



Senior Lawyers Committee

Overview, 2021

EXECUTIVE SUMMARY

*The purpose of the New York City Bar Association is “to improve and reform the law [...and to...] participate in shaping public policy [...by...] testifying at hearings, writing letters to public officials, drafting amicus briefs and making lobby visits.” The Senior Lawyers Committee has something unique to offer in this work because our members are experienced in multiple disciplines rather than specializing in one field of law. We bring the long view. Using a systems thinking approach and a perspective that combines many different lifetimes, we work within the six areas of concern defined by the current city bar president -- protection of the rule of law; criminal justice reform; diversity, equity, and inclusion in the profession of law; covid recovery; mental health and wellness; equal access to justice. Our specific focus for the year 2021-2022 is on opposing the corporate capture of the law; protecting minority voting rights; preventing climate crisis, racism and economic injustice; reforming health care; emerging legal paradigms. **We invite you to read our full Mission Statement in Appendix A to start.***

I. INTRODUCTION

We make this statement as a committee executive board knowing clearly who we are and what we aim to contribute to the New York City Bar Association Senior Lawyers Committee.

A. New York City Bar Association

As members of the New York City Bar Association, our purpose is “to improve and reform the law and its application in a wide variety of areas [...and to...] participate in shaping public policy in multiple ways, including writing on pending or proposed legislation, testifying at hearings, writing letters to public officials, drafting amicus briefs and making lobby visits.”¹

In the July 31, 2021 episode² of the bar association’s official podcast, “Inside The Policy Work Of The New York City Bar Association,” City Bar Senior Policy Counsel Maria Cilenti, Director of Advocacy Elizabeth Kocienda, and Policy Counsel Mary Margulis-Ohnuma describe the work of

¹ See the organization’s public-facing website, <https://www.nycbar.org/issue-policy>

² <https://podcasts.apple.com/us/podcast/inside-the-policy-work-of-the-new-york-city-bar-association/id480247452?i=1000530594262>

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the Association's committees: "to reach out to non-lawyers" and "to educate, advocate, persuade."

B. Senior Lawyers Committee

As the Senior Lawyers Committee, we have a perspective that no other committee has. Because our members' careers were not confined to a single field of expertise, we integrate lifetimes of experience from many different practices of law.

We are an inter-generational group. We not only share our ideas with the next generation of lawyers but invite them into the conversation. Our diversity leads to a systems thinking³ approach to the rule of law⁴. We aim to use our members' perspectives across individual silos to examine the systems within which we are living. We are a laboratory for understanding the consequences of our legal practice and exploring what else is possible. See Appendix A.

II. HISTORY AND DEVELOPMENT OF OUR COMMITTEE WORK

In the time since the beginnings of the Senior Lawyers Committee to the present, our society has undergone radical changes and our committee has grown in response to the challenges around us.

A. Retirement Advice Expanded into Career Planning

In its initial form, the Senior Lawyers Committee centered its attention on issues around retirement. Later, as lateral career moves became common and most lawyers no longer worked at a single firm until retirement, that focus shifted. Our presentations began to include career transitions that occur at all stages of life. Panels and workshops offered by the Senior Lawyers drew audiences of all ages and covered topics from starting a small firm to going in-house to leaving the law entirely.

The committee also sponsored Public Affairs Luncheons four times a year. For each luncheon, a different speaker was invited to address members and the public over a shared meal. We

³ Systems Thinking by Ben Lutkevich, <https://searchcio.techtarget.com/definition/systems-thinking>, 'Systems thinking is a holistic approach to analysis that focuses on the way that a system's constituent parts interrelate, how systems work, both over time and within the context of larger systems. The systems thinking approach contrasts with traditional analysis, which studies systems by breaking them down into their separate elements. Systems thinking can be used in any area of research and has been applied to the study of medical, environmental, political, economic, human resources, and educational systems, among many others.'

⁴ Overview- Rule of Law, US Courts, <https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>, 'Rule of law is a principle under which all persons, institutions, and entities are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with International Human Rights Principles.'

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hosted international speakers, authors, and public servants including by way of example and not limitation:

- Robert Abrams, former Attorney General of the State of NY
 - *Money Politics & Public Policy*
- David Yassky, Dean & Michael Mushlin Professor Pace University School of Law
 - *Ending Mass Incarceration*
- Dr. Matthew Goldstein, Chancellor Emeritus of CUNY
 - *The Changing Face of Education*
- Jesse Eisinger
 - *The Chickenshit Club: Why the Justice Department Fails to Prosecute Executives*

B. Four Luncheons Per Year Became Frequent Day and Evening Presentations

Due to the pandemic, beginning with our June 4, 2020 event, our in-person Public Affairs Luncheons became virtual Public Affairs Events, available to City Bar members and the public anywhere in the world. The 4 annual events expanded in number to include presentations taking place in formats that ranged from single speakers to six-member panels of experts, and from lectures to workshops. A complete list is attached as Appendix B to this document. Most of these virtual Events are then posted on YouTube and freely available to the public. We plan to continue offering virtual Public Affairs Events, although we may resume luncheons or hybrid events in the future.

The committee platformed discussions on such topics as, by way of example and not limitation:

- Rising Sea Levels;
- Emerging Legal Paradigms;
- Taxing the Rich;
- Age Discrimination;
- Increasing Access to Justice Through Technology;
- The End of Money Bail;
- Preparations and Responses to Coronavirus in Different Countries;
- The Future of Capitalism;
- The Crisis in Working Class America.

Speakers included a Nobel Prize winner, a MacArthur Genius Grant winner and several Pulitzer Prize winners, among others. One of our speakers, Chris Hedges, giving a talk on corporate totalitarianism in June of 2021, attracted more than 100,000 views on YouTube as of this writing, more than any other NYC Bar Event, and the number is still going up.

C. In Response to Global Pandemic, Digital Chatroom and Virtual Newsletter Were Launched, Increasing Member Participation

When the coronavirus precipitated a lockdown in 2020, the committee created a weekly online space called “The Senior Lawyers Chatroom” designed to combat a growing sense of disconnection felt by people restricted to their homes. This chatroom quickly became a place where any member of the bar, not just members of the committee, could log in and share conversation with each other on any topic in order to stay socially connected.

By using videoconferencing in a time when people were unable to meet in person, this virtual space helped to combat isolation and increased member participation. In the same spirit, our committee created a newsletter highlighting events in the community, using contributions and photos from members.

III. CREATING THIS MISSION STATEMENT

In recent years, undeniably drastic political changes have taken place around us and our committee work has evolved in response to those changes. Beginning with the presidential election of 2016, a new administration in Washington began radically re-shaping the government as our elected officials were polarized into two parties that became deadlocked.

Armed militia attacked or threatened to attack state capitols and a policy of white supremacy is being tacitly and effectively legitimized through the speeches of elected officials if not yet declared legal outright. The newly-appointed members of the US Supreme Court have effectively ended women’s freedom of choice over their own bodies. The Equal Rights Amendment still waits for enactment, even though a requisite number of states voted to pass it. An increasingly militarized police using deadly force in encounters with civilians drew protest from anti-fascist and anti-racist organizations in this country and internationally. A violent insurrection at the United States Capitol on January 6, 2020, brought deaths and injuries yet little has been done to punish the offenders and an anti-democratic movement is ongoing.

Adding to this, a global pandemic has killed millions of people. What began decades ago as “climate change” has quickly escalated into “climate catastrophe” with wildfires, floods and drought increasing displacement of vast numbers of people, turning them into global refugees. The cumulative effect of this total breakdown of social, political, and legal norms creates an urgency that demands a systemic approach to reckon with reality and create a new solution.

In this context, five members of the committee met throughout the Summer of 2021 to review our past accomplishments and to make plans for future projects. We began by setting forth our values, because we can’t know what work we should be doing without first knowing what matters to us. From that basis, we laid out our work in the six areas where we will focus our effort and, in conclusion, reached the vision of what we hope to achieve. See, Appendix A.

IV. USE OF THIS STATEMENT

- We will choose to pursue projects that align with our core areas of focus and NYC Bar Association President Sheila Boston's 6 areas of work.
- Speakers will be given this document as part of their invitations.
- We will always extend an invitation to other committees to collaborate with us on projects.
- We will use this Mission Statement to guide how we run and show up in our committee meetings, making sure our conversations and decisions support what's important to us.
- We will use self-management and distributed authority whenever possible. We would rather our members be empowered to generate and implement ideas, than have a bottleneck of bureaucracy.

V. CONCLUSION

We welcome and actively encourage members of the bar association, regardless of age, to join our committee. Interested persons may contact any of our committee officers: Gertrude Pfaffenbach, Co-Chair, tpfaffenbach@optonline.net; Diane Fener, Co-Chair, diane.fener@gmail.com; Jacqueline Horani, Secretary, legallyunconventional@gmail.com.



Senior Lawyers Committee

APPENDIX A: Mission Statement 2021

OUR VISION FOR THE SENIOR LAWYERS COMMITTEE

We envision a committee that will:

- Attract new members to the New York City Bar Association that not only presents to, but follows up and engages with, the audiences and communities we bring together. We aim to give people an outlet to engage, a community of support to connect with, and a way to bring collective action together.
- Allow anyone who joins the committee to be empowered to invite speakers, launch events and projects, and build collaborations. We believe in grassroots participation.
- Function as a living organization, growing on its own. We're sparking action, we're not limiting it within a boundary.
- Have a meaningful impact and legacy. Our committee is not just a social café.

OUR UNDERLYING VALUES AS A COMMITTEE

- We believe that our accumulated knowledge brings with it a responsibility. For that reason, we aim not to only give lectures, but also to assist others as they create their own solutions to our social problems.
- We believe that this is a time to re-consider the question of who holds power, for how long, and why?
- We believe that the only way to restore balance to our society is to promote change.
- We believe that anybody who invites change invites disruption, and that it is honorable work to disrupt the status quo for meaningful transformation from a legacy of oppression to a legacy of justice.
- We believe that this is a moment of reckoning and that our fate is connected to others' fate.
- We believe that we as a committee are collaborators in pursuit of a shared interest, seeing intergenerational engagement as a critical part of our work and legacy.

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- We believe that a fundamental shift in the legal field is emerging, one that focuses on integrating values, mental health, well-being, and purpose into the profession.
- We believe that one of the critical aspects of life is to know ourselves. Therefore, part of our role is to share our experiences and perspectives to make this journey easier.
- We believe in possibility and the sudden shifts that can emerge from liberation.

OUR PURPOSE

For these reasons, we aim to create a clear path for all lawyers to be better prepared for this future, whether or not we will be around to see it come to fruition. However, we do not accept incrementalism as the only path forward, a limitation of what's possible, or a necessity.

What could humanity do if we're working together instead of being overcome by strife between us in all its destructive forms? That is boundless.

OUR CORE AREAS OF FOCUS

We will follow the six areas of work established by the New York City Bar Association President Sheila Boston: Protection of the rule of law; criminal justice reform; diversity, equity, and inclusion in the profession of law; covid recovery; mental health and wellness; access to justice.

Within these six areas, we will apply the findings that were presented to us by the speakers who formally addressed the bar. From those two points, we arrive at the following topics as the most pressing and impactful areas that we aim to address:

- ✧ Corporate Capture of the Law
- ✧ Protection of Minority Voting Rights
- ✧ Climate Crisis
- ✧ Racism & Economic Injustice
- ✧ The Role of Health Care
- ✧ Emerging Legal Paradigms



APPENDIX B:

SPEAKERS and PRESENTATIONS by the
SENIOR LAWYERS COMMITTEE of the
NEW YORK CITY BAR ASSOCIATION

- June 24, 2021: *Tax The Rich*, a conversation with Erica Payne and Morris Pearl, founder and chair of Patriotic Millionaires, an organization advocating tax code reform, about the destabilizing concentration of wealth and power in America.
- March 18, 2021: *Cash Bail and the Punishment Bureaucracy*, a conversation with Alec Karakatsanis, author of “Usual Cruelty: The Complicity of Lawyers in the Criminal Injustice System,” on how the cash bail system works, putting New York’s bail reform efforts into a broader national context.
- May 13, 2021: *Corporate Totalitarianism*, a conversation about the rise of corporate power in America and the danger of fascism in late-stage capitalism, with Chris Hedges, a best-selling author, Pulitzer Prize winner and recipient of the Amnesty International Global Award for Human Rights Journalism.
- February 12, 2021: *A Conversation with Kara Swisher, Silicon Valley’s Most Feared Journalist*, moderated by Adrienne Jeffries, investigative journalist.
- November 12, 2020: *Managing Your Career Transitions* with Professor Megan Sherman and representatives from major financial, insurance and legal institutions.
- September 30, 2020: *Emerging Legal Paradigm*, a conversation about Integrative Law with Professor Peter Gabel; The Honorable Maria Arias; Nanette Schorr, Esq.; Professor Marjorie Silver and Professor Jacqueline Horani.
- September 9, 2020: *We Refuse To Be Enemies*, a report about Arab-Israeli relations from Sabeeha Rahman and Walter Ruby, authors of the book by the same name.
- July 21, 2020: *Preparations and Responses to Coronavirus in Different Countries* by Emeritus Professor of Economics Richard D. Wolff.

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- June 25, 2020: *Deaths of Despair and the Future of Capitalism*, by Nobel Prize Winner Angus Deaton and economist Anne Case.
- June 4, 2020: *Solving the Crisis in Working-Class America* by Pulitzer Prize Winners Nicholas Kristof and Sheryl WuDunn.
- February 12, 2020: *Using the Law to Defend Human Rights* with Brooke Goldstein, Esq., and Rabbi Joseph Potasnik.
- December 10, 2019: *Writing the Life of Frederick Douglass: Prophet of Freedom* with author and Yale University Professor David W. Blight.
- November 12, 2019: *Gentrification and Community Development* with Edward Poteat, author and Columbia University Professor.
- September 10, 2019: *Access to Justice: It's Not Just Lawyers Anymore* with Noelle Francois, director of the non-profit company HeatSeek, and Rebecca L. Sandefur, winner of the MacArthur "Genius Grant," Faculty Fellow at the American Bar Foundation, and Arizona State University Professor.
- June 18, 2019: *A Conversation with U.S. Representative Carolyn B. Maloney* of New York City.
- May 30, 2019: *Campus Norms* with New York University Professor Jonathan Haidt.
- April 9, 2019: *The Sea Is Rising* with John Englander, author of "High Tide on Main Street."
- February 19, 2019: *Aging in America and the New Old Age* with authors Ashton Applewhite, John Leland, and Paula Span.
- February 12, 2019: *Beyond the Death Camps* by holocaust researcher Father Patrick Desbois.
- December 6, 2018: *Trump's War on Civil Rights* with journalist Juan Williams.
- October 9, 2018: *Protecting the Homeland* with United States Secretary of Homeland Security J. Johnson
- April 17, 2018: *A Conversation with Israeli Ambassador Dani Dayan*, Consul General of Israel.
- February 15, 2018: *From Criminal Conviction to College Graduation* with Max Kenner of the Bard Prison Initiative.

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- December 5, 2017: *Eleanor Roosevelt's Struggle for Civil Rights Against Bigotry, Poverty and Indifference* with Blanche Eisen Cook, author and history professor at the Graduate Center of the City University of New York.
- October 12, 2017/10: *Why the Justice Department Fails to Prosecute Executives* with Pulitzer Prize-Winning journalist Jesse Eisinger.
- April 27, 2017: *The Changing Face of Education* with Dr. Matthew Goldstein, Chancellor Emeritus of the City University of New York.
- February 23, 2017: *Ending Mass Incarceration – Fewer Inmates and Better Prisons* with David Yassky, Dean, and Michael Mushlin, Professor, Pace University School of Law
- December 6, 2016: *A conversation with James P. O'Neil*, New York City Police Commissioner
- October 19, 2016: *Money, Politics and Public Policy* with Robert Abrams, former Attorney General of the State of New York.

*Note: This list includes only the presentations, as of October 2016, that were organized and “sponsored” by the Senior Lawyers Committee. It does not include many events where SLC joined as “co-sponsor” in support of presentations organized by other New York City Bar Association committees.

** Note: Many of the events on the foregoing list were recorded and can still be seen or heard on the New York City Bar Association’s website, its public podcast and/or its YouTube Channel.