

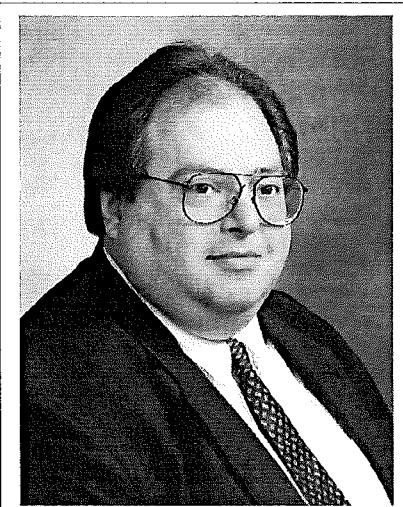
You can find it in the Laws of 1877, Chapter 210. It's called "An Act to incorporate the New York State Bar Association," passed on May 2, 1877. In § 1, the law recites that the Association "is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish the spirit of brotherhood among the members thereof."

We have accomplished much in the past 125 years, and much of the story of justice and social change in New York State is the story of its lawyers and judges and their dedication to the rule of law. This year, we have taken the opportunity to celebrate the first eighth of a millennium of the New York State Bar Association by celebrating its history. In fact, a committee chaired by John Hanna of Albany is in the process of supervising the preparation of a book that will recount the highlights of those 125 years in words and pictures. The history of the Association, which will be produced by the publishers of *American Heritage* magazine, is expected to be ready for public consumption in time for our 2003 Annual Meeting. You will be receiving further information on the history project as it progresses.

In the meantime, you will have to be satisfied with some vignettes from our distinguished past. Our roots can be traced back to the organizational meeting that took place in Albany on November 21, 1876. A group of lawyers determined "that it is expedient that a State Bar Association be now formed," and as noted above they received their legislative charter a few months later. The first annual meeting of the Association was held in November 1877. John K. Porter, our first president, addressed the annual meeting and set the tone for the foreseeable future: "Let us trust that this association may endure, and that it may exercise a collective and permanent influence. We are strengthened by association with each other."

The reference to "brotherhood" in the charter shortly became an anachronism, when in 1887 Governor David Hill—himself a president of this Association—signed legislation removing restrictions on the admission of women to the practice of law in New York State. In so doing, he declared that "hereafter no female otherwise properly qualified can be rejected solely on account of

PRESIDENT'S MESSAGE



STEVEN C. KRANE

Now We Are 125

her sex. If the influence of woman, usually so potent for good, shall be conducive towards arraying the whole profession more thoroughly on the right side of every public question, the sphere of woman in all occupations may well be more generally extended."

In 1890, the NYSBA took a major step toward being an organization of national importance when it sponsored a centennial celebration of the organization of the Judicial Department of the federal government and the first meeting of the U.S. Supreme Court. Widely reported in the press, this gala event at the Metropolitan Opera House attracted hundreds of guests, including all nine sitting Supreme Court Justices and former President Grover Cleveland. A few years later, our voice was heard internationally as a NYSBA proposal grew into what is now the Permanent Court of Arbitration in The Hague, then the first global means for settling disputes among countries.

We have always been deeply concerned with maintaining effective self-regulation of the profession. In 1894, we spearheaded a successful effort to obtain legislation establishing a board of bar examiners and a uniform statewide bar examination process. Four years later, a NYSBA proposal for a statewide register of attorneys and counselors at law was enacted by the Legislature. Eleven years later, our first code of ethics, the venerated and veneered "Canons," was adopted by the NYSBA.

We have also always been concerned with access to justice for all. Our 1920 study of the availability of legal services for the indigent, which built upon work in prior years, concluded that "[a]ny state of society or any system of government which does not look to the enforcement of law and the protection of rights for the poor and weak and friendless, is wanting in that keystone of the arch upon which a stable society rests. Where this essential is lacking you shake the faith of the people in government and bring in the question of fundamental fairness of our institutions."

By the time we celebrated our 50th anniversary, our membership had reached 4,000 and our first Section—the Judicial Section—had been created. During the next 20 years, members of the Association created the Young

Steven C. Krane can be reached at 1585 Broadway, New York, N.Y. 10036

PRESIDENT'S MESSAGE

Lawyers Section, the Food, Drug and Cosmetic Law Section, the Municipal Law Section and the Insurance Law Section (now the Tort, Insurance and Compensation Law Section). Our first monthly bulletin was published in 1928.

Ever seeking to improve and reform law and legal institutions, the NYSBA pressed forward with a number of key initiatives as we approached the midpoint of the 20th Century. Based on an NYSBA proposal, in 1939 the Governor of New York undertook a survey of the operation and procedures of state administrative agencies. Since then, we have continued our work for effective administrative adjudication procedures, as evidenced by the extensive studies presented to the House of Delegates in the past few years. In 1941, our lobbying efforts to promote automobile safety resulted in the Motor Vehicle Safety-Responsibility Act.

NYSBA members mobilized during World War II. Lawyers served as government appeal agents for Selective Service boards. And beginning a tradition of *pro bono* service for members of our armed forces that continues to this day, the NYSBA coordinated the efforts of lawyers throughout the state who provided legal services to our fighting men and women. In 1945, Secretary of War Henry Stimson issued a certificate of appreciation to the Association, which stated: "The contribution of time and professional services made by patriotic civilian lawyers under this plan has materially enhanced the morale of the Army and contributed to the success of the war effort."

As our 75th anniversary neared, we formed the New York Bar Foundation, which works to facilitate the availability of legal services, increase the public's understanding of the law, promote initiatives to improve the justice system and the law, and enhance professional competence and ethics. We celebrated our anniversary in 1952 with the hiring of our first executive director (50 years later, we're only on our third occupant of that position), and by moving out of the space we had occupied in the State Capitol Building for 60 years into offices at 99 Washington Avenue in Albany. In the ensuing years, we established a continuing legal education program, inaugurated the New York State Bar Association *Journal*, and formed several new substantive law Sections for our more than 7,500 members to join.

Our 100th anniversary saw us in our current headquarters, the award-winning facility at One Elk Street that we occupied in 1971. I encourage each of you to pay a visit to the Bar Center. You will find that, hidden behind the facades of several early 1800s town houses, is space (after a 1990 expansion) for more than 100 staff members, as well as meeting rooms, the Great Hall, and in the front of what was once Two Elk Street, the President's Office in which I now sit.

Our governance structure was changed dramatically in 1972 with the creation of the House of Delegates, a stellar example of pure democracy. Each member of the House is free to stand up and say whatever comes to his or her mind; House members often do just that.

Membership topped 25,000 as we approached our centennial year, and we continued to look for more ways to serve our members and the public. We created the Law, Youth & Citizenship Program in cooperation with the State Education Department, formed the New York State Conference of Bar Leaders, and in 1981 established a statewide Lawyer Referral Service.

Our second century has begun with a series of initiatives designed to achieve the goals set forth in our charter. Years of hard work by members of the Association resulted in the Court Modernization Act in 1987. That law provided financing means and provisions to improve or replace inadequate and deteriorating court facilities. In 1989 we commissioned a landmark study of the legal needs of the indigent in New York State and presented a plan to enhance volunteer legal services. Two years later, the Association created a Department of *Pro Bono* Affairs to oversee these efforts.

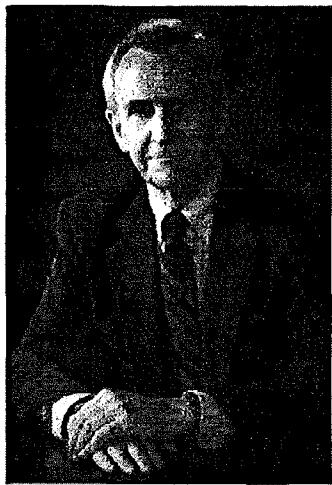
In 1997, the NYSBA broke new ground by filing a federal lawsuit challenging the constitutionality of the now infamous—and invalidated—"Granny's Counsel Goes to Jail" law. And in 2001, the four departments of the Appellate Division joined together to adopt new disciplinary rules, developed and proposed by the NYSBA, to delineate clear boundaries between permissible and impermissible forms of multidisciplinary practice. Our Association's extensive disaster relief work in the wake of the World Trade Center attack on September 11 is a tribute to the volunteer efforts of our members in serving those in need.

We are now an organization of 70,000 members, 23 Sections, 70 Association-wide committees, and other numbers as well. We have considerable reason to be proud of what our Association has accomplished over its first 125 years. Next year at this time, you will be able to read all about it. In the meantime, hold on to this thought: The goals set out for our organization in our charter 125 years ago remain the fundamental underpinnings for our efforts. We still seek "to cultivate the science of jurisprudence." We make every effort "to promote reform in the law." We strive "to facilitate the administration of justice." Much of our work seeks "to elevate the standard of integrity, honor and courtesy in the legal profession." And to paraphrase, we do still, now and forever, cherish the spirit of collegiality among our members.

Happy anniversary to all!



Introduction



Robert L. Ostertag

On the Cover:

The illustration on the cover of the Annual Report depicts the Seal of the United States Supreme Court. Created by Norman Laliberte, this is one of a series of banners displayed in the State Bar Center in Albany.

2

We can most aid the common weal, by cooperating in whatever tends to the elevation of the profession, the successful administration of the laws, and the growth and development of our civilization We are strengthened by association with each other.

—John K. Porter, NYSBA President, 1877

■ ■

Every time I visit our Bar Center in Albany, I'm greeted by John K. Porter, the Association's first President. He's the mustachioed, bespectacled gentleman in the first of the portraits as you enter the Association's headquarters.

President Porter had a thorough comprehension of the enormity of the challenges confronting the profession and the importance of the Association in addressing these concerns on behalf of the public and the profession. That's evident from reading his inaugural address of 1877, illustrated in the snippet set out above. The key ingredient in undertaking these efforts, President Porter stressed, is working together as an association. In today's complex and fast-paced climate, the value of this partnership has never been greater.

The torch lit by our founders has been carried far and high in confronting obstacles that could never have been imagined 100-plus years ago. In looking over all the work of the Association in the past year, I believe that President Porter would not be disappointed in terms of the breadth and depth of our initiatives; he would be most gratified that we have pursued this work as an organization; he would be overwhelmed at the tremendous talents and energies of our members and their willingness to share and volunteer. I wish each and every one of you, at this time, would take a bow.

It seems only a moment ago that I flipped the calendar to June 1, 1991. I identified some areas in which I hoped to have a hand in seeking the advancement of the Association's objectives. I took comfort in knowing that this was not a solo flight but a collaborative venture with my colleagues throughout the Association who bring a wealth of knowledge, experience and perspectives about the numerous areas of law, the legal system and life.

My agenda, to cite a few examples,

included steps to expand our work in addressing the concerns of the attorney in solo and small firm practice, drawing from my background as a small firm general practitioner. The establishment of a task force, the presentation of a conference and the report on these subjects during the past year help us take practical and effective actions. This is a "work in progress," undertaken by the Association in concert with our Committees and Sections.

Building on our work in previous years, we realized an increase in voluntary *pro bono* service. This is an area that clearly demonstrates the power of cooperative and coordinated approaches by all members of the profession. While recognizing that this, too, will be a priority for the profession in the years ahead, we can point with pride to the many *pro bono* programs that have been developed and the thousands of attorneys involved in rendering such service throughout the state.

We have pursued, with positive results, our longstanding efforts to remedy the over-crowded and crumbling condition of courthouse facilities through opposition to delays in construction and renovation projects. This will need our ongoing attention as an Association and we will continue to call upon you to rally the cause in your communities. The funding and provision of resources to enable our court system to properly function in these difficult times was of grave concern and the subject of concerted action by the Association this past year. As we all know, this is not a short-term problem; we are working diligently to address these concerns over the long-term. As part of these efforts, I appointed an advisory committee to develop a proposal to study the entire judicial system and its ability to meet its constitutional mandate and the high level of demands upon its resources. Your help was invaluable in averting the worst of the crisis. Your support in the future will be essential.

The New York State Bar Association is the largest voluntary state bar association in the nation. I wish those who believe that volunteerism is extinct in the profession could stand in my shoes for just a moment. They would see all the individuals who answer the call and who step forward on their own initiative to work together as an association dedicated to improve the law and the administration of justice, to facilitate professional development, and to provide public service.

You can find it in the Laws of 1877, Chapter 210. It's called "An Act to incorporate the New York State Bar Association," passed on May 2, 1877. In § 1, the law recites that the Association "is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish the spirit of brotherhood among the members thereof."

We have accomplished much in the past 125 years, and much of the story of justice and social change in New York State is the story of its lawyers and judges and their dedication to the rule of law. This year, we have taken the opportunity to celebrate the first eighth of a millennium of the New York State Bar Association by celebrating its history. In fact, a committee chaired by John Hanna of Albany is in the process of supervising the preparation of a book that will recount the highlights of those 125 years in words and pictures. The history of the Association, which will be produced by the publishers of *American Heritage* magazine, is expected to be ready for public consumption in time for our 2003 Annual Meeting. You will be receiving further information on the history project as it progresses.

In the meantime, you will have to be satisfied with some vignettes from our distinguished past. Our roots can be traced back to the organizational meeting that took place in Albany on November 21, 1876. A group of lawyers determined "that it is expedient that a State Bar Association be now formed," and as noted above they received their legislative charter a few months later. The first annual meeting of the Association was held in November 1877. John K. Porter, our first president, addressed the annual meeting and set the tone for the foreseeable future: "Let us trust that this association may endure, and that it may exercise a collective and permanent influence. We are strengthened by association with each other."

The reference to "brotherhood" in the charter shortly became an anachronism, when in 1887 Governor David Hill—himself a president of this Association—signed legislation removing restrictions on the admission of women to the practice of law in New York State. In so doing, he declared that "hereafter no female otherwise properly qualified can be rejected solely on account of

PRESIDENT'S MESSAGE



STEVEN C. KRANE

Now We Are 125

her sex. If the influence of woman, usually so potent for good, shall be conducive towards arraying the whole profession more thoroughly on the right side of every public question, the sphere of woman in all occupations may well be more generally extended."

In 1890, the NYSBA took a major step toward being an organization of national importance when it sponsored a centennial celebration of the organization of the Judicial Department of the federal government and the first meeting of the U.S. Supreme Court. Widely reported in the press, this gala event at the Metropolitan Opera House attracted hundreds of guests, including all nine sitting Supreme Court Justices and former President Grover Cleveland. A few years later, our voice was heard internationally as a NYSBA proposal grew into what is now the Permanent Court of Arbitration in The Hague, then the first global means for settling disputes among countries.

We have always been deeply concerned with maintaining effective self-regulation of the profession. In 1894, we spearheaded a successful effort to obtain legislation establishing a board of bar examiners and a uniform statewide bar examination process. Four years later, a NYSBA proposal for a statewide register of attorneys and counselors at law was enacted by the Legislature. Eleven years later, our first code of ethics, the venerated and veneered "Canons," was adopted by the NYSBA.

We have also always been concerned with access to justice for all. Our 1920 study of the availability of legal services for the indigent, which built upon work in prior years, concluded that "[a]ny state of society or any system of government which does not look to the enforcement of law and the protection of rights for the poor and weak and friendless, is wanting in that keystone of the arch upon which a stable society rests. Where this essential is lacking you shake the faith of the people in government and bring in the question of fundamental fairness of our institutions."

By the time we celebrated our 50th anniversary, our membership had reached 4,000 and our first Section—the Judicial Section—had been created. During the next 20 years, members of the Association created the Young

Steven C. Krane can be reached at 1585 Broadway, New York, N.Y. 10036

PRESIDENT'S MESSAGE

DAVID M. SCHRAVER

Serving the Profession, Serving the Public



From its beginning in 1876, the New York State Bar Association has had two main objectives: to serve the profession and to serve the public.

In the words of our 1877 Enabling Act, the Association was "formed to cultivate the science of Jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish the spirit of brotherhood among the members thereof." These words have stood the test of time, although today we would substitute "spirit of collegiality" for "spirit of brotherhood" to mark the welcome gender diversity of our 21st-century legal profession.

The first president of the State Bar, John K. Porter, said in 1877, again in the terms of the day, "Ours is an undertaking by practical men, and it is designed to be of practical benefit to the profession and to the community at large."

Part of serving the profession is providing "practical benefit" to our members, helping them to be successful in their practices, to have the tools to serve their clients competently, and to conduct themselves professionally as lawyers. The priorities of our strategic plan are to increase the value

of the Association to members and prospective members; to use technology to communicate more effectively; to deliver products and services more efficiently; and to increase the overall value of membership in the Association. In a time when we hear that everyone must do more with less, our goal is to help you do more with more — more of the best CLE through our CLE Department and our 26 sections; more up-to-date, accurate information through our publications in print form and electronic searchable formats; more networking opportunities through our sections, committees and programs; and more web-based resources for your practices.

We continue to engage in various activities to serve the public interest. The leadership of the State Bar has traveled to Albany and Washington, D.C., to advocate for adequate funding of state and federal courts and to urge our congressional delegation to resist further reductions in funding of the Legal Services Corporation. We have lobbied at the state level for reforms in the criminal justice and juvenile justice systems to avoid wrongful convictions and ensure the fair treatment of young people. We have lobbied to provide access to justice for indigent defendants and indigent parties to civil actions involving the necessities of life,

and to amend the Not-for-Profit Corporation Law as recommended by our Business Law Section. We have provided training and support for local bar associations and lawyers dealing with legal problems in the wake of Superstorm Sandy and for legal services providers throughout the state. We have formed Task Forces on Gun Violence and Criminal Discovery and Special Committees on Human Trafficking, Prisoner Re-entry and Voter Participation.

The New York State Bar Association exists because more than 135 years ago New York lawyers decided that they could do more together to advance the legal profession and the interests of lawyers and to serve the public interest than they could accomplish separately. That remains true today. Together we truly can make a difference.

We invite your ideas and active participation as we continue to serve the profession and the public. Please send your comments and suggestions to me at the email address below. I look forward to working with you and serving as president of your association in the coming year. ■

DAVID M. SCHRAVER can be reached at dschraver@nysba.org.

Our State Bar Associations:

The New York State Bar Association

THE NEW YORK STATE Bar Association, characterized by Dean Roscoe Pound as "the oldest of the State Bar Associations organized before 1878 with unbroken continuity", owes its beginnings to the initiative of The Association of the Bar of the City of New York. In 1875 that Association authorized a committee to invite delegates from throughout the state to attend a convention in Albany. On November 21, 1876, ninety-one delegates met in the Assembly Chamber of the old Capitol to organize the New York State Bar Association and elected a New Yorker, John K. Porter, as its first President. The long history of both associations has been marked by warm co-operation, and nine lawyers have served as Presidents of both associations. Three of those nine, Joseph Choate, Elihu Root and Charles Evans Hughes, went on to serve as Presidents of the American Bar Association.

The Association was incorporated by statute on May 2, 1877. This was the year when the famous Supreme Court decision in *Pennoyer v. Neff* was handed down, the Brooklyn Bridge was under construction, and Thomas Edison was just entering upon experiments at Menlo Park, which culminated two years later in the invention of the incandescent lamp! One wonders what the reaction of our founders might be were they, today, to see Committees on Atomic Energy and on Electronic Data Processing and its Application to the Law listed among the activities of the Association!

Coincidentally, the oldest voluntary state bar is housed in probably the oldest headquarters building of any association in the country. Its present headquarters, dedicated in 1953, was built in 1799 and was used in the early 1800's as the Executive Mansion for the Governor of the State, Daniel J. Tompkins, who later became Vice President of the United States. Its stately exterior belies the modern equipment it houses to meet the ever-increasing demands of servicing more than 11,400 members.

Organization

The affairs of the Association are managed by an Executive Committee consisting of the officers, one vice president and three committee members from each of the ten judicial districts in the state, the chairmen of the various sections and the past presidents of the Association. Its activities are conducted by some sixty-five committees and nine sections; viz, Antitrust Law, Banking Law, Food, Drug and Cosmetic Law, Insurance Law, Judicial, Municipal, Taxation, Trial Lawyers and Young Lawyers. Dues range from \$6 for those admitted less than five years to \$22 for regular members. The annual budget this year is \$228,000. Supplemental funds for other activities are made available through a State Bar Foundation. The full-time professional staff, in addition to the Executive Director, includes a Director of Public Information and an Executive Assistant. The editors of the publications of the Association, the *State Bar Journal*, the *Lawyer Service Letter*, the *Legislative Circular*, the Director of the Continuing Legal Education program and the Counsel to the Grievance Committee serve on a retainer basis.

Major Accomplishments

The reputation of a professional association is measured by its contributions to the well-being of the profession and the public. Too few outside of the profession are aware of the contributions of the organized Bar to better government and better justice. Active bar members know only too well the time, effort and expense required to achieve results. Thus, a few illustrations will indicate the New York State Bar Association's accomplishments at the national and state level.

On the National Level

Unknown to most, but worthy of mention, is the fact that in the late 1800's the Association drafted a plan for a world court to settle international disputes, and a memorial to the Congress and the President was prepared urging its adoption. The plan reached its fulfillment with the establishment of the present world court. During the same period, a committee secured enactment of legislation providing for uniform statewide bar examinations under the supervision of a single Board of Law Examiners. This plan was generally adopted throughout the country and did much to elevate the standards of the profession.