



**NYCLA'S PRESIDENT MICHAEL MILLER  
ANNUAL REPORT 2003-2004**

It has been an extraordinary honor and privilege to serve as NYCLA's President these past two years. I am deeply grateful for the trust reposed in me, and I have tried my best to help NYCLA vigorously continue its noble mission of advocacy for those least able to protect themselves. I have striven to help NYCLA build on its rich history of inclusion - a history that dates back to its very founding in 1908. I have also worked to help ensure NYCLA's future strength, relevance and vitality. Our profession, our community, our nation and our world face extraordinary challenges. NYCLA's voice is an important one as we struggle with profound issues of due process, security, equal rights, and so many others. A strong and healthy NYCLA is needed, for as long-time NYCLA leader M. Robert Goldstein has said, "If NYCLA didn't exist, it would have to be invented."

As I reflect on my second term as NYCLA's President, the word "future" comes to mind as the defining focus. Through NYCLA's Task Force on the Future, our leadership was deeply engaged this past year in an in-depth examination of our current structure, operations and services, as well as an analysis of our options and alternatives. As this report reflects, we have already taken critical steps to meet our challenges and put the Association on the path to a dynamic, successful future. Throughout this report, I will acknowledge specific people for their contributions but, at the outset, I want to express my gratitude to all the NYCLA members, volunteer leaders and staff who have contributed enormous energy and talent to the Association.

#### **TASK FORCE ON THE FUTURE OF NYCLA**

In 2002, as one of my first acts as NYCLA's President, I appointed a Task Force on the Future of NYCLA and asked President-Elect Norman L. Reimer to serve as chair. Countless meetings of both the full Task Force and its committees culminated in a day-long retreat last November, attended by our Board of Directors, past presidents and staff. While we have much work ahead, I am pleased to report on some of the initiatives adopted by our Board of Directors.

We have strengthened our governance structure by establishing new or revitalized oversight committees to provide guidance in the programmatic areas of Continuing Legal Education, Pro Bono, Communications, Membership and the Library as well as the Joint Fee Dispute Program. The volunteer leaders who chair and serve on these committees will work closely with staff to ensure that our programs are high quality and fiscally sound. Additionally, we have revised our By-Laws to conform with state law and best practices and will present these revised By-Laws for approval at this Annual Meeting.

As of January 1, 2004, in order to more effectively address the challenges ahead, we restructured the leadership staffing of the Association. Marilyn Flood, formerly Executive Director, has assumed the newly created posts of Counsel to NYCLA and Executive Director of the NYCLA Foundation. Sophia Gianacoplos, formerly Deputy Director, was promoted to Executive Director of NYCLA.

We engaged the services of consultants to assist us with two important initiatives: providing improved services to members and developing new sources of non-dues revenues. The market research consultant will help us ascertain what our members like-and do not like-about the Association and identify new benefits to assist us in our recruitment and retention efforts. The fundraising consultant will assess our current fundraising activities and help us develop a strategic approach for the future, including our upcoming special anniversaries-the Home of Law will celebrate its 75th birthday in 2005 and the Association will celebrate its centennial in 2008.

In the area of technology, we have several projects underway. A comprehensive redesign of our website will improve its appearance, navigability and usefulness as a resource for our members. Our Law Lab will move into the library and undergo a complete refurbishment, with state-of the art equipment and appropriate furniture. The evidence of both these projects will be apparent in the next few months.

## **ACCESS TO JUSTICE**

Last year I reported landmark victories in our lawsuit, *NYCLA v. New York*: one decision upheld the standing of a bar association to sue on behalf of indigent litigants, an important decision for bar associations throughout our great nation, and another decision found that the compensatory scheme in place for over 16 years violated constitutional and statutory rights to meaningful assistance of counsel. We were gratified that the American Bar Association (ABA), at its August Annual Meeting, recognized our efforts with the prestigious Harrison Tweed Award.

In November 2003, NYCLA, New York State and New York City settled our lawsuit, preserving its groundbreaking precedents. Its message, that inadequate compensation is unconstitutional, galvanized our State Legislature to enact rate reform. The new legislation raises the hourly rate to \$60 for work on misdemeanors and \$75 for all other classes of assigned cases, eliminates the archaic distinction between in- and out-of-court work, and requires the establishment of a new body to review rates in the future.

NYCLA is deeply grateful to our pro bono counsel, Davis Polk and Wardwell, a team led by firm partner and NYCLA Board Member Frank Moseley, who represented us magnificently in all the many twists and turns of our litigation, negotiations and filing of amicus briefs in related cases in both state and federal court. Kelli Stenstrom, a senior member of the Davis Polk team, is now on our Board and has briefed us eloquently on developments in our case. Our dedication to the issue of access to justice is enduring. NYCLA will continue to press for adequate funding for the institutional providers of legal services and for performance standards so that the long-neglected promise of Gideon is fulfilled.

## **DIVERSITY**

Task Force to Improve Diversity in the Profession: As a follow up to its 2002 Report, our Task Force, chaired by Hon. Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives, has recruited bar associations, law firms and corporations to join NYCLA in two exciting new initiatives to increase diversity in the profession. Fifty-four bar associations have signed a diversity statement, marking the first time that bar groups throughout New York State have united to endorse a commitment to increase diversity, while 26 major law firms and corporations have signed another diversity statement reflecting a new approach that we believe will be more productive than prior initiatives. The statement pledges the cooperation of law firms in reporting the number of hours minority lawyers devote to client matters. We are optimistic that more bar groups and law firms will sign the statements and, more importantly, take significant steps to diversify the participation of minorities in all aspects of our profession.

Ida B. Wells-Barnett Justice Award: Our second annual Justice Award, jointly sponsored by the Metropolitan Black Bar Association, was presented in March to Elaine R. Jones, President and Director-Counsel of the NAACP Legal Defense and Education Fund. In an extraordinarily inspiring speech, Ms. Jones noted the unfulfilled promise of *Brown v. Board of Education* and the continuing battles for equal justice in America.

Summer Minority Judicial Intern Program: For 14 years, NYCLA has sponsored a summer program that matches minority law students with state and federal judges for a stipended, eight-week internship. More than 150 law students of color have enjoyed the benefits of the internship, which offers them courtroom experience, mentoring relationships with judges and writing seminars. This March, to amplify the corporate funds that support the program, our Committee on Minorities and the Law, co-chaired by Michael C. Fahey and Hon. Pam B. Jackman-Brown, sponsored a Silent Auction, held in conjunction with the Ida B. Wells-Barnett Justice Award program. We were gratified by the generosity of those who donated items, as well as by the spirited bidding of the purchasers. The Auction's success was also the result of much hard work by its organizers, Louis Crespo and Janiece Brown-Spitzmueller.

## **PUBLIC POLICY AND ADVOCACY**

The Association's committees and sections produced a number of notable reports and resolutions that enhanced our visibility and influence in the public policy arena.

Criminal Justice: On a national level, NYCLA's Report on the Electronic Recording of Interrogations was first adopted by the ABA Criminal Justice Section and then, unanimously, by the ABA House of Delegates at its Mid-year Meeting in San Antonio, Texas. This report, produced by the NYCLA Civil Rights Committee under the leadership of Eugene Nathanson, then co-chair and principal drafter, calls for the electronic recording of all custodial interrogations of criminal suspects as a means of improving the accuracy of criminal adjudications and reducing the number of false confessions. To generate support on a local level, our Criminal Justice Section, co-chaired by Susan J. Walsh and Hon. James A.

Yates, and our newly established Justice Center, chaired by John Feerick, sponsored a forum in March, "Beware of False Confessions! Should All Custodial Interrogations of Suspects be Videotaped?" We plan to continue to advocate for legislation in New York City and throughout New York State to make electronic recording a standard practice by police departments.

Last fall, our Criminal Justice Section and our Justice Center, along with the Fordham University School of Law's Louis Stein Center for Law and Ethics and other area law schools, sponsored an all-day conference, "New York City Criminal Courts: Are We Achieving Justice?" It brought together over 100 lawyers, judges, court personnel and academics to develop recommendations for improving the functioning of the criminal justice system. The proceedings of this unique conference will be published in a Fordham Law School journal.

Additionally, our Criminal Justice Section prepared a report, endorsed by our Executive Committee, opposing proposals under consideration by the Commission on the Jury, appointed by Chief Judge Judith Kaye, to reduce in number or eliminate peremptory challenges in criminal trials.

**Judicial Selection:** In response to the debate about the election of judges and judicial conduct, I established a Task Force on Judicial Selection, co-chaired by Rosalind S. Fink and Susan B. Lindenauer. This Task Force has already produced three substantive reports: Testimony for an ABA Hearing on Evaluation of the Model Code of Judicial Conduct, presented by Susan Lindenauer; Comments on the Unified Court System's Proposed Amendments to the Chief Administrator's Rules Governing Judicial Conduct and the Disciplinary Rules of the Code of Professional Responsibility; and a Report on the Interim Report of the Commission to Promote Public Confidence in Judicial Elections, established last December by Chief Judge Kaye. NYCLA is grateful to the co-chairs and members of this Task Force for their dedication to producing such valuable reports, enabling our Association to be in the forefront on this issue.

**Same-Sex Civil Marriage:** Through the leadership of Ivan J. Dominguez, Chair of the NYCLA Committee on Lesbian, Gay, Bisexual and Transgender Issues, our Board has taken several actions on this important issue. We adopted a resolution supporting civil marriage rights for same-sex couples and opposing any federal or state constitutional amendments or legislation that would bar such marriages. We also signed on as an amicus in a brief, *Langan v. St. Vincent's Hospital of New York*, on the issue of the recognition of out-of-state, same-sex civil marriages.

**Other Issues:** Our Immigration and National Law Committee, chaired by Eugene J. Glicksman, submitted comments approved by our Board opposing the CLEAR Act, which would criminalize the mere presence or the entry of an alien and delegate the jurisdiction for and enforcement of federal civil immigration laws to state and local authorities. The Committee also submitted comments to federal agencies opposing a new registration procedure for private attorneys and opposing fee increases in immigration matters.

Our Environmental Law Committee, co-chaired by Craig T. Donovan and Ronald E. Steinvurzel, prepared an extensive report commenting on proposed state legislation on wetlands and held a forum, "The Enforcement of Environmental Law and Policy in New York State."

## **MEMBERSHIP**

Membership is the single most important challenge for NYCLA's future. It is no secret that law firms do not encourage involvement in the organized bar as they once did. Additionally, NYCLA's largest constituency is solo and small firm practitioners-those with less discretionary money to spend. Increasing membership in the Association is critical to NYCLA's future vitality, relevance and fiscal viability. Our Membership Committee, led with extraordinary dedication by M. Barry Levy, has focused on three major initiatives-bringing new public sector members into the Association, creating a substantial roster of retailers who offer discounts to our members, and establishing law student chapters at area law schools as well as alumni groups from those law schools at NYCLA.

**Law Students and New Lawyers:** We continue to expand our programs for law students and young attorneys. This spring we sponsored a well-attended program, "Fear of Failure: Deconstructing the Bar Exam," which provided tips on passing the bar exam. Our 12th annual Lunch with a Judge Program for summer associates, coordinated by Hon. Robert D. Lippmann and the co-chair of our Young Lawyers Section, Jeffrey M. Kimmel, will provide the associates an opportunity to meet and hear from judges about issues such as ethics and courtroom demeanor. Mr. Kimmel also organized another series, Lunch with a Judge in Chambers, where young lawyers enjoyed informal discussions with judges. We also held a well-attended reception last fall for associates in large firms and major government agencies.

Professional Development: Lawyers of all ages enjoy our professional development programs, a series of evenings in which speakers discuss topics such as networking and career goals.

Group Mentoring: Our series of group mentoring programs, offered three times a year, continue to attract attorneys eager to learn from experienced lawyers about dealing with practice issues such as preparing effective retainer agreements, basic trial techniques and keeping their firm's books and records.

These initiatives and many more result from the dedication of the members of our Membership Committee, especially M. Barry Levy, chair, and our Membership Department-Harriet Astor, director, and Diana Kosanovich, Gary Schwartz, Lisa Yarde and Geraldine Daniels.

## **CONTINUING LEGAL EDUCATION**

Our CLE Institute continues to provide high-quality programs to our members and, increasingly, non-members who enroll in over 100 CLE and CLE Tech Courses every year. This year we added a Bridge-the-Gap II course in response to requests from the alumni of our Bridge-the-Gap I course, and continued our innovative programming in the field of securities enforcement. We also launched the sale of CD and DVD versions of our programs and increased the array of on-line programs offered through the West LegalEd Center website.

The success of our CLE program results from the collaboration of Hon. Stephen G. Crane and Lucas A. Ferrara, co-chairs of the CLE Institute Advisory Board and the CLE Oversight Committee, with Doug Guevara, Institute director, and staff members Dustin Bowman, Gail Cleary, Nathalie Dieudonne and Norma Wynne.

## **PRO BONO**

We spent considerable time this year evaluating existing pro bono programs and seeking ideas for new ones. Under the aegis of our Committee on Taxation, chaired by Alan E. Kahn and Jimmy C. Wu, we are establishing a program to provide tax advice to low-income tax payers who need help in their dealings with the Internal Revenue Service and New York State and New York City tax authorities. Our Matrimonial Law Section, co-chaired by Alton L. Abramowitz and Peter Bienstock, is reinstating a Neutral Evaluation Program to help ease the burden of large caseloads for the justices in New York County and the high costs of contested litigation for divorcing couples.

NYCLA's Legal Counseling and Bankruptcy Projects provided much-needed services in areas such as family, bankruptcy, employment and housing law, while our Special Masters and mediation programs in both state and federal courts assisted the judicial process and helped resolve cases. In 2003, the Joint Fee Dispute Program, a cooperative project with the Association of the Bar of the City of New York and the Bronx County Bar Association, had 95 cases filed, a five-fold increase over the previous year. This program, now mandatory for all fee disputes less than \$50,000, provides a mechanism appreciated by both attorneys and clients for resolving often contentious fee disputes. The Joint Fee Dispute Advisory Committee is chaired by Martin L. Feinberg and staffed by Lois Davis, who also ably coordinates all of our pro bono programs.

## **LIBRARY AND TECH CENTER**

Members continue to enjoy free access to Westlaw, Lexis-Nexis and LIVEDGAR research services in our Law Lab and free CLE courses to perfect their research skills. Other technology advances are in the works, thanks to Ralph Monaco, former director of Library Services, and Nuchine Nobari, current director. We will soon inaugurate a new, state-of-the-art Tech Center conveniently located in the Library, which will provide members with easier access to both the on-line research services and those offered by our library staff. The library is also computerizing the catalog for its eventual placement on the NYCLA website. James B. Kobak Jr., chair of the Library Committee, brings much-appreciated expertise and has dedicated countless hours to improving our library services.

Our library received a special tribute this year from author David Von Drehle, who thanked us in his book, *Triangle: The Fire That Changed America*, for the use of the trial transcripts bequeathed to us by Max Steuer, defense attorney for the factory owners. And thanks to Mr. Drehle, the Kheel Center for Labor-Management Documentation and Archives of the Cornell School of Industrial and Labor Relations is underwriting the preservation of the archival materials.

## COMMUNICATIONS

Our Communications Committee, chaired by Lucas A. Ferrara, has devoted an enormous amount of time and worked closely with Communications Manager Anita Aboulafia to make our print newsletter more of an information resource for members and to develop our electronic newsletter, NYCLA E-News Bulletin, a semi-monthly newsletter launched in January. A subcommittee of staff and volunteer leaders, chaired by William E. Bandon III, is supervising the redesign of our website, a major project you will hear more about in the next few months.

The Attorneys' Guide to Practice in the New York County Supreme Court, a valuable resource now sold to members for a modest price, was published again thanks to the dedication of Poppy B. Quattlebaum and Robert C. Meade Jr., former chairs of our Supreme Court Committee, and current co-chairs, Samuel E. Kramer and Richard P. Swanson.

## COMMITTEE/SECTION ACTIVITIES

The Association owes an enormous debt of gratitude to the committees and sections whose members contribute to our reputation and achievements. The committees and sections provide social and professional opportunities for their members, develop reports on legislation and topical issues, organize CLE programs, sponsor pro bono programs and hold provocative forums. In addition to activities I have already mentioned in this report, let me highlight a few more initiatives for special recognition.

Forums and Receptions: The Entertainment, Media, Intellectual Property and Sports Law Section, co-chaired by Raymond J. Dowd and Roger M. Quinland, held two well-attended and enjoyable wine-tasting events. The Business Bankruptcy Committee, co-chaired by Ira. A. Abel and Bruce L. Weiner, and the Consumer Bankruptcy Committee, chaired by John T. McManus, held a reception for new bankruptcy judges. The Supreme Court Committee held its annual judicial reception for newly elected, re-elected and re-appointed state and federal judges. The Women's Rights Committee held a forum, "Promoting Equal Rights in a Hostile Congress," featuring Congresswoman Carolyn Maloney. Both the Admiralty and Maritime Law Committee and the Foreign and International Law Committee also sponsored well-attended events. The Criminal Justice Section presented its Public Service Fellowships to two attorneys practicing in the public sector in the field of criminal justice to help defray their law school debt burden. The Committee on Lesbian, Gay, Bisexual and Transgender Issues, in co-sponsorship with other bar groups, will hold a reception marking the 20th anniversary of the appointment by Mayor Edward I. Koch of the first openly gay judge.

Endowed Lectures and Award Ceremonies: As always, NYCLA took pleasure in presenting special events where judges and lawyers were honored for their achievements. Hon. John S. Martin Jr., retired from the United States District Court, Southern District of New York, presented our Charles Evans Hughes Lecture at an event where we also recognized CLE lecturers for their contributions to our programs. The Law and Literature Award was presented to lawyer/author Louis Begley by the NYCLA Law and Literature Committee, chaired by Daniel J. Kornstein. The Federal Courts Committee, chaired by Stewart D. Aaron, presented the Edward Weinfeld Award posthumously to Hon. Allen G. Schwartz. The Women's Rights Committee, co-chaired by Hon. Richard Lee Price and Josephine M. Bastone, presented the Edith I. Spivack Award to Kathy Rodgers, President of the NOW Legal Defense Fund. The Civil Court Practice Section honored Hon. Helen E. Freedman at its annual Women's History Month Luncheon. Professor Susan Jones presented the annual Haywood Burns Memorial Lecture held in conjunction with a reception sponsored by the Committee on Minorities and the Law for judges of color.

## SPECIAL EVENTS

The Association was fortunate to have portraits unveiled this past year of two great NYCLA leaders-Rosalind Fink, past president, and M. Robert Goldstein, longtime secretary of the Board. Both events were gala occasions, marked by tributes from colleagues, friends and family.

On December 2, 2003, the Association held its 89th Annual Dinner at the Waldorf Astoria, where we honored the United States District Court, Southern District of New York. Our keynote speaker was Dennis W. Archer, President of the American Bar Association. Clifford P. Kirsch, Court Executive for the Southern District, received the William Nelson Cromwell Award; Past President Klaus Eppler received the President's Medal. Thanks to the exceptional efforts of Executive Director Sophia J. Gianacoplos, Dinner Chair Jonathan H. Newman and Dinner Journal Chair Rita Wasserstein Warner the dinner was our most successful ever.

In closing, I would like to thank the Board members, committee and section chairs and other volunteer leaders, and the dedicated staff of the Association - it has been a privilege to work with each of them. I especially want to thank Marilyn J. Flood and Sophia J Gianacoplos for their unparalleled support during my term as NYCLA's President and for the dedication, expertise and enthusiasm they bring to their new roles at NYCLA. I would be remiss if I did not also thank Ruth Zipper who cheerfully and superbly performs her role of executive secretary. And I especially want to thank every member of this Association for your financial support and generous donation of your energy and creativity.

Last and by no means least, I want to thank Past Presidents Klaus Eppler and Stephen D. Hoffman and my successor, Norman L. Reimer. Klaus and Steve are role models of leadership and I will forever be grateful for their support. Norm willingly accepted the most challenging assignment and tackled the most difficult jobs with enthusiasm, humor and steely determination. The future of this Association is in good hands.