

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
NEW YORK HILTON MIDTOWN, NEW YORK, NEW YORK  
JANUARY 26, 2017**

---

Present: Karina E. Alomar, Earamichia Brown, David Louis Cohen, Orin J. Cohen, Matthew R. Coseo, Cheryl Smith Fisher, Michael L. Fox, Michael W. Galligan, Sharon Stern Gerstman, Evan M. Goldberg, Ira S. Goldenberg, Henry M. Greenberg, Claire P. Gutekunst, Bryan D. Hetherington, Scott M. Karson, Elena DeFio Kean, Stuart J. LaRose, Peter H. Levy, Ellen G. Makofsky, Michael Miller, Steven E. Millon, David P. Miranda, Domenick Napoletano, Bruce J. Prager, Sandra Rivera, Sheldon Keith Smith, David H. Tennant, Sherry Levin Wallach.

Guests: Prof. Ira M. Bloom, Hermes Fernandez, Tony Lai, Susan B. Lindenauer, Thomas J. Maroney, John M. Nonna, Stephen P. Younger.

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

1. Welcome and introductions. Pamela McDevitt, currently director of the Law Practice and Technology Group at the American Bar Association, was introduced as the incoming Executive Director of the Association, effective February 21. The members of the Executive Committee introduced themselves to Ms. McDevitt.
2. Approval of minutes of meetings. The minutes of the November 4, 2016 meeting and the January 17, 2017 telephone conference were approved as distributed.
3. Consent calendar:
  - a) Change of name for Committee to Ensure Quality of Mandated Representation
  - b) Resolution re bank account signatories
  - c) Pension Plan Amendment

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

4. Report of Treasurer. In his capacity as Treasurer, Mr. Karson reported on the 2016 operating budget, comparing the amounts to those as of December 31, 2015. He reported that through December 31, 2016, the Association's total revenue was \$23 million, a decrease of approximately \$135,000 from the previous year, and total expenses were \$22 million, a decrease of approximately \$233,000 from the previous year. The operating surplus prior to audit was approximately \$98,000. Mr. Karson also reviewed selected revenue and expense items, with a focus on membership dues revenue. The report was received with thanks.
5. Report and recommendations of Committee on the New York State Constitution. In his capacity as chair of the committee, Mr. Greenberg, together with subcommittee chair Stephen P. Younger, outlined the committee's report and recommendations with respect to Article VI of the State Constitution, the Judiciary Article. They noted that a number of

the issues discussed in the report are controversial and have been the subject of prior Association reports. This report, however, is intended to identify the issues and provide education; it is not intended to re-assess the issues. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.

6. Discussion re Committee on the New York State Constitution. Ms. Gutekunst reported that to date, the reports from the committee have addressed issues that might be considered by a convention if voters approve the November 2017 referendum, but that the committee has not taken a position as to whether a convention should be held. After discussion, a motion was adopted to charge the committee with making a recommendation for consideration by the House as to whether a convention should be held.
7. Report of NYSBA staff. Elizabeth Derrico, Interim Executive Director, reviewed staff changes and updated the Executive Committee with respect to Annual Meeting attendance and events. The report was received with thanks. Ms. Gutekunst thanked Ms. Derrico for her work on the Annual Meeting and her service as Interim Executive Director.
8. Report of Trusts and Estates Law Section. Prof. Ira M. Bloom, , chair of the section's New York Uniform Trust Code Committee, outlined an affirmative legislative proposal recommending the enactment of a revised version of the Uniform Trust Code, noting that New York has not conducted a comprehensive view of its trust laws in 50 years and outlining some of the significant provisions of the proposal. The section was asked to coordinate with other interested sections, including the Elder Law and Special Needs, Business Law, and International Sections. The report was received with thanks.
9. Presentation re online lawyer referral service developed by Legal.io. Tony Lai, Chief Executive Officer of Legal.io, made a presentation with respect to a platform being developed in conjunction with NYSBA's Lawyer Referral and Information Service designed to increase access to legal services. The presentation was received with thanks.
10. Report of Committee on Membership. Thomas J. Maroney, chair of the Committee on Membership, reported on recent membership developments, including an electronic newsletter; recruiting sustaining members; the Annual Meeting Ambassador program; Pathway to the Profession; the public interest group membership pilot project; and the establishment of a task force on county bar relationships. The report was received with thanks.
11. Proposed Committee on Families and the Law. Ms. Gutekunst, together with Susan B. Lindenauer, co-chair of the Task Force on Family Court, outlined a proposal to convert the Task Force to a Committee on Families and the Law. After discussion, a motion was adopted to approve the proposal.

12. Report of Committee on Continuing Legal Education.

- a. Committee Update. In her capacity as chair of the committee, Ms. Makofsky, together with Katherine Suchocki, Director of Law Practice Management, provided an update on the Association's continuing legal education program, including 2016 programming, attendance and revenue and 2017 goals. The report was received with thanks.
  
- b. Diversity CLE credit. Ms. Makofsky outlined the committee's report recommending that the rules governing mandatory continuing legal education be amended to provide for one credit hour of diversity CLE credit as part of the 24 credit hours required of experienced attorneys. She also reviewed the proposal from the Mandatory Continuing Legal Education Board that had been published for comment by the Office of Court Administration and the comments that had been submitted by interested groups with respect to the report. After discussion, a motion was adopted to endorse the following resolution for favorable action by the House:

WHEREAS, the New York State Bar Association long has encouraged and promoted diversity and inclusion and the elimination of bias in the legal profession and in society; and

WHEREAS, in February 2016 the American Bar Association adopted a resolution calling for regulatory authorities that require mandatory continuing legal education to include, as a separate required credit, programs regarding diversity and inclusion in the legal profession; and

WHEREAS, in December 2016 the Unified Court System published a request for comment on a proposed amendment of the rule addressing mandatory continuing legal education for attorneys in the State of New York that would impose a one-credit requirement in CLE for experienced attorneys (admitted to the New York Bar for more than two years) addressing the subject of diversity, inclusion, and the elimination of bias to be included within, and would not add to, the current requirement of 24 credit hours of accredited CLE in each attorney biennial reporting cycle; and

WHEREAS, the New York State Bar Association Committee on Continuing Legal Education has reviewed this topic and has issued a report recommending that a mandatory diversity and inclusion component be included as part of New York lawyers' continuing legal education obligations, with providers being encouraged to create a wide variety of programs;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the recommendations of the Committee on Continuing Legal Education; and it is further

RESOLVED, that the officers of the Association are hereby authorized to communicate the Association's position to the Unified Court System and to take such other and further action as may be necessary to implement this resolution.

13. Report of Committee on State Legislative Policy. Hermes Fernandez, chair of the committee, provided an update on the Governor's proposed 2017-2018 budget and recent meetings with state legislators. Mr. Hetherington observed that the proposed budget does not contain funds for mortgage foreclosure prevention services and that the Committee on Legal Aid and the President's Committee on Access to Justice had requested that the officers make a request of the Governor to include funding. A motion to that effect as adopted; Messrs. David Cohen and Hetherington abstained from participating in the vote.
14. Report of Committee on Federal Legislative Priorities. John M. Nonna, chair of the committee, reported that the committee is reviewing events in Washington D.C. with a view as to how those events might affect the Association's Federal priorities, particularly funding for the Legal Services Corporation, the Violence Against Women Act, and tort reform. He recommended that sections and committees be advised that if they have concerns with positions being taken by the executive branch, they should contact the committee with recommendations as to proposed action. The report was received with thanks.
15. Report of President. Ms. Gutekunst highlighted the information contained in her printed report, a copy of which is appended to these minutes.
16. Board development session. Ms. Derrico led the members in a discussion of things about the Association they would like to remain the same three years into the future and things they would like to change.
17. Date and place of next meeting.  
Friday, March 31, 2017  
Bar Center, Albany, New York
18. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Ellen G. Makofsky  
Secretary