

**COURTS IN THE AFTERMATH OF SEPTEMBER 11TH  
NINE-ELEVEN SUMMIT SESSIONS**

**"BAR RESPONSE"**

**MARRIOTT FINANCIAL CENTER  
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1 MR. MILLER: The New York County Lawyers Association.  
2 For those of you from distant places, the New York County  
3 Lawyers Association is located at the edge of ground zero and  
4 we were very traumatically impacted by the atrocities of  
5 September 11th. We didn't know for the better part of a week  
6 whether our building was still standing, and if it was, what  
7 condition it was in, if we would ever be able to get back into  
8 it. It's a magnificent landmark building, and by the grace of  
9 God we were spared, though we weren't able to get back into the  
10 building for a couple of months. Even then it was only for  
11 limited purposes.

12 We didn't know for three days that all of our staff  
13 had been safely evacuated. We suffered the concerns, the  
14 fears, that the rest of the downtown community suffered and  
15 continues to suffer, all kinds of challenges. We lost many  
16 members, friends, colleagues, committee chairs. Our world has  
17 changed, our lives have changed here. The topics we're talking  
18 about today, I don't think you could fill a room 13 months ago  
19 on these topics.

20 Today we're going to talk about some programs that  
21 the bar associations put together in response to 9/11 and other  
22 tragedies. You'll hear about some programs in Virginia, in DC,  
23 here in New York and in New Jersey. As we talk about these  
24 programs, the danger of it almost becoming an academic  
25 discussion about mobilizing volunteers and delivery of services

1 and the like. My concern is that we keep sight of the fact  
2 that what we are really talking about, what we are giving  
3 evidence of is the great mobility of our profession, the spirit  
4 of volunteerism, and the nobility that is still very much alive  
5 in our wonderful profession.

6           New York has an unusual dynamic in that we have three  
7 major bar associations that are active here in Manhattan, in  
8 New York City that compete for the same dues dollars. We have  
9 the New York State Bar Association of which Steve Krane is the  
10 immediate past president. Our current president is back here,  
11 Lorraine Tharp. Lorraine, raise your hand and say hello.

12           MS. THARP: Hello. [inaudible].

13           MR. MILLER: We have the Association of the Bar of  
14 the City of New York that Maria Imperial is the executive  
15 director of their City Bar Fund, their charitable arm. You'll  
16 hear about some of their programs. The City Bar involves the  
17 entire City of New York. The New York County Lawyers  
18 Association, New York County are a tiny county of about what,  
19 eight or nine square miles with approximately 47,000 lawyers  
20 here in Manhattan. A large legal community.

21           We, from time to time, we three bars have some  
22 competition, friendly competition, sometimes petty competition.  
23 The efforts from 9/11 really exemplified the very best that  
24 our profession can do. It's interesting that probably the  
25 greatest mobilization [inaudible] legal services in history

1 began exactly one year to the day. September 26, 2001 began  
2 the Death Certificate Assistance Project. It received  
3 international recognition. There were, you will recall,  
4 approximately 2,400 missing persons at that time and when the  
5 families gave up hope that their loved ones would be found,  
6 they were able to come to us to a program that was set up in  
7 coordination, magnificent coordination between the state, the  
8 city, the courts, and the organized bar. The organized bar  
9 really played the vital role because without the volunteers it  
10 couldn't have been done. The families came to us and we  
11 assisted them in preparing the documents that were the  
12 prerequisite to the issuance of death certificates.

13           It was incredibly painful work. Not terribly  
14 difficult as lawyers. You don't think of lawyers as relief  
15 workers very often, but indeed that is what we were. We  
16 provided a function that we were uniquely qualified to do. We  
17 heard stories. Senior partners from large firms, first year  
18 associates, solo practitioners, retired judges, people from  
19 academia, all doing what we could to help. We heard stories of  
20 last goodbyes, frantic telephone calls, of children crying.  
21 The stories we heard, certainly many of them will resonate with  
22 us for the rest of our days. Like the young man who told me of  
23 his 27 year old wife who they had been trying to have a baby  
24 for two years with no success. They found out by the grace of  
25 God on September 10th that she was finally pregnant, and on

1 September 11 she was gone. Or the husband who told me of  
2 receiving four telephone calls from his wife on her cell phone.  
3 She was trapped with a number of coworkers at a high floor of  
4 tower one. The call got disconnected. They called again,  
5 each call becoming more and more frantic in the discussion  
6 until there were no more calls. Or the young immigrant from  
7 Russia. He and his wife and four year old daughter had just  
8 come to this new world to start a new life as he put it. His  
9 wife started her new job on a high floor of tower one on  
10 September 11. Or the father, the very angry father telling me  
11 about his daughter 23 years old who flew in on the red eye from  
12 California to attend a one day seminar at the restaurant on the  
13 top of tower one on September 11. Painful stories, painful  
14 work, but noble work, and work that we can all be proud of,  
15 very proud of.

16 I mentioned we have three major bar associations here  
17 in New York and that creates an interesting dynamic. Steve  
18 Krane, as the immediate past president of the state bar and  
19 during your term you dealt with the 9/11 disaster. What  
20 coordination and communication issues arise in terms of dealing  
21 with multiple bar associations and offering pro bono services?

22 MR. KRANE: Well actually, one of the -- if you can  
23 find any kind of silver lining in a cloud that has been dark as  
24 what hung over the city and the country last September it was  
25 that there was a tremendous coordination and almost a

1 spontaneous coordination of effort among state, local, national  
2 bar associations, all of whom came together to provide really a  
3 seamless web of pro bono services and other responses to the  
4 disaster.

5           It really all started, one of the coincidences of all  
6 of this is that on September 11, 2001 many bar leaders from  
7 around the state had traveled to Albany to an Access to Justice  
8 conference convened by Judge Newton. Many bar leaders were in  
9 Albany far away from the tragedy and the confusion of  
10 Manhattan. In a way, that was a very positive thing for us  
11 because by early afternoon many of us were seated around the  
12 table of the Desmond Hotel Conference Center trying to figure  
13 out how you were going to go about responding, who was going to  
14 do what, who was going to take responsibility for what. Craig  
15 Landy, the president of the County Lawyers was there and didn't  
16 even know if he still had a building to work from, and  
17 presidents of other bar associations around the state. We  
18 established at that point a framework that really stayed in  
19 place throughout the response period which of course continues  
20 to this day in many respects.

21           So following that, I guess the next major event after  
22 all of the local bars around the state were contacted, was a  
23 mass meeting of 50 or 55 bar association representatives at the  
24 house of the city bar on September 25th. That was really the  
25 watershed event when at the same time the first training

1 program was to be held for the lawyers who were going to start  
2 the process the next day of helping death certificates. The  
3 lines of lawyers around the block have now become something of  
4 legend, but it was quite an evening to have in one room 50 or  
5 75 bar leaders from all over the region working on long range  
6 plans on how to deal with the tragedy, and volunteers just  
7 aching to get in to get training so that they could do  
8 something to help. It was really remarkable.

9           MR. MILLER: Sharon Balsamo, counsel to the New  
10 Jersey State Bar Association. We talked a bit about the  
11 communications, getting the word out to let folks know that  
12 services are available. Could you tell us a bit about the  
13 challenges that you encountered and how you overcame them?

14           MS. BALSAMO: Well, in New Jersey, the New Jersey  
15 State Bar Association has had a mass disaster fund program in  
16 place for several years. On September 11th as we saw what was  
17 unfolding, we immediately activated our program and notified  
18 our volunteers that they would be called to do something and we  
19 weren't quite sure what just yet. Within a short time after  
20 that a hotline was established for New Jersey residents who  
21 were affected by the events of September 11 to call and receive  
22 free legal assistance.

23           What we found was quickly within a week after  
24 September 11th our volunteer ranks had swelled to over 200  
25 lawyers and we had all of these lawyers willing to give this

1 help and yet in the newspapers and on all of the news  
2 broadcasts, all of the help numbers that were being advertised  
3 were in New York City. That was understandable because of what  
4 was going on, but we really had a difficult time to let people  
5 know there was help for them in New Jersey.

6           So, we turned to several different sources. We'd  
7 list the New Jersey newspapers with press releases and phone  
8 calls and try to grant as many interviews with reporters as we  
9 could. We contacted the local tv news stations. We invited  
10 them to our training seminars so they could see what was going  
11 on. A source that became invaluable to us was an organization  
12 known as the Voluntary Organization [inaudible] Disaster. It's  
13 called VOAD. We are a member of that organization and they  
14 started to quickly have meetings among all the top people with  
15 all of the other charitable organizations that were rendering  
16 assistance. We began telling those people about our hotline  
17 and about our program.

18           So, as they were meeting with people for a different  
19 reason. Red Cross volunteers were meeting with people to  
20 assist them, which paid bills or who did things like that.  
21 They were also telling them about our hotline. So then word  
22 started to filter out through word of mouth that this  
23 assistance was available. Then ultimately once the death  
24 certificate program was set up in New York and the State of New  
25 Jersey was able to set up a family assistance center in Jersey

1 City, we were invited to come to the family assistance center  
2 and assist with the filling out of affidavits for the death  
3 certificates, but also to be called upon for people who were  
4 coming to that center for lots of needed legal assistance in  
5 other ways and needed to take part in that program.

6 MR. MILLER: Maria Imperial from the city bar. I  
7 mentioned before the way our bar associations have sometimes  
8 had friendly competition in the past. I don't think that there  
9 has ever been a time that the bar associations worked so  
10 beautifully together as partners. In that partnership,  
11 technology played a very meaningful role in terms of  
12 communications. Could you share with us some of the methods to  
13 get the word out and how technology was so useful and helpful?

14 MS. IMPERIAL: Sure. We definitely would not have  
15 been able to do what we did without using technology. In some  
16 ways I feel like we never really had a choice to do some things  
17 because when we got to work on September 13th, the phones  
18 started ringing off the hook with people, with lawyers that  
19 were desperate to do something. So, we started keeping a list  
20 of volunteers and at the same time we also were -- we called  
21 the social work staff at the area hospitals to find out what  
22 the families were needing. At the time we were still hopeful  
23 that more people would be alive. That was September 13. There  
24 still was some hope that more people would have survived. We  
25 were just, as a staff, we were trying to think well, what could

1 we do? We knew eventually there would be a death certificate  
2 issue but we wanted to know how we could organize the  
3 volunteers and what the needs would be.

4           So, we called up the social work staff and they told  
5 us what was also self-evident that the victims were in shock  
6 and that they weren't presenting with immediate legal needs but  
7 that they could see down the road that there would be many,  
8 many, many needs. We also worked with Safe Horizons which was  
9 known as victim services, the largest victim service  
10 organization in the country. They had reached out to us for  
11 notaries because to qualify for Crime Victims Board  
12 compensation you need to notarize the application, and since  
13 lawyers are notaries it was a natural way to be involved. So,  
14 we were actually at the armory the first weekend and meeting  
15 with the families.

16           Again, we could see that the needs -- that there were  
17 multiple, multiple needs. We found out that the average age of  
18 the person that died was 31 years old. Parents were saying  
19 they had no idea, they didn't even know where to start in terms  
20 of trying to even get into their children's apartments.

21           So, based on these multi needs, we developed a model  
22 called the facilitator model and it comes from the Latin word  
23 or Spanish word which means to make easy. We wanted to make it  
24 easy for the families, take the burden off of the families.  
25 Because we were getting inquiries from so many people that

1 wanted to volunteer and at the same time we set up a hotline at  
2 our legal referral service where victims were calling in  
3 needing legal assistance, we worked very closely with Pro Bono  
4 Net, and Pro Bono Net, some people that don't know, they  
5 actually have a link from the 911 summit site to Pro Bono Net.

6 Pro Bono Net tries to set up virtual communities of lawyers to  
7 increase access to justice. We worked with Pro Bono Net on  
8 setting up a web site where we could outreach the volunteers.  
9 At the same time we got help from law firms in that we sent  
10 out -- we had a training the first week of October on our  
11 facilitator model. While the training was going on we had  
12 lawyers fill out forms. There were 500 lawyers for the first  
13 training. We collected all the forms --

14 MR. MILLER: Standing room only, right?

15 MS. IMPERIAL: Right. We collected all the forms and  
16 in the back room we had staff from -- support staff from some  
17 of the law firms that inputted all of the names while the  
18 training was going on so that the next morning we could start  
19 assigning lawyers. We also used a web based system for making  
20 referrals to lawyers because it was very important to us that  
21 the victims get matched with a lawyer very quickly. We set our  
22 own standards that we wanted to match somebody up within 48  
23 hours of them contacting us.

24 So, we used a system that's used with the legal  
25 referral system called I-Lawyer. It was just previewed that

1 summer. There still were some kinks but then you worked with  
2 the company to try to tailor it for use with 9/11. So, we  
3 started making matches using I-Lawyer. We used Pro Bono Net  
4 again to communicate with all the volunteers. Ultimately, we  
5 had 3,000 volunteers. So, to get the word out to people  
6 quickly if there was a change in the law, to put the training  
7 materials up, we really needed the technology.

8 MR. MILLER: Thank you. I mentioned at the outset  
9 that what this is about, the theme is the nobility of our  
10 profession and how well and alive and thriving it is. We  
11 lawyers especially in the organized bar have gotten a lot of  
12 recognition awards, interviews on television and the like.  
13 They're even giving out medals to the dogs that sniffed at the  
14 site. It seems to me that part of our professional has not  
15 been entirely overlooked, but has not gotten the recognition  
16 for the extraordinary magnificent leadership that they  
17 exhibited and continue to exhibit with regard to the tragedy,  
18 and that's the court system and our court leaders.

19 I noticed that Judge Kaye came in a little while ago  
20 in the back and I would be remiss, Judge Kaye, if I didn't say  
21 to you on behalf of the organized bar that I couldn't be  
22 prouder, we couldn't be prouder of the way you and your team  
23 handled itself. You are an inspiration to us.

24 JUDGE KAYE: Thank you, Michael. I return the  
25 compliment in full.

1           MR. MILLER: Brett Zwerdling from Virginia. You are  
2 a leader of your emergency legal response effort there. Could  
3 you tell us a bit about it and how it developed and what role  
4 you played in the 9/11 response?

5           MR. ZWERDLING: Sure. My name is Brett Zwerdling and  
6 I'm the chair of Emergency Legal Services Committee which is a  
7 committee of the young lawyers section of the Virginia State  
8 Bar, which is a mandatory bar. Much like what Ms. Balsamo was  
9 speaking about in New Jersey, there was already a mass disaster  
10 response system set up. Virginia set up a similar response in  
11 1995 to respond to disasters like ice storms, hurricanes,  
12 flooding, and the like.

13           MR. MILLER: Was terrorism considered in it at all?

14           MR. ZWERDLING: Never. It was never considered. But  
15 the point of having that system set up, and I think that was  
16 one of the major themes of this morning, is preparedness.  
17 Being prepared and having a written system and a schedule and a  
18 chain of command already in place even without having  
19 anticipated terrorist attacks greatly sped up the process in  
20 being able to respond to those attacks. Part of the materials  
21 are the Emergency Disaster Systems Supplement which is a red  
22 book available outside and on the CD rom that you received.

23           We had a training manual already set up. By having  
24 that set up I was able to revise the entire manual within four  
25 days and we had the system activated within a week. The way

1 that the system works is basically there are lawyers throughout  
2 the state that are trained to provide pro bono legal assistance  
3 and various issues that come up in disasters. When there's a  
4 disaster declared, I activate the system through the executives  
5 of the various bars that are involved and then we reach out to  
6 those attorneys and we immediately man disaster response  
7 centers or set up an 800 number. 800 numbers typically go  
8 through our Virginia State Bar much like the referral service  
9 that [unintelligible]. People get this information on the TV  
10 and the newspaper, through the FEMA representatives of the  
11 Virginia State Emergency Management representatives, and  
12 they're immediately channeled to an attorney that can help them  
13 out. Our system, in fact, goes a little beyond intake and the  
14 channeling. Sometimes we'll even represent people in cases as  
15 long as it doesn't involve fee generating cases. It has to be  
16 completely pro bono.

17           Just to comment a little on the theme that we have  
18 here, the nobility of the profession, as you said in this  
19 tremendous cooperation that everybody experienced after  
20 September 11th, I think that's true in just about any disaster.  
21 That's very important that the public see this, that it is out  
22 there and that the public know that justice is accessible to  
23 them, that lawyers are accessible and that the law as a group  
24 across the country are there for them, and it's important to  
25 know how much we really are involved. I think that really goes

1 to how we as attorneys are perceived in the community. Being  
2 prepared is the main point. If you're prepared for at least  
3 one type of event when something unexpected comes up like  
4 September 11th, you can build on it and activate a responsive  
5 system much, much quicker and effectively and successful.

6 MR. MILLER: Dan Murdock comes to us all the way from  
7 Oklahoma, general counsel of the Oklahoma State Bar  
8 Association. Dan, Oklahoma had a natural disaster plan in  
9 place back in 1995. You've had many natural disasters as we  
10 all know, tornados and the like. How was that disaster relief  
11 program in terms of dealing with the 1995 destruction of the  
12 Murrah building and what were the legal needs of your  
13 community?

14 MR. MURDOCK: Certainly the program in Oklahoma  
15 originally began as a response to what at that time we were  
16 calling very few lawyers. During times of disasters and  
17 tragedies that provided personal injury lawyers the opportunity  
18 to act less than honorably, would come in and solicit the  
19 families and the victims of those type of tragedies. Our plan  
20 was like many that had been in place in Texas, Georgia, Iowa,  
21 Florida. Our plan started in response to that.

22 In 1993, with the Young Lawyers Division, it was  
23 activated to deal with tornados in northeastern Oklahoma that  
24 I think at that time killed 13. After that, it was pretty much  
25 worked through the Young Lawyers Division, worked through FEMA,

1 coordinated there. It was primarily a core of bar leadership  
2 people and the Young Lawyers Division. It was primarily the  
3 Young Lawyers Division that had to contract with FEMA through  
4 the ABA Young Lawyers Division and they're the ones who  
5 actually carried most of the work load at that time.

6 We did have the basic structure in place. When the  
7 bombing occurred in the Murrah building on April 19, 1995 we,  
8 by word of mouth, got out the word that we were having a  
9 project to assist the victims of the bombing where 168 were  
10 killed in that bombing. Within about six days we had a meeting  
11 [unintelligible] Center, which is located within a mile of the  
12 site and over 200 lawyers showed up for that meeting and there  
13 had been really no publicity other than just word of mouth.  
14 Our Bar Journal is published once weekly. We didn't have a  
15 chance to get it into that journal. We did not have the web  
16 site that we have now. We did not have the e-mail or the  
17 [unintelligible] or those things that are available now at that  
18 time to assist us. We had over 200 lawyers come in at that  
19 time and volunteer. We had a training program and of course we  
20 had been Red Cross certified. At least we, the bar leaders,  
21 who were involved in all of this, we had had conferences and  
22 meetings with FEMA in our training program.

23 MR. MILLER: What does Red Cross certified mean?

24 MR. MURDOCK: Well, Red Cross certified basically was  
25 that we were certified Red Cross volunteers because we had --

1 we, that again being about ten people within the bar center,  
2 our president, our president elect, the general counsel, the  
3 executive director, we're a mandatory bar all in one building  
4 and we had gone through three, I think it's three days of  
5 training, finding out how the Red Cross responded, what the  
6 guidelines were, what we needed to be doing, talking about  
7 communications, all of the things that needed to be done. I  
8 was and still am a card carrying Red Cross certified volunteer.

9           Through those programs and working with those people  
10 we had then the opportunity to interact with them at that time  
11 in working with the young lawyers. So, everyone came out to  
12 the training session. The lawyers were educated if they were  
13 not usually qualified in the field. We had lawyers teaching  
14 consumer protection, consumer rights. Probate certainly was a  
15 big issue, guardianships. The afternoon of the bombing on  
16 April 19th we had a volunteer lawyer getting a guardianship.  
17 There was a woman who was killed, her husband previously  
18 deceased, and there were -- I think there were two children,  
19 one father and one step-father and two sets of grandparents  
20 fighting over custody. We had a guardianship in place that  
21 afternoon. So, it minimized the trauma at that time for the  
22 children. It worked well because we had the plan in place,  
23 because we had the training I think and the awareness prior to  
24 the bombing that we could adapt to something that originally  
25 was never even contemplated to respond to the type of tragedy

1 that we had.

2           MR. MILLER: Hugh Campbell, immediate past president  
3 of the Trial Lawyers, New York State Trial Lawyers Association.  
4 Also former president of the Bronx County Bar as well. In the  
5 pro bono programs at the bar associations we have not taken on  
6 the individual representation of clients, the city bar, there's  
7 the facilitator program at County Lawyers. We adopted fire  
8 stations and assisted them in various matters. But in terms of  
9 actual individual one on one representation it's been the trial  
10 lawyers that have carried the day there. Would you tell us a  
11 bit about the role of the trial lawyers in the process in  
12 helping the families of victims?

13           MR. CAMPBELL: Sure. On September 10th -- and I  
14 think it's important to note that our office is located about  
15 two and a half blocks from ground zero. We have a staff of  
16 approximately 25 individuals. After September 11th we were  
17 actually displaced for about six weeks. Then when we got back  
18 into the office, we did not have phone services nor computer  
19 services, so we were strapped for approximately I would say two  
20 months.

21           On September 11th and 12th, congress and the senate  
22 were being bombarded by lobbyists from the airline industry to  
23 actually cap the damages for the victims, for the passengers on  
24 the airlines. That's how the victims compensation fund came  
25 about because once the trial lawyers across the country

1 [unintelligible] in DC and [unintelligible] in New York, once  
2 we got aware of the fact that the lobbyists were actually on  
3 Capital Hill lobbying to congress and the senate to cap damages  
4 as a result of this disaster, we actually sprang into motion  
5 and started to do our lobbying to make sure that all the  
6 victims of this disaster would be adequately compensated.

7           Now, recognizing what Dan said, a lot of people  
8 looked at us and said, "Well, leave it to the trial lawyers  
9 trying to make money." I will say that the trial lawyers acted  
10 very commendable as a result of 9/11 because most of the things  
11 that we did in the very early stage that we came out and we  
12 said, "We will represent the victims through this victims  
13 compensation fund for free, absolutely no compensation to the  
14 members of the trial bar who would represent the victims and  
15 their families." Not only did we make that commitment, we also  
16 issued a national moratorium to our members not to commence any  
17 litigation which resulted from this disaster for at least 60  
18 days. Surprisingly enough, a lot of -- well, all our members  
19 recognized that moratorium.

20           In the following days after 9/11 we basically had an  
21 executive committee meeting I would say every two to three days  
22 with our membership across the country. Being that we were in  
23 New York, the national organization wanted to help but they did  
24 not want to engage in a turf war, so everything came to  
25 [unintelligible]. What we did was we were very much involved

1 in setting up the mechanism for this victims compensation fund  
2 to work. We were instrumental in submitting a number of  
3 comments to the Justice Department regarding the regulations  
4 that are presently in place, and we were also instrumental in  
5 setting up the mechanism to get the victims in to trial lawyers  
6 here and also to bring the volunteer lawyers into play. That  
7 was a very, very tremendous task because what we attempted to  
8 do was to recruit lawyers from across the country.

9           As I sit here today I'm proud to say that we have  
10 over 2,000 lawyers from across the country who actually  
11 volunteered thus far to represent the victims for free. I  
12 think it's important to note that in the very early days of  
13 trying to put the procedures in place there was a lot of debate  
14 as to what was free. We basically said free was free and you  
15 could not derive any benefit whatsoever, direct or indirect,  
16 from the families or any victims of the 9/11 disaster. You  
17 could not represent through the fund and charge them on a  
18 probate matter or on a worker's compensation matter or on any  
19 other matter. If you represented someone for free, it had to  
20 be absolutely free.

21           I think it is very commendable that we have over  
22 2,000 lawyers that made that pledge. The lawyer actually had  
23 to sign a pledge that they would not undertake representation  
24 unless they were willing to make that commitment.

25           As I sit here today I'm also happy to report that we

1 have approximately 1,400 lawyers that are matched up with the  
2 victims. I think it's a very good feeling because the court  
3 [unintelligible] was very generous in assisting us with  
4 acquiring space in one of their facilities. Two days ago I was  
5 walking on 87th Street and as I walked into 87th Street I ran  
6 into one of the former presidents of [unintelligible] and I  
7 know his practice is in Atlanta. I looked at him as he was  
8 going through the security system. I said, "Richard, you look  
9 as if you're out of place." And he said, "Hugh, I'm here to  
10 see my victims." I think that's a very good thing when we have  
11 lawyers who travel across the country to represent victims for  
12 free at their own expense.

13 I think as we sit here today one of the issues that  
14 we're faced with is how can you translate this positive image  
15 that we have now maintained to the public? As far as the  
16 victims compensation fund is concerned, we anticipate that we  
17 will represent at least 2,500 victims by the time the program  
18 is completed. We intend to run into the mid 2004.

19 MR. MILLER: I think you've identified one of the  
20 fundamental challenges for we in the organized bar to carry our  
21 message out beyond just ourselves. I think the message is  
22 getting across. I was invited on to a CNN program and I  
23 received a letter from a lady in Florida who said, "God bless  
24 you, Mr. Miller. God bless all of you lawyers in New York.  
25 The word lawyer has a new meaning for me." I keep that note on

1 my desk.

2 MALE SPEAKER: That's one.

3 MR. MILLER: It's start. It's a start. But we do  
4 have a challenge to get the word out and to be more creative  
5 than we have been in the past in advocating for ourselves. You  
6 know, it's almost -- it's unattractive to talk about yourself  
7 to say how good you are, how good we are. But that's what we  
8 had to do. It's an interesting and daunting challenge.

9 John Payton is immediate past president of the DC  
10 Bar. DC has very special issues. The anthrax concerns created  
11 some dynamics that I think few know about outside of DC in  
12 terms of the challenges to the bar and delivery of services.  
13 Could you tell us a bit about that?

14 MR. PAYTON: I think it's important for all of us to  
15 sort of -- and I think what's happening today is that we're all  
16 getting sort of some flash backs from things that we  
17 experienced on 9/11 and after that we sort of suppressed in our  
18 own minds. 9/11 is not just tragedy or a disaster. It was  
19 perceived and experienced I think certainly by me and I'd say  
20 everybody in DC, but I'm sure throughout the country and  
21 certainly in New York as a challenge as a threat to the fabric  
22 of our society. I think that part of the response that  
23 certainly the lawyers in DC had to this was to say that we're  
24 really important to the fabric of our society and to our system  
25 of justice and repose. Therefore, what's our responsibility

1 today? That's a year ago. I think it was an overwhelming  
2 response.

3           DC is a mandatory bar. We're a gigantic bar. It's  
4 almost embarrassing. We're 77, 78,000 members, 50,000 right  
5 there in DC. There's an advantage to that which is inside of  
6 that, all of the voluntary bars were meeting regularly with the  
7 little round table, so it created tremendous opportunity just  
8 to actually convene and talk about these things. We were  
9 already trying to figure out how we re-energize our pro bono  
10 commitments and in that effort we had reached out and used the  
11 offices of all of our Chief Judges to get all of our managing  
12 partners at our 50 largest firms to come together. That was in  
13 place before 9/11, but then we got to use it to actually I'd  
14 say pommel all of this.

15           On September 11th I think it's fair to say that --  
16 this is in my perspective. My perspective is anything could  
17 have happened on September 11th. That's my memory of it. I  
18 watched live the second plane go into the -- we sent an e-mail  
19 around the firm the first tower has been hit. Everybody turned  
20 their TV on. I have a TV in my office. I watched it live.  
21 One of the most horrifying things I've ever seen. The TV then  
22 said the Pentagon has been hit. The TV then said the State  
23 Department has been blown up. The TV then said the White House  
24 is a target, there's another plane coming. The TV then said  
25 that Capital Hill had been evacuated. Okay? This was an

1 anything could happen day. They sealed off the bridges that  
2 day. People couldn't leave DC because the bridges were sealed.  
3 Couldn't get across the bridge to Virginia. Wasn't clear what  
4 we were supposed to do. Our bar was meeting that day.  
5 Obviously, we had to cancel that and we sent everybody home. I  
6 met with everyone at the bar the next day. I simply went down,  
7 whatever you have to say, tell it to me.

8           Anthrax had this effect, that to the extent you can  
9 compartmentalize this and say now we have sort of a fixed  
10 disaster and we have to deal with the fixed events. Anthrax  
11 made it absolutely clear that in fact there's no end to it.  
12 Okay? That whatever you thought, now look at this. Our entire  
13 mail has been shut down. If you've talked to people in DC  
14 we've been for a long while where there was nothing being  
15 delivered. Okay? I mean nothing.

16           MR. MILLER: Imagine that in the legal community.

17           MR. PAYTON: Well, it led to this type of  
18 unanticipated and sort of bizarre effect when we wanted to send  
19 out mailings about the pro bono initiative to all of our  
20 members, which is what we did. Once there's an anthrax worry  
21 and with them rerouting our mail through another post office  
22 because you have to go to Maryland -- we don't have any post  
23 office anymore. It turns out no one wants to open mail that  
24 looks like, you know... So you say so now we can send the mail  
25 but nobody wants to get it. Our courts, some members here, our

1 courts actually at some point decided that they really didn't  
2 want to keep things that were piled in the mail. We don't know  
3 what to do. Fax became more reliable because if it comes  
4 across the fax you know it doesn't have anthrax. If it comes  
5 in the mail, you don't know what it is. I don't know if you've  
6 ever seen something that's been radiated, but a lot of people  
7 in DC -- I got a lot of mail that had been radiated. You can  
8 just throw that away. It looks like if you touch it it's going  
9 to break up.

10           It was quite a burden, the anthrax was quite a burden  
11 but you could manage it. I'd say psychologically it really had  
12 quite an effect. We did a lot of things. We had a -- because  
13 we could coordinate these things, we with the Fairfax, that's  
14 in Virginia, County Bar, with the [inaudible], that's in  
15 Maryland, Bar Association, the DC Bar created a victims of  
16 September 11 pro bono effort and we did essentially all of the  
17 legal work for the families at the Pentagon who were sort of in  
18 some sense orphans. They didn't get the same publicity. Gee,  
19 aren't they all government employees, aren't there government  
20 lawyers. JAG can't go into probate courts and we did all that.  
21 We got an award for doing that. We did a tremendous amount of  
22 pro bono across.

23           And I'd say one of the things that was tremendous, it  
24 was across jurisdictional lines where we had a clear common  
25 interest. We got tremendous cooperation among our members and

1 our courts. We got tremendous cooperation all across the  
2 board. We had a judicial conference, DC Bar convention that  
3 was [unintelligible] for the first time. We had one event.  
4 Chief Judge Kaye actually was our key note speaker. I think  
5 there is a sense, and these things do fade, but there is a  
6 sense that still remains of -- you used the word nobility and I  
7 think that's really appropriate. This is when we could see why  
8 it matters that we have dedicated members of the bar that are  
9 parts of our society that are integrated into our communities  
10 because it wasn't just one thing that happens. There are  
11 concerns about liberty and justice going forward. I think we  
12 all think that there's going to be a next event. We don't know  
13 what that is. You have to be flexible because whatever it is,  
14 it won't be the last thing. So, you have to be flexible.

15           So, I think we all felt some higher sense that  
16 remains and it brought out the very best in all of us.

17           MR. MILLER: Well, we've covered about a quarter of  
18 the questions that I have for the panel. I think if we have  
19 there, maybe four more hours we could cover it all. Questions  
20 like the momentum issue. How do we carry this forward. How do  
21 we keep reminding ourselves how important it is to make these  
22 contributions and how do we get the word out. How do we  
23 broadcast it. What are the differences in the delivery of  
24 services where you have a huge voluntary outpouring of  
25 attorneys and when you have to try and go out and recruit them.

1 What process should recruitment be?

2 I think probably the momentum question is the one  
3 that is the most important and one of the lessons that we've  
4 learned from 9/11 as bar leaders and as lawyers and as  
5 Americans. So, I'll ask each of you just a couple of sentences  
6 of what are the lessons of 9/11, how do we carry on the  
7 momentum? Why don't we just start right here with Sharon?

8 MS. BALSAMO: Very briefly, lessons that we've  
9 learned are no matter how prepared you think you might be,  
10 you're never prepared. It's good to have some kind of master  
11 plan or bar response plan in place but remember that that plan  
12 has to be as flexible as possible. Each disaster is unique.  
13 Each disaster presents its own unique set of issues and  
14 problems that both lawyers and the public are going to be  
15 dealing with. You have to have the ability to quickly reach  
16 beyond the resources of your program should that become  
17 necessary.

18 For example, after September 11 one of the major  
19 issues that a lot of victims were facing were probate issues.  
20 We had a few probate specialists within our program but we  
21 really needed to bring a lot more probate expertise into the  
22 program. So, we used our bar association sections, the real  
23 property, probate, and [unintelligible] section and our elder  
24 law section to come in and not only act as volunteers but to  
25 quickly teach the existing volunteers what they needed to know

1 about New Jersey probate law to answer basic questions posed by  
2 victims. In every disaster you'll find that different issues  
3 arise like that.

4           How do we carry the momentum forward? I think you  
5 have to reward the volunteers publicly for the things that they  
6 have done and hold events like this to keep reminding people  
7 that we have to stay prepared, we have to make sure that our  
8 programs are together and try to continue to build the momentum  
9 and remind people how good it feels when you are able to assist  
10 a victim.

11           MR. MILLER: Brett, the momentum. How do we carry it  
12 forward?

13           MR. ZWERDLING: How to carry momentum forward? Give  
14 the volunteers something to do. Don't just train them. Don't  
15 just get them involved and tell them what a great thing we can  
16 do for society and everyone in general, and then they don't do  
17 anything. Give them something to do to make them feel like  
18 they're involved. One of the lessons that we learned from the  
19 9/11 attacks, and I think this is true across the country,  
20 there was an overwhelming response of attorneys that wanted to  
21 get involved and they wanted to do something. So, the first  
22 thing we did is we trained everybody according to the program.  
23 Then there were too many lawyers and too many lawyers really  
24 and not enough victims, which is good, but to carry the  
25 momentum forward you've got to give them something to do.

1           One of the things that we're doing now pertaining to  
2 the Young Lawyers conferences where we're taking a program we  
3 discovered in South Carolina. It's called Wills For Heroes,  
4 which was created because there was this outpouring of response  
5 and there were too many lawyers and not enough actual hands on  
6 things to do. So, this Wills For Heroes Program gives  
7 everybody that's been trained and everybody that knows how to  
8 give their response and wants to give response, it's a project  
9 to give a pro bono will drafting to first response officers,  
10 police officers, firefighters, and it's hands on. It's  
11 something real that they can say was done. Then to further the  
12 momentum, publicize, publicize, publicize. Make the volunteers  
13 feel like they're being recognized for what they're doing and  
14 let the public know what good things are happening.

15           MR. MILLER: So, we've got publicize --

16           MR. ZWERDLING: Recognize, give them something to do.

17           MR. MILLER: Steve?

18           MR. KRANE: Well, I agree with what's been said so  
19 far. Clearly after September 11th the supply of lawyers  
20 willing and very much interested and committed to providing pro  
21 bono services to the victims and to those left behind far out  
22 stripped the demand. That was really one of our challenges was  
23 as was just said finding things for everybody to do. The  
24 problem is that when you look at the overwhelming need of the  
25 poor and the under-served who are not victims of September 11,

1 the demand far out strips the supply and continues to.

2 I spoke to our commercial and federal litigation  
3 sections conference. I was supposed to give their  
4 understanding address in May and the theme was legal lessons  
5 learned from September 11th attacks and I gave them a slightly  
6 different message which really had nothing to do with September  
7 11 which was that there is this tremendous need out there for  
8 pro bono services, for lawyers to give their time to  
9 circumstances that maybe aren't as glamorous as September 11th  
10 and aren't as newsworthy, that don't pull at the heartstrings  
11 of the press and the media as much as the September 11th  
12 attacks, but the needs are tremendously real out there. For  
13 those people out in the audiences who have a burning desire to  
14 do pro bono work, the opportunities are virtually limitless.

15 So, I think publicize, recognize -- I can't come up  
16 with another "ize" [inaudible]. Just to continue to reaffirm  
17 the message that this is something that lawyers do and lawyers  
18 have a responsibility to do, and to make sure that lawyers  
19 remember that they do have this responsibility and that they go  
20 out and re-energize the profession as a result of our  
21 experiences to provide the services where they are still  
22 desperately needed.

23 MR. MILLER: Well said. John?

24 MR. PAYTON: I actually think that's the main point.  
25 I think the main point is that we can use what happened on

1 September 11 to actually make us better appreciate what our  
2 connection is and what our responsibility is to our  
3 [unintelligible] society. But it doesn't stop with just what  
4 happened as a result of September 11. I think that's a really  
5 big thing. I think the second thing that came out of it that I  
6 think actually helps with the momentum is that the  
7 relationships between the bench and the bar and among the  
8 organizations within the bar, those were very easy to put  
9 together in the wake of September 11. They were really  
10 important. But they are themselves independent of September 11  
11 really, really important vehicles to sort of give us this  
12 identity of having a key role in our society and a set of  
13 responsibilities to our society.

14           So, my second point is I guess it's really important  
15 to keep alive -- we met almost weekly with members of our  
16 courts. We met on a monthly basis with the Chief Judge. We  
17 had special meetings. We met all the time with the voluntary  
18 bars. Those vehicles turned out to be really, really important  
19 and they have ongoing importance that I think we ought to just  
20 maintain.

21           MR. MILLER: So, to add to recognition and publicize,  
22 communication. Maria?

23           MS. IMPERIAL: This is again on the communication but  
24 discussing the coordination and one group that I would add is  
25 the public interest community in that very early on we

1 coordinated with all the legal services organizations and I  
2 guess one great thing that I've seen come out of this is really  
3 a bridge being built between the legal services organizations  
4 and the private bar that I've never seen before and to keep  
5 that coordination and communication going.

6           The second thing that I want to mention is because  
7 we've learned so much from September 11, the city bar and the  
8 [unintelligible], I think that's Fordham Law School, and the  
9 NOW Foundation has decided to do a report on lessons learned  
10 from September 11 and with one of the goals being to motivate  
11 further pro bono and to motivate law students to do pro bono  
12 [unintelligible] who is the project director for that project.

13 We're hoping to publish something that will distributed to all  
14 law firms, law schools, so that we can share the knowledge.

15           MR. MILLER: I look forward to getting it. Dan?

16           MR. MURDOCK: I think Maria touched on it when she  
17 talked about motivation. I think it's incumbent upon us as  
18 members of the legal community to have a special interest and a  
19 special role and providing leadership to those members of our  
20 association who we're going to count on in these times. I  
21 think we need to continue that motivation. I think we need to  
22 continue that leadership and not become complacent. I think  
23 we've heard people talk about well we need to talk with judges,  
24 we need to talk with the lawyers. I think what we need to do  
25 is talk with each other in meetings like these or perhaps to a

1 common web site as we had with the National Organization of Bar  
2 Counsel to where we can discuss issues and problems and  
3 solutions and things that are going on to keep ourselves best  
4 informed so then we can provide that information to the people  
5 that we rely on so heavily.

6           I think that in Oaklahoma even though we had a  
7 tornado in 1999 that 19 miles long, two and a half miles wide,  
8 stayed on the ground I think two and a half hours, killed 50  
9 people [unintelligible] homes destroyed, I think what we have  
10 done in Oaklahoma is we have perhaps become a little bit  
11 complacent. Last night I was privileged to have dinner with my  
12 friend, Bob Soltzman [Ph.] [unintelligible]. In talking with  
13 Bob and just general exchange, and I don't think he even  
14 realized what he was telling me, I think that we have become  
15 complacent. Even though 9/11 happened, it didn't happen in  
16 Oaklahoma the way that the bombing did. Even though Oaklahoma  
17 City is much smaller, the impact of it was as severe in  
18 Oaklahoma City as the 9/11 was to the country. It hit the city  
19 hard. We are not, as you are not, the same as we were before.

20           We've always considered the Big Apple, New York City,  
21 the night life, open all the time. I mean coming to New York  
22 City from Oaklahoma was a big deal. I think we've lost a  
23 little bit of the innocence that perhaps maybe we once had.  
24 So, I think we need the right leadership. We need to provide  
25 motivation. We need to continue these meetings. At least we

1 now have the electronic possibility of these meetings to find  
2 out those problems and to make sure we don't become complacent.

3 MR. MILLER: Thank you. Hugh?

4 MR. CAMPBELL: I think one of the things that we  
5 definitely learned from 9/11 is the ability of the bar  
6 associations to work together. As we met over the days after  
7 9/11 we learned that certain bar associations had certain a  
8 specialty. We had trust and estate, we had trial lawyers, we  
9 had compensation lawyers. I think one of the things every  
10 lawyer recognized that even though we might compete for the  
11 same members, that we all have something very special and very  
12 unique to lend to this very tragic incident.

13 As we also reflect on 9/11 it's important for us to  
14 understand also that the lawyers had basically raised  
15 themselves to another level, a level where people can see that  
16 they're willing to stand up to huge challenges and the level  
17 that people can see that yes, if you give us something to do,  
18 we will do it. As I look at what we do [unintelligible] I  
19 realize that we undertook to represent victims through the  
20 victims compensation fund which is something brand new. What  
21 we did was we actually were involved in the drafting of the  
22 regulations. But not only did we do that, but we actually  
23 drafted handbooks. Our members from across the country drafted  
24 handbooks for each attorney to use in representing victims. We  
25 also gave a number of seminars to various attorneys across the

1 country to train them how to represent these victims. We also  
2 set up web sites for everyone to share. What it gives us is  
3 that if we put our mind to it using our skills and using our  
4 unique ability as lawyers, we can accomplish a lot. I think we  
5 need to use that ability not only for 9/11 but to move forward  
6 and represent the many individuals that Steve referred to. We  
7 need representation who cannot afford attorneys in society  
8 today.

9           MR. MILLER: Well friends, we've come to the end of  
10 our hour together. We live in dangerous times. We face  
11 challenges, obstacles, and threats that a short time ago we  
12 would have thought of as fiction, but it's all too real.  
13 Together we will overcome every challenge, every obstacle, and  
14 every threat. Our way of life will prevail. Thank you all.  
15 God bless you and God bless the United States of America.

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