



SCOTT M. KARSON

President

Lamb & Barnosky LLP

534 Broadhollow Road

Suite 210, P.O. Box 9034

Melville, New York 11747

skarson@nysba.org

631.694.2300

**President's Report
to the House of Delegates
June 13, 2020**

A heartfelt thank you to Judge Jenny Rivera, the Senior Associate Judge of the Court of Appeals of the State of New York. It is an honor to stand here with my fellow officers of the New York State Bar Association and take the oath of office from you.

It is significant that my friendship with Judge Rivera is directly attributable to the New York State Bar Association.

As a member of the Committee to Review Judicial Nominations, I – along with my colleague Chan Woo Lee – was assigned to study and evaluate the qualifications of CUNY Law School Professor Jenny Rivera for a seat on the Court of Appeals. We read through her voluminous scholarly writings, spoke with her references and visited the law school for an in depth face-to-face interview of the candidate.

During that interview, she candidly revealed that she had once been ticketed for improperly mixing glass and paper recyclables at the curb in front of her home. We reported that transgression to the full Committee, which decided to overlook it and found her qualified. The rest – as you can see – is history.

All that I would add is that – as the result of my service to the Association through the Committee to Review Judicial Nominations – I had the opportunity to meet and get to know Judge Rivera, whom I have come to admire greatly and am proud to count as a friend.

Friends and colleagues: On behalf of Andrew, Domenick, Sherry and myself, I want to say how honored we are that our great Association has put its trust in us.

When I decided to run for president of the New York State Bar Association, I devoted much thought to the future of our Association and the initiatives I would pursue to advance the interests of our members should I be elected.

However, I have come to realize that leadership requires that we confront the world as it is, not what we wish it was.

Nobody could have imagined that a microscopic, deadly virus would appear and wreak havoc upon our world at large.

What we could have seen, but perhaps did not want to imagine, was that the cancer of racism in America would flare up in such a horrific way.

The appalling murder of George Floyd while in police custody, a senseless and horrible act, and the many such acts that have preceded it, are rooted in racial bigotry, and the egregious inequities in how people of color are treated in our criminal justice system and society at large.

We as an Association are moving quickly to address Mr. Floyd's murder and the clearly unsustainable status quo at the heart of the recent events rattling our nation.

I have asked two distinguished members of our Association, President-Elect Andrew Brown and Taa Grays, a former Vice President from the First Judicial District, to co-chair a new Task Force on Racial Injustice and Police Reform, which will develop strategies to combat the repeated incidents of police brutality and inequality in our criminal justice system that we have all witnessed.

The Task Force will engage a diverse team of stakeholders to come to an understanding of why racial bias persists in policing practices, and will provide recommendations to policymakers, law enforcement and the judiciary to end policing practices that disproportionately and deleteriously impact persons of color.

It will create and work with advisory groups from around the state, which shall include diverse bar associations. By asking and struggling with difficult questions and listening to those who bear witness to and suffer from the consequences of racism, we will learn, and we will act.

You can contact the task force by email: FightingInjustice@nysba.

As we strive to meet the challenges of our times, we are blessed to have tremendous examples of leadership. Their creativity, flexibility and willingness to take risks inspire and inform us.

Under Chief Judge Janet DiFiore's exemplary leadership, our entire court system underwent unprecedented modifications, which allowed it to weather the most severe public health crisis in modern history. She is a model of leadership that I will aspire to emulate during the coming year.

Another example of leadership: Hank Greenberg, immediate past president of the New York State Bar Association.

Hank's extraordinary vision and commitment to building a virtual bar center is the reason that we are able to keep meeting and doing the business of the Association.

Because Hank looked to the future, we were prepared for the unthinkable. Our great Association has survived and thrived.

I also acknowledge the leadership of my fellow officers: President-Elect T. Andrew Brown, Secretary Sherry Levin Wallach and Treasurer Domenick Napoletano; and our brilliant and tireless Executive Director Pam McDevitt.

I am indeed fortunate to serve as your president with such extraordinary people at my side.

There is another group of leaders that I would like to acknowledge and recognize: the past Presidents of the New York State Bar Association.

These remarkable men and women have unselfishly devoted their time, energy and wisdom in the service of our Association, its members and the public which we serve, and many of them continue to do so long after the conclusion of their year in office.

As you know, former Presidents are House members for life, and I had hoped to introduce and pay tribute to each former President in attendance at this meeting. Regrettably, however, the Zoom format simply does not lend itself to such a tribute, so it must be postponed.

Hopefully, I will have the opportunity to address the House live rather than virtually before my term as President concludes, and I will offer my tribute at that time. For now, let me just say how proud I am at the prospect of joining their ranks.

The coronavirus pandemic has brought to light many issues of critical importance – issues where lawyers can make a difference.

We will continue several of President Greenberg's COVID-19 initiatives for as long as their service is needed.

Our Emergency Task Force on Solo and Small Firm Practitioners, led by Domenick Napoletano of Brooklyn and June Castellano of Rochester, remains a vital resource for the over one-half of our members in solo and small-firm practices, who have been disproportionately affected by COVID-19.

Our Working Group on Reopening Law Firms, led by Marian Rice of Garden City, will keep working with law firms of all sizes to reopen safely, as law practice restrictions are relaxed.

Our profession has a proud tradition of providing pro bono legal services to those who are otherwise unable to afford a lawyer.

We will continue the COVID-19 Pro Bono Network, in partnership with the Unified Court System. So far we have established pro bono programs in critical areas such as unemployment insurance benefits, landlord-tenant and other housing matters, and Surrogate's Court matters. The list will grow as the need develops.

I encourage all my colleagues – from seasoned lawyers and leaders of the bar to newly admitted lawyers – to take on pro bono work in the coming year. To set the example, I pledge to do so as well.

Three new task forces also will focus on the impact of COVID-19. Two will look at legal issues. The third will look at stressors on lawyers because of the virus.

Nursing homes and long-term care facilities have become “ground zero” for COVID-19. In this crisis, these facilities have faced all manner of challenges, due to the size and health of their resident populations, their staffing needs, the availability of badly-needed equipment and the availability and utility of testing for both residents and staff.

Our task force will take a hard look at the statutory and regulatory framework under which these facilities operate and make recommendations for change where needed.

The pandemic also has revealed issues of tort and contractual liability – and immunity from such liability – issues which we lawyers are singularly qualified to sort out. Our new task force will take that on as well.

In the best of times, being a lawyer is stressful. Rates of mental illness, substance abuse, fatigue and other health issues are higher for those in the law than in any other profession. Add to that COVID-19, the distractions of working from home and maybe a good dose of cabin fever.

NYSBA has long offered support and services for members struggling with such issues after they have begun to take their toll.

Now is the time to be proactive. Maintaining mental and physical health takes focus and effort, but it is far easier than regaining health after years of neglect.

Our Task Force on Attorney Well-Being, ably co-chaired by Libby Coreno of Saratoga Springs and Judge Karen Peters of Woodstock, will take a holistic approach, studying mental and physical well-being strategies and formulating recommendations for their implementation throughout New York’s legal community.

If ever there was a time to lead, it is now.

Many people of color face daily the possibility of being targeted, threatened, maligned, or worse while engaging in the normal daily activities that the rest of us engage in with impunity, for no reason other than their race.

The threat of having one's peace or life destroyed has nothing to do with class, education or income – it has everything to do with race. This has long been unacceptable, morally and legally. Yet the needle barely moves.

It is time for lawyers to step up, to take a different tack. Why?

Lawyers are the guardians of justice and protectors of the rule of law.

We must never lose sight of that. By reason of our licenses, we are singularly positioned to fight for justice.

On paper, the law and the legal system are colorblind; in practice they are not.

It is time for lawyers to collectively stand on the front lines of the fight for full and fair implementation of the promise of the law.

It is our job.

Perhaps as an indicator of my age, the crisis of injustice with which we are faced calls to mind the words of the classic song “Blowin’ in the Wind,” by the great American songwriter and Nobel Laureate Bob Dylan. I will recite one verse of this poignant and relevant song:

Yes, 'n' how many years can a mountain exist
Before it is washed to the sea?
Yes, 'n' how many years can some people exist
Before they're allowed to be free?
Yes, 'n' how many times can a man turn his head
And pretend that he just doesn't see?

The answer, my friend, is blowin' in the wind

The answer is blowin' in the wind

My fellow delegates and members of our great profession, the wind is surely blowing as it has never blown before, and it is time for us to listen and to apply our skills and wisdom to glean the answers that are blowing in the wind.

I want to thank you. It is the greatest honor of my professional career to serve as your President.

And as we navigate the challenges of now and what lies ahead, I commit fully to you that as a leader I will be thoughtful, diligent and dynamic, mindful of the past, concerned about the present and focused on the future.

Thank you . . .