

NY State Bar Task Force To Look At Legal Profession's Future

By **Marco Poggio**

Law360 (September 8, 2021, 4:42 PM EDT) -- The New York State Bar Association will take a deep look at how the legal profession has changed during the COVID-19 pandemic and propose ways of doing business to adapt to the new reality, the attorney group said Wednesday.

Announcing the launch of a new task force focusing on the future of the legal profession, association President T. Andrew Brown told Law360 Pulse that the NYSBA is looking at ways the industry can learn from its pandemic experience and find its path through a future where the coronavirus "will be with us for some time — perhaps forever."

"I thought it was important that we, as a bar association, take initiative in shaping our future for the betterment of our members and the clients that we serve," Brown said. "This task force has the potential to be one of the most important undertakings our bar association will do for many years to come."

The task force, a 30-strong cohort of attorneys in the public and private sectors, judges, law professors, pro bono lawyers, and arbitration and mediation practitioners, will be divided into four working groups, each studying changes in different aspects of the legal profession.

Each working group will gather expertise from its members through a barwide survey and hold a public forum in the fall on how to shape the work ahead. There will be overlapping and cross-pollination between groups, the bar said.

Brown tapped John Gross, a partner at Ingerman Smith LLP, a firm with offices on Long Island and upstate New York, and Mark Berman, a partner at Manhattan-based Ganfer Shore Leeds & Zauderer LLP, to lead the task force, which has been taking shape for the last two months, he said.

One of the groups will look at attorney-client relations in a profession that will never look the same after the pandemic. Traditionally relying on face-to-face interaction, much of the work attorneys do has been forced into a remote world by the lockdown and pandemic protocols, a shift that appears to be at least in part irreversible.

Looking ahead to when the pandemic will subside, NYSBA attorneys are considering what changes to make permanent and which of the old ways they would rather go back to.

"The pandemic has upended how we manage our practices, interact with clients and deliver legal services. It has also touched every aspect of our professional development from education to training to mentorship," Gross said in a statement. "Now we must decide if the changes in how we practiced law during the pandemic enhanced the delivery of quality services to our clients — or are we and our clients better off leaving those changes behind."

Eileen D. Millett, counsel at the state Office of Court Administration, and Susan L. Harper, managing director for the Bates Group for New York and New Jersey, will co-chair the attorney-client relations working group.

Berman said an opportunity to imagine the profession anew lies beyond the disruption caused by the pandemic.

"It is up to us to systematically review both the short-term and long-term effects of COVID-19 on the legal profession and the practice of law," Berman said in a statement. "We will study how effective virtual courts have been, how well the technology has performed and how best in the future to serve clients remotely, with an emphasis on making recommendations to safeguard and strengthen the future of the legal profession."

Another working group, led by Frederick K. Brewington, a solo practitioner, and Joseph A. Rosenberg, professor of law at the City University of New York School of Law, will focus on access to justice issues, which became more evident after the pandemic hit.

The NYSBA's strategy to help vulnerable people with unemployment benefits, surrogate court matters, evictions, health care, immigration, domestic violence and other legal matters during the pandemic **has received nationwide recognition**.

The bar association is now mulling ways to extend those efforts while taking a broader look at the access to justice crisis facing the country and the state, Brown said.

"It's important that we assess what happened during the past year and a half to help us determine what changes have to be made for us to remain a strong and responsive bar association," Brown said. "Some of those changes will remain, some won't."

Gross told Law360 Pulse that the legal industry can learn to use remote technology to reach low-income communities in a way it has not in the past. In addition, it could cut costs for attorneys.

"The ability to deliver legal services through these new technologies that we've now become very familiar with presents a really interesting opportunity to increase access to justice to groups that simply cannot afford the cost," he said.

A third working group will study law practice management and technology. Headed by Karen Greve Milton, chief of staff for the

Metropolitan Transportation Authority's inspector general, and Anne B. Sekel, a partner at Foley & Lardner LLP, the group will look at what lawyers will need in the future to be cyber-secure in an environment increasingly targeted by hackers.

The group will also look for ways to level the technological playing field.

About 60% of the state bar's members are solo practitioners or work at small firms, which traditionally have lagged behind big firms in the use of technology. The task force will seek to bridge the gap, Berman said.

"I would like to see the state bar have the ability to offer technological platforms to the solo and small firms at better pricing, with education of them, so lawyers can benefit from the economies of scale that the state bar can offer," he said.

A fourth group will focus on legal education and new lawyers, an area where the pandemic has revealed numerous "faults and cracks," Berman said.

James R. Barnes, a shareholder at Albany-based Burke & Casserly PC, and Leslie Garfield Tenzer, a professor at Pace Law School, will lead the group.

"It's a different world now. It's remote, it's virtual. The bar exam is also different than it was," Berman said, "Law schools are going to have to change their curricula to address the virtual nature of the new practice of law. Law firms are going to have to adapt to teaching young lawyers how to practice virtually."

--Editing by Orlando Lorenzo.