

**THE NEW YORK STATE BAR ASSOCIATION**  
**COMMERCIAL & FEDERAL LITIGATION SECTION**  
**EXECUTIVE COMMITTEE**

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Tuesday, April 4, 2017.

**Members Present:**

Mark A. Berman, Chair  
Deborah Edelman, Treasurer  
Robert Holtzman, Vice-Chair  
Sandra Rampersaud  
Gregory Arenson  
Thomas Bivona  
Hon. Helen Freedman  
Sophia Goring-Piard  
Robert L. Haig\*\*  
Jay Himes  
Laurel Kretzing  
Hon. Karla Moskowitz  
Stephen T. Roberts  
Paul Sarkozi  
Natasha Shishov

**Members Participating by Phone:**

Mitchell Katz, Chair Elect  
Ignatius A. Grande  
Jeffrey Harradine  
Alan Mansfield  
Carla Miller  
Charles Moxley, Jr.  
Michael Rakower  
Courtney Rockett  
Kevin Smith  
Douglas Tabachnik  
David Tennant

*\*indicates non-executive committee member*

*\*\* indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m.

## **Welcoming Remarks**

Section Chair Mark A. Berman welcomed attendees to the meeting and thanked them for their participation. He asked all members participating by phone to send Section Secretary Jamie Sinclair an email confirming their attendance, and introduced the guest speaker for the meeting, Robert L. Haig, Chair of the Commercial Division Advisory Council (the “AC”), and provided a short bio before inviting him to begin his remarks.

## **Remarks by Guest Speaker Robert L. Haig, Chair of the Commercial Division Advisory Council**

Robert Haig began his remarks by discussing the new Commercial Division video, which he indicated has been circulated to over 200,000 people, including, among others, members of many bar associations, companies and in-house attorneys. The video serves the purpose of, among other things, “getting word out” about the Commercial Division and helping to market New York’s Commercial Divisions as a premier litigation forum for businesses worldwide. The Executive Committee members viewed the video, and those participating by phone were sent a link to view the video at their own computers. The AC would like the Section to help promote the video.

Following the video, Mr. Haig provided background regarding the history of the AC and its procedures regarding developing proposed Commercial Division rules. The AC is made up of 45 individuals and includes judges, in-house counsel and practicing attorneys. The AC works to draft rules that address the needs of business clients and the courts.

Mr. Haig advised that, when new rules are proposed, the AC seeks out and takes into consideration public comment as well as feedback from the Section. The goal of the AC is, among other things, to make the Commercial Division as attractive a venue as possible to business and litigators.

Mr. Haig concluded his remarks by answering questions from Executive Committee members regarding the AC.

## **Approval of the March 7, 2017 Meeting Minutes**

The March 7, 2017 Meeting Minutes were unanimously approved.

## **Spring Meeting Update**

Section Chair-Elect Mitch Katz updated everyone on the Section’s upcoming Spring Meeting, which is being held at the Gideon Putnam Hotel in Saratoga Springs on May 19-21, 2017. A recent email blast was sent to all Executive Committee members. Seymour W. James, Jr., the Attorney-in-Charge of the Legal Aid Society will receive

the Haig award for public service at the Spring Meeting. Mr. Katz reminded everyone of the four program leaders and the panels planned for the weekend, which will address, *inter alia*, trade secret defense, restrictive covenant litigation, a rule and case law comparison between Commercial Division rules and the Federal Rules of Civil Procedure, and a program on fake news. Mr. Katz also advised that a total of seven sponsors are lined up for the meeting, including four tech sponsors in an attempt to present a mini litigation-related technology show. Finally, members were reminded to reserve their rooms for the Spring Meeting early as the block of rooms reserved will fill up quickly.

### **Smooth Moves Update:**

Section members Carla Miller and Tracee Davis provided an update on the 11<sup>th</sup> annual Smooth Moves program which will be held at Lincoln Center on April 24, 2017 from 5:00 p.m. to 8:00 p.m., where the George Bundy Smith Award will be presented to Jeh Johnson, the former Secretary of Homeland Security. Chief Judge Colleen McMahon of the United States District Court for the Southern District of New York will present the award to Mr. Johnson. A CLE program will be held during the first half of the meeting, which will address how diversity works and how law firms can align their diversity initiative programs with their clients' goals. The Hon. Peter O. Sherwood will host this year's diversity fellow. All section members are encouraged to attend the program, to promote attendance within their firms, and to consider a sponsorship.

### **Com Fed Commercial Litigation Academy Update**

Committee Member Kevin Smith reminded everyone of the upcoming Commercial Litigation Academy scheduled for May 4-5, 2017, where five young women will also be attending the Academy free of charge on account of the Kaye Scholarships awarded to them by the Section. Subjects addressed at the Litigation Academy, which has been organized by Kevin Smith, include injunctive relief, discovery and discovery, dispositive motion practice, trials, civil appeals, and more.

### **Federal Law Clerks "Meet and Greet" Event – May 23, 2017**

Section Chair Mark A. Berman reminded the Executive Committee about this upcoming cocktail party for the federal law clerks of the Southern and Eastern Districts and the Second Circuit, which will be held at the library in the Court of International Trade on May 23, 2017.

### **Long Island Commercial Division Justices Annual Program with Practitioners – June 14, 2017**

Laurel Kretzing advised the Section that she will begin promoting this annual program. Sponsorships are already lined up, and all Commercial Division Justices in Nassau and Suffolk County have been invited.

### **Kings County Commercial Division Justices “Meet and Greet” at Brooklyn Law School – April 19, 2017**

Section Chair Mark A. Berman reminded Executive Committee members of this upcoming event at Brooklyn Law School, where both Justice Knipel and Justice Ash will be present. Posters have been posted in Kings County Supreme Courthouse and the Kings County Bar Association sent out an e blast. Additionally, the Dean of Brooklyn Law School is scheduled to speak at the event.

### **House of Delegates**

The Section is extremely proud of its efforts to promote membership and bring in law students. Its efforts on this front were recently acknowledged at NYSBA’s House of Delegates meeting.

### **Recap – Joint Arbitration Committee and DR Section CLE**

Committee Members Charles Moxley and Jeffrey Zaino provided a summary of this CLE program held at Fordham Law School on March 13, 2017, which was aimed to share best practices between the ComFed and ADR sections regarding dispute resolution and ediscovery. The program was attended by over 95 and a cocktail party afterward.

### **Section CLEs**

Section Chair Mark A. Berman updated everyone of the Section’s CLE programs, which included, among other things, the joint program with the Dispute Resolution Section held on March 13, 2017, and the immigration law webcast for which addressed the implication of immigration law and policy changes within the first 100 days of the Trump administration. Additionally, the Section has an upcoming report, which is the third version of the Social Media Legal Ethics Guidelines.

### **Recap of Hofstra Law School Event**

Section Treasurer Deborah Edelman and Incoming Section Vice-Chair Laurel Kretzing attended Hofstra’s “Dinner with a Lawyer” event on the Section’s behalf, where they met with several students.

### **NYSBA/WBASNY Domestic Violence Initiative Discussion**

Section Chair Mark A. Berman announced that MYSBA is putting together a domestic violence initiative and he encouraged members to think about how the Section can incorporate domestic violence initiatives into its reports and programs.

### **ABA Events – ComFed Co-Sponsorship**

Section Chair Mark A. Berman reminded members that the Section will be involved in many of the CLE tracks at the ABA's Annual Meeting in New York in August. The ABA is not looking for monetary sponsorship, but wants the Section to promote the events. Various Section committees are co-sponsoring various tracks, including the commercial litigation track.

### **Publications Committee**

Section Chair Mark A. Berman provided an update of the applications for the Publications Committee. Emails blasts inviting applicants were sent out to several NYC law schools, and so far 10 applicants have applied. Membership will be capped at 15 students.

### **Federal Procedure Committee's Report on the ABA Proposal to Amend the Diversity Jurisdiction Statute**

Section Member Stephen T. Roberts provided an overview of this report, which urges Congress to amend the diversity jurisdiction statute consistent with what the ABA has proposed. The proposed amendment would provide that unincorporated businesses be deemed only citizens of the State and where they are organized. The report supported the ABA's proposed resolution that all business organizations should be treated equally to corporations. The Section approved the report by unanimous vote of all members present.

### **Other Business**

Section Chair Mark A. Berman advised that membership rolls were updated as of 3/31 and it reflects no material change in membership as compared to previous year as of the same time period.

Sophia Goring-Piard, Co-Chair of the Immigration Litigation Committee, updated the Section on her committee's recent webcast addressing immigration changes under the new presidential administration. The program had 85 attendees online, and 20 in person and was a great success.

The meeting adjourned at 7:50 pm.