

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
REMOTE MEETING  
NOVEMBER 15, 2022**

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Present: Gregory K. Arenson, David Louis Cohen, Orin J. Cohen, LaMarr J. Jackson, Elena DeFio Kean, Richard C. Lewis, Michael A. Marinaccio, Michael A. Markowitz, Thomas J. Maroney, Michael J. McNamara, Ronald C. Minkoff, Mark J. Moretti, Domenick Napoletano, Violet E. Samuels, Diana S. Sen, Lauren E. Sharkey, Kathleen M. Sweet, Sherry Levin Wallach, Kaylin L. Whittingham, Pauline Yeung-Ha

Guests: Ethan Y. Bordman, Azish Filabi, Marc Jacobson, Scott M. Karson

Ms. Levin Wallach presided over the meeting as President of the Association.

1. Ms. Levin Wallach called the meeting to order.
2. Consent Calendar.
  - a) Amendment of Name and Mission Statement of Task Force on Mental Health and Trauma-Impacted Representation

The consent calendar item was approved.

3. Report and recommendations of Entertainment, Arts, and Sports Law Section. Section chair Ethan Y. Bordman and Section member Marc Jacobson outlined an affirmative legislative proposal to amend the General Obligation Law and the Arts and Cultural Affairs Law to exempt attorneys from the definition of “Theatrical Employment Agency.” After discussion, a motion was adopted to approve the report and recommendations.
4. Report and resolution of International Section. Azish Filabi, chair of the International Section, and Scott M. Karson, co-chair of the International Section Ukraine Task Force, presented the Section’s resolution concerning the Russian Federation’s ongoing invasion of Ukraine and requested approval to co-sponsor the resolution with the ABA International Law Section at the February 2023 Midyear Meeting of the ABA House of Delegates. After discussion, a motion was adopted to approve co-sponsorship of the following resolution:

RESOLVED, that the ABA deplors and condemns the Russian Federation’s unlawful invasion of Ukraine in direct violation of the prohibition of the use of force against the territorial integrity and political independence of another nation as set forth in Article 2(4) of the Charter of the United Nations, the purported annexation of Ukrainian territory by the Russian Federation, its threat of use of nuclear weapons, its violations of the law of war, including international humanitarian law, and its commission of crimes against humanity, the crime of genocide, the crime

of aggression and violations of international human rights law, causing untold loss of life, suffering, and harm to the people of Ukraine;

FURTHER RESOLVED, that the ABA calls upon the Russian Federation to respect strictly its obligations under international law, including the Charter of the United Nations, the law of war (such as international humanitarian law, the Geneva Conventions of 1949 and Additional Protocol I thereto of 1977), international human rights law, and customary international law, as well as obligations governing the use of nuclear weapons, and further condemns all violations of these obligations;

FURTHER RESOLVED, that the ABA calls upon the Russian Federation to immediately cease hostilities against Ukraine, and to withdraw from all occupied territories of Ukraine to the borders established by the 1994 Budapest Memorandum.

FURTHER RESOLVED, that the ABA calls upon the United Nations General Assembly to request the Secretary General of the United Nations to develop a comprehensive set of proposals for ensuring accountability by legal and physical persons responsible for war crimes, crimes against humanity, the crime of genocide, and the crime of aggression, including but not limited to the following possible measures:

(1) The establishment of tribunals, both international and hybrid, with international and domestic components, as it may deem appropriate, including the option of negotiating an agreement with the Government of Ukraine to create an independent special tribunal for Ukraine on the crime of aggression;

(2) The establishment of fact-finding bodies;

(3) The creation of commissions of truth and reconciliation; and

(4) Such other mechanisms, as appropriate, to remedy, reconcile, and assure accountability for violations of international law.

FURTHER RESOLVED, that the ABA calls upon the United Nations General Assembly to promptly establish a registry of claims and evidence of damage caused by the Russian Federation's illegal invasion of Ukraine, after consulting the government of Ukraine and other relevant governments; and

FURTHER RESOLVED, that the ABA calls upon the United Nations General Assembly to urge all states to maintain the status of the Russian Federation's assets and any other assets that are frozen by states as a result

of the invasion, including central bank funds, pending a resolution of the claims against the Russian Federation caused by its invasion of Ukraine.

Mr. McNamara abstained from the vote.

5. Report and recommendations of Committee on Civil Practice Law and Rules. In his capacity as a member of the Committee on Civil Practice Law and Rules, Mr. Napoletano outlined an affirmative legislative proposal to amend CPLR § 4013 to permit the use of remote audio-visual technological means at judicial proceedings. After discussion, a motion was duly carried to postpone consideration of the report until the January 19, 2023, meeting of the Executive Committee. Mr. Napoletano abstained from the vote.
6. New Business. Ms. Levin Wallach advised that registration was open for the 2023 Annual Meeting, with in-person events scheduled for Wednesday, January 18, 2023, through Saturday, January 21, 2023, at the New York Hilton Midtown in Manhattan.
7. Date and place of next meeting. The next meeting of the Executive Committee will take place on Thursday, January 19, 2023, in person at the New York Hilton Midtown in Manhattan.
8. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Taa R. Grays  
Secretary