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CONTACT: Anita Aboulafia 212-267-6646, ext. 225, aaboulafia@nycla.org

NYCLA Board Adopts Task Force on Professionalism's Report and Launches Pilot Mentoring Program

January 22, 2010 – New York, NY – The New York County Lawyers' Association's (NYCLA's Task Force on Professionalism's "Report on Professionalism," which identifies the issues and concerns relating to professionalism and ethical behavior of members of the legal profession, was adopted by the NYCLA Board of Directors on January 11. And, as a result of one predominant theme of the report, the need and desire for mentoring "to ensure that positive role models influence less-experienced lawyers," NYCLA launched a one-year pilot mentoring program in January, designed to "increase professionalism among lawyers and increase their professional satisfaction."

Task Force Report

Task Force members conducted extensive research to develop a definition of professionalism, which is, in part, "By professionalism we mean a group pursuing a learned art as a higher calling in a spirit that it is performing a public service, a service that is indispensable in a democratic nation founded on the rule of law."

James B. Kobak Jr., NYCLA's president elect, chairs the Task Force, whose members comprise all segments of the legal profession – partners and associates in large firms, solo and small-firm practitioners, judges and court personnel, in-house counsel, public sector attorneys and members of academia. Mr. Kobak said, "The work of the Task Force follows NYCLA's tradition of taking on questions of serious concern to the legal community and citizenry of New York in a frank and collegial manner from a diversity of perspectives. We look forward to establishing a successful mentoring program to bring together experienced senior lawyers with those new to the practice or considering career change."

According to the report, the issues of professionalism and ethical behavior are taught early on in a number of law schools. The report notes, "Professors may conduct role-playing exercises involving simulated ethical dilemmas and discussions, with related readings, and judges and practicing attorneys (assisted by bar associations such as NYCLA and the New York State Bar Association) may present programs on professionalism." Moreover, several New York-area law schools – Fordham University School of Law's Stein Center for Legal Ethics, Hofstra Law School's Institute for the Study of Legal Ethics, Benjamin S. Cardozo Law School's Jacob Burns Center for Ethics in the Practice of Law, NYU School of Law's Institute for Law and Society and New York Law School's Center for Professional Values and Practice – have academic centers focusing on legal ethics and attorney professionalism. The report recommends an expansion and strengthening of the partnerships between law schools and the practicing bar.

The NYCLA Ethics Institute, designed to serve the legal community's need for CLE programs having a strong ethics component, launched in the fall of 2008. Under the leadership of Lewis F. Tesser, the Institute offers substantive CLE programs on diverse topics each month, emphasizing how to deal with the ethical questions arising in different practice areas.

Task Force Report's Methodology

After surveying existing literature and drafting a working definition of professionalism, Task Force members reached out to attorneys, law students and members of the bench. They formulated and distributed questionnaires to NYCLA members, law schools and New York state judges, and convened focus groups and held discussions with judges and magistrates from the U.S. District Court, SDNY, attorneys at the New York City Corporation Counsel, associates at large firms and solo and small-firm practitioners.

The goal was to examine the attitudes and practices of lawyers, judges and law schools in New York City, gauge the extent of the perceived problem and, according to the report, "identify tangible, realizable steps that an organization such as NYCLA might take to... ameliorate the professional lives of some lawyers – and by extension, their adversaries, clients and other participants in the legal system." They consulted with the Committee on Professionalism and the Courts, appointed by then-Chief Judge Judith S. Kaye, bar associations and professional commissions across the country.

Task Force on Professionalism

The Task Force on Professionalism was formed in 2005 by then-NYCLA President Norman L. Reimer in the wake of the Enron scandals and against a backdrop of surveys and anecdotal reports of growing dissatisfaction with attorneys both from within and outside of the profession. Reports of lack of civility, cutting corners and even outright knavery were rampant. Some lawyers were said to be struggling with marginal practices or a desire to do public interest law against a mountain of law school and college debt, and public esteem for lawyers was declining.

The Task Force, operating under the aegis of the NYCLA Ethics Institute, will nurture and monitor NYCLA's mentoring program and, if the program is a success, expand and share it with other bar associations and institutions. The Task Force will continue to study professionalism issues and developments within NYCLA and beyond, monitor perceptions among NYCLA members, suggest future steps and help NYCLA implement them over time. In the spring, the Task Force will host a public forum to follow up on the report's publication and present a panel discussion with participants of NYCLA's pilot mentoring program.

Pilot Mentoring Program

The one-year pilot for NYCLA members combines formal training with individual access to mentors for consultations and advice. Twelve seasoned professionals representing a broad spectrum of the legal community – corporate, solo and large-firm practitioners as well as public sector attorneys – serve as mentors. They are: Hon. Lois Bloom, Eastern District of New York; Collin D. Bull, Collin D. Bull, Esq.; Hon. Louis Crespo, special referee, New York County Supreme Court; Hon. Stephen Crane, former associate justice, Appellate Division, Second Department, now a JAMS arbitrator; Sylvia E. Di Pietro, Sylvia E. Di Pietro, Esq., LLC; Sara Jo Hamilton, Scalise & Hamilton; Robert S. Kelner, Kelner & Kelner; Charlotte Lee, Charlotte Lee, Esq.; Olivera Medenica, Wahab & Medenica LLC; Murray Schwartz, Schwartz & Perry, LLP; Carol A. Sigmond, Dunnington Bartholow & Miller LLP; and Hon. George Bundy Smith, former associate judge, Court of Appeals and now a partner at Chadbourne & Parke LLP.

Mentors meet with their mentees in person at least once a month and are available for phone and email consultations on an as-needed basis. Once a quarter, the CLE Institute will host networking and CLE programs, where mentors and mentees will have the opportunity to earn CLE credit and learn valuable skills to assist them in their practice. Members of the program's Advisory Board, which will oversee the program, are: Hon. Laura Ward, Acting Justice, Supreme Court, New York County; Lewis F. Tesser, Tesser, Ryan and Rochman, LLP and director, NYCLA Ethics Institute; Madeleine Giansanti Cag, Gregory P. Joseph Law Offices LLC; Nancy Morisseau, Hughes Hubbard & Reed, LLP; and Bari Chase, director, NYCLA CLE Institute. The Board has created manuals for mentors and mentees containing articles, guidelines, case studies, ethics rules and other practical information.

The New York County Lawyers' Association (www.nycla.org) was founded in 1908 as the first major bar association in the country that admitted members without regard to race, ethnicity, religion or gender. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy.

To download a copy of the report, visit www.nycla.org and go to the "News" section on NYCLA's homepage.