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ON PROFESSIONALISM  
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CONVOCATION ON THE FACE  
OF THE PROFESSION

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JUDGES OF THE  
NEW YORK STATE COURT OF APPEALS

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HON. JUDITH S. KAYE, CHIEF JUDGE

HON. GEORGE BUNDY SMITH

HON. HOWARD A. LEVINE

HON. CARMEN BEAUCHAMP CIPARICK

HON. RICHARD C. WESLEY

HON. ALBERT M. ROSENBLATT

HON. VICTORIA A. GRAFFEO

# NEW YORK STATE JUDICIAL INSTITUTE ON PROFESSIONALISM IN THE LAW

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# JOURNAL OF THE NEW YORK STATE JUDICIAL INSTITUTE ON PROFESSIONALISM IN THE LAW

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## FOREWORD

Growing diversity presents any community with both challenges and opportunities. So it is with the legal profession in New York State. Its diversity is itself manifold; it is evident in the sheer number of New York lawyers — over 165,000 and growing — and in their geographic dispersal across the state. It is found in the demographics of the profession, its wide variety of economic conditions, its vast array of practice settings and substantive specialties, and the complexity and multiplicity of the voluntary bar associations — more than 150 in all — seeking to gather and to serve this heterogeneous population of lawyers.

Whatever else this multi-layered diversity may do for or to the state's lawyers, it defeats at the outset any attempt to characterize one or another model of practice as “typical,” and it upsets many of the stereotypes with which lawyers have been viewed from inside as well as outside the profession.

Consider some examples of this intricate tapestry:

- Of New York's 165,000 admitted lawyers, over 60,000 practice in Manhattan, but only seven in Hamilton County. Some 15,000 lawyers practice on Long Island, but along the entire northern tier of the state, east of Rochester to the Canadian and Vermont borders — Wayne, Cayuga, Oswego, Jefferson, St. Lawrence, Franklin and Clinton counties — only 754 lawyers practice. Across the Southern Tier — Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga and Broome counties — 1,280 lawyers are found (almost half in Broome County with its metropolitan area centered on Binghamton). In Westchester alone, five times that number practice; in each of Erie, Albany and Queens counties, more than three times as many, and so on. This geographic pattern produces predictable and important differences in the customs, attitudes, formal and informal practices and communal sense of lawyers around the state.

- National trends in the demographics of the profession likewise have their impact in this State. These trends are most evident in the younger ranks of lawyers. Recent statistics tell us, for example, that since 1965, the proportion of law school enrollments nationwide for African Americans jumped from 1% to 7.5%. For women, the change is tremendous: the proportion of female applicants for law school rose from 4% in the mid-sixties to more than 50% in 2000. New York has fully experienced these changes; this year for the first time a majority of the class of 2003 in a majority of the state's law schools are women. Buried in this data is a potentially potent cultural fact: like a thermocline in the ocean, the elder layer of the bar differs significantly from its much more diverse younger colleagues.
- Much popular, and indeed, professional attention is aimed at huge New York City firms yielding large incomes, and on big tort case paydays for some lawyers. This focus tends to divert attention from the real facts of practice economics in the state: almost 80% of all lawyers in private practice work in firms with ten lawyers or fewer. A full two-thirds of all lawyers in the state work as solo practitioners or in firms with no more than five members. Only a quarter of New York lawyers earned as much as \$125,000 a year (the starting salary for a big-firm associate in Manhattan), but an equal percentage earned less than \$45,000.
- Lawyers across the state engage in vast international commercial transactions, and local general practice serving individuals and small businesses. Some only litigate, and many of those handle only a specific kind of case. Others never see a courtroom after they have been sworn in. There are lawyers in corporate law departments of all sorts and sizes, and in federal and state prosecutors' offices, a significant variety of defender organizations, grass roots legal services organizations, lobbying groups, and a virtually endless variety of governmental agencies and non-profit entities. The profusion and proliferation of law and regulation, the "new economy,"

the explosion of technology, the momentum towards global transactions and a host of other forces have required lawyers across the state to acquire deeper and deeper competence in narrower and narrower bands of practice.

All of this diversity does indeed present challenges aplenty to the New York legal community. But none is more fundamental than this: is it a community at all? Does there survive, can there be nourished, a common understanding of what it now means to be a lawyer? Can the professional traditions of, and modern need for, genuine service and craft combine to provide the basis for a fresh, contemporary sense of professional identity and worth?

The Convocation on the Face of the Profession was organized to begin a long-term effort to answer that question and to understand more deeply what such teeming diversity implies for a modern sense of professionalism in the law. It views the question from the perspective of the one, sure common experience all lawyers have – the process of being selected for, studying at and emerging from law school.

We sought to examine those fundamental issues by asking further questions: What are the values articulated or implied by law schools in the selection, socialization and placement of their students? What do those applied values say to their candidates about how they might view a life in the law? How are those expectations affected by the selection, acculturation and emergence processes of law schools? What possibilities are there for the bench and bar to collaborate with the academy in attracting new entrants to a professional understanding that is plausible, fulfilling and worthy of public and self-respect?

None of these questions could be fully developed, much less answered, in the day-and-a half devoted to the Convocation. But the necessary thoughtful and conscientious dialogue could be started, and it was. The pages that follow reflect the substance of that dialogue, rendered through the panel presentations, open discussion and breakout sessions which formed the Convocation. In them can be glimpsed still another layer of diversity, this one in the legal academy itself. The distinctive personalities, view points, goals and methods of New York's fifteen law schools emerge here. So do the different perspectives of deans, administrators, tenure-track faculties and clinical educators.

All of this diversity can be seen as a great array of special talents and

insights from which, we dare to believe, a fresh consensus about the value of law and lawyering can be built, a consensus that meets David Wilkins' keynote challenge to create "a new model of professionalism for the twenty-first century."

For their unstinting support in launching the effort, the Institute is deeply grateful to Chief Judge Judith Kaye, the Judges of the Court of Appeals, the New York State Bar Association and its President, Paul Michael Hassett, and to the professors, judges and practitioners who worked so generously and effectively to bring the Convocation to fruition.

Louis A. Craco  
Chair,  
New York State Judicial  
Institute on Professionalism in the Law

## EXECUTIVE SUMMARY

The Convocation on the Face of the Profession, held in Albany, New York November 13-14, 2000, brought together leaders of New York's law schools, bar and judiciary to engage in an act of "self-scrutiny" through frank dialogue on fundamental issues arising at the point where new entrants into the profession are selected and introduced into a life in the law. The august courtroom in Court of Appeals Hall was a fitting setting to begin the dialogue, with its ornate portrait-lined walls and magnificent hand-carved bench. The portrait of the sole African-American jurist to have retired from the Court looked on from his place among the remaining strikingly similar portraits, as the first woman Judge, and now Chief Judge, of the state's highest court delivered her opening remarks. Chief Judge Kaye highlighted the remarkable changes in the law school and lawyer populations, and changes in how the profession is practiced. Changes and resultant challenges.

David Wilkins, Kirkland and Ellis Professor of Law and Director of the Program on the Legal Profession at Harvard University School of Law, delivered the keynote address. He began by noting a paradox about the profession: the public desperately wants what lawyers have been able to produce in our democracy — the rule of law, individual liberty, order and justice, well-functioning markets, a stable polity — and, yet, the public is deeply skeptical about whether the profession will deliver these goods or facilitate their demise. Most frightening of all, perhaps, is that prospective lawyers, particularly young lawyers, are the most skeptical of all about the profession's ability to deliver on its traditional promises. Professor Wilkins encouraged the profession to open itself up to study and to articulate and preserve worthy attributes of the profession (i.e., intimate connection to public service and the public good, intellectually satisfying work, autonomy and independence, collegiality). He criticized the "bribery" strategy of attracting young lawyers with large paychecks, not just because lawyers probably will never be able to earn as much as entrepreneurs, but because it overlooks the worthy attributes of the profession. In studying the profession — indeed in defining the profession — he recognized that the profession has outgrown the monolithic, generalist "gentleman lawyer" model; the profession is diverse, and increasingly includes

transactional (as opposed to litigation-oriented) lawyers. Professor Wilkins concluded his remarks with a call for a partnership between the academy and the profession.

It was in response to calls like those of Professor Wilkins that the Chief Judge established the New York State Judicial Institute on Professionalism in the Law. The Convocation marks the inaugural public event of the Institute and the first conference of its kind in New York. While the changing legal landscape and “a combination of negative attitudes among scholars and self-absorbed behavior among practitioners” may be viewed as compromising “the ethos of the American legal profession,” the Institute’s chair Louis A. Craco observed, he preferred instead to view this time as a “moment of opportunity” for engagement between the academy and the bar, calling for “reflection and vigilance.” Paul Michael Hassett, President of the New York State Bar Association, co-host of the Convocation, provided some insightful and provocative observations, many gleaned from a speech given last summer by New York University Law School Dean John Sexton, about the effect of globalization, specialization, technology and competition for services by non-lawyers and the need to re-examine — and justify perhaps — America’s three-year graduate model of education.

Calls for re-examining legal education are not new. Most recent calls for review, and indeed the Convocation itself, can be directly traced to the report of the American Bar Association Task Force on Law Schools and the Profession: *Narrowing the Gap*, published in 1992. That cumbersome title is rarely used. The report is widely known to the academy and the bar as the “MacCrate Report,” after the Task Force Chair, Robert MacCrate, who was duly honored at the Convocation. Mr. MacCrate spoke to the participants, confirming his persistent enthusiasm for the importance of continuing and expanding the dialogue. He reflected upon his cherished “ideal of a single public profession of law in America, bound together by shared learning, acquired skills and particularly by professed values.” He cautioned that the survival of the profession’s values depends “upon the law schools beginning the process during that most formative and intensive stage of lawyers’ professional development, as well as upon the courts and all segments of the profession holding fast to a value-centered concept of law in society, dedicated to the rule of law and to a common enterprise transmitting from one generation of lawyers to the next that shared learning, those acquired skills and the professed

values \* \* \* [of our] beloved profession.”

The first panel discussed the *Profile of College Graduates Accepted to Law School*. Presenters Philip D. Shelton, President and Executive Director of the Law School Admissions Council, and Peter Sylver, Dean of Admissions at Hofstra University School of Law, provided the participants specifics as to recent changes in race and gender in the law school applicant pool. For example, in 1991, 8.3 percent of law applicants were African-Americans. That number has risen to about 11.5 percent. And yet, enrollment in law schools, which peaked a few years back at 8.5 percent for African-Americans, is down to under 8 percent in the last few years. Additionally, for the first time this year, the percentage of female law applicants (50.2 percent) surpassed the male applicants (49.8 percent), and it is expected that this year nationally, as has already been confirmed in New York, more women will be enrolled in the first-year class than men.

The first panel also discussed the Law School Admission Test, and the disparate median scores achieved by certain ethnic groups. The law schools — whether due to pressures from published ranking systems or economic and practical facility of such use — have grown increasingly reliant on LSAT scores, and to a lesser extent undergraduate Grade Point Averages, in making admission and scholarship determinations. While the speakers recognized that LSAT scores are probably the singular greatest predictor of law school performance (in terms of class ranking), it is not clear whether such rankings correlate to performance in the actual practice of law. If, as Dean Sylver observed, we should look at the law schools (not as the gatekeepers but) as a “gateway” to the profession, it is obvious that the heavy reliance by the law schools on the LSAT leaves many potential lawyers outside of the gate.

Commentator Angelica Bonfante-Esparza, Assistant Director for Financial Aid Operations at Fordham University Law School, explained the various available financial programs to assist law school applicants. However, Heather C. Struck, Esq., Pre-Law Advisor at the State University of New York at Binghamton, observed that most law school applicants do not adequately focus on the cost of education and the impact that their debt will have on their career. Ms. Struck encouraged practicing lawyers to become involved with potential law applicants at the undergraduate level, and described such a program at her University.

The second panel discussed the *Socialization of Law Students into the*

*Profession.* The two principal law school presenters — Associate Dean of Academic Affairs and Assistant Professor Mary Lu Bilek of City University of New York School of Law at Queens College and Laurie F. Shanks, Director of the Field Placement Project at Albany Law School of Union University — challenged the prevailing method of law school socialization. They questioned the need to so closely adhere to the Langdellian tradition of legal education. They also questioned the signals sent out by law schools from the admissions process (focusing almost exclusively on a single standardized examination), the curriculum offered (the type of courses offered and which are required, the credits given for each course), the choice of faculty and how faculty is valued (scholarship in law journals), and the way law schools rank their students (focusing mainly on one written exam, where cooperation and relationships skills are not measured). While each presenter noted that law schools have recently made great strides in their clinical programs and in skills courses, the law schools and the practicing bar have to seriously consider whether they, in fact, truly value the work of clinical and skills instruction at the law school and the need for client-centric representation outside the typical litigation model.

Commentator Margery C. Connor, Assistant Dean for Student Relations at Syracuse University College of Law, focused on the reasons why law students lose perspective and may not be properly socialized into the profession at law school: competition, isolation, psychological stress, and job search pressures. The practicing bar, through its involvement at law schools, as well as the law schools themselves need to address these issues, and Ms. Connor detailed certain programs developed at her law school. Commentator Ellen Lieberman, past Chair of the State Bar's Committee on Legal Education and Admission to the Bar and counsel at Debevoise & Plimpton, echoed from a practicing attorney's perspective the importance of skills and values training during the law school years and suggested concrete ways judges and practicing attorneys can assist in such training, such as participation in law school Moot Court programs, teaching adjunct courses, becoming mentors and in their instruction of summer interns.

G. Robert Witmer, Jr., former State Bar President, focused the Convocation on one particular value of the profession: involvement and service to the community. Of course, such service benefits the community and the general reputation of the profession, but in more subtle ways it

helps an attorney learn or hone interpersonal skills, obtain general or technical experience, and provides attorneys with “meaning” to their lives beyond the number of hours they have billed or the salary they have earned. The soul of the profession depends on the commitment of its members to a community service ideal.

The final panel discussed *Graduation and Employment as Members of the Bar*. Professor Richard Revesz of New York University Law School presented a review of the work he did in 1995, tracing determinants of career choice and formulating financial aid programs to promote public service employment. Surprisingly, his joint research on graduates of NYU and the University of Michigan law schools found that law school debt played an almost negligible role in explaining career choices. However, he noted, even since 1995, many changes have occurred and he promised further study. While noting the law schools’ responsibility to its students to promote career options in formulating financial aid incentives, he cautioned that it is beyond the realm of the law school to correct salary differentials that exist in different sectors of the profession.

Presenter Ellen Wayne, Dean of Career Services at Columbia University School of Law, stressed the importance of the partnership between the practicing bar and the law school in the education of new entrants into the profession. Comparing time spent by upperclass students in summer programs at law offices and time spent in law school attending courses, the law offices had almost twice the time with these law students. Ms. Wayne expressed concern over income expectations, fostered by the legal and popular media, and the eventual disappointment by a majority of young lawyers who will never achieve those expectations — and the professional disappointment by those who eventually do achieve those positions. She also noted that, particularly in this age of high technology, law students and attorneys need (and crave) personal contact and feedback in their daily lives.

The commentators to the final panel provided a provocative look at different segments of the practicing bar. Steven C. Krane, 2001-2002 President of the New York State Bar Association, provided a candid view of large law firm Economics 101, reviewing the competitive pressures law firms face in a world of globalization and one flush with Silicon Valley money. He also confirmed, therefore, that large firms set high “arbitrary benchmarks” in selecting associates because the costs of a mistake are so great. In an attempt to recoup the high salary costs, law firms demand

remarkably high hourly quotas which effectively discourage pro bono and public service. Zachary W. Carter, a partner at the firm of Dorsey & Whitney and former United States Attorney for the Eastern District of New York, observed that lawyers have options and, so long as an attorney makes the conscious choice that they are willing to forego certain lifestyle and community service alternatives, such a choice should not be deemed invalid. Even within the law firm world, however, law firms, like his own, exist which offer less in terms of salary but more in terms of lifestyle and work responsibility. Indeed, the importance of the work, its intrinsic value to society and the opportunity for professional growth and development, lead many young lawyers into careers in public service, such as United States Attorneys' Offices. Moreover, contrary to what Professor Revesz's research indicated, Mr. Carter observed that anecdotal experience suggests that law school debt impacts job choice, at least in the short term.

John Bracken, former president of the New York State Bar Association and partner at Bracken & Margolin, again anecdotally, confirmed the notion that debt affects job choices and, indeed, affects choice of law school. Mr. Bracken spoke from a smaller firm perspective about the challenges of hiring attorneys right out of law school, who are not ready to "hit the ground running," and the enormous commitment training new lawyers requires. However, he stressed the importance of such training and in practicing lawyers' involvement with law students through formal programs, such as the Inns of Court, or informal programs.

The Convocation was a follow-up to the 2000 Annual Meeting of the National Conference of Bar Presidents and the Conference of Chief Justices' 1998 National Action Plan on Lawyer Conduct and Professionalism, which urged a closer partnership between the bench, the bar and the academy through increased dialogue. After each panel session, and particularly during the five Breakout Sessions which followed, participants in the Convocation discussed concrete suggestions on how to improve the relationship between the various players in this legal enterprise.<sup>1</sup> More generally, though, participants could not help but express their own ideas — and ideals — on professionalism in the law.

At the Convocation on the Face of the Profession, much was accomplished. Much more has yet to be done.

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<sup>1</sup> Breakout Sessions are summarized in this Report by both the moderator of each session in the transcript of the Closing Session and by the breakout session reporter in a Summary. Additionally, a compilation of proposals made during these breakout sessions is included as an appendix to the Proceedings.

## CONVOCATION PROGRAM

### OPENING SESSION AND KEYNOTE ADDRESS —

#### **HONORABLE JUDITH S. KAYE**

Judith S. Kaye is the first woman to serve on New York State's highest court, appointed as an Associate Judge in 1983 and as Chief Judge in 1993. Chief Judge Kaye received her undergraduate degree from Barnard College and her law degree from New York University School of Law (*cum laude*). Chief Judge Kaye engaged in private practice in New York City until her appointment to the Court of Appeals. She is Chair of the Permanent Judicial Commission on Justice for Children. Among other posts, she served as a Trustee of the Clients' Security Fund (now the Lawyers' Fund for Client Protection), Trustee of the Law Center Foundation of New York University, Director of the Legal Aid Society, Director of the American Judicature Society, Executive Committee member of the Association of the Bar of the City of New York, and member of various other committees of the New York State and American Bar Associations.

#### **DAVID B. WILKINS, ESQ.**

Professor Wilkins received his undergraduate degree from Harvard University and a law degree from Harvard University Law School. He clerked for Hon. Wilfred Feinberg, Chief Judge of the Court of Appeals for the Second Circuit, and for the late Supreme Court Justice, Thurgood Marshall. Professor Wilkins joined the Harvard Law School faculty in 1986 and from the beginning his interests have been in the field of ethics and professionalism. He is Harvard's Kirkland and Ellis Professor of Law and Director of the Program on the Legal Profession. For several years, he has been conducting and publishing research on African-American lawyers at the corporate bar — the subject of his forthcoming book — and has published numerous articles on legal education, race and professionalism, such as "Rollin' on the River: Race, Elite Schools and the Equality Paradox," "On Being Good and Black," "Straightjacketing Professionalism," "Making Context Count: Regulating Lawyers

after Kaye Scholer,” and “Two Paths to the Mountaintop? The Role of Legal Education in Shaping the Values of Black Corporate Lawyers.”

#### **LOUIS A. CRACO, ESQ.**

Louis A. Craco is the senior partner of Willkie Farr & Gallagher in New York City where his practice has centered on litigation and arbitration. He is Chairman of the New York State Judicial Institute on Professionalism in the Law, having been appointed by Chief Judge Judith S. Kaye upon formation of the Institute in 1999. Previously from 1993 to 1995, he had chaired the Chief Judge’s Committee on the Profession and the Courts which had recommended, among other things, the creation of the Institute. In 1982-1984, Mr. Craco was President of the Association of the Bar of the City of New York; he is a Fellow of the American College of Trial Lawyers and the American Bar Foundation and Life Member of the American Law Institute. Mr. Craco received his undergraduate degree from the College of the Holy Cross (*magna cum laude*) and his law degree (*cum laude*) from New York University Law School, where he was a Root Tilden Scholar.

### **LUNCHEON PROGRAM**

#### **PAUL MICHAEL HASSETT, ESQ.**

Paul Michael Hassett, managing partner of Brown & Kelly, LLP, is President of the New York State Bar Association. Mr. Hassett received his undergraduate degree from Canisius College and earned his law degree from Georgetown University, where he was associate editor of the Georgetown Law Journal. His practice is concentrated in areas of probate, estate and trust administration, and general business law. He served as a New York State Bar Association Vice-President, representing the Eighth Judicial District, and is a member of that Association’s Committee on Attorney Professionalism, Task Force on the Profession, and the Trusts and Estates Law Section. He also served as a member-at-large of the Executive Committee, Chair of the Commission on Providing Access to Legal Services for Middle Income Consumers and the

Special Committee to Improve Court Facilities. He is a former Chair of the New York State Conference of Bar Leaders. Mr. Hassett also chaired the House of Delegates and co-chaired the President's Committee on Access to Justice. He is a past-President of the Metropolitan Bar Caucus and the Bar Association of Erie County, chairs its Committee on Grievances and is a member of the Finance Committee. He previously served on the Board of Directors of the Volunteer Lawyers Project, the Aid to Indigent Prisoners Society, and the Erie Institute of Law. He is a past-President of the Erie County Bar Foundation, where he was a member of its Board of Directors.

**ROBERT MACCRATE, ESQ.**

Robert MacCrate is Senior Counsel to Sullivan & Cromwell in New York City. He is a former President of the American Bar Association, the American Bar Foundation, the New York State Bar Association, the New York Bar Foundation and the American Judicature Society. He is a member of the Executive Committee of the Council of the American Law Institute, and is an emeritus member of the Board of Managers of Haverford College. Mr. MacCrate chaired the ABA Task Force that authored the Report in 1992 entitled Legal Education and Professional Development—An Educational Continuum. Formerly, he served as Special Counsel to the Department of the Army for the My Lai Investigation, as a member of the New York State Crime Control Planning Board, and as Counsel to the Governor of New York from 1959 to 1962.

**PANEL I — PROFILE OF COLLEGE GRADUATES ACCEPTED  
TO LAW SCHOOL**

*Presenters:*

**PHILIP D. SHELTON, ESQ.,**

Philip D. Shelton is President and Executive Director of the Law School Admission Council. He received his B.A. and M.S. degrees from Southern Illinois University in 1965 and 1968, respectively. He obtained his J.D. from Washington University in 1972 where

he served as Articles Editor of the Washington University Law Quarterly. Prior to joining the faculty of Washington University as a Visiting Assistant Professor of Law in 1974, Dean Shelton practiced law with Kirkland and Ellis and clerked for Judge William H. Webster, Eighth U.S. Circuit Court. He served as Associate Dean at Washington University from 1975 to 1985 and as Acting Dean from 1985 to 1987. Most recently, he served as Dean and Professor at the Walter F. George School of Law at Mercer University from 1987 to 1993. Dean Shelton served as a member of the Board of Directors of Legal Services of Eastern Missouri, Inc. in 1979-1987. Dean Shelton has been active in LSAC affairs since 1976. He served on the LSAC Pre-Law Committee, the Programs, Education, and Pre-Law Committee, the Services Committee, the Internal Affairs Committee, the Finance and Legal Affairs Committee, the Subcommittee on Council Governance, the LSAC Management Committee, the Investment Policy Work Group, and the 1991 Annual Meeting and Education Conference Planning Work Group. Dean Shelton is a member of the LSAC Board of Trustees. He had been a member of the LSAC Board of Directors from 1987 to 1994. Prior to becoming LSAC Executive Director, he chaired the work group responsible for creating Law Access, Inc. Dean Shelton edited several past editions of the Pre-Law Handbook (now The Official Guide to U.S. Law Schools).

#### **PETER SYLVER, ESQ.**

Peter Sylver is Dean of Admissions at Hofstra University School of Law. He graduated with honors from John Jay College of Criminal Justice in 1994 with a Bachelor of Science degree in Legal Studies. In 1997, he received his Juris Doctor from the Hofstra University School of Law, and was awarded the Benjamin Weintraub and Alan Resnick Award for Excellence in the Study of Bankruptcy Law. He was previously an associate at the New York office of the law firm of Fried, Frank Harris, Shriver & Jacobson. His past experience includes teaching at John Jay College of Criminal Justice, working at the law firm of Kramer Levin Naftalis & Frankel, LLP and serving as a law clerk to the Honorable Cornelius Blackshear, United States Bankruptcy Judge for the Southern District of New York. Dean Sylver continues his *pro bono* activities by acting as Counsel

and Trustee to Sisulu Children's Academy, the first Charter School organized under New York State's Charter School Act. He recently received the John Jay College of Criminal Justice Distinguished Alumni Award.

*Commentators:*

**ANGELICA BONFANTE-ESPARZA**

Angelica Bonfante-Esparza is the Assistant Director of Financial Aid Operations at Fordham University School of Law. Ms. Bonfante-Esparza is a graduate of Fordham University (B.A. Social Sciences) and earned a paralegal degree from New York University Institute for Paralegal Studies. She formerly served as Assistant Director of Fordham University's Office of Student Financial Aid Services.

**HEATHER C. STRUCK, ESQ.**

Heather C. Struck is the Pre-Law Advisor at the State University of New York at Binghamton. She received her undergraduate degree from the University of Michigan, Ann Arbor (1972) and her law degree from George Washington University School of Law (1976). She was a staff attorney in agencies of the United States government and has private practice experience. She is a member of the Board of Directors of the Northeast Association of Pre-Law Advisors and is a member of the Advisory Council for the Second Edition of Resource Pathways' Guidebook, Graduate School: The Best Resources to Help You Choose, Get In & Pay.

**PANEL II — SOCIALIZATION OF LAW STUDENTS INTO  
THE PROFESSION**

*Presenters:*

**MARY LU BILEK, ESQ.**

Mary Lu Bilek is the Associate Dean for Academic Affairs and Assistant Professor of Law at the CUNY School of Law at Queens College. After graduating from Harvard Law School, she was a lit-

igator at Paul, Weiss, Rifkind, Wharton, & Garrison. Her work there included general commercial litigation, as well as civil and criminal antitrust litigation. During that time, she also handled a wide range of *pro bono* matters for organizations including the Lawyers' Committee for Human Rights and the NAACP Legal Defense and Educational Fund, Inc. In 1985, she served on the Mayor's Special Commission investigating allegations of wrongdoing in the Office of the Chief Medical Examiner of the City of New York. She also served as a member of the Departmental Disciplinary Committee for the First Department and as a member of the Board of Directors of the Council of New York Law Associates. In 1985, she joined the faculty of the CUNY School of Law, where her primary teaching areas are Civil Procedure and Professional Responsibility. Her interest and experience in simulation design and teaching methodology have enabled her to develop curricula designed to teach legal skills in the context of doctrine as experienced in practice, integrating issues of practical strategy, professional responsibility, and practice realities into law study. She was a member and former Chair of the Association of the Bar of the City of New York's Committee on Legal Education and Admission to the Bar.

**LAURIE F. SHANKS, ESQ.**

Laurie F. Shanks is a 1977 graduate of Arizona State University College of Law. She is the Director of the Field Placement Project at Albany Law School of Union University. As such, she is responsible for the placement and supervision of approximately 100 law students each semester in judicial, executive, legislative and public interest internships throughout the Capital District. Ms. Shanks has been a prosecutor, an Assistant Public Defender, the Training Director of the Maricopa County Public Defender's Office in Phoenix, Arizona, and a private practitioner who practiced criminal defense, domestic relations, personal injury and federal civil rights cases. She is a past member of the Board of the National Association of Criminal Defense Attorneys and served as Parliamentarian of that organization. She is a faculty member of the National Criminal Defense College and the New York Defender Institute and a frequent lecturer at Continuing Legal Education

seminars throughout the country. She serves as a Referee for the Commission on Judicial Conduct, and is a past Chair of the Capital Screening Panel for the Third Department. She also serves as the Chair of the Capital District Women's Bar Association Judicial Screening Committee.

*Commentators:*

**MARGERY C. CONNOR, ESQ.**

Margery C. Connor is the Associate Dean for Student Affairs at Syracuse University College of Law. She is particularly interested in developing academic assistance programs and providing support for students with disabilities. She received her undergraduate degree from Wellesley College (1964), a Master's degree in music from Syracuse University (1981) and a law degree (*magna cum laude*) from Syracuse University College of Law (1984). Before coming to the law school, she engaged in the private practice of law and worked extensively for the not-for-profit sector.

**ELLEN LIEBERMAN, ESQ.**

Ellen Lieberman is counsel to Debevoise & Plimpton in New York City. She received her undergraduate degree (*cum laude*) from Columbia University (1964) and her law degree (*cum laude*) from Pace University School of Law (1980). Ms. Lieberman is a member of the House of Delegates of the New York State Bar Association, and former Chair of the Association's Committee on Legal Education and Admission to the Bar, Co-Chair of the Special Committee to Review the Proposed Bridge-the-Gap Program, and member of the Committee on Professional Ethics. Ms. Lieberman has served as a member of the American Bar Association's House of Delegates and the Section on Legal Education and Admissions to the Bar. She is a member of the Association of the Bar of the City of New York's Legal Education and Admission to the Bar Committee. Ms. Lieberman is a Fellow of the New York Bar Foundation and American Bar Foundation.

## DINNER PROGRAM

### **G. ROBERT WITMER, JR., ESQ.**

G. Robert Witmer, Jr. is a member of Nixon Peabody, LLP in Rochester. He received his B.A. from the University of Rochester and his law degree from Harvard University. He was President of the New York State Bar Association from 1994-1995. Mr. Witmer is a member of the House of Delegates of the American Bar Association and a member of the Advisory Group to the New York State and Federal Judicial Council. Mr. Witmer also serves as a member of the New York State Judicial Institute on Professionalism in the Law.

### ***PANEL III — GRADUATION AND EMPLOYMENT AS MEMBERS OF THE BAR***

#### *Presenters:*

### **RICHARD L. REVEZ, ESQ.**

Richard L. Revez is a Professor of Law at New York University School of Law, where he directs the Program on Environmental Regulation. He received a B.S.E. (*summa cum laude*) from Princeton University, an M.S. in Civil Engineering (Water Resources and Environmental Engineering) from the Massachusetts Institute of Technology, and a J.D. from Yale Law School, where he was Editor-in-Chief of the Yale Law Journal. He was a law clerk to Judge Wilfred Feinberg of the United States Court of Appeals for the Second Circuit and to the late Justice Thurgood Marshall of the Supreme Court of the United States. He has written extensively about environmental law and policy. Among other professional activities, Professor Revez is a member of the Science Advisory Board of the U.S. Environmental Protection Agency, the Chair of the Committee on Judicial Review of the American Bar Association's Section on Administrative Law and Regulatory Policy, and a Director of the American Law and Economics Association. He has also served as an Advisor to the American Law Institute's Restatement (Third) of Torts: Apportionment; as a consultant to the Administrative Conference of the United States, the Carnegie

Commission on Science, Technology, and Government, and the United Nations Department of Technical Cooperation for Development; and as a Term Member of the Council on Foreign Relations. Professor Revesz has testified before Congress on the reauthorization of the Clean Air Act and on reforms to the Superfund program. Professor Revesz has been a Visiting Professor of Law at Harvard University Law School and the Graduate Institute for International Studies in Geneva, Switzerland. He is a Fellow-designate of the Center for Advanced Study in the Behavioral Sciences in Stanford, CA.

**ELLEN WAYNE, M.ED.**

Ellen Wayne is the Dean of Career Services at Columbia University Law School. She is responsible for the administration and management of the Law School's career counseling and recruitment program serving both students and alumni. She serves as Chair of the Midyear and Annual Meeting Education Board, Vice-Chair of the Committee on Curriculum, Training, Professional Ethics and Competency, and member of the Education Core Group of the Law Practice Management Section of the ABA, as well as former Chair and current member of the Executive Committee of the Student Service Section of the Association of American Law Schools. Dean Wayne is a member of the Recruitment and Retention Committee of the Association of the Bar of the City of New York and the Legal Education Committee of the State Bar of New York. She has been an officer of the National Association for Law Placement. She is the author of numerous articles on career counseling and recruitment issues. She has spoken on recruitment and retention topics for many organizations including most recently for Fulcrum, Inc. as well as the International Bar Association. Dean Wayne has a B.S. and an M.Ed. from Northeastern University in Boston.

*Commentators:*

**JOHN P. BRACKEN, ESQ.**

John P. Bracken is a partner in Bracken & Margolin, LLP, involved in the areas of real estate, commercial, criminal, personal injury and general litigation. A graduate of Hobart College (1960) and

Fordham University Law School (1963), Mr. Bracken is a former President of the New York State Bar Association, Chair and member of the New York State Conference of Bar Leaders, a Director and Fellow of the New York Bar Foundation, and President of the Suffolk County Bar Association. He also serves as a Director on the Committee for Modern Courts and the American Bar Foundation. Since 1988, he has served as a member of the Alexander Hamilton American Inn of Court and is presently on its Executive Board.

**ZACHARY W. CARTER, ESQ.**

Zachary W. Carter is a partner at Dorsey & Whitney, LLP in New York City. He received his undergraduate degree from Cornell University (1972) and his law degree from New York University School of Law (1975). He is the former United States Attorney for the Eastern District of New York and a former United States Magistrate Judge. He served as a member on the Board of Trustees of New York University School of Law and the Board of VERA Institute of Justice. He is a member of the Executive Committee of the New York State Bar Association. Mr. Carter is also a member of the New York State Judicial Institute on Professionalism in the Law.

**STEVEN C. KRANE, ESQ.**

Steven C. Krane is a graduate of the New York University School of Law and served as law clerk to Associate Judge (now Chief Judge) Judith S. Kaye of the New York Court of Appeals. Mr. Krane is a partner in the Litigation and Dispute Resolution Department of Proskauer Rose, LLP in New York City concentrating in sports law and legal ethics. He is currently President-Elect of the New York State Bar Association, and serves as Chair of the Special Association House Committee, Co-Chair of the President's Committee on Access to Justice and Vice-Chair of the Special Committee on the Law Governing Firm Structure and Operation. He is also a member of the Association's Committee on Mass Disaster Response, the Membership Committee, and the Electronic Communications Task Force. In prior years, he served as a Member-at-Large of the Executive Committee, Chair of the Committee on Standards of Attorney Conduct, Vice-Chair of the Special Committee on the Future of the Profession, and as a member of the Committee on

Professional Ethics. Mr. Krane has been a member of the House of Delegates since 1996, and is a Fellow of the New York Bar Foundation. Also an active member of the Association of the Bar of the City of New York, Mr. Krane served as Secretary, Member and ultimately Chair of that Association's Committee on Professional and Judicial Ethics. He has served on that Association's Committee on Professional Responsibility, its Special Committee on Government Ethics, and its Ad Hoc Committee on Private Legal Referral Services. Mr. Krane was a Hearing Panel Chair and Referee for the Departmental Disciplinary Committee, First Judicial Department. He is currently a Grievance Panel Chair for the Committee on Grievances of the United States District Court for the Southern District of New York. He has written and lectured extensively on attorney ethics issues, and for several years taught professional responsibility at Columbia University School of Law. He has been a Member of the American Law Institute since 1993 and is a fellow of the American Bar Foundation.

### ***BREAKOUT SESSIONS — PARTICIPANT DISCUSSION***

#### *Moderators:*

#### **JOHN R. DUNNE, ESQ.**

John R. Dunne is counsel to Whiteman, Osterman & Hanna. He is a graduate of Yale Law School (1954) and Georgetown University College of Arts & Sciences (1951). He previously served as an Assistant Attorney General, Civil Rights Division for the United States Department of Justice, and as a New York Senator for the Sixth District. He is chair of the Fellows of the New York Bar Foundation and the New York State Bar Association and is a member of the New York State Judicial Screening Committee. He previously served as Director and Chair of the New York State Office of the Capital Defender, member of the American Bar Association's House of Delegates and as President of the Nassau County Bar Association and Nassau County Legal Aid Society. Additionally, Mr. Dunne's service on law commissions includes membership with the State Commission to Revise the Penal Law, the State Commission on Drug Addiction, and the State Law Revision Commission.

**HENRY M. GREENBERG, ESQ.**

Henry M. Greenberg is a partner in the Albany law firm of Couch White, LLP. Prior to recently entering private practice, Mr. Greenberg spent fourteen years in public service. Most recently, he served as General Counsel for the Division of Legal Affairs of the New York State Department of Health. Previous posts in which he served include Assistant United States Attorney for the Northern District of New York and law clerk to Associate Judge (now Chief Judge) Judith S. Kaye of the New York Court of Appeals. He has lectured widely and published articles on many legal subjects, including criminal procedure, health law, administrative law, constitutional law, and trial and appellate practice. He is Chair of the New York State Bar Association's Committee on Attorneys in Public Service. He is also a member of the Syracuse University College of Law's Board of Visitors and the Advisory Group to the New York State and Federal Judicial Council.

**HONORABLE L. PRISCILLA HALL**

L. Priscilla Hall is a Justice of the Supreme Court, Kings County. Justice Hall received her undergraduate degree from Howard University, a graduate degree from Columbia University School of Journalism and a law degree from Columbia University School of Law. She has served on the Board of Directors of the Metropolitan Black Bar and the New York State Association of Women Judges and as a member of the Judicial Council of the National Bar Association. Prior to serving on the Supreme Court, Justice Hall was a Judge of Criminal Court in New York City and the New York State Court of Claims. Justice Hall is a member of the New York State Judicial Institute on Professionalism in the Law.

**JOHN STUART SMITH, ESQ.**

John Stuart Smith is a partner at Nixon Peabody, LLP in Rochester, practicing principally in the areas of trademarks, trade regulation and antitrust. He received his undergraduate degree (*magna cum laude* 1965) from Harvard University and his law degree (*cum laude*) from Harvard Law School. He has lectured on Attorney Professionalism and serves on the New York State Bar Association's Committee on Attorney Professionalism. Mr. Smith also formerly

served as Chair on that Association's Criminal Procedures Subcommittee of the Antitrust Section and as former Chair of the Civil Practice Subcommittee.

**LORRAINE POWER THARP, ESQ.**

Lorraine Power Tharp is a principal in the firm of McNamee, Lochner, Titus & Williams, P.C., Albany, New York, and a former member of that firm's management committee. She graduated from Smith College, after spending her junior year in Geneva, Switzerland at the Institute des Hautes Etudes Internationales, and received her law degree from Cornell Law School. Ms. Tharp served on the House of Delegates of the New York State Bar Association, as Member-At-Large of the Association's Executive Committee, and is currently Secretary of the Association. Among other responsibilities, she co-chaired the Task Force on Communications for the strategic planning process, was a member of the Executive Committee's Subcommittee on Lawyer Advertising and Referral Services, served as a representative from the Executive Committee to the Committee on Continuing Legal Education, and is a past Chair of the Real Property Law Section of the Association. Ms. Tharp was elected in 1994 to membership in the American College of Real Estate Lawyers, and is a Fellow of the New York Bar Foundation. In 1997, Ms. Tharp was appointed by Chief Judge Judith Kaye to the 16-member New York State Continuing Legal Education ("CLE") Board. Ms. Tharp is the recipient of the 1995 Leadership Saratoga Distinguished Alumni Award.

***REPORTS FROM BREAKOUT SESSIONS and  
CLOSING REMARKS***