

REPORT TO SPECIAL COMMITTEE ON COMMITTEES

Name of Committee/Task Force Reviewed: AGE DISCRIMINATION IN THE PROFESSION

Reviewer: Michael E. O'Connor (May 9, 2008)

Special Committee created: 2006

Committee Chair: Jay W. Waks, Esq. (212) 836-8558

NYSBA Liaison: Terry Brooks, Esq. (518) 487-5580

Conclusion/Recommendation: This special committee has completed that portion of its assignments which it has addressed and should be made a subcommittee of the Law Practice Management Committee. This is the conclusion of the committee and, apparently, the bar leadership. Subject suggests that if a Senior Lawyer's section is created, the work of this Special Committee would more appropriately be put with that section.

Mission Statement: This Special Committee was created to study and report on practices in the profession that disadvantage lawyers because of age, including those that may arise from hiring practices, mandatory retirement policies, up or out policies, retention of counsel, non-compete clauses and other age discrimination practices.

Because of the breadth of the mission, the committee decided to narrow its focus to mandatory retirement of law firm partners. It generated a report dated January, 2007.

It is anticipated by the Special Committee that its work will continue. First, those areas addressed in its Mission Statement which have not been specifically studied, should be. Further, other issues may arise in the future having to do with age discrimination, particularly in light of the vastly greater numbers of senior attorneys who will approach retirement age within the next decade.

Staff Liaison says the committee members are being polled now to determine who wants to be on the Sub-committee of Law Practice Management Committee, and they will all presumably continue with the work.