NYSBA

Staff Memorandum

EXECUTIVE COMMITTEE
Agenda Item #12

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

The Special Committee on Committees was originally appointed in 2007 to conduct an overall review of Association standing committees, special committees, and task forces to assess whether each was functioning efficiently and remaining relevant to the Association. In addition, the committee was charged with developing guidelines for the creation of entities. The committee conducted its review over the course of two years, with its final report being presented to the Executive Committee in April 2009.

The committee has begin a new review of Association entities to review groups which were not reviewed by the committee in its initial review and to follow up on recommendations that were approved by the Executive Committee but have not been completed. The committee's initial report on this review is attached. Among its recommendations are the following:

- With respect to itself, the committee recommends that it become a standing committee and that its mission statement be modified to reflect the recommendation that standing committees be reviewed on three-year cycles and special committees and task forces be reviewed on an annual or two-year cycle.

- The Special Committee on LGBT People and the Law should become a standing committee.

- The Special Committee to Study the Bar Exam should be discharged.

- The Task Force on Wrongful Convictions should become a committee of the Criminal Justice Section.

- The Task Force on Global Warming should be discharged.

- The Committee on Procedures for Judicial Discipline should continue as a standing committee, but its mission statement should be updated to reflect its responsibility for judicial campaign conduct issues.

- The Committee on Volunteer Lawyers should continue as a standing committee, but it should develop a presence on the website and continue to expand membership statewide.

- The Committee on Continuing Legal Education should continue as a standing committee.

The committee notes that other recommendations it made at the April 2009 Executive Committee meeting were approved, but have not been implemented:

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

- In order for an entity to be created, the Executive Committee should be provided with explanatory information as to purpose, projected costs and staffing needs, and expected duration.

- If permitted by the Not-For-Profit Corporation Law, the President should have the right to appoint four entities.

- Chairs and staff liaisons should be required to provide written reports.

- There should be an umbrella "coordinating entity" for ethics and professionalism committees.

- The publication of House of Delegates materials on the website before approval should be reviewed.

The report will be presented at the June 23-24 meeting by Donald C. Doerr, chair of the Special Committee on Committees.

New York State Bar Association

Special Committee on Committees

Report of Recommendations

June 23, 2011

Committee on Committees

Donald C. Doerr, Chair

Michael I. Chakansky
Maryann Saccomando Freedman
Sharon Stern Gerstman
Frank M. Headley, Jr.
Michael A. Klein
Edwina Frances Martin
Michael E. O'Connor

Eileen D. Millett, Executive Committee Liaison

NEW YORK STATE BAR ASSOCIATION
REPORT
of the
SPECIAL COMMITTEE ON COMMITTEES

Donald C. Doerr, Chair

June 23, 2011

BACKGROUND

The Special Committee on Committees (ComCom) was established in June of 2007 by then President Kathryn Madigan. The Association had never undertaken an overall review of Association entities prior to that date. The purposes of ComCom were (1) to ascertain if each entity was effectively functioning in accordance with its mission statement, and remaining relevant to the purposes of the Association and (2) to develop guidelines for the creation of future standing and special committees and task forces. The Mission Statement of ComCom is attached as **Appendix A.**

In the course of its entity reviews, ComCom inquired into the potential for leadership opportunities within each entity, looked in a general manner at annual budgets, and determined if an entity appeared to have fulfilled its purpose or should otherwise be discharged, or, if it might appropriately become part of another existing committee or a section.

ComCom members were primarily selected based on prior leadership experience within the Association as an officer, member of the Executive Committee, Section or Committee Chair. There were 14 original members, 12 of whom remained with the committee and Mimi Netter was the Original Chair of the Committee.

The original ComCom committee reviewed 59 entities, nearly all with written reports to the Executive Committee. There were no reviews of entities specified in the Bylaws (Finance, Nominating, Resolutions) and The Bar Journal (which was not assigned to ComCom).

The last of five reports and a "Final Report" was presented to the Executive Committee on April 3, 2009. Attached as **Appendix B** and cut and pasted below is a copy of the relevant minutes from the 4/3/2009 Executive Committee Meeting:

The committee also presented its final report, providing an outline of actions taken with respect to each Association entity that the committee reviewed and containing the committee's overall recommendations with respect to the creation of new Association entities. After discussion, a motion was adopted to approve both the fifth interim and the final report, ***with future consideration to be given to the creation of a standing Committee on Committees***.

CURRENT STATUS

The Special Committee on Committees was continued by then President Michael Getnick in June of 2009. The Committee is chaired by Donald C. Doerr and currently has only 8 members, all except one who were original members of ComCom. Over the last two years ComCom has developed an Excel spreadsheet of all current Association Committees, Task Forces and Special Committees indicating *inter alia:* the year they were formed; whether or not they have been reviewed; the date of the review(s); the reviewer; and the recommendations approved by the Executive Committee. ComCom then, with assistance from NYSBA staff, went through each of the approved reports and the Executive Committee Minutes to see what recommendations have been followed and/or completed and those that still remain outstanding. Each Committee member was then assigned new committees to review (those that have yet to be reviewed by ComCom) as well as to follow-up on those Committees where the recommendations of ComCom and approved by the Executive Committee have not been completed. (See recommendations below).

RECOMMENDATION AS TO FUTURE OF COM COM: After considerable discussion over the past several years it is the Special Committee on Committee's recommendation to the Executive Committee that ComCom continue to exist but as a Standing Committee.

Rationale: Having an entity review all of the Association's Committees on a periodic basis has proved to be very beneficial to the Association by ensuring that all current committees are fulfilling their mission as well as that of the Association. After review, many committees have been "sunsetted" or disbanded or merged with other entities where they will serve a more useful purpose. This also results in a system of checks and balances to ensure that NYSBA Staff resources are being used wisely and efficiently.

In light of the above, it is our recommendation that the mission Statement of ComCom (See, **Appendix A**) be modified to reflect the Standing nature of the Committee as well as the recommendation 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. It is also the recommendation of ComCom that the Committee consist of an average of 12 members both current members and new members, primarily selected based on prior leadership experience within the Association, who are not otherwise overcommitted with other obligations.

COMMITTEE/TASK FORCE/SPECIAL COMMITTEE RECOMMENDATIONS:

COMMITTEES WHERE COMCOM RECOMMENDS SOME MANNER OF CHANGE IN STATUS:

1.SPECIAL COMMITTEE ON LGBT PEOPLE AND THE LAW: This Special Committee, now over 3 years old, was established on April 3, 2008.The Committee's mission statement is to promote equality in the law for LGBT people; eliminate discrimination against LGBT attorneys and litigants; promote equality of opportunity for, and increase visibility of, contributions made by LGBT attorneys; and promote diversity in the bench by inclusion of all minorities, including LGBT people. This committee is enthusiastically fulfilling its mission. The Committee has successfully proposed a report and resolution to the Executive Committee and HOD. It has participated in the Associations amicus efforts regarding ***Debra H. v. Janice R.***, before the Court of Appeals. It offers a CLE program at the Annual Meeting each year, as well as programs for the lay public. It has an expansive helpful website, and it is working well with other organizations within New York, as well as the ABA.

RECOMMENDATION: We recommend that this Committee continue, but as a **Standing Committee**.

2. SPECIAL COMMITTEE TO STUDY THE BAR EXAM: The "Special Committee to Study the Bar Exam & Other Means of Measuring Lawyer Competency" was formed in May 2005 to review the criteria and procedures for admission to the New York State Bar when the standards for passing the New York State Bar Examination were being changed and the passing score being raised, so that the Association could study the impact of these changes. Our original recommendation, submitted to the Executive Committee in April 2009, was that this Committee should be ended once its report is delivered. The report was accepted as a Committee report by the Executive Committee at its November 2010 meeting. It was referred to both the Committee on Legal Education and Admission to the Bar and the Task Force on the Profession for further study, who are to report back within a year.

RECOMMENDATION: The mission of this Special Committee (now over 5 years old) having been fulfilled, it is our recommendation to formally **disband** (or "Sunset") this Special Committee.

3. TASK FORCE ON WRONGFUL CONVICTIONS: The "Task Force on Wrongful Convictions" was formed in 2008 and held its first meeting on June 13, 2008 and has done excellent work on behalf of NYSBA. The Task Force has, to the extent possible, completed its Mission by submitting its extensive reports and recommendations to the Executive Committee and House of Delegates. The reports and recommendations were adopted by the House and at least six pieces of legislation were submitted to the New York State Legislature. Since a task force by its very nature is of limited duration, we are of the opinion that it should be merged into the Criminal Law Section as it continues to serve a critical role, but can do so now as part of the Criminal Justice Section.

RECOMMENDATION: That the Task Force on Wrongful Convictions **merge**, and **become a "subcommittee" of the Criminal Justice Section**, which in essence will result in elimination of the Task Force.

4. TASK FORCE ON GLOBAL WARMING: The "Task Force on Global Warming" was established in 2008 and is now over 3 years old. In April of 2009 the Task Force completed and submitted a report to the President. Since that time the work of the Task Force has been completed and there have been no further meetings. It is our understanding that the work of the Task Force is being continued by the Global Climate Change Sub-Committee of the Environmental Law Section. Michael Gerard, the Chair of the Task Force is now a member of this sub-committee.

RECOMMENDATION: As this Task Force has ceased operation as a Task Force it should be **Disbanded** as a Task Force as its work is being fulfilled under the Environmental Law Section.

COMMITTEES WHERE COMCOM RECOMMENDS NO CHANGE IN STATUS:

1. COMMITTEE ON PROCEDURES FOR JUDICIAL DISCIPLINE: The Executive Committee approved our recommendation in April of 2008 that the "Special Committee on Procedures for Judicial Discipline" be merged with the "Committee on Judicial Campaign Conduct" as a Standing "Committee on Procedures for Judicial Discipline." Since this was not completed, we have again reviewed this Committee and re-confirm our recommendation that this committee should continue as a Standing Committee with the further recommendation that its mission statement be updated to reflect its jurisdiction (merger) over the former Committee on Judicial Campaign Conduct which

was established on November 14, 2001 as a Special Committee and was made a Standing Committee in 2002.

RECOMMENDATION: That the "Committee on Procedures for Judicial Discipline" continue as a standing committee with the recommendation that its mission statement be updated to reflect its jurisdiction over the former Committee on Judicial Campaign Conduct which has now been disbanded and that the Chair be notified of this request.

2. COMMITTEE ON VOLUNTEER LAWYERS: In June 2008, the Executive Committee approved our report to continue this committee as a standing committee with three recommendations: 1) that they schedule regular meetings; 2) that there should be more outreach to NYSBA sections to broaden participation & 3) they should create a NYSBA website presence to increase membership. This committee has been reviewed once again to see if the recommendations adopted in 2008 have been implemented. Upon further review, we conclude that this Committee is fulfilling its mission statement and should continue as a Standing Committee. In response to the original report this Committee is now scheduling regular meetings and is doing extensive outreach to gain more members. It is also working to broaden its client base to include senior citizens, veterans and other groups as well as to reach out geographically throughout the State.Indeed, the Committee has made excellent progress in all areas addressed by the original report except that it has failed to create a presence on the NYSBA website. Accordingly, we recommend that this become a priority of the Committee.

RECOMMENDATION: That the "Committee on Volunteer Lawyers" continue as a Standing Committee with the recommendation that they make it a priority to develop a presence on the NYSBA website and continue to increase its membership throughout the State.

3. CONTINUING LEGAL EDUCATION COMMITTEE: In June 2008, the Executive Committee approved our report to continue this committee as a standing committee with two recommendations: 1) that the MCLE Committee be disbanded and incorporated into the CLE Committee; and 2) that their mission statement be updated to include alternative and "futuristic" modes of CLE training. The first recommendation has been completed and the purpose of this report is to follow up on the recommendation to update their mission statement. The CLE Committee at its January 2011 meeting approved an updated Mission Statement as follows:

> The CLE Committee and staff are charged with creating and promoting high quality, reasonably priced legal education on a fiscally sound basis. This includes programs, publications, productions in various electronic and other media, and other products and activities for use by the legal profession in New York State. The CLE Committee is also charged with helping: a) to coordinate NYSBA

activities in this area for the Association; b) to maintain and improve competence and professionalism of the bar, in the public interest and in the best interest of the NYSBA members; and c) to make optimum, financially prudent use of NYSBA resources dedicated to this purpose.

RECOMMENDATION: That the CLECommittee continue as a Standing Committee as all recommendations have now been met.

OTHER RECOMMENDATIONS:

At the April 3, 2009 meeting of the Executive Committee the following "Other Recommendations" of ComCom were approved (See Minutes at **Appendix B**) but have not yet been fully addressed by the Association. ComCom feels strongly that these recommendations (particularly I.-IV.)need to be addressed by the Association as they will help to create a guide and procedures for the creation and continued existence of all Association entities. A summary of the applicable recommendations are listed below, however the detailed recommendations can be found at **Appendix C**:

- There should be three entities – standing committees, special committees and task forces – defined in the Bylaws;
- In order for any entity to be created, the Executive Committee should be provided with explanatory information regarding the purpose of the entity, projected costs and staffing needs, and expected duration;
- Application of the Not for Profit Corporation Law (NFPCL) to the Association as it relates to the creation of entities should be addressed and, if permitted, the President should have the right to four entities if there is a pressing immediate need;
- There should be mandated reports from chairs and staff liaisons as well as greater coordination among Association entities;
- There should be an umbrella "coordinating entity" (similar to the ABA's Center for Professional Responsibility) for all ethics and professionalism related committees; and
- The publication of House of Delegates materials on the Website that have not yet been approved should be reviewed.

The rationale for the applicability of the NFPCL to the creation of an Association entity (Bullet 3 [III.]) is fully set forth in the 04/04/08 1st Interim Report of the Special

Committee on Committees (which is attached as**Appendix D**). The ComCom opinion on NFPCL applicability was referred to the Association Business Law Section, in May '08, for review and comment; however, ComCom is not aware of any response to that request.

SUMMARY OF REQUESTED ACTION BY EXECUTIVE COMMITTEE:

1) Approval of the Special Committee on Committees (ComCom) as a Standing Committee and appointment of additional ComCom members;

2) Approval of the reports & recommendations of the 7 Committees reviewed in this report;

3) Follow up by the Executive Committee with regard to "Other Recommendations" previously approved by the Executive Committee as outlined in **Appendix C** and **Appendix D**.

Respectfully submitted by the Special Committee on Committees:

Donald C. Doerr, Chair	Michael I. Chakansky
Maryann Saccomando Freedman	Sharon Stern Gerstman
Frank M. Headley, Jr.	Michael A. Klein
Edwina Frances Martin	Michael E. O'Connor

Kathryn T. McNary, NYSBA Staff Liaison

Eileen D. Millett, Executive Committee Liaison

APPENDIX A

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

NEW YORK STATE BAR ASSOCIATION

MINUTES OF EXECUTIVE COMMITTEE MEETING

BAR CENTER, ALBANY, NEW YORK

APRIL 3, 2009

PRESENT: Members Bailey, Cohen, Doyle, Edmunds, Fennell, Fernandez, Getnick, Gutekunst, Hayes, James, Kamins, Kretser, Lawrence, Leber, Lindenauer, Madigan, Marwell, Millett, Miranda, Rodriguez, Schraver, Tyler, Wachtler and Younger.

Guests: Gregory K. Arenson, Simeon H. Baum, Jonathan Behrins, Hon. Catherine M. Bennett, Alison Arden Besunder, Maryann Saccomando Freedman, Prof. Michael B. Gerrard, Norman L. Greene, Michele Kahn, Sherman W. Kahn, Glenn Lau-Kee, Ellen G. Makofsky, Hon. James T. McClymonds, Harry P. Meislahn, Carroll E. Neeseman, Miriam M. Netter, Michael E. O'Connor, Robert L. Ostertag, Sharon M. Porcellio, Prof. Patricia E. Salkin, Edna R. Sussman, John Wilkinson.

16. Report of Special Committee on Committees. Miriam M. Netter, chair of the Committee, presented the Committee's fifth interim report regarding several Association committees. As part of that presentation, committee member Maryann Saccomando Freedman outlined the committee's concerns regarding the publication of section and committee reports being presented to the House of Delegates on a public area of the Association's website. It was agreed that Ms. Gutekunst and Mr. Miranda would work with the Committee on Electronic Communications to review this issue. The committee also presented its final report, providing an outline of actions taken with respect to each Association entity that the committee reviewed and containing the committee's overall recommendations with respect to the creation of new Association entities. After discussion, a motion was adopted to approve both the fifth interim and the final report, with future consideration to be given to the creation of a standing Committee on Committees.

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).

II. **GUIDELINES FOR CREATION OF A NEW ENTITY**

In order for an entity to be created, the following required explanatory information should be presented in written form to the Executive Committee (or the House), including:

1) Reason for creating the new entity, such as belief that it is important that the issue or matter be addressed by the Association, and why such need exists.

2) A statement that no other existing entity is appropriate for accomplishing the purpose, including but not limited to Sections, Section committees/sub committees, existing Standing or Special Committees, Task Forces or other.

3) Explanation of how the purpose of the new entity fits within and furthers the purpose(s) of the Association Charter or Bylaws.

4) Why the new entity fits into one of the three defined categories.

5) Projected costs/expenses of the new entity for first year and thereafter.

6) Projected staffing needs and the availability of staff as agreed to with the Executive Director.

7) What success or fulfillment will look like for the entity, including what report(s) or other result(s) are desired from the new entity and when.

8) How important the entity is in relation to other work of the Association.

9) Whether there is revenue potential.

10) Expected duration of the new entity.

ACTIONS & REQUIREMENTS WITH REGARD TO COMMITTEES

(including task forces and any other special entities

III. APPLICATION OF NOT FOR PROFIT CORPORATION LAW (NFPCL) TO CREATION OF ASSOCIATION ENTITY

It appeared to ComCom that the NFPCL applies to the NYSBA, a 501 (c)(6) corporation, and therefore governs creation of entities. The rationale is fully set forth in the 04/04/08 1st Interim Report of the Special Committee on Committees. The ComCom opinion on NFPCL applicability was referred to the Association Business Law Section, in May '08, for review and comment. ComCom is not aware of any response to that request (sent from Kathy Baxter).
Notwithstanding the NFPCL, even if a President were to be permitted the prerogative of establishing a new entity without any approval, respecting the ComCom recommended 1Guidelines For Creation of a New Entity is appropriate for proper governance activity.

Prior to knowledge gained by ComCom as a result of the NFPCL research, a majority of members agreed that the Association President should have the right to an immediate rapid creation of entity (up to four total) if he or she believed a pressing immediate need existed. But even then, ComCom concluded that the proposed entity would have an absolute duration of no longer than the term of the creating president, unless otherwise subsequently approved by the Executive Committee/HOD for continuation,

subject to the recommended Guidelines. This "right" would require a Bylaws change, (after researching the NFPLC to determine that the right is, in fact, permissible).

IV. ACTIONS AND REQUIEMENTS WITH REGARD TO ENTITIES

1) Mandated annual reports from Chairs including what has been done in previous year and what is proposed for coming year(s).

2) Annual Staff Liaison Reports should be in writing each April or May to President Elect and/or Executive Director.

3) Greater communication between/among committees with related subject matter for joint projects/programs/CLE.

4) Staff liaisons conferring as a group about issues in committees, and also to identify possibilities of joint committee efforts.

5) In making committee appointments, the President should balance the opportunity for new members' involvement with the continuity of the work of the committee. While no committee members should have any entitlement to indefinite terms, a wholesale limitation to single three year terms may seriously jeopardize ongoing work of the committee.

V. COORDINATING ENTITY FOR ALL PROFESSIONALISM ISSUES

ComComsupports suggestion that COSAC, Professional Ethics, Professional Discipline, Attorney Professionalism, and other related entities created from time to time (*e.g.* the Committee on Attorney-Client Privilege), be brought under the umbrella of a single coordinating entity such as the ABA's Center for Professional Responsibility. An umbrella "Coordinating Entity" over all these related committees could meet quarterly, with budgets properly allocated to avoid overlap. Even absent a formal entity, we recommend that the various chairs for attorney conduct committees confer at least twice a year to avoid doing the same things, and encourage cooperation, as well as new ideas.

VI. PUBLICATION OF ASSOCIATION HOUSE OF DELEGATES MATERIALS ON WEBSITE

The Executive Committee should establish a policy on publication of House of Delegates materials on unprotected parts of the website both before and HOD meetings. It appears inappropriate to ComCom for proposals that might be debated, amended, rejected (or whatever) to be public prior to the HOD has considered such matters.

APPENDIX D

INTERIM REPORT TO THE EXECUTIVE COMMITTEE
Miriam M. Netter, Chair
Special Committee on Committees
April 4, 2008

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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 en 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.

GUIDELINES FOR CREATION OF AN ENTITY:

Each new entity should be subject to the following Guidelines and the information presented to the Executive Committee;

1. Reason for new entity: that no other existing entity appropriate, including but not limited to Sections, Section sub committees, existing Standing or Special. Committees, Task Forces or other.
2. There should be three bylaws defined entities: Standing Committee, Special Committees. Task Forces, with explanations as to why the new entity fits into one of the defined categories.
3. Projected costs/expenses of the new entity for first year and thereafter.
4. Projected staffing needs and the availability of staff as agreed to with the Executive Director.
5. Expected duration of the new entity.

Even if a President is permitted the prerogative of rapid non approved establishment of a new entity, respecting these Guidelines seems appropriate for proper governance activity.

The SCC recommends the following actions and requirements with regard to committees:

1) Amendment of the NYSBA Bylaws to define Task Force and Special Committee, with a maximum three years approval.

2) There should be mandated annual reports from Chairs including what has been done in previous year and what is proposed for coming year(s).

3) Annual Liaison Reports should be in writing each April or May to President Elect and/or Executive Director.

4) There should be (more) communication between/among committees with related subject matter for joint projects/programs/CLE.

Special Committee on Commitees
Miriam M. Netter, Chair
Michael I. Chakansky
Donald C. Doerr
Emily F. Franchina
Maryann Saccomando Freedman
Sharon Stern Gerstman
Frank M. Headley, Jr.
Scott M. Karson
Edwina Frances Martin
Eileen D. Millett
Conal E. Murray
Michael E. O'Oconnor
Joan L. Robert
Lucia B. Whisenand

Sharon Stern Gerstman (Executive Committee Liaison)
Kathryn T. McNary, NYSBA Staff Liaison