

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
NEW YORK HILTON MIDTOWN, NEW YORK, NEW YORK  
MARCH 31, 2023**

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Present: Gregory K. Arenson, Simeon H. Baum, T. Andrew Brown, David Louis Cohen, Orin J. Cohen, Elena DeFio Kean, Sarah E. Gold, Taa R. Grays, LaMarr J. Jackson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Michael A. Markowitz, Thomas J. Maroney, Michael R. May, Michael J. McNamara, Ronald C. Minkoff, Mark J. Moretti, Hon. James P. Murphy, Domenick Napoletano, Christopher R. Riano, Violet E. Samuels, Mirna M. Santiago, Nancy Sciocchetti, Hon. Adam Seiden, Diana S. Sen, Lauren E. Sharkey, Kathleen M. Sweet, Kaylin L. Whittingham, Pauline Yeung-Ha

Guests: Bridgette Ahn, Jane Bello Burke, Hon. Karen Beltran, Catherine A. Christian, Clotelle L. Drakeford, Jacqueline J. Drohan, Matthew H. Feinberg, Joseph A. Glazer, Evan M. Goldberg, Susan L. Harper, Shawndra G. Jones, Michael Kenneally, Andrew Kossover, Steven G. Leventhal, Thomas M. Pitegoff, Patricia J. Shevy, Barry D. Skidelsky, Michelle H. Wildgrube

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

The members were welcomed, and Ms. Ahn, Ms. Bello Burke, Judge Beltran, Ms. Harper, and Mr. Skidelsky were introduced as incoming members of the Executive Committee for the term commencing on June 1, 2023.

1. Approval of minutes of meetings. The minutes of the January 9, February 1, and March 2, 2023, meetings were approved as distributed.
2. Consent calendar:
  - a. Approval of presidential appointments to the House of Delegates.
  - b. Approval of mission statement of Task Force on Notarization.
  - c. Approval of bank signatories.

The consent calendar, consisting of the above items, was approved by voice vote.

3. Report of Treasurer. In his capacity as Treasurer, Mr. Napoletano reported that through February 28, 2023, the Association's total revenue was \$10,668,818, an increase of approximately \$803,831 from the previous year, and total expenses were \$4,461,259, an increase of approximately \$1,588,945 over 2022, for a budgeted surplus of \$6,207,559. The report was received with thanks.
4. Report of Executive Director. Pamela McDevitt, executive director, updated the Executive Committee with respect to the administration and operations of the Association, including staffing changes, review of the 2024 Annual Meeting and planning for future annual meetings, and the expansion of the attorney wellbeing program. Ms. McDevitt also spoke

to activity within the Committee on Legal Education and Admission to the Bar. The report was received with thanks.

5. Report of President. Ms. Levin Wallach highlighted the items contained in her written report, a copy of which is appended to these minutes.
6. Report of Committee on Continuing Legal Education. Shawndra Jones, chair of the Committee on Continuing Legal Education, together with vice chair Patricia Shevy and associate executive director Kathy Suchocki, presented on the annual schedule of CLE programming and section meetings, the new MCLE credit in cybersecurity, privacy, and data protection, and the launch of a series of practical skills programs. The report was received with thanks.
7. Report of Committee on Legislative Policy. Evan M. Goldberg, chair of the Committee on Legislative Policy, together with Hilary F. Jochmans, policy director, and Cheyenne Burke, associate director of government relations, provided a review of the Association's 2023 legislative agenda and advocacy activity, includes updates on the state and federal legislative portfolios. The report was received with thanks.
8. Report on 18B Litigation. David P. Miranda, general counsel, updated the Executive Committee on the status of the ongoing litigation against the State of New York to implement an immediate statewide state-funded increase in assigned counsel rates. The report was received with thanks.
9. Report and recommendations of Business Law Section. Business Law Section chair Thomas M. Pitegoff presented the Section's affirmative legislative proposal to amend the New York Franchise Sales Act to change the definition of "franchise" and limit the geographic scope of the statute's pre-sale registration requirement to conform more closely with the franchise law of other states and federal regulations. After discussion, a motion was unanimously carried to approve the affirmative legislative proposal.
10. Reports of Vice-Presidents and Executive Committee Liaisons. Mr. Markowitz reported on developments within the Tenth Judicial District and the work of the Task Force on Notarization. Judge Seiden advised on matters of interest within the Ninth Judicial District. Mr. Marinaccio provided an update on developments within the Twelfth Judicial District. The reports were received with thanks.
11. Report and recommendations of Task Force on Emerging Digital Finance and Currency. Jacqueline J. Drohan, co-chair of the Task Force, and Matthew Feinberg, a member of the Task Force, presented the Task Force's report on digital assets in two parts.

First, after discussion, a motion was unanimously adopted to endorse the following "Legislative Regulatory Resolution" for favorable action by the House:

**Whereas** The New York State Bar Association formed a Task Force on Emerging Digital Finance and Currency in June 2022 to study the impact of

digital assets, digital currency, non-fungible tokens, Web3, and the Metaverse on the legal profession, to educate lawyers on how to represent clients effectively, ethically, and knowledgeably in these areas, and to evaluate and study the regulatory, legislative, and licensing structures governing emerging digital assets, finance and currency.

**Whereas** The Task Force has held education programs on the topics of digital assets, digital currency, non-fungible tokens, Web3 and the Metaverse and its impact in and on the law and legal profession and presented to bar leaders on the effects of these emerging technologies across many practice areas.

**Whereas** NYSBA, in conjunction with the Task Force, has taken notice of the rapid growth and expanded application of digital finance and underlying distributed ledger and other decentralized web technologies, and has undertaken a careful consideration of the manifest need for consumer and environmental protection against certain risks posed by virtual currency markets.

**Whereas** Given the interest, knowledge base and broader informational needs of its membership in the complex legal, regulatory and practice aspects of the industry, and the leading role New York State has played in licensing and enforcement, the Association shall take a position of public advocacy for clear, efficient, and effective state regulation.

**Resolved** The New York State Bar Association supports prioritizing consumer and environmental protection while balancing and encouraging the growth of well-regulated digital finance and related business within New York State.

**Resolved** The New York State Bar Association recommends regulation, legislation and licensing that is consistent across the country to prevent inequities in the use of currency and assets across the country.

**Resolved** The New York State Bar Association suggests exploration of regulation, legislation and licensing of digital finance and currency, digital assets, and Web 3 across the country and globally.

Second, after discussion, a motion was unanimously adopted to endorse the following “Web3 Resolution” for favorable action by the House:

**Whereas** The New York State Bar Association formed a Task Force on Emerging Digital Finance and Currency in June 2022 to study the impact of digital assets, digital currency, non-fungible tokens, Web3, and the Metaverse on the legal profession, to educate lawyers on how to represent clients effectively, ethically, and knowledgeably in these areas, and to

evaluate and study the regulatory, legislative, and licensing structures governing emerging digital assets, finance and currency.

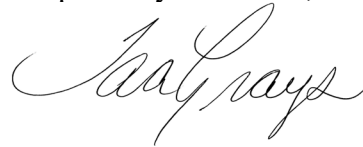
**Whereas** The Task Force has held education programs on the topics of digital assets, digital currency, non-fungible tokens, Web3 and the Metaverse and its impact in and on the law and legal profession and presented to bar leaders on the effects of these emerging technologies across many practice areas.

**Resolved**, that the Task Force recommends that the New York State Bar Association explore and engage in the Web3 space by providing information-sharing opportunities, educating its members, and promoting the mission of the Association through use of the Web3 and other emerging digital technologies, including the potential use of blockchain, the Metaverse, NFTs, and digital currency to store and deliver content and provide value and access to the membership.

12. Report of Local and State Government Law Section and Task Force on Ethics of Local Public Sector Lawyering. Steven G. Leventhal, co-chair of the Task Force on Ethics of Local Public Sector Lawyering, reported to the Executive Committee on the work, goals, and composition of the Task Force. Michael Kenneally, chair of the Local and State Government Law Section, then gave a legislative update on amendment of General Municipal Law §808 with respect to training for local boards of ethics, the support for which being a policy goal of the Association. The report was received with thanks.
13. Report of Task Force on Mental Health and Trauma Informed Representation. Joseph A. Glazer, co-chair of the Task Force on Mental Health and Trauma Informed Representation, reported to the Executive Committee on the ongoing work of the Task Force in anticipation of submission of a final report for consideration at the June 2023 meeting of the House of Delegates. The report was received with thanks.
14. Discussion on Future Meetings of the House of Delegates. Ms. Levin Wallach and Pamela McDevitt, executive director, facilitated a discussion on the scheduling and location of future meetings of the House of Delegates, and the possibility of holding the June meeting at the Bar Center in Albany. No formal action was taken on this item.
15. Report of Task Force on Modernization of Criminal Practice. Catherine Christian and Andy Kossover, co-chairs of the Task Force on Modernization of Criminal Practice, presented on the ongoing work of the Task Force and an update on the status of the Task Force's forthcoming report and recommendations. The report was received with thanks.
16. Report of Committee on Membership. Clotelle L. Drakeford and Michelle H. Wildgrube, co-chairs of the Committee on Membership, updated the Executive Committee on the Association's membership engagement and retention efforts, including membership renewal for the 2023 dues year, results of the recently conducted membership survey, and highlights of the member benefits program. The report was received with thanks.

17. New Business. Ms. Levin Wallach observed that Simeon H. Baum, T. Andrew Brown, Elena DeFio Kean, Hon. Adam Seiden, and Diana S. Sen are rotating off the Executive Committee and that this is their last meeting. She thanked them for their service and their participation. Ms. Levin Wallach then thanked the officers, members of the Executive Committee, and staff for their assistance during her term as President.
18. Date and place of next meeting. The next meeting of the Executive Committee will take place on Thursday, June 8, and Friday, June 9, 2023, in person at The Otesaga in Cooperstown, New York, with an option for remote participation via Zoom.
19. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Taa R. Grays".

Taa R. Grays  
Secretary