

44TH STREET NOTES

PRESIDENT'S COLUMN

BY JOHN S. KIERNAN



Why Our Committee Reports Matter

The mandate of our Association's 162 Committees, Task Forces, and Councils regularly extends well beyond internal discussions. It prominently includes generating public expressions of positions in the areas of Committees' particular expertise, directed at improving the law, refining interpretations of the law, or enhancing the administration of justice. In the year ended May 2017, our Association released 178 reports, letters to relevant decision-makers, amicus briefs, or other substantial public statements of position generated by Committees and formally approved by the Association. That dazzling collection of contributions on a vast range of subjects – from mainstream to arcane, from general to highly specialized – plays a substantial role in supporting the City Bar's determination to be among the country's most prolific rule-of-law think tanks.

The Association appropriately attaches lots of energy to ensuring that this enormous body of work is of high quality and reflects full appreciation for and attentiveness to the most thoughtful arguments on all sides of the issues being addressed. This requires a process of ensuring the quality of the initial product from any Committee and then subjecting the resulting drafts to rigorous vetting within the Committee, among other Committees that may share interest on the subject, and through Association staff and leadership. All of this requires enormous dedication, patience, and deft handling by our Committee Chairs, to whom we are most grateful.

The assurance that the contribution is high-quality and sophisticated begins with the composition of Committees, which are targeted to have a fixed number of regular members (plus a few "Affiliated" and "Student" members) who do not belong to any other Committee. Members are chosen by Committee Chairs, usually from a list of applicants, with the assistance of staff members who focus on making sure that the Committee includes

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The City Bar and Puerto Rico

Even before Hurricane Maria devastated Puerto Rico, the New York City Bar Association had begun to focus on the island. In October 2016, the City Bar formed the Task Force on Puerto Rico to monitor and comment on, as appropriate, Puerto Rico's fiscal crisis, the enactment of the Puerto Rico Oversight Management and Economic Stability Act of 2016 (PROMESA), and the creation of the Fiscal Oversight and Management Board for Puerto Rico pursuant to PROMESA. Among the issues the Task Force focuses on is the impact of PROMESA-related actions on the human rights of the residents of Puerto Rico and how any mandated austerity measures can be balanced

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NEW YORK CITY BAR ASSOCIATION

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EXECUTIVE DIRECTOR'S COLUMN

BY BRET I. PARKER



The Search for Silver Linings in Defeat

Some of the most satisfying legal matters I've handled in my career have been pro bono cases. From a food stamp case as part of a law school clinic, to a civil rights trial for a prisoner when I was at a law firm, to the many pro bono cases I handled while working as an in-house attorney, these representations sharpened my skills, provided me a way to give back, and often resulted in the most appreciation I've ever received from clients. But in pro bono, we sometimes face an uphill battle to an uncertain victory, and cases don't always end as we would like. Attorneys don't often tout their "losses," but having just failed to get my client the justice I believe he deserved, I'm here to say that I'm glad I took on the case. Let me explain.

Peder Jakobson was approximately five years into a seven-year prison sentence in connection with a motor vehicle accident that occurred when he was 27 years old when I agreed to take his request for clemency on a pro bono basis. Driving under the influence of a variety of drugs on a drizzly morning after attending a concert the night before, he collided with another vehicle. The driver of the other car was injured, but recovered. There was no evidence that Jakobson was speeding, going against traffic, or driving erratically, and he immediately expressed remorse at the scene, stating, "I'm so sorry, oh my God, man, I'm so sorry." Portions of his conviction were vacated on appeal by the Appellate Division, Second Judicial Department, because the Court found that Jakobson had not acted with depraved indifference to human life.

This incident was the culmination of childhood and young-adult years during which Jakobson struggled with alcohol, drugs, and mental health issues. The crisis that landed him in prison forced him to address his problems, and as a result of his incarceration he had been free of alcohol and drugs for a lengthy period of time for the first time since he was a teenager. Jakobson had suffered from attention deficit hyperactivity disorder (ADHD) and other related conditions for which he received years of treatment and medication, all of which made school challenging. Despite these issues, Jakobson stuck with his education. He received his high school diploma and then attended the University of Vermont, but struggled. He attended Nassau Community College, was on the Dean's Honor List for some semesters, and received his Associate's degree, and he attended the State University of New York (Old Westbury) for a few years, just one semester shy of receiving a B.S. degree.

Had first-degree counts not been at issue, Jakobson would likely have faced a lower sentence than the seven years he received

and would likely have been out of prison by the time he requested clemency. Additional time in prison would only delay his return to being a productive member of society and extend the financial burden on the government, which would have to house, clothe, feed, and provide medical care for him. Whenever he was going to be released from prison, Jakobson had a full-time job waiting for him. He hadn't maintained relationships with the troubled people with whom he associated at the time of the accident when he was in his 20s (he is now in his mid-30s), and he had the ongoing support of his family, who stood ready to welcome him home.

In the clemency request I submitted, I attached as an exhibit an opinion piece headlined "Can You Get Over an Addiction?" that ran in the *New York Times* in June 2016. The author's description of how she matured and was able to kick her addiction as she emerged from her early 20s mirrored Jakobson's story. After serving nearly five years in prison, Jakobson was clearly ready to reintegrate into society without risk to the public or himself. He had made a horrible mistake several years before and had been incarcerated long enough that the best course for his re-entry to society, and best use of the government's resources, was to allow him to return home as soon as possible.

Despite my best efforts, and a number of helpful and constructive contacts with the Governor's office, the petition for clemency was effectively denied.

As disappointing as this was, I don't think the effort was totally for naught. I know that's easy for me to say when I wasn't the one in prison. But representing Jakobson involved frequent conversations with him and his mother, and both were clearly appreciative that he hadn't been just locked up with the key thrown away. I believe that even the prospect of an early release helped keep Jakobson clean and sober, and it gave him and his family hope as well as faith in the criminal justice system. I also believe that Jakobson's rehabilitation and application, when combined with similar stories, could encourage decision makers and policy makers to view cases involving substance abuse through a medical and rehabilitative paradigm rather than through the prism of punishment. In addition to the years he did, maybe that's another small way Jakobson paid back his debt to society.

Jakobson was recently released from prison at the end of his term. ■

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by stimulus measures and other actions designed to maintain essential services.

Post-Hurricane Maria, the Task Force is also adding its voice to discussions about the reconstruction of Puerto Rico. In November, the Task Force sent a letter to FEMA in support of an extension of 120 days for Puerto Ricans impacted by Hurricane Maria to complete their FEMA registration for individual and household assistance. In February, the Task Force sent a letter to HUD and legislators in support of relief for Puerto Ricans with FHA-backed mortgages.

The Task Force is chaired by **Roger Juan Maldonado**, who has been nominated to become the City Bar's next president on May 15.

On January 22, the Task Force and the City Bar's Project Finance Committee hosted a lively panel discussion entitled "Rebuilding Puerto Rico: Strategies, Partners and the Role of the Oversight Board" with prominent policy and human rights experts as well as the General Counsel of the PROMESA Board and the Governor's Representative. (View it here: <http://bit.ly/2nomPQH>).

The same night as the panel discussion was taking place in the Great Hall, the City Bar Justice Center was running a clinic in another room in the building, for Puerto Ricans affected by Hurricane

Maria. Ever since last fall's hurricane season, the Justice Center had been contacted by lawyers asking how they could help victims in Texas, Florida, and Puerto Rico. While it would not be practical for a variety of reasons to send lawyers to those jurisdictions, by November it became clear how New York pro bono lawyers could be deployed. That's when FEMA, which has reported receiving over 4.5 million applications for flood-related benefits, began issuing denials of benefits, leading to a need for help with FEMA appeals.

In November, the Justice Center rolled out its volunteer effort, in collaboration with the Association of Pro Bono Counsel (comprised of pro bono counsel at many large firms), Ayuda Legal Huracán María, LatinoJustice PRLDEF, the New York Legal Assistance Group, Touro Law School, the NYC Office of Civil Justice Coordinator, and other members of the Task Force on Disaster Relief created by **Chief Judge Janet DiFiore** and co-chaired by City Bar President **John S. Kiernan** and **Sharon Katz**, pro bono counsel at Davis Polk. A training session prepped over 200 volunteers and was webcast to more outside New York City. The November session featured not only a presentation from a seasoned advocate before FEMA about how to pursue appeals from denials of benefits, but also presentations from internal FEMA lawyers offering the

agency's insights about the most effective and efficient ways lawyers can pursue reopenings and appeals.

In December, the Justice Center began hosting a series of pro bono clinics for clients referred mostly from an Emergency Services Center at the Julia De Burgos Latino Cultural Center in East Harlem, where hurricane victims displaced from Puerto Rico have been identified by volunteer lawyers from NYLAG, The Legal Aid Society, and Legal Services NYC working with the City.

At one of the clinics, City Bar Justice Center Executive Director **Lynn Kelly** took note of one client who wasn't from Puerto Rico, or from Texas, or from Florida. It was a Superstorm Sandy victim who is still undergoing home repairs. He noticed the FEMA Appeals sign and walked over from the City Bar's Monday Night Law clinic. "It's a perfect example of how the needs linger after the headlines recede, and how in the disaster relief pro bono field, we need to build in legal resources for the long haul," said Kelly. ■

If you have any questions regarding the FEMA Appeals Clinics, please contact Erika Lawrenson at elawrenson@nycbar.org



FEMA clinic on January 8.



"Rebuilding Puerto Rico" on January 22.

CITY BAR FUND UPDATES

E.D.N.Y. Legal Assistance Project Reaches Third Anniversary with over 1,000 Helped

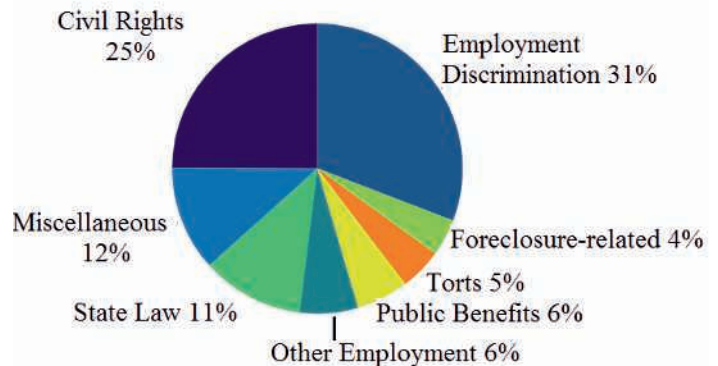
Since March 2015, the City Bar Justice Center has partnered with the U.S. District Court for the Eastern District of New York (E.D.N.Y.) to operate a clinic within the Brooklyn federal courthouse, providing free, limited-scope legal assistance to pro se civil litigants. The Federal Pro Se Legal Assistance Project helps pro se litigants by explaining federal civil procedure, providing research, reviewing drafts, and giving pro se litigants a road map to represent themselves in court or in some cases to decide not to file in federal court.

“There are only a handful of similar projects in federal courthouses across the country, but over three years of operation, we have gotten half a dozen calls from other districts looking to replicate this model of service,” said Justice Center Executive Director **Lynn M. Kelly**. “It’s definitely a trend.”

The City Bar Justice Center collaborated with the E.D.N.Y. on the project after recognizing a justice gap for federal civil litigants who cannot afford an attorney or cannot find one willing to take their cases. “Being able to consult with an experienced attorney is an invaluable resource for pro se litigants,” said Kelly. “Litigants receive practical help—drafting an extension request letter to the Court, or having the judge’s opinion explained in a way they can understand. But just as importantly, having this resource available can change pro se litigants’ perception that they can’t find justice because they can’t afford a lawyer.”

There is now a similar project operated by the New York Legal Assistance Group in the Southern District of New York. The two pro se clinics meet once a month to discuss difficult cases and share best practices.

Cat Itaya, the Project’s director and an experienced litigator, explained that “pro se litigants’ perceptions of access to justice are especially important since two thirds of our cases involve allegations of civil rights violations and employment discrimination.” She added, “There’s a misconception that pro se litigants’ cases are meritless because they can’t find a lawyer. Our experience has shown there are market failures, for example, with low-wage and middle-wage employment discrimination plaintiffs unable to interest an attorney in the case. Litigating in federal court is time-consuming and expensive; it just doesn’t make economic sense for many lawyers unless the plaintiff has high lost wages or other damages.”



In three years of operations, employment discrimination and civil rights have been the primary legal matters handled by the Project.

In its last two quarters, the Project helped with 87 employment discrimination cases, accounting for 38% of its docket. Litigants varied in age, race, gender-identity, and employment history. **Dylan Lee**, the Project’s paralegal, conducts informational interviews with each litigant prior to their meeting with an attorney. “We saw a range of individuals,” he said. “Some had worked at their jobs for ten or even twenty years before being terminated. Other litigants had only worked for a few months before they felt harassment had forced them out. I talked to construction workers, lab techs, accountants, people with desk jobs and jobs surveying in the field. Work is such a huge part of everyone’s life, and it really shocks people and disturbs their sense of identity when they feel that’s taken away unfairly because of their race or sex or age.”

With one full-time attorney, a paralegal, and a regular rotation of experienced pro bono volunteers from the private bar, the Project keeps busy. On average, the Project sees about 400 pro se litigants a year, assisting with 500 different legal matters. Volunteer firms commit to sending an experienced attorney to meet with clients two mornings per month. “We couldn’t do the work without our corps of dedicated pro bono volunteers,” said Itaya. “On occasion, volunteers have gotten so interested in the litigants’ cases that they decided to take them on for full-scope, pro bono representation. While that’s a thrill, it’s not required. The beauty of the Project’s limited-scope model is that attorneys from the private bar can commit to pro bono within a time frame. They don’t have to worry about finding themselves over-

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Associate Leadership Institute Returns in 2018

The New York City Bar Association's Office for Diversity and Inclusion will kick off its second Associate Leadership Institute (ALI) in March. This series of intensive skill and leadership development training for mid-level and senior minority and women associates was piloted in May 2017 to address the quantitative and qualitative data revealed in the City Bar's Diversity Benchmarking Report, which reflected elevated attrition rates and lack of representation of minority and women attorneys in law firms' top ranks. The inaugural class included 50 minority and women associates ranging from 4th - 8th years of practice from 34 signatory firms.

The Institute includes keynote speakers and intensive training modules on communication and executive presence, brand-building, management and leadership skills, mentor and sponsor relationships, and business development.

The curriculum was created to enhance the leadership capacity of associates at a critical point in their career and to supplement the traditional professional development opportunities provided to them at their firms.

In addition to the training, the Institute provides peer-to-peer mentoring. Fellows are grouped in clusters for the duration of the series and are encouraged to meet and continue the dialogue outside of the sessions. Additionally, Fellows from the inaugural Institute will provide support in the 2018 iteration through curriculum development, mentoring new fellows, and participating on the program faculty to share their experiences.

The 2018 Institute will convene current and past Fellows for a private dinner in the spring with **Carla Harris**, Vice Chairman, Managing Director, and Senior Client Advisor at Morgan Stanley and author of *Expect to Win and Strategize to Win*.

Faculty for the program span a wide range of specialties and includes representatives from diversity-focused initiatives, as well as in-house leadership from financial institutions, including Morgan Stanley and New York Life Insurance. The faculty also includes executive coaches and volunteers from the LEAD Mentoring Program, featured in the 2016 Diversity Benchmarking Report, who will help participants develop specific action plans to demonstrate their value to their firms and clients.

The Institute's Planning Committee is comprised of partner- and associate-level attorneys from signatory firms, the City Bar, and partner organizations, and is led by co-chairs **JP Kernisan** of Duane Morris LLP and **Elena Lobo** of Cleary, Gottlieb, Steen & Hamilton LLP. ■

For more information on the Associate Leadership Institute, please visit the program website (www.nycbar.org/ALI) or contact Gabrielle Lyse Brown, Director of Diversity and Inclusion, at gbrown@nycbar.org.

New Diversity, Inclusion & Elimination of Bias (D&I) CLE Programming

New York recently instituted a new Diversity, Inclusion and Elimination of Bias (D&I) CLE requirement for experienced attorneys, effective January 1, 2018. Experienced attorneys who are due to re-register on or after July 1, 2018, must complete at least one (1) credit hour in D&I. The City Bar believes this new requirement represents a significant step toward increasing the legal profession's awareness of issues of bias and inclusion, and will offer a variety

of relevant CLE programming throughout the year. Information on upcoming D&I programs, including the 2018 Diversity and Inclusion Conference & CLE on June 14, can be found here: <http://bit.ly/2CfHb78>. ■

Judge Denny Chin at "Trial Reenactment: Constance Baker Motley, James Meredith, and the University of Mississippi" on February 12.



Put Your Own Oxygen Mask on First: Self-Care for the Caregiver

By Randi Anderson and Eileen Travis

Over the past two years, the Lawyer Assistance Program (LAP) has received increased requests from lawyers, judges, and their family members for assistance with issues related to caregiving for a family member. The issues touch on all aspects of caregiving, including identifying and prioritizing the necessary steps needed to provide the best care, accessing services, and supporting caregivers while they navigate their way through an often difficult and stressful process.

A caregiver is anyone who provides help to another person, such as an aging or infirmed parent, spouse, or other relative. Help can consist of providing the day-to-day care of an individual, or arranging for and overseeing that care, which often involves taking on additional responsibilities, e.g., managing finances and property, going to medical appointments, and communicating with other family members.

Devoting time and energy to a loved one in need causes stress, even to the most resilient person. Being a lawyer is stressful and being a caregiver is demanding. Often, lawyers and judges are sandwiched between children, spouses/partners, and caring for parents or other loved ones, all while trying to maintain their careers. Caregiving can be incredibly rewarding and meaningful, as is the practice of law, but doing both at the same time can be physically draining, emotionally taxing, and can negatively impact a lawyer's personal and professional life, especially when it comes to health and well-being.

We are all familiar with the instructions given when we are on a plane. If an oxygen mask descends in front of you, the first rule is to help yourself before you can effectively help others. Not always easy to do, especially for lawyers who are trained to put others' needs first, often sacrificing their own well-being for their clients'.

The same is true for caregivers who frequently report difficulty taking the time to attend to their own health and well-being. The shifting of roles from being the child to being like the parent of your own parent can cause us to feel as if we are on an emotional roller coaster. It's normal to feel angry, frustrated, sad, exhausted, and alone. Most lawyers find it difficult to admit to these feelings because they are supposed to have the answers for everyone else, not have problems themselves.

The danger of not addressing the additional stress that comes with caregiving puts lawyers at a higher risk of significant physical and mental health problems, self-medicating with alcohol and other substances, and work-related problems, as well as causing undue strain on relationships.

Some symptoms of caregiver stress include: lack of sleep; poor eating habits; feeling overwhelmed or constantly worried; feeling tired most of the time; becoming easily irritated; losing interest in activities you used to enjoy; frequent headaches and other physical ailments; feeling anxious, depressed, and/or sad; anxiety; feeling alone; and feeling guilty that you can't "do it all."

LAP can help lawyers practice self-care by learning healthy ways to balance a legal career with caregiving responsibilities. LAP provides support to help lawyers develop and implement self-care plans and referrals to agencies that assist in arranging vital services. We offer one-on-one support and/or caregiving group services to help lawyers build a network of individuals who can help with much needed respite and coping skills for stress and anxiety.

LAP can help lawyers learn how to give themselves permission to take care of themselves, set healthier boundaries at work and at home, and rejuvenate their personal and professional lives. ■

Suggestions for dealing with caregiver stress:

- Accept help! Develop a support network
- Focus on what you can provide: let go of feeling you have to be "perfect"
- Set realistic goals
- Stay connected with friends and colleagues
- Pay attention to your own mental and physical health; get enough rest, eat well, exercise, make and keep medical appointments
- Take daily breaks, practice deep breathing, take a walk, call a friend
- Pamper yourself daily; do one small (or big) thing that makes you feel good
- Meet with us to help you identify the signs of stress that can lead to burnout, learn how to balance your work and caregiving responsibilities, and revitalize your personal life

Randi Anderson, JD, LCSW is the Clinical Coordinator of the Lawyer Assistance Program and Eileen Travis is the Director of the Lawyer Assistance Program. LAP's confidential hotline is available 24 hours a day, seven days a week: 212.302.5787

The Vance Center's Co-Counseling Model of Pro Bono Representation

By Alexander Papachristou

A fundamental principle of pro bono representation is that it differs from standard legal practice only in the absence of monetary compensation for the attorney. All the other rules apply: attorney-client privilege, zealous representation, and loyalty to the client. The pro bono attorney must ensure at the outset that no conflicts of interest exist, so that the relationship can be as ironclad as usual.

However, pro bono matters quite often involve a third party, rarely present in standard cases: the intermediary, which identifies the client and introduces her

to the attorney. This intermediary often is called a clearinghouse, although this somewhat misleading name suggests that a fee is to be made in the brokerage of the matter.

The clearinghouse rather is usually a nonprofit organization, supported through donations. It helps the client find legal counsel and the attorney find worthwhile pro bono matters. It also often presents to the attorney the basic facts in the matter and sometimes trains the attorney in specialized areas of the law.

The Cyrus R. Vance Center for International Justice is not a pro bono clear-

inghouse, even though it brings clients together with law firms in pro bono matters and operates as a nonprofit program of the New York City Bar Fund. The distinction is that the Vance Center itself provides legal representation to its clients, alongside the law firms in its pro bono matters.

The distinctive model that the Vance Center has developed over the past five years is called "co-counseling." This simply means that the client has two lawyers who jointly serve it, "it" because the client itself is usually a nonprofit organization. However, the role that the Vance Center performs is anything but simple.

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THE HEART OF THE LEGAL PROFESSION

This year, support the causes and the profession that uphold the rule of law. Please make a tax-deductible donation to the City Bar Fund before our fiscal year closes on April 30, 2018.



The 501(c)(3) arm of the New York City Bar Association helps over 30,000 people each year through its humanitarian and social justice programs:

CITY BAR JUSTICE CENTER

Mobilizes the New York City legal community to expand access to justice for New Yorkers in need, including disabled veterans, immigrants, and the homeless

OFFICE FOR DIVERSITY AND INCLUSION

Promotes diversity and inclusion in the profession by assisting law firms and corporations in adopting best practices and provides a comprehensive pipeline initiative

CYRUS R. VANCE CENTER FOR INTERNATIONAL JUSTICE

Advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession

LAWYER ASSISTANCE PROGRAM

Provides free, confidential help to lawyers, judges, law students, staff and their family members facing challenges that impact their personal and professional life

To learn more about the City Bar Fund and to donate, please visit www.nycbar.org/citybarfund.

LEGISLATIVE UPDATE

BY ELIZABETH KOCIENDA

On Law Day in 2013, the City Bar released its report “Policy Recommendations for New York City’s Next Mayor.” The report was intended to help drive the conversation during the campaign season on issues the City Bar considered important as well as to serve as a platform for goal-setting and advocacy over the first several months of the new mayoral administration. The City Bar also hosted a forum to create public dialogue with the mayoral candidates around the issues highlighted in the report.

A collaborative effort of two dozen committees, the report was wide-ranging and covered topics including: **Education**, including Mayoral control of schools and the teacher disciplinary hearing process; **Infrastructure, the Environment and Emergency Preparedness**, including climate change, renewable energy, post-Sandy recommendations, and transportation; **Public Safety and Civil Liberties**, including gun control, the reforming of Stop and Frisk, and human trafficking; **Access to Justice**, including initiatives to reduce the number of unrepresented litigants in civil cases and maintain the independence of judicial appointments; **Consumer Protection**, including the promotion of fair debt collection practices; **Election Law**, including the establishment of in-person early voting and no-excuse absentee ballot applications; **Social Welfare and Equal Participation**, including access to subsistence benefits and tools to promote greater child wellness; **Animal Law**, including the phasing out of horse-drawn carriages; **New York as an International City**, including the UN development plan; and **Property Tax**.

With the start of Mayor Bill de Blasio’s new term in office, the City Bar is proud of the progress that has been made in the past four years in the areas highlighted in our Report. The Report has remained the backbone of our City-



Read the 2013 Recommendations here:
<http://bit.ly/10qmbaf>

level work and provided the basis for significant follow-up advocacy directed at the Mayor’s Office, City Council, and City agencies. There is still much work to be done, and our committees continue to engage on these issues and others where they see the need for even further reform. But it is important also to pause and celebrate the successes along the way. Here is a look at some of the key areas where we’ve seen progress:

Immigration. The need for comprehensive and effective protections for New York’s immigrant population has only become more important in the four years since our Report’s release. The commitment the de Blasio Administration and City Council have shown in this area should be commended. Legislation supported by the City Bar was enacted to provide for municipal identification cards for undocumented New Yorkers, and increased funding was provided for legal services to assist immigrants in deportation proceedings. The City has also further limited its cooperation with U.S. Immigration and Customs Enforcement

(ICE) on holding immigrant New Yorkers subject to ICE detainers. The City Council has held multiple hearings each year to ensure that New York’s immigrant population is receiving the services they need in a way that is safe and protected from increased ICE activity.

Public Safety and Criminal Justice Reform. One of the most significant reforms in the area of public safety and criminal justice involves the changes adopted by the NYPD to its “Stop and Frisk” policies. Through the combined efforts of the Administration, City Council, NYPD, Independent Monitor, Inspector General, and Civilian Complaint Review Board, the policy has undergone significant revisions that have resulted in a dramatic decrease in police stops, without threatening public safety. Further police reforms include the installation of a body camera program for officers and increases in transparency between the public and police, such as a new law that will require the tracking and monitoring of lawsuits against the NYPD. There have been significant reforms in how the City looks at incarceration, including efforts to reduce and, in some cases, eliminate the use of solitary confinement in the City’s jails. Also in the area of public safety, the City adopted a speed camera program as part of its “Vision Zero” plan, aimed at reducing pedestrian fatalities.

Access to Justice. There has been a clear commitment on the part of the City to support and promote access to justice initiatives intended to aid low and moderate income New Yorker’s facing the threatened loss of essentials of life. In addition to increased funding for various access to justice initiatives, the City has established an Office of Civil Justice to oversee the provision of free or low-cost legal services, ensure that those services are working effectively, and evaluate and report on the legal assistance needed

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2018

New York State Legislative Agenda

The City Bar has released its 2018 New York 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 on legislative proposals drafted by our committees.



The 2018 New York State Legislative Agenda can be viewed in full here:
<http://bit.ly/2IVpjWf>

- Support efforts to bring meaningful and comprehensive **ethics, voting, election law** and **rules reform** to Albany.
- Advance **criminal justice reform** and policies that will **reduce mass incarceration**.
- Support the Judiciary's 2018-19 Budget Request, including adequate funding for **civil legal services**.
- Promote comprehensive **reproductive health** policies.
- Provide that **communications** between a consumer of legal services and a **legal referral service** or lawyer referral service be deemed **privileged**.
- Enact the **Uniform Voidable Transactions Act**, which would modernize New York's laws related to fraudulent conveyances.
- Amend the Arts and Cultural Affairs Law to **re-incentivize art authenticators** and restore integrity to art transactions in New York.
- Reform and **modernize** the administration of **class actions** in New York's courts by amending Article 9 of the Civil Practice Law and Rules.
- 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.

Co-counseling with law firms encompasses a range of various relationships and functions. The Vance Center acts from one matter to the next as alternatively a passive monitor of the law firm's timely progress, the client's general counsel, an expert in a specialized issue in the matter, or the law firm's coordinator of local counsels in other jurisdictions. It most often is the Vance Center, acting as a clearinghouse, that identifies the client and the matter. However, much more follows after that.

The Vance Center currently has five lawyers providing pro bono legal representation, two in each of the Human Rights and Access to Justice Program and the Environment Program and one in the Good Governance Program. Another lawyer places the 90-odd matters on behalf of more than 50 clients that these five develop each year with approximately 170 law firms around the world, which in turn assign about 550 lawyers to work on them. The Vance Center can handle so many matters because of co-counseling with the law firms, including the varying roles that the lawyers perform with them all.

Over the years, the Vance Center has nurtured the close client relationships that all lawyers treasure, although the benefit here is not monetary. Rather, the clients benefit from the familiarity with their activities that the Vance Center's lawyers gain. The lawyers thus identify issues that the clients have not considered and can coordinate several law firms working on different issues simultaneously. In several instances, clients have asked Vance Center lawyers to join their boards of directors, an indication of confidence and trust.

Vance Center clients most often are social justice organizations advocating for enforcement and expansion of fundamental rights. They include well-known international nonprofit organizations like Human Rights Watch, Amnesty International, the Nature Conservancy, and

the International Consortium of Investigative Journalists, as well as national and local organizations in Latin America, Africa, and Asia. The Vance Center also has represented United Nations human rights experts and groups, such as the Joint Office on the Prevention of Genocide and the Responsibility to Protect.

The Vance Center matters typically focus on strengthening the programs of the clients: analysis of "best regulatory practices," application of international law, and comparison of domestic laws. Some involve amicus submissions in national and international tribunals, assessment of litigation risk, or establishment or restructuring of nonprofit entities.

Law firms certainly bring significant expertise and lawyer power to Vance Center projects. They might provide dozens of lawyers from several offices around the world who work with the Vance Center's single lawyer. However, the matters often require legal expertise from jurisdictions that the law firms cannot cover, and the Vance Center finds lawyers in countries like Fiji, Haiti, Kyrgyzstan, Ethiopia, Bangladesh, Armenia, and the Central African Republic and coordinates their work with the law firms.

Co-counseling is an effective symbiotic relationship for all participants. The Vance Center has learned the interests and strengths of the law firms, which welcome its complex multi-jurisdictional projects, enabling collaboration across offices and offering intellectual challenge and moral fulfillment. Most importantly, clients gain ongoing hands-on attention from the Vance Center and the as-needed quantity and quality of lawyering from the firms. And it's free. ■

Alexander Papachristou is Executive Director of the Cyrus R. Vance Center for International Justice.

committed, since the volunteering ends that day. At the same time, the volunteers provide a real service, of real value, to the litigants with whom they meet."



Pro bono volunteer David Feinstein (Cleary Gottlieb Steen & Hamilton LLP) braved a snowstorm to counsel clients with the Federal Pro Se Legal Assistance Project.

The Project thanks the E.D.N.Y., Cleary Gottlieb Steen & Hamilton LLP, Davis Polk & Wardwell LLP, Sullivan & Cromwell LLP, and the Federal Bar Council for their pro bono partnership.

If your firm is interested in adding a team of volunteers to the Pro Se Project, please contact Dylan Lee at (212) 382-4729. Volunteers have enjoyed the chance to meet directly with a client and to draft appropriate documents under Itaya's mentorship. In the meantime, the clients express gratitude for the help. One client, a plaintiff in a race- and sex-based employment discrimination suit, said, "Thank you so much for everything. I truly believe you were God sent, and I appreciate all you have done with me in regards to my situation." ■

To find out how to support the
CITY BAR FUND



and its four programs — the City Bar Justice Center, the Cyrus R. Vance Center for International Justice, the Office for Diversity & Inclusion, and the Lawyer Assistance Program — please visit www.nycbar.org/donate.

Become a Better Lawyer, One Program at a Time

Throughout the year, the City Bar holds numerous programs designed specifically to help our members strengthen their legal skills and network. Our CLE Institutes feature leading practitioners and newsmakers and are renowned within the legal profession.

<http://www.nycbar.org/calendar/events>

4th Annual Employment Law Institute

Friday, March 9, 8:15 AM - 5:40 PM

6th Annual Securities Litigation & Enforcement Institute

Wednesday, March 14, 9:00 AM - 6:00 PM

6th Annual Institute on Not-for-Profit Law: Current Trends in Nonprofit Law

Friday, April 20, 9:00 AM - 5:00 PM

7th Annual White Collar Crime Institute (Includes Networking Luncheon & Women in White Collar Kickoff Reception on May 8)

Wednesday, May 9, 9:00 AM - 6:30 PM

For more programs, see back page.



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top practitioners in the subject discipline; younger lawyers who aspire to develop expertise and show enthusiasm for the Committee's work; lawyers from large and small firms, corporations, government, nonprofit organizations, and academia; and a broad diversity of viewpoints and demographics.

For some Committees, generation of a report offering a public advocacy position on a controversial subject sometimes seems impossible, because the viewpoints reflected among the Committee's members seem unalterably different to a degree that precludes consensus. While Committee members agree in joining their Committees to leave their practice-based priorities outside the Committee discussions and to focus exclusively on collective advancement of the rule of law, Committee members consistently carry strongly-felt perspectives into their roles. When Committees with these highly diversified member perspectives are able to find common ground on a piece of advocacy, the resulting report tends to carry extra weight. When members of a Committee cannot align a strong majority of members behind a particular view, they typically try to see what if any common ground they can identify, and they sometimes adapt to their inability to generate a report reflecting consensus by organizing programs at the Association or releasing a white paper to expose the broader legal community to multiple sides of the debate.

Many (and possibly most) of our Committee reports address topics of interest to more than one Committee. When that happens, we promote communication among the interested Committees starting as early as practicable. Cross-Committee inputs regularly improve the quality of the final work product. As one of many examples, last year the collaborative efforts of our LGBT Rights Committee and our Military Affairs Committee yielded a particularly powerful and well-grounded report on transgender service members in the military.

While the report-generating process consistently features an energetic effort to build and disseminate consensus views, unanimity is not required for the City Bar to release a piece of advocacy. A requirement of unanimity would be too paralyzing to our Association's ability to speak. But we take dissenting views very seriously. When Committees have conflicts over the proposed content of public statements of position, our policy staff try to reconcile the conflicts. Any conflicts that cannot be resolved are referred to the President, with an option (generally used no more than about once or twice a year) for any unhappy constituent to appeal the President's decision to the Executive Committee. Even when Committees reach agreement, the process of review by policy staff and the President frequently leads to significant further refinements and improvements, and occasionally yields decisions not to release even finished reports or other statements on the basis that they do not or should not represent City Bar policy.

This process assures that the City Bar's central and most essential voice is the voice of our knowledgeable and committed Committee members, consulting with peers holding substantial relevant expertise, and thoughtfully accommodating differing views into their analyses. Our Committees, and the 5,000 members who have sought and have been selected to belong to them, tend to approach their responsibility of principled and high quality public advocacy with a seriousness of purpose and an understanding that we try to speak in a way that is deliberate, credible, and adds value. Their collective contributions to debate and to advancement of the law are at the core of the City Bar's contributions to the greater community.

We encourage Committee membership and the ability to participate in our deliberative report-writing process as one of the great benefits of City Bar membership. For those members interested in joining a Committee, please visit <http://bit.ly/JoinACommittee>. For those members interested in viewing our "Issues and Policy" page and our Committees' many reports, please visit <http://www.nycbar.org/issue-policy>. ■

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MEMBER MOVES & NEWS

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.

Hon. Diane Kiesel of the Bronx Supreme Court had the latest edition of her textbook, *Domestic Violence: Law, Policy and Practice*, published by the Carolina Academic Press. **Barbara Berger Opotowsky** was appointed President of the Mount Sinai Medical Legal Partnership. **Robert Eli Michael** became the outside General Counsel for GlassBridge Enterprises, Inc. (formerly known as Imation Corp.), a public company based in Oakdale, Minnesota. **Dennis J. Block** joined the board of trustees of Brooklyn Law School. Weil, Gotshal & Manges elected **Evert Christensen** a partner. Shearman & Sterling elected **Daniel Reich** to the firm's partnership. **Erica Berthou** joined Kirkland & Ellis as partner in New York. **James Keyte** joined The Brattle Group as Global Director of Development. **Marjorie Peerce** and **Denise Plunkett** were named co-managing partners of the New York office of Ballard Spahr. **Susan Sommer** joined Mayor de Blasio's Office of Criminal Justice

as General Counsel. **Yahonnes Cleary** became a partner at Paul, Weiss, Rifkind, Wharton & Garrison. Stroock & Stroock & Lavan promoted the following partners in its New York office: **Trevor T. Adler** (Real Estate); **Andre B. Nance** (Corporate, Private Funds); **Jason M. Sobel** (Intellectual Property, Litigation); **E. Gail Suchman** (Environmental Law); and **David J. Kahne** (Financial Services Litigation, Regulation and Enforcement and Government Affairs). **Lauren Wachtler** joined Phillips Nizer's New York office as a partner and co-chair of the firm's litigation department. Outten & Golden announced the promotion of **Melissa E. Pierre-Louis**, **Melissa Lardo Stewart**, and **Gregory S. Chiarello** to partner. Akin Gump announced the election of **Jason P. Rubin** to partner. **Andrew Rhys Davies** returned to Allen & Overy as partner in its litigation practice. **Ronald D. Coleman** and **Joel G. MacMull** joined Mandelbaum Salsburg as partners. **Craig Avedisian** was declared a finalist in the M.T.A.'s "genius challenge" contest for his idea to expand capacity on subway trains. **Temitope Yusuf** made

partner at Arent Fox. Norton Rose Fulbright promoted **Jarret Stephens** to partner. Bracewell elected **Jeris Diana Brunette** as a partner. **Eric Schiele** joined Kirkland & Ellis as partner. **Paul Cellupica** was appointed Deputy Director of the Division of Investment Management at the U.S. Securities and Exchange Commission. Carver Bancorp, Inc. announced the promotion of **Isaac Torres** to Senior Vice President, General Counsel and Corporate Secretary. **Alana St. Aude** joined Capital One's Commercial Bank as Director, Assistant General Counsel. Kaufman & Company, PLLC announced its appointment of **David Lewis** as Of Counsel in the firm's New York office. Olshan Frome Wolosky promoted **Brian A. Katz** to partner in the firm's Litigation Group. Moses & Singer hired **Toby Butterfield** as a partner in its Intellectual Property practice.

JOIN A COMMITTEE

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. Be sure to submit a resume along with your preferences. Committee terms are typically three years. Please note, student committee members do not vote and serve a one-year term. 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.

For a list and description of committees and to apply online, please visit <http://bit.ly/JoinACommittee>

IN CASE YOU MISSED IT



The Global War on Terrorism

The City Bar held “The Global War on Terrorism: Do We Need a New AUMF?,” on December 11, with experts covering the legal scope of the existing Authorization of the Use of Military Force (AUMF), and exploring the policy decisions underlying whether (and how) to augment or replace the existing AUMFs.



Twelfth Night

On January 18, the City Bar held its “Twelfth Night Musical Comedy Show: The Devil and Preet Bharara.” From left: **Joon Kim**, former acting U.S. Attorney for the Southern District of New York; and the evening’s honoree, **Preet Bharara**, former U.S. Attorney for the Southern District of New York.



68th Annual National Moot Court Competition

Northwestern Pritzker School of Law won the final round of the 68th Annual National Moot Court Competition held February 1 at the City Bar. The winning team was comprised of **Brendan Gerdes**, **Taylor Mullaney**, and **L.J. Pavletic**. The USC Gould School of Law was the runner-up, with a team comprised of **Zoe Steinberg** and **Rachel Yang**. The Competition is co-sponsored by the American College of Trial Lawyers and the National Moot Court Competition Committee of the New York City Bar Association.



7 Marathons on 7 Continents in 7 Days

On February 5, City Bar Executive Director **Bret Parker** completed seven marathons, on seven continents, in seven days, as part of the World Marathon Challenge. As a member of the Patient Council of the Michael J. Fox Foundation, Parker ran to raise awareness and funds for research on Parkinson’s disease. Above: Parker crosses the finish line of the seventh and final marathon in Miami, Florida.

Photo courtesy of the Michael J. Fox Foundation

LEGISLATIVE UPDATE: CONT'D FROM P. 8

by vulnerable New Yorkers. The City also established a right to counsel in housing court for low-income individuals facing eviction, the first of its kind in the country.

Social Welfare and Civil Rights. The past four years have seen a renewed effort to develop policies that will move more individuals and families from homelessness into housing. The Human Resources Administration has reviewed and revised its policies so that individuals will not face unreasonable barriers to accessing cash assistance. The City has also committed itself to supporting and championing strong work-family policies. The City Commission on Human Rights issued guidance making it clear that pregnant and nursing mothers have a right to workplace accommodations; the City Council expanded access to lactation rooms in public spaces; and comprehensive, paid sick and family leave programs were adopted. ■

Elizabeth Kocienda is Associate Director of Advocacy at the City Bar.

The City Bar's

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EVENTS & CLE

MONDAY, MARCH 12, 6:00 PM – 8:00 PM

Breaking the Silence - a New Way Forward on Mental Health: An Address by Chirlane McCray, First Lady of New York City (EVENT)

FRIDAY, MARCH 23, 8:30 AM – 10:15 AM

Raising Your Writing Bar: Next Level Drafting and Editing Skills (CLE)

TUESDAY, MARCH 27, 6:00 PM – 8:30 PM

Neuroscience in Mediation and Negotiation (CLE)

THURSDAY, MARCH 29, 6:30 PM – 8:30 PM

Care in Chaos: The State of Abortion Clinic Access Laws and the Need for Enforcement (EVENT)

FRIDAY, APRIL 13, 9:00 AM – 12:30 PM

Hot Topics in Privacy & Data Security Law: New Legislation/Regulation, Vendor Management, Digital Media, Regulated Industries, International Concerns & More (CLE)

THURSDAY, APRIL 26, 8:30 AM – 10:15 AM

Secrets of the Masters: The Five Habits of Successful Business Development (CLE)

THURSDAY, MAY 10, 6:00 PM – 9:00 PM

The Basics of Blockchain for Lawyers (CLE)

WEDNESDAY, MAY 30, 6:00 PM – 8:00 PM

Ethics & Professionalism: Best Practices for Attorneys 2018 (CLE)

For a list of upcoming CLE Institutes, see page 11.