Robert MacCrate to Receive Foundation’s Inaugural Lifetime Achievement Award

The Board of Directors of The New York Bar Foundation recently voted to honor former Foundation president, Robert MacCrate, with its inaugural Lifetime Achievement Award. The award ceremony will take place during the Fellows annual dinner meeting on Friday, February 1, 2008 at the Metropolitan Club, New York City.

Bob was first elected to The Foundation’s Board of Directors in 1972 and served as president for 15 years, from 1976 to 1991. During his tenure he advanced the objectives of The Foundation to improve the justice system, facilitate the delivery of legal services, increase public understanding of the law, and enhance professional competence and ethics. He was responsible for overseeing the building renovation and period restoration of 5 and 6 Elk Street and for spearheading the fund-raising of $6.8 million for the State Bar Center expansion project. The Bar Center is owned by The Foundation.

The Fellows nomination and election program was introduced by Bob in 1974 and during his tenure as president, he increased the Fellows annual gift amount from $50 to $100. He increased the number of seats on the Board of Directors from 11 to 15 due to The Foundation’s growth and increasing workload. Additionally, he served on numerous Foundation committees.

The New York Bar Foundation Receives $10,000 Gift from Commercial and Federal Litigation Section

The Commercial and Federal Litigation Section of the New York State Bar Association recently contributed a gift of $10,000 to The New York Bar Foundation to establish a restricted fund. The purpose of the fund is to provide fellowships to first-year students of color attending a law school in New York State who demonstrate an interest in litigation.

Fordham Law School student, Lina M. Martinez, was selected as the 2007 recipient of the inaugural fellowship. The fellowship will take place this summer in the Chambers of the Hon. Charles E. Ramos in the Commercial Division of the New York State Supreme Court, New York City.

Ms. Martinez, a North Bergen, NJ resident, is a magna cum laude graduate of Drew University (Madison, NJ) where she earned a B.A. in political science and Spanish. She was also a Thomas Kean Fellow while at Drew. Her thesis, written in Spanish, was entitled *The History of the Cuban Revolution Through the Eyes of an Intellectual: Thomas Gutierrez Alea’s Work Before and After the Revolution*.

Ms. Martinez was recognized during an awards ceremony on March 15th which was held by the Commercial and Federal Litigation Section. Foundation Board member, Kay Crawford Murray, represented The Foundation during the awards ceremony, also attended by Justice Ramos, Dean William Treanor of Fordham Law School and other dignitaries.

In attendance at the Commercial and Federal Litigation Section’s recent awards reception were left to right: NY State Supreme Court Justice Charles E. Ramos; Tracee E. Davis, member of the Commercial and Federal Litigation Section’s Committee on Diversity; Lina M. Martinez, 2007 Fellowship recipient; former NYSBA president, Kenneth G. Standard and Kay Crawford Murray, board director of The New York Bar Foundation
**Message from the President**

As noted on the pages throughout this spring Newsletter, the activities of The Foundation are progressing and continuing to increase at a steady pace. Through your generous gifts, we are awarding grants for many deserving law-related projects, as well as fellowships and scholarships to law school students. We are looking forward to conferring The Foundation’s inaugural Lifetime Achievement Award on Robert MacCrate at the next Fellows dinner meeting on February 1st. It was my privilege to partake in the unanimous vote by The Foundation’s Board of Directors to present this newly established award to Bob to honor his long and valued service to The Foundation.

The Foundation recently established two new restricted funds with charitable contributions received from the Commercial and Federal Litigation Section and the Tax Section of the New York State Bar Association. The Foundation was pleased to award the first Commercial and Federal Litigation Section Minority Fellowship to Fordham Law School student, Lina Martinez, in March. She is an eminently qualified candidate and her academic record and work experience demonstrate her commitment to scholarly excellence and a promising future in law and litigation.

The Tax Section Fund will provide funding through grant awards for low-income taxpayer clinics throughout the State.

Activities are also underway to award the 2007 Judge Bernard S. Meyer Scholarship and the Kelley Drye & Warren LLP Scholarship to law school students in the coming months.

The Foundation plans to conduct its Annual Appeal campaign in September. I encourage you to make your charitable contribution to The Foundation to further its law-related activities.

**A Night to Shine: The Fellows Dinner Meeting**

By Carla M. Palumbo

As is tradition, the Fellows of The New York Bar Foundation celebrated another year of activity with its annual dinner meeting at the end of January. The Fellows annual meeting is an opportunity to not only conduct the business of the Fellows but to meet in a delightfully cordial social setting. The dinner is always excellent with a little business, short speeches and interesting company.

This year, the annual meeting of the Fellows was attended by 165 people and included 117 Fellows and their guests. The dinner was held for the second year in a row at the Metropolitan Club on Fifth Avenue in Manhattan. The building, designed by renowned architect, Stanford White, is a monument to its time and the Fellows and their guests enjoyed being surrounded by its renaissance revival architecture. The Fellows were treated to a lively history of the building and similar clubs in the area by the evening’s guest speaker, Franklin Hill Perrell, curator of the Nassau County Museum of Art and husband of Foundation Board member, Emily F. Franchina. Foundation president, John R. Horan, underwrote the cost of a trio of musicians, recommended by the Manhattan School of Music, who gracefully filled the club’s white marble main central hall and ornate dining room with chamber music during the cocktail hour and dinner.

**Robert MacCrate to Receive Lifetime Achievement Award**

Bob served as counsel to New York Governor Nelson D. Rockefeller and as special counsel to the Department of the Army for its investigation of the My Lai incident. He served as president of the American Bar Association (1987-88) and the New York State Bar Association (1972-73). He has been a member of the NYSBA’s House of Delegates since 1970, served as chair of the Committee on the New York State Constitution (1966-67), chair of the Committee on Law Governing Firm Structure and Operation (1999-2003) and has been a member of the Special Committee on the Bar Exam since 2005.

Bob chaired the ABA Task Force on Law Schools and the Profession. The Task Force’s Report, known as the MacCrate Report, was issued in July 1992 and is widely viewed as a template for modern legal education in the United States. He was a partner for many years with Sullivan & Cromwell LLP (New York) and is currently Senior Counsel there. Bob continues to serve as a trustee or board member of many organizations. He received a B.A. from Haverford College, an LL.B. from Harvard University and has received numerous honorary degrees. Bob also served in the U.S. Navy with the Pacific Fleet.

The Lifetime Achievement Award has been established to honor former Officers or Directors of The Foundation who, due to term limits, are no longer able to serve in that capacity, or who, prior to the establishment of term limits, served a minimum of ten years as an Officer or Director of The Foundation. The honoree’s service and leadership (as Officer or Director) must have significantly advanced the purposes of The Foundation. In addition, the honoree’s service as an Officer or Director and reputation as a lawyer and bar leader must have brought significant recognition and acclaim to The Foundation.

**Robert MacCrate to Receive Lifetime Achievement Award Continued from Page 1**

Bob served as counsel to New York Governor Nelson D. Rockefeller and as special counsel to the Department of the Army for its investigation of the My Lai incident. He served as president of the American Bar Association (1987-88) and the New York State Bar Association (1972-73). He has been a member of the NYSBA’s House of Delegates since 1970, served as chair of the Committee on the New York State Constitution (1966-67), chair of the Committee on Law Governing Firm Structure and Operation (1999-2003) and has been a member of the Special Committee on the Bar Exam since 2005.

Bob chaired the ABA Task Force on Law Schools and the Profession. The Task Force’s Report, known as the MacCrate Report, was issued in July 1992 and is widely viewed as a template for modern legal education in the United States. He was a partner for many years with Sullivan & Cromwell LLP (New York) and is currently Senior Counsel there. Bob continues to serve as a trustee or board member of many organizations. He received a B.A. from Haverford College, an LL.B. from Harvard University and has received numerous honorary degrees. Bob also served in the U.S. Navy with the Pacific Fleet.

The Lifetime Achievement Award has been established to honor former Officers or Directors of The Foundation who, due to term limits, are no longer able to serve in that capacity, or who, prior to the establishment of term limits, served a minimum of ten years as an Officer or Director of The Foundation. The honoree’s service and leadership (as Officer or Director) must have significantly advanced the purposes of The Foundation. In addition, the honoree’s service as an Officer or Director and reputation as a lawyer and bar leader must have brought significant recognition and acclaim to The Foundation.

**A Night to Shine: The Fellows Dinner Meeting**

By Carla M. Palumbo

As is tradition, the Fellows of The New York Bar Foundation celebrated another year of activity with its annual dinner meeting at the end of January. The Fellows annual meeting is an opportunity to not only conduct the business of the Fellows but to meet in a delightfully cordial social setting. The dinner is always excellent with a little business, short speeches and interesting company.

This year, the annual meeting of the Fellows was attended by 165 people and included 117 Fellows and their guests. The dinner was held for the second year in a row at the Metropolitan Club on Fifth Avenue in Manhattan. The building, designed by renowned architect, Stanford White, is a monument to its time and the Fellows and their guests enjoyed being surrounded by its renaissance revival architecture. The Fellows were treated to a lively history of the building and similar clubs in the area by the evening’s guest speaker, Franklin Hill Perrell, curator of the Nassau County Museum of Art and husband of Foundation Board member, Emily F. Franchina. Foundation president, John R. Horan, underwrote the cost of a trio of musicians, recommended by the Manhattan School of Music, who gracefully filled the club’s white marble main central hall and ornate dining room with chamber music during the cocktail hour and dinner.
The New York Bar Foundation recently received a gift of $20,000 from the Tax Section of the New York State Bar Association. The gift has been used to establish a restricted fund within The Foundation, named The Tax Section Fund, which will provide funding for low-income taxpayer clinics in New York State.

The clinics provide legal assistance for free or for a nominal charge to low-income taxpayers who have tax or audit disputes with the Internal Revenue Service. Some clinics may provide legal assistance to low-income taxpayers who have such disputes with the New York State Department of Taxation and Finance. Clinics may also provide educational workshops on tax rights and responsibilities in English and other languages. The clinics and their volunteers are completely independent of and are not associated with the federal or state government and federal or state income tax returns are not prepared there.

Low-income taxpayer clinics may apply for funding from The Foundation through its grant making program. The next deadline for submission of grant applications is October 15, 2007 and applications may be accessed online at The Foundation’s Web site at www.tnybf.org.

The purpose of the Tax Section is to bring together members of the New York State Bar Association who are professionally concerned with the development of sound tax policy and administration. Also, to further the education of the Bar and the public in tax matters, to disseminate information relating to taxation, to study the existing tax laws and their administration and pending tax legislation and regulations. It reports thereon to the Association, and when appropriate, to the Bar, to the public, and to federal, state and municipal authorities, subject to limitations, if any, to support, promote and initiate desirable tax reforms, and to oppose changes in the tax laws and administration which would not be in the public interest, and to study the relationship between the tax laws of this country and other countries, and to make recommendations for the improved integration of such laws.
Funding through a grant award by The New York Bar Foundation has a long lasting effect on the target community across New York State. Each agency or organization that receives funding reports, at the end of the year in which the grant was awarded, on the service its law-related program provided and the impact of those services. How the provided services bring change to the community is the measure of the effectiveness of our investment in The Foundation through our charitable contributions.

Our investment spans a wide range of programs, services, and target populations. In a review of the funding decisions for the 2005-2006 funding year, we see a snapshot of services that The Foundation supports in any given year and the breadth of diversity in our investment. Projects funded during this cycle ranged from providing direct legal services, to mock trial programs, teacher education programs, and programs designed to enhance access to the legal system.

Direct legal services projects account for the greatest amount of funding from The Foundation and they have the largest impact on the community in terms of numbers. In 2006, The Foundation funded nine direct projects that ranged from elder services to services for children with disabilities. Some of the grant awards funded programs that provided staff attorneys, paralegals, hotline services and pro se clinics.

Services, provided through a Foundation grant for programs for elderly citizens, included walk-in legal clinics, legal information sessions and legal services to homebound seniors and referral to volunteer attorneys. The results of a few of these programs include:
- Services provided to 1,000 seniors in the New York City area, in the first eight months of the program, with 245 cases referred to volunteers;
- Legal information provided to 825 seniors and 100 senior center staff by way of 31 presentations conducted at senior centers;
- Cases included wills, medical directives, powers of attorney, housing, consumer issues and Medicaid.

Two projects separately focused on providing services to children with disabilities. Both programs focused on direct legal assistance to children with disabilities in special education settings in school.

The New York Lawyers for the Public Interest Program provided representation, mediation, training and technical assistance in approximately 500 special education matters and placed 22 pro bono cases. Their success rate is nearly 100%. The Legal Aid Society of Northeastern New York similarly provided services to children with disabilities. The client feedback is uniformly positive. Here is an example of what the program accomplished:

“Annie is a 14 year-old girl with low income/she is diagnosed with bi-polar disorder, ADHD and ODD. Annie’s mother contacted the office because client was attending an alternate school …and was at risk for being expelled from the program.”

The program attorney worked with the mother and represented the child at a Committee on Special Education meeting to ensure that the child had proper access to education while she worked with her medical providers to adjust her medications so that her behavior was brought under control.

Both of these projects demonstrate the critical need for attorneys and advocates who work with children to ensure access to services and education.

Other direct services, funded by a grant from The New York Bar Foundation, provided:
- 596 intakes in the areas of domestic violence, public benefits, disability and other legal matters and 110 new cases opened;
• Referral for an additional 856 people;
• 60 CASA advocates trained in the southern tier;
• Information and advice to 5,165 callers to a Legal Hotline in the NYC area;
• 398 clients assisted in contested and uncontested matrimonial cases.

Funding ensures that many low-income people have at least some access to advice, counsel and legal representation that they otherwise would not have.

Mock Trial programs provide an excellent opportunity for students, their parents and school personnel to have a positive introduction to the judicial system. The Thurgood Marshall Junior Mock Trial Program in the Bronx reaches over 900 students in the 7th and 8th grade. This program includes participants from 17 schools from the Bronx, New York, Queens and Westchester counties. The New York Statewide High School Mock Trial Tournament has over 400 high school teams consisting of eight to 15 students on each team. The Foundation also funded a Mock Trial training camp, a six-day session for 48 students from across New York State, which focused not only on mock trial competition but provided an opportunity for students returning back to their communities to teach what they had learned to other students. The lasting effect of these programs is to increase and foster a positive image for the profession plus increase the knowledge and appreciation for the law. Mock Trial programs bring students and their teachers and parents in contact with attorneys, judges and other legal professionals.

The final area for investment is in furthering justice, and furthering the publics’ understanding of the legal profession. Programs in these areas included
• A Disability and Law video which airs on local cable access stations around New York State;
• Introduction of sixth graders to international law;
• Development of law-related professional development opportunities for teachers of children in kindergarten to the 12th grade.

Supporting The New York Bar Foundation ensures not only that deserving agencies receive the funding necessary to sustain their mission, but is in and of itself, the furtherance of a mission – that is to insure access to justice for those who otherwise would not have it. The effects of our funding efforts are positive and enhance the lives of many of New York State’s neediest citizens and further the general public’s understanding of the law and the role of attorneys in our society.

Foundation Awards $287,550 for 30 Law-Related Projects

Since January, the Board of Directors of The New York Bar Foundation has awarded 30 grants in the aggregate amount of $287,550 for the following charitable and educational law-related projects:

Brennan Center for Justice, New York – to provide funding for its Access to Justice Project.

The Bronx Defenders, Bronx – to support the Stable Homes Initiative of its Civil Action Project.

Center for Law and Justice, Albany – to provide funding for the printing of the seventh edition of On Your Own, a directory of free legal services in the Capital District.

City Bar Justice Center, Association of the Bar of the City of New York, New York – for its Re-Entry Project.

Homeless and Travelers Aid Society of the Capital District, Inc., Albany – for its Jail Diversion Program.

Legal Assistance of the Finger Lakes, Geneva – to continue the Ontario County Family Court Pro Se Remote Assistance Project (RAP).

Legal Services of the Hudson Valley, White Plains – to provide funding toward the salary of an elder law attorney who will be responsible for handling elder law cases in Dutchess, Orange and Ulster counties.

Legal Services for New York City, New York – to support content development for LawHelp/NY.org, an online legal information clearinghouse Web site that helps low-income New Yorkers find free legal services and obtain information about their legal rights.

Lenox Hill Neighborhood House, Inc., New York – to partially fund the salary of an elder law attorney who will be responsible for the operation of its Caregivers Legal Support Center which will provide legal information, advice and representation to unpaid family caregivers who are managing the affairs of elderly family members.

Nassau/Suffolk Law Services Committee, Inc., Hempstead – to implement a pilot project in Suffolk County which will improve the efficiency and consistency of its intake system.

New York Lawyers for the Public Interest, Inc., New York – to fund part of its Pro Bono Clearinghouse project.
NYSBA Committee on Issues Affecting People with Disabilities, Albany – to continue its Disability and the Law video series, aimed at educating and informing persons with disabilities of their legal rights and how to obtain legal assistance, with additional goals of educating attorneys and the general public.

NYSBA Committee on Legal Education and Admission to the Bar, Albany – to continue the Legal Ethics Awards program.

NYSBA Law, Youth and Citizenship Program, Albany – to conduct the New York State High School Mock Trial Program, to fund the New York State Mock Trial Camp, and to conduct law-related educational programs for K-12th grade teachers. The program focuses on knowledge, skills and civic attitudes fundamental to a healthy democracy.

NYSBA Special Committee on Student Loan Assistance (SLAPI), Albany – to provide loan assistance to new public interest attorneys, which offsets their high law school loan debt and enables them to continue in their public interest careers.

New York State Bar Center – to fund the operation of the law library.

Prison Families of New York, Albany – to provide funding for its fifth annual Retreat for Women. Partial funding for this grant comes from The John R. Dunne Fund.

Pro Bono Net, Inc., New York – to fund its recruitment campaign, which will expand the quality and availability of free legal services to the poor through innovative uses of Web-based tools created and supported by Pro Bono Net.

Puerto Rican Bar Association/Puerto Rican Scholarship Fund, Brooklyn – to operate a legal referral and information service to serve the Hispanic community within the five counties of New York City (New York, Kings, Queens, Bronx and Richmond).

Robert H. Jackson Center, Inc., Jamestown – to assist in a statewide initiative to educate eighth grade students about the shaping of Civil Rights law in America.

Southern Tier Legal Services (division of Legal Assistance of Western New York, Inc.), Bath – to fund the AmeriCorps Access to Justice Project which supports two paralegals and enables STLS to respond to the civil legal needs of poor clients in Steuben and Allegheny counties.

Thurgood Marshall Junior Mock Trial Program, Inc., Bronx – to fund the tenth annual Junior Mock Trial Competition, which provides students with a positive introduction to the judicial system, role models, and careers in the legal field.

Town of Babylon Youth Development Research Institute, North Babylon – to provide funding to the Town of Babylon’s Youth Court.

Urban Justice Center, New York – to support the Street Vendor Project. Funding for this grant comes from The Robert L. Haig Fund.

U.S. Committee for Refugees and Immigrants, Washington, DC – to expand the New York work of its National Center for Refugee and Immigrant Children.

Volunteer Legal Services Project of Monroe County, Inc., Rochester – to underwrite the cost of a paralegal who will match re-entering eligible offenders with pro bono attorneys to assist in obtaining Certificates of Relief from Disability. The project will also provide pro bono assistance to low-income micro-entrepreneurs who wish to start businesses in economically distressed neighborhoods in Rochester. Funding for this grant comes from The John R. Dunne Fund.

Volunteers of Legal Service, New York – to fund the Elderly Project. The project provides legal services to elderly persons on a fixed income living in Manhattan.

Commercial and Federal Litigation Section Gift
Continued from Page 1

Section chair, Lesley Friedman Rosenthal (VP, General Counsel & Secretary, Lincoln Center for the Performing Arts, Inc., New York) said, “The Commercial and Federal Litigation Section established this fellowship with The New York Bar Foundation to help create a network and forge relationships which will foster greater diversity among commercial and federal litigators throughout the State of New York.”

The fellowship was established to increase the representation of lawyers and students from a diverse range of backgrounds in commercial litigation and to provide students from a diverse range of backgrounds with an opportunity to experience litigation practice. The ultimate goal of the fellowship is to foster greater diversity among commercial and federal litigators.

Applicants were required to submit a completed application form along with a cover letter of interest, undergraduate school transcript, resume and two letters of recommendation. Additionally, each had to submit one writing sample on any topic related to the law.

Founded in 1988, the 2,200-member Commercial and Federal Litigation Section of NYSBA strives to improve the quality of representation of commercial clients in litigation matters, provides a forum for the improvement of law and procedure in the areas of commercial and federal litigation, and enhances the administration of justice. The Section is committed to serving the professional development goals of attorneys of color and to fostering diversity in the profession.
A t its March 31st meeting, the Board of Directors of The Foundation voted unani-
mously to name the newly established $50,000 Circle of Giving for Fellows in
honor of Judge Learned Hand. The Circle of Giving was created by the Fellows of
The New York Bar Foundation at its annual dinner meeting in New York City in January.
The new Circle allows Fellows an opportunity to make charitable contributions to The
Foundation at the $50,000 level, with payments extended over a ten-year period.

Born Billings Learned Hand in Albany in 1872, he was an honors graduate with a degree
in philosophy from Harvard University. He went on to graduate with honors from Harvard
Law School in 1896. He practiced law in Albany and taught at Albany Law School before
moving his practice to New York City. Hand served as a judge of the U.S. District Court,
Southern District of New York from 1909 to 1924. He was nominated by Calvin Coolidge
to serve on the U.S. Court of Appeals for the Second Circuit in 1924. He served as chief
judge from 1948-1951, attaining senior status in 1951 until his death in 1961.

Judge Hand was an avid supporter of free speech, though he is most remembered for
applying economic reasoning to American tort law. One of his most famous tools, com-
monly referred to as the calculus of negligence, first appeared in United States v. Carroll
Towing. The calculus requires that financial liability should be imposed for a negligent tort
only if the burden of preventing the injury does not exceed the magnitude of the injury
multiplied by its likelihood of occurring.

On May 21, 1944, an I am an American Day ceremony was held in New York City where
hundreds of thousands of people were in attendance, including a large number of new citi-
zens. An eloquent address by Learned Hand, entitled The Spirit of Liberty, was so moving
that there was wide demand for copies of the text. It was quickly printed and reprinted and
also put into anthologies. The impact was so great that Judge Hand was invited to address
a similar gathering the following year. The following is an excerpt from the address:

“…And now in that spirit, that spirit of an America which has never been, and which may
never be; nay, which never will be except as the conscience and courage of Americans
create it; yet in the spirit of that America which lies hidden in some form in the aspirations
of us all; in the spirit of that America for which our young men are at this moment fighting
and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our
faith in the glorious destiny of our beloved country.”

During his career Judge Hand had written almost three thousand legal opinions. They are
famous for their careful construction and sharp understanding of all forces at work. He
showed an ability to clarify legal concepts, even those in spe-
cialized areas such as admiralty (shipping) law, patent law,
and immigration law.

Each Fellows Circle of Giving has been named for a highly
respected individual who has dedicated his or her life to the
law and the advancement of the legal profession. In addi-
tion to Learned Hand, the Circles have been named after
Thurgood Marshall, Benjamin N. Cardozo, Charles Evans
Hughes, and Maryann Saccomando Freedman. In addition
to the $50,000 Circle, contributions can be made to The
Foundation at the $25,000, $10,000, $5,000 and $3,000
levels. Fellows make a commitment to contribute to The
Foundation at the Circle level instead of or in addition to the
basic Fellows level. Contributions by Fellows support the charitable and educational activi-
ties of The Foundation.
Would you like to give a gift to The New York Bar Foundation and receive a fixed payment for the rest of your life?

A charitable gift annuity may be the way for you to do both. If, for example, you are 66 years old and transfer assets in the amount of $20,000 to The Foundation to establish a single-life gift annuity for yourself, your annual fixed payment will be $1,220 for the rest of your life (6.1% payout rate*). The gift annuity is backed by the assets of The New York Bar Foundation.

For more information about a charitable gift annuity or to receive a financial illustration showing the amount of payments, how they would be taxed, and the charitable deduction generated by your gift, please contact Rosanne Van Heertum, Director of Development, at 518/487-5650 or rvanh@tnybf.org.

*Rate approved by the American Council on Gift Annuities — Effective July 1, 2006