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President

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**President's Report to the House of Delegates
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Every president of the New York State Bar Association brings different priorities and interests to the position. Since becoming president in June, I have worked diligently to meet and interact with as many NYSBA members as possible, and to attend and support NYSBA events around the state and beyond.

With input from a newly-established Rapid Response Advisory Group chaired by past president David Miranda, I have also chosen to speak out for fairness and equality under the law, the values for which NYSBA stands. I have issued statements on a range of current issues, including the separation of immigrant children from their parents, the need for attorneys to help ensure that undocumented immigrants receive due process under the law, and the need to maintain the integrity of judicial systems, both in the United States and abroad.

As I travel throughout the state as well as to other states and countries, I continue to be gratified and inspired by the important work being done by lawyers for the good of our profession and our society. I want to take this opportunity to highlight some of the contributions made by our members over the past few months and some of the events at which I have had the honor to represent NYSBA.

NYSBA AT THE ABA, TAKING ACTION TO SUPPORT THE PEOPLE OF PUERTO RICO

The Commonwealth of Puerto Rico continues to struggle in its efforts to recover from the devastation from Hurricane Maria in 2017. In August, New York City Bar Association President Roger Juan Maldonado and I appeared before and obtained support from the American Bar Association International Section, General Practice/Solo Section, and Minority Caucus for our effort to permanently exempt Puerto Rico from the Jones Act, which causes Puerto Rico to pay higher shipping costs from the U.S. mainland for food, fuel and other basic goods.

I also made a presentation to the ABA House of Delegates recommending a permanent exemption from the Jones Act, which was based upon the City Bar's report approved by NYSBA's House of Delegates this past June. I am pleased to report that the ABA House unanimously approved the resolution we offered.

Since the ABA House acted, we have begun working with members of Congress to secure this needed exemption. In addition, our Working Group on Puerto Rico, co-chaired by Richard Gutierrez, Drew Jaglom, Hilary Jochmans and Maria Matos, has been hard at work identifying other measures that might assist the people of Puerto Rico.

UPDATES ON PRESIDENTIAL INITIATIVES

The committees I appointed in June to pursue the initiatives outlined at our last meeting have all been active over the summer and are developing reports and recommendations that will be presented to you during the coming year.

At this House of Delegates meeting, Hon. Barry Kamins will present an informational report on the efforts of the Task Force on Wrongful Convictions, which plans to present a report for action in April 2019. The task force is co-chaired by Judge Kamins and Hon. Robert S. Smith, retired Associate Judge of the New York State Court of Appeals and will be part of the focus of the Presidential Summit at our Annual Meeting in January.

The Task Force on the Evaluation of Candidates for Election to Judicial Office, co-chaired by retired New York State Court of Appeals Associate Judge Susan Read and Robert Haig, has had a number of meetings, including one with Chief Administrative Judge Lawrence Marks which I attended, and has studied the various evaluation processes for judicial candidates employed throughout our state. It has recently surveyed bar associations and members of the judiciary for feedback. The task force plans to present a report to the House of Delegates in January 2019.

The Task Force on Incarceration Release Planning and Programs has also had a number of meetings and is holding an open session in Albany next week to consider all relevant issues, including options for those released into urban and rural settings; possible inconsistency in rules; limited availability of substance abuse and mental health treatment programs; housing options and limited availability of housing; and the impact on recidivism and public safety that results from inadequate release planning. Co-chaired by NYSBA Secretary Sherry Levin Wallach and NYSBA Treasurer Scott Karson, the task force plans to present an informational report in January.

The Task Force on Mass Shootings and Assault Weapons, co-chaired by Hon. Margaret Finerty and NYSBA Past President David Schrauer, has also been very active. Senior members of the New York Police Department's Firearms and Tactics Section on assault weapons and 3-D printed weapons made an extraordinary presentation to the group in September, and I was pleased to be able to attend this highly informative session.

The Task Force on the Role of Paralegals, co-chaired by Vincent Chang, Past President Maryann Saccomando Freedman and Professor Margaret Phillips, is updating the 1997 report on paralegal guidelines adopted by the House of Delegates and is exploring relevant issues to make recommendations for best practices for the use of paralegals in the context of the modern 21st century law office. The task force is also examining the question of whether NYSBA should consider enrolling paralegals as associate members or ancillary members.

NYSBA AND OUR MEMBERS ARE MAKING A DIFFERENCE

During the summer of 2018, more than 300 undocumented immigrants were relocated from the southern border of our country to the Albany County Correctional Facility. Many arrived in Albany having no idea where they were, or the legal hurdles they faced to remain in the United States. In an extraordinary effort coordinated by Immigration Committee co-chairs Camille Mackler and Professor Sarah Rogerson, over 400 volunteer lawyers and interpreters, including many NYSBA members, volunteered at the facility to determine whether these immigrants were seeking asylum and, if so, to help prepare them for credible fear interviews. In August, NYSBA hosted a luncheon to recognize and thank these volunteers for their significant contributions to helping insure access to justice and the rule of law.

I am very happy to report that Governor Andrew Cuomo has signed into law legislation proposed by NYSBA and the New York City Bar Association to extend attorney-client privilege to communications between lawyer referral services and persons contacting those services to find an attorney or be directed to an appropriate resource. Those contacting lawyer referral services do so under the assumption that the information communicated to the services is confidential; this legislation makes clear that such communications are privileged on the same basis as those between attorney and client.

ENHANCING ACCESS TO JUSTICE FOR ALL

One of the most important functions of our bar association is to enhance access to justice and help to improve the judicial system for those in need of legal services but who cannot afford to retain a lawyer. In September, I served on a panel with the Chief Judge and the Appellate Division Presiding Justices to hear from statewide witnesses on the significant benefits to low-income people of accessible, publicly funded civil legal services. A few days later, I testified at a hearing of the New York State Commission on Parental Legal Representation on assurance of quality representation for persons entitled to assigned counsel in Family Court matters.

Several weeks ago, NYSBA sponsored our bi-annual Partnership Conference, bringing together civil legal services providers from around New York. More than 550 people attended the conference, which included 45 different programs with CLE credit. Nearly 400 attended the awards dinner that is part of the event, which included guest speakers Court of Appeals Associate Judge Jenny Rivera and Assembly Member Harvey Epstein.

It is gratifying to report that we have a truly meaningful and constructive relationship with court system leaders. I have had extremely productive meetings and communications with Chief Judge Janet DiFiore, Chief Administrative Judge Lawrence Marks, Presiding Justices Acosta, Scheinkman, Garry and Whelan, OCA Counsel John McConnell, and various other members of the judiciary and court system, all of whom have been enormously helpful and supportive of NYSBA and our efforts and initiatives. I believe that NYSBA has never had a stronger, healthier or more candid dialogue with the New York State Courts.

IT HAS BEEN AN HONOR TO MEET SO MANY OF YOU AT MEETINGS & EVENTS

One of the great privileges of serving as your president is being able to meet so many of our members and be in contact with other bar associations in New York State and beyond. In July, in connection with our Torts, Insurance and Compensation Law Section's summer meeting in

Ireland, we held a member reception in Dublin at The Bar of Ireland, preceded by a meeting with Ireland's Chief Justice the Hon. Mr. Frank Clarke. Another member reception, held in London, took place at the Outer Temple. Both were very well-attended, and I was gratified to meet so many of our members who practice outside the United States.

Other meetings I attended included:

- Family Law Section meeting in Manchester, Vermont
- Tax Section meeting in Portland, Maine
- Trusts and Estates Law Section meeting in Bolton Landing
- Criminal Justice Section summer meeting in Bolton Landing
- Commercial and Federal Litigation Section meeting in Bolton Landing
- Health Law Section meeting in Albany
- International Section meeting in Montreal
- Council of Judicial Associations meeting
- Richmond County Bar Association Annual Dinner
- Brooklyn Bar Induction Ceremony
- Nassau County Bar Induction Ceremony
- Network of Bar Leaders Induction Ceremony
- Metropolitan Black Bar Association Induction Ceremony
- Puerto Rican Bar Association Annual Scholarship Dinner
- Federal Bar Association's annual meeting and convention
- Celebration of the 80th Anniversary of the Appellate Division, Second Department
- Onondaga County Bar Association Annual Dinner
- 2nd Standing International Forum of Commercial Courts

Two events stand out among my favorites so far. I had the pleasure of speaking to approximately 200 first-year students at the University at Buffalo School of Law. What an opportunity! And it was an extraordinary honor for me to be the keynote speaker at the Third Department Admission Ceremony in July. Seven-hundred-thirty-eight attorneys were admitted from 38 U.S. states and territories and 43 nations around the globe at this amazing event, which was attended by more than 2,000 people.

In addition, I attended a host of committee meetings, including the Committee on Legal Education and Admission to the Bar; the Committee on Attorney Professionalism; the Committee on LGBT People and the Law, and the Finance Committee. President-Elect Henry M. ("Hank") Greenberg also represented NYSBA leadership at several events and functions including committee and section meetings at various venues, speaking to first-year law students at Albany Law School and at an awards ceremony at Syracuse University Law School. More importantly, Hank has been an incredibly supportive partner on this journey, serving as my most valued advisor. His judgment is flawless, and I value his support and friendship beyond words.

Did I mention how much I enjoyed NYSBA night at Yankee Stadium in August? Hundreds of our members and their guests attended the event. There was great camaraderie at our pre-game get-together and the fact that the Yankees won made the evening even better.

I have had countless meetings and communications with our dedicated Executive Director Pamela McDevitt, General Counsel Kathleen Baxter and many other staff members and volunteer leaders regarding programming, expenses, communications, staff structure, CLE, finances and many other topics. I had a remarkable tour of our impressive print facility in Troy conducted by NYSBA Senior Director of Print and Facilities Operations Gordon Ryan. Gordon and his staff of eight produce an extraordinary volume of high-quality publications, books, pamphlets and other materials, all produced in-house. Here's one fact that will help you understand the volume of work handled by this team: For the 2018 annual meeting, 26 pallets of documents were produced and shipped to the Hilton.

Our 2019 Annual Meeting will take place January 14 through 19 at the New York Hilton Midtown in New York City. My Presidential Summit will be held Wednesday, January 16 from 2 to 5:30 p.m., and will address three important and timely topics: "Listening to #MeToo – Why Laws to Prevent Sexual Harassment Have Been Ineffective, and What Attorneys Can Do"; "Wrongful Convictions and the Role of Prosecutors"; and "Enlisting the Public in the Fight Against Fraud: How Whistleblower Laws Work, How They Have Evolved and the Courage it Takes to Be a Whistleblower."

I look forward to seeing you at the Summit and at many of the other programs and activities that will be taking place during Annual Meeting.

A handwritten signature in black ink that reads "Michael Miller". The signature is written in a cursive style with a prominent initial "M" and a long, sweeping underline.