

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
REMOTE MEETING  
February 1, 2022**

---

Present: Simeon H. Baum, Mark A. Berman, T. Andrew Brown, David Louis Cohen, Orin J. Cohen, Donna England, Jean F. Gerbini, Sarah E. Gold, Taa R. Grays, LaMarr J. Jackson, Scott M. Karson, Sherry Levin Wallach, Richard C. Lewis, Thomas J. Maroney, Michael J. McNamara, Ronald C. Minkoff, Mark J. Moretti, Domenick Napoletano, Christopher R. Riano, Aimee L. Richter, Mirna M. Santiago, Robert T. Schofield, IV, Adam Seiden, Diana S. Sen, Tucker C. Stanclift, Kathleen M. Sweet, Jean Marie Westlake.

Guests: Paul H. Aloe, Stephen Brodsky, David L. Ferstendig, David Goldfarb, Ronald J. Hedges, Andrew R. Jaglom, Deborah Kearns, Naomi Levin, Deepankar Mukerji, Thomas Pitegoff, Jinsoo Roo, Thomas J. Wiegand

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

1. Approval of minutes of January 21, 2022, meeting. The minutes were accepted as distributed.
2. Consent Calendar
  - a) Amendment of Mission Statement of Committee on Immigration Representation.

The consent calendar, consisting of the item listed above, was approved.

3. Report and recommendations of Business Law Section. Business Law Section members Stephen Brodsky, Andre R. Jaglom, and Thomas Pitegoff outlined an affirmative legislative proposal in support of Bill S.1481/A.2551, which if enacted into law would amend the publication requirement of Limited Liability Company Law (“LLCL”) Section 206. After discussion, a motion was adopted to approve the report and recommendations. Mr. Riano abstained from the vote.
4. Reports and recommendations of Trusts and Estates Law Section.
  - A) SCPA § 1510 – Lost Trusts. Section member Deborah Kearns presented an affirmative legislative proposal to support the adoption of Surrogate’s Court Procedure Act (“SCPA”) § 1510 to amend Article 15 of the SCPA as it relates to Lost Trusts.
  - B) EPTL 5-1.1-A. Section member Jinsoo J. Roo outlined an affirmative legislative proposal to support amendment of Estates, Powers and Trusts Law (“EPTL”) § 5-1.1-A concerning “transfer on death securities” as testamentary substitutes within the meaning of the EPTL.

After discussion, a motion was adopted to approve the proposals. Mr. Riano abstained from the vote.

5. Reports and recommendations of Committee on Civil Practice Law and Rules. Thomas J. Wiegand, co-chair of the committee, introduced the following affirmative legislative proposals.

- A) Amendment to CPLR 3025(b). Committee members Paul H. Aloe and David L. Ferstendig outlined an affirmative legislative proposal to support amendment of CPLR § 3025(b) to remove the requirement of an affidavit of merit in all circumstances when amending a pleading.
- B) New CPLR 4550. Committee member Ronald J. Hedges reviewed an affirmative legislative proposal to support the adoption of new CPLR § 4550, based on Federal Rule of Evidence 502, which would codify rules with respect to the waiver of privileged material.

After discussion, a motion was adopted to approve the proposals. Mr. Riano abstained from the vote.


6. Reports and recommendations of Elder Law and Special Needs Section.

- A) Power of Attorney Amendments. Section member David Goldfarb outlined an affirmative legislative proposal to support amendment of the Power of Attorney law to grandfather previously executed powers of attorney. This proposal was tabled at the October 29, 2021, Executive Committee meeting pending further dialogue between the Elder Law and Special Needs Section and the Committee on Legal Aid. Following this dialogue, the proposal was resubmitted with the provisions concerning proposed amendments to the gift-making and power of attorney construction sections removed from the resubmitted proposal.
- B) Repeal of Lookback for Community Medicaid. Section chair Deepankar Mukerji and member Naomi Levin reviewed an affirmative legislative proposal to support legislation to repeal the 30-month lookback period for Medical Assistance coverage of Community-based long-term care services.

After discussion, a motion was adopted to approve the proposals. Mr. Riano abstained from the vote.

7. Date and place of next meeting. The next meeting of the Executive Committee will take place on Friday, April 1, 2022, with options for participation in person at the New York City Hilton Midtown or remotely via Zoom.
8. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Taa R. Grays". The signature is fluid and elegant, with a large initial 'T' and 'G'.

Taa R. Grays  
Secretary