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**President's Report  
to the House of Delegates  
April 4, 2020**

**Our Finest Hour**

Our entire society is in the throes of a historic public health crisis. Our lives have been upended, and the legal profession is not immune. As the state and federal governments work to contain the novel coronavirus (COVID-19), it continues to race across the nation and globe, leaving a trail of hardship and suffering in its wake. Here in New York, the epicenter of the pandemic, the virus has forced mass cancellations, curtailed our travel and compelled businesses and schools to close indefinitely. Most of us are cloistered at home in hopes of “flattening the curve” of infections and preventing our already stressed health care system from being completely overwhelmed.

The New York State Bar Association is meeting this unprecedented challenge head-on. Leaders and staff are working around the clock to help our members and the public. Rather than shut down, we stepped up. No bar association is providing more services or engaging in more effective advocacy for the betterment of the profession.

To paraphrase Winston Churchill, this is our finest hour.

Here are just a few examples of the work being done to address the challenges presented for lawyers by COVID-19.

### **Information Center**

Because COVID-19 forced most lawyers to hunker down at home, it forced us to shift our law practices from real to virtual. NYSBA was well positioned to support and assist our members.

This past June we launched an all-out effort to complete construction of a “Virtual Bar Center” -- a digital platform where attorneys across the street and around the world are just a click away on their computer or smart phone from accessing NYSBA’s services and benefits. To do this, we overhauled our operating systems by creating a new website, adding state of the art e-commerce technology, enhancing the quality and reach of our communications capacity and digitalizing all publications.

When we were forced to close the Bar Center at 1 Elk Street in Albany, our Virtual Bar Center was open for business and could be operated remotely. In just a week, we converted NYSBA’s website, social media outlets and other digital platforms into the most robust COVID-19 information center of its kind for lawyers. Our members are kept up to date on the latest information -- including court notices, summaries of new directives and laws, and other developments -- through a continuous stream of e-mail alerts, podcasts, real-time posts on social media and original news stories.

At the same time, we have provided a record number of online CLE programs and webinars that address the unique legal issues arising from the crisis. Many of our coronavirus-related webinars are offered for free to members.

NYSBA has updated and reissued a comprehensive book on the state's public health laws entitled "New York State Public Health Legal Manual: A Guide for Judges, Attorneys and Public Health Professionals." The book, issued in collaboration with the New York State Office of Court Administration, examines the law governing the containment of communicable diseases, including pandemics like the one we now face.

We have also sought to educate the public about the laws that govern a public health crisis. NYSBA leaders have been cited and quoted in numerous news outlets on the complex civil liberties dimensions of the crisis.

Only when we are armed with accurate and timely information can we make smart decisions that will best prepare us to represent our clients, serve our communities and do the public good. NYSBA is providing our members with the information they need to navigate the crisis.

### **Emergency Task Force for Solos & Small Firms**

Solo practitioners and law firms of fewer than 10 attorneys comprise more than half of NYSBA's membership. COVID-19 is having a devastating impact on these practitioners, many of whom have limited financial resources to draw upon during the crisis.

To provide immediate assistance, we have established an emergency task force comprised of a distinguished group of lawyers and judges from around the state. The task force is chaired by Domenick Napoletano from Brooklyn and June Castellano from Rochester, both solo practitioners themselves. This body is focused like a laser beam on the needs of solos and small firms and will make recommendations to get them help as quickly as possible.

## **Statewide Pro Bono Network**

NYSBA has been in communication with senior officials in all three branches of government throughout the crisis. Lawyers have always led in times of crisis and policymakers are turning to us for ideas, assistance and support.

In late March, NYSBA and the Office of Court Administration announced a partnership to support and coordinate a statewide pro bono network of lawyers to handle the expected surge in legal cases resulting from the coronavirus pandemic and the ensuing economic fallout. New York's network of pro bono and institutional legal service providers was strained prior to the pandemic and will not be able to handle the expected onslaught of virus-related cases unaided. Thousands of New Yorkers will need help with a wide range of legal issues, including those arising from unemployment, evictions, family emergencies and claims by creditors. We will support legal aid societies and other institutional providers by matching pro bono attorneys with the anticipated overflow of clients.

The partnership between NYSBA and the state court system will seek to ensure that all indigent New Yorkers are able to exercise their right to legal counsel at a time when the demand for legal services will be higher than ever. As a first step, we will convene meetings of the state's bar associations, large law firms, the heads of law school clinics, institutional providers of legal services and others for the purposes of assembling a network of pro bono lawyers who can be rapidly dispatched to help those in need. Former Chief Judge Jonathan Lippman has agreed to spearhead the effort.

In times of crisis, lawyers and law firms have always met their professional obligation to protect the rights of those who cannot afford an attorney. We saw that during 9/11. We saw that in 2017, when thousands of lawyers mobilized at the nation's airports in response to

President Trump's attempt to ban entry into the United States by people from predominantly Muslim countries. We are seeing that again now.

### **Enhanced Advocacy**

NYSBA has ramped up its advocacy efforts on multiple fronts. We joined the chair of the state Senate Judiciary Committee, Brad Hoylman, and other lawmakers in calling for Governor Andrew Cuomo to toll all statutes of limitations for the duration of the coronavirus disaster emergency. Our motive was simple: litigants and attorneys should not have to choose between placing themselves at risk of exposure to the coronavirus or pursuing civil and criminal justice.

Within two days of our announcement supporting this measure, the Governor signed the executive order.

In a similar vein, NYSBA has battled for graduating law students, many of whom carry massive student loan debts and are facing declining job opportunities as a result of the pandemic. Adding to their stress is the uncertainty over when they would be able to take the bar examination in New York. On March 23, I charged our Task Force on the Bar Examination on an emergency basis to consider how the state should handle the examination during the coronavirus crisis. In a week, the task force produced a cogent report that made three recommendations: First, that the July bar exam be rescheduled for a later date, as soon as possible around Labor Day. Second, if circumstances make a fall bar exam impossible, then graduates should be allowed to engage in certain law practice under practice orders, with the supervision of licensed attorneys. Third, a one-time general waiver should be granted to all law schools of the Court of Appeals' limits on distance learning credits for applicants to the New York bar, so that students completing law school this year would not be penalized due to

widespread social distancing measures implemented by their law schools to stop the spread of the coronavirus.

In less than 48 hours, the Court of Appeals adopted all three of the task force's recommendations. That action is a testament to the extraordinary leadership of the task force's chair, Hon. Alan Scheinkman, presiding justice of the Appellate Division, Second Department, and diligence of his colleagues. It also speaks volumes about the esteem with which NYSBA is regarded by the court system's leaders.

### **Attorney Well-Being**

The COVID-19 outbreak is not only a threat to lawyers' physical health and law practices. It is also taking a toll on their emotional well-being. In this time of fear and isolation, many are experiencing anxiety and depression.

To help judges, attorneys and law students cope with the crisis, NYSBA is offering confidential support groups being held weekly via videoconference. The group is facilitated by Libby Coreno, the chair of the Attorney Well-Being Committee, and Kerry O'Hara, a psychiatrist. Each group session is organized with an overarching theme for discussion. All participants are given the opportunity to share if they wish, with supportive conversation to follow.

### **Looking to the Future**

An old adage holds that "this too shall pass." And it shall. We have been here before. Just as NYSBA has weathered dangerous storms in the past — including two World Wars and the Great Depression — so too we will overcome the current crisis.

That said, the coronavirus pandemic is an inflection point. Trends long underway in the practice of law have been accelerated. With respect to the use of technology, for example, the

profession has experienced more change in just the past few weeks, than it has in the past few decades. It does not require prophetic powers to know that, when the crisis passes, traditional face-to-face encounters with clients and others will be less necessary as remote options become the norm. I am confident that soon, technology-enhanced courtrooms will become commonplace from Niagara Falls to Montauk.

The New York State Bar Association is now an agile technological powerhouse. That is a good thing, because never in the association's storied history has our voice and leadership been more desperately needed. Our response to the COVID-19 crisis proves that we are up to the challenge.