Acceptance Speech of Edwin David Robertson, President of NYCLA
NYCLA Annual Meeting - May 25, 2006

Thank you Norman. Members of the Bench. Members of the Bar. Guests. Thank you for sharing this evening to recognize the accomplishments and celebrate the service of all these honorees. They stand as an example what is good about this place and noble about this profession.

I would be remiss if I failed not to sing the praises of all the staff in this place. Sophia, Marilyn, Lois, Nuchine, Anita, Harriet and our new CLE Director Bari Chase. Each of them is dedicated to the ideals of this institution. Their enthusiasm is contagious. It is something you feel at the instant you walk into this building and Dianna Lamb greets you with a smile and a warm, “How can I help you?” She speaks for everyone in this place.

During the last five years as one of your officers, I have worked closely with Craig Landy, Michael Miller and Norman Reimer. I am grateful for their sharing warm friendship and that friendship remains special to me. It is only right that my last act as your President Elect is to say thank you each for your support, your guidance and your friendship.

I welcome tonight Mark Alcott, president of the NYSBA, and Barry Kamins, president of City Bar. I look forward to working constructively with them in days ahead to what is right for all the lawyers in this State.

As I begin the days ahead as your president. I want to acknowledge first the unfailing support of my closest and wisest friend of forty years to whom I am, forever, indebted – Anne. And to Therit, I say, “Your Mother is terrific.”

As we begin the year ahead, let me share three themes with you: tradition, challenge, and action. NYCLA was founded by a group of lawyers that had two things in common. First, they were lawyers duly admitted to the bar. Second, they shared a common belief that that fact and that fact alone gave them more in common then anything that might tug to pull them apart. That tradition remains a bedrock of faith in this place.

A century ago, other bar associations included or excluded members on the basis of race, religion, gender or national origin. But not this one - - not then, not now and not ever. A century ago, we were considered the “democratic” bar association - - with membership open to all lawyers. We are ennobled by that tradition, enriched by that experience, and challenged by that ideal. During the last five decades, other bar associations “got the message” - - but let us never forget --- that message started here: diversity and inclusion.

Inclusiveness - - we all share that tradition today. Look around this room. Diversity of gender, of race, of religion and of ethnicity. Look around this building any afternoon; it takes on new meanings. You can also see diversity of age. Our membership includes hundreds and hundreds of lawyers who have been admitted for less than five years. Here, we do not call them "junior attorneys" or "journeymen" in the sense of some trade or guild or union. Here, they are “lawyers.” Their perspectives, their insights and their experiences enrich us each. Our tradition of inclusion dictates the challenge of recruiting those lawyers to join us here and the challenge of exciting them about the ideals that brought our founders together a century ago. Our committees are immediately open to all of them without a 15-year waiting list that is subject to some old boys' network working its magic.

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After you have looked around and you take the opportunity to talk with each other, you will discover another diversity here. The diversity of what we DO as lawyers. A century ago, almost all of our members and indeed most of the bar were in private practices, either alone or in a law firm. Today, thousands of lawyers in our town work directly for institutions or businesses or the government instead of practicing alone - or in firms large and small. They too are members here and their experiences and perspectives are invaluable. Together, we all, as lawyers, confront the challenges of today and plan the actions of tomorrow.
A century ago, our charter described our mission to advance the administration of justice in the public interest and to elevate the standards of integrity, honor and courtesy in our profession. Integrity, competence and collegiality – in the public interest. Those are the ideals that set us apart and those are the ideals that bind us together.

That mission describes our challenge today in the early years of a new millennium. “To advance the administration of justice in the public interest” remains both our tradition today and our challenge tomorrow. Justice can never be fair unless access is open to all. Equal access to justice is the cornerstone of a just society; without it there is no rule of law. Without it, “liberty” would be little more than a word carved on the cornerstone of a court house.

When the cost of an admission ticket bars the path to justice, then we say NO -- that is not right. We advocate reform to fix it. The right to counsel – competent counsel – is more essential today that ever before. The size and complexity of our population and our economy have grown. Sadly, our legal system is unfathomable to any average citizen without a trusted guide. That is why pro bono representation of the indigent is essential to the integrity of our judicial system and why it is a hallmark of our profession. Without it, the “rule of law” will be seen as nothing more than as an instrument of oppression. That must never be. That's why NYCLA has been at the forefront of all of the efforts of the organized bar to assure competent and free - if need there be - legal representation for those who are accused WHENEVER their liberty is at stake. That is why we advocate a similar right for those who are threatened with loss of their homes or their children. That is why we advocate the principles of a civil Gideon.

Justice in the public interest can never be advanced without judicial independence and respect for those who dispense the rule of law. It was in our charter a century ago and it remains a part of our mission today. Our Task Force on Judicial Independence, our Task Force on Judicial Selection and our court committees are all engaged to preserve the integrity and the respect of our judiciary. When judges are attacked or distracted by the forces of political or economic power, we, as lawyers, stand up and defend their independence. We stand poised to respond to any attack that threatens the independence of the bench, whether those threats come from an opportunistic politician or a cynical press that inflicts an ad hominem attack some respected member of the bench. We speak out to defend those judges because their own judicial ethics disarm them from defending themselves.

Our Justice Center inspires, initiates and coordinates numerous projects to reveal shortcomings in the administration of justice and to propose reform. Its conferences on the criminal courts and the housing courts have generated remarkably detailed reports that describe the challenges and propose remedies that will improve the administration of justice in the public interest. The Family Court is its next focus and its challenges will also generate new calls to reform.

Integrity, collegiality and competence - - three words of tradition and challenge. Our CLE Program is the envy of every bar association I know. It works. Hundreds of lawyers every week come here and sharpen their skills. Our substantive law committees meet, discuss developments in the law, suggest reforms, and enjoy each others friendship while they learn the right stuff, and do the right thing. They are the backbone of this institution.

Integrity - NYCLA was the first bar association to have a professional ethics committee. We were there first, we remain there.

Our profession is challenged by the diminishing esteem of our society. Twenty-seven years ago, according to a national poll, 40 percent of the American public held lawyers in high esteem. Today, the number is less than 19 percent. This is a call to action. We must take action ourselves. The President of NYCLA’s Foundation, Jim Kobak, is leading a Task Force on Professionalism to examine the issues, to enhance our awareness and to conduct programs to elevate our profession so that others may see us as we see ourselves. The alternative, my friends, is that if we do not do that, then we will be forced to live our lives in a dimmer light. If we allow the morals of the marketplace to manage our profession, then,
sadly, we will inevitably lower our standards to match nothing better than the expectations of others rather than those lofty expectations we have of ourselves.

Time and circumstance thrust another challenge upon us. After three decades of using the Code of Professional Responsibility, New York is changing to the Model Rules. Most lawyers in this State are only dimly aware of the coming sea change. Over the next two and a half years, the New York State Bar will consider, debate and write a draft of a final set of the rules that govern the behavior of lawyers in this state. NYCLA has a Task Force under the leadership of Marty Minkowitiz and Lew Tesser, who are coordinating our responses and comments to each part of this sea change. You’ll be reading more about this in our newsletter and, importantly, our website. Each of you is invited to share your comments through our website.

Other challenges will lead us to action too. Hundreds of indigent people each week are thrust into circumstances where the combination of old age, diminished competency and insufficient financial resources threaten a crisis in proceedings under Article 81 of our mental hygiene law. The call for volunteers to assist in guardianship, administration and competency proceedings grows louder every week. Our Supreme Court Committee, our Elder Law Committee and our Trust and Estates Committee will be working together to report on the problem and propose effective action for dealing with what has become a crisis.

In the wake of the scandals first disclosed by Enron and WorldCom, Michael Miller appointed a Task Force on Corporate Responsibility to respond to many of the issues raised by those disclosures. The call for greater transparency and disclosure by public companies was also accompanied by calls to erode the attorney-client privilege and turn all lawyers into whistle blowers. Four years ago I testified before the ABA’s Task Force to defend our client’s privilege to consult in private with a lawyer. Echoes of that debate continue. And our voice will remain firm on this issue.

Also in the wake of Enron, we learned that even some nonprofit organizations present problems of mismanagement and, sadly, even venality. As many of you know, New York State itself has taken a leading role in offering guidelines for “best practices” for not-for-profit organizations including most of the same “best practices” adopted by public companies under Congressional prodding. In the coming weeks, NYCLA will expand the brief of our Task Force on Corporate Responsibility to include “not for profit corporations.” That Task Force will be charged with a responsibility to formulate guidelines and best practices for not-for-profit organizations as well as other business organizations that may not be subject to the Securities and Exchange Commission’s rules and regulations. Among those best practices will be the use of audit committee charters, written conflicts of interest policies, employee manuals and other structures to improve transparency and accountability. These best practices resources will appear on our website so that smaller organizations may have better access to tools that can help them discharge their responsibilities to behave in the public interest as charities or not-for-profit groups.

As you know, NYCLA’s position on a lawyer’s duty to provide pro bono service is expressed in terms that include public service within the definition of pro bono publico. In that spirit I call on all our members, as lawyers, to heed that call for public service and assist the many modest sized not for profits in our town whose need for help is not matched by the means to pay. As lawyers, each of you is specially suited to say “Yes” when asked to serve in helping a non-profit corporation update its structure to better assure transparency and accountability.

On Tuesday night, Norman Reimer and I went uptown to attend Barry Kamins’s induction as President of the City Bar. Barry graciously acknowledged Norman’s leadership and the need to reduce the collateral consequences of criminal convictions. I know that Norman and Barry are old friends and share a common passion in increasing awareness of the problem. These “consequences” are benignly called “collateral” but they directly impair the ability of a person to realize any hope of rehabilitation or reconciliation after a conviction. That is just not right. Both Norman and our director Susan Walsh will continue with our projects to analyze and publicize these “collateral consequences” of conviction and guilty pleas to break down the unfair barriers to rehabilitation and restoration. NYCLA’s Immigration and Nationality Committee
will join this effort to better acquaint the bar with the dire consequences that collateral consequences have for those who aspire to take part in the American dream.

We do not succumb to the temptation to shrug our shoulders and say “been there, done that.” Our challenge is to keep “doing that.” Indeed, it would be easy to say that the traditions of the past present a challenge of such magnitude that we will merely sustain what we have been doing and what we are doing in terms of our programs.

But life is never so easy. New challenges are thrust upon us. We gather here today - and every day - talking about ideals and traditions in probably the same way our founders did a century ago. When this place started, the optimists and idealists in town looked to the future with hope. They were called “progressive.” Our city and country enjoyed economic prosperity. Our Civil War was a distant memory of 40 years. It was a time of peace. The idealism of that day was what we now called “progressivism.” It was bipartisan. The notion was that people could become better, that individual progress was surely attainable and a better society was inevitable if good people would only give it a chance. It sounds like the year 2000, doesn’t it? But, five years ago 19 men armed with box cutters and filled with hate tried to empty the hopes of those here who believe in democracy, in justice, in collegiality and integrity. We were tested, but our hopes were not destroyed by that evil act. Our optimism remains as strong as ever. Again we are challenged.

From our tradition comes the challenge to continue what we’ve been doing, the challenge to do it better, the challenge to do it right and the challenge to excite the minds of those generations to join our ranks.

I look forward to serving you in the days ahead. The challenge is daunting, but the cause is right. Confident of that and with your help, I know that that the yoke is heavy, but the burden light.

And so, in closing, I ask:
   Is there any further old business? Of course there is.
   Is there any new business? You bet and may it be so, forever.
   Do I hear a motion to adjourn?