

44TH STREET NOTES

FROM THE PRESIDENT: JOHN S. KIERNAN

Maintaining Momentum on Mass Incarceration



Major law reform changes sometimes require planets to align, consensus to build, and decision-makers with different priorities and perspectives to find common ground. As detailed in the [recently released report](#) by our **Task Force on Mass Incarceration** (chaired by John Savarese), entitled “Mass Incarceration: Where Do We Go From Here,” the period beginning just

a few years ago and apparently continuing to find momentum now suggests that this is such a moment in time, for our system of punishing criminals. The relentlessly disconcerting message that the United States is by far the world’s greatest prisoner among nations not ruled by despots, with 4% of the world’s population but 21% of its prisoners (and with enormous racial imbalance in that population), has coalesced with broad recognition that mass imprisonment carries enormous economic, community, and human costs without discernibly reducing crime or preventing recidivism. While prisoners have historically been a low priority for politicians, policy-makers from a broad array of political persuasions are on the case. As the Task Force’s update recognizes, recent periods have seen enormous changes in focus, with some obvious areas of continued need for further change.

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The City Bar’s Response to the New Administration

“After the Election, What’s Next?” was the title of New York City Bar Association President John S. Kiernan’s column in late November. After extolling the bipartisan tradition of the peaceful transition of power, he wrote that another “defining value that should equally cut across political lines, and that equally warrants celebration, is the value of unreserved solicitude for and protection of the rule of law, the Constitutional and other rights of all, the needs of individuals and groups who are unable to protect themselves and the fair, efficient, and orderly administration of justice.” He added that the City Bar “has consistently believed that advocacy in support of these values, especially if they appear to be challenged by proposed executive, legislative, or judicial action, is entirely consistent with its institutional commitment to non-partisanship and inclusiveness of the full spectrum of political views. As an association of lawyers, we must be champions of the law.”

THE EXECUTIVE ORDER RESTRICTING IMMIGRATION

Following President Trump’s signing of an executive order on January 27 restricting, among other things, immigration from seven Muslim-majority countries, the **City Bar Justice Center’s** Immigration Project had [an ongoing presence at JFK airport](#), along with members of our **Immigration & Nationality Law Committee** (Farrin Anello, Chair) and other immigration experts providing services to detained travelers. The Justice Center also began making its Federal Pro Se Legal Assistance Project office at the Eastern District Courthouse available for experienced habeas attorneys (who are admitted to the Eastern District and have ECF numbers) to file pro bono motions on behalf of people affected by the ban. For the many members who expressed concern and interest in getting involved following the ban, the Association and the Justice Center produced a “[Special Briefing](#)” podcast on the executive order and the complex immigration-law issues in connection with it.

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Making the Most of City Bar Membership: Ten 'Hacks' and Hidden Jewels



People join the New York City Bar Association for all sorts of obvious reasons, such as getting involved in a committee, free or discounted attendance at CLE and non-CLE programs, use of the library, networking, pro bono opportunities, and discounts with various vendors and companies. But there are many benefits of membership that are under the radar for people, even though they are highlighted in the weekly eNews, on our website, or through our emails to members. Here are some of my personal favorites:

1 Bloomberg Terminal in the Library. Use of this business information software and database resource can cost thousands of dollars per user, but members of the City Bar can walk into the library and use it for free.

2 SoFi Student Loan Refinancing. The City Bar has partnered with SoFi, the largest provider of student loan refinancing. SoFi saves the average attorney \$31K, plus City Bar members get a \$300 welcome bonus.

3 Bar@theBar. These bi-monthly casual happy hours feature an open bar and snacks for only \$20 per member. It's hard to beat a deal like that in midtown Manhattan.

4 Entertainment. The Chamber Music Committee presents one recital per month on a Friday night at 6:30 p.m. (there is a small suggested donation). The Entertainment Committee produces and performs entertainment and cultural events at the Association, including the well-known "Twelfth Night," an original musical comedy honoring a prominent member of the bench or bar, and a tradition at the City Bar for more than 50 years. The Committee also performs original plays and musicals covering various legal themes, and presents other events such as Gilbert & Sullivan concerts by The Blue Hill Troupe, karaoke nights, and talent nights. Finally, the City Bar Chorus presents numerous events including its 2017 Benefit Concert to be held on Friday, June 16, 2017 at 7:00 p.m. If you have any musical ability, consider channeling your inner performer by auditioning for these groups. We also provide discounts for Knicks and Rangers tickets and other events.

5 Member Directory. This password-protected searchable database is available to members only and is a great way to connect and find people from a particular school, a certain practice area, or on a committee.

6 Dewey and Stimson Award Ceremonies. Each year, we honor Assistant U.S. Attorneys in the Southern District and in the Eastern District of New York (the Henry L. Stimson Medal) and an assistant district attorney in each of the City's District Attorney's offices and in the Office of the City's Special Narcotics Prosecutor (the Thomas E. Dewey medal). The awards ceremonies are free and feature inspiring remarks from the recipients and honorary speakers, not to mention a networking reception afterwards where you can chat with federal prosecutors and city DAs.

7 Lawyer Assistance Program. This is a free, confidential service, available to attorneys, judges, law students, and their family members in New York City, who are struggling with alcohol or drug abuse, depression, anxiety, and stress, as well as other addictions and mental health issues. We host lawyer Alcoholics Anonymous meetings every Thursday at 6:30 p.m. and Gamblers Anonymous meetings on Thursdays at 12:30 p.m.

8 Free Conference Rooms. City Bar members can get access to conference rooms for meetings or depositions.

9 Party Space. With our new catering service offering a wider selection of menu options, the New York City Bar Association can be rented for weddings, work receptions, and other personal and professional events. This unique space is the perfect venue for a wide variety of occasions. [see more on p.13]

10 44th Street eNews. It's worth getting into the habit of investing a few minutes to look at the 44th Street eNews, sent to your inbox most Mondays, because there's no better or quicker way to stay up to speed on what's new and interesting at the City Bar. In the 'City Bar Speaks' section are carefully crafted one-paragraph summaries of the latest reports and statements from our committees. The 'In Case You Missed It' section features photos and recaps of events from the previous week. 'Member Moves & News' shows who is moving to which firms, valuable info for those seeking clients or job leads. You can also see at a glance the events coming up for the week, read summaries of how the City Bar made news the previous week, and find out about the latest member benefits. ■

Too busy or too far away to make it to a networking event? Network from your desk with City Bar Central.

What is City Bar Central?

City Bar Central is the online community where members engage in discussions in the designated Open Forums: General Discussion, Career Development, and Solo and Small Firm Practice. City Bar committees also have private groups in City Bar Central, where they continue discussions in private forums, share files, and plan upcoming meetings.

How do I log in to City Bar Central?

Log in to your membership account through www.nycbar.org and simply click on the City Bar Central button in the upper right-hand corner of your screen.

TIPS FOR CITY BAR MEMBERS:

- 1. Upload your headshot** – You can upload your headshot by hovering over “My Home” and selecting “My Content.” Then, click on the red “Add Photos” button on the right-hand side, upload your picture, and check off the option to make it your profile picture.
- 2. Introduce yourself** – In the General Discussion Forum, click on the discussion topic “Introduce Yourself.” Beyond your name, title, company, and location, fellow members can get a sense of who you are if you share what inspired you to enter the legal profession and share some projects you have worked on.
- 3. Visit the Open Forums** – You can browse through older topics in the General Discussion Forum, Career Development Forum, and Solo and Small Firm Practice Forum.
- 4. Post an article, idea, or question** – Share anything that you think your fellow members in the Career Development Forum or Solo and Small Firm Practice Forum would find interesting or useful. Posting is easy – simply click on “New Topic,” type in a subject line and a message, and click “Post” to share.
- 5. Network away** – Members have access to view and respond to your posts. If you want to network more one-on-one, you can click on any name or headshot, and on an individual’s profile page, you have the option to send that person a direct, private message.

TIPS FOR CITY BAR COMMITTEE MEMBERS:

- 1. Join your committee group** – Simply click on “My Groups” in the top navigation to view a listing of the committee group(s) you are a member of. City Bar Central is linked to our database, so you will automatically see the committee(s) you are serving on (please note, if you do not see your committee group listed, to gain access please email coordinator-central@nycbar.org).
- 2. Continue the conversation** – Committee meetings are limited in time, so take advantage of the discussion forum in the group, visible only to your committee members, to continue the conversation online.
- 3. Upload documents** – Upload and save important committee documents in the “Files” tab of your group. This creates an archive for fellow committee members so all files are available for view and download in a central location.
- 4. Check your group calendar** – Committee chairs and secretaries are able to add upcoming meetings to the group calendar. RSVP to the meetings in City Bar Central and add them to your personal Outlook/iCal/Google calendar.
- 5. Pay your committee dues online** – If your committee is participating in the Committee Dues Program with the City Bar, there is a link in your group to pay your committee dues online by credit card. *To find out more about the Committee Dues Program, committee chairs/secretaries may email fgarcia@nycbar.org.*

City Bar Fund **UPDATES**

CITY BAR JUSTICE CENTER UPDATE

Justice Center Launches Community & Economic Development Initiative

The City Bar Justice Center (CBJC) is ramping up its community and economic development efforts in 2017. Thanks to a new two-year Bank Settlement grant from the New York State Interest on Lawyer Account Fund (IOLA), CBJC has expanded its Foreclosure Project and Neighborhood Entrepreneur Law Project (NELP) to include two new staff attorneys, **Wendy Dolce** and **Faith Alexander**.

Wendy Dolce, a Cornell Law School graduate, returns to the Foreclosure Project after several years working in the Sudan and Haiti on international human rights and conflict resolution projects. **Faith Alexander** is a Harvard Law School graduate and, most recently, Counsel and Director of Strategic Initiatives at the New Covenant Network.

Under this grant, NELP, the Foreclosure Project, and the Consumer Bankruptcy Project (CBP) will work together as the Community and Economic Development Initiative to implement new ways to develop pro bono opportunities that further the revitalization and stabilization of those New York City communities that are home to CBJC's low-income clients. These efforts include financial counseling for homeowners, tenants, debtors, and micro-entrepreneurs and collaboration between the Foreclosure Project and CBP for homeowners filing for bankruptcy.

Check www.citybarjusticecenter.org for updates on the Community and Economic Development Initiative's work and for educational "Know Your Rights" materials pertaining to homeownership, micro-enterprise, and consumer debt, as well as how to get involved as a pro bono attorney. ■



Front row from left: **Wendy Dolce**, Foreclosure Project Staff Attorney; **Brianna Noonan**, Foreclosure Project Coordinator; **Maria Andia Fernanda**, NELP Coordinator. Back row: **Ramona Morel**, CBP Project Director; **Ben Mattison**, CBP Coordinator; **Faith Alexander**, NELP Staff Attorney; **Akira Arroyo**, NELP Director; **Alice Morey**, City Bar Justice Center Managing Attorney. Not pictured: **Scott Kohanowski**, Foreclosure Project Director, and **Tom Tillona**, Foreclosure Project Staff Attorney.

DIVERSITY UPDATE

New Pipeline and Legal Education Task Force, and Long-Term Support for the Pipeline

To address the challenges highlighted in the 2015 Diversity Benchmarking Report (bit.ly/2dmWddW), the **Committee to Enhance Diversity in the Profession** (EDITP) created working groups and task forces to address discrete issues and support firm signatories to the City Bar's Statement of Diversity Principles in these areas. For the first time since the Diversity Benchmarking Survey's inception, the 2015 edition included qualitative questions regarding firms' support of pipeline initiatives. The findings indicated that support for pipeline initiatives is a key better practice for attracting and retaining diverse talent.

To better support these initiatives, EDITP created a **Pipeline and Legal Education Task Force**, chaired by **B. Seth Bryant**, Managing Partner of Bryant Rabbino LLP, and made up of representatives from more than a dozen pipeline providers including Legal Outreach, Sponsors for Educational Opportunity, and LatinoJustice PRLDEF. The Task Force's primary goal is to aggregate the qualitative data on pipeline initiatives and make recommendations to signatory firms. The Task Force will release a report of recommendations and a directory of regional pipeline initiatives in the coming year.

As the City Bar continues to work with its signatory firms, the goal is to streamline the process of promoting diversity in the work environment. One challenge the Task Force seeks to address is the adverse impact that short-term support of pipeline

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CBJC's Response to the Executive Orders on Immigration

Read about how the Justice Center is responding to the President's executive orders on immigration here: bit.ly/2jZxQTR

Listen to a podcast on the topic here: bit.ly/2kdLgwk

Get the Pro Bono Toolkit and watch the video from the December 19 training, "Assisting Victims of Hate Crimes & Bias and Representing Peaceful Protesters": bit.do/pb-toolkit

Read more in the cover story on the City Bar's response to the new administration.

VANCE CENTER UPDATE

Leire Larracochea Advances the Pro Bono Infrastructure in Latin America and Spain

The Cyrus R. Vance Center for International Justice's Senior Fellow in Pro Bono Practice, **Leire Larracochea**, recently led the Center to notable success in its key initiatives to institutionalize pro bono practice in Latin America and her home country of Spain. These achievements came even while Larracochea continued to manage the Center's pro bono partnerships, recruiting law firms from 66 countries around the world to co-counsel with the Vance Center on pro bono representation of human rights and environmental organizations.

The Vance Center, since its founding 15 years ago, has focused its efforts on developing pro bono practice primarily in Latin America. It spearheaded the Pro Bono Declaration of the Americas, a commitment by signatory law firms and other legal organizations to have every lawyer provide at least 20 hours of pro bono work annually. It supported the founding and development of pro bono clearinghouse organizations in more than a dozen Latin American countries.

These clearinghouse organizations had allied loosely as a network, until Larracochea, on behalf of the Vance Center, undertook the ambitious process of institutionalizing that network, called the Pro Bono Network of the Americas. Working with colleagues in Argentina, Chile, Colombia, and Venezuela, as well as **Vance Center Committee** former Chair **Todd Crider**, Larracochea led the development of the legal charter of the network, establishing its standards and rules of procedure, setting up committees and subcommittees, and developing a pro bono referral form. She subsequently has collaborated on preparation of the net-



Vance Center Senior Fellow **Leire Larracochea**

work's first annual report and has started organizing a regional pro bono conference of all of the network's members and other key stakeholders in the region.

Larracochea also has focused on strengthening pro bono practice in specific countries within the network. She has planned and participated in videoconferences with network counterparts in Paraguay and Venezuela, and managed the Vance Center's support of efforts to establish clearinghouses in Ecuador, Guatemala, Nicaragua, Panama, and Uruguay.

The Vance Center has had a limited presence in Europe until now, mostly involving collaborations with lawyers there on pro bono representation. However, Larracochea has led the Center's initiative to develop a pro bono clearinghouse in Spain. This has involved meeting with lawyers from ten leading firms in Spain, as well as the Madrid Bar Association and six Spanish universities, to encourage them to consider such a development, which has never existed in Spain. She then organized meetings in New York in October 2016 for nine Spanish lawyers with leading law firms, the New York City Bar Association leadership, Columbia Law

School, and legal services organizations to demonstrate the pro bono culture here. As a result, the Spanish law firms have established a working group to prepare a business plan for a clearinghouse, which Larracochea is helping to manage.

The idea of establishing a Spanish pro bono clearinghouse led Larracochea almost three years ago to leave her practice at the Spanish law firm Cuatrecasas and seek an LLM at Harvard Law School on a Fulbright Postgraduate Scholarship and a Real Colegio Complutense Fellowship. She focused her studies on this idea, and spent the winter term doing an independent clinic at the Vance Center to learn more about pro bono practice. Upon graduation, she came to work at the Center where she has been for the past year and a half.

Larracochea initially supported the director of pro bono partnerships at the Vance Center but soon assumed responsibility for this role herself. She has managed dozens of pro bono projects, working with law firm pro bono counsels and Vance Center colleagues to ensure top notch representation for the Center's clients. Larracochea also was a key organizer of the Vance Center's 2015 Legal Summit of the Americas, which brought more than 80 attorneys, NGO leaders, and members of academia from over 18 countries to the New York City Bar Association to discuss how the legal profession can strengthen governance and open society in Latin America. ■

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LAWYER ASSISTANCE PROGRAM UPDATE

Lawyer Assistance Program Anticipates More Referrals Under New Diversion Rule

Referrals to the Lawyer Assistance Program (LAP) were up by 11% in 2016. And as news spreads about the new Disciplinary Diversion Rule adopted in October 2016 by all four Appellate Divisions, LAP anticipates an even more substantial increase this year.

Diversion is included in 22NYCRR Part 1240, Rules for Attorney Disciplinary Matters. The original diversion rule adopted by the Second, Third, and Fourth Departments between 2003 and 2005 pertained only to attorneys whose lesser misconduct was causally related to an alcohol or substance abuse problem. Although the First Department did not adopt the original diversion rule initially, it has have been referring cases to the NYC LAP Monitoring Program since 1999.

Under the new rule, use of a Diversion Monitoring Program has been expanded to include mental health and physical problems. In December, LAP Director **Eileen Travis** and **Professional Responsibility Committee** Chair **Meredith Heller** met with the Judges of the Appellate Division, First Department Disciplinary Committee to discuss the new rule and to assure the judges that LAP is fully prepared to accept new referrals.

LAP is planning to present a CLE program to the staff of the First Department regarding the new rule and anticipates similar meetings with the judges and staff of the Grievance Committee, Second Department.

DIVERSITY UPDATE: CONTINUED FROM P. 4

programs has on participants. The allocation of sponsorship towards multiple short-term programs was identified as a practice that, while initially helpful, was less effective than long-term support of initiatives. Long-term support showed measurable impact on participants' career trajectories and affected diversity and inclusion metrics of the legal profession as a whole. The Task Force therefore seeks to make recommendations on fostering long-term, sustained firm support for pipeline initiatives to see students through high school, college, law school, and entry into the profession.

In order to increase the hiring and retention of diverse attorneys, the industry must turn its attention to students before

they are in law school. Low predictors of success in law school, such as a low undergraduate GPA or below-average LSAT score, can hinder students' hiring potential down the road. The Task Force aims to identify initiatives that improve the academic performance and substantive skill development over the course of participants' academic careers.

The City Bar provides an array of programs administered by the **Diversity Pipeline Initiatives Committee** for students in high school, college, and law school. In addition to academic support and substantive skill development, these programs aim to provide students with academic career exposure, informal mentoring, and networking opportunities.

This summer, the City Bar will host

Educating the Community

The **LAP Committee**, chaired by **Kathleen Waterman**, has a new education subcommittee, which is developing presentations for the coming spring and fall. Additionally, the subcommittee will work with the National Council on Alcohol and Drug Dependence, Inc., in sponsoring "Alcohol Awareness Month" in April to increase public awareness and understanding, reduce stigma, and disseminate to the local bench and bar information that addresses prevention, intervention, and treatment. Be sure to check www.nycbar.org for updated resources.

UCS Site Visit

LAP was pleased to host the Division of Professional Court Services, ADR and Court Improvement of the New York State Unified Court System. LAP receives a grant from UCS, and the purpose of the visit was to learn more about LAP, including its scope of services, referral procedures, initiatives, and office environment. Following the visit, the UCS issued a report expressing its gratitude for LAP's cooperation and acknowledging its commitment to providing assistance to the New York legal profession. ■

its flagship pipeline programs: the **Thurgood Marshall Summer Law Internship Program** for high school students and the **Diversity Fellowship Program** for 1L students at New York law schools. Many participants of these programs have remained involved with the Association after entry to the profession by serving on committees and as volunteer attorneys for programs. Indeed, student participants in pipeline programs have served actively on the Diversity Pipeline Initiatives Committee as administrators of the programs in which they were once enrolled.

To learn more about supporting the Task Force or our pipeline programs, please contact **Monica Parks**, Diversity and Inclusion Coordinator, at mparks@nycbar.org or 212-382-6772. ■

In Case You Missed It...



NYPD Commissioner James P. O'Neill spoke at the City Bar's Public Affairs Luncheon on December 6. Commissioner O'Neill discussed the NYPD's efforts to address and improve public safety and quality-of-life conditions and shared his vision of joining police and community resources to achieve these goals.



The City Bar held "The Central American Refugee Crisis: Human Rights Challenges and Needs in the United States and South of the U.S. - Mexico Border," on January 26. Luis Canales, a Honduran refugee and U.S. citizen and a student at Villanova School of Law, told a story about a young boy's quest for asylum. Watch the video here: bit.ly/2kk207V

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CITY BAR'S RESPONSE: CONTINUED FROM COVER

On February 6, through the efforts of the City Bar's **Immigration & Nationality Law Committee**, **International Human Rights Committee** (Anil Kalhan, Chair) and **Council on International Affairs** (Martin Flaherty, Chair), the City Bar and the International Law Section of the ABA proposed, and the ABA substantially adopted, a resolution urging President Trump to withdraw the January 27 executive order.

On February 13, regarding comments that President Trump had made about the district court judge who issued the temporary restraining order blocking the January 27 executive order, as well as the judges on the Ninth Circuit who heard the appeal, Kiernan wrote, "These comments, not consistent with prior Presidents' restraint in commenting about individual judges and plainly aimed in part at influencing the independent judgment of the judiciary and the public's perception of the trustworthiness and correctness of the court's rulings, were not proper. Lawyers nationwide should continue to speak out in defense of the Judiciary if the President or members of his Administration continue to make such comments going forward."

PRESIDENTIAL TRANSITION MEMORANDA

As it has traditionally done following the election of new presidents (and governors and mayors), the City Bar in January began releasing a series of transition memoranda prepared by its committees and directed to the new Administration and Congressional leadership.

NATIONAL SECURITY POLICIES

The **Task Force on National Security & the Rule of Law** (Mark R. Shulman, Chair) wrote to the Trump Administration expressing its concerns about policies being considered related to the detention and interrogation of individuals thought to be involved in terrorism. The Task Force urges President Trump to close the detention facility at Guantanamo Bay; to con-

tinue to observe the strong presumption in favor of civilian-court prosecutions; and to reject any proposal to reopen the so-called "CIA Black Sites" or otherwise hide detainees. With respect to the interrogation of detainees, the Task Force warns against the use of interrogation techniques including waterboarding that "amount to torture and cruel, inhuman, and degrading (CID) treatment and are prohibited by both domestic and international law."

ENVIRONMENTAL ISSUES

With the help of the **Environmental Law Committee** (Michael G. Mahoney, Chair), **Energy Law Committee** (Daniel W. Rosenblum, Chair), **International Environmental Law Committee** (E. Gail Suchman, Chair) and **Climate Adaptation Task Force** (Stephen L. Kass, Chair), the City Bar sent a letter to President-Elect Donald Trump and his transition team on environmental issues and policy, urging them to preserve the hard-won progress that had been achieved over many years to protect and improve America's environment. Specifically, it lauded the federal-state partnership created by the Clean Air Act, the Clean Water Act, and other laws that had provided "clear direction and consistency in the environmental requirements imposed across the country, creating the predictability required for business to operate efficiently," and underscored the importance of funding and staffing the U.S. Environmental Protection Agency. The letter also pointed to the economic benefits of encouraging the development of renewable energy technology and promoting energy efficiency in transportation, industry, and infrastructure.

MENTAL HEALTH POLICIES

The **Mental Health Law Committee** (Naomi Weinstein, Chair) urged the Trump Administration to consider a number of measures to provide better treatment and opportunities to millions of Americans with mental illness, including: (1) programs that provide better training for police officers who interact with persons with mental illness or who are in psychiatric crisis; (2) programs to

provide better mental health treatment for persons in correctional facilities; (3) programs to provide better community supports for persons with mental illness; and (4) programs to provide mental health education in public schools to reduce stigma and provide early access to treatment. The report cites sobering statistics, such as the fact that mental illness affects approximately 44 million adults in the United States, or about one in five Americans.

ISRAELI-PALESTINIAN CONFLICT

The **Middle Eastern & North African Affairs Committee** (Robert E. Michael, Chair) urged the Trump Administration to focus on achievable goals that can create an environment of trust from which to build toward more plenary solutions when approaching the Israeli-Palestinian conflict. The Committee supported two recommendations from the Economic Cooperation Foundation that would appear to be small adjustments to the Oslo Accords that can significantly ease the lives of many Palestinians living in Israeli territory and foster the rule of law even in a geographic area where there is political discord. The Committee also supported a proposal to create a special civilian administration to address the economic and security challenges in East Jerusalem.

IMPROVING THE DEPARTMENT OF VETERANS AFFAIRS CLAIMS AND ADJUDICATION PROCESS/CONTINUING THE JOINING FORCES INITIATIVES

The **Military Affairs & Justice Committee** (Michael Richter, Chair) offered suggestions to the Trump Administration on ways the U.S. Department of Veterans Affairs ("VA") could improve its benefit claims and adjudication process, including by increasing the number of skilled, trained attorneys reviewing appeals; creating a statutory right to qualified counsel for veterans seeking benefits; and allowing veterans to retain an attorney prior to the filing of a Notice of Disagreement provided that the attorney either represents the veteran pro bono or on a contingency basis for past-due benefits. The Committee also wrote to President

Trump and the First Lady urging them to continue “Joining Forces,” an initiative focused on assisting military families in the areas of employment, education, and wellness. The initiative was a critical partner during the Committee’s efforts in passing state legislation that recognized the out-of-state occupational licenses of military spouses ordered to move to New York.

CONSIDERATION OF FOREIGN LAW BY COURTS IN THE UNITED STATES

The **Foreign & Comparative Law Committee** (Maria M. Patterson, Chair) raised concerns over efforts to prohibit or impede courts – through legislation or judicial litmus tests – from considering or applying foreign, international, or Sharia law, on the grounds that such efforts are unconstitutional, unwise, and unworkable, and have almost universally been the result of poor legal scholarship driven by Islamophobia. To interfere with the established functioning of the courts, in which the parties have the freedom to contract and apply non-U.S. law as they deem appropriate, is unnecessary and a dangerous interference with our Constitution and the personal lives and commercial interests of our citizens.

IMMIGRATION

The positions of the prolific **Immigration & Nationality Law Committee** in recent years are more relevant than ever. In May 2015, the Committee wrote to then-President Obama and the Secretary of Homeland Security to express serious concern about the large-scale detention of immigrant mothers and children, including with regard to the lack of appointed counsel for the families. Beginning over five years ago, the Committee, collaborating at various times with the **Committees on Criminal Courts** (Kerry Ward, Chair), **Criminal Justice Operations** (Risa B. Gerson, Chair), **Civil Rights** (Philip Desgranges, Chair), **Corrections and Criminal Reentry** (Alex Lesman, Chair), and **Domestic Violence** (Ian Harris, Chair) expressed support for the New York City Council’s efforts to limit the City’s collaboration with U.S. Immigration and Customs Enforcement (“ICE”) in holding

immigrant New Yorkers subject to ICE detainers. The Committees argued that ICE detainers undermine basic principles of fairness and due process, erode community trust and raise concerns of racial profiling, interfere with the criminal justice system, cost the City millions of unreimbursed dollars every year as individuals are held on detainers in city jails for an average of 73 days longer than those without an ICE detainer, and endanger public safety by discouraging immigrants from cooperating with law enforcement.

And this January, along with the **Family Court & Family Law Committee** (Glenn Metsch-Ampel, Chair), **Council on Children** (Jane F. Golden), and **Children & the Law Committee** (Sara L. Hiltzik, Chair) the Committee supported prompt passage of the **Bar Removal of Individuals Who Dream and Grow our Economy**, or BRIDGE Act, which would provide critical protection to the nearly 800,000 people that the Deferred Action for Childhood Arrivals (DACA) program has allowed to study or work in the United States, and to contribute to their communities by increasing tax revenue, higher education, home and auto ownership, and public safety.

ANIMAL WELFARE

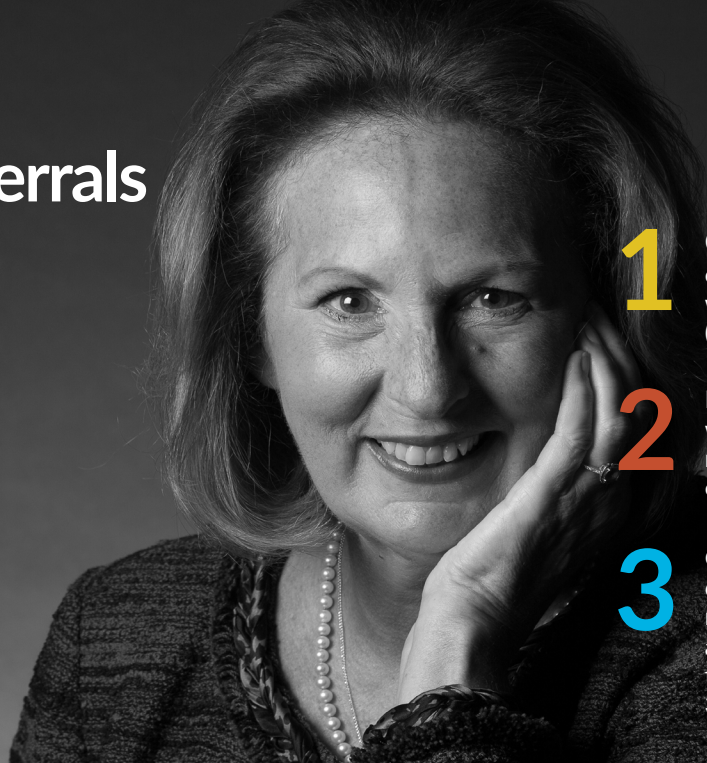
The **Animal Law Committee** (Lori Barrett, Chair) sent a transition memo to the Trump Administration urging it to adopt the Committee’s recommendations on several animal welfare issues, including: (1) requiring the USDA to promulgate regulations concerning the humane treatment of birds under the Animal Welfare Act; (2) improving the USDA’s enforcement relating to licensing dealers and exhibitors that repeatedly violate the Animal Welfare Act; (3) supporting the USDA’s horse soring rule, which would prohibit the intentional infliction of pain to a show horse to create an exaggerated gait; and (4) supporting the Pet and Women Safety Act, which would amend sections of the Violence Against Women Act to extend protections for the pets of victims of domestic violence and sexual assault.

INFORMATION TECHNOLOGY AND CYBER LAW

The **Information Technology & Cyber Law Committee** (Maia T. Spilman and Joseph V. DeMarco, Co-Chairs) sent a transition memo to the Trump Administration which provided recommendations on cybersecurity, including: investing in cybersecurity as part of physical infrastructure; minimizing barriers to broadband service and access; enacting privacy-related laws (consistent with First Amendment requirements) to promote uniformity and compatibility with data protection laws around the world; updating the Electronic Communications Privacy Act to provide greater search and seizure protections to private electronic communications while maintaining the government’s ability to obtain such communications with proper judicial review; and working with Congress to develop sound legislation on the issue of compelled assistance to law enforcement. ■

More transition memos are coming. To stay up to date on the City Bar’s response to the new administration, visit this web page—bit.ly/2jVz3gG—or check the eNews sent to members most Mondays.

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— Sherri P., LRS Lawyer



PRESIDENT’S COLUMN: CONTINUED FROM COVER

The effects of the changes in focus have already been significant. New York State has reduced both the number of people entering jail and the duration of their stays, to the point of falling to the 12th lowest incarceration rate in the country, and New York City has reduced its jail population by half in the last 20 years and 14% in the last two years, so that it is now the lowest incarcerator of the country’s ten largest cities. These changes have been accomplished largely through sentencing reform, increased diversions for people who are better candidates for correction through diversion than through imprisonment, and increases in releases on recognizance or bail reform. In the meantime, jailed or imprisoned juveniles are being more rigorously separated from adults, and major reductions have taken place in the use of solitary confinement (as a result of both policy changes and two litigation consent de-

crees). Increased efforts to prepare prisoners for reentry, coupled with changes in the rules regarding collateral consequences of a criminal conviction (including more openings for former offenders to obtain licenses and implementation of “ban the box” restrictions on employers’ or universities’ obtaining up-front disclosure of criminal convictions), are aiming to increase the prospect that people can emerge from prison with a path to making a life that works on the outside.

The past few years have also witnessed significant movements toward reform at the national level, often with enough strong bipartisan support to present reasons for continuing the push for reform federally. The Second Chance Pell program for education of prisoners, reentry reforms, the elimination of solitary confinement for juveniles and substantial reduction of such confinement for others, moves toward deprivatization of prisons, the promulgation of rules limiting collateral employment consequences

of conviction, the numerically small but emotionally important grants of clemency to over 1,000 individuals convicted of non-violent crimes and serving sentences far longer than they would receive for the same crime today, and other changes have achieved important positive results. A major sentencing reform legislative package with substantial bipartisan support in both the Senate and the House of Representatives ended up foundering on disagreements about, among other things, whether the new law must include a universal mens rea element for all federal crimes. However, the consensus about the appropriateness of some significant changes to sentences (particularly including mandatory minimum sentences for low-level drug offenders) was sufficiently strong to provide hope that a form of this legislation will proceed even in the changed current political climate.

The priorities for further changes that should be pursued in New York are well-recognized, and Governor Cuomo and

Mayor de Blasio have identified some of those priorities as important for them, too. With about 47,000 New York City residents expected to stay in jail before trial in 2017 solely because they are unable to pay the costs of bail – of whom over 400 in detention on any given day have been detained on bail of less than \$2,500 – bail reform is essential. In addition, New York should end in 2017 its status as one of only two U.S. states that prosecute and punish juveniles aged 16-18 as adults. Proposals to issue civil rather than criminal summonses for low-level infractions should be pursued, reducing the number of “criminal” matters by more than 150,000 a year in New York City.

More programs for the mentally ill – in a context where almost 40% of Rikers Island inmates (and an estimated 400,000 prisoners nationwide) have been diagnosed with some form of mental illness, but only a small minority are receiving treatment – seem like an essential step in New York’s long-range slow adaptation to the effects of its “de-institutionalization” movement of the late 1970s. Diversion programs for non-violent offenders (especially including substance abusers), some of which have shown spectacular success rates, should get the resources they need to effect a potential transformation in the thinking about how these offenders should be treated. Opportunities for early release, Second Chance statutes, and reformation of parole should be pursued to increase and refine the incentives for prisoners to direct their prison experiences toward good behavior, rehabilitation, and preparation for reentry. Collateral consequences of convictions should be reduced further. Ongoing important consideration about the role of jails like Rikers Island, and about the appropriate structure and nature of prisons around the state, should continue.

Similarly on the Federal level, the Sentencing Commission should continue its ongoing re-evaluation of guidelines penalties, especially for drug offenses in which low-level participants in illegal enterprises receive sentences intended



John F. Savarese, Chair, Task Force on Mass Incarceration

for the leaders of those enterprises, and should work with the Justice Department to develop new rules permitting early release of appropriate candidates who earn consideration. The Justice Department’s “Roadmap to Reentry” program, and pilot projects on diversion (including the Pretrial Opportunity Program in the Eastern District of New York) should be continued. Increased focus on treatment for substance abuse and mental

illness could transform the federal prison experience by addressing causes of the criminal behavior (and often of discipline issues within prison) and ways to enable the prisoners to function after completing their terms. Mechanisms should be developed to evaluate prisons based on their success in reducing recidivism by their inmates – a measure not currently in place for any federal or state prison.

The momentum for significant and far-sighted change continues. As the Task Force’s latest report powerfully demonstrates, some of the appropriate next steps are clear, particularly given the continuing evidence that these measures have not increased (and in some instances, like certain diversion programs, have discernibly decreased) crime. Now is the time to applaud the measurable progress achieved through concentrated attention on mass incarceration, and to proceed with the next steps. ■

The Task Force on Mass Incarceration’s report can be read here: bit.ly/2j5q2jO

Wedding Bells at the Bar



On February 5, 2017, **Richard Smolian**, a member of the City Bar, and **Pamela Black** married at the New York City Bar Association. The happy newlyweds celebrated with music and dancing, surrounded by close friends and family. Congratulations, Richard and Pamela! To find out how you can hold your event at the City Bar, see page 13.

Photo: Maria Karas

2017 State Legislative UPDATE

The City Bar has released its 2017 State Legislative Agenda, which will help guide our advocacy work over the coming months in Albany. This agenda represents only a portion of the dozens of positions generated by our committees over the course of each legislative session. It focuses on issues that are relevant to the current legislative debate or of particular importance to the City Bar, as well as legislative proposals drafted by our committees. Included in this year's agenda:

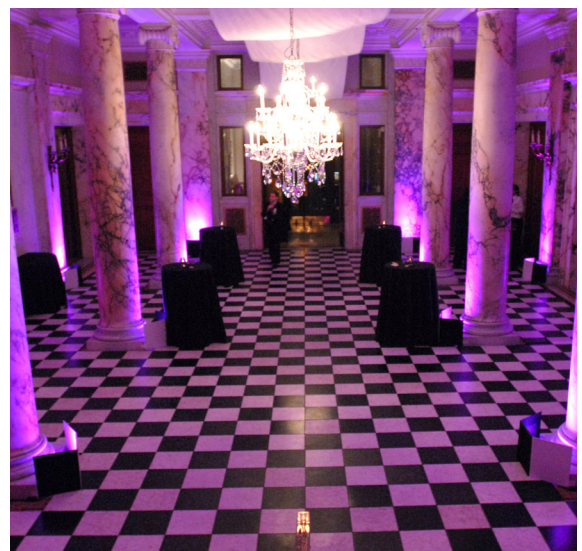
- Support efforts to bring meaningful and **comprehensive ethics, rules, and election law reform** to Albany.
- Support the Judiciary's 2017-18 Budget Request, including **adequate funding for civil legal services**.
- Advance **criminal justice reform** and policies that will **reduce mass incarceration**, including raising the age of criminal responsibility from 16 to 18 years old; comprehensive sentencing reform; eliminating or reducing financial conditions of pretrial release; supporting programs and policies that allow incarcerated individuals to successfully reenter society; and decriminalizing small amounts of marijuana.
- Support the **full funding of indigent legal services** to extend the 2014 settlement of *Hurrell-Harring v. State of New York*, which required that adequate criminal defense funding and quality standards be provided to five underfunded counties.
- Promote **comprehensive reproductive health policies** and **age-appropriate sexual education**.
- Advance City Bar-drafted bill to amend the Arts and Cultural Affairs Law to **enhance protections under the law for art authenticators**.
- Support legislation to reform and **modernize the administration of class actions** in New York's courts by amending Article 9 of the Civil Practice Law and Rules.
- Support the **Uniform Voidable Transactions Act**, which would modernize New York's laws related to fraudulent conveyances, making them consistent with Federal law (and the law of most states) and ensure that New York remains a preeminent financial center and commercial jurisdiction.
- Advance legislation, along with the New York State Bar Association, to amend the Judiciary Law to provide that **communications between a consumer of legal services and a legal referral service or lawyer referral service be deemed to be privileged** on the same basis as the privilege provided by law for communications between attorney and client.
- **Modernize New York's public procurement construction laws** to provide public owners with a wider variety of procurement and delivery modes, as necessary and appropriate, to reduce costs, speed delivery, and improve quality and safety.



Introducing **42West44**, the City Bar's **NEW EVENT SPACE RENTAL SERVICE**



The New York City Bar Association's newly launched service—"42West44"—offers unique space rentals for the public, with special pricing for City Bar members. From corporate events and business meetings to cocktail parties and weddings, 42West44 is the ideal location to host your next event. Within the classic setting of the House of the Association, modern services make it possible to accommodate groups from five to 450. The grand meeting hall, library, reception area and conference rooms are all available for rental, at rates that are surprisingly affordable for a midtown location. Use our new award-winning catering or bring your own.



Contact:
info@42west44.com
212.382.6684
42west44.com

Time to Join a Committee

Please visit www.nycbar.org for a list and description of committees and to apply online.

This Spring, committee chairs will start nominating new members for a three-year term beginning in September. Committee membership is limited; the broader your scope of committee interest, the more likely you will be placed on a committee that is personally and professionally satisfying. Please note that student committee members do not vote and serve a one-year term. Be sure to submit a resume along with your preferences. Notification of committee appointments are sent mid-summer. If you are not selected at this time, we will hold your application for one year and you will be considered to fill mid-year vacancies. We look forward to your participation and will do our best to accommodate your choices.

Member Moves & News

Jay Clayton, a partner at Sullivan & Cromwell LLP, has been nominated to head the SEC; **Mary Jo White** is returning to Debevoise & Plimpton as Senior Chair after chairing the Securities and Exchange Commission in the Obama administration; **Justice David Saxe**, Appellate Division, First Department, is leaving the court to become a partner at Morrison Cohen; **Hallie Levin**, a City Bar Vice President and former Chair of the Executive Committee, joined Wilmer Cutler Pickering Hale and Dorr as a partner; **Roger Maldonado**, a City Bar Vice President, joined Smith Gambrell & Russell LLP as partner; **Hon. Andrea Masley**, a member of the City Bar's Executive Committee, was elected to the New York State Supreme Court, NY County, 1st Judicial District; **Kathy Robb**, a member of the City Bar's Executive Committee, joined Sive, Paget and Riesel as a principal; **David McCraw** was promoted to Vice President and Deputy General Counsel at *The New York Times*; **Chief Judge Janet DiFiore** chose acting state **Supreme Court Justice Ellen Biben** to be the administrative judge for the criminal term of New York County Supreme Court; **Patrick D. Dolan** joined Norton Rose Fulbright as a partner; Mayor de Blasio appointed **John Siegal** to serve as a board member of the Civilian Complaint Review Board; **Jennifer Lupo** joined the New York City Technology Development Corporation as General Counsel and Secretary; Dechert added **David Kelley** to its white-collar and securi-

ties litigation group as partner; **Ilene B. Tannen** of Jones Day was appointed a member of the Trademark Public Advisory Committee (TPAC) of the U.S. Patent and Trademark Office; **Robert Wessely** joined Blank Rome LLP as a partner in the firm's Corporate, M&A, and Securities group and Cross-Border practice; Anderson Kill named **Christian Cangiano** as counsel; Cleary Gottlieb Steen & Hamilton named **Knox McIlwain** as counsel; **Alexandra Croswell Kelly** was elevated to partner at Latham & Watkins; Mayer Brown named to partner **Jennifer Rosa** in litigation and dispute resolution; Weil, Gotshal & Manges promoted **Kelly DiBlasi** to partner in business finance and restructuring and **Jessie Mishkin** to partner in complex commercial litigation; Simpson Thacher & Bartlett elected **Linton Mann III**, litigation, to partner; Shearman & Sterling elected to partner **Ned Schodek**, financial restructuring & insolvency; White & Case named **Frank Schoen**, project finance, as counsel; Southern District of New York U.S. Magistrate Judge **Frank Maas** retired from the bench and joined ADR provider JAMS; **Toby Myerson** formed his own business advisory boutique, Longsight Strategic Advisors LLC; **Matt Jokajty**s joined Public Service Enterprise Group (PSEG) as environmental counsel.

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

Membership Classifications/Fees

Effective May 1, we are adjusting certain dues levels (see chart below). We last changed dues in 2015 and previously there had been no adjustments since 2007. Most members will notice either no change (e.g., solo practitioners, public service lawyers, in-house counsel, and junior attorneys) or a modest increase, but slight periodic adjustments allow us to keep pace with increased costs while continuing to maintain the strength of the Association and deliver enhanced benefits to our members. (For example, in the past year we offered 13 free CLE programs to members and partnered with SoFi, which provides a welcome bonus to City Bar members who refinance their student loans through SoFi.) Membership dues also help fund the City Bar's policy advocacy, as well as services to the legal community and the public that epitomize the mission of the Association. Thank you for your continued involvement in the City Bar. Feel free to reach out to us at membershipservices@nycbar.org with ideas on how we can make your membership even more valuable to you individually and how the Association can continue to support the profession and the public.

MEMBERSHIP CLASS	ONE-TIME ADMISSION FEE	+ SEMIANNUAL DUES	= INITIAL PAYMENT
SUSTAINING MEMBERS	\$500	\$395	\$895
RESIDENT MEMBERS* <i>have an office in NYC</i>			
Admitted 2005 and prior	\$490	\$245	\$735
Admitted 2006 - 2009	\$480	\$240	\$720
Admitted 2010 - 2011	\$330	\$165	\$495
Admitted 2012 - 2014	\$260	\$130	\$390
Admitted 2015 - 2017	\$160	\$ 80	\$240
*SOLO RESIDENT MEMBERS			
Admitted 2005 and prior	\$ 0	\$235	\$235
Admitted 2006 - 2009	\$ 0	\$230	\$230
Admitted 2010 - 2011	\$ 0	\$155	\$155
<i>If admitted after 2011, refer to Resident Members section.</i>			
SUBURBAN MEMBERS** <i>have an office outside but within 50 miles of NYC</i>			
Admitted 2005 and prior	\$350	\$175	\$525
Admitted 2006 - 2009	\$340	\$170	\$510
Admitted 2010 - 2011	\$290	\$145	\$435
Admitted 2012 - 2014	\$260	\$130	\$390
Admitted 2015 - 2017	\$160	\$ 80	\$240
**SOLO SUBURBAN MEMBERS			
Admitted 2005 and prior	\$ 0	\$170	\$170
Admitted 2006 - 2009	\$ 0	\$165	\$165
Admitted 2010 - 2011	\$ 0	\$140	\$140
<i>If admitted after 2011, refer to Suburban Members section.</i>			
RESIDENT CORPORATE <i>attorneys working in companies in NYC</i>			
Admitted 2005 and prior	\$420	\$210	\$630
Admitted 2006 - 2009	\$410	\$205	\$615
Admitted 2010 - 2011	\$270	\$135	\$405
Admitted 2012 - 2014	\$230	\$115	\$345
Admitted 2015 - 2017	\$140	\$ 70	\$210
SUBURBAN CORPORATE <i>attorneys working in companies in an office outside but within 50 miles of NYC</i>			
Admitted 2005 and prior	\$310	\$155	\$465
Admitted 2006 - 2009	\$300	\$150	\$450
Admitted 2010 - 2011	\$250	\$125	\$375
Admitted 2012 - 2014	\$230	\$115	\$345
Admitted 2015 - 2017	\$140	\$ 70	\$210

MEMBERSHIP CLASS	ONE-TIME ADMISSION FEE	+ SEMIANNUAL DUES	= INITIAL PAYMENT
PUBLIC SERVICE <i>attorneys working in public service, not-for-profit, academia, government</i>			
Admitted 2005 and prior	\$ 0	\$200	\$200
Admitted 2006 - 2009	\$ 0	\$190	\$190
Admitted 2010 - 2011	\$ 0	\$100	\$100
Admitted 2012 - 2014	\$ 0	\$ 75	\$ 75
Admitted 2015 - 2017	\$ 0	\$ 50	\$ 50
RECENT LAW GRADUATE	\$ 0	\$ 60	\$ 60
JUDICIAL RESIDENT <i>within 50 miles of NYC</i>	\$ 0	\$125	\$125
JD — NON-ADMITTED	\$ 0	\$ 75	\$ 75
<i>If you are a Resident or Suburban member who has paid dues for over 25 years, has attained the age of 60, and is not engaged in active law practice, full-time teaching, or other full-time law-related activity, you may request a reduction in your semi-annual dues to \$98.75. If you are a Resident or Suburban member who has attained the age of 65 and is not engaged in active law practice, full-time teaching, or other full-time law-related activity, you may request a reduction in your semi-annual dues to \$125.</i>			

MEMBERSHIP CLASS	ONE-TIME ADMISSION FEE	+ ANNUAL DUES	= INITIAL PAYMENT
NONRESIDENT MEMBERS <i>have an office more than 50 miles from NYC</i>			
Admitted prior to 2015	\$185	\$185	\$370
Admitted 2015 - 2017	\$120	\$120	\$240
JUDICIAL NONRESIDENT <i>more than 50 miles from NYC</i>	\$ 0	\$170	\$170
LLM STUDENT	\$ 0	\$ 50	\$ 50
LAW STUDENT	\$ 0	\$ 25	\$ 25

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Upcoming Programs at the City Bar

EVENTS

TUESDAY, MARCH 14, 2017
6:30 PM - 8:30 PM

Cocktails and Conversation: A Networking and Diversity Event for Lawyers with Disabilities

WEDNESDAY, MARCH 15, 2017
6:00 PM - 8:30 PM

Yes or No in November? Discussing a Constitutional Convention for New York

WEDNESDAY, MARCH 22, 2017
6:00 PM - 8:00 PM

How to Get on the Ballot in New York City

TUESDAY, MARCH 28, 2017
6:00 PM - 9:00 PM

Rikers Island: Past, Present, and Future

CLE

THURSDAY, MARCH 16, 2017
6:30 PM - 8:00 PM

Trials & Errors: *Cassius Clay v. United States*, The Trial of Muhammad Ali

TUESDAY, MARCH 21, 2017
6:00 PM - 9:00 PM

FREE CLE
FOR MEMBERS

Global Persecution of Lawyers

THURSDAY, MARCH 30, 2017
6:00 PM - 8:00 PM

Ethics & Professionalism: Best Practices for Attorneys 2017

FRIDAY, APRIL 7, 2017
9:00 AM - 5:00 PM

5th Annual Institute on Not-for-Profit Law

THURSDAY, MAY 11, 2017
9:00 AM - 6:30 PM

6th Annual White Collar Crime Institute