

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
BAR CENTER, ALBANY  
APRIL 14, 2018**

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**PRESENT:** Abbott; Alcott; Alomar; Baum; Behrins; Bennett; Berman; Bonina; Bowler; Braunstein; Brown, T.A.;Burke; Chambers; Chang, V.; Christian; Clouthier; Cohen, C.; Cohen, D.; Cohen, O.; Connery; DeFelice; Denton; DiFalco; Disare; Doyle; Eberle; Effman; Fallek; Fay; Fennell; Fernandez; Finerty; First; Fishberg; Fox; Freedman, H.; Frumkin; Gaillard; Galligan; Gensini; Gerbini; Gerstman; Getnick; Gingold; Glover; Gold; Goldfarb; Grays; Greenberg; Grogan; Gutekunst; Gutierrez; Haig; Heath; Hetherington; Himes; Hyer; Jackson; Jagllom; James; Jones; Kamins; Karson; Kean; Kearns; Kelly; Kobak; Lamberti; Lanouette; LaRose; Lau-Kee; Lawrence; Levin Wallach; Levy; Madden; Mancuso; Mandell, Adam; Margolin; Marinaccio; Maroney; Martin Owens; Marin; Marotta; McCann; McNama, M.; Meisenheimer; Miller, M.; Millett; Millon; Minkowitz; Miranda; Moretti; Mosher; Moskowitz; Murphy; Napoletano; Nowotarski; Onderdonk; Ostertag; Owens; Parker; Perlman; Pleat; Poster-Zimmerman; Prager; Quist; Richman; Richter; Rivera; Rosriguez; Russell; Ryba; Samuels; Santiago; Schofield; Schrauer; Schriever; Sciocchetti; Scott; Sen; Shamoon; Champnoi; Sharkey; Sigmond; Silkenat; Singer, D.; Sonberg; Spicer; Spierer; Standard; Starkman; Stieglitz; Sullivan; Tarver; Tennant; Tesser; Triebwasser; Tully; Vecchio; Vigdor; Weigell; Weis; Weston; Whiting; Wildgrube; Williams; Witmer; Wolff, B.; Young; Younger.

Mr. Miller presided over the meeting as Chair of the House.

1. The members of the House recited the Pledge of Allegiance and Michael F. Donegan, counsel at the New York State Commission of Correction, sang “God Bless America.”
2. Approval of minutes of January 26, 2018 meeting. The minutes were amended to note that the Chair thanked the presenters of Items 2, 6, 7, 10 and 13 and, as amended, were accepted.
3. Report of Treasurer. Scott M. Karson, Treasurer, reported that through February 28, 2018, the Association’s total revenue was \$13 million, a decrease of approximately \$5,400 over the previous year, and total expenses were \$4.7 million, a decrease of approximately \$365,000 over 2017. The Chair received the report with thanks.
4. Election of the Nominating Committee and NYSBA Delegates to the ABA House of Delegates. Glenn Lau-Kee, chair of the Nominating Committee, presented the report of the Nominating Committee.
  - a. Election of members of the Nominating Committee. The following were nominated for service on the 2018-2019 Nominating Committee:

District members and alternates of the Nominating Committee: First – Adrienne Bth Koch, Stephen C. Lessard, Susan B. Lindenauer, Michael J. McNamara, John Owens Jr., Seth Rosner, Siana S. Sen, Lisa Stenson Desamours and Stephen P. Younger, with Vincent Ted Chang, First Alternate, Asha Susan Smith, Second Alternate, and Kaylin L. Whittingham, Third Alternate; Second – Andrew M. Fallek and Hon. Cheryl E. Chambers, with Barton L. Slavin as Alternate; Third – David W. Myers and Elena DeFio Kean, with Sandra Rivera as Alternate; Fourth – Michelle H. Wildgrube and Marne Onderdonk, with Jeremiah Wood as Alternate; Fifth – Karen Stanislaus and Michael E. Getnick, with Timothy J. Fennell as Alternate; Sixth – Bruce J. McKeegan and Alyssa M. Barreiro, with Christopher Denton as Alternate; Seventh – LaMarr Jackson and June M.

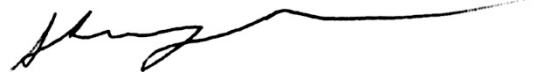
Castellano, with Amy L. Christenson as Alternate; Eighth – Vincent E. Doyle III and Kathleen Marie Sweet, with Oliver C. Young as Alternate; Ninth – Jessica D. Parker, Mark T. Starkman, and Kelly M. Welch, with Joseph J. Ranni as Alternate; Tenth – Ilene S. Cooper, A. Thomas Levin, Dorian Ronald Glover and Richard A. Weinblatt, with Rosemarie Tully, First Alternate, and Marian C. Rice, Second Alternate; Eleventh – Violet E. Samuels and Arthur N. Terranova, with Chanwoo Lee as Alternate; Twelfth – Carlos M. Calderón and Michael A. Marinaccio, with Samuel M. Braverman as Alternate; Thirteenth – Michael J. Gaffney and Robert A. Mulhall, with Orin J. Cohen as Alternate.

A motion to elect the foregoing was adopted.

- b. Election of Delegates to ABA House: A motion was adopted to elect the following for a two-year term commencing in August 2018: Sharon Stern Gerstman, Henry M. Greenberg, Kathryn Grant Madigan, David P. Miranda, and Kenneth G. Standard.
  - c. Election of Young Lawyer Delegate to ABA House: A motion was adopted to elect Natasha Shishov.
5. Report and recommendations of Criminal Justice Section. Leah R. Nowotarski, chair of the section's Town and Village Justice Courts Committee, together with past section chair Sherry Levin Wallach, outlined the section's report and recommendations with respect to counsel at first appearance, education and training, and consolidation. The section agreed to modify Recommendation 9 to recognize the existence of a current website and to recommend that it be made more publicly available. It agreed to amend Recommendation 10 to refer to "expanded use of courts of record." The section also accepted an amendment to the report to clarify that the State should bear any additional costs for implementation of the recommendations. After discussion, a motion was adopted to approve the report and recommendations, as amended.
  6. Report of the President. Ms. Gerstman highlighted the items contained in her written report, a copy of which is appended to these minutes and reflected on her two years of service as President-Elect and President and thanked the House members for the opportunity to serve. She also thanked the officers and the staff for their assistance during her term. She thanked the members of the House for their service.
  7. Report of Committee on Membership. Thomas J. Maroney, chair of the committee, updated the House with respect to membership initiatives, including cross-indexing addresses with OCA addresses, non-resident outreach, and regional meetings. The chair received the report with his thanks.
  8. Report and recommendations of Committee on Diversity and Inclusion. Lillian M. Moy, past chair of the committee, reviewed the results of the committee's biennial 2017 survey, comparing those results to the Committee's previous surveys, as well as the committee's recommendations with respect to ongoing efforts to further diversity in the Association. After discussion, a motion was adopted to approve the committee's report and recommendations.
  9. Report and recommendations of Committee on Families and the Law. Committee chair Susan B. Lindenauer, together with committee member Angela O. Burdon, reviewed the committee's report recommending that the State fund and oversee mandated representation provided to indigent parents in Family Court. After discussion, a motion was adopted to approve the report and recommendations.

10. Report of The New York Bar Foundation. John H. Gross, President of The New York Bar Foundation, reviewed the growth of The Foundation during his term as President, including an increase in the number of grants and increased section participation in providing grants and fellowships. The Chair received the report with his thanks.
11. New Business. Mr. Richman moved a proposed resolution with respect to Association endorsement of services that are endorsed by the National Rifle Association. The Chair ruled the motion out of order as premature and not germane to the work of the House. An appeal of the chair's ruling was upheld on voice vote. A motion by Mr. Tennant to request the Executive Committee, Finance Committee and Audit Committee to review the Association's relationship with vendors was then approved.
12. Administrative items. Mr. Miller reported on the following:
  - a. Motions to approve the designation of delegates filed by the county and local bar associations for the 2018-2019 Association year and to approve the filed roster of the members of the House for the 2018-2019 year were requested and approved.
  - b. He noted that this meeting represents his last as Chair of the House and thanked the House for the opportunity to serve. He thanked the departing members of the Executive Committee and the House for their service and thanked the staff for their support. He introduced Mr. Greenberg as the next Chair of the House and presented him with the House's gavel.
13. Date and place of next meeting. Mr. Greenberg announced that the next meeting of the House of Delegates would take place on Saturday, June 16, 2018 at The Otesaga in Cooperstown.
14. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Sherry Levin Wallach  
Secretary



**Sharon Stern Gerstman**  
President, New York State Bar Association

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**REPORT OF THE PRESIDENT  
TO THE HOUSE OF DELEGATES  
April 14, 2018**

**GENDER DISPARITY IN THE COURTROOM AND ADR**

In February, I was privileged to present a resolution to the ABA House of Delegates that outlined steps that law firms, the judiciary, clients, and Alternate Dispute Resolution (ADR) providers can take to address the underrepresentation of women attorneys in courtrooms and ADR settings. This resolution is based on the work of our Commercial and Federal Litigation Section and its Task Force on Women Initiatives, chaired by past president Bernice K. Leber. The full report prepared by the section, which was approved by our House of Delegates in November 2017, is available at <http://www.nysba.org/WomensTaskForceReport/>.

**TASK FORCE ON SCHOOL TO PRISON PIPELINE**

The Task Force, which I appointed last summer and is co-chaired by Sheila Gaddis and John H. Gross, is in the process of preparing its report, which will review current practices in and law relating to school discipline, and recommend policy and best practices in discipline and restorative justice in the school setting. The report will be released later this year for consideration by the House of Delegates.

**LEGISLATIVE INITIATIVES**

State

As you know, the Legislature passed all budget bills last week. The Judiciary budget was approved as submitted by the Office of Court Administration. Of note is funding for civil legal services and IOLA, as well as funding in excess of \$50 million for the Office of Indigent Legal Services to implement expansion of the settlement in *Hurrell-Haring v. State*. Issues that we were following but were not included in the budget bills are criminal discovery reform; bail reform; early voting; and the Child Victims Act. We anticipate that these issues may be revisited in the coming months.

## Federal

Earlier this week, a number of our leaders participated in the annual ABA Day in Washington. The ABA's core issues that were addressed were funding for the Legal Services Corporation and public service student loan forgiveness. With respect to the LSC, Congress appropriated \$410 million for fiscal year 2018; we will seek \$482 million for fiscal year 2019. With respect to student loan forgiveness, the ABA supports the preservation of the federal Public Service Loan Forgiveness program (PSLF) as a vital source of immediate support to state, local, and tribal communities that enables them to provide critical services to their residents and opposes efforts to repeal or end the program.

Federal issues of particular interest to our Association include support for states' authority to regulate the tort system; opposition to proposed legislation to repeal New York's Scaffold Law; and support for the repeal of the Dickey Amendment, which prohibits the use of funds made available for study of injury prevention and control at the Centers for Disease Control to advocate or promote gun control.

## **OTHER ACTIVITIES**

With respect to county and local bar outreach, I attended the Albany County Bar Association's annual Court of Appeals dinner and the Richmond County Bar Association's annual dinner. I spoke to attendees at our Bridge the Gap CLE programs in Buffalo and Albany, and last week I addressed attendees at the Young Lawyers Section's annual Trial Academy, held at Cornell Law School.

This is the last President's Report of my year in office. It has been a privilege to serve as your President, and I thank you for your participation and collegiality. To those who are leaving the House this year, thank you for your service.

Our next House of Delegates meeting will be held on June 16, 2018 at The Otesaga in Cooperstown. I look forward to seeing you there.

A handwritten signature in black ink, appearing to be "John J. ...", written in a cursive style.