

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
BAR CENTER, ALBANY
APRIL 12, 2019**

Present: Karina E. Alomar, Jonathan B. Behrins, Mark A. Berman, Norman P. Effman, Margaret J. Finerty, Michael L. Fox, Sharon Stern Gerstman, Sarah E. Gold, Evan M. Goldberg, Taa R. Grays, Henry M. Greenberg, Richard M. Gutierrez, Erica M. Hines, Drew Jaglom, Scott M. Karson, Sherry Levin Wallach, Peter H. Levy, Richard C. Lewis, Michael Miller, Aimee L. Richter, Robert T. Schofield, IV, Rona G. Shamoan, Carol A. Sigmond, Jean Marie Westlake,.

Guests: James R. Barnes, John P. Christopher, Steven Fink, Ignatius A. Grande, John H. Gross, Robert L. Haig, Hilary F. Jochmans, Hon. Barry Kamins, Robert I. Kantowitz, Joel L. Kurtzberg, Chris Liberati-Conant, Deepankar Mukerji, Domenick Napoletano, Marne L. Onderdonk, Andrew L. Oringer, Hon. Susan Phillips Read, Sandra Rivera, Hon. Robert S. Smith, Mark Starkman,.
Mr. Miller presided over the meeting as President of the Association.

The members were welcomed and Messrs. Christopher, Napoletano and Starkman, together with Ms. Onderdonk, were introduced as incoming Executive Committee members for the term commencing on June 1, 2019. It was noted that Diana S. Sen will join the Executive Committee as Vice President, First District; Donna England as Vice President, Tenth District; and Michael A. Marinaccio as Vice President, Twelfth District; they were unable to attend the meeting.

1. Approval of minutes of meetings. The minutes of the January 17, 2019 meeting and the February 19, 2019 teleconference meeting were approved as distributed.
2. Consent calendar:
 - a. Approval of bank signatories.

The consent calendar, consisting of the item listed above, was approved by voice vote.
3. Confirmation of presidential appointments to the House of Delegates. Mr. Greenberg reported that candidates were under review and that a list of appointees will be forwarded to the members for confirmation.
4. Report of Treasurer. In his capacity as Treasurer, Mr. Karson reviewed the draft audited statements for the year ending December 31, 2018. Operating revenue for the year was \$22.4 million and expenses were \$21.3 million, with an operating surplus of \$1.1 million. He reported that through February 28, 2019, the Association's total revenue was \$13.1 million, an increase of approximately \$132,000 over the previous year, and total expenses were \$4.8 million, an increase of approximately \$116,000 over 2018. The report was received with thanks.

5. Report of staff leadership. Pamela M. McDevitt, Executive Director, updated the Executive Committee with respect to Membership and CLE initiatives. She also reported on the move to a Salesforce-based association management system and simultaneous website redesign. Jessy Pasche was introduced as the new Director of Marketing. The report was received with thanks.
6. Report of Committee on Communications and Publications. In his capacity as chair of the subcommittee, and together with committee members Sarah E. Gold and Ignatius A. Grande, Prof. Fox provided an update on the redesign of the NYSBA website with the selection of Clique as the designer. The report was received with thanks.
7. Report and recommendations of Task Force on Incarceration Release Planning and Programs. In their capacities as co-chairs of the Task Force, Ms. Levin Wallach and Mr. Karson reviewed the Task Force's report and recommendations with respect to policy changes and best practices for incarceration release programs. After discussion, a motion was adopted to endorse the report for favorable action by the House.
8. Report of Committee on Continuing Legal Education. Committee chair James R. Barnes, together with Senior Director Katherine Suchocki, provided an update on CLE programming and delivery and the status of the all-access pass, which allows a member to get all of their CLE credits for a set price. The report was received with thanks.
9. Report of President. Mr. Miller highlighted the items included in his written report, a copy of which is appended to these minutes.
10. Report of Vice Presidents and Executive Committee liaisons. Ms. Finerty provided an update on the work of the Task Force on Mass Shootings and Assault Weapons. Mr. Levy reported on the Committee on Media Law, the Real Property Law Section, and the Trusts and Estates Law Section. Ms. Gold provided an update on the Young Lawyers Section. Prof. Fox reported on the Intellectual Property Law Section and bar associations in the Ninth Judicial District. The reports were received with thanks.
11. Report re legislative activities. Sandra Rivera, chair of the Committee on State Legislative Policy, and Hilary F. Jochmans, chair of the Committee on Federal Legislative Priorities, updated the Executive Committee as to legislative activities at the state and federal levels, including lobbying visits in Washington, D.C. and Association priorities that were addressed in the state budget process. The reports were received with thanks.
12. Report and recommendations of Committee on Attorney Professionalism. Andrew L. Oringer, chair of the committee, and committee member Robert I Kantowitz presented the committee's revised Standards for Civility which, if approved, would be submitted to the Chief Judge for consideration. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
13. Report and recommendations of Elder Law and Special Needs Section. Deepankar Mukerji, a member of the section's Legislation Committee, updated the Executive

Committee on the section's work with the Business Law Section to revise the section's draft legislation proposing amendments to the Social Services Law and the Banking Law to protect vulnerable elderly persons from financial exploitation, which had been tabled at the January Executive Committee meeting. After discussion, a motion was adopted to table the proposal for an additional two weeks to permit further consultation between the sections.

14. Report and recommendations of Committee on Mandated Representation. Committee member Chris Liberati-Conant reviewed the committee's report on the use of the insanity defense and mental health issues and the establishment of a committee to address such issues. After discussion, a motion was adopted to accept the report with the thanks of the Executive Committee and to ask sections and committees to identify issues in their respective fields related to mental health. Mr. Goldberg agreed to coordinate this outreach.
15. Report and recommendations of Committee on Media Law. Committee member Joel L. Kurtzberg outlined the committee's affirmative legislative proposal to amend the Criminal Procedure Law to permit a nonparty to appeal the denial of a motion to quash a subpoena. After discussion, a motion to table was adopted to permit the committee to address issues raised in the discussion.
16. Report and recommendations of Task Force on School to Prison Pipeline. John H. Gross, co-chair of the Task Force, reviewed the committee's report on school disciplinary practices, restorative justice, and best practices for school districts. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
17. Report and recommendations of Task Force on Wrongful Convictions. Hon. Barry Kamins and Hon. Robert S. Smith, co-chairs of the Task Force, outlined the Task Force's report containing recommendations relating to conviction integrity units, forensic issues, actual innocence, statewide legislation, and the use of jailhouse informants. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
18. Report and recommendations of New York City Bar Association. Steven Fink, chair of the NYC Bar Association's Professional Responsibility Committee, presented proposed amendments to Part 522 of the Rules of the Court of Appeals governing registration of in-house counsel who are working in New York and licensed to practice in another jurisdiction. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
19. Report and recommendations of Task Fore on Evaluation of Candidates for Election to Judicial Office. Hon. Susan Phillips Read and Robert L. Haig, co-chairs of the Task Force, presented the Task Force's report proposing best practices, guidelines and minimum standards for bar associations, good government groups and other in developing nonpartisan screening and evaluation processes for judicial candidates. An amendment to the report to refer to "participating" counties was accepted by the Task Force. After

discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House. Ms. Grays and Ms. Westlake abstained from participating in the discussion and vote.

20. New Business.

Mr. Miller observed that Matthew R. Coseo, Michael L. Fox, Sharon Stern Gerstman, Sarah E. Gold, Taa R. Grays, Peter H. Levy and Steven E. Millon are rotating off the Executive Committee and that this is their last meeting. He thanked them for their service and their participation. He thanked the officers, members of the Executive Committee, and staff for their assistance during his term as President.

21. Date and place of next meeting.

Thursday and Friday, June 13-14, 2019
The Otesaga, Cooperstown

22. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Sherry Levin Wallach
Secretary