

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

Minutes of the Meeting of the Executive Committee of the Commercial and Federal Litigation
Section held in accordance with the rules of the New York State Bar Association on December 19, 2018.

Members Participating in Person

Laurel Kretzing, Chair-Elect
Natasha Shishov, Secretary
Jeremy R. Feinberg
Kevin J. Quaratino
Hon. Andrea Masley
Mark Berman
Hon. Karla Moskowitz
Daniel Wiig
Stephen G. Crane
Ryan Mott
J. Joseph Bainton
Paul D. Sarkozi
Hon. Melissa Crane
Clair P. Gutekunst
Stephen Crane
Gregory K. Arenson
Hon. Frank Maas
Michael S. Oberman
Hon. Rolando Acosta**
Hon. Helen Freedman
Gerald Hathaway

Members Participating by Telephone

Robert Holtzman, Chair
Jonathan Fellows, Vice-Chair
Anne Sekel, Treasurer
Jonathan Lupkin
Jeffrey Harradine
Rachel Morgenstern
Alan Mansfield
Jay Safer
Teresa Bennett

***Indicates Guest Speaker for the meeting*

Section Chair-Elect, Laurel Kretzing, called the meeting to order at 6:06 pm and welcomed the Presiding Justice of the Appellate Division, First Department, Honorable Rolando Acosta as guest speaker at the meeting.

Guest Speaker: Hon. Rolando Acosta (Presiding Justice of the Appellate Division, First Department)

Justice Acosta discussed the developments of the First Department, which have been focused on reducing pending appeals, modernizing the court with live e-filing and live streaming and promoting transparency between the bench and bar. He explained that the First Department has over 3600 appeals in the last academic year, which is attributable to the Judges, the staff and the unique calendaring system of the First Department. The term system permits litigants to have a better sense of timing. A litigant can perfect his/her appeal for a specific term and be assured that in most cases, the appeal will be argued in that term and a decision will be rendered in four to six weeks after oral argument.

Justice Acosta then highlighted the various modernizations to technology that have been recently implemented at the First Department, including the replacement of computer servers, which were ten to fifteen years old, the new live streaming capabilities, a new electronic device policy, which permits lawyers to use tablets, phones and computers during oral argument and the e-filing of appeals in commercial cases. E-filing will be expanded to tort cases in February or March 2019.

Finally, Justice Acosta discussed the new Appellate Division rules, which went into effect on September 17, 2018. The new rules are State wide and create certain uniformity amongst all four departments. The biggest change for the First Department is that under the new rules, litigants now must perfect their appeals within six months instead of nine months. Appeals that are not perfected within six months are deemed dismissed and litigants will have one year to file motion to vacate. The First Department's unique term system has not been affected by the new rules.

Motion to approve November 27, 2018 Minutes

The November 27, 2018 minutes were unanimously approved.

Oral Report of Nominating Committee

Jonathon Fellows presented the report of the nominating committee, which nominated the following slate of officers for the 2019 to 2020 bar year: 1) Laurel Kretzing, Chair, 2) Jonathan Fellows, Vice-Chair, 3) Natasha Shishov, Secretary, and 4) Anne Sekel, Treasurer. The report was unanimously adopted and will be presented at the annual meeting.

Commercial Division Committee Update on Bench-Bar Programing for 2019

Mark Berman and Teresa Bennet presented an update on the upcoming Bench-Bar Programing for 2019. Teresa Bennet will be organizing bench-bar lunches in Buffalo, Syracuse and Rochester, which will be held at local bar associations instead of law firms. Lunches will also be scheduled at Nassau, Suffolk, Queens (which will be the first time for Queens) Brooklyn and Albany. The Manhattan bench/bar will be held in May 2019 because the New York County Commercial Division has two new judges. Finally, the committee hopes to recreate last year's program at Westchester Supreme Court, which included a live hearing demonstrating the use of technology in the court room.

NYSBA Special Committee on Cross-Border Evidence Guidelines Report

Ryan Mott presented the report and proposed amended guidelines on behalf of the special committee. The guidelines were presented to and approved by the International Law Section on December 18, 2018. Members presented several proposed amendments and, subject to the amendments, the report was approved, with all voting to approve and one abstention.

It was also agreed that the report should be presented to the NYSBA Executive Committee in April instead of January and the report be sent to the Section Caucus for input.

JAMS/ComFed CLE Program Update

Mark Berman presented an update on a CLE program that will be held in conjunction with JAMS. This is the same program that was presented last year. There will be two panels: the first will deal with e-discovery and arbitration and second with deal with special masters. The cost will be \$75 for NYSBA members and \$50 for Com Fed members. Non-member will be charged \$275, but that will include NYSBA membership.

Evening at Thurgood Marshall Courthouse Event Update

Laurel Kretzing provided an update on this third annual event, which will be held on January 15, 2019, the night before the Section's Annual Meeting, and will include a cocktail hour, tours of the Court and remarks by Chief Judge Robert A. Katzmann. The event will be held at the Thurgood Marshall Courthouse from 5-7:30pm. Rachel Morgenstern, the liaison to the Young Lawyers Section, will attempt to get YLD co-sponsorship and the cost for YLD members would be \$25 instead of \$35.

The Annual Meeting Update

Jonathan Fellows provided an update on the Section's Annual Meeting, which will be held on January 16, 2019 at the New York Midtown Hilton. So far, 63 people have signed up for CLE and 168 have signed up for lunch, with 16 tables reserved. Second Circuit Judge Richard J. Sullivan will be the honoree at the lunch.

Other Business

Mark Berman discussed a new initiative in the Federal Courts. \$10,000 has been reserved for each of the four districts. ComFed has formally submitted the request to the finance committee. This will be used towards implementing programs as well as mediation training in Buffalo and Rochester for commercial cases.

The meeting was adjourned at approximately 7:45 p.m.