.



In 2012, under the leadership of my predecessor **Carey Dunne**, the City Bar formed the Task Force on New Lawyers in a Changing Profession to find more and better ways to prepare you to thrive in a progressively tougher legal field.

By the way, notice I address you as “new” lawyer, not “young” lawyer.

That’s because not all new lawyers are necessarily young.

The report of the Task Force, which was chaired by **Mark Morrill**, included four initiatives, and I am pleased to report on the City Bar’s continuing work on all of them.

The City Bar New Lawyer Institute was created in response to the Task Force’s finding that current legal education models do not necessarily fully prepare new lawyers like you to enter the workforce. The Institute, which runs from August through May, has just kicked off its second year and has quickly become

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Support for Diversity Grows, but Attrition Remains a Challenge for New York City Law Firms: 2014 Benchmarking Report

The City Bar’s Office for Diversity and Inclusion has released its 2014 Diversity Benchmarking Report, which tracks the progress of signatory law firms on key diversity representation metrics in their recruitment, retention, and promotion efforts.

The 2014 report notes gains and losses for signatory firms, and concludes that, although support for diversity and inclusion efforts has grown over the past year, New York City law firms continue to experience high rates of attrition among minority and women

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City Bar Issues Report and Announces Task Force on Mass Incarceration

Citing a “critical juncture” and a “historic opportunity” to achieve change, the New York City Bar Association has announced the formation of a Task Force on Mass Incarceration.

In a report, the City Bar urges federal and state leaders “to make the reduction of mass incarceration a top priority” and calls on Congress and state legislatures to repeal or reduce mandatory minimum sentencing provisions; reduce the sentences recommended by sentencing guidelines and similar laws for non-violent offenses; expand the sentencing alternatives to prison,

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Kent Eiler (right) — veteran, Major in the U.S. Air Force Reserve, attorney, and new Director of the City Bar Justice Center’s Veterans Assistance Project — counsels a veteran at a recent clinic. See p. 4.

When We Speak and When We Don't



When a Staten Island Grand Jury declined to indict a New York City police officer in connection with the death of Eric Garner last year, shortly after another grand jury had declined to indict a Ferguson, Missouri, police officer in the shooting of Michael Brown, many wondered whether the New York City Bar Association should issue a statement. There was unrest in

New York City and elsewhere and the criminal justice system was under attack. Many organizations, including some bar associations, spoke out and questioned how those grand juries could have reached those conclusions.

It provides extra credibility when our positions are formulated with everyone 'at the table' and able to express differences of opinion even when not everyone will necessarily agree with our final conclusions.

The New York City Bar Association speaks frequently on a variety of issues. With over 160 committees covering topics from aeronautics to zoning, the expertise of the City Bar membership is both wide and deep. Last year, we issued nearly 200 reports and also held nearly 450 programs on as wide a variety of legal topics as you could imagine. We also have a rich history of speaking up when we believe justice is not being served. For example, we have spoken up in favor of a right to counsel in immigration detention proceedings and in housing court for those facing eviction.

With this in mind, we try to ensure that each committee is intentionally populated with attorneys with varying and sometimes conflicting perspectives, because we don't shy away from controversial issues and when we speak we want to have considered all sides of the particular issue. And, when one committee issues a report, we consider whether there is another committee of overlapping jurisdiction that should have a chance to weigh in, even if that may create a conflict. It provides extra credibility when our positions are formulated with everyone 'at the table' and able to express differences of opinion even when not everyone will necessarily agree with our final conclusions.

So, why wouldn't we have issued an immediate statement last year in connection with the public debate that was taking place regarding these controversial police incidents? It is true that months later we ultimately issued a report on the Governor's criminal justice reforms in his budget and we opposed the independent monitor proposal (see <http://bit.ly/1xrOplo>). And we did gather experts to discuss NYPD policies and improve community relations (see <http://bit.ly/1NZX8fL>). But we resisted the urge to speak at the time of the outcry and protests.

Our general philosophy is that we speak only when we can advance the conversation, bring a unique perspective, or offer our guidance or opinion based on the specialized expertise of our committees. We don't often join the statements of other organizations simply to say, "Yes, we agree." When we speak, we want to make a difference.

With that in mind, our recent report on mass incarceration (and the creation of a task force – see <http://bit.ly/1iEGJS0>) is a perfect example of this philosophy in action. We had been issuing reports on some of the various aspects of mass incarceration for over 20 years. For example, in 1994 the Criminal Law Committee advocated for reduced mandatory minimums for low-level drug couriers and sellers with no significant criminal records, no involvement in violence, and no significant role in any substantial drug operation. But now voices with differing perspectives and viewpoints are converging in this unique moment in time when we can tackle the larger issues. It is not enough to simply repeat our earlier points and join the conversation by just saying "Mass incarceration is bad." Stating the obvious and adding that viewpoint to the debate might raise the volume, but without more it does not help shape the debate in a constructive way. We hope that the recent report and the upcoming work of the task force will make a difference. ■

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A Year in Review

As we begin a new committee year, it is an apt time to reflect on the past year and remind ourselves that the City Bar's policy work is shaped and informed by what is going on in the world around us. Our committees are inspired and informed by the issues facing the public on the local and national levels, and our policy and advocacy work often is in direct response to current events and political realities. This past year was no different.

Topping the Agenda

Criminal justice reform issues topped our agenda this year. At all levels of government there was a call for criminal justice and police reform in response to tragic events around the country. Many, and often conflicting, bills and proposals were put forward by policymakers, prompting us to form a series of working groups comprised of a diverse mix of committee members to address the issues. One group analyzed, and ultimately supported, a proposal to raise the age of criminal responsibility in New York from 16 to 18, which would bring New York State in line with virtually every other state in the country and allow 16- and 17-year-olds charged with a crime to go through family court rather than adult criminal court. Another group responded to several proposals put forth by Governor Cuomo to deal with cases of police brutality. The groups also put on a series of programs addressing various aspects of these issues, including improving police-community relations and the use of technology in policing. Finally, our Executive Committee this summer produced a broad-reaching report addressing the endemic problem of mass incarceration and urging federal and state leaders to seize this historic opportunity for reform (see cover story).

Other Issues

New York State

Political realities can keep legislation we support in suspended animation, as it did this past year. In Albany, we saw both legislative leaders indicted on corruption charges in the span of a few months. As a result we saw a modest session, with both houses unwilling to take on the more controversial and in-depth issues facing them. Overall, seven bills supported by our committees passed both houses of the Legislature before the end of session, all of which were measures our committees have worked on and supported over many years.

The ten-part Women's Equality Act, which was first supported by the City Bar in 2013, was split into ten stand-alone bills after it became clear that a provision codifying *Roe v. Wade* into state law would not make it through the Senate. Most other pieces quietly passed this session, including two bills supported by the Sex and Law Committee: the Trafficking Victims Protection and

Justice Act and a measure to ensure that reasonable accommodations are made to pregnant women in the workplace. The Committee also supported a separate bill that updates the Breastfeeding Mother's Bill of Rights to explicitly require the dissemination of information about the rights of nursing mothers to pump breast milk in the workplace pursuant to the Labor Law. The Committee had proposed this modification as part of its ongoing work to ensure that working mothers are aware of their rights in the workplace.

The Animal Law Committee supported a bill that would expand community-based initiatives to trap, neuter, vaccinate, and return feral cats to the areas where they were trapped. The Social Welfare Committee urged the Governor to sign a bill to enable the local social services district in New York City to promote re-engagement of welfare recipients in welfare-to-work activities by either preventing or ending sanctions upon the recipient's compliance with program rules. Finally, the State Courts of Superior Jurisdiction Committee supported passage of a bill amending the Civil Practice Law and Rules to permit service upon an attorney from outside the state by regular mail.

Our committees also responded to a larger than usual number of substantive policy proposals that were included as part of the Governor's proposed Executive Budget. We issued 12 separate reports addressing the budget, which covered issues including civil legal services, ethics reform, sexual assault policies in colleges, raising the age of criminal responsibility, criminal justice reform, and construction law modernization. We saw some success on the issues we supported but there is still plenty of work to be done, particularly in the criminal justice area.

Although large-scale criminal justice reform has yet to be adopted, the Governor issued several Executive Orders supporting important reforms. One will move 16- and 17-year-old criminal offenders to alternative facilities; another appointed Attorney General Eric Schneiderman to serve as a special prosecutor for one year to handle certain cases involving police-related deaths. In addition, as a result of a joint report developed by our Lesbian, Gay, Bisexual, and Transgender Rights Committee; Lambda Legal; and the Human Rights Campaign, the Attorney General's office launched an initiative to ensure New York hospitals use transgender-affirming hospital policies. As part of the program, the Attorney General's Civil Rights Bureau will provide programming to hospitals and medical centers with respect to legal requirements and best practices for the treatment of transgender individuals.

New York City

At the City level, we saw a new City Council align politically on most issues with the Mayor, providing our committees with opportunities to support multiple bills that passed and became law this year. The Animal Law Committee saw a number of

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City Bar Fund **UPDATES**

CITY BAR JUSTICE CENTER UPDATE

Justice Center's Vets Project Gets Major Boost: Q&A with Kent Eiler

Kent Eiler, an attorney, veteran, and a Major in the United States Air Force Reserve, is the new director of the City Bar Justice Center's Veterans Assistance Project. Following completion of his active duty service as a judge advocate general (JAG) in 2011, Eiler counseled The Constitution Project's landmark, nonpartisan, blue-ribbon Task Force in its investigation of the U.S. government's detention policies, drafting chapters of its widely publicized April 2013 report and proposing findings and recommendations for the Task Force's consideration. While in private practice, Eiler provided legal representation to service members and veterans worldwide. His writing has appeared in the *Wall Street Journal*, the *Los Angeles Times*, and the *Christian Science Monitor*, and he has discussed his work on national TV and radio programs. Eiler received his undergraduate degree from Northwestern University and is an honors graduate of Brooklyn Law School.

What inspired you to specialize in representing veterans?

I'm a veteran myself. From having represented veterans as a JAG when they were still in the service, I knew that if you're looking for a client population to serve, it's hard to do much better. In my last active-duty assignment I spent two years "defending America's defenders" in the military's courts-martial system. After that assignment I was amazed by how few attorneys there were that focused on legal issues that arise for veterans after they leave the service, because there are a lot of issues. There are lots of JAGs who know a lot about military law, but I was surprised by how very few attorneys, comparatively, were familiar with veterans law. It's very gratifying to assist other vets. There's a huge need. For example, the new Veterans Affairs



The Veterans Assistance Project's Kent Eiler

Secretary, Robert McDonald, has said the VA is still likely a decade away from seeing the peak of disability compensation claims. Even if there are no unforeseen military engagements in the next ten years, the VA expects numbers to continue to rise until 2025 due to aging veteran populations of the Korean and Vietnam conflicts as their service-connected injuries worsen.

What led you to the City Bar Justice Center?

CBJC, of course, has a great reputation. This particular position was exciting because of the ability, working with CBJC's amazing volunteers, to focus on meritorious cases which needed legal representation but wouldn't otherwise be able to find it. Volunteers in the Veterans Assistance Project have made a life-changing difference in the lives of our veterans. I get the opportunity to serve as a force-multiplier for our dozens of volunteers, who do the bulk of the work in individual cases. I'm available to them to make sure they have the tools they need to succeed and serve their clients. People poke fun at lawyers all the time but our volunteers defy the common stereotype. They represent the very best of our profession. I salute them.

How do you think your experience in the military will help you in your work at the Justice Center?

Having a background in the military, and a background in military law in particular, while not necessary, can be an invaluable asset to a veteran's legal advocate. Often

times in these types of cases you are litigating what happened during a veteran's military career after the fact. An advocate has to review and understand the meaning of certain documents in a veteran's military personnel records. What service records are important in a case? Do relevant service records document or contradict important facts of a case? It's also helpful to be familiar with administrative processes the services use and understand the impact on individual cases if those processes weren't followed. Additionally, the VA's adjudicatory processes are often very different from, say, those of the Department of Defense, and understanding those differences can be very helpful.

What are the major issues facing veterans today and moving forward?

Veterans are a very diverse population, just like the country they serve, and when veterans return to civilian society they do so across all fifty states and territories, to rural and urban communities alike. The issues they face can vary greatly. It's important to remember many veterans reintegrate seamlessly and successfully. However, there exists a very real military-civilian divide today that adversely impacts many of our veterans. (This divide also adversely impacts civilians, too.) Recent veterans experience that divide when they demobilize and look for work as a civilian in what remains a very competitive job market. Some veterans face stiff challenges, often aggravated by service-connected injuries, reintegrating back into familiar roles after deploying to war. Many post-9/11 vets, through repeated deployments, have spent more time in combat than any other generation in our history and have the scars to show for it. We're also seeing more homeless vets and are working with the Justice Center's Legal Clinic for the Homeless on that issue. Still many other veterans from earlier conflicts (Vietnam, Korea, Gulf War I, etc.) as they age have to deal with worsening service-connected injuries and

require additional support and care. As a group, veterans are a tremendous potential asset to the rest of us. Notwithstanding what President Lincoln described as our unspoken, moral pact with our veterans to “care for those who shall have borne the battle,” if we can help veterans across the different generations address the challenges they face, we’ll be the ones to benefit tenfold in the long-term.

You’ve only just begun, but do you have any initial thoughts on

increasing awareness of the Veterans Assistance Project among the veterans community?

The veterans community is hungry for information on their legal rights. Just as there are often gaps in care for veterans at the VA, there are gaps of knowledge within veterans groups as to their legal rights. There’s even an expression in the service, “barracks lawyer,” describing someone who acts like an authority on the rights of service members but often provides incorrect advice. Dealing with

bureaucracies is nothing new for lawyers, but it can be enormously frustrating for veterans. Most veterans are stumbling through what is an incredibly complicated process by themselves, and we’re working on rolling out some resources for them here in New York City which we anticipate will raise awareness in the veterans community of our project. ■

LAWYER ASSISTANCE PROGRAM UPDATE

Helping Lawyers Help Themselves and Each Other

In June, **Randi Anderson, JD, LCSW**, joined the City Bar’s Lawyer Assistance Program (LAP) staff as Clinical Coordinator. Randi is a graduate of New York Law School and the Hunter College School of Social Work. In addition to being a seasoned substance abuse and mental health professional, Randi is a geriatric care management specialist, a program consultant, an instructor at the Brookdale Center for Healthy Aging, and is certified as a guardian and court evaluator by the New York State Unified Court System. On September 21st, Randi facilitated our first Women’s Empowerment Group for lawyers and judges. The group is designed to provide a supportive environment in which women can discuss their challenges, identify their strengths, and reinforce their potential to achieve their personal and professional goals. If you are interested in learning about future groups, please contact Randi at 212.382.6615.

As this newsletter went to press, LAP staff members were preparing to participate in a CLE program at the Queens County Bar Association focusing on lawyer wellness, and to facilitate a Judicial Roundtable with LAP Committee member **Judge Linda Proust-Lopez**, for judges of the 9th Judicial District. The goal of the program is to provide community building for judges to create opportunities for them to speak openly and honestly about the emotional experience of being a judge and to gain tools and strategies for combating stress in a mutually supportive environment. The roundtables are an initiative of the New York State Bar Association’s Judicial Wellness Committee.

Finally, LAP has received the good news that the Commission on Statewide Attorney Discipline, in its final report to Chief Judge Jonathan Lippman, supports the adoption of a Uniform Diversion Rule. Currently, the Second, Third, and Fourth Department utilize unique Diversion Rules; the First Department does not have an adopted Diversion Rule. LAP and its State Bar



On September 29th, the City Bar held a program entitled “Lawyers and Non-Lawyers With a Mental Health Diagnosis: A Conversation About Stigma.” From left to right: **Deborah Meyer**, Chair, Committee on Mental Health Law; **Deborah A. Scalise**, Partner, Scalise, Hamilton & Sheridan LLP; **Eileen Travis**, Director, Lawyer Assistance Program; **Frank G. Dowling**, Medical Director, Long Island Mind and Body Medicine Group; **Michael L. Perlin**, Professor of Law Emeritus, New York Law School; **Jennifer Rivera**, Director of Human Resources & Veterans’ Affairs, Fountain House, Inc.; **Adrienne Gurman**, VP, 1212-Studio, Inc.; Ambassador, Bring Change 2 Mind; **Priscilla Lundin**, Member, Committee on Mental Health Law.

counterpart collaborated on a Proposed Uniform Diversion Rule and recommended that it be adopted by all four Departments. The purpose of a Diversion Rule for lawyers whose less serious misconduct is related to mental health, substance abuse, alcohol or other addictions is to encourage lawyers to address and remedy the underlying causes that contributed to the misconduct in a structured and supervised education and rehabilitation LAP Monitoring Program. LAP and the Committee argued that adopting a Uniform Diversion Rule would send a vital message that the profession is ready to address and ameliorate the problems that most frequently result in client complaints, lawyer misconduct, and disciplinary proceedings. ■

VANCE CENTER UPDATE

Vance Center Environment Program Works to Protect Coral Reefs in the Americas

The Cyrus R. Vance Center for International Justice recently celebrated the release of the report “International Regulatory Best Practices for Coral Reef Protection,” which represents the culmination of a two-year collaboration between the Vance Center Environment Program and the Interamerican Association for Environmental Defense (known by its Spanish acronym “AIDA”) to promote better legal protections for fragile coral reef ecosystems throughout the Americas. Mayer Brown LLP provided pro bono support and involved about a dozen of its lawyers in various aspects of the project. Vance Center Environment Program Attorney **Clea Bowdery** contributed to the report and managed the project.

The report, available on AIDA’s website in English and Spanish, is a key component of AIDA’s strategy to combat coral reef degradation in Latin America and the Caribbean by urging governments to improve regulation of preventable harm caused by human activities. Coral reefs provide crucial benefits to coastal countries, including storm buffering and spawning habitat for commercial fish species. However, they are at risk throughout the world, including in Latin America, where some countries have seen up to 70% reductions in the size of their reefs.

Instead of prescribing a one-size-fits-all solution to the challenge of protecting sensitive reefs and their habitat, the report describes a range of regulatory responses that policy makers can adapt to the specific conditions in their countries. It addresses a wide variety of problems, from water pollution by agricultural runoff and sewage to physical damage from anchors, recreational divers, and harmful fishing practices. The report draws examples of best practices to address these challenges from extensive pro bono legal

research on regulations and practices implemented in Australia, Belize, the Cayman Islands, Cuba, Tanzania, and the United States.

AIDA will use the report in its efforts to assist decision-makers in coral-rich nations throughout the Americas to implement more effective protections for these ecosystems. To respond to the needs of this audience, the report was shaped not only by the research on best

A team of attorneys from AIDA’s Marine Program, the Vance Center Environment Program, and Mayer Brown LLP drafted the report, with input from scientists and advisors at other organizations. In total, the project involved over 40 attorneys in 17 countries providing legal analysis on a pro bono basis.

These ambitious projects involving comparative legal research from a variety of jurisdictions are possible because the



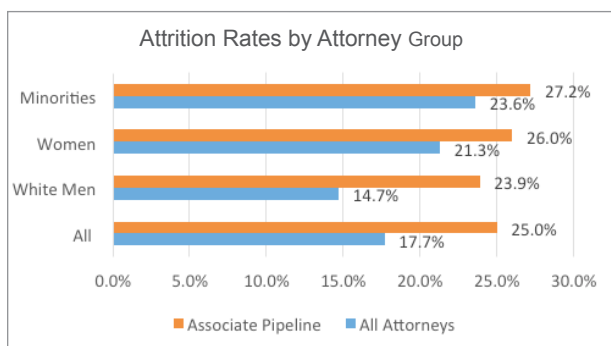
Photo courtesy of AIDA

practices from various parts of the world, but also by an in-depth study of the current legal frameworks and their effectiveness in Latin America and the Caribbean. This information came from law firms in 11 countries responding to a detailed questionnaire on a pro bono basis. Understanding the existing strengths and weaknesses in the laws and regulations is critical to AIDA’s strategic planning as it embarks on a multiyear endeavor to safeguard the region’s coral reefs.

Vance Center and its six attorneys collaborate with a network of more than 500 lawyers from more than 150 law firms in 75 countries. The Vance Center works with environmental and human rights organizations, as well as with the United Nations and other international agencies, to develop legal assistance projects and then invites law firms to participate. ■

DIVERSITY UPDATE CONTINUED FROM COVER

attorneys. The 2014 data reflects that 23.6% of minority attorneys and 21.3% of women left signatory firms, compared to 14.7% of white men. While signatory firms continue to commit financial resources, staff resources, and greater accountability for firm partners towards diversity and inclusion efforts, elevated turnover rates of women and minority attorneys continue to erode progress.



“While many firms have displayed an increased investment in diversity efforts, attrition remains a problem,” said New York City Bar Association President **Debra L. Raskin**. “The City Bar is working with our signatory firms to innovate strategies that increase accountability and encourage greater representation of lawyers of color, LGBT attorneys, attorneys with disabilities, and women attorneys throughout the profession.”

Illustrating the commitment of management, more than 90% of firms reported the presence of a diversity council, a diversity budget, and the existence of affinity groups; and more than 50% reported that management committee members serve on the diversity committee, with 30% serving as Chair. Additionally, diversity budgets remain strong, with 96% of firms reporting that diversity budgets remained steady or increased in the last year, and nearly 80% of firms anticipate an increase in diversity budgets for 2015.

The report highlighted notable gains for women in leadership roles: the number of women partners peaked at 19.4%, and the percentage of women serving on the firms’ management committees rose from 13.5% in 2007 to 18.3% in 2014. In addition to the increased representation of women on management committees, the number of firms lacking any female presence on management committees declined from 25% in 2013 to 15% in 2014. Additionally, the number of firms reporting more than three women practice group leaders increased from 51% in 2013 to 60% in 2014. However, at the same time, the data reflected a drop in female new partner promotions from 33.2% in 2013 to 29.2% in 2014, and the elevated attrition rate for

women attorneys at the associate level continues to be of concern.

The 2014 survey found that minority attorney representation declined at all levels. Minority associates declined from 26.9% in 2013 to 26.2%; special counsel attorneys from 12.0% in 2013 to 10.9%; and partners from 8.4% in 2013 to 8.2%. Additionally, the representation of attorneys of color declined at several junctures across the associate pipeline.

Minority and women partners continue to be disproportionately represented in income partnerships, rather than equity partnerships. The turnover rate for income partners more than doubled that of equity partners, 8.3% compared to 4.0% in the 2014 results.

In addition to the public report, survey respondents receive a confidential, comprehensive report comparing their metrics to peer firms in the city, which helps them establish a baseline to monitor

their progress and challenges. To date, 118 New York City firms have signed the City Bar’s Statement of Diversity Principles.

The City Bar’s Committee to Enhance Diversity in the Profession, chaired by **Sheila Boston** of Kaye Scholer LLP and **Nate Saint-Victor** of Morgan Stanley, has established task forces to evaluate the trends from the data and address key issues. The Committee hosts thought leaders and national experts on implicit bias, cultural competence, global diversity, and the pipeline to the profession, and has established a task force to review and update the Association’s Statement of Diversity Principles and Diversity Benchmarking Survey.

While working with its signatory firms on their diversity efforts, the City Bar has also made notable progress in diversifying its own senior leadership. Of the 42 new committee chairs just appointed, approximately half are women and 25% are people of color. On the City Bar’s current Executive Committee, 12 of its 22 members are male, 10 are female, and nine are from historically under-represented groups.

The 2014 Benchmarking Report is available at: <http://bit.ly/1Jq9s2u>. ■



To find out how to support the City Bar Fund, please visit www.nycbar.org/donate

Committee ROUNDUP

The City Bar's approximately 160 committees issue hundreds of reports and present hundreds of programs each year. Here's just a sample of some of the committees' recent and upcoming activities.

Admiralty Committee

Hosted a program at which eleven leading maritime lawyers discussed "How the Practice of Maritime Law in New York has Changed Over the Past 30 Years." Program covered three principal topics: litigation, arbitration, and ship finance work.

African Affairs Committee

Hosted the President of the International Criminal Court for Rwanda and presented programs on "Preventing Genocide and Mass Atrocities," "Child Soldiers: Prevention and Protection," and "Conflict Minerals and Human Rights." Preparing programs on "Wildlife Crimes: How Poaching Funds Terrorists," and "Human Smuggling: the Perils and Proposed Solutions for Illegal Migration." Members also wrote several advocacy letters regarding situations on the African continent.

Alternative Dispute Resolution Committee

Established a Young Lawyers Mediation Project, which is developing a CLE program with the SDNY to train litigators to be advocates in mediation and is placing trained but junior mediators in several not-for-profit programs. Compiling, with input from several other committees, sample mediation clauses for use by transactional attorneys. Conducting a survey of court-ordered mediation programs with the goal of advocating for same in New York.

Antitrust and Trade Regulation Committee

Hosted Judge Denise Cote of the Southern District of New York; FTC Commissioner Joshua D. Wright; Professors Eleanor M. Fox, C. Scott Hemphill, and Joseph E. Stiglitz; and Chief Economist for the New York State Attorney General, Guy Ben-Ishai. Hosted the Milton Handler Lecture, which honors Professor Handler, one of the antitrust bar's leading authorities.

Art Law Committee

Drafted legislation to address the fact that art authenticators are increasingly ceasing to give authentication opinions because of their fear of lawsuits designed to silence them. The bill passed the New York Senate by a vote of 61 to 1 in June, and the committee will seek approval from both houses in the next legislative term.

Asian Affairs Committee

Explored issues related to the rule of law in Asia with a special focus on China. Recent guest speakers have addressed topics including China's draft foreign NGO law, defending against corruption allegations in East Asia, and the plight of North Korean refugees. Produced letters to relevant authorities expressing concern for religious activists held without charges in China; asking the U.S. Government to smooth the relocation of North Koreans; and protesting China's detention of women's rights activists. Continuing work related to discrimination against Chinese citizens with Hepatitis B and on the Trans-Pacific Partnership.

Bankruptcy and Corporate Reorganization Committee

Submitted amicus brief to U.S. Supreme Court in *Baker Botts LLP v. ASARCO LLC* urging the Court to overturn the Fifth Circuit's per se rule denying right of counsel retained by a bankruptcy estate to be awarded fees for defending fee application against creditor objection. Co-sponsored CLE program on Bitcoin with the Banking Law Committee and Uniform Laws Committee. Sponsored program on energy restructurings.

Corrections & Community Reentry Committee

Testified before the NYC Board of Correction about a Department of Correction proposal to change Rikers visiting standards, making it more difficult for family and friends to visit, and reduce protections against long-term solitary confinement. Continued active support of proposals to reduce solitary confinement in the city and throughout the state. Issued memo in support of sealing some felony and misdemeanor records.

Council on Judicial Administration

Formed task forces to address Judicial Apportionment, NY legislation addressing *Daimler AG v. Bauman*, and general jurisdiction. Formed subcommittees to comment on Commercial Division proposed rule changes. Studying and commenting on Governor's budget for courts. Hosting discussions with guest speakers on topics related to the court system.

Council on the Profession

Implementing recommendations of City Bar Task Force on New Lawyers in a Changing Profession. Supported launch of City Bar New Lawyer Institute. Testified in support of New York State's adoption of the Uniform Bar Exam. Submitted two reports to ABA law school accreditation body in support of changes to allow law schools to give credit for paid internships. Working to launch a new City Bar entity to deploy new lawyers to address the unmet civil legal needs of people of moderate means while developing their own sustainable professional practices. (See President's Column on cover.)

Criminal Law Committee

Hosted panel discussions on false confessions, gang violence, construction law, and wrongful convictions. Co-sponsored the Women in White Collar Kick-off Reception. Co-sponsored book talk with Robert B. Fiske, Jr. Hosted guest speaker Kristine Hamann, Visiting Fellow of the Department of Justice/Bureau of Justice Assistance, to speak on ethical guidelines for prosecutors and practical approaches to 21st century prosecutions. Continued work on criminal discovery, with a survey to judges, prosecutors, and defense attorneys to be conducted in the fall of 2015. Drafted President's letter to the Executive Office of United States Attorneys urging revisions to the United States Attorney's Manual.

Education and the Law Committee

Hosted a popular panel discussion on Student Data Privacy in May. Wrote a Legislative Report on the proposed state monitor for East Ramapo School District. Hosted panels on Sexual Assault in Schools and on the Family Educational Rights and Privacy Act.

Enhance Diversity in the Profession Committee

Established task forces to address key issues in diversity and inclusion including Retention and Sponsorship of Diverse Lawyers, Global Diversity, Diversity in the Judiciary, and Legal Education and the Pipeline to the Profession. Hosted panels with legal and business thought leaders, including the inaugural Diversity and Inclusion CLE featuring ‘fireside chats’ with national experts on implicit bias, cultural competence, and “covering.” Began initiative to review and update the Association’s Statement of Diversity Principles, Diversity Benchmarking Survey, and Best Practices reports.

Entertainment Committee

Produced a mystery musical, *The Psychic Murder Case*. For the Association’s biennial 12th Night Extravaganza in the Great Hall, produced a musical, “Peter the Great,” honoring Peter Zimroth. Organized and hosted the Association’s Ninth Annual “Talent Night on the City Bar Stage.”

Entertainment Law Committee

Sponsored CLE program titled “Attorneys, Agents and Managers in the Entertainment Industry: Roles and Relationships” with nine speakers including representatives from major talent and literary agencies, SAG-AFTRA and Actors’ Equity, the New York City Department of Consumer Affairs, private practice, and an ethics expert.

Federal Courts Committee

Played key role in preparing the City Bar’s opposition to the proposed “Daimler repealer” bill in the NY State Legislature. Submitted letter to Congressional leadership supporting legislation reducing mandatory minimum sentences. Submitted comments to Judicial Conference on proposed amendments to Federal Rules of Civil and Appellate Procedure. Prepared a report recommending changes in appellate jurisdiction in patent cases. Sponsored four CLE programs, including the City Bar’s annual Supreme Court Roundup.

Foreign & Comparative Law Committee

Planning a program on global intellectual property protection. Organizing a presentation on state laws and constitutional provisions prohibiting use of foreign and Shariah law. Working on a panel on extraterritorial application of U.S. law in the financial services sector.

Housing Court Committee

Co-authored a recommendation in support of legislation regarding the right to counsel in the Housing Court. Preparing recommendations for New York City Housing Authority. Developing the 40th Anniversary report, the organization of two CLEs, and several roundtable discussions. Publishing a monthly newsletter.

Housing and Urban Development Committee

Hosted CLE seminar “The Future of Affordable Housing” and working on follow-up CLE for next spring. Hosted William Crawley, New York City Housing Authority’s V.P. of Development. The Zoning Subcommittee reviewed and presented the City’s proposal “Zoning for Quality and Affordability.” Plan to collaborate with newly created New York City Council Task Force on Affordable Housing.

Middle Eastern and North African Affairs Committee

Hosted a dinner at which the Consul-General of Egypt spoke and which was attended by a number of the leading members of Egypt’s business and diplomatic community in the metropolitan area. Hosted a public program on “ISIS, Islam and the International Law of Asymmetric War.”

Military Affairs and Justice Committee

Working with the White House, New York State Legislature, and various veterans’ groups to give military spouses with out-of-state professional licenses the ability to practice their profession more quickly if they already meet New York’s licensing requirements. Holding a veterans’ PTSD event focusing on reintegration and treatment issues from a legal and practical perspective.

Minorities in the Profession Committee

Hosting events on a range of topics including how practicing attorneys can transition successfully to academia; skills necessary for successfully navigating organizational politics and positioning oneself for future advancement; the lack of diversity at the C-suite level and among boards of directors of many American corporations; tips for success in the solo practitioner/small practice sphere; and augmenting one’s “financial fluency.”

Non-Profit Organizations Committee

Hosted full-day CLE on New York’s Nonprofit Revitalization Act of 2013 compliance. Participated in a coalition including the State Bar, the Law Revision Commission, and the Lawyers’ Alliance of New York that urged a legislative fix of several of the Act’s unintended or improvident aspects. As a result, the Legislature adopted a number of the changes advocated by the Committee and the coalition.

Real Property Law Committee

Held a CLE titled “Joint Venture Agreements: Key Issues” and a program on “Critical Insights from In-House Real Estate Practitioners.” Hosting CLE titled “Real Attachments: An In-Depth Look at Commercial Lease Exhibits.”

Senior Lawyers Committee

Sponsored four Public Affairs luncheons and an annual evening program on retirement and/or career transitions. Participated in pro bono work.

Structured Finance Committee

Held a seminar titled “Current Issues in Securitization.” Met with Harriet Orol and Katherine Hsu of the SEC, Alfred Pollard of the FHFA, Brian Knestout of the Board of Governors of the FRB, U.S. District Court Judge Jed Rakoff, Winston Chang of Standard & Poor’s, and Jack Gray of Assured Guaranty.

New Committee Chairs

If the City Bar's approximately 160 committees are the heart and soul of the Association, the committees' chairs are its voice. This is literally true when the chairs speak with the media regarding the City Bar's reports, statements, and positions. The chairs are responsible for setting the agenda and guiding the work of their committees. Committee chairs are appointed by the president and serve three-year terms. Following are this year's new committee chairs.

Mark P. Griffin, *Administrative Law Committee*; **Armand Maurice Pare, Jr.**, *Admiralty Committee*; **Jason Spears**, *African Affairs Committee*; **Nancy Kramer**, *Alternative Dispute Resolution Committee*; **Lori A. Barrett**, *Animal Law Committee*; **Stacey A. Mahoney**, *Antitrust and Trade Regulation Committee*; **Dana MacGrath**, *Arbitration Committee*; **Mark Zingale**, *Banking Law Committee*; **Mary Beth Morrissey**, *Bioethical Issues Committee*; **Aisha L. Joseph**, *Career Advancement & Management Committee*; **Victor Chiu**, *Commercial Law & Uniform State Laws Committee*; **Peter E. Blond**, *Condemnation & Tax Certiorari Committee*; **Virginia K. Trunkes**, *Construction Law Committee*; **Carla A. Latty**, *Consumer Affairs Committee*; **Michael C. Miller**, *Criminal Advocacy Committee*; **Monica J. Hickey-Martin**, *Criminal Law Committee*; **Deesha M. Hill**, *Diversity Pipeline Initiatives Committee*; **Ian Harris**, *Domestic Violence Committee*; **Zarah Levin-Fragasso**, *Drugs & the Law Committee*; **Sarah E. Downie**, *Employee Benefits & Executive Compensation Committee*; **Daniel W. Rosenblum**, *Energy Committee*; **Rita W. Warner**, *Entertainment Committee*; **David S. Huntington**, *Financial Reporting Committee*; **Robert M. McLaughlin**, *Futures and Derivatives Committee*; **Kathleen Mary Burke**, *Health Law Committee*; **William H. Vidal**, *Housing & Urban Development Committee*; **Daniel Weisz**, *Housing & Urban Development Committee*; **Anthony John Bosco**, *In-House/Outside Litigation Counsel Group*; **Martin S. Flaherty**, *Council on International Affairs*; **E. Gail Suchman**, *International Environmental Law Committee*; **Anil Kalhan**, *International Human Rights Committee*; **Frank J. Nasta**, *Investment Management Regulation Committee*; **Jyotin Hamid**, *Labor & Employment Law Committee*; **Desiree Jaeger-Fine**, *Law Student Perspectives Committee*; **Jerry H. Goldfeder**, *New York City Affairs Committee*; **Samuel W. Seymour**, *Nominating Committee*; **Fran Obeid**, *Personal Income Taxation Committee*; **Barry P. Barbash**, *Private Investment Funds Committee*; **Alison McKinnell King**, *Pro Bono & Legal Services Committee*; **Marc M. Rossell**, *Securities Regulation Committee*; **Michael D. Cooper**, *United Nations Committee*; **Barbara Graves-Poller**, *Women in the Courts Task Force*

Member Moves & News

The New York Law Journal announced the 2015 honorees for "Lawyers Who Lead by Example," which included a number of City Bar members. In the Lifetime Achievement category: **Roberta Kaplan**, partner, Paul, Weiss, Rifkind, Wharton & Garrison; **Kenneth Standard**, member, Epstein Becker & Green; **Kathleen Sullivan**, partner, Quinn Emanuel Urquhart & Sullivan. In the Public Service category: **Jay Carlisle**, professor, Pace University School of Law; **Carey Dunne**, partner, David Polk & Wardwell; **Jeffrey Friedlander**, retired, first assistant corporation counsel, New York City; **Marcia Levy**, executive director, Pro Bono Partnership; **Alan Rothstein**, retired, general counsel, New York City Bar Association; **Mark Zauderer**, senior partner, Flemming Zulack Williamson Zauderer. In the Pro Bono category (individual): **Anta Cissé-Green**, senior counsel, Akin Gump Strauss Hauer & Feld; **Mary Eaton**, partner, Willkie Farr & Gallagher; **Daniel Kolb**, senior counsel, David Polk & Wardwell....**Bettina B. Plevan** was selected to receive the 2015 American Inns of Court Professionalism Award for the Second Circuit....**Neysa Alsina**, counsel for the New York City Bar Association, received the Hispanic National Bar Association's 2015 Regional President of the Year Award....New York Chief Deputy Attorney General **Harlan Levy** is returning to Boies, Schiller & Flexner as Partner. He is joining the firm's Global Investigations, Crisis Management, and White Collar Defense practice areas.... City Bar Fund Board Vice President **Hazel-Ann Mayers** has

been named Executive Vice President, General Counsel of Simon & Schuster, Inc....Independent Mediator and Arbitrator **Claire P. Gutekunst** will become the President-Elect of the New York State Bar Association on June 1, 2015....**Melanie B. Leslie** has been appointed as the new dean of Benjamin N. Cardozo School of Law. She will be the first woman dean and the first alumna to be appointed to the position....**Michael Futterman**, a partner at McCusker Anselmi Rosen & Carvelli, PC, was chosen by the New Jersey Law Journal for its 2014 New Leaders of the Bar recognition, representing the top Fifty New Jersey Lawyers under the age of 40....**Pam Miller** joined O'Melveny & Myers LLP as a partner in their New York office....Foley Hoag LLP announced the opening of a New York office and the hiring of two new partners, **Daniel Schimmel** and **Peter Sullivan**; the office will focus on intellectual property and international law and arbitration.... **Jim Landau** joined Ellenoff Grossman & Schole LLP as a partner in the firm's litigation department....**Veronica S. Jung** launched an employment law boutique, The Law Offices of Veronica S. Jung, PLLC.

Switching firms or made partner? Receiving an award? Send your news to MemberNews@nycbar.org; select announcements may appear in the 44th Street Notes, eNews, or other City Bar materials.

Getting Started with

CITY BAR CENTRAL

The Online Community for City Bar Members and Committees

City Bar Central is a new online forum where members can connect and communicate with one another and where committees can collaborate efficiently between meetings. The interface is friendly and intuitive; if you are familiar with Facebook or LinkedIn, you will be comfortable using City Bar Central almost immediately.

To access City Bar Central, simply log in to your membership account and click on the City Bar Central button.

All City Bar members can view and participate in City Bar Central's **Open Forums**, where we invite members to share and discuss ideas, information, articles, and links. There are currently four forums:

General Discussion – general topics of interest to the legal profession.

Civil Litigation – topics related to civil litigation or issues facing civil litigators.

Immigration – topics related to immigration law practice.

Solo and Small Firm Practice – topics and issues facing solo and small firm practitioners.

We have created these forums as a starting point for the Open Forums, but we encourage members to use the General Discussion Forum to talk about other practice areas of interest. If we see a lot of conversation about a certain subject or receive multiple requests for a practice area, we will create a separate forum category for that topic.

For Committees

For Committees, private online groups offer useful features to advance committee projects and business between meetings. In City Bar Central, each committee has its own private group where committee members can share files, exchange messages, and collaborate on committee reports in a convenient and secure environment. By moving conversations

and files online, a committee can over time create an archive of its work, and City Bar Central can serve as a point of reference for earlier discussions, meeting minutes, reports, and for new committee members to catch up on the committee's previous initiatives. Several committees are already making good use of City Bar Central.

Each committee group on City Bar Central has the following features:

Group Discussion Forum – Any group member can create a new topic or respond to an existing topic in the group's private discussion forum. This is a great way for chairs and secretaries to post announcements and committee news, and for all committee members to ask questions, share articles, and continue conversations from previous meetings.

Member Roster – Since City Bar Central is linked to the City Bar's membership database, committee members are automatically added to their committee groups when they log in. Only members who have logged on to the site will appear in the member roster in City Bar Central. Chairs, please email any committee roster changes to sglazer@nycbar.org to ensure the correct members have access to the committee group in City Bar Central.

File Gallery – Committee members can upload documents to the group's file gallery. This is a great place for chairs and secretaries to keep meeting minutes and agendas in a central space, accessible to all members. The committee's previous reports, articles, and work can also be uploaded here.

Report Collaboration – Members of a committee can collaborate on a report document with fellow committee members. Members can select who has access to edit the report and can view previous versions of the report as changes and additions are made.

Group Meeting Calendar – Committee chairs and secretaries can add meetings to the group calendar. When a meeting is created in City Bar Central, all group members receive a notification about the event. On the event page, members can view and RSVP to the event and add it to their Outlook and/or other calendars.

Private Messaging – Need to communicate with a subcommittee or other subgroup of members? Privately message up to 10 other members so you can more effectively complete committee work.

Search – Members can easily search for a discussion topic or document within the group, ensuring that the growing committee archives are easy to access.

Let Us Know What You Think

City Bar Central is a new member benefit, and we welcome your feedback. If you encounter issues or have a suggestion for any features you would like to see implemented, please let us know by posting in the Feedback Forum, located under Help in City Bar Central.

Please note: when logging in, your default user name is your Member ID# and your default password is the first initial of your last name capitalized, followed by your Member ID#. For any assistance logging in, please contact Customer Service: customerservice@nycbar.org, or 212.382.6663.

For further details or questions about City Bar Central, please email coordinator-central@nycbar.org.

For further details or questions about committee service, please email Stephanie Glazer at sglazer@nycbar.org.

Please note, member participation in City Bar Central is subject to the site's Community Guidelines, located at <https://central.nycbar.org/communityguide>, and Terms of Use, located at <http://www.nycbar.org/terms-and-conditions-of-use>. ■

a valuable resource for your peers. Great thanks go to this year's sponsoring law schools: Brooklyn Law School, Cardozo Law School, Columbia Law School, CUNY School of Law, Fordham Law School, Hofstra Law School, New York Law School, and UConn School of Law.

The Task Force also recommended a review of the New York bar exam to assess whether it was testing your competencies in the right way in an increasingly national and global legal profession. The City Bar's Council on the Profession undertook that review and, as a result, supported **Chief Judge Jonathan Lippman's** proposal to institute the Uniform Bar Exam in New York beginning in July 2016. The Chief Judge included a procedure for evaluating the exam's impact on different demographic groups, as the Task Force had proposed, to ensure that the UBE does not have a disparate impact on historically disadvantaged individuals.

The Task Force also determined that "bridge-to-practice" programs would provide valuable training and employment opportunities for law students and new lawyers while easing the burden of their law school-related expenses. Accordingly, the City Bar had identified major government and private sector employers willing to participate in such programs where students are given academic credit for full-time work. However, the ABA's rules currently prohibit law students from receiving both pay and academic credit for externships with for-profit employers. The City Bar is strongly supporting a change in those rules.

Finally, and most ambitiously, the City Bar along with the CUNY School of Law and 19 law firms recently announced the creation of the Court Square Law Project. Set to launch in 2016, the project will be a law firm for persons of moderate means whose income exceeds legal services guidelines but who plainly cannot afford the services of traditional law firms. The project will be staffed by new lawyers under the supervision of experienced attorneys, enrolling ten new attorney-fellows in two-year fellowships in each of the first four years of the five-year pilot program. Participants will receive a stipend as they get the training and experience they'll need to transition to a self-sustaining law practice after two years.

I think it's an inspired response to two current phenomena: a perceived "oversupply" of lawyers who are having difficulty finding work, and the great numbers of middle-class people who can't pay market legal rates.

Supply, meet demand. According to an ABA survey, nearly two-thirds of American households with legal issues did not seek the assistance of a lawyer. Fully 99% of tenants in eviction and consumer credit cases are unrepresented, the City Bar Task Force reported. That shocking underrepresentation persists despite the well-documented disparity of outcomes between litigants who have legal assistance in housing, bankruptcy, immigration, and other such critical matters, and those who do not.

Enter the Court Square Law Project. The initiative, which will be open to graduates of all law schools, will be housed at and benefit from the resources of the new CUNY School of Law campus in Long Island City. For clients who would otherwise have gone without representation, the Court Square Law Project will be a game changer. And to the extent that the model is seen as an idea whose time has come and is replicated elsewhere, the project has the potential to be a culture changer as well.

Special thanks go to CUNY School of Law Dean and Professor **Michelle Anderson**, who chairs the Court Square Law Project Executive Committee, and to Task Force members **Bradley Butwin**, Chair of O'Melveny & Meyers; **Eric J. Friedman**, Chair of Skadden Arps Slate Meagher & Flom; and **Brad Karp**, Chair of Paul Weiss Rifkind Wharton & Garrison, for their leadership in organizing the New York City law firm community to contribute start-up funding for CSLP.

Finally, great thanks to the Founding Sponsor law firms, each of which has pledged an extraordinarily generous \$100,000 to launch the Court Square Law Project: Cravath, Swaine & Moore LLP; Davis Polk & Wardwell LLP; Debevoise & Plimpton LLP; Fried, Frank, Harris, Shriver & Jacobson LLP; Gibson, Dunn & Crutcher LLP; Kirkland & Ellis LLP; Kramer Levin Naftalis & Frankel LLP; Latham & Watkins LLP; Morgan, Lewis & Bockius LLP; O'Melveny & Myers LLP; Paul, Weiss, Rifkind, Wharton & Garrison LLP; Proskauer Rose LLP; Schulte Roth & Zabel LLP; Shearman & Sterling LLP; Simpson Thacher & Bartlett LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Wachtell, Lipton, Rosen & Katz LLP; Weil Gotshal & Manges LLP, and Winston & Strawn LLP. ■

Around the Bar



"Bridge of Spies," the new Steven Spielberg film starring Tom Hanks, was shot in part at the City Bar. It's in theaters now.

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12th Annual

SMALL LAW FIRM PRACTICE MANAGEMENT SYMPOSIUM



THURSDAY, NOVEMBER 12
8:30 AM - 5:00 PM

NEW YORK CITY BAR
42 West 44th St. | Manhattan

www.nycbar.org

The 12th Annual Small Law Firm Practice Management Symposium will include a choice of eight workshops, from Startup on a Shoe-String Budget, to Marketing On and Offline, to How to Grow Your Firm Effectively While Minimizing Overhead. There is an important plenary workshop on Escrow Accounts, for which attendees will receive one CLE credit, and a Billing Roundtable during which seasoned practitioners will discuss best ways to interact with clients and get paid. Most importantly, there will be lots of networking and brainstorming, including a breakfast, a luncheon, a wine reception, and an Exhibit Hall of Vendors catering to the needs of solos and small firm owners. This event is offered at a nominal rate for members (\$65), which includes access to all workshops, all meals, and one CLE credit.

LEGISLATIVE UPDATE: CONTINUED FROM P. 3

successes, with four bills related to the care and regulation of pet stores enacted into law. The Civil Rights Committee supported two bills aimed at combating discrimination in hiring practices, one based on a prospective employee's consumer credit history, the other (also supported by the Corrections and Community Reentry Committee) based on an applicant's criminal record. Finally, the Pro Bono and Legal Services Committee and Housing Court Committee supported the creation of an Office of Civil Justice as part of their ongoing work to expand access to justice and establish a right to counsel in Housing Court. The Office of Civil Justice will help coordinate free and low-cost civil legal services in the City and ensure that the needs of low-income city residents are met.

Looking Ahead

We have a full docket planned for the fall, including working groups and task forces to address a host of issues, from the problem of mass incarceration to the 2017 ballot question of whether New York should hold a constitutional convention. We will continue our work on various federal and state criminal justice reform issues as well as other items from last year's agenda.

We also are so pleased to welcome to our team **Mary Margulis-Ohnuma** as Policy Counsel. Keep an eye out for our 2016 Legislative Agenda, further write-ups in the weekly E-News, and remember to follow us on Twitter and Facebook.

Maria Cilenti is Senior Policy Counsel and Elizabeth Kocienda is Associate Director of Advocacy at the New York City Bar Association. ■

City Bar Legal Referral Service Panel Members Win \$6.2 Million Verdict in Pregnancy Discrimination Lawsuit

Three women have been awarded \$6.2 million in a pregnancy discrimination lawsuit in Bronx County Supreme Court. The women in *Santana, et al. v. G.E.B. Medical Management, Inc., et al.* were represented by Scott A. Lucas and Steven M. Sack, two attorneys retained through the New York City Bar Legal Referral Service (LRS).

After contacting numerous attorneys who declined to take the case, the plaintiffs contacted the LRS in 2007, which referred them to Lucas and Sack. They were also the lawyers (also referred to LRS) who won a landmark decision from the New York Court of Appeals in 2008 in *Samiento v. World Yacht, Inc.* on behalf of waiters who were denied the 20% "service charge" commonly added to the bill in lieu of a voluntary tip.

Watch the Telemundo report on the *Santana* case (in Spanish) here: <http://bit.ly/1MeZuY8> ■



including drug programs, mental health programs, and job training programs; and, in cases of incarceration, expand the availability of rehabilitative services, including counseling and educational opportunities, during and following incarceration so that individuals can successfully reenter society and avoid recidivism; eliminate or reduce financial conditions of pretrial release; provide opportunities for individuals with misdemeanor and non-violent felony convictions to seal those records to prevent employment and other discrimination; and, in New York, enact legislation to raise the age of juvenile jurisdiction from 16 to 18.

While multiple City Bar criminal justice committees—including the Committees on Federal Courts, Criminal Justice Operations, Corrections and Community Reentry, Criminal Law, Criminal Advocacy, Criminal Courts, Civil Rights, and White Collar Crime—have worked on these issues over the years and provided input on the report, this mass incarceration effort had its genesis in the City Bar’s Executive Committee. Among its members are **Hon. Jed S. Rakoff**, a United States District Judge for the Southern District of New York, who said, “Mass incarceration has had a devastating impact on the lives of far too many Americans, leaving entire families shattered and communities distraught. But there is a growing consensus that our overly punitive policies of the past can be replaced with far more positive approaches. Now is the time to translate that consensus into action.”

Zachary W. Carter, a member of the City Bar’s Executive Committee who is Corporation Counsel of New York City and a former United States Attorney for the Eastern District of New York, said, “Our sentencing policies have incarcerated far too many for too long for non-violent offenses that could be safely addressed by alternatives that better redirect these overwhelmingly black and brown young men toward productive lives in their communities.”

The City Bar’s Mass Incarceration Task Force will be comprised of defense attorneys, prosecutors, judges, and other experts and criminal law practitioners. The Task Force will continue to examine the issues raised in the report, guide and support the City Bar’s advocacy efforts, and bring together experts to explore how best to achieve the multifaceted actions required to reduce the world’s highest incarceration rate. With just 5% of the world’s population, the U.S. incarcerates 25% of the world’s prisoners. In the U.S. there are now 2.3 million people in prison, which is five times the number of people incarcerated in 1970. One in 35 African-American men and one in 88 Latino men are in prison.

As part of this effort, a dedicated section on the City Bar’s website will feature reports, legislative initiatives, data, and other information relevant to the effort to reduce mass incarceration. These postings will include links to reports and statements from the City Bar during the last 20 years, when the Association has been a key voice addressing the criminal justice issues that have contributed to the rising rate of incarceration and the post-release difficulties facing those who have served time in prison.

Mass Incarceration: Seizing the Moment for Reform

Report: <http://bit.ly/1iEEbDq>
Web Page: <http://bit.ly/1OBTc6z>

“In 2015 we can look back at our past reports, statements, and letters to public officials, including work in 1994 on mandatory minimum sentences, in 1996 on bail reform, in 2000 on the Rockefeller drug laws, in 2008 on the sealing of drug convictions, right up to work this year on raising the age of responsibility in New York and the sealing of misdemeanor and non-violent felony convictions,” said City Bar President **Debra L. Raskin**. “If we connect the dots, it becomes clear that society’s failure to address these issues unfortunately has contributed to the mass incarceration crisis we have today.”

Executive Committee member **John Savarese**, a partner at Wachtell, Lipton, Rosen & Katz and a former prosecutor in the U.S. Attorney’s Office for the Southern District of New York, led the effort to draft the report on behalf of the City Bar and will serve as the Task Force’s Chair. He said, “The time is ripe for public officials, members of the bar, and others who are focused on these important issues to do all they can to address the broad array of problems associated with mass incarceration. Awareness of the issue has grown in recent years and there now appears to be increasing support for reform across the political spectrum and throughout the criminal justice system. We are seeing that this is something defense lawyers, prosecutors, and judges can all agree on, and we intend to mine the cumulative wisdom of our multifaceted membership to make a difference.”

In calling this a “critical juncture” and a “historic opportunity” for change, the City Bar’s report cites recent bipartisan efforts on federal reform legislation, including on the “Smarter Sentencing Act” and the “SAFE Justice Reinvestment Act of 2015,” as well as President Obama’s major speech on mass incarceration to the NAACP and modifications to the Justice Department’s charging policies.

“The current levels of incarceration in the United States were not achieved overnight and are not necessarily amenable to one overarching solution,” the City Bar’s report reads. “It is clear, however, that maintaining the status quo is not an option. The problems caused by our current criminal justice policies are multifaceted and will require multi-pronged, creative solutions to correct the inequities caused by the existing regime as well as thoughtful proposals for reform of the system going forward.”

The report can be read here: <http://bit.ly/1iEEbDq>

The City Bar’s Mass Incarceration web page is here:
<http://bit.ly/1OBTc6z> ■



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44TH STREET NOTES is published three times a year by The Association of the Bar of the City of New York, 42 W. 44th St., New York, NY 10036-6604. Postmaster: Send address changes to 44th Street Notes, 42 W. 44th St., New York, NY 10036-6604. For subscription information, call 212.382.6656.

EDITOR

Eric Friedman

ASSOCIATE EDITOR

Kathryn Inman

GRAPHIC DESIGNER

Arlene Mordjikian

ADVERTISING

Kim Howard 212.382.6753

EXECUTIVE DIRECTOR

Bret I. Parker

NYC BAR MEMBERS

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Save the Dates

2015

EVENTS

THURSDAY, NOVEMBER 12, 2015
8:30 AM – 5 PM

12th Annual Small Law Firm Practice Management Symposium

TUESDAY, NOVEMBER 17, 2015
6:30 PM – 8 PM

Careers in E-Discovery: Life Beyond Document Review

TUESDAY, DECEMBER 1, 2015
6 PM – 7:30 PM

An Evening with Chief Judge Jonathan Lippman

THURSDAY, DECEMBER 10, 2015
6:30 PM – 8:30 PM

Animal Law Lobbying 101

CLE

FRIDAY, NOVEMBER 13, 2015
9 AM – 11:45 AM

How to Read and Understand a Financial Statement and Tax Return

THURSDAY, NOVEMBER 19, 2015
6 PM – 9 PM

The Scope of Attorney-Client Privilege

WEDNESDAY, DECEMBER 2, 2015
9 AM – 12:30 PM *(networking lunch to follow)*

Corporate Counsel Symposium

THURSDAY, DECEMBER 10, 2015
9 AM – 11 AM

Persuasion and Decision-Making Skills for Lawyers