

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
BAR CENTER, ALBANY, NEW YORK
NOVEMBER 1, 2019**

Present: Jonathan B. Behrins, Mark A. Berman, John P. Christopher, Norman P. Effman, Donna England, Evan M. Goldberg, Henry M. Greenberg, Richard M. Gutierrez, Erica M. Hines, Andre R. Jaglom, Scott M. Karson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Michael Miller, Domenick Napoletano, Marne L. Onderdonk, Aimee L. Richter, William T. Russell, Robert T. Schofield, IV, Diana S. Sen, Rona G. Shamoan, Carol A. Sigmond, Tucker C. Stanclift, Mark T. Starkman, Jean Marie Westlake.

Guests: James M. Barnes, T. Andrew Brown, Donald C. Doerr, Simeon Goldman, Claire P. Gutekunst, Seymour W. James, Jr., Hilary F. Jochmans, Katrina F. Kuh, Bennett Liebman, David R. Marshall, David P. Miranda, Hon. Karen K. Peters, Richard Rifkin, Mirna M. Santiago, Lauren E. Sharkey, Prof. Roy D. Simon, Jr.

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

1. Approval of minutes of meetings. The minutes of the June 13-14, 2019 meeting were approved as distributed.
2. Consent calendar:
 - a. Bylaws of Judicial Section.
 - b. Bylaws of Tax Section
 - c. Bylaws of Commercial and Federal Litigation Section
 - d. Bylaws of Women in Law Section

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

3. Report of Treasurer. In his capacity as Treasurer, Mr. Napoletano reported that through September 30, 2019, the Association's total revenue was \$19.2 million, a decrease of approximately \$762,000 from the previous year, and total expenses were \$16.2 million, a decrease of approximately \$49,000 over 2018. The report was received with thanks.
4. Report of Special Committee on Strategic Communications. David P. Miranda, chair of the committee, reviewed the committee's initiatives with respect to public relations, media and marketing, communications, and products, programming and publications. The report was received with thanks.
5. Report of staff leadership. Pamela McDevitt, Executive Director, updated the Executive Committee with respect to technology upgrades, including the planned launch of the new website on December 20, 2019, the new association management system, and new

accounting and contract management systems. She introduced Gerard McAvey, who joined the staff as Director of Marketing. The report was received with thanks.

6. Report and recommendations of Committee on Bylaws. In his capacity as chair of the committee, Mr. Schofield outlined proposed bylaws amendments to implement the recommendation of the Special Committee on the Role of the Paralegal, approved by the House in June, that a membership category be created for paralegals. The House would be asked to subscribe to the proposed amendments to allow them to be placed on the agenda of the 2020 Annual Meeting. After discussion, a motion was adopted to endorse the House's subscription.
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 Committee on the New York State Constitution. Hon. Karen K. Peters, chair of the committee, together with committee member Bennett Liebman, presented a report recommending an amendment to the State Constitution to provide that mental health is a matter of public concern that must be provided for by the state and its subdivisions. After discussion, a motion was adopted to approve the report and recommendations.
9. Report and recommendations of Steering Committee on Legislative Priorities.
 - a. Committee on State Legislative Policy. Ronald F. Kennedy, Director of Government Relations, 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; reorganize the state court system; reform statutory power of attorney; legal representation for persons in immigration matters; permit attorneys admitted in New York to practice in the state without a residence or office within the state; increase the rate of compensation for attorneys who provide mandated representation; and support for the legal profession.

After discussion, a motion was adopted to approve these items as the Association's 2020 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 2020 federal legislative priorities: integrity of the justice system; support for the Legal Services Corporation; support for legislation to address immigration representation; support for states' authority to regulate the tort system; sealing records of criminal convictions; and support for the legal profession.

After discussion, a motion was adopted to approve these items as the Association's 2020 federal legislative priorities.

10. Report of President. Mr. Greenberg highlighted the items contained in his written report, a copy of which is appended to these minutes.
11. Report and recommendations of Finance Committee re proposed 2020 income and expense budget. T. Andrew Brown, chair of the Finance Committee, reviewed the proposed budget for 2020, which projects income of \$23,397,230, expenses of \$23,207,399, and a projected surplus of \$189,831. After discussion, a motion was adopted to endorse the proposed budget for favorable action by the House.
12. Report and recommendations of Environmental and Energy Law Section. Section member Katrina F. Kuh outlined the section's proposal for Association support of a "Green Amendment" to the State Constitution. After discussion, a motion was adopted to refer the proposal to the Committee on the New York State Constitution and other interested groups.
13. Report and recommendations of Committee on Civil Practice Law and Rules. In his capacity as committee co-chair, Mr. Napoletano presented the committee's affirmative legislative proposal to amend CPLR 312-a regarding waiver of service of process. After discussion, a motion was adopted to approve the proposal.
14. Report and recommendations of Committee on Standards of Attorney Conduct. Prof. Roy D. Simon, Jr., co-chair of the committee, reviewed the committee's proposed amendments to Rules 1.0, 1.10, 2.4, 4.1, 5.2, 5.4, 5.5 and 7.1-7.5 of the Rules of Professional Conduct. After discussion, a motion was adopted to endorse the proposals for favorable action by the House.
15. Report and recommendations of Committee on Committees. Ms. Sigmond, in her capacity as co-chair of the committee, together with co-chair Donald C. Doerr, presented the committee's recommendations (1) that the Committee on Transportation be discharged, with its mission being handled by the Task Force on Autonomous Vehicles and the Law, the General Practice Section, the Local and State Government Law Section, and the Torts, Insurance, and Compensation Law Section; and (2) that the Committee on Federal Legislative Priorities and the Committee on State Legislative Policy should be merged and a new mission statement be developed. After discussion, a motion was adopted to approve the report and recommendations.
16. Report and recommendations of Committee on Diversity and Inclusion. Mirna M. Santiago, chair of the committee, presented the committee's report calling for bar associations to promote civil discourse and diversity. After discussion, a motion was adopted to endorse the following resolution for favorable action by the House:

RESOLVED, that the New York State Bar Association affirms the principle of civility as a foundation for democracy and the rule of law and urges lawyers to set a high

standard for civil discourse as an example for others in resolving differences constructively and without disparagement of others;

FURTHER RESOLVED, that the New York State Bar Association urges all lawyers, NYSBA member entities and other bar associations to take meaningful steps to enhance the constructive role of lawyers in promoting a more civil and deliberative public discourse;

FURTHER RESOLVED, that the New York State Bar Association urges all government officials and employees, political parties, the media, advocacy organizations, and candidates for political office and their supporters, to strive toward a more civil public discourse in the conduct of political activities and in the administration of the affairs of government;

FURTHER RESOLVED, that the New York State Bar Association supports governmental policies, practices, and procedures that promote civility and civil public discourse consistent with federal and state constitutional requirements;

RESOLVED, that the New York State Bar Association reaffirms its unwavering commitment to diversity, equity and inclusion at all levels of the Association, and its firm belief that diversity and inclusion must be fostered within the legal community and in society at large;

RESOLVED, that the New York State Bar Association strongly condemns the use of divisive and uncivil rhetoric by elected or other public officials that seeks to vilify specific groups or classes of individuals and/or seeks to sow division among the populace on the basis of gender, race, color, ethnic origin, national origin, religion, sexual orientation, age, disability and/or any other classification, by elected and other public officials.

17. Report and recommendations of Working Group on Attorney Mental Health. Working Group members Simeon Goldman, David R. Marshall and Lauren E. Sharkey outlined the Working Group's study of mental health questions in the bar admission questionnaire and its recommendation that such questions be eliminated. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
18. Report and recommendations of Task Force on the Parole System. Mr. Russell, in his capacity as Task Force co-chair, together with co-chair Seymour W. James, Jr. and member Richard Rifkin, reviewed the Task Force's initial report containing recommendations with respect to technical parole violations, earned good time credits, and increasing the number of parole commissioners. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
19. Report of Nominating Committee. Claire P. Gutekunst, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2020-2021 Association year: President-Elect: T.

Andrew Brown, Rochester; Secretary: Sherry Levin Wallach, White Plains; Treasurer: Domenick Napoletano, Brooklyn; Vice Presidents: 1st District – Diana S. Sen, 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 – Marne Onderdonk, Saratoga Springs; 5th District – Jean Marie Westlake, East Syracuse; 6th District – Richard C. Lewis, Binghamton; 7th District – Mark J. Moretti, Rochester; 8th District – Norman P. Effman, Warsaw; 9th District – Adam Seiden, Mount Vernon; 10th District – Donna England, Centereach; 11th District – David L. Cohen, Kew Gardens; 12th District – Michael A. Marinaccio, White Plains; 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, 2020: Mirna M. Santiago (Diversity Seat), Pawling; Mark A. Berman, New York City; Sarah E. Gold, Albany; Ronald C. Minkoff, New York City; and Tucker C. Stanclift, Queensbury. Nominated as Section Member-at-Large was Jean F. Gerbini, Albany. The following individuals were nominated as delegates to the American Bar Association House of Delegates for the 2020-2022 term: T. Andrew Brown, Rochester; Sharon Stern Gerstman, Buffalo; Henry M. Greenberg, Albany; David P. Miranda, Albany; and Kenneth G. Standard, New York City. Nominated as Young Lawyer Delegate to the American Bar Association House of Delegates was Natasha Shishov, New York City. The report was received with thanks.

20. Date and place of next meeting.
Thursday, January 30, 2020
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