

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
NEW YORK HILTON MIDTOWN, NEW YORK, AND REMOTE MEETING
APRIL 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, Michael A. Marinaccio, Thomas J. Maroney, Michael J. McNamara, Ronald C. Minkoff, Mark J. Moretti, Domenick Napoletano, Christopher R. Riano, Mirna M. Santiago, Nancy Sciocchetti, Robert T. Schofield, IV, Hon. Adam Seiden, Diana S. Sen, Lauren E. Sharkey, Tucker C. Stanclift, Kathleen M. Sweet, Jean Marie Westlake.

Guests: Gregory K. Arenson, Katherine L. Bajuk, Jeffrey Berman, Angela O. Burton, Elena DeFio Kean, Linda Gehron, Evan M. Goldberg, Shawndra G. Jones, Betsy Kramer, Susan B. Lindenauer, Hon. James P. Murphy, Michael R. May, Michael A. Markowitz, Lillian M. Moy, Daniel R. Novack, Mickey H. Osterreicher, Violet E. Samuels, Jacqueline N. Schell, Lorraine R. Silverman, Hon. Jonah I. Triebwasser, Kaylin L. Whittingham

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

1. Approval of minutes of February 1, 2022, meeting. The minutes were accepted as distributed.
2. Consent Calendar
 - a) Approval of presidential appointments to the House of Delegates.
 - b) Approval of Bylaws of Antitrust Law Section.
 - c) Approval of Bylaws of Commercial and Federal Litigation Section.
 - d) Approval of Mission Statement of Committee on Profession Discipline.

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

3. Report of Executive Director. Executive Director Pamela McDevitt updated the Executive Committee with respect to dues revenue, the Association budget, membership and retention initiatives, considerations in scheduling live and hybrid events, the Association's partnership with USI Affinity, and the formation of the Strategic Planning Committee. The report was received with thanks.
4. Report of Treasurer. In his capacity as Treasurer, Mr. Napoletano reported that through February 28, 2022, the Association's total revenue was \$6,992,673, a decrease of approximately \$1.3 million from the previous year, and total expenses were \$2,872,314, an increase of approximately \$373,000 over 2021. Mr. Napoletano also reported on the termination of the lease to the Green Island print shop and relocation to another facility, and on planning for increased member outreach to law students and new lawyers. The report was received with thanks.

5. Report of President. President Brown highlighted the items contained in his written report, a copy of which is appended to these minutes. He also thanked the departing members of the Executive Committee for their service and greeted the incoming members of the Executive Committee who attended the meeting. The report was received with thanks.
6. Report of Committee on Continuing Legal Education. Committee chair Shawndra G. Jones and Senior Director of CLE Katherine Suchocki updated the Executive Committee on CLE programming and revenue, upcoming Section meetings, and considerations in scheduling live and hybrid events. Ms. Jones and Ms. Suchocki also reported on the status of the Continuing Legal Education Board of the Unified Court System's consideration of a proposed amendment to the mandatory continuing legal education rules that would require newly admitted and experienced attorneys to complete one CLE credit in a new category of Cybersecurity, Privacy, and Data Protection. The report was received with thanks.
7. Report of Committee on Legislative Policy. Committee chair Evan M. Goldberg, together with Director of Policy Hilary F. Jochmans and Associate Director of Government Relations Cheyenne Burke, provided a review of the Association's 2022 legislative agenda and advocacy activity, including the launch of a monthly Government Relations e-newsletter, and an update on the status of the ongoing state budget negotiations. The report was received with thanks.
8. Application for Amicus Participation of LGBTQ Law Section. In his capacity as chair of the LGBTQ Law Section, Christopher R. Riano reviewed an application for the approval of Association participation as an *amicus curiae* before the U.S. Supreme Court in *303 Creative LLC v. Elenis*. After discussion, a motion was adopted to approve *amicus* participation. President Brown then appointed Simeon H. Baum, Sarah E. Gold, and Lauren E. Sharkey as the members of the subcommittee to review and give final approval to the filing of the *amicus curiae* brief.
9. Report and recommendations of Committee on Children and the Law. Committee chair Lorraine R. Silverman and committee member Betsy Kramer outlined an affirmative legislative proposal in support of modification of the Family Court Act so that petitions to have a child declared destitute could be filed by either the Commissioner of Social Services; the child, if over the age of fourteen; or a person on the court's direction. After discussion, a motion was adopted to approve the proposal. Mr. Riano abstained from the vote.
10. Report and recommendations of Committee on Families and the Law. Committee co-chairs Linda Gehron and Susan B. Lindenauer, and committee members Angela O. Burton and Janet Fink, presented a "Resolution Addressing Systemic Racism in the Child Welfare System of the State of New York" and reviewed the proposals contained in the accompanying report. After discussion, a motion was made to endorse the following resolution for favorable action by the House:

The New York State Bar Association recognizes:

Systemic racism resulting from the history of slavery in the United States exists within the NYS child welfare system, impacting Black families disparately. Collective responsibility of legislators, policymakers, judges and attorneys for creating, promulgating, maintaining, implementing and/or enforcing laws, policies, rulings and practices that have not adequately valued Black families and have often resulted in their unnecessary investigation and separation of families.

Systemic racism and disparate treatment of Black families in the NYS child welfare system have often resulted in:

Undue investigation into and control over Black families in New York.

Unequal and inadequate distribution of necessary resources for the preservation of Black families;

Unnecessary harm to children of color and poor children due to trauma of separation from their caregivers; and

The economic and social toll on communities and society as a whole.

WHEREFORE, it is

RESOLVED, that the New York State Bar Association shall

Promote action by legislators, policymakers, judges and attorneys to:

Create, promulgate, maintain, implement and/or enforce laws, policies, rulings and practices that value and preserve Black families; and

Bring about the repeal of child welfare laws and policies enacted upon racist goals and assumptions that disproportionately impact Black Families; or result in unequal consequences.

[Emphasis in original]

11. Report of Committee on Media Law. Committee co-chairs Daniel R. Novack and Jacquelyn N. Schell and member Mickey H. Osterreicher reported on Senate Bill S792A, which if enacted into law would amend the Judiciary Law to provide for audio-visual coverage of judicial proceedings. The report was received with thanks.
12. Report and recommendations of Committee on Mandated Representation. Committee members Katherine L. Bajuk and Jeffrey Berman reviewed an affirmative legislative proposal in support of the “Treatment, Not Jail” Act, which would expand judicial diversion, as codified in Criminal Procedure Law Article 26, beyond the current eligibility for substance abuse disorders and limited specified crimes to also be available to people accused of any charge under the penal law and to those who have mental health diagnoses

or other “functional impairments.” After discussion, a motion was adopted to approve the proposal. Mr. Riano abstained from the vote.

13. Report and recommendations of Committee on Law, Youth, and Citizenship. Committee member Hon. Jonah I. Triebwasser presented a proposal on how the Association can commemorate Constitution Day through relevant programming, articles, publicity, and other public engagements. After discussion, a motion was adopted to approve the report and recommendations.
14. Report of Task Force on Racism, Social Equity, and the Law. Task Force co-chairs Taa R. Grays and Lillian M. Moy updated the Executive Committee on the Task Force’s ongoing work and its planned recommendations. The report was received with thanks.
15. Date and place of next meeting. The next meeting of the Executive Committee will take place on Thursday, June 16, and Friday, June 17, with options for participation in person at The Otesaga in Cooperstown or remotely via Zoom.
16. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Taa R. Grays".

Taa R. Grays
Secretary

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

Members Participating: Gregory K. Arenson, David Louis Cohen, Sarah E. Gold, LaMarr J. Jackson, Elena DeFio Kean, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Michael A. Markowitz, Thomas J. Maroney, Michael R. May, Michael J. McNamara, Ronald C. Minkoff, James P. Murphy, Domenick Napoletano, Christopher R. Riano, Mirna M. Santiago, Nancy Sciocchetti, Kathleen M. Sweet, Kaylin Whittingham, Pauline Yeung-Ha.

Ms. Levin Wallach presided as President of the Association.

1. Consent Calendar

- a. Confirmation of appointments to Audit Committee.
- b. Confirmation of appointments to Finance Committee.
- c. Approval of presidential appointment to House of Delegates.

The consent calendar, consisting of the items listed above, was approved. Mr. McNamara abstained with respect to Item 2(b).

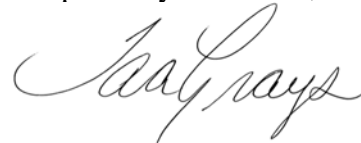
2. Review and Approval of Task Forces.

- a. Task Force on the Modernization of Criminal Practice.
- b. Task Force on Emerging Digital Finance and Currency.
- c. Task Force on Mental Health and Trauma Impacted Representation.
- d. Task Force on the U.S. Territories.

The Mission Statement of Item 2(d) was amended to add the word “briefing” in order to allow the Task Force to consider potential amicus participation by the Association in appropriate cases. As amended, the creation of the Task Forces and their respective Mission Statements were approved.

3. Adjournment. There being no further business to come before the Executive Committee, the meeting was adjourned.

Respectfully submitted,



Taa R. Grays
Secretary