



President Scott Karson signs the memorandum of understanding with the Nigerian Bar Association through the NBA Women Forum. More than 500 people attended the virtual ceremony. [Photo by Brandon Vogel]

## NYSBA President Advocates for Justice and the Profession

By Christian Nolan

In an era of constant breaking news cycles highlighted by the coronavirus pandemic and the racial justice movement, NYSBA President Scott M. Karson has acted fast to get the association's message out to the media and its membership.

During the first quarter of Karson's presidency, he has issued numerous statements ranging from racial justice and protecting the rule of law to advocacy on behalf of NYSBA's membership for matters such as power of attorney legislation and aid for student borrowers during the pandemic.

With regard to the ongoing racial justice movement in the wake of George Floyd's death, Karson has made several public statements, par-

ticularly in support of police reforms.

Prior to state lawmakers' repeal of Civil Rights Law 50-a to allow for the public disclosure of law enforcement personnel disciplinary records, Karson issued a statement urging the Legislature to act. He then commended Gov. Andrew Cuomo for signing the "Say Their Name" Reform Agenda package.

"Disclosing all records pertaining to police misconduct and discipline will help stem the tide of repeated and senseless incidents of police brutality that are all too frequently aimed at people of color and remain a scourge on our nation," Karson said. "We applaud both the governor and the Legislature for passing these sweeping reforms that will bring about meaningful systemic changes that

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Karson also commended the state court system’s plan to have an independent review of its policies to examine whether there was institutional racism.

“The New York State Bar Association commends the state court system for proactively reviewing ways to root out racial inequalities within our legal system that undermine the rule of law,” Karson said. “In order to effect the kinds of institutional and cultural changes needed in our society to eradicate racism, we must continue to rethink all aspects of our justice system.”

And early on a Saturday morning in July, Karson paid tribute to the late Congressman John Lewis.

“The death of John Lewis, a luminary in the Civil Rights movement, is a terrible loss for our nation. I had the privilege of hearing him speak at the 1963 March on Washington, which inspired me to pursue racial justice my entire life. Although illness forced him to the sidelines as the country confronted the death of George Floyd, his insights still galvanized his followers and touched me personally. He will be sorely missed.”

## Defending the Profession

Karson’s statements also did more than commend, they also condemned when necessary, including another Saturday morning statement after it was apparent one Friday night in June that U.S. Attorney General William Barr wanted U.S. Attorney Geoffrey Berman out in the Southern District of New York.

“The New York State Bar Association condemns the unseemly effort to remove U.S. Attorney Geoffrey Berman. Politics has no place in the administration of justice, as prosecutorial independence is a fundamental component of our justice system. The important investigations being carried out by the Southern District of New York, including the probe of former New York City Mayor Rudy Giuliani, must continue unabated. Otherwise, ordinary citizens will have no faith in our justice system.”

Karson also stepped up to defend lawyers in August after tenant advocates harassed attorneys at the Brooklyn firm of Balsamo, Rosenblatt & Hall during three days of anti-eviction protests.

“In the United States, everybody is entitled to legal representation. Regrettably, that cherished principal of American justice appears to have been lost on these protesters who trespassed onto private property to berate and threaten three individuals simply because they were doing their job providing legal representation to clients with whom the protesters disagreed. Every time that a lawyer is threatened, harassed or intimidated because of who they represent the right to counsel is imperiled. The association decries the actions of these protesters.”

## A ‘Triumph’ for the Dreamers

The U.S. Supreme Court docket was also busy this summer and perhaps no case generated more public interest than *Department of Homeland Security v Regents of the University of California* – in which the court upheld the legality of the Deferred Action for Childhood Arrivals (DACA) program.

Karson described the ruling as “a triumph on several levels, the most significant of which is the extension of legal protections against deportation for hundreds of thousands of young immigrants across the nation, also known as ‘Dreamers.’”

“We applaud the court for providing certainty to the Dreamers, who have been living in fear of being forced to depart the only country many of them have ever known as home, having been brought to the U.S. as children,” Karson continued. “This decision is also a victory for the rule of law, as the court rightly recognized the Trump administration failed to engage in a deliberative and genuine process when it undertook its effort to end DACA three years ago. To that end, we agree with Chief Justice John Roberts’ determination that government, regardless of who is in the White House, has a duty and responsibility when making policy that was absent in this instance.”

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## Advocacy for Members

Advocacy has also played an important role in Karson’s work as NYSBA president. He has urged Gov. Cuomo to sign power of attorney legislation that would provide long-overdue changes to the state’s overly complex short form. The association has strongly advocated to change this law

“The amended statute eliminates the unduly burdensome exact wording requirement in favor of a more user-friendly standard...The bill allows damages for unreasonably refusing to honor a properly executed short form power of attorney and affords protection to those who rely on that form. These important changes will ensure that consumers will be able to carry out their responsibilities when acting as a power of attorney.”

Karson has also urged lawmakers to expand coronavirus relief to student borrowers. The moratorium on student loan payments established by the Coronavirus Aid, Relief, & Economic Security (CARES) ACT was set to expire at the end of September.

“More than 40 million Americans, mostly people under 35 years of age, have student loan debt. Unfortunately, we may still be facing more months of stress, uncertainty, isolation and financial hardships. One group that is particularly impacted is recent graduates.”

## Remote Bar Exam

Karson has also kept a close eye on the status of the bar exam during the pandemic. In July, when the Court of Appeals decided to cancel the rescheduled September in-person exam, Karson pledged to “expe-

ditiously examine the alternatives, taking into account the interests of consumers of legal services as well as the law school graduates seeking admission to the New York bar.”

Then a week later, the Court of Appeals announced that it would offer a one-time emergency remote bar exam on Oct. 5-6, which pleased Karson.

“Chief Judge Janet DiFiore and the New York State Court of Appeals have wisely provided recent law school graduates with a measure of certainty at a time when they face mounting student debt and a slow job market brought on by the coronavirus pandemic. We agree that a remote exam is not a perfect solution, but also concur that the benefits outweigh the potential shortcomings in affording the Class of 2020 with a much-needed path to a law license, which they previously did not have.”

## Trailblazing Women

Despite the flurry of activity, Karson still took time out to acknowledge on Aug. 26 the 100th anniversary of the enactment of the 19th Amendment, forever guaranteeing women the right to vote.

“Today, we celebrate the trailblazing American women, many of whom called New York State home, who fought the long battle to help our country fulfill the promise of our democracy. This centennial anniversary falls during an unprecedented time in our nation’s history and in the midst of one of the most consequential elections of our times, making it even more vital that all New Yorkers can exercise their right to vote.”