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REPORT OF THE SECRETARY

To: Members of the House of Delegates

I. Resolutions Committee

The Resolutions Committee is responsible for monitoring and determining the implementation of recommendations contained in reports adopted by the Executive Committee and/or House of Delegates. The Secretary, as chair, updates the House on the status of these initiatives.

The committee reached out to sections in October for assistance with implementation of a report issued by the Special Committee on Discovery and Case Management in Federal Litigation. The committee collected responsive information and is providing a report to the Executive Committee at this January meeting.

The committee also prepared an implementation plan for a report issued by the Special Committee on Human Trafficking. This plan was submitted to the Executive Committee for review at this January meeting.

II. Status of Initiatives Approved by Executive Committee and/or House of Delegates

A. Funding for Lawyer Assistance Programs

The Lawyer Assistance Committee recommended that funding for lawyer assistance programs be included in the New York State Judiciary's budget for 2014/2015. Lawyer assistance programs provide assistance to attorneys, judges, and law students who are dealing with alcoholism, substance abuse, and other addictive disorders. The Executive Committee approved support for the committee's proposal in November 2013. NYSBA contacted the Office of Court Administration to advocate for this funding. The Judiciary included a request for funding for lawyer assistance programs in its budget. A budget hearing has been scheduled for February, and the New York State Legislature may vote on the budget in March.

B. Human Trafficking

The Special Committee on Human Trafficking issued a report and recommendations regarding legislative changes and other initiatives to combat human trafficking. The House of Delegates and Executive Committee approved the report and recommendations in November 2013. NYSBA has

transmitted copies of the report and recommendations to key members of the New York State Legislature.

C. Interest on Legacies

The Trusts and Estates Section issued a report and recommendations for an amendment to the New York Estates, Powers and Trusts Law regarding the payment of interest on legacies. The Executive Committee approved the report and recommendations in October 2008. The proposal would change the applicable interest rate that is payable on a delayed payment of a legacy. Currently, the applicable interest rate is fixed by statute at 6%. The bill would change the rate to a flexible interest rate that is tied to the federal funds rate and better reflects the time value of money. The legislation was passed by the New York State Assembly in 2013. While it advanced significantly towards passage in the New York State Senate, it was not ultimately passed in that house. Section representatives participated in a series of meetings with legislative representatives in November 2013 to continue advocating for this proposal.

D. Laws Relating to Marriage Equality Act

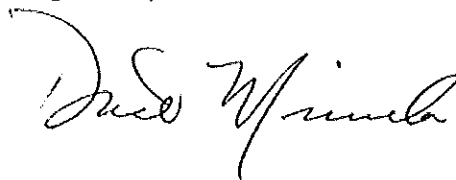
The Trusts and Estates Section developed proposed legislation relating to the Marriage Equality Act. The Executive Committee approved the section's proposal in January 2013. The Marriage Equality Act, which was enacted in New York as Chapter 95 of 2011, provides that marriages of same-sex and different-sex couples are to be treated equally in all respects under the law. The current bill makes changes to the following laws that reflect the provisions of the Marriage Equality Act: (1) New York Estates, Powers and Trusts Law; and (2) New York Surrogate's Court Procedure Act. The bill was passed by the New York State Assembly in 2013, and it is under consideration in the New York State Senate. Section representatives participated in a series of meetings with legislative representatives in November 2013 to continue advocating for this proposal.

E. Workers' Compensation Board Disability Determination -- Amicus Brief in New York State Court of Appeals

NYSBA submitted an amicus curiae brief in a New York State Court of Appeals case, Augui v. Seven Thirty One Limited Partnership, a personal injury action involving the preclusive effect of a Workers' Compensation Board determination about disability. The Executive Committee approved the submission of a motion in support of a reargument in the case in March 2013. NYSBA submitted an amicus brief to the Court of Appeals later that month. In June, the court made a rare decision to grant reargument. In October, NYSBA submitted an amicus brief on the merits, arguing that the Workers' Compensation Board's determination should not have collateral estoppel effect. The case was reargued in November. The Court of Appeals issued a decision last month that was consistent with NYSBA's

position.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David P. Miranda". The signature is written in a cursive style with a large initial "D" and "M".

David P. Miranda