



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #9

REQUESTED ACTION: Approval of the report and recommendations of the Committee on Committees.

The Committee on Committees is charged with reviewing all standing and special committees as well as task forces to assess whether they are within the scope of and relevant to the Association's purposes, can be combined with another group or otherwise modified or constituted, and are functioning in a manner beneficial to the Association and in accordance with their missions. The committee has completed its review of five committees, and its report is attached. The committee's recommendations with respect to these committees may be summarized as follows:

Committee on Leadership Development: Continue as a standing committee and consider providing orientation and materials to new committee chairs.

Committee on Issues Affecting People with Disabilities: Continue as a standing committee, form a subcommittee to consider making greater use of its website and consider working with the Committee on Attorneys in Public Service to address the participation difficulties of members employed by state agencies.

Task Force on Family Court: Continue for at least an additional year for implementation of the recommendations contained in its report.

Committee on Civil Rights: Continue as a standing committee.

Committee on Civil Practice Law and Rules: Continue as a standing committee; make additional efforts to ensure greater diversity. Consider making appointment of chairs effective July 1 instead of June 1.

Committee on Lawyer Assistance: Continue as a standing committee.

The committee is also making the following additional recommendations:

- Approval of a revised mission statement for the Committee on Committees.

- A procedure to keep track of all mission statements to ensure that there is a central repository and that amended mission statements are approved by the Executive Committee (recommended in June 2012, but not yet fully implemented).
- The committee's previous recommendation that entities should be defined in the Bylaws should be sent to the Bylaws Committee for action. (Note: The Bylaws Committee has reviewed this recommendation but has requested clarification.)

The report will be presented at the June 20 meeting by committee chair Donald C. Doerr.

**NEW YORK STATE BAR ASSOCIATION
REPORT
of the
COMMITTEE ON COMMITTEES
Donald C. Doerr, Chair
June 20, 2013**

BACKGROUND & CURRENT STATUS

The Committee on Committees (ComCom) was established in June of 2007 as a Special Committee and became a Standing Committee in June of 2011. The original mission Statement and a proposed revised Mission Statement of ComCom are attached at [Appendix A](#). The revised Mission Statement is being submitted to the Executive Committee (EC) to reflect the standing nature of the Committee as well as the recommendations (which were adopted by the EC) that every standing Committee of the Association be reviewed on a three year cycle and that all Task Forces and Special Committees be reviewed on an annual or two year cycle, as appropriate. Pursuant to ComCom's request of the EC, the membership of ComCom was augmented to 12 members last year, both original and new members, primarily selected based on prior leadership experience within the Association. We are now down to 10 active members and will be looking to fill openings so that we are back up to 12 active and participating members. In 2012/2013, ComCom slated 23 Committees for a full review and 2 Committees for an update (where previous Report's recommendations remain outstanding).

This Report to the EC includes a review of 7 Committees; 7 Committees were also reviewed and presented to the EC in January of 2013 and 5 Committees were reviewed and presented to the EC in June of 2012.

**COMMITTEE/TASK FORCE/SPECIAL COMMITTEE
RECOMMENDATIONS:**

The reports of each of the 7 entities reviewed by COM COM are attached at [Appendix B \(pp. 10-26\)](#) and EC members are encouraged to read the full reports for additional information and the background information and basis for ComCom's recommendations.

**COMMITTEES/TASK FORCES WHERE COMCOM RECOMMENDS NO CHANGE IN
STATUS:**

1. COMMITTEE ON LEADERSHIP DEVELOPMENT:

The Committee on Leadership Development was formed in June of 2010 as a Standing Committee and continues to serve as a vital resource to the Association in performing

its stated mission as outlined in the attached full report (See, [Appendix B at pp. 11-12](#)). The committee has been and is encouraged to continue providing information and orientation to new members of the House of Delegates; continue to identify potential committee members for presidential appointments; continue to work with the Conference of Bar Leaders to encourage participation by local bar leaders in NYSBA governance; and to continue its work regarding the creation of a data bank of potential Association leaders.

The Committee began a very successful orientation and reception for new HOD members in June 2012. The Committee might wish to consider providing orientation materials to new Committee Chairs (and possibly members) as well as section leaders, but should coordinate with the President Elect to consider enlarging the Section Officers Orientation. The Committee presently has approximately 17 members, all active in various aspects of NYSBA activities; there is also an effort to increase diversity and to bring in new members.

RECOMMENDATION: That the “Committee on Leadership Development” should be continued as a Standing Committee and consider also providing orientation and materials to new Committee Chairs.

2. COMMITTEE ON ISSUES AFFECTING PEOPLE WITH DISABILITIES:

The Committee on Issues Affecting People with Disabilities was established in 1982 as a standing committee, and is providing a valuable service to the Association in meeting the objectives of its mission statement as outlined in the full report at [Appendix B pp. 13-14](#).

The Committee provides excellent work in commenting on legislation, providing CLEs at the Annual meeting and through the CLE department, updating its publications, and collaborating with the Elder Law, Trusts & Estates, Health Law, and Labor and Employment Law Sections, particularly regarding the provision of pro bono clinics.

The Committee should also consider making greater use of its website for committee members, NYSBA members and members of the public. The Committee might also consider working with CAPS to enable them to address the difficulties with the participation of attorneys employed by state agencies. (See Full Report).

While there is some overlap with the Elder Law, Trusts & Estates, Health Law and Labor and Employment Sections, the Committee is the best means to collaborate with these Sections while at the same time ensuring that issues of interest and concern to the “Disability Community” are being addressed. The Committee has 52 “diverse” members, many of which are active in the Committee’s subcommittees.

RECOMMENDATION: That the “Committee on Issues Affecting People with Disabilities” continues as a Standing Committee and that they form a subcommittee to consider making greater use of their website and consider working with CAPS to address the difficulties with the participation of attorneys employed by state agencies.

3. TASK FORCE ON FAMILY COURT:

The Task Force on Family Court was established in June of 2010. As outlined in the attached full report (See, [Appendix B at pp. 15-16](#)), in January of 2013 the Task Force completed and the House adopted their very insightful and detailed Final Report. The report was 208 pages long and contained 26 specific recommendations including, *inter*

alia, increasing the number of Family Court Judges; combining the positions of Court Attorney Referees, Support Magistrates and Judicial Hearing Officers; expanding mediation programs; reducing or eliminating piecemeal trials or hearings; and expanding funding for civil legal services and *pro bono* representation in Family Court. The Task Force believes, and ComCom agrees, that it would be extraordinarily beneficial for them to develop “implementation plans” with regard to their recommendations and that they are the best entity to assist in bringing their recommendations to fruition. The Task Force members include many judges and its steering committee continues to meet every two weeks.

RECOMMENDATION: That the “Task Force on Family Court” continues for at least another year so that it can carry on its work in implementing the 26 recommendations it made in its January 2013 Final Report. ComCom will look at this Task Force again in 2014 to determine and recommend to the EC whether the Task Force should be disbanded or merged into another Committee or Section such as the Committee on Children and the Law or the Family Law Section.

4. COMMITTEE TO ENSURE QUALITY OF MANDATED REPRESENTATION:

The Committee to Ensure Quality of Mandated Representation was formed in 2004 as a special committee and is now a standing committee of the Association. Its work is important to both the general public and the Association and is relevant and timely given the current issues regarding the quality of mandated representation in New York State as outlined in the attached full report (See, [Appendix B at pp. 17-19](#)).

This Committee is active, diverse, and meets regularly and its members are committed to improving the quality of mandated representation in New York State while dealing with the financial requirements and economic condition of the State and local governments. ComCom looked at possibly merging this committee with the Criminal Law Section but determined that at the present time its work is specialized and needs to continue being a separate standing committee at this time.

RECOMMENDATION: That the “Committee to Ensure Quality of Mandated Representation” should be continued as a Standing Committee.

5. COMMITTEE ON CIVIL RIGHTS:

The Committee on Civil Rights (established in 1952) was reviewed by ComCom in 2008 and was reviewed again this year to see if the previous report’s recommendations and concerns were addressed. Please see the full Status Report which is attached at [Appendix B pp. 20-22](#).

This Committee is active and robust and any concerns raised in the previous report have been addressed as it is now focusing on important and topical subjects. This is an important and valuable committee in the Association, particularly with so many issues regarding immigration, voting rights, LGBTQ rights, and international human rights dominating current New York State and United States policy. The work of the committee does not overlap with any other committee or section. The only suggestion we have is in the area of seeing how it can collaborate on substantive issues with other committees and sections of the Association.

RECOMMENDATION: That the “Committee on Civil Rights” continues as a Standing Committee of the Association.

6. COMMITTEE ON CIVIL PRACTICE LAW AND RULES:

The Committee on Civil Practice Law and Rules was formed in 1964 as a Standing Committee and continues to be a viable part of the mission of the Association as outlined in the attached full report (See, [Appendix B at pp. 23-24](#)). This Committee provides a unique and critical service in providing lawyer-centric input to policymakers on issues effecting civil practice. The Committee is very active and of its 50 or so members, approximately half of the membership is present at meetings. While there is geographic diversity among the roster there are only eight female members and only a handful of members of non-white race/ethnicity. During the last review of this committee (August 2008), it was noted that then-chair Crane had suggested that future chairs of the CPLR committee be appointed July 1st rather than June 1st to allow the outgoing chair – most familiar with the active matters before the Legislature – to finish out the legislative session before turning the reigns over to the new chair. This suggestion appears to have merit, but it does not appear to have been implemented.

RECOMMENDATION: That the “Committee on Civil Practice Law and Rules” should be continued as a Standing Committee and that additional efforts are made to ensure greater diversity to the membership of this committee. It is also recommended that the EC consider having the President/President Elect make the appointment of new chairs to this committee effective July 1 rather than June 1.

7. LAWYER ASSISTANCE COMMITTEE:

The Lawyer Assistance Committee (LAC) was formed in June of 1978 as a Standing Committee and as outlined in the attached full report (See, [Appendix B at pp. 25-26](#)), continues to provide a critical service in connection with the operation of the Association’s Lawyer Assistance Program (LAP) as well as the umbrella organization for other local lawyer assistance programs throughout the State. The committee roster demonstrates good diversity in terms of geographic, gender and race/ethnicity. In 2010, the Committee completed a major project to develop a Model Policy for law firms/legal employers on managing impaired attorneys. The Executive Committee and House adopted the model policy and, since then, the Committee has been publicizing the model resolution through local bars and other means. In addition, the 2012 Annual Report provides ample evidence of the need for the LAC and its LAP and eLAP programs, and supports the recommendation that the Committee continue to exist as a standing committee. The Committee is encouraged to use better use of their website for Committee purposes (roster etc.).

RECOMMENDATION: That the “Lawyer Assistance Committee” should be continued as a Standing Committee.

OTHER RECOMMENDATIONS:

1) A Committee’s Mission Statement (also referred to as the Committee’s Charge) is approved by the Executive Committee of the Association when the Committee/Task Force/Special Committee is formed. In the process of reviewing several committees, ComCom recommended and the Executive Committee agreed that some of the

committee's Mission Statements should be updated. In certain instances it appears that the committees have updated their Mission Statements and put them on their web pages, but may not necessarily have gotten the Mission Statements approved by the EC. It is the recommendation of ComCom that a procedure be put in place to keep track of all Committees Mission Statements to ensure that there is a central repository at the Association for all Mission Statements and that the amended or updated Mission Statements are ultimately approved by the EC.

**This recommendation, although approved by the Executive Committee in June of 2012, appears to still be outstanding.*

2) In June of 2011 and again in June of 2012, in our Report to the EC, we listed several recommendations that were approved by the EC but that were not yet fully addressed by the Association. **All but the following** have yet to be addressed by the Association :

**We now respectfully again request that the first bullet item (below) be sent to the Bylaws Committee for action and implementation:*

There should be three entities – standing committees, special committees and task forces – defined in the Bylaws;

The rationale and the background of this recommendation are contained in [Appendix C \(pp. 27-28\)](#) of this Report.

SUMMARY OF REQUESTED ACTION BY EXECUTIVE COMMITTEE:

- 1) Approval and adoption of the revised Committee on Committee's Mission Statement;
- 2) Approval and adoption of the reports & recommendations of the 7 Committees reviewed in this report;
- 3) That a procedure be put in place to ensure that each Committee/Task Force/Special Committee's Mission Statement is approved by the EC and that the most recent approved Mission Statements are kept on file with the Association; and
- 4) Follow up by the Executive Committee and referral to the Bylaws Committee with regard to "Other Recommendations" previously approved by the Executive Committee as outlined in [Appendix C](#), that there should be three organizational "committee" entities defined in the bylaws: (1) Standing Committees; (2) Special Committees; and (3) Task Forces.

Respectfully submitted by the Committee on Committees:

Donald C. Doerr, Chair

Sharon Stern Gerstman

C. Bruce Lawrence

Michael E. O'Connor

Robert T. Schofield, IV

Dennis R. Baldwin

Michael A. Klein

Edwina Frances Martin

Patricia L. R. Rodriguez

John A. Williamson, Jr.

Kathryn T. McNary, NYSBA Staff Liaison

Andrew Brown, Executive Committee Liaison

APPENDIX A

Proposed Revised Mission Statement = New

COMMITTEE ON COMMITTEES MISSION STATEMENT

Formed: as a Special Committee June, 2007

(Became standing committee June, 2011)

Revised 6/2013

The Committee on Committees is charged with:

(1) developing a methodology for review of all standing and special committees and task forces, with the exception of the Executive, Nominating and Finance Committees, to assess whether they are within the scope of and relevant to the Association's purposes and its membership, can be combined with any other existing committee(s), task force or section, or otherwise modified or reconstituted, and are functioning in a manner that is beneficial to the Association and in accordance with their missions;

(2) applying the resulting methodology to each such committee and task force, and thereafter recommending to the Association the continuation, modification or termination of each committee and task force so reviewed;

(3) reviewing each standing committee of the Association on a three year cycle and all task forces and special committees on an annual or two year cycle, as appropriate; and

(4) developing and reviewing guidelines for the creation of future standing committees, special committees, and task forces, and otherwise making recommendations to the Association with regard to its committees and task forces.

ORIGINAL MISSION STATEMENT

**SPECIAL COMMITTEE ON COMMITTEES
MISSION STATEMENT**

The Special Committee on Committees is charged with:

- (1) developing a methodology for review of all standing and special committees and task forces, with the exception of the Executive, Nominating and Finance Committees, to assess whether they are within the scope of and relevant to the Association's purposes and its membership, can be combined with any other existing committee(s), task force or section, or otherwise modified or reconstituted, and are functioning in a manner that is beneficial to the Association and in accordance with their missions;
- (2) applying the resulting methodology to each such committee and task force, and thereafter recommending to the Association the continuation, modification or termination of each committee and task force so reviewed; and
- (3) developing guidelines for the creation of future standing and special committees and task forces.

The Special Committee on Committees shall be terminated upon completion of its work as determined by the Executive Committee.

APPENDIX B

Appendix B contains the following ComCom Final Reports:

1. **COMMITTEE ON LEADERSHIP DEVELOPMENT;**
2. **COMMITTEE ON ISSUES AFFECTING PEOPLE WITH DISABILITIES;**
3. **TASK FORCE ON FAMILY COURT;**
4. **COMMITTEE TO ENSURE QUALITY OF MANDATED REPRESENTATION;**
5. **COMMITTEE ON CIVIL RIGHTS;**
6. **COMMITTEE ON CIVIL PRACTICE LAW AND RULES;** and
7. **LAWYER ASSISTANCE COMMITTEE.**

COMMITTEE ON COMMITTEES FINAL REPORT
on
COMMITTEE ON LEADERSHIP DEVELOPMENT #1

History: The Committee on Leadership Development was established on June 1, 2010 as a standing committee

Name of Reporter: Sharon Stern Gerstman

Date of Report: March 29, 2013

Current Budget: \$2,350

Committee Chair: Kate Madigan (607-763-9200) KMADIGAN@binghamtonlaw.com

NYSBA Staff Liaison: Mark Wilson (518-487-5540, mwilson@nysba.org)

Exec. Comm. Liaison: Lillian M. Moy (518-689-6304, lmoy@lasnny.org)

Recommendation: The Committee should continue to provide information and orientation to new members of the House of Delegates, continue to identify potential committee members for presidential appointments, continue to work with the Conference of Bar Leaders to encourage participation by local bar leaders in NYSBA governance, and continue its work regarding creation of a data bank. The Committee should also consider providing information and orientation to new Committee members, particularly new Committee chairs, as well as continuing to work with section leaders. This may require adjustment of responsibilities between Committee and President-Elect regarding Section Officers Orientation each spring. Finally, efforts should be made to ensure that the Committee has adequate space for its orientation sessions held at the various HOD meetings.

Explanation for Recommendation: According to its Mission Statement, the objectives of the Committee on Leadership Development include:

1. Identifying, encouraging and mentoring prospective leaders, including but not limited to younger lawyers;
2. Serving as a resource to the President in identifying Presidential appointments;
3. Providing information, resources and guidance on leadership opportunities to potential leaders and others statewide who can assist in identifying potential leaders;
4. Further goals of enhancing diversity;
5. Fostering participation of past officers and section and committee leaders; and
- 6.

Serving as a resource to the nominating committee in identifying potential leaders.

In preparing this report I have reviewed the chair's questionnaire, the staff liaison's questionnaire, minutes of recent meetings of the Committee and the Committee's website. In addition, I have consulted by phone chair Kate Madigan.

The Committee presently has approximately 17 members, all active in various aspects of NYSBA activities; there is also an effort to increase diversity and to bring in new members.

Among its most prominent activities are the annual reception for First Time Attendees at the HOD meeting in Cooperstown, lunch meetings after HOD meetings in Albany, the preparation and dissemination of a brochure on Leadership Development. The Committee has also begun outreach to sections by speaking at section meetings during the Annual meeting. The Committee has recently begun a data base of potential leaders, which can be provided to the President-Elect as he or she begins to make Committee and other appointments. Most of the materials are available on the Committee's website.

Website Review:

The committee is using their website but has most of the information on the "Home Page," including their brochure, a link to the House Rules; Mission Statement & leadership resources.

The challenge to the Committee is to identify potential leaders in a manner which is as inclusive as possible. The Committee does not want to recommend some leaders to the nominating committee while excluding others, and so, the committee does not screen out any possible leaders. The Committee tries mightily to tap into every possible resource including local and specialty bars, sections and committees.

The Committee began an orientation and reception for new HOD members in June 2012, which was very successful. The Committee might wish to consider providing orientation materials to new Committee Chairs (and possibly members) as well as section leaders, but should coordinate with the President Elect to consider enlarging the Section Officers Orientation. The Committee also launched its data base of potential leaders, garnering 30-40 names from members of the committee and Section leadership. The Committee should ensure that all sources are tapped and that the data base be enlarged to include anyone interested in assuming a larger role in NYSBA leadership.

COMMITTEE ON COMMITTEES FINAL REPORT
on
COMMITTEE ON ISSUES AFFECTING PEOPLE WITH DISABILITIES #2

History: The Committee on Issues Affecting People With Disabilities was established on June 1, 1982 as a standing committee.

Name of Reporter: Sharon Stern Gerstman

Date of Report: May 7, 2013

Current Budget: \$9,000

Committee Chair: Christine Doran (518-474-7403), christine.doran@opwdd.ny.gov

NYSBA Staff Liaison: Pat Spataro (518-487-5685), pspataro@nysba.org

Exec. Comm. Liaison: Rebecca Slezak (518-853-8130), rslezak@courts.state.ny.us

Recommendation: The Committee should continue its excellent work commenting on legislation, providing CLEs at the Annual meeting and through the CLE department, updating its publications, and collaboration with Elder Law, Trusts & Estates, Health Law, and Labor and Employment Law Sections, particularly regarding the provision of pro bono clinics. The Committee should also consider making greater use of its website for committee members, NYSBA members and members of the public. The Committee might also consider working with CAPS to enable them to address the difficulties with the participation of attorneys employed by state agencies.

Explanation for Recommendation: According to its Mission Statement, the objectives of the Committee on Issues Affecting People with Disabilities include:

1. Commenting on pending legislation and regulations;
 2. Education of the Legal Community, Government and General Public;
 3. Providing a forum for the discussion of current issues; and
 4. Involvement in Law Reform Activities.
- The Committee believes its mission includes issues of particular interest to attorneys with disabilities as well as legal issues regarding the public at large.

In preparing this report I have reviewed the chair's questionnaire, the staff liaison's questionnaire, minutes of recent meetings of the

Committee and the Committee's website. In addition, I have consulted by phone chair Christing Doran.

The Committee presently has approximately 52 members. Many are active in the Committee's Subcommittees.

The Committee regularly comments on pending legislation through the Government Affairs office. Information to the committee on bills is often generated by Committee members. If the Committee can identify certain areas within which they are interested in being informed on all pending amendments, they may be able to regularly be updated by the Government Affairs office when legislation of interest is introduced or garnering interest in the legislature.

The Committee regularly provides a CLE during the Annual Meeting and once during the year through the CLE department. There is some difficulty in getting participation in CLEs by attorneys employed by state agencies. The committee might suggest to CLE that the primary CLE be held in Albany, in order to get the state attorneys' participating, and provided electronically to other locations.

The Committee has for many years provided updates for a NYSBA book. Currently the Committee will be changing the format to 3 pamphlets. The Committee is also working on a pamphlet for attorneys regarding questioning of jurors, which it expects to make available to all attorneys soon.

The Committee recognizes some overlap with the Elder Law, Trusts & Estates, Health Law and Labor and Employment Law Sections. It collaborates well with these sections, but the Committee is the best structure to concentrate on the issues of interest to the Disability Community.

Website Review:

The Committee's website is underutilized. The Committee is encouraged to add to the website information for its members, NYSBA members and members of the public, and should appoint a subcommittee to work with staff to accomplish this.

Finally, the Committee has had some frustration getting the participation of state employees for CLEs and for other committee issues, due to the state ethics rules applicable to agencies within the Executive Branch. The Committee might consider working with CAPS to address some of these issues.

In conclusion, the committee is doing excellent work and no change to their structure is needed.

COMMITTEE ON COMMITTEES
FINAL REPORT
on
TASK FORCE ON FAMILY COURT #3

- History:** The Task Force on Family Court was established in June of 2010.
- Name of Reporter:** Michael A. Klein (315) 671-1046 maklein@courts.state.ny.us
- Date of Report:** April 29, 2013
- Committee Chair:** **Current Co-Chairs: Susan Lindenauer** appointed 6/2010
(212) 982-0298 alindenauer@nyc.rr.com
Hon. Rita Connerton appointed 6/2010
(607) 760-9222 ritaconnerton@yahoo.com
Past Chair: None – Task Force was created 6/2010
- NYSBA Liaison:** **Kevin Kerwin** (518) 487-5574 kkerwin@nysba.org
- Exec.Comm- Liaison:** **Hon. Margaret Finnerty (212) 376-5666** mfinerty@getnicklaw.com
- Budget:** 2012: \$9,500
2011: \$15,500
- Recommendation:** My recommendation is that the Task Force be permitted to continue for one year with the “implementation” of the recommendations in its Final Report dated January 2013. The Task Force’s suggestions as to how to implement the 26 recommendations in its Final Report would be of great benefit.
- Mission Statement:** The Task Force’s stated purpose is to determine and address:
1. Whether more resources are needed for the Family Court and in what areas;
 2. Whether better case management and staffing processes are necessary;
 3. Whether the Family Court can make better use of technology;
 4. How Family Court operations can better serve families who come in contact with the court;
 5. How counsel are utilized in Family Court; and,
 6. Other issues deemed relevant by the Task Force.
- Discussion:** The Task Force in January 2013 forwarded its Final Report to the House of Delegates for its consideration. The Final Report, which was adopted by the House, was 208 pages long and contained 26 specific recommendations. Those recommendations addressed the various questions set forth above and included: increasing the number of Family Court Judges; combining the positions of Court Attorney Referees, Support Magistrates and Judicial Hearing Officers; expanding mediation programs; reducing or eliminating piecemeal trials or hearings; and expanding funding for civil legal services

and *pro bono* representation in Family Court. The Final Report is insightful and detailed. The Task Force members believe that it would be extraordinarily beneficial for them to develop “implementation plans” with regard to their recommendations. Their concept is that they would be the best entity to assist in bringing their recommendations to fruition. I agree that the Task Force is well positioned to create implementation plans and to push them forward. There, however, are other committees and a section of the Bar that also address Family Court issues. Specifically, the Family Law Section and the Committee on Children and the Law are fully familiar with these issues. In light thereof, I would recommend that the Task Force continue for at least another year.

Preparation of Report: In preparing this report, I received and reviewed the Staff Liaison’s Questionnaire, spoke to Co-Chair, the Hon. Rita Connerton, and other Committee members. I also reviewed the minutes of Committee meetings and the Final Report of the Committee. There is no detailed website to review. There are approximately 35 Task Force members. The Task Force is divided into four subcommittees. In 2010-2011, there were approximately 25 meetings, including subcommittee and Steering Committee meetings. The Steering Committee continues to meet twice a month. The Task Force held four public hearings from December 2011 to March 2012.

The Task Force spent approximately \$15,500 in 2011 and \$9,500 in 2012.

**COMMITTEE ON COMMITTEES FINAL REPORT
ON
COMMITTEE TO ENSURE QUALITY OF MANDATED
REPRESENTATION #4**

History: The Committee to Ensure Quality of Mandated Representation was formed in 2004 under the leadership of Thomas A. Levin.

Name of Reporter: Patricia L. R. Rodriguez, Esq. 518-346-3993
plrrlaw@aol.com

Date of Report: May 9, 2013

Current Budget: 2013: \$7,750
2012: \$12,900.00

Committee Chair: **Current Chair: Norman Effman-** (585) 786-8450
attlegal@yahoo.com
Past Chair: Vincent E. Doyle, III- (716) 852-5533
ved@connors-vilaro.com

NYSBA Liaison: **Gloria Herron Arthur, Esq.** - (518) 487-5641
GARTHUR@nysba.org

Executive Committee Liaison: **Sherry Levin Wallach, Esq.** – (914) 242-9494
Wallach@wallachrendo.com

Recommendation: My recommendation is that this committee continues as a separate standing committee of the Association. Its work is important and timely given the current issues regarding the quality of mandated representation in New York State. The committee budget is minimal and addresses critical issues and provides value to NYSBA members and the Public.

Mission Statement: The revised mission statement of this committee is contained on their web site and reads as follows:

The Committee to Ensure Quality of Mandated Representation is charged with the duty of studying issues, and making recommendations to the Executive Committee, relevant to methods of providing mandated representation. The Committee shall undertake other activities, such as sponsoring CLE programs and conferences, proposing and commenting on legislation, and proposing and commenting on court rules, that will further the goal of ensuring quality mandated representation. In addition, the Committee will identify ways that indigent defense provider offices in the state can share resources with each other, particularly on a regional basis. In furtherance of this objective, the Committee shall generate a report discussing methods of sharing resources between indigent defense providers; addressing any legal impediments thereto; preparing model agreements and programs; and identifying efforts that successfully promote the sharing of resources.

The intention of these efforts is to ensure that the State of New York and local governments charged by the State with providing such representation, do so in a manner which ensures quality representation to clients, while taking into account the financial requirements imposed upon the State of New York and local governments.

Website Review:

The Committee has a web site that is maintained by the NYSBA staff. The web site contains the committee roster, links to prior reports and information regarding the Dennison Ray award.

Preparation of Report:

I contacted the current chair, staff liaison, the executive committee liaison and reviewed the questionnaire. I also reviewed the web site and other information sent to me by the current chair.

This committee was formed in 2004 to address the issue of mandated representation. It was initially formed as a special committee and later became a standing committee. This committee was originally formed by Thomas A. Levin to address the serious issue of the quality of mandated representation since it varied greatly. The committee issued an initial report entitled Standard for Mandated Representation which was presented to the House of Delegates in April 2005.

The current chair, Norman P. Effman, is the Wyoming County Public Defender and is very enthusiastic about the work of the committee. In March 2012, the House of Delegates approved the committee's report on Resource Sharing for Mandated Providers. In January 2013, the House of Delegates authorized the committee to meld the NYSBA Standards for Mandated Representation with the Indigent Legal Services Office Standards. In March 2013, the House of Delegates approved the revised standards.

The committee also hosts an annual day long CLE on criminal law at no cost to mandated providers. The event will take place on June 14, 2013 at the NYSBA center. At that time, the Committee's Dennison Ray Award for Outstanding Achievements in Promoting Standards of Excellence in Mandated Representation will be presented. This is an annual award.

The committee is active and meets regularly, has telephone conferences and also communicates effectively via email. Its members are committed to improve the quality of mandated representation in New York State.

The work of this committee is specialized and should continue in its current form.

COMMITTEE ON COMMITTEES
STATUS REPORT
on
COMMITTEE ON CIVIL RIGHTS #5

Name of Reporter: Edwina Frances Martin – (646) 221-9145, edwinamartin@hotmail.com.

Date/Name of Original Report: March 19, 2008 by Miriam M. Netter

Update: April 20, 2013

Committee Chair: **Current Chair: Diana Sen** appointed 6/2012
(646) 320-8240, dsen@gmail.com
Past Chair: Fernando A. Bohorquez appointed 6/2006
(212) 589-4242, fbohorquez@bakerlaw.com

NYSBA Liaison: **Mark Wilson-** (518) 487-5540, mwilson@nysba.org

Exec.Comm- Liaison: **June Castellano** – (585) 256-1927, castellanolaw@frontiernet.net

Original

Recommendation: **That this standing committee established in 1952 should be continued with more direction for the Chair from Association leadership, and more interaction with other committees (such as the Committee on Issues Affecting People with disabilities).**

Status Report:

Preparation of Report

In preparing this status report I interviewed the NYSBA liaison, current chair, immediate past chair, and NYSBA Executive Committee Liaison. I also reviewed meeting agendas, attended a meeting of the committee, and reviewed a recent report on Solitary Confinement released by the committee, which was adopted by the NYSBA House of Delegates on January 25th, 2013.

Functioning of Committee

This committee, of approximately 20 members, is made up of very high-powered civil rights attorneys from throughout New York State and also has a number of out-of-state members. As with other NYSBA committees, for many of them this committee is their only connection to NYSBA, particularly for the out-of-state members. The committee is quite diverse in terms of geographic location, race and gender, which is also reflective of the civil rights bar in general.

Most committee meetings are held in NYC. The committee meets monthly (except during the summer months) and meetings generally consist of presentations on cutting edge matters in the field. For example, at the meeting I attended members were addressed by the Commissioner of the NYC Human Rights Commission. Members participated in the meeting via conference call and in person and it was overall well attended. The committee also sponsors a CLE at the annual meeting.

With such a substantively well-heeled membership, the level of the committee's work is on the cutting edge of civil rights law. The recent report on solitary confinement, <http://www.nysba.org/Content/NavigationMenu42/January252013HouseofDelegatesMeetingAgendaItems/CivilRightsReportreSolitaryConfinement.pdf>, approved by the House of Delegates in January 2013, described the use and abuse of the practice of solitary confinement throughout history and in New York State prisons, where nearly 2,800 inmates serve more than a year in solitary confinement, and recommended: that the state restrict the use of this practice; adopt strict criteria for its use; prohibit sentences in excess of 15 days; and limit the number of special housing units utilized for this practice. The report was well-received and addresses a timely topic.

The committee has an active presence online with a well-developed webpage, Guantanamo Blog, and links to civil rights resources.

The committee also sponsors the annual Haywood Burns Award, which is presented each year during the Annual Meeting to an individual, not necessarily a lawyer, who has contributed to New York State in a manner that reflects Dean Haywood Burns' commitment to the struggle for social and economic justice and the empowerment of the powerless. The award is dedicated to the former dean of CUNY Law School, Haywood Burns, who was active in seeking to expand the civil rights of all people.

The committee is now developing a plan for implementation of the Solitary Confinement report's recommendations, and working on having a resolution on the topic similar to the one passed by the NYSBA House of Delegates in January introduced and passed in the ABA House of Delegates. The committee is also working on expanding its Guantanamo Blog to be a general civil rights blog. In addition, the committee recently spearheaded the successful effort to have NYSBA participate as an *Amicus* in *Clapper v. Amnesty International*, a case before the U.S. Supreme Court addressing the issue of whether the attorney-respondents, who represent detainees at Guantanamo and in Saudi Arabia, lack Article III standing to seek prospective or injunctive relief because they failed to show that the United States would imminently acquire their international communications.

Concerns:

I have no concerns regarding the work of this excellent and active committee.

Recommendations:

Value of Committee to the Association: I agree with all of the observations in the original report, except that I do not think that the Committee needs additional direction from NYSBA leadership; it is quite active and focused on important and topical subjects. This is an important and valuable committee in the Association, particularly with so many issues regarding immigration, voting rights, LGBTQ rights, and international human rights dominating current New York State and United States policy. The work of the committee does not overlap with any other committee or section and should continue as a stand-alone committee.

Collaboration: To the extent that this excellent committee has room for improvement, it is in the area of seeing how it can collaborate on substantive issues with other committees and sections of NYSBA.

Other items reviewed:

Original Report of March 19th, 2008

Chair Questionnaire

Chair Questionnaire of Immediate Past Chair

NYSBA Liaison Questionnaire

Mission Statement

COMMITTEE ON COMMITTEES FINAL REPORT
on
COMMITTEE ON CIVIL PRACTICE LAW AND RULES #6

- History:** The CLE Committee was formed on **June 1, 1964**
- Name of Reporter:** Robert Schofield – (518) 487-7616 rschofield@woh.com
- Date of Report:** May 30, 2013
- Current Budget:** 12-13 - \$6,900
11-12 - \$6,200
- Committee Chair:** **Current Chair: Robert P. Knapp III**, appointed 6/2011
(212) 702-9027, rob.knapp@mklex.com
Past Chair: Hon. Stephen G. Crane, appointed June 2008
- NYSBA Liaison:** **Ron Kennedy**
(518) 487-5652, rkennedy@nysba.org
- Exec. Comm. Liaison:** **Tom Myers**
(315) 218-8661, tmyers@bsk.com
- Recommendation:** That the Committee on Civil Practice Law and Rules continue as a Standing Committee. This Committee provides a critical service in providing lawyer-centric input to policymakers on issues affecting civil practice.
- Mission Statement:** “The Committee on Civil Practice Law and Rules is charged with the authority to study and make recommendations and to consider and act upon legislation concerning said law and rules.”
- Website Review:** The website appears to be up-to-date and very relevant to the work of the committee. It is easily navigable. Most links/sub-pages are functioning and, in addition to the traditionally expected resources (minutes, roster, etc.), the site contains myriad tracking and status tables regarding amendments, proposed revisions (ALPs), and comments on CPLR-related legislation and rule-making. There is also a Google-docs website that has been created separate and apart from the NYSBA website, which I was not able to access.
- Preparation of Report:** In preparing this report I received and reviewed the Chair Questionnaire; the Staff Liaison Questionnaire; and spoke to the Chair (Robert Knapp). I was not able to speak to the NYSBA Staff Liaison (Ron Kennedy) due to his personal circumstances. I also reviewed minutes, the website, and the

committee roster.

Discussion:

The Chair describes the Committee as “energetic” and “interesting” and notes that members enjoy having “heated” discussions about their work in Committee meetings. The Committee appears to possess good focus on its mission, and has both short and long-term projects on its agenda.

The Committee regularly drafts and proposes Affirmative Legislative Proposals (ALPs) to amend various provisions of the CPLR, which are forwarded to the Executive Committee for approval before they are advanced to the Legislature. The ALPs I was able to view are well-crafted documents that both rely on and enhance the credibility of the Bar’s expertise in this important area.

There appears to be no other committee that would be appropriate for merger and the Chair feels strongly that the work of the CPLR committee is important and unique. As noted in previous reports on the Committee, “The practical benefits to the Association ... are evident. [The Committee] helps assure that proper legislation is passed, that problematic legislation is not passed or is appropriately modified and tries to assist in making the civil practice system an efficient and effective tool in the administration of civil justice.”

There are approximately 50 committee members; typically about half of the membership is present at meetings. A review of minutes for the last year suggests that there is consistency in the members who are actively participating. The Committee has at least 3 meetings a year, one at the annual meeting in NYC and the others at the NYC Bar Association.

It is noted that, despite the large Committee membership, there are only 8 female members, and only few members of non-white race/ethnicity. This raises questions of whether further efforts are necessary to bring additional diversity to the membership. There does appear to be sufficient geographic diversity among the roster.

During the last review, it was noted that then-chair Crane had suggested that future chairs of the CPLR committee be appointed July 1st rather than June 1st to allow the outgoing chair – most familiar with the active matters before the Legislature – to finish out the legislative session before turning the reigns over to the new chair. This suggestion appears to have merit, but it does not appear that it was implemented based on the current chair’s appointment date of June 2011. The current chair agrees with this suggestion.

COMMITTEE ON COMMITTEES FINAL REPORT
on
LAWYER ASSISTANCE COMMITTEE #7

- History:** The Lawyer Assistance Committee was formed on **June 1, 1978**
- Name of Reporter:** Robert Schofield – (518) 487-7616 rschofield@woh.com
- Date of Report:** May 30, 2013
- Current Budget:** 12-13 - \$37,400
11-12 - \$33,700
- Committee Chair:** **Current Chair: Henry E. Kruman**, appointed June 2012
(516) 599-6420, kruman@mindspring.com
Past Chair: Lawrence A Zimmerman, appointed June 2009
- NYSBA Liaison:** **Patricia Spataro**
(518) 487-5685, pspataro@nysba.org
- Exec. Comm. Liaison:** **Vincent E. Doyle III**
(716) 852-5533, ved@connors-vilardo.com
- Recommendation:** That the Lawyer Assistance Committee continue as a Standing Committee. This Committee provides a critical service in connection with the operation of the Bar’s Lawyer Assistance Program and as the umbrella organization for local programs throughout the State.
- Mission Statement:** “The Lawyer Assistance Committee (LAC) is charged with the duty, in collaboration with the New York Bar Association Lawyer Assistance Program (LAP), of assisting attorneys, judges and law students dealing with alcoholism or substance abuse and other addictive disorders. LAC will also assist those dealing with such issues as stress, depression, problem gambling, vicarious trauma, and other mental health issues where appropriate. In addition, the LAC is charged with the duty of formulating policies which will support its primary purpose. The LAC shall encourage and assist local bar associations in the development of education and outreach programs designed to facilitate the identification and rehabilitation of attorneys, judges and law students afflicted with these problems. In appropriate instances, as directed by the Appellate Division of State Supreme Court, LAC shall provide assistance to that court, to the extent possible along with the NYSBA LAP, in the monitoring, supervision and rehabilitation of attorneys with such conditions.”
- Website Review:** The Committee does not appear to be making active use of its own website, except to post links and information directly related to LAP and

the new eLAP resource. No committee minutes or committee roster is available to the public, although a link to the 2012 LAP Annual Report, which summarizes the activities of the LAP and LAC, is present. There may be some confidentiality concerns regarding the posting of minutes given the nature of the issues the Committee deals with and, per Ms. Spataro, the LACs focus in regard to website development has been spent on the LAP and eLAP sites. This focus is evident in that the LAP and eLAP websites (which are accessible from the LAC site) are chock full of information and resources for persons interested in the program or in need of its services.

Preparation of Report:

In preparing this report I received and reviewed the thorough and detailed Chair Questionnaire (completed by Mr. Zimmerman before the current chair was appointed); the Staff Liaison Questionnaire; spoke to the current Chair (Harry Kruman) and the NYSBA Staff Liaison (Patricia Spataro). I also reviewed minutes, the website, and other information available to me. There are approximately 80 committee members; typically about 25-30 of the membership is present at meetings. The Committee has at least 3 meetings a year, in Albany, Cooperstown and NYC, as well as a Spring retreat each year in May, and monthly phone conferences.

Discussion:

The Chair's report describes an active committee and a clear agenda, focused on providing uniform and robust lawyer assistance services across the state. The Committee appears to possess good focus on its mission, and has both short and long-term projects on its agenda. In addition to the Committee's meetings and the LAPs regional meetings, the Committee sponsored 14 CLE programs on issues related to its mission during 2012. The LAC is currently focused on a self-review of its purpose in relationship to LAP, identifying what committee structure will best encourage involvement and recruitment of new members, and improving communication with the profession. It has established several work groups to actively address these goals. The committee roster demonstrates good geographic diversity and the Committee is focused on enhancing gender and racial/ethnic diversity through its recruitment efforts.

In 2010, the Committee completed a major project to develop a Model Policy for law firms/legal employers on managing impaired attorneys. The Executive Committee and House adopted the model policy and, since then, the Committee has been publicizing the model resolution through local bars and other means. In addition, the 2012 Annual Report provides ample evidence of the need for the LAC and its LAP and eLAP programs, and supports the recommendation that the Committee continue to exist as a standing committee. Indeed, there appears to be no other committee that would be appropriate for merger.

APPENDIX C

INCLUDED WITH THE "FINAL REPORT" OF THE SPECIAL COMMITTEE ON COMMITTEES, APRIL 2009

OTHER RECOMMENDATIONS TO THE EXECUTIVE COMMITTEE

I. RECOMMENDED ENTITIES AND BYLAWS AMENDMENTS

ComCom recommends that there should be three organizational "committee" entities and they should be defined in the NYSBA Bylaws to encompass the following:

- 1) **Standing Committee:** Generally, expected to be a permanent entity with ongoing purpose, subject to dissolution if that purpose ceases to exist in the future.
- 2) **Special Committee:** Created for up to three years for special reasons (such as the Special Committee on Senior Attorneys), as a prelude to interest/involvement in possibly becoming a section, or to address a new statute (e.g. Sarbanes-Oxley).
- 3) **Task Force:** Created for specified limited duration (three years maximum) to perform one defined task. If that develops into something more than the single project, should be reviewed for change of status (e.g. different designation, merger into another committee or section). Also, refer to proposed Guidelines for creation of a new entity (below).

INTERIM REPORT TO THE EXECUTIVE COMMITTEE

Miriam M. Netter, Chair
Special Committee on Committees
April 4, 2008

RECOMMENDED ENTITIES:

The NYSBA is a 501(c)(6) not for profit organization. Therefore, we researched the NFPCL statute regarding committees/formation, and learned the following with comparisons to our NYSBA Bylaws:

Under NFP 712(a) [and our bylaws], we designate an Executive Committee and other "standing Committees." Under 712(c), the bylaws may also provide for "special committees of the board" or may authorize the "board to create such special committees as may be deemed desirable." If you look at our current by-laws they only provide for **Standing Committees** and **Special Committees**. There is no specific provision for Task Forces, Special Task Forces or the like.

Note: In our case, the Board is the House of Delegates, not the Executive Committee.

Under subsection (e): "Committees, other than standing or special committees of the board, whether created by the board, or by the members, shall be committees of the corporation." Under the Practice Commentaries, "such committees can be created by the board or by the members and are considered committees of the corporation."

The bottom line is that under the NFPCL the only entities that can establish any committee (no matter what they are called) are the Board (The House of Delegates) or the Membership. It does not appear (under the

NFPCL) that the President has the right to create a "Special Committee" or other committee (Committee of the Corporation) without the ultimate approval of the House. It is up to the Executive Committee to determine how to go forward.

The SCC recommends in any case that three entities appear appropriate, to be defined in the NYSBA Bylaws:

- 1) Standing Committees: Generally, permanent committees with ongoing purpose, subject to dissolution if that purpose no longer exists in the future.
- 2) Special Committees: Created for up to three years for special reasons (such as Public Attorneys, as a prelude to interest/involvement in becoming a section).
- 3) Task Forces: Created for specified limited duration to perform one defined task. If that develops into something more than the single project, should be reviewed for change of status (e.g. different designation, merger into another committee or section).

We are therefore recommending that we need not come up with any special designation for Presidential Committees or put a limit on the number of committees established, as ALL Committees that are created (whether called **Special Committees** or by any other name) require the ultimate approval of the House of Delegates (the Board). However, prior to the NFPCL research, a majority of the SCC determined that the President should be able to have the right to an immediate rapid creation of an entity (up to four total) if he or she believed a pressing immediate need existed. In that case, the proposed entity would have an absolute duration of the term of the creating president, unless approved by the Executive Committee/HOD for continuation subject to the Guidelines we are recommending.