

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE
CONFERENCE CALL MEETING
JANUARY 31, 2013**

Members Participating: Abernethy, Castellano, Doyle, Finerty, Franchina, Gaffney, Gerstman, Gorgos, Gutekunst, Gutierrez, James, Lau-Kee, Miranda, Myers, Schraver, Slezak, and Young.

Guests: Mark H. Alcott, Andre R. Jaglom, Peter W. LaVigne, Janet Scoles Nadile, Sandra Stern.

Mr. James presided as President of the Association.

1. Consideration of co-sponsorship of ABA resolutions for ABA House of Delegates. Mr. Alcott and Mr. Rifkin reviewed a number of resolutions scheduled for consideration at the February 2013 meeting of the ABA House for which NYSBA co-sponsorship had been proposed. After discussion, motions were adopted to approve co-sponsorship of the following resolutions: 104A (urging Congress to establish an independent federally funded Center for Indigent Defense Services to assist governmental entities to carry out their obligation of providing effective assistance of counsel), 107A-C (recommending rules to govern practice by foreign lawyers), and 109 (supporting the position that United States Bankruptcy Judges have the authority, upon the express consent of all the parties to the proceeding, to hear, determine, and enter final orders and judgments in those proceedings designated as “core” within the meaning of 28 U.S.C. § 157(b) but that may not be heard and determined by a non-Article III tribunal absent the parties’ consent, as being consistent with and not violative of Article III of the United States Constitution). With respect to Report 107D (proposing an amendment to the comments to Rule 8.5 of the Model Rules of Professional Conduct to permit lawyers and clients to specify a particular jurisdiction with respect to ethics-related choice of law questions), a motion was adopted to advise the ABA Commission on Ethics 20/20, the sponsor of the resolution, that NYSBA supports the concept but believes it should be accomplished through an amendment to Rule 1.7 rather than as a comment.
2. Report and recommendations of Business Law Section. Peter W. LaVigne, chair of the section’s Legislative Affairs Committee, together with Janet Scoles Nadile of the New York City Bar Association and Sandra Stern, a past chair of the Business Law Section, presented an affirmative legislative proposal to amend the Uniform Commercial Code, repealing Articles 1, 3, 4 and 7 of the Uniform Commercial Code (UCC) and amending Articles 2, 2A, 4A, 5, 8 and 9. After discussion, a motion was adopted to support the proposed omnibus act, to work with the New York City Bar and other interested organizations, and to take such necessary and appropriate action to enact the legislation.
3. Report and recommendations of International Section. Andre R. Jaglom, immediate past chair of the section, outlined the section’s report and recommendations that NYSBA support the ratification of the Hague Convention on Choice of Court Agreements, which addresses the jurisdiction of courts and the enforcement of foreign judgments in international commercial dispute resolution. After discussion, a motion was made to approve the report and recommendations, after which a motion to amend to support ratification in principle subject to review of implementing legislation that provides due process protections failed. The main motion was then approved. A second motion was then adopted to refer the consideration of this issue as a legislative priority to the Committee on Federal Legislative Priorities.

There being no further business to come before the Executive Committee, the meeting was adjourned.

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
Secretary