

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
THE OTESAGA, COOPERSTOWN, NEW YORK
JUNE 14-15, 2018**

PRESENT: Members Jonathan B. Behrins, Mark A. Berman, Earamichia Brown, Norman P. Effman, Margaret J. Finerty, Sharon Stern Gerstman, Sarah E. Gold, Evan M. Goldberg, Taa R. Grays, Henry M. Greenberg, Richard M. Gutierrez, Susan L. Harper, Erica M. Hines, Drew Jaglom, Scott M. Karson, Sherry Levin Wallach, Peter H. Levy, Richard C. Lewis, Michael Miller, Steven E. Millon, Aimee L. Richter, Robert T. Schofield, IV, Rona G. Shamoon, Carol A. Sigmond, Tucker C. Stanclift, David H. Tennant, Jean Marie Westlake.

Guests: James A. Barnes, Jay Blankenship, Richard D. Collins, Donald C. Doerr, Mark S. Gorgos, Daniella E. Keller, David J. Lansner, Roger Juan Maldonado, Thomas J. Maroney, Sandra Rivera, Thomas E. Schimmerling.

Mr. Miller presided over the meeting as President of the Association.

1. Mr. Miller called the meeting to order, and Mark A. Berman, Evan M. Goldberg, Erica M. Hines, Richard C. Lewis, Aimee L. Richter, Robert T. Schofield, IV, Rona G. Shamoon, Tucker C. Stanclift, and Jean Marie Westlake were welcomed as new members of the Executive Committee.
2. Approval of minutes of meeting. The minutes of the April 13, 2018 meeting and June 1, 2018 conference call were accepted as distributed.
3. Consent Calendar.
 - a. Approval of bank resolutions.

The consent calendar, consisting of the item listed above, was approved by voice vote.
4. Report of the Treasurer. In his capacity as Treasurer, Mr. Karson reported that through April 30, 2018, the Association's total revenue was \$16 million, an increase of approximately \$528,000 over the previous year, and total expenses were \$8.2 million, a decrease of approximately \$476,000 over 2017. The report was received with thanks.
5. Report of Audit Committee. Mark S. Gorgos, chair of the committee, updated the Executive Committee on the committee's work, including its review of the 2017 audit; its review of the Association's insurance coverage, with the addition of a \$2 million cyber policy; and the development of an RFP for audit services. The report was received with thanks.
6. Report of staff leadership. Pamela McDevitt, Executive Director; Daniel Weiller, Managing Director of Marketing and Communications; Adam Rossi, Director of Marketing;

Victoria Shaw, Director of Attorney Engagement and Retention; and Jason Nagel, Managing Director of IT Services, highlighted staff efforts with respect to changes being made to Association publications, technology, marketing initiatives, non-dues revenue, and membership initiatives. The report was received with thanks.

7. Report re advertising and sponsorships. Jay Blankenship, Sales Manager with MCI, the Association's advertising representative, provided an overview of NCI's efforts with respect to the Association's advertising and sponsorship initiatives. The report was received with thanks.
8. Report of President. Mr. Miller highlighted the information contained in his printed report, a copy of which is appended to these minutes. In addition, he reported that Hon. Judy Harris Kluger, Executive Director of Sanctuary for Families, had contacted him to request him to designate a representative to a group examining the impact on courts as a result of Immigrations and Customs Enforcement officers detaining people in courthouses. A motion was adopted to authorize the designation of a representative.
9. Discussion of Executive Committee liaison responsibilities and duties of Vice Presidents. Mr. Miller led a discussion of liaisons' roles in facilitating communication, providing guidance on policy and procedure, and encouraging sections and committees to undertake projects. He asked liaisons to maintain regular contact with their groups, encourage them to submit reports for consideration by the Executive Committee and/or House of Delegates and comment on reports submitted by other groups, and to be mindful of the need for diversity. He outlined the reimbursement policy for liaisons attending section and committee meetings.

Mr. Miller also reviewed the responsibilities of Vice Presidents, as set forth in the By-laws, to promote relations with local bars and members in their respective districts. He noted the importance of informing local bar leaders, including those of minority and specialty bars, of Association initiatives and encouraged them to advise the Association of local bar concerns.
10. Reports of Executive Committee liaisons and Vice Presidents. Mr. Miller noted that at future meetings, all members should be prepared to make presentations regarding their Executive Committee liaison responsibility and, for Vice Presidents, local bar activities. At this meeting, Mr. Effman reported on the activities of the Senior Lawyers Section; Mr. Tennant reported on the Committee on Courts of Appellate Jurisdiction; and Mr. Levy reported on the Real Property Law Section, the Committee on Media Law, and the Tenth District local bars.
11. Report of Lawyer Assistance Committee. Thomas E. Schimmerling, the committee's chair, together with committee member Daniella E. Keller, presented an informational report reviewing the committee's and the Program's activities during the prior year. The report was received with thanks. The committee then presented an award to Sharon Stern Gerstman for her support of the Program during her presidency.

12. Report and recommendation of Committee on Committees. Donald C. Doerr, chair of the committee, reviewed the committee's report and recommendations with respect to the operation of 12 committees. After discussion, a motion was adopted to approve the report and recommendations.
13. Report re legislative activities. Sandra Rivera, chair of the Committee on State Legislative Policy, updated the Executive Committee on the 2018 state legislative session, particularly with respect to the Association's legislative priorities. The report was received with thanks.
14. Report of Committee on Continuing Legal Education. James A. Barnes, chair of the committee, together with Katherine Suchocki, Senior Director of Continuing Legal Education, outlined initiatives the committee is pursuing to develop innovative products, improve marketing, and utilize new technology. The report was received with thanks.
15. Report of Committee on Membership. Committee co-chair Thomas J. Maroney, together with Victoria Shaw, Adam Rossi and Jason Nagel, updated the Executive Committee on committee initiatives aimed at recruitment, as well as a focus on encouraging current members to become sustaining members. The report was received with thanks.
16. Request of Committee on Women in the Law. Susan L. Harper, chair of the committee, reviewed a proposal by the committee to conduct a feasibility study to convert the committee to section status. After discussion, it was the consensus of the Executive Committee that a feasibility study is not needed and a motion was adopted to endorse the creation of a section for favorable action by the House.
17. Report and recommendations of Criminal Justice Section. Mr. Stanclift, in his capacity as chair of the section, together with Richard D. Collins, co-chair of the section's Sealing Committee, outlined a proposal for the enactment of a federal statute for sealing of criminal convictions. After discussion, a motion was adopted to approve the proposal.
18. Report and recommendations of Committee on Mandated Representation and Criminal Justice Section. In his capacity as past chair of the Committee on Mandated Representation, , outlined a report recommending an increase in the rates paid to private attorneys under County Law article 18-B. After discussion, a motion was adopted to endorse the following resolution for favorable action by the House:
 1. Legislation should be enacted to increase assigned counsel rates. This increase should apply to all assignments as defined under " Definition" in the NYSBA 2015 Revised Standards for providing Mandated Representation, which reads:

Mandated Representation - Legal representation of any person financially unable to obtain counsel without substantial hardship who is (1) accused of an offense punishable by incarceration; (2) entitled to or is afforded representation under §249, §262 or §1120 of the Family Court Act; Judiciary Law §35 including child

custody and habeas corpus cases; Article 6-C of the Correction Law; §407 of the Surrogate's Court Procedure Act; §259-i of the Executive Law; or §717 of the County Law; or (3) otherwise entitled to counsel pursuant to constitutional, statutory or other authority.

2. The rates of compensation should be comparable to the percentage increase of judicial and elected district attorney salaries.
 3. The legislation should provide for an annual review and adjustment as needed of assigned counsel rates based on a formula using comparable compensation rates similar to the formula utilized by the Federal Criminal Justice Act.
 4. The increase in rates should not result in an unfunded mandate to the counties and should be a state expense.
19. Report and recommendations of Committee on Children and the Law. David J. Lansner, chair of the committee, reviewed the committee' proposed communication with the Administrative Board requesting a comprehensive review of the bar admission application to evaluate its conformity to applicable law and revisions to remove unlawful barriers to bar admission. After discussion, a motion was adopted to approve the communication.
20. Report and recommendation of New York City Bar Association. Roger Juan Maldonado, President of the New York City Bar Association, presented a report recommending that Puerto Rico receive a permanent exemption from the Jones, Act, 46 U.S.C. §§5501 et seq. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
21. New Business.
22. Date and place of next meeting. The next meeting of the Executive Committee will be held on Friday, November 2, 2018 at the Bar Center in Albany.
23. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Sherry Levin Wallach
Secretary