

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
JUNE 30, 2007
THE OTESAGA, COOPERSTOWN, NEW YORK

PRESENT: Abernethy; Adler; Alcott; Alden; Anello; Ayers; Badway; Barney; Boyers; Bracken; Branda; Breen; Brown Spitzmueller; Brown, P.; Brown, T.; Buholtz; Burke, J.; Buzard; Byrne; Caffry; Cahn; Casserly; Castellano; Chambers; Chase; Christian; Cloonan; Cohen, C.; Cohen, D.; Cohn; Copps; Crespo; Cullum; Davis; Denton; Dolin; Donoghue; Doyle, J.; Doyle, V.; Draper; Duffy; Edmunds; Egan; Elder-Howell; Evans; Farley; Fernandez; Ferradino; Finerty; Fishberg; Fisher; Franchina; Frank; Gerstman; Gesinsky; Getnick; Giorgio; Goldblum; Golinski; Gordon Oliver; Gorgos; Gouz; Grays; Greeley; Greenthal; Gross, J.; Gross, M.; Gutekunst; Haig; Hassett; Hayes; Higgins; James; Kamins; Kelly; Kougasian; Krane; Kretser; Lally; Lamantia; Larose; Lawrence; Leber; Leinhardt; Levin; Levy; Lieberman; Lindenauer; Madigna; Makofsky; Manias; Margolin; Markhoff; Marris; Martin; Mettler; Meyer; Mihalick; Miller, M.; Millon; Minkowitz; Miranda; Morgan; Morril; Moy; Murray; Nashak; Netter; O'Donnell; Ostertag; Pellow; Porcellio; Priore; Purcell; Reed; Reynolds; Richardson; Rifkin; Robinson; Rodriguez; Romero; Rosenthal; Rosner; Rothstein; Salkin; Sandner; Schultz; Sconiers; Sheehan; Sigmond; Silkenat; Smith, G.; Smith, T.; Smyk; Sonberg; Standard; Stanislaus-Fung; Stansel; Starkman; Steinberg, H.; Stempel; Stenson; Sterrett; Sunshine, J.; Sunshine, N.; Szochet; Tennant; Terranova; Tesser; Tharp; Tilton; Tishler; Tyler; Vigdor; Villanueva; Wachtler; Walsh, J.; Walsh, O.; Weinberger; Williams, B.; Wimpfheimer; Witmer; Yavinsky; Younger.

Ms. Leber presided over the meeting as Chair of the House.

1. Call to order and introduction of new members. After calling the meeting to order, Ms. Leber welcomed the new members of the House.
2. Approval of minutes of March 31, 2007, meeting. A motion was unanimously adopted accepting the minutes as previously distributed.
3. Report of the Treasurer. Mr. Ayers, Treasurer, reported that that the Association had received an unqualified opinion from the Association's auditors, UHY, LLP, for the 2006 audited annual report as of December 31, 2006. With respect to the current year through May 31, 2007, he reported that total revenue is \$16.8 million, an increase of \$211,000 from the previous year, and total expense is \$10.2 million, an increase of \$320,000 over this point in 2006. Membership dues revenue had increased \$150,000 over this point in 2006, while CLE revenue had decreased by \$128,000. Mr. Ayers then provided a short-term and long-term analysis of the Association's financial condition, noting that critical factors for the Association's long-term financial condition are membership dues, CLE revenue, and other income. He described the Finance Committee's ongoing budget review, and reported that President Madigan planned to appoint a long-range financial planning committee to develop a 5-7 year strategic financial plan. The report was received with thanks.

4. Presentation of Root-Stimson Award. Paul Michael Hassett, chair of the Root-Stimson subcommittee of the Committee on Annual Award, reported that the Root-Stimson Award honors members of the profession for outstanding community service. President Madigan and Mr. Hassett presented the award to Stephen J. Dannhauser of New York City. Chairman of Weil, Gotshal & Manges LLP, he was honored for his fund-raising community service to The New York Police and Fire Widows' and Children's Benefit Fund and his work as Chairman of the Board of The Boys and Girls Harbor, Inc.
5. Report and recommendations of Finance Committee. David M. Schraver, chair of the Finance Committee, outlined the proposed restructuring of non-resident member dues, as had been recommended earlier this year by the Committee on Membership, to parallel the dues structure for resident members. He noted that increases in dues largely would be at the higher levels of membership, but still would be significantly lower than resident member dues. After discussion, a motion was adopted unanimously to approve the committee's recommendation.
6. Report and recommendations of Committee on Mass Disaster Response. Robert J. Saltzman, the committee's chair, reported on the committee's recommendation that the New York Court of Appeals adopt a court rule to govern the provision of legal services in the event of a disaster in New York or another jurisdiction. He noted that the proposed rule, based upon a model rule adopted by the American Bar Association in February 2007, had been modified to account for New York practice and procedure. After discussion, a motion was adopted unanimously to approve the following resolution:

WHEREAS, a major disaster in New York or another jurisdiction may have a significant adverse impact on the ability of lawyers to provide legal services to their clients; and

WHEREAS, in February 2007 the American Bar Association adopted a Model Rule on Provision of Legal Services Following Determination of Mass Disaster; and

WHEREAS, the New York State Bar Association Committee on Mass Disaster Response has proposed a court rule and accompanying commentary, based upon the ABA Model Rule, for adoption in New York;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby endorses the court rule and commentary proposed by the Committee on Mass Disaster Response; and it is further

RESOLVED, that the officers of the Association are hereby empowered to take such steps as they may deem necessary to pursue implementation of the recommendations contained in the report.

7. Report and recommendations of Special Committee to Ensure Quality of Mandated Representation. Vincent E. Doyle, III, chair of the Special Committee, reviewed the Special Committee's recommendation that the Association endorse the report of the Chief Judge's Commission on the Future of Indigent Defense Services, which recommended the establishment of a statewide defender office including an Indigent Defense Commission, a Chief Defender and Regional Defender and Local Defender Offices, a Deputy Defender for Appeals, and a Deputy Defender for Conflict Defense. A motion was made to approve the resolution offered by the committee, following which amendments to the resolution offered by the Suffolk County Bar Association and the New York City Bar Association were accepted as friendly amendments. After discussion, the following resolution was approved on voice vote:

WHEREAS, in June 2006 the Chief Judge's Commission on the Future of Indigent Defense Service released its final report evaluating New York's system of criminal indigent representation and recommending reform of the indigent defense system, including the establishment of a statewide, state-funded system with an independent public defense commission to oversee the quality and delivery of public defense services; and

WHEREAS, the Special Committee to Ensure Quality of Mandated Representation has reviewed the report of the Chief Judge's Commission and supports the recommendations contained therein; and

WHEREAS, the Association has previously supported several recommendations contained in the report, including the creation of an independent, statewide oversight body for defense providers; the adoption and enforcement of statewide standards for the provision of quality public defense services; and programs to provide free or low cost specialized training to those representing eligible defendants;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the report of the Special Committee on Quality of Mandated Representation and endorses the recommendations of the Chief Judge's Commission on the Future of Indigent Defense Services; and it is further

RESOLVED, that appropriate entities within the Association should be designated to develop and pursue legislation to establish an Indigent Defense Commission with broad powers to adopt standards, evaluate providers, and generally organize, supervise and assume general responsibility for the operation of New York's public defense system; and it is further

RESOLVED, that the Association specifically endorses the recommendation of the Chief Judge's Commission that the newly created Indigent Defense Commission evaluate all existing programs, and the providers of services for said programs, and contract with those providers who meet quality standards and will best serve indigent

clients within each region of the state, subject to consideration of the continuation of existing county programs that deliver representation to indigent criminal defendants through contracted providers as well as County Law 18-B assignments; and it is further

RESOLVED, that the Association recommends that in evaluating existing providers and deciding which providers should be contracted with, the Indigent Defense Commission should solicit the input of local bar associations and other interested groups; and it is further

RESOLVED, that whereas the Chief Judge's Commission identified inadequate funding as one of the root causes of the failings of the current indigent defense system, the Association expresses its strong recommendation that there must be adequate funding for all components of any new system, specifically including any retained existing providers, whose funding level must be maintained or increased to adequate levels; and it is further

RESOLVED, that the officers of the Association are hereby empowered to take such other and further steps as they may deem necessary to pursue implementation of these recommendations.

8. Installation of President. Ms. Madigan was formally installed as President. The oath of office was administered by the Hon. Thomas J. McAvoy, Senior Judge of the United States District Court for the Northern District of New York, who delivered brief remarks.
9. Report of President. Ms. Madigan announced that the theme for her term as President would be "Leadership through Service." She highlighted some of the initiatives she planned for the coming year, including the following:
 - The need to focus on the future of the Association. She announced a three-year membership challenge to increase membership by 5%, and challenged sections to increase membership by 10% during that time. She noted the need for financial stewardship and reported that she would appoint a strategic financial planning committee.
 - A "living history" project, by which past Association presidents would be invited to record their history on CD-ROM.
 - Tuning into emerging trends, with the goal of making every New York lawyer have a home within the Association.
 - A focus on law-related education, to highlight the importance of the rule of law and model law as a career.
 - Access to justice, with an emphasis on meeting the civil legal needs of the poor.

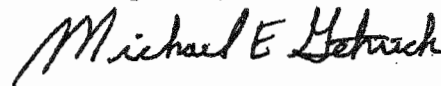
Ms. Madigan referred the delegates to the written President's Report that had been distributed, a copy of which is appended to these minutes, for a detailed presentation regarding issues and matters of interest.

10. Report and recommendations of Committee on Standards of Attorney Conduct. Steven C. Krane, chair of the committee, provided an introduction to the proposed Rules scheduled for consideration at this meeting in accordance with the scheduling resolution adopted by the House in November 2005. David M. Schraver, subcommittee chair, together with Roy D. Simon, Jr., the committee's vice chair, and Carol L. Ziegler, the committee's associate reporter, then presented the proposed Rules. Following discussion, motions were approved to adopt the following Rules: 1.7, 1.8, 1.9, and 1.10.
11. Report of Special Committee on Senior Lawyers. Justin L. Vigdor, chair of the Special Committee, updated the House with respect to the committee's activities in considering programs and services for senior lawyers, noting that more than 18,500 of the Association's members are over age 55. The committee is reviewing opportunities to utilize the services of senior lawyers, as well as to assist with providing older lawyers with programs in areas including technology and retirement planning. The report was received with thanks.
12. Report of The New York Bar Foundation. John R. Horan, President of The Foundation, presented an informational report on recent developments with respect to The Foundation, including the recent awarding of \$287,550 for law-related projects. He noted that four Association sections – Commercial and Federal Litigation, Real Property, Tax, and Business Law – had made restricted donations to The Foundation for projects. Finally, he reminded the delegates that The Foundation's third annual appeal would take place in the near future. The report was received with thanks.
13. Administrative items. Ms. Leber reported on the following:
 - a. Reappointment of special committees. Special committees are appointed initially for a fixed period of time not to exceed three years and, when that time has elapsed, House approval is required to extend the term of such committees. A motion was adopted unanimously to extend the terms of the following special committees for an additional year:
 1. Special Committee on Animals and the Law
 2. Special Committee on Court Structure and Judicial Selection
 3. Special Committee on Cyberspace Law
 4. Special Committee on Funding for Civil Legal Services
 5. Gender Equity Task Force
 6. Special Committee on Procedures for Judicial Discipline
 7. Special Committee on Quality of Mandated Representation
 8. Special Committee to Review the Code of Judicial Conduct
 9. Special Committee on Student Loan Assistance for the Public Interest
 10. Task Force on Electronic Communications

11. Special Committee on Unlawful Practice of Law

- b. Discharge of special committees. The Special Committee on Fiduciary Appointments, Special Committee on Issues Affecting Same-Sex Couples, Task Force on Cameras in the Appellate Courts, Task Force on E-Filing, and Task Force on Mandatory Retirement of Judges have been discharged with the concurrence of their respective chairs. Where appropriate, the work will be continued by existing committees and sections.
 - c. Discharge of standing committees. Pursuant to the Bylaws, House approval is required for the discharge of standing committees. A motion was adopted unanimously by voice vote to approve the discharge of the Committee on Court Operations, which had been recommended for discharge with the consent of its chair.
 - d. Nominating Committee. The Fourth Judicial District had submitted its representatives for the 2006-2007 Nominating Committee: Peter V. Coffey and Cristine Cioffi, members; and James E. Cullum, alternate. A motion was adopted unanimously by voice vote electing the representatives as submitted by the district.
14. Date and place of next meeting. Ms. Leber announced that the next meeting of the House of Delegates would take place on Saturday, November 3, 2007 at the Bar Center in Albany.
15. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Michael E. Getnick
Secretary



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June 30, 2007

To: Members of the House of Delegates

Re: President's report

Given the typical House Agenda where time is at a premium, I plan to provide the President's Report in writing at each meeting. This will enable me to highlight the significant items during brief remarks to the House and convey other developments of interest in a format that you can review at your convenience and distribute as you see fit.

At the outset let me express my appreciation to Mark Alcott for a stellar year at the helm of the Association and update you about the status of some of his many and varied initiatives, as well as our legislative priorities, other programs and initiatives you can expect in the year ahead.

1. Legislative Priorities. In the fall of each year, the Association's Executive Committee selects a series of key legislative priorities that become our major focus during the upcoming legislative session. This process includes consultation with our Committee on Legislative Priorities and our Committee on Legislative Policy, after an outreach to members, Sections and Committees for their input. During the 2007 session, our priorities were: judicial salary increase for our state's judges; enactment of a no-fault divorce bill; court reorganization; merit selection of judges; equity for same-sex couples; enactment of a compact for long term care; and adequate funding for civil legal services. At the close of the session, here is where those matters stood:

a) Judicial Salary Adjustment. We pulled out all the stops on this front-burner priority and will continue to do so until we have secured enactment of the long-overdue judicial salary adjustment and de-linkage of judicial and legislative salaries. While the Governor and legislative leaders all expressed public support for a well-deserved salary adjustment for our state's judges, the insertion of other issues at the Capitol produced a stalemate. We are grateful to the thousands of members who responded to our blast e-mail and contacted their legislative representatives on this issue and, when the Legislature returns in July, we will continue our efforts to make this happen.

b) No Fault Divorce. We support the enactment of true no fault divorce legislation as the only remedy that can effectively address New York's archaic divorce laws and bring us into line with virtually every other state. While the Legislature decided to focus on a three-month conversion bill, which would allow couples to obtain a divorce based upon living apart under a separation agreement for three months, rather than the year required under the current statute, that fails to address the real issue. We will continue our efforts to press for enactment of no-fault legislation.

c) Merit Selection of Judges. In the waning days of the session, Governor Spitzer submitted his program bill to allow for the merit selection of judges through the creation of judicial nominating commissions to recommend nominees to him for appointment to the Appellate Division, the Supreme Court, the Court of Claims, the County Court, the Surrogate's Court, and the Family Court, as well as establish fourteen-year terms of office for those judges. The Association has long been a proponent of merit selection, and, given the rulings by the U.S. District Court for the Eastern District and the Second Circuit Court of Appeals in the Lopez-Torres case invalidating New York's convention process for the selection of candidates for Supreme Court Justice, ultimate action in New York will likely be on hold until the U.S. Supreme Court renders its decision. We will, however, continue to work with the Governor and the Legislature on this issue until passage.

d) Equity for Same-Sex Couples. In 2005, the House of Delegates, after careful consideration of the report of the Special Committee to Review Issues Affecting Same-Sex Couples, adopted a resolution calling for legislation to afford same-sex couples the ability to obtain the comprehensive set of rights and responsibilities available to opposite sex couples, whether in the form of domestic partnerships, civil unions, or an amendment to the statutory definition of marriage. It was left to the state's policy makers to determine which option they believed to be preferable. Earlier in this session, the Governor introduced his program bill to amend the Domestic Relations Law to provide same-sex couples the same opportunity as opposite sex couples to enter into civil marriages. Since this bill provides equal treatment for same-sex couples through civil marriage, we supported enactment of the bill. While the Legislature failed to take action before the end of the session, we will continue to pursue this initiative in 2008.

While this legislation is key if we are to secure equal rights for same-sex couples, there are many other issues that require further study and collaboration on behalf of lesbians, gays, bisexual and trans-gendered individuals. I am sunsetting the Special Committee with our deepest thanks, and appointing an LGBT Committee to address the more global issues to ensure that equal treatment under law is afforded to every segment of our society.

e) Compact for Long Term Care. With our aging population, the rising cost of nursing home care and limitations of the Medicaid program, our Elder Law Section has developed an innovative plan for a "compact" between those requiring longterm care services and the state. It would provide for the infusion of private dollars into the system, enable more seniors to remain in their homes, thereby retaining their independence and dignity, in a unique private-public partnership with the state. Our Compact Working Group, together with the bar

leadership, have spent a great deal of time educating our state policy makers about this approach to long term care financing, and while it is complex, we are making headway with a number of key legislative leaders. We are also working with the ABA in an effort to have the compact endorsed as a national model.

f) Court Reorganization. For many years, the Association has favored court restructuring to create a more simplified, two-tier court system that will be more efficient, save costs and provide a more "user friendly" path for litigants seeking resolution of their disputes. Our Special Committee on Court Structure and Judicial Selection, chaired by former Association President G. Robert Witmer, Jr., studied the report of the Chief Judge's Special Commission on the Future of the New York State Courts as well as the Governor's program bill on court consolidation. Having found both the work of the Chief Judge's Commission and the Governor's bill to be consistent with our longstanding position on this issue, we support enactment of the bill, which would be the first step in the lengthy process leading to adoption of a constitutional amendment. While we did not secure passage this legislative session, we will continue to pursue this issue in the year ahead. If approved in 2008, and again in 2009, the constitutional amendment will then be brought to the voters.

g) Funding for Civil Legal Services. Each year, lawyers here in New York State contribute millions of hours of pro bono civil legal services to the poor. When combined with current funding at the state and federal level, we can only meet 20% of the need. Access to justice for the poor has been and will continue to be a priority for our Association. This year, for the first time, the Governor included \$8 million in new funds for civil legal services for the poor in New York (primarily in the IOLA Fund and OCA budget lines). We will continue to work for adoption of the Equal Justice Commission's proposal for the creation of an Access to Justice Fund as a dedicated, ongoing source of funding for civil legal services in the state budget at a level of \$50 million and the identification of a state level agency to assume responsibility for the administration and oversight of that fund. At this point, New York is one of only 7 states that lack stable funding for legal services for the poor. We can and must do better.

2. Other Access to Justice Initiatives.

a) Indigent Defense Training. In April 2005, the House of Delegates considered a Report by the Special Committee to Ensure Quality of Mandated Representation, chaired by Vincent E. Doyle, III, and approved statewide standards to help ensure the provision of quality criminal legal services to the indigent. Thereafter, the standards were widely distributed and essentially incorporated in the recommendations contained in the final report of the Chief Judge's Commission on the Future of Indigent Defense Services, which was released in June, 2006. (Note that our Special Committee's recommendations with respect to the Commission's proposals are scheduled for consideration at the June 30th House meeting).

On March 26th, the State Bar hosted a "Summit on the Future of Indigent Defense in New York" which afforded an opportunity for experts in the field and distinguished members of

the profession to consider relevant issues connected with indigent defense, including the recommendations by the Chief Judge's Commission.

As a follow-up to the Summit, on June 5th the Association conducted a day-long training session on indigent defense topics at the Bar Center in Albany. This program, which was sponsored by our Special Committee, offered 6 MCLE credits, free of charge, for legal defense practitioners. The session was recorded on DVD and CD to be made available to indigent defense providers throughout the state. Kudos to Vince Doyle, the Special Committee and the bar staff for their tireless efforts to bring quality representation to those least able to afford it.

b) Empire State Counsel. One of Mark Alcott's signature Presidential initiatives was the Empire State Counsel Program, which recognized members who render 50 or more hours of free legal services to the poor. In its first year, nearly 500 members were credentialed Empire State Counsel. I plan to continue this important program and have expanded it to include the provision of pro bono services rendered to not-for-profit, governmental or public service organizations, where the legal services are designed primarily to address the needs of the poor, as well as organizations specifically designed to increase the availability of legal services to the poor. Members can self-certify for designation as Empire State Counsel at our web site at www.nysba.org. We will look forward to honoring our newly certified Empire State Counsel at our Access to Justice luncheon at the Annual Meeting in New York City in January.

c) Cy Pres Funds. In January, our Special Committee on Funding for Civil Legal Services, chaired by Barbara Finkelstein and Bruce Lawrence, published a manual promoting the use of *cy pres* in class actions or mass tort actions where payment of damages to individual class members would be impossible, impractical or inappropriate. In such cases, judges and counsel can recommend that those funds be directed to civil legal services programs. I appointed Barbara and Bruce to chair a working group to develop an effective educational and marketing strategy in cooperation with The New York Bar Foundation to promote awareness of this possibility, as *cy pres* programs in other states have, in some instances, been able to generate millions of dollars to support civil legal services.

d) Right to Counsel/Civil Gideon. In 2006, our Association endorsed an ABA Civil Gideon Resolution urging states to provide a right to counsel to the poor in matters involving shelter, sustenance, safety, health and child custody. I have appointed Andrew Scherer as chair of a working group to make recommendations with regard to right to counsel initiatives on behalf of our Association and will keep you informed as that progresses.

e) Proposed IOLA Regulations. New regulations proposed by the IOLA Board of Trustees, if adopted, will significantly boost interest rates currently paid by New York banks handling IOLA funds, resulting in considerable new revenue (some estimates are as high as \$50 million) for civil legal services for the poor. Similar efforts have been undertaken in New Jersey, Connecticut and Massachusetts. This is yet another opportunity to help close our 80% "justice gap". The public comment period ends July 15th.

3. Cameras in the Courtroom. During the recent legislative session, bills were introduced in both the Senate and Assembly to allow cameras back in the courtrooms. We have long endorsed the televising of court proceedings as a means of ensuring transparency, educating the public and dispelling myths about the court system. Our Special Committee on Cameras in the Courtroom, which was chaired by Vince Buzard before he became President, had concluded, after extensive study in 2001, that there was no discernable pattern of harm in televised cases and no substantial evidence of cameras adversely affecting litigants' rights or the outcome of trials. Our House concurred in the findings and recommendations of the Special Committee, supporting re-entry of cameras into the trial courts. Despite our committed advocacy to convey this view to the Legislature the legislation did not pass. We will continue to pursue this issue next session, as increased public access can only serve to reinforce public confidence in our system of justice.

4. Diversity Initiatives. We continue to further our commitment to diversity within our profession and the leadership of our Association. During my year as President-Elect, I met with the leaders from all of our 23 Sections, reviewing each Section's Diversity Report Card and discussing ways in which each Section could further promote diversity within its membership and leadership ranks. We are encouraging each Section to appoint a Diversity Chair in order to attract and retain greater diversity within the Sections.

On June 4th, I had the privilege of participating in one of our regional diversity receptions, which was held at the Bar Center, honoring the newest Associate Judge of the Court of Appeals, Hon. Theodore T. Jones. This event was sponsored by our Committee on Diversity and Leadership Development, chaired by Past Presidents Lorraine Power Sharp and Kenneth G. Standard, and co-sponsored by our Committees on Minorities in the Profession and Women in the Law, as well as the Capital District Black and Hispanic Bar Association, Capital District Women's Bar Association, Albany County Bar Association, Rensselaer County Bar Association, Saratoga County Bar Association, and Schenectady County Bar Association. We will continue to host these regional receptions and other joint programs and initiatives with the local, women's, specialty and ethnic bar associations throughout the state, and look forward to hosting our Celebrating Diversity in the Bar Reception, together with all of our Sections, at the Annual Meeting in New York City on Monday, January 28, 2008.

5. ABA Senior Lawyer Pro Bono Award. I am delighted to announce that at its upcoming Annual Meeting in San Francisco, the ABA will be presenting its Senior Lawyer Pro Bono Award to Dennis R. Baldwin of Syracuse. Denny has long been an active member of the State Bar, with service on our Executive Committee, House of Delegates, and most recently as Chair of the Special Committee on Association Governance and Chair of the Committee on Membership. I am especially pleased to have appointed him to our Finance Committee. Please join me in congratulating Denny for this well-deserved and prestigious award.

6. Other ABA News. In addition to our efforts in the ABA with regard to the New York State Compact for Long Term Care, please note that the Report of the Special Committee on Age Discrimination in the Profession, which was approved by the House at the March 31st

meeting, is scheduled for consideration when the ABA's House of Delegates convenes at its Annual Meeting in August in San Francisco. Mark Alcott will be presenting that Report and Resolution on the floor of the ABA House.

Our "favorite son", Jim Silkenat, partner in Arent Fox in New York City and long-time NYSBA and ABA leader and Chair of the New York Delegation to the ABA House of Delegates, is a candidate for ABA President-Elect and we wish him much success in his campaign for office. If elected, Jim will become President of the ABA in 2009 and the first New Yorker since Bob MacCrate in 1987 – 1988.

7. Meeting with OCA. The State Bar leadership meets regularly with the Chief Administrative Judge to discuss matters of mutual concern and interest to the Court system and the Association. We note with pride that Jonathan Lippman, our state's longest-serving Chief Administrative Judge, was appointed Presiding Justice of the Appellate Division, First Department, and was succeeded as Chief Administrative Judge by Ann T. Pfau, his former First Deputy. On June 19th Bernice Leber, Pat Bucklin and I met with Judge Pfau to discuss a number of topical items. Our agenda included matters such as judicial salaries, court reorganization, funding for civil legal services, indigent defense, town and village court initiatives, cameras in the courtroom, mandatory retirement of judges, merit selection and e-filing. I am pleased to report that, as expected, the transition from Judge Lippman to Judge Pfau has been a seamless one, and, as in the past, our discussions were cordial, open and productive.

We will continue to meet with Judge Pfau quarterly.

8. Task Force on Town and Village Courts. I have appointed Albany Law School Professor Patricia Salkin chair of a Task Force on Town and Village Courts. The Chief Judge's Commission on the Future of the New York State Courts is holding hearings throughout the state on the efficiency and organization of the local justice system, sufficiency of training, court resources and similar matters. This is on the "fast track" with a requested report date of mid-August.

9. Section Leaders Conference. We held our annual Section Leaders Conference in New York City on May 10th with over 100 Section leaders in attendance, making it one of the best-attended conferences in recent years. Topics discussed included navigating NYSBA, public policy, successful meetings, what to do when the media calls, publications, an interactive "Hot Tips and Programs" and the 10% membership challenge. We have added a number of new tools and resources for Section officers, including periodic telephone conferences to explore issues of interest in greater depth as well as a new Section Leaders Resource page on our website. More than half of our membership belong to one or more of our 23 Sections and they truly are the lifeblood of our Association.

10. What Can You Expect in the Year Ahead? As I will note in my formal remarks to the House, and as outlined in my first President's Message in the *Bar Journal*, there could only be one theme for the year ahead, "Leadership Through Service", which speaks to what motivates so many of us in the profession – the importance of service to others. In the year ahead, I

pledge to work with our leadership, membership and staff to secure our future as the voice of the New York lawyer.

We will be challenged to increase our membership between now and 2010, in an effort to keep pace with the growth of the profession in our state. We are indebted to Claire Gutekunst, Chair of the Membership Committee, and the members of that extraordinarily active Committee, especially Steve Younger, who has agreed to chair the subcommittee on the 2010 Membership Challenge.

We also seek to provide even greater accountability on the part of our Sections and Committees, and in order to accomplish that goal, I have created two new Committees:

Strategic Financial Planning Committee. This new Committee will be co-chaired by Bernice Leber and me and includes Past Presidents M. Catherine Richardson, Joshua Pruzansky, Steven Krane, as well as former Executive Committee member Cris Cioffi. Our goal is to recommend a strategic financial plan for the next 5 years, and beyond, to ensure the Association's long-term fiscal viability.

Committee on Committees. Chaired by Mimi Netter, this Committee will recommend metrics by which all of our standing, special and other committees and task forces can be evaluated with an eye toward ensuring that every Association Committee is active and in alignment with Association priorities. It will also develop recommendations for criteria in establishing new Committees.

We plan to continue to increase the use of developing technology to better serve our members, including the launch of our President's Blog. I have attached a copy of the Blog and recent posts to give you a flavor of this exciting new communication vehicle. Since its launch on June 1st, I have received many emails from members across the country and internationally about this innovative tool. Please spread the word and don't be shy about posting your comments. Easiest access is via the www.nysba.org website and click on "read the President's Blog".

As you can see from the preceding report on our legislative priorities and other initiatives, we wield significant influence with policy makers here in New York. We can do even more to enhance our credibility and visibility in that regard, reaching out beyond our borders, tuned into emerging trends, and sharing the expertise of our 72,000 members, helping to find solutions to the challenges we face today.

I pledge to work closely with our Law, Youth and Citizenship program, to reinvigorate our civic education programs and expand the vital services we offer to our colleagues and their families across the state through our Lawyer Assistance Program.

Access to justice is fundamental and we will not rest until every poor person facing the loss of a basic need, such as food, shelter, warmth, or health care does not lack for a lawyer/advocate.

Your President-Elect, Bernice Leber, joins me in support of this long-term view, ensuring continuity and ownership of our collective future. We are both committed to providing greater meaning, service and leadership opportunities for our diverse membership. We intend to build on the leadership of Mark Alcott, his initiatives for reform, as well as the foundation laid by the 108 NYSBA Presidents who have preceded the 3 of us.

As members of the House of Delegates, you are integral to this effort and we look forward to working with you in the years ahead.

I hope the foregoing has underscored the breadth and depth of the many issues with which the Association is engaged. It is gratifying to witness the dedication and selfless commitment of time and talent by our membership in the spirit of serving the profession and the public. That spirit of service is indeed alive across our state and I am indeed proud to be a New York lawyer, long-term member and now President of this Association. Please let me know what more I can do to support you, our Sections, Committees and our Association as we strive to "lead through service".

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathryn Grant Madigan".

Kathryn Grant Madigan