

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
THE OTESAGA, COOPERSTOWN, NEW YORK
JUNE 19-20, 2014**

PRESENT: Members Barnes, Barreiro, Brown, Christian, Cohen, Fernandez, Fisher, Gaffney, Galligan, Gerstman, Goldberg, Goldenberg, Gordon-Oliver, Gutierrez, Hetherington, Karson, Kean, LaRose, Lau-Kee, Makofsky, Martin, Marwell, Miranda, Napoletano, Prager, Safer, Schraver, Slezak, and Young.

Guests: Maureen Bezuhly, Donald C. Doerr, Claire P. Gutekunst, Robert M. Harper, Paul Michael Hassett, Darcy M. Katris, Paul E. Kerson, Hon. Rachel Kretser, , Henry E. Kruman, Hon. Doris Ling-Cohan, Hon. George H. Lowe, Thomas J. Maroney, Lesley Friedman Rosenthal, William T. Russell, Jr., Andrew A. Scherer, Hon. Ellen M. Spodek, and Stephen P. Younger.

Mr. Lau-Kee presided over the meeting as President of the Association.

1. Mr. Lau-Kee called the meeting to order, and Hermes Fernandez, Michael W. Galligan, Bryan D. Hetherington, Elena DeFio Kean, Stuart J. LaRose, Ellen G. Makofsky, John S. Marwell, Domenick Napoletano, and Bruce J. Prager were welcomed as new/returning members of the Executive Committee.
2. Introduction of Executive Director. Mr. Schraver introduced David R. Watson, currently Executive Director of the Cleveland Metropolitan Bar Association, who will become Executive Director of the Association on July 21.
3. Approval of minutes of meeting. The minutes of the April 4, 2014 meeting and the June 6, 2014 teleconference meeting were accepted as distributed.
4. Consent Calendar.
 - a. Amendments to stated purpose of Committee to Review Judicial Nominations.
 - b. Confirmation of Audit Committee appointments.

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

5. Report of the Treasurer. Ms. Gerstman, in her capacity as Treasurer, updated the Executive Committee with respect to dues and CLE revenue, and then provided an overview of the Association's expenditures. She reviewed expenditures with respect to Bar Center operations; administration; technology; marketing, membership and member benefits; governance; programming; CLE and publications; and advocacy and improvement of justice. The report was received with thanks.

6. Report re technology. David L. Adkins, Chief Technology Officer, provided the Executive Committee with a report on the Association's technology initiatives, including the development of the Communities section of the website. The report was received with thanks.
7. Report and recommendations of Committee on Women in the Law. Maureen Bezuhly, co-chair of the committee's Subcommittee on Best Practices, presented the committee's report regarding recommendations to increase women's participation in the Association. After discussion, a motion was adopted to accept the report in principle and to direct the committee to develop specific recommendations for presentation at a future Executive Committee meeting.
8. Report of Lawyer Assistance Committee. The reports were presented by Henry E. Kruman, the committee's chair, and Patricia Spataro, Director of the Lawyer Assistance Program.
 - a. Mr. Kruman and Ms. Spataro presented an informational report reviewing the committee's and the Program's activities during the prior year. The report was received with thanks. The committee then presented an award to David M. Schraver for his support of the Program during his presidency.
 - b. Promotion of lawyer assistance programs at CLE programs. Mr. Kruman presented a proposed resolution requesting CLE program chairs to read a statement at the beginning of programs to promote lawyer assistance programs. After discussion, a motion was adopted to approve the resolution, subject to further modification of the statement's language.
9. Discussion of Executive Committee liaison responsibilities and duties of Vice Presidents. Mr. Lau-Kee led a discussion of liaisons' roles in facilitating communication, providing guidance on policy and procedure, and encouraging sections and committees to undertake projects. He asked liaisons to maintain regular contact with their groups, encourage them to submit reports for consideration by the Executive Committee and/or House of Delegates and comment on reports submitted by other groups, and to be mindful of the need for diversity. He outlined the reimbursement policy for liaisons attending section and committee meetings.

Mr. Lau-Kee also reviewed the responsibilities of Vice Presidents, as set forth in the By-laws, to promote relations with local bars and members in their respective districts. He noted the importance of informing local bar leaders, including those of minority and specialty bars, of Association initiatives and encouraged them to advise the Association of local bar concerns.
10. Reports of Vice Presidents. Reports were received with thanks from Mr. Gutierrez as Eleventh District Vice President and from Mr. Gaffney as Thirteenth District Vice President.

11. Reports of Executive Committee Liaisons. Reports from Ms. Fisher and Ms. Slezak regarding the activities of the sections and committees to which they are assigned as liaisons were received with thanks.
12. Report of Committee on Continuing Legal Education. H. Douglas Guevara, Senior Director of Continuing Legal Education, provided an update on the Association's continuing legal education program, including revenue and expenses, new initiatives, and section outreach. The report was received with thanks.
13. Report and recommendation of Committee on Committees. Donald C. Doerr, chair of the committee, reviewed the committee's report and recommendations with respect to the operation of 20 Association committees. After discussion, a motion to approve the committee's recommendation that the Committee on Attorneys in Public Service become part of the Municipal Law Section failed, following which a motion was adopted to discharge the committee and authorize the President to determine the future of the *Government Law and Policy Journal* and the committee's awards program. A motion was adopted to approve the committee's recommendation that the Steven C. Krane Special Committee on Student Loans for the Public Interest become a subcommittee of the President's Committee on Access to Justice. A motion was adopted to disapprove the committee's recommendation that the Committee on Attorney Professionalism, Committee on Professional Discipline, Committee on Professional Ethics, and Committee on Standards of Attorney Conduct have a single coordinating committee or be encouraged to hold at least one joint meeting annually. Finally, a motion was adopted to approve the remaining recommendations of the committee.
14. Report re strategic planning. Mr. Schraver and Richard J. Martin, Associate Executive Director, reviewed the work that had been done to integrate the staff strategic plan, the member strategic plan, and the technology strategic plan and reviewed the Mission, Vision and Goals Statements that had been prepared by the Strategic Planning Working Group. After discussion, a motion was adopted to approve the Statements.
15. Report of President. Mr. Lau-Kee highlighted the information contained in his printed report, a copy of which is appended to these minutes.
16. Report of Special Committee on Continuing Legal Education. In his capacity as chair of the Special Committee, Mr. Miranda updated the Executive Committee on the committee's work, including internal CLE structure and allocation of income and expenses. The committee plans to present a complete report at the November meeting. The report was received with thanks.
17. Report of Working Group of President's Committee on Access to Justice and Committee on Legal Aid. Hon. George H. Lowe, immediate past co-chair of the President's Committee on Access to Justice, together with current co-chair William T. Russell, Jr., and Andrew A Scherer, a member of the Committee on Legal Aid, reviewed the committees' report analyzing the New York rule requiring attorneys to report voluntary pro bono ser-

vice and contributions to legal services organizations and data from other states with a reporting requirement. The report was received with thanks.

18. Executive Committee resolution re mandatory pro bono report. In his capacity as a member of the subcommittee that prepared the resolution adopted at the January 30, 2014 meeting, Mr. Karson reviewed the Executive Committee's resolution and other materials submitted in connection with consideration of the resolution. Mr. Lau-Kee reported that together with Mr. Miranda, he had met with Chief Administrative Judge A. Gail Prudenti and Helaine M. Barnett, chair of the Chief Judge's Task Force to Expand Civil Legal Services in New York, and believed the meeting was productive. Another meeting has been scheduled for July 16. Consequently, at the June 21 House meeting he will offer a motion to postpone consideration of the resolution to the November 1 House meeting to allow time for further work with OCA.
19. Report re legislative matters. In his capacity as chair of the Committee on Legislative Policy, Mr. Fernandez updated the Executive Committee on the 2014 state legislative session, particularly with respect to the Association's legislative priorities. The report was received with thanks.
20. Discussion re sections and committees with conflicting positions on issues. Mr. Lau-Kee and Richard Rifkin, Special Counsel, led a discussion of problems that arise when two Association entities take conflicting positions on the same piece of legislation, including confusion on the part of legislators who do not understand that under the Association By-laws, sections and committees are entitled to comment on legislation originating outside the Association provided that such comments are not contrary to Association policy. It was agreed that when such conflicts occur, any submission to the Legislature will be accompanied by a cover letter from the President clearly indicating that such comments are being submitted by different Association entities and do not represent the position of the Association. It was also agreed that all such reports should be submitted through the Department of Governmental Relations. Further discussion of this topic will be scheduled for the October 31, 2014 Executive Committee meeting.
21. Reports and recommendations of the Trusts and Estates Law Section. Robert M. Harper and Darcy M. Katris, members of the section's Executive Committee, presented affirmative legislative proposals to amend CPLR 4503(b), extending the statutory exception to the attorney-client privilege to contests concerning revocable trusts, and EPTL sections 7-6.1 and 7-6.20, amending the Uniform Transfers to Minors Act regarding transfers of custodial property held for a minor. After discussion, a motion was adopted to approve the proposals.
22. Report and recommendations of Committee on Annual Award. Paul Michael Hassett, a member of the committee, presented the committee's recommendation with respect to the proposed recipient of the 2015 Association Gold Medal. After discussion, a motion was adopted to approve the recommendation. Mr. Miranda and Judge Gordon-Oliver abstained from participating in the discussion and vote.

23. Report and recommendations of Committee on Membership. Thomas J. Maroney, vice chair of the committee, together with committee member Claire P. Gutekunst, provided an update on the committee's activities and outlined the committee's belief that all CLE activities sponsored by Association entities should have member/non-member pricing. They then presented a proposal for group membership for law school faculty as a pilot project, to be monitored over a four-year span. After discussion, a motion was adopted to approve the proposal.
24. Report and recommendations of Queens County Bar Association. Paul E. Kerson, Vice President of the Queens County Bar Association, outlined that Association's proposal to expand County Law 18-B to include civil cases dealing with foreclosure, garnishment, eviction, and family law. After discussion, the report was accepted on an informational basis and consideration was deferred to the November 1, 2014 House meeting in order to allow time for consultation with other groups.
25. Report and recommendations of Audit Committee. In his capacity as chair of the Audit Committee, Mr. Karson, together with Audit Committee member Lesley Friedman Rosenthal, presented proposed amendments to the Association's Code of Conduct, Business Conduct Standards, and Audit Committee charge, noting that the changes are intended to bring the Association into compliance with the Nonprofit Revitalization Act of 2013. After discussion, separate motions were adopted to endorse each set of amendments for favorable action by the House. Mr. Karson abstained from voting on the proposals.
26. Report of Judicial Section. Hon. Rachel Kretser, immediate past chair of the section, presented an informational report on diversity in New York's judiciary, noting the disparity between upstate and downstate judicial districts, and outlined recommendations to address judicial diversity. The report will be presented to the House for action at the November 1, 2014 meeting. The report was received with thanks.
27. Report and recommendations of Nominating Committee. Stephen P. Younger, immediate past chair of the Nominating Committee, reviewed the committee's recommendations for amendments to the committee's Model Rules, which govern the committee's operations. After discussion, a motion was adopted to endorse the amendments for favorable action by the House.
28. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Ellen G. Makofsky
Secretary