

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
BAR CENTER, ALBANY, NEW YORK  
NOVEMBER 3, 2017**

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Present: Alyssa M. Barreiro, Jonathan B. Behrins, Norman P. Effman, Margaret J. Finerty, Michael L. Fox, Michael W. Galligan, Sharon Stern Gerstman, Sarah E. Gold, Henry M. Greenberg, Claire P. Gutekunst, Richard M. Gutierrez, Bryan D. Hetherington, Drew Jaglom, Scott M. Karson, Elena DeFio Kean, Stuart J. LaRose, Sherry Levin Wallach, Peter H. Levy, Michael Miller, Steven E. Millon, Domenick Napoletano, Bruce J. Prager, Sandra Rivera, William T. Russell (via conference call), Carol A. Sigmond, David H. Tennant,.

Guests: Jill Choate Beier, Mark A. Berman, Ira M. Bloom, T. Andrew Brown, Michael S. Farber, Sarah Jo Hamilton, Hilary F. Jochmans, Mitchell J. Katz, Sherry S. Kraus, Glenn Lau-Kee, Bernice K. Leber, Thomas J. Maroney, Ronald J. Minkoff, Lillian M. Moy, Sharon L. Wick.

Ms. Gerstman presided over the meeting as President of the Association.

1. Approval of minutes of meetings. The minutes of the June 15-16, 2017 meeting and the August 22, 2017 telephone conference were approved as distributed.
2. Consent calendar:
  - a. Amendments to bylaws of Local and State Government Law Section
  - b. Amendments to bylaws of Business Law Section
  - c. Confirmation of presidential appointee to House of Delegates
  - d. Proposal for award from President's Committee on Access to Justice
  - e. Amendments to bylaws of Trial Lawyers Section

The consent calendar, consisting of the five above items, was approved by voice vote.

3. Report of Treasurer. In his capacity as Treasurer, Mr. Karson reported that through September 30, 2017, the Association's total revenue was \$20.7 million, a decrease of approximately \$964,000 from the previous year, and total expenses were \$17 million, a decrease of approximately \$60,000 over 2016. Mr. Karson also provided a report on the status of the long-term reserve investments. The report was received with thanks.
4. Report and recommendations of Tax Section. Michael S. Farber, chair of the Tax Section, and Sherry S. Kraus, member-at-large of the section's Executive Committee, presented an affirmative legislative proposal to amend New York State Tax Law §171-v to provide a hardship exemption to driver's license suspensions of tax debtors. After discussion, a motion was adopted to approve the proposal.
5. Report of staff leadership. Pamela McDevitt, Executive Director, together with David Weinstein, Senior Director of Marketing and Communications, and Jason Nagel, Managing Director of IT, reviewed the process to develop the 2018 budget, staff

reductions, marketing and communication initiatives, and technology updates. The report was received with thanks.

6. Report of President. Ms. Gerstman highlighted the items contained in her written report, a copy of which is appended to these minutes. In addition, she updated the Executive Committee with respect to new committees, judicial vacancies, and membership initiatives.
7. Report of Committee on Continuing Legal Education. James R. Barnes, chair of the Committee on Continuing Legal Education, together with Senior Director Katherine Suchocki, provided an update on the Association's continuing legal education program, including revenue and expenses and new policies and initiatives. The report was received with thanks.
8. Report and recommendations of Trusts and Estates Law Section. Prof. Ira M. Bloom, chair of the section's Uniform Trust Code Committee, together with section chair Sharon L. Wick, outlined a proposal for a New York Trust Code, which would enable the codification of changed practices and case law. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
9. Report of Executive Committee Subcommittee on Publications. In his capacity as chair of the subcommittee, Mr. Fox provided an interim report on the subcommittee's work to date, including a member survey that the subcommittee conducted. He noted that the subcommittee plans to present a final report at the January 2018 meeting. The report was received with thanks.
10. Report on legislative matters. In her capacity as chair of the Committee on State Legislative Policy, Ms. Rivera provided a preview of the 2018 legislative session, noting that the current focus is on the budget. Hilary F. Jochmans, chair of the Committee on Federal Legislative Priorities, updated the Executive Committee on federal legislative activities. The reports were received with thanks.
11. Report and recommendations of Steering Committee on Legislative Priorities.
  - a. Committee on State Legislative Policy. In her capacity as chair of the Committee on State Legislative Policy, Ms. Rivera reported on the committee's recommendations of the following items for inclusion on the list of the Association's state legislative priorities: integrity of New York's justice system; reform statutory power of attorney; right to discovery in criminal justice matters; privileged communications for lawyer referral services; and support for the legal profession.

After discussion, a motion was adopted to approve these items as the Association's 2018 state legislative priorities.

- b. Committee on Federal Legislative Priorities. Hilary F. Jochmans, chair of the Committee on Federal Legislative Priorities, presented the committee's recommendations of the following items for inclusion on the list of the Association's 2018 federal legislative priorities: integrity of the justice system; support for the Legal Services Corporation; support criminal justice reform; support for legislation to address immigration representation; support for states' authority to regulate the tort system; and support for the legal profession.

After discussion, a motion was adopted to approve these items as the Association's 2018 federal legislative priorities.

12. Report regarding Executive Committee liaisons. Ms. Gerstman asked members to attend as many section and committee meetings as possible and ask them to keep in mind that reports for issuance by a section or committee must be submitted to the President at least five days in advance of the planned issuance of a report.
13. Report and recommendations of Finance Committee re 2018 proposed income and expense budget. T. Andrew Brown, chair of the Finance Committee, reviewed the proposed budget for 2018, which projects income of \$23,704,125, expenses of \$23,797,360, and a projected deficit of \$93,225. A motion was adopted to endorse the proposed budget for favorable action by the House.
14. Report of Committee on Membership. Thomas J. Maroney, chair of the Membership Committee, together with Associate Executive Director Elizabeth Derrico, reported on recent committee developments, including the work of the committee's subcommittees. He noted that the committee's January 2018 meeting will be an open meeting and he encouraged members to attend. The report was received with thanks.
15. Reports and recommendations of Trusts and Estates Law Section. Sharon L. Wick, chair of the section, together with Jill Choate Beier, member-at-large of the section's Executive Committee, presented three affirmative legislative proposals.
  - a. SCPA 1001 and 1418. The proposal would harmonize the issuance of letters of administration and letters of administration c.t.a. and bring the statutes into accord with current judicial interpretation. A motion was adopted to approve the proposal.
  - b. SCPA 2308 and 2309. The proposal would eliminate income commissions for trustees of charitable trusts. A motion was adopted to approve the proposals. Ms. Barreiro abstained from participating in the discussion and vote.
  - c. EPTL 8-1.8(b-1) and Not-For-Profit Corporation Law 406 (b-1). The proposal would abolish existing statutes that require certain trusts to publish information each year about the availability of annual returns for public inspection. A motion was adopted to approve the proposal.

16. Report and recommendations of Commercial and Federal Litigation Section. Past President Bernice K. Leber, together with section chair Mitchell J. Katz and immediate past section chair Mark A. Berman, presented the section's report on the number of women lawyers who serve as litigators, arbitrators and mediators, with recommendations as to steps firms, ADR providers, and clients can take to increase the number of women in litigation and ADR settings. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
17. Report of Committee on Technology and the Legal Profession. Mark A. Berman, chair of the committee, updated the Executive Committee with respect to the committee's work to date, including the designation of subcommittees. The report was received with thanks.
18. Report and recommendations of New York County Lawyers Association. Sarah Jo Hamilton, director of NYCLA's Ethics Institute, and Ronald C. Minkoff, chair of NYCLA's Committee on Professionalism and Professional Discipline, presented a report that reviews issues related to providers of online legal documents and makes recommendations for regulations/best practices. They noted that NYCLA had accepted amendments to the report to reference a related ABA report. After discussion, a motion was adopted to endorse the report and recommendations as amended for favorable action by the House.
19. Report of Committee on Diversity and Inclusion. Lillian M. Moy, past chair of the committee, reviewed the committee's draft biennial diversity report card, which focuses on eight of the Association's sections. The report will be presented to the House in January. The report was received with thanks.
20. Report of Nominating Committee. Glenn Lau-Kee, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2018-2019 Association year: President Elect: Henry M. Greenberg, Albany; Secretary: Sherry Levin Wallach, White Plains; Treasurer: Scott M. Karson, Melville; Vice Presidents: 1st District – Taa R. Grays, New York City and Carol A. Sigmond, New York City; 2nd District – Aimee L. Richter, Brooklyn; 3rd District – Robert T. Schofield, IV, Albany; 4th District – Matthew R. Coseo, Ballston Spa; 5th District – Jean Marie Westlake, East Syracuse; 6th District – Richard C. Lewis, Binghamton; 7th District – David H. Tennant, Rochester; 8th District – Norman P. Effman, Warsaw; 9th District – Michael L. Fox, Newburgh; 10th District – Peter H. Levy, Jericho; 11th District – Karina E. Alomar, Ridgewood; 12th District – Steven E. Millon, New York; 13th District – Jonathan B. Behrins, Staten Island. The following individuals were nominated to serve as Executive Committee Members-at-Large for a 2-year term beginning June 1, 2018: Earamichia Brown (Diversity Seat), New York City; Mark A. Berman, New York City; Evan M. Goldberg, New York City; Erica M. Hines, Albany; and Tucker C. Stanclift, Queensbury Nominated as Section Member-at-Large was Rona G. Shamon, Scarsdale. The following individuals were nominated as delegates to the American Bar Association House of Delegates for the 2018-2020 term: Sharon Stern Gerstman, Buffalo; Henry M. Greenberg, Albany; Kathryn Grant Madigan,

Binghamton; David P. Miranda, Albany; Kenneth G. Standard, New York City; and Alena Shautsova, Brooklyn (Young Lawyer Delegate).

19. New Business. Ms. Gerstman announced that Associate Executive Director Elizabeth Derrico plans to retire as of the end of 2017 and that this would be her last meeting. Ms. Gerstman thanked her for her service to the Association.
20. Date and place of next meeting.  
Thursday, January 25, 2018  
Hilton Midtown New York, New York City
21. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Sherry Levin Wallach  
Secretary