

Remarks of Outgoing New York City Bar Association President Susan J. Kohlmann

This past year, as I have noted before, has been extraordinary - - a Supreme Court ruling set back affirmative action, even as we were still reeling from the ruling curtailing women's rights to control their own bodies. Those monumental issues, along with the first land war in Europe since World War II, were then swept off the front page by Hamas's attack on Israel and Israel's response in Gaza. Those events, in turn, have reverberated globally and ignited domestic issues, including on our campuses, among law schools and across the legal profession.

The stakes are too high for us to avoid taking the present threats to our democracy seriously. I thought it couldn't happen here. But I think we are now seeing how it can happen.

We are living in a time when the repetition of lies continues until a critical mass of people believe them and the rest of us become numb or burned out or normalized to the rhetoric as terrible things are spoken into existence. We are seeing leaders politicize the judicial process and intimidate those who carry it out, or those who speak out. We are facing a showdown between the rule of law and - it appears - autocracy.

It is sobering, to be sure. But after two years in the role as president of this Association, here at our annual meeting where we are meant to take stock of what has been and celebrate our next President, Muhammad Faridi and what is to come, the message this evening, is that the City Bar Association is stronger than ever, with an active membership that is engaged, and up to the task.

And to the youngest members of the profession, and particularly those in Law School, I hope you will join us, and see the power of the Bar Association especially in these times as a place to engage with the profession, address the most pressing issues of the day, whatever your interests or role in the profession, to find community, to get help if you need it, to learn to speak up, to listen and to speak out.

At this annual meeting in May of 2024, true to the City bar's founders, we are so grateful for and proud of the hard work of members, working alongside the incredibly talented and tireless City Bar staff, not only in addressing the many challenging issues of the day, but also in supporting and improving the profession.

That is why though I am extremely concerned about the challenges of today's world, we can all take heart. Look around this room, on our website, read our statements, reports and testimony, listen to our amazing podcasts and CLEs, attend our institutes, participate in our Small Law Firm Center. As we have done this past year, and as we will continue to do in the years to come under the steady leadership of Bret Parker, and the City Bar staff and Muhammad Faridi, we are standing together, harnessing our individual talents, listening to one another and pressing forward on all fronts.

Let me pause here on the notion of listening to one another. One of the biggest challenges of our times appears to be our inability to recognize the right to disagree, and increasingly our inability to appreciate our differences and diversity. As journalist Frank Bruni has written, we appear overwhelmed by grievance, each of us in our bubbles, with social media, as it turns out, better at inflaming us than uniting us. Citing Loretta Ross, a longtime racial justice and human rights advocate, Bruni noted that she “recognized other people’s right to disagree-- to live differently. Saying that doesn’t mean a surrender or even a compromise of principles; a person can hold on to those while practicing tolerance, which has been supplanted by grievance. Tolerance shares DNA with respect. It recognizes that other people have rights and inherent value even when we disagree vehemently with them.”

That is a lesson that our Office of Diversity, Equity, Inclusion and Belonging, or ODEIB, under the leadership of Tanya Martinez Gallinucci and her terrific team have taken to heart. Tanya and her team have reminded us, and we are so grateful for their work, that we must make The City Bar a place where we can air our differences, celebrate them and hopefully learn to really listen to one and other.

We know we have work to do, as a profession, as an association, as a community. We all must remain laser focused on the issues of diversity, equity, inclusion and belonging.

The City Bar of course contributes to the profession in so many ways, including as a place to gather, to perform, and to celebrate success! It has been my great honor to recognize outstanding NYC and federal prosecutors, court personnel for their outstanding contributions to the courts, excellence in Service to Family Courts, to name a few celebrations we have had.

This year we roasted Judge Laura Taylor Swain at our Twelfth Night event, with an incredible performance not only by former president Sheila Boston but also by Judge Swain herself! And we celebrated the 30th anniversary of the amazing New York City Bar Chorus and the extraordinary work its members have been doing for the community for the past 30 years.

Let me also highlight some of the many critical issues our task forces and committees tackled this year:

The Task Force on Digital Technologies focused on developed and emerging technologies across various areas of legal practice and policy, among many other activities, issued a report in support of enhancing a NY version of Emerging Technology Amendments to the UCC in effort to make sure New York keeps up with rapidly changing technology.

The Task Force on Civil Right to Counsel has provided testimony before the New York City Office of Civil Justice highlighting the need to ensure that the right is fully realized with access to justice for all and urging the Governor to prioritize the Statewide Right to counsel legislation.

The Council on Judicial Administration, the committees on State Courts and the Litigation Committee have continued their vital work on the need for a modern, flexible evidence-based method of assessing New York's judicial needs by supporting the No Cap Act which would amend the State Constitution to remove the cap on the number of Supreme Court justices that can serve in a particular judicial district. New York's antiquated and inefficient method of allocating judicial resources negatively impacts the administration of justice not just in the Supreme Court but also in the courts most critical to the people of New York: the Family Court, Civil Court and local criminal courts.

As we head into another election cycle, and our institutions are under attack, the need for civic education could not be more apparent and our Civic Education Task Force has been hard at work. When one in four Americans can't name any branch of our government and less than half can name all three branches civics education must be a priority. This year the task force chaired By Judge Katharine Parker and Dawn Smalls, among other things, held a program on Securing Democracy for Tomorrow, during which NYC Schools Chancellor David Banks delivered the keynote and we hosted a volunteer fair of representatives from multiple civics organizations. Recognizing that lawyers are uniquely situated to communicate the significance of civics we have activated a City Bar civic volunteer corps that we hope will boost civic education and serve as a model across the nation.

We also have the continuing work of our Task Force on the Rule of Law, Chaired by the indefatigable Judge Marci Kahn. This year alone, the Task Force has sponsored invaluable programs on Safeguarding the 2024 Election (and I encourage you to visit our election protection page to see how you can get involved), programs on new frontiers in federalism, debating the ethics standards for US Supreme Court Justices and a program on Hot Speech on Campus and in the Profession in Times of Turbulence.

I would like to pause for a moment on the Hot Speech program planned and developed under the leadership of Marcy Kahn and Mary Lu Bilek. The genesis of this program began with the Israel-Hamas war that started in October, and which reverberated throughout the world and understandably became the number one topic of discussion. And well-meaning people lose their jobs, get canceled, threatened with violence and even assaulted for expressing their opinion. Of course that program was held at the end of March and since then the campuses have seen even more violence and disruption. The program explored how the law shapes, protects and limits speech and political expression on our campuses and in our profession. It offered approaches for leaders of law schools and legal workplaces in framing responses to controversial speech and political action, which can be applied to other highly charged topics during turbulent times, such as election interference, DEI policies, immigration and abortion. I would commend the program to you and it is available to review on the City Bar website.

This year the New York City Bar Association, in addition to many of the reports, programs and statements we issued filed three amicus briefs: through the Government Ethics and

State Affairs Committee, we joined Citizens Union, and other good governance groups to submit an amicus brief in Cuomo v. NYS Commission on Ethics and Lobbying in Government underscoring the compelling need for an independent statewide ethics commission and supporting the constitutionality of the Commission's appointment process.

The New York City Bar Association also joined the Vera Institute of Justice and jointly submitted an amicus brief supporting the appointment of a federal receiver to take control of the ongoing crisis at Rikers Island, and to do so in parallel with New York City's legal obligation to close the jail complex.

And the Association filed an amicus brief urging the Supreme Court to decide promptly whether former President Donald Trump was eligible under Section 3 of the Fourteenth Amendment to the U.S. Constitution to remain on ballots across the United States.

This year, as in past years, through the amazing work of our Director of Advocacy, Elizabeth Kocienda, fueled by the work of so many committees we promoted our 2024 legislative agenda. We weighed in through testimony, letters and reports on: the Judiciary; the Profession & the fair Administration of Justice; Good Government; Housing & Homelessness; civil rights and equal protection; and business & consumer affairs.

Most recently with the help of many in the legal community, we successfully opposed Governor Hochul's attempt to divert \$100 million from the IOLA fund to the general fund only to find at the 11th hour of budget negotiations, a \$55 million sweep from the IOLA fund. Over the last several days, we have mobilized again to support a new bill that will protect the true purpose of the IOLA fund and prevent diversion by taking the grantmaking process outside of the budget process entirely.

Helping to spearhead our effort on IOLA, with our policy team, was Kurt Denk, executive Director of the City Bar Justice Center. A critical part of the City Bar, the 40-person City Bar Justice Center team day in and day out helps to provide high-quality, free civil legal services that benefit over 25,000 New Yorkers in need each year by leveraging the volunteered time and expertise of the New York legal community.

And just last week we celebrated the 25th Anniversary of the City Bar's Lawyer Assistance Program. Led by Eileen Travis since its inception, As our celebration of 25 years of LAP made clear, it is long past time we take issues of mental health and substance abuse out of the shadows and take care of our community.

And this annual report would not be complete without recognizing the international reach of the New York City Bar and its global voice for justice. We take great pride in our long-standing commitment to the international rule of law and in holding governments to account around the world. We are so proud of the amazing work of the Vance Center for International Justice which celebrated its 20th anniversary and continues its important

work around the globe on the environment, human rights and access to justice, institutional integrity and public interest reporting.

We have 18 committees devoted to international work and this past year, just to name a few of the things we have done, Our UN Committee put on an amazing program for the 5th International Law Conference on the Status of Women, we recognized the 30th commemoration of the 1994 Genocide against the Tutsi in Rwanda. And we have spoken out repeatedly over the last year, sadly far too many times to count, for human rights lawyers, prosecutors and persecuted judges around the world.

I am so honored to have been entrusted to be a steward of this amazing organization with my thanks first and foremost to the extraordinary staff of the City Bar - - Bret, Lauren, Maria, Mary, Elizabeth, Martha, Eric, Eli, Dionie, Josh, Tom, and the rest of the team, you are an absolutely dazzling group. I can't overstate the incredible commitment of this small and mighty team to the success of this organization and its mission. From my vantage point as President, I have been constantly amazed by the careful and considered approach, no matter what report or request is made from our 150 committees, successfully and seamlessly accommodating so many programs and institutes, accompanied by a communications strategy and push from Eric and Eli not to mention the podcasts, and the website. Each of them, do the work they do with a smile, a sense of humor and compassion. Simply put, the City Bar staff is unparalleled, an incredible team. And as you heard from Bret, we are saying good bye to Maria Cilenti, who has made such outstanding contributions in so many ways to the institution and its Mission. Maria, I hope you not only feel the great respect and admiration of your colleagues and me but feel proud of the incredible work you have done while here. We are all looking forward to cheering you on in whatever comes next.

And to the Board and all the committee, task force and working group chairs who are behind all of the work I have described tonight, a huge thanks.

Let me end this annual report where I started, Yes the world has its challenges, but just as was true at its founding, this community of lawyers can make a difference. Again, look around this room, and to those of you watching, join us, get engaged with our committees, read our reports and testimony, listen to our podcasts, work with our amazing staff, as together on all fronts we work to meet this extraordinary moment.

A little over 60 years ago, Dr. Martin Luther King gave an address here entitled "The Civil Rights Struggle in the United States Today." Which I have quotes before and seems apt for today. Dr. King told the lawyers who sat where you are sitting: "Standing before you in the House of this Association, whose very cornerstone is an abiding respect for law, I am impelled to wonder who is better qualified to demand an end to this debilitating lawlessness, to better understand the mortal danger to the entire fabric of our democracy when human rights are flaunted."

And all these years later, of course the answer then and the answer today is the same. It is us, this Bar Association, with its over 22,000 members from around the world - - its 150 committees and task forces, and stellar staff. The City Bar is on the front lines and best qualified to address the challenges of our times.

On a personal note, I would like to take a moment to thank all of my colleagues at Jenner & Block, some of whom are here tonight. Jenner's unfailing support of me to take on this role and its many lawyers who stepped up to get involved in the important work of the City Bar is so appreciated. I am so lucky and proud to be a part of Jenner & Block. Its long and storied tradition of excellent lawyering on behalf of our clients and pro bono and public service is unparalleled.

And of course many thanks to my family. To my brother and sister-in-law, here tonight forever and always being my steadfast support. To my nieces, Emma and Charlotte, incredible young women, unafraid to use their voices as artists. To the world traveling Ko-Yung who couldn't be here tonight, thank you from afar and to my daughter in law Franny, and my three boys, Willie, Ben and Jake, so thankful and proud of the amazing men you have become. And to my grandson, Walter, who was on the way when I stood here two years ago, I can't wait to see the person you become. And finally to my Mom, turning 100 in a few months, you are such an example for us all, always showing us what matters is family, thank you. With nearly a 100 years between you and your great-grandson, we are all taking in the lessons of what has come before and the wonder of learning new things every day, and we are all going to ensure we don't repeat the mistakes of the past and leave a brighter future ahead.

Thank you again for allowing me the great honor of serving as President of this Association.

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As I have noted, places like the New York City Bar Association are of critical importance in times like this and we are so fortunate to have as the 71st President of the New York City Bar Association, Muhammad Faridi, the first Muslim-American to hold the position. Muhammad is an accomplished litigator in the litigation department of Patterson Belknap Webb & Tyler. Mr. Faridi currently serves as the independent civilian representative to the New York City Police Department's Handschu Committee, which regulates the NYPD's policies and practices regarding investigations of political activity in compliance with a consent decree. He previously served on the New York City Mayor's Advisory Committee on the Judiciary. He has served on numerous committees and task forces of the Bar and we are so so fortunate to have him serve as President.

It is my pleasure to turn the podium over to President Muhammad Faridi to give his remarks.