

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK
NOVEMBER 1, 2014**

Mr. Miranda presided over the meeting as Chair of the House.

PRESENT: Abbott; Abella; Aidala; Alcott; Alden; Alomar; Arenson; Baker; Barnes; Barreiro; Barrett; Baum; Bauman; Behe; Behrins; Bloom; Bracken; Brown, C.; Brown, T.A.; Bruno; Buholtz; Burke, W.; Burns; Buzard; Calareso; Calderón; Chandrasekhar; Chang; Christian; Christopher; Clarke; Cohen, D.; Cohen, O.; Coseo; Crummey; Denton; DiLorenzo; Doyle; Effman; England; Fallek; Fay; Feinberg; Fennell; Fernandez; Ferris; Finerty; First; Fisher; Flynn; Fox, G.; Freedman, H.; Friedman; Gaffney; Gallagher; Galligan; Genoa; Gensini; Gerace; Gerbini; Gerstman; Getnick; Giordano; Gold; Goldberg; Goldenberg; Gordon-Oliver; Gross; Grossman; Gutekunst; Gutierrez; Hage; Haig; Hanson; Harper; Hetherington; Himes; Hines; Hollyer; Hutter; Jaglom; James; Jochmans; Jones; Karson; Kean; Kearns; Kerson; Kiesel; Kirby; Klass; Klein; Koch; Kretser; Kyriakopoulos; LaRose; Lau-Kee; Lawrence; Lawton-Thames; Leber; Lessard; Leventhal; Levin; Levy; Lindenauer; Lugo; Madigan; Makofsky; Mandell; Marangos; Martin, E.; Martin, T.; Marwell; McCafferty; McCarron; McDonald; McKay; McNamara; Meacham; Meislahn; Meyers; Miller, M.; Minkoff; Minkowitz; Miranda; Modica; Mulhall; Napoletano; Nathanson; Nowotny; O'Donnell; Onderdonk; Ostertag; Pajak; Prager; Protter; Prudente; Radick; Ranni; Reitzfeld; Richman; Richter, A.; Richter, R.; Rivera; Rodner; Rosiny; Rosner; Rothengerg; Rothstein; Rowe; Ryan; Safer; Samuels, V.; Samuels, W.; Schofield; Schrauer; Schwartz; Sen; Shafer; Shamoan; Shautsova; Shaw; Silkenat; Simmons; Slezak; Smith, S.; Sonberg; Spiro; Spitler; Spodek; Stern; Sullivan; Sunshine; Swanson; Sweet; Tennant; Terranova; Tesser; Thaler; Tilton; Vigdor; Warshawsky; Weinberger; Welch; Wildgrube; Williams; Wimpfheimer; Winograd; Witmer; Wolk; Wood; Yeung-Ha; Young; Younger; Zuchlewski; Zuckerman.

1. Approval of minutes of June 21, 2014 meeting. The minutes were deemed accepted as previously distributed.
2. Report of Treasurer. Sharon Stern Gerstman, Treasurer, 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 2014 CLE and membership dues income. The report was received with thanks.
3. Report and recommendations of Finance Committee re proposed 2015 income and expense budget. John S. Marwell, chair of the Finance Committee, reviewed the proposed budget for 2015, which projects income of \$25,310,750, expenses of \$25,180,870, and a projected surplus of \$129,880. A motion was adopted to approve the proposed 2015 budget summary with one member opposing approval.
4. Report and recommendations of Committee on Bylaws. Eileen E. Buholtz, chair of the Bylaws Committee, together with committee member Lesley Friedman Rosenthal,

presented the Committee's proposals to amend the Bylaws (a) to bring the Bylaws into compliance with the Nonprofit Revitalization Act of 2013; (b) to update provisions that are not required to be amended in order to comply but which are recommended by the committee; and (c) to make non-substantive changes to delete unnecessary provisions and clarify others. Subscription forms were provided to the delegates to subscribe to the proposed amendments in order to place the proposed amendments on the agenda for action at the Annual Meeting. Following tabulation of the completed forms, Mr. Miranda reported that the proposed amendments had received the required subscriptions to permit their consideration at the Annual Meeting.

5. Report of President. Mr. Lau-Kee highlighted the information contained in his printed report, a copy of which is appended to these minutes.

6. Report of Nominating Committee. Vincent E. Doyle III, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2015-2016 Association year: President Elect: Claire P. Gutekunst, Yonkers; Secretary: Ellen G. Makofsky, Garden City; Treasurer: Sharon Stern Gerstman, Buffalo; Vice Presidents: 1st District – Taa R. Grays, New York and Michael Miller, New York; 2nd District – Domenick Napoletano, Brooklyn; 3rd District – Hermes Fernandez, Albany; 4th District – Matthew R. Coseo, Ballston Spa; 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 – Sherry Levin Wallach, Mount Kisco; 10th District – Scott M. Karson, Melville; 11th District – Richard M. Gutierrez, Forest Hills; 12th District – Steven E. Millon, New York; 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, 2015: David Louis Cohen, Kew Gardens; Evan M. Goldberg, New York; John S. Marwell, White Plains; and Sheldon K. Smith, Buffalo (Diversity Seat). Nominated as Section Member-at-Large was Ira S. Goldenberg, White Plains. Nominated as Young Lawyers Section Member-at-Large was Michael L. Fox, Walden. The following individuals were nominated as delegates to the American Bar Association House of Delegates for the 2015-2017 term: Claire P. Gutekunst, Yonkers; Seymour W. James, Jr., New York; Glenn Lau-Kee, New York; Bernice K. Leber, New York; and Stephen P. Younger, New York. The report was received with thanks.

6. Executive Committee resolution re mandatory pro bono reporting. Mr. Lau-Kee reviewed his and President-Elect David P. Miranda's discussions with Chief Administrative Judge A. Gail Prudenti and Helaine Barnett, chair of the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York, regarding the rule requiring attorneys to report pro bono hours and contributions on their biennial registration form. He reported that there was an agreement in principle to anonymous reporting; reporting in the aggregate; the expansion of pro bono definitions; and maintaining information already submitted as confidential. David P. Miranda, William T. Russell, Jr., and Barbara Carol Moses would serve as a subcommittee to review the implementation of these items. He then reviewed the resolutions he had submitted – one seeking amendment of the mandatory pro bono reporting rule and one to amend Comment 2 to Rule 6.1 of the Rules of Professional Conduct. A motion was adopted to

substitute these resolutions for the Executive Committee resolution then pending. A motion was made to approve the resolution seeking amendment of the rule, after which a motion to amend by adding the phrase “and their clients’ privilege of confidentiality” failed on voice vote. After discussion, the following resolution was approved on voice vote:

WHEREAS, the New York State Bar Association strongly supports and encourages voluntary pro bono services by its members and adequate public funding of organizations engaged in providing legal services; and

WHEREAS, section 118.1(e)(14) of the Rules of the Chief Administrator was enacted, effective May 1, 2013, requiring lawyers to report the following information on their biennial registration forms: (a) the number of hours that the lawyer voluntarily spent providing unpaid legal services to poor and underserved clients during the previous biennial registration period; and (b) the amount of voluntary financial contributions the lawyer made to organizations primarily or substantially engaged in providing legal services to the poor and underserved during the previous biennial registration period; and

WHEREAS, the New York State Bar Association, which was not consulted in advance about such rule, seeks to amend the rule (a) to maintain the truly voluntary nature of pro bono service, (b) to protect the privacy of attorneys, and (c) to recognize the breadth and scope of ways in which attorneys voluntarily contribute to society and to their communities;

NOW, THEREFORE, IT IS

RESOLVED, that the President of the Association is hereby authorized and directed to request that the Administrative Board of the Courts amend section 118.1 of the Rules of the Chief Administrator to (a) provide for reporting of pro bono hours and financial contributions to the Office of Court Administration by attorneys on an anonymous basis only; (b) provide for reporting of pro bono hours and financial contributions by attorneys to the public on an aggregate basis only; and (c) provide for additional categories of reportable hours and financial contributions given by attorneys towards pro bono work and other public service; and it is further

RESOLVED, that the President of the Association is hereby authorized and directed to request that the Office of Court Administration (a) designate any information regarding pro bono hours and financial contributions by attorneys submitted since May 1, 2013, in connection with attorney registration forms as confidential, and (b) not release any such information to the public except on an aggregate basis only.

A motion was made to approve the resolution amending Comment 2 to Rule 6.1 of the Rules of Professional Conduct. After discussion, the following resolution was adopted on voice vote:

WHEREAS, the Appellate Divisions of the Supreme Court amended Rule 6.1(a)(1) of the New York Rules of Professional Conduct by increasing the aspirational number of pro bono hours to be provided annually by all lawyers from 20 to 50, effective May 1, 2013; and

WHEREAS, the New York State Bar Association's Committee on Standards of Attorney Conduct has proposed an amendment to Comment [2] of Rule 6.1 to change the aspirational number of hours of pro bono service from 20 to 50, thereby conforming the language of the Comment to that of the Rule;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association approves the recommendation of the Committee on Standards of Attorney Conduct to amend Comment [2] to Rule 6.1 to change the aspirational number of hours of pro bono service from 20 to 50 in order to conform to the amendment adopted by the Appellate Division.

House member Steven H. Richman then moved the adoption of the following resolution:

RESOLVED, *that in accordance with its established policy, the New York State Bar Association* adopt as one of its highest legislative priorities for 2014 and 2015, the enactment of an amendment to Section 468-a(3) of the Judiciary Law, explicitly prohibiting the Administrative Board of the Courts and/or the Chief Administrator from promulgating any Rule requiring attorneys to report on the pro bono service the attorney provides or the financial contributions by an attorney to organizations engaged in providing legal services to the poor and underserved.

After discussion, the motion failed on voice vote.

Hon. Rosalyn Richter, Hon. Jeffrey Sunshine and Hon. Ellen Spodek abstained from participating in the discussion and votes with respect to this agenda item.

8. Report and recommendations of Committee on Legal Education and Admission to the Bar. Committee co-chairs Eileen D. Millett and Dean Patricia E. Salkin outlined the committee's report regarding a proposal of the State Board of Law Examiners to administer the Uniform Bar Examination (UBE) in July 2015. They noted that while the UBE offers potential benefits for test-takers, the committee believed that the proposal requires additional study and recommended that implementation of the UBE be delayed until such studies could take place. A motion was made to approve the resolution submitted by the committee, after which a motion to amend to add the phrase "and is authorized to take such other and further action as necessary to prevent implementation in July 2015" to the final "Resolved" clause was approved by a standing vote of 105-75 (Mr. Lau-Kee abstained). After discussion, the following resolution was approved on voice vote:

WHEREAS, on October 6, 2014 the New York Court of Appeals issued a Request for Comment on a proposal of the State Board of Law Examiners to replace the current New York bar examination with the Uniform Bar Examination for the administration of the July 2015 administration of the bar examination, with a comment deadline of November 7, 2014; and

WHEREAS, the New York State Bar Association's Committee on Legal Education and Admission to the Bar undertook a [peripheral](#) review of the proposal, the use of the Uniform Bar Examination in other states, and the possible benefits of the Uniform Bar Examination; and

WHEREAS, concerns have been expressed with respect to the too-short comment period; the advantages and disadvantages to New York State residents, the New York Legal profession and their clients of such a change; the lack of New York-specific studies; the lack of a disparate impact analysis of the effect on the profession and the public; the impact on test-takers of the requirement of passage of both the Uniform Bar Examination and the New York Law Exam; the lack of pre-testing of the questions that would appear on the New York Law Exam; and the fact that many current law students have selected curricula and bar review courses based upon the current examination; and

WHEREAS, the Committee has concluded that the proposal requires a fair and reasonable time for study and discussion of the impact associated with a dramatic change to the bar examination and recommends that a decision on the implementation of the Uniform Bar Examination in New York be delayed until further study as to disparate impact, bar pass rates and costs can be completed;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association approves the report and recommendations of the Committee on Legal Education and Admission to the Bar; and it is further

RESOLVED, that the Association urges that the Uniform Bar Examination not be administered in July 2015; and it is further

RESOLVED, that the Association urges that this proposal be reviewed to address the concerns expressed above and that there be an additional comment period to allow sufficient time to address the comments in the Association's report with notice being given to all interested bar associations, including minority bar associations; and it is further

RESOLVED, that if after appropriate review and consultation it is determined to implement the Uniform Bar Examination, such implementation not take place until adequate notice of a minimum of two years is provided to enable law schools and then-current law students to prepare for the bar examination; and it is further

RESOLVED, that the President of the Association is directed to submit the report and recommendations to the Court of Appeals as the Association's comments in accordance with the Request for Comment and to urge the Board of Law Examiners to review the concerns expressed and conduct the needed studies, and is authorized to take such other and further action as necessary to prevent implementation in July 2015.

Hon. Rosalyn Richter abstained from participating in the discussion and vote with respect to this agenda item.

9. Proposed amendment to Rules of the House of Delegates. House member Steven H. Richman moved the adoption of a proposed amendment to the House rules that 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. After discussion, the motion failed on voice vote.
9. Report of Executive Director. David R. Watson, Executive Director, provided his assessment of the Association's status, strengths and challenges. The report was received with thanks.
10. Report of The New York Bar Foundation. Cristine Cioffi, President of The New York Bar Foundation, presented an update with regard to recent developments, highlighting fellowship recipient Hannah Carmel; a Foundation fundraiser held by the Young Lawyers Section; an award booklet to be distributed at Annual Meeting; and the upcoming Fellows' Dinner in January 2015. The report was received with thanks.
11. Administrative items. Mr. Miranda reported on the following items:
 - a. He announced that the House of Delegates Dinner will take place on Thursday, January 29, 2015 at the Metropolitan Club.
 - b. He announced that the Committee on Leadership Development would host a luncheon immediately following the meeting to discuss leadership opportunities.
12. Date and place of next meeting. Mr. Miranda announced that the next meeting of the House of Delegates would take place on Friday, January 30, 2015 at the Hilton New York, New York City.
13. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully submitted,



Ellen G. Makofsky
Secretary



GLENN LAU-KEE

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October 30, 2014

President's Report to the House of Delegates

I. New Staff Leadership to Advance our Mission

As you are all aware, the Association has undergone substantial change during the past year. Significantly, we welcomed two new executive leaders whose mission is to help the Association best serve our members in a rapidly evolving legal environment.

David R. Watson officially began his job as Executive Director on July 21 with a breakfast for the Association staff, which also was attended by Dave Schraver, Dave Miranda and me. The new “Dave” oversees the day-to-day operations of the Association, which has 125 employees in Albany and its nearby print shop. He also helps implement policies approved by the HOD and Executive Committee. Watson brings to the Association his experience as a manager of three law-related associations and a legal technology company, as well as a practicing attorney and financial advisor. Most recently, he has been Executive Director of the Cleveland Metropolitan Bar Association (“CMBA”). Dave is active in the National Association of Bar Executives, where he enjoys an excellent reputation. We are confident his leadership will serve the Association well as we look to the future.

Elizabeth Derrico returned to our staff on October 30 as Associate Executive Director of strategic member engagement. Between 1984 and 1995, she worked at the Association, first as a local bar services representative and then as associate director of communication. She then took a 19-year detour to Chicago where she was associate director for the division of bar services at the American Bar Association. In this position, she had management responsibility for the division’s consulting services and field services program, clearinghouse and information services, Bar Leadership Institute, and social media and marketing initiatives. Elizabeth is well respected among the bar association community nationwide. News of her appointment on Facebook reached 3,500 people within 24 hours, a record for the NYSBA President’s Page.

II. Pro Bono Affairs

Mandatory Pro Bono Reporting

President-elect David Miranda and I recently concluded a series of meetings with Chief Administrative Judge A. Gail Prudenti and Co-chair Helaine M. Barnett, the chair of the Task

Force to Expand Access to Civil Legal Services in New York. I will be presenting my report and recommendation separately on this issue to the House of Delegates.

2014 Legal Assistance Partnership Conference

Moving towards Civil Gideon was the theme of the 2014 Partnership Conference which was held in Albany, New York on September 10 through September 12 at the Albany Marriott. Sponsored biennially by the Association's Committee on Legal Aid, the Partnership Conference has earned the reputation of being the premier continuing legal education training program for civil legal services attorneys. This year I had the honor of presenting opening remarks for the conference, which was attended by more than 650 attorneys and paralegals – an unprecedented jump in attendance of more than 48% from the 2012 conference which peaked at 450 registrants.

Conference registrants were able to choose from among 30 workshops, the overwhelming majority of which were CLE accredited. Among other subjects, workshops were offered in the Affordable Care Act; the nuts and bolts of establishing a lesbian, gay, bisexual and transgendered practice; immigration; Social Security Disability benefits; pro bono; expanding access to justice through the use of technology; language access; and ethics.

During the conference, the Committee on Legal Aid presented the Civil Denison Ray Awards. Named in honor of career civil legal activist Denison Ray, these awards are highly respected among civil legal services practitioners. A total of four awards were presented: two civil legal services attorneys were recognized for their zealous representation of vulnerable clients in government benefits cases and veterans' rights advocacy. A legal services program director with over 30 years of experience was recognized for his vision and leadership in building community collaborations and leveraging resources to better serve the low-income Rochester community. In addition, a non-profit organization was recognized for its decades of providing civil legal services to persons incarcerated in New York State correctional facilities.

Legal Services Corporation Board Meeting

The Legal Services Corporation, the largest funder of civil legal services programs in the country, marked its 40th anniversary by hosting its board meeting and pro bono awards ceremony in Albany, New York. The Board Meeting preceded the Third Department Hearing of the Chief Judge's Task Force to Expand Access to Civil Legal Services. I had the honor of participating in the Task Force hearing and attending the LSC Board meeting. Later that evening, I welcomed members of the LSC Board and their guests to the Great Hall where NYSBA hosted the LSC Pro Bono Awards Ceremony.

Legal Services Initiative

Launched by Governor Andrew Cuomo in the fall of 2012, the Legal Services Initiative is tasked with increasing access to affordable legal assistance, support services, and community resources for three targeted population groups: New York's older adults, individuals of all ages with disabilities and the unpaid caregivers for these groups. Besides the New York State Office for the Aging, the other Initiative partners include the Office of Court Administration, NYSBA, and the Office for People with Developmental Disabilities.

Initiative partners assembled a team of Think Tank members from around the state knowledgeable in the legal, socio-economic, health and safety issues impacting the targeted groups. During October, two Think Tank meetings were held during which members were charged to begin thinking about ways to increase access to affordable legal services for the

identified groups; how to raise the Judiciary's awareness about the special needs of the targeted groups and their effect on the group members' ability to successfully benefit from interactions with the legal community and the courts; what steps can be taken to increase the numbers of attorneys providing legal assistance to the target populations; and how to expand the numbers of attorneys providing pro bono legal assistance to the targeted populations. Immediate Past President David M. Schrauer represented the Association at the first Think Tank meeting which was held on October 10 in Batavia, New York, and I participated in the October 29 Think Tank meeting in Castleton, New York.

Pro Bono Recognition and Recruitment

On October 9th the Association joined with the Honorable Thomas A. Breslin, Administrative Judge for the Third Judicial District, and other community partners to host a pro bono recruitment breakfast for managing partners. The event was very well attended by more than 40 attorneys, representing many of the law firms located in the Third Judicial District.

The Albany Celebration of National Pro Bono Week kicked-off on Tuesday, October 14th. President-Elect David P. Miranda was joined by Chief Judge Jonathan Lippman in recognizing seven area attorneys and one paralegal who made exemplary contributions to pro bono. The honorees were recognized for providing legal assistance to Iraqi refugees to resettle in the area; helping an incarcerated young person successfully challenge a claim of paternity; mentored law students in the delivery of pro bono services; assisted survivors of domestic violence in a variety of legal matters; and launched several innovative pro bono recruitment efforts.

The NYC Annual Pro Bono Recognition Awards Ceremony and Reception on October 23 was attended by more than 200 lawyers. Past President Seymour James Jr, represented the Association at the event which was held at the New York County Lawyers Association. NYSBA joined with the Court's Access to Justice Programs and the New York County Lawyers Association in recognizing more than 60 attorney volunteers. The Association's honorees included two Attorney Emeritus volunteers; two attorneys who counsel low-income debtors in the Staten Island CLARO project; and an attorney who has volunteered with the Refugee Assistance Project since 2002.

October 26-31 marked the fifth anniversary of National Pro Bono Week. As in previous years, the Association continues to play a leading role in organizing and supporting pro bono recruitment and recognition events in the Third and Fourth Judicial Districts aimed at raising awareness about pro bono opportunities and to encourage attorneys in the Capital District to become involved.

For the past several years, during National Pro Bono Week, the Association proudly collaborates with the Albany County Bar Association ("ACBA") and the Legal Aid Society of Northeastern New York ("LASNNY") in offering the Landlord-Tenant Continuing Legal Education training program. The program is free for attorneys who agree to accept pro bono referrals from the ACBA and LASNNY. Attorneys who successfully complete the landlord tenant training staff the Attorney-for-the-Day program in Albany City Court where they represent low-income tenants during their first appearance in an effort to prevent evictions and avoid homelessness. The October 16 evening training program recruited approximately 27 new pro bono volunteers.

The Association joined with Albany Law School and other community partners in sponsoring the biannual Senior Citizens Law Day on October 25. Senior citizens from throughout the tri-cities

and their caregivers attended a variety of informative workshop sessions on a diverse range of topics such as living wills, wills, health care proxies, power of attorneys, do not resuscitate orders, Medicare eligibility requirements, and the Affordable Health Care Act. Attendees also were able to meet one-on-one with an attorney and a law student to receive brief advice and consultation.

III. Legislative Activities

State and Federal Legislative Priorities

The process for selecting the Association's 2015 Legislative Priorities began in July, when I sent a message to members of the Association asking for their input. In September, the Committee on Federal Legislative Priorities, chaired By John Nonna, and the Committee on Legislative Policy, chaired by Hermes Fernandez, met to consider the recommendations that were submitted. In early October, the Steering Committee on Legislative Priorities, comprised of the President, President-Elect, Executive Director, and the chairs of our two legislative committees, met to discuss the committees' recommendations. After consideration of the report of Messrs. Nonna and Fernandez, the Executive Committee adopted the Association's legislative priorities for 2015.

While the process for selecting our 2015 priorities began in July, we have been active this summer and fall in continuing to advocate for our 2014 priorities. In September, Rick Collins from the Criminal Justice Section met in Albany with key legislative staff to discuss the Association's "second-chance" proposal to seal the records of certain criminal convictions. In the coming days representatives of the Business Law Section will be having a similar meeting with regard to revision of New York's Franchise Act. The goal of this advocacy activity is to continue earlier steps on these proposals for appropriate action when the new legislative session begins in January.

Section Legislative Priorities

In addition, while not legislative priorities of the Association, I would like to recognize the hard work of the Trusts and Estates Law Section for successfully advocating for two of the Section's legislative priorities, which were signed into law since June, when we last met. The first law — Chapter 115 of the Laws of 2014 — amends to the Surrogate's Court Procedure Act in relation to the Uniform Transfers to Minors Act, a relatively new proposal from the Section. The second law — Chapter 404 of the Laws of 2014 — amends the Estates, Powers and Trusts Law, in relation to the interest payable on delayed legacies. The Section has advocated for this proposal and addressed questions raised by policy makers over the last several years. I congratulate them on their success, and wish them future success in their legislative advocacy.

IV. Civics Education

Annual LYC Conference

The 38th Annual Law, Youth and Citizenship Conference was held on October 10 at Stony Brook University, and co-hosted by the University's School of Journalism. The over 140 attendees attended workshops and a presentation by Mary Beth and John Tinker (*Tinker v Des Moines*) and Cathy Kuhlmeier Frey (*Hazelwood v Kuhlmeier*), who related their respective experiences before

the Supreme Court. Dean of the School of Journalism, Howard Schneider, was the luncheon keynote speaker.

This year has also been the 40th anniversary of the New York State Bar Association's LYC Program. As part of the celebration, Governor Andrew Cuomo presented the Association with an Executive Chamber Special Citation. It noted congratulations to "the administrators, volunteers and beneficiaries of this revered and successful initiative with its longstanding tradition of educational guidance, public service and community involvement."

LYC Leadership

LYC's new director Martha Noordsy began on October 6, replacing retiring director Eileen Gerrish. Martha is a graduate of St. Lawrence University where she studied American History; she continued her education with Masters' degrees in Law Related Education and Educational Administration. Prior to joining LYC, Martha taught grades 7-12 Social Studies, At-Risk students, Career and Technical students, Adult learners and Incarcerated students. She resides in Glens Falls with her family where she is actively involved in her community.

We would like to thank Eileen for her many years of excellent service and congratulate her on both the many successes she achieved at the Association, and her recent retirement.

V. Judiciary Matters

Judicial Nominations

In September, the State Commission on Judicial Nomination released the names of seven candidates for appointment by the Governor to the State Court of Appeals in connection with the expiration of the term of Hon. Victoria A. Graffeo. Our Committee to Review Judicial Nominations reviewed the qualifications of the candidates and interviewed each of them, finding five to be "well qualified" and two "qualified" for appointment to the court. On October 17, the Governor announced that he would appoint Hon. Leslie E. Stein, Associate Justice of the Appellate Division, Third Department, to the court. The Senate Judiciary Committee is expected to hold confirmation hearings in November, and we will advise the committee that we found Justice Stein to be "well qualified" for appointment.

Judicial Diversity

Having a diverse judiciary is in the public interest. This summer, the Association's Judicial Section completed a study of diversity in New York's judiciary, which was approved by the Executive Committee for distribution in September. As part of our ongoing commitment to this important issue, the Committee on Diversity and Inclusion has been asked to continue our review of judicial diversity.

VI. Noteworthy Events

David Siegel

On October 9 Professor David Siegel passed away at his home in Massachusetts. He was 82. Professor Siegel's contributions to not only the New York State Bar Association, but also the legal profession as a whole, are beyond measure. We thank the entire Siegel family for his many years of service and friendship to the Association.

Local Bar Association and NYSBA Section Events

President-Elect David Miranda and I were pleased to participate in several local and minority bar association events, as well as programs sponsored by chapters of the Women's Bar Association of the State of New York. These included attending the Capital District Women's Bar Association 36th Installation Dinner, the Capital District Black and Hispanic Bar Association Reception for Court of Appeals Judges, the Bar Association of Erie County's Annual Dinner, the Brooklyn Bar Association Officer Induction, the Suffolk County Bar Association Annual Installation Dinner, the Dutchess County Bar Association Past President's Dinner, the Bronx County Bar Association 112th Officer Installation Dinner, a meeting with minority bar association leaders and directors in New York, the Network of Bar Leaders Officer Installation, the New York Women's Bar Association 2014 Installation and Award Dinner and the Onondaga County Bar Association Annual Dinner.

Dave and I also attended the National Conference of Bar Presidents in Boston, MA last August and a meeting of the Mid-Atlantic Bar Conference in Atlantic City, NJ in October. I also had the pleasure of meeting with Paris Bar Association President and Vice President in New York. We extend our thanks to these bar associations for including us in their outstanding events and look forward to future occasions to join our colleagues.

On October 14 I traveled to Vienna Austria, where I had the great pleasure of participating in a four-day event alongside members of our International Law Section. The Federal Chancellor of Austria, Werner Faymann, commenced the event, which explored the rejuvenation of the transatlantic marketplace through entrepreneurship and innovation. We also had the privilege of participating in discussions with the United Nations Commission on International Trade Law ("UNCITRAL") at the Vienna International Centre, where UNCITRAL expressed its interest in our continued counsel on future projects.

Thereafter, I traveled to Rio de Janeiro, Brazil, where I met twice with, Marcus Vinicius Furtado Coelho, President of the Federal Council of the Brazilian Bar Association. At his invitation, I joined President Marcus at Brazil's 2014 Conference of Bar Associations alongside some 16,000 attorneys on October 21. Together, we signed a memorandum of understanding at the Conference's opening ceremony; the memorandum highlights the importance of the rule of law for the protection of human rights and the vital role played by attorneys in preserving and enforcing the rule of law. I also had the honor of speaking as part of an international arbitration panel. We anticipate a continued relationship and look forward to future collaboration with the Federal Council of the Brazilian Bar Association.

Personnel Announcements

The Association is pleased to welcome Grazia Yeager, the new director of marketing, who joined our staff as at the end of September. Grazia is coordinating the Association's outreach to both members and non-members. She is working closely with the Membership, Continuing Education, Publications, Design Services, Management Information and our Printing departments. For more than a decade, she was manager of membership and special initiatives at the New York State Archives Partnership Trust in Albany.

Radio spots

I recently recorded radio announcements to educate the public on two topics: the importance of designating a health care agent and the importance of having a will, especially for parents of young children. The spots will be broadcast for four weeks, beginning November 10, in cooperation with the New York State Broadcasters Association.

Annual Meeting in New York City

Our next House of Delegates and Executive Committee meetings will be held on January 29 and 30 as part of the Annual Meeting at the Hilton New York in New York City. A variety of other events are planned for the week, including the Presidential Summit and Reception on January 28 and a House of Delegates dinner on January 29. I hope you will join us!

Sincerely,

A handwritten signature in cursive script, appearing to read "Glen S. Katz".