NYCLA: Its President “ Minds The Gap”

The Editor interviews Barbara Moses, President, New York County Lawyers’ Association (“NYCLA”), Visiting Clinical Professor, Seton Hall Law School, and Counsel, Morvillo Abramowitz Grand Iason & Anello PC.

Editor: Please tell us about your background and your involvement in NYCLA.

Moses: I started my practice in California with Orrick, Herrington & Sutcliffe LLP, where I became a securities litigator and then a more general business litigator. I moved to Orrick’s New York office in 1992. In 2002 I was recruited to my present firm, Morvillo Abramowitz Grand Iason & Anello PC, where I have continued my general business litigation practice. In addition to my practice, I started teaching in 2007 as an adjunct on a part-time basis at Seton Hall Law School in 2007 and 2008, and I took a job at NYU Law School teaching in their first-year program. In 2011, I took on directing Seton Hall’s civil rights litigation clinic and cut back my practice at the Morvillo firm to part-time. After I had been in New York for a few years, I got involved in NYCLA as a result of standing in for a colleague as the host of a meeting of NYCLA’s Federal Courts Committee. The next thing I knew, I was a member of the Committee and later became chair of that Committee. In 2007, shortly after my term as chair of the Committee ended, I was asked to go on the NYCLA board.

Editor: How does your varied background contribute to NYCLA’s “minding the gap” between the needs of its older and younger members?

Moses: It’s helpful to interact on a regular basis with both peers who are well established and well regarded and with law students who are just starting out. When lawyers of my generation graduated from law school, we faced different issues – a different job market, less debt, more tolerance on the job. It’s important to learn by first-year associates, and also different ethical issues.

I didn’t have to worry that if I misbehaved at an off-campus party that there would be electronic evidence of that 30 years later. Nor did I spend time worrying about whether jurors in an ongoing case were Googling the defendant. But with the advent of social media, today’s students live in a more complicated world, and they have professionalism issues and ethical issues that we didn’t have. And the fact that I’m now in the classroom and have to deal with what they’re trying to friend me on Facebook and follow me on Twitter really does give me some insight into those challenges that I might otherwise not understand quite as well.

NYCLA’s CLE offerings address these issues as well, and have included, at various times, programs on such top- ics as social media’s role in the legal profession and the protection of confidential information. For those of your readers who are on Twitter, they can follow me @NYCLAPres or @NYCLA; it is also on LinkedIn and Facebook.

Editor: What programs of your prede- cessors at NYCLA do you wish partic- ularly to empha- size?

Moses: These include the many great programs established by Steven Aven, my immediate predecessor, who heads the New York office of Arnold & Porter LLP, and by his predecessors James Kobak, Jr., partner, Hughes Hubbard & Reed LLP; Ann Lesk, of counsel, Fried, Frank, Harris, Shriver & Jacobson LLP; and Catherine Christian, chief of the Alternative Sentencing Division in the Office of the Special Narcotics Prosecutor for the City of New York. One is the task force on judicial budget cuts. This was estab- lished a couple of years ago when the New York legislature cut the budget for the courts as part of its budget cuts. Our task force issued preliminary and final reports describing the actual impact of these cuts on the judicial system in New York and for the individuals who use that judicial system to resolve their disputes.

The recession is now, supposedly, over, but the New York judicial budget has not been restored. Meanwhile, on the federal side, we have sequestration, which is beginning to be felt across all levels of the federal court system. I don’t mean just the judges and the court staff. I also mean the probation officers, the federal public defenders, and many others whose work is a crucial element of our justice system.

I have reallocated our budget cuts task force and expanded its mandate to cover the federal side. It’s going to be doing additional interviewing, taking additional testimony, and issuing additional reports this year.

Another program that was established before I got here, but that remains cru- cial, is our judicial independence rapid response program. This is a small group of senior NYCLA members who watch for situations where judges are unfairly attacked by politicians or the news media and, where appropriate, support judges, as you know, are limited as to what they can do personally to respond to these kinds of attacks.

We also have an ethics institute that not only does serious policy work but operates an ethics hotline.

NYCLA has a number of first-rate pro bono programs that were established long before I became the president that I’ve been able to continue. For example, our U.S. tax court counseling project provides assistance to pro se individuals in tax court. Meanwhile, our Project Restore helps ex-commissioned New York vocal- tional licensees they need to become employed once again. Our Manhattan CLARO project, which stands for Civil Legal Advice and Resources Office, runs a free weekly walk-in clinic.

Editor: What new programs do you have on your agenda?

Moses: We are continuing to expand our pro bono programs. We actually just added two new ones that the board approved last month. One of them is a project where we will represent veterans, particularly Iraq and Afghanistan vets, to help them get their military discharges upgraded. These clients received less than honorable discharges, largely due to issues like undiagnosed PTSD (post- traumatic stress disorder), traumatic brain injury and the like. The other new program is a pilot project in conjunction with the New York County District Attorney’s office to provide education and counseling to small business owners in New York.

I have established a task force, chaired by our past president Catherine Christian, to help applicants to the bar meet New York’s now 50-hour pro bono requirement, which will go into effect in January 2015. What I worry about is stu- dents graduating from out-of-state law schools and coming to New York to practice, and students graduating from LLM programs who typically have their basic legal training abroad and come to the United States to get their LLM and then apply to the New York bar. Our task force has been issued recommendations as to what can and should be done to assist these students.

Our past president, Jim Kobak, Jr., has just been appointed to a new task force to look at the Notice at bars, which is radical for its time, was that NYCLA should be open to all attorneys, regardless of race, gender, religion or national origin. That was not routinely true of other bar associa- tions. NYCLA wasn’t a great program then, but it has not been restored. Meanwhile, founding and early members were female attorneys and African-American attorneys who did not feel welcome at other bar associations at that time. This diversity is an important factor for us. In 1943, for example, NYCLA played a significant role in forcing the American Bar Association to admit American attorneys.

In 1962, NYCLA spearheaded the effort to establish a unified civil and criminal court system in New York City. In 1976, the city was on the verge of bankruptcy, and its court system was on the ropes; 350 NYCLA members volun- teered as special masters to go into the courthouses to assist the judges in getting cases resolved on schedule. On November 1, 2001, our own building was uninhabitable. Notwith- standing that, NYCLA volunteers stepped forward again and provided pro bono legal assistance to the families of those lost in the attacks such as pro bono estate services.

NYCLA has never been afraid to take a position on an issue that it thinks is important. For example, our past president took the formal position in 2003 that full marriage equality should be available to all New Yorkers, including lesbian, gay, bisexual and transgender couples. It took the New York legislature eight years to catch up.

Last year, NYCLA submitted an ami- cus brief to the Second Circuit in Wind- sor v. U.S., the Defense of Marriage Act (“DOMA”) case. After the Second Cir- cuit agreed with our position that DOMA is unconstitutional, the case was appealed to the Supreme Court, where it was argued in March of this year by our board member Roberta Kaplan, who rep- resents Edie Windsor.

Speaking of the downtown neighbor- hood: a few years after 9/11, we stood up against popular opinion running the other way and welcomed all peaceful houses of worship to our neighborhood, including mosques.

Last year, after Hurricane Sandy, NYCLA matched lawyers flooded out of their offices in Lower Manhattan with lawyers in other parts of town who could offer temporary office space.

In March of this year, our board issued an in-depth report on gun control because we thought it was important to add our voice to the debate. We looked at whether the gun control pro- posals then pending before Congress were constitutional and whether they would or could have prevented any of the recent mass shootings, such as those in the United States. Of course, important social change rarely happens quickly. It took eight years for the New York legislature to catch up to NYCLA on marriage equality. So, we remain hopeful that Congress will catch up on this issue as well.

Editor: You mentioned the Federal Courts Committee. Does NYCLA have many sections and committees?

Moses: We have over 50 sections and committees. Even more important than their number is that we have open sec- tions and committees. When you become a member of NYCLA, you can join as many sections and committees as you like. There is no waiting period and you can leave a section or committee at any time or quota or limit. You don’t have to fill out a separate application, and in most cases, you don’t have to pay any additional dues.

Editor: Are there other aspects of the NYCLA that make it particularly attractive to new and existing mem- bers?

Moses: Let me start with new members. I mentioned earlier that inclusivity has always been a watch word and a key value for NYCLA. For example, we offer a complementary year of membership to all newly admitted New York attorneys. We offer membership for lawyers who have been admitted for one year or less. Our board last month actually lowered our dues for that most junior category of lawyers from $110 to $75 annually. We also offer discounts for membership for lawyers who are members of certain affinity or affiliate bars for half the price that it would otherwise cost. Once you join NYCLA, you get great member benefits: all kinds of discounts, every- thing from rental cars to gym member- ship to business suits, even health insur- ance at group rates, which is often, in these days of skyrocketing health costs, a lifesaver for solo practitioners and small firm lawyers who may not have a group policy at work.