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**Report of President Sherry Levin Wallach to the
House of Delegates of the New York State Bar Association
November 5, 2022**

Dear Colleagues:

It is my privilege to be with so many of you this morning here at our Bar Center in Albany. As many of you know the theme of my presidency is Investing in the Future of the Profession, and in my remarks today I will highlight how we are collectively positioning NYSBA and ourselves as members and attorneys for a bright, exciting, and impactful future.

Let me start by saying that being here at the Bar Center is refreshing and reinvigorating. This is the first in person meeting of the House of Delegates held at the Bar Center since November 2019. It is good to be here at our Association's home. Being here allows us to use the technology and space offered by our building to produce a modern and engaging hybrid meeting of the House of Delegates. I am so very pleased to tell you that thanks to the hard work and cooperation of leaders of NYSBA and The Foundation that the Bar Center at One Elk will remain our home into the future. Together in our building and using our resources we can grasp new opportunities and create new experiences and new memories in this wonderful historic place where we have already spent an incredible fifty years. Now we can begin the important work we must do to update and renovate our Bar Center. I can assure you that we are moving forward with the same vigor and passion that our leaders did fifty years ago when they brought us to the Bar Center that we are still proud to call home today.

The process of transferring One Elk has strengthened the bonds between NYSBA and our sister organization, The New York Bar Foundation. The members of the House of Delegates also serve as the members of The Foundation, and the connections between our organizations are powerful and mutually beneficial. I am also confident that The Foundation will continue to support the New York State Bar Association to Invest in the Future of our Profession and Build our Future Together as well as the work of NYSBA's public-focused programs, including attorney wellness, the Lawyer Assistance Program, the Law, Youth, and Citizenship program, and our pro bono projects. Financial support of these programs and our expanding attorney wellbeing services helps deliver real results for our members, the legal community, and the public.

Leadership, staff, and the Finance Committee are working diligently on launching the initial phase of construction on our building and a committee has been formed to explore opportunities for productive future uses for our building to support the legal community and our membership. The initial phase will use monies already approved by this House to make the necessary repairs, upgrades, and renovations required to structurally maintain our building. We anticipate launching

a capital fundraising campaign to provide us with the necessary financial basis to execute future renovations.

It has been a pleasure to see so many members at NYSBA events and section meetings over the last few months, including just a few weeks ago at the Partnership Conference here in Albany which brought close to four hundred legal services and pro bono attorneys in person to Albany. I have a legal services background and was humbled to join civil legal aid attorneys, paralegals, support staff, court personnel, and pro bono attorneys for two days of educational programming, networking, and celebration of the work done to advance access to justice for all New Yorkers. Each of the twenty-two sessions were recorded, and the videos will soon be available on demand on the NYSBA website. Conferences like Partnership can truly serve as unifying moments for our members, especially after the last few years of uncertainty and disconnection.

Registration is now open for the 2023 Annual Meeting. For the first time since 2020, the Annual Meeting will be held in person at the New York Hilton Midtown, with a limited number of virtual meetings and events to supplement the in-person programming in the days following the live meeting. The Presidential Summit, which will be sponsored by the Task Force on Mental Health and Trauma-Impacted Representation, will focus in three parts on the challenges of representing people living with Trauma and Mental Illness and the intersection with attorney well-being within the legal profession including a look at the mental health and the criminal justice system. I am also proud to announce that the President's Reception will be a "Celebration of Diversity" held immediately after the Constance Baker Motley Symposium and Diversity Awards Program.

I am also thrilled to partner with The Foundation on the upcoming Presidential Gala, scheduled for Friday, January 20th, at the Rainbow Room in Manhattan as part of our 2023 Annual Meeting. I want to thank my dear friends John Gross, Kailyn Whittingham, and Winnie Martin for leading our ticket and table sales committee and planning committee for all of their hard work in making this event possible. I want to thank Hon. Cheryl Chambers for being a part of the leadership team planning this event. Finally, I want to thank the Bar Foundation Board of Directors and President Carla Palumbo and the NYSBA and Foundation staff for their support. The highlight of the evening will be the presentation of the Gold Medal Award, the highest honor bestowed by the Association, to Sherrilyn Ifill, senior fellow at the Ford Foundation and former president and director-counsel of the NAACP Legal Defense Fund. I hope that you will show your support of NYSBA by joining us for great music, and an exciting auction. It promises to be an amazing night spent in celebration of the law and Building a Better Future!

As we return to in-person programming, we also continue to expand our Virtual Bar Center. NYSBA has produced thousands of CLE webinars and other remote events since the onset of the pandemic in March 2020. Through the Virtual Bar Center, our sections, task forces, and committees can hold remote meetings and handle pressing business at rates unprecedented before the pandemic. This impressive feat would be impossible without the dedicated efforts of our members, sections, committees, and staff, and I would like to acknowledge the incredible strides that we have made here in delivering high-quality and convenient online programming and content to our members. The meeting today also highlights the potential of the Bar Center as a hybrid meeting venue – and I encourage our Sections and other groups to make full use of the facility in the years to come.

We continue to remain on the forefront of technology and legal issues – the New York State Bar Association is entering the Metaverse. In a short while, you will hear an informational report from the co-chairs of the Task Force on Emerging Digital Finance and Currency. This Task Force is focused on the regulatory and legal issues affecting practitioners and their clients as they transact with cryptocurrencies and engage in this stimulating and constantly evolving Web3 space. Cryptocurrencies, non-fungible tokens (NFTs), digital assets and the metaverse is disrupting the way we do business, create art, buy, purchase and own products, world finance and the practice of law in New York, around the country, and worldwide. It is the future whether we want to face it or not. The Task Force will lead us into Web3 by educating us and making recommendations as to how NYSBA can position itself in the digital world and offer innovative benefits to its members. I am pleased to announce our partnership with the NYU Metaverse Collaborative to join together our prestigious institutions to educate and explore Web3 and the Metaverse and all it has to offer including issues and opportunities. I am excited to provide you with exciting updates in the months to come.

Concerning my other presidential initiatives, the Task Force on the Ethics of Public Sector Lawyering, which will give an informational report at an upcoming meeting of the House, is examining the difficult challenges faced by public sector lawyers who represent government entities. The co-chairs of the Task Force on Modernization of Criminal Practice will give an informational report today highlighting the mission of this group and the work of its three subcommittees on justice courts, sentencing, and technology.

Today you will also be addressed by the Task Force on the U.S. Territories, which is working hard to educate on and work to eliminate inequalities and inequities faced by the people of the U.S. Territories and their second-class citizenship status which are founded in biased and racist beliefs and values. You will be asked to ratify a resolution passed by the NYSBA Executive Committee and the ABA House of Delegates calling for the *Insular Cases* to be overruled and the dissolution of the territorial incorporation doctrine which must happen for all U.S. Citizens to be equal. Although it is disappointing that the Supreme Court declined to grant *certiorari* in *Fitisemanu v. United States* and remove the stain of the *Insular Cases* from jurisprudence once and for all, we will continue our effort to seek justice for people of the territories. Part of that initiative includes the important work we are doing with the Virgin Islands Bar Association with whom we signed a Memorandum of Understanding this past June and the Puerto Rican Bar Association, the Colegio de Abogado y Abogada de Puerto Rico, a relationship we plan to formally recognize next week with the signing of a Memorandum of Understanding. We have also formed a chapter in the Virgin Islands and are working on the formation of a chapter in Puerto Rico. By way of these efforts, we are expanding our footprint and reach to the U.S. Territories as well and fostering diversity, equity, and inclusion with our members and the issues we address.

I also wish to acknowledge the many other groups within our Association that are hard at work developing important reports and policy recommendations, including the Task Force on Racism, Social Equity, and the Law, the Task Force on the Post-Pandemic Future of the Profession, and our twenty-eight sections, including the Women in Law Section, whose members have been hard at work developing programming and the report they will present to you today in response to the *Dobbs* decision and the laws that were enacted in this state in response that decision. Make no mistake about it – we are at a pivotal moment in American History where rights that we have fought for are being stripped from us while still others are at risk.

We have policy that inspired and aspires for us to be a diverse, equitable, and inclusive organization. Our work must reflect these values. We must lead by example and fight for the rule of law and access to justice. I have formed my initiatives with a view toward showing our association's commitment to a more inclusive and dynamic future.

NYSBA is a shining star in the world of bar associations, and our own work here at NYSBA becomes more influential when we collaborate with other organizations. Look no further than the 2022 Annual Meeting of the American Bar Association held in Chicago this August, where NYSBA sponsored four successful resolutions. The resolutions are Resolution 402, reaffirming the ABA's commitment to the law that prohibits lawyers from sharing legal fees with non-lawyers and from directly or indirectly transferring ownership or control over entities practicing law to non-lawyers; Resolution 404, declaring that the "territorial incorporation doctrine" established by the U.S. Supreme Court in the Insular Cases in 1901 is contrary to the principles of the U.S. Constitution and civil rights jurisprudence; Resolution 405, calling upon the United Nations General Assembly to authorize the secretary general to establish international war crime tribunals to determine whether the Russian Federation and its officials violated international law in Ukraine; and Resolution 601, urging federal, state, local and tribal governments to enact laws to give police reasonable time to complete a background check of a gun buyer. NYSBA commands a powerful presence within the American Bar Association House of Delegates, and I look forward to bringing forward other significant resolutions at the ABA 2023 Midyear Meeting. I also wish to acknowledge my friend and fellow New Yorker ABA President Deborah Enix-Ross, who I have invited to address our House at the Annual Meeting this January.

On the international stage, NYSBA is the recognized leader, and our preeminent position is largely due to the dedicated efforts and esteemed reputation of our International Section, whose international conferences are a "must attend" for lawyers worldwide. The International Section continues to steadfastly pursue memoranda of understanding with bar associations from around the globe which connect attorneys no matter where they might work and practice. I especially wish to commend the work of the International Section's Ukraine Task Force, including partnership with international stakeholders like the Global Accountability Network, to help the people of Ukraine and hold the Russian Federation accountable for the atrocities brought by this horrific war. I want to acknowledge the Section leaders who have done so much good work here, including International Section chair Azish Filabi, past president of the Association and Ukraine Task Force chair Scott Karson, and immediate past chair of the International Section Ed Lenci. I also wish to acknowledge the incredible impressive and tireless leader of the Ukrainian Bar Association, my friend, Anna Orgenchuk, who I have had the pleasure and honor to serve with this year. Our role in the international community is increasingly important especially with virtual capabilities and the expansion of Web3 and use of cryptocurrencies across the world. The international legal community considers our voice incredibly important and wants to partner with us on many issues in the law. I have made a concerted effort to raise our visibility in the international legal community and I promise to continue this mission.

Advancing access to justice in law and society is a core purpose of our Association and is a value that I and many others collectively share as lawyers. Access to justice is a statewide issue, as the seminal report of our Task Force on Rural Justice so masterfully demonstrated, but we can hope that lessons learned during the COVID-19 pandemic can help in developing solutions to bridge

the justice gap. After all, lawyers are innovators. I want to acknowledge the Committee on Legal Aid and President's Committee on Access to Justice, who you will hear from later this morning concerning their report on access to justice during the COVID-19 pandemic. I urge all stakeholders to thoroughly review this report and the voluminous testimony supporting it and I trust that the document will be a great resource to the Commission to Reimagine the Future of New York Courts as it continues its important work to guide our New York State justice system into the future.

In looking to next year, I look forward to our continued partnership with the Unified Court System, the Acting Chief Judge Anthony Cannataro, and the next Chief Judge. I am also confident that the voice of the Association and its thousands of members will be clearly heard in our advocacy efforts both here in Albany and in Washington, D.C., as we steadfastly advance our legislative priorities.

A foremost priority is a statewide increase to assigned counsel rates to ensure adequate compensation for the private bar and safeguard the continued participation of highly qualified attorneys who are willing to accept these assignments. This is a matter not just of money, but a constitutional and statutory obligation of the State towards those children and indigent people who rely on counsel mandated by law. On October 25th, the Executive Committee authorized the commencement of litigation against the State of New York to bring about a statewide state-funded increase in assigned counsel rates, set retroactively from February 2nd, 2022, and subject to periodic review to ensure that compensation remains adequate. I will continue to update you on our efforts here.

This is an exciting time for the New York State Bar Association, and an exhilarating time to be a leader. I am beyond pleased to note that we have seen a steady increase in membership this year, and to acknowledge that our sections and committees continue to produce high-quality CLE programs and events at an astounding rate. I also commend our collective efforts to increase engagement with law students and new lawyers, including as members of our sections, task forces, and committees, with many thanks to our Young Lawyers Section for the significant role they play in representing the future of our profession.

In September, leaders of our sections and statewide local, county, specialty, and affinity bar associations convened here at the Bar Center for two days of workshops. The conference was an inclusive and collaborative forum, and the broad diversity of our profession was well represented. It was extremely inspiring to be part of such a free exchange of ideas to ensure the long-term health and success of our bar association. My professional success is in large part due to my experience with the New York State Bar Association, and I will not waver in my commitment to help other attorneys grow as leaders here at NYSBA. I know that you, the members of our House of Delegates, feel the same. When we last met in June, I announced the launch of our Member Referral Program, which will close on March 31st of next year. If not already participating, I encourage you to refer your colleagues and associates to join NYSBA. There is no better way to offer colleagues a lasting gift than getting them involved in an organization that will change their lives in profound and unexpected ways. And just think of the impact we can make if every one of us participates.