

FINAL MINUTES
THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Tuesday, January 10, 2017.

Members Present:
Mark Berman, Chair
Jamie Sinclair, Secretary
Deborah Edelman, Treasurer
James Bergin
Tom Bivona
Michael Cryan
Richard Dircks
Hon. Marcy Friedman*
Claire Gutekunst, NYSBA President
Kathy Kass*
Laurel Kretzing
Karen Greve Milton**
Tim Rode*
James Wicks
Steve Younger

Members Participating by Phone:
Mitch Katz, Chair Elect
Marc Ayala* o/b/o Courtney Rockett
Gregory Arenson
Jeremy Feinberg
Henry (Hank) Greenberg*
Beth Gould
James Potter
Stephen Roberts

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 pm.

Welcoming Remarks

Section Chair Mark A. Berman welcomed attendees to the meeting and thanked them for their participation. He asked all members participating by phone to send Section Secretary Jamie Sinclair an email confirming their attendance, and all members present to sign in, before introducing the guest speaker for the meeting.

Annual Meeting and Evening with the Second Circuit Update

Mr. Berman advised that the Section is looking forward to its upcoming event on January 24th entitled "*An Evening with the Second Circuit at the Thurgood Marshall Courthouse*". With 50 people already registered, the Section estimates 70-90 will attend. Mr. Berman advised that Chief Judge DiFiore will present the Fuld Award to Chief Judge Katzmman on behalf of the Second Circuit at the Annual Meeting on January 25, 2017. For the luncheon program, 24 tables already had been purchased, and there are some remaining. All Executive Committee members were encouraged to register for the CLEs and to purchase a table for their firm if they have not already done so. Leading up these great events, the Section invited Second Circuit Executive Karen Greve Milton to address the Executive Committee.

Remarks by Guest Speaker Karen Greve Milton, Circuit Executive, Second Circuit Court of Appeals

Ms. Milton began her remarks by noting that the Second Circuit is currently celebrating its 125th anniversary, and is taking time throughout the year to reflect on the court's history, judges and jurisprudence. To that end, she distributed the Circuit's calendar of events in commemoration of its 125th anniversary, and invited all Executive Committee members to participate in them. Among the upcoming events she highlighted are a re-enactment of three Second Circuit appeals on February 9, 2017, a lecture by NYU School of Law Professor Stephen Gillers, and a "Hands Lecture" on two great judges of the Second Circuit: Judges Learned and Augustus Hand. Ms. Milton, as a gift to all Executive Committee members present, handed out 125th anniversary commemorative pins, and also advised that a thumb drive full of law review articles and other relevant resources pertaining to the Second Circuit's history and jurisprudence would be handed out at future events. She encouraged everyone to attend the January 24th event, noting that tours of the building will be given and they will focus on the architecture and history of the various rooms of the Courthouse.

Ms. Milton discussed the Circuit's Civic Education Initiative, which was established by Chief Judge Katzmman and focuses on courts' interaction with their surrounding communities and ways to engage judges, lawyers, educators and other interested members of the community in educating the next generation about the courts and court system. As part the initiative, exhibits, including audio tapes, will be on display in the Learning Center at the Second Circuit Courthouse, and the Court will

host several student contests and re-enactments, as well as mock trial competitions. One goal of the Initiative is to establish tools and best practices that other courts can model their civic engagement programs after. The Court is currently looking for volunteers, especially outside of NYC, to be part of its Civic Education Initiative. Ms. Milton took questions from EC members before concluding her remarks.

Draft Report on the Report and Recommendations of the NYSBA Committee on the New York State Constitution

Hank Greenberg discussed the Draft Report of the NYSBA Committee on the New York State Constitution, and provided background regarding the impetus for the drafting of the Report. The Report addresses issues that have been the subject of debate by court reform advocates for decades, and includes suggestions for improvement and reformation. The report is 70 pages, and includes over 230 footnotes. Executive Committee member Steve Younger further elaborated on the Report, noting that it contains 30 pages of constitutional history, beginning with how the colonial era court system based on the English court system evolved through the years. Among the report's recommendations are ways to restructure the court system, save money for clients and attorneys by simplifying access to the courts, modifying judicial retirement ages, removing caps on the number of Supreme Court Justices, and making changes to the Commission on Judicial Conduct.

Section Chair Mr. Berman then introduced and explained the Section's draft Report concerning the Draft Report of the NYSBA Committee on the New York State Constitution. He noted that the Section's Report limited its comments to issues concerning commercial litigation, and specifically addressed the caseload of the Appellate Division, Second Department, the cap on the number of Supreme Court Justices imposed by Article VI of the New York State Constitution, and the Judiciary Budget. A discussion took place among the Executive Committee members, and the following suggestions were made:

- Page 1, paragraph 4: change "[two years]" to more clearly express the magnitude of the delay concerning appeals in the Second Department; and
- Page 2, the first paragraph was modified so that it now read:

The Section believes that there is also value in the opportunity to evaluate the process by which the Judiciary Budget is debated among the three branches of our State Government, and ultimately decided by the Legislative and Executive branches. The Judiciary needs to receive sufficient funds to provide the level of service necessary to address litigation in the 21st century, noting that business clients and the legal service providers that serve them within the State of New York generate significant revenues, and the court system is an important component of that "ecosystem." As a coordinate branch of

State government, the Judiciary should not continue to be relegated to “second class” status in determining its budget. Many business clients have options where to litigate their disputes and their decision-making should be determined by legal principles, not by the inadequacy of court facilities, technology and the availability and work load of members of the Judiciary. Business disputes that could be resolved in New York State that are brought in other jurisdictions result in a direct loss of revenues to the New York State Budget and damage our State economy.

After adopting these changes, a vote was held on the adoption of the Section’s draft report, and all members voted in favor. Section members Deborah Edelman and Hon. Marcy Friedman abstained from voting.

Approval of the December 15, 2016 Meeting Minutes

Mr. Berman advised that upon the request of an Executive Committee member, a sentence was added to the 3rd full paragraph on page 4 of the draft December 15th minutes to read: “There was a discussion and questions were raised at the meeting regarding who was entitled to vote and the number of votes required to adopt a Section report, but that the officers’ view governed this meeting.” With this additional language, the December 15, 2016 meeting minutes were unanimously approved by all Executive Committee members present.

Upcoming Events and CLES

Section Chair Mark A. Berman provided further elaboration and detail regarding the upcoming Annual Meeting. Following the CLE programs in the morning, the cocktail hour and luncheon will be held, and afterwards the President’s Summit will begin at 2:00 pm. Claire Gutekunst, NYSBA President, invited all members present to attend the President’s Summit, which will focus on artificial intelligence and revenge porn, and 3 CLE credits will be offered for attendance. Section Chair Mark A. Berman also advised that three companies are sponsoring this year’s Annual Meeting, including an appellate printer, a forensic accountant, and an ediscovery vendor. The Section also invited the Federal Bar Council in honor of the Circuit’s anniversary to the Annual Meeting to sell its book on the Courthouses of Second Circuit Court of Appeals.

Upcoming CLE events

Section Chair Mark A. Berman advised that tomorrow, January 11, 2016, Jonathan Lupkin is providing an update on the Commercial Division rules, via webcast at 1:30pm. The program is titled “Amendments to the Statewide Commercial Division Rules.” Additionally, the Commercial Division Litigation Academy is scheduled for May 4-5, and has over 35 confirmed speakers. On February 16, an immigration webcast on Deferred Action for Childhood Arrivals would be held. On March 13, the

Section will host a joint program with the Dispute Resolution Section which will address quicker and less expensive arbitrations and how to handle difficult issues presented with electronically stored information in arbitrations. Finally, on March 30, a live CLE webcast will be held called "Legal Ethics in the Digital Age: Practical Strategies for Using Technology Ethically in Your Practice." Mr. Berman noted that the Advisory Committee's video on the Commercial Division is now posted on the Section's home page.

The meeting adjourned at 7:40pm.

FINAL MINUTES

**THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE**

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Wednesday, February 15, 2017.

Members Present:

Mark A. Berman, Chair
Robert Holtzman, Vice Chair
Tracee Davis
Tony Harwood
Laurel Kretzing
Courtney Rockett
Paul Sarkozi
Hon. Cathy Seibel**

Members Participating by Phone:

Mitch Katz, Chair Elect
Jamie Sinclair, Secretary
Deborah Edelman, Treasurer
Gregory Arenson
James Bergin
Beth Gould
Sandra Rampersaud
Stephen T. Roberts
Natasha Shishov

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:45 p.m.

Cocktail Party

Prior to the commencement of the Executive Committee meeting, the Section hosted a cocktail party for the judges and law clerks of the White Plains Federal Courthouse as well as for local commercial practitioners. Chair Mark Berman spoke to the attendees about the activities and programming of the Section and encouraged attendees to join the Section. Over forty people attended the cocktail party and Judge Seibel's remarks.

Welcoming Remarks

Section Chair Mark A. Berman welcomed attendees to the meeting and thanked them for their participation. This meeting was held in White Plains, New York, at the U.S. District Courthouse for the Southern District of New York located in Westchester. He asked all members participating by phone to send Section Secretary Jamie Sinclair an email confirming their attendance, and introduced the guest speaker for the meeting.

Remarks by Guest Speaker Hon. Cathy Seibel, U.S. District Judge for the Southern District of New York

The Hon. Cathy Seibel began by applauding the high caliber of lawyering and distinguished judges practicing in the White Plains Courthouse, and invited all Executive Committee members to litigate in the White Plains Courthouse. Judge Seibel then discussed the role of mediation in the Southern District, stating that there are over 300 mediators available all of whom are required to take a certain amount of cases per year. The Judge noted that, while many attorneys think that mediation slows a case down, the Southern District has found that the average total time between referral to a mediator and either settlement of the case or it returning back to the judge is approximately 92 days. Further, Judge Seibel noted that the Court has noted that over 60% of the cases that go to mediation settle in mediation.

Judge Seibel specifically addressed two pilot mediation programs underway in the White Plains Courthouse. The first is a mediation program for Section 1983 actions, which seek to hold municipalities liable for the conduct of their employees. The Judge noted that, although final numbers were not yet available, it appears that a record number of these cases are settling through the pilot program. The second pilot mediation program is for cases brought under the Fair Labor Standards Act, which cases currently constitute a large (over 10%) of the total docket of the White Plains Courthouse. Although final numbers also were not available, the Judge noted that these cases also appear to be settling at a higher rate through the use of the pilot program.

The Judge stated that the courthouse seeks to have a diverse group of mediators available for parties to select from. Judge Seibel encouraged attorneys interested in volunteering as mediators to apply to become a mediator. Finally, the Judge encouraged attorneys practicing in the Southern District, who have gone through the mediation process there, to provide feedback to the mediation supervisor, Rebecca Price. The Judge solicited feedback from Executive Members present at the meeting regarding what they think works, and what could use improvement, with regard to the mediation program as it currently operates. Section Chair Mark Berman thanked Judge Seibel for her remarks and encouraged her to reach out to the Section if it can be of any assistance to the Court.

Approval of the January 10, 2017 Meeting Minutes

The January 10, 2017 meeting minutes were unanimously approved by all Executive Committee members present.

Review of the Evening with the Second Circuit and the Section's Annual Meeting

Section Chair Mark Berman provided an overview of the Section's Annual Meeting and "Evening with the Second Circuit," held the night before the Annual Meeting. He reported that over 90 people attended the Second Circuit Program and that the evening was a fantastic success. As to the Annual Meeting, over 70 judges were in attendance, and the CLE programs and luncheon received great reviews. Over 350 people attended this year's Annual Meeting, and it was particularly fantastic to have both Chief Judge Katzmann and Chief Judge DiFiore in attendance.

Update on the Upcoming Spring Meeting (May 19-21)

This year's Spring Meeting will be held in Saratoga Springs from May 19-21. Chair Elect Mitch Katz provided a brief overview of the four programs planned for the weekend which will address trade secret defense, restrictive covenant litigation, a rule and caselaw comparison and update concerning Commercial Division rules and the Federal Rules of Civil Procedure, and evidentiary issues relating to electronic fabrication, alteration and fake news. Additionally, Mr. Katz noted that he was seeking to have seven sponsors participate in this year's Spring Meeting, with four focusing on electronic support and software in the practice of law. The honoree for the Fuld Award has not been selected yet.

Update on the House of Delegates Meeting

Section Chair Mark Berman provided an update on the House of Delegates meeting, which was attended by, inter alia, Mr. Berman, Mitch Katz, and former chairs Jim Wicks and Tracee Davis. The House of Delegates voted in support of adding a new diversity and inclusion and elimination of bias CLE requirement, which the Section previously issued a report in favor of. The House of Delegates meeting also addressed what topics NYSBA would support if a Constitutional Convention was held as it relates to the Judiciary Act. Mr. Berman reminded Executive Committee members that the Section approved a report at its January Executive Committee meeting addressing three specific areas of reform with regard to Commercial Practice that the Section would support if a Constitutional Convention were held.

Upcoming CLE Events and the Commercial Litigation Academy

Section Chair Mark Berman advised that the upcoming Commercial Litigation Academy expects to have over 200 people in attendance, including the 5 women Kaye Scholars whose admission will be paid for by the Section. The faculty and

curriculum for the Commercial Litigation Academy is set and publicity will begin soon.

Additional upcoming CLEs of interest include “Cross Fertilization of Best Practices Recommendations by ComFed and the DR Section for Improving Dispute Resolution in the Courts and in Arbitration” which will be held on March 13, 2017 at Fordham Law School; “Legal Ethics in the Digital Age”, which will be held on March 30, 2017 at the Executive Conference Center in New York City; and “Securities Arbitration and Mediation 2017: The Courage to Simplify”, which will be held on April 6, 2017 at the New York Society of Security Analysts.

Brooklyn Law School Event

Section Chair Mark Berman advised that the Section, as part of its outreach efforts is planning an event to be held at Brooklyn Law School on April 19th. Kings County Commercial Division Justice Lawrence Knipel and Sylvia Ash will be in attendance, and Kings County practitioners will be encouraged to attend. The event is being spearheaded by Gregory LaSpina, the new District Leader for Kings County.

Upcoming Committee Review

Section Chair Mark Berman advised that over the next year the officers will be reviewing and attempting to reinvigorate various committees of the Section and to enforce terms limits in order to spread leadership roles to more Section members.

The meeting adjourned at approximately 7:45pm.

FINAL MINUTES

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Wednesday, March 7, 2017.

Members Present:

Mark A. Berman, Chair
Robert Holtzman, Vice Chair
Jamie Sinclair, Secretary
James Bergin
Thomas Bivona
Hon. Melissa Crane
Richard Dircks
Richard Friedman
Tony Harwood
Laurel Kretzing
Hon. Lawrence Knipel**
Michael Rakower
Hon. Mark Partnow*
Natasha Shishov
Hon. David Vaughan*
Dan Wiig

Members Participating by Phone:

Mitch Katz, Chair Elect
Teresa Bennett
Tracee Davis
Sophia Goring-Piard
Beth Gould
Sandra Rampersaud
Courtney Rockett

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m.

Welcoming Remarks

Section Chair Mark A. Berman welcomed attendees to the meeting and thanked them for their participation. He asked all members participating by phone to send Section Secretary Jamie Sinclair an email confirming their attendance, and introduced the guest speaker for the meeting, Justice Lawrence Knipel from the New York Supreme Court, Kings County, Commercial Division as well as the Court's Administrative Judge. Mr. Berman provided an overview of Justice Knipel's educational and professional background before inviting him to begin his remarks.

Remarks by Guest Speaker Hon. Lawrence Knipel, Supreme Court of the State of New York, County of Kings

Justice Knipel began his remarks by acknowledging his fellow justices in the room, Justice Partnow and Judge Vaughan, both Justices from Kings County Supreme Court. Justice Knipel briefly discussed the Commercial Division rules and the prospect that they could serve as a model in certain areas for the non-commercial litigation parts in Kings County Supreme Court.

Justice Knipel also addressed the overall case load of the Commercial Division of Kings County Supreme Court and the increase in the volume of cases being brought there, which he believes may be the second busiest Commercial Division in New York State. In addition, he noted that both Justice Carolyn Demarest, who helped to found the Commercial Division in Kings Supreme Court, and Justice David Schmidt have recently retired, and the Court has Ash and himself as the new Commercial Division Justice. Justice Knipel noted that while Justice Ash is recuperating from surgery, Justice Leon Ruchelsman has filled in. The Justice described the nature of the cases brought in Kings Supreme Court, Commercial Division, which tend to be highly real-estate related, including the buying/selling and management property, as well as the dissolution and partition of closely held businesses. The Kings County Supreme Court Commercial Division has also seen an increase in the amount of internet-related litigation, including litigation involving start-up companies and internet "scrubbing" cases.

Finally, Justice Knipel concluded by discussing his approach to discovery disputes noting in effect that the "way to move a case along is to move a case along." The Justice took questions from members present, which questions covered a range of topics, including the potential for a mediation PROGRAM IN KINGS SUPREME COURT. AT THE CONCLUSION OF THE JUDGE'S REMARKS, SECTION Chair Mark Berman reminded all attending of the upcoming April 19th program being planned at Brooklyn Law School, which program is being spearheaded by District Leader Greg LaSpina and will present an opportunity for members of the bar, bench, and law students to mingle together with Justices Knipel and Ash, and is being sponsored by Flushing Bank.

Attendance Matters:

Section Chair Mark Berman opened up a discussion of whether attendance at the monthly meetings has been affected by holding Executive Committee meetings out of Manhattan. The general consensus of the members' remarks was that most members did not feel that momentum is lost by holding meetings out of Manhattan, but that wherever possible, video conferencing was highly preferable to only teleconferencing the meeting.

Approval of the February 17, 2017 Meeting Minutes

With the correction of the spelling of a member's name, the February 15, 2017 Meeting Minutes were unanimously approved.

Spring Meeting Update

Section Chair-Elect Mitch Katz updated everyone on the Section's upcoming Spring Meeting, which is being held at the Gideon Putnam Hotel in Saratoga Springs on May 19-21, 2017. Seymour W. James, Jr., the Attorney-in-Charge of the Legal Aid Society will receive the Haig award for public service at the Spring Meeting. Mr. Katz reminded everyone of the four program leaders and panels planned for the weekend, which will address, *inter alia*, trade secret defense, restrictive covenant litigation, a rule and case law comparison between Commercial Division rules and the Federal Rules of Civil Procedure, and a program on fake news. Mr. Katz also advised that a total of seven sponsors are lined up for the meeting, including four tech sponsors in an attempt to present a mini litigation-related technology show. A general discussion among members regarding other sponsorship avenues ensued. Finally, members were reminded to reserve their rooms for the Spring Meeting early as the block of rooms reserved will fill up quickly.

Smooth Moves Update:

Section member Tracee Davis provided an update on the 11th annual Smooth Moves program which will be held at Lincoln Center on April 24, 2017 from 5:00 p.m. to 8:00 p.m., where the George Bundy Smith Award will be presented to Jeh Johnson, the former Secretary of Homeland Security. Chief Judge Colleen McMahon of the United States District Court for the Southern District of New York will present the award to Mr. Johnson. A CLE program will be held during the first half of the meeting, which will address how diversity works and how law firms can align their diversity initiative programs with their clients' goals; the economic case for diversity; and innovative ways to increase and promote diversity in the commercial litigation arena. All section members are encouraged to attend, to promote attendance within their firms, and to consider sponsoring the program.

Com Fed Commercial Litigation Academy Update

Section Chair Mark Berman reminded everyone of the upcoming Commercial Litigation Academy, scheduled for May 4-5, 2017, where five young women will attend free of charge on account of the Kaye Scholarships awarded to them by the Section. Subjects addressed at the Litigation Academy, which has been organized by Kevin Smith, include injunctive relief, discovery and discovery, dispositive motion practice, trials, civil appeals, and more.

Westchester Meet and Greet

Section Member Courtney Rockett provided a summary of the “meet and greet” program held at the United States District Court for the Southern District in White Plains, New York, on February 15, 2017, which was attended by approximately 40 people including three District Judges and two Magistrate Judges. The remarks by Judge Cathy Seibel were wonderfully received, and the Section is appreciative of the efforts of all members who were integral in planning the program as well as those who attended in person, including Tracee Davis, Courtney Rockett, Paul Sarkozi and Tony Harwood (as well as Section Officers Mark Berman, and Robert Holtzman).

Section Sponsorship of American Bar Events

The Section will be sponsoring two programs at the ABA’s annual meeting, which will be held in New York City this year. The programs will be held on August 10th and August 11th and will feature 12 tracks of programming. Michael Byowitz provided a brief overview of the programming. Each program will cost \$25 and provides 1.5 CLE credits.

Publications Committee Proposal

Section Member Dan Wiig summarized the Publications Committee proposal, which is designed to assist the Section’s publication efforts. The Committee will be limited to 15 law students and recent graduates who will: (i) assist the Editor of the *New York Litigator* in reviewing and editing articles and section reports submitted for publication; (ii) attend section events and draft summaries of the events for newsletters; (iii) update the section website with court rule changes; (iv) offer research and writing assistance for reports/projects coordinated, and as requested by, section Committees; and (v) participate in other discrete projects as assigned by the Committee Chair. The proposal to form the Publications Committee was approved unanimously by all members attending.

Upcoming Law School Events

As part of the Section’s efforts to reach out to younger attorneys, Section Chair Mark Berman updated the Executive Committee on the officers’ efforts to meet with law schools: Laurel Kretzing and Deborah Edelman will be attending Hofstra’s dinner

with a lawyer program; Mark Berman will attend Brooklyn Law School's dinner and career talk; and Mitch Katz will be having a meeting with University of Buffalo's law career services.

Upcoming CLE's and Section Reports

Finally, Section Chair Mark Berman reminded everyone of the Section's upcoming CLE programs, which include, among other things, the joint program with the Dispute Resolution Section on March 13, 2017, and the immigration law webcast scheduled for March 22, 2017, which will address the implication of immigration law and policy changes within the first 100 days of the Trump administration. Additionally, the Section has an upcoming reports in the pipeline, which is version 3 of the Social Media Ethics Guidelines.

The meeting adjourned at approximately 7:45pm

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Tuesday, April 4, 2017.

Members Present:

Mark A. Berman, Chair
Deborah Edelman, Treasurer
Robert Holtzman, Vice-Chair
Sandra Rampersaud
Gregory Arenson
Thomas Bivona
Hon. Helen Freedman
Sophia Goring-Piard
Robert L. Haig**
Jay Himes
Laurel Kretzing
Hon. Karla Moskowitz
Stephen T. Roberts
Paul Sarkozi
Natasha Shishov

Members Participating by Phone:

Mitchell Katz, Chair Elect
Ignatius A. Grande
Jeffrey Harradine
Alan Mansfield
Carla Miller
Charles Moxley, Jr.
Michael Rakower
Courtney Rockett
Kevin Smith
Douglas Tabachnik
David Tennant

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m.

Welcoming Remarks

Section Chair Mark A. Berman welcomed attendees to the meeting and thanked them for their participation. He asked all members participating by phone to send Section Secretary Jamie Sinclair an email confirming their attendance, and introduced the guest speaker for the meeting, Robert L. Haig, Chair of the Commercial Division Advisory Council (the "AC"), and provided a short bio before inviting him to begin his remarks.

Remarks by Guest Speaker Robert L. Haig, Chair of the Commercial Division Advisory Council

Robert Haig began his remarks by discussing the new Commercial Division video, which he indicated has been circulated to over 200,000 people, including, among others, members of many bar associations, companies and in-house attorneys. The video serves the purpose of, among other things, "getting word out" about the Commercial Division and helping to market New York's Commercial Divisions as a premier litigation forum for businesses worldwide. The Executive Committee members viewed the video, and those participating by phone were sent a link to view the video at their own computers. The AC would like the Section to help promote the video.

Following the video, Mr. Haig provided background regarding the history of the AC and its procedures regarding developing proposed Commercial Division rules. The AC is made up of 45 individuals and includes judges, in-house counsel and practicing attorneys. The AC works to draft rules that address the needs of business clients and the courts.

Mr. Haig advised that, when new rules are proposed, the AC seeks out and takes into consideration public comment as well as feedback from the Section. The goal of the AC is, among other things, to make the Commercial Division as attractive a venue as possible to business and litigators.

Mr. Haig concluded his remarks by answering questions from Executive Committee members regarding the AC.

Approval of the March 7, 2017 Meeting Minutes

The March 7, 2017 Meeting Minutes were unanimously approved.

Spring Meeting Update

Section Chair-Elect Mitch Katz updated everyone on the Section's upcoming Spring Meeting, which is being held at the Gideon Putnam Hotel in Saratoga Springs on May 19-21, 2017. A recent email blast was sent to all Executive Committee members. Seymour W. James, Jr., the Attorney-in-Charge of the Legal Aid Society will receive

the Haig award for public service at the Spring Meeting. Mr. Katz reminded everyone of the four program leaders and the panels planned for the weekend, which will address, *inter alia*, trade secret defense, restrictive covenant litigation, a rule and case law comparison between Commercial Division rules and the Federal Rules of Civil Procedure, and a program on fake news. Mr. Katz also advised that a total of seven sponsors are lined up for the meeting, including four tech sponsors in an attempt to present a mini litigation-related technology show. Finally, members were reminded to reserve their rooms for the Spring Meeting early as the block of rooms reserved will fill up quickly.

Smooth Moves Update:

Section members Carla Miller and Tracee Davis provided an update on the 11th annual Smooth Moves program which will be held at Lincoln Center on April 24, 2017 from 5:00 p.m. to 8:00 p.m., where the George Bundy Smith Award will be presented to Jeh Johnson, the former Secretary of Homeland Security. Chief Judge Colleen McMahon of the United States District Court for the Southern District of New York will present the award to Mr. Johnson. A CLE program will be held during the first half of the meeting, which will address how diversity works and how law firms can align their diversity initiative programs with their clients' goals. The Hon. Peter O. Sherwood will host this year's diversity fellow. All section members are encouraged to attend the program, to promote attendance within their firms, and to consider a sponsorship.

Com Fed Commercial Litigation Academy Update

Committee Member Kevin Smith reminded everyone of the upcoming Commercial Litigation Academy scheduled for May 4-5, 2017, where five young women will also be attending the Academy free of charge on account of the Kaye Scholarships awarded to them by the Section. Subjects addressed at the Litigation Academy, which has been organized by Kevin Smith, include injunctive relief, discovery and discovery, dispositive motion practice, trials, civil appeals, and more.

Federal Law Clerks "Meet and Greet" Event – May 23, 2017

Section Chair Mark A. Berman reminded the Executive Committee about this upcoming cocktail party for the federal law clerks of the Southern and Eastern Districts and the Second Circuit, which will be held at the library in the Court of International Trade on May 23, 2017.

Long Island Commercial Division Justices Annual Program with Practitioners – June 14, 2017

Laurel Kretzing advised the Section that she will begin promoting this annual program. Sponsorships are already lined up, and all Commercial Division Justices in Nassau and Suffolk County have been invited.

Kings County Commercial Division Justices “Meet and Greet” at Brooklyn Law School – April 19, 2017

Section Chair Mark A. Berman reminded Executive Committee members of this upcoming event at Brooklyn Law School, where both Justice Knipel and Justice Ash will be present. Posters have been posted in Kings County Supreme Courthouse and the Kings County Bar Association sent out an e blast. Additionally, the Dean of Brooklyn Law School is scheduled to speak at the event.

House of Delegates

The Section is extremely proud of its efforts to promote membership and bring in law students. Its efforts on this front were recently acknowledged at NYSBA’s House of Delegates meeting.

Recap – Joint Arbitration Committee and DR Section CLE

Committee Members Charles Moxley and Jeffrey Zaino provided a summary of this CLE program held at Fordham Law School on March 13, 2017, which was aimed to share best practices between the ComFed and ADR sections regarding dispute resolution and ediscovery. The program was attended by over 95 and a cocktail party afterward.

Section CLEs

Section Chair Mark A. Berman updated everyone of the Section’s CLE programs, which included, among other things, the joint program with the Dispute Resolution Section held on March 13, 2017, and the immigration law webcast for which addressed the implication of immigration law and policy changes within the first 100 days of the Trump administration. Additionally, the Section has an upcoming report, which is the third version of the Social Media Legal Ethics Guidelines.

Recap of Hofstra Law School Event

Section Treasurer Deborah Edelman and Incoming Section Vice-Chair Laurel Kretzing attended Hofstra’s “Dinner with a Lawyer” event on the Section’s behalf, where they met with several students.

NYSBA/WBASNY Domestic Violence Initiative Discussion

Section Chair Mark A. Berman announced that MYSBA is putting together a domestic violence initiative and he encouraged members to think about how the Section can incorporate domestic violence initiatives into its reports and programs.

ABA Events – ComFed Co-Sponsorship

Section Chair Mark A. Berman reminded members that the Section will be involved in many of the CLE tracks at the ABA's Annual Meeting in New York in August. The ABA is not looking for monetary sponsorship, but wants the Section to promote the events. Various Section committees are co-sponsoring various tracks, including the commercial litigation track.

Publications Committee

Section Chair Mark A. Berman provided an update of the applications for the Publications Committee. Emails blasts inviting applicants were sent out to several NYC law schools, and so far 10 applicants have applied. Membership will be capped at 15 students.

Federal Procedure Committee's Report on the ABA Proposal to Amend the Diversity Jurisdiction Statute

Section Member Stephen T. Roberts provided an overview of this report, which urges Congress to amend the diversity jurisdiction statute consistent with what the ABA has proposed. The proposed amendment would provide that unincorporated businesses be deemed only citizens of the State and where they are organized. The report supported the ABA's proposed resolution that all business organizations should be treated equally to corporations. The Section approved the report by unanimous vote of all members present.

Other Business

Section Chair Mark A. Berman advised that membership rolls were updated as of 3/31 and it reflects no material change in membership as compared to previous year as of the same time period.

Sophia Goring-Piard, Co-Chair of the Immigration Litigation Committee, updated the Section on her committee's recent webcast addressing immigration changes under the new presidential administration. The program had 85 attendees online, and 20 in person and was a great success.

The meeting adjourned at 7:50 pm.

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COMMERCIAL & FEDERAL LITIGATION SECTION
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Members Present:

Mark A. Berman, Chair
Robert Holtzman, Vice Chair
Deborah Edelman, Treasurer
Gregory Arenson
Thomas Bivona
Jeremy Feinberg
Helen Freedman
Richard Friedman
Ignatius Grande
Jay Himes
Robert Holtzman
Frank Maas
Hon. Andrea Masley
Hon. Karla Moskowitz
Michael Rakower
Stephen Roberts
James Wicks
Michael Cardozo*
Dwight Yoo**

Members Participating by Phone:

Mitch Katz, Chair Elect
Jamie Sinclair, Secretary
Teresa Bennett
Stephen Bennett
James Bergin
Jessica Clemente***
Janae Cummings****
Richard Dircks
Beth Gould
Henry (Hank) Greenberg*****
Laurel Kretzing
Carla Miller
John Mitchell

Courtney Rockett
Natasha Shishov
David Tennant

**indicates guest speaker for the meeting*
***President of the Asian American Bar Association*
****indicates a Judith Kaye Scholar*
***** indicates the Section Diversity Fellow*
******indicates a NYSBA executive committee member*

The meeting came to order at 6:05 p.m.

Welcoming Remarks

Section Chair Mark A. Berman welcomed attendees to the meeting and thanked them for their participation, and introduced the guest speaker for the evening.

Guest speaker: Michael A. Cardozo, Partner, Proskauer, and Former Corporation Counsel to the City of New York

Mr. Cardozo began by sharing events from his illustrious career as a former New York City Corporation Counsel, before turning to the subject of diversity. Mr. Cardozo first discussed his efforts at the Corporation Counsel to increase diversity. He then discussed efforts at promoting diversity at large law firms, specifically discussing current diversity initiatives at Proskauer. Mr. Cardozo also discussed unconscious bias and ideas of how to recognize it and to begin a dialogue within law firms on the topic. Finally, Mr. Cardozo discussed how to combat the “pipeline” issue by introducing diverse middle school students to the legal industry, including by partnering with groups like Legal Outreach. He also discussed Second Circuit Judge Robert Katzmann’s civic initiatives which have similar goals.

Approval of April 4, 2017 Meeting Minutes

The April 4, 2017 meeting minutes were unanimously approved by all Executive Committee members present.

2017 Social Media Legal Ethics Guidelines Report

Ignatius Grande advised that this is the third edition of the Guidelines, which were last updated two years ago in 2015. Mr. Grande provided an overview of the updates contained in the report, including technology competence, attorney advertising, positional conflicts and the addition of an extensive appendix. The report was unanimously approved by all members in attendance.

Report on the Proposed Amendment of Commercial Division Practice Rules 10 and 11 to Address Alternative Dispute Resolution

Teresa Bennett advised that this report require counsel to certify that they have discussed the availability of ADR with their clients, and to provide a date by which a mediator will be selected. The proposed amendments are designed to encourage the use of ADR and ensure that clients are aware of this option. The report was unanimously approved by all members in attendance, except for Deborah Edelman, who abstained.

Report on the Proposed Revised Model Compliance Conference Stipulation and Order Form for Use in the Commercial Division

Teresa Bennett advised that this proposed revised rule (which amends the model compliance conference order) will not be mandatory, but that it will be up to individual justices to use. The proposed order requires the signature of all counsel. After agreeing to several minor changes to the report and suggested minor changes to the model compliance conference order, all members unanimously approved the report in attendance, except for Deborah Edelman who abstained.

Spring Meeting update: May 19-21, 2017

Mitch Katz provided an update on number of registrants and speakers planned for the Spring Meeting weekend, where Seymour James will be presented the Haig award. Mark Berman provided an update on the Women's Initiative ad hoc committee which will meet on Saturday afternoon to discuss their groundbreaking draft report on women in the courtroom and ADR. The final report is expected to be presented to the Executive Committee in June.

Kings County Commercial Division Meet and Greet at Brooklyn Law School

Mr. Berman summarized this successful event held at Brooklyn Law School, which was attended by Justices Knipel and Ash and several other Supreme Court Justices from Brooklyn. There were 54 attendees, and Mr. Berman indicated that Dean Allard spoke and that he invited the Section back to hold a Commercial Division Rule update program next year

Smooth Moves 2017 Report

Carla Miller reported that the 11th annual Smooth Moves Program held on April 24, 2017 was a huge success. The CLE's theme was how clients can partner with law firms to enhance and encourage diversity. The event was very well received. The program which was transcribed will be posted to the Section's webpage. There was a discussion that, while the program was one of the best ever, there is need to improve attendance, including starting the event at 6pm.

Com Fed Commercial Litigation Academy

Mark Berman advised that this year's litigation academy was attended by 140 people and was a great success. Mr. Berman further advised that he took out four Kaye Scholars for dinner after the first day of the program along with Laurel Kretzing and Sandra Rampersaud and the two chairs of the Women in the Law Committee.

Federal Law Clerks "Meet and Greet" - May 23, 2017

The Section is hosting a cocktail party for all federal law clerks in Manhattan and Brooklyn as part of its efforts to increase young membership in the section. Forty clerks have signed up so far, and Chief Judges McMahon and Irizarry, along with Claire Gutekunst will be in attendance.

Long Island Commercial Division Justices Annual Program with Practitioners Update

Laurel Kretzing advised that this program is scheduled for June 14, 2017 and will be attended by almost all of the Long Island Commercial Division Justices as well as A. Gail Prudenti, who recently was named Dean of Hofstra School of Law.

Upcoming CLE Programs

Mark Berman summarized upcoming Section CLE events, which will address topics such as the Social Media Legal Ethics Guidelines, legal ethics in the digital age, confidentiality and protective orders, drones and more.

NYSBA Report and Recommendations Concerning Whether New Yorkers Should Approve the 2017 Ballot Question Calling for a Constitutional Convention Adopted by the Committee on the New York State Constitution

Henry M. Greenberg updated the Committee on the status of the Report and Recommendations addressing whether there should be a New York State constitutional convention which would address reforms to the judiciary article. Mr. Greenberg viewed that the benefits of having a convention outweigh the attendant risks. The Section will consider drafting a report endorsing NYSBA's report and recommendation.

Treasurer's Report

Deborah Edelman provided an update on the Treasurer's Report, indicating that NYSBA had provided the final statement for the calendar year ending 2016. The final statement indicated a \$7,400 deficit for the year. The deficit was funded out of

the Section's surplus, and the amount of the deficit was viewed as de minimis given the total Section budget and the magnitude of the programs funded in 2016. Reference was made to the Section's surplus, which remains significant notwithstanding a "reserve" for the commitment of \$10,000 to each of the four federal district courts to fund business and commercial litigation programs.

The meeting concluded at approximately 8:30 p.m.

FINAL MINUTES

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Thursday, June 8, 2017.

Members Participating by Phone:

Mitch Katz, Chair
Robert Holtzman, Chair Elect
Laurel Kretzing, Vice Chair
Sandra Rampersaud, Treasurer
Jamie Sinclair, Secretary
Gregory Arenson
Teresa Bennett
Mark Berman
Mark Davies
Claire Gutekunst
Helen Freedman
Jeffrey Haradine
Helene Hechtkopf
Jay Himes
Hon. Andrea Masley
Paul Sarkozi
Natasha Shishov

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:30 p.m.

Welcoming Remarks

Section Chair Mitch Katz welcomed attendees to the meeting and thanked them for their participation.

Adoption of Commercial & Federal Litigation Section Comments on Report and Recommendations of NYSBA Committee on the New York State Constitution

The Executive Committee voted to unanimously adopt the Commercial and Federal Litigation Section Comments on Report and Recommendations of NYSBA Committee on the New York State Constitution.

The meeting concluded at approximately 6:40 p.m.

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Thursday, June 20, 2017.

Members in Attendance:

Mitch Katz, Chair
Robert Holtzman, Chair Elect
Jamie Sinclair, Secretary
Jim Bergin
Mark Berman
Thomas C. Bivona
Alan Brody
Carrie H. Cohen
Lou DiLorenzo
Deborah Edelman
Jennifer Smith Finnegan
Jeremy Feinberg
Clara Flebus
Hon. Helen Freedman (Ret.)
Richard Friedman
Suzanne Galbato
Sheryl Giugliano
Maura Grossman
Jay Himes
Hon. Shira A. Scheindlin (Ret.)
Hon. Frank Maas (Ret.)
Jim McGuire
Hon. Karla Moskowitz
Matthew Maron
Michael Rakower
Hon. Charles E. Ramos*
Stephen Roberts
Tim Rode
Paul Sarkozi
Vincent Syracuse
Doug Tabachnik
Stephen Younger
Lauren Wachtler

Members Participating by Phone:

Laurel Kretzing, Vice Chair
Teresa Bennett
Jonathan Fellows
Claire Gutekunst

Courtney Rockett
Natasha Shishov
James Thoman
Jim Wicks

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

Guest Speaker: Hon. Charles E. Ramos, Commercial Division Justice of the New York Supreme Court

Judge Ramos discussed his experience at the First International Forum of Commercial Division Judges, which was recently held in the United Kingdom and attended by 60 commercial division judges from around the world. The purpose of the Forum was to establish relationships and collaborate with Commercial Division judges around the world. The next forum will be held in 2018 in New York, and Justice Ramos invited the section to take an active role in hosting the judges from around the world. It was suggested that an effort should be made to engage international bar associations in the 2018 Forum. Justice Ramos also discussed his practice in utilizing judicial interns in his chambers, many of whom are international LLC students.

ABA Summer Meeting

Stephen Younger announced that this year's American Bar Association meeting will be held August 10-11 in New York City and invited members to attend.

Federal Procedure Committee Report on *Daimler*

The section unanimously approved this report, which addresses the evolution of general jurisdiction rules in the three years since *Daimler AG v. Bauman* was decided by the United States Supreme Court.

Women's Initiative Report

Members of the Task Force discussed the research the Women's Initiative reviewed in preparation of this report, the report's findings, and plans to repeat the study in the future. The report was based on results gathered from over 3,000 questionnaires distributed to courts around New York. The report was unanimously approved by the Section, subject to minor editing and additions.

Report on Proposed Rules for Electronic Filing in the Appellate Divisions

Jim McGuire and Suzanne Galbato presented this report, which addressed the proposed rules for electronic filings in the Appellate Divisions of New York. The Report was unanimously approved, except for the abstention of Deborah Edelman.

Proposed Committee Chairs and District Leaders

The following individuals were approved and appointed unanimously as Co-Chairs for the respective committees:

Michael Fox: E-discovery
Maura Grossman: E-discovery
Jennifer Smith Finnegan: Ethics and Professionalism
Mark Berman: Commercial Division
Matt Maron: Commercial Division
Lou DiLorenzo: Employment and Labor
Alan Brody: Creditors' Rights and Bankruptcy Litigation
Sheryl Giugliano: Creditors' Rights and Bankruptcy Litigation

James C. Thoman: Creditors Rights and Bankruptcy Litigation

The following individuals were not re-appointed as Chairs: Charles Dorkey (State Judiciary Committee); Steve Bennett (E-discovery); Sophia Goring-Piard (Immigration); Michael Luskin (Banking/Creditors Rights); Robert Schrager (Banking/Creditors Rights); and Doug Tabachnik (Banking/Creditors Rights).

The following individuals were nominated and appointed unanimously as District Leaders:

Michael Cardello (10th JD)

Stacey E. Trien (7th JD)

The Mentoring and State Judiciary Committees are being disbanded and the "Diversity Committee" will be changed to the "Diversity and Inclusion Committee."

Special Committee on the Revision of the Bylaws

Section Chair-Elect Robert Holtzman announced the creation of a special committee to review the Bylaws of the Section, and sought the Executive Committee's advice on same. The Bylaws Committee will be comprised of Greg Arenson, Tracey Davis, Sharon Porcellio, Jonathan Lupkin, David Tennant and Jim Wicks and will be lead by Robert Holtzman.

Approval of Meeting Minutes

With minor alterations to attendance, the May 10, 2017 and June 8, 2017 Minutes were unanimously approved by the Section.

Other Business

Various other matters were discussed, including a NYSBA report on the requirement on attorneys to maintain a New York Office, Leslie Rosenthal's receipt of the Root Stimpson award, and the recent House of Delegates meeting held in Cooperstown, New York.

The meeting concluded at approximately 8:00 p.m.

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Thursday, July 11, 2017.

Members Participating by Phone:

Mitch Katz, Chair

Robert Holtzman, Chair-Elect

Laurel Kretzing, Vice-Chair

Sandra Rampersaud, Treasurer

Jamie Sinclair, Secretary

Gregory Arenson

Alan Brody

Mark Berman

Teresa Bennett

Jim Bergin

Stephen Crane

Mark Davies

Clara Flebus

Claire Gutekunst

Tony Harwood

Ron Hedges

Frank Maas

Matthew Maron

Michael Rakower

Courtney Rockett

Jay Safer

Natasha Shishov

Doug Tabachnik

David Tennant

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:30 p.m. Chair-Elect Robert Holtzman called the meeting to order and presided over the meeting, as Section Chair Mitch Katz has determined that he will not preside over Section discussions concerning proposed Commercial Division rules.

Draft report re: the Proposed Establishment of a “Large Complex Case List” in the Commercial Division

The Draft report of the Commercial Division Committee was introduced and discussed by the Co-Chairs of the Committee, Matthew Maron, Mark Berman and Teresa Bennett. After a brief period of discussion, the report was passed unanimously, with the abstention of Michael Rakower.

The meeting concluded at approximately 7:00 p.m.

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Tuesday, August 8, 2017.

Members Participating by Phone:

Mitch Katz, Chair

Robert Holtzman, Chair-Elect

Laurel Kretzing, Vice-Chair

Sandra Rampersaud, Treasurer

Jamie Sinclair, Secretary

Theresa M. Bennett

James M. Bergin

Mark Davies

Jonathan Fellows

Clara Flebus

Sheryl Giugliano

Jay L. Himes

Matthew Maron

Stephen T. Roberts

Jay G. Safer

Paul D. Sarkozi

Natasha Shishov

James M. Wicks

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m. Chair-Elect Robert Holtzman called the meeting to order and presided over the meeting, as Section Chair Mitch Katz has determined that he will not preside over Section discussions concerning proposed Commercial Division rules.

Draft Report re: the Proposed Amendment to the Rules of the Commercial Division to Include a Sample Choice of Law Clause for Use in Commercial Courts

The Draft Report of the Commercial Division Committee was introduced and discussed by the Co-Chairs of the Committee. After a brief period of discussion, the Report was passed unanimously.

Draft Report re: Proposed Model Status Conference Stipulation and Order Form for Use in the Commercial Division

The Draft Report of the Commercial Division Committee was introduced and discussed by the Co-Chairs of the Committee. After a brief period of discussion, the Report was passed unanimously.

The meeting concluded at approximately 6:30 p.m.

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Thursday, September 7, 2017.

Members Participating in Person

Mitch Katz, Chair
Robert Holtzman, Chair-Elect
Laurel Kretzing, Vice-Chair
Greg Arenson
Mark Berman
Alan Brody
Peter Brown
Michael Cryan
Richard Dircks
Lou DiLorenzo
Chris Donati
Clara Flebus
Claire Gutekunst
Tony Harwood
Helene Hechtkopf
Hon. Robert A. Katzmann*
Hon. Andrea Masley
Karen Greve Milton*
Hon. Karla Moskowitz
Ben Nagin
Hon. Sylvia Hinds-Radix
Lesley Rosenthal
Natasha Shishov
Rebecca Smithwick
Doug Tabachnik
Jim Wicks
Dan Wiig

Members Participating by Phone

Jamie Sinclair, Secretary
Sandra Rampersaud, Treasurer
Clara Flebus
Courtney Rockett

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m. Section Chair Mitch Katz called the meeting to order and invited Second Circuit Chief Judge Robert A. Katzmann to begin his remarks.

Guest Speaker: Second Circuit Chief Judge Robert A. Katzmann

Judge Katzmann focused his remarks on the Court's Justice for All: Courts and Community program, which focuses on civic education initiatives and programs in the court. The Chief Judge described the upcoming events affiliated with the Justice for All initiative, which include special naturalization ceremonies being held in connection with Constitution and Citizenship Day, which takes place on September 18, 2017, and the Special Session of Court: Hands Lecture on Great Judges of the Second Circuit which will be held on September 27, 2017. The Justice for All initiative also includes civic education programs, historic reenactments, courthouse visits, student contests and more. The Chief Judge also remarked that the Court is holding a Teacher's Institute and a new interactive learning center will be opening on the 5th floor. The Chief Judge concluded his remarks by taking comments and questions from Executive Committee members.

Approval of June 20, 2017 Meeting Minutes

The July 20, 2017 Meeting Minutes were unanimously approved.

Approval of July 11, 2017 Meeting Minutes

The July 11, 2017 Meeting Minutes were unanimously approved.

Approval of August 8, 2017 Meeting Minutes

The August 8, 2017 Meeting Minutes were unanimously approved.

ABA Summer Meeting Recap

The Executive Committee members discussed various tracks of the ABA Summer Meeting which were attended by Executive Committee members.

Nominations for Officer Positions

Chair-Elect Robert Holtzman invited Executive Committee members to share nominations for officers of the Section with Melanie Cyganowski.

Financial Support for Scheindlin Award and Evening at Thurgood Marshall Events

Chair-Elect Robert Holtzman reminded Executive Committee members of these upcoming events scheduled in the Fall. Because both events occur in federal courthouses, signage for sponsors cannot be used and thus sponsorship options are limited. Accordingly, the Section proposed to request firm sponsorship of these programs in exchange for advertisement space in the *Litigator* and the Section Newsletter.

Litigation Academy Committee Volunteers

Section Chair Mitch Katz discussed the newly created Litigation Academy Committee, which will assist in planning the Commercial Litigation Academy for Spring 2019 at Fordham Law School. Mitch Katz advised that the financial burden component for the Kaye Scholarship applications has been eliminated this year, and encouraged Executive Committee members to encourage younger lawyers to apply for the Scholarships.

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Committee Highlights

Vice-Chair Laurel Kretzing advised that moving forward, Committees Chairs will be invited to give an informal report on the current efforts of their respective Committees at the Executive Committee meetings.

Section Ambassador

Mitch Katz requested the Section's assistance in setting up lunchtime programs with Mark Zauderer at law firms. The lunchtime programs will target young lawyers and encourage them to get involved in the Section.

Further Marketing of Women's Task Force Report

Section Chair Mitch Katz solicited the Executive Committee members' assistance in publicizing and creating awareness around the Women's Task Force report. Executive Committee members discussed various ideas for ways to implement the Task Force Report's inclusive mission at their firms and in their practice.

Other Business

Section Chair Mitch Katz announced the creation of an *ad-hoc* committee to serve as a liaison to the Second Circuit. The Committee will assist the Circuit in its outreach initiatives and determine best practices to support the Circuit's initiatives. Mark Berman announced that the NY Bar and Bench forum will be held November 28, 2017. Claire Gutekunst reminded members of the membership challenge and suggested regular reporting on the Section's membership statistics. Various other matters were discussed.

The meeting concluded at approximately 7:30 p.m.

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Tuesday, October 3, 2017.

Members Participating in Person

Mitch Katz, Chair
Robert Holtzman, Chair-Elect
Laurel Kretzing, Vice-Chair
Greg Arenson
Tom Bivona
Richard Dircks
Tony Harwood
Jeremy Feinberg
Hon. Helen Freedman (Ret.)
Richard B. Friedman
Jay Himes
Hon. Andrea Masley
Hon. Karla Moskowitz
Jamila Moore*
Natasha Shishov
Rebecca Smithwick
Vincent Syracuse
Doug Tabachnik

Members Participating by Phone

Sandra Rampersaud, Treasurer
Jamie Sinclair, Secretary
Evan Barr
James Bergin
Hon. Deborah Chimes **
Jonathan Fellows
Suzanne Galbato
Hon. Henry Nowak **
Jim Potter
Stephen T. Roberts
Courtney Rockett
Paul Sarkozi
Jim Wicks

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m. Section Chair Mitch Katz called the meeting to order and invited guest speakers Deborah A. Chimes and Henry J. Nowak, Justices of the Supreme Court, 8th JD, Commercial Division to provide remarks, which were given via video conference.

Guest Speakers: Deborah A. Chimes and Henry J. Nowak

Justices Chimes and Nowak discussed the fact that Commercial Division justices hold 3 year terms in the 8th JD. They also discussed practices in their chambers, approaches to conferencing cases prior to trial, and the “two-tiered” mediation program. In the mediation program, the judge will order mediation for the parties, but if either party feels, after participating for the first two hours, that the mediation is not productive, either may suspend it without any charge. For cases that do not settle through mediation, the case will proceed through discovery. Both judges discussed the various tools they use in getting parties to consider settlement, as well as pet peeves they have with respect to motion practice in their courtrooms. The discussion concluded with the judges taking questions for members, and noting the reception and impact the Section’s Women’s Task Force Report has had on their practice rules and courtrooms.

Approval of September 7, 2017 Meeting Minutes

The September 7, 2017 Meeting Minutes were unanimously approved.

Preliminary Report re: Judiciary Law § 470

Vincent Syracuse, on behalf of the Legislative and Judicial Initiatives Committee, discussed the Committee’s preliminary report on Judiciary Law § 470 which requires nonresident members of the New York bar to maintain an office in New York. The Committee has made a preliminary recommendation that the NY State Legislature should repeal Judiciary Law § 470, and a discussion was held by members in attendance regarding same. The preliminary report was unanimously approved with the abstention of Natasha Shishov. An edited copy of the Preliminary Report will be approved and circulated as the Section’s report.

Scheindlin Award Update

Section Chair Mitch Katz announced that Patricia Miller and Linda Clark will be this year’s award recipients of the Shira A. Scheindlin Award for Excellence in the Courtroom. The CLE program has been severed from the award portion of the program, and it will now be a 3 credit program held in March. The award program will be held November 15, 2017 at 500 Pearl Street in the ceremonial courtroom.

Evening at Thurgood Marshall Events

This second annual event, held before the Section’s Annual meeting, will feature both a cocktail hour and tours of the Court and remarks by Chief Judge Robert A. Katzmann. The event will be held at the Thurgood Marshall Courthouse from 5:30 to 7:30 p.m. Ticket prices are set at \$35 per member and \$25 for members of the Young Lawyers’ Section.

Committee Highlight- White Collar Criminal Litigation

Executive Committee member and Chair of the White Collar Criminal Litigation Committee Evan Barr gave a brief report on the Committee’s structure and practices. The Committee was created in 2007 and has a mailing list of over 200 names. The Committee aims to have guest speakers who have recently litigated a large or notorious case, which helps attract attendees, and

meets monthly. Typically 25-30 people attend the meetings, and meeting locations are rotated amongst various firms and companies in industries relevant to this practice area. The next meeting will held 10/26. The Committee Highlight prompted a discussion by the Committee of other ways to invigorate the Section's Committees.

Bylaws Committee Update

Robert Holtzman updated the Section regarding the Bylaws Committee's first meeting and advised that a recommendation is expected by the end of the year.

Nominating Committee Update

Section Chair-Elect Robert Holtzman invited members to share nominations for Section Officers with Melanie Cyganowski.

Women's Task Force Report

The Report has received momentous press and the Task Force Committee is currently working on recommendations for implementation. The Report will be presented to the Executive Committee on 11/3 and the House of Delegates on 11/4 by Bernice Leber and Mark Berman. It is expected that the House of Delegates will approve and adopt the report as a Report by the Association.

Other Business

Mark Zauderer, as the Section's Ambassador, recently visited Boies Schiller Flexner LLP and will soon speak with Greenberg Traurig, LLP to encourage young lawyers to join the Section. The civility guidelines for practice, created by the Section years ago, were also discussed.

The meeting concluded at approximately 7:47 p.m.

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on December 5, 2017.

Members Participating in Person

Mitch Katz, Chair
Robert Holtzman, Chair-Elect
Laurel Kretzing, Vice-Chair
Thomas C. Bivona
Mark Davies
Deborah Edelman
Jeremy Feinberg
Hon. Helen E. Freedman (Ret.)
Ignatius Grande
Beth Gould
Helene Hechtkopf
Dan Kolb*
Jonathan Lupkin
Frank Maas
Matt Maron
Hon. Andrea Masley**
Deborah Massucci*
Hon. Karla Moskowitz
Charlie Moxley
Michael Oberman
Rebecca Smithwick
Dan Wiig

Members Participating by Phone

Jamie Sinclair, Secretary
Alan Brody
Richard Dircks
Suzanne Galbato
Courtney Rockett
Jim Wicks

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m. Section Chair Mitch Katz called the meeting to order and invited guest speaker Hon. Andrea Masley, Justice of the Supreme Court of the State of New York, New York County, to begin her remarks.

Guest Speaker: Hon. Andrea Masley, Justice of the Supreme Court of the State of New York, New York County

Judge Masley began by introducing her law clerks and summarizing many of the procedures and practices in her chambers, including her methods for handling of discovery disputes. Her part rules are a mixture of Judge Oing's and Judge Ramos's rules, and she welcomes any suggestions from practitioners regarding ways to improve them. Judge Masley also advised lawyers to refrain from using any of her pet peeves in the courtroom, which include using overly dramatic tactics, yelling, and using legalese. The Judge recommends the use of direct testimony by affidavit to expedite the trial process and invited members to otherwise encourage the judiciary's efforts to adopt technology in the courtroom. Finally, Judge Masley took questions from members in attendance.

Approval of November 1, 2017 Meeting Minutes

The November 1, 2017 meeting minutes were unanimously approved.

Committee Highlight- Alternative Dispute Resolution

Charles Moxley, co-chair of the Alternative Dispute Resolution along with Jeff Zaino, advised that the Committee has been quite active, putting on programs almost every two months, ranging from topics such as "10 most important things for counsel and arbitrators" and "how to build a mediation practice". An upcoming program will address why mediation is underused in New York as compared to other jurisdictions. An engaging discussion regarding programming and collaboration between the Section and the Committee ensued.

Dispute Resolution Section – A Discussion about Collaboration with guests, Dan Kolb, Chair and Deborah Masucci, Chair Elect

The Section was joined by Dan Kolb and Deborah Massucci from NYSBA's Dispute Resolution Section. Mr. Kolb and Ms. Massucci discussed the Section's efforts to provide mediation advocacy training to educate lawyers about the role of mediation. Advocating in the mediation setting requires different techniques than those typically utilized in a litigation setting. The ADR section is offering a 3-day commercial mediation training program in March at Fordham University School of Law, which will explore the differences between facilitative and evaluative or directive approaches in mediation, both from a practical and from an ethical perspective, and will discuss the advantages and disadvantages of these styles. Several suggestions were discussed for young lawyer programming including a program on how to become mediator and a shadowing or mentoring program for arbitration practice.

Scheidlin Award Program Recap

The Scheindlin Award event was well received this year, with many in attendance commenting that it was a meaningful and touching event. Mitch Katz advised that the mock trial program will take place March 5, 2018 at a location TBD.

Evening at Thurgood Marshall Update

Section Secretary Jamie Sinclair advised that this program will be held January 23, 2018 from 5:00pm – 7:30pm at the Thurgood Marshall Courthouse. Tours of the courthouse will be available followed by cocktails and hors d'oeuvres and remarks by Section Chair Mitch Katz and Chief Judge Katzmann.

Annual Meeting Update

Vice Chair Laurel Kretzing provided an update regarding planning and topics for the Annual Meeting which will be held on January 24, 2018. The first panel will address cyber security concerns and will be followed by an implicit bias program, each for 1.5 CLE credits. At the luncheon program, Justice Ramos will receive the Fuld Award and Michael Miller, President Elect of NYSBA will present the award to Justice Ramos. Counsel Press and US Legal are both providing sponsorship.

Spring Meeting Update

Chair Elect Robert Holtzman advised that this year's Spring Meeting will be held at the Sagamore Hotel at Lake George May 4-6, 2018 and programming is currently underway.

Other Business

Section Chair Mitch Katz advised of various upcoming events the Section is involved in, including:

Smooth Moves – April 10, 2018;

Task Force CLE – March 5, 2018;

Ethics committee report on change to RPC – presentation at meeting on January 4, 2018;

CD committee report on proposed CD rule – presentation at meeting on January 4, 2018;

Younger lawyers programming currently in the works;

CPLR Committee CLE with General Practice Section; and

White Collar Committee collaboration with Criminal Practice Section on sealing legislation.

The meeting concluded at approximately 7:45 p.m.