

## China – Bar Associations

# The Association Of The Bar Of The City Of New York: Leading The Discussion At Home And Abroad

*The Editor Interviews Bettina B. Plevan, President, Association of the Bar of the City of New York.*

**Editor:** Ms. Plevan, would you tell our readers something about your professional experience?

**Plevan:** I have been practicing for 35 years almost exclusively as a litigator, and for the last 25 years I have specialized in employment litigation and counseling. My practice runs the full gamut in this area and includes discrimination work, ERISA, breach of contract, and sexual harassment, Fair Labor Standards Act, class actions and individual plaintiff cases. Since 1974 I have been with Proskauer Rose in New York.

**Editor:** You have also had a parallel career with the City Bar Association. Can you say something about the highlights of that part of your experience?

**Plevan:** Early in my career, someone asked me to join one of the Association's committees. I became secretary – a position traditionally filled by a young associate – and eventually chaired the committee. It was concerned with our state court system and served to introduce me to the work of the Association. In time, I served on other committees, including the committee on women in the profession, of which I was the first chair. I have also been a member of the Association's Executive Committee and chaired the long-range planning committee. My time with the Association has been considerable.

**Editor:** Obviously, your Association work has been a very meaningful part of your professional life. What would you say to a young person, someone just starting out in his or her career and faced with long hours, about a bar association commitment?

**Plevan:** I encourage young lawyers to get involved for a number of reasons. First, it is a way of meeting other lawyers in a setting that is not adversarial or business-related, but rather focused on professional activities from a collegial standpoint. It permits, in addition, the pursuit of an interest that may not be accommodated at the office, and many activities with a political dimension fall into this category. It is also a way to connect with senior members of the bar and to develop a professional interaction with a wide range of practitioners from every conceivable practice background and setting.

**Editor:** As President of the Association, you not only bring to the office your years of experience in a unique organization, but also a vision of the contribution you wish it to make during your term of office. Please tell us about the things you consider to be the focus of your term.

**Plevan:** Two areas that I have identified concern advancing the profession in the area of diversity and enhancing pro bono legal services, particularly with respect to access to justice. In addition, I would like to promote an increased participation on



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the part of the Association in the international legal community. We in New York represent clients carrying on activities all over the world, and we provide services here in New York to clients from all over the world. We belong to the global economy in a very special way, and I wish to do what I can to ensure that the City Bar Association is connected to foreign bar associations and engaged with them in the discussion concerning the global issues that are common to all of us.

**Editor:** Please tell us about your diversity agenda.

**Plevan:** I think that we have made progress to the point where both corporate law departments and law firms are very committed to the concept of diversity, but there is still an absence of experience in this area, and that makes for difficulties in the implementation of the commitment. The Association is in a position to help law departments and firms address these difficulties. We have a wealth of experience in this area, and we can provide a forum for discussion that is singularly impressive. During the coming year we will have a series of programs that will cover, for example, the key factors that go into starting a sound diversity program, diversity as a recruiting tool and then as a means of retaining attorneys, and so on. We have hired someone to run these programs, and she is here on virtually a full-time basis.

**Editor:** You also mentioned your commitment to pro bono initiatives. What is your particular focus here?

**Plevan:** The large law firms in particular have done a terrific job of providing volunteers, but there are still a great many lawyers who are not doing pro bono work. We at the Association are engaged in a discussion on how to encourage greater participation. We hope to be able to release some recommendations soon. In addition, we are attempting to facilitate discussions among the providers of legal services in the city concerning common issues and the coordination of their efforts. A third focus is on Albany and the need for greater financial support for legal services for the indigent. New York ranks very low compared to other states with respect to such funding.

**Editor:** Our December issue is going to

include a Focus on China feature. I understand that you were recently in China on behalf of the Association.

**Plevan:** I went to China for the Third Conference of the World City Bar Leaders. The first such meeting was held in New York three years ago at the behest of the bars of New York, London, Paris and Tokyo. This was followed by a second meeting about 18 months ago in Paris. The third meeting was hosted by the Shanghai Bar Association and was focused on a number of concerns common to all the participants.

There is a significant concern today about government actions that threaten to undermine the independence of the profession and its commitment to the confidentiality of client communications. There is a consistent threat in various parts of the world, sometimes evidenced by legislation, to force lawyers to disclose confidential information in the interests of crime prevention. Needless to say, this serves to undermine one of the basis tenets of our profession. That was an important topic of discussion.

Another issue we addressed had to do with access to justice, something that I was interested to learn is often of less concern in other countries than it is in the U.S. In a great many foreign jurisdictions the government pays for the services lawyers render to the indigent, even in the civil arena. This is something of a contrast to what we experience here.

We also talked about international legal practice and the ways in which clients secure the lawyer of their choice without jeopardizing the public interest. This is something of a new concern, but with globalization it is on the increase. It arises in a situation where, for example, a New York lawyer is representing a Korean corporation in a dispute with a Swedish corporation over a contract governed by the laws of Germany and being arbitrated in Hong Kong. There is a legitimate concern that globalization not result in lawyers practicing in jurisdictions where they have no knowledge of the law. The reverse of that concern – and something that was also discussed – has to do with the right of lawyers qualified in one country to seek admission to the bar of another, something with which we in the U.S., with over 50 separate jurisdictions, have some familiarity.

We also discussed training, and we now have a plan to exchange information about CLE programs of interest to lawyers overseas, and vice versa. Modern technology transforms the sharing of such information from an aspiration to an opportunity.

**Editor:** Did you find that the Chinese bar associations open to outsiders?

**Plevan:** Of all the countries represented at the conference, China probably has the most restrictions on foreign practitioners. When China joined the WTO there was a change in the rule that required each foreign law firm to limit its activities to one city, and today a number of foreign firms have offices in two cities. During the conference the Shanghai Bar Association, which is the most advanced in its thinking on this point, announced that it would

open its rolls to foreign-trained lawyers. On the whole, however, the Chinese bar members are cautious about outsiders coming into the country and, because of their international connections and experience, taking business from their Chinese counterparts. It was interesting to hear the Japanese response to this, which was to say that they had had a similar concern but had come to realize that opening the system up to foreign practitioners benefited everyone in the long run.

**Editor:** What is the role of a bar association in China?

**Plevan:** The Chinese bar associations provide many of the same services to their members that we do here. The bar is also the profession's regulatory body and conducts disciplinary proceedings when necessary. They provide training for their members, and they carry on pro bono activities. There is a recognition that the profession has a responsibility to undertake this kind of work, and providing legal services to the indigent is a part of an evolving professional culture. The Shanghai Bar Association, in particular, has very high aspirations to become part of a recognized international tradition of professional standards and professional services, and I think that the organization benefits from its close association with the Hong Kong Bar Association, which has, of course, a British tradition. The fact that Shanghai was anxious to host this conference is very encouraging in itself.

**Editor:** Is there anything like the network we have connecting law schools, bar associations, private practitioners and corporate and government lawyers?

**Plevan:** The legal community is still very fragmented in China, and any network connecting different branches of the profession, if it exists at all, is very rudimentary. I understand that only a small percentage of Chinese law graduates go on to become lawyers, perhaps no more than ten percent. The law schools are anxious to have visitors from abroad, however, and they are looking for practitioners and scholars to teach courses. Overall, the profession in China is moving in the right direction, but it is only 25 years old and has a considerable way to go.

**Editor:** What about the future? What are your thoughts about the profession in China in, say, five years?

**Plevan:** If the Shanghai Bar Association is any indication, the profession has a bright future in China. These are lawyers who are globally minded, and they are providing services in a city with an enormous amount of global commerce. Shanghai is a world city, and the legal community there – having attended the two previous World City Bar League conferences and having hosted this one – desires to belong to the world legal community. I believe that the Shanghai lawyers are going to make great strides in this direction during the next few years. I am not in a position to say much about associations elsewhere in China, but I do believe that Shanghai is going to set a very positive example for the country as a whole.