



NYSBA

NEW YORK STATE BAR ASSOCIATION

State Bar News



SUMMER 2022 | VOLUME 64, NO. 2

LAWPAY[®]

AN AFFINIPAY SOLUTION



Member
Benefit
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

**Trust Payment
IOLTA Deposit**

New Case Reference

**** * 9995 ***

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

**PAYMENT
RECEIVED**



Get started at
lawpay.com/nysba
855-759-5284

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Wells Fargo Bank N.A., Concord, CA, Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.



NEW YORK STATE
BAR ASSOCIATION

State Bar News

SUMMER 2022
VOLUME 64, NO. 2
NYSBA.ORG

Publisher
Pamela McDevitt, Executive Director

**NYSBA Chief Communications
Strategist**
Susan DeSantis

Senior Writer
Brandon Vogel

Writers
Jennifer Andrus
David King

Designers
Lori Herzing
Christine Ekstrom

The State Bar News is published two times annually by the New York State Bar Association, 1 Elk St., Albany, NY, 12207, to inform its members of Association activities and other matters of interest to the legal profession.

Address all communications to *State Bar News*, 1 Elk St., Albany, NY, 12207.
media@nysba.org

Copyright 2022 by the
New York State Bar Association.

The *State Bar News* welcomes articles from members of the legal profession on subjects of interest to New York state lawyers. Views expressed in published articles or letters are the authors' alone and are not to be attributed to the *State Bar News*, its editors, or the Association, unless expressly so stated. Article/letter authors are responsible for the correctness of all information, citations and quotations.

Advertising Representative
MCI-USA | Attn: Holly Klarman,
Account Executive
849 Fairmount Avenue, Suite 102
Towson, MD 21030
PH: 410.584.1960
Email: holly.klarman@mci-group.com

Contents

4

**Sherry Levin
Wallach's Quest
Against Injustice
Sets Her on Path
to the Presidency
of the New
York State Bar
Association**



8

**President-Elect Dick
Lewis Looks to the
Future**



10

**New Section Chairs Take
Office**



28

**Panelists Urge
Attorneys To Fight
Election Interference**

- 6** New York State Bar Association Reconvenes Its Mass Shooting Task Force To Work With Lawmakers on Sensible Gun Control
- 12** Supreme Court Overturns *Roe v. Wade*
- 12** NYSBA Signs Agreement With Virgin Islands Bar Association Following International Conference in NYC
- 13** New York State Bar Association Makes Recommendations To Restore Faith in NY's Election Process
- 14** Expert New York State Bar Association Panel Weighs in on How To Move Forward With New York's Redistricting Plan
- 15** U.S. Supreme Court Rules in Case Argued by NYSBA Member Richard Min
- 16** 2022 HOD Meeting in Cooperstown
- 20** CUNY Law School Removes Criminal History Question From its Admissions Application
- 21** NAACP President Calls White Supremacy the Greatest Threat to Democracy at NYSBA Juneteenth Event
- 22** Changes to Legal Writing in the Era Of Virtual Courts
- 23** Hunter College High School Wins 2022 NYSBA Mock Trial Competition
- 24** President's Pro Bono Service Awards Honor Lawyers Across NY State
- 26** Nominating Committee Seeks Candidates for NYSBA Offices
- 27** Financials
- 29** NYSBA Members Fight for Immigrant Representation
- 30** Classified Ads

Sherry Levin Wallach's Quest Against Injustice Sets Her on Path to the Presidency of the New York State Bar Association



Hon. Cheryl Chambers, associate justice, Appellate Division, Second Judicial Department, swears Sherry Levin Wallach in with her family by her side at the Otesaga.

By David Howard King

Every time Sherry Levin Wallach stands up for a client, she works to fulfill the Constitution's promise of equal justice and treatment for all.

"Whether I'm representing a client in a civil or criminal action, my focus is always on equality, fairness and justice," she says. "I chose to be a trial lawyer because it allowed me to provide a voice for my clients, many of whom have no other way of being heard. As a legal services provider, I strive to not only help individuals but improve the entire system."

With the emphasis Levin Wallach puts on equal justice, it should be no surprise that one of her favorite quotes comes from the civil rights legend John Lewis, who died in 2020. "When you see something that is not right, unjust, you have an obligation to speak out, to say something."

She developed these guiding principles early in life during her many talks with her father as they sat on the front porch swing looking out at the neighborhood. They would talk about empathy and understanding, morality and justice, fairness and equality. Her mother and role model taught her to always give back to her profession. No wonder she is a driving force and a teacher and mentor at the New York State Bar Association's Trial Academy.

The talks on that porch swing and having a trailblazer for a mother put in motion the seeds of Sherry Levin Wallach's commitment to justice and forged the ideas that led her to be a leader. But as her identity as a lawyer evolved, the stark reality of the justice system tested her, and she was confronted with finding the balance between being a lawyer and mom. Yet, with each challenge she overcame, she emerged stronger.

According to friends, colleagues, mentors and mentees, Levin Wallach, who became New York State Bar Association president on June 1, is the ideal leader because she engages and listens to people from radically different backgrounds, knows from experience how to rise to a challenge and brings good ideas to fruition.

Levin Wallach's energy is infectious, her drive constantly on display. She speaks in a calm, but forceful, voice, always collaborating and eager to hear the thoughts of others. She is not shy to make her points and garners respect with her consideration. Her day often begins early in the morning on her cell phone returning calls as she drives to her office, arriving in the office parking lot where she often sits in her car

to complete the conversation, and then quickly getting into her office with her next meeting looming just 15 minutes away. She's in her element when on the move, busy and engaged.

Former NYSBA President Kathryn Grant Madigan recalls meeting Levin Wallach when Madigan was liaison to the Young Lawyers Section.

"She is a force of nature," Madigan says. "We met 15 years ago when I was president-elect and I have just marveled at her leadership path from Young Lawyers and chairing that section to the Membership Committee. She founded our Trial Academy because she saw young lawyers could not get courthouse experience. That is the thing about Sherry; she has innovative ideas like other people do, but she always takes action."

Senior Associate Justice of the Appellate Division Cheryl Chambers admires Levin Wallach's determination.

"I have no doubt that Sherry will meet the demands of her presidency with the same vigor, compassion, integrity, and commitment that have defined her professional life," she said.

Levin Wallach's concern for others and desire to make productive change began in high school when she first saw inequities around her. Levin Wallach's childhood in an economically and racially diverse community made her keenly aware that many of her friends who grew up in challenging environments faced obstacles in life including life choices and lack of opportunity that were not of their own making and beyond their control.



Sherry Levin Wallach with Past President Michael E. Getnick at the first Trial Academy held in 2010 at Cornell Law School.

She saw in real time how children from poorer backgrounds are more at risk of experiencing behavioral, health and social problems. This had a lasting impact on her and accounts for her deep commitment to equality.

“That’s really where it came from. From a very early age, I saw that our system of justice needed improvement. Things like alternatives to incarceration, rehabilitation and second chances have always been part of my narrative,” she said.

Levin Wallach headed to Hofstra Law to prepare herself for practice and a career in the criminal justice system. Upon graduation, she joined the Bronx District Attorney’s Office under Robert T. Johnson during a major upswing in violent crime across New York City.

Levin Wallach, who still considers Johnson an inspiration and the job as an assistant ADA in Bronx County “the best job

she could have asked for,” made friends and connections in that job that lasted a lifetime.

When she decided to leave the Bronx District Attorney’s office to expand her knowledge and skills and also to take a step back as she explains “Due to the intensity of the job and incredibly high volume of cases, I felt myself becoming desensitized. I didn’t want to allow myself to become a person that wasn’t really looking at the people behind the issues, that didn’t have concern, sensitivity, or empathy,” she said.

Looking to diversify her legal experience while still a young attorney, Levin Wallach joined McAloon and Friedman to handle matters in the area of medical malpractice defense. “I really felt I needed to have civil practice experience to fully develop myself as a lawyer, I was drawn to medical malpractice defense work having grown up in a household with a father who was a surgeon and a mother who was a nurse.”



Riannah Wallach, Tyler Wallach, Sherry Levin Wallach, Sebastian Wallach, Rona Levin

After moving to Westchester County and realizing that her heart was in the criminal justice system, she resigned from the firm in pursuit of a way to continue practicing law while being a mother involved in her children’s daily lives. While searching for a way to reignite her legal practice, she found inspiration in an unexpected place.

While pregnant with her first child, she met another woman lawyer at the nail salon who was also eight months pregnant. They soon became friends. “We had a great deal in common. She had been an attorney for the Legal Aid Society of Nassau County and I had been an assistant district attorney. She had civil plaintiff’s experience and I had civil defense experience. Rather than abandon her law career after giving birth, Levin Wallach and her new friend, Andrea Carapello Rendo, launched the law offices of Wallach & Rendo.

“With the encouragement of our friends and families, we decided we were going to open a law practice together so we could practice and be moms,” says Levin Wallach. “And that is pretty much what we did, for a long

time. When one of us was having a baby, the other one would be covering the practice. We handled matters involving civil personal injury, residential real estate and criminal defense. We both joined the Westchester County assigned counsel program.”

During those years, Levin Wallach also began her path toward NYSBA leadership. She found her first opportunity in 2008 when she became chair of Young Lawyers Section. Eventually, she would chair the Membership Committee and Criminal Justice Section too.

Today, Levin Wallach acknowledges that she has come full circle. In her position as deputy executive director at the Legal Aid Society of Westchester County, she can train young lawyers, create new programs to support people who are faced with criminal charges and convictions and influence change in the criminal justice system. And as president of NYSBA, she can work together with lawyers across the state, country and world to improve access to justice and adherence to the rule of law.

“It is an exciting time because I can activate our association to

study and address issues that I have seen need attention. It also allows me to collaborate with the different groups within our legal community and government to develop an improved future for our profession and our clients,” she said. “We as lawyers must support each other, we’re better lawyers when we do. We are better for our clients when we take advantage of being part of this larger community.”

As president, Levin Wallach will address an issue near and dear to her heart — a task force on modernizing criminal practice that will look to improve access to justice and practice in the criminal justice system. She says she’ll focus on winning better pay for assigned counsel so that all defendants receive the justice they deserve.

Another task force will look to increase awareness around mental health and trauma impacted representation, by exploring how lawyers can better address the needs of their clients as well as

improve the legal system’s answer to mental illness and trauma.

Her focus for the last eighteen months on educating the legal community on the devastating impact of the Insular Cases on the residents of the U.S. Territories and racism in the United States has created a base for her task force on the U.S. territories. She also launched a task force on emerging technologies to explore the new legal landscape of digital currency.

Colleagues envision that Levin Wallach will make NYSBA a sanctuary for lawyers in need of camaraderie, guidance, expertise and direction, the same role her mentors and colleagues have played for her. Visiting Levin Wallach’s home today, echoes of her formative years greet you. You’ll find a bell on the patio like the one that summoned her to dinner in her youth and the childhood swing where she absorbed her father’s wisdom.

Levin Wallach wants NYSBA



Sherry Levin Wallach and Riannah Wallach are often at equestrian shows on the weekends.

to function in the same way that bell did—she wants it to be a clarion call through the dark and uncertainty that unites lawyers of all practice types and walks of life to a single purpose, a repository of knowledge. So that should they lose their way, have a moment of doubt, or encounter an obstacle they never imagined they would face, they’ll



The family that scuba dives together...

have a group of people to turn to help them through, to show them the way and find a home in NYSBA.

New York State Bar Association Reconvenes Its Mass Shooting Task Force To Work With Lawmakers on Sensible Gun Control

Sherry Levin Wallach, president of the New York State Bar Association, issued the following statement on the U.S. Supreme Court ruling in *New York State Rifle & Pistol Association v. Bruen*:

As the nation reels in the wake of the Texas and Buffalo mass shootings and urban centers across the country struggle to contain an epidemic of gun violence, the U.S. Supreme Court has delivered an ill-conceived decision that will set us back decades and further threaten public safety.

New York’s common sense and century-old law on concealed carry permits struck an appropriate balance between preserving Second Amendment rights and preventing weapons from being procured by those who should not have them. The reality is that most gun permits were, in fact, granted even under the requirement that an individual establish proper cause to obtain a license.

New York’s elected officials must come up with new laws and regulations to make sure that incidents of gun violence do

not rise because of this ruling.

Violent crime swelled an average of 13 to 15 percent in states that weakened their concealed carry permit standards, according to the Giffords Law Center. Research published in the July 2020 Justice Quarterly found that laws allowing more citizens to carry guns in public were tied to a rise in gun violence, and the higher a state’s gun-ownership rate, the more likely a mass shooting is to occur.

In my role as New York State Bar Association president, I have reconvened our Task Force on

Mass Shootings and Assault Weapons to work in conjunction with our Criminal Justice Section to come up with new regulations to protect New Yorkers. We also call upon Gov. Kathy Hochul, state Attorney General Letitia James, New York City Mayor Eric Adams and our other elected representatives to immediately pursue a new framework of regulations to combat the scourge of gun violence.

10 Things You May Not Know About NYSBA President Sherry Levin Wallach

By Brandon Vogel

President Sherry Levin Wallach has led an interesting life that includes scuba diving and riding horses, starting her own law firm, and taking on leadership roles at NYSBA. But do you really know her? Let's find out.

1 The genesis of the Trial Academy can be traced to notes on a cocktail napkin. After the Young Lawyers Section Supreme Court Admissions Program in Washington DC, Sherry Levin Wallach and Tucker Stanclift began discussing needs for CLE programming. They came up with an idea to have a program designed to help lawyers gain more trial experience. They jotted down their thoughts on a cocktail napkin and later pitched the State Bar staff in Albany. The Trial Academy is now in its 13th year, recently held for five days at Syracuse Law School.

2 Much to her surgeon father's chagrin, Levin Wallach was and remains a "Deadhead." Her Apple Music shuffles playlist ranges from classic rock to 70s disco to Gilbert and Sullivan to Broadway show tunes.

3 If you want to catch Levin Wallach at her most happy and peaceful moments it's on her horse or just spending time around the barn. She is an avid equestrian, along with her daughter, who is a skilled jumper rider. She discovered her love of horses and horseback riding as a young child and competitively rode until college.

4 Levin Wallach finds calm and time to think scuba diving, kayaking or working in her vegetable garden, which she lovingly maintains herself. "I love gardening. I find it is a good thinking place," she said."

5 Among the books that have had the most impact on Levin Wallach, Margaret Atwood's "The Handmaid's Tale" is at the top of the list, along with John F. Kennedy's "Profiles in Courage," Brian Stevenson's "Just Mercy," Zach McDermott's "Gorilla and the Bird: A Memoir of Madness and a Mother's Love" and Heather Thompson's "Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy."

6 Levin Wallach is the proud mother of three dynamic children, who are all accomplished skiers and scuba divers: Sebastian is a rising senior at Lafayette College and avid outdoorsman and cyclist/mountain biker, Tyler is a rising sophomore at DePaul University riding his long board around Chicago and a movie buff, and Riannah is a high school rising junior who recently was a finalist in her school's poetry contest, and also is a competitive equestrian and varsity lacrosse player.

7 Levin Wallach's Bronx DA family, formed when she was an assistant district attorney in the 1990s, includes Congresswoman Stacey Plaskett (D-VI-01), who inspired her worked with the U.S. Territories and presented several NYSBA CLE programs in the last year.

8 Levin Wallach cites her work at the death penalty clinic with Professor Eric Freedman as among her favorite law school experiences. She was also inspired by her Constitutional Law professor Leon Friedman and Professor John DeWitt Gregory.

9 Levin Wallach's best friend since she was 2 years old, Regina Ahlgren, wrote and directed the House of Delegates Dinner presentation in April. Ahlgren, an accomplished Broadway performer and choreographer, organized a team of Broadway performers who put together an original piece, "Law and Order... and All That Jazz."

10 As president, Levin Wallach is excited about cultivating existing relationships, engaging new members and collaborating with other bar associations. "I'm looking forward to the opportunity to be president during a time when I feel our legal system is going to be shaped in a new way, in response to the changes brought about by the pandemic," said Levin Wallach. "We're figuring out the entire future of the legal system and how we are going to strike a balance between virtual and in-person practice of law. I think it's an exciting time to be president and hopefully have some influence and impact on those changes."



President-Elect Richard Lewis Looks to the Future

By Jennifer Andrus

As Binghamton attorney Dick Lewis presides for the first time over the New York State Bar Association's governing body, the House of Delegates, he is thinking about ways to help other lawyers. "If we make it easier for our members to practice law, it makes it easier for them to represent clients and therefore provides access to justice."



Dick Lewis

Lewis, who took over as president-elect of the New York State Bar Association on June 1, would like to establish lines of communication, or a pipeline as he puts it, to hear from the association's members about the major issues they face in their practices.

"We want to fight for lawyers, reduce barriers and deal with those day-to-day issues that affect them," Lewis says. "That is our mission."

Lewis says the association's advocacy for raising assigned counsel rates is an example of how the association fights for members. He explains that adequate pay for attorneys equates to better representation of clients. Access to broadband technology is another issue that is key to helping clients and improving access to justice. It affects members in both rural and urban parts of the state.

"It's important that we have a seat at the table and can explain to our state leaders what will help provide access to justice," he says.

Rising Through the Local Ranks

Lewis' attention to serving members is rooted in a history of leadership at the local level. In addition to his work at NYSBA, Lewis is a past president of the Broome County Bar Association and past chair of its Endowment, Ethics and Grievance committees.

He says the focus on local issues affecting members keeps you attuned to their needs. "We see each other every day and it allows you to focus on local issues that impact members directly," he says.

It also helps you work with members of different backgrounds who may have a different perspective. "You do understand that there are different opinions out there and they all have merit and are expressed in good faith," he says.

appreciating and respecting people's diverse thoughts is incredibly important to our association and society in general," he says.

"People are allowed to have differing points of view and it doesn't mean they are acting in bad faith. We need to be able to respect each other and to let each other speak. Equally important – we need to listen. We may never agree but we can understand each other," he says.

In a recent meeting with new House delegates, Lewis discussed how a return to in-person meetings helps members reconnect. "While technology has allowed us to continue with our business as an association, we have lost a bit of the humanity and personal touch that defines us," he said.

Lewis is committed to working with lawyers in all parts of New York – from Brooklyn to Batavia, Horseheads to Hoosick Falls.

"People are allowed to have differing points of view and it doesn't mean they are acting in bad faith."

— Dick Lewis

Committed to Diversity

The president-elect shares President Sherry Levin Wallach's commitment to diversity. He notes that the rancor and division in the public discourse doesn't have to continue. "We can recognize that there is diversity of thought out there and

"We represent every county, every practice area, every size firm not to mention members in all 50 states and countries across the globe. We want every member to feel that they are an important part of this association and that their voice matters, because it does."

✓ DEBIT ✓ CREDIT ✓ eCHECK

Accept it all with Clio and make it easy for your clients to pay their bills online

No card network fees. PCI and IOLTA compliant.

Learn how Clio's built-in payments solution can improve your firm's collection rates—and claim your 10% member discount—at clio.com/nysba today.



New Section Chairs Take Office

Thirteen of the New York State Bar Association's sections have elevated new chairs this month to oversee efforts to improve laws, address professional development and sponsor continuing legal education courses in a variety of substantive fields. NYSBA has 28 sections, which range in size from 300 to more than 4,500 members.

Business Law



Thomas Pitegoff of New York City is a principal at Offit Kurman, whose core practice is franchise law. Pitegoff also advises businesses on alternatives to franchising including license and distribution agreements. A 34-year member of the State Bar, Pitegoff also is a member of the 50+ Section.

Pitegoff graduated from Sarah Lawrence College and earned his law degree from Syracuse University College of Law.

Commercial and Federal Litigation



Ignatius A. Grande of New York City is a director at the Berkeley Research Group with expertise in cryptocurrency, electronic discovery and cybersecurity. Within the section, Grande served as co-chair of the Social Media and New Communication Technologies committee. He is a 22-year member of the association.

Grande graduated from Yale University and earned his law degree from Georgetown University Law Center.

Dispute Resolution

Noah Hanft of New York City is the co-founder of Acumen ADR, a dispute prevention and resolution platform. Prior to Acumen ADR, Hanft was presi-



dent and chief executive officer of the Institute for Conflict Prevention and Resolution and the general counsel of MasterCard. A 10-year member of NYSBA, he also is a member of the Commercial and Federal Litigation Section.

Hanft graduated from American University and earned his law degree from Brooklyn Law School.

Elder Law and Special Needs



Christopher R. Bray of Ilion concentrates his practice long term care, estate planning and guardianship at Rheinhardt & Associates. A 19-year member of the Association, Bray is a member of the House of Delegates and the Trusts and Estates Law Section.

Bray graduated from Syracuse University and earned his law degree from Albany Law School.

Environmental and Energy Law



James P. Rigano of Melville has concentrated his practice in environmental law for more than three decades. He is the founder of Rigano, LLC. Rigano, LLC. He is a 39-year member of the Association.

Rigano graduated from Adelphi University and earned his law degree from Hofstra University School of Law.

General Practice



Bruce Hafner of Lynbrook concentrates his practice in elder law, family law, and estate planning. A 49-year member of the Association, Hafner is a member of the House of Delegates, as well as the 50+, Elder Law and Special Needs and the Trusts and Estates Law Sections.

Hafner is a graduate of St. John's University and earned his law degree from St. John's University School of Law.

Health Law



Jane Bello Burke of Albany is a partner of Hodgson Ross. She concentrates her practice in health care litigation, regulation and compliance matters. A 22-year member of the Association, Bello Burke is a member of the House of Delegates and chair of the Health Law Section's Long-Term Care Committee.

Bello Burke is a graduate of Georgetown University and earned her law degree from American University, Washington College of Law.

Intellectual Property



Brooke Erdos Singer of New York City is the new chair of the section. A partner of Davis & Gilbert, she concentrates her practice in trademark law, contracts, and advertising law. An 11-year member of the State Bar, Singer previously chaired the section's Advertising Law Committee.

Singer graduated from the University of Denver and earned her law degree from the University of Denver College of Law.

International



Azish Filabi of New Paltz is the executive director of the American College Maguire Center for Ethics in Financial Services. She also serves as an associate professor at the college. A 16-year member of the Association, she is a member of the House of Delegates and the Women in Law Section.

Filabi graduated from the University of Virginia and earned her law degree from the University of Virginia School of Law.

Judicial

Judge Joanne D. Quiñones of Brooklyn is the new presiding member of the section. In May 2022, Governor Kathy Hochul appointed her to the New York State Court of Claims. She was



previously an Acting Supreme Court Justice in Kings County. A 24-year member of the association, she is a member of the House of Delegates.

Judge Quiñones is a graduate of Brown University and earned her law degree from Fordham University School of Law.

Labor and Employment Law

Robert L. Boreanaz of Buffalo concentrates his practice on union-side labor law and plaintiff-side employment law at



Lipsitz Green Scime Cambria. A 20-year member of the Association, Boreanaz is a member of the Executive

Committee of the Labor & Employment Law Section and the Criminal Justice Section.

Boreanaz graduated from Canisius College and earned his law degree from the University at Buffalo School of Law.

Real Property Law

S.H. Spencer Compton of New York City is a vice president and special counsel at First



American Title Insurance Company. Prior to joining the company, he practiced real estate law with an emphasis on

commercial leasing and financing transactions. Compton is a frequent contributor to the NYSBA Real Property Law Journal. A 25-year member of the association, he also served as a leader of several committees.

He graduated from New York University and earned his law degree from Brooklyn Law School.

Young Lawyers



Brandon Lee Wolff of White Plains & Philadelphia concentrates his practice in employment, complex commercial, financial services and commercial tenancy litigation at Kaufman Dolowich Voluck. A seven-year member of the association, Wolff is a member of the House of Delegates and the Task Force on the U.S. Territories.

Wolff is a graduate of Swarthmore College and earned his law degree from Seton Hall University School of Law.



**Cannabis Law
Section**

JOIN THE CANNABIS LAW SECTION TODAY!

New York State Bar Association members are invited to participate in the Section's work. If you're interested in:

- Further exploring this ever-evolving practice
- Expanding the Section's initiatives
- Participating in cannabis-specific continuing legal education

NYSBA Members can join for only \$35 | [NYSBA.ORG/CANNABIS](https://nysba.org/cannabis)

U.S. Supreme Court Overturns *Roe v. Wade*

Sherry Levin Wallach, president of the New York State Bar Association, issued the following statement on the U.S. Supreme Court's ruling in *Dobbs v. Jackson Women's Health*:

In its ruling overturning *Roe v. Wade*, a precedent that has stood for nearly 50 years, the U.S. Supreme Court has severely limited the civil rights of all American women. The court has overturned precedent before, but every other time the court was driven by the desire to expand individual rights — not to take them away. And if the right to choose an abortion is no longer protected, other constitutional rights that we hold dear could also be in jeopardy.

The New York State Bar Association has long supported equality and equal protection under the law. It is likely that this ruling will have a disparate impact on people who are pregnant but have limited means and resources. Without federal protection, millions of women will no longer have the right to a safe, legal abortion and will be forced to travel between states to get the procedure. Those who cannot afford to seek an abortion out of state or do not have health insurance might resort to risky, illegal abortions. Many will be forced to carry unwanted pregnancies to term, regardless of their access to medical or prenatal care, which jeopardizes



their physical and mental well-being.

In ruling that the right to privacy no longer protects a woman's right to choose an abortion, the U.S. Supreme Court has turned away from a decision it made in 1973 even though the facts have not changed. This ill-conceived decision undermines public confidence in our

legal system and reduces respect for the rule of law.

The New York State Bar Association's Women in Law Section will provide opportunities for our members to focus on, study and react to the impact of the *Dobbs* decision on civil rights and the rule of law through its programming.

NYSBA Signs Agreement With Virgin Islands Bar Association Following International Conference in NYC

By David Howard King

The New York State Bar Association signed an agreement with the Virgin Islands Bar Association on June 24 that established a framework for joint events and continued collaboration between the two organizations.

The Memorandum of Understanding is the 12th agreement NYSBA has signed with bar associations in just over a year. Overall, the association has signed 21 other pacts, but they have generally been with foreign bar associations.

"The relationship between the U.S. territories and the federal government is a major focus of my presidency," said Sherry Levin Wallach, president of the New York State Bar Association. "Formalizing this agreement

with the Virgin Islands Bar Association will enable the people of the territories to have a louder voice in advocating for their own rights as U.S. citizens. I look forward to the continued collaboration between our two organizations."

The Memorandum of Understanding was signed in conjunction with the launch of a task force to study the legal rulings that guide the federal government's relations with the territories.

Alisha Udhwani, president of the Virgin Islands Bar Association, and Levin Wallach gave remarks at the event along with NYSBA International Section Chair Azish Filabi, Nesha Christian-Hendrickson of the Virgin Islands Department of Labor, and Anthony M. Ciolli, past

president of the Virgin Islands Bar Association.

The MOU signing capped a week of focus on NYSBA's International Section, which included the NYC Summer Conference.

A highlight of the conference was a Ukraine panel discussion that featured lawyers who have firsthand experience with the war. Anna Ogrenchuk, president of NYSBA's chapter in Ukraine and a leader of the Ukrainian Bar Association, and Ambassador Sergiy Kyslytsya, permanent representative of Ukraine to the United Nations, discussed plans for prosecuting war crimes. The panel also detailed the impact of the international response to the war.

"It's my mission as chair of the International Section to

strengthen the network between lawyers in countries across the world that are committed to the rule of law," said Professor Azish E. Filabi. "Our work with The Ukrainian Bar Association in collaboration with NYSBA's Ukraine Task Force speaks to the very tangible results of the work we do and the importance of continuing to build this network of legal experts."

The Virgin Islands Bar Association was created in 1956 to assist the Supreme Court in regulating the practices of law in the Virgin Islands. All attorneys admitted to practice law in the Supreme Court of the Virgin Islands are also required to be members of the Virgin Islands Bar Association. It has some 1,000 members.

We the People

Voting Rights

New York State Bar Association Makes Recommendations To Restore Faith in NY's Election Process

By David Howard King

The New York State Bar Association recommends restoring public faith in elections by removing patronage, instituting ethics rules, and requiring election workers be professionally trained.

The association's House of Delegates, its governing body, voted on June 18 to accept the suggestions of its Task Force on Voting Rights and Democracy, which is chaired by Jerry Goldfeder, special counsel at Stroock, Stroock & Lavan, and comprised of many of the state's preeminent election law experts.

NYSBA's Immediate Past President T. Andrew Brown appointed the task force in the wake of discredited claims of widespread election fraud leveled by the Trump presidential campaign.

"Make no mistake that the right to vote in America is under attack," said NYSBA President Sherry Levin Wallach. "While the problems voters face in New York are not the same as those encountered by residents of Georgia, we still have much work to do to make our elections work for the people, and not against them."

The report recommends that New York devise ethic rules for election workers that would be similar to federal laws and laws adopted by some other states. The rules bar election workers from sharing vote tallies or recount information with only one campaign, prohibit influencing election results and forbid all partisan activity.

"This report represents a clear pathway for New York to modernize and professionalize its election infrastructure," Goldfeder said. "The vote in America is sacred. Our legislature should continue its work in reforming our election laws and procedures."

In calling for hiring practices to be more professional, the association warns against making election board positions in New York political favors; instead, the jobs should be widely advertised, and applicants should be judged on their merits.

To depoliticize the election process, the association wants to:

- Make it illegal for election workers to share vote tallies
- Ban the participation of election workers in partisan events
- Require officials to take an oath vowing not to use their position to influence the outcome of the election

The report also calls for streamlining access to election information by county with easy-to-understand guidelines and multiple language options. Currently, each election board puts out its own information and finding vote totals can be next to impossible.

Finally, the task force recommends creating the position of elections inspector general within the New York State Office of the Inspector General. The office would identify and propose solutions to voting issues that arise.

The report can be found on NYSBA's website.

Expert New York State Bar Association Panel Weighs in on How To Move Forward With New York's Redistricting Plan

By David Howard King

New York's political world was turned upside down this year but it was not by a scandal or a resignation or an indictment. It was something much less salacious – the New York State Court of Appeals rejected the legislature's newly-drawn election districts.

The fallout was swift with new maps created by a court-appointed special master that upended political norms, pitted former political colleagues against each other, eliminated long-standing districts, and created opportunities for upstarts to vie for congressional seats in crowded contests.

The New York State Bar Association put together a panel discussion on the topic that was hosted by Liz Benjamin, veteran political journalist and managing editor at Marathon Strategies. The panel featured Lucia Gomez, political director of the NYC Central Labor Council; Steven Romalewski, director of the CUNY Mapping Service; Jeffrey M. Wice, adjunct professor/senior fellow of the NY Census & Redistricting Institute of the New York Law School and Susan Lerner, director of Common Cause NY.

Wice kicked off the discussion by laying out exactly how New York arrived in its redistricting predicament and why it was so surprising.

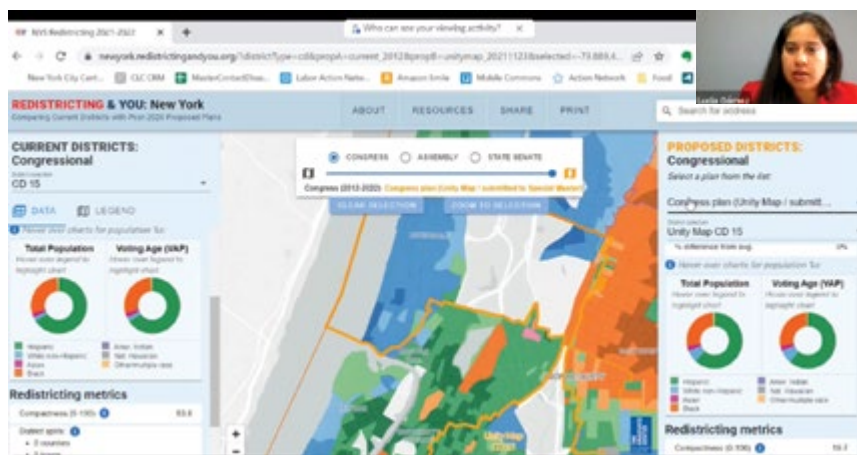
Wice detailed how the independent redistricting commission split along party lines and submitted two partisan plans rather than agreeing on one. The legislature rejected those plans, putting

the onus back on the commission. “That’s where things imploded and the commission failed to do anything,” explained Wice. “So, the legislature, in its wisdom, with really no other course of action for them to consider, drew maps on its own, because the commission simply failed to do its job.”

The Democratic-controlled Legislature passed plans favoring Democratic incumbents and Republicans launched a lawsuit.

Experts expected the court would give the legislature the benefit of the doubt as it had previously. But that isn’t what happened. Instead, the New York State Court of Appeals ordered that a special master take over the process, which led to the new maps.

Lerner talked about how to prevent similar problems when redistricting begins again in 2030. She pointed to Ohio and Florida, states that have strict constitutional standards on redistricting that are not followed. In Ohio, the legislature has repeatedly submitted maps that do not meet constitutional standards despite rebukes from the court. And in Florida, Gov. Ron DeSantis has submitted highly gerrymandered maps that are expected to be adopted because the courts are politically sympathetic.



Lucia Gomez, political director of the NYC Central Labor Council, speaks on the webinar, “Drawing the Lines: Where Does New York Go From Here?”

“We need more than strict constitutional standards,” said Lerner. “We need a system that works to actualize these standards.”

Lerner said that while there are no perfect systems, the closest to perfection comes from independent citizen-led commissions that are either non-partisan or have partisan balance. She pointed to California and Michigan’s redistricting models. Lerner said she considered Michigan’s process successful because both parties sued to challenge the maps they created and in California no one sued.

Lerner acknowledged that a successful system requires a complicated appointment process that utilizes strict vetting and a randomized selection process to ensure that there isn’t political interference.

Syracuse recently adopted an independent redistricting commission made up of 15 citizens. Lerner says it is a model that New York should adopt because

it removes political influence from the redistricting process.

“Isn’t the wrinkle that in order to change the process the legislature has to vote?” asked Benjamin, nodding to the fact that independent redistricting is not in the legislature’s political interest. Historically, New York’s legislature has gone to great lengths to retain control over the redistricting process, and without massive voter pressure, it has no reason to do otherwise.

“Right,” said Lerner, “but as we see in Syracuse there are legislative bodies who are honest enough and forward thinking enough to do it, and it is on all of us to start the work now to build the necessary public support for a truly independent citizen-led redistricting process for New York. If we can do it in Syracuse, we ought to be able to do it for the entire state.”

U.S. Supreme Court Rules in Case Argued by NYSBA Member Richard Min

By Jennifer Andrus

In a unanimous decision, the U.S. Supreme Court vacated a Second Circuit ruling involving a child custody case between an Italian father and an American mother. The father, represented by New York State Bar Association member Richard Min of Green Kaminer Min & Rockmore, was pleased with the high court ruling.

Min represents Isacco Jacky Saada in the case *Golan v. Saada*. Saada's wife, Narkis Aliza Golan, left Italy with their son in 2018 to attend a wedding in New York but did not return to Italy as promised. The wife filed a claim of physical and psychological abuse against her husband, alleging that returning to Italy would put them in danger. Saada filed a criminal kidnapping complaint against his wife in both Italian and American courts.

Min argued before the high court that the purpose of the Hague Convention is to make custody decisions in the child's country of habitual residence, which was agreed to be Italy. He has litigated 35 similar cases across the country.

In *Golan v. Saada*, the legal issue centered around interpretation of the Hague Child Abduction Convention Treaty. In a statement, Min said "After almost four years of litigation, the U.S. Supreme Court today emphasized the need for expeditious resolution of international child abduction cases pursuant to the Hague Abduction Convention stating that, on remand, it 'trusts that the District Court will move as expeditiously as possible to reach a final decision without further unnecessary delay.'"



The District Court twice ruled for Min's client, saying that the child should be returned to Italy with adequate protections. In the decision, Justice Sonia Sotomayor wrote that the "District Court has ample evidence before it from the prior proceedings and has made extensive factual findings concerning the risks at issue."

Min went on to say that the Supreme Court noted that the "Convention sets as a primary goal the safety of the child." The safety of children is protected by addressing the harm caused by child abductions in the first place, which the U.S. Supreme Court, in *Abbott v. Abbott* previously stated "can have devastating consequences for a child" and by protecting against the harm of return by issuing ameliorative measures.

Earlier this year, Min hoped the child would be able to return to Italy in time for the custody proceedings scheduled for later this month.



ARTHUR B. LEVINE CO., INC.
SURETY BOND AGENTS

- ▲ COURT & LITIGATION
- ▲ BANKRUPTCY & DEPOSITORY
- ▲ TRUSTS & ESTATES
- ▲ INDEMNITY & MISCELLANEOUS
- ▲ LICENSE & PERMITS

370 Lexington Ave.
Suite 1101
New York, NY 10017

212-986-7470
212-697-6091 Fax

bonds@levinecompany.com

SURETY BOND SPECIALISTS

www.LevineCompany.com

2022 HOD Meeting in Cooperstown



Edwina Frances Martin and Hon. Helena Heath reconnect at Cooperstown.



President Levin Wallach and Deputy Chief Administrative Judge for Justice Initiatives Edwina G. Richardson-Mendelson



Executive Committee Member Thomas Maroney and his wife Michelle Entin Maroney.



Five of the eight women to serve as President: Kathryn Grant Madigan, Sharon Stern Gerstman, Sherry Levin Wallach, Claire P. Gutekunst, M. Catherine Richardson



Jean-Marie Westlake and Michael May catch up on the veranda.



Mishka Woodley, Helena Heath, and Mirna Santiago share a smile at the Otesaga.

2022 HOD Meeting in Cooperstown



Past Presidents welcome Sherry Levin Wallach to the fold.



Past President Sharon Stern Gerstman, President-elect Richard Lewis, Delegate John Jones gather during the cocktail reception.



Secretary Taa Grays, Hon. Cheryl Chambers, Past President Seymour W. James, Jr. enjoy the reception on the veranda.



Delegate Karen T. Beltran takes in her first in-person House of Delegates meeting.



The annual passing of the Presidential bat-on.

2022 HOD Meeting in Cooperstown



Senior Counsel Kathy Baxter, known to some as “The Oracle of Elk Street,” addresses the House of Delegates for the last time before her retirement.



President-elect Dick Lewis presides over the House of Delegates for the first time.



Past President Vincent E. Doyle III speaks about Kathy Baxter’s many accomplishments during her 35-year tenure.



Norm! Effman is acknowledged at the House of Delegates meeting.



Past President Glenn Lau-Kee congratulates Kathy Baxter on her well-deserved retirement.

2022 HOD Meeting in Cooperstown



Special Committee on Strategic Planning Co-Chair Christopher Riano presents an informational report to the House.



Executive Committee member Ronald Minkoff presents the Committee on Standards of Attorney Conduct's report recommending proposed new comments to the New York Rules of Professional Conduct Rules 1.4 and 5.6.



Mirna Santiago, co-chair of the Committee on Diversity, Equity and Inclusion, delivers her committee report that recommends permanent diversity delegates and diversity members-at-large positions on the House of Delegates and Executive Committee.



Executive Committee Member Diana Sen speaks on the Committee on Diversity, Equity and Inclusion's report.



President Sherry Levin Wallach, President-Elect Dick Lewis, Executive Director Pamela McDevitt.



Secretary Taa Grays listens to a delegate at the conclusion of the House meeting.

CUNY Law School Removes Criminal History Question From its Admissions Application

By Susan DeSantis

CUNY Law School announced that it was removing a question about criminal history from its admissions application, becoming the second law school in New York to do so after the University at Buffalo School of Law.

“A lot of people are talking about this issue right now. CUNY Law did more than talk about it. It was really exciting to be here the day they took action,” said Colby Williams, a member of CUNY Law’s Formerly Incarcerated Advocacy Association and one of the students who fought for the change.

The school’s press release credits the New York State Bar Association for its advocacy to remove a similar question from the bar admissions application. On Jan. 22, NYSBA’s House of Delegates approved a report from the Working Group on Question 26 of the New York Bar Exam, which called the bar admissions question illegal.

“The question has driven away untold Black and Latino students who are subjected to the scrutiny of law enforcement to an extent unimaginable to their white counterparts,” said T. Andrew Brown, former president of the association. “We as an association came together at the House of Delegates meeting in January to call for a complete rethinking of the question. Now, it is time for the New York State Unified Court System to remove the question from the bar application.”

The bar admissions question violates two state laws, the New York State Human Rights Law and the Family Court Act, the association said in its press release.

The legal profession routinely ranks as one of the least diverse in the country. Recent American Bar Association surveys found only 5 percent of lawyers identify as Black and 5 percent as Latino. Meanwhile, while Blacks make up 15 percent of New York’s population, they account for 38 percent of arrests, according to the latest data

compiled from the Judicial Friends Report on Systemic Racism in New York Courts.

The report approved by the House of Delegates recommends rewording the question to make clear that sealed criminal records, juvenile delinquency and youthful offender proceedings, dismissed cases and arrests that are no longer pending that did not result in a conviction do not have to be disclosed.

Question 26 reads: “Have you ever, either as an adult or a juvenile, been cited, ticketed, arrested, taken into custody, charged with, indicted, convicted or tried for, or pleaded guilty to, the commission of any felony or misdemeanor or

the violation of any law, or been the subject of any juvenile delinquency or youthful offender proceeding?”

NYSBA is asking that Question 26 be revised to conform with the Human Rights Law and the Family Court Act and that all other questions make clear that applicants do not have to disclose conduct protected by the two laws.

“*The question has driven away untold Black and Latino students who are subjected to the scrutiny of law enforcement to an extent unimaginable to their white counterparts,*”

— T. Andrew Brown, former president of the association

NAACP President Calls White Supremacy the Greatest Threat to Democracy at NYSBA Juneteenth Event

By Jennifer Andrus

NAACP President Derrick Johnson called white supremacy the most significant threat to Democracy at a New York State Bar Association event in celebration of the first federally recognized holiday of Juneteenth.

"The white supremacist dogma dominating the public square is pulling democracy

of domestic terrorism under the banner of white supremacy. That is our history in the south and it's why many of our parents migrated to New York as a result."

Accountability Needed for Social Media

Johnson also discussed the lack of accountability and regulation of social media platforms.

"The white supremacist dogma dominating the public square is pulling democracy apart."

— Derrick Johnson

apart," Johnson said. "What we witnessed on Jan. 6th is an example of what individuals are willing to do to maintain power, domination, control. It is an example of how political parties have been usurped or paralyzed."

Calling attention to the work of Select Committee to Investigate the Jan. 6th Attack on the United States Capitol, Johnson says the foundation of our democracy is at stake. He said access to voting rights, quality education, and a clean environment are meaningless if the rule of law is not the bedrock of democracy.

"White supremacy is inconsistent with the notions of democracy," he said. "If you allow white supremacy to carry out harm or domestic terrorism and not be held accountable, we are guaranteeing that there will be more acts

The NAACP is advocating for Congressional action against media companies that allow hate groups to use their platforms but do not face consequences when these groups resort to violence.

"When you have a platform you've decided not to moderate, and there are legal protections for you not to do so, we have a problem. What happens on Facebook is something that can never happen on ABC News. On Facebook, they have federal law protection. We have to change that."

What Can We Do ?

Several members asked Johnson how lawyers can help the civil rights movement. His answer is "Don't get comfortable. You may be doing OK but when you walk outside the community and it's not healthy for your kids.



Derrick Johnson

We can all work on issues like equity and public safety in the towns and cities where we live."

Johnson also encouraged lawyers to press on in their work for equal justice under the law.

"At the end of the day, we live under a social contract we call the Constitution. We have to make that Constitution real and have it apply to everyone, while holding people accountable who are seeking to violate it," he said.

Why Juneteenth is not just a holiday for African Americans

Johnson also shared his thoughts on the first federal observance of Juneteenth this year. He sees it as a day of liberation that should be celebrated by all Americans, not just African Americans.

It's the spirit of celebrating liberty, much like Independence Day, that Johnson feels all should embrace on the Juneteenth holiday. It's an acknowledgement of the contributions made by the Africans who built this country, he said.

"The White House was built by our ancestors for free, and so this is that moment to recognize that we have equity in this country. An equity was born of our blood, sweat and tears, and we should never see ourselves as victims of governments, because we are owners of government."

NYSBA's Women in Law Section and the Committee on Diversity, Equity and Inclusion hosted the event, which was moderated by Justice Tanya Kennedy of the Appellate Division, First Department.

Changes to Legal Writing in the Era Of Virtual Courts



By Jennifer Andrus

Our legal landscape has changed dramatically in the past two years, and so has legal writing.

That was one of the takeaways of Supreme Court Justice Gerald Lebovits' very popular May 11 seminar on legal writing hosted by the New York State Bar Association.

He opened the class by saying "Now, only a few things have changed with legal writing in the past 20 years, but the pandemic has dramatically changed legal writing and the profession."

The advent of virtual hearings, conferences, and depositions has spurred a new empha-

sis on legal writing, he said, and because the future is in the virtual realm, now is the time to master communicating within it. That means writing documents that will be read on a screen.

"What you want to do in your E-filing is make sure that your E-documents are easy to read, more so than in the past, you want to have an easy-to-read font like a Times New Roman or Century." He says legal writers need to increase the amount of white space on the page and use internal bookmarks to allow the reader to move quickly to an exhibit or piece of evidence. Simplicity is key and offering graphs,

maps and photographs will aid the reader.

In the past, bullet points and larger margins were frowned upon, but Lebovits says that is no longer the case. Many writers bristle at the thought of being edited by a colleague. Judge Lebovits admonishes students for this view and encourages employing a ruthless editing partner to review and improve your work.

"You should accept edits from people you'll learn from it, even if you don't accept all their suggestions, you should consider all of them and be thankful and grateful. Editors have only one person in mind and that's the

reader who happens to be the only person who counts," he said.

Lebovits went on to challenge the students to drop the legalese and focus on plain English. He suggests avoiding clichés, jargon and acronyms. "If you wouldn't say it, don't write it and then you'll get rid of all your fancy highfalutin \$25 words and legalisms. Avoid legalese. It is harder to quit using legalisms than it is to quit smoking I'm afraid." Write for an intelligent high schooler, he says, and if they can understand it, a judge will too.

Hunter College High School Wins 2022 NYSBA Mock Trial Competition

By Jennifer Andrus

Hunter College High School in New York City beat Huntington High School from Long Island to win the 2022 Mock Trial State Competition. The two squared off in the final round on May 24th after beating out six other regional winning teams in the state semi-finals on May 23.

The competition was held virtually this year and was judged by federal, state, and local judges across New York. Judges score teams on several factors including professionalism in their presentation of a hypothetical case. The students prepare to try the case for both the prosecution and the defense. Team members take on roles as attorneys, witnesses, researchers, and writers.

Three seniors led the Hunter High School Mock Trial team this year. Leo Greenburg says the students developed a good chemistry and that was key to their success. "We really pride ourselves on our family feel for



Hunter College High School is the 2022 champion of the New York State Mock Trial Tournament, now in its 40th year.

make it work. "Our team is very close; we get dinners together after trials. All that time together

team members. She says their attorney advisers and teachers create an open environment that helps each team member grow. "They make it feel really collaborative, but they are tough on us and don't hold back on the feedback."

Eight regional teams competed in the May 23rd semifinals. The regional champions are City Honors School, Buffalo; High School of American Studies at Lehman College, Bronx; Albany Academy for Girls; Ossining High School; Huntington High School; Massapequa High School; Nottingham High School, Syracuse; and Hunter College High School, Manhattan.

The NYSBA Mock Trial program celebrates its 40th this year.

There are 400 teams involving 4,000 high school students in the competition.

The program is sponsored by the New York State Bar Association's Committee on Law, Youth and Citizenship. The New York Bar Foundation provides some of the funding.

"All that time together has helped us grow close both in trial competitions, but outside too."

— Devanshi Shah

our school. Mock Trial is one of the most tightly-knit extracurricular teams in the whole school."

Devanshi Shah agrees and says she learned a lot from previous team leaders on how to

has helped us grow close both in trial competitions, but outside too."

Victoria Freeman says the extensive audition process helps foster a fierce dedication among

President's Pro Bono Service Awards Honors Lawyers Across NY State

By David Howard King

The New York State Bar Association honored lawyers who have made an exceptional commitment to serving the public good during the 31st Annual President's Pro Bono Service Awards held on May 2.

The ceremony took place as part of the Law Day Celebration held at the Bar Association headquarters in Albany.

Award recipients were honored for volunteering their time and expertise for a wide range of causes include environmental concerns, domestic violence, and refugee resettlement.

"With this year's Law Day theme 'Toward a More Perfect Union: The Constitution in Times of Change,' there is no more appropriate time to celebrate the lawyers who are on the ground putting in the work to effect change and making our union more perfect through direct action," Immediate Past President T. Andrew Brown said.

Here is a full list of this year's President's Pro Bono Award recipients:

First Judicial District

Neva Dayton Strom has volunteered with NYSBA's Pro Bono Network Surrogate's Court Volunteer group since May 2020. She has served as mentor to other volunteer attorneys and shared her expertise on Surrogate Court matters.

Second Judicial District

Peter De Vries is a Brooklyn attorney with more than 15 years as a general practitioner providing a wide range of legal services. He works with the Brooklyn Volunteer Lawyers Project — providing divorce, bankruptcy, and guardianship services to those in need with an emphasis on Spanish-speaking clients.

Third Judicial District

Jessica Vinson provides pro bono services through the Private Attorney Involvement Program of the Legal Aid Society of Northeastern New York. She was the director and founder of the Legal Clinic to Aid Survivors of

Domestic Violence in Glens Falls.

Fourth Judicial District

Scott Iseman is a former judge advocate in the U.S. Marine Corp. He is a member of the Board of Directors of the Saratoga County Bar Association where he coordinates the bar association's Veterans Affairs Committee and its pro bono veterans' clinic. Iseman is also on the Board of Directors of the New York State Association of Criminal Defense Lawyers.

Fifth Judicial District

Erika Hooker, an attorney with Bousquet Holstein, works with the Volunteer Lawyers Project of Onondaga County's free legal clinics at Landlord Tenant Court and Surrogate's Court. Hooker represents low-income tenants facing eviction. In Surrogate's Court, she advises pro bono clients in estate administration and legal guardianships.

Sixth Judicial District

Robert H. Wedlake is a partner of Hinman, Howard & Kattell and a member of the firm's Real Estate Department.

Seventh Judicial District

Henry W. Jones IV is a retired court attorney-referee. He represents pro bono clients for JustCause NY in family court matters such as the preparation and filing of petitions and child support litigation. He also works with Legal Assistance of Western New York.

Eighth Judicial District

For over 25 years, Charles D. Grieco has practiced environmental and land use law while serving on numerous community boards and commissions including the City of Buffalo Environmental Management Commission, Buffalo Niagara Waterkeeper, Preservation Buffalo Niagara, the Western New York Book Arts Center, and City Honors Crew.

Ninth Judicial District

Jill Miller stepped away from a successful career practicing entertainment law at Frankfurt Kurnit Klein & Selz to raise her twins. When the Pace Women's Justice Center opened a walk-in clinic in 2017 to serve victims of domestic violence, sexual assault, and elder abuse, she became a pro bono attorney there.

Tenth Judicial District

Since his retirement from a 25-year career in corporate compliance and human resources, Dennis Buchanan volunteered

through the Nassau County Bar Association and the Volunteer Lawyer Project. Buchanan also assists small non-profits with employment issues.

Eleventh Judicial District

Regina Alberty began her pro bono service with the Queens Volunteer Lawyers Project in 2002. She won a Small Firm Practitioner Award from InMotion, a legal assistance program for women. The award was for representing victims of domestic violence in divorce, custody, and orders of protection cases.

Young Attorney

Emily Allen, a Fordham Law School graduate, has been a legal intern with Brooklyn Legal Services Corporation, advocating for tenants in Bedford-Stuyvesant. She helped draft legislation to extend New York State sexual harassment protections to non-traditional workers. Since graduating, she's worked pro bono with JustCause in the Tenant Defense Project.

Senior Attorney

Hon. Vera R. Johnson is a former supervising administrative law judge for the New York State Office of Temporary and Disability Assistance. Since retiring, she has handled pro bono legal matters for the Rural Law Center, LawNY and the Legal Aid Society of Northeastern New York.

Law Student

Alexandra Hyken is a second-year law student at Brooklyn Law School. She has worked



Immediate Past President T. Andrew Brown and President Sherry Levin Wallach conferred the prestigious awards to attorneys and law firms across New York at the Bar Center on May 2.

with the Brooklyn Bar Association Volunteer Lawyers Project in consumer debt protection and family law and with Brooklyn Law School's Safe Harbor Clinic in immigration. She volunteers with If/When/How, and plans to intern with Advocates for Justice this summer, focusing on public school education and employment discrimination.

Law School Group – Albany Law School Immigration Law Society

The Immigration Law Society and the Justice Center at Albany Law School's Immigration Law Clinic are reducing an enormous backlog of cases involving families trying to get out of Afghanistan since the U.S. with-

drawal. More than 220 volunteer hours have been devoted to the Afghan Intake Project, which is dedicated to giving refugees a new home.

Small Law firm

Mucci & Grace has devoted a significant amount of time and expertise to assist the Legal Aid Society of Mid-New York and its clients. Since 2015, the firm has taken on pro bono divorce cases, many of which include severe instances of domestic violence, and more recently has become a key part of Legal Aid's eviction defense program.

Mid-sized Law Firm

O'Connell & Aronowitz have long established relationships with local organizations includ-

ing The Legal Project of the Capital District Women's Bar Association and The Legal Aid Society of Northeastern New York. In the last ten years, its attorneys have performed over 5,000 hours of pro bono work that has benefitted individuals and businesses while protecting civil rights and liberties.

Large Law Firm

Winston & Strawn has a longstanding commitment to excellence in serving the public interest and has ranked as a top 25 firm on the American Lawyer Pro Bono Scorecard for the past five years. During 2021, US based Winston attorneys worked on more than 900 pro bono matters and dedicated 70,000 hours to pro bono legal service.

Attorney Professionalism Award Winner

Over the course of his career, Barry D. McFadden has assisted the Ontario County Department of Social Services with child protective proceedings, actions to free children for adoption, adult protective cases, and petitions for support for children on public assistance. McFadden helped create the Ontario County Youth Court and Juvenile Drug Treatment Court.

Nominating Committee Seeks Candidates for NYSBA Offices



The Nominating Committee invites members of the Association to submit recommendations for consideration in developing its slate of nominees for Association offices beginning in 2023. Anyone wishing to become an officer or member of the NYSBA Executive Committee should review Article VIII of the Association's Bylaws describing the Nominating Committee and nominations for office (NYSBA Bylaws). You must be an Active member of the Association to seek a Member-at-Large position on the Executive Committee.

Offices for nomination

The Nominating Committee is accepting and will be interviewing candidates for the following:

- (a) President-Elect
- (b) Secretary
- (c) Treasurer
- (d) Members-at-Large of the Executive Committee – Three

(please indicate if you are seeking a regular seat or diversity seat)

- at least one of the Members-at-Large is selected to further ethnic and racial diversity in the Association (and this year must come from a judicial district other than the Ninth Judicial District, since there currently is a Member-at-Large from that district).

As part of the selection process, candidates for the offices of President-Elect, Secretary, and Treasurer may be required to appear in person before the Nominating Committee at its meeting on September 19, 2022, in New York City and at its meeting on November 4, 2022, in Albany. Candidates for the office of Member-at-Large of the Executive Committee may be required to appear in person before the Nominating Committee at one of the two meetings. No appearance before the Nominating Committee is required for the positions of Vice

President, the one Member-at-Large recommended by the Section Delegates Caucus, the one Member-at-Large recommended by the Young Lawyers Section, or elected delegate to the House of Delegates (three for each judicial district).

Special eligibility criteria for candidates

A candidate for President-Elect must have served as a member of the House of Delegates within five years preceding the time of nomination but need not be a member of the House at the time of nomination for office.

Candidates for the three Member-at-Large positions of the Executive Committee referenced in Part (d) above must be active members of the association.

Other offices

The Nominating Committee does not determine the district

Vice-Presidents and the Elected Delegates that are presented to the House of Delegates for election at the Annual Meeting. (See NYSBA Bylaws, Article VIII § 1(A)(3).) Similarly, the Nominating Committee does not determine the members chosen by the Section Delegates Caucus and the member chosen by the Young Lawyers Section to fill the positions of Executive Committee Member-at-Large. Therefore, candidates for these positions are not required to appear before the Nominating Committee. (See NYSBA Bylaws, Article VIII §§ 1(A)(4) & 1(A)(5).) However, the Nominating Committee does encourage anyone interested in these positions to contact the Vice-Presidents of their respective judicial districts and/or the Chairs of the Section Delegates Caucus and Young Lawyers Section to fill the positions of Vice-President, Elected Delegate, and Executive

Committee Member-at-Large from the Section Delegates Caucus and Young Lawyers Section. For relevant contact information, please e-mail your request to NominatingChair@nysba.org.

Nature of service

The nature of service for Association offices is described in the Association's Bylaws (NYSBA Bylaws).

The President-Elect, Secretary, Treasurer, fourteen Vice-Presidents, and eleven Members-at-Large serve on the Executive Committee and in the House of Delegates, which manage the business and activities of the Association and generally meet quarterly. They also serve as liaisons to Association committees and sections.

The President-Elect chairs the House, assists the President, and becomes President on June 1 of the following year.

The Secretary keeps a record of House of Delegates and Executive Committee meetings. The Secretary also chairs the Resolutions Committee and serves as a liaison to the Section Delegates Caucus.

The Treasurer serves as an ex officio member (as does the President-Elect) of the Finance Committee, which oversees the financial affairs of the Association and meets approximately four times per year. The Treasurer presents the Association's financial report at each House meeting.

Timetable for submitting recommendations

Members who are seeking office may place their names before the Nominating Committee by self-declaration or nomination. Candidates for President-Elect must submit their declarations of candidacy to the Secretary by no later than September 1, 2022.

Timetable for President-Elect candidates' statements for publication

Each candidate for President-Elect is invited to submit a 400-word statement for publication in State Bar News by September 1, 2022.

Candidates seeking all other offices are strongly encouraged to file a declaration of candidacy and submit all background materials by September 1, 2022, to ensure adequate time for review by the Nominating Committee.

In making nominations, members are encouraged to keep in mind the Association's diversity policy, which was adopted by the House of Delegates in November 2003. The policy emphasizes the commitment to achieving diversity in the "membership, officers, staff, House of Delegates, Executive Committee, Sections and Committees and their respective leaders. Diversity is an inclusive concept, encompassing gender, race, color, ethnic origin, national origin, religion, sexual orientation, age and disability."

Submissions must include curriculum vitae or resume and a maximum of five letters of recommendation. Letters of recommendation should be received prior to the deadlines stated previously. Please direct this information to

the Secretary at the following address:

Taa R. Grays, Esq.
Office of the Secretary
New York State Bar Association
One Elk Street
Albany, NY 12207
E-mail: secretary@nysba.org

You can contact the Chair of the Nominating Committee at the following address:

Henry M. Greenberg, Esq.
Chair, Nominating Committee
Greenberg Traurig, LLP
54 State St 6th floor
Albany, New York 12207
518-689-1400
E-mail: NominatingChair@nysba.org

For more information about the Nominating Committee or the process for submitting nominations please visit the Nominating Committee webpage or contact:

David P. Miranda, Esq.
General Counsel
New York State Bar Association
One Elk Street
Albany, New York 12207
518-487-5524
E-mail: dmiranda@nysba.org

Finances

NYSBA Finances

The New York State Bar Association is committed to being accountable to its members and the public for its finances.

The association works hard to ensure that member dollars are used to create professional, public service, and educational activities and benefits in the diverse and changing legal profession. Copies of the complete audited financial statements for the years 2021 and 2020 are available to members and may be obtained by contacting Kristin M. O'Brien, Senior Director of Finance, kobrien@nysba.org.

ANNUAL REPORT

2021

Revenue and Support:

Dues	\$9,336,000
Annual Meeting	\$490,000
Investment Income, Net	\$1,759,000
Other	\$1,787,000
Books and Publications	\$1,272,000
Administrative Fees and Royalties	\$2,408,000
Sections	\$1,876,000
Continuing Legal Education	\$2,716,000

Assets:

Cash	\$10,861,000
Investments	\$54,265,000
Property and Equipment	\$2,306,000
Other Assets	\$1,576,000



Panelists Urge Attorneys To Fight Election Interference

By Jennifer Andrus

Following claims of election interference in the 2020 election, state legislatures across the country are amending voting laws and election procedure to alter or eliminate regulations that were eased during the COVID-19 pandemic.

The Commercial & Federal Litigation Section of the New York State Bar Association held a panel discussion Thursday night on these new laws and their impact on access to the ballot box.

The event also included the awarding of Honorable George Bundy Smith Pioneer Award by the Committee on Diversity, Equity and Inclusion. This year's recipient was Rep. Stacey Plaskett who represents the U.S. Virgin Islands in Congress. The award recognizes an attorney or jurist of color whose career exemplifies Judge Bundy Smith's legal excellence and commitment to community.

Jerry Goldfeder, special counsel at Stroock, Stroock & Lavan, who moderated the discussion, told participants there is good reason to be concerned about the fate of our Constitutional Democracy.

"We are finding ourselves in this period that states are laboratories of anti-democratic behavior especially since the United States Supreme Court in 2013 struck down important provision of the Voting Rights Act relating to preclearance in *Shelby v Holder*," he said.

The ruling removed federal government oversight over states that change election law.

The event featured Terry Ao Minnis, senior director of census and voting programs for Asian Americans Advancing Justice, and Amia Trigg, senior counsel at the NAACP Legal Defense Fund.

Breaking Down Barriers to Voting

"The integrity of an election is defined not just by how secure an election is, but also by how truly accessible, it is for all eligible Americans," Minnis says.

Minnis shared research and census data showing a rise in the number of Asian Americans eligible to vote and increased enthusiasm by those voters to participate in elections. Voting by mail during the pandemic helped voters with limited English proficiency.

"They were able to vote comfortably at home, with language assistance from friends and relatives, without having to coordinate schedules to go to the polls together," she said.

Nearly 64% of Asian American voters cast ballots by mail. Minnis says a fear of harassment or violence also keeps them from voting at polling places. "Asians are seen as the perpetual foreigner and thus assumed to be a non-citizen and trying to vote," she says.

By the Numbers

Amia Trigg, senior counsel at the NAACP Legal Defense Fund, shared the startling number of new election laws passed across the country since 2020.

"We saw at least 19 states pass 34 laws restricting access to voting with more than 440 bills

with such provisions being introduced in 49 states during the 2021 legislative session," she says.

Trigg says many of the bills eliminated no excuse absentee balloting and voting by mail. Other bills restricted or eliminated drop boxes for ballots and banned assistance — such as providing water for those waiting in line — to voters.

The so-called "line warming" legislation in Florida expanded the definition of solicitation to prevent any activity seen as influencing a voter within 150 feet of a polling place. It does not address the need for more polling place, which would alleviate the long lines for voting.

"In non-diverse parts of Florida, the wait time to vote is 10 minutes or less, but in communities of color it can be up to an hour, if not longer," Trigg says.

She says it's no coincidence that these new laws are aimed at discouraging people of color from voting. "We know that many of these new laws and bills disproportionately burden black voters, in places where voter registration and turnout was at his-

toric highs over previous election cycles."

How You Can Help

Both panelists encouraged fellow attorneys to advocate for the passage of the John R. Lewis Voting Rights Act in Congress. They encouraged all attorneys to spearhead efforts to collect information if they are concerned about voting interference.

The Hon. George Bundy Smith Award

The evening closed with a tribute to the 2022 George Bundy Smith Pioneer Award winner. Bundy Smith was a judge on New York's Court of Appeals and worked as a Freedom Rider during the Civil Rights Movement. He displayed an unwavering commitment to social justice during his 30 years as a judge.

Rep. Stacey Plaskett was recognized for her work fighting for voting rights for citizen in the U.S. territories and as an impeachment manager in the trial of former President Donald Trump.

NYSBA Members Fight for Immigrant Representation

By Jennifer Andrus

The New York State Bar Association strives to promote equal access to justice for all, and NYSBA members' zealous advocacy for immigrants is one-way attorneys work to achieve that ideal.

Shayna Kessler and Steve Yale-Loehr, co-chairs of NYSBA's Immigration Representation Committee, focus on education and advocacy to improve the plight of immigrants. The committee hosted several CLE webinars in 2021 and 2022 to train NYSBA members in the fundamentals of immigration law.

"We try to encourage more members to work pro bono for immigrants, and Shayna has been particularly active in trying to work on funding issues and legislative issues to make it easier to get representation for immigrants in New York State," says Yale-Loehr, who is a Cornell Law School professor. "Immigrants are not guaranteed an attorney. Over half of all immigrants don't have a lawyer, and immigration law is one of the most complex areas of law in the country. For asylum seekers, it can be a life and death decision."

Law School Clinics Fill in the Gap

Immigration work is one of the areas highlighted in this year's NYSBA pro bono awards. Albany Law School's Immigration Law Pro Bono Society is one recipient of the 2022 President's Pro Bono Service Awards. The group is recognized for its innovative clinical program working with the U.S. Committee for Refugees and Immigrants

(USCRI) and Immigrant-ARC.

Jake Mantey, Albany Law School '22 recruited and trained more than three dozen student volunteers to help in the immigration clinic this year. Working with USCRI's legal team, the law students conducted over 200 legal screening of Afghan refugees who have resettled in the capital region.

Mantey says he is drawn to immigration law to help those who are often scapegoated. "I think it's a prominent area where you can have a lot of impact that's tangible and it means a lot to disadvantaged people."

NYSBA members Albany Law Professors Sarah Rogerson and Lauren DesRosiers support the students clinical work on behalf of immigrants. "There's something deeply fulfilling about assisting groups of individuals that are consistently set aside by political winds on both sides of the political ideology," Rogerson says. "Immigrants are consistently overlooked when it comes to national policy and consistently demonized after 9/11. I saw that very clearly as a law student."

DesRosiers was excited to join the Justice Center at Albany Law School's Immigration Clinic to work alongside Rogerson.

"I saw it as a really great opportunity to work with students, get them excited about doing immigration work and also simultaneously be able to serve clients in the community," she says.

Yale-Loehr says his best days are when former students reach out to him about pro bono immigration work, having learned those skills from Cornell's immigration law clinics.

"It keeps me going," he says.

Recognizing Secondary Trauma

Immigrants and asylum seekers are often victims of torture and abuse and hearing their stories can cause a secondary trauma for lawyers. Recognizing the impact is central to the students' clinical work at both Albany Law and Cornell.

"There are recognized techniques that psychologists and psychiatrists use not just in immigration, but in any traumatic situations like terrorism, domestic violence cases or criminal cases. All of these sensitive cases can raise secondary trauma issues and now it's getting more integrated in the curriculum," Yale-Loehr says.

Mantey focused on community care during the work of Albany Law's Immigration Law Pro Bono Society. He provided time and space for student volunteers to talk about their shared experiences. "We look out for each other's mental health because doing this type of stuff is very taxing. A lot of people don't want to get involved in such horrific stories," Mantey says.

Earlier this year, NYSBA and the Immigration Representation Committee provided a free event on recognizing secondary trauma. You can see the event here.

Legislative Action on Immigrant Rights to Representation

The right to immigrant representation is one of NYSBA's legislative priorities for 2022. NYSBA scored a victory this month with the Legislature's approval of increased funding for

legal services from \$16 million to \$20 million. Kessler hopes the funding will spur momentum for supporting mandated legal representation for immigrants in New York.

"We can model immigration policy that is welcoming and centers on human dignity, that ensures that immigrants, faced with federal immigration enforcement have the support of their state," she says.

Kessler and Yale-Loehr believe that the plight of immigrants must be considered for the recovery from the COVID 19 pandemic to be equitable.

"The enormous amount of danger and lack of safety and lack of healthcare precautions for people who are in detention is terrifying," Kessler says. "We're seeing immigrants who are disproportionately essential workers continuing to face a year of family separation, of detention and deportation even while working on the front lines of the pandemic."

NYSBA Involvement Is a Lifeline

Rogerson says membership in the New York State Bar Association is a key element in Albany Law's clinical success. "The State Bar provides a network and platform for us to collaborate more effectively. NYSBA has been critical in terms of these pop-up clinics — getting the word out to volunteers and funneling people power," she says.

DesRosiers agrees, saying the association excels at building community. "Having a network of really informed engaged attorneys is just so key and NYSBA is so great at developing and supporting that network."

CLASSIFIED ADS

TO ADVERTISE WITH NYSBA, CONTACT:

MCI USA
Attn: Holly Klarman, Account Executive
307 International Circle, Suite 190
Hunt Valley, Maryland 21030
holly.klarman@mci-group.com
410.584.1960

The acceptance and listing of advertisements in the State Bar News does not constitute an endorsement by the New York State Bar Association.

Roy M. Warner

PRESSED FOR TIME? Experienced NY Counsel, peer-reviewed author and CLE Lecturer offering consultations and extensive services for pleading, discovery, appeals, motions, trial preparation and more. I personally and confidentially review your underlying documents, research points of law and draft what is needed.

Visit www.coveringcounsel.com for details.
t. 561-504-2414
e. roy.warner@coveringcounsel.com

MEDICAL EXPERT IN THORACIC AND VASCULAR SURGERY, NON- INVASIVE VASCULAR TESTING AND WOUND CARE

I have practiced thoracic and vascular surgery since 1991. I maintain an active practice and am former Medical Director of Champlain Valley Physicians Hospital Wound Center. I am certified by the American Board of Thoracic Surgery and am a Registered Physician in Vascular Interpretation.

I review for the New York State Office of Professional Medical Conduct and have had over ten years of experience in record review, determinations of standard of care, deposition and testimony in medical malpractice cases.

Craig A. Nachbauer, M.D.
North Country Thoracic and Vascular, PC
12 Healey Avenue
Plattsburgh, NY 12901
Phone: (518) 314-1520
Fax: (518) 314-1178

FLORIDA ATTORNEY | TITLE COMPANY

STRALEY | OTTO & ACTION TITLE COMPANY over 35 years' experience in Real Estate, Title Insurance, Probate, Guardianship, Estate Planning, Business Transactions, and Community Association Law.

Dedicated to providing superior service and quick turnaround time for Legal and Title Work. For Co-Counsel or Referral contact: 954-962-7367; SStraley@straleyotto.com

www.Straleyotto.com
www.ActionTitleco.com

www.lawspacematch.com

Find a clean LawSpace to sublease within a law office. Search for free by zip code and connect with Lawyers. Renting empty space instantly: www.lawspacematch.com



**Lawyer Assistance
Program**

The Lawyer Assistance Program Hotline

Provided to members seeking assistance with depression, anxiety, burnout, alcohol or drug related concerns, and other mental health issues

- Free confidential service
- Up to four free counseling sessions a year

Call 877.772.8835

NYSBA.ORG/LAP



USI Affinity

Where Lawyers Go For Protection.

A Full Suite of Insurance Solutions.
For You, Your Family, and Your Practice.

As the endorsed insurance program of the NYSBA, we offer a complete range of insurance solutions covering all of your business and personal needs, while providing exclusive insurance and benefit solutions not available to the general public.

Business Insurance:

- Lawyers Professional Liability
- Cyber Liability
- EPLI

1.855.USI.0100

Personal Insurance:

- Life & Disability
- Student Loan Refinancing
- Long Term Care
- Auto, Travel, Pet
- Dental & Vision

1.855.874.0141

Call today for more information on the insurance products available to New York State Bar Association members, including a NYSBA professional membership credit.

www.NYSBAInsurance.com





2022-2023 Referral Campaign

Building Membership is a Winning Proposition!

Ends: March 31, 2023

Membership matters now more than ever, and you can help the New York State Bar Association build the future of the legal profession by referring new members.

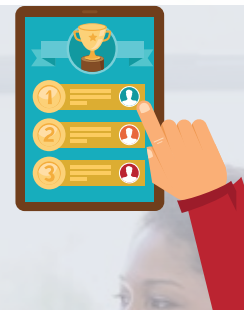
Referring a member is easy. Attorneys joining simply provide the referring member's name by:

- **Joining online and entering the referring member's name in the corresponding box during the application process.**
- **Contacting our Member Resource Center and providing the name of the referring member.**

Any current NYSBA member in good standing may refer a new member, whether it's a new attorney member or a new law student member.

Referring new members is also a rewarding experience. Top performers will be recognized via a leaderboard that will be updated on an ongoing basis.

Members with the most referrals at the end of the program will qualify for varying prizes within multiple categories.



NYSBA.ORG/MEMBERSHIP