



**Henry M. Greenberg**

**President**

Greenberg Traurig, LLP  
54 State Street  
Albany, New York 12207  
greenbergh@gtlaw.com  
518-689-1492

January 31, 2020

**President's Report  
to the House of Delegates  
January 31, 2020**

We belong to the most impactful, influential and consequential profession in American life. No other profession affords so many opportunities to help people in need. Lawyers right wrongs, improve lives, make society better.

Founded in 1876, our Association has grown to become the largest and oldest voluntary state bar in the nation. So, it comes as no surprise that our Annual Meetings are among the largest gatherings of lawyers in the world.

Our first meeting was held on Nov. 20, 1877, in Albany at the Assembly Chamber of the old State Capitol. We then had 356 members and dues were \$5 per year. Today, we have over 70,000 members, 60 standing and special committees and task forces, and 26 specialized sections, with a total section membership of over 37,000.

Our founders would barely recognize the world in which we now live. Yet, lessons can be learned from our first president, John K. Porter, who addressed the membership 143 years ago, on our “common purposes and objectives.” Distilled to its essence, he said that NYSBA’s mission is “to serve the profession and to serve the public.”

President Porter challenged our fledgling association to “exercise a collective and permanent influence.” He also charted the path for our future when he said: “The influence of our profession in the next generation depends on a large degree on the manner in which we fulfill our duty; the obligations of that trust reach far beyond the present generation.”

Succeeding generations of NYSBA members have followed President Porter’s clarion call. Over the years and across the nation we have championed the rule of law and led the fight for justice and social change.

Indeed, our core purposes and objectives are the same today as they were in 1877. It remains our solemn duty to protect and fight for an independent judiciary; the apolitical administration of justice; and equal justice under the law. The task falls uniquely to us to teach our fellow citizens why the rule of law has kept us free for over 200 years.

## **Back to the Future**

On January 30, 2020, we went back to the future at our Gala dinner held at the American Museum of Natural History. After a quarter century hiatus, we revived a 118-year tradition of an Annual Dinner.

The Gala was an immense success. It was a grand event where we came together to honor the rule of law and pay tribute to those who perform distinguished service. Nearly 1,000 people attended and witnessed NYSBA's Gold Medal awarded to Elena Kagan, Associate Justice of the U.S. Supreme Court, and a figure of immense importance in American jurisprudence. We also honored the Judges of the New York Court of Appeals.

In restoring the Gala, we honored our history, and charted a path for Annual Meetings to come. Special credit is due to our Gala Planning Committee and support staff, including: John H. Gross, Donald C. Doerr, Richard A. Edlin, Thomas J. Maroney, Sharon M. Porcellio, William T. Russell, Jr., James M. Wicks, Stephen P. Younger, Sherry Levin Wallach, Thomas J. Richards, and Kimberly A. McHargue.

## **Building a Virtual Bar Center**

NYSBA's digital transformation continues. Our new website — which is scheduled to “go live” in February 2020 — will have a clean and contemporary aesthetic and include state-of-the-art features, including an enhanced search capacity, an intuitive one-click online store, and one calendar listing all upcoming NYSBA events.

The new website will be accompanied by new customer relationship and association management systems. The implementation of these platforms, together with the website, will provide an optimum experience for our online users. Our members will be able to easily access online content, keep abreast of NYSBA news and developments, and register for upcoming programming.

## **Cutting-Edge Public Policy Initiatives**

NYSBA continues to shape and develop the future of law in the Empire State, as we have for the past 144 years. Our task forces, committees and sections are continuously developing cutting-edge public policy proposals.

For example, you will hear today informational reports from the following task forces: the Task Force on Free Expression in the Digital Age, the Task Force on Autonomous Vehicles and the Law, the Task Force on the New York State Bar Examination, the Task Force on Rural Justice, and the Task Force on Mass Shootings and Assault Weapons. All of these task forces will present full reports with recommendations for adoption at the House of Delegates' next meeting in April.

You will also hear today a report and recommendations from the Committee on Cannabis Law regarding the potential legalization of cannabis and cannabis products in New York State.

## **Enhanced Advocacy & Public Communication**

Our public policy recommendations would amount to nothing without determined effort to ensure that they are adopted by policymakers. We are, therefore, refocusing our public outreach through enhanced advocacy, increased consultation with the Legislature, and real time communications with our membership.

The Working Group on Attorney Mental Health illustrates the power of our collective voice to bring about positive change for the legal profession and society. Formally assembled in June of last year, the Working Group conducted a thorough investigation and issued a report and recommendations calling for the elimination of mental health questions from the New York bar application. On November 2, 2019, the report was approved by the House of Delegates. Three days later, legislation was introduced in the State Senate codifying the recommendations proposed by the working group. Shortly thereafter, 14 of the 15 deans of New York law schools urged the Office of Court Administration to eliminate the mental health questions.

Our efforts in this area, which are of vital importance to law students and young lawyers, have been recognized nationally. We are optimistic the four Appellate Divisions will act on the Working Group's recommendations.

## **Global Presence**

We continue to develop new and innovative ways to communicate globally and support our international members, through specifically tailored online content, state-of-the-art programming, and the work of our dynamic International Section. In April, NYSBA will host a two-day Bridging the Gap program in London. It will be the first in a series of international Bridging the Gap programs, making it easier for new lawyers to earn the CLE credits they need, without having to travel to the United States.

NYSBA has always thought and acted globally as a champion of the rule of law and voice of the bench and bar of the Empire State. In 1896, for example, NYSBA petitioned U.S. President Grover Cleveland to establish an international court to arbitrate and settle disputes between nations. Three years later, our plan was adopted at the Hague Peace Conference of 1899, resulting in the creation of the Permanent Court of Arbitration, the predecessor of the current International Court of Justice in The Hague.

In a similar vein, I had the privilege this week of signing memoranda of understanding with the leadership of the Dai-Ichi Bar Association in Tokyo and the Seoul Bar Association in Korea. They represent the organized bar of two of the most important cities on the planet. These relationships provide a blueprint for our global outreach going into the future as we build ties with bar associations around the world and connect with New York lawyers no matter where they reside.

Over the next five months, we will reach out to bar associations representing the organized bar of major cities and nations around the world. We will seek to build new relationships, establish memoranda of understanding, and connect our members with their global colleagues.

John K. Porter would be amazed by the breadth and depth of our current initiatives; gratified that we have pursued this work as an organization; and overwhelmed at the tremendous talents and energies of our members and their willingness to share and volunteer.

As we approach the 150th anniversary of our Association, NYSBA will continue to strengthen and grow, remaining as indispensable to the practice of law as it was in its first 150 years. None of this would be possible without your dedicated efforts. Thank you for your service — our work has just begun.

### **SPEECHES, REMARKS & OTHER PRESENTATIONS:**

Formal remarks at the Admissions Ceremony for the New York State Supreme Court, Appellate Division, Third Judicial Department, at the Governor Nelson A. Rockefeller Empire State Plaza Convention Center, in Albany, New York (January 23, 2020).

Participated in Legislative Roundtable on “Access to Representation: Providing a Right to Counsel in Immigration Proceedings,” at the Legislative Office Building, in Albany, New York (January 23, 2020).

Interviewed by Susan Arbetter for Capital Tonight, a politics television show available on Spectrum News for customers in the New York State Capital region. The interview was broadcast on January 20, 2019. The link to a recording of the broadcast is: [https://vimeo.com/386244017/6573b93402?fbclid=IwAR003P09d5cBAUngqJTPmk6wPvyC8xReMsbNz8bgqFaGPO7kqNP\\_T-IpeuM](https://vimeo.com/386244017/6573b93402?fbclid=IwAR003P09d5cBAUngqJTPmk6wPvyC8xReMsbNz8bgqFaGPO7kqNP_T-IpeuM).

Remarks about experience as President of the New York State Bar Association, at a meeting of the joint Board of Directors of the Nassau and Suffolk County Bar Associations, at the Suffolk County Bar Center, in Hauppauge, New York (January 14, 2020).

Commentary on “A Cancer in the Body Politic,” delivered on WAMC/Northeast Public Radio and broadcast on January 8, 2020. The link to a recording of the broadcast is: <https://www.wamc.org/post/hank-greenberg-cancer-body-politic>

Commentary on “The Oath,” delivered on WAMC/Northeast Public Radio and broadcast on January 2, 2020. The link to a recording of the broadcast is: <https://www.wamc.org/post/hank-greenberg-oath>

Commentary on “Simplifying the NY Court System,” delivered on WAMC/Northeast Public Radio and broadcast on November 27, 2019. The link to a recording of the broadcast is: <https://www.wamc.org/post/hank-greenberg-simplifying-ny-court-system>

Panelist discussing challenges bar associations face meeting the needs of young lawyers for ALM Young Professionals Network, in New York City (November 25, 2019).

Address on changes in the legal profession and New York State Bar Association at the 2019 Section Leaders Roundtable of the New York State Bar Association, in New York City (November 22, 2019).

Remarks at program entitled “The Crisis in Local Journalism: Are Nonprofits the Answer?,” sponsored by the New York State Bar Association’s Task Force on Free Expression in the Digital Age, at Columbia Law in New York City (November 19, 2019).

Testimony on judicial compensation at public hearing convened by the New York State Commission on Legislative, Judicial and Executive Commission, at SUNY System Administration Building, in Albany, New York (November 14, 2019).

Keynote address during program sponsored by the Commercial and Federal Litigation Section of the New York State Bar Association, at which the Annual Hon. Shira A. Scheindlin Award for Excellence in the Courtroom and the Hon. Judith S. Kaye Commercial and Federal Litigation Scholarships were awarded, in the Ceremonial Courtroom at the Daniel Patrick Moynihan United States Courthouse, in New York City (November 13, 2019).

Testimony on court consolidation at public hearing convened by the New York State Senate Standing Committee on the Judiciary and Assembly Standing Committee on the Judiciary, at the Assembly Hearing Room, 250 Broadway, Room 1923, in New York City (November 13, 2019).

Introduction of keynote speaker Hon. Kunio Hamada, former Justice of the Japan Supreme Court and founding partner, Mori Hamada & Matsumoto, Tokyo, at a luncheon held during Global Conference 2019: A World of Many Voices, United in Our Diversity, sponsored by the International Section of the New York State Bar Association, at the Hilton Tokyo, Tokyo, Japan (November 7, 2019).

Remarks at President’s Reception held during Global Conference 2019: A World of Many Voices, United in Our Diversity, sponsored by the International Section of the New York State Bar Association, at the Hilton Tokyo, Tokyo, Japan (November 6, 2019).

Remarks welcoming attendees at Global Conference 2019: A World of Many Voices, United in Our Diversity, sponsored by the International Section of the New York State Bar Association, at the Hilton Tokyo, Tokyo, Japan (November 6, 2019).

President’s address on changes in the legal profession and New York State Bar Association at a meeting of the House of Delegates of the New York State Bar Association, in Albany, New York (November 2, 2019).

Commentary on “On Being Agreeably Disagreeable,” delivered on WAMC/Northeast Public Radio and broadcast on October 31, 2019. The link to a recording of the broadcast is: <https://www.wamc.org/post/hank-greenberg-being-agreeably-disagreeable>

Address on the life and legacy of Judith S. Kaye at the 9th Annual Diamond & Hearts Event for New York’s Children, sponsored by CASA: Court Appointed Special Advocates for Children, in Albany, New York (October 29, 2019).

Remarks welcoming attendees of 2019 Statewide Stakeholders Meeting: Working Together to Expand Effective Assistance for All Low-Income New Yorkers, convened by the New York State Permanent Commission on Access to Justice, Albany, New York (October 28, 2019).

Remarks at Local and State Government Law Section 2019 Fall Meeting, at The Embassy Suites, Saratoga Springs, New York (October 25, 2019).

Remarks at the 144th Annual Dinner of the Onondaga County Bar Association, Marriott Syracuse Downtown, Syracuse, New York (October 23, 2019).

Remarks welcoming attendees of the New York Fair Trial Free Press Conference 2019, sponsored by the New York Fair Trial Free Press Conference, First Amendment Watch at NYU's Carter School Journalism Institute, New York State-Federal Judicial Council, S.I. Newhouse School of Public Communications and the New York State Bar Association's Committee on Media Law and Committee on Continuing Legal Education, at the Daniel Patrick Moynihan United States Courthouse, in New York City (October 21, 2019).

Remarks honoring Hon. John R. Dunne, former Assistant Attorney General of the U.S. Department of Justice's Civil Rights Division and New York State Senator, at the 2019 Haywood Burns Award Ceremony and Symposium, sponsored by the New York State Bar Association's Committee on Civil Rights, at CUNY Law School, in Long Island City, New York (October 16, 2019).

Remarks introducing Cass R. Sunstein, Robert Walmsley University Professor at Harvard, at a continuing legal education program entitled "Impeachment: A Guide to the Legal Process and Its History," at Fordham Law School in New York City (October 15, 2019).

Interviewed, along with Harvard Law School Professor Cass R. Sunstein, by Brian Lehrer for WNYC Radio's The Brian Lehrer Show, a daily call-in program, covering politics and life, locally and globally. The interview was originally broadcast on October 14, 2019. The link to a recording of the broadcast is: <https://www.wnyc.org/story/impeachment-legal-guide/>

Commentary on "Lawyers and Depression," delivered on WAMC/Northeast Public Radio and broadcast on October 2, 2019. The link to a recording of the broadcast is: <https://www.wamc.org/post/hank-greenberg-lawyers-and-depression>

Interviewed by Susan Arbetter for the Capitol Pressroom, a news and analysis program aired daily from the New York State Capitol, on the upcoming New York State Constitutional Convention. The interview was originally broadcast on September 27, 2019. The link to a recording of the broadcast is: <https://www.wcnyc.org/september-27-2019-reporters-and-nysba-president-hank-greenberg/>

Remarks at Bridging the GAP CLE Program for newly admitted attorneys, sponsored by the New York State Bar Association, Albany, New York (September 27, 2019).

Remarks at NYSBA 2019 Technology Summit, in New York City (September 19, 2019).

Interviewed by Errol Louis for NY1's *Inside City Hall*, a news program that interviews political newsmakers, pundits and consultants from New York City and beyond, every weeknight at 7 p.m. and 11 p.m. The interview was broadcast on September 19, 2019. The link to a recording of the broadcast is: <https://www.ny1.com/nyc/all-boroughs/inside-city-hall/2019/09/20/navigating-the-immigration-system>.

Interviewed by Alan Chartock for WAMC/Northeast Public Radio's *The Capitol Connection*, a news and analysis program aired on radio stations across New York State. The interview was broadcast on September 19, 2019. The link to a recording of the broadcast is: <https://www.wamc.org/post/capitol-connection-1938-hank-greenberg-president-new-york-state-bar-association>

Interviewed by Casey Seiler for WMHT's *New York NOW*, an Emmy Award-winning public affairs program shown on PBS stations in New York State. The interview was broadcast on August 30, 2019. The link to a recording of the broadcast is: [https://video.wmht.org/video/new-york-state-bar-association-on-2020-agenda-41v4kk/?fbclid=IwAR1QHHkA797MHFToUX8i3M7imVovY8Em\\_tZI\\_FbSVa4QA-OoUXP88mcv0J4](https://video.wmht.org/video/new-york-state-bar-association-on-2020-agenda-41v4kk/?fbclid=IwAR1QHHkA797MHFToUX8i3M7imVovY8Em_tZI_FbSVa4QA-OoUXP88mcv0J4)

Remarks at Opening Convocation of the Syracuse University College of Law, in Syracuse, New York (August 15, 2019).

Remarks in support of resolution (10A) creating the *ABA Best Practice Guidelines for Online Legal Document Providers*, proposed by the New York State Bar Association, the New York County lawyers Association, and the American Bar Association's ("ABA's") Standing Committee on the Delivery of Legal Services, Center for Innovation and International Law Section, before the House of Delegates, at the ABA's Annual Meeting, in San Francisco, California (August 12, 2019).

Remarks at a continuing legal education program entitled, "Diversity, Inclusion and Elimination of Bias," and sponsored by the New York State Bar Association, in Albany, New York (July 26, 2019).

Remarks at Elder Law and Special Needs Section Summer Meeting, at Boston Marriott Long Wharf Hotel, in Boston, Massachusetts (July 18, 2019).

Remarks at Family Law Section Summer Meeting, at The Saratoga Hilton, in Saratoga, New York (July 12, 2019).

Formal remarks at the Admissions Ceremony for the New York State Supreme Court, Appellate Division, Third Judicial Department, at the Governor Nelson A. Rockefeller Empire State Plaza Convention Center, in Albany, New York (June 26, 2019).

Testimony at the New York State Office of Indigent Legal Services' hearing on financial eligibility for assignment of counsel in family matters, in Albany, New York (June 19, 2019).

President's address on "Building a Virtual Bar Center," at a meeting of the House of Delegates of the New York State Bar Association, at The Otesaga Hotel, in Cooperstown, New

York (June 15, 2019).

Address upon being sworn-in as the 122<sup>nd</sup> President of the New York State Bar Association, in Albany, New York (June 7, 2019).

Remarks at the Presentation of the 2019 Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare and Education Program, sponsored by the Committee on Children and the Law Committee of the New York State Bar Association, in Albany, New York (June 5, 2019).

Remarks at an event entitled, “The *Braschi* Breakthrough: 30 Years Later, Looking Back on the Relationship Recognition Landmark,” sponsored by The Richard C. Faila LGBTQ Commission of the New York Courts, among other groups, held at the Supreme Court, New York County Ceremonial Courtroom, in New York City (June 3, 2019). The link to a video of these remarks is: <https://www.youtube.com/watch?v=tF1APx3qoEI&feature=youtu.be&fbclid=IwAR0fl90q-siSXhEYKNuIHnVQnXSRDrzHL0D5vVuVvM4hOpHXI10VOR1gv4Q> (see 25:37 to 1:01:13).

## **PUBLICATIONS:**

*In Challenging Times, Legal Profession’s Voice Is Desperately Needed*, N.Y. Law Journal, January 24, 2020, <https://www.law.com/newyorklawjournal/2020/01/24/in-challenging-times-legal-professions-voice-is-desperately-needed/>.

*NYSBA’s Unique Role in Shaping State Law*, 92 N.Y. State Bar Journal 5 (Jan./Feb. 2020).

*A Century ago, a noble fight: What Charles Evans Hughes did when the New York Legislature refused to seat five Socialists*, N.Y. Daily News, Jan. 7, 2020, at 25, <http://www.nydailynews.com/opinion/ny-oped-a-century-ago-a-noble-fight-20200107-x6bmtkh5mrfatnazb7hbxyim44-story.html>.

Foreword, in MICHAEL L. FOX, A GUIDE TO DIVERISTY AND INCLUSION IN THE 21ST CENTURY WORKPLACE, at ix-x (2020).

*NY’s coming bail, discovery reforms support rule of law (Commentary)*, Syracuse.Com, Dec. 20, 2019, <https://www.syracuse.com/opinion/2019/12/nys-coming-bail-discovery-reforms-support-rule-of-law-commentary.html>.

*Law Firms’ Obligation to the Profession and Community*, 91 N.Y. State Bar Journal 5 (Dec. 2019).

Letter to the Editor, *Rural NY lacks attorneys*, Albany Times Union, Dec. 2, 2019, <https://www.timesunion.com/opinion/article/Letter-Rural-NY-lacks-attorneys-media-14876557.php>

Letter to the Editor, *Are there legal means for protecting local media from dying out?*,



Washington Post, Nov. 29, 2019, at A14, [https://www.washingtonpost.com/opinions/are-there-legal-means-for-protecting-local-media-from-dying-out/2019/11/29/e25d6018-114f-11ea-924c-b34d09bbc948\\_story.html](https://www.washingtonpost.com/opinions/are-there-legal-means-for-protecting-local-media-from-dying-out/2019/11/29/e25d6018-114f-11ea-924c-b34d09bbc948_story.html)

*Court system will deliver justice for New York*, Albany Times Union, November 12, 2019, at A9, <https://m.timesunion.com/opinion/article/Commentary-Reform-court-system-and-do-justice-to-14826940.php>

*Put politics aside and fix New York's court system*, Rochester Democrat & Chronicle, Nov. 4, 2019, <https://www.democratandchronicle.com/story/opinion/columnist/2019/11/04/put-politics-aside-and-fix-new-yorks-court-system/4153996002/>

*Change is the New Normal*, Vol. 91 N.Y. State Bar Journal 5 (Nov. 2019).

*Building a Virtual Bar Center*, Vol. 91 N.Y. State Bar Journal 8 (Nov. 2019).

Introduction in *IS AMERICA FULFILLING ITS PROMISE: SAFEGUARDING LEGAL PROTECTIONS FOR IMMIGRANTS*, at xv-xvi (Scott Fein & Rose Mary Bailly eds., 2019).

*Leadership: The Legal Profession's Glory*, Vol. 91 N.Y. State Bar Journal 7 (Sept./Oct. 2019).

*Mental Health Challenges for Lawyers: Remove the Stigma, Expand Services*, Vol. 91 N.Y. State Bar Journal 6 (Aug. 2019).

*Out of Many, One*, N.Y. Law Journal, July 30, 2019, p. 6, col. 2, <https://www.law.com/newyorklawjournal/2019/07/30/out-of-many-one/?fbclid=IwAR3RU1UD2094qCpFHKCv6xDOIQZgPDoKPWn1G5UXTy0qLYkcTDroPCm3aMM>.

Letter to the Editor, *Rural America: Are Those Pastures Greener*, N.Y. Times, Jul. 2019, <https://www.nytimes.com/2019/07/28/opinion/letters/rural-america.html>

*Diversifying the Legal Profession: A Moral Imperative*, Vol. 91 N.Y. State Bar Journal 5 (June/July 2019).