

PRESIDENT'S PERSPECTIVE

JERALYN L. LAWRENCE

We Worked for It All, as a Team. And We'll Keep Going



Wow! It is hard to believe that we are nearing the end of what has been a wonderful year.

Serving as president of the New Jersey State Bar Association has been better than I ever imagined. It has been the ultimate professional privilege

to travel across the state to meet and collaborate with everyone, from the newest members of our profession to some of the most seasoned practitioners, addressing the issues we face together. The dedication and selflessness of our members—who give so generously of their time and expertise—to address the issues and challenges confronting the legal system is absolutely remarkable.

I played as many team sports as I could as a kid, including basketball, soccer and softball. I believe wholeheartedly in the importance, value and potential of a team to achieve great things. And I have always believed that working together as a team can achieve so much more than any single person who is a member of it can on their own. That foundational belief has proven itself out time and again this year. I am beyond grateful for everything we have achieved together this year and I look forward to what more this amazing NJSBA team can continue to do in the year ahead.

From the moment I took the oath as president of this Association, the work of the Putting Lawyers First Task Force was the central focus of my vision. I love being a lawyer. I love everything about it. It's just harder than I expected, and the constant demand on us has often become incredibly challenging. It is clear we are a profession in crisis. Ten percent of the attorneys who responded to our wellness survey reported suicidal ideations; and 28% report they consider leaving the profession. The pace of this practice is not sustainable. It was time to look at what was causing that crisis among our friends and colleagues and identify areas that need to change and develop plans to make it happen.

I am deeply humbled by the dedication the members of this Task Force have devoted to finding ways to make the prac-

tice of law better for all of us. Since May, this Task Force—representing attorneys from a wide arrange of practice areas, including criminal, civil, family, as well as attorneys who practice at large, mid-size and solo firms around the state—rolled up its collective sleeves to start looking for real, concrete, and meaningful ways to make the practice better for all of us. It collected information from the legal community, seeking feedback on wellness issues and interviewing officials around the country for guidance, examining ethics and fee arbitration systems and case law relevant to its work.

A goal was to move the needle to improve the health and wellness of those of us who call this profession home. Today, I am pleased to report that the efforts of the Task Force are being put into motion. At a recent meeting, the Board of Trustees accepted and discussed the Task Force's report and acted on several measures, such as to work with the Judiciary to create a task force on wellness. Once the Court reviews our comprehensive report, we will discuss the formation of a separate group to focus on the attorney ethics and fee arbitration system. We will advocate for the elimination of question 12b that asks about conditions and impairments on the Committee for Character questionnaire, enactment of daylight saving nationwide, forming an ad hoc committee to study the solo and small-firm recommendations and continuing to explore changing the law regarding defamatory online reviews, to name just a few. The issues the Task Force explored are enduring ones. Rest assured the Association will dedicate resources to making meaningful progress in putting lawyers first.

Another critical issue we have addressed this year is to raise our voice and share the experiences of our members to bring attention to the very real consequences of the judicial vacancy crisis. This issue, unfortunately, is one that preceded my tenure and sadly will extend beyond it. That said, this Association will remain an engaged advocate, urging the governor and Legislature to fulfill their constitutional obligations and return the Judiciary to a co-equal branch of government by confirming a full complement of judges. Our Judicial and Prosecutorial Appointments Committee has diligently reviewed candidates.

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Authors also provide a range of options for an individual, a law firm or in-house department to find avenues to develop *pro bono* practices. For instance,

- Faced with a new American Bar Association requirement for law schools to provide education on bias, cross-cultural competency and racism, Professor Lori Outzs Borgen describes how law schools are meeting the challenge;
- Amy Vasquez advocates for taking col-

laborative models used by corporations and the science community and employing them to create *pro bono* dream teams; and,

- Jessica Kitson and Jessica Hodkinson provide their roadmap for implementing a sustainable *pro bono* program for in-house departments and law firms.

It has been a challenge to cover as many laudable topics as possible in these two issues. We hope you gain some insights

and look to use some of these techniques to better meet professional responsibilities and expand practice knowledge. We leave you with our special thanks to Thomas P. Hnasko, III, a paralegal at Singer & Fedun, L.L.C., for his tireless efforts guiding the authors and editors through publication process for these two issues, and of course, to Amy Vasquez for reaching out to the Editorial Board with her vision of this topic and introducing us to the various authors who amplified this theme. ■

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But despite these efforts, a staggering and catastrophic number of vacancies remain. To prevent further harm to New Jersey residents, we remain steadfast that it is imperative that the governor nominate and the state Senate provide advice and consent on qualified judicial candidates immediately.

Our collective voice has also made an impact on many other issues. Indeed, our *amicus* and legislative advocacy remain a true powerhouse effort fueled by our members.

We have spoken out asking the Courts to consider alternatives short of disbarment in line with what 41 other states and the District of Columbia allow in some way for those who can show they have rehabilitated themselves, particularly those suffering from mental health issues or addiction. Advocating for these changes on the Supreme Court committee studying this issue has been a highlight this year. We stand ready to assist in any way we can to help the legal profession, the clients we serve and our system of justice.

The Association has been a leading voice in the call to abolish the *Madden* system and for adequate funding to be allocated to the entities that can provide effective counsel. We are *amicus* in a case that centered on *Madden v. Twp. Of Del-*

ran, and our position was to affirm the fundamental importance of the need for indigent litigants to have effective counsel in cases of magnitude. We did not come to this conclusion lightly. Over the course of nearly two years, our Right to Counsel Committee studied the issue extensively and concluded in its 2021 report that the mandatory *Madden* system of arbitrary *pro bono* assignments—often to attorneys with no experience in a matter of consequence—creates a two-tiered justice system, where indigent litigants do not have equal access to justice. The *Madden* system does not meet the constitutional mandate of effective assistance of counsel.

Additional advocacy achievements have been numerous. Among them:

- We were proud to coordinate national advocacy with bar leaders around the country which resulted in passage of federal version of Daniel's Law to protect our federal judges.
- In New Jersey, we have been working closely with our colleagues in every county to have lifesaving automated external defibrillators be accessible on each floor of every courthouse to protect everyone who visits these facilities.
- We have continued to promote diversity and inclusion.
- We successfully convinced government officials in Newark to open a second entrance and erect an outdoor

shelter to provide access to the immigration courts in a more expedient way to attorneys and their clients.

- We monitor and educate our members on the latest regarding jury reform.
- We continue to testify in Trenton on legislation that matters to the profession including updates to domestic violence bills.
- We are helping and advocating for veterans.
- We have been collaborating with the court as to which proceedings should be virtual and which need to be in person.
- We coordinated a life-changing women's conference, the lessons of which will stay with me forever.

I know that I will reflect on the whirlwind of these months as president in the years ahead with a sense of pride, gratitude and honor. I am grateful to my colleagues for their love and support. Thank you. I hope to see you at the Annual Meeting and Convention in Atlantic City, and we can toast a magnificent year and celebrate my dear friend Timothy McGoughran, who will begin what I know will be a successful term as president. I am excited to see what more this Association can do for lawyers, the clients we serve and the public. Thank you for allowing me this opportunity. It has been a privilege and a pleasure. ■