

Best Practice: Program Planning/Diversity Initiatives

Initiative: Guidelines for Selecting Speakers for Section Programs

Procedure to Implement Initiative: When selecting speakers for section programs, consideration to the Section's goal for diversity should be a major factor. The following questions should be considered when choosing speakers:

Who are the logical and good speakers?

Is the face of the panel you are considering diverse, particularly as to race, gender, area of practice, age, geography or other categories?

Do you know some emerging talent in the area of law what is the focus of the program?

Have you contacted the Section Officers, chair of the Ad Hoc Committee on Diversity, Section's Liaison to the Young Lawyers Section or other Section chairs, law school professors or other bar associations for suggestions?

What makes this initiative effective: Choosing speakers with various diverse characteristics makes programming more interesting. We believe that members are more comfortable (and more likely to attend programs) in settings in which the participants portray the face of the profession as a whole—a face that is, in fact, diverse. Speaker selection is one means of reflecting that professional diversity, and also makes the programs more inclusive.

Contacts for more information:

Volunteer: Professor Joan Leary Matthews, Environmental Law Section

Staff: Lisa Bataille, Staff Liaison

**New York State Bar Association
Environmental Law Section
Ad Hoc Committee on Diversity**

Guidelines for Selecting Speakers for Section Programs

Thank you for agreeing to plan one of the Section's many quality programs. Your commitment to the program will ensure its substantive and logistical success. The Ad Hoc Committee on Diversity has prepared these Guidelines to ensure that the diversity goals established by the Section are considered in program planning. We ask that you implement these guidelines as you plan your program(s).

Background

The Section adopted a Diversity Plan in January 2004. The plan states the Section's commitment to diversity:

The Environmental Law Section is committed to having a diverse membership so that those who participate in the Section's activities and the products of the Section's work will be enriched and enhanced by the different perspectives, backgrounds, and experiences of its members.

The Ad Hoc Committee on Diversity identified a number of diversity "characteristics" within the Section's membership:

- Race and ethnicity
- Gender
- Experience level
- Disability
- Public sector employment
- Not-for-profit sector employment
- Corporate counsel employment
- Geography
- Position within a firm or organization
- Practice area within environmental law

The Section has pledged to recruit new members, keeping in mind these various diversity characteristics. We believe that members are more comfortable in an organization that portrays the face of the profession as a whole – a face that is, in fact, diverse. Speaker selection is one means of reflecting that professional diversity.

Guidelines and Tips on Selecting Diverse Speakers

When selecting speakers, program chairs are requested to consider the Section's goal for diversity. While it might at times be difficult to identify speakers with diverse backgrounds, the effort will result in an enhanced experience for many of the attendees, as well as for the speakers. People of color, women, younger attorneys, and any other member of one of the above-listed categories feel included in an organization when they attend programs featuring attorneys like them.

Please use the following guidelines and tips in selecting speakers.

- The place to start is, of course, with the substance of the program. Who are logical and good speakers?
- Next, consider the face of a panel that you may be considering: is it diverse, particularly as to race, gender, area of practice, age, geography, or any other category?
- While you might be used to an established panel of speakers, do you know of some emerging talent in the area of law that is the focus of the program? The Section would like to provide speaking opportunities to a variety of practitioners. We recommend that you determine whether a candidate has spoken on any of the Section's programs in the preceding two-year period before inviting her or him to speak. If the person has spoken within that period, try your best to select a different speaker unless the expertise is so special that there is no other good choice of speaker.
- The Section officers are good resources for learning about speakers who might help fulfill the Section's diversity goals – because of the structure of ascension to the Section Chair position, each officer will serve four years before becoming Chair and will have knowledge of Section programs held through that period.
- Contact the Chair of the Ad Hoc Committee on Diversity, who might be able to provide you with some helpful speaker suggestions. The current Chair is Joan Leary Matthews (jmatt@mail.als.edu).
- Contact the Co-Chairs of the CLE Committee. The current Co-Chairs are: Bob Feller (rfeller@bsk.com), Maureen Leary (Maureen.leary@oag.state.ny.us), Kim Parker (kparker@bsk.com), and Jim Rigano (jrigano@certilmanbalin.com).
- Contact the Section's Liaison to the Young Lawyers Section. The current Liaison is Rob Panasci (rpanasci@youngsommer.com).
- Contact other NYSBA Sections, law school professors (a number of whom are Section members), or other associations, including a minority bar association, a chapter of the Women's Bar Association of New York State, an environmental organization, or a professional organization, such as the Air and Waste Management Association.
- Ask other potential speakers for suggestions for other diverse speakers.
- When asking others for suggestions, be positive and mention your goal of adding diversity to a panel.

- If a person is not the best choice for a substantive speaker on a particular topic, consider asking that person to act as a moderator for a panel, and keep that person in mind as a speaker for a future program.
- Remember that the goal is to foster a spirit of inclusiveness in Section activities. Ask yourself whether your program, with the speakers you have in mind, will foster this spirit of inclusiveness and fairly represent the face of the profession and of Section membership.

The effort that you put into the selection of diverse speakers will enhance the Section's programs! Thank you for your service to the Section and your commitment to its goals.

Adopted by the Executive Committee of the Environmental Law Section on September 25, 2005

Best Practices: Bylaws and Rules

Initiative: Environmental Law Section Regular Bylaws Review

Procedures to implement initiative: A special committee is appointed every other year to review current bylaws and suggest changes to reflect current practice or changes that are necessary. This process is useful to make sure the section is in compliance with specifications in the bylaws, especially as new committees, task forces or other groups are appointed.

What makes this effective: There is a continuity and continual review of bylaws to ensure they reflect current practices. Also familiarizes incoming and future officers with provisions in the Section bylaws.

Contact for more information:

Volunteer: Louis Alexander, Environmental Law Section
Staff: Lisa Bataille, Staff Liaison

* * * *

Initiative: Elder Law Section Rules of Executive Committee

Procedures to initiative and implement initiative: The Elder Law Section Executive Committee and Officers adopted the Rules of the Executive to supplement provisions in the Bylaws.

What makes this effective: This document provides consistency and addresses additional governance procedures that would not be covered in Bylaws. These rules also help new members know what is expected of them. Each new Executive Committee Member is given a copy which highlights the structure of the Executive Committee, the portions of the Section's bylaws that pertain to the Executive Committee, list of committees of the Section, meetings that Executive Committee members are expected to attend, and the guidelines for reimbursement for attending such meetings.

Contact for more information:

Volunteer: Daniel Fish, Elder Law Section Chair
Staff: Lisa Bataille, Staff Liaison

**NEW YORK STATE BAR ASSOCIATION
BYLAWS OF THE ENVIRONMENTAL LAW SECTION
AS AMENDED APRIL 7, 2003**

ARTICLE I

NAME AND PURPOSE

Section 1. Section Name: This Section shall be known as the Environmental Law Section of the New York State Bar Association.

Section 2. Purpose: The purpose of this Section shall be to bring together such members of the New York State Bar Association as are interested in environmental, land use, energy, and health and safety issues and topics, to further the education of the legal community, the public and governmental and elected officials on legal, administrative and policy matters relating to the environment, land use, energy and health and safety, to facilitate the making of public policy, and to provide networking opportunities between and among attorneys in private practice, government, corporations and consulting firms.

ARTICLE II

MEMBERSHIP

Section 1. Membership: Any member of the New York State Bar Association is eligible for membership in this Section and shall be enrolled as a member of the Section upon application to the New York State Bar Association and payment of the annual Section dues for such classes of membership in the Section as shall be fixed by the Section's Executive Committee and approved by the Finance Committee of the New York State Bar Association

ARTICLE III

OFFICERS, DELEGATE, ALTERNATE DELEGATE AND SECTION CABINET

Section 1. Officers: The officers of the Section shall be: Chair, First Vice-Chair, Second Vice-Chair, Treasurer, and Secretary. Each officer must be a member of the Section. The First Vice-Chair, Second Vice-Chair, Treasurer and Secretary shall be elected at the Annual Meeting of the Section. The First Vice-Chair shall become Chair on June 1 of the calendar year immediately following that in which he or she is elected First Vice-Chair.

Section 2. Officers' Terms: Each officer who is elected at an Annual Meeting shall hold office for a term beginning on June 1 of the calendar year of that Annual Meeting and shall serve until the following May 31st, or until such later date as the officer's successor has been elected and takes office. The First Vice-Chair upon succeeding to the office of Chair pursuant to Section 1 of this Article shall hold office as Chair for a term beginning on June 1 and continuing until the next May 31st, or until such later date as the successor to such position takes office.

Section 3. Section Delegate and Alternate Delegate: A Section Delegate and Alternate Section Delegate to the House of Delegates of the New York State Bar Association shall be selected or reappointed annually by the Chair, with the advice and consent of the Section Officers. The Section Delegate shall be the Section's representative to, and liaison with, the House of Delegates of the New York State Bar Association. The Alternate Section Delegate shall perform the duties of the Section Delegate when the Section Delegate is unavailable to do so.

Section 4. Section Cabinet: The Section Cabinet shall consist of the Officers of the Section, the Section Delegate, and a member of the Section Council (to be designated by the Section Chair at the commencement of his or her term). The Section Cabinet shall have general supervision and control of the affairs and activities of the Section subject to these Bylaws and the Bylaws of the New York State Bar Association. The Section Cabinet shall be responsible for the authorization of all commitments and contracts which entail the expenditure of monies of the Section not otherwise provided for in the adopted annual budget of the Section to the extent such expenditure does not exceed \$5000. The Section Cabinet may conduct meetings in person or by videoconferencing, conference call, internet chat room, or similar communication means that allow all members participating in the meeting to communicate with each other at the same time. Any action of the Section Cabinet shall be by majority vote.

Section 5. Chair: The Chair shall be the Chief Executive Officer of the Section, shall preside at all meetings of the Section, the Section Cabinet and the Executive Committee, and shall perform such other duties and acts as usually pertain to this office.

Section 6. First Vice-Chair: The First Vice-Chair shall assist the Chair in the performance of that officer's duties when requested to do so and shall also perform such additional duties as the Chair may request. On the death, resignation or during the disability of the Chair, the First Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term, except in the case of the Chair's disability, and then the First Vice-Chair shall perform the duties of the Chair only for so much of the term as the disability continues.

Section 7. Second Vice-Chair: The Second Vice-Chair shall also assist the Chair in the performance of that officer's duties when requested to do so and shall also perform such additional duties as the Chair may request. On the death, resignation or during the disability of the First Vice-Chair, the Second Vice-Chair shall perform the duties of the First Vice-Chair, except in the case of the First Vice-Chair's disability, and then the Second Vice Chair shall perform the duties of the First Vice-Chair only for so much of the term as the disability continues.

Section 8. Treasurer: The Treasurer shall be the official liaison of the Section to the staff of the NYSBA, which staff shall be the custodian of the fiscal books and records of the Section. It shall be the duty of the Treasurer to prepare the Section's Annual Budget and to maintain liaison with appropriate fiscal officers of the New York State Bar Association and the Association's Treasurer who have custody of the Section's funds. The Treasurer shall also perform such additional duties as the Chair may request. The Section Treasurer shall report upon the Section's finances at each meeting of the Executive Committee and at the Section's Annual Meeting.

Section 9. Secretary: The Secretary shall be the official liaison of the Section to the staff of the NYSBA, which staff shall be custodian of all books, papers, documents, and other property of the Section, except for the Section's money and the fiscal books and records of the Section. The Secretary shall keep and publish minutes of the proceedings of all meetings of the Section and of the Executive Committee, and shall cause to be mailed notices of all meetings of the Executive Committee to the members thereof. The Secretary shall also perform such additional duties as the Chair may request.

ARTICLE IV

NOMINATION OF OFFICERS AND MEMBERS-AT-LARGE

Section 1. Nominating Committee: Prior to each Annual Meeting of the Section, the Chair shall appoint a Nominating Committee of at least three members, but no more than five members, of the Section. The Nominating Committee shall include, at a minimum: the Secretary, a member of the Section Council, and a member of the Executive Committee who is not an Officer of the Section. The Chair shall also give consideration to appointing at least one member of the Nominating Committee who has served on a previous Nominating Committee. The Nominating Committee shall make and report nominations to the Section for the offices of First Vice-Chair, Second Vice-Chair, Treasurer, Secretary and Members-at-Large of the Executive Committee.

Section 2. Floor Nominations: Other nominations for the offices of First Vice-Chair, Second Vice-Chair, Treasurer, Secretary and Members-at-Large of the Executive Committee may be made from the floor of the Annual Meeting.

ARTICLE V

THE EXECUTIVE COMMITTEE

Section 1. Members: There shall be an Executive Committee of the Section which shall consist of the Officers of the Section, the Section Delegate, the Section Alternate Delegate, the Chair and Co-Chairs of the Standing Committees authorized in Article VI, Section 1 of these Bylaws, the Chair and Co-Chairs of the Task Forces authorized in Article VI, Section 3 of these Bylaws, the members of the Section Council, and at least five, but not more than fifteen, Members-at-Large. The Section may elect Members-at-Large at the Annual Meeting of the Section, or the Section Cabinet may elect members Members-at-Large at any time between Annual Meetings of the Section.

Section 2. Purpose: The purpose of the Executive Committee shall be to approve the Annual Budget of the Section, to facilitate the making of Section policy, to implement the Purposes of the Section, to provide for coordination of and communication among the standing committees of the Section, to fill vacancies that may occur among the Officers of the Section, consistent with these Bylaws, to propose to the Officers and the Cabinet new programs or initiatives of the Section, and to advise the Officers and the Cabinet on the conduct of the Section's affairs. Any

action of the Executive Committee shall be authorized by a majority vote of those present at any duly called meeting.

Section 3. Members-At-Large: Each Member-at-Large of the Executive Committee shall be appointed for a three year term and shall be eligible for reappointment, by vote of the Section at its Annual Meeting or by the Section Cabinet, on a year-to-year basis provided such member does not miss three or more consecutive Executive Committee meetings without just reason, as determined by the Chair.

Section 4. Classes of At-Large Members: Notwithstanding Section 3 above, Members-at-Large of the Executive Committee who hold office immediately prior to the adoption of these Bylaws shall be divided by the Chair into three approximately equal groups. One such group shall be designated by the Chair to have a term expiring in one year, a second group will be designated by the Chair to have a term expiring in two years and a third group will be designated by the Chair to have a term expiring in three years.

ARTICLE VI

COMMITTEES, TASK FORCES, SECTION JOURNAL AND SECTION COUNCIL

Section 1. Standing Committees: There shall be such Standing Committees as may from time to time be authorized by the Executive Committee. The Chair or Co-Chairs of each Standing Committee shall be appointed by the Chair of the Section, with the advice and consent of the Section Cabinet, and shall serve at the pleasure of the Chair from the date of appointment until a successor is appointed or the position otherwise becomes vacant. The Chair of the Section may, with the advice and consent of the Section Cabinet, fill any vacancy in the chairing of any Standing Committee during the Chair's term of office. Standing Committees shall, unless otherwise determined by the Executive Committee, be permanent and can only be created, abolished or consolidated into another committee by majority vote of the Executive Committee.

Section 2. Special and Other Ad Hoc Committees: In addition to the Standing Committees, there shall be such Special or other Ad Hoc Committees as are deemed necessary or desirable. The Chair of the Section shall appoint the Chairs and members of the Special and Ad Hoc Committees, and may terminate such committees at any time.

Section 3. Task Forces: From time to time as the needs of the Section may warrant, the Chair, with the advice and consent of the Section Cabinet, or the Executive Committee by majority vote, may establish a Task Force and transfer or assign to a Task Force: (a) part or all of the operations and responsibilities of specified committees of the Section, or (b) other issues to be evaluated which are not being addressed by any Standing Committee of the Section and that are pertinent to the business of the Section. A Task Force shall consist of members appointed by the Chair. The Chair shall appoint a Chair or Co-Chairs of the Task Force from the Section's membership. The term of each Task Force shall be determined either by the Executive Committee, or by the Chair, with the advice and consent of the Section Cabinet. The Section Cabinet shall re-evaluate the need for any existing Task Force on an annual basis.

Section 4. Bylaws Revision Committee: The Chair of the Section, with the advice and consent of the Section Cabinet, shall establish a Bylaws Revision Committee at least once every five years to review the Section's Bylaws and to recommend appropriate revisions. The Bylaws Revision Committee shall consist of no less than three and no more than five members, of whom at least one shall be a member of the Section Council who shall serve as Chair of the Bylaws Revision Committee.

Section 5. Procedures Governing Standing Committees, other Special or Ad Hoc Committee and Task Forces:

a) Each Standing Committee, other Committee and Task Force shall establish its own procedures for the conduct of business.

b) Each Standing Committee, other Committee and Task Force may establish subcommittees.

c) Meetings shall be held at the call of the Chair or Co-chairs of the Standing Committees, other Committees and Task Forces on due notice and may be conducted in person, or by videoconferencing, conference call, internet chat room or similar communication means that allow all members participating in the meeting to communicate with each other at the same time. Participation by videoconferencing, conference call, internet chat room or similar communications means shall constitute presence in person at a meeting.

d) No proxy voting is permitted in any meeting of a Standing Committees, other committee or Task Force.

e) No action may be taken, and no views may be transmitted, outside of the Committee or Task Force, without the consent of the Chair of the Section, the officer liaison to the Committee or Task Force or the Executive Committee.

f) No individual shall serve as Chair or Co-chair of more than one Standing Committee, provided that a Chair or Co-Chair of a Standing Committee may, with the approval of the Section Cabinet or the Executive Committee, also serve as Chair or Co-Chair of not more than one Task Force or other special or ad hoc committee.

Section 6. Standing Committee Annual Agenda: Each Standing Committee shall submit a written agenda of its proposed activities for the upcoming Section year to the incoming Officers of the Section on or by June 1 of each year.

Section 7. Removal of Committee and Task Force Chairs/Co-Chairs: Chairs or Co-Chairs of Standing Committees, Task Forces, or Special and Ad hoc Committees may be removed at any time by the Chair of the Section. Absence of a Chair or Co-Chair of a Standing Committee, other Committee or Task Force from three consecutive meetings of the Executive Committee, without an excuse that is determined to be justified by the Chair of the Section, or failure of a Chair or Co-Chair to maintain membership in good standing in the New York State Bar Association and the Environmental Law Section, shall constitute an accepted resignation of that

Chair or Co-Chair from his or her position.

Section 8. Membership on Committees and Task Forces: All members in good standing of the Section are eligible for membership on all Section Committees and Task Forces.

Section 9. Section Journal: The editor-in-chief of the Section Journal shall be selected by the Chair of the Section, with the advice and consent of the Section Cabinet. The editor-in-chief and the Chair of the Section shall establish a Board of Editors to provide advice and assist the editor-in-chief in the business of the Section Journal.

Section 10. Section Council: The Section Council shall consist of all the past Chairs of the Section. Members of the Section Council shall have such other duties as are set forth in the Section Bylaws and as are assigned by the Section Cabinet or the Chair of the Section.

ARTICLE VII

MEETINGS

Section 1. Annual Meeting: The Annual Meeting of the Section shall be held at a time and place designated by the Chair of the Section during the week in which the Annual Meeting of the New York State Bar Association is held. Other meetings of the Section or the Executive Committee may be held during the interim between Annual Meetings at such times and places as may be designated by the Chair of the Section. The Executive Committee, in addition to meeting during the week of the Annual Meeting, shall also meet at least once in the spring and at least once in the fall of each year.

Section 2. Quorum: The members of the Section, the Section Cabinet, the Executive Committee, Standing and other Committees, and Task Forces, as the case may be, present at any meeting shall constitute a quorum for the transaction of business.

Section 3. Voting and Meeting Procedures: All binding action of the Section, the Section Cabinet, the Executive Committee, any Standing Committee, Task Forces and other Committees shall be by a majority vote of the members present. Business to be transacted at the Annual Meeting and any other meetings of the Section, the Section Cabinet, the Executive Committee, any Standing Committee, Task Forces, and other Committees shall conform to the Bylaws of the New York State Bar Association, these Section Bylaws and, where not otherwise specified shall be conducted, in accordance with *Roberts Rules of Order; Revised*. The Chair, with the concurrence of the Section Cabinet, shall establish procedures governing the consideration of business at Section meetings.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 1. Effective Date: These Bylaws shall be prospective and shall become effective upon the approval by the Executive Committee of the Section and by the Executive Committee of the New York State Bar Association.

Section 2. Dues: The Executive Committee, subject to the approval of the Finance Committee of the New York State Bar Association, shall fix the dues for membership in this Section, and such dues shall be payable to the New York State Bar Association.

Section 3. Amendment of Bylaws: These Bylaws may be amended at any regularly scheduled meeting of the Executive Committee by a majority vote of the members present, provided that no amendment shall be effective until approved by the Executive Committee of the New York State Bar Association.

Date of Approval by the Executive Committee of the Environmental Law Section: January 25, 2002

Date of Approval by the Members of the Environmental Law Section: October 28, 2002

Date of Approval by the Executive Committee of the New York State Bar Association: November 2, 2002

Amendment to Article V, Section 1:

Date of Approval by the Executive Committee of the Environmental Law Section: January 24, 2003

Date of Approval by the Members of the Environmental Law Section: January 24, 2003

Date of Approval by the Executive Committee of the New York State Bar Association: April 7, 2003

NEW YORK STATE BAR ASSOCIATION
RULES OF EXECUTIVE COMMITTEE OF THE
ELDER LAW SECTION
(As Amended to May 7, 2001)

These rules are hereby adopted as the rules of procedure for the Executive Committee of the Elder Law Section of the New York State Bar Association.

ARTICLE I
DEFINITIONS

As used in these rules, the following words or phrases shall have the following meanings:

- (a) *Bylaws.* The bylaws of the Section, as they may be amended from time to time.
- (b) *Executive Committee.* The Executive Committee of the Section.
- (c) *Section.* The Elder Law Section of the New York State Bar Association.
- (d) *Association.* The New York State Bar Association.

ARTICLE II
EXECUTIVE COMMITTEE

Section 1. *Time and Place of Meeting.* The Executive Committee shall meet at such times and places, as it shall fix but not less than four (4) times each year. Such meetings shall include one meeting in conjunction with the Annual Meeting of the Association, one meeting in conjunction with the Summer Meeting of the Section and one meeting in conjunction with the Fall Meeting of the Section.

Section 2. *Notices.* Notices of the time and place for holding meetings of the Executive Committee shall be given by mail to each member of the Executive Committee at least ten (10) days prior to the time fixed for holding such meeting.

Section 3. *Vote.* Each member of the Executive Committee shall have one vote. Except as otherwise specifically provided herein, each binding action of the Executive Committee shall be by a majority vote of the members of the Executive Committee present at the meeting. Votes may be made by mail, e-mail or fax where specifically solicited for response by such means or where a member of the Executive Committee is unable to attend a meeting and wishes to vote on a specific matter. A person voting by authorized means shall be considered present for that vote although absent for other purposes of these rules. A vote by such means shall only be effective if it is received by the Section Chair prior to the taking of the vote on the specific matter.

Section 4. *Unexcused Absences.* The unexpected absence of any member of the Executive Committee from three consecutive meetings of the Executive committee will result in removal of such member subject to waiver of such result by the Section Chair.

ARTICLE III COMMITTEES

Section 1. *Standing Committees.* The following are hereby designated as the Standing Committee of the Section:

- (a) Elder Law Practice
- (b) Estate and Tax Planning
- (c) Guardianship and fiduciaries
- (d) Health Care Issues
- (e) Insurance for the Elderly
- (f) Legal Education
- (g) Medicaid
- (h) Membership Services
- (i) Public Agency Liaison and Legislation
- (j) Senior Lawyers and Judges
- (k) Technology

Section 2. *Special Committees.* The Chair of the Section may create such additional committees as he or she shall from time to time determine.

Section 3. *Committee Chairpersons.* The Chair of the Section shall appoint such committee chairpersons, co-chairpersons and vice-chairpersons, as he or she shall determine.

Section 4. *Committee Members.* (a) Any member of the Section shall be eligible for membership on a committee of the Section. Appointments to Section committees shall be made by the Chair of the Section from time to time as the Chair deems appropriate.

ARTICLE IV SECTION MEETINGS

Section 1. *Meetings.* There shall be three (3) Section meetings held in each calendar year. One shall be during the Annual Meeting of the Association. Another such meeting shall be in an upstate location in the State of New York, and a third such meeting shall be held in the Summer at such location as the person, who will be the Chair of the Section at the time of such meeting, shall select with the advice of the other officers.

Section 2. *Fees.* The Section shall charge such fees for attendance at each program as the Chair of the Section shall determine, which shall be set with the advice

of the Executive Committee if the fee is to be raised significantly above the customary level for that meeting.

ARTICLE V

REIMBURSEMENT OF EXPENSES

Section 1. *Executive Committee.*

a) Annual & Summer Section Meetings No reimbursement of any expense is allowed for Executive Committee members (who are not program speakers) traveling to the annual or summer meeting.

b) Other Meetings Reimbursement of travel and lodging to attend the fall (upstate) meeting of the section or other meetings of the Executive Meeting will be paid for members of the Executive Committee working more than 100 miles from the meeting site. If the Executive Committee meeting ends after 8:00 p.m., then the 100 mile limitation shall not apply. Such reimbursement will apply even if the fall meeting is changed to another time of year, such as the spring. Maximum reimbursement will be the amount established by the Finance Committee of the NYSBA.

Section 2. *Program Speakers.* All speakers at Elder Law Section Summer and Fall Meetings (but not annual meeting) shall be entitled to waiver of registration charges, including one non-attorney companion. A speaker will also be entitled to travel and lodging expense reimbursement up to \$500, if the speaker's office is more than 100 miles from the site of the meeting. When a speaker is also a member of the Executive Committee, the maximum reimbursement due that person will be the greater of the Executive Committee reimbursement or the speaker reimbursement. Speakers at such section meetings who are not members of the Elder Law Section may receive in unusual circumstances, but only upon the written approval of the Section Chair.

Section 3. *Chairperson's Expenses of Office.* The Chairperson of the Section is expected to incur more than ordinary expenses for telephone, fax, express mail, extraordinary postage and copying costs, in order to serve the Section's needs for expeditious action and response and to communicate with the large numbers of addressees involved. Accordingly, he or she shall be reimbursed for such expenses.

Section 4. *Representative to NYSBA House of Delegates.* The representative of the Section to the NYSBA House of Delegates shall be entitled to reimbursement for travel and lodging expenses for each House meeting attended, other than at the annual meeting of NYSBA. Such reimbursement shall be for actual cost of travel and a maximum of one (1) night's hotel charge. In no event shall the total amount reimbursable exceed \$500 for any one meeting.

Section 5. *Newsletter Editor.* The section member who acts as editor of the newsletter of the section shall be entitled to payment of the maximum sum of \$2,000 per calendar year toward the expense of his or her office secretarial and overhead expense.

All expenses shall be included, including postage costs, telephone expense, delivery charges and any other amounts which would otherwise be expenses of the editor in the production of the newsletter. Such amount shall be paid \$500 at the time each issue of the newsletter is distributed, upon request of the editor. If an editor ceases to act, then the next installment shall be paid to the new editor, up to the annual maximum. Such payments shall commence with the first newsletter distributed after January 1, 2000.

Section. 6. *Attendance at Non-Section Meetings.* Reimbursement requests for attendance at non-Section sponsored meetings or programs relevant to Section projects and of a policy-oriented nature shall be considered on a case-by-case basis and shall be limited to members of the Executive Committee. Such requests by the Section officers should be made in advance of the meeting or program.

Section 7. *Limitations on Reimbursements.* All expenses reimbursable under these rules shall be subject to such limitations as may be specified by guidelines established from time to time by the Association, and the amount reimbursed shall not exceed the lesser of the actual expenses incurred or the fixed dollar amount determined by said Finance Committee. Airfares shall be reimbursed only to the extent of coach fare.

ARTICLE VI MISCELLANEOUS

Section 1. *Effective Date of Rules.* These rules shall become effective upon adoption by the members of the Executive Committee. Amendments of the rules shall be effective as of June 1st. preceding adoption of the amendment, unless otherwise provided.

Section 2. *Amendment.* These rules may be amended at any meeting of the Executive Committee by a majority vote of the members of the Executive Committee present or voting, provided notice of such proposed amendment was give in the notice of the meeting.

Best Practices: Committee Structure

Initiative: Environmental Law Section Committee on Committees

Procedures to implement initiative: The Environmental Law Section appointed a “Committee on Committees” which was charged to review the existing committee structure of the section and develop a strategic plan regarding the role of committees within the section. Also included in the charge was to formulate suggestions for keeping the Section’s committees relevant, vibrant and active, and a review of all aspects of the Section’s governance and administration. With a volunteer facilitator, the Committee met for two overnight retreats.

What makes this successful: The enthusiasm of participants in this process, the time spent thoroughly reviewing all of the issues and the issuance of a final report which offered a series of useful recommendations (see attached). This process also assisted in teaching leaders of the Section how best to use volunteer’s limited time, and how to have a productive Committee structure within the Section.

Contact for more information:

| | |
|------------|---|
| Volunteer: | Virginia Robbins, Environmental Law Section |
| Staff: | Lisa Bataille, Staff Liaison |

NEW YORK STATE BAR ASSOCIATION

ENVIRONMENTAL LAW SECTION

COMMITTEE CHAIR MANUAL

2005

TABLE OF CONTENTS

| <u>CHAPTER</u> | <u>Page</u> |
|--|--------------------|
| Introduction | 1 |
| I Responsibilities of Committee Chairs | 2 |
| A. Substantive Expertise | |
| B. Section Activities | |
| C. Membership Involvement and Growth | |
| II Structure and Governance of the Section | 10 |
| A. History of the Section | |
| B. The Officers and their Roles | |
| C. The Executive Committee | |
| D. The Section Council | |
| E. The Section Cabinet | |
| F. The Appointment and Removal of Chairs and Creation of Committees | |
| G. Committee Oversight by Officers | |
| III Resources Available to Committees | 15 |
| A. Section Officers | |
| B. Committee Mentors | |
| C. NYSBA Staff | |
| D. Section Journal | |
| E. Other Section Committee Chairs | |
| F. Committee Members | |
| Conclusion | 21 |

Attachments

- A. Section By-Laws
- B. Sample Committee Agenda
- C. Sample Committee Report
- D. Sample Committee Mission Statement
- E. NYSBA Staff Contacts
- F. Section Journal Submission Criteria

INTRODUCTION

Congratulations upon becoming a committee chair of the Environmental Law Section (the “Section”) of the New York State Bar Association (“NYSBA”)!

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. In addition, the various attachments to the Manual -- Section By-Laws, sample committee agenda, report and mission statement, NYSBA contact list -- provide more detailed information and examples relating to certain subjects.

CHAPTER I

RESPONSIBILITIES OF COMMITTEE CHAIRS

The Section functions in large part through its various committees. There are several different types of Section committees. Continuing or standing committees mostly are structured (with periodic revision, to reflect changes in the various fields) to cover the major media-specific or other substantive areas of environmental law. A few standing committees, such as Membership and Continuing Legal Education (“CLE”), have function-specific roles. In addition to these standing committees, special and other ad hoc committees and task forces are also created from time to time to address specific issues. Although this manual is primarily focused on the Section’s substantive law committees, it provides useful information for chairs of other committees, as well.

Generally, each of the Section’s committees has two co-chairs. The roles of these co-chairs is to see to it that the functions of their 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 copy of which is contained in Attachment A to this Manual.

A. Substantive Expertise

A core function of each committee is to serve as a source of knowledge in the relevant substantive area of environmental law and to ensure that the committee maintains an expertise and familiarity with current developments in the committee’s substantive area. This is critical to

the effective functioning of the committee in all other respects. At a minimum, this involves keeping abreast of new regulatory and legislative developments, case law 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 June 1 of each year to the Section’s officers. The agenda should be in a form similar to the sample contained in Attachment B to this Manual.
- (2) Hold at least three meetings (by teleconference, videoconference, internet chat room, or in person) during each year, two of which meetings may be at the NYSBA meeting in January and the Section’s Fall Meeting.

- (3) Maintain active written or electronic communication with committee members.

As discussed in Section 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 these meetings. The Executive Committee generally meets during the NYSBA meeting in January, once during the spring, and at the Section’s 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 Chair, 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 (at least once per year) reports of committee activities to the Section’s publication, The New York Environmental Lawyer (the “Section Journal”), in a form similar to the sample contained in Attachment C to this Manual. Ideally, committees should submit to the Journal brief reports of all activities such as conferences, symposia or other programs.

- (6) Submit and update annually a mission statement for the committee, to be published in the Section Journal and/or the Section’s web site. An example is contained in Attachment D to this Manual.

- (7) Solicit articles relevant to the committee's subject area for publication in the Section Journal. 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.
- (8) Conduct, or have committee members conduct, at least one Section program, activity, or CLE program each year.
 - A. The Section conducts CLE programs at its January 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. Topics for such programs are generally developed approximately six months before the programs are held, and committee chairs are expected, when requested by the Officers, to assist in coordinating and participating in such programs. Assistance from the able staff of NYSBA with respect to procedures and logistics is available, and coordination with the NYSBA staff is encouraged. As is described in Chapter III ("Resources Available to Committees"), with respect to CLE programs, the Section has a CLE Committee that works with substantive committees on developing such programs. NYSBA itself has a CLE staff that coordinates these programs.

- B. If a committee does not participate in a Section CLE program in a particular year, it may fulfill its responsibility through participation in other activities, such as: (i) forums; (ii) teleconferences; (iii) academic symposia; (iv) joint presentations with local bar associations, other committees of the Section, other NYSBA Sections or non-legal professional groups; or (v) preparation of an educational document such as a legal update, “hot topic” alert or “white paper.”
- C. Work with, and respond to inquiries and requests from, Section Officers and the Executive Committee.

3. 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 technical expertise. 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, several times each year, with an updated list of Section members who have joined that committee. The chairs of

each committee should, at least annually and preferably more frequently, 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.

It should be emphasized that the involvement of committee members, while initially requiring time and effort on the part of committee chairs, ultimately results in an organically strong committee. This, in turn, provides a structure for delegating many of the responsibilities that might otherwise fall upon the chairs. And this delegation, with the attendant responsibility and recognition, encourages further participation by the membership and helps groom future committee chairs and Section leaders.

There is a natural tendency to concentrate involvement, and work assignments, upon the comparatively few members of each committee who are most active at any point in time. While the importance of a core of devoted members should not be underestimated, it is also 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 responsibilities within the committee. This is not always easy and, as is discussed in Chapter III ("Resources Available to Committees"), assistance from former committee chairs and Section Officers is available to help you.

One way to facilitate committee members' involvement is to delegate some of the responsibilities described in this chapter. Thus, for instance, one committee member could be delegated to act as liaison or subcommittee chair to coordinate submission of materials with the Section 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.

(2) Recruitment of Committee and Section Members

Committee chairs should also look for opportunities, in cooperation with the Membership Committee, to add new members to their committees, from within the Section or without. Many committee chairs, for example, work on a regular basis with environmental attorneys who could contribute as committee members, but who do not yet belong to NYSBA or the Section. These are prime candidates for recruitment. Making a committee and its activities more attractive to non-committee members will enhance the committee's usefulness. It is equally important to engage in these outreach activities to counteract the natural tendencies toward inertia and complacency, to which all humans and organizations are susceptible. Each committee chair owes a responsibility to the Section to increase the involvement of lawyers in the Section's work – the furtherance of and improvement in the practice of environmental law.

(3) Expansion of Diversity

It is also important that the Section seek to expand the diversity of its membership. This can be accomplished in several ways. At the Section level, various initiatives, such as sponsoring the Section's annual minority fellowships, are undertaken. Many such efforts, however, can be taken effectively by the Section's committees. Thus, at the committee level as well as at the Section level, efforts should be made to ensure diversity in programs (both in selection of speakers and topics). Committees should reach out to minority and women lawyers, through partnerships with other bar associations, law schools, law student associations, civic

groups and others. This will expose the Section and its activities to others outside of what would traditionally be considered the environmental law/land use communities.

CHAPTER II

STRUCTURE AND GOVERNANCE OF THE SECTION

This chapter presents a brief overview of the history of the Section and a summary of its structure and governance. Many of those involved in the founding of the Section continue to be actively involved, and these members can provide a wealth of additional information and perspective on the growth of the Section. 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 contained in Attachment A are also a helpful reference source.

A. History of the Section

The Section's origins stem from the efforts of a number of attorneys, many of them among the pioneers in the field, to organize a forum within NYSBA to discuss issues in the emergent field of environmental law. In 1974, NYSBA created the Special Committee on Environmental Law, chaired by Arthur Savage, who would later become the first Chair of the Section. Three years later, the Special Committee became a standing committee of NYSBA. The Committee on Environmental Law, after thorough discussion and study, subsequently voted to apply to NYSBA's House of Delegates for elevation of the Committee to full section status. In late 1980, the House of Delegates approved the creation of the Environmental Law Section. Arthur Savage, Nicholas Robinson, Ernest Ierardi, John Hanna, Jr. and Martin Baker were elected as the Section's first Officers, and 19 standing committees were created.

Since 1980, the Section has achieved a stable membership of approximately 1,300 lawyers. While many of the Section's original committees remain in existence, the total number of committees and task forces now stands at approximately 30.

Among the "youngest" sections of NYSBA, the Section has since its inception adopted an open and flexible posture. This has shown itself in the Section's willingness to reach out to practitioners in other areas of law, as well as to other, non-legal, disciplines. The Section has also maintained a continuing goal of bringing diversity to its membership. To promote ethnic and racial diversity, the Section sponsors a minority fellowship program to expose minority law students to the practice of environmental law. To encourage the participation of public service attorneys, the Section offers financial assistance and special recognition. The Section also attempts to recognize the importance of including as many relevant perspectives as feasible – whether related to gender, race, income or other aspect – in its programs and functioning.

In furthering these efforts, the Section's committees are critical. Thus, it is important for committee chairs to be sensitive to the need to involve as many people as possible in committee activities, and to be proactive and imaginative in finding opportunities to expand such participation through membership outreach and program cosponsoring.

B. The Officers and their Roles

The Officers of the Section consist of the Chair, the First Vice-Chair, the Second Vice-Chair, the Treasurer, and the Secretary. Officers are elected by the Section membership at the Section's annual meeting in January and serve one-year terms, commencing on June 1 of the year in which they are elected.

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, a copy of which is contained in Attachment A to this Manual. Generally, the Officers do not serve as committee chairs while they are Officers, although all of the current and past Officers have had lengthy prior experience as committee chairs.

As is discussed in Chapter III ("Resources Available to Committees"), the Officers frequently 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.

C. The Executive Committee

The Section's Executive Committee is comprised of the Officers, the chairs of the various committees and task forces, members of the Section Council, the Section's Delegate and Alternate Delegate to the NYSBA House of Delegates, and a number of Members-at-Large. The functions of the Executive Committee include facilitating the establishment of Section policies, approving the Section's annual budget, creating and revising the standing committees of the Section and advising the Officers on Section affairs.

D. The Section Council

The Section also has a Section Council, made up of past Chairs of the Section. Its members serve on the Executive Committee and act as a resource for the Section's leaders to

draw upon. Section Council members are also available as mentors to the committees (see Section III -- “Resources Available to Committees”).

E. The Section Cabinet

The Section Cabinet consists of the Section’s Officers, the Section Delegate to the NYSBA House of Delegates and a member of the Section Council designated by the Section Chair. The Section Cabinet exercises general supervision and control of the Section’s affairs. It is responsible for the authorization of the expenditures of Section funds.

F. The Appointment and Removal 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 environmental law or the organizational needs of the Section. Special and other ad hoc committees and task forces may also periodically be created.

Committee chairs form the leadership pool from which future Section Officers are drawn. There are no preestablished “term limits” for committee chairs. Nonetheless, 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.

G. 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 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. Demonstrated performance by a committee chair will lead to positions of more responsibility, and lack of performance will lead to removal.

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.

1. Section Officers

The Officers of the Section are the first line of resources that committee chairs should tap. They have served for many years as committee chairs themselves, and are familiar with the challenges and opportunities that these positions present.

As previously noted, the Section's Officers generally 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. Officers liaisons are expected to periodically contact their respective committee chairs. Irrespective of the oversight roles of the liaisons, however, it must be emphasized that the responsibility for each committee's implementing its duties remains that of the committee's chairs.

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 a Section Officer. 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 chairs of the Section's Legislation Committee should also be contacted, and that committee may provide assistance in monitoring the relevant initiatives or in coordinating a program.

B. Committee Mentors

As previously discussed, mentoring is available to committees and committee chairs. Mentors may come from the Officer liaisons or other of the Section's Officers, members of the Section Council, or other experienced members of the Section, such as former chairs of your committee. Each of the Officers and Section Council members has had lengthy experience as chair of one or more committees, as well as in the functioning of the Section as a whole. Such assistance is most often made available at the request of a committee chair, but it may from time

to time also be suggested by the Officers. Mentoring is, by its nature, flexible and oriented toward specific situations. It may involve generalized advice with respect to such issues as how to energize committee members and establish and implement agendas, or it may involve more specific matters such as the organization and implementation of a symposium. The goal of all such mentoring is to enable the committee chairs and, thereby, the committees, to succeed in carrying out their functions.

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. The current liaison and relevant contacts at NYSBA headquarters are contained in Attachment E to this Manual.

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

- 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 several times each year. NYSBA also can set up teleconferences and internet list-serves. NYSBA also maintains, with the Section's Internet Coordinating Committee, the Section's website, to which the Section's committees may post items of interest. NYSBA also coordinates and conducts Section mailings.

- Setting up meetings, symposia and conferences. The staff handles the logistical work behind the Section's annual January, spring and fall meetings. The staff also is available to assist in a similar fashion with committee and task force meetings and conferences. In addition, NYSBA can make space available for meetings at its Bar Center in Albany.
- Assisting with CLE programs. The staff coordinates scheduling and logistics and helps prepare the requisite written program materials for CLE programs. Committees involved in such programs should work closely with the Section's CLE Committee, which has extensive experience in working with NYSBA in this regard.

NYSBA can provide other specialized assistance, and also offers a wide array of services to its membership at large. Whenever a committee chair has a question about potential assistance that may be available, the chair should contact the Section's NYSBA liaison, who also generally attends the Section's Executive Committee meetings.

D. The Section Journal

While each committee has a responsibility to submit material on a regular basis to the Section Journal, the Journal also serves as a resource to the committees by providing an excellent opportunity for expanding the visibility and membership of the committees. The Journal is generally published four 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 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 Journal. The Editor-in-Chief of the Journal welcomes inquiries with respect to potential submissions. Some helpful criteria for submission that the Editor-in-Chief has prepared are included in Attachment F to this Manual.

E. Other Section 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 environmental law, it is not intended that this structure lead to a balkanized approach to environmental law. 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

Finally, 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 communication with the membership. Another method is to delegate specific functions, such as serving as subcommittee chair or liaison to work with the Journal, the Membership Committee or the Legislation Committee or coordinating a forum or special project. In this way, the committee's members have more of an "ownership" of the committee's work, and the burdens on the committee's chairs are eased.

CONCLUSION

Again, congratulations on becoming a committee chair! Yours is a critical role in the future success of the Section. Your Officer liaison will contact you shortly, if she or he has not already done so, to ensure a strong beginning to your tenure as a committee chair. Should you have any questions before that time, feel free to contact your Officer liaison or any of the other Section Officers.

Date: June 1, 2005

Best Practices – Finances

Initiative: Finances

Procedures to initiate and implement initiative:

The International Law and Practice Section and the Labor and Employment Law Section have found it beneficial to have a financial officer who remains in office year after year. In the case of International and Labor, the officer is referred to as the Treasurer.

What makes this effective:

This approach is effective because the member serving in the position of treasurer/financial officer has an ongoing, working knowledge of the section's finances. For the purposes of planning budgets, the treasurer/financial officer works with the Director of Finance in budget preparation and throughout the year asking and answering questions as they may arise. Because the treasurer/financial officer is familiar with the finances of the section, the whole budgeting process is less cumbersome. The treasurer/financial officer coordinates officers and committee chairs to identify financial needs for section projects.

Contacts for more information:

| | |
|-------------------|--|
| Volunteer: | Lawrence Shoenthal – International Law and Practice Section Robert Kingsley Hull – Labor and Employment Law Section |
| Staff: | Linda Castilla, Meetings Coordinator |

Best Practices – Finances

Initiative: Finances

Procedures to initiate and implement initiative:

The International Law and Practice Section and the Labor and Employment Law Section have found it beneficial to have a financial officer who remains in office year after year. In the case of International and Labor, the officer is referred to as the Treasurer.

What makes this effective:

This approach is effective because the member serving in the position of treasurer/financial officer has an ongoing, working knowledge of the section's finances. For the purposes of planning budgets, the treasurer/financial officer works with the Director of Finance in budget preparation and throughout the year asking and answering questions as they may arise. Because the treasurer/financial officer is familiar with the finances of the section, the whole budgeting process is less cumbersome. The treasurer/financial officer coordinates officers and committee chairs to identify financial needs for section projects.

Contacts for more information:

Volunteer:

Lawrence Shoenthal – International Law and Practice Section

Robert Kingsley Hull – Labor and Employment Law Section

Staff: Linda Castilla, Meetings Coordinator

Best Practices – Finances - Discounts

Initiative: Discounts on registration fees

Procedures to implement initiative: The Tax Section has a long-standing program of waiving the registration fee to the Summer/Fall meeting for young attorneys admitted five years or less. The Business Law Section offers a reduction in the registration fee for attorneys admitted three years or less.

The purpose in waiving/reducing the registration fee is to encourage the attendance of young attorneys and to give them the opportunity to network with attorneys established in the Tax Section/Business Law Section.

The waiver/reduction of the fee is included on the Meeting Registration Form.

The waiver/reduction of the registration fee applies to the young attorney only. Should they decide to bring a spouse or guest, the spouse/guest fee applies.

What makes this effective: This program is effective because it allows young attorneys to attend a meeting that might otherwise be too costly.

Contacts for more information:

Volunteer: Samuel F. Abernethy – Business Law Section
David P. Hariton – Tax Section

Staff: Linda Castilla, Meetings Coordinator



NEW YORK STATE BAR ASSOCIATION
TAX SECTION
SUMMER MEETING, SEPTEMBER 16-18, 2005
MOHONK MOUNTAIN HOUSE, NEW PALTZ

Name _____ Please note any address corrections below:
Firm _____
Address _____
City _____ State _____ Zip _____ Daytime Phone () _____
Facsimile Number () _____

MEETING REGISTRATION FORM

Name of spouse or guest _____ E-Mail Address _____
Nickname/Attorney _____ Nickname/Spouse/Guest _____

PLEASE INDICATE ALL THAT APPLY (Fees are quoted in U.S. dollars)

- A. **Attorney registration fee:** \$185.00 per attorney \$ _____
Spouse/Guest registration fee: \$150.00 per spouse/guest \$ _____
Admitted 2000 or later: Fee for attorney waived

Registration fees include the following: Friday and Saturday reception at Mohonk Mountain House, entertainment on Saturday night, coffee breaks, favors, programming costs and program materials (attorneys only). To receive MCLE credit and meeting materials, attorneys must pay the Attorney Registration Fee.

- B. **Friday Reception and dinner** - West Lounge and Dining Room, Main Hotel
_____ Yes, Registered attorney will attend
_____ Yes, Registered spouse/guest will attend
_____ Grilled Filet of Beef _____ Sea Bass _____ Seared breast of Chicken
- C. **Saturday - Committee Breakfast Meeting** (Attorneys only) - East Dining Room I, Main Hotel
_____ Yes, Registered attorney will attend
- D. **Saturday - Breakfast** - Main Dining Room of the Hotel (for those not involved in the Committees meeting)
_____ Yes, Registered attorney will attend
_____ Yes, Registered spouse/guest will attend
- E. **Saturday - Lunch** - Main Dining Room of the Hotel **or** Box Lunch (Please be sure to indicate your preference.)
_____ Lunch in the Main Hotel (indicate number)
_____ Box Lunch(es) (indicate number)
- F. **Saturday - Reception and Dinner** - West Lounge and Dining Room, Main Hotel
_____ Yes, Registered attorney will attend
_____ Yes, Registered spouse/guest will attend
_____ NY Strip Steak _____ Red Snapper _____ Roasted Duckling
- G. **Sunday Executive Committee Breakfast** - West Dining Room, Main Hotel
(Open to all attorneys and spouses/guests). If you choose to dine in the Main Dining Room, you will be charged.
_____ Yes, Registered attorney will attend
_____ Yes, Registered spouse/guest will attend

Total enclosed \$ _____

*****Please refrain from faxing and mailing forms as this can result in double billing.***

Check or money order enclosed in the amount of \$ _____ (Please make checks payable to the New York State Bar Association.)

☐ Charge \$ _____ to ☐ American Express ☐ Discover ☐ MasterCard ☐ Visa Expiration date: _____

Card number: _____

Authorized signature _____

Notice of cancellation must be received September 6, 2005 in order to obtain a refund of fees.

Please return this form with appropriate fees to:

Linda Castilla, Meetings Coordinator

New York State Bar Association

One Elk Street

Albany, New York 12207

Telephone: 518-487-5562 Fax: 518-463-8527



NEW YORK STATE BAR ASSOCIATION
Business Law Section
Fall Meeting
September 22-25, 2005
Four Seasons Resort
Scottsdale at Troon North, Arizona

Please note any address corrections below:

Daytime Phone () _____
Facsimile Number () _____

Please sign up for additional activities below.

Meeting registration and hotel accommodations must be received by August 22, 2005.

Notice of cancellation must be received by August 22, 2005 in order to obtain a refund of registration fees.

Please refrain from faxing and mailing as this can result in double billing.

For those of you renting a car during your stay, the Association receives a discount for its members through Hertz Car Rental. The discount code is 0013004. The drive from Phoenix International to the Four Seasons Resort is approximately 25 minutes.

MEETING REGISTRATION FORM

REGISTRATION FEES: **\$300.00** Business Law Section Member
\$100.00 Business Law Section Spouse/Guest
\$200.00 Business Law Section Members admitted to the Bar in 2001 or later.
\$90.00 Spouse/Guest of Newly admitted attorney
\$100.00 1st Time or Returning after 5 yrs. & Spouses/Guests
\$50.00 Non-Section Member Surcharge

The Attorney Registration fee includes:

Programming costs, Thursday evening welcoming reception and dinner, Friday evening reception and dinner, entertainment and favors.

The Spouse/Guest Registration fee includes:

Thursday evening welcoming reception and dinner and Friday's reception and dinner.

Attorney Name _____

Spouse/Guest _____

Nickname _____

Telephone Number _____

Facsimile Number _____

E-Mail Address _____

ACTIVITIES

I/We plan to attend the Thursday evening welcoming reception/dinner _____ (No. attending)

I/We plan to participate in the golf tournament at Legend Trail on Friday, September 23rd at 1:00 p.m. _____ (No. of players) _____ (indicate names) Golf Tournament Fee is \$100.00 per person and includes tee time, green fees, cart rental, box lunch and transportation. This price reflects a \$100.00 discount. **Please include this fee with your registration fee. Refunds will not be given unless notified 14 days in advance of tournament.**

I/We plan to attend the Friday evening reception/banquet _____ (No. attending)

I/We plan to participate in the Hot Air Balloon Ride on Friday, September 23rd at 5:15 a.m.(7:15 EDT) _____ (No. attending) Fee is \$185.00 pp Name(s) _____ **Please include this fee with your registration fee.**

I/We plan to participate in the Desert Four Wheel Drive Tour on Friday, September 23rd at 1:00 p.m. _____ (No. attending) Fee is \$100.00 pp (including children). Name(s) _____ **Please include this fee with your registration fee.**

Trip to the Heard Museum on Friday, September 23rd _____ or Saturday, September 24th _____ (check one) at 1:30 p.m. _____ (No. attending) Fee is \$10 pp Name(s) _____

Please include this fee with your registration fee. Sign up early, space goes very fast.

I/We plan to attend the Taliesin West Summer Insights Tour on Saturday, September 24th at 2:15 p.m. _____ (No. attending) Fee is \$16.50 per person. **Please include this fee with your registration.**

☐ Check or money order enclosed in the amount of \$ _____ (Please make checks payable to New York State Bar Association)

☐ Charge \$ _____ to ☐ American Express ☐ Discover ☐ MasterCard ☐ Visa Valid from _____ to _____

Card number: _____

Name of card holder

Authorized Signature: _____

Return this form with registration fee to:

Christy Douglas, Meetings Assistant

New York State Bar Association, One Elk Street, Albany, New York 12207

Telephone: 518/487-5630 Facsimile: 518/487-5564

Best Practices – Finances - Sponsors

Initiative: Sponsors

Procedures to initiate and implement initiative:

The International Law and Practice Section has over 40 Chapters in locations throughout the world. Each year, the Fall Meeting is held in one of the Chapter Chair locations. The registration fees for this meeting are significant and vary with location. To offset the costs, the section raises sponsorship monies. Potential sponsors are selected from among law firms in the location where the meeting is being held, Executive Committee law firms and vendors.

A committee manages the selection process and communicates with potential sponsors.

The process includes identifying events or functions that can be used as sponsorship opportunities. After this process is complete, the committee prepares a sponsorship package that can be mailed out to the potential sponsors. The committee follows up on the mailing with a phone call or email.

Once a firm/vendor has agreed to sponsor, a letter is sent from the committee thanking them for their support and confirming the amount of the sponsorship.

What makes this effective:

This program is effective because it allows the section to raise money, which is used to offset the registration fee. Each person who registers for the meeting is given the benefit of the reduced fee. The program is also effective because the sponsors reach markets that may not otherwise be open to them.

Contacts for more information:

Volunteer: Nava Bat-Avraham, Esq.

Staff: Linda Castilla, Meetings Coordinator

Best Practices – Finances - Sponsors

Initiative: Sponsors

Procedures to initiate and implement initiative:

To offset the costs of bringing in quality speakers, the Environmental Law Section decided they needed to increase income for their Fall Meeting. Since the section has a large number of government employees, it was decided the registration fee could not be increased significantly without hurting attendance from the this group.

The Chair of the Environmental Law Section selected engineering firms currently doing business with members of the section as possible candidates for sponsorship. It was decided to request \$500 from fourteen different firms.

The Section Chair made the initial contact with the potential sponsor. Once the firm agreed, the Chair sent a thank you letter. The thank you letter also confirmed the amount of the sponsorship.

What makes this effective:

This approach was effective because the sponsorship requested was not large, and the section was able to include a large number of sponsors. Small and large engineering firms had equal sponsorship opportunities.

This additional income allowed the section to bring in quality speakers without raising the registration fee out of the reach of government attorneys.

Contacts for more information:

Volunteer: Virginia Robbins, Esq.

Staff: Lisa Bataille, Staff Liaison

Best Practices: Membership Development/Ambassador Program

Initiative: Ambassador Program

Procedure to implement initiative: Designate members of the Section's Executive Committee to serve as "ambassadors" at Section meetings and events. These ambassadors greet and introduce newcomers who would like to get to know more Section members and are considering getting involved. Identify your ambassadors with "ambassador ribbons," and have the Section chair announce their presence and explain the program. Signage is also an excellent way to promote this program.

Among sections implementing this initiative: Business Law Section, Intellectual Property Law Section

What makes this effective: Designating ambassadors to greet new members at Section programs and events encourages new members to become active in the section, thus increasing the likelihood that they will renew their membership.

Contacts for more information:

Richard Martin, Staff Liaison, Business Law Section
Pat Stockli, Staff Liaison, Intellectual Property Law Section

Best Practices: Membership Development/Membership Directories

Initiative: Membership Directories

Procedures to implement initiative: A yearly membership directory is a great way to provide members with a means to more easily communicate with each other, as well as a resource for members to use in identifying members across the State whose areas of specialization may be needed. Organizing your membership roster under different categories such as an alphabetical roster; geographical roster; committee roster; and a law student roster makes the directory even more useful. Increase benefit by incorporating your Section's bylaws, Committee mission statements and a photo spread of the Section's leadership so they may be easily identified at meetings. Use the directory to promote Section events and meetings by listing the yearly schedule. Some Sections prefer a 6x9 softbound format which can be easily carried in a briefcase, while others opt for an on-line searchable directory.

Among sections implementing this initiative: Elder Law Section, Intellectual Property Law Section

What makes this effective: Producing a yearly membership directory increases the value of membership by providing a means for members to more easily communicate with each other and get involved with Section events.

Contacts for more information:

Pat Stockli, Staff Liaison, Intellectual Property Law Section
Lisa Bataille, Staff Liaison, Elder Law Section

Best Practices: Legislation

Initiative: Elder Law Section Lobbying Committee, leads to successful lobbying efforts

Procedures to initiate and implement initiative: In a project coordinated with the Association's legislative action program, the Elder Law Section formed a small Compact Working Group to develop and refine the Section's proposal called, " a Compact on Long Term Care Reform". The working group consists of about eight executive committee members (including some officers). The committee holds weekly conference calls to update as to the Legislature's actions in this area, and acts as a "rapid responder" when legislative staff needs to be contacted, or when issues arise that need quick replies.

What makes this successful: The lobbying committee meets weekly. The committee is organized, issue-specific and goal oriented. All members have specific tasks, and the chair of the working group keeps track of what needs to be done and what has been completed.

Contact for more information:

Volunteer: Howard Krooks, Elder Law Section
Staff: Lisa Bataille, Staff Liaison

Best Practices: Membership Development/Diversity Initiative

Initiative: Appoint a Diversity Initiative Chair; develop diversity plan.

Procedure to implement initiative: Appoint a member of your Executive Committee to serve as Diversity Chair. This Diversity Chair should work closely with the Section's leadership and Committee Chairs to coordinate Section efforts to attract and retain members of diverse backgrounds, and to foster diversity, inclusiveness and opportunities for participation in Section events and governance. The Diversity Chair can also work with the Executive Committee to develop and act on a plan to set out objectives, action steps and responsibilities to build diversity in the membership and activities and provide a means of gauging progress. This Chair should attend the Association Annual Meeting Diversity Reception along with the section's leadership, attend the Section's Executive Committee meetings, and, attend as many other section events as possible. Diversity and membership development should be a regular topic at section executive committee meetings.

Among sections implementing this initiative:

- Business Law Section—First Vice Chair is diversity coordinator; Section also adopted plan.
- Environmental Law Section—Maintains Diversity Committee and adopted diversity plan.
- Labor and Employment Law Section—Maintains Committee on Diversity and Leadership
- Intellectual Property Law Section—Maintains Diversity Committee

Other resources: The Association Committee on Diversity and Leadership Development is a resource for sections and coordinates Association efforts to enhance diversity.

What makes this initiative effective: Appointing a Diversity Chair to head your Section's diversity initiative will focus responsibility and facilitate the Section's efforts to attract and involve members of diverse backgrounds.

Contacts for more information:

Lorraine Power Tharp, Chair, Committee on Diversity and Leadership Development
Staff Liaison, Committee on Diversity and Leadership Development
Richard Martin, Staff Liaison, Business Law Section
Lisa Bataille, Staff Liaison, Environmental Law Section
Linda Castilla, Staff Liaison, Labor and Employment Law Section
Pat Stockli, Staff Liaison, Intellectual Property Law Section

New York State Bar Association

Business Law Section

Diversity Plan

January 23, 2002

The Business Law Section of the New York State Bar Association recognizes the need for and enthusiastically supports membership diversity within its ranks and within the Association as a whole. The Business Law Section believes that a diverse membership makes the Section stronger and its work more relevant to the multi-cultural society in which we live. Diverse skills and perspectives, when brought together in open and free discussion to consider any issue, will result in deeper understandings and better resolutions of those issues. The Business Law Section believes that participation by a diverse membership in its work and that of its committees will better serve the business community, the profession, and the people of the State of New York. To that end, the Section is committed to providing opportunities for women and lawyers of color to participate in the open and free discussion of the many issues important to the practice of business law.

We recognize, however, that the Section cannot expect to make great strides in achieving diversity in its membership without a demonstrated commitment to achieving diversity in its leadership. We must do more to recruit younger lawyers of all races, ethnicities, and genders as well as lawyers with disabilities and to foster the spirit of inclusiveness in all of the Sections activities. This will help to ensure that the Section will remain a growing and integral contributor to the legal profession.

The goal of diversity can only be achieved with the unequivocal support and participation of the Section's leadership and its Committees and the individual commitment of each active Section member. However, it is recognized that in order to achieve our goal, Section leadership Committees as well as our active members must be given guidance, encouragement, and training to:

- Actively recruit lawyers of color, women lawyers, lawyers with disabilities, and younger lawyers;
- Foster an atmosphere of inclusion to assist in retaining lawyers of color, women lawyers, lawyers with disabilities, and younger lawyers once they have become members; seek the participation of lawyers of color, women lawyers, lawyers with disabilities, and younger lawyers on panels, task forces, and working groups; and
- Provide lawyers of color, women lawyers, lawyers with disabilities, and younger lawyers with opportunities and training to take on leadership roles at both the Committee and Section levels.

It is with this goal in mind that the Section is now adopting this Diversity Plan. : The Plan is a road map to assist and encourage the members and leaders of the Section to ensure full and equal participation for lawyers of color, women lawyers, younger lawyers, and lawyers with disabilities as we begin a new century.

In the plan outline below, the following abbreviations are used in the "Who" and "When" columns:

| | |
|-----------------------------------|------------------------------|
| SO =Section Officers | An=Annually |
| SC =Section Chair | Bi=Biannually |
| DC= Diversity Sub-Committee | AA=As Appropriate |
| NS=New York Bar Association Staff | AM=Annual Meeting |
| CC=Committee Chairs | SM=Spring Meeting |
| SL=Section Leaders | FM=Fall Meeting |
| PC=Program Chairs | APMS=As Per Meeting Schedule |
| SM=Section Members | P=Periodically |
| SCC=Sub-Committee Chairs | Si=Semi-annually |
| EC=Executive Committee | WOA=When Opportunity Arises |

Time references are intended to indicate frequency, rather than exact date of performance. As the context indicates, the action may be required to be performed before, after, or during the event indicated.

Maintain Diversity in Section Officers and Increase Diversity in Committee Leadership

| | | <u>Who</u> | <u>When</u> |
|----------------|---|------------|-------------|
| 1.01 | Obtain unequivocal support and participation of the Section officers, and Committee Chairs in implementing the Diversity Plan | | |
| 1.01.01 | Provide a copy of the Diversity Plan to each existing and incoming Section officer | SO | An |

| | | <u>Who</u> | <u>When</u> |
|----------------|--|------------|-------------|
| 1.01.02 | Provide a copy of the Diversity Plan to each existing and incoming Committee Chair, NS together with a letter from the Chair of the Section stressing the importance of the Plan and the active participation of each Committee in implementing the Plan | SC | Jan '02 |
| 1.01.03 | Delegate to the Diversity Sub-Committee the responsibility to follow up with those Committee Chairs who are not participating in the Sections diversity efforts, establish written Goals (but not quotas), if necessary, for Committees who are consistently ignoring the Section's Diversity Plan | DC | Jun '02 |
| 1.02 | Provide guidance to the Committee and Subcommittee Chairs with respect to diversity issues: | | |
| 1.02.01 | Include diversity materials in whatever materials are provided initially or periodically to Committee Chairs, e.g., Chairs' Orientation Manual/Handbook, including, among other things, the Section's policies and guidelines relating to diversity, a copy of the Section's report card (see below), a list of resources providing technical assistance and information for diversity on panels and publications. | NS | AA |
| 1.02.02 | Establish (after initial training) periodic follow-up training for Committee Chairs by use of such functions as Committee Chairs' Forae or similar gatherings | DC | Bi |
| 1.02.03 | Provide all incoming Committee Chairs the results from the last Report Card for their Committee so that they can follow up (after 2002, target this for Annual or Fall meeting) | NS | AM An |

| | | <u>Who</u> | <u>When</u> |
|----------------|--|------------|----------------|
| 1.03 | Formalize the Nominating Committee's efforts to (1) take into consideration the current diversity of the Section leadership and (2) attempt to maintain diversity in the leadership of the Section by including these goals in the Section's by-laws | SO | AM |
| 1.04 | Diversity Committee to evaluate annually (after the Annual Meeting each year) the Section's Diversity Plan and its effectiveness: | | |
| 1.04.01 | Assess which initiatives are working and which are not and determine why they are not working: assess the diversity plans of other Bar Associations to obtain new ideas follow-up, incorporate new ideas, and respond to then existing circumstances | DC | AM |
| 1.04.02 | Circulate the Diversity Plan to the State Bar Association staff and Section leadership for their additional input and guidance | DC | AM |
| 1.04.03 | Report recommended changes to the Plan to, and seek approval from, NYSBA Business Law Executive Committee each year | DC | SM |
| 2. | <u>Increase Diversity in Membership</u> | | |
| 2.01 | Provide guidance to Committee and Subcommittee, Chairs with respect to diversity issues | SC CC | FM |
| 2.02 | Foster the spirit of inclusiveness in all of the Section's activities | | |
| 2.02.01 | Include "Non-members Welcome" on signs identifying Committee and Subcommittee meetings outside meeting rooms at the Spring, Fall, and Annual Meetings | NS | AM SM FM |
| 2.02.02 | Invite any non-members to become members at the conclusion of each Committee and sub-committee meetings | CC | APMS |

| | | <u>Who</u> | <u>When</u> |
|-------------|--|------------|----------------|
| | 2.02.03 Advertise in all materials for the Spring and Annual Meetings that non-Committee Members are welcome to attend Committee meetings | NS | AM SM FM |
| 2.03 | Strongly encourage diverse panels in all CLE and Committee programming and diverse participation in all Section publications | CC | FM AM |
| 2.04 | Organize First Timers' Reception and Committee Round-up at each Annual Meeting | NS | AM |
| 2.05 | Promote and encourage first time meeting attendees to get to know each other and network. Gathering following the welcome reception for first time attendees and "Night on the Town" (an informal evening for young lawyers, young-at-heart lawyers). Develop other initiatives to facilitate the ability of first-time attendees to meet new and existing members | CC NS | P |
| 2.06 | Establish Section Mentoring Program for new Section members | | |
| | 2.06.01 Establish Section Mentoring Program by prominently displaying and staffing an informational table at Annual Meeting to advertise and promote mentoring program | NS | AM |
| | 2.06.02 Provide as an option for a new Section member who wants to participate in the Mentoring Program to request a woman lawyer, a male lawyer, lawyer of color, a lawyer with a disability, or no preference | NS | P |
| | 2.06.03 Encourage the mentors to get the mentors active in various Committee activities, publications, and programs | DC | AM P |

| | | WHO | WHEN |
|-----------------|--|------------|-------------|
| 2.07 | Ensure that first-time meeting registrants feel welcome even <u>prior</u> to the meeting: | NS | AA |
| 2.07.01 | Prior to each Annual and Fall Meeting, send Committee Chairs a list of the CC FM members of their committees who will be attending the meeting for the first time and encourage Committee Chairs to send to those committee members a welcoming letter with an invitation to attend committee activities and social function taking place at the meeting | NC CC | AM FM |
| 2.08 | Follow-up all Annual Meetings with a letter from the Chair of the Section to all first-time registrants thanking them for attending, asking them to share their opinions about the meeting, and inquiring as to what the Section can do for them to enhance their experience at the next meeting. | SC | AM |
| 2.08.01 | Prepare a report summarizing the responses received from the Chair's letter and circulating each report to the Section leadership, including Committee chairs | NS | SM |
| 2.09 | Develop recruitment/retention materials with a focus on lawyers of color, women lawyers, lawyers with disabilities, and younger lawyers | NS BC | Bi |
| 2.10 | Fund academic scholarships and Section scholarships for attendance at the Annual Meeting for minority law students | NS DC | An |
| 2.10.0 1 | Advertise the scholarships at state law schools | SC DC | An |
| 2.10.02 | Provide all students who receive scholarships with a mentor from the Section and encourage active participation in activities of the Section after graduating from law school. | DC | AA |
| 2.10.03 | Provide and communicate information about first time registration discounts to younger lawyers and lawyers of color | NS | AM |

| | <u>Who</u> | <u>When</u> |
|---|------------|-------------|
| 2.11 Fund Section representatives to attend important minority bar meeting and events | SC DC | AA |
| 2.11.01 Encourage Sections leaders to attend these meetings and events (note: representatives do not need to be someone of the same racial/ethnic background-diversity of representatives should also be a goal) | SL | Si |
| 2.12 Appoint liaisons (formal or informal) to each of the national minority bar associations (e.g., National Bar Association, Hispanic National Bar Association, National Asian Pacific American Bar Association, Native American Bar Association), establish expectations or responsibilities for these liaisons, and fund their attendance at these meetings | SC DC | AM |
| 2.12.01 Solicit speakers from minority lawyer bar associations located in the host city and notify the Program Chairs early in the process the mechanism for them to recruit local minority talent | DC PC | An |
| 2.12.02 Advertise the Section's programs in periodicals/newsletters directed to minority lawyer bar associations | NS | An |
| 2.12.03 Send information on Section membership and benefits to meetings of national minority bar associations | NS | An |
| 2.12.04 Continue to obtain lists of minority bar associations and send to the persons on those lists Spring and Annual Meeting brochures | NS | An |
| 2.12.05 Personally invite members and leaders of minority lawyer bar associations in the host city to programs and social events, waive any registration fees for the leaders of such associations, and appoint Section members to serve as hosts to such attendees. | SO | An |

| | <u>Who</u> | <u>When</u> |
|---|------------|--------------------------------|
| 2.13 Strengthen and increase flow of information between the Section and the Young Lawyers Committee and law students: | | |
| 2.13.01 Provide membership materials to law students focusing on benefits to law students and young lawyers emphasizing the opportunities in the Section for law students and young lawyers | MC | P |
| 2.13.02 Advertise to law students and business lawyers in the Young Lawyers Division the "basic" programs available at the Spring and Annual Meetings | NS | AM |
| 2.14 Have our Section members in academia speak to students regarding the benefits of membership in the Business Law Section | SC | P |
| 2.15 Encourage each committee to have a liaison from the Young Lawyers Committee | CC | AM |
| 2.16 Fund a Representatives Program on an annual basis | | |
| 2.16.01 Provide reimbursement for 3 three lawyers of color who are active in a national bar organization for lawyers of color for attendance at the Spring and Annual Meetings and any stand alone meetings for the Committee to which a Representative has been appointed with the goal of getting these lawyers active in substantive Committee work and grooming these lawyers to become future leaders of the Committees and the Section | SC DC | AM SM |
| 2.16.02 Advertise the availability of the Program scholarships among the national bar organizations | DC | AM (As early as October) |
| 2.16.03 Provide Section mentors to such lawyer in the Program | DC | AM |

| | | <u>Who</u> | <u>When</u> |
|---------|--|------------|-------------|
| 2.17 | Insure all meeting facilities provide easy access for lawyers with disabilities. See § 2.18 | NS | APMS |
| 2.18 | Solicit information regarding special needs from lawyers with disabilities and determine how best to accommodate those needs. | NS | APMS |
| 3. | <u>Raise awareness that diversity is valued and why</u> | | |
| 3.01 | Review importance and status of Diversity Program at Section Executive Committee meeting held during Annual Meetings | EC | AM |
| 3.02 | Amend the Section Mission Statement to include a commitment to diversity. | EC | AM 2002 |
| 3.03 | Encourage and recognizes contributions by lawyers of color and women in the Section's publications | | |
| 3.03.01 | Include photos of contributing authors where appropriate and within publishing guidelines | NS | AA |
| 3.03.02 | Include photos acknowledging diversity of membership in membership materials | NS | P |
| 3.04 | Continue publicizing the Section's efforts at increasing diversity | NS DC | WOA |
| 3.05 | Communicate the Section's commitment to diversity and improvement of the Section's image with minority bar associations and younger lawyers. | DC | WOA |
| 3.05.01 | Encourage joint programming with the YoungLawyers Section and state minority bar affiliate groups. | SO PC | WOA |
| 3.05.02 | Co-sponsor programs and activities with law schools in host cities that have a significant minority student body | PC | WOA |

| | <u>WHO</u> | <u>WHEN</u> |
|---|------------|-------------|
| 3.05.03 Advertise diversity programs in periodicals/newsletters of minority bar associations and the Young Lawyers | NS | WOA |
| 3.06 Whenever possible publicize in the media the efforts of the Section on its diversity initiatives | DC | WOA |
| 3. <u>Use Technology More Effectively to Achieve Objectives of Diversity Plan</u> | | |
| 4.01 Advertise on the web site information and materials, but provide access to actual documents to members only. | NS | P |
| 4.02 Redesign and regularly update web site for the Diversity Sub-Committee and provide a mechanism for potential new members to ask questions and get information about specific topics via the internet | NS DC | P |
| 4.03 Establish and maintain an e-mail Mentoring Program for law students | DC | |

This Diversity Plan has been approved by the Executive Committee on January 23, 2002 at the 2002 Annual Meeting of the Business Law Section.

Richard E. Gutman, Chairman

NEW YORK STATE BAR ASSOCIATION
ENVIRONMENTAL LAW SECTION

Diversity Plan

Final – January 2004

James J. Periconi, Section Chair

**Prepared by the Section's Ad Hoc Committee on
Diversity**

John Greenthal, Immediate Past Section Chair

Joan Leary Matthews, Committee Chair

Eileen Millett, former Committee Co-Chair

Michael Lesser

James A. Sevinsky

Introduction

The Environmental Law Section is committed to having a diverse membership so that those who participate in the Section's activities and the products of the Section's work will be enriched and enhanced by the different perspectives, backgrounds, and experiences of its members.

Data on Section membership indicate that the Section lacks diversity in many respects. As a result, the Section is committed to increasing the heterogeneity of the Section membership from among the many varied individuals in the environmental legal profession. Indeed, the Section has taken an important step at the top: effective June 1, 2004, the majority of the five Section officers are attorneys practicing in the government and not-for-profit sector.

Committee's Charge

The Section's Executive Committee created the Ad Hoc Committee on Diversity in April 2002 with the following charge:

[I]dentify the diversity needs of the Section in the areas of membership, programming, and committee functions – and in any other areas that the Committee identifies. The Committee shall develop recommendations strategies, and/or guidelines to address the needs identified.

Goals

The goals of the Section relating to diversity are to actively recruit attorneys from diverse backgrounds and practice areas on Section committees and in programs, to foster an atmosphere of inclusion of these attorneys, and to benefit from their perspectives. To this end, the Section seeks to vary its membership based on

- race and ethnicity
- gender
- experience level
- disability
- public sector employment
- not-for-profit sector employment
- corporate counsel employment
- geography
- position within a firm or organization
- practice area within environmental law

ACTION ITEMS

To achieve the goals identified above, the Committee has identified a number of “Action Items.”

Section Message on Diversity

- ◆ Amend the Section Mission Statement to include a commitment to diversity.
- ◆ Ensure that the Nominations Committee is informed of the Section’s goals for diversity.
- ◆ Provide a copy of the Diversity Plan to all existing and incoming Committee and Program Chairs.

Outreach Efforts

- ◆ Conduct outreach to law student Environmental Law Societies, especially through the efforts of Section members who are alumni of a law school with an Environmental Law Society.
- ◆ Establish a Law Professor Committee, which would explore ways to involve Section members in law school student activities.
- ◆ Conduct outreach to local and specialty bar associations (e.g., Black, Hispanic, Asian, and Women’s Bar Associations).
- ◆ Review NYSBA corporate counsel list to identify potential Section members.
- ◆ Work with trade associations to identify environmental attorneys in various industry sectors.
- ◆ Work with General Counsels and other active Section members from government agencies to attract more members.
- ◆ Work with senior attorneys in law firms to encourage participation by younger and more newly admitted attorneys.
- ◆ Use Section leaders from underrepresented areas of the State to seek greater participation from attorneys in those areas, including asking Section leaders to speak at County Bar Association meetings.

- ◆ Work with Section members who are active in other NYSBA sections to encourage cross-over membership.

The “Personal Touch”

- ◆ Schedule personal meetings with prospective and newer members.
- ◆ Ensure that first-time registrants feel welcome even prior to a meeting.
- ◆ Establish an “Ambassador” program to greet new members to Section meetings.
- ◆ Invite new members to the Executive Committee Reception at each Annual Meeting.
- ◆ Establish a mentoring program for new Section members who are newer attorneys.
- ◆ Continue and enhance the Minority Law Student Fellowship program, such as by assisting and mentoring Fellows after their Fellowship.

Speakers at CLE programs and Other Section Events

- ◆ Ensure a greater role of persons with diverse backgrounds and experiences as speakers and panelists at Section programs.
- ◆ Develop guidelines for CLE Committee and Program Chairs to encourage selection of diverse panels of speakers.

Publicity for Efforts to Obtain Diversity

- ◆ Continue to publicize the Subsidization Program to members.
- ◆ Encourage and recognize contributions by members.
- ◆ Publicize the Section’s efforts at increasing diversity in publications of the Section and NYSBA, as well as in other publications.
- ◆ Create a webpage for the Ad Hoc Diversity Committee and provide a mechanism for potential new members to ask questions and obtain information via the internet.

Implementation of Action Items

To implement these Action Items, the Section Officers and other members of the Section's Executive Committee will identify persons responsible for carrying out these items, pursuant to a schedule appropriate to each item. The Appendix to this Report sets forth a preliminary series of tables that the Section Officers and Executive Committee members will fill out as a way to ensure that these Action Items will be realized.

Best Practices: Section Communication

Initiative: Young Lawyers Section (YLS) Electronic Newsletter

Procedures to implement initiative:

- Discuss with Executive Committee whether or not there is a need for an e-newsletter, how the Section may or may not benefit from this communications tool, what content should be included and the frequency needed.
- Conduct a short survey of the Section membership to determine if they are willing/able to receive email as a method of communication. Be sure to ask for email addresses.

[YLS publishes In-Touch approximately 4-6 times/year and for Section events and information, e.g., upcoming meetings, Executive Committee openings, project progress, etc. Plans to increase content and links are being discussed.]

- Form a small committee to serve as an editorial board to feed copy to 'editor' on a consistent basis.
- Have Executive Committee meet with editorial board to discuss overall structure, design, and content of e-newsletter.
- In cooperation with the Section Staff Liaison, design a newsletter template in keeping with the Section's 'brand.'

What makes this effective: The YLS implemented an electronic newsletter, "*Electronically InTouch with Members of the Young Lawyers Section*" as a means of reaching its members as frequently as necessary and as inexpensively as possible. Currently over 75% of the Section has email capabilities, and many prefer email as their primary method of communication. Those members without email receive the newsletter by fax and those without either email or fax are mailed the newsletter.

Contact for more information:

Volunteer: Justina Cintron Perino, Young Lawyer's Section
Staff: Megan O'Toole, Staff Liaison



SECTION NOTICE

Electronically In Touch

with members of the
Young Lawyers Section

[Young Lawyers Home](#)

[Join This Section](#)

[Outstanding Young Lawyer Award](#)

[Young Lawyers Section Newsletter \(Perspective\)](#)

[Young Lawyers Section eNewsletter \(Electronically In-Touch\)](#)

[Product Downloads](#)

[Links of Interest to Young Lawyers](#)

[Articles and Reports of Interest](#)

[Mentor Program](#)

[Past YLS Events](#)

[Committee Rosters](#)

[Upcoming Events](#)

[Site Map](#)

[2005 Supreme Court Admissions](#)

March 2006

Dear YLS Member

I am pleased to present to you the March issue of *Electronically In-Touch*. In this issue, you will find

- An article on the Digital Millennium Copyright Act;
- A summary of a recent Second Circuit Court of Appeals decision finding forced marriage as a basis for asylum;
- Recent grants for leave to appeal to the New York Court of Appeals;
- A practical guide to a residential closing;
- Our monthly column – Standing Out in the Crowd;
- An article on the challenges faced by foreign-trained New York L.L.M.s;
- A report from the Liaison to the General Practice Section;
- A scholarship opportunity for law students; and
- Upcoming YLS Events.

Thank you to the many young lawyers who submitted content for this issue. We are impressed by the quality of your submissions, and appreciate the time, effort, and energy that you put into your articles-especially when your time is limited and often not your own.

For those of you interested in sharing your ideas, advice, tips, and/or content submissions, please send them to us at yls@nysba.org for inclusion in the newsletter.

Electronically In-Touch is a monthly publication. The

Done My Computer



THE NEW YORK STATE BAR ASSOCIATION

Elder Law eNews

A Production of the Elder Law Section

Communications Committee

Howard S. Krooks, Section Chair

Steven Rondos, Committee Chair

Dean Bress, Committee Vice-Chair

Gary Bashian, Committee Member

March/April 2005

Medicaid "Reform" Proposals Not Enacted in Governor Pataki's 2005-2006 Budget

On January 18, 2005, Governor Pataki reintroduced the draconian Medicaid reform proposals that were defeated in 2004. This year, however, the Governor has additional power in budget negotiations due to the decision in *Silver v. Pataki*, 2004 WL 2902398 (N.Y. 2004), which confirmed that the New York State budget is controlled by the Executive branch through the appropriations process. Unlike 2004, Governor Pataki has included the damaging Medicaid reforms contained in the 2005 Budget Bill in his 2005 Appropriations Bill. In light of *Silver v. Pataki*, this presents new challenges to the budget negotiations process.

The Elder Law Section's Initiative in Fall 2004

Anticipating the reintroduction of the Medicaid reform efforts in 2005, in June of 2004, Howard S. Krooks, Esq. (Section Chair) charged the Long Term Care Reform Committee to author a report that our Section could utilize as a springboard to fight the anticipated 2005 Medicaid Reforms. Under the leadership of Louis Pierro, Esq. and Robert Kurre, Esq. (and meticulous editing by Howard Angione, Esq.), the Long Term Care Reform Committee produced a top shelf report ("LTC Report") which is available to all of our members on the Elder Law Section's web page of the NYSBA website.

Best Practices – Meeting Planning/Marketing

Initiative: Meeting planning/meeting format

Procedures to implement initiative: Both the International Law and Practice Section and the Labor and Employment Law Section use a plenary session/workshop meeting format to enhance attendance at their Fall Meetings.

The International Law and Practice Section forms a steering committee comprised of members of the Executive Committee and attorneys from law firms in the city hosting the Fall Meeting. The steering committee and the Executive Committee decide on topics of interest not only to the attorneys from the United States, but also the foreign attorneys attending the meeting.

The meeting begins with a one and a half hour plenary session of interest to all attorneys, followed by 75-minute break out sessions. There are usually two or three sessions running concurrently. The concurrent sessions allow time to focus specific topics.

The Labor and Employment Law Section's CLE committee chair works with the other committee chairs to put together a program of interest to all attorneys in the Labor and Employment Law Section.

The meeting begins with two 75-minute plenary sessions followed by four concurrent workshops. Since the section is comprised of members of both the public and private sector, this format enables the section to offer sessions unique to each area of practice. The year the section began this format, attendance went from 83 to 173.

The Elder Law Section and the Trusts and Estates Law Section use the roundtable discussion format for their meetings. General topics are designated for each table, e.g., guardianships, pensions. This format involves a series of small breakout sessions that are scheduled throughout the afternoon where attendees can discuss specific fact patterns, pleadings, decisions, or procedures with an attorney experienced in the relevant area. Participants receive a handbook with sample documents, articles, administrative memoranda and forms covering the topics discussed.

What makes this effective: The above practices are effective for the sections because they allow the sections to offer programming with an appeal to their diverse membership.

Contacts for more information:

Volunteer: Kathryn Grant Madigan, Elder Law Section
Robert J. Leo, International Law and Practice Section
Michael T. Harren, Labor and Employment Law Section
Michael E. O'Connor, Trusts and Estates Law Section

Staff: Linda Castilla, Meetings Coordinator



*Free Trade
and Beyond:
Legal Challenges
for the Americas*

NYSBA

**International Law and
Practice Section
Fall Meeting 2004**

The Ritz-Carlton Hotel • Santiago, Chile
November 9-14, 2004

CO-SPONSORING ORGANIZATIONS:

AMCHAM Chile The Chilean American
Chamber of Commerce

American Bar Association, Section of
International Law

Brazilian Bar Association

Colegio de Abogados de Chile

Inter-American Bar Association

International Bar Association

Latin Lawyer

North American-Chilean
Chamber of Commerce

ProChile The Chilean Trade Commission

Union Internationale des Avocats



SCHEDULE OF EVENTS

Tuesday, November 9

| | |
|----------------|---|
| 1:00 - 5:00 pm | Registration - Ritz-Carlton C |
| 6:00 - 8:00 pm | Cocktail Reception for the Chapter Chairs, the Local Organizing and the Regional Advisory Committees Ritz-Carlton A <i>Sponsored by Thacher Proffitt & Wood LLP</i> |

Wednesday, November 10

| | | | |
|--------------------|---|----------|---|
| 9:00 - 6:00 pm | Registration - Ritz-Carlton C | | |
| 9:00 am - 12:00 pm | Chapter Chairs' Breakfast Meeting Baeza, Larraín & Rozas <i>Sponsored by Baeza, Larraín & Rozas</i> | 7:00 pm | Keynote Speaker Hon. Craig A. Kelly <i>U.S. Ambassador to Chile</i> Depart - U.S. Ambassador's Residence, Short walk to Club de Golf Los Leones |
| 2:00 - 4:00 pm | Executive Committee Meeting Ritz-Carlton A | 7:30 pm | Opening Dinner - Club de Golf Los Leones Keynote Speaker Ignacio Walker Prieto <i>Minister for Foreign Relations of Chile</i> <i>Sponsored by Kirkland & Ellis LLP</i> |
| 5:00 pm | Vans Depart - Front entrance of the Ritz-Carlton for the U.S. Ambassador's Residence | | |
| 5:30 - 7:00 pm | Welcoming Reception - U.S. Ambassador's Residence | 11:00 pm | Vans depart - Front entrance of Los Leones for the Ritz-Carlton |

Thursday, November 11

| | | | |
|---------------------|---|----------------|---|
| 8:00 am | Registration - Ritz-Carlton C | | Dyalá Jiménez Figueres <i>Director, ICC Dispute Resolution Services Latin America, Santiago</i> |
| 8:00 am | Continental breakfast - Ritz-Carlton A <i>Sponsored by Sponsored by Carey & Allende</i> | | Daniele Favalli <i>Steel Hector & Davis, Miami</i> |
| 9:00 - 9:15 am | Welcoming Remarks Paul M. Frank <i>Section Chair, Alston & Bird LLP, New York City</i> Kenneth G. Standard <i>President, New York State Bar Association</i> Sergio Urrejola <i>Presidente, Colegio de Abogados de Chile</i> Oliver J. Armas <i>Program Chair, Thacher Proffitt & Wood LLP, New York City</i> | | Program 2 The Long Arm of U.S. Law: SOX, the Patriot Act, and the FCPA Co-Chairs Joseph Neuhaus <i>Sullivan & Cromwell LLP, New York City</i> Gerardo Varela <i>Cariola Díez Pérez-Cotapos & Cia., Santiago</i> |
| 9:15 - 10:55 am | Opening Plenary Session Latin American Bilateral and Multilateral Trade Agreements: Alliances or Competitors? Co-Chairs Eduardo Ramos-Gómez <i>Duane Morris LLP, New York City</i> Jaime Irrarrazabal C. <i>Philippi, Yrarrázaval, Pulido & Brunner Ltda., Santiago</i> Speakers Mauro Berenholz <i>Pinheiro Neto Advogados, São Paulo</i> Edmundo Elias <i>Baker & McKenzie, Guadalajara</i> Fernando Flores Labra <i>Senator, First Region of Chile</i> | | Laercio Pellegrino Filho <i>Veirano Advogados, Rio de Janeiro</i> Elizabeth McNaughton <i>Blake, Cassels & Graydon LLP, Toronto</i> Cristóbal Eyzaguirre B. <i>Claro & Cia, Santiago</i> |
| 10:55 - 11:30 am | Coffee Break - Ballroom Foyer <i>Sponsored by Duane Morris LLP</i> | | Program 3 Free Trade Agreements: Minimizing Risks, Maximizing Market Access Co-Chairs Robert J. Leo <i>Meeks & Sheppard, New York City</i> Ricardo Rozas <i>Baeza, Larraín & Rozas, Santiago</i> |
| 11:30 am - 12:45 pm | Program 1 Commercial Arbitration: The Private Sector and International Fora Co-Chairs Abby Cohen Smutny <i>White & Case LLP, Washington, D.C.</i> Arturo Alessandri <i>Alessandri & Cia., Santiago</i> Speakers Fernando Mantilla Serrano <i>Shearman & Sterling LLP, Paris</i> Charles Kaplan <i>Herbert Smith, Paris</i> José Miguel Morales <i>Estudio Aurelio García Sayan, Lima</i> | 1:00 - 2:30 pm | Speakers Jay Eizenstat <i>Director for Customs Affairs, USTR, Washington</i> Stuart M. Rosen <i>Weil Gotshal & Manges LLP, New York City</i> Matías Romero Zapiola <i>Romero Zapiola, Clusellas & Monpelat, Buenos Aires</i> José Othon Ramírez <i>Ramírez Abogados, S.C., Mexico City</i> Attorneys Luncheon - Ritz-Carlton A Keynote Speaker David L. Williams <i>Simpson Thacher & Bartlett LLP, New York City</i> <i>Sponsored by Ferrere Abogados</i> |

SCHEDULE OF EVENTS (continued)

Thursday, November 11 (continued)

2:45 - 4:00 p.m.

Program 4

From Calvo to ICSID: Challenges for Investor-State Dispute Resolution

Co-Chairs

Calvin A. Hamilton

Monereo, Meyer y Marinel-lo, Madrid

Pedro-Pablo Gutiérrez

Carey y Cla., Santiago

Speakers

Mark H. Alcott

Paul, Weiss, Riffkind, Wharton & Garrison LLP, New York City

Guillermo Aguilar Alvarez

SAI Abogados, Mexico City

Federico Godoy

Beretta Kahale Godoy, Buenos Aires

Pablo M. Bentes

Miller & Chevalier Chartered, Washington, D.C. / São Paulo

Program 5

The Impact of Latin American Bilateral and Multilateral Tax Treaties on Capital Inflows and Trade

Co-Chairs

Marco A. Blanco

Curtis, Mallet-Prevost, Colt & Mosle LLP, New York City

Francisco J. Vial B.

Morales Noguera Valdivieso & Besa, Santiago

Speakers

James R. Shorter, Jr.

Thacher Proffitt & Wood LLP, New York City

Lawrence E. Shoenthal

Weiser LLP, New York City

Javier Asencio Grau

Cuatrecasas, New York City

Program 6

Open Skies or Not, Where is Latin American Aviation Headed?

Co-Chairs

Thatcher A. Stone

Alston & Bird LLP, New York City

José Bombach

General Counsel, Lan Chile, Santiago

Speakers

Juan Carlos Gómez

Parra, Rodríguez & Cavelier, Bogotá

Kenneth Basch

Basch & Rameh, São Paulo

Renato Covelo

Machado, Meyer, Sendacz e Opice Advogados, São Paulo

Emilio Arguelles

Arguelles & Asociados, Buenos Aires

Carlos Larraín P.

Larraín & Asociados, Santiago

Manuel Pérez Luna

Pérez Luna, Carrillo-Battalla y Asociados, Caracas

Coffee Break - Ballroom Foyer

Sponsored by Greenberg Traurig, P.A.

Program 7

Arbitration Developments in Latin America

Co-Chairs

Paolo Di Rosa

Winston & Strawn, LLP Washington, D.C.

Andrés Jana L.

Alvarez Hinzpeter Jana & Valle, Santiago

4:00 - 4:15 pm

4:15 - 5:30 pm

Speakers

Juan Enrique Allard

Guerrero, Olivos, Novoa y Errázuriz Ltda, Santiago

Nicolás Gamboa-Morales

Gamboa, Chalela, Gamboa &

Useche, Bogotá

José Emilio Nunes Pinto

Tozzini Freire Teixeira e Silva Advogados, São Paulo

Luis M. Martínez

Vice President, International Centre for Dispute Resolution, New York City

Fernando Cantaurias Salaverry

Canturias, Garrido, Lecca & Mulanovich, Monterrico, Curco

Program 8

Select Hot Topics in Transnational Litigation

Co-Chairs

Joel B. Harris

Thacher Proffitt & Wood LLP, New York City

Gonzalo Delaveau

Guerrero Olivos Novoa Errazuriz, Santiago

Speakers

José I. Astigarraga

Astigarraga Davis, Miami

Nigel Blackaby

Freshfields Bruckhaus Deringer, Paris

Carlos Felipe Dávalos

Bufete Dávalos y Asociados, Mexico City

Axel Heck

Paris

Emilio Nicolás Federico Jorge Vogelius

Estudio Beccar Varela, Buenos Aires

Jorge Velarde

Rodrigo, Ellas & Medrano Abogados, Lima

Program 9

Wealth Transfer Planning and the Family:

• **Transferring the Family Company from One Generation to the Next**

• **Consequences of the Introduction of Divorce into the Law of Chile**

Co-Chairs

Michael W. Galligan

Phillips Nizer LLP, New York City

José María Eyzaguirre G-H

Claro y Cla., Santiago

Speakers

Camilo Pérez de Arce

Pérez de Arce & Cla., Santiago

Diego Miguel Fissore

G. Breuer, Buenos Aires

Alfredo Travieso Passios

Tinoco Travieso Planchart & Núñez, Caracas

Glenn G. Fox

Alston & Bird LLP, New York City

Rita Wasserstein Warner

Coblence & Warner, New York City

Patricia Ferrari

Phillips Nizer LLP, New York City

Buses depart - Front entrance of the Ritz-Carlton for Palacio Cousiño

Gala Reception and Dinner

Palacio Cousiño (Black Tie Optional)

Keynote Speaker

Hon. Joaquín Lavín Infante

Mayor of Santiago

Sponsored by Alston & Bird LLP

Dinner

Buses depart - Front entrance of Palacio Cousiño for the Ritz-Carlton

6:45 pm

7:30 pm

8:30 pm

11:30pm - 12:00 am

SCHEDULE OF EVENTS (continued)

Friday, November 12

8:00 am Registration - Ritz-Carlton C

8:00 am Continental breakfast - Ritz-Carlton A
Sponsored by Donahue & Partners LLP

8:00 - 9:00 am Women's Interest Networking Group
Breakfast Meeting - Ritz-Carlton B

Chair
Lorraine Power Tharp
Whiteman, Osterman & Hanna LLP, Albany

9:00 - 10:15 am Program 10
Universal Criminal Jurisdiction and its Consequences for the Corporate World

Co-Chairs
Thomas N. Pieper
Thacher Proffitt & Wood LLP, New York City

Claudio Grossman
Dean and Professor of Law, Washington College of Law of American University, Washington, D.C.

Speakers
Hon. Luis Bates Hidalgo
Minister of Justice, Santiago

Amb. Pierre-Richard Prosper
Ambassador for War Crimes Issues, U.S. Department of State, Washington, D.C.

Pieter H. F. Bekker
White & Case LLP, New York City

Hon. Sir Adrian Fulford (invited)
Judge, International Criminal Court, The Hague

Program 11
Competition Law Developments in the Americas

Co-Chairs
E. Michael Bradley
KMZ Rosenman, New York City

Claudio Undurraga
Prieto & Cia., Santiago

Speakers
Tomás Sutton
Llerena & Asociados Abogados, Buenos Aires

Juan Eduardo Palma
Vial y Palma Abogados, Santiago

Daniel M. Ferrere
Ferrere Abogados, Montevideo

Douglas F. Broder
Nixon Peabody LLP, New York City

Randal T. Hughes
Fraser Milner Casgrain LLP, Toronto

Program 12
Securitization: An Increasing and Safe Financing Technique in Emerging Markets

Co-Chairs
Susan Romo
Credit Suisse First Boston, New York City

Juan Pablo Schwencke Saint-Jean
Barros Court & Correa, Santiago

Speakers
Boris A. Otto
Thacher Proffitt & Wood LLP, Mexico City

Álvaro Javier Aguilar
Fabrega, Molino & Mulino, Panamá City

Saúl R. Feilbogen
Vitale Manoff & Feilbogen, Buenos Aires

Jaime Munro Cabezas
Baker & McKenzie (Cruzat, Ortúzar & Mackenna), Santiago

10:15 - 10:30 am Coffee Break - Ballroom Foyer
Sponsored by Flemming, Zulack & Williamson, LLP

10:30 - 11:45 am

Program 13
Data Protection: Global Compliance Encounters an Environment of New Heightened Security

Co-Chairs

Nava Bat-Avraham

Co-Chair, International Privacy Law Committee of the NYSBA-ILPS, New York City

Ricardo Ihnen

Edmundo Eluchans y Cia., Santiago

Speakers

Carlos E. Alfaro

Alfaro Abogados, New York City

Eberhard H. Röhm

Donahue & Partners LLP, New York City

Kiyoshi Tsuru

Bello, Guzmán, Morales & Tsuru, S.C., Mexico City

Juan Pablo Cappello

Greenberg Traurig, P.A., Miami

Program 14

Project Finance/Energy/Gas Distribution

Co-Chairs

Alejandro R. San Miguel

Chadbourne & Parke LLP, New York City

Ramon Valdivieso

Carey & Allende, Santiago

Speakers

Juan Martín Arocena

Allende & Brea, Buenos Aires

Ramiro Guevara

Guevara & Gutiérrez, La Paz

Javier Valle

Uriá & Menéndez, São Paulo/Barcelona

(other speakers invited)

Program 15

The SEC's New Standards for Professional Conduct of Attorneys — What Every Latin American Issuer and Its (In-house and Outside) Counsel Should Know

Co-Chairs

Jonathan F. Pedersen

Kirkland & Ellis LLP, New York City

Domingo Valdés P.

General Counsel, Enersis S.A., Santiago

Speakers

Sebastián M. Iribarne

Marval, O'Farrell & Mairal, Buenos Aires

Carlos José Rolim de Mello

Machado, Meyer Sendacz e

Opice Advogados, São Paulo

Max Spiess

BaraonaMarré Abogados, Santiago

12:00 - 1:30 pm

Attorneys Luncheon - Ritz-Carlton A

Keynote Speaker

Hon. Juan Toro Rivera

Director of the Internal Revenue Service

Sponsored by Machado, Meyer Sendacz e

Opice Advogados

1:45 - 3:00 pm

Program 16

Corporate Restructurings: Lessons Learned from Recent Latin American Experiences

Co-Chairs

Marc M. Rossell

Shearman & Sterling LLP, New York City

Sebastián Obach

Cariola Díez Pérez-Cotapos & Cia. Ltda., Santiago

Speakers

Alberto Navarro

G. Breuer, Buenos Aires

SCHEDULE OF EVENTS (continued)

Friday, November 12 (continued)

Guillermo Ferrero
Estudio Ferrero Abogados S.C.R.L., Lima

Carlos Ingham
J.P. Morgan Chase, Santiago

Program 17
"So you want to buy or build a manufacturing plant in South America. . ."
(Environmental panel)

Co-Chairs
John Hanna Jr.
Whiteman Osterman & Hanna,
Albany, New York

Juan C. Irarrázabal
Philippi, Yrarrázaval, Pulido & Brunner Ltda.,
Santiago

Speakers
Andrew D. Otis
Curtis, Mallet-Prevost, Colt & Mosle LLP,
New York City

Guillermo Malm-Green
Brons & Salas, Buenos Aires

Valdo Cestari De Rizzo
Lefosse Advogados (in cooperation with Linklaters),
São Paulo

Program 18
Dealer Termination in the Americas: Can You
Divorce a Dealer You Don't Love Anymore?

Co-Chairs
Andre R. Jaglom
Tannenbaum Helpert Syracuse & Hirschtitt LLP,
New York City

Manuel Blanco C.
Urenda, Rencoret, Orrego y Dörr, Santiago

Speakers
Hernán Pacheco O.
Pacheco Coto, San José

Alberto Tujman
Tujman & Asociados, Buenos Aires

Ernesto Cavellier-Franco
Parra, Rodríguez & Cavellier, Bogotá

3:00 - 3:30 pm **Coffee Break - Ballroom Foyer**
Sponsored by Brons y Salas Abogados

3:30 - 4:45 pm **Program 19**
Selecting and Retaining International Lawyers
Practical and Ethical Considerations
From In-House Counsel in Latin America

Co-Chairs
Guillermo Morales
Morales Noguera Valdivieso & Besa, Santiago

José María Eyzaguirre Baeza
Claro y Cia., Santiago

Speakers
Rony Jara A.
General Counsel, BBVA, Santiago

Nicolás Cubillos S.
General Counsel, AES Gener S.A., Santiago

Carmen Figueroa D.
General Counsel, Gasco S.A., Santiago

Manuel José Noguera E.
General Counsel, Quiñenco, S.A., Santiago

Carmen Roman
General Counsel, Cencosud, S.A., Santiago

Alvaro Araya I.
General Counsel, Empresa Nacional del Petróleo
(ENAP), Santiago

Program 20
Intellectual Property Protection
in the Americas

Co-Chairs
L. Donald Prutzman
Tannenbaum Helpert Syracuse & Hirschtitt LLP,
New York City

Gonzalo Sánchez
Silva & Cia. Abogados, Santiago

Speakers
José Ignacio De Santiago
Oliveros & Cia., Mexico City

Juan Pablo Egaña
Sargent & Krahn, Santiago

Héctor Ariel Manoff
Vitale Manoff & Feilbogen, Buenos Aires

Program 21
Multinational M&A and Joint Ventures (I)

Co-Chairs
Antonio Del Pino
O'Melveny & Myers LLP, New York City

Pablo Guerrero
Barros & Errázuriz Abogados, Santiago

Speakers
José Antonio Olaechea
Estudio Olaechea, Lima

Isabel Galvão Bueno C. Franco
Demarest e Almeida Advogados, São Paulo

Pedro Pais de Almeida
PACSA, Lisbon

Juan Francisco Gutiérrez
Philippi, Yrarrázaval, Pulido & Brunner Ltda.,
Santiago

4:50 - 5:40 pm **Program 22**
Multinational M&A and Joint Ventures (II):
Dealing with Family-Owned Businesses in
Latin America

Co-Chairs
Juan Francisco Pardini
Pardini & Asociados, Panama City

Max Letelier Bomchil
Barros Court & Correa, Santiago

Speakers
Richard A. Scott
Fraser Milner Casgrain LLP, New York City

Jonathan D. Bisgaier
Skadden, Arps, Slate, Meagher & Flom, LLP,
New York City

Program 23
The Future of Immigration Between Latin
America and the U.S.

Co-Chairs
Jan H. Brown
Law Offices of Jan H. Brown, New York City

Oscar Aitken
Carey y Cia., Santiago

Speakers
Kenneth A. Schultz
Satterlee Stephens Burke & Burke LLP, New York City

Jorge G. De Presno Arizpe
Thacher Proffitt & Wood, S.C., Mexico City

Program 24
(Ethics)

Co-Chairs
James P. Duffy, III
Berg & Duffy, Garden City & Monaco

Gonzalo Molina
Edmundo Eluchans y Cia, Santiago

SCHEDULE OF EVENTS *(continued)*

Friday, November 12 *(continued)*

6:30 pm Buses depart - Front entrance of the Ritz-Carlton for Club Hípico
7:30 pm Dinner - Club Hípico Race Track
Sponsored by Baker & McKenzie

8:30 pm NYSBA Cup
2004 NYSBA Cup (1,200 meters, pure breds)
Sponsored by - TBA
11:00 pm Buses Depart- Club Hípico for the Ritz-Carlton

Saturday, November 13

8:30 - 9:00 a.m. Continental breakfast
Sponsored by White & Case
9:00 - 10:40 a.m. Closing Plenary Session
Foreign Investment in Latin America: The Views from Top Investors in the Region
Co-Chairs
José Ramón Villar
Garrigues, New York City
Francis K. Lackington
Baeza, Larrain & Rozas, Santiago
Speakers
Jon E. Olin
DHL (General Counsel & Secretary) (U.S.A)
Victor Cabrera
Colgate-Palmolive Co. (Dir. of Tax) (Spain)
Miguel Garrido de las Heras
Teléfono Móviles (Dir. of M & A) (Spain)
Carlos Martín Vergara
ENDESA, Santiago, Madrid
Gonzalo Smith
General Counsel D&S, Santiago
INDITEX (Speaker TBA)
Banco Santander Central Hispano (Speaker TBA)
11:00 a.m. Buses Depart -
Front entrance of the Ritz-Carlton for Viña Santa Rita
1:00 - 2:15 p.m. Lunch
Sponsored by Guevara & Gutierrez S.C.
2:30 - 3:45 p.m. Roundtable Discussion - Doing Business with Chile: Views from Top Chilean

Businessmen
Chair
Ricardo Claro Valdés
Speakers
TBA
4:00 - 5:30 p.m. Tour of Winery and Wine Tasting
5:45 p.m. Closing Remarks
Speakers
Paul M. Frank, Section Chair
Alston & Bird LLP, New York City
Oliver J. Armas, Program Chair
Thacher Proffitt & Wood LLP, New York City

STEERING COMMITTEE

Oliver J. Armas, Program Chair
Thacher Proffitt & Wood LLP, New York City

Paul M. Frank, Section Chair
Alston & Bird LLP, New York City

Robert J. Leo, Section Chair Elect
Meeks & Sheppard, New York City

Nava Bat-Avraham
Consultant, New York City

Soraya E. Bosi
Fraser Milner Casgrain LLP, New York City

Michael Grasty Cousiño
Grasty Quintana Majlis & Cia, Santiago, Chile

Helena Tavares Erickson
CPR Institute for Dispute Resolution, New York City

Gerald J. Ferguson
Baker & Hostetler LLP, New York City

Isabel C. Franco
Demarest e Almeida Advogados, São Paulo, Brazil

Michael W. Galligan
Phillips Nizer LLP, New York City

Joyce M. Hansen
Federal Reserve Bank of New York, New York City

Francis K. Lackington
Baeza, Larrain & Rozas, Santiago, Chile

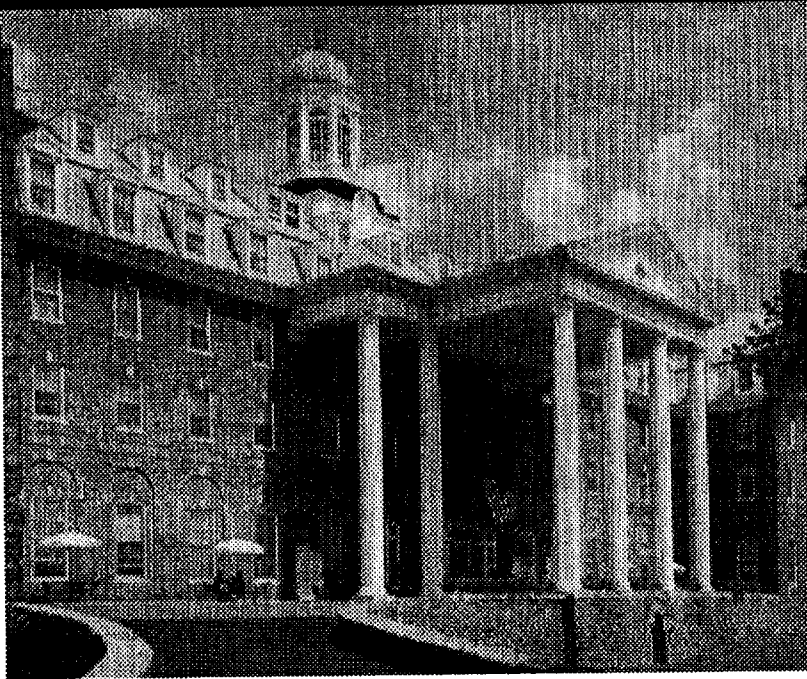
Thomas N. Pieper
Thacher Proffitt & Wood LLP, New York City

José Ramón Villar
Garrigues, New York City

Sunday, November 14

10:30 am - 2:00 pm Brunch
Art Gallery Animal
(Including Auction invitation)
Sponsored by Grasty Quintana Majlis & Cia
2004 NYSBA Open Golf Tournament
Club de Golf Las Brisas de Chicureo
Sponsored by Titleist, Chile
Afternoon Return or Post-Trips
Goodbye Santiago - See you in London 2005!

NEW YORK STATE BAR ASSOCIATION



Section Chair

Pearl Zuchlewski, Esq.

Goodman & Zuchlewski LLP
New York City

Program Chair

Alan M. Koral, Esq.

Vedder, Price, Kaufman & Kammholz, P.C.
New York City

NYSBA

Labor and Employment Law Section

Fall Meeting

The Otesaga Hotel, Cooperstown, NY

October 1-3, 2004

YOUR ATTENDANCE AT THIS MEETING WILL PROVIDE YOU WITH UP TO
8 MCLE CREDIT HOURS

You will learn:

- Supreme Court Update
 - Meeting the Statutory Definitions of "Disability"
 - Electronic Discovery Issues in Employment Law Cases
 - Non-Federal Injunctions in New York Labor and Employment Cases
- and more...



IMPORTANT INFORMATION

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

Under New York's MCLE rule, this program has been approved for 8 **MCLE credit hours** in practice management and/or areas of professional practice. **This course is NOT a transitional program and is not suitable for newly admitted attorneys because it is not a basic practical skills program.**

Discounts and Scholarships: New York State Bar Association members and non-members may receive financial aid to attend this program. This discount applies to the educational portion of the program only. Under this policy, any member of our Association or non-member who has a genuine need for assistance, if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, requests should be marked **CONFIDENTIAL** and sent in writing to: Linda Castilla, New York State Bar Association, One Elk Street, Albany, New York 12207.

SCHEDULE OF EVENTS

FRIDAY, OCTOBER 1

12:00 noon **Registration** - Large Glimmerglass Room

12:00 noon **Lunch** - Box lunches provided

12:45 p.m. Welcoming Remarks
Pearl Zuchlewski, Esq.
Section Chair

FRIDAY PLENARY SESSIONS - Ballroom

1:00 - 1:50 p.m. **I. *Supreme Court Update***

Speaker: **Elena Cacavas, Esq.**
New York State Public Employment Relations Board
Brooklyn

1:50 - 2:10 p.m. **Coffee break**

2:10 - 3:25 p.m. **II. *Dealing with An Employee Having Mental or Emotional Disorders***

Panel Chair: **Rachel J. Minter, Esq.**
Law Offices of Rachel J. Minter
New York City

Panelists: **Mairead E. Connor, Esq.** **Heather D. Diddel, Esq.**
Chamberlain D'Amanda Whiteman Osterman & Hanna, LLP
Syracuse Albany

Ronald A. Longo, Esq.
Keane & Beane, P.C.
White Plains

3:25 - 4:45 p.m. **FRIDAY WORKSHOPS (choose one)**

A. *A Third Party to Labor Relations - The Role of Financial Control Boards* - Natty Bumppo Room

Panel Chair: **Michael Cuevas, Esq.**
Public Employment Relations Board
Albany

Panelists: **Sean P. Beiter, Esq.** **John J. Faso, Esq.**
Jaekle, Fleischman & Mugel, LLP Member, Buffalo Fiscal Stability Authority
Buffalo Manatt, Phelps & Phillips, LLP
 Albany

W. James Schwan, Esq. **Peter J. Spinelli, Esq.**
Law Offices of W. James Schwan Harris Beach, LLP
Buffalo Labor Counsel
 Rochester

SCHEDULE OF EVENTS

3:25 - 4:45 p.m. **B. *Employment Counseling of Not-For-Profits in the Twenty-First Century: Developments, Trends, Where Do We Go from Here?* - Four Winds Room**

Speakers: **Patricia A. Cody, Esq.** **Ms. Claire Ferrarin**
 Kelley Drye & Warren LLP Vice President of Human Resources
 New York City Girl Scouts of the United States
 of America
 New York City

Deborah S. Skanadore Reisdorph, Esq.
 Skanadore Reisdorph Law Office
 Utica

C. *Why are Unions Upset over the New DOL Reporting Requirements—Compliance or Disclosure?* - Abner Doubleday Room

Speakers: **Robert L. Boreanaz, Esq.** **Mr. Joseph S. Wasik**
 Lipsitz, Green, Fahringer, Roll, District Director
 Salisbury & Cambria, LLP U.S. Department of Labor, OLMS
 Buffalo Buffalo

D. *How to Become COBRA and HIPPA Compliant* - Kingfisher Tower Room

Panel Chair: **Neil M. Block, Esq.**
 Ingerman Smith, LLP
 Northport

Panelists: **Susan E. Bernstein, Esq.** **William D. Frumkin, Esq.** **Carrie-Anne Tondo, Esq.**
 Schulte Roth & Zabel LLP Sapir & Frumkin, LLP Ingerman Smith, LLP
 New York City White Plains Northport

6:15 p.m. **Trolleys depart** - Front entrance of The Otesaga for the Fenimore Art Museum

6:30 p.m. **Cocktail Reception** - Fenimore Art Museum

7:30 p.m. **Trolleys depart** - Fenimore Art Museum for The Otesaga

8:00 p.m. **Dinner** - Main Dining Room of The Otesaga
 (included in your room rate)

Keynote Speaker: **Gene A. Budig**, Former President of the American League

Umpires, Players and Labor Relations: the "Inside Pitch"

Dr. Budig will highlight the importance of labor relations in Major League Baseball with players and umpires and will talk about his new book "The Inside Pitch".

SATURDAY, OCTOBER 2

7:00 a.m. **Registration** - Hotel Lobby

7:00 - 10:00 a.m. **Breakfast** - Main Dining Room
 (included in your room rate)

4 7:30 - 8:45 a.m. **Committee Breakfast Meetings** - Fenimore Dining Room
 (Breakfast is included in your room rate)

SCHEDULE OF EVENTS

SATURDAY PLENARY SESSIONS - Ballroom

8:45 - 10:00 a.m. I. *Electronic Discovery Issues in Employment Law Cases*

Speakers:

The Honorable David R. Homer
United States Magistrate Judge
Northern District of New York
Albany

Anne L. Clark, Esq.
Vladeck, Waldman, Elias
& Engelhard, P.C.
New York City

Theodore O. Rogers, Jr., Esq.
Sullivan & Cromwell LLP
New York City

10:00 - 11:15 a.m. II. *State Court Injunctions in Labor and Employment Law Disputes: From Enforcing Restrictive Covenants to Enjoining Strike Violence*

Panel Chair:

Peter D. Conrad, Esq.
Proskauer Rose LLP, New York City

Panelists:

The Honorable Barbara Howe
Erie County Surrogate Court
(Formerly Erie County
Supreme Court Justice)
Buffalo

Ross P. Andrews, Esq.
Satter & Andrews, LLP
Syracuse

Nicholas J. D'Ambrosio, Esq.
Bond, Schoeneck & King, PLLC
Albany

Bruce S. Levine, Esq.
Cohen, Weiss and Simon LLP
New York City

Thomas B. Wassel, Esq.
Cullen and Dykman Bleakley Platt LLP
Garden City

11:15 - 12:15 p.m. SATURDAY WORKSHOPS (choose one)

A. *Understanding the New Overtime Regulations and Other Practical FLSA Issues - Kingfisher Tower Room*

Speakers:

Mr. Jay Rosenblum
U.S. Department of Labor
Wage & Hour Division
Buffalo

Sharon P. Stiller, Esq.
Underberg & Kessler LLP
Rochester

B. *Issues in Mergers, Acquisitions and Other Business Restructuring - Natty Bumppo Room*

Panel Chair:

Gerald T. Hathaway, Esq.
Littler Mendelson, P.C.
New York City

Panelists:

Jane Lauer Barker, Esq.
Pryor Cashman Sherman & Flynn LLP
New York City

James J. Rooney, Esq.
Bond, Schoeneck & King, PLLC
Buffalo

Maureen M. Stamp, Esq.
Vladeck, Waldman, Elias & Engelhard, P.C.
New York City

SCHEDULE OF EVENTS

C. Cross-Border Employment - A Practical Workshop - Abner Doubleday Room

Panel Chair: Philip M. Berkowitz, Esq., Nixon Peabody LLP, New York City

Panelists:

| | |
|---|---|
| Wendi S. Lazar, Esq. Lazar & Associates P.C. New York City | William J. Milani, Esq. Epstein Becker & Green, P.C. New York City |
| Wayne N. Outten, Esq. Outten & Golden LLP New York City | Mona Vaswani, Esq. Allen & Overy London, England |

D. An Arbitration Primer - Large Glimmerglass Room

Moderator: Jill L. Rosenberg, Orrick, Herrington & Sutcliffe LLP, New York City

Panelists:

| | |
|---|---|
| Laura H. Harshbarger, Esq. Bond, Schoeneck & King, PLLC Syracuse | Laura S. Schnell, Esq. Eisenberg & Schnell LLP New York City |
| Robert J. Simmelkjaer, Esq. Arbitrator New York City | |

12:30 p.m. **Golf Tournament** - Leatherstocking Golf Course
Golf Chair: Dan Bordonì, Bond, Schoeneck & King, PLLC, Syracuse

1:30 - 3:30 p.m. **Baseball Game** - Doubleday Field, must be at least 13 years of age to play
Team Captains: Michael Curley, Morgan, Lewis & Bokius LLP, New York City
and David Fish, Rosen Leff, Hempstead

2:00 p.m. **Tennis Tournament** - The Otesaga Tennis Courts
Tennis Chair: Robert D. Kraus, Salisbury & Ryan LLP, New York City

6:15 p.m. **Trolleys depart** - Front entrance of The Otesaga for the Baseball Hall of Fame

6:30 p.m. **Cocktail Reception** - Member Gallery of the Baseball Hall of Fame
New York State Bar Association Update
Kenneth G. Standard, President, New York State Bar Association

7:30 p.m. **Trolleys depart** - Baseball Hall of Fame for The Otesaga

8:00 p.m. **Dinner** - Main Dining Room of The Otesaga
(included in your room rate)

SUNDAY, OCTOBER 3

8:00 a.m. **Registration** - Hotel Lobby

7:00 - 10:00 a.m. **Breakfast** - Main Dining Room
(included in your room rate)

8:30 - 10:00 a.m. **Executive Committee Breakfast Meeting** - Large Glimmerglass Room
(included in your room rate)

11:30 - 2:00 p.m. **Buffet Brunch** - Main Dining Room of The Otesaga
(included in your room rate) **Check out 1:00 p.m.**

Section Chair

HOWARD S. KROOKS, ESQ.

Littman Krooks LLP
White Plains and New York City

Program Co-Chair

STEPHEN J. SILVERBERG, ESQ.

Certilman Balin Adler Hyman LLP
East Meadow

Program Co-Chair

ELIZABETH G. CLARK, ESQ.

Hodgson Russ LLP
Buffalo

NYSBA

Elder Law Section

Spring Advanced Institute

RADISSON HOTEL at JFK Airport

APRIL 28, 2005

THIS PROGRAM WILL PROVIDE YOU WITH FIVE (5) MCLE CREDIT HOURS IN THE AREA OF PROFESSIONAL PRACTICE/PRACTICE MANAGEMENT. THIS PROGRAM WILL NOT QUALIFY FOR CREDIT FOR NEWLY ADMITTED ATTORNEYS AND IS NOT A TRANSITIONAL PROGRAM BECAUSE IT IS NOT A BASIC PRACTICAL SKILLS PROGRAM.



SCHEDULE OF EVENTS

Thursday, APRIL 28, 2005

7:45 a.m.

Registration and Continental Breakfast - *Gatwick/Heathrow Foyer*

8:45 a.m.- 9:00 a.m.

INTRODUCTION AND WELCOME REMARKS - *Gatwick/Heathrow Rooms*

HOWARD S. KROOKS, ESQ.

SECTION CHAIR

Littman Krooks LLP

White Plains and New York City

STEPHEN J. SILVERBERG, ESQ.

PROGRAM CO-CHAIR

Certilman Balin Adler Hyman LLP

East Meadow

ELIZABETH G. CLARK, ESQ.

PROGRAM CO-CHAIR

Hodgson Russ LLP

Buffalo

As elder law attorneys develop and expand the scope of their practices, client situations may require specialized input for ancillary matters such as hospital discharge, tax issues or planning for younger persons with disabilities. The decline in the importance of estate tax planning has been countered with an increase in complex income and gift tax questions including tax basis; marital and elective share; pensions and IRAs and residency issues. While maintaining certain "core" Elder Law topics, this program will focus on these tax issues that will confront the Elder Law attorney in the years to come. The Advanced Institute is designed to afford the opportunity for attendees to discuss the specific issues, cases and fact patterns relevant to their practices with elder law practitioners whose abilities are recognized on both the state and national levels.

The format of the Institute is different from most Bar Association programs in that there is no set presentation for each topic. Here, the program's content is predominantly dictated by the participants' issues, questions and comments raised for the speakers. This format will involve a series of small breakout sessions that will be scheduled throughout the day whereby attendees can discuss specific fact patterns, pleadings, decisions, or procedures with an attorney experienced in the relevant areas. ***Additionally, program participants will receive a handbook which will consist of court papers, articles, administrative memoranda and forms covering the topics outlined on Page 3.***

9:00 a.m. - 9:50 a.m.

SESSION I

10:00 a.m. - 10:50 a.m.

SESSION II

11:00 a.m. - 11:50 p.m.

SESSION III

11:50 p.m. - 1:10 p.m.

Luncheon - Shannon Room

1:10 p.m. - 2:10 p.m.

Keynote Speaker - Shannon Room

"CREATIVE USES OF SPECIAL POWERS OF APPOINTMENTS"

ALEXANDER A. BOVE, JR., ESQ.

Bove and Langa

Boston, MA

2:10 p.m. - 3:00 p.m.

SESSION IV

3:10 p.m. - 4:00 p.m.

SESSION V

4:00 p.m.

Adjourn

4:30 p.m. - 7:00 p.m.

Executive Committee Meeting and Dinner - Narita Room

SCHEDULE OF EVENTS

ADVANCED INSTITUTE TOPICS AND PRESENTERS

GUARDIANSHIP

CHARLES F. DEVLIN, ESQ.

New York State Office of Court Administration
Office of Guardian and Fiduciary Services
New York City

HOME CARE

VALERIE J. BOGART, ESQ.

Selfhelp Community Services, Inc.
New York City

MARITAL AND ELECTIVE SHARE

STEPHEN J. SILVERBERG, ESQ.

Certilman Balin Adler Hyman LLP
East Meadow

PENSION AND IRAs

SEYMOUR GOLDBERG, ESQ.

Goldberg & Goldberg, PC
Melville

RESIDENCY ISSUES

MARK S. KLEIN, ESQ.

Hodgson Russ LLP
Buffalo

SPOUSAL REFUSAL AND ESTATE RECOVERY

LOUIS W. PIERRO, ESQ.

Pierro & Associates, LLC
Albany

TAX BASIS ISSUES

SHARON KOVACS GRUER, ESQ.

Sharon Kovacs Gruer, P.C.
Great Neck

Important Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. **THE SPRING MEETING HAS BEEN APPROVED FOR 5.0 MCLE CREDIT HOURS IN THE AREA OF PROFESSIONAL PRACTICE/PRACTICE MANAGEMENT. THIS PROGRAM WILL NOT QUALIFY FOR CREDIT FOR NEWLY ADMITTED ATTORNEYS AND IS NOT A TRANSITIONAL PROGRAM BECAUSE IT IS NOT A BASIC PRACTICAL SKILLS PROGRAM.**

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members may apply for a discount or scholarship to attend this program, based on financial hardship. This discount applies to the educational portion of the program only. Under that policy, any member of our Association who has a genuine basis for his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to Kathleen M. Heider at: New York State Bar Association, One Elk Street, Albany, New York, 12207 or e-mail at kheider@nysba.org.

SPECIAL DISCOUNTS: The Elder Law Section has approved a new policy which allows for a 50% discount on the registration fees for all Elder Law Section members who practice in government, public sector or as Court personnel. **This discount is not automatic and must be requested in writing as stated above under Discounts and Scholarships.**

Where applicable, members of the Judiciary may also register as a guest and pay the reduced guest registration fee.

HOTEL INFORMATION: The Radisson Hotel is conveniently at JFK International Airport only minutes away by complimentary shuttle from all terminals. It is located 12 miles from the heart of New York City.

Services include 24-hour complimentary shuttle service to JFK terminals and complimentary indoor/outdoor parking.

For those in need of overnight room accommodations, we suggest you call the hotel direct at the number listed below.

RADISSON HOTEL AT JFK AIRPORT
135-30 - 140th Street
Jamaica, NY 11436
Reservations: 800-333-3333
Telephone: 718-322-2300

MARK YOUR CALENDARS NOW FOR THE 2005 ELDER LAW MEETINGS!

SUMMER MEETING
August 11-14, 2005
Boston Marriott Longwharf

FALL MEETING and ADVANCED INSTITUTE
October 20-22, 2005
Gideon Putnam Resort and Spa, Saratoga, NY

NEW YORK STATE BAR ASSOCIATION

Estate Planning In Uncertain Times

Section Chair

Michael E. O'Connor, Esq.
DeLaney & O'Connor LLP
Syracuse

Program Co-Chairs

Cressida A. Dixon, Esq.
Nixon Peabody LLP
Rochester

Nicole M. Marro, Esq.
Jill M. Cicero & Associates
Rochester

Louis W. Pierro, Esq.
Pierro & Associates, LLC
Albany & New York City

NYSBA

Trusts and Estates Law Section Spring Meeting

Hyatt Regency Rochester
May 9-10, 2005

THIS PROGRAM WILL PROVIDE YOU WITH **8 MCLE CREDIT HOURS**
THE ROUND TABLE DISCUSSION TOTALS 3 CREDIT HOURS AND
TUESDAY'S PROGRAM IS WORTH 5 CREDIT HOURS.



SCHEDULE OF EVENTS

Monday, May 9

- 11:00 a.m. **Registration** - Grand Foyer
- 12:00 p.m. **Executive Committee Lunch Meeting** - Regency Ballroom
- 2:00-4:45 p.m. **Round Table Discussion** - Grand Ballroom's A, B, C

The format of the Round Table Discussion is different from most Bar Association programs in that there is no set presentation for each topic. Here, the program's content is predominantly dictated by the participants' issues, questions and comments raised for the speakers. This format will involve a series of small breakout sessions that will be scheduled throughout the afternoon whereby attendees can discuss specific fact patterns, pleadings, decisions, or procedures with an attorney experienced in the relevant areas. ***Additionally, program participants will receive a handbook which will consist of sample documents, articles, administrative memoranda and forms covering the topics.***

- 2:00-2:10 p.m. **PRIORITIES FOR 2005-2006**
A. VINCENT BUZARD, ESQ.
President-Elect, New York State Bar Association
- 2:10-2:15 p.m. **PROGRAM INTRODUCTION**
MICHAEL E. O'CONNOR, ESQ., SECTION CHAIR
DeLaney & O'Connor, LLP
Syracuse

ROUND TABLE TOPICS AND PRESENTERS:
ROUND TABLE CHAIR
LOUIS W. PIERRO
Pierro & Associates, LLC
Albany & New York City

ASSET PROTECTION PLANNING
DANIEL S. RUBIN, ESQ.
Moses & Singer, LLP
New York City

CHARITABLE GIVING
PHILIP L. BURKE, ESQ.
Woods Oviatt Gilman, LLP
Rochester

MEDICAID MATTERS
RENE H. REIXACH, JR., ESQ.
Woods Oviatt Gilman, LLP
Rochester

FLPs AND GRANTOR TRUSTS
PROFESSOR MITCHELL M. GANS
Hofstra University School of Law
Hempstead

INTERSTATE/TAX AND RESIDENCY ISSUES
PAUL R. COMEAU, ESQ.
Hodgson Russ, LLP
Buffalo

**SPOUSAL TRUST & TAX PLANNING FOR NYS AND
FEDERAL TRANSFER TAX**
JONATHAN G. BLATTMACHR, ESQ.
Milbank Tweed Hadley & McCloy, LLP
New York City

RETIREMENT PLANNING/401(K)s, IRAs, ETC.
ROBERT F. BALDWIN, JR., ESQ.
Baldwin & Sutphen, LLP
Syracuse

ESTATE LITIGATION
JOHN J. BARNOSKY, ESQ.
Farrell Fritz, PC
Uniondale

- 2:15-3:05 p.m. **SESSION I**
- 3:05-3:55 p.m. **SESSION II**
- 3:55-4:45 p.m. **SESSION III**
- 4:45 p.m. **Adjournment**
- 5:45 p.m. Buses depart for dinner reception at **George Eastman House**.

NEW YORK STATE BAR ASSOCIATION

George Eastman House International Museum of Photography and Film combines the world's leading collections of photography and film with the stately pleasures of the landmark Colonial Revival mansion and gardens that George Eastman called home from 1905 to 1932. The Museum is a National Historic Landmark. Mr. Eastman, the founder of Eastman Kodak Company, is heralded as the father of modern photography and the inventor of motion picture film. All are welcome to tour the museum and shop until 7:30 pm.

6:00-8:00 p.m.

Dinner Reception - George Eastman House

Reception will be held in **Potter Peristyle** however, guests are welcome to tour the museum on both levels and weather permitting, view the Terrace Gardens.

9:00 p.m.

Buses will depart and return to the Hyatt Regency should you choose not to stay for the film.

9:00-10:30 p.m.

Film Screening - Dryden Theatre

There will be a special showing of the courtroom drama *12 Angry Men*.

10:45 p.m.

Buses return to Hyatt Regency.

Tuesday, May 10

7:30 a.m.

Registration - Grand Foyer

7:30 a.m.

Committee Breakfast Meetings - Grand Ballroom D

Committee on Charitable Organizations
Committee on Continuing Legal Education
Committee on Elderly and Disabled
Committee on Estate and Trust Administration
Committee on Estate Litigation
Committee on Estate Planning
Committee on Governmental Relations

Committee on International Estate Planning
Committee on Legislation
Committee on Membership and Relations with Local Bar Associations
Committee on Practice and Ethics
Committee on Surrogates Court
Committee on Taxation
Ad Hoc Committee on Principal and Income

8:30 a.m.-12:00 p.m.

GENERAL SESSION - Grand Ballroom's A, B, C

8:30-8:40 a.m.

INTRODUCTORY REMARKS
MICHAEL E. O'CONNOR, ESQ.
Section Chair

NYSBA UPDATE
KENNETH G. STANDARD, ESQ.
President, New York State Bar Association

PROGRAM INTRODUCTIONS
NICOLE M. MARRO, ESQ.
Program Co-Chair

CRESSIDA A. DIXON, ESQ.
Program Co-Chair

8:40-9:40 a.m.

Planning for Taxable Estates - Do the Proven Strategies Still Work?

Discussion of qualified disclaimers, marital deduction gifts, annual exclusion gifts, life insurance trusts and QPRTs.

JOHN T. FITZGERALD, JR., ESQ.
Nixon Peabody LLP
Rochester

9:40-10:40 a.m.

Planning for Non-Probate Assets and Retirement Accounts

Discussion of tax consequences and practical administrative problems connected with clients who die owning greater proportions of non-probate assets and retirement accounts as well as the latest techniques to efficiently transfer such assets at death.

EUGENE PARRS, ESQ.
Parrs and Perotto, LLP
Rochester

10:40-10:55 a.m.

Refreshment Break

10:55-11:55 a.m.

Planning to Pay for College - If You Can

Discussion of the variety of private and public plans available, the tax consequences and practical effectiveness of each, as well as what advice and resources we can offer our clients.

JOSEPH F. HURLEY, CPA.
SavingforCollege.com
Pittsford

11:55-12:15 p.m.

Questions and Answers

SCHEDULE OF EVENTS

Tuesday, May 10 (continued)

12:15 - 12:45 p.m. **Reception** - Grand Foyer

12:45 - 1:45 p.m. **Luncheon** - Grand Ballroom D

Speakers: **HONORABLE EDMUND A. CALVARUSO**
Surrogate, Monroe County

The Opportunities and Challenges in Philanthropy Today

JENNIFER LEONARD

President and Executive Director
Rochester Area Community Foundation
Rochester

1:45 - 2:45 p.m. **Planning for Middle Class Clients**

Discussion of how our counsel has shifted for many clients -- from planning to avoid estate tax to planning how to pay for/preserve assets for long-term care as well as current strategies for long-term care and pit-falls of traditional planning.

RENE H. REIXACH, JR., ESQ.
Woods Oviatt Gilman, LLP
Rochester

2:45 - 3:45 p.m.

Planning in Light of Changing Law

Discussion of the legislative "process" in New York State, what we may expect by way of changes in the EPTL and SCPA and to our practice as a result. Also, what is our obligation to draft for possible changes and inform clients of such changes.

MARTIN W. O'TOOLE, ESQ.
Harter, Secrest and Emery LLP
Rochester

3:45 - 4:00 p.m.

Questions & Answers

THANK YOU TO OUR VENDORS:

Bank of New York
Business Valuation Company
Christie's
Doyle New York

Foundation Source
Interactive Legal Systems
Management Planning, Inc.
Sotheby's

HOTEL ACCOMMODATIONS: For reservations, please contact the Hyatt Regency Hotel directly at 1.800.233.1234. Please mention that you are with the New York State Bar Association to receive the room rate of \$110 for both single and double occupancy. The Hyatt Regency Hotel is located at 125 East Main Street, Rochester, NY 14604. The cut off date for room reservations is April 18, 2005. Room rates are subject to applicable state and local tax (currently 14.25%).

Important Information

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this two day program will provide you with a total of **8 credit hours in practice management/ professional practice. The Round Table Discussion totals 3 credit hours, and Tuesday's program is worth 5 credit hours in practice management and/or professional practice.** This is **NOT** a transitional program, and is **NOT** suitable for MCLE credit for newly-admitted attorneys.

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Christy Douglas, New York State Bar Association, One Elk Street, Albany, New York 12207.

Best Practices – Meeting Planning/Marketing

Initiative: Meeting Planning (Copy of the Elder Law Report is attached.)

Procedures to initiate and implement initiative:

The Elder Law Section decided to implement a Task Force on Meetings to “resolve the long-standing debate within the Section regarding Section meetings policy and practice and to stabilize and energize Section meeting planning”.

As the Labor and Employment Law Section has continued to grow in numbers, they have found that their choices for in-state hotels are limited. To maximize their choice of hotels, they have begun to schedule meetings five years in advance of the meeting date. By scheduling meetings that far in advance, they are almost assured of their choice of hotels and dates. The Future Sites Committee researches locations and reports to the Executive Committee. The Executive Committee makes the final decision on the location of the meetings.

What makes this effective:

Members of the Elder Law Section Task Force took into consideration every aspect of planning for the Annual, Summer and Fall meetings and assessed all strengths and weaknesses. This is effective because the ideas of many members were brought to the table. In the end, the Task Force endeavored to achieve consensus to ensure that all meetings meet member needs and interests.

Generally, hotels book meetings one to three years in advance. By using a five-year plan, the Labor and Employment Law Section has found a way to maximize their choice of dates and locations. This also provides for consistency in procedure and philosophy in selecting locations and enables members to plan ahead for attendance.

Contacts for more information:

Volunteer: Kathryn Grant Madigan, Elder Law Section
Rosemary A. Townley, Labor and Employment Law Section
Staff: Lisa Bataille, Staff Liaison

MEMORANDUM

To: Elder Law Section Executive Committee
From: Kathryn Grant Madigan, Cora Alsante, Lawrence Davidow, Ira K. Miller, David Pfalzgraf, Joan Lensky Robert, Vincent J. Russo
Subject: Task Force on Meetings

The Task Force on Meetings was appointed by now immediate past Section Chair Cora Alsante in October, 2002, in an effort to resolve the long standing debate within the Section regarding Section meetings policy and practice and to stabilize and energize Section meeting planning. We must ensure that the Section consistently provides the highest quality substantive educational programming, social interaction and networking opportunities for Section members and their families and that we do so in a fiscally prudent and, to the extent possible, revenue neutral manner.

The Task Force analyzed the strengths and weaknesses of each of the Section Meetings -- Annual Summer and Fall -- as well as the renowned Advanced Institute. We considered our long history of discourse on Section Meetings policy at Executive Committee Meetings throughout our 10 year history, which discourse resulted in inconsistent action at best. We also carefully considered the Section's new Long Range Plan and endeavored to achieve a consensus view of what our Section needs to do to ensure that all of our meetings meet member needs and interests.

ANNUAL MEETING: This is the Section showcase. It long has had a reputation for strong program content with premier speakers. It is the ideal opportunity to attract non-Section members. The networking reception has also been well received (except for the location and food).

Due to NYSBA accounting practices and pricing structure for this meeting, our Section operates at a small deficit, which interestingly enough, grows with attendance. We believe, however, that this could be countered by effective membership outreach.

A larger room is not an option at this time. NYSBA does not have "run of the house" on Tuesday. The Tax Section (with much greater attendance) has the only ballroom available. Our Executive Committee has consistently agreed that moving this meeting to other available days -- Monday, Friday or Saturday of Annual Meeting week -- is not wise; that our meeting should be held on the day prior to the Trusts & Estates Law Section Meeting and in close proximity to the General Practice Section Meeting to maximize attendance.

A problem that has historically plagued the Annual Meeting program has been late notice. This is not a negotiable item. It is absolutely essential that the Annual Meeting Chair provide NYSBA with the program details at least two (2) months in advance.

The Executive Committee recently voted in favor of scheduling officer and Executive Committee meetings to allow for four hours of MCLE credits and this new policy should be institutionalized.

In sum, the Annual Meeting is a gem that is plagued by chronically late notice. The Annual Meeting Program Chair shall commit to honoring the 2 month deadline for final programmatic specifics. A Procedures Manual should be created for the benefit of the Annual Meeting Program Chair and Committee.

We also need to improve the quality of the hors d'oeuvres and the location of the networking reception, with a commensurate increase in the Section subsidy and attendee cost.

SUMMER MEETING: This meeting has featured strong program content, great speakers and lovely, and, in some cases, quite distant locations. We have enjoyed good attendance, when compared with other NYSBA Sections, with a loyal group of attendees. With some exceptions, the summer meetings have had a history of late notice and significant deficits. It has been criticized as the Chair's "junket" and for being too expensive for most Section members, especially those upstate. The State Bar has a policy of discouraging out of country, and out of state, meetings as being contrary to member needs. Strong consensus by Executive Committee, and established as Section policy in the Long Range Plan, that it be revenue neutral.

Two other issues have defied resolution: lack of advance planning and changing the timing of the meeting.

It is the consensus of the Task Force that this be an Officer function (including our CFO) and that it not rest solely in the discretion of the Section Chair. We also urge the adoption of a policy whereby all Summer Meetings sites be approved by the Officers, and ratified by the Executive Committee, three (3) years prior to the event. We now have a confirmed site for 2004 - the Mohican Sun Resort in Norwalk, Connecticut. We further recommend that the Secretary and Treasurer present a proposal for two (2) Summer Meeting sites for 2005 and 2006, for approval by the Officers at their meeting in the Fall of 2003. These selections shall then be ratified by the Executive Committee, with deference given to the Officers= choice.

From here on in, each year the newly elected Section Treasurer shall present a proposal for the Summer Meeting three (3) years hence in similar fashion, i.e. a proposed site to be approved by Officers and then ratified by the Executive Committee.

All proposals must be submitted in writing, with cost estimates.

We recommend that we continue to hold the Summer Meeting in August and preferably during the first week in August. In choosing an appropriate site, Officers are urged to choose locations in the New England and Mid-Atlantic states (driveable or with direct flights from NYC) and Canada.

Consideration should also be given to scheduling the Executive Committee Meeting on Thursday morning with CLE programming that afternoon; a Friday morning program ending no later than 1:00 p.m. and a shortened Saturday program concluding at 11:00 a.m. This would afford members 10 -11 MCLE credits with ample time for socializing and sightseeing. Partnering with other Sections should be encouraged.

The Summer Meeting Chair shall commit to providing NYSBA with final programmatic specifics at least two (2) months prior, and, ideally, three (3) months prior to the meeting date. A Procedures Manual should be created for the benefit of the Summer Meeting Chair and Committee, with particular attention to budgeting, to avoid

cost overruns due to speaker comps. for travel and lodging, as well as the countless hidden expenses.

FALL MEETING: Established as a lower cost alternative to the Summer Meeting; intended to be sited around the state to achieve geographic balance; opportunity to attract non-members in the region; better attendance when within 100 miles of NYC; chronic late notice; chronic late booking; some conflicts with other bar meetings. Tendency to recycle the same presenters. It has historically been held in conjunction with the Advanced Institute.

Section policy, per our Long Range Plan, requires that this meeting be revenue neutral. The Advanced Institute, however, is intended to operate at a profit, to support other Section programming.

The Task Force recommends that we continue to hold the Fall Meeting, and that the site be rotated among various upstate locations. This Fall Meeting should not be scheduled within two (2) weeks of any other major Bar meeting and should be scheduled at least two (2) years in advance.

Each Fall Meeting should be scheduled two (2) years in advance. Proposals for the location should be presented in writing to the Officers for approval and then ratified by the Executive Committee no later than the Fall Meeting two (2) years prior to the scheduled date.

With regard to the Advanced Institute, certain changes will be made. We propose that the Fall Meeting be structured so that the Executive Committee Meeting takes place on Wednesday morning, followed by the Fall Meeting programming on Wednesday afternoon and Thursday, with a new Fall Institute on Friday. The proposed Fall Institute would be similar in format to the Advanced Institute but focus on attracting general practitioners and those individuals new to the elder law field, as well as some advanced topics/tables. We believe there is a greater interest in both a more fundamental program as well as advanced programming upstate. This would enable us to strike a balance in that respect. In order that this Fall Institute does not conflict with NYSBA CLE Fall programming, we would request that the NYSBA CLE program limit Fall offerings to advanced programming only.

We would further propose that the Section give serious consideration to holding a new Spring Section Meeting which would include Officers and Executive Committee meeting the first day and an Advanced Institute in a downstate (i.e. New York metropolitan area) location. We have consulted NYSBA leadership and have determined that the Advanced Institute cannot be a stand-alone program if it is to continue as a Section-sponsored program. In order for the Section to retain all revenues from an Advanced Institute, it must be part of a regular Section meeting. It is for this reason we are recommending that consideration be given to establishing a Spring Meeting for purposes of sponsoring the Advanced Institute downstate. In order that NYSBA CLE programming not conflict with the Advanced Institute, we would request that all NYSBA CLE programs held in the Spring each year be at a beginner or fundamental level.

Both the Fall Meeting and Spring Meeting Chairs shall commit to providing NYSBA with final programmatic specifics two (2) months prior to the date of each Fall or Spring Meeting, as the case may be. A Procedures Manual should be created for the benefit of the Fall and Spring Meeting Chairs and Committees.

SPEAKER COMPENSATION: At the present time speakers at Section programs are entitled to a waiver of registration fees. If the speaker is also a non-Section member, they are also entitled to reimbursement for their travel and lodging expenses. Upon review, we have determined that the speaker compensation policies as outlined in our Section by-laws should not be changed. For clarification, however, it is our view that the Fall Meeting, Advanced Institute and our recommended Fall Institute constitute separate meetings for waiver of registration fees.

SCHOLARSHIPS: In an effort to attract greater diversity within our Section and attendance at our Section meetings, we recommend that we institute a new scholarship policy that would provide for a 50% discount in the registration fees for all Section members who practice in government or public sector or are employed as Court personnel. We recommend that this new policy be reflected in all meeting brochures and that it be clearly indicated that the scholarship will be awarded to those who qualify upon request (i.e. it will not be automatic). In addition, we recommend that a similar scholarship be provided to other Section members who may be experiencing personal or financial hardship and that we do so on a case-by-case basis. After we have had an opportunity to review the economic impact of this recommended policy, we may want to limit the extent to which we offer these scholarships. However, we recommend that we keep it open ended for at least the next year to determine its efficacy in attracting greater diversity within Section activities.

JUDICIARY: In an effort to increase the presence of members of the Judiciary at Section meetings, we recommend that members of the Judiciary be permitted to register at our Fall and Summer meetings as a AGuest@ and pay the reduced Guest registration fee. This would enable the Section to cover our costs for meals, etc., and bring to our meetings the important perspective of the Judiciary.

Best Practices – Meeting Planning - Discounts

Initiative: Discounts

Procedures to initiate and implement initiative:

The Intellectual Property Law Section offers reduced early registration rates to attorneys who attend its Fall Meeting. To offer this discount the section must have the program ready for printing/posting to the web at least 7-8 weeks in advance of the meeting. This allows program attendees a 7 to 10-day window to fax or mail their registrations in to receive the special discount.

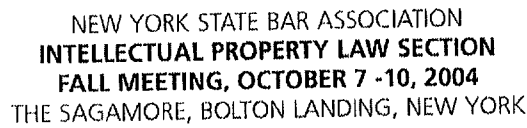
What makes this effective:

This initiative is successful because the members of the Intellectual Property Law Section's Executive Committee are committed offering the discount and keeping with the timeline necessary. Mailing the program in a timely manner is important to the success of this initiative.

Contacts for more information:

Volunteer: Paul M. Fakler

Staff: Catheryn Teeter, Meetings Representative



Daytime Phone () _____
Facsimile Number () _____

****Please refrain from faxing and mailing forms as this can result in double billing****

Best Practices: Section Newsletters / Journals

Initiative: Theme Issues

Procedures to implement initiative: Choosing a topical theme for an issue provides timely substantive articles for your Section members. Designating an “issue editor” makes it easier for your Editor to acquire and edit articles. Committee chairs can be very effective in this role.

Among sections implementing this initiative: Elder Law Section, Health Law Section and Committee on Attorneys in Public Service. Themes have included: elder care, insurance issues, ethics for government lawyers, corporate accountability, and health care systems in New York.

What makes this effective: Increase member benefit and value by providing timely substantive articles for your Section members.

Initiative: Student Case Notes

Procedures to implement initiative: Team up with a law school to have law students write short case summaries for publication in the newsletter. It is helpful to have the internal support of a professor at the school to work with the students.

Among sections implementing this initiative: Environmental Law Section, Criminal Justice Section, Real Property Law Section, International Law and Practice Section.

What makes this effective: Teaming up with a law school to have law students write short case summaries provides useful, quick reference information to section members and also involves students in your section.

Initiative: Sound Off!

Procedure to implement initiative: Ask Section members to respond to a question of timely interest and print the responses in the next issue of your newsletter. The Young Lawyers Section runs this column in its newsletter, requesting that responses be sent to the editor-in-chief via e-mail. Section members are given the option of responding anonymously or by using their name/location.

Among sections implementing this initiative: Young Lawyers Section

What makes this effective: Asking Section members to respond to a question of timely interest and printing the responses is an excellent way to start a dialogue within your Section and increase the involvement of your members.

Initiative: Photosreads

Procedures to implement initiative: The old adage "a picture is worth a thousand words" holds true for your Section's newsletter. Placing a photo layout of your Section's meeting or Annual Meeting in the newsletter is a great way to promote Section events. This initiative is easy to implement by designating a photographer(s) to take pictures of the meeting, speakers, awards, lunches, dinners, receptions, etc. Hire a professional photographer or simply designate someone from the Section's executive committee to take photos during the meeting. Some sections have had law students be the "official photographer," offering to cover the students' meeting expenses (this provides a great networking opportunity for the student). Printed photographs or photos on CD (preferred) are then submitted with copy for newsletter publication.

Among sections implementing this Initiative: Intellectual Property Law Section, Real Property Law Section, Trusts and Estates Law Section.

What makes this effective: A photo layout of your section meeting or Annual Meeting enhances the look of your newsletter while personalizing your section events.

Contacts for more information:

Wendy Pike, Newsletter Coordinator
Lyn Curtis, Newsletter Specialist

Best Practices: Section Newsletters / Journals – Student Writing Contest

Initiative: Student Writing Contest

Procedures to Initiate and Implement Initiative: Holding a law student writing contest is a great way to acquire content for your newsletter or journal. Promote the contest by contacting the law school deans, law school professors and law school Law Review offices to encourage submissions. The Section's newsletter and website are also effective means of advertisement. Some of the Sections sponsor a monetary prize with Section funds, whereas other sections obtain a corporate sponsor to underwrite the cost. Print the winning articles in the Section's newsletter or journal.

Sections Implementing this Initiative: Environmental Law Section, Labor & Employment Law Section, Entertainment, Arts and Sports Law Section, Intellectual Property Law Section.

What makes this effective: Sponsoring a student writing contest and printing winner entries provides content for your newsletter and involves law students in your Section.

Contacts for more information:

Wendy Pike, Newsletter Coordinator

Lyn Curtis, Newsletter Specialist

Pat Stockli, Staff Liaison, Intellectual Property Law Section

Lisa Bataille, Staff Liaison, Environmental Law Section

Linda Castilla, Staff Liaison, Labor & Employment Law Section

Best Practices: Monitoring Legislation on the Section's Web Page

Initiative: Trusts and Estates Law Section "Legislative Alert" in order to monitor particular legislation on the Section's web page.

Procedures to implement initiative: The Section's Committee on Legislation sought funding from the Section's Executive Committee to subscribe to a service that would send daily legislative alerts to the Section's web page. The legislative alert sets forth descriptions and status reports on particular legislation introduced in the New York State Legislature (listed by bill numbers). That list of bill numbers was developed by the Chair of the Section's Committee on Legislation, working in conjunction with staff from the NYSBA Department of Governmental Relations.

What makes this successful: An individual or small group of members from the Section who will monitor and designate legislation that is of interest to the Section.

Contact for more information:

| | |
|------------|--|
| Volunteer: | Gary Friedman, Chair, T&E Law Section Committee on Legislation |
| Staff: | Glenn Lefebvre, Staff Liaison |

Best Practices – Meeting Planning/Marketing

Initiative: Meeting Planning

Procedures to initiate and implement initiative:

As the Labor and Employment Law Section has continued to grow in numbers, they have found that their choices for in-state hotels is limited. To maximize their choice of hotels, they have begun to schedule meeting five years in advance of the meeting date. By scheduling meetings that far in advance, they are almost assured of their choice of hotels and dates.

What makes this effective:

Generally, hotels book meetings one to three years in advance. By using a five-year plan, the Labor and Employment Law Section has found a way to maximize their choice of dates and locations.

Contacts for more information:

Volunteer: Rosemary A. Townley, Esq.

Staff: Linda Castilla, Meetings Coordinator