



Staff Memorandum

HOUSE OF DELEGATES Agenda Item #9

REQUESTED ACTION: Approval of a proposed amendment to the Rules of the House of Delegates.

Attached is a letter from House member Steven H. Richman proposing an amendment to the Rules of the House of Delegates. The Rules originally were adopted in 1973, at the time the House was created, and were last amended in 1991. The proposed amendment would prohibit a non-House member employed by the Unified Court System from addressing the House or the Association unless he or she consents to respond to questions from members for a time at least equal to the amount of time of his or her remarks.

Also attached for your reference are the Rules of the House. As set forth in the Rules, amendments require a two-thirds vote of those present in order to be adopted.

The proposal will be presented at the November 1 meeting by Mr. Richman.

STEVEN H. RICHMAN

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VIA E-MAIL & FIRST CLASS MAIL

September 19, 2014

David P. Miranda, Esq.
Chair, House of Delegates
New York State Bar Association
One Elk Street
Albany, NY 12207

Dear David:

In accordance with the Rules of the House of Delegates, enclosed herewith is a Resolution and/or Proposed Amendment to said Rules for consideration at the November 1, 2014 Meeting of the House of Delegates. Said submission is made pursuant to Rules 3 and 6 of the Rules.

The proposed Resolution and/or Amendment to the Rules would prohibit any non-House of Delegates Member who is employed by the New York State Unified Court System from addressing either the Association and the House in the absence of their prior written consent to respond to questions from Members of Association or the House (respectively) for a time period not less than equal to the time of their remarks to the House.

This Resolution is designed to ensure that the House's long tradition of vigorous debate and open dialogue is encouraged. It also serves to prevent the meetings being used for the delivery or propaganda that cannot be challenged.

Upon our adoption of this Resolution, if the leadership of our State's Judiciary wants to speak to the leadership and membership of the Empire State's organized body, they will have also consent to take questions and engage in a dialogue. Regrettably, as recent events demonstrate that is something that the leadership of this State's Judicial Branch has not done.

I want to thank you in advance for your cooperation and assistance in this matter. If you have any questions, please call me either at my office or on cell: (917) 881-0292.

Very truly yours,

Steven H. Richman
Member, NYSBA House of Delegates
for the Entertainment, Arts & Sports Law Section

Enclosure

RESOLUTION

*Submitted by Steven H. Richman for consideration at the
November 1, 2014 House of Delegates Meeting*

WHEREAS, the New York State Bar Association has encouraged a vibrant dialogue on matters of importance and concern to its members, the profession and the community at large; and

WHEREAS, the New York State Bar Association at its January House of Delegates meet has afford a platform to the representatives of the New York State Unified Court System to present their views to the members without entertaining any questions or comments from the Members of the House; and

WHEREAS, such conduct is contrary to the best interests of the members of New York State Bar Association; and

WHEREAS, the leadership of the New York State Unified Court System by their actions and inactions have not engaged in meaningful consultation with the State Bar on matters of great importance, urgency and concern to its Members;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF DELGATES OF THE NEW YORK STATE BAR ASSOCIATION, THAT:

- 1. The Rules of the House (as amended through April 1991) are further amended by renumbering the current Rule 5 as Rule 5(a); and**
- 2. Adding the following as a new Rule 5(b):**

No person who is an officer, employee or agent of the New York State Unified Court System (other than a duly elected or appointed Member of the House of Delegates) shall address either the Association (at any annual or

special meeting) and/or the House of Delegates at any time, unless said officer, employee or agent, provides in writing to the Chair of the House, his or her written commitment and consent that as a condition precedent to being granted the privilege of speaking to the Association or the House, said officer, employee or agent shall accept from and respond to questions from Members of Association or the House (respectively), in accordance with the body's standing Rules and procedures, for a time period not less than equal to the time of their remarks to the Association and/or the House.

3. This Resolution shall be effective immediately upon its adoption and the Officers of the New York State Bar Association shall take all necessary steps to ensure its implementation. The President shall transmit a copy of this Resolution to the members of the Administrative Board of the Courts as well as the Chief Administrator of the New York State Office of Court Administration.

**NEW YORK STATE BAR ASSOCIATION
RULES OF THE HOUSE OF DELEGATES
ADOPTED JANUARY 24, 1973; AMENDED APRIL 13, 1991**

1. Presiding Officer

- (a) The Chair shall preside at all meetings of the House. In the absence of the Chair, the President shall preside, and in the absence of the President and President-Elect, the Vice-President with seniority of membership shall preside. In the absence of the President, the President-Elect and all Vice-Presidents, the senior member of the House of Delegates shall preside.
- (b) The presiding officer shall:
 - (1) Insure that meetings are conducted in an orderly manner.
 - (2) Decide questions of order and procedure.

2. Meetings of the House of Delegates

- (a) Unless otherwise ordered by the House, regular meetings shall be held at the time and place designated by the Chair, but in no event less than four times in each year including one meeting to be held in conjunction with the Annual Meeting of the Association.
- (b) A special meeting of the House of Delegates may be called at any time by:
 - (1) The Chair of the House
 - (2) The President
 - (3) The Executive Committee
- (c) A special meeting of the House of Delegates shall be called by the Chair or the President upon the request in writing of at least 25% of the delegates; provided, however, that the Chair or President shall not be required to call a special meeting to consider any matter which was considered and acted upon at the last previous meeting of the House.
- (d) Except in case of emergency, notification of any regular or special meeting of the House of Delegates shall be sent by the Secretary of the Association not less than 15 days prior to the time fixed for such meeting. Notice of any meeting shall be deemed to be sufficiently given when written notice of the time and place thereof is mailed by the Secretary to each member of the House of Delegates on or before the 15th day prior to such meeting. In case the Chair of the House, the President, or the Executive Committee determines there is an emergency, a special meeting of the House may be called upon six days prior notice given by mail, or four days prior notice given by telegraph or telephone to each member of the House of Delegates.

3. Order of Business

- (a) The Chair, or in the absence of the Chair, the presiding officer shall determine the order and priority of business at a meeting. Except in case of emergency, a written agenda shall be mailed by the Secretary of the Association to each delegate not less than 15 days prior to the time fixed for the meeting, but additions or deletions may be made in the agenda by the Chair of the House, the President, or the Executive Committee.
- (b) Unless permitted by the presiding officer, no resolution may be proposed by a delegate for action at a meeting unless such resolution has been submitted, in writing to the Chair and the delegates, at least 15 days prior to such meeting.
- (c) With the exceptions noted below, no delegate shall speak more than ten minutes at one time or more than once at the same session upon the same question unless such member obtains the consent of the presiding officer or the majority of the delegates present at the meeting. The person presenting the matter under discussion shall have the right to close the debate on that matter. The Chair may impose further limitations upon the length of time for making oral presentations if in his or her judgment the conduct of the business of the House so requires, but such limitations may be removed by majority vote of the delegates present at the meeting.
- (d) Without limitation on the other powers of the House, the House may by vote refer any matter coming before it to the Executive Committee or another committee, section or action unit of the Association for further consideration.
- (e) Voting shall be by voice vote unless the presiding officer directs a division or a written ballot.
- (f) Roberts Rules of Order Revised shall govern meetings of the House, except as otherwise provided in these Rules or the Bylaws.

4. Membership

- (a) Delegates to the House of Delegates shall be determined in accordance with Article V, Sections 3 and 4 of the Bylaws.
- (b) Section delegates, as set forth in Article V, Section 3, paragraph D of the Bylaws, shall be chosen according to procedures established by the sections and may, but need not be officers of their respective sections.
- (c) Delegates from those judicial districts in which there are two or more county bar associations in counties having less than 100 members each of the New York State Bar Association, as set forth in Article V, Section 3, paragraph E, subparagraph 5 of the Bylaws, shall be chosen by the governing bodies of such county bar

associations in a manner mutually agreed upon by such bar associations. In the absence of such mutual agreement, the House of Delegates shall determine the manner in which the delegates shall be chosen.

5. Persons in attendance at meetings of the House of Delegates

Meetings of the House shall be open to attendance by members of the Association unless the Executive Committee or the delegates vote to exclude non-delegates from a specified meeting. The presiding officer of the meeting in his or her discretion may permit attendance at meetings of the House of Delegates by members of the press or members of the public. No non-delegate shall be heard by the House unless requested to speak by the presiding officer of the meeting or upon the vote of two-thirds of the delegates present at the meeting, provided that such non-delegate shall first disclose the representative nature of his or her appearance, including the name of any client or principal whose interests the non-delegate may represent.

6. Amendments

The Rules of the House of Delegates may be amended at any meeting of the House by a vote of two-thirds of those present, provided that 15 days previous notice in writing of the proposed amendment shall have been given to the delegates.