

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
REMOTE MEETING  
JANUARY 22, 2022**

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**PRESENT:** Abneri; Ahn; Alcott; Alomar; Bahn; Barreiro; Bascoe; Battistoni; Baum; Beltran; Ben-Asher; Berlin; Berman; Bladykas; Bond; Boston; Braunstein; Braverman; Bray; Brown; Burke; Buzard; Carbajal-Evangelista; Carter; Chambers; Chandrasekhar; Chang; Christian; Clouthier; B. Cohen; D. Cohen; O. Cohen; Cohn; Coreno; D'Angelo; Dean; DeFio Kean; Degnan; Doerr; Effman; Eng; England; Feal; Fellows; Filemyr; Finerty; Fogel; Fox; Friedman; Gerstman; Getnick; Gilbert; Gilmartin; Gold; Good; Grady; Grays; Griffin; Gutekunst; Haig; Heath; Hecker; Hill; Himes; Holder; Holtzman; Islam; Jackson; Jaglom; James; Jamieson; Jimenez; Joseph; Kamins; Karson; Kaufman; Kehoe; Kelly; Kendall; Kenney; Kiernan; Kimura; Klugman; Kobak; Kretser; Kretzing; LaBarbera; Lara; Lau-Kee; Lawrence; Leo; Leventhal; Levin; Levin Wallach; Levy; Lewis; Lindenauer; Lisi; Loyola; Lugo; MacLean; Madigan; Marinaccio; Markowitz; Maroney; Marotta; Martin; Matthews; Mazur; McElwreath; McGinn; McGrath; McNamara; Meyer; Middleton; C. Miller; M. Miller; R. Miller; Milone; Minkoff; Minkowitz; Miranda; Montagnino; Morrissey; Mukerji; Muller; Mulry; Napoletano; Newman; Noble; Nowatarski; O'Connell; O'Connor; Pacheco; Palermo; Palumbo; Parker; Purcell; Quaye; Quinones; Radick; Reed; Richman; Richter; Rosenthal; Russ; Russell; Ryan; Safer; Santiago; Schofield; Schram; Schrauer; Schwartz-Wallace; Sciocchetti; Scott; Seiden; Sen; Shafiqullah; Shapiro; Sharkey; Shishov; Silkenat; Silverman; Sise; Skolnik; Slavit; Smith; Sonberg; Starkman; Stoeckmann; Stong; Swanson; Sweet; Tambasco; Tarson; Treff; Triebwasser; van der Meulen; Vaughn; Ward; Warner; Watanabe; Waterman-Marshall; Weis; Welden; Wesson; Westlake; Wolff; Woodley; Yeung-Ha; Younger

Ms. Levin Wallach presided over the meeting as Chair of the House.

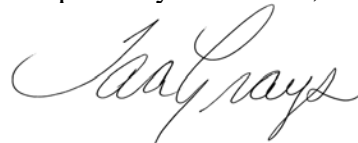
1. Approval of Minutes of October 30, 2021, meeting. The minutes were deemed accepted as distributed.
2. Report of the Nominating Committee and election of officers and members-at-large of the Executive Committee. Michael Miller, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2022-2023 Association year: President-Elect: Richard C. Lewis, Binghamton; Secretary: Taa R. Grays, New York City; Treasurer: Domenick Napoletano, Brooklyn; and Vice Presidents: First District – Diana S. Sen and Michael McNamara, New York City; Second – Pauline Yeung-Ha, Brooklyn; Third – Elena DeFio Kean, Albany; Fourth – Nancy Sciocchetti, Saratoga Springs; Fifth – Hon. James P. Murphy, Syracuse; Sixth – Michael R. May, Ithaca; Seventh – Mark J. Moretti, Rochester; Eighth – Kathleen M. Sweet, Buffalo; Ninth – Hon. Adam Seiden, Mount Vernon; Tenth – Michael A. Markowitz, Hewlett; Eleventh – David L. Cohen, Kew Gardens; Twelfth – Michael A. Marinaccio, White Plains; Thirteenth – Orin J. Cohen, Staten Island. Nominated as members-at-large of the Executive Committee were Sarah E. Gold, Albany; Ronald C. Minkoff and Kaylin L. Whittingham, New York City; Violet E. Samuels, Rosedale; Mirna M. Santiago, Pawling (Diversity Seat); and Gregory K. Arenson, New York City (Section Seat).

There being no further nominations, a motion was made and unanimously carried to elect the above-named individuals as officers and members-at-large of the Executive Committee.

3. Report of Task Force on the Post-Pandemic Future of the Profession. Task Force co-chairs Mark A. Berman and John H. Gross reported on the ongoing work of the Task Force, including findings from public forums held by each of the Task Force's four working groups and a review of the preliminary results of the member-wide survey conducted by the Task Force. Messrs. Berman and Gross advised that a statistician had been retained to analyze the survey results in detail. The report was received with thanks.
4. Report and recommendations of Committee on Diversity, Equity, and Inclusion. Committee co-chairs Mirna Santiago and Violet E. Samuels, together with Committee members Lillian M. Moy and Nihla F. Sikkander, presented the Diversity Report Card, Eighth Edition, and reported on the findings of the 2021 membership diversity survey and the status of implementation of the 2020 Diversity Plan. After discussion, a motion was adopted to approve the report and recommendations.
5. Report and recommendations of Local and State Government Law Section. Hon. James F. Horan, co-chair of the Local and State Government Law Section's Administrative Law Judges Committee, reviewed a proposal to amend the Model Code of Judicial Conduct for Administrative Law Judges, as adopted by the House of Delegates in April 2009. After discussion, a motion was adopted to approve the report and recommendations.
6. Report and recommendations of Working Group on New York Bar Application Question 26. David R. Marshall, chair of the Working Group, together with Eulas G. Boyd, Jr., member of the Committee on Legal Education and Admission to the Bar, presented a proposal to revise the New York State Bar Examination Admission Application to conform with the New York State Human Rights Law and the Family Court Act. Under this proposal, (1) Character and Fitness committee members and court staff would be trained to ensure that review of bar examination admission applications is in compliance with these requirements as well as the Corrections Act, and (2) the Admission Application would be revised to clearly state that applicants are not required to disclose (A) arrests not then pending that did not result in conviction; (B) sealed convictions; (C) adjournments in contemplation of dismissal; and (D) youthful offender adjudications. After discussion, a motion was made to approve the report and recommendations, after which a motion to table to have the Working Group reconsider the recommendations and bring back a more nuanced report failed. The main motion to adopt the report and recommendations was then approved.
7. Report and recommendations of New York City Bar Association. David G. Keyko, immediate past chair of the New York City Bar Association Legal Referral Service Committee, reviewed recommended amendments to Part 523 of the Rules of the Court of Appeals relating to temporary practice in New York by lawyers in other jurisdictions. After discussion, a motion was adopted to approve the report and recommendations.

8. Report and recommendations of Committee on Cannabis Law. Committee chair Lynelle K. Bosworth presented a proposal to create a Section on Cannabis Law. After discussion, a motion was adopted to approve the proposal.
9. Administrative items. Ms. Levin Wallach reported on the following:  
  
NYSBA delegates to ABA House of Delegates. At the April 2, 2022, meeting, the House would be requested to elect six of the Association's 11 delegates to the American Bar Association House of Delegates. The Nominating Committee had nominated the following individuals: T. Andrew Brown, Rochester; Sharon Stern Gerstman, Buffalo; Henry M. Greenberg, Albany; David P. Miranda, Albany; Richard C. Lewis, Binghamton; and Jacob W. Petterchak, New York City (Young Lawyers Delegate).
9. Date and place of next meeting. Ms. Levin Wallach announced that the next meeting of the House of Delegates would take place on Saturday, April 2, 2022, with options for participation in person at the New York City Hilton Midtown or remotely via Zoom.
10. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Taa R. Grays  
Secretary



**Report of President T. Andrew Brown to the  
Annual Meeting of the New York State Bar Association  
January 22, 2022**

Dear Colleagues:

It is a pleasure to be with you once again. Welcome to the one-hundred and forty-fifth Annual Meeting of the New York State Bar Association. It is my great pleasure to see that so many NYSBA members are here with us today in the virtual Zoom auditorium.

On behalf of the entire membership, I extend my profound thanks to Chief Judge Janet DiFiore for addressing us today, and for her remarks reflecting on the state of the judiciary. To the extent that we are able, the organized bar stands ready as a partner to confront the challenges facing our courts and our justice system. I also wish to thank Elizabeth Fine, counsel to the governor, for speaking to us today on behalf of Governor Kathy Hochul. For over one-hundred and forty years the New York State Bar Association has served as a resource to governors and the legislature. We are privileged to continue this important relationship on behalf of the legal profession in the years to come.

The Annual Governance Meeting – by law and by custom – is open to all members of the New York State Bar Association. Yet for a variety of reasons – first and foremost, I’m sure, being the early-morning Saturday meeting time, attendance is usually limited to delegates and few others. Technology has given us the opportunity to allow even broader member participation in the governance of our Association – indeed, participation from the comfort and safety of one’s own home. To those members participating today who are not delegates, I hope that you find this meeting to be a useful opportunity to learn more about the wide work of NYSBA, and perhaps even be encouraged to pursue further volunteer opportunities with our sections, committees, CLE programs, and publications.

The start of a new year is always a time of renewed optimism – and indeed, there is much to look forward to over the course of this year, both within and outside of the Association. The Association will tirelessly advocate to advance our 2022 legislative priorities, including the enactment of a right to counsel in housing and immigration matters, an increase to the assigned counsel rates, the repeal of outdated Judiciary Law 470, and the promulgation of modernized policing practices and policies. Many of you have worked on these efforts. Thank you. Our Sections continue to be engines of cutting-edge content, publications, and events for their members; and I expect that later today we will formally welcome a new group – the Section on Cannabis Law – to our ranks as the twenty-eighth section. And our members, as they always have, continue to work incessantly to promote equal access to justice for all and to strengthen the legal profession.

Yet I would be amiss to not acknowledge the disappointment that many of you are feeling. The simple fact that today’s meeting is being held virtually – almost two years into the pandemic – is

sobering. Certainly no one expected that the sudden shock of isolation and anxiety that we felt when the world shut down in March 2020 would remain a lingering – and recurring – reality.

Of course, the continued spread of COVID-19 and its variants are serious and must be considered in the planning of any in-person events. Health and safety will always come first. Prudence and public health considerations require us again to delay the scheduling of most in-person events. We have continued to find ways to support our members and remain relevant to all sectors of the profession.

The legal profession has profoundly changed over the last two years – some colleagues have stated that they feel the practice of law has changed more over the last two years than it had over the last two decades. Our personal lives and our livelihoods have been significantly altered. It is only a natural human reaction to approach such change – especially such forced change – reactively. We feel the urge to retreat, to return to the past. Indeed, I have felt this way myself many times over the last two years. For trial lawyers you think of such changes as “virtual court” – where there is no touching of exhibits, one can’t move freely around the courtroom. Client, judge, jury, and practitioner may be separated by many miles. Quite clearly, such an experience was not what we trained for in law school, nor even could have imagined over the course of our careers.

But for better or for worse, time does not march backwards, and if history teaches anything it is that what has already been put in place is hard to undo. Rather than resist, we must adapt, and work to diligently steer ourselves, our colleagues, and the profession into the future despite the challenges and uncertainties of what might lay ahead.

What then is the role of a bar association in confronting this unknown? How do we remain relevant for now and well into our future? To the extent that there are answers, our Task Force on Post-Pandemic Future of the Profession is also looking for solutions. . Over the course of last fall, the Task Force held four public forums and conducted a member-wide survey. This review focused on the role of technology, concerns with the remote practice of law, changes in client interaction, expectations for the education and training of law students and access to justice. The Task Force’s final report is still several months away. Thank you, John Gross and Mark Berman, for chairing the Task Force. I look forward to the report and I encourage everyone to remain engaged as we collectively continue to navigate out of the pandemic.

Two significant and pertinent reports were approved at the October meeting of the House of Delegates that will help in charting the way forward – the first being the report of the Emergency Task Force on Solo and Small Firm Practitioners, providing us with a blueprint to move forward, and the second being the report of the Task Force on Attorney Well-being. Over 50% of our members come from a solo or small firm practice setting – To the extent that our colleagues may be struggling to keep up with the rapidly changing practice of law, I pledge that NYSBA will continue to be your supporter through legal education programming, innovative member benefits, and advocacy on behalf of the profession with the judiciary, executive branch, and legislature. Thank you Domenick Napoletano and June Castellano for chairing the Emergency Task Force.

The toils of the last two years have taken a massive toll on the mental health and well-being of attorneys – a profession already plagued by high rates of depression, alcoholism, substance use, and anxiety. These pressures are even more acutely felt by women attorneys, younger attorneys,

and attorneys of color – many of whom have been impacted in myriad ways. If it was not clear before, it is clear now we all must take concrete action to improve our own well-being and that of our fellow practitioners. In that regard, I am very pleased to announce that yesterday the Executive Committee approved the creation of a standing Committee on Attorney Well-being, chaired by Hon. Karen Peters and Libby Coreno. The Committee will immediately begin work to expand attorney well-being resources within the Association.

I would like to turn to a report of tremendous importance which will be presented to the House of Delegates later this morning – the report of the Committee on Diversity, Equity, and Inclusion, which includes the 2021 Association Diversity Report Card. I would first like to thank the committee members, including chairs Mirna Santiago and Violet Samuels, and Lillian Moy and Nihla Sikkander, who will present the report later today, for their exhaustive work on this project. The full and equal participation of attorneys of color and other diverse attorneys in the New York State Bar Association, and truly at every level of the legal profession, is not just a loose aspiration but a realistic goal that is deeply held by me, by my colleagues on the Committee, and indeed by everyone who loves and recognizes the potential of our Association.

We will take action to address the concerns detailed in this report. Indeed, several recommendations have already been implemented. And Mirna Santiago serves as member liaison between the Executive Committee and Committee on Diversity, Equity, and Inclusion, ensuring a clear line of communication with NYSBA leadership and governance. We will also appoint a staff diversity coordinator to work directly with committees, sections, and other stakeholders both internal and external on matters related to diversity, equity, and inclusion. We must also review the number of diversity seats in the House of Delegates. The Bylaws provision that provides for diversity delegates and diversity members-at-large in general will sunset in 2024. At that time, it warrants strong consideration whether to increase the current twelve seats to a greater number to ensure more robust representation in the House.

I remain enthused by the significant work that the Task Force on Racism, Social Equity, and the Law has already undertaken, and I look forward to reviewing the recommendations and proposals being developed by the Task Force members. If you have not already done so, I encourage you to watch the recordings of the Task Force’s public forums that were held in the fall on the interplay of structural racism and barriers to housing, economic, health, education, and environmental justice. Thank you, Taa Grays and Lillian Moy, for chairing this important Task Force.

Similarly, I look forward to reviewing the forthcoming report of the Task Force on the Treatment of Transgender Youth in Sports, led by Jackie Drohan, which has also held several public forums, and to the efforts of the Task Force on Voting Rights and Democracy, led by Jerry Goldfeder. As many of you may know, there is much discussion in Washington about the advancement of voting rights legislation – critically-needed legislation that would increase voter participation and inclusion of all communities in our most important of democratic processes. Support of voting rights is nothing new for NYSBA – the House of Delegates approved the report of the Special Committee on Voter Participation in 2013, and our current Task Force is hard at work in drafting a new and comprehensive report. I am very pleased that the Executive Committee last Friday approved a resolution calling on NYSBA to support the goals of voting rights legislation and to protect access to the ballot and the sanctity of the vote and other key voting rights measures. I

speak on behalf of the officers of the Association that we will do all that we can to ensure that full and fair enfranchisement is recognized for all New Yorkers.

Lawyers are guardians of justice, and we all must play our part in the struggle to achieve justice both within and outside the profession. We will collectively – continue to respond and adapt to rapidly changing times through innovative solutions, pragmatic problem-solving, and cautious optimism. Will there ever be a return to normalcy? What will normalcy be? Old fixes do not always mend current challenges. We must focus on setting new norms, establishing new expectations, and meeting new challenges head on. Despite it all, I remain hopeful for the future, and hopeful for the future of our profession and bar association. I hope that you join me in this sentiment and even more so that you will join me in navigating the challenges of the future.

Lastly, I want to briefly report on the status of the transfer of One Elk from The Foundation to the Association. As you know, this was approved by the House over the past year. We had hoped to have the transfer completed by now. We have made progress, but we are not there yet. We continue to negotiate over a few final details which I hope to have wrapped up very shortly. The Association and The Foundation sent a joint letter to the New York State Attorney General inquiring whether Attorney General review and approval of the transaction is required. It is our belief that it does not. This will allow for a speedier closing of the deal. We will keep you all apprised of the progress.

Our Association remains strong – financially and organizationally. I look forward to finishing out my term with enthusiasm, doing all that I can to proudly lead the most distinguished and well-respected bar association on the planet. I will be forever grateful for this opportunity. Thank you.