

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
BAR CENTER, ALBANY, NEW YORK  
NOVEMBER 1, 2013**

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Present: Members Abernethy, Ayers, Barnes, Brown, Castellano, Christian, Cohen, Fisher, Gerstman, Goldberg, Goldenberg, Gorgos, Gutierrez, James, Karson, Lau-Kee, Martin, Miranda, Moy, Myers, Romero, Schraver, Slezak, Wallach, and Young.

Guests: Eileen E. Buholtz, Hermes Fernandez, John H. Gross, John Eric Higgins, Hon. Barry Kamins, Robert P. Knapp III, Henry E. Kruman, Bernice K. Leber, John S. Marwell, Joseph E. Neuhaus (by telephone), John P. Nonna (by telephone), Sandra Rivera, Hon. Carol Robles-Roman, Deborah A. Scalise, and Stephen P. Younger.

Mr. Schraver presided over the meeting as President of the Association.

1. Approval of minutes of meetings. The minutes of the June 20-21, 2013 meeting and the August 5 and September 25, 2013 telephone conferences were approved as distributed.
2. Consent calendar:
  - a) Amendments to Bylaws of Young Lawyers Section
  - b) Request of International Section to make contribution to the New York International Arbitration Center

The consent calendar, consisting of the items listed above, was approved by voice vote.

3. Report of Treasurer. In her capacity as Treasurer, Ms. Gerstman provided a financial report focusing on the Association's income, including that derived from membership dues, investment income, royalties, and the Annual Meeting. In addition, she provided an update with respect to 2013 CLE income and expense. The report was received with thanks.
4. Report and recommendations of Committee on Standards of Attorney Conduct. Joseph E. Neuhaus, chair of the committee, reviewed proposed amendments to the Comments of Rules 3.8 and 6.1 of the New York Rules of Professional Conduct, noting that the amendments are intended to conform the Comments to amendments to the Rules adopted by the Appellate Division earlier in 2013. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
5. Report of President. Mr. Schraver highlighted the information contained in his printed report, a copy of which is appended to these minutes.
6. Report of Committee on Membership. Ms. Wallach, in her capacity as chair of the Membership Committee, reported on recent membership developments, including

membership statistics, the mentoring program, section roundtable discussions, the January 27, 2014 Diversity Reception, and the online Communities available to members. The report was received with thanks.

7. Report of Secretary/Committee on Resolutions. Mr. Miranda, in his capacity as Secretary of the Association, reported on recent developments related to implementing the recommendations of the Committee on Civil Rights with respect to solitary confinement, including the development of legislative proposals. The report was received with thanks.
8. Reports of Executive Committee liaisons. Written and/or oral presentations were made by Messrs. Abernethy, Cohen, Gorgos and Miranda with respect to the sections and committees for which they serve as Executive Committee liaisons. The reports were received with thanks.
9. Reports of Vice Presidents. Ms. Slezak provided a report on local bar activities in the 4<sup>th</sup> Judicial District. The report was received with thanks.
10. Report and recommendations of Committee on Bylaws. Eileen E. Buholtz, chair of the Bylaws Committee, presented the Committee's proposals to amend the Bylaws (a) to provide a seat in the House of Delegates for a NYSBA member who is or has served as President of the American Bar Association and (b) to extend the diversity seats in the House and on the Executive Committee for an additional ten years.
  - a) After discussion, a motion was adopted to recommend subscription to the amendments providing a seat in the House of Delegates for a NYSBA member who is serving or has served as President of the ABA.
  - b) After discussion, a motion was adopted to recommend subscription to the amendments extending the diversity seats in the House and on the Executive Committee for an additional ten years.
11. Reports and recommendations of Committee on Civil Practice Law and Rules. Robert P. Knapp, III, the committee's chair, outlined proposed amendments to CPLR 4547 (conforming the rule to Rule 408 of the Federal Rules of Evidence) and CPLR 1412 (burden of proof with respect to comparative negligence). After discussion, a motion was adopted to defer consideration of the proposed amendment to CPLR 4547 to the January 2014 meeting. A motion was adopted to approve the proposed amendment to CPLR 1412.
12. Report re legislative matters. Hermes Fernandez, chair of the Committee on Legislative Policy, updated the Executive Committee on legislative activity, particularly with respect to the bill amending the Not-For-Profit Corporation Law. The report was received with thanks.

13. Report and recommendations of Steering Committee on Legislative Priorities.
  - a) Committee on Legislative Policy. Hermes Fernandez, chair of the Committee on Legislative Policy, reported on the committee's recommendations of the following items for inclusion on the list of the Association's state legislative priorities: Integrity of New York's justice system (including adequate funding for the courts, adequate civil legal services funding, support for Family Court and Veterans' Treatment Courts, and wrongful convictions legislation), sealing records of conviction of certain crimes, amendment of the Franchise Act, support for democratic ideals (including civic education and voter participation), and support for the legal profession.

After discussion, a motion was adopted to approve these items as the Association's 2014 state legislative priorities.
  - b) Committee on Federal Legislative Priorities. John P. Nonna, chair of the Committee on Federal Legislative Priorities, presented the committee's recommendations of the following items for inclusion on the list of the Association's 2014 federal legislative priorities: integrity of the justice system (including funding of federal courts and civil legal services), repeal of the Defense of Marriage Act, support for increased voter participation, support for legislation to address immigration representation, administration of justice (including support for the Rules Enabling Act rule-making process and maintaining Rule 11 of the Federal Rules of Civil Procedure), and support for the legal profession.

After discussion, a motion was adopted to approve these items as the Association's 2014 federal legislative priorities.
14. Report of Committee on Continuing Legal Education. Deborah A. Scalise, chair of the Committee on Continuing Legal Education, together with Senior Director H. Douglas Guevara, provided an update on the Association's continuing legal education program, including revenue and expenses and new policies and initiatives. The report was received with thanks.
15. Report of Executive Subcommittee on CLE. Mr. Myers, in his capacity as chair of the Executive Committee's Subcommittee on CLE, outlined proposed guidelines developed by the subcommittee for management of CLE programming. After discussion, a motion was adopted to approve the guidelines with the understanding that the subcommittee will review issues with respect to pricing and webcasting.
16. Report and recommendations of Lawyer Assistance Committee. Henry E. Kruman, the committee's chair, outlined the committee's request for Association support for inclusion of funding for lawyer assistance programs in the 2014 Judiciary budget. After discussion, a motion was adopted to support the proposal.

17. Report and recommendations of Finance Committee re 2014 proposed income and expense budget. Finance Committee chair John Marwell reviewed the proposed budget for 2014, which projects income of \$25,931,900, expenses of \$25,422,810, and a projected surplus of \$509,090. A motion was adopted to endorse the proposed budget for favorable action by the House of Delegates.
18. Report of Committee on Association Insurance Programs. The report was deferred to a future meeting.
19. Executive Session. In executive session, the committee discussed personnel matters.
20. Report of Committee on Diversity and Inclusion. Committee members Sharon Stern Gerstman and John Eric Higgins reviewed the results of the committee's biennial survey to evaluate the level of diversity in Association and Section leadership, membership and activities as well as the committee's recommendations. The report was received with thanks.
21. Report and recommendations of Special Committee on Human Trafficking. Committee co-chairs Bernice K. Leber and Sandra Rivera, together with committee members John H. Gross, Hon. Barry Kamins, and Hon. Carol Robles-Roman, reviewed the committee's recommendations with respect to labor trafficking, sex trafficking, and child trafficking. The committee agreed to delete its recommendation with respect to orders of protection in Family Court. After discussion, a motion to defer consideration of the report and recommendations to the January 2014 meeting failed, after which a motion was adopted to endorse the following resolution for favorable action by the House:

WHEREAS, human trafficking is identified as a contemporary form of slavery, with thousands of people taken from their families and forced into hard labor or prostitution; and

WHEREAS, human trafficking occurs throughout New York state; and

WHEREAS, the victims of human trafficking are men, women, and children who are U.S. citizens and non-citizens from New York and other states, as well as immigrants from other countries; and

WHEREAS, the Special Committee on Human Trafficking was appointed to consider initiatives relating to education, training, provision of legal services to and coordination of resources for victims, as well as effective prosecution of traffickers; and

WHEREAS, the Special Committee has completed its review of available data, existing laws, protocols, training procedures, court practices, and rules relating to the areas of labor trafficking, sex trafficking, and child trafficking, and has issued a report making recommendations for changes with respect to laws, services and practices in each area; and

WHEREAS, the Special Committee has agreed to withdraw the recommendation with respect to orders of protection in Family Court for victims of human trafficking and sexual exploitation for further consideration;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the report and recommendations of the Special Committee on Human Trafficking as amended; and it is further

RESOLVED, that the Special Committee is hereby authorized to make non-substantive editorial changes, in consultation with the Executive Committee, as may be warranted, and it is further

RESOLVED, that the officers of the Association are hereby empowered to take such other and further steps as they may deem warranted to implement this resolution.

22. Report of Nominating Committee. Stephen P. Younger, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2014-2015 Association year: President Elect: David P. Miranda, Albany; Secretary: Ellen G. Makofsky, Garden City; Treasurer: Sharon Stern Gerstman, Buffalo; Vice Presidents: 1st District – Catherine A. Christian, New York and Jay G. Safer, New York; 2nd District – Domenick Napoletano, Brooklyn; 3rd District – Hermes Fernandez, Albany; 4th District – Rebecca A. Slezak, Amsterdam; 5th District – Stuart J. Larose, Syracuse; 6th District – Alyssa M. Barreiro, Binghamton; 7th District – T. Andrew Brown, Rochester; 8th District – Cheryl Smith Fisher, Buffalo; 9th District – Hon. Arlene Gordon-Oliver, White Plains; 10th District – Scott M. Karson, Melville; 11th District – Richard M. Gutierrez, Forest Hills; 12th District – Richard S. Weisman, Mount Vernon; 13th District – Michael J. Gaffney, Staten Island. The following individuals were nominated to serve as Executive Committee Members-at-Large for a 2-year term beginning June 1, 2014: Elena DeFio Kean, Albany; Michael W. Galligan, New York; Bryan Hetherington, Rochester; and Edwina Frances Martin, Staten Island (Diversity Seat). Nominated as Section Representative to the Executive Committee was Bruce J. Prager, New York. The following individuals were nominated as delegates to the American Bar Association House of Delegates for the 2014-2016 term: A. Vincent Buzard, Rochester; Michael E. Getnick, Utica; Kathryn Grant Madigan, Binghamton; David P. Miranda, Albany; and David M. Schraver, Rochester. Nominated for Young Lawyer Delegate to the American Bar Association House of Delegates was Alena Shautsova, Forest Hills.

23. Date and place of next meeting.  
Thursday, January 30, 2014  
Hilton Midtown New York, New York City

24. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David P. Miranda".

David P. Miranda  
Secretary

**DAVID M. SCHRAVER**

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October 29, 2013

**To: Members of the House of Delegates**

Consistent with the approach taken for prior House meetings, I am providing you with this written President's Report to read at your convenience and to distribute to others as you deem appropriate. This will allow me to note key items during my remarks at the meeting while freeing as much time as possible for us to address the substantive reports on our agenda.

I hope that you find the following topics to be of interest. They are representative of the many critical issues with which the Association is involved. If you have any questions or would like more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "David M. Schraver". The signature is written in a cursive style with a large initial 'D' and 'S'.

## Table of Contents

I. Presidential Initiatives.....	2
A. Special Committee on Re-Entry .....	2
B. Special Committee on Gun Violence.....	2
C. Committee on Legal Education and Admission to the Bar .....	2
II. Legislative Activities.....	3
A. New York State.....	3
1. Sealing Criminal Records .....	3
2. Revising and Improving the Not-for-Profit Corporation Law .....	3
3. Videotaping of Custodial Interrogations.....	3
4. Regulation of the Legal Profession by the Department of Financial Services .....	3
B. Federal.....	4
1. Continued Outreach to the Members of Congress from New York State Regarding Sequestration.....	4
III. Section, Committee, Membership, and Departmental Initiatives .....	5
A. Law Youth and Citizenship 37th Annual Conference .....	5
B. Pro Bono Programs .....	5
C. Technology .....	5
D. Fall Radio Campaign .....	6
E. Justice Souter on Humanities Education.....	6
F. Pro Bono Reporting Requirement .....	6
G. Civil Gideon.....	6
H. Chief Judge Jonathan Lippman’s Hearings on Civil Legal Services .....	7
I. Committee on Membership Non-Resident Subcommittee Developments .....	7
IV. American Bar Association.....	8
V. Noteworthy Events.....	8
A. Local Bar Association Events.....	8
B. Meeting With Justice Kahn and Tribal Court Committees.....	8
C. NYSBA Recognizes Role of Youth Courts .....	8
D. Meeting with Chief Administrative Judge Gail Prudenti regarding Family Court .....	9
E. Annual Meeting in January .....	9

## **I. Presidential Initiatives**

### **A. Special Committee on Re-Entry**

Since its formation in 2012, the Special Committee on Re-Entry, created by Immediate Past President Seymour James, has focused on enhancing former inmates' successful reintegration into their communities. Under the leadership of co-chairs Sheila Gaddis and Ronald Tabak and vice-chair Richard Raysman, the committee is considering measures to reduce recidivism that can be taken during both incarceration and the re-entry process. The committee has divided into six subcommittees that are addressing the unique issues that surround job training and employment, benefits and family rights, education, housing, medical access and mental health, and young people in juvenile detention settings. The committee aims to develop a concise report and recommendations including a consideration of collateral consequences that can have an impact on reentry, as well as proposals for assisting former prisoners with obtaining necessary public assistance and improving the transition from incarceration back into our communities.

### **B. Special Committee on Gun Violence**

The Task Force has held a number of meetings and is in the process of developing its report. It aims to present an informational report at our January meeting and submit its final report for consideration at our April meeting. The Task Force has emphasized the importance of distributing its draft report for extensive feedback in advance of its informational presentation and will welcome comments from sections, committees and local bar associations. Upon receiving and reviewing those comments, it expects to present a final report for approval by the Executive Committee and House of Delegates in April.

### **C. Committee on Legal Education and Admission to the Bar**

Too many law students graduate with crushing debt and few job prospects. Current projections indicate that by 2020, there will only be enough law-related jobs for 20% of law school graduates. At the same time, there is a substantial unmet need for legal services among the indigent and the working poor. Student loan debt can make it difficult for new lawyers to take jobs that would address that unmet need, and some may opt out altogether from a legal career. There are no easy answers, but our Committee on Legal Education and Admission to the Bar continues its work in cooperation with legal educators, practicing lawyers, the Board of Law Examiners, and the courts, to provide a balanced examination of these important issues.

The latest issue of the State Bar Journal focuses on legal education and admission to the bar, and part of the 2014 Presidential Summit at the Annual Meeting will address this area as well. In addition, the Association is coordinating with the Judicial Institute on Professionalism to plan a convocation in the spring to bring together various constituencies to discuss issues related to the future of legal education.

## **II. Legislative Activities**

### **A. New York State**

#### **1. Sealing Criminal Records**

Among the Association's 2013 legislative priorities is a proposal of the Criminal Justice Section to seal the records of certain criminal convictions. The philosophy behind the bill is to give a second chance to individuals who have made mistakes, but have since proven to possess good moral character.

While the bill was not ultimately passed, it has spurred important dialog in the Legislature. Since the adjournment of the regular legislative session in late June, the Association has been in contact with Senator Lee Zeldin, the bill's Senate sponsor, to address objections raised in the last hours of the session by advocates opposing the bill.

#### **2. Revising and Improving the Not-for-Profit Corporation Law**

As the 2013 legislative session wound down, a bill to significantly revise the State's Not-for-Profit Corporation Law received a great deal of attention from lawmakers. The bill embodies a long-held priority of the Business Law Section and is among the Association's legislative priorities this year. After lengthy discussions and many amendments to the bill, and with significant input from the Business Law Section, the bill was passed by both houses of the Legislature in the final hours of session.

In the weeks since the end of the session, the Department of Governmental Relations, joined by representatives of the Business Law Section, met with the Governor's Counsel's office to advocate for the Governor's approval of the measure. At this time, the Association remains in regular contact with the Governor's office, as the bill is pending delivery to the Governor for consideration.

#### **3. Videotaping of Custodial Interrogations**

The Association has, since 2004, actively supported the videotaping of custodial interrogations conducted by law enforcement officials. Despite our continuing advocacy in support of a bill, however, nothing was passed during the 2013 legislative session. Nonetheless, we are hopeful that our sustained efforts will pave the way for legislation to be enacted during the 2014 legislative session, and we will continue to press for legislation on recording and other criminal justice issues when the Legislature convenes in January.

#### **4. Regulation of the Legal Profession by the Department of Financial Services**

The New York State Register recently published a rule drafted by state Department of Financial Services (Department) intended to regulate debt collection (Proposed Rule), which stated that "[d]ebt collection companies are hired to collect on debts from credit cards, mortgages, and

medical bills, among other transactions that occur every day. The practices employed by debt collection companies' impact the financial transactions of New York consumers and business owners."

It is our understanding that the definition of "debt collector" was not intended to include lawyers when engaging in the practice of law. In my October 2 letter to the Department I requested that this definition be more narrowly drafted to clarify that its purpose is to cover only "debt collection companies," not lawyers or law firms performing legal work. Any lawyer who engages in abusive practices in violation of the Rules of Professional Conduct is subject to discipline through the legal profession's well-established process. For example, Rule 3.4 provides that a lawyer, in dealing with an opposing party, shall not engage in certain specified practices or "knowingly engage in other illegal conduct...." Thus, a lawyer who violates any law related to the collection of debts is already subject to court discipline. Therefore, I respectfully requested that the Department clarify the Proposed Rule so that it cannot be interpreted to apply to lawyers and law firms when engaged in the practice of law.

## **B. Federal**

### **1. Continued Outreach to the Members of Congress from New York State Regarding Sequestration**

Following the lead of Immediate Past President Seymour James, I have continued the Association's advocacy efforts to express to Members of Congress from New York State our concerns over the negative impact of sequestration on the federal courts. On July 23, 2013, U.S. Senator Christopher Coons (D-Del) chaired a hearing by the Senate Judiciary Committee's Subcommittee on Bankruptcy and the Courts. The topic of the hearing was "Sequestering Justice: How the Budget Crisis is Undermining Our Courts." I submitted a letter discussing the State Bar's extensive advocacy efforts in this area, and describing the crisis facing our justice system. The Judicial Conference has requested an emergency appropriation of \$72.9 million, which we supported when proposed and have continued to support.

On October 1, the presidents of the state bar associations of Florida, Illinois, Ohio, Nevada, New Jersey, and Wisconsin joined me in sending a letter that went to the congressional delegation of each of those states. The joint letter stated that we "as presidents of several state bar associations...are deeply concerned with the FY 2013 sequestration cuts that imperil the federal judiciary in its efforts to carry out its duties and responsibilities as set forth in the Constitution and by acts of Congress." Our letter pointed out the impact of cuts on both criminal and civil proceedings in the federal courts, and that the fair, efficient and effective administration of justice is the foundation of a free and democratic society, which instills in the public the trust and confidence that is essential to preserve and protect the Rule of Law.

### **III. Section, Committee, Membership, and Departmental Initiatives**

#### **A. Law Youth and Citizenship 37th Annual Conference**

Last month, I attended the 37th Annual Civics and Law-Related Education Conference, hosted by our Law, Youth and Citizenship (LYC) Committee in Geneva, New York. The program, entitled “Our Living Constitutions; Connections for Citizenship & Civics,” focused on the New York and U.S. Constitutions and featured keynote speaker Michael A. Rebell, Esq., author and executive director of the Campaign for Education Equity. Thank you to the committee for hosting this excellent program.

#### **B. Pro Bono Programs**

October 20-26 marked the 5th Anniversary of National Pro Bono Week and the Association proudly marked the start of the celebration with a luncheon awards ceremony on October 18. President-elect Glenn Lau-Kee was joined by Chief Judge Jonathan Lippman and Jenna Dana, President of the Albany Law School Pro Bono Society, in recognizing the significant pro bono contributions made by 5 honorees: retired Magistrate Judge George H. Lowe, co-chair of the President’s Committee on Access to Justice; Hon. Christine M. Clark (4th Judicial District); Hon. Gary F. Stiglmeier (3rd Judicial District); Hon. Richard Littlefield (Chief Judge, US Bankruptcy Court); and the Hon. George B. Ceresia (3rd Judicial District). On October 24, the Association joined with the New York State Courts Access to Justice Program, the New York City Mayor’s office, and the New York County Lawyers’ Association to acknowledge the contributions made by legal services organizations and volunteer lawyers in providing free legal assistance to the survivors of Superstorm Sandy. In addition, the Association collaborated with its Capital District pro bono partners to sponsor free continuing legal education programs for attorneys willing to accept pro bono case referrals in the areas of unemployment insurance and landlord-tenant law.

#### **C. Technology**

The focus of our Management Information Services (“MIS”) Department over the summer was on moving an enormous amount of content from the old web site to the newly designed NYSBA.org. This project included the installation of a new content management system, new software, staff training and many other activities. The new site was launched on September 21, and during the first twenty-one days of operation, the site experienced over 100,000 visits by over 70,000 visitors. During the first week we had the largest single day of web transaction revenues, over \$90,000.

The new site works on regular computers, tablets such as the iPad, and smartphones and we are now focused on improving the site’s ability to deliver information to the membership and public. This includes the system to allow NYSBA members to access the new Fastcase benefit and the ability to deliver customized services to our newest members.

In addition, MIS has begun to transition our old listserves to our new Higher Logic Online Community system. Several groups are already using Private Online Professional Communities to collaborate and share discussions and documents. All of this work was helped by the efforts of the Electronic Communications Committee, the MIS Department and staff across the Association.

#### **D. Fall Radio Campaign**

With the approach of Election Day and Veterans Day, we recorded a series of messages aimed at promoting civic participation and support for our nation's veterans. The announcements address the importance of voting and provide information about legal and other services available to former members of the military. The spots, which were produced in cooperation with the New York State Broadcasters Association, are running on upstate commercial radio stations for a four-week period which began on October 14.

#### **E. Justice Souter on Humanities Education**

On September 12, the State Bar was pleased to co-sponsor an event featuring former U.S. Supreme Justice David Souter. Justice Souter, a former member of the Commission of the Humanities and Social Sciences, was in Albany to promote the importance of humanities in our society. I was pleased to attend and join in a discussion with Justice Souter regarding what he considered to be our society's pervasive lack of knowledge about the three branches of government. Notably, having met Justice Sonia Sotomayor only days before at Touro Law School, this was the second Justice of the Supreme Court I had the opportunity to meet in the same week. To watch a video of Justice Souter's speech, go to [www.humanitiescommisson.org](http://www.humanitiescommisson.org).

#### **F. Pro Bono Reporting Requirement**

Effective May 1, 2013, all New York attorneys are required to report their voluntary pro bono work and monetary contributions made to legal services providers on their biennial registration forms. For nearly 10 years, our Association has strongly opposed such mandatory reporting. In June I wrote to the Chief Judge expressing the reasons for our opposition, and I met with the Chief Judge in July for a frank exchange of views. We are pleased that the Chief Judge heard our concerns and agreed to defer public disclosure of pro bono service and financial contributions. While we share the Chief Judge's concerns about the need for legal services for the poor, we believe that mandatory reporting is not an appropriate approach for encouraging lawyers to provide pro bono legal services, and we plan to continue this important conversation.

#### **G. Civil Gideon**

On October 3, I served as the Master of Ceremonies at a forum to explore the right to counsel in civil matters where basic human needs are at stake. The forum, hosted here at the State Bar Center, came 50 years after the U.S. Supreme Court's decision in *Gideon v. Wainwright*, where the court found that it was an "obvious truth" that a criminal defendant cannot have a fair trial

unless counsel is appointed. Judges, attorneys, professors, and students from 18 law schools (all 15 New York law schools plus Rutgers, Seton Hall, and Yale) participated in the event, which featured remarks by Chief Judge Jonathan Lippman and excerpts from a video produced by the Brennan Center for Justice and the National Coalition for a Civil Right to Counsel. A panel of experts discussed whether there should be a civil right to counsel for low-income individuals facing civil legal actions where eviction, loss of child custody, or the denial of basic human services are at stake. To view the archived program, go to [www.nysba.org/probono](http://www.nysba.org/probono).

## **H. Chief Judge Jonathan Lippman's Hearings on Civil Legal Services**

The Association was again honored to participate in Chief Judge Jonathan Lippman's fourth annual series of hearings on civil legal services which were held in each department of the Appellate Division in September and October. On September 17, I joined Chief Judge Lippman, Chief Administrative Judge A. Gail Prudenti, and Presiding Justice Karen Peters of the Appellate Division, Third Department, as a panelist at the first of four hearings held around the State aimed at gathering evidence to support increased funding for civil legal services programs. I also assisted in presiding over the third hearing, along with Presiding Justice Randall Eng of the Appellate Division, Second Department. President-Elect Glenn Lau-Kee and Past President Vincent E. Doyle III participated in the hearings in the First and Fourth Departments, respectively. The hearings are aimed at gathering evidence to support increased funding for civil legal services programs. Witnesses included state comptroller Thomas DiNapoli, Albany Law School Dean Penelope Andrews, Rensselaer City Judge Carmelo Laquidara, Albany Family Court Judge Margaret Walsh, business leaders, veteran advocates and clients. We thank Chief Judge Lippman for his efforts in continuing to host these hearings, and for his unwavering commitment to improving access to justice in New York State.

## **I. Committee on Membership Non-Resident Subcommittee Developments**

The Non-Resident Subcommittee of the Committee on Membership is pleased to announce the fourth annual Breakfast Roundtable for Non-Resident Members (Roundtable) slated to be held on Tuesday, January 28, 2014 in New York City, at the Law Offices of Dorsey & Whitney LLP, 51 West 52d Street. ABA President James R. Silkenat will provide special guest remarks.

As in the past, attendees will have the opportunity to hear from and dialogue with NYSBA Leadership. I will be joined by President-Elect Glenn Lau-Kee, and Past President and current State Delegate to the ABA House of Delegates Mark H. Alcott. In addition, attendees will have the opportunity to hear from and interact with the Sponsoring Section Chairs: John H. Wilkinson, Dispute Resolution Section and Glenn G. Fox, International Section.

This year's Roundtable will also include a small CLE component. Attorney Alexandra Dosman, Executive Director of the "new" New York International Arbitration Center, graciously agreed to provide a presentation on ethics in alternative dispute resolution techniques with emphasis on international arbitration. Last year the Roundtable was opened to in-state colleagues, and it is anticipated that will be repeated this year. The Non-Resident Subcommittee is very grateful to its sponsors and speakers.

#### **IV. American Bar Association**

In August, I attended the ABA's Annual Meeting in San Francisco. The highlight for our delegation was the installation of New Yorker and Association member Jim Silkenat as ABA President. The Association hosted a reception recognizing Jim's installation, which marked the beginning of the first ABA presidency for a New York attorney in more than 25 years. I have been working closely with Jim since he began his term as President-elect and I look forward to continuing that close relationship over the course of Jim's presidential term. I am pleased to report that Jim has already selected numerous New Yorkers for roles in ABA committees. All of this enhances our role within the ABA and we are honored to be so well represented.

With regard to the ABA House agenda, two items in which NYSBA had a particular interest were adopted after having been amended. The first dealt with the application of the attorney-client privilege to conversations between personnel of a law firm with the firm's in-house counsel, and the second with the exchange of information between state lawyer regulatory bodies and their foreign counterparts. We look forward to working with the ABA in the coming year.

#### **V. Noteworthy Events**

##### **A. Local Bar Association Events**

Immediate Past President Seymour W. James, Jr., President-Elect Glenn Lau-Kee, and I were pleased to participate in many local bar association events throughout the fall season. Glenn and I hosted the third in a series of meetings with minority bar association leaders in New York City on September 17. On October 10-12, Seymour, Glenn, and I attended a meeting of the Mid-Atlantic Bar Conference in Wilmington, Delaware. Later in October, I spoke at the Onondaga County Bar Association's Annual Dinner in Syracuse. We extend our thanks to these bar associations for including us in their events.

##### **B. Meeting With Justice Kahn and Tribal Court Committees**

On September 26, Special Counsel Richard Rifkin and I met with Justice Marcy Kahn, Chair of OCA's New York Federal-State-Tribal Courts Forum, to discuss her committee's proposal regarding state recognition of marriages performed by designees of New York's Indian tribes. We have forwarded this proposal to our Family Law Section for consideration.

##### **C. NYSBA Recognizes Role of Youth Courts**

On September 23, the Special Committee on Youth Courts, created during the tenure of former Association President Stephen Younger, along with the U.S. Attorney's Office and the Association of New York State Youth Courts, co-hosted a daylong event that educated and celebrated Youth Court staff, youths, and supporters. The event, which took place at the Bar Center and the U.S. District Courthouse in Albany, was introduced by U.S. Attorney for the

Northern District of New York, Richard Hartunian, and hosted by former New York State Chief Judge Judith Kaye and former Appellate Division Justice Bernard Malone, Jr., co-chairs of the Special Committee on Youth Courts. The event showcased a special Youth Court promotional video and a demonstration of a Youth Court hearing, and concluded with a presentation of awards for outstanding youth, staff, and supporting agencies. More than 150 attendees took part in the events over the course of the day. The Special Committee on Youth Courts continues to advance the Youth Court movement throughout the state with promotion, education, and support of existing and developing Youth Courts.

#### **D. Meeting with Chief Administrative Judge Gail Prudenti regarding Family Court**

On September 26, 2013, I met with Judge Prudenti regarding the work of the New York State Bar Association's Task Force on the Family Court. I was accompanied at the meeting by the co-chairs of the Task Force, Family Court Judge Rita Connerton and Susan Lindenauer, and staff members Richard Rifkin and Kevin Kerwin. The Task Force report, which contains 26 recommendations, was adopted by the State Bar during its Annual Meeting in January 2013. Since then the Task Force has concentrated its efforts on developing an initial implementation plan focused on five of the recommendations that were viewed as having the highest priority. During the meeting, we pointed out the need for more Family Court judges and funding for the judicial and related non-judicial positions.

#### **E. Annual Meeting in January**

Our next House of Delegates and Executive Committee meetings will be held on January 31 and February 1 as part of the Annual Meeting at the New York Hilton Midtown. A variety of other events are planned for the week, including the Presidential Summit and Reception on January 29 and a House of Delegates dinner on January 31. I hope you will join us.