

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
THE OTESAGA, COOPERSTOWN, NEW YORK, AND REMOTE MEETING  
JUNE 18, 2022**

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**PRESENT:** Ahn, Aidala, Alcott, Arenson, Barreiro, Baum, Beltran, Ben-Asher, Berlin, Berman, Bladykas, Braiterman, Braunstein, Braverman, Bray, Brown, Buholtz, Burke, Buzard, Carbajal-Evangelista, Carter, Chandrasekhar, Chang, Christian, B. Cohen, D. Cohen, O. Cohen, Cohn, Cooper, Coreno, D’Angelo, Davidoff, Degnan, Doyle, D’Souza, Dubowski, Effman, Feal, Filemyr, Finerty, Fogel, Fox, French, Gauntlett, Gerstman, Getnick, Gilbert, Gilmartin, Gold, Good, Graber, Grays, Griffin, Gross, Gutekunst, Haig, Harper, Heath, Himes, Holder, Houth, Islam, Jackson, Jaglom, James, Jimenez, Johnson, Jones, Kamins, Karson, Kaufman, Kean, Kelley, Kenney, Kimura, Ko, Kobak, Koch, Kretser, Lau-Kee, Leber, Lenci, Leventhal, Levin, Levin Wallach, Lewis, Livshits, Loyola, Lynn, Mack, Madigan, Marinaccio, Markowitz, Maroney, Martin, May, Mazur, McCann, McElwreath, McFadden, McGinn, McNamara, C. Miller, M. Miller, Minkoff, Minkowitz, Montagnino, Moreno, Moretti, Morrissey, Mukerji, Muller, Mulry, Murphy, Napoletano, Nielson, Nowotarski, O’Connor, Palermo, Parker, Petterchak, Quaye, Quiñones, Randall, Riano, Richardson, Richman, Richter, Riedel, Rothberg, Russell, Ryan, Safer, Samuels, Santiago, Sargente, Schram, Schrauer, Schwartz-Wallace, Sciocchetti, Seiden, Sen, Shafiqullah, Sharkey, Sikkander, Silkenat, Sonberg, Spring, Standard, Starkman, Stephenson, Stoeckmann, Stong, Swanson, Sweet, Tambasco, Terranova, Treff, Triebwasser, Vaughn, Ward, Waterman-Marshall, Wesson, Westlake, Whittingham, Wolff, Woodley, Yeung-Ha, Younger

Mr. Lewis presided over the meeting as Chair of the House.

1. Call to order, Pledge of Allegiance, and introduction of new members. The meeting was called to order and the Pledge of Allegiance was recited. A moment of silence was observed in honor of the victims of recent mass shootings in New York State and across the country. Mr. Lewis welcomed the new members of the House.
2. Approval of Minutes of April 2, 2022, meeting. The minutes were deemed accepted as distributed.
3. Installation of President. Ms. Levin Wallach was formally installed as the one-hundred and twenty-fifth President of the New York State Bar Association. The oath of office was administered by Hon. Cheryl E. Chambers, associate justice of the New York State Supreme Court Appellate Division, Second Department.
4. Report of President. Ms. Levin Wallach addressed the House with respect to her planned initiatives for her term as President. A copy of the written report is appended to these minutes.
5. Videoconference Address by Hon. Jenny Rivera – Associate Judge, New York State Court of Appeals. Judge Rivera addressed the House, speaking on topics including the role of the judiciary in a changing society, support for the rule of law, and the importance of judicial

independence, judicial integrity, and the safety and security of judges. Judge Rivera also noted her participation as a member of the Task Force on the U.S. Territories and commented on the mission of the recently created Task Force on the Modernization of Criminal Practice. The Chair received the report with thanks.

6. Reports of Treasurer. Domenick Napoletano, treasurer, reported that through April 30, 2022, the Association's total revenue was \$11,973,929, a decrease of approximately \$888,462 from the previous year, noting the increased expenses associated with the relocation of the print shop, the April 2022 meetings of the Executive Committee and House of Delegates held in New York City, software licensing fees, and increased health insurance premiums. Mr. Napoletano also reported on the status of the Association's investment portfolio and reviewed the status of larger income items including member dues, section dues, and CLE income. The report was received with thanks.
7. Report of Task Force on Racism, Social Equity, and the Law. Task Force co-chairs Taa R. Grays and Lillian M. Moy presented on the Task Force's ongoing work in anticipation of submission of a final report for consideration at the November 2022 meeting of the House of Delegates. The report was received with thanks.
8. Report of Strategic Planning Committee. Strategic Planning Committee co-chairs Taa R. Grays and Christopher R. Riano reported to the House members on the mandate and composition of the Strategic Planning Committee, the anticipated work of the committee, and the timeline for this work. The report was received with thanks.
9. Report and recommendations of Task Force on Voting Rights and Democracy. Jerry H. Goldfeder, chair of the Task Force on Voting Rights and Democracy, outlined the recommendations contained in the report pertaining to election administration in New York State. After discussion, a motion was made to approve the report and recommendations, after which a motion to amend the report to delete the fifth recommendation on appointment of an Elections Inspector General failed for lack of a second. The main motion to approve the report and recommendations was then adopted.
10. Report and recommendations of Committee on Diversity, Equity, and Inclusion. Mirna Martinez Santiago, immediate past chair of the committee, together with committee member Lillian M. Moy, reviewed the committee's recommendation to remove the sunset clauses from Bylaws provisions V.3.H. and VII.1.F.1., thereby permanently providing for the diversity delegates and diversity Executive Committee members-at-large positions. After discussion, a motion was made to adopt the resolution, after which a motion to amend the resolution to extend the sunset provisions for an additional ten years through May 31, 2034, failed. The main motion was then approved, and the following resolution was adopted by the House:

NOW THEREFORE, IT IS

RESOLVED, that the New York State Bar Association reaffirms its unwavering and longstanding commitment to increase racial and ethnic diversity within its

leadership ranks based upon its firm belief that diversity, equity, and inclusion must be fostered within the legal community and in society at large.

FURTHER RESOLVED, that the mission of the New York State Bar Association's Committee on Diversity, Equity and Inclusion is to promote the full and equal participation of attorneys of color and other diverse attorneys in the Association and in all sectors and at every level of the legal profession.

FURTHER RESOLVED, that the Association is made stronger and more capable of implementing change through the law when its membership reflects the diversity of the individuals and communities served by the legal profession.

FURTHER RESOLVED, that the subject bylaws provisions institutes a deliberate and thoughtful process to identify and recruit diverse members whose perspectives help inform and strengthen the Association's decisions and policies.

FURTHER RESOLVED, that the increased participation of attorneys of color in leadership positions also helps foster a welcoming environment for and serves as an incentive to diverse lawyers considering membership within the Association.

FURTHER RESOLVED, that the subject bylaws provisions promote the objectives approved by the Association in its adoption of the 2020 Diversity Plan which commits the Association to require diversity as an emphasis in all leadership nomination processes, including diversity among the decision-makers on the Nominating Committee.

RESOLVED, that consistent with these stated principles and commitments, the Association hereby approves the continuation of the bylaws provisions, without any sunset clause, to ensure that at least 12 members of the Association will be appointed by the President from underrepresented racial and ethnic groups to serve in the House of Delegates and that two members-at-large of the Executive Committee of the Association shall be selected to further ethnic and racial diversity.

11. Report and recommendations of Committee on Standards of Attorney Conduct. Committee vice chair James Q. Walker, together with committee members James B. Kobak, Jr., and Ronald C. Minkoff, outlined the committee's proposal to add new comments to Rules 1.4 and 5.6 of the New York Rules of Professional Conduct concerning the obligations of departing lawyers and law firms to notify clients when a lawyer with primary or substantial responsibility for specific matters or clients intends to leave a law firm to join a different firm. After discussion, the report was acted on in two parts. First, a motion was adopted to approve the recommendation on new comments to Rule 1.4. Second, a motion was adopted to approve the recommendation on new comments to Rule 5.6. Mr. Doyle abstained from both votes.
12. Report of The New York Bar Foundation. Hon. Cheryl E. Chambers, vice president of the New York Bar Foundation, updated the House members on the ongoing work and mission of The Foundation. The report was received with thanks.

13. Administrative items. Mr. Lewis reported on the following:
- a. Confirmation of Tenth District Representatives to Nominating Committee. At the April 2, 2022, meeting of the House of Delegates, when the members of the Nominating Committee for the 2022-2023 Association year were elected, all representatives for the Tenth District were not included on the list. The Tenth District representatives are Justin Block, Dorian Ronald Glover, Lynn-Poster Zimmerman, Sanford Strenger, Steven Leventhal (1<sup>st</sup> alternate) and Ilene Cooper (2<sup>nd</sup> alternate). A motion was adopted to confirm the election of these members to the Nominating Committee for the 2022-2023 Association year. One member abstained from the vote.
  - b. Ratification of appointments to Audit Committee. At its June 1, 2022, meeting, the Executive Committee had confirmed the reappointment of Elizabeth J. Champnoi as chair of the Audit Committee, and the reappointment of Michael L. Costello, Hermes Fernandez, Bryan Hetherington, Naomi K. Hills, Hon. Edwina F. Martin, and Robert T. Schofield, IV, as members of the Audit Committee. Pursuant to the Bylaws, the House is required to ratify the selection of these members. A motion was adopted to ratify the members' selection. Two members abstained from the vote.
  - c. Ratification of appointments to Finance Committee. At its June 1, 2022, meeting, the Executive Committee had confirmed the reappointment of Michael J. McNamara as chair of the Finance Committee, the reappointment of Taa R. Grays as a member of the Finance Committee, and the appointment of Hon. Cheryl E. Chambers as a member of the Finance Committee. Pursuant to the Bylaws, the House is required to ratify the selection of these members. A motion was adopted to ratify the members' selection.
14. New Business. House member Vincent T. Chang, president of the New York County Lawyers Association, spoke to the constitutional issues surrounding a vacancy in the position of lieutenant governor and commended the New York State Bar Association's Committee on the New York State Constitution for its efforts in forming a Subcommittee on the Lieutenant Governor to review and make recommendations on this topic.
15. Date and place of next meeting. Mr. Lewis announced that the next meeting of the House of Delegates would take place on Saturday, November 5, 2022, with options for participation in person at the Bar Center in Albany or remotely via Zoom.
16. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Taa R. Grays  
Secretary





**SHERRY LEVIN WALLACH, ESQ.**

President

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**Report of President Sherry Levin Wallach to the  
House of Delegates of the New York State Bar Association  
June 18, 2022**

“Investing in the Future of Our Profession” will be the focus of my year as president. This is what we must do to continue to grow our membership, be relevant to our current membership and to address the ever-changing needs of our new reality of practice. We will maintain our position as a voice for the profession by focusing on the future of the legal system as lawyers, judges, and members of this great profession and Association. Our Association will continue to work with Chief Judge Janet DiFiore and our court system to continue to improve our justice system. I believe that the work that we do together will continue to remind each and every one of you of the value in and need for bar association membership and assist you in joining me in engaging new members.

I owe so much to the bar leaders who came before me. You have given so much of your time, knowledge, and support to me over the years. Many of you are my trusted mentors. To the one-hundred and twenty-four presidents who came before me, I salute you all, and pledge that I will do my utmost to strengthen, preserve, and advance the work and mission of our Association. To the presidents and leaders who will come after me, perhaps some of whom are here today in the room, I challenge you to lead by example, and serve our profession well.

My presidency is the opportunity of a lifetime to give back to the Association and the profession that has enriched my life. My membership in the New York State Bar Association has been driven by our mission “to shape the development of law, educate and inform the public, and respond to the demands of our diverse and ever-changing legal profession.” My career path has always been consistent with the New York State Bar Association motto, “Do the Public Good.” From the beginning of my career as a prosecutor in the Bronx, to my time in private practice, to my current role as deputy executive director of one of the largest providers of mandated representation in the state, I have zealously worked to improve the lives of others and lead by example, and by that, demonstrate the true potential and capacity of lawyers as changemakers in the world.

The New York State Bar Association has been a home for me for the last three decades! If I could have one wish, it would be to see all of you partake in the kind of rewarding journey that I have enjoyed through my bar leadership. I have served and led on many Association committees, sections, and task forces over the years – from the Young Lawyers Section to the Criminal Justice Section, from the Task Force on Incarceration Release Planning and Programs to the Committee on Membership, I have had wonderful experiences, met and worked with amazing people, and

earned professional accomplishments and accolades that would have been impossible with the support provided and nurtured by our New York State Bar Association community.

Becoming the one-hundred and twenty-fifth president of this remarkable Association is more than just meeting one of the most important professional goals. It is an opportunity to lead our lawyers during challenging times and to speak out against injustice. As just the eighth woman president, I also recognize there is still so much to be done to diversify our profession, Association, and leadership.

It is important that you, our membership, recognize how significant and necessary it is for you all be part of the conversation. We are the leaders of the legal profession in the most important state in the nation. We must recognize the enormous power and potential that we all have to impact law and society. Indeed, it is the recognition of this responsibility, and the proper execution of deliberate action, which makes us all capable leaders and trustees of our profession's future. When the New York State Bar Association adopts a policy position, it is a collaborative, collegial process in which our members examine and discuss the issues reasonably and rationally. We make the best decisions when we hear all perspectives and everyone's voice.

Every voice counts and every thought matters. We are so much stronger and more capable when we have input from as many associations and practitioners as possible.

I will challenge you all to engage and bring in new members to our Association, In the coming weeks, you will hear how this challenge will work and how the New York State Bar Association will recognize you for your efforts in working together to turn the membership trend upwards toward growth again.

### *Building Membership is a Winning Proposition!*

Let me ask you to "REMEMBERship:

- Remember why we became members in the first place.
- Remember why we have stayed members.
- Remember the impact we have on fellow attorneys and the rule of law in New York State.
- Remember why membership matters now more than ever.

We can execute this by:

- *RETAINING* existing members, particularly newly admitted attorneys, by engaging with them. Assign them projects for your Section or Committee; invite them to deliver programs; tap into their skillsets and resources and appoint them to positions of leadership early on.
- *ENGAGING* with others, making them aware of association events and activities, including Section and Committee-specific efforts. Utilize social media to let folks know events or programs you are attending; repost/share articles you have read and liked and repost/share when NYSBA is in the news and subsequent media hits so current and prospective members know what we are working on.

- *RECRUITING* new members by being evangelists for both NYSBA and your individual Section(s) or Committee(s). All current members should make it their mission to encourage new members to join, and we will soon launch a referral program allowing them to do just that – with some rewards and recognition in place for those topping the list of members referred.

In the words of my hero, the Honorable Ruth Bader Ginsberg, “Real change, enduring change, happens one step at a time.” To blend our voices together, we follow a democratic process that starts with our task forces, leads to NYSBA policy, moves on to the legislature and courts and finally prompts real changes in the lives of New Yorkers, people across the country, and the world.

As the largest voluntary bar association, often, what we do in New York has a domino effect. Yes, it may take years to affect certain changes, but we get it done. You should be proud of our influence across the nation and sometimes the world. Our work is never done, and we are often challenged but we must, in the words of our newest supreme court Justice Ketanji Brown Jackson, “persevere.”

We are facing challenging times. Many of us are on edge waiting for the Supreme Court to issue its decisions on their interpretation of the Second Amendment and a woman’s right to choose. As an Association, we are ready to act, react, and teach. I have been working daily with our Government Relations team and many of our members who are leaders in the field of constitutional law, the Second Amendment, and equal protection. I have been in close contact with our Women in the Law Section, and I have reconvened the Task Force on Mass Shootings and Assault Weapons to work in conjunction with the leaders of our Criminal Justice Section. We will examine what policy we have to address these decisions when they are released and discuss the work that needs to be done to ensure that we continue our mission and to have a voice where appropriate on these issues.

Our Government Relations team has worked hard this year. We have been successful with supporting bills including those related to the Brownfields Clean Up Program, the elimination of large capacity ammunition and licensing for purchase of semiautomatic rifles, the Immigration Court Notification Bill, and a bill to grandfather previously executed statutory short form powers of attorney.

We still have work to do to push through Clean Slate, the repeal of Judiciary Law 470, the removal of question 26 from the bar application, and increase assigned counsel rates.

While we must continue to work hard to push these issues, we must also continue to use our democratic processes to move other issues forward, improve the practice of law, and to provide our clients with the best possible representation. To do this I have launched five task forces.

The Task Force on the Modernization of Criminal Practice will focus on improving access to justice and ensuring fairness and efficiency in the practice and the administration of the criminal justice system. Aptly chaired by Catherine Christian and Andy Kossover, this Task Force, which is composed of practitioners from across the state, including prosecutors, public defenders, and members in private practice, has already scheduled its first meeting, and I am sure will quickly get



to work to develop thoughtful and impactful recommendations and best practices for the criminal justice lawyer amidst this time of great change in the profession and practice of law.

We all have heard about Bitcoin and non-fungible tokens (NFTs), but do we really understand it? I have formed a new Task Force on Emerging Digital Finance and Currency. Thank you, Jackie Drohan and Dana Syracuse, for leading on this innovative initiative for the bar.

I have formed a Task Force on Mental Health and Trauma Impacted Representation, chaired by Sheila Shea, with the assistance of Patricia Warth, which will explore the issues that our clients living with mental illness and trauma face and the challenges we face as lawyers representing them. The Task Force will develop recommendations and encourage best practices for providing the best possible representation and support of this vulnerable group.

Over the last year, I have worked with the NYSBA Committee on Diversity, Equity, and Inclusion to bring considerable awareness to the line of Supreme Court cases from the beginning of the 1900s known as the Insular Cases, with focus on the impact of these cases on jurisprudence today and their racist ideas that have been the basis of the formation of the second-class citizenship that exists for U.S. Citizens who are residents of the U.S. Territories. I have done this through a series of CLE programs. We will now explore what can and must be done to eliminate the reliance on these cases and their racist doctrines to be sure that all citizens of the United States are treated equally under the law. To accomplish this goal and explore other legal issues facing the residents of the U.S. Territories, I have appointed a Task Force on the U.S. Territories. This group will be led by Mirna Martinez Santiago, my good friend, colleague, and leader within the bar, and Professor Natalie Gomez-Velez and Anthony Ciolli, former president of the Virgin Islands Bar.

Finally, I have formed a Task Force on the Ethics of Local Public Sector Lawyering chaired by Steven Leventhal. This task force will work review the ethical guidelines, opinions and challenges that lawyers representing municipalities, school districts, and other local public sector entities face and work to develop best practices and/or guidelines to assist them.

I pledge to you that these initiatives will develop tangible results – recommendations, reports, and best practices of great utility to the practitioner and the practice of law – and create a body of work and achievements that will aid and assist our member attorneys for years to come, especially as we continue to steer our practice, and our lives, from out of the rapids of the COVID crisis. I will also ensure that the focus on attorney wellbeing – a matter of utmost importance which was so acutely and at times painfully realized during the challenges of the last few years – stays front and center in everything that we do as a bar association. And that our members, from rural communities to the five boroughs, from the upstate cities to our many international chapters overseas – feel and remain vested participants in the work, activity, and governance of our association. New York State is the global leader of law – we will maintain this primacy and safeguard the practice of law and the integrity of our member-practitioners as well.

We are in the process of finalizing the transfer of our building at One Elk Street from the New York Bar Foundation to the New York State Bar Association. I hope you will join me in my vision to recreate our Bar Center into an improved and updated space where we can continue to serve and support our members and provide them with access to the most innovative legal technology. Our building is a center piece in Albany and the state. It is space where people can learn, work, network,

collaborate, and celebrate. I hope you will join me in seizing this fantastic opportunity to provide improved resources to serve us and the profession even better.

The work that I have done with the sections, committees, and task forces has been a driving force in my career. It has provided me with countless opportunities to collaborate with my colleagues on the most significant issues facing the legal profession. At the same time, as I attend bar events across the state, I see fewer young attorneys. I get it. I recall the challenges of maintaining my practice, caring for my family, and having time for bar events. Yet we as active bar members have a responsibility to the profession and the Association to engage young attorneys. Engagement will ensure that our good work will continue, long after we are retired from the practice of law and leadership within the Association. It will guarantee that we will have another one-hundred and twenty-five presidents after me, at least, guiding our Association in the future.

Years ago, I co-founded the NYSBA Trial Academy. Just a few weeks ago, we presented the thirteenth annual Trial Academy at Syracuse Law Center. This is an example of providing the value of bar membership directly toward new lawyers. Our sections, committees, and task forces provide many opportunities for flexible and engaging participation – our CLE programming, publications, and advocacy work as well. Get involved. Stay involved. Encourage others to get involved. You and your practice only stand to gain from involvement with the New York State Bar Association– as I said at the beginning, together we can accomplish so much.

A few months ago, the New York State Bar Association celebrated International Women’s Day on social media by honoring the female past presidents: Maryann, Catherine, Lorraine, Kate, Bernice, Claire, and Sharon. These trailblazers are my role models and my inspiration in seeking this position. I would not be standing here today if not for them. To be in the company of these remarkable women is indescribable. I promise to live up to their examples and be the same kind of role model to the next generation of lawyers as they were to me. I am honored by the trust they have put in me. I am so proud to be your President.