

**NEW YORK STATE BAR ASSOCIATION
ELDER LAW AND SPECIAL NEEDS SECTION
GUIDELINES FOR COMMITTEE CHAIRS**

INTRODUCTION

Congratulations upon becoming a committee chair of the Elder Law and Special Needs Section of the New York State Bar Association. The purpose of this Manual is to assist you by setting forth the goals and responsibilities that accompany the position of committee chair and the opportunities and resources that are available to you. The vitality of the Section depends upon the vigorous participation of its committees and, through its committees, of the Section's membership at large. The effectiveness of that participation depends, in significant part, upon the chairs of the Section's committees.

This Manual is divided into three chapters. Chapter I describes the responsibilities of committee chairs. Chapter II describes the structure and governance of the Section and its committees. Chapter III summarizes the resources that are available to committee chairs.

COMMITTEE CHAIRS:

1. Schedule and conduct meetings, as necessary, to complete the committee's business.
2. At appropriate times, report to Section Officers and Executive Committee the activities of such committee.
3. Make recommendations on behalf of the committee to the Section Chairperson and Executive Committee.
4. Supervise and assist projects undertaken by the committee.
5. Upon direction of the Section Chairperson or Executive Committee, implement projects and plans.
6. Identify and evaluate new projects for the committee.

CHAPTER I

RESPONSIBILITIES OF COMMITTEE CHAIRS

The Section functions in large part through its various committees. There are several different types of Section committees. Some committees cover the major substantive areas of Elder Law and Special Needs. Other committees, such as Membership, Publications, and Continuing Legal Education (CLE), have function-specific roles, while Liaisons represent the Elder Law and Special Needs Section with other Sections of the Bar or the community. In addition to these standing committees, special committees and task forces are also created from time to time to address specific issues.

Each committee has a chair or co-chairs and may have a vice-chair or vice-chairs. The role of the chair is to see to it that the functions of the committee are achieved. The specific responsibilities of the chairs and their committees are described in this chapter. Procedures governing committees are also set forth in the Section's By-Laws.

A. Substantive Expertise

A core function of each committee is to serve as a source of knowledge in the relevant substantive area of elder law and special needs and to advise the Section's Executive Committee and the Section members of current developments in the committee's substantive area. This involves keeping abreast of new case law, legislative and regulatory developments, and agency policies. It also involves the prospective identification, wherever possible, of new trends or areas of the law in need of clarification or correction.

Efforts should be made to involve as many committee members as possible in this work. The use of subcommittees or assignments to individual members or teams is

encouraged. It is hoped that this will add to the cohesiveness of the committee and contribute to the effective functioning of the Section. As is discussed in Chapter III (Resources Available to Committee Chairs), NYSBA staff and the Section itself have a number of resources that are available to committee chairs to assist them in this regard.

B. Section Activities

The effectiveness of the Section depends upon the vitality of its committees. The Section looks to its committee chairs to promote this vitality, and also to take an active individual role in Section activities. The Section expects each committee chair, at a minimum, to:

(1) Establish the committee's annual agenda, to be submitted by July 15 of each year to the Section's Officers.

(2) Hold at least three meetings (by teleconference, videoconference, Internet chat room, or in-person) during each year, which may be at the NYSBA Annual Meeting in January and the Section's Summer and Fall meetings.

(3) Maintain active written or electronic communication with committee members. As discussed in Chapter III (Resources Available to Committees), NYSBA staff assistance is available to facilitate such communication.

(4) Attend the Executive Committee meetings, and provide written (and, if appropriate, oral) reports of committee activities at each of these meetings. The Executive Committee generally meets during the NYSBA Annual Meeting in January, once during the spring, at the Section's Summer Meeting and at the Fall Meeting. If a committee chair cannot attend an Executive Committee meeting, the chair shall notify the Section Chair. If a committee chair

misses three consecutive Executive Committee meetings without an excuse deemed acceptable by the Section Officers, or fails to maintain NYSBA and Section membership, that committee chair will be deemed to have resigned from his or her position.

(5) Contribute periodic reports of committee activities to the Section's publication: the *Elder Law and Special Needs Journal*. Ideally, committees should submit brief reports of all activities such as conferences, symposia or other programs.

(6) Solicit articles relevant to the committee's subject area for the Section's publication. The articles may be written by committee members, other Section members or others. While it is recognized that topical issues do not arise on a regularly scheduled basis, the goal is the publication of at least one article every two years.

(7) Conduct, or have committee members conduct, at least one Section program, activity, or CLE program each year. This may be done in conjunction with activities suggested or co-sponsored by the District Delegates.

(8) The Section conducts CLE programs at its January, Summer and Fall meetings. It also regularly conducts CLE programs throughout the year. The Section's Officers may request committees to participate in planning CLE programs on a rotating basis.

(9) Review, revise and periodically update areas relevant to the work of the committee and the substantive area related to the committee on the Section's page on the NYSBA website.

(10) Work with, and respond to inquiries and requests from, Section Officers and the Executive Committee.

C. Membership Involvement and Growth

Committee chairs are responsible for the inclusiveness and growth of their committees. The Section's effective functioning depends upon its committees being more than mere static repositories of substantive law. The Section relies upon its committees' abilities to involve the general membership of the Section in its activities and to expand the involvement of the committees' currently active members. Among the important methods of expanding membership and involvement are the following:

(1) Outreach to Committee Members

Often, increasing such involvement requires reaching out to committee members who are on the periphery of active membership. Each committee chair is provided with an updated list of Section members who have joined that committee. The chairs of each committee should, at least annually, contact each member of their committee to ascertain the member's degree of interest and to invite that member to participate as actively as possible in the workings of the committee.

The involvement of committee members provides a structure for delegating many of the responsibilities that might otherwise fall upon the chairs. This delegation, with the attendant responsibility and recognition, encourages further participation by the membership and helps groom future committee chairs and Section leaders.

It is critical to the future of the Section that new persons be recruited into the active body of each committee. Thus, it is important to attempt to draw members into positions of responsibility within the committee.

One way to facilitate committee member involvement is to delegate some of the responsibilities described in this chapter. For instance, one committee member could be

delegated to act as liaison or subcommittee chair to coordinate submission of materials to the *Elder Law and Special Needs Journal*. Another member could be delegated to work with the Section's CLE Committee. A third could be asked to monitor legislative activities in conjunction with the Legislation Committee. A fourth could be charged with monitoring and adding material relevant to the committee to the Section's webpage on the NYSBA website or posting new developments to the Elder Law and Special Needs Section's Executive Committee Professional Online Community. Several could serve as liaisons to the various District Delegates. Posting projects on the listserv and inviting Section members to participate in projects of interest to them is an excellent way to foster involvement in the committee and committee chairs should also look for opportunities, in cooperation with the Membership and Diversity committees and District Delegates, to add new members to their committees, from within the Section or without.

The Executive Committee has identified expanding the diversity of the Section's membership as a goal. At the committee level, efforts should be made to provide diversity in programs both in selection of speakers and topics.

CHAPTER II

STRUCTURE AND GOVERNANCE OF THE SECTION

This chapter presents a brief summary of the Section's structure and governance. Should questions arise regarding the structure or functioning of the Section, you should not hesitate to contact one of the Section's Officers. The By-Laws are also a helpful reference.

A. The Officers and their Roles

The Officers of the Section consist of the Chair, the Chair Elect, the Vice-Chair, the Secretary, the Treasurer and the Financial Officer. Officers are elected by the Section membership at the Section's annual meeting in January and, with the exception of the Financial Officer, serve one-year terms, commencing on June 1 of the year in which they are elected. The Financial Officer serves an indefinite number of terms.

The Chair and other Officers are responsible for the day-to-day functioning of the Section. The specific powers and responsibilities of the Officers are set forth in the Section's By-Laws. Generally, the Officers do not serve as committee chairs while they are Officers.

As discussed in Chapter III (Resources Available to Committees), the Officers designate among themselves individual officers to serve as liaisons to the various committees. These liaisons help with oversight of the various committees and also serve as a focal point for committee chairs' inquiries and/or requests for assistance.

B. The Executive Committee

The Section's Executive Committee is comprised of the Officers, the Chairs of the various committees, Vice-Chairs, the District Delegates, past Chairs of the Section, and a number of Members-at-Large and Liaisons to other Sections or the community. The functions

of the Executive Committee include facilitating the establishment of Section policies, implementing Section activities, disseminating Section information, approving the Section's annual budget, and advising the Officers on Section affairs.

C. The Appointment of Chairs, Creation of Committees

Committee chairs are appointed by and serve at the pleasure of the Section Chair. Permanent standing committees may be created, consolidated and eliminated by the Executive Committee. These decisions are made periodically, in response to evolving changes in topical areas of elder law or the organizational needs of the Section. Special and other ad hoc committees and task forces may also periodically be created by the Section Chair.

The Section's By-Laws provide that no individual shall serve as Chair or Vice-Chair of the same committee for more than three successive terms. Moreover, it is a general goal of the Section to encourage participation by newer members and to match current chairs' strengths with the evolving needs of the Section.

D. Committee Oversight by Officers

The Officers exercise oversight over the various committees. Generally, each Officer acts as the liaison for several committees. The Officers are responsible for ensuring the effective functioning of the committees. As such, they monitor the performance of committee chairs and, where the Section Chair deems it appropriate, changes in chairs and vice-chairs are made to increase the effectiveness of committees. These decisions are based upon the criteria previously set forth with regard to the responsibilities of the committees and their chairs.

CHAPTER III

RESOURCES AVAILABLE TO COMMITTEES

A variety of resources are available to the Section's committees and committee chairs. These range from technical assistance with setting up internal communications and organizing programs to more substantive advice and mentoring. This chapter is intended to provide a brief overview of the types of resources that are available, but it is not intended to be exhaustive. Should a committee chair have any questions or concerns, the chair is encouraged to contact a Section Officer or the Section's liaison in the NYSBA Department of Section Services.

A. Section Officers

The Officers of the Section are the first line of resources that committee chairs should tap.

As previously noted, the Section's Officers delegate among themselves individual Officers to serve as liaisons to the various committees. These Officer liaisons are designed to provide oversight over the committees' activities, and also to create a "contact person" to serve as the focus for any questions or concerns that the respective committee chairs may have. Officer liaisons are expected to periodically contact their respective committee chairs. However, the responsibility for each committee implementing its duties remains that of each committee's Chair.

When committee Chairs are planning programs or other activities where the expenditure of Section funds may be involved, the Officer liaison to the committee or the Section Chair must be consulted prior to any commitment of funds being made. Also, programs that fall within the formal NYSBA CLE system require specific procedures to

be followed and financial approvals, with which the CLE Committee and Officers are familiar. Other, less formalized programs, to the extent that they may commit Section resources, must also be cleared with the Section Officers. The Officers will be able to provide you with guidance about setting up such programs. From time to time, a committee may identify a regulatory or legislative initiative (or an issue that cries out for such an initiative) that it believes the Section should pursue. These initiatives should be brought to the attention of the relevant Officer liaison or the Chair. Some such initiatives are governed by NYSBA's protocols, while others may be reviewed and authorized by the Section's Officers and/or the Executive Committee. In addition, the chair of the Section's Legislation Committee should also be contacted, and that committee may provide assistance in monitoring the relevant initiatives, drafting regulatory or legislative language, or in coordinating a program.

B. Vice Chairs

Certain substantive committees have Vice-Chairs who work with the Chair to develop projects, enlist support and participation of committee members and to accomplish the goals of the committee and Section. Both Chairs and Vice-Chairs are voting members of the Executive Committee. Vice-Chairs are appointed by the Section Chair.

C. NYSBA Staff

The staff at NYSBA's Albany headquarters are an invaluable resource to the Section and its committees. As with other sections of NYSBA, there is an individual member of the headquarters staff who serves as liaison to the Section. This person should be the initial contact with respect to inquiries and requests for assistance. The NYSBA liaison may refer

you to other NYSBA staff, as appropriate.

Among the areas in which NYSBA can provide assistance are the following:

1. Facilitating communications among committee members. NYSBA maintains a current roster of the membership of each committee, and distributes an updated copy to each committee's chairs at least once per year. The NYSBA liaison can set up teleconferences to enable the committees or sub-groups of the committee to meet throughout the year. NYSBA also maintains the Section's webpage on its website, to which the Section's committees may post items of interest, through the Section's Executive Committee Professional Online Community. NYSBA also coordinates and conducts Section mailings.

2. Setting up meetings, symposia and conferences. The staff handles the logistical work behind the Section's annual January, Summer and Fall meetings, the Spring program (when held) and Spring Executive Committee meeting. The staff also is available to assist in a similar fashion with committee and task force meetings and conferences. However, the committees need to be mindful of the many responsibilities of the NYSBA staff and should understand that staffing constraints may, on occasion, affect the timing or feasibility of some projects. The Officers should be contacted to assist in coordinating timing and prioritizing projects involving NYSBA staff which can be expected to involve high staff time commitments. In addition, NYSBA can make space available for meetings at its Bar Center in Albany.

3. Assisting with CLE programs. The CLE program staff coordinates scheduling and logistics and helps prepare the requisite written program materials for CLE programs. The

NYSBA Section Liaison and Meetings Department coordinate scheduling and logistics and development of written program materials for the Section's Annual, Summer, Fall and Spring programs. Committees which would like to recommend CLE programming should contact the Chairs of the Section's CLE Committee. Questions about potential assistance that may be available from NYSBA staff should be directed to the Section's NYSBA liaison, who also attends the Section's Executive Committee meetings.

D. The Elder Law and Special Needs Journal

While each committee has a responsibility to submit material on a regular basis to the *Elder Law and Special Needs Journal* this publication also serves as a resource to the committees by providing an excellent opportunity for expanding the visibility and membership of the committees. The *Elder Law and Special Needs Journal* is generally published 4 times per year, and is sent to all Section members. It should be viewed as a vehicle for informing the Section at large of your committee's activities, as well as for attracting potential new committee members. The *Elder Law and Special Needs Journal* also provides an opportunity for committee members to gain individual recognition, and to promote their growth within the committee and the Section.

Committee chairs may wish to delegate to one or more committee members responsibility for coordinating committee submissions to the *Elder Law and Special Needs Journal*. The Editor of the *Elder Law and Special Needs Journal* welcomes inquiries with respect to potential submissions.

E. Other Committee Chairs

Other resources that should not be overlooked are the Section's other committees. Although most of the Section's committees are set up to cover specific substantive areas of Elder Law, it is not intended that this structure lead to a balkanized approach to Elder Law and Special Needs. To the contrary, committees are encouraged to work together in setting up programs or addressing timely issues that affect more than one area of law.

Furthermore, a number of committees are set up specifically to coordinate certain activities, such as the Membership, CLE and Legislation committees. With respect to initiatives in any of these areas, the Chairs of the relevant committees should be contacted.

F. Committee Members

Committee members themselves are also an important resource. As was previously discussed, a committee functions best when a broad spectrum of its members are actively involved. Experience has shown that one way to encourage such participation is to maintain regular communications with the membership. Another method is to delegate specific functions, such as serving as subcommittee chair or liaison to work with the Membership Committee or the Legislation Committee or coordinating a forum or special project. In this way, the committee's members have more "ownership" of the committee's work, and the burdens on the committee's chairs are eased.

G. District Delegates

District Delegates are the statewide links between the Elder Law and Special Needs Section and the local Bar associations and members. Guidelines for District Delegates have been established. Activities that District Delegates organize may be coordinated with the various committees.