



**Report of President T. Andrew Brown to the
NYSBA House of Delegates
October 30, 2021**

Dear Colleagues:

It is with such pleasure that I welcome you to the October 2021 meeting of the House of Delegates, the first time that so many of us have met in person in almost two years. I am thrilled to report that the scheduling of in-person NYSBA events is slowly resuming – I’ve had the privilege to recently attend bar events in Staten Island, Vermont, Brooklyn, Rochester, Saratoga, Albany, and now Cooperstown.

I am sure that many of you join me in my fervent hope for continued progress in the vaccination efforts and the gradual emergence from the COVID-19 pandemic in the months to come. In this regard, I salute the work of our Emergency Task Force on Mandatory Vaccination and Safeguarding the Public’s Health, chaired by Mary Beth Morrissey, whose seminal report of this summer has done so much to propel vaccination efforts forward here in New York State.

For our delegates participating remotely, I greet you as well. Today’s meeting is the first true “hybrid” meeting of the House of Delegates – and indeed, the majority of our delegates are here with us today remotely, much as they have been for meetings of the House since April of last year. I am so proud of our Association’s ability to instantaneously switch to remote operations and governance early in the crisis. I pledge to you that we will continue to find innovative ways to engage with each other in the future as we have done with our upcoming hybrid Annual Meeting. The Virtual Bar Center is living up to its promise.

But I would be remiss to not state the obvious and recognize that the past nineteen months have clearly taxed us – our profession, our Association, our state, and our nation – in ways no one could have predicted.

We witnessed levels of unemployment, isolation, and indeed forced societal change unseen before in our lifetimes – perhaps even in recent human history. We witnessed our democracy stretched to a near breaking point. Along with the pandemic, we witnessed social upheaval, discrimination, and injustice, ugly reminders of a stain that still blights America and blocks many from the true promise of the American Dream. We’ve more closely examined our personal lives and relationships, searching for meaning and what really matters.

Coming out of the pandemic, we now face a time of further reflection, a time of reckoning, a time for renewal and a time to re-imagine our highest ideals. There is no turning back to the way things used to be in our noble profession. We have learned so much and will come back stronger than ever.

The good news is that lawyers are uniquely positioned to lead the way. This is our collective moment. As the New York State Bar Association approaches its sesquicentennial anniversary in 2026 – 150 years of NYSBA – we are keenly aware of the power and the prestige of the collective voice of New York’s bench and bar. Indeed, this is your moment. I can say with every confidence that this is a very exciting time to be a lawyer and to be a member of NYSBA.

Throughout my tenure as a leader within the Association – as a delegate, a task force chair, a section chair, the finance chair, and as president-elect and now as president – I have focused on making NYSBA membership even more valuable and relevant for practicing attorneys. We must all now intensify that focus more than ever. In the coming months, I will assemble a working group to prepare a strategic plan for the Association, with a focus on maintaining and increasing relevancy and value.

On the legislative advocacy front, I am pleased to announce the Association’s legislative priorities for 2022, which include the repeal of Judiciary Law 470, a fair and long-overdue raise in the rate of compensation for assigned counsel, creation of a right to counsel in immigration proceedings and in housing proceedings statewide, funding for universal broadband access, and broader and more significant student loan debt relief. Building off the herculean efforts of our Health Law Section, Task Force on Nursing Homes and Long-Term Care, and Emergency Task Force on Mandatory Vaccination and Safeguarding the Public’s Health, we will also advocate for reforms to the public health law to strengthen the capacity of the state to respond to public health emergencies, while ensuring that issues of equity for disadvantaged and vulnerable populations are front-and-center in these considerations. And we will continue to monitor and engage on other legislative and policy developments of interest to our members, including parole reform, the roll-out of legalized cannabis in New York State, and changes related to civil practice and the tort system, among others.

I am especially proud that NYSBA will advocate for legislation to modernize policing. We are at a crisis point with policing in New York. Harmful policing practices are resulting in misconduct that disproportionately impacts Black people and a culture that allows these practices to continue unchecked. Policing needs to be brought into the 21st century and the recommendations developed by our Task Force on Racial Injustice and Police Reform will do much to bring about much needed change in this most important societal issue. NYSBA will continue to engage and advocate on legislation and policy to reduce mass shootings, including through a forthcoming resolution at the upcoming meeting of the ABA House of Delegates.

In reviewing the agenda for today’s meeting, I would be amiss to not mention the many exciting developments and programs generated by our active sections, task forces, and committees. Our sections continue to assiduously produce programming, articles, and other content of value to their members. They actively generate policy as well – the Executive Committee in its meeting yesterday considered legislative proposals either sponsored or co-sponsored from five of our sections – and this does not include the many legislative memoranda that sections issue over the course of the year. I extend my hearty thanks to our section leadership, many of whom are represented in the House, and to the diligent staff of our Sections and Meeting Services Department, led by Pat Stockli, who service and support our sections in their important work.

In terms of CLE programming, NYSBA continues to be an active producer of CLE webinars and seminars to ensure that our members are trained and kept abreast of the latest developments in the law. Over 490 CLE webinars have already taken place during this calendar year. These programs – which cover the full range of legal topics from animal law to the administration of trusts and estates to cybersecurity – are only possible through the dedicated efforts of you, our members, and the driving force of our sections and committees. I thank James Barnes and Shawndra Jones, the co-chairs of the Committee on Continuing Legal Education, for their leadership in overseeing our CLE programming, and for the tireless work of senior director of CLE and Law Practice Management Kathy Suchocki and the entire CLE departmental staff.

I would also like to highlight some developments pertaining to membership. We are, after all, a membership organization, and our volunteer leadership and staff are continually at work identifying new programs and incentives to better engage both current and potential members. Amongst these key efforts are monthly billing and auto-renew payment options; dues packages that include a certain number of online or on-demand CLE credits; cybersecurity insurance coverage offered through our partner USI Affinity; a streamlined online dues assistance process; and the ongoing effort to streamline the online user experience, especially for membership renewals, and continue the advancement of the “Virtual Bar Center.” I thank our Committee on Membership, chaired by Hyun Suk-Choi and Mitch Katz, and our resolute Membership and Member Services Department, led by Victoria Shaw, Senior Director of Attorney Engagement and Retention, for driving forward these most essential initiatives for our Association.

Our membership focus extends beyond the borders of New York State to include international growth as well. NYSBA is unrivaled in its reputation as an international bar association. Recognizing that thousands of our members – and tens of thousands of potential members – practice internationally, we continue our global efforts in partnership with our International Section. Just last month I had the privilege, together with International Section chair Ed Lenci, of signing a historic memorandum of understanding with the Georgian Bar Association and launching a new International Section chapter in the Republic of Georgia. Earlier this summer I participated in MOU ceremonies and signings with the Philippine Bar Association and the Osaka Bar Association of Japan. NYSBA plans to pursue many more such MOUs with international partners in the years to come and expand our global footprint. Additionally, NYSBA and its members will continue to speak and act on matters of international legal concern, including immigration and refugee issues resulting from the conflict in Afghanistan. Above all else on the international front, NYSBA is committed to defending the rule of law, the integrity of the legal profession and the independence of the judiciary, and the importance of public trust and faith in democratic processes – and we shall continue to speak out should these core values be assaulted abroad.

Indeed, the defense of these very same values is at the core of NYSBA’s mission at home as well. The challenges of the past in many ways remain the challenges of the future, and I am intensely proud of the dedicated work of so many of our members to take on the two major societal scourges of our day – the lingering effects of the COVID-19 pandemic, and the blight of racism. The Task Force on the Post-Pandemic Future of the Profession has been charged with helping steer both the profession and the Association out of and beyond the COVID-19 pandemic, and we are looking forward to its upcoming forums. The Task Force on Racism, Social Equity, and the Law has already produced a major virtual public forum on “How Structural Racism Built Today’s Education, Health and Economic Outcomes,” which was attended by over 600 attorneys and

members of the public and is hard at work on preparing a report with recommendations for the ultimate review of this House.

Racial injustice also encapsulates strident efforts to advance access to justice, especially as it pertains to bridging the access to justice gap for all New Yorkers. Last month, in September, I had the privilege of participating in the annual hearing on civil legal services, together with Chief Judge DiFiore, Chief Administrative Judge Marks, and the four presiding justices of the state's appellate divisions. I was struck by repeated reference in the participants' testimony to the benefits that would come to all New Yorkers through an expanded right to counsel and efforts to bridge the digital divide – both goals of NYSBA. NYSBA remains committed to full and fair funding for civil legal services, and we will be tireless in our advocacy on behalf of legal aid, mandated representation, and the many clients – our neighbors and fellow citizens – helped through these programs.

There is much discussion in Washington these days about infrastructure. Infrastructure is more than just roads and pipes and bridges – infrastructure must include the systems to support healthy people, families, and communities. NYSBA's pro bono programs continue to help our fellow New Yorkers in need of assistance with unemployment insurance, small estates administration, workers' compensation claims, and the restoration of veterans' benefits, and have recently been expanded to include a hotline to connect Hurricane Ida survivors with the necessary legal service providers. Our Lawyer Assistance Program has also expanded its efforts to assist our members through a new Women's Support Group. And later today we will hear from the Task Force on Attorney Wellbeing, the report of which contains so many key recommendations that when implemented will do much to improve the wellbeing, and indeed happiness, of our members.

NYSBA continues to lead on other fronts as well. The recently launched Task Force on the Treatment of Transgender Youth in Sports will provide respectful, objective, and fact-based dialogue and programming on this seminal societal matter. Our members are also continuing our principled advocacy for necessary and prudent changes to improve the practice of law – including the Emergency Task Force on Solo and Small Firm Practitioners, who today will present their seminal report and recommendations on safeguarding and strengthening solo and small firm practitioners – a demographic that makes up over half of the NYSBA membership; and the Task Force on COVID-19 Immunity and Liability, which is preparing a series of articles on changes in civil practice, torts, and contracts brought on by the COVID-19 pandemic.

I would also like to touch on the achievements of our Task Force on Uniform Rules, whose ongoing work has prompted a current reexamination of the Uniform Civil Rules for the Supreme Court and the County Court. This Task Force, chaired by vice-president Richard Lewis, was formed by this House at the April meeting, and tasked to review and comment on recently implemented changes to the Rules by the Office of Court Administration. The Task Force proceeded to host four public forums in the spring to solicit the views of our membership - and ultimately prepared a report on the efficacy of the new rules. This report, which was approved by our Executive Committee in August, recommended the elimination of twenty-three of the new rules. The report was conveyed to the Administrative Board of the Courts, and I, together with Chair Lewis, met with Chief Administrative Judge Lawrence Marks to convey and discuss the serious and vested concern of the Association in this matter. As a result of this activity, the court system now plans to revise twelve of the twenty-nine rules in question and has solicited public comment by December 6, 2021.

Our Task Force has now scheduled two additional forums for November 8 and 9 to solicit the feedback of members on these planned revisions and to consider submission of additional comments for review and consideration by the Administrative Board.

In June the House approved the transfer of One Elk from the Foundation to NYSBA. This is in the long-term interests of both organizations. NYSBA and Foundation leadership are joining in the effort to make the necessary improvements at One Elk, to continue safe and shared occupancy. Fundraising initiatives are being planned and will be shared with you all soon.

I look to you as leaders in the legal profession, in our communities, and in society at large. You, the delegates, come from across our great state, representing the thirteen judicial districts and a variety of practice settings, together with your own unique personal background – a true reflection of the Empire State’s bench and bar.

What I have most valued about leadership is the ability to bring out the best in people. That’s what leaders do. That’s what each of us as a leader of this Association must do. We must work to right wrongs and make a more just society. Every single lawyer has the ability to solve someone’s problem – together our solutions are all the more impactful.

As we continue to navigate out of the pandemic, as we continue to confront the scourge of racism as we continue to bridge the access to justice gap, as we continue to spotlight and value the mental, physical, and social wellbeing of ourselves and our colleagues, and as we continue to aggressively advocate for the legal profession and measures to strengthen and assist the practitioner and the practice of law, we must continue to band together as a profession, as lawyers, as leaders, to confront the challenges of the future.

Just look at how much has changed in the practice of law, and indeed our own lives, over the last nineteen months. We remain relevant; we gain strength; we lead, not by cautious hesitation but by careful progress as an association. By constant reimagination we will boldly fortify the New York State Bar Association, the legal profession, and ourselves as lawyers. The future, although not free from challenge, is certainly full of excitement and progress. Thank you for joining me on this journey – there is much work left to be done.