



SHERRY LEVIN WALLACH, ESQ.

President

The Legal Aid Society of Westchester County

150 Grand St

White Plains, NY 10601-4821

(914) 286-3407

slw@laswest.org

**Report of President Sherry Levin Wallach to the
House of Delegates of the New York State Bar Association
January 20, 2023**

Dear Colleagues:

It is wonderful to be together again in New York City for the 146th Annual Meeting. Hundreds of lawyers from across the state, nation, and world are gathered here for this cherished week devoted to celebration of the law and the legal profession. After three years of anxiety, uncertainty, and disruption, it is good to be home!

While it has been several years since we were together for our Annual Meeting in New York City, we have been as busy and productive as ever. Our Sections and committees are meeting in person again reestablishing old relationships and forming new ones. We have had several successful destination meetings and events. Moving forward, we are working hard to find the proper balance needed to incorporate the new virtual tools that we learned during the pandemic while recognizing the importance of in person collaboration.

I am pleased to report that our membership numbers remain steady as we actively pursue the best ways to engage with new members and retain existing ones. To grow as an Association, we must stay relevant, embrace new technologies and new issues, and work together to help our membership be the best they can be for their clients and the legal community. We also strive to make optimal use of the Association's resources to reach our members – and prospective members – across the state, nation, and world.

We continue to live in unprecedented times, and legal and constitutional processes that have been in place for many years are being questioned. Yesterday, the Executive Committee adopted the following resolution:

The New York State Bar Association Executive Committee approves the appointment of a Special Committee on the Selection of Judges for the Court of Appeals in response to concerns raised in recent weeks over the appointment of a chief judge. The committee will examine the selection process, including its history, and make recommendations to the Association.

The Executive Committee reaffirms that the rule of law and the independence of the judiciary are crucial to the administration of justice. It is of the utmost

importance to public confidence that there is a fair process that allows the judiciary to operate independently and effectively.

There is a dire need to ensure the functionality of our system of government and the protection of our constitutional rights. As lawyers, preservation of the rule of law is front and center as a core duty of our profession. In that light, I am justly proud of the efforts within our Association. Last November, the House of Delegates adopted a historic resolution from the Women in Law Section in support of reproductive rights and the New York State Equal Rights Amendment. The House of Delegates also adopted a major report from the President's Committee on Access to Justice and the Committee on Legal Aid on access to justice during the COVID-19 pandemic. And later today the House of Delegates will consider a resolution from the LGBTQ Law Section in support of the New York State Unified Court System's UCS Bench Card and Best Practices for Judges 'Using LGBTQ+ Inclusive Language and Pronouns.' I hope, if adopted by the House, that the Bench Card will serve as a template for similar efforts nationwide.

Our global presence allows us to take a leading role in the worldwide struggle to protect and defend the rule of law. Led by our International Section, we continue to support and assist the people of Ukraine through engagement with the Ukrainian Bar Association, American Bar Association and other stakeholders committed to the international rule of law. I have traveled locally, nationally, and internationally to raise awareness about our great Association and offer our continued partnership and support to bar associations across the state, nation, and world. To that end, I have signed Memorandums of Understanding with the Law Society of England and Wales, the Law Society of Scotland, the Bar Council of England and Wales, the Serbia Bar Association, the Puerto Rico Bar Association (*Collegio de Abogados y Abogadas de Puerto Rico*) and reaffirmed our partnerships and Memorandum of Understanding with the Virgin Islands Bar Association. I have attended the opening of the legal year in England and Wales and developed relationships with bar leaders worldwide. Worldwide associations and legal communities look to New York for guidance and collaboration. NYSBA members come from across the world, and we will continue to ensure that attorneys feel at home within our Association no matter where they may practice or reside.

I established five presidential task forces at the start of my term on June 1st of last year. I am proud to report that all five groups quickly sprang into action – producing programs, drafting reports with legal and policy recommendations, publishing articles, and educating and informing our members on developments.

The Task Force on Mental Health and Trauma Informed Representation has identified a need for more access to community-based care and the diversion of people living with serious mental illness from prisons and jails. Further, we as leaders of the bench and bar must better support both clients with mental health and wellbeing needs and our attorneys who work with these clients daily.

I am extremely proud that NYSBA is leading by example here. The January / February issue of the NYSBA Journal focuses on the intersection of mental health and the legal system, with thoughtful articles on criminal justice considerations, disability law, and wellbeing. The theme of my Presidential Summit was "Mental Health and the Justice System: Impacts, Challenges, Potential Solutions." It was a great privilege to see so many colleagues in attendance for what was truly a candid and necessary conversation on the cruel intersection between the mental health crisis and our civil and criminal justice systems. Last week, Governor Hochul in her State of the State

address announced a proposal to invest \$1 billion in mental health care. This proposal is welcome news and will do much to remedy the severe lack of treatment options for New Yorkers living with mental illness who need compassionate care.

The Task Force on the U.S. Territories quickly sprang into action last summer, drafting a resolution that the NYSBA and ABA House of Delegates soon adopted calling for the *Insular Cases* to be overturned. Unfortunately, the U.S. Supreme Court declined to hear the case of *Fitisemanu v. United States* last fall. Despite this disappointment, the Task Force's good work will continue – I am sure that many of you attended the Constance Baker Motley Symposium, which featured a mock argument conducted by law students of what could have been if the Supreme Court had granted cert in *Fitisemanu*. I look forward to the continued work of this important Task Force and to further reports and recommendations.

The Task Force on the Ethics of Local Public Sector Lawyering, which is comprised of some of the leading public sector, municipal, and ethics attorneys in the state, has been tasked to prepare a comprehensive report focusing on the ethical considerations surrounding representation of a governmental organization, including conflicts of interest.

The Task Force on Modernization of Criminal Practice, in partnership with other stakeholders, including the Commission to Reimagine the Future of New York's Courts Pandemic Practices Working Group, is actively working to review these changes and develop practicable solutions for criminal law practitioners, defendants, and the courts alike. Recommendations will focus on sentencing reform, uniformity and predictability with e-filing, e-discovery, and service of legal documents, and improvements to the delivery of justice within our state's thousands of town and village courts.

Looking toward the future, I would be remiss not to mention the Task Force on Emerging Digital Finance and Currency. NFTs, cryptocurrency, digital assets, stablecoin, the Metaverse – the effects of these new and evolving technologies on business, law, and society, are playing out in real time around the world. The Task Force, in partnership with New York University, recently produced a major conference on Preparing Your Practice and Clients for the Newest Digital Revolution, the video of which is available on the NYSBA webpage. The Task Force has also scheduled an exciting CLE program that is taking place tomorrow. I encourage you to attend. Over the next few months, the Task Force will continue to develop cutting-edge programming for our members, make recommendations on the legal and regulatory issues surrounding digital finance and currency, and promote the appropriate use of digital assets and Web3 resources by the New York State Bar Association to keep pace with the industry and expand global membership.

2023 will be a year of great opportunity for the New York State Bar Association. In Washington, NYSBA leaders will continue to engage with Congress and the Biden Administration to implement our federal legislative priorities, including student loan debt relief, funding for the Legal Services Corporation, the sealing of federal criminal records, measures to safeguard voting rights and voter participation, and passage of the Equality Act. Concerning equal rights, I am proud that the Association participated as amicus curiae in *303 Creative LLC v. Elenis*, a pending case before the Supreme Court on the intersection of LGBTQ rights in public accommodations and the Free Speech Clause of the First Amendment. No matter the decision of the Court, NYSBA is committed

to equal rights for all, and will ceaselessly advocate for its members and the constitutional rights of all Americans.

At the state level, we look forward to working with the new Chief Judge on matters of interest to the bench, the bar, and the court users of New York State. In Albany, the Association's advocacy efforts will focus on several major legislative goals, including support for the Equal Rights Amendment, the Clean Slate Act, and right to counsel in housing proceedings and immigration matters. We will continue work on the repeal of the century-old Judiciary Law Section 470 – as the past few years have demonstrated, a physical office is not needed, and the time has long passed for New York admitted attorneys to practice law having to maintain an office in New York State.

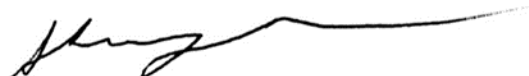
And, as I reported to the House in November of last year, our 18B litigation against the State of New York is underway. The time has long passed for an immediate statewide state-funded increase in assigned counsel rates – we are optimistic as to the merits and our ultimate success on this foremost priority for the Association.

I would like to take this opportunity to give an update on One Elk – our Bar Center. I am happy to report that a professional engineer and architect have been retained to assess the structural needs of the facility and expedite the work and planning necessary to revitalize our Bar Center as our home for generations of members to come. I encourage our Sections to make use of the Bar Center for meetings and programs, with emphasis on the cost savings associated with the use of the in-house technology, staffing, and centralized location.

The theme of my presidency is Investing in the Future of the Profession. NYSBA – through the work of its sections, which are the lifeblood of our Association, the efforts our task forces and committees, and, most importantly, the dedication of our members – is better positioned than ever before to advocate for and support the practices of New York lawyers, no matter where they might reside.

I will never forget the inspiration that I felt at the Annual Meeting eighteen years ago when the President of the New York State Bar Association – my good friend and mentor, Kenneth G. Standard – chatted with me on the escalator at the Marriott Marquis. As a young lawyer and junior member of the Association, this interaction was akin to meeting with a celebrity, and encouraged me to aspire for leadership both within the Association and the profession at large.

Colleagues, the Member Referral Program will close on March 31st of this year. If you were not already convinced, I hope that the activities you have participated in over the last few days here at the Annual Meeting – the cutting-edge CLE programs, the inspirational award ceremonies, the collegial dinners, luncheons, and networking events – have persuaded you that bar association membership is essential for a productive, successful, and happy career. Do your part for our Association and our profession and encourage your colleagues, your peers, and most importantly, young and new attorneys, to join NYSBA. I promise you it will be a worthwhile investment.



Sherry Levin Wallach
President