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Inaugural Address

By JOHN D. FEERICK
May 26, 1992

I am honored and humbled to accept the designation of the Nominating Committee and membership to become president of this venerable Association. I feel especially privileged to be the first member of the academic community to be chosen since Robert McKay, who was for me a role model and special friend. In accepting this designation, I become heir to a tradition of remarkable service by the presidents of this Association for more than 120 years. Their names are synonymous with the best of the American legal profession in so many ways, and especially if judged by a standard of commitment to the public good. I know this from personal experience of having served with some of these lawyers, beginning with Herbert Brownell in the early 1960s and continuing most recently with Cyrus Vance. Their particular careers in public service have set a special benchmark for all Presidents of this Association.

It is a very high honor for me to be chosen as Conrad Harper's successor. His leadership of the Association has been truly inspiring. He has been eloquent and forceful in articulating the high expectations of the legal profession, in reaching out to members of the profession who carry special burdens, and in moving this Association to greater heights of service to the community. He has earned the gratitude of everyone for a job exceptionally well done.

Conrad's presidency will be hard to emulate. While I am not sure I can meet his standards, I can assure you that it will not be for want of trying. I pledge all of the dedication of which I am capable to hold high the torch which he has passed on to me. I am excited by the uniqueness of this opportunity to serve our profession and our society. I am fortunate to be able to do so with the current and new officers of the Association.

I wish to acknowledge the presence tonight of certain people who are very special to me in my life. They are my wife, Emalie,

our children, our first grandchild, David, of six weeks, my brothers and their families, my former partners at Skadden, Arps, Slate, Meagher and Flom, especially Barry Garfinkel, who was the first to urge me to become an active member of this Association; and, although no longer here, the late Leslie H. Arps and William R. Meagher, who were my mentors. I am gratified by the presence of so many of my faculty and administrative colleagues at Fordham University, most especially Father Joseph A. O'Hare, S.J., and Associate Dean Georgene Vairo, whose support makes it possible for me to accept the challenges of this position.

Turning to my term in office, I have identified four areas in which I plan to concentrate a major part of my efforts. They are: New York City; government ethics reform; improvements in the legal profession; and the Association as an institution. Let me expand on each of these.

As I reflected over the past few months on my tenure, I was reminded time and again of the origins of the Association and the ideals of its founders. The Association, as many of you know, was established in 1870 in response to political corruption in New York City, and concern about the manipulation and corruption of its legal system. The Association was founded to take a position of leadership in bettering this City of New York, by seeking improvements in government and the legal profession.

Today, our City faces enormous challenges of a different nature from those of the 1860s and 1870s. In his recent Benjamin Cardozo Lecture before this Association, Judge A. Leon Higginbotham, Jr., spoke of the pervasive failures that are destroying our cities and urged that these failures "be countered by civic responsibility assumed by everyone, by both black and white people, by both business and labor, by urban, suburban and rural"—and, I might add, by bar associations. In his Cardozo lecture a few months before, Frederick A. O. Schwarz, Jr., particularized some of the challenges of urban America when he said,

The increasing disparities between rich and poor, the

devastation of our inner city communities by drugs, by violence and by disease, and failed school systems, have combined to turn poverty into a hopelessness so deep that it stifles opportunity. These conditions shame the nation and cloud its future. . . . All can be traced, to some extent, to racial and ethnic discrimination.

Their comments were delivered before the recent tragic events in Los Angeles happened. Those events must confirm in all of us a deeper recognition of the enormity of the challenges confronting our City of New York. During my term I will ask all committees, councils and delegations of the Association to commit an increasing level of their energy and imagination to New York City. This is a time to redouble our efforts and rededicate ourselves as the Association of the Bar of the City of New York. There is much that we can do. As the recent Cardozo Lectures suggest, and as the events in Los Angeles confirm, the problems of our cities are intertwined with issues of justice—racial justice, economic justice, and criminal justice. We lawyers, more than all others, have the ability to devise programs to correct injustice. In my view, we have a moral obligation to do so. Indeed, our Code of Ethics instructs us that “lawyers, as guardians of the law, play a vital role in the preservation of society.” As Sir Thomas Browne, a humanistic physician, wrote during the Renaissance period, “Where charity is broke the law itself is shattered. . . .”

It would be easy for many of us to ignore our obligation to enhance the quality of life in this City. Some of us, including myself, although having roots in the City, no longer live here. Some of us who do live here, or who practice or work here, are fortunate to be sheltered from those parts of the City that are in need of special help. For some of us, our practices do not address the dire problems facing the City, but serve the needs of other communities. Yet, almost all of us owe a great debt to this City—one that we must acknowledge.

Over the next year or so I will ask the Association to draw upon the talents and energy of its entire membership to find ways to better serve the City of New York. Of particular interest

to me are the on-going activities of the Association in sponsoring pro bono clinics to assist the poor and oppressed; in running law-related educational programs for the public; and in providing mentors and friends for the youth of our City. Speaking of the young, Garrison Keillor reminds us that "Nothing that is ever done for children is lost or wasted." My hope is that this noble Association, working with the many other bar associations in the City and with our area law schools, can make a significant difference in improving the quality of life in our City. Thanks to the vision of our Second Century Committee and the recent steps taken by our Executive Committee, the Association is in a strong position to address the various problems of the City.

A second ideal of the founders of the Association was promoting government integrity. Having spent, together with a number of other members of the Bar, the past four years examining that subject, I know that our State has a great distance to travel before it can lay claim to having established a fair and ethical process for electing government officials. For just one example, the State's campaign financing system still is in a shambles, operating in ways that favor incumbents, discourage competition, encourage weak administration, and hide the identity of the many special interests who bring our leaders to office. The present time provides an important opportunity for covering some of the distance of which I speak. I hope that, in keeping with its original mission and with so much of its work over the past 120 years, the Association will increase its devotion to the cause of government ethics reform. As Justice Brandeis reminded us, "Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example."

Because the specifics of ethics reform are complicated and there is insufficient leadership on this issue from within government itself, it is incumbent upon bar associations to provide strong leadership in galvanizing popular support to promote such reforms. Lawyers have the expertise to understand the deficiencies in our laws and they have a professional responsibility to improve them. I hope to work with many of our

committees in this area, including the committee on government ethics chaired by Peter Zimroth, to achieve further advances in our democratic system.

Another ideal of the founders of this Association was to foster improvements in the legal profession itself. I believe that we are once again at a crossroads in the life and history of our profession. The severity of the economic recession, the material excesses of the last decade, and increased competitiveness by a greater number of lawyers have contributed to the challenge that faces our profession. The challenge has many aspects. Some segments of the public perceive us too much as a monied profession and not as a group that lessens the burdens of the people. They are curious as to why there is so much legal regulation, why there are so many lawyers, and why so few people are able to gain access to legal assistance. Lawyers increasingly question whether careers in legal organizations are worth the price and lament not having sufficient time for family or serving the community. Minority lawyers express frustration at the limited advances they have made despite their increased numbers in our law schools. Women in the profession continue to face problems and difficulties which erode their self-confidence and prevent them from advancing to the highest levels of our profession. Lawyers of my generation too frequently speak of a decline in civility and ethics. Dedicated judges are leaving, or considering leaving, the bench because of inadequate compensation and the poor conditions under which they are expected to function. And law students have become apprehensive about the viability of long-term careers in the practice of law.

Bar associations, where lawyers unite in common endeavors, have an obligation and a unique opportunity to address these kinds of issues and offer helpful recommendations to the profession at large. This Association has made a number of important contributions in these areas in recent years. Some of those include the minority and advancement effort started by Jim Oliensis and led for the past few years by Cyrus Vance and Conrad Harper; the Robert McKay Community Outreach

program directed by Laurie Milder; the Summer Law Fellows Program under the leadership of James Rayhill and his Recruitment of Lawyers Committee; and the Lawyers in Transition effort by Madeline Stoller and her dedicated committee. It is important for the Association to build on all of these initiatives as well as to support the many other programs which deal with the profession. Two areas I would like to stress at this time involve the role of women in the legal profession and the relationship between the Association and the area Law Schools, whose almost 10,000 students provide a rich resource for our profession and community.

Another of my goals is to encourage the Association to expand its programs for training new lawyers. In recent years, there has been a growing recognition by this Association, by other bar associations, and by licensing authorities, of the need to provide additional opportunities for young lawyers to develop lawyering skills, such as client counseling, negotiation, factual investigation, and drafting.

This month our Association's Committee on Legal Education and Admission to the Bar, chaired by Anthony Davis, issued a report calling attention to this problem, and proposing the development of courses of instruction in lawyering skills. A Committee of the New York State Bar Association called attention to this problem several years ago. An American Bar Association Task Force on Law Schools and the Profession, chaired by Robert MacCrate, will be presenting its final report in August. There can be no doubt that this report will prompt the organized bar throughout this country to see what more it can do to assist in training new lawyers in professional skills and values. Now is the time for this Association to build upon the work of these bar committees.

There also remains an enormous need to create additional programs to assist lawyers in transition and to facilitate opportunities in public interest work for lawyers of all types of practice backgrounds. Lawyers have become increasingly mobile and, in my opinion, will be seeking greater assistance from their bar associations in finding new opportunities. Our profession, which

at its core is an eminently humane one, needs to be there to help its members in transition situations.

My fourth area of primary interest as I begin my term in office is the Association itself. Without question, it has come a long way since almost 200 members of the New York Bar issued a call for its organization. The Association has had a wonderful history of service, making contributions at the international, national and local level to which we may look with justifiable pride.

Today, more than 19,000 members belong to the Association representing all parts of the legal profession. The present committee structure of the Association, however, can only accommodate a small fraction of that membership. Although considerable progress has been made in opening committees and councils to newer members of the bar and in providing pro bono opportunities for others, there nonetheless remains a large need to develop further activities in which more members may find a place to serve. I plan to work with our Executive Committee to see if we can make significant additional progress in this area.

As you know, the Association enjoys a premier law library and has a staff of extremely able and devoted people, led by Fern Schair Sussman, and her counsel, Alan Rothstein. No bar association has two finer servants of the public than Fern and Alan. The fiscal underpinnings of the Association, however, remain largely membership dues, which are necessarily high in order to support the Association's wide-ranging activities. It is vital for the future health of the Association that more alternative sources of funding be established, a subject to which I also shall devote my efforts.

In a few years the Association will celebrate its 125th anniversary, and mark the 100th anniversary of its present building and the 50th anniversary of Fund Inc. To celebrate these historic anniversaries appropriately, I will recommend the establishment of a planning committee.

As I conclude, I wish to express my indebtedness to all of my friends present tonight with whom I have served over the past

thirty years and from whom I have learned and received so much. I look forward, with everyone's help, to making some new beginnings and building on the pillars of strength put in place by the leaders and members who preceded us.

Whatever success I may enjoy in this position, I wish to dedicate to the memory of my parents, who came to this country as teenagers from County Mayo, Ireland, and devoted their lives to their family and to this great city.

Thank you for joining me and sharing in this special moment in my life.