



g ded for government attorneys

family. I spent hundreds of dollars on these courses when as a public servant, my salary is a fraction of what some first year associates make. It all seems like such a waste of time and money.

The CLE regulations describe the purpose of these course requirements as follows: "It is of utmost importance to members of the Bar and to the public that attorneys maintain their professional competence by continuing

their legal education throughout the period of their active practice of law." That sounds great but how does learning how to draft a will make me more professionally competent when I have no expectation of ever drafting a will.

I don't doubt that I can improve my professional abilities, as we all can, but for me the CLE requirements and course offerings do no more to achieve that goal than classes in astronomy or medieval poetry. Someone must be benefitting from this CLE boondoggle but is certainly not government attorneys like me.

al
years
ov-
ite
e
ion
l its
th the
ead-
par-

ate Bar News



nd letters for publication
Bar News, One Elk Street,
IY 12207 or e-mail
sba.org>

ould include a phone
o call to confirm
ip of the letter. Letters
ertain to recent articles,
or other letters, and may
I for style and length.

ous letters are not
I. Please limit letters to
s.

just
I sat
scus-
vill

NYSBA set to mark its 125th anniversary

It was 1876, the year that Alexander Graham Bell invented the telephone; the battle of Little Big Horn, better known as Custer's Last Stand, was fought in the Montana territory, and on a balmy late November afternoon, the New York State Bar Association was established in Albany.

NYSBA President Steven C. Krane of New York (Proskauer Rose, LLP), has named a select committee to plan and coordinate an array of programs and projects celebrating the 125th birthday of New York's official statewide organization of lawyers and the nation's largest voluntary state bar association.

"We're not only celebrating the rich and proud history of our Association, we also view this special anniversary as an opportunity to show that we remain a vibrant and exceptionally relevant organization, ready to meet the challenges that face the future of our Association and our profession," said Krane.

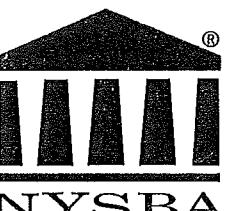
At 3:30 p.m. on November 21, 1876, in the Assembly chamber of the old state Capitol, the NYSBA was born. Its mission as crafted by its founding members, mostly rural lawyers, remains largely unchanged today: to promote reform in the law, facilitate the administration of justice and elevate the standards and integrity of the legal profession. And now, a century and a quarter later, the organization

has grown to 67,000 members representing every county in the state.

John Hanna, Jr., Whiteman, Osterman & Hanna, Albany, chairs the Special Committee to Commemorate the New York State Bar Association's 125th Anniversary. Committee members are: President Krane; President-elect Lorraine Power Tharp, McNamee Lochner Titus & Williams, PC, Albany; immediate past president Paul Michael

Hassett, Brown & Kelly, LLP, Buffalo; Richard J. Bartlett, Bartlett Pontiff Stewart & Rhodes, PC, Glens Falls, president, The New York Bar Foundation; John R. Dunne, Whiteman, Osterman & Hanna, Albany, chair, The New York Bar Foundation Fellows;

Philip Furgang, Furgang & Adwar, LLP, West Nyack, Public Relations Committee chair; and Phyllis A. Klein, The Hospital for Special Surgery, New York.



125 Years

Correction

Our apologies to Mark H. Alcott of New York, whose position on the NYSBA Executive Committee was incorrectly reported in the last issue of the *State Bar News*. Alcott was re-elected to the NYSBA Executive Committee as vice-president of the First Judicial District, representing New York County.

S.

www.nysba.org
(518) 463-3200
New York State Bar Association



Y NEWS

New York State Bar Association celebrates 125th anniversary

By Caillie Brown

Lawyers have tackled and resolved complex and intriguing problems facing society for more than a century and are poised for even more challenges in the coming years.

With the arrival of the new year, members of the New York State Bar Association plan to mark the bar's 125th anniversary with an early May event dedicated to the original charter date of the Association, followed by the January 2003 publication of a new history book chronicling the achievements of the NYSBA.

"We want to celebrate the contributions of the bar's lawyers to society, and be affirmative about our history and what it tells us about helping us through some difficult times now," said John Hanna Jr. of Albany (Whiteman Osterman & Hanna LLP), chair of the Special Committee to Commemorate the New York State Bar Association's 125th Anniversary.

The historical keepsake book, which will include an extensive review of social issues the bar has confronted since the late 1800s, will be published in the book, including topics such as equal rights, women's suffrage,

environmental reform, business development, criminal justice, and how the bar responded to wars fought by the United States, including the most recent terror attacks in September.



The NYSBA logo in 1935.

"We really want to look to the future. One way to do that is to go back in history and look forward from the position of the lawyers of the day," said Hanna.

Anniversary book to inspire and encourage

In planning the content of the anniversary book, the committee hopes to engender among lawyers a sense of pride in the achievements of the bar and the Association, to instill a desire for those making career choices to become lawyers, to encourage aspirations worthy of a noble profession, and to educate lay people about what

the profession's ideals and accomplishments are and can be.

"I think the bar is often terribly critical of itself. We ought to sit back and say, 'We are doing some things cor-

rectly, or at least we are trying,'" Hanna said. "We ourselves should appreciate that and take pride in our accomplishments, and not get caught up in areas where we may have failed."

The anniversary book will not be an exhaustive tome, but will clearly show the wide range of social issues the bar concerns itself with.



The NYSBA 2001 logo.

and taking stands on important issues affecting the justice system and the public.

The Association also plans to sponsor a celebration in early May to mark the official charter of the NYSBA by the state Legislature on May 2, 1877.

When the organizing convention met to form the bar, there were 91 delegates present. In its early days, the state bar counted among its members

two former U.S. presidents: Grover

Cleveland and Chester A. Arthur.

"We make up the mosaic of the law and how our civil government works, it really does come down to that," said Philip Furgang of West Nyack

Continued on page 22

Special Committee on Fiduciary Appointments created

INSIDE: The Torts, Insurance & Compensation Law Section:

"Offsets for charitable contributions in wake of

Coverage begins on page 16

Ninety judges from the 10th Judicial District attended an educational seminar on mental health topics, held Oct. 22. The occasion marked the first time

such a seminar was held in the state, said Justice A. Gail Prudenti, supreme court justice for the 10th Judicial

District and an associate justice of the Appellate Division, Second

Department. And according to former New York state Chief Judge Sol

Wachtler, the seminar was one of the first in the nation.

This OCA-sponsored seminar, "A Practical Guide to Mental Health Issues Facing Judges," featured presentations by a wide variety of professionals: legal experts with mental health expertise (judges, lawyers and law professors), clinicians (psychiatrists, psychologists, and social workers), and administrators from various agencies including the local department of health. These professionals reviewed such subjects as psychiatric illnesses, treatment options and legal issues including Kendra's Law and involuntary treatment.

In addition to attending presentations, each judge received two large binders filled with practical information.

Putting issue on forefront

One of the most important things a judge does is make decisions on mental health issues such as surgical intervention, involuntary mental health treatment including ECT (electroconvulsive therapy), and competence, explained Prudenti, the key organizer of the program.

She said the goal in organizing this seminar was to provide judges with

people into treatment. Reed, Wachtler, and other Institute experts volunteered their time to make presentations.

Worthwhile and practical

Prudenti said the judges found the seminar to be very informative. "They felt they learned so much and had never experienced anything like it. They loved the doctors' presentations, and they loved being able to question the doctors right on the spot."

Said Denise F. Molia, state supreme court justice in Suffolk County, "I thought it was very interesting, worthwhile, and practical. And the interchange between the mental health professionals and judges was very informative." Molia added that she received lots of material that she can use during the year.

Ralph T. Gazzillo, supervising judge of the Suffolk County Court, also gave the seminar high marks, saying that he found it particularly helpful to hear from non-adversarial experts offering objective information.

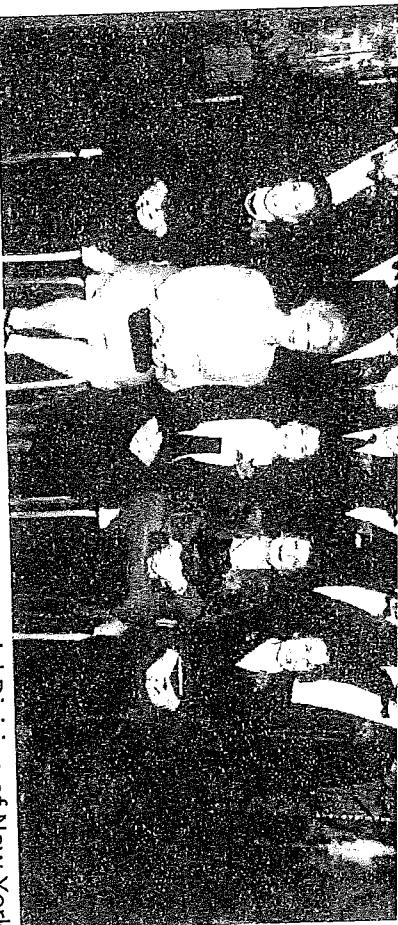
Program a success

The seminar was organized by employees from the OCA's Division of Education and Training and the 10-person judicial committee chaired by Prudenti.

Prudenti.

The agenda consisted of opening remarks by Prudenti followed by a keynote address on psychiatric illness and treatments by John Kane, M.D., chairman of the psychiatry department at Long Island Jewish Medical Center and vice president for behavioral health services at NS-LIJ Health System. Then the judges divided into three groups—supreme court, family court, and criminal court—where they listened to presentations followed by a question and answer period. Finally, all the judges met together and spoke informally.

Because this program was so successful, Prudenti and others would



The 12 judges who have presided over the Commercial Division of New York State Supreme Court in Manhattan since 1995, recently were honored at a dinner at the Waldorf Astoria. NYSBA's Commercial & Federal Litigation Section played an instrumental role in having the Commercial Division created.

Pictured (l-r) seated in the first row are: Bernice Friedman, widow of Justice Lewis R. Friedman; Justice Myriam J. Altman, now with the Appellate Division, Second Department; Commercial Division Justice Karla Moskowitz; retired Justice Beatrice Shainswit, and; Commercial Division Justice Helen E. Freedman (whose spouse, Henry, was honored that evening for his service as executive director of the Welfare Law Society). Rear (l-r) standing are: Commercial Division Justice Ira Gammerman; retired Justice Walter Schackman; Justice Barry A. Cozier, now with the Appellate Division, Second Department; Commercial Division Justice Herman Kahn; Commercial Division Justice Richard B. Lowe, III; Justice Stephen G. Crane, now of the Appellate Division, Second Department, and; Commercial Division Justice Charles E. Ramos.

125th anniversary, cont'd.

Continued from page 1

(Furgang & Adwar LLP), a member of the 125th anniversary committee. "It's a very proud history and we are going to try to celebrate it and make that history available in a forum for the public and the potential lawyer as well."

Contact state bar staff

In addition to the book and the spring event, the committee may still tackle a series of colloquia around the state and produce a documentary movie, time permitting. The committee will share a "little taste" of what the book will hold at the annual meeting in New York.

Lawyer Assistance Program, for assistance with substance abuse problems, (800) 255-0559,

The main phone number is (518) 463-3200.

The address is 1 Elk St., Albany, NY 12207. World Wide Web address:

<http://www.nysba.org>.

Section newsletters, subscriptions or copies of articles: Newsletter

NYSBA marks its 125th year with gala event

Photos by Colleen Br



Chief Judge Judith S. Kaye congratulated the NYSBA on its status as the nation's largest voluntary state bar association.



Elected officials A. Thomas Levin of Mineola, president-elect (l), NYSBA President Lorraine Power Tharp of Albany, and Albany Mayor Jerry Jennings were all smiles at the 125th anniversary celebration.

The Association celebrates its history and achievements

At ceremonies marking the NYSBA's 125th anniversary, one might expect then-President Steven C. Krane and Chief Judge Judith S. Kaye to

speak. But the appearance of legendary author Mark Twain, brought back to life through a theatrical performance by former NYSBA President Henry G. Miller of White Plains, (Miller, Clark & Gagliardi, LLP) was a delightful twist that capped off a night of high-spirited celebration and reflection.

Members of the judiciary, state and local political leaders, Association officers, fellows of The

sions and work with the three branches of government, with the law schools, public service organizations and others."

Kaye expressed her hope that the partnership between the Association and the court system will continue to flourish long into the future. "There is never a time when we cannot or

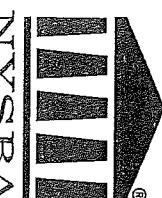
should not listen to and learn from one another. I am grateful, I assure

you...for your leadership, help and support in the innumerable issues of importance to the legal community, the law and to the legal system, like 18B increases,

Special Comm. to Commem. the Association's 125th Anniversary, explained program on the book to be published American Heritage magazine

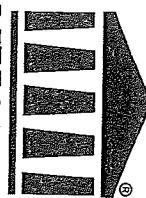


Court of Appeals Associate Judge George Bundy Smith and state Trial Lawyers President Hugh W. Campbell of New York



tion.

Members of the judiciary, state and local political leaders, Association officers, fellows of The New York Bar Foundation



able issues of importance to the legal community, the law and to the legal system, like 18B increases court restructuring, an adequate budget and fair judicial campaigns," she said.

TYSBA

Past presidents Paul Michael Hassett of Buffalo (l) and Joshua M. Pruzansky of Islandia joined the celebration.

Street on April 30, to celebrate NYSBA's century and a quarter of service to the profession and public. Judge Kaye congratulated the Association on reaching this milestone and described the range of its achievements, initiatives and interests as "Nothing short of breathtaking."

Quoting Krane from a recent President's Message in the *Journal*, Kaye said, "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. I really think that says it all."

achievements to the "extraordinary efforts" of more than 100 past presidents, delegates, section and committee members, and thousands of members who produce legislative proposals, professional development programs and public service projects. "Our achievements are possible not only because of our collaboration with each other, but because of our discus-

Twain, president of the state bar from 1984-85, assumed the role of Mark Twain and wove fact and fiction in his musings on the state bar's history. With Twain's sense of humor he noted that the organized bar was formed in New York due to the misdeeds of turn-of-the-century politicians, specifically, Boss Tweed. "Tweed single-handedly lit a fire under the legal elite of New York and galvanized them into action....The lawyers debt therefore, to Boss Tweed, one of their own, is great," he said.

On a more serious level, Miller stepped out from behind his character and closed his monologue by referencing the tragic events of September 11th. "And now the tragedy of Sept. 11th has given us a special opportunity to draw the people closer together. There are terrible disputes to resolve and never more than now are the skills of the lawyer needed."

Bernice K. Leber of New York (I) and Sharon Stern Gersman of Buffalo brightened the festivities.

only because of our collaboration with each other, but because of our discus-

lawyers debt therefore, to Boss Tweed, one of their own, is great," he said. On a more serious level, Miller stepped out from behind his character and closed his monologue by referencing the tragic events of September 11th. "And now the tragedy of Sept. 11th has given us a special opportunity to draw the people closer together. There are terrible disputes to resolve and never more than now are the skills of the lawyer needed."

May/June 2002