Congratulations on your election as a Section leader and for reaching this distinguished level of Association leadership. We recognize how valuable your time is and greatly appreciate your commitment. As Sections are such a vital part of NYSBA, your service is highly valued by both the Association and your fellow members.

As you consider what you would like to accomplish during your tenure, know that we are here to help you achieve your goals. The Association has a host of resources available to assist you throughout the next year.

This Section Leadership Handbook was created to be used as a tool to access these resources, and it should prove to be most helpful to you. Each portion of the Handbook provides detailed information about how a specific Association Department works in cooperation with Sections. Here you should find the answers to many of your questions about how the work of a Section is accomplished. Staff contact information can be found at each tab, as well as a summary of available Department resources.

The Handbook also provides an overview of the Department of Section Services, which is solely dedicated to serve and assist Section leadership. A member of this Department has been designated as the Liaison to your Section, and will serve as the bridge that connects your Section to the resources and services that you will need.

Assistance provided by Liaisons includes:

- guidance on Association policy and Section governance issues;
- management of Association resources on your Section's behalf;
- development of an annual budget and monitoring of expenses;
- assistance with the development of section membership and diversity initiatives;
- arrangement of meetings, development of agendas and distribution of meeting materials;
- and much, much more.

Now is the ideal time to review the Handbook and its specifics about these resources. You may find it helpful to keep the Handbook close-at-hand so that you can refer to it easily and often throughout your tenure.

It is our goal to help Section leadership thrive through a partnership with the Department of Section Services and by putting the resources listed in the Leadership Handbook to work for you.

Once again, we are grateful for your dedication to the Section, and we look forward to helping you and your Section succeed in the year ahead.

NEW YORK STATE BAR ASSOCIATION

SECTION LEADERSHIP HANDBOOK
May 12, 2016

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TELEPHONE AND EMAIL GUIDE FOR STAFF ASSISTANCE

One Elk Street
Albany, NY 12207
518-463-3200

The Association staff will be pleased to help you in planning and implementing Section activities, and in providing information on procedures or other matters. For handy reference, this guide indicates some of the more frequent inquiries and the corresponding "contacts" for assistance. While other staff members of the various departments can also assist you in these matters, the following identifies key individuals in these particular areas.

FOR ASSISTANCE ON:	**Please Contact:**
POLICIES, GOVERNANCE	**Executive Offices**
Inquiring about Association policies and procedures	David Watson (518-487-5555) dwatson@nysba.org Elizabeth Derrico (518-487-5678) ederrico@nysba.org Kathleen Baxter (518-487-5690) kbaxter@nysba.org
Determining the status of issues addressed or being addressed by the Association	Kathleen Baxter (518-487-5690) kbaxter@nysba.org
Planning for the presentation of matters before the Association Executive Committee or House of Delegates	Kathleen Baxter (518-487-5690) kbaxter@nysba.org
CONTINUING LEGAL EDUCATION	**Continuing Legal Education Dept.**
Planning and implementing a CLE course	H. Douglas Guevara (518-487-5580) dguevara@nysba.org

FINANCES	**Accounting Dept.**
Inquiring about financial policies and procedures	Kristin O'Brien (518-487-5510) kobrien@nysba.org or Cynthia Gaynor (518-487-5512) cgaynor@nysba.org
Preparing Section budgets	Kristin O'Brien (518-487-5510) kobrien@nysba.org or Cynthia Gaynor (518-487-5512) cgaynor@nysba.org
Inquiring about travel reimbursement	Kristin O'Brien (518-487-5510) kobrien@nysba.org Cynthia Gaynor (518-487-5512) cgaynor@nysba.org June Lazzaro (518-487-5514) jlazzaro@nysba.org
Inquiring about budget expenditures and income	Kristin O'Brien (518-487-5510) kobrien@nysba.org Cynthia Gaynor (518-487-5512) cgaynor@nysba.org Vincent Titus (518-487-5515) vtitus@nysba.org
LEGISLATION	**Governmental Relations Dept.**
Monitoring legislation	Ronald Kennedy (518-487-5652) rkennedy@nysba.org Kevin Kerwin (518-487-5574) kkerwin@nysba.org
Preparing and submitting comments on bills	Ronald Kennedy (518-487-5652) rkennedy@nysba.org Kevin Kerwin (518-487-5574) kkerwin@nysba.org
Preparing and pursuing affirmative legislative proposals	Ronald Kennedy (518-487-5652) rkennedy@nysba.org Kevin Kerwin (518-487-5574) kkerwin@nysba.org
Developing Section legislative proposals	Ronald Kennedy (518-487-5652) rkennedy@nysba.org Kevin Kerwin (518-487-5574) kkerwin@nysba.org

Checking the status of bills	Barbara Mahan (518-487-5653) bmahan@nysba.org
MARKETING	**Marketing Dept.**
Marketing Association services	Grazia Yaeger (518-487-5676 gyaeger@nysba.org Connie Schin (518-487-5687) cschin@nysba.org
Conducting section membership satisfaction surveys	Grazia Yaeger (518-487-5676 gyaeger@nysba.org Connie Schin (518-487-5687) cschin@nysba.org
MEDIA RELATIONS, COMMUNICATIONS	**Media Services and Public Affairs Dept.**
Notifying the news media of Section programs, positions, actions	Lise Bang-Jensen (518-487-5530) lbang-jensen@nysba.org
Fostering media relations, contacting and responding to reporters	Lise Bang-Jensen (518-487-5530) lbang-jensen@nysba.org
Obtaining Section officer media training	Lise Bang-Jensen (518-487-5530) lbang-jensen@nysba.org
Developing, submitting news releases on Section programs	Brandon Vogel (518- 487-5535) bvogel@nysba.org
Submitting Section news to *State Bar News*	Patricia Sears Doherty (518-487-5536) psearsdoherty@nysba.org
Arranging for photographic coverage of Section events at the Annual Meeting	Patricia Sears Doherty (518-487-5536) psearsdoherty@nysba.org
Gaining information on, developing "Legal Ease" public information pamphlets	Kirsten Downer (518-487-5552) kdowner@nysba.org
Providing public information on the NYSBA website	Brandon Vogel (518-487-5644) bvogel@nysba.org
Communicating with local bars	Mark Wilson (518-487-5540) mwilson@nysba.org

MEETINGS, SECTION PROGRAMS	**Meetings Dept.**
Implementing plans for Section annual and seasonal programs and meetings; implementing MCLE meetings of Section committees	Kathy Heider (518-487-5500) kheider@nysba.org Lori Nicoll (518-487-5563) lnicoll@nysba.org Catheryn Teeter (518-487-5573) cteeter@nysba.org
MEMBERSHIP DEVELOPMENT	**Membership Dept.**
Planning and implementing Section membership recruitment, renewal and retention campaigns	Grazia Yaeger (518-487-5676 gyaeger@nysba.org
Checking Association and Section membership statistics	Maria Kroth (518-487-5571) mkroth@nysba.org
Revising Section membership brochures	Karin Gagnon (518-487-5572) kgagnon@nysba.org
Obtaining Association or Section membership applications	Maria Kroth (518-487-5571) mkroth@nysba.org
Joining the Association or Sections	State Bar Service Center (800-582-2452) SBSC@nysba.org
SECTION NEWSLETTERS, JOURNALS, REVIEWS	**Publications**
Planning, implementing a reference book	Daniel McMahon (518-487-5582) dmcmahon@nysba.org
Starting a new periodical	Daniel McMahon (518-487-5582) dmcmahon@nysba.org
Inquiring about publication policies and procedures in general	Daniel McMahon (518-487-5582) dmcmahon@nysba.org

Identifying the staff liaison for a particular newsletter or journal	Daniel McMahon (518-487-5582) dmcmahon@nysba.org Wendy Harbour (518-487-5671) wharbour@nysba.org or Lyn Curtis (518-487-5672) lcurtis@nysba.org
Inquiring about the status of journals or newsletters currently in production	Wendy Harbour (518-487-5671) wharbour@nysba.org Lyn Curtis (518-487-5672) lcurtis@nysba.org
WEBSITE, COMMUNITIES	
Developing a Section Online Community	David Adkins (518-487-5683) dadkins@nysba.org Brandon Vogel (518-487-5644) bvogel@nysba.org
Posting information on an existing Section webpage	Section Staff Liaisons: Lisa Bataille (518-487-5680) lbataille@nysba.org Tiffany Bardwell (518-487-5575) tbardwell@nysba.org Stephanie Bugos (518-487-5524) sbugos@nysba.org Elizabeth Gould (518-487-5674) bgould@nysba.org Amy Jasiewicz (518-487-5682) ajasiewicz@nysba.org Kathy Plog (518-487-5681) kplog@nysba.org Sydney Joy (518-487-5630) sjoy@nysba.org

B. SCHEDULE OF NYSBA MEETINGS: SECTIONS, EXECUTIVE COMMITTEE AND HOUSE OF DELEGATES

***NOTE:** Reports, proposals for presentation at NYSBA Executive Committee and House meetings are to be submitted 75 days in advance.*

	2016	
Commercial and Federal Litigation Section	May 13-15	The Otesaga, Cooperstown, NY
Criminal Justice Section	May 21-22	The Montauk Yacht Club Montauk, L.I.
Executive Committee	June 16-17	Otesaga Resort, Cooperstown, NY
House of Delegates	June 18	Otesaga Resort, Cooperstown, NY
Dispute Resolution Section	June 27-29	Cardozo Law School
Family Law Section	July 7-9	The Equinox Resort, Manchester, VT.
Real Property Law Section	July 14-17	Boston Marriott Longwharf Boston, MA.
Tax Section	July 15-17	Mohonk Mountain House New Paltz, NY
Elder Law & Special Needs Law Section	July 21-23	The Logan Hotel Philadelphia , PA.
Labor & Employment Law Section	September 23-25	Washington Court Hotel Washington, D.C.
Trusts & Estates Law Section	October 6-7	Gideon Putnam Saratoga Springs, NY
Trial Lawyers Section & Torts, Insurance & Compensation Law Section	October 7-10	New Orleans Marriott New Orleans, LA
Environmental Law Section	October 14-16	The Otesaga Resort Cooperstown, NY

International	October 19-21	The Westin Hotel Paris, France
Elder Law & Special Needs Law Section	October 19-21	Grand Cascades Resort Hamburg, NJ
Health Law Section	October 28	State Bar Center, Albany
NYSBA Executive Committee meeting	November 4	State Bar Center, Albany
House of Delegates	November 5	State Bar Center, Albany
	2017	
Annual Meeting	January 23-28	New York Hilton Midtown, NYC
Executive Committee	March 31	State Bar Center, Albany
House of Delegates	April 1	State Bar Center, Albany

C. CONTINUING LEGAL EDUCATION

Staff Support:
Continuing Legal Education Department

Association general telephone: *518-463-3200; 800-582-2452*
CLE Department fax: *518-463-8844*

Senior Director
H. Douglas Guevara
phone: 518-487-5580
e-mail: dguevara@nysba.org

Senior Assistant
Victoria Mason
phone: 518-487-5581
e-mail: vmason@nysba.org

Programs:

Director of Law Practice Management
Katherine Suchocki
Phone: 518-487-5590
Email: ksuchocki@nysba.org

Program Attorney
Alexandra Glick Kutscha
phone: *(518) 487-5550*
email: *aglickkutscha@nysba.org*

Program Attorney
Mark Belkin
phone: 518-487-5593
e-mail: mbelkin@nysba.org

Program Manager
Cindy M. O'Brien
phone: 518-487-5585
e-mail: cobrien@nysba.org

Purposes and policies

The responsibility of the Continuing Legal Education Department, as stated in the mission statement of the Committee on Continuing Legal Education, is to provide post-admission educational opportunities to members of the Bar by developing and sponsoring continuing legal education seminars, publications and other educational services and products. By providing seminars and publications to thousands of attorneys each year, the CLE Department plays a crucial role in NYSBA's stated purposes of elevating the standard of integrity, honor, professional skill and courtesy in the legal profession. A spirit of collegiality among the members of the Association is advanced for the thousands of individuals attending and speaking at CLE seminars.

Under a long-standing policy adopted by NYSBA's Executive Committee, "[t]he Committee on Continuing Legal Education has been given responsibility and authority to develop, conduct and coordinate statewide continuing legal education programs for the Association. Section and Committee participation in the continuing legal education program is deemed essential to its success. Sections and Committees, therefore, are encouraged to submit proposals to the Committee on Continuing Legal Education for specialized programs to be conducted at various locations throughout the state. If approved, such programs shall be presented under the joint sponsorship of the Section or Committee initiating the program and the Committee on Continuing Legal Education."

Section and Committee sponsorship and co-sponsorship of CLE programs

In furtherance of the foregoing policies, Sections are permitted to do CLE in the following manner:

1) Co-sponsor the program with the CLE Department (this includes live programs, webinars and webcasts);

2) Provide a CLE program at the section's spring and fall meetings and at the annual meeting, in conjunction with the Meetings Department; and

3) Produce short stand-alone CLE programs for the benefit of their Committee members with accreditation through the Meetings Department.

Sections are not authorized to produce CLE programs in instances other than those listed above. Programs not falling into the above categories should be submitted as a proposal using the CLE Program Questionnaire and addressed to the Senior Director of the Continuing Legal Education Department, H. Douglas Guevara. Coordination of activities at Section midyear meetings or the Annual Meeting should be initiated with the Director of the Meetings Department, Kathleen Heider, 518-487-5500. (Please see the Meetings segment of this handbook for more information).

Mandatory CLE accreditation of programs

Only those CLE programs which are accredited by the New York State Continuing Legal Education Board (hereafter "Board") may be used to earn credits under New York's mandatory CLE requirements. Both the CLE Department and the Meetings Department of NYSBA have accredited provider status, which means that those programs which they administer, which are in compliance with the criteria for accreditation, are presumptively accredited by the Board. In working with either the CLE Department or the Meetings Department, Sections and Committees will be assisted in ensuring that the applicable criteria for accreditation of their programs are met. Such requirements as the taking of attendance during check-in at the program, the handling and tabulation of program evaluation forms, and the issuance of certificates of attendance will automatically be handled by NYSBA staff. Planners working on the preparation of a CLE program on behalf of a Section or Committee should be mindful of three important criteria:

- the MCLE Rule requires that there be substantial written materials to accompany each topic on the program, either prepared or endorsed by the speaker on that topic. In addition, all written materials must be submitted in either Microsoft Word or Word Perfect format since they are converted to digital files for uploading to the Association website;
- the MCLE Rule requires that the agenda for the program be broken down by subtopics and time allocations, in reasonable detail;
- the success of any program depends on timely publicity, which ideally would be as much as 90 days prior to the event.

Please see pages 4 through 14 in this section for further information on MCLE provisions.

Coordination of programs

One of the functions of the CLE Department staff and Meetings Department staff is to coordinate activities in an effort to minimize or eliminate any scheduling conflicts. We have a master calendar of all Section meetings and the Annual Meeting, as well as all CLE programs presented through the CLE Department. Given the fact that some Sections have overlapping subject matter, and because there are over 24 Section mid-year meetings and over 200 regular CLE programs each year, it is not always possible to avoid conflicting dates or subject matter, but we will make every effort to minimize such problems. One way in which Section leaders can help with this is to begin planning for their programs as early as possible, and to be as specific as possible about the subject matter of the program. The same would be true of Committees planning to present programs at the Annual Meeting. Such information should be provided to the CLE Department or Meetings Department as far in advance of the meeting as possible. To check for potential conflicts on particular dates, please contact the CLE Department's Program Manager, Cindy O'Brien, at 518-487-5585.

Publications

The CLE Department's staff produces a large number of reference books and supplements—we have 70 titles in print at this time. Our publications staff also handles the production of all of the Section newsletters and journals, as well as the Association's *New York State Bar Journal*, and provides staff liaison support for the *New York Law Digest*. In addition to traditional texts, we publish our materials in a searchable, citation-enhanced format, available on-line, and are in the process of making our publications available in a variety of e-reader formats. We also have forms, in a wide array of practice areas, available electronically, both on disk and downloadable from the NYSBA website. Several document assembly products, including the NYSBA Surrogate's Court Forms, Residential Real Estate Forms, NYSBA Family Law Forms and NYSBA Guardianship forms are also available.

Sections or Committees interested in sponsoring the production of a book or forms product in their area should contact the Director of Publications, Daniel McMahon, dmcmahon@nysba.org or call him at 518-487-5582.

Summary of New York's Mandatory CLE Program

The general mandatory CLE requirement that applies to senior attorneys in New York (those beyond their first two years in practice) is now in its fourteenth year. Under the Rule, those attorneys must earn 24 credits, including at least 4 credits in the area of ethics and professionalism, in each reporting cycle. Some other features of the MCLE Rule for the senior bar are as follows:

- Up to six credit hours may be carried over from one biennial reporting period to the next.
- Attendees must receive a certificate of attendance from the sponsor of the program or activity in which they participated, and such certificates should be retained for four years (attorneys may be asked by the Board to produce a copy as evidence of attendance).
- The Rule is administered by a volunteer board with 16 members, appointed by the Presiding Justices of the four Appellate Divisions and the Chief Judge of the State of New York.
- Only Board-accredited programs and activities may be used to satisfy the requirements.
- The Board will maintain a list of approved sponsors (see listing at http://www.courts.state.ny.us/mcle.htm).
- In addition to traditional continuing legal education programs, the Rule indicates that the following may qualify for credit:
    1. video recordings
    2. audio recordings
    3. online video/audio streamed CLE programs
    4. live webcasts
    5. written works

- Credit will also be given, under certain circumstances, for speaking and teaching at CLE programs or law school classes, attending law school courses, or legal research-based writing.
- Credit may be earned for judging law competitions, mock trials and arguments, including those in high schools.
- Credit may be earned for performing uncompensated, pro bono legal services pursuant to (a) assignment by a court; or (b) a program, accredited by the CLE Board, of a bar association, legal services provider or other entity. No more than six hours of CLE credit may be awarded in a two-year reporting period for performing pro bono legal services, and no more than one credit hour of CLE credit may be awarded for every six hours of legal work performed. No CLE credit will be awarded for pro bono legal work performed outside of New York State.
- Reciprocity will be granted for credits earned at approved courses taken in other MCLE states, where New York's MCLE standards are met (see list of approved jurisdictions at (http://www.courts.state.ny.us/mcle.htm).
- Some waivers, extensions, and exemptions will be allowed:
    1. hardship cases, subject to Board approval (waiver or extension);
    2. non-resident attorneys (exempt);
    3 full-time, active-duty members of the US Armed Forces (exempt);
    4. attorneys admitted *pro hac vice* (exempt);
    5. attorneys who certify that they are retired from practice (exempt);
    6. judicial and quasi-judicial officials (judges and justices are required to attend CLE programs under a separate rule: Section 17.3 of the Rules of the Chief Judge).
- Attorneys must certify their compliance with the Rule by so indicating on their biennial attorney registration statement. If you are not sure when your biennial reporting date is, you should contact the Office of Court Administration, P.O. Box 2806, Church Street Station, New York, N.Y., 10008; or call them at 212-428-2800; or send them a fax at 212-428-2804.
- There will be random audits to check on compliance. Non-compliant attorneys will be reported to their Appellate Division for appropriate action.

The mandatory CLE Rule, the corresponding Regulations and Guidelines, a list of approved sponsors, and a variety of other helpful information on the subject can be found at the Unified Court System Web site (http://www.courts.state.ny.us/mcle.htm) or obtained by calling the New York State Continuing Legal Education Board at (212) 428-2105 (outside of New York City, call toll-free at 1-877-NYS-4CLE). Questions about CLE requirements should be directed to the CLE Board, which can also be reached by e-mail at CLE@courts.state.ny.us .

Rule for new attorneys

Since the fall of 1997, there has been in place an MCLE requirement in New York that applies to persons admitted after October 1, 1997. The Rule requires newly-admitted attorneys to complete a minimum of 32 credits of accredited transitional education within the first 24 months after admission. In broad brush, here are those aspects of the MCLE requirement for newly-admitted attorneys which differ from the provisions of the general rule for the senior bar, described above:

- 32 credits are required of newly-admitted attorneys during the first two years after admission (16 credits per year).
- Of the 16 credits each year, 3 are to be in the area of ethics and professionalism; 6 in the area of skills; and 7 in the area of law practice management and various areas of professional practice.
- Except for ethics and professionalism credit, 8 credits (in excess of the 16-credit requirement) may be carried over from the first year to the second year, and 6 credits may be carried over from the second year to the next biennial reporting cycle.
- Courses taken should be "transitional legal education," i.e., practical skills or basic, entry-level courses—intermediate and advanced level courses cannot be used by newly-admitted attorneys to earn MCLE credits.
- Course formats approved by the CLE Board for use by newly-admitted attorneys include live classroom settings and fully interactive video conference technology. Effective January 1, 2016, newly admitted attorneys may annually fulfill 7 of their 16 MCLE requirements in the categories of Law Practice Management and Professional Practice through any live or recorded formats, and 3 ethics credits through live or interactive live transmissions, including webcasts and video conferencing.
- Non-traditional course formats, e.g., self-study, correspondence work, DVDs, CDs, or motion picture presentations may not be used to satisfy MCLE requirements in the Skills category without prior permission from the Board, except in the case of newly-admitted attorneys who are practicing outside of the United States. These attorneys may earn a maximum of 12 of the required 32 credits through approved non-traditional course formats without permission from the CLE Board.
- Newly-admitted attorneys may earn a maximum of 6 pro bono CLE credits, but these credits can only be used as a carryover to fulfill a portion of their requirements as experienced attorneys.
- Attorneys actively practicing outside New York State for 5 of the 7 years immediately preceding their admission in New York are not subject to the rule for newly admitted attorneys, but must comply with the rule applicable to the senior bar.

Criteria for acceptable written materials for MCLE-accredited programs in NY

§1500.4 (b) (5) of the MCLE Rule states:

Thorough, high quality, readable and carefully prewritten materials must be made available to all participants at or before the time the course or program is presented[.] Written materials shall satisfy the criteria set forth in the Regulations and Guidelines. In the *Regulations and Guidelines*, at Section 8 A. 4. (the portion on standards for approval of programs), the following language is found:

e. Thorough, high quality, readable and carefully prewritten materials shall be made available to all participants at or before the time the course or program is presented[.]

f. Written materials for approved courses and programs shall satisfy the following additional criteria:

(i) Materials shall be prepared or compiled specifically for the accredited course or program, and shall specifically address each topic presented in the course or program;
(ii) Materials shall be prepared or adopted and approved by the speaker and shall be distributed to the attendees at or before the time the course or program is to be held;
(iii) Materials shall reflect that they are timely or that they have been updated with specific reference to the course or program;
(iv) Materials shall cover those matters which one would expect for a comprehensive and professional treatment of the subject matter of the course or program; and
(v) Brief outlines without citations or explanatory notations shall not constitute compliance with Program accreditation criteria.

The written materials must:
- be specific to the course—address each topic (main heading) in the agenda
- be current and updated
- be prepared by or adopted by the speakers
- be a “comprehensive and professional treatment of the subject matter” (brief outlines without citations will not be accepted)

Can those who write articles for your Section newsletter get MCLE credit? How do they do so? What about editors of newsletters?

Under New York's Mandatory CLE Rule, MCLE credits may be earned for legal research-based writing, directed to an attorney audience. This might take the form of an article for a periodical, such as your Section's newsletter. The applicable portion of the MCLE Rule, at Part 1500.22(h), says:

> Credit may be earned for legal research-based writing upon application to the CLE Board, provided the activity (i) produced material published or to be published in the form of an article, chapter or book written, in whole or in substantial part, by the applicant, and (ii) contributed substantially to the continuing legal education of the applicant and other attorneys. Authorship of articles for general circulation, newspapers or magazines directed to a nonlawyer audience does not qualify for CLE credit. Allocation of credit of jointly authored publications should be divided between or among the joint authors to reflect the proportional effort devoted to the research and writing of the publication.

Further explanation of this portion of the Rule is provided in the Regulations and Guidelines which pertain to the Rule. At Section 3.c.9 of those Regulations and Guidelines, one finds the specific criteria and procedure for earning credits for writing. In brief, they are as follows:

- the writing must be legal research-based
- the writing must be such that it contributes substantially to the continuing legal education of the author and other attorneys
- it must be published or accepted for publication
- it must have been written in whole or in substantial part by the applicant
- one credit is given for each hour of research or writing, up to a maximum of 12 credits
- only a maximum or 12 credit hours may be earned for writing in any one reporting cycle
- articles written for general circulation, newspapers and magazines directed at a nonlawyer audience don't qualify for credit
- only writings published or accepted for publication after January 1, 1998 can be used to earn credits
- credit (a maximum of 12) can be earned for updates and revisions of materials previously granted credit within any one reporting cycle
- **NO CREDIT CAN BE EARNED FOR EDITING SUCH WRITINGS** (this has particular relevance to Editors of Section newsletters)
- allocation of credit for jointly authored publications shall be divided between or among the joint authors to reflect the proportional effort devoted to the research or writing of the publication
- only attorneys admitted more than 24 months may earn credits for writing

In order to receive credit, the applicant must send a completed “Application for Publication and Credit” and a copy of the writing to the New York State Continuing Legal Education Board (hereafter, Board), 25 Beaver Street, 11th floor, NYC, NY 10004.

After review of the correspondence and materials, the Board will notify the applicant by first class mail of its decision and the number of credits earned. Copies of the MCLE Rules and the Regulations and Guidelines can be downloaded from the Unified Court System web site (http://www.courts.state.ny.us/mcle.htm) or obtained by calling the New York State Continuing Legal Education Board at (212) 428-2105 (for calls outside of New York City, toll-free at 1-877-NYS-4CLE). Questions about MCLE requirements may also be directed to the Board by e-mail at: CLE@courts.state.ny.us

New York State Bar Association
One Elk Street, Albany, N.Y. 12207
Email: dguevara@nysba.org
Fax: 518-463-8844

NYSBA CLE Program Questionnaire

The NYSBA CLE Department is pleased that you are interested in presenting a Continuing Legal Education Program. In order to evaluate your program, please complete this questionnaire and submit it with all supporting materials to H. Douglas Guevara, Senior Director via mail, fax or email. Thank you.

1. **Name of Sponsoring Section/Committee/Organization and Contact Information for Program Chair or Co-Chairs**:

   _____

2. **Proposed Program Title**: _____

3. **Requested Month and Location(s) for Proposed Program**: _____

4. **Program Outline/Agenda and Summary**: Please attach to this sheet the following materials: (1) a brief summary, in narrative form, describing the content of the proposed program indicating why it is important that attorneys in this particular practice area should attend. Include in your summary five key benefits or skills that attendees will gain from attending your program. (e.g. How to draft a Will; How to cross-examine a hostile witness, How proposed legislation will impact his/her practice, etc.) **and** (2) A timed program agenda indicating the amount of time to be allocated for each program segment/panel.

5. **Amount and Allocation of Instruction Hours** (See attached copy of MCLE Regulations and Guidelines). How many hours of instruction do you estimate for this program? _____

   Please indicate the number of minutes that will be spent in the following areas of professional competency (exclusive of breaks, introductions, etc). See attached MCLE Regulation §1500.2 for category definitions.

   i. Ethics and Professionalism: _____
   ii. Skills: ____
   iii. Practice Management and/or Areas of Professional Practice: ____

6. **Please Indicate the Level of Experience of your Target Audience and their Areas of Practice**:

   ☐ Newly Admitted (0-1 year) ☐ Intermediate (1-5 years) ☐ Advanced (5 + years)
   Areas of Practice:

7. **Speakers:** On a separate sheet, please list the names of proposed speakers, including their professional affiliations. It is the policy of NYSBA to ensure that program faculty for all programs are diverse along gender and ethnic lines. Please keep this in mind as you select your faculty.

8. **A Note on Program Materials**
   In order to be eligible for NYS MCLE credit, your program must include written course materials for distribution to attendees. You should refer to Section 8 (A)(4)(e) of the attached MCLE Regulations and Guidelines to ensure that your course materials meet CLE Board standards. A complete set of camera-ready course materials are required to be submitted in MS Word; Word Perfect or PDF electronic formats and are due no later than 30 days prior to

the scheduled program date. Course materials submitted by speakers must be directly related to their presentation. Speakers will be asked to sign a release form granting NYSBA copyright to the materials prepared specifically for the program. **It is the responsibility of each speaker to obtain reprint approval for any third-party copyrighted materials submitted**.

Rules: Part 1500. Mandatory Continuing Legal Education Program For Attorneys In The State Of New York

§1500.2 Definitions

c. Ethics and Professionalism may include, among other things, the following: the norms relating to lawyers' professional obligations to clients (including the obligation to provide legal assistance to those in need, confidentiality, competence, conflicts of interest, the allocation of decision making, and zealous advocacy and its limits); the norms relating to lawyers' professional relations with prospective clients, courts and other legal institutions, and third parties (including the lawyers' fiduciary, accounting and record-keeping obligations when entrusted with law client and escrow monies, as well as the norms relating to civility); the sources of lawyers' professional obligations (including disciplinary rules, judicial decisions, and relevant constitutional and statutory provisions); recognition and resolution of ethical dilemmas; the mechanisms for enforcing professional norms; substance abuse control; and professional values (including professional development, improving the profession, and the promotion of fairness, justice and morality).

d. Skills must relate to the practice of law and may include, among other things, problem solving, legal analysis and reasoning, legal research and writing, drafting documents, factual investigation (as taught in courses on areas of professional practice), communication, counseling, negotiation, mediation, arbitration, organization and trial advocacy.

e. Law Practice Management must relate to the practice of law and may encompass, among other things, office management, applications of technology, state and federal court procedures, stress management, management of legal work and avoiding malpractice and litigation.

f. Areas of Professional Practice may include, among other things, corporations, wills/trusts, elder law, estate planning/administration, real estate, commercial law, civil litigation, criminal litigation, family law, labor and employment law, administrative law, securities, tort/insurance practice, bankruptcy, taxation, compensation, intellectual property, municipal law, landlord/tenant, environmental law, entertainment law, international law, social security and other government benefits, and alternative dispute resolution procedures.

NEW YORK STATE CLE BOARD
REGULATIONS AND GUIDELINES FOR THE MANDATORY CONTINUING LEGAL EDUCATION PROGRAM FOR ATTORNEYS IN THE STATE OF NEW YORK
[Excerpts]

SECTION 8. THE ACCREDITATION PROCESS
A. **Individual Courses or Programs**

[4.] **Standards for Accreditation**—Accredited continuing legal education courses or programs shall comply with the following guidelines:

a. One (1) hour of continuing legal education credit shall consist of at least 50 minutes of instruction or other accredited activity, exclusive of introductory remarks, meals, breaks or other noneducational activities. Credit hours shall be calculated in no less than 25-minute (.5-hour) increments.

i. Each 0-24 minute session of instruction or other accredited activity shall equal zero (0) CLE credit hours.
ii. Each 25–49 minute session of instruction or other accredited activity shall equal one-half (.5) credit hour.
iii. Each 50–74 minute session of instruction or other accredited activity shall equal one (1) credit hour.
iv. Each 75-99 minute session of instruction or other accredited activity shall equal one and one-half (1.5) credit hours.

b. The program shall have significant intellectual or practical content and its primary objective shall be to increase the professional legal competency of attorneys in ethics and professionalism, skills, law practice management and/or areas of professional practice.

[c] Omitted

d. The continuing legal education course or program shall be taught by instructors with expertise in the subject matter being taught and shall be specifically tailored to a legal audience.

i. The faculty of the course or program shall include at least one attorney in good standing, who shall actively participate in the course or program.

ii. The faculty of the course or program shall not include any disbarred attorney.

e. Thorough, high quality, readable and carefully prewritten materials shall be made available to all participants at or before the time the course or program is presented[.]

f. Written materials for approved courses and programs shall satisfy the following additional criteria:

i. Materials shall be prepared or compiled specifically for the accredited course or program, and shall specifically address each topic presented in the course or program;

ii. Materials shall be prepared or adopted and approved by the speaker and shall be distributed to the attendees at or before the time the course or program is to be held[;]

iii. Materials shall reflect that they are timely or that they have been updated with specific reference to the course or program;

iv. Materials shall cover those matters that one would expect for a comprehensive and professional treatment of the subject matter of the course or program; and

v. Brief outlines without citations or explanatory notations shall not constitute compliance with Program accreditation criteria.

Staff Support:

Section Publications/NYSBA Publications

Director, Publications	*Daniel J. McMahon* phone: 518-487-5582 e-mail: dmcmahon@nysba.org
Senior Attorney	*Kathryn Calista* Phone: 518-487-5594 e-mail: kcalista@nysba.org
Research Attorney	*Kirsten Downer* phone: 518-487-5552 e-mail: kdowner@nysba.org
Newsletter Coordinator	*Wendy Harbour* phone: 518-487-5671 e-mail: wharbour@nysba.org
Newsletter Specialist	*Lyn Curtis* phone: 518-487-5672 e-mail: lcurtis@nysba.org
Publication Coordinator	*Naomi Pitts* phone: 518-487-5587 e-mail: npitts@nysba.org
Publication Coordinator	*Leslie Scully* phone: 518-487-5583 e-mail: lscully@nysba.org

I. Staff Organization

The Publications Department is responsible for the production and development of Section publications and other periodicals. Daniel McMahon, the Director of Publications, has direct supervisory responsibility over the Section publication operation and serves as liaison to the Section editors. Wendy Harbour and Lyn Curtis share responsibility for production, which includes formatting, layout and posting issues on Section websites. Support services are also provided by other NYSBA Publications staff.

II. Services Provided

A. Creation, Development of New Section Publications

If a Section is considering starting a Section publication, staff support is available to provide an overview of the planning issues. Estimated production costs will be examined, as well as the overall production process. Suggestions will also be provided as to the content of a proposed periodical, and policy matters will be discussed; for example, whether the periodical will accept advertising, the frequency of the periodical and selection of the Section editorial staff.

B. Existing Section Publications

Staff support is provided for all aspects of Section publication production. The editor(s) of a particular periodical will submit articles and other material to our staff for formatting, layout and printing. All materials should be submitted electronically. Some editorial assistance is provided, but the authors and editors have the ultimate responsibility for the substance of the articles. Standard publication procedures for the production of Section publications have been developed and implemented, and a guide to publications standards is available.

Staff support is provided for the scheduling of Section publications. To the extent possible, requested schedules will be accommodated; however, limitations on press time, staff availability and the number of other publications scheduled for publication will all be factors in establishing a schedule. In order to meet predetermined schedules, deadlines must be adhered to as closely as possible. The staff will work with the editors in meeting deadlines.

Staff support is available for determining budgets, implementing advertising and subscription policies and suggestions regarding content.

C. Editors' Meeting and Reception

Each year during NYSBA's Annual Meeting, the Albany Section publications staff invites editors to a Meeting and Reception. Editors are encouraged to attend to exchange ideas, network and to ask questions about NYSBA policies and procedures. Of equal importance is the opportunity to recognize and thank editors for the invaluable contribution and time commitment they make to their Section and the New York State Bar Association.

Staff Support:

Accounting Department

Association general telephone: 518-463-3200
Accounting Department fax: 518-463-5993
Accounting Department e-mail: accounting@nysba.org

Senior Director of Finance
Kristin M. O'Brien
phone: 518-487-5510
e-mail: kobrien@nysba.org

Controller
Cynthia Gaynor
phone: 518-487-5512
e-mail: cgaynor@nysba.org

Senior Administrative Assistant
Maureen Ramirez
phone: 518-487-5511
e-mail: mramirez@nysba.org

Accounting Coordinator
June L. Lazzaro
phone: 518-487-5514
e-mail: jlazzaro@nysba.org

Accounting Clerk
Deborah F. Pratt
phone: 518-487-5513
e-mail: dpratt@nysba.org

Section Finance Coordinator
Vincent E. Titus
phone: 518-487-5515
e-mail: vtitus@nysba.org

Accounting Department

The Accounting Department collects revenue and pays expenses on behalf of the Sections. Additionally, the department prepares monthly financial statements which are sent to the officers of each section.

Services Available for Section Leaders

The Accounting Department has one position solely dedicated to servicing the sections' accounting needs. All revenue collected and all invoices received are reviewed by the employee in this position, Vincent Titus, for appropriateness and accuracy. Proper account coding is also done at this time.

The Accounting Department also assists in section budget preparation. Each summer, sections are required to submit a budget for the following calendar year. Vincent Titus, Kristin O'Brien and Cindy Gaynor are all available to help with this budget process.

In addition to supplying monthly financial statements, the Accounting department provides a profit and loss statement on meetings and events that the section hosts.

Major Principles Guiding the Associations Finance Policy

1. Annual section budgets should be submitted by mid-August each year to the Senior Director of Finance to be included in NYSBA's budget.

2. No section shall have funds or bank accounts of its own, as all financial transactions connected with section activity shall be reflected in the appropriate Association accounts.

3. Payment is not authorized for expenditures incurred by any section except as provided for in the budget of such section.

4. Sections should structure fees for programs and other functions, or augment fees by means of sponsorship income, to operate such events on a financially self-sustaining basis.

5. Sections may accumulate a reasonable amount of surplus funds which may be carried forward from year to year. Such accumulation should be for long-term purposes designed to benefit the majority of section members.

Although not included in the policy, it is recommended that each section appoint a financial officer to carry out ongoing financial duties of the section. Most Section Treasurers serve for only one year. A financial officer, serving for several years, would bring continuity to section finances and annual budget preparation process.

BUDGETING TIPS FOR SECTIONS

1. Start early. Begin thinking about the section's budget even before the first draft is received in June.

2. Talk to your section liaison. He/she knows your section and will be very valuable in assisting in this process. Don't be afraid to enlist other staff members as well. Discussions with staff in the Meetings Department, the Newsletter Department, the Governmental Relations Department and the Membership Department are very helpful.

3. Budgets are for the calendar year – January 1 to December 31.

4. Consider the costs of meeting venues and budget accordingly. Don't forget to calculate and budget the revenue to be received from program registrations.

5. Plan for any new initiatives – membership campaign, member directory, executive committee retreat or other special function. These should all be included in the budget.

6. Balance the budget. Surplus funds accumulated from prior years may be used to balance revenue and expense.

7. Consider sponsorship for certain events such as receptions. Extra funds will then be available for other section activities.

8. Ask the accounting department for additional information. We are happy to give you any needed backup for expenses, as well as provide detail for each of you meetings.

9. At a minimum, review the final budget with section officers before submission to the Finance Committee. If possible, have the section's executive committee vote to approve the budget.

Selected Financial Policies as Set Forth in NYSBA's Finance Committee Financial Policy for Sections of the Association.

1. Annual section budgets should be submitted by mid-August each year to the Senior Director of Finance to be included in NYSBA's budget.

2. No section shall have funds or bank accounts of its own, as all financial transactions connected with section activity shall be reflected in the appropriate Association accounts.

3. Payment is not authorized for expenditures incurred by any section except as provided for in the budget of such section.

4. Sections should structure fees for programs and other functions, or augment fees by means of sponsorship income, to operate such events on a financially self-sustaining basis.

5. The Association will bear the cost, not to exceed $3,500 for any one meeting of staff overtime and reasonable travel expenses. Sections will reimburse the Association for all such staff costs that exceed $3,500 per meeting.

6. Sections may pay an honorarium to speakers at section programs, but only with the prior authorization from the Treasurer or Chair of the Finance Committee.

7. Sections may accumulate a reasonable amount of surplus funds which may be carried forward from year to year. Such accumulation should be for long-term purposes designed to benefit the majority of section members.

8. Authorization for the expenditure of surplus funds may be obtained from the Finance Committee for expenditures incorporated in the section's annual budget. In all other situations, by the Executive Director for amounts up to $2,000, the Association Treasurer and Chair of the Finance Committee for amounts between $2,000 and $5,000, and by the Finance Committee for amounts exceeding $5,000.

9. Each section may establish guidelines defining travel expenses subject to reimbursement and members eligible therefor, within the limitations as set forth in the financial policy regarding amounts, travel distances and allowable expenses.

10. Except as set forth in the financial policy, charitable contributions of Association funds by sections are unauthorized.

USES OF SURPLUS FUNDS

Sections are supposed to operate on a self-sustaining basis; however they may accumulate a reasonable amount of surplus funds that may be carried from year to year.

Preferred Uses of Section Surpluses

1. Increase section and NYSBA membership such as membership drives.

2. Increase diversity within your section by sponsoring receptions or CLE functions promoting diversity.

3. Subsidize young attorney registration fees to meetings.

4. Development of educational materials.

5. Financing studies relating to the section's area of interest.

Discouraged Uses of Section Surpluses

1. For a purpose of limited benefit or duration.

F. LEGAL AND GOVERNMENTAL AFFAIRS

Staff Support:

Legal and Governmental Affairs

Association general telephone: 518-463-3200

Special Counsel	*Richard Rifkin* phone: 518-487-5614 fax: 518-487-5694 e-mail: rrifkin@nysba.org
Senior Assistant	*Kimberly A. McHargue* phone: 518-487-5624 e-mail: kmchargue@nysba.org
Director, Governmental Relations	*Ronald F. Kennedy* phone: 518-487-5652 fax: 518-487-5694 e-mail: rkennedy@nysba.org
Associate Director, Governmental Relations	*Kevin M. Kerwin* phone: 518-487-5574 fax: 518-487-5694 e-mail: kkerwin@nysba.org
Administrative Assistant	*Barbara J. Mahan* phone: 518-487-5653 e-mail: bmahan@nysba.org

SECTION ACTIVITY REGARDING LEGISLATION

1. General Considerations

   a. Review the "NYSBA Guidelines for Effective Advocacy" approved by the Association's Executive Committee in January 2015. If the Association's advocacy activities are to be effective, we must deliver clear, concise, and coherent "messages" to state and federal public officials based on the general interests of the entire Association. Responsibility for the Association meeting this objective lies with the Association's Department of Governmental Relations, which is at the center of all of our legislative activities, both in Albany and in Washington.

   b. Create a small legislative committee that will provide expertise and continuity from year to year. Involve the Section Chair in communication on legislative priorities and in coordinating activities. Involve the Section Chair-Elect in order to maintain continuity from year to year.

   c. Consider involvement in the following areas:
   - commenting on pending legislation by issuing legislation memoranda through the NYSBA Department of Governmental Relations;
   - drafting and promoting affirmative legislative proposals;
   - meeting with legislators and their staff regarding particular legislative issues; and,
   - analyzing and preparing "white papers" on legislative issues.

   d. When the NYS Legislature is in recess, set priorities. (See New York State Legislative Session Calendar, attached as "Item 1.") Identify major issues and goals for the upcoming legislative session. Part of this issue-identification process is consideration of whether a topic or a particular report produced by the section may be of interest to the news media. Make contact with the NYSBA Departments of Media Services and Governmental Relations to discuss particular issues and reports. Such contact should be early in the process, before release of the final product.

   e. Coordinate activities with NYSBA leadership and staff. Consider activities in the context of NYSBA legislative priorities. Keep in mind that the portion of the year when the Legislature is not in session is the time when the Association conducts its process for identifying NYSBA legislative priorities for the following legislative session. (Note: The NYSBA Steering Committee on Legislative Priorities submitted the 2014 legislative priorities for approval by the Association's Executive Committee in November 2013.)

   f. The Legislature is a "political institution" that does not operate by the same model and timetables used by most business or professional institutions. Recruit NYSBA members who have had experience with the legislative process. Create a mechanism for rapid and effective response at certain times, especially during critical stages of the legislative session.

g. The New York State Lobbying Act requires registration of lobbyists and periodic reporting with regard to lobbying activities. The Act applies to lobbyists and public corporations, and to clients or employers of lobbyists, who in any calendar year either reasonably anticipate expending, incurring, or receiving, or actually expend, incur, or receive, more than $5,000 of combined reportable compensation and expenses for lobbying activities. More information may be obtained from the web site of the New York State Joint Commission on Public Ethics (http://www.jcope.ny.gov/). You may also call the Department of Governmental Relations with specific questions about compliance with the Lobbying Act.

2. Affirmative Legislative Proposals

a. Each year the Association presents affirmative legislative proposals to the New York State Legislature. This legislation is the work of NYSBA sections and committees, but before presentation to the Legislature the proposals must first receive the approval of the NYSBA Executive Committee or the House of Delegates. (See NYSBA Bylaws, Article VII and NYSBA Rules of the Executive Committee and House of Delegates for the consideration of Reports attached hereto as "Item 2(a)" and "Item 2(b)" of the Legislative Resource Materials.)

b. When seeking approval of a legislative proposal by the NYSBA Executive Committee or House of Delegates, consider the format in which the proposal is submitted. (See an example of a legislative proposal by the Business Law Section, Committee on Corporations, attached hereto as "Item 3" of the Legislative Resource Materials; See also a form "Memorandum in Support of Legislation," attached hereto as "Item 4" of the Legislative Resource Materials.) **PLEASE PROVIDE** a "**Memorandum in Support"** - using the format of the form attached as "Item 4" - with any legislative proposal submitted to be considered for approval by the Association's Executive Committee or House of Delegates.

When preparing an affirmative legislative proposal for submission to the NYSBA Executive Committee or House of Delegates, consider the legislative calendar. (See a copy of the New York State Legislative Session Calendar, attached hereto as "Item 1" of the Legislative Resource Materials.)

3. Prohibition on “GIFTS” to public officials

a. The “reform agenda” has produced significant changes in Albany during recent years. In 2007, the Commission on Public Integrity was created by merging the state Ethics Commission and the Commission on Lobbying, in order to centralize and better protect the public interest in the interaction between public officials and entities outside state government. In 2010, the Commission on Public Integrity was dissolved and replaced by the Joint Commission on Public Ethics (JCOPE). Ethics and lobbying laws have a direct impact on the activity of the New York State Bar Association, its sections, committees, and members. It is important to conduct all activity on behalf of the Association so as to ensure compliance with the provisions of the state's Lobbying Act ("Legislative Law"). Provisions that prohibit gifts to public officials are of particular importance. These provisions apply to any gifts given to public officials by the New York State Bar Association due to the fact that the Association is the client of a lobbyist (both internal staff and external consultants) registered with JCOPE.

Please refer to the memorandum regarding “Government Ethics Guidelines”, which is attached as “ITEM 11” of the “Legislative Resource Materials.”

b. Judges

For our purposes, the state judiciary is not governed by the gift provisions of the Lobbying Act and the Public Officers Law. With regard to programs and events organized by the New York State Bar Association, the applicable rule is found in the Chief Administrator’s Rules Governing Judicial Conduct. In particular, Rule 100.4(D) (5) (a) provides as follows:

> (5) A judge shall not accept, and shall urge members of the judge’s family residing in the judge’s household not to accept, a gift, bequest, favor or loan from anyone except: (a) a gift incident to a public testimonial…, or an invitation to the judge and the judge’s spouse or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system of the administration of justice.

4. Legislative Resource Center

Forms and other useful information may be obtained at the Legislative Resource Center on the Association’s web site at www.nysba.org/LegislativeResourceCenter

New York State Legislative Session Calendar

January — June 2016

The New York State Legislative Session Calendar establishes a schedule for the 2016 Legislative Session and provides dates important to the legislative process. The Session Calendar is intended to afford Members flexibility in conducting legislative business in Albany and planning activities within their home districts. The Session Calendar will foster orderly and timely consideration of legislation. Unforeseen events may require modification of the Session Calendar.

JANUARY

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FEBRUARY

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MARCH

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MAY

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JUNE

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January 6 2016 Legislative Session convenes with Governor's State-of-the-State Address

January 11 Start of sessions

January 18 Martin Luther King, Jr. Day

January 19 Final Day for Submission of Executive Budget

February 15 Presidents' Day

April 1 Beginning of new Fiscal Year

May 30 Memorial Day

Indicates session day

Indicates legislative activity/budget hearing

ITEM 2(a)
NYSBA BYLAWS, ARTICLE VII, SECTION 5
ISSUANCE OF REPORTS AND LEGISLATIVE ACTION

Article Seven (VII)

Section 5. Issuance of Reports and Legislative Action

A. Pending Proposals. Each standing committee, special committee or section shall have power and authority, in its own name, publicly or otherwise, to support or oppose pending legislative action at the local, state or federal level. Any statement of support or in opposition to such legislation pending shall conspicuously disclose the fact that the position of the committee, special committee or section, as the case may be, is not the position of the Association until approved and adopted by the House of Delegates.

B. Initiation of Legislative Action. Standing committees, special committees and sections may publish reports and recommendations on matters within their jurisdiction. They may promote or initiate local, state or federal legislative action with specific approval of the House of Delegates or the Executive Committee. Such action, however, is prohibited unless so approved and no action whatsoever shall be taken by any committee or section in the name of the Association without the express authority of the House of Delegates or the Executive Committee.

C. Issuance of reports regarding legislative action.
   1. In commenting on pending legislation or seeking to initiate legislative action, as described hereinabove in subdivisions A and B, or in publishing reports on subjects within their jurisdiction on such legislation or legislative action, standing committees, special committees, or sections may not publicly espouse positions, issue statements or release reports which are inconsistent with policy adopted by the House of Delegates or the Executive Committee. With respect to positions adopted by the Executive Committee, however, same shall be binding for six months from the date of adoption unless acted upon sooner by the House of Delegates.

   2. At least five business days in advance of the intended release date, which shall be stated in the transmittal document, any prospective position, statement or report by a standing committee, special committee, or section regarding pending or proposed legislation shall be submitted to the President solely for a determination as to whether the prospective position, statement or report is inconsistent with policy previously adopted by the House of Delegates or Executive Committee. The President may waive this notice requirement at the request of the standing committee, special committee, or section. Authorization to release the report shall be deemed to have been given unless the President notifies the standing committee, special committee, or section to the contrary prior to the intended release date. Any adverse determination by the President may be appealed to the Executive Committee.

ITEM 2(b)

NEW YORK STATE BAR ASSOCIATION
RULES OF THE EXECUTIVE COMMITTEE AND HOUSE OF DELEGATES FOR THE CONSIDERATION OF REPORTS

(Adopted by the Executive Committee on January 27, 2011 and by the House of Delegates on January 28, 2011)

1. Statement of Purpose. These rules are issued pursuant to Article V, Section 1 and Article VII, Section 4 of the Bylaws of the New York State Bar Association (hereinafter "Bylaws") to set forth procedures with respect to reports and resolutions and certain other matters (i) submitted to the Executive Committee and/or the House of Delegates for approval or action or (ii) issued by a committee, section or task force of the Association in its own name. These rules are intended to supplement and amplify the Bylaws to facilitate the consideration of reports and resolutions submitted to the Executive Committee and/or House of Delegates by committees, sections and task forces of the Association (collectively, "Association Committees") and by other bar associations entitled to representation in the House of Delegates (collectively, together with Association Committees, "Association Groups") without abrogating existing rights which they possess under the Bylaws. These rules supersede the New York State Bar Association Rules of the Executive Committee for the Consideration of Reports Prepared by Committees, Sections, and Task Forces of the Association (revised November 3, 1995).

2. Implementation. The Executive Director of the Association shall be responsible for implementing the procedures contemplated by these Rules. Initially, implementation will use a combination of (a) a webpage (the "Reports Webpage") accessible to all members of the House of Delegates, all members of the Executive Committee, all officers of the Association (collectively, the "Officers"), up to three persons designated by each Association Group and all staff liaisons to Association Committees (collectively, the "Reports Group"), (b) a dedicated email address for submission of material to the Reports Webpage, and (c) periodic emails sent by the staff of the Association to the Reports Group to notify the Reports Group of new postings on the Reports Webpage and of the timetable for the submission of Reports and resolutions and comments for consideration and action at the next four Executive Committee and/or House of Delegates meetings. Each Association Group is encouraged to designate internally a single representative to be responsible for ensuring that information posted on the Reports Webpage or contained in a staff email to the Reports Group that may be of interest to the group or to a subgroup is timely distributed to the group or subgroup, as appropriate. All submissions to the Reports Webpage shall be in the form of Word or WordPerfect documents, which the staff will convert to searchable pdfs that bear a watermark saying "Confidential – Not for Distribution." The Executive Director may, from time to time, determine that newer technological solutions will better serve the purpose of these rules, and amend the provisions with respect to implementation. The Executive Director of the Association

shall give notice of any such amendment to all members of the Reports Group at least 90 days before implementing any such amendment.

3. When an Association Committee May Issue a Report in its Own Name.

a) As provided in Article VII, Section 5 of the Bylaws, an Association Committee may, in its own name, issue reports on subjects within its area of interest and expertise or commenting on pending legislation or regulations, and may issue reports supporting or opposing pending legislative, regulatory or other action at the local, state or federal level, subject to the provisions of sub-section d) of this paragraph 3.

b) In issuing reports on subjects within its area of interest and expertise, or in commenting on pending legislation, an Association Committee may not publicly espouse positions, issue statements or release reports which are inconsistent with policy adopted by the House of Delegates or the Executive Committee. Positions adopted by the Executive Committee but not the House of Delegates shall be considered to be Association policy for six months from the date of adoption unless acted upon sooner by the House of Delegates.

c) If not intended for dissemination outside the Association, reports within an Association Committee's area of interest and expertise may be received by the Executive Committee without need for formal action.

d) Subject to the procedure set forth in i) and ii) below, an Association Committee's report regarding its area of interest and expertise, or comments on pending legislative or regulatory proposals, may be distributed in the name of the Association Committee so long as the report or comment clearly indicates that it reflects solely the views of the Association Committee and not those of the Executive Committee or the House of Delegates until approved by the Executive Committee or House of Delegates.

i) Notice of intended release. An Association Committee shall deliver an electronic copy of such report, in the form of a Word or WordPerfect document, to the Association President and Executive Director at least five (5) business days in advance of the intended release date, which date shall be stated in the transmittal document. The President may waive this notice requirement at the request of the Chair of the Association Committee.

ii) Authorization to release. The submission to the President and Executive Director shall be solely for a determination as to whether the prospective report or comment is inconsistent with policy adopted by the House of Delegates or Executive Committee. Authorization to release the report shall be deemed to have been given unless the President notifies the chair of the Association Committee to the contrary prior to the intended release date or any extension accepted on behalf of the

Association Committee. Prior to the intended release date or any extension accepted on behalf of the Association Committee, the President may withhold authorization or may request that revisions be made to the language, tone or content of the Report to conform it to prior positions adopted by the Executive Committee or House of Delegates. If such revisions are accepted by the Association Committee, the report may then be released as revised. If such revisions are not accepted, the Association Committee may withdraw the report or may request review of the matter by the Executive Committee. If in his or her judgment the President determines that the report raises significant issues or policy questions, the President may request that the report be submitted to the Executive Committee or House of Delegates, as appropriate, for consideration prior to release.

4. When Approval by the Executive Committee or House of Delegates Is Required.

a) Initiation of Legislative Action or Proposals for New or Modified Court Rules and Administrative Regulations. Association Committees may initiate legislative action at the local, state or federal level, or may submit proposals for new court rules and administrative regulations or for modification of existing court rules and administrative regulations but only with the prior approval of the Executive Committee or House of Delegates. Reports requesting such approval from the Executive Committee or House of Delegates shall be submitted and considered in accordance with the procedures set forth in subsection 5, below.

b) Any Association Committee that wishes to issue a report in the name of the Association rather than in the name of the Association Committee shall request approval of the Executive Committee and/or the House of Delegates of any report and resolution regarding its areas of interest and expertise, or of any comments on pending legislative or regulatory proposals. Where such approval is sought, a report and a proposed resolution requesting such approval shall be submitted and considered in accordance with the procedures set forth in subsection 5.

5. Procedures for Approval by the Executive Committee and/or House of Delegates. The following procedures apply to any report or other action item (a "Report") for which approval of the Executive Committee or House of Delegates is: (i) required (e.g., initiation of legislative action or proposals for court rules and administrative regulations) or (ii) not required, but sought by an Association Group (e.g., reports and resolutions and comments on pending legislative proposals to be issued in the name of the Association, rather than in the name of the Association Group alone):

a) An Association Committee preparing a Report ("Author Group") shall, promptly after the Association Committee determines that it will prepare such a Report or that it will seek Executive Committee of House of Delegates approval of such Report, submit a notice to be posted to the Reports Webpage setting forth (i) that it is preparing a Report, and describing the subject matter of the Report in sufficient detail to enable the members of the Reports Group to understand whether the Report is likely to

implicate issues of interest to other Association Groups, and (ii) the name(s) and contact information of one or more persons to whom questions or comments about the Report or its subject matter should be addressed. Bar associations entitled to representation in the House of Delegates are not required to submit a notice pursuant to this subsection at the inception of work on a Report, but they are encouraged to submit such a notice promptly after they determine that they are likely to submit the Report for approval or action by the Executive Committee or House of Delegates.

b) Any member of the Reports Group or any Association Group that is interested in the topic of the Report ("Interested Party") should contact the persons designated in the Author Group's notice to discuss its interest in the subject matter of the Report. However, if the Interested Party believes that the Report may implicate issues of interest to a very broad range of Association Groups, the Interested Party may submit a comment to be posted on the Reports Webpage to express any concerns that the Interested Party believes warrant sharing with the Reports Group.

c) The Author Group is not required to post status reports or updates, but it is a best practice to communicate with all Interested Parties that have contacted the Author Group during the preparation of the Report.

d) The Author Group shall submit its Report and a proposed resolution for posting on the Reports Webpage at least seventy-five (75) days prior to the Executive Committee and/or House of Delegates meeting at which action will be requested on the Report. Staff also shall send a hard copy of any Report and proposed resolution to any member of the Reports Group who notifies staff in writing that the member wishes to receive hard copies of Reports and resolutions.

e) (i) Any Interested Party shall submit its comments on a Report for posting on the Reports Webpage at least fifteen (15) days prior to the Executive Committee and/or House of Delegates meeting at which action will be requested on the report.

(ii) If an Interested Party requires more than sixty (60) days to prepare its comments on a Report, it shall submit a notice to that effect to be posted on the Reports Webpage within fifteen (15) days after the Report is posted, with an explanation of why it is not possible to comment within the sixty (60) day period and a request to waive the requirement that comments be posted within sixty (60) days or to postpone consideration of and action on the Report to the next Executive Committee or House of Delegates meeting after the meeting at which the Report was originally going to be considered. If the Author Committee agrees to that request, it shall promptly submit a notice to be posted on the Reports Webpage that it waives the requirement for the Interested Party requesting additional time to comment within the sixty (60) day period, or that consideration of the Report will be deferred. If the Author Committee does not agree to the request, a majority of the Officers shall decide whether or not to grant the Interested Party's request, and shall promptly submit a notice of their decision to be posted on the Reports Webpage.

f) Interested Parties and the Author Group may submit for posting reply comments to any comments submitted by any other Interested Party for posting on the Reports Webpage.

g) If the Author Committee makes changes to the Report before it is considered by the Executive Committee and/or the House of Delegates, the Author Committee shall promptly submit the revised Report to be posted on the Reports Webpage.

h) Any Interested Party who submits comments for posting on the Reports Webpage shall indicate whether the comments represent the views of the submitting individual or of an entity that is an Interested Party.

i) Only the Chair of an Association Committee or the President of an affiliated bar association, or a person designated in writing by the Chair or President to submit Reports or comments, may submit Reports or comments for posting on the Reports Webpage on behalf of that Association Group.

6. Modification of the Schedule Contemplated by Subsection 5.

a) At any time after posting of a Report, a majority of the Officers may determine that the Report should be presented in two stages, with an informational presentation at one meeting of the Executive Committee or the House of Delegates, followed by formal consideration of and action on the Report at the next meeting or meetings of the Executive Committee or the House of Delegates, and shall decide the date by which comments will be due. In such instance, the staff shall inform the Author Group and post on the Reports Webpage a notice of the decision to consider the Report in two stages and the new date for comments.

b) Upon request by an Author Group, and a showing of need, the President of the Association and the Chair of the House of Delegates may allow a Report to be considered and acted on by the Executive Committee and/or the House of Delegates on shorter notice than set forth in Section 5 above. If the request is granted, the President and Chair of the House of Delegates shall establish and staff shall post on the Reports Webpage a timeline for posting the Report and for submitting comments on the Report.

c) If a majority of the Officers determines that a Report is complex, they may recommend that the House of Delegates adopt a scheduling order for consideration of and voting on the Report and accompanying proposed resolution, which may vary the time requirements set forth above.

7. Applicability of Rules. These rules do not apply to: reports relating to internal finance, governance or membership benefit issues of the Association, unless a majority of the Officers, in their discretion, decide that these rules or a variant of these

rules should apply to a particular report; requests for *amicus* briefs; or requests to support, sponsor or oppose proposals to the American Bar Association House of Delegates. The Executive Committee and/or House of Delegates may consider and act on such reports or proposals without prior notice to the Reports Group.

8. Reports to the Association. Notwithstanding the foregoing, each Association Group shall retain its right under Article VI, Section 3(J) of the Bylaws to report to the Association at any time with the approval of the House of Delegates.

ITEM 3)
EXAMPLE OF LEGISLATIVE PROPOSAL
WITH MEMORANDUM IN SUPPORT OF LEGISLATION

BUSINESS SECTION COMMITTEE ON CORPORATIONS
PROPOSED AMENDMENT

AN ACT to amend the business corporation law, in relation to amendments to the certificate of incorporation.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred three of the business corporation law, is amended by adding a new paragraph (d) to read as follows:

(d) Amendment or change of the certificate of incorporation of a corporation which has no shareholders of record no subscribers for shares whose subscriptions have been accepted and no directors may be authorized by the sole incorporator or a majority of the incorporators.

§ 2. Subparagraph six of paragraph (a) of section eight hundred five of such law, as amended by chapter three hundred sixteen of the laws of nineteen hundred sixty-six, is amended to read as follows:

(6) The manner in which the amendment of the certificate of incorporation was authorized. If the amendment was authorized under paragraph (d) of section eight hundred three of this chapter, then a statement that the corporation does not have any shareholders of record or any subscribers for shares whose subscriptions have been accepted and no directors.

§ 3. This act shall take effect immediately.

ITEM 4)
FORM – “MEMORANDUM IN SUPPORT OF LEGISLATION”

MEMORANDUM IN SUPPORT OF LEGISLATION

( ) Memo on original draft of bill
( ) Memo on amended bill
BILL NUMBER: Assembly Senate
SPONSORS: Member(s) of Assembly:
Senators:

TITLE OF BILL:

PURPOSE OR GENERAL IDEA OF BILL:

SUMMARY OF SPECIFIC PROVISIONS:

JUSTIFICATION:

PRIOR LEGISLATIVE HISTORY:

FISCAL IMPLICATIONS:

EFFECTIVE DATE:

MEMORANDUM IN SUPPORT OF LEGISLATION

INTRODUCED AT THE REQUEST OF: The New York State Bar Association Committee on Corporation Law of the Business Law Section

TITLE OF BILL:

AN ACT to amend the business corporation law, in relation to amendments of certificate of incorporation.

PURPOSE OF BILL:

To permit amendments or changes to a certificate of incorporation to be filed by the incorporators of a corporation which does not have directors or shareholders or subscriptions for its capitol stock.

SUMMARY OF SPECIFIC PROVISIONS:

Adds an amendment to Section 803 of the business corporation law. The amendment provides that a certificate of incorporation may be amended or changed through the authorization of the incorporator or a majority of the incorporators when the corporation has no shareholders, directors or subscriptions for its capitol stock.

Also adds an amendment to Section 805 of the business corporation law to the effect that amendment of a certificate of incorporation by an incorporator requires a statement that the corporation does not have any shareholder of record, accepted subscribers for shares or directors.

JUSTIFICATION:

It is sometimes necessary to amend or change a certificate of incorporation soon after incorporation but prior to the designation of directors and the receipt of subscriptions for capital stock. Prior to 1984, it was possible for the incorporator to file the certificate of amendment or change. In July of 1984, Section 803 of the Business Corporation Law was amended to require that amendments or changes in a certificate of incorporation be authorized by a vote of the board, followed by a vote of shareholders.

The purpose of the 1984 amendment was to prevent a large shareholder from acting without the board's approval, and, while the amendment served its purpose, it inadvertently made cumbersome and unnecessary the procedure for amending a certificate of incorporation prior to the corporation having subscribers for its capital stock, shareholders or designated directors.

The proposed amendment to the Business Corporation Law Section 803 would leave in place the 1984 amendment to this section. The new amendment would follow Section 10.05 of the Model Business Corporation Act, but would not go as far as Section 241(b) of the Delaware General

Corporation Law which permits amendments adopted by the incorporator to be deemed effective as of the date on which the original certificate of incorporation becomes effective.

PRIOR LEGISLATIVE HISTORY:

The 1984 amendment to Section 803 of the Business Corporation Law was enacted to prevent large shareholders from acting without board approval. In retrospect, the amendment, although serving its purpose, it unnecessarily made the certificate of incorporation amendment process more difficult for young corporations without directors or shareholders.

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: Immediately

ITEM 5)

NEW YORK STATE BAR ASSOCIATION
Section Report Cover Sheet

When submitting a report to the Executive Committee or House of Delegates, please complete and attach this form. This information should be directed to:

Kathleen R. Baxter, Esq.
General Counsel
New York State Bar Association
One Elk Street, Albany, NY 12207

Section:

Individual completing form (name, address, telephone):

Recommendation:

Position taken at meeting held on: at:

Total membership of Section Executive Committee (or other Section committee authorized to submit this report):

Total in attendance:

Vote for recommendation:

Vote against recommendation:

Brief Summary of majority opinion:*****

Brief summary of minority opinion:*****

Anticipated budget implications:

***A full detailed presentation of these views should, if possible, be attached to this submission.**

ITEM 6)



SECTION COMMENT FORM

Report: _____

Section: _____

Name of person submitting form: _____

Please indicate below the position of your Section:

____Supports proposal in its entirety

____Supports with modifications *(please submit explanation at your earliest convenience in advance of date for follow-up reports)*

____Opposes *(please submit explanation at your earliest convenience in advance of date for follow-up reports)*

____Plans to take a position *(please note response date for submission of follow-up reports)*

____Does not wish to comment

____Desires that the matter be deferred to a subsequent meeting to allow additional time for review

*** * * ***

For those taking a position:

____Desires to make a presentation at the meeting and will submit a more detailed report in advance of the meeting

____Does not wish to appear but will submit a position paper prior to the meeting

Please return form by [Date]. Detailed comments should be submitted no later than [Date]. Both may be sent to Kathy Baxter at kbaxter@nysba.org or via fax at (518) 487-5694.

ITEM 7)

Recommendation Form
New York State Bar Association

State and Federal Legislative Priorities for 2014

In order to recommend an issue to be considered by NYSBA's Steering Committee on Legislative Priorities, please complete and submit this form to the NYSBA Department of Governmental Relations, One Elk Street, Albany, New York 12207. Facsimile number: (518) 487-5694 or to Barbara Mahan at BMahan@nysba.org. All recommendations should be submitted by September 9, 2013.

1) Name and contact information of person submitting recommendation:

2) If the recommendation is being submitted on behalf of a NYSBA Section or Committee, please list the name of the Section/Committee:

3) Person to be contacted regarding specific details or questions relating to recommendation:

Name:
Address:

Telephone Number:
Facsimile Number:
E-mail Address:

4) List the issue(s) recommended to be among the New York State Bar Association's legislative priorities in 2014:

A. STATE LEGISLATIVE PRIORITY. List the issue that should be a legislative priority during the 2014 session of the New York State Legislature.

B. FEDERAL LEGISLATIVE PRIORITY. List the issue that should be a legislative priority during the 2014 session of Congress.

ITEM 8)

NEW YORK STATE BAR ASSOCIATION

To: NYSBA Section and Committee Chairs

From: Department of Governmental Relations
1 Elk Street
Albany, New York 12207
Phone: 518-463-3200; Fax: 518-487-5694

Re: Designation of Legislation Subcommittee Members

Throughout the legislative session, the Association's Department of Governmental Relations monitors legislation and coordinates efforts by the Association, its sections, and committees to support or oppose particular bills. Part of that effort involves distributing legislation and providing "alerts" to the Association's sections and committees regarding action on legislation by the Legislature and the Governor.

Creation of legislation subcommittees within the Association's sections and committees has proven to be among the "best practices" to enhance internal communication on legislation and to coordinate advocacy efforts to influence action by the Legislature and the Governor.



In determining which members will serve on your subcommittee, consider the following guidelines:

- The subcommittee should include the section/committee chair and chair-elect, to facilitate involvement of the section/committee leadership and to provide continuity when officer-holders change.
- The subcommittee should limit the number of members to facilitate rapid response (three to six members in total).
- The subcommittee members should represent as many viewpoints of your section or committee as is practicable, to spot issues or conflicts, and to help build consensus.
- The subcommittee should include members who are familiar with or willing to learn about the legislative process.

LEGISLATION SUBCOMMITTEE DESIGNATION FORM

DATE: _____

NAME OF SECTION/COMMITTEE: _____

Subcommittee Member Name: _____

Mailing Address: _____

_____

E-mail: _____**Phone:**_____

Subcommittee Member Name: _____

Mailing Address: _____

_____

E-mail: _____ **Phone:**_____

Subcommittee Member Name: _____

Mailing Address: _____

_____

E-mail: _____ **Phone:**_____

Subcommittee Member Name: _____

Mailing Address: _____

_____

E-mail: _____**Phone:**_____

Subcommittee Member Name: _____

Mailing Address: _____

_____

E-mail: _____**Phone:**_____

Please complete and return this form to Barbara Mahan via e-mail at BMahan@nysba.org or fax at 518-487-5694

Use the link below to access useful information relating to legislation on the Association's Governmental Relations Department web site.

www.nysba.org/legislation

ITEM 9)

QUESTIONNAIRE
REGARDING ISSUES OF INTEREST TO NYSBA SECTIONS AND COMMITTEES

The New York State Bar Association's legislative program has traditionally been involved in advocacy efforts on numerous core issues of importance to the legal profession and the justice system. Part of the Association's legislative program also involves coordinating activity with sections and committees to develop and promote affirmative legislative proposals, and to comment on other legislation and administrative regulations developed outside the Association.

This questionnaire is intended to assist the Association's Department of Governmental Relations and the sections/committees to enhance advocacy efforts by narrowing and highlighting issues of interest.

Section/Committee:

Date:

Name and contact information of person completing the questionnaire:

Name:

Mailing address:

Telephone number:

Facsimile:

Email address:

1) Briefly describe the legislative or regulatory issue(s) that are the highest priority for the section/committee:

2) List particular statutes, rules and/or regulations that are of general interest to the section/committee on a continuing basis each year:

3) Are those legislative/regulatory issues, statutes, rules and /or regulations influenced most by action of the state government or the federal government? (List the pertinent legislative or administrative bodies.)

4) List current issues or "hot topics" that are of interest to the section/committee:

Please return completed questionnaire to:

Department of Governmental Relations
New York State Bar Association
One Elk Street
Albany, New York 12207

Fax: 518-487-5694

ITEM 10)

Legislative Law1-c(j)

(j) The term "gift" shall mean anything of more than nominal value given to a public official in any form including, but not limited to money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance, or promise, having a monetary value. The following are excluded from the definition of a gift:

(i) complimentary attendance, including food and beverage, at bona fide charitable or political events;

(ii) complimentary attendance, food and beverage offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: (A) which at least twenty-five individuals other than members, officers, or employees from the governmental entity in which the public official serves attend or were, in good faith, invited to attend, and (B) which is related to the attendee's duties or responsibilities or which allows the public official to perform a ceremonial function appropriate to his or her position. For the purposes of this exclusion, a public official's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or (2) for elected public officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the county, district or jurisdiction from which the elected public official was elected;

(iii) awards, plaques, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;

(iv) an honorary degree bestowed upon a public official by a public or private college or university;

(v) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;

(vi) goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;

(vii) gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged; (B) whether the item was purchased by the donor; and (C) whether or not the donor at the same time gave similar items to other public officials; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;

(viii) contributions reportable under article fourteen of the election law, including contributions made in violation of that article of the election law;

(ix) travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting;

(x) provision of local transportation to inspect or tour facilities, operations or property located in New York state, provided, however, that such inspection or tour is related to the individual's official duties or responsibilities and that payment or reimbursement for expenses for lodging or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision;

(xi) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants; and

(xii) food or beverage valued at fifteen dollars or less.

ITEM 11)

GOVERNMENT ETHICS GUIDELINES

The Association, which is a client of a lobbyist, is required to be registered with the Joint Commission on Public Ethics. Article 1-A of Legislative law (commonly known as the "Lobbying Act") provides that registered organizations such as the Association are subject to the restrictions contained in that law and enforced by the Commission.

The restriction that most impacts the work of the Association is the prohibition on any registered organization providing a gift to a public official. A gift is defined as "anything of more than nominal value given to a public official in any form, including, but not limited to money, service, loan, travel, lodging, meals refreshments, entertainment, discount, forbearance, or promise, having a monetary value." However, the statute excludes from this definition "food or beverage valued at fifteen dollars or less."

A public official is fundamentally an officer or employee, whether paid or unpaid, of the State, but excludes members of the judiciary. Teachers employed by school districts are also excluded. Officers and employees of municipal governments are public officials under the statue, but restrictions are not as tight unless the Association lobbies the municipal government for which they work. At the moment, we do not lobby, and are not registered to lobby, any municipal government. However, this could change in the future. For this reason, it is critical that no section engage in any lobbying activity before any municipality without notifying the Association's Government Relations Department. The Association risks multiple violations of the Lobbying Act should such activity take place.

What all of this means to the Association is that we cannot pay for the travel of any public official or provide food or drink valued at more than fifteen dollars to any such official. However, there are certain exceptions in the statute that permit us to provide food and drink, including meals, without a monetary limitation in certain situations. There are, however, no exceptions recognized by the Commission that would permit us to pay expenses for travel or lodging under any circumstances.

We need to keep all of this in mind in planning events and programs. Basically, if a public official is going to be invited to an event or attend an event where any food or drink is offered, we need to make sure that the event falls within an exception to the gift prohibition.

Historically, two exceptions have been useful in planning programs where public officials were to be served food or drink. These are the "widely attended gathering" exception and the "professional or educational program" exception. Everyone planning an event where any public official is to attend needs to understand both of these.

WIDELY ATTENDED GATHERING

A widely attended gathering is one where government officials would be expected to join those in the private sector in an informal setting. At such a gathering, food and beverage, including a meal, can be served. Most often, this has authorized us in prior years to invite public officials to receptions. To come within this exception, at least 25 individuals must attend the event or be invited, excluding individuals employed by the government entity in which the public official serves. The statute requires that the event is "related to the attendee's duties or responsibilities" or "allows the public official to perform a ceremonial function appropriate to his or her position." A function is related to an attendee's responsibilities when there is a speaker talking about "an issue of public interest or concern as a significant activity…."
This means that having a speaker as part of the program speaking on a substantive topic will bring an event with 25 or more attendees within the widely attended gathering exception, thereby allowing a public official to attend without cost and be offered food and drink.

In 2014, the Commission amended its regulations to allow public officials to also receive free or reduced price CLE credits at widely attended gatherings. Thus, if a CLE program meets the definition of a widely attended gathering, we are in a position to offer CLE credits in addition to food and beverages.

PROFESSIONAL OR EDUCATIONAL PROGRAMS

The other exception that we have often used is the one that authorizes us to serve food and drink, including a meal, at a professional or educational meeting as long as the public official receives exactly what the others in attendance receive. The food and drink, or the meal, must be part of the meeting. This has permitted us to serve meals to government officials at a CLE program or to committee members at a committee meeting. If a meal is served, it must be in a common setting. For example, Section leaders cannot take the public official to a private setting for the meal. As noted above, we can also offer free or reduced price CLE credits as long as the event also qualifies as a widely attended gathering.

ANNUAL MEETING

The better news is that a predecessor Commission ruled that the Annual Meeting is one event and is, in fact, a widely attended gathering. Thus, as long as a single event is held at the Hilton as part of the official Annual Meeting program, the Commission will consider it part of a widely attended gathering, and it will fall within this exception. However, if the event is at a location other than the Hilton or is not in the printed program, the above analysis of the rules is applicable to the individual event.

CONTRACTS

The Lobbying Act requires that we file periodic reports with the Joint Commission on Public Ethics. We must include in our reports any organization that supplies us with goods or services in excess of $1,000 annually in which a public official has the type of an interest defined in the statute. We must report this information where we know of or should have known of the interest. In order to assure that we report in all instances where required, it is critical that all contracts and payments be handled by Association staff. We have developed procedures to meet this requirement. Sections should not contract or make payments on their own, as they may well fail to seek the required information. We can assure compliance only by allowing those on staff with knowledge of the procedures to process all contracts and payments for goods or services.

THE FUTURE

The Joint Commission on Public Ethics is continuously working on interpreting the statutory provisions. We will keep you advised of any changes to the above outline as they may become effective.

ITEM 12)

NYSBA Guidelines for Effective Advocacy

Introduction

If the New York State Bar Associations' advocacy activities are to be effective, we must deliver clear, concise, and coherent "messages" to state and federal public officials based on the general interests of the entire Association. Responsibility for the Association meeting this objective lies with the Association's Department of Governmental Relations (Governmental Relations). Governmental Relations, with lawyers long experienced in legislative advocacy, is at the center of all of our legislative activities, both in Albany and in Washington.

To enable Governmental Relations to carry out its functions, it is essential that sections and committees coordinate all of their legislative activities with Governmental Relations' lawyers. This means that no section or committee should contact or communicate with any local, state or federal official except through or with the guidance of Governmental Relations.

This is important for several reasons. First, the New York State Bar Association is registered with the state as a lobbying organization[1]. For this purpose, the Association is one entity, including all of its sections and committees. The Lobbying Act, which applies to us, is quite technical and requires periodic reporting to the Joint Commission on Public Ethics (JCOPE). We must report all contacts with legislators, executive agencies and the Governor's office, including those made by sections and committees. Compliance with the law is of the utmost importance.

Further, the Association is perceived by those with whom we communicate, such as legislators, the Governor, other public officials and the media, as a single organization. Most outsiders do not fully understand the Association's section and committee structure, and as a consequence do not always appreciate the distinction between communications from the Association itself and those from its sections and committees. As a consequence, the Association needs to coordinate all of its legislative activities through Governmental Relations. Sections and committees can and should be engaged in legislative matters, but we must make sure that everything we do in terms of our many and varied legislative activities is beneficial, rather than detrimental, to the entire Association.

Moreover, many of the policy issues of interest to the Association and its sections and committees are within the purview of a limited number of legislators, such as the leaders and the chairs of the Judiciary and Codes committees. The Association has established a good working relationship and regularly interacts with those holding these positions. It is important that sections and committees work with Governmental Relations to navigate the legislative process and ensure that the integrity of these relationships remains intact.

[1] Most of the Association's lobbying activities focus on legislation and the Legislature, but lobbying as defined under state law also covers administrative regulations and most other public officials.

In general, Governmental Relations, working with the leadership, is in the best position to maximize our efforts, marshal the resources available for our legislative work and ensure compliance with the law.

Governmental Relations regularly reports to the Association leadership, which is ultimately responsible for assuring that the Association maximizes its effectiveness, both in Albany and in Washington. Governmental Relations needs to be aware of all of the efforts of our sections and committees to effectively keep the leadership informed.

The following are examples of activity by a section, committee, or individual member that would be problematical:

- Distributing to state or federal public officials any legislative proposal that has not been approved by the Association's Executive Committee and/or House of Delegates;

- Releasing any report, memorandum, op-ed or statement to the public without appropriate notification to and approval by the President; or,

- Independently contacting state or federal public officials to advocate a position on legislation or a proposed administrative regulation.

GUIDELINES

With this in mind, the Executive Committee hereby adopts the following guidelines:

1. DEVELOPMENT OF NYSBA LEGISLATIVE PROPOSALS – It is essential that sections and committees communicate with Governmental Relations regarding to issues that they plan to address, as well as their timetable. Governmental Relations will work with the sections and committees in navigating our policy-development process. Any legislative proposal from a section or committee must be submitted to and approved by the Executive Committee and/or the House of Delegates before it can be submitted to the Legislature. Once approved, it becomes a policy of the Association, not the submitting section or committee.

2. PROMOTING APPROVED NYSBA PROPOSALS – After a proposal has been approved it becomes a policy of the Association, with advocacy conducted or overseen by the leadership. The section or committee that initiated the proposal should anticipate working with Governmental Relations to assist in its promotion in the Legislature. There cannot be any section or committee activity independent of this process.

3. SUPPORTING AND OPPOSING NON-NYSBA LEGISLATIVE PROPOSALS - Under the Association bylaws, sections and committees may support or oppose proposals pending in the Legislature without obtaining Executive Committee or House approval. However, this authority is not absolute, and is subject to the general supervisory authority of the Executive Committee over sections and committees set forth in the bylaws. Several issues need to be addressed before a section or committee may submit a memorandum or other document in support of or in opposition to a pending proposal or take any other action.

To ensure that the position to be taken does not conflict with a previously adopted policy of the Association, a proposed memorandum must be reviewed by the President. To allow this process to work, any document that a section or committee wishes to issue supporting, opposing or commenting on a pending proposal must be submitted to Governmental Relations. Under our bylaws, the President has five business days within which to complete the review.

In addition, since the Association's overall legislative efforts need to be coordinated, no one bill or policy can be considered in a vacuum. For example, timing is very important. If we are to be effective, we must make our submissions to the Legislature at the opportune time for maximum impact and they need to be directed to those members who are likely to have a significant role in the outcome. Thus, Governmental Relations, working with the leadership, is in a position to maximize our efforts and marshal the resources available for our legislative work. Prioritizing these efforts must be done centrally.

Another concern is the tone or appropriateness of a legislative memo. Everything we submit to the Legislature affects our relationship with its members and how the Association is viewed. The Association's overall interests require that we submit lawyer-like substantive memos. Memoranda that are personally critical of public officials, inappropriate in tone, or purely political do not present us well. We have the respect of the Legislature because we present substantive, thoughtful arguments. If we lose that respect we will have lost our most precious resource.

4. DELIVERY OF "MESSAGE" – Upon receiving a document that Governmental Relations believes may present the type of issues described above, Governmental Relations shall forthwith submit the document to the President. After consultation with Governmental Relations and the leadership of the section or committee submitting the document, the President may direct that the document be publicly released with such changes as may be agreed upon by the President and such section or committee. If there is not agreement as to such changes, or if the President believes that the document should not be released, the President shall call a meeting of the Executive Committee of the Association by telephone conference as soon thereafter as practicable. At such meeting, the section or committee submitting the document shall be entitled to make a presentation in support of its view. The Executive Committee may decide to amend or withhold the document from public release, or to take such other action as it may determine is in the best interests of the Association. If the actions taken by the Executive Committee are not acceptable to the section or committee submitting the document, such section or committee may elect to withdraw the document from public release by notice to the President. If the President is not available at any time during the process, the President-elect may act on behalf of the President to the extent necessary to avoid undue delay.

5. COMPLIANCE WITH THE LOBBYING LAW – Since the Association is registered to lobby in the State, we are required to periodically report all of our contacts with the Legislature and administrative agencies. These reports are drafted by Governmental Relations. Thus, it is essential that Governmental Relations know of every contact by any member with the Legislature or any other public official if it relates to an

Association matter. Consequently, no member may have any legislative contact except through Governmental Relations. There is no other manner of compliance with the law. Any violation of this requirement puts the Association at risk of a violation and a monetary penalty.

6. GIFTS – As a lobbying organization, we are prohibited from giving a "gift" to any public official. Under the statute, a gift is anything of value, although there are exceptions. The law is quite technical, but the basic rule is not to give any gift, which includes food, drink and entertainment, to any public official. Should an issue arise, Governmental Relations can advise you.

7. SUGGESTIONS FOR SECTIONS AND COMMITTEES -

a. Sections should create a small legislative committee that will provide expertise and continuity from year to year. Involve the section chair in communication on legislative priorities and in coordinating activities. Involve the section chair-elect in order to maintain continuity from year to year.

b. Consider involvement, coordinating with Governmental Relations, in the following areas:

- commenting on pending legislation by issuing memoranda, using the process described above;

- drafting and promoting affirmative legislative proposals;

- meeting with legislators and their staff regarding particular issues;

- analyzing and preparing "white papers" on legislative issues

c. When the Legislature is in recess (generally from July-December), set priorities. Identify major issues and goals for the upcoming legislative session. Part of this issue-identification process is consideration of whether a topic or a particular report produced by the section or committee may be of interest to the news media. Contact Governmental Relations of Media Services and Governmental Relations to discuss particular issues and reports. Such contact should be early in the process, before release of the final product.

d. Consider asking that a proposal previously approved by the Executive Committee or House of Delegates become an Association legislative priority. Keep in mind that when the Legislature is not in session is the time when the Association conducts its process for identifying legislative priorities for the following legislative session. Requests for priorities are submitted during the summer to Governmental Relations, as the committees that set the priorities meet in the early fall. The Executive Committee usually finalizes the priorities for the upcoming session later in the year.

e. The Legislature is a “political institution” that does not operate by the same model and timetables used by most business or professional institutions. To be effective, recruit members who have had experience with the legislative process to work with Governmental Relations. In addition, create a mechanism for rapid and effective response at certain times, especially during critical stages of the legislative session. These include the adoption of the budget in late March and end of session in June.

f. As noted, the Association is a registered lobbying organization. You should call Governmental Relations with specific questions about compliance with the Lobbying Act.

Staff Support:

Marketing Department

Association General Telephone: *518-463-3200*
Marketing e-mail: *marketing@nysba.org*

Director — *Grazia A. Yaeger*
phone: 518-487-5676
e-mail: gyaeger@nysba.org

Marketing Assistant — *Connie Schin*
phone: 518-487-5687
e-mail: cschin@nysba.org

NYSBA Marketing Department – Services Available for Section Leaders

A. Consultation and assistance with marketing planning

B. Consultation in the development, administration and analysis of Section member surveys

C. Facilitation of section strategic planning initiatives

The NYSBA Brand

One of the greatest challenges facing marketers is the ability to create, maintain, protect, and enhance their organization's brand. According to the American Marketing Association, a brand is defined as follows:

"A brand is a name, term, sign, symbol, or design, or a combination of them, intended to identify the goods or services of one seller or group of sellers and to differentiate them from those of competitors."

"A brand is essentially a seller's promise to consistently deliver a specific set of features, benefits, and services to the buyers. The best brands convey a warranty of quality."[1] A brand can convey up to six levels of meaning, including attributes, benefits, values, culture, personality, and implied user.[2]

For more than 130 years, the New York State Bar Association has invested its resources on behalf of the membership to build a strong organization, and in the process, has created substantial equity in the NYSBA brand. In the current environment, with increasing financial pressures on members, and increasing competition from other bar associations as well as from for-profit CLE providers, it is imperative that the New York State Bar Association upholds the integrity of the NYSBA brand.

Toward this end, the association is constantly undertaking actions to improve the quality of services to its members, and improve the articulation and communication of member benefits to the legal profession. One significant step has been the development and implementation of an association-wide set of graphics standards, with consistent graphics elements, fonts and color palette. These standards help to sharpen our focus on the external, competitive environment, enhance our image in that environment, and uphold the integrity of the NYSBA brand.

We ask that you assist the Association's member acquisition and retention efforts, and also help your Section by supporting and using the approved graphics standards.

We continue to expand the content on our Web site and to explore relationships with third parties that will deliver enhanced content to the site. We are continuing our efforts to identify and negotiate new benefits and discounts for our members. If your Section is aware of a product or service that would be of benefit to members, please bring it to the attention of the Membership or Marketing Departments.

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1 *Marketing Management – Analysis, Planning, Implementation, and Control*; Philip Kotler; 1994; pages 444-445.

2 Ibid.

Section Marketing – A Dynamic Process

It is imperative for Section leaders who wish to undertake effective, efficient marketing initiatives to bear in mind that marketing is a process that takes place within a dynamic marketplace. In this marketplace, nothing ever stays the same. Therefore, successful marketing requires an on-going give and take of information between the marketer and the target audience as the marketer proceeds through each step of the process. At its most basic level, marketing is the process of identifying the needs and wants of the target audience, and then delivering products or services that satisfy those needs and wants better than competitors. Target audience needs and wants are identified through customer research.

For a pre-existing organization, such as a Section, this assessment of customer needs takes on a new role – that is to monitor member satisfaction levels with the products or services that are currently being delivered, to determine what changes or improvements would increase member satisfaction with the products and services delivered, and to determine whether or not members have new needs and wants that can be satisfied. A common marketing mistake is to make the dangerous assumption that "We already know our customers and what they want." This type of attitude ignores the realities of the dynamic and evolving marketplace. The Marketing Department is available to consult with Section leaders on the development, administration and analysis of the critically important member survey.

The Department can also assist Section leaders with the task of translating the information garnered from the research into a Marketing Communications Action Plan. To be successful, the plan must be able to identify the key tangible and intangible benefits of Section membership, articulate these benefits, and include a means to communicate these benefits in a creative manner to Section members and non-members.

Section Member Surveys and Polls

The marketing department is happy to assist Sections wishing to conduct surveys of their members. Some of our past research projects include:

- Electronic Nomination Ballots/Forms
- Programming and Meeting Preferences
- Special purpose research regarding current legislative issues (i.e. Power of Attorney, Veteran Affairs or Residential Closing issues)
- Online evaluation forms
- Needs assessment for specific groups

What is important to section members?

NYSBA Sections want publications, articles, case updates, newsletters, and/or journals, second to that would be CLE, education or seminars.

The top reasons for joining the section are section publications, professional development and CLE programming. When asked, the top reason for remaining in the section would be the section publication, followed by CLE programs, then Professional Development.

Recommendation:

- **Prioritize your section efforts with: Information; CLE; and Networking/Professional Development at the top of the list.**
- **Send out new informational content regularly.**

Familiarity with Section Resources

When asked about familiarity with different Section resources, Section members are most familiar with their section publication. Section events and Section CLE programs come in either second or third. However, in general, there seemed to be a lack of familiarity with the online section resources such as the LoisLaw Law Watch, online searchable directory and section blogs and listserves.

Recommendations:

- **Promote section resources in your section publications, as well as in e-mail and mail efforts. Some tactics could include:**
  - **Flyer**
  - **Blow in insert in section mailings**
  - **Advertisement page in program materials**
  - **Mention in opening or closing remarks at CLE programs**

Section Programming and CLE

Section Member preferences for programming topics and timing can vary. Typically the majority of respondents prefer short (i.e. 2-hour) programs to occur in the morning. However, preferences in location and timing can vary depending upon which area of the state the bulk of your members are in.

When deciding whether to attend an event, the topic is typically the most important followed by location, number of credits and cost.

Recommendations:

- **If attendance is a concern, consider polling your section members about their preferences for timing, location, content, length and format.**

Section Journal/Newsletter

Section print publications are read by 88 to 96% of their section members (based on 2008 data).

Recommendations:

- **Print publications vs. ePublications – members are more aware of the print publications, and not very aware of the electronic versions.**
- **When the electronic version of the publication is ready, send members a message about its availability and where to locate it. The citation enhanced version (found only in the electronic version) is a valuable feature worth mentioning.**

E-mail communication

Although bulk e-mail and Community messages arrive in people's e-mail in-box, they function differently and follow different rules.

- **Listserves**
  While there a few active listerservs still available, NYSBA has started to move many Sections in Communities. Communities function similarly to listservs. They are "closed" or private as a benefit of Section membership. The most common use of Communities is to allow for a substantive discussion on specific topics open to section members only. Members can control their notification preferences too. You can chose to receive a daily digest of posts in the community or real-time posts, similar to a listserv.

- **Bulk e-mail messages**
  Communicating to Section members via e-mail saves time and money – but only when the message is carefully crafted and the Section is respectful of the amount of communication members are receiving.

  E-mail messages are only sent to those members in our database for whom we have e-mail addresses and who have not opt-ed out of receiving e-mail communications. (Note: Per CAN SPAM regulations we do not send e-mail to those members who have opt-ed out of receiving NYSBA e-mail messages.)

  To assist the New York State Bar Association and the Sections in their communications, specific Graphic Standard guidelines for e-mail communications have been established. These standardized templates cross-market the Section web resources, support the NYSBA brand, keep the message accessible across multiple web, text and mobile-based platforms, and enable us to comply with FTC Can-Spam regulations. Via the appropriate Section Liaison or NYSBA staff person, Sections send e-mail messages to its members and interested parties.

Some Pointers for Effective E-Mail Communications

While e-mail is by far the cheapest method of communicating with Section members, it should not be the sole medium used. Approximately 70% of the Association's members have provided e-mail addresses however, approximately 40% of your e-mails are filtered (i.e. Yahoo/AOL bulk e-mail filters) and never reach the recipient. Also, in the period of about a year, one-third of the e-mail addresses may be expected to change. For important communications print communications, such as letters, should be used to ensure that your message reaches all of your members.

According to a study by MarketingSherpa (published in 2005), the most opened and read e-mail you'll ever send is the welcome note. Personalizing your message and keeping it short will also increase readership.

Communication with your Section members will be improved if you provide multiple ways for members to interact with the section. For example, communications to members of

Section committees could include the URL for the appropriate area of the Web site and the e-mail address for the committee chair.

The growth of mobile devices has increased dramatically causing a similar rise in how members access their e-mail. To keep e-mail messages compliant across multiple proprietary mobile, text and html platforms, it is recommended messages and their subject lines be brief and have the message link to a web page with expanded details.

Recommendations:

- **Keep your message and subject line brief**
- **To reach <u>all</u> your section members, also do a print effort in addition to your e-mail.**
- **Have a Welcome message for section members, particularly new ones.**
- **Have your e-mail messages link back to a web page for more details.**
- **List multiple ways (i.e. e-mail and phone) for members to contact the section, should they have feedback or questions.**

Tools to Develop Marketing Plans for Each Program

Postcard – Save the Date
Email
Brochure Mailing
Follow-up Communication (personal emails, Word of Mouth, Asking each committee member brings one new person)
Community Announcement/Conversation
Social Media (Facebook, Twitter, LinkedIn,

Questions to ask you when preparing marketing text:
Who are we trying to reach?
Who should attend?
What are we trying to accomplish?
What are the most important elements of the program?
Why would someone want to attend?

Preparing the schedule
Your liaisons are a great resource. Assisting them to meet deadline will go far to making your event successful.

When preparing your marketing schedule, you will need to work backwards. What does that mean? First, you must determine when you need people to RSVP. Then focus on when to get your marketing out.

For example:

Event Date: April 24th
RSVP Date: April 17th

Final text for brochure/postcard to printer: **February 23rd
Mailing of brochure: March 9th
E-mail blast: March 16th
Mailing arrives: March 23rd
E-mail last reminder blast: April 13th
Social Media promotion: See next page

**It takes two weeks to print and two-three weeks to arrive at Non-Profit postage rate. You can mail first class, however the cost is higher.

Brochures Costs: Non-Profit: $0.17 per piece; First-Class: $0.42 per piece
Postcard Costs: Non-Profit: $0.17 per piece; First Class: $0.42 per piece

While the cost for mailing the brochure and postcard are the same, the cost of printing each piece is different. The decision to go with one promotion piece over another will vary by section.

Promotion Sheets

You should also include promoting across social media channels. Below is a sample promotion sheet created for a section program. It should be created to share with all the committee members to help promote the program.

SAMPLE PROMOTION SHEET

The Second Department Chapter of the General Practice Section Event
April 24-26, 2015 | Riverhead, NY
Promotion Sheet

Thank you for joining the Second Department Chapter of the General Practice Section in promoting our event on April 24-26, 2015 in Riverhead, N.Y

To help promote this exciting event please share it with your social circle; send an email, a tweet, post to LinkedIn and Facebook, or share on other social sites you use. In an effort to make it easier for you to share the news about the Second Department Chapter of the General Practice Section event with your followers, we've pasted some suggested tweets and posts below. If we can do anything else to help you promote your program, please do not hesitate to reach out to Stephanie Bugos at sbugos@nysba.org.

The Basics

- SITE ADDRESS: http://www.nysba.org/gplongisland2015
- TWITTER HANDLE: @NYSBA
- HASHTAG: #NYSBAGP
- Documentary Twitter handles: Shellshocked: @Oystour; Emily V. Driscoll: @emilyvdriscoll
- Partner Facebook page: Suffolk County Bar Association

Social Media Promotion

Tweets about your sponsorship/involvement

- Join @NYSBA General Practice Section for a spring weekend on Riverhead, LI 4/24-4/26 www.nysba.org/gplongisland2015
- @NYSBA Gen Practice Sec. is hosting a screening of doc @GetShellshocked about wild oysters in NY Harbor on 4/24. @emilyvdriscoll
- Learn more about the @NYSBA General Practice Section guest speaker @emilyvdriscoll http://bit.ly/1C2IAsk #NYSBAGP

Facebook/LinkedIn promotion

- Join the New York State Bar Association General Practice Section on Friday April 24, 2015 at Atlantis Aquarium in Riverhead, NY for a film screening and MCLE program of local and broad-based interest: "Shellshocked -- Oysters and our Environment". Presented by award winning environmental filmmaker Emily V. Driscoll. Register at www.nysba.org/gplongisland2015

- The New York State Bar Association General Practice Section is excited to partner with the Suffolk County Bar Association for a spring weekend on Long Island Friday April 24-26, 2015. Learn more about the great programs at www.nysba.org/gplongisland2015

Suggested Email/Blog/Community Text

Join the NYSBA General Practice Section's Second Department Chapter, the Environmental Law Section, and the Suffolk County Bar Association for a spring event!

The event will kick off Friday afternoon at Atlantis Aquarium with a film screening and MCLE program of local and broad-based interest: "Shellshocked -- Oysters and our Environment," followed by a seafood reception.

Saturday's schedule features tours of local attorney-owned vineyards and other regional attractions, followed by dinner. The event concludes Sunday.

Don't miss this opportunity for a fun-filled weekend with fellow attorneys in your area!

Learn more and register at www.nysba.org/gplongisland2015

H. MEDIA SERVICES/ADMINISTRATIVE SERVICES

Staff Support:

Public Affairs & Administrative Services

Association general telephone: *518-463-3200*
Media Services fax: *518-463-4276*
Media Services e-mail: *media@nysba.org*

Director, Media Services
Lise Bang-Jensen
Phone: 518-487-5530
e-mail: lbang-jensen@nysba.org

Editor, State Bar News
Patricia Sears Doherty
phone: 518-487-5536
e-mail: psearsdoherty@nysba.org

Senior Media Writer
Christina Couto
phone: 518-487-5535
e-mail: ccouto@nysba.org

As a Section Leader, you have an affirmative responsibility to assist the Association in achieving its strategic public relations goal – informing and educating the public about the law, the role of lawyers in society, and the good things they do.

Department Responsibilities

The Media Services and Public Affairs Department has overall responsibility for communicating Association news to members, the news media, the legal profession, and the public. The Department provides professional communications, advice and guidance to Association officers, Section and Committee chairs and other Association entities.

The department prepares and distributes news releases; schedules news radio, television and newspaper interviews; and schedules news conferences. It also is responsible for ensuring the currency of information posted on the Association's homepage.

The Department also produces the State Bar News, which is sent to all members six times a year. . It covers news of the Association, policies, legislative priorities, Sections and Committees. Each of the other issues spotlights a Section.

Publicity may be requested by an Association officer or Section Chair. Otherwise, the decision is made by the Department Director in consultation with the President and Executive Director. Primary consideration is given to:

- Whether or not the publicity will serve the purposes of the Association;
- Whether the item in question has sufficient news value;
- Appropriate timing.

Providing Legal Expertise to the Media

The Association strives to cooperate with the news media. Reporters may contact the Media Services Department looking to speak to an attorney with expertise in a specific area of law (unrelated to the Association or its policies). When this occurs, a Media Services staff member will contact the appropriate Section chair or officer and ask if he or she is willing to talk with the reporter. We request that you please provide assistance to reporters in such circumstances.

Should you have questions about dealing with the media, please do not hesitate to contact the Director of Media Services.

Major Principles Guiding the Association's Media Relations Policy

A. The Association acts on behalf of its members and in the public interest. Therefore, the Association is committed to inform the public and to seek general public support on matters of interest to the legal profession.

B. To facilitate public understanding, the Association will cooperate with reporters from the news media whenever possible.

C. In general, Association business is available for reporting by the news media. However, we recognize our obligation to maintain confidentiality on matters including pending litigation, personnel action, screening of nominees for appointment as Court of Appeals judges, confidential communications with court officials involving the administration of justice, and such other matters as the President determines.

D. Information available to members generally is open to the public. Thus, with rare exception, materials disseminated for House of Delegates' meetings are public information.

E. The Association will provide accurate information to reporters. If inaccuracies are published or broadcast, the Association will advise the media of the errors and seek appropriate correction.

Guidelines on Statements to the Media

The Guidelines as amended by the Executive Committee on September 28, 1979 are as follows:

A. Written media releases relating to policy or positions of the New York State Bar Association (Association) shall be cleared by the Association President or authorized designee.

B. Written media releases relating to Section or Committee activities and not involving Association policy or positions shall be cleared by the appropriate Section or Committee Chair, the Association President or authorized designee, and shall be prepared and distributed by the Association's Department of Media Services and Public Affairs. All such releases shall make it clear that the position stated or opinion expressed is that of the Section or Committee and not that of the Association, unless authorized by the Association President, the Executive Committee or the House of Delegates.

C. Media inquiries regarding Association policy or positions shall be referred to the Department of Media Services. Media inquiries directed to the Association shall be handled by the Association President, the Executive Director, the Director of the Department of Media Services and Public Affairs, or other authorized staff person or, when appropriate, by a Section or Committee Chair, or other authorized designee.

D. Media inquiries regarding Section or Committee activity, not involving Association policy or positions, may be answered by a Section or Committee Chair, when appropriate or authorized, but all such public statements should make it clear that the position stated or opinion expressed is that of the Section or Committee and not that of the Association unless otherwise authorized by the Association President, the Executive Committee or the House of Delegates.

E. When practicable, a Section or Committee Chair should advise the Department of Media Services and Public Affairs that he or she:

1. Intends to make a public statement;
2. Has been contacted by the media for a public statement; or
3. Has made a public statement regarding a Section or Committee.

Staff Support:

Meetings Department

Association general telephone: 518-463-3200
Meetings Department secure fax: 518-463-8527

Director, Meetings	*Kathleen M. Heider* phone: 518-487-5500 e-mail: kheider@nysba.org
Meetings Representative	*Lori Nicoll* phone: 518-487-5563 e-mail: lnicoll@nysba.org
Meetings Representative	*Catheryn Teeter* phone: 518-487-5573 e-mail: cteeter@nysba.org

The coordination of Section spring, fall, summer and annual meeting programs involves systematic procedures which begin with the site selection and continue through each aspect of the program's schedule of events.

Seasonal Meetings

It is strongly suggested that meeting locations be reserved at least **two years** in advance to ensure that space is available at the desired location.

The following procedures are taken to implement programs:

Selection of Meeting Site and Date

The Meetings Department staff communicates with the appropriate Section member to determine the meeting site for their Section's spring, summer, or fall meetings. Each time the Section meets, the incoming officers should be looking at suggestions for the next available year's meeting. This enables discussion at the executive committee meetings. Whenever feasible, seasonal meetings should be scheduled at staggered times to avoid conflicts and to receive full staff support. It is encouraged to book meetings that are easily accessible by car for maximum attendance and to encourage families to attend.

Once a site and date have been determined, the Department's staff has the responsibility to negotiate hotel contracts setting out specific meeting requirements. Contractual agreements will be initiated, negotiated and verified by Meetings Department staff. Staff will work with the section chair and/or program chair to finalize the program and arrangements and then will coordinate the programming, recreational, social, ground travel and other events with the hotel and appropriate vendors.

Outside agencies are not used as meeting planners for Section meetings.

The Director of Meetings has the responsibility to properly provide on-site staff support at all meetings, who are then responsible to:

- review the final event summary with hotel department managers
- ensure that final arrangements for menus, room sets, audio visual requirements, social and recreational events are in place
- register all attendees
- provide support to the Section chair, program chair and to the President or President-Elect, who may be in attendance.

Preparation of Program

The Section chair and/or program chair is responsible for determining the educational program content and obtaining speakers. Once this has been accomplished, that information is forwarded to the Meetings Department staff who will then see that the program brochure is produced, e-mailed and mailed to Section members.

As part of this process, a detailed budget is prepared by the Meetings Department which assists in setting the registration fees for attorneys and guests. The budget is sent to the Section chair and the program chair for approval. It is the intention of the Association that all meetings be self supported by the registration fees, including the speaker expenses. This budget is approved first by the Director of Meetings, followed by an approval from the Director of Finance (Kris O'Brien). The Finance Committee's *Financial Policy for Sections of the Association*, Section D (6), states: ***Sections should structure fees for programs and other functions, or augment fees by means of sponsorship income, to operate such events on a financially self-sustaining basis to minimize the extent to which funds derived from the dues of non-attending Section members are used to sustain such events. Should estimated costs for a program or event exceed proposed revenues, or if other circumstances exist, such as the poor overall financial condition of the Section, the Finance Committee may require the Section to adjust the proposed fee or otherwise augment revenues.***

In order to provide members with adequate advance notice, we ask that the following schedule be adhered to:

Twelve weeks before the meeting - program copy is due. Copy should include speakers' names, titles, firm names, full addresses, telephone, fax numbers and email addresses. The Meetings staff will layout copy and the proof will subsequently be sent to the Section chair and/or program chair for final approval.

Ten weeks before meeting - notice and registration material are mailed to Section members.

It is important to comply with deadline dates, because it enables a timely mailing to the Section membership and adherence to hotel cut-off dates. Please keep in mind that your brochure will be one of many items going through the process of being finalized with our Desktop Publishing Department and Graphics Department. Timely receipt of your information will make for a prompt turn-around time.

Out-of-state and off-shore meetings require additional lead time for planning and preparation.

When planning your program, **please make sure your participants are identified correctly in the meeting program/agenda**. For MCLE purposes, there is a distinction between a moderator and a panel participant or panel chair. Moderators serve purely as facilitators for panels – they may provide introductions to panel participants, set-up hypotheticals, pose questions to panelists and keep the panel on point and on time. Moderators receive the same amount of MCLE credit as meeting attendees. Panel Chairs may assume the same duties as a moderator but additionally serve as a speaker on the panel and submit written materials along with other panelists. Panel Chairs and panelists receive three times the credit that attendees do for the panel they participate on.

Sponsor and Exhibitor Information

One of the avenues you can take to help keep your registration costs down for individual attendees is to obtain exhibitors/sponsors for your meetings. Fees can be charged for exhibitors to set up in your common meeting area and sponsorships from the exhibitors can be obtained for various functions, i.e., coffee breaks, audio visual expenses, etc. **The Section will need to identify potential exhibitors** for the Meetings staff. We strongly encourage you to designate a "Sponsorship Chair" for your program. This person could work directly with your Executive Committee members to identify potential exhibitors or sponsors, and contact them directly. We will then send out information to the proposed exhibitors along with a list of sponsorship opportunities.

Sleeping Accommodations

Most hotels have a four to six-week cut-off date for room reservations. Reservations received after the cut-off date are accepted on a space and rate available basis only. This information is clearly stated on hotel reservation forms.

Meetings Department staff process hotel and meeting registrations except in the case where the hotel provides an online group reservation link for attendees to make their own accommodation arrangements.

Recreational and Social Events

Meetings Department staff will recommend to the Section chair and/or program chair proposed recreational and social events. These functions are arranged by the Meetings Department staff and costs for these events are absorbed by the registration fee or paid for separately by the attendees.

Course Books

Speakers are asked to submit their papers by email or camera ready materials for inclusion in a bound course book, one month in advance of the program. This lead time is necessary in order to allow sufficient time for the Association's Graphics Department to reproduce, bind and ship the course book to the meeting site.

All speakers must submit bios for the programs.

Program participants are responsible for obtaining any necessary copyright clearance for articles - in advance of publishing. Do not include submissions from Lexis Nexis in your materials as they are copyrighted.

Distribution of the course book can be advertised in the Section's Newsletter and the Association's *State Bar News*.

The Meetings Department is encouraging Sections to strongly consider transitioning to digital books and thumb drives in place of hard copies.

MCLE Requirements for Written Materials

Materials shall be prepared or compiled specifically for the accredited course or program, and shall specifically address each topic presented in the course or program. Materials cannot be just case law submissions.

Materials shall be prepared or adopted and approved by the speaker and shall be distributed to the attendees at or before the time the course is held. It is the speaker's responsibility to obtain copyright permission for any articles they submit as materials.

Materials shall reflect that they are timely or that they have been updated with specific reference to the course or program.

Materials shall cover those matters which one would expect for a comprehensive and professional treatment of the subject matter of the course or program.

Brief outlines without citations or explanatory notations do not constitute compliance with program accreditation criteria. Power point presentations are not acceptable as a course paper.

For further information on MCLE requirements, please refer to the CLE portion of this handbook.

Reimbursement Policy

1. The Section's Executive Committee should establish a reimbursement policy concerning accommodations, air and ground travel, registration fees and recreational costs for section officers, program chair(s), speakers and other invited guests. This policy should be communicated to the Meetings Department staff and should follow the Finance Committee's policies. The Finance Committee's *Financial Policy for Sections of the Association*, Section E(2)(a), states: **Sections shall be permitted to reimburse the reasonable expenses incurred by speakers who are not members of the Section or are members of the Section not engaged in full-time private practice in attending section programs. The reimbursement of expenses incurred by other Section members who are speakers at Section programs shall be limited to those expenses, as defined in subdivision (E)(1), except the restriction as to spring, summer, fall or annual meetings shall not apply.** Section (E)(1) states: **Reimbursable travel expenses shall be those of a member who travels from home or office to a meeting exclusive of the summer, fall or annual meetings of the section, held at a place 100 miles or more away, and shall consist of air, train or bus fares, taxi or other ground transportation costs; or tolls and parking charges, plus an allowance at a rate per mile determined annually by the Finance Committee, for one driving his or her own vehicle; and charges for meals, and overnight hotel or motel accommodations.**

Special Note for State, Federal and Municipal Employees:
Please note that NYSBA is a registered lobbyist, which limits the type of expenses for which State employees can seek reimbursement. For further guidance, State employees should consult their agency's ethics officer.

The Association's Finance Committee Financial Policy for Sections does permit Sections to reimburse reasonable expenses incurred by speakers at Section programs. ***However, payment of an honorarium to speakers does require pre-authorization from the Association's Treasurer and the Chair of the Association's Finance Committee prior to the meeting.*** For further information on reimbursement procedures, please consult the Financial Policy, Subdivisions E and F, under "Financial Procedure and Budget Preparation."

Association's Annual Meeting

In preparation for the Association's Annual Meeting, the Meetings Department staff provides similar services as described for the Section's seasonal meetings. They will provide space at the headquarters hotel, and outside venues, coordinate meal functions, room sets and audio visual needs with the hotel staff, hotel accommodations for program participants and Section chairs and program chair, and print and mail program announcements.

Meetings Department and Member Resource Center staff process meeting registrations and meal reservations.

ANNUAL MEETING TIME FRAME

- **February**: Outside venues for receptions, dinners, etc. should be booked for the following January.

- **Mid-October**: Initial brochure and registration form goes to press. All MCLE meetings must be accounted for in this first mailing.

- **November**: Section brochures, with detailed information on their Annual Meeting, should be in the process of being printed.

- **Beginning of December**: Section notices should be in the mail, if not earlier.

The Sections should have a policy in place concerning complimentary registrations, meals, sleeping accommodations, and travel expenses for program participants. This policy should be forwarded to Meetings Department staff. Please note ethics regulations, outlined on the previous page, will apply.

Section and Committee sponsorship and co-sponsorship of CLE programs

Sections may present educational programs as part of their mid-year meetings, and at the Annual Meeting, working with NYSBA's Meetings Department in both instances. The same would be true for NYSBA Standing Committees presenting programs during the Annual Meeting. All other CLE programs should begin as proposals to the Association's Committee on CLE. Ideally, such proposals should be made in writing, wherein the topic, major agenda items, recommended program chairperson(s), and target audience would be set forth. Proposals may be addressed to the Senior Director of the Continuing Legal Education Department, Douglas Guevara, at (518) 487-5580. Coordination of activities at Section multi-day, mid-year meetings or the Annual Meeting should be initiated with the Director of the Meetings Department, Kathleen Heider at (518) 487-5500. Sections and Committees are not authorized to produce CLE programs on their own, outside the two contexts described above.

Section Committee MCLE Meetings

Individual committees of the Sections are eligible for MCLE credit when the proper procedures for accreditation are followed. There must be a timed agenda, comprehensive written materials, attendance verification, and certificates of attendance generated. MCLE accreditation for Sections' committee meetings does not include time spent on regular business activity of the committee. ***These MCLE meetings are available for the members of individual committees only.*** These meetings are handled by the Section's staff liaison.

Staff Support:

Membership Services

Association General Telephone	518-463-3200
Membership Services Direct Line	518-487-5571
Membership Services fax	518-487-5579
Membership Services e-mail	membership@nysba.org

Senior Director &
Non-Resident, Public Sector,
and Public Interest Team Leader

Patricia K. Wood
phone: 518-487-5570
e-mail: pwood@nysba.org

Senior Assistant

Maria Kroth
phone: 518-487-5571
e-mail: mkroth@nysba.org

Manager, Membership Services &
Young Lawyer Team Leader

Megan O'Toole
phone: 518-487-5743
e-mail: motoole@nysba.org

Membership Development Specialist

Alexander S. Englander
phone: 518-487-5578
e-mail aenglander@nysba.org

Communications Specialist

Karin Gagnon
phone: 518-487-5572
e-mail: kgagnon@nysba.org

Executive Services Counsel &
Solo and Small Firm Team Leader

Kevin Getnick
phone: 518-487-5562
Email: kgetnick@nysba.org

I. NYSBA Membership Services - Resources Available for Section Leaders

A. Staff offers consultation and full hands-on assistance in developing and implementing Section membership campaigns and Web based initiatives

B. Design, printing and mailing of section membership mailings or e-mail campaigns – staff provides full project management

C. Monitoring and reporting on membership campaign results

D. Database assistance and analysis (prospect lists, statistical reports, etc.)

E. Monthly membership statistics and trends sent to section leaders

F. Provide new member lists by judicial district or as otherwise needed, per request basis

II. Section Membership Planning Tips for Section Leaders

A. Appoint a Membership Chair(s) to coordinate projects with staff

B. Designate funds for membership campaign expenses and any special initiatives. Can use Section budget surplus for special projects.

1. Examples of typical costs
   a. Printing costs of campaign materials such as brochures, cover letters, newsletters, applications, etc.
   b. Mailing costs: postage and mail house preparation
   c. Costs to sponsor Section networking receptions (i.e.: new member welcome receptions; recruitment events, networking events)

C. Engage other Section members in membership projects for maximum impact – personal contacts are very important and highly effective

1. Section Executive Committee members can contact regional prospects; great for recruitment and new member welcoming purposes
2. When Section members drop out of a Section, follow-up from Executive Committee members in their judicial district is effective, whether via personal phone calls, letters, or e-mails

D. Get your members involved in your activities; <u>provide a welcoming, inclusive environment for all your members</u>.

E. Participation and commitment = longer term, more satisfied members

1. Could new attorneys or law students help provide research or other assistance for your CLE presenters?
2. Can you provide mentoring opportunities for new section members – such as serving as co-chairs with more experienced members?

III. Embarking on Section Membership Recruitment Campaigns

A. Scheduling recruitment campaigns - suggested time frames

1. September / October - prior to the new year (*The Association membership year is the calendar year: January to December)*
2. Early Fall months for law student campaigns
3. Prior to a special Section event or the Annual Meeting
4. At <u>every</u> Section event – be sure to invite any non-members to join

B. Suggested methods of membership recruitment

1. Direct mail: send a letter and application to prospect groups; send a Section benefits awareness postcard. (<u>NYSBA staff can coordinate these campaigns for you)</u>
2. Personal contact by a Section member-colleague in same judicial district
   a. E-mail or personal note
   b. Phone call
3. E-mail message with “Express Join Section” link to Website
4. Combination of above strategies
5. Simple follow-up methods for increasing response rates on membership initiatives
   a. Additional mailings (ex.: “We haven’t heard from you” postcards)
   b. Personal phone calls by Section representatives
6. Additional recruitment publicity
   a. Announcements at Section meetings, CLE or other sponsored events inviting people to join, if they are not already members
   b. Take advantage of any personal contacts (are you a member? If not, please join us!)

C. NYSBA’s database resources for the development of membership solicitation lists

1. Association members who do not belong to the Section (but whose area of practice relates to Section)
2. Non-member participants at Section-sponsored events
3. Non-Association members with interests in the Section's area of concentration

D. Printed material to accompany mail solicitation may include, for example:

1. Recruitment cover letter from Section Chair
2. Brochures and applications which include Section Committee assignment requests
3. Complimentary Section newsletters (to effectively demonstrate a powerful benefit of membership)
4. Offer of incentives such as discounts on a Section publication for new members; discounts on an upcoming program, an extended membership opportunity (join in September, get 15 months of membership at normal 12-month rate), etc.

IV. Member Retention: Keeping Your Section Members Satisfied

A. It's very important to concentrate on your new members. Consider these strategies:

1. New member "Welcome" mailings (Membership Services can coordinate mailings for your Section)
2. Make your section members feel welcome and easily able to participate
3. Telephone calls from Executive Committee members or District Representatives to personally welcome the new members and invite them to get involved in the Section is very well received.
4. At Section events, ask new members to stand and be recognized; (Membership Services can develop a poster with stand to display new members' names at registration or welcome table.)
5. Regional and/or District Section "networking" events can be a great way to introduce new members to Section colleagues
6. Before new members are invoiced for the next year, consider sending out a "Thank you" letter to these new members, to remind them of the various benefits of Section membership and encourage them to renew.
7. Include new members listing in your Section newsletter
8. Post calendar of events on Section Website

B. Ensuring General Member Satisfaction: Other Retention Strategies

1. Encourage your Section members to get involved, whether on committees or on a per project basis (the more involved members are, the greater likelihood that they will continue their Section memberships)
2. Focus on expanding the diversity of your Section. Actively encourage under-represented groups such as women, minority attorneys, new attorneys to attend events, co-chair programs or committees, etc.
3. Invite your members to grow professionally through serving on speaker's panels, contributing to Section publications, Section newsletters, etc. Try to give new people opportunities to participate, rather than just continue to use the same people in major activities
4. Ask members informally how they feel about the Section and how it can be improved. Ask them to help by volunteering to serve on committees, to enhance their professional development

5. NYSBA Marketing and Membership staff can help Sections perform Member Satisfaction surveys (please see Marketing segment of this handbook)
6. Before the annual membership renewal, send out letters to your Section members, reminding them of benefits of Section membership and announcing plans for coming year, to keep them informed and encourage their ongoing support.

V. Other Section Membership Assistance Available from Association

A. NYSBA's Membership Committee host 2x/ year "Section Membership Roundtables" for section leaders, to enable members to learn about Association initiatives and allow section members to share best practices. Events allow for in-person participation and teleconferencing.

B. The Membership Committee members are very experienced section leaders and can help guide sections on effective membership strategies and ways to enhance diversity and inclusion.

C. NYSBA membership recruitment campaigns regularly emphasize the benefits of Sections and provide opportunities to join.

D. Each month, all new attorney members receive an invitation from the President to join NYSBA Sections.

E. Section brochures are displayed with other membership information at Association events.

F. Annual membership renewal invoices list all Sections, enabling members to join at that time.

G. During the annual telephone renewal campaign, non-renewing members are contacted and encouraged to retain their membership.

Staff Support:

Executive Offices

Association general telephone *518-463-3200*

Executive Director	*David Watson* phone: 518-487-5555 fax: 518-487-5564 e-mail: dwatson@nysba.org
Executive Assistant	*Jessica Patterson* phone: 518-487-5557 fax: 518-487-5564 e-mail: jpatterson@nysba.org
Associate Executive Director	*Elizabeth Derrico* phone: 518-487-5678 fax: 518-487-5699 e-mail: ederrico@nysba.org
Executive Assistant	*Kathryn T. McNary* phone: 518-487-5679 fax: 518-487-5699 e-mail: kmcnary@nysba.org
Chief Technology Officer/Director of Content	*David Adkins* phone: 518-487-5683 fax: 518-487-5517 e-mail: dadkins@nysba.org
Special Counsel	*Richard Rifkin* phone: 518-487-5614 fax: 518-487-5694 e-mail: rrifkin@nysba.org
General Counsel	*Kathleen Baxter* phone: 518-487-5690 fax: 518-487-5579 e-mail: kbaxter@nysba.org

Q & A
For Section Leaders
On Governance Provisions Relevant to Sections

RE: HOUSE OF DELEGATES AND EXECUTIVE COMMITTEE

Q What are the functions of the House of Delegates and Executive Committee?

A House - Under Article V, Section 1 of the Bylaws, the House:

- Manages the business and affairs of the Association and determines policies of the Association

- Supervises the officers, Executive Committee, Sections, Committees, and employees of the Association

Among duties, the House votes on the Association budget and on nominations for Association office, including officers and Executive Committee Members-at-Large; establishes Sections and Standing Committees, and considers reports and proposals of general interest to the profession, *e.g.,* fiduciary appointments, multidisciplinary practice.

Executive Committee - Bylaws Article VII, Section 3 designates the Executive Committee to manage the business, affairs and activities of the Association between meetings of the House, with reports given on its actions at each meeting of the House.

For example, the Executive Committee reviews most affirmative legislative proposals initiated by Sections and Committees.

Section 4 provides that Sections and Committees are subject to rules of the Executive Committee for supervision and coordination of Sections and Committees, other than the Nominating Committee.

Q When and where do the House and Executive Committee meet?

A House of Delegates - Bylaws Article V, Section 5(A) calls for the House to meet at least 4 times per year with 1 meeting in conjunction with the Association Annual Meeting. The Rules of the House of Delegates, Section 2, also make provision for calling special meetings of the House.

Executive Committee - Under Article VII, Section 6, meetings of the Executive Committee are scheduled at the call of the President, including a meeting prior to or in conjunction with any meeting of the House.

Q Do Sections have representation on the House? How many delegates are allocated? Is there opportunity to designate an alternate if the regular delegate cannot attend?

A Regular Delegates - Bylaws, Article V, Section 3(E) provides that each Section will have at least 1 delegate. Those Sections with 3,501 or more members as of December 31 of the year preceding selection are entitled to 4 delegates; those with between 2001 and 3500 members receive 3 delegates; 2 delegates are awarded to sections with 1501 to 2000 members; and sections with 1500 or fewer members receive 1 delegate. The Young Lawyers Section has 4 delegates under the Bylaws. The Judicial Section has 2 delegates under the Bylaws.

Section members may also serve on the House in other capacities, *e.g.*, Elected Delegate, local bar representative, Executive Committee Member-at-Large.

Alternates - Article V, Section 3(K) enables each Section to designate an alternate to serve in the absence of any of its regular delegates. Twenty-four-hour notice is to be given to the Association Secretary (or in his/her absence, the President or President-Elect) regarding the intention of the Section to send the alternate. The notice is to be provided by the delegate to be absent, any of the other Section delegates, or a Section officer. The notice requirement can waived for good cause shown. The alternate's service is limited to representation at the particular meeting. The Bylaws do not permit the designation of other alternates if the designated Alternate Delegate is not able to attend a meeting.

Q How are Section delegates and alternates selected? When do they take office? How long are their terms of office?

A Selection

- Regular Delegates - Bylaws, Article V, Section 3(E)(2) enables Sections to formulate their own procedures for the selection of delegates and notes that delegates may, but need not be, officers of the Section.

In practice, some Sections set forth the selection process in their Bylaws. Some designate the immediate past Chair; several tap the current Chair. A number of Sections elect the delegates by: (a) the Section's membership at the Annual Meeting; or (b) the Section Executive Committee.

- Alternates - As stated in Section 3(K)(1), alternates may be selected at the same time that the Section names its regular delegates.

  Terms - Terms on the House begin June 1; the first meeting usually occurs in late June. Orientation materials are provided to new delegates to the House.

- Regular Delegates - In accordance with Article V, Section 4(C), the term of a delegate is 1 year with a maximum of 4 terms allowed in any combination of delegate capacities. This limit is tolled by membership on the Association Executive Committee or service as an alternate except that an alternate's official attendance at 2 or more House meetings constitutes 1 year of service.

  In practice, over half of the Sections designate a delegate for 1 year; others name the delegate for a second term.

- Alternates - Under Section 3(J)(4), a Section may designate an alternate without limit as to the number of consecutive terms in that capacity, except that an individual completing 4 consecutive years as a regularly designated delegate is not eligible for designation as an alternate in the ensuing year. As noted above, the alternate's service is limited to representation at the particular meeting.

Q What are the roles of the Section delegates?

A The delegate's position is designed for 2-way communication. In reviewing the agenda items coming before the House, Section delegates should alert Section leaders to any item likely to be of interest and assist the Section in considering whether the Section should provide its view. The delegate can present the Section's positions on the floor of the House. Delegates have the opportunity to vote on any issue whether or not the Section has taken an official position, but should state whether they are speaking on behalf of the Section or as individuals.

Delegates also report on the proceedings of the House to the Section leadership and/or the Section's Executive Committee.

In some cases, delegates present a report at Section Executive Committee meetings. Some delegates are designated in Section Bylaws as members of the Section Executive Committee.

Q Do Sections have contacts/liaisons with the Association Executive Committee?

A A member of the Association Executive Committee is assigned as a liaison to each Section. Executive Committee liaisons are available for consultation about issues raised or to be discussed at Executive Committee meetings, procedures for submission of reports to the Executive Committee, or other policy and procedural matters. Effective June 1, 2013, there are two members-at-large on the Executive Committee selected by section delegates and one member-at-large selected by the Young Lawyers Section.

Q Who presides at House and Executive Committee meetings? How are the agendas developed? What are the procedures to seek placement of an item on the agendas?

A House - Under Bylaws Article V, Section 5(C), the President-elect chairs the House. The Rules of the House of Delegates, in Section 3, provide that the Chair determines the order and priority of business at a meeting.

Executive Committee - Under Bylaws Article IV, Section 1(B), the President presides at the Executive Committee meetings and sets the agenda but, consistent with Article XII, Section 4(B), may change the order of business.

In practice, the President and President-elect consult with each other to coordinate the development of the agendas for the 2 bodies.

Q What are the deadlines for submission of an agenda item?

A Under the "Rules of the Executive Committee and House of Delegates for Consideration of Reports" adopted in January 2011 (which appears in this segment of the book), a report must be submitted at least 75 days in advance of the meeting(s) at which it is to be considered. Upon request by a group, and a showing of need, the President and the Chair of the House of Delegates may allow consideration of a report on shorter notice. Reports are to be submitted in Word or Word Perfect format to reportsgroup@nysba.org.

Q Can a Section issue a report or take a position in its own name without seeking Executive Committee or House endorsement?

A The Bylaws provides for Association groups to prepare reports in their areas of interest. In essence, Sections or Committees have the opportunity to issue positions with respect to pending legislation or other issues, except when the Association has taken a contrary position. Provisions are set forth to notify the Association of the planned issuance of the statement or report. Affirmative legislative proposals require Executive Committee or House approval for release.

Legislation - Under a Bylaw amendment of January 1995 (Article VII, Section 5(C)), Sections and Committees are directed not to publicly espouse positions, issue statements or reports on pending legislation or affirmative proposals which are inconsistent with policy adopted by the House or Executive Committee. Positions adopted by the Executive Committee are binding for 6 months from the date of adoption unless action is taken sooner by the House. This amendment was designed to provide more guidance and avoid confusion as to the Association's position on a particular matter.

Prospective statements of this nature are to be submitted to the President at least 5 days in advance of release for determination as to whether there is an inconsistency in position. The notice requirement can be waived by the President and authorization to release the statement is deemed to have been given unless the President notifies the group. Adverse determinations may be appealed to the Executive Committee.

Other Reports - Section 4 of the Rules of the Executive Committee provides that Association groups may distribute other reports in their own names so long that: (a) the position is not inconsistent with that of the Association and (b) the information carries a clear notice that the report reflects solely the views of the group and not those of the Association unless so approved. This section further provides that the report be submitted to the President at least 5 days in advance of its intended release date; authorization for release is deemed to have been given unless the President notifies the group to the contrary.

In the latter case, the President may:

(a) withhold authorization;
(b) request revisions in language, tone or content in keeping with the Association image, purposes or prior positions; or
(c) request consideration by the Executive Committee or House if he/she determines that the report raises significant issues or policy questions.

The group may:

(a) accept the revisions and proceed with release of the report;
(b) withdraw the report; or
(c) request review by the Executive Committee and, ultimately, the House.

Q How can a Section find out whether the Association or an Association Section or Committee has a position on a bill or other matter, or has issued an affirmative legislative proposal?

A The Executive Offices is available to provide information on actions of the Executive Committee and House. The Department of Governmental Relations can inform Section representatives as to whether positions on legislation have been taken and provide copies of the reports.

Q If the Association does not have a contrary position, what steps can a Section take to express its views on pending legislation?

A If the Association does not have a conflicting position, Sections and Committees can, in their own names, issue reports on pending legislation at the local, state or federal level (Bylaws Article VII, Section 5(A)). The Bylaws further provides that such statements should conspicuously disclose that this is the position of the Section or Committee and not that of the Association unless such approval is given.

A standard format is used for reports on bills to aid lawmakers in review *(see the segment of this book on "Legislative Action").* The report should be sent to the Department of Governmental Relations: (a) for distribution to lawmakers; (b) for coordination with other Association entities and legislators; and (c) for maintenance of a file. The Department can advise the Section or Committee on the development of the report and approaches for follow-up with lawmakers.

Q How can a Section advance affirmative legislative proposals?

A Under Bylaws Article VII, Section 5(B), Sections and Committees can prepare an affirmative proposal but such proposals require Executive Committee or House approval in order to issue the report to lawmakers. The segment on "Legislative Action" provides guidance on these initiatives. Once approved, the Department of Governmental Relations works in coordination with the proposing group to seek introduction in the Legislature and discussion with lawmakers. Please note provisions above when the Association has already established a position on the subject.

Q When Association endorsement of a Section proposal is required or desired, is it necessary to go to both the Executive Committee and House?

A Presentation before both bodies is not necessary in all cases. As described above, affirmative legislative proposals require Association approval for submission to lawmakers. Unless the subject matter is of broad interest or the proposal is contained in a report being presented before the House, these matters are generally handled by the Executive Committee. In some cases, the Executive Committee may make the determination that the matter should be addressed by the House; in such instances, the Executive Committee may or may not decide to make a recommendation to the House to take a certain action.

Under the Bylaws, Association groups have the opportunity to report to the Association at any time with the approval of the House, or may be requested to do so.

Q What happens once an item is accepted for consideration by the Executive Committee or House?

A The Section should designate a spokesperson to present the report on its behalf. The Section will be informed of the amount of time allocated on the agenda. Presenters are reminded that the group is a "hot bench"; a detailed description of the materials is not necessary; presenters should be prepared to review the need seen for the action requested, discuss concerns or contrary views, and respond to questions. Copies of the report are circulated to other relevant Sections and Committees for comment as well as to the members of the body to which the item will be presented.

Q Do Sections and Committees have the opportunity to comment on items submitted by other entities for consideration by the House and/or Executive Committee? How can this input be provided?

A After a report is submitted by a group, it is posted on the "Reports Group Community" page of the NYSBA website and an e-mail is sent to members of the Reports Group (which includes all section and committee chairs, members of the House, and county and local bar leaders). Those interested in submitting comments on a report may do so up to 15 days before the meeting at which the report is to be considered. Comments may be sent to reportsgroup@nysba.org, and should be submitted in Word or Word Perfect format.

Q What happens when input of Sections and Committees is needed on an expedited basis?

There may be a very short timeframe in which to respond. Therefore, Sections and Committees are asked to establish a rapid response procedure to handle such reviews on an expedited basis between meetings of the group. Approaches used by Sections have included mail or fax balloting and designation of officers, committee chairs or other members to handle the review.

To aid in providing more time for review, Sections and Committees are urged to communicate directly with other entities with common interests to advise them that they are working on a report on a particular subject and to provide the report or, if possible, drafts, as soon as possible.

Q What actions can the Executive Committee and House take on an item?

A Possible actions of the Executive Committee are listed below. The House has a similar menu of options in acting on matters.

(a) approve the report/proposal as written;
(b) approve it with modification or excepting certain segments;
(c) disapprove a report/proposal;
(d) accept the report;

(e) defer action,
(1) referring the report back to the proposing group for further consideration of certain aspects or certain recommendations; or
(2) requesting that the submitting group coordinate with another Association entity to address certain concerns.
If action is deferred, the Executive Committee or House can (a) schedule the item for a specific meeting; or (b) leave the return date to the Section or Committee's discretion.

The Executive Committee may decide to forward the matter to the House with or without a recommendation for a certain type of action.

Q What information is available regarding the actions taken by the House? Executive Committee?

A When a group presents a report, the Chair is informed in writing of the determinations of the Executive Committee and House.

For information about the proceedings as a whole, delegates to the House receive copies of the minutes of meetings of the Executive Committee, as well as the House. In addition, a summary of issues discussed and actions taken by both bodies is sent to Section and Committee Chairs, as well as Delegates to the House, after each meeting. A number of groups utilize the information to report to their Executive Committee meetings or circulate the summary to Committee members. News articles about House and Executive Committee actions are included in *State Bar News*.

Q How do Sections and Committees differ? How are they alike?

A <u>Membership</u>

- *Sections* - Section membership, unless specified in the Section Bylaws, is open to Association members upon payment of the Section's annual dues. Sections range in size from 300 to more than 5,000. Two of the 25 Sections (Judicial, Senior Lawyers and Young Lawyers) limit their membership to, respectively, inside counsel, judges of courts of record, lawyers over the age of 55, admitted less than 10 years. Most Sections include opportunity for law students to join at a reduced dues rate.

- *Committees* - Committee Chairs and members are appointed annually by the President, generally for a maximum of 3 terms; the number of appointees is limited. Most Committees have fewer than 50 members.

<u>Funding</u> - Both Section and Committee budgets require the approval of the Finance Committee and ultimately the House as part of the Association budget.

- *Sections* - Sections are self-sustaining and funded primarily from annual Section dues.

- *Committees* - Committees are funded by the Association.

Subject Matter

- *Sections* - Sections are established in broad subject areas of law and practice, *i.e.*, Family Law, General Practice.

- *Committees* - Committees generally focus on more specific areas of substantive and procedural law or concerning functions for the administration of the Association, *i.e.,* Committee on Court Structure and Judicial Selection,, Committee on Association Insurance Programs.

Activities

- *Sections* - Among activities, Sections conduct programs including multi-day sessions; co-sponsor CLE courses; produce publications; comment on Legislation and propose affirmative legislation; publish newsletters; and undertake public service projects.

- *Committees* - Committee activities include presenting programs, not generally of the multi-day variety; co-sponsoring CLE courses; producing publications and public service projects, and taking legislative action.

Q How are Sections, Committees of the House and Committees of the Association created and abolished?

A

- *Sections* - Sections are created and abolished by the House, per Bylaws Article X, Section 1.

- *Committees* – Committees of the House and Committees of the Association can be created by the President, House, Association or Executive Committee under Bylaws Article VI, Section 2, for a 3-year term unless otherwise specified; the House can extend the life of particular Special Committees for periods not exceeding 3 years. Committees can be discharged by the individual or entity creating it. Committees are designated by the House, under Article VI, Section 1. Committees may be discharged by the House. The President appoints the Chair and members of Committees annually.

In a number of situations, the areas of practice encompassed by a Committee's work has expanded, leading to a request for creation of a Section. Most recently, in November, 2008, the House established the Senior Lawyer's Section from the Special Committee on Senior Lawyers. The Dispute Resolution Section was similarly established by House action in 2007.

Q How are Section officers and Executive Committee members chosen?

A As authorized by Bylaws Article X, Sections 2-4, Sections may adopt Bylaws, not inconsistent with those of the Association, effective upon approval of the Association Executive Committee; elect officers, and create Committees.

As a matter of practice, some Sections provide in their Bylaws that district delegates, in addition to officers, will be elected by the Sections' membership to serve on their Executive Committees. In some circumstances, Committee Chairs
also serve on the Executive Committees. Means of designating Committee Chairs vary among the Sections, *i.e.,* appointment by the Section Chair or by the Section Executive Committee.

Q When do Section officers, Executive Committee and other Committee members take office? For what terms?

A Sections, in their Bylaws, may determine when terms begin and the lengths of such service.

In practice, some Sections begin terms June 1, coinciding with the commencement of terms for Association officers; others provide for terms to start following election at the Sections' Annual Meeting. Some provide for 1-year terms; others use 2-year terms; some specify limits on the number of terms.

Q How are Section Committees established? What is the procedure for appointment of Committee Chairs and members?

A The Bylaws, Article X, Section 4 empowers Sections to create Committees. Sections have discretion as to procedures for selecting Chairs and members and designating terms of office.

Q How do Sections determine what projects to undertake?

A Sections tailor their services and activities to the needs of their constituents and the "hot" issues at hand.

Objective 1 of the Association's strategic planning report calls for each Section to pursue improvements in the law and legal system and increase public understanding by:

(a) developing an agenda of specific substantive projects relating to changes in the law or legal system;

(b) considering annually:

(1) issuing and presenting to the Executive Committee at least 1 major substantive report or affirmative legislative proposal, including measures for simplification of the law, or

(2) developing materials to assist the public in understanding the law or using the legal system.

The Financial Policy for Sections, Section B, describes the principle that Sections be self-sustaining with responsibility to fix dues at a level combined with other revenue to finance Section activities *(see the segment of this book on "Finances").* Provisions for exigent circumstances also are set forth in this Policy.

In practice, many Sections generate ideas through their Committees, bringing proposals for programs, publications or other initiatives to the Section Executive Committee for consideration. Some Sections periodically poll their members as to needs and issues.

Q What is the policy regarding use of Association and Section mailing lists?

A For non-Association business - By Executive Committee action, the use of Association and Section membership lists for commercial or purposes other than Association or Section business is not permitted. The matter may be referred to the President and Chair of the House when there is a question about the proposed mailing.

Regarding Section authorization for Association business - Where it is determined that a request for Section labels is within the scope of permitted use, it is not required that a Section allow its membership labels to be provided to others. Accordingly, the Section Chairs are to determine whether they believe that the requested mailing is in the best interests of the Section.

The reference for this policy is found in the Executive Committee minutes for the January 29, 1976 meeting, Paragraph #5.

Q Is there a policy concerning Section affiliation with other organizations?

A Yes. The Association Executive Committee, November 6, 2004, adopted a policy requiring a section or committee to first obtain approval of the Executive Committee before it may become a member or affiliate of another organization. Under this proposal, which is pursuant to the Executive Committee's oversight of committees under the Bylaws, Article VII, Section 4, approval may be withheld if the Executive Committee determines that the proposed membership may create actual or potential conflict with Association policy or may otherwise be detrimental to the Association. For example, a potential or actual conflict could be created if the other organization has adopted or adopts policy positions that

could conflict with those of the New York State Bar Association or has addressed or addresses issues on which the NYSBA does not wish to take a public position. The review of proposed membership is intended to minimize such problems.

Q What staff support is available in administering a Section?

A Each Section is assigned a staff liaison to aid in the overall administration of the Section and for consultation as to policies, procedures and coordination with other Association entities. The liaison's office also assists in making arrangements for Committee meetings and other activities.

In addition, services are provided by the various departments for particular functions, *i.e.,* Accounting, Continuing Legal Education, Governmental Relations, Media Services and Public Affairs, Meetings, Membership.

For more information/assistance:

Kathleen R. Baxter - General Counsel

Ronald F. Kennedy - Director, Governmental Relations

BAR SERVICES

Staff Support:

Association general telephone: 518-463-3200

Manager, Bar Services	*Mark Wilson* Phone | fax: 518-487-5540 e-mail: mwilson@nysba.org
Assistant for Bar Services	*Bridget Donlon* Phone | fax: 518-487-5531 email: bdonlon@nysba.org

The Department of Bar Services is the primary liaison and coordinates the provision of services statewide to local / county, minority / ethnic, special-purpose and specialty bar associations and to the Women's Bar Association of the State of New York. The Department maintains and manages list serves for bar leaders and bar executives; provides substantive information of interest to local bars; and acts as a resource for bar association management. In addition, Bar Services is the liaison to the American Bar Association's Division of Bar Services; develops local bar event briefing materials for the NYSBA's president, president-elect and additional association leadership when visiting other bar groups; coordinates New York's participation in the ABA Bar Leadership Institute; and provides staff support to the president and president-elect for their participation in the ABA midyear and annual meetings. The Department Manager also serves as liaison to the Committees on Civil Rights, Diversity and Inclusion, and Leadership Development.

The activities of the newly formed Standing Committee on Bar Leaders of New York State are implemented through the Department. The Manager serves as liaison to the Committee, whose members reflect the diversity and interests of the more than 200 bar associations across the state.

The Department also is responsible for the semi-annual publication of the *Directory of Bar Associations in New York State*, a compendium listing contact information for every association's president, vice-president / president-elect and executive director, if available. The *Directory* is available online.

LAW PRACTICE MANAGEMENT SERVICES

Staff Support:

Law Practice Management Department

www.nysba.org/LPM

LPM telephone: 518-487-5590
LPM fax: 518-463--8844
LPM e-mail: lpm@nysba.org

Director

Katherine Suchocki, Esq.
phone: (518) 487-5590
e-mail: ksuchocki@nysba.org

Program Coordinator

Simone Smith
phone: 518-487-5591
e-mail: ssmith@nysba.org

The Department and the Committee on Law Practice Management (LPM) are devoted to investigating, evaluating, developing and promoting the use of techniques that will assist lawyers in the management of their practices to help them excel in a competitive marketplace.

Law Practice Management resources provide lawyers, law firm managers and legal professionals with information on practice management trends, marketing, client development, legal technology and finance. Checklists, best practices, publications and continuing legal education programs provide up-to-date information and practical tips to help members better manage their law practices.

The LPM Department is available to work with Section leaders to develop educational programs and materials that promote the understanding and application of evolving law practice management tools.

SERVICES FOR ALCOHOLISM, DRUG ABUSE, AND MENTAL HEALTH ISSUES

Staff Support: Patricia Spataro

Lawyer Assistance Program (LAP)

Association general telephone:	*518-463-3200*
LAP confidential helpline:	*1-800-255-0569*
LAP fax:	*518-487-5699*
LAP e-mail:	*lap@nysba.org*
LAP website	*www.nysba.org/lap*

Program Director

Patricia Spataro
phone: 518-487-5685
e-mail: pspataro@nysba.org

Administrative Assistant

Linda M. McMahon
phone: 518-487-5686
e-mail: lmcmahon@nysba.org

The Lawyer Assistance Program (LAP) provides education and confidential assistance to lawyers, judges and law school students who are affected by alcoholism, substance abuse, debilitating stress, depression, and other mental health issues.

Services include: early identification of impairment; intervention and motivation to seek help; assessment, evaluation and development of an appropriate treatment plan; referral to appropriate community resources, self-help groups, outpatient counseling, detoxification and rehabilitation services; training programs on recognizing, preventing, and dealing with addiction, stress, depression and other mental health issues. The LAP is available to make educational presentations to Sections.

All LAP services are confidential and protected under Section 499 of the Judiciary Law as amended by Chapter 327 of the Laws of 1993.

LAWYER REFERRAL AND INFORMATION SERVICE

Staff Support:

Association general telephone:	*518-463-3200*
LRIS telephone:	*1-800-342-3661*
LRIS fax:	*518-487-5579*
LRIS e-mail:	*lr@nysba.org*
Webpage:	*www.nysba.org/lr*

Manager	*Eva Valentin-Espinal*
Lawyer Referral Representative	*Elaine Szakats*

The Lawyer Referral and Information Service (LRIS) has been serving the public for over 30 years and is designed to fill in when local bar associations are not coordinating a referral panel. Currently our service covers 44 counties in Upstate and Western, NY. Eligible attorneys must have a physical office in one of our service counties*

How We Screen Calls and Refer Clients

The LRIS staff receives close to 70 calls per day from members of the public seeking legal assistance. These calls are screened by our staff to elicit pertinent information regarding the nature of their legal problem. Callers that would be more appropriately helped by other organizations, such as other bar referral services, legal aid societies, or governmental agencies are given contact information for these offices.

Callers needing the advice of an attorney, and who can afford to pay a private attorney, are referred to LRIS panel members on a rotating basis. They are told to expect a ½ hour in-office $35 consultation fee, and to be sure to mention that they were referred by the LRIS. After the initial consultation the attorney sets their own fees. Attorneys are notified by e-mail when a referral has been made.

Percentage and Membership Fees

The annual membership fee is $75 for NYSBA members and $125 for non-members. Attorneys retained by a referred client are required to pay the LRIS 10% of the entire fee if the fee for any referral case is $500 or more.

*Eligible counties: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, Yates.

Attorneys interested in joining the LRIS can go to www.nysba.org/joinlr to download an application. Contact Eva Valentin-Espinal, LRIS Manager (evalentin@nysba.org) with any questions.

PRO BONO SERVICES
Pro Bono e-mail: probono@nysba.org
Pro Bono Fax: (518) 463-4276
Web page: www.nysba.org/probono

Staff Support:

Department of Pro Bono Services

Director, Pro Bono Services — *Kristen A. Wagner, Esq.*
phone: 518-487-5640
e-mail: kwagner@nysba.org

Administrative Assistant — *Eunice Bencke*
phone: 518-487-5641
e-mail: ebencke@nysba.org

Established in 1991, the Department of Pro Bono Services provides, among other things, guidance to bar associations, law firms, law schools, corporate law offices, government offices, and other entities in establishing and operating volunteer projects. The Department also provides assistance and training programs for attorneys employed by legal service organizations and oversees a number of attorney recognition programs that promote, recognize, and honor pro bono service by individual attorneys and law firms. The Department works with many of the Association's sections and committees to encourage their voluntary participation in pro bono projects.

Every two years, the department assists the Committee on Legal Aid in planning the Partnership Conference, the premier networking and training program for attorneys and pro bono coordinators engaged in public interest law.

The department also publishes a quarterly newsletter spotlighting pro bono contributions from around the state. In addition to the department's efforts to promote bono participation within the legal community, it is actively involved in community networking activities aimed at raising public awareness about available free and low-cost civil legal services. Departmental staff is available to assist the Association's Committees and Sections in identifying pro bono opportunities for members. Staff members are also available to make presentations at meetings and provide information on pro bono opportunities tailored to the expertise and interests of members.

The Director of Pro Bono Services serves as the Association liaison to the President's Committee on Access to Justice, the Committee on Legal Aid, the Committee to Ensure Quality of Mandated Representation, the Pro Bono Coordinators Network, and the Committee on Veterans. In her role as liaison, she works collaboratively with constituent groups to develop and implement the Association's policies and proposals on access to justice issues.

The Department of Pro Bono Services is responsible for managing the Association's pro bono recognition programs: the Empire State Counsel® Program, the President's Pro Bono Services Awards, and the National Pro Bono Week Awards.

Launched in 2006, the Empire State Counsel® Program recognizes NYSBA members who, during the calendar year, performed 50 hours or more of pro bono legal services, either through direct legal representation of low-income/vulnerable individuals, donation of free legal services to an organization designed primarily to address the needs of persons with limited financial means, or by providing free legal services to an organization dedicated to increasing the availability of legal services to vulnerable and/or low-income populations. To date, more than 10,000 members have collectively contributed in excess of 1.5 million pro bono hours.

Each year, the Department of Pro Bono Services works with the chairs of the President's Committee on Access to Justice, the Committee on Legal Aid, and the Pro Bono Coordinators Network to select winners of the prestigious President's Pro Bono Service Awards. Presented on Law Day, these awards recognize outstanding pro bono service and underscore the importance of helping to provide all New Yorkers, regardless of income, equal access to the civil legal justice system. Up to 22 awards may be given in the following categories: thirteen Judicial District awards, young lawyer, senior attorney, law student, law school group, small/medium and large law firm awards, and an in-house counsel and/or government office award.

The department also coordinates the Association's participation in National Pro Bono Week with kick-off celebrations in Albany and New York City. Established in October 2009 by the American Bar Association, National Pro Bono Week recognizes the outstanding pro bono contributions of attorneys nationwide, raises awareness about the growing access to justice gap, and encourages lawyers to get involved with pro bono.

Staff Support:

Department of Section Services

Association general telephone: *518-463-3200*

Director,
Department of Section Services
Patricia Stockli
phone: 518-487-5584
e-mail: pstockli@nysba.org

Chief Section Liaison
Lisa J. Bataille
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email: lbataille@nysba.org

Section Liaison & Meetings Coordinator
Tiffany Bardwell
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Section Staff Liaison
Stephanie Bugos
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Section Staff Liaison
Elizabeth Gould
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Section Staff Liaison
Amy Jasiewicz
phone: 518-487-5682
email: ajasiewicz@nysba.org

Administrative Assistant
Kathleen Plog
phone: 518-487-5681
email: kplog@nysba.org

Administrative Assistant
Sydney Joy
phone: 518-487-5630
email: sjoy@nysba.org

Department of Section Services:

The Department of Section Services was established in mid-2011 with the objective of consolidating section liaison duties within a dedicated department. Section liaisons receive ongoing training and updates covering the full range of policies, procedures and resources that relate to the functioning of the association's 25 Sections. Section liaisons work with section leaders in a partnership that helps to facilitate the interaction and cooperation between the section and the association.

Liaison Duties (partial list):

1. Be a resource to discuss proposals, policy issues or any other matters
2. Arrange meetings and conference calls
3. Work with section leaders to develop meeting agendas; distribute agendas and meeting materials
4. Manage association resources on behalf of sections
5. Share section information with appropriate staff or departments to facilitate section business
6. Keep master files of section reports, minutes, legislative actions and general correspondence
7. Work with section leadership to develop yearly budgets; monitor section expenses on a monthly basis
8. Assist section officers with the management of their web pages; post information on section websites
9. Assist sections with membership and diversity related initiatives
10. Assist Sections with ADA compliance
11. Assist Sections to develop a social media presence
12. Be a resource for CLE program planning

N. WEBSITE AND ELECTRONIC COMMUNICATIONS

Staff Support:
Website, Blogs, Social Media and Electronic Communications

Association general telephone: *518-463-3200*

Social Media & Web Content Manager *Brandon Vogel*
phone: 518-487-5644
e-mail: bvogel@nysba.org

Website Support

www.nysba.org

The fully featured New York State Bar Association website offers personalization and customization of content and serves as a home site for the individual Section Web pages.

Each Section has a site at www.nysba.org. A simplified interface is provided for content loading, maintenance, and delivery. The tools are browser-based, meaning they can be used anywhere there is an Internet connection, and they are user-friendly, meaning they are designed around the same interface as common word processing programs.

Services available:

A. Website content planning (information architecture) to help Sections determine what content they want on their site and where they want it to appear
B. Training on content creation, management, maintenance, and delivery using browser-based tools
C. Site management assistance to help Sections get sites up and running quickly and to cover maintenance issues in the absence of a Section member assigned to the task
D. Ongoing user support and training

The NYSBA website is a dynamic entity, providing substantive legal information based on Section interests. It is important to remember that a Section site exists to meet the needs of the members, and different Sections have different needs. The flexible nature of the site management tools makes it possible to meet those varying needs effectively.

Each Section has been asked to assign a content coordinator to manage the flow of content from members to the Section website. Coordinators are offered training on the site management tools, and are provided ongoing assistance from their staff liaisons and the Manager of Internet Services.

Section Web pages

Content-rich Section web pages serve as a key source of information for Section members and a primary tool for Section leaders interested in promoting Section membership and highlighting the positions and projects on which the Section is taking the lead.

Key features to promote:
- Section Publications
- Upcoming Events
- Committees (some sections are very active in publishing committee relevant content)
- Special Reports
- How to Join
- Contacting the Section
- Searchable directory

Social Media and Electronic Communications

In accordance with the NYSBA Social Media Policy, NYSBA graphic standards and the Association policy on the use of bulk email, NYSBA offers a wide variety of options for Sections interested in expanding their reach through the use of social media and other electronic communication tools.
Services available:
- Content planning for electronic communications for Sections
- Creation of Section blogs and training for Section bloggers
- Creation of LinkedIn groups for Sections and electronic invitations to the group
- Posting of Section contributions to NYSBA social media channels
- Training for Section members on effective use of social media and electronic communications

Section members are reminded to refer to the NYSBA Social Media Policy before engaging in social media interactions on behalf of NYSBA, creating social media sites for Sections or other NYSBA entities or otherwise using social media in any capacity related to NYSBA.

Blogs

Blogs can be likened to online columns or journals. NYSBA blogs provide informative or substantive information and an opportunity for Sections to publish relevant information in an ongoing, interactive and easily distributable format.

Active Section blogs include:

- The Entertainment, Arts and Sports Law Blog
- Envirosphere - Environmental Law Section Blog
- General Practice Section Blog
- Labor and Employment Law Blog
- Real Property Law Section Blog
- Supraspinatus - Health Law Section Blog
- Business Law Section Blog

Some Pointers for Effective E-Mail Communications

While e-mail is by far the cheapest method of communicating with Section members, it should not be the sole medium used. Approximately 70% of the Association's members have provided e-mail addresses however, approximately 40% of your e-mails are filtered (i.e. Yahoo/AOL bulk e-mail filters) and never reach the recipient. Also, in the period of about a year, one-third of the e-mail addresses may be expected to change. For important communications letters should be utilized to ensure that your message reaches all of your members.

According to a study by MarketingSherpa (published in 2005), the most opened and read e-mail you'll ever send is the welcome note. Personalizing your message and keeping it short will also increase readership.

Communication with your Section members will be improved if you provide multiple ways for members to interact with the section. For example, communications to members of Section committees could include the URL for the appropriate area of the Web site and the e-mail address for the committee chair.

Some final food for thought… while many Sections provide information on their Web pages, very few sections list a way to contact the section. Sections that offer clear information on how to contact the section include the Environmental Law and Young Lawyers Sections.