

NEW YORK STATE BAR ASSOCIATION

REPORT

of the

COMMITTEE ON COMMITTEES

Donald C. Doerr, Chair

January 24, 2013

BACKGROUND & CURRENT STATUS

The Committee on Committees (ComCom) was established in June of 2007 as a Special Committee and became a Standing Committee in June of 2011. The original mission Statement of ComCom (See, [Appendix A at p.8](#)) is being updated and will be modified and submitted to the Executive Committee (EC) to reflect the standing nature of the Committee as well as the recommendations (which were adopted by the EC) that every standing Committee of the Association be reviewed on a three year cycle and that all Task Forces and Special Committees be reviewed on an annual or two year cycle, as appropriate. Pursuant to ComCom's request of the EC, the membership of ComCom was augmented and now has 12 active members, both original and new members, primarily selected based on prior leadership experience within the Association. In 2012/2013, ComCom has slated 23 Committees for a full review and 4 Committees for an update (where previous Report's recommendations remain outstanding). This Report to the EC includes a review of 7 Committees; 5 Committees were reviewed and presented to the EC in June of 2012. The remaining Committees will be reported on at the June 2013 Meeting in Cooperstown.

COMMITTEE/TASK FORCE/SPECIAL COMMITTEE RECOMMENDATIONS:

The reports of each of the 7 entities reviewed by COM COM are attached at [Appendix B \(pp. 9-28\)](#) and EC members are encouraged to read the full reports for additional information and the background information and basis for ComCom's recommendations.

COMMITTEES WHERE COMCOM RECOMMENDS SOME MANNER OF CHANGE IN STATUS:

1. SPECIAL COMMITTEE ON IMMIGRATION REPRESENTATION:

The Special Committee on Immigration Representation was formed in June of 2011 and has been active since its inception. They participated in the January 2012 Presidential Summit, producing a major report on immigration representation that was approved by the Executive Committee and House of Delegates this past year and they are planning a CLE program for presentation in the fall of 2013 (Please see full ComCom report attached at [Appendix B pp. 10-13](#) for a full analysis of this Committee).

This Committee has a good distribution of members both geographically and from a diversity perspective. The Committee needs to better utilize its website presence and put its Committee roster on the website. This Committee is planning to examine the broader issues of unlawful practice that impact the immigration area and there is some overlap with regard to the Committee on UPL (Unlawful Practice of Law). However, it is ComCom's belief that this Committee is performing numerous other valuable services to the Association in the immigration area and can pursue liaison relationships with other relevant groups and committees with regard to UPL. In sum, the committee is making a valuable contribution to the work of the Association, operates with a modest budget, has produced an excellent report, and has plans for educational programs and other initiatives which will continue to benefit the Association, the legal profession and the public.

RECOMMENDATION: That the Special Committee on Immigration Representation should be designated as a Standing Committee of the Association and should continue in that status. The Committee's Mission Statement should be updated to reflect their new Standing Committee Status and the Committee is urged to update and utilize their website presence so that relevant information regarding resources and programs are available.

2. SPECIAL COMMITTEE ON VETERANS:

The Special Committee on Veterans was formed on June 1, 2011 and has been extremely active since its inception, attempting to advance the very detailed goals set forth in its Mission Statement. The Mission Statement and a summary of the work of this Committee and its three subcommittees (Veterans Courts; Legal Training; and Legal Services) is set forth in the attached full report (See, [Appendix B at pp. 14-16](#)).

The Special Committee conducted a day long CLE at the 2012 Annual Meeting and presented a thorough report and recommendations at the November 2012 House of Delegates' meeting which was adopted by both the Executive Committee and the House. The recommendations of the Special Committee included expanding Veterans Courts or veterans-oriented courts throughout New York State, expanding the availability of quality legal representation to veterans in New York State, and expanding the presentation and distribution of continuing legal education programs with regard to legal issues surrounding veterans. The Committee is geographically, racially, and ethnically diverse and extremely passionate in its mission.

RECOMMENDATION: That the "Special Committee on Veterans" should be designated as a Standing Committee of the Association and should continue in that status. The Committee's Mission Statement should be updated to reflect their new Standing Committee status and correct name, and the Committee is urged to further utilize their website presence so that relevant information regarding resources and programs are readily available.

3. SPECIAL COMMITTEE ON YOUTH COURTS:

The Committee on Youth Courts was formed on June 1, 2010. As detailed in the attached full report (See, [Appendix B at pp.17-19](#)) the Committee has many challenges ahead but under the passionate leadership of former Chief Judge Judith Kaye and Patricia Rodriguez, this Committee serves a great purpose.

There was discussion by ComCom as to whether this Committee could be merged with the Committee on Law, Youth & Citizenship, but it was determined that they serve different purposes and that this Committee needs to be a free standing Committee in order to achieve its goals and mission. ComCom agrees that when this Committee is reviewed again in three years, we will again look at this issue and its relationship with the LYC Committee to determine what is in the best interests of the Association at that time. Although the Special Committee has yet to realize its full potential due to a variety of challenges, it has taken the "reins" on the matter and with the continued passion of its leadership and the soundness of the cause, the future of Youth Courts in New York will be best served by converting the Special Committee into a standing committee so that its work can continue, with the full and ongoing support of the Association and its various stakeholders.

RECOMMENDATION: That the "Committee on Youth Courts" should be designated as a Standing Committee of the Association and should continue in that status. Its Mission Statement should be updated to reflect its new Standing Committee status and the Committee needs to utilize and update its webpage presence.

COMMITTEES WHERE COMCOM RECOMMENDS NO CHANGE IN STATUS:

4. COMMITTEE ON LAWYER REFERRAL SERVICE:

The Committee on Lawyer Referral Service was formed in 1952 and continues to be a viable part of the mission of the Association as outlined in the attached full report (See, [Appendix B at pp. 20-21](#)). This Committee gives the public a “face” to the Association and also works closely with other local bar associations around the State to help them facilitate their own lawyer referral programs. The Committee is very active and its members are “diversified” and the meetings are well-attended.

RECOMMENDATION: That the “Committee on Lawyer Referral” should be continued as a Standing Committee.

5. COMMITTEE ON LAWYERS IN TRANSITION:

The Committee on Lawyers in Transition was formed in 2006 and is currently a standing committee providing invaluable support and benefit to lawyers in all kinds of transition. The Committee has an excellent and informative website presence and offers numerous programming opportunities, especially for attorneys who have lost their jobs or looking for other employment opportunities as a result of the recent “financial crisis” over the past several years. For additional information please see the full report at [Appendix B pp. 22-23](#).

While there is some overlap with the Law Practice Management Committee, we believe that the work of this Committee is unique and should continue in its current form partnering and collaborating with LPM and others. We discussed that the current NYSBA Strategic Plan refers extensively to this Committee and its role in the future of the Association, to an extent that, in our opinion, is disproportionate (financially and administratively) to the current capacity of the Committee. Significant committee and staff resources are required to put on the programs as well as keep the website up-to-date.

RECOMMENDATION: That the “Committee on Lawyers in Transition” continues as a Standing Committee and that the Executive Committee evaluate and look into providing this Committee with additional financial and/or administrative support to be consistent with the role this Committee is being asked to fulfill as outlined in the Association’s Strategic Plan.

6. COMMITTEE ON DIVERSITY AND INCLUSION:

This Committee on Diversity and Inclusion was formed as a standing committee in June of 2010. The Committee is active and its members are well balanced in terms of diversity. The activities and programs of the Committee are outlined in the full report which can be found at [Appendix B pp. 24-25](#). The Committee has embarked on a robust effort to engage more Sections in the work of diversity and inclusion in collaboration with President James' ongoing Membership Diversity Challenge. The Committee on Diversity and Inclusion is unique among other Association committees with respect to its vital mission and warrants continued full support of the Association to the end that NYSBA becomes an even more diverse and inclusive organization.

RECOMMENDATION: That the "Committee on Diversity and Inclusion" be continued as a standing committee and that it be enthusiastically supported by the Association, its leaders, sections and committees, if at all possible with additional funding to help enhance its critically important work.

7. COMMITTEE ON MEDIA LAW:

This Committee on Media Law was reviewed by ComCom in 2008 and was reviewed again this year to see if the previous report's recommendations were addressed. Please see the full Status Report which is attached at [Appendix B pp. 26-28](#).

While the Committee continues to be important and valuable to the Association and should remain as a Standing Committee, the following concerns remain:

The Committee needs to address the lack of racial diversity and continue to look at the geographic diversity of its members.

The Committee webpage is not actively maintained on the website and, despite the recommendation of the 2008 report, continues to be of low priority. A Committee Roster, Mission Statement, program reports and program announcements will help to address the continued perception that this as an "insular club."

RECOMMENDATION: That the "Committee on Media Law" continues as a Standing Committee but that they immediately update and utilize their webpage and look at ways to diversify their membership, both racially and geographically.

OTHER RECOMMENDATIONS:

1) A Committee's Mission Statement (also referred to as the Committee's Charge) is approved by the Executive Committee of the Association when the Committee/Task Force/Special Committee is formed. In the process of reviewing several committees, ComCom recommended and the Executive Committee agreed that some of the committee's Mission Statements should be updated. In certain instances it appears that the committees have updated their Mission Statements and put them on their web pages, but may not necessarily have gotten the Mission Statements approved by the EC. It is the recommendation of ComCom that a procedure be put in place to keep track of all Committees Mission Statements to ensure that there is a central repository at the Association for all Mission Statements and that the amended or updated Mission Statements are ultimately approved by the EC.

**This recommendation, although approved by the Executive Committee in June of 2012, appears to still be outstanding.*

2) In June of 2011 and again in June of 2012, in our Report to the EC, we listed several recommendations that were approved by the EC but that were not yet fully addressed by the Association. All but the following have yet to be addressed by the Association :

**We now respectfully again request that the first bullet item (below) be sent to the Bylaws Committee for action and implementation:*

There should be three entities – standing committees, special committees and task forces – defined in the Bylaws;

The rationale and the background of this recommendation are contained in [Appendix C \(pp. 29-30\)](#) of this Report.

SUMMARY OF REQUESTED ACTION BY EXECUTIVE COMMITTEE:

- 1) Approval and adoption of the reports & recommendations of the 7 Committees reviewed in this report including that 3 Special Committees become Standing Committees;
- 2) That a procedure be put in place to ensure that each Committee/Task Force/Special Committee's Mission Statement is approved by the EC and that the most recent approved Mission Statements are kept on file with the Association; and

- 3) Follow up by the Executive Committee and referral to the Bylaws Committee with regard to “Other Recommendations” previously approved by the Executive Committee as outlined in [Appendix C](#), that there should be three organizational “committee” entities defined in the bylaws: (1) Standing Committees; (2) Special Committees; and (3) Task Forces.

Respectfully submitted by the Committee on Committees:

Donald C. Doerr, Chair

Michael I. Chakansky

Sharon Stern Gerstman

C. Bruce Lawrence

Michael E. O'Connor

Robert T. Schofield, IV

Dennis R. Baldwin

Maryann Saccomando Freedman

Michael A. Klein

Edwina Frances Martin

Patricia L. R. Rodriguez

John A. Williamson, Jr.

Kathryn T. McNary, NYSBA Staff Liaison

Andrew Brown, Executive Committee Liaison

APPENDIX A

SPECIAL COMMITTEE ON COMMITTEES MISSION STATEMENT

The Special Committee on Committees is charged with:

- (1) developing a methodology for review of all standing and special committees and task forces, with the exception of the Executive, Nominating and Finance Committees, to assess whether they are within the scope of and relevant to the Association's purposes and its membership, can be combined with any other existing committee(s), task force or section, or otherwise modified or reconstituted, and are functioning in a manner that is beneficial to the Association and in accordance with their missions;
- (2) applying the resulting methodology to each such committee and task force, and thereafter recommending to the Association the continuation, modification or termination of each committee and task force so reviewed; and
- (3) developing guidelines for the creation of future standing and special committees and task forces.

The Special Committee on Committees shall be terminated upon completion of its work as determined by the Executive Committee.

APPENDIX B

Appendix B contains the following ComCom Final Reports:

1. SPECIAL COMMITTEE ON IMMIGRATION REPRESENTATION;
2. SPECIAL COMMITTEE ON VETERANS;
3. SPECIAL COMMITTEE ON YOUTH COURTS;
4. COMMITTEE ON LAWYER REFERRAL SERVICE;
5. COMMITTEE ON LAWYERS IN TRANSITION;
6. COMMITTEE ON DIVERSITY AND INCLUSION; and
7. COMMITTEE ON MEDIA LAW.

COMMITTEE ON COMMITTEES FINAL REPORT
on
SPECIAL COMMITTEE ON IMMIGRATION REPRESENTATION #1

History: The Special Committee on Immigration Representation was formed in June 2011

Name of Reporter: John A. Williamson – (518) 482-5638; jaw51046@aol.com

Date of Report: December 20, 2012

Current Budget: \$4,000 – increases to \$4500 in 2013

Committee Chair: **Current Co-Chairs: Jojo Annobil;**
(917) 797-3726; JAnnobil@legal-aid.org
Joanne Macri;
(518) 465-3524; jmacri@nysda.org
Past Chair: None, as these are the initial co-chairs

NYSBA Liaison: **Andria L. Bentley;**
(518) 455-7710; abentley@nysba.org

Exec.Comm- Liaison: **Jay G. Safer;**
(212) 812-8305; jsafer@lockelord.com

Committee Staffing: **Andria L. Bentley**

Recommendation: That the Special Committee on Immigration Representation should be designated as a Standing Committee of the Association and should continue in that status. As set forth more fully below, the committee has been active since its inception, participating in the January 2012 Presidential Summit, producing a major report on immigration representation that was approved by the Executive Committee and House of Delegates this past year and is planning a CLE program for presentation in the fall of 2013.

Explanation for the Recommendation.

Mission Statement: As approved when the committee was formed and as set forth on the website:
Respondents in immigration proceedings face detention, deportation and often times, permanent expulsion from the United States with no constitutional right to government-funded legal representation. Many of these immigrants have limited resources and cannot afford an attorney, leaving them unrepresented or vulnerable to unscrupulous and unauthorized individuals who exploit language barriers and exact exorbitant fees in

exchange for providing incompetent and insufficient assistance. With the dramatic and rapid escalation of immigration enforcement policies and resources, efforts in providing effective and readily-available quality representation and assistance are necessary to promote a fair and just immigration court system. The dearth of adequate legal representation in immigration cases impedes an already overburdened court system, where judges are often left to fill in the gaps as they do their best to ensure that respondents receive fair treatment.

The mission and objective of the Special Committee on Immigration Representation is to examine the challenges faced by respondents and the courts in these matters, and generate a report and recommendations to improve the quality and availability of legal representation in immigration cases. The Special Committee will seek input from judges and attorneys with experience in immigration proceedings, and it will consider possible improvements to attorney training and CLE; expansion of pro bono opportunities; creation of referral services and legal orientation programs around the state to assist respondents; and implementation of written standards for representation in immigration matters.

Website Review:

The committee has a website with an active link to its report on immigration representation which was approved by the Executive Committee and House of Delegates this past year. While this provides access to the most significant written work done by the committee in its comparatively short period of existence, it is suggested that as the committee proceeds with various initiatives, as referenced below, it consider placing them, as appropriate, on the website so that relevant information regarding resources and programs is available to interested groups and individuals.

Preparation of Report: In preparing this report I received and reviewed the staff liaison's questionnaire, the minutes of recent meetings, the report on immigration representation referenced above, information regarding current and contemplated activities, the committee's website, and its roster. I also spoke separately with the two co-chairs, the staff liaison and the Executive Committee liaison.

The committee has 25 members, with 12 women and 13 men. It has good distribution in terms of upstate and downstate members, urban and suburban locations and firm size. Members are drawn from a variety of practice sectors, including government as well as private practitioners, and include individuals from organizations providing representation to immigrants. The committee also has honorary members and advisors to obtain input from the judiciary, correctional facilities and other relevant

groups. The co-chair system has worked well for the committee, and the co-chairs communicate and coordinate well with each other.

The committee met in person four times during its first year and twice so far during the current year. Participation by telephone is available for those unable to attend in person. Approximately 15 members participate in each meeting. Most meetings have been held in New York City at the Legal Aid Society, with an occasional meeting held at the Bar Center in Albany. Use of these two sites has helped to minimize expenses for the committee.

The committee's activities provide ample opportunity for members to participate and assume leadership roles for various projects. Specifically, the committee has utilized a subcommittee structure and working groups with team leaders to develop its report and pursue related projects.

The committee was involved with the planning and presentation for the Presidential Summit held during the January 2012 Annual Meeting of the Association. It assisted with a panel of experts who discussed issues connected with immigrant representation, including the lack of adequate representation, the collateral impact this has on immigrants, and possible ways to expand representation, including necessary funding.

The committee also developed a detailed report on immigration representation which was approved by the Executive Committee and House of Delegates this past June. The report presented standards for representing clients in immigration proceedings, addressed the Board of Immigration Appeals' Recognition and Accreditation Process, and reviewed the underserved areas of upstate New York in terms of being able to provide representation for immigrants subject to removal from this country. It also discussed options for improving pro bono representation. The committee is also coordinating with the Association leadership and staff in the development of a resolution based on the report for presentation to the ABA's House of Delegates, possibly in August 2013.

The committee is also coordinating with the Association's CLE Department in the development of a program for presentation in the fall of 2013. The program would focus on training to ensure competent attorney representation for immigrants, as well as providing guidance on the interaction of criminal, family and juvenile statutes on immigration matters.

Going forward, the committee plans to examine the broad issues of unlawful practice that impact the immigration area, pursue liaison relationships with other relevant groups, and examine possible legislative efforts to improve representation in this field of law. The committee co-chairs noted that there is considerable difference in the quality of representation provided by attorneys or experienced non-profit agencies as opposed to that provided by untrained and in many instances unscrupulous

non-lawyers acting individually. The committee wants to develop initiatives that will promote improved training for those involved in this field, as well as provide better supervision and monitoring of non-lawyers. The committee would also like to collect materials regarding unlawful practice in this area and develop information for immigrants to explain how the legal system works in this field and how to report actions by unscrupulous individuals to the appropriate authorities. The committee will also seek to coordinate with other bar associations and other relevant groups in sharing resources and information so that the organized bar can function as effectively as possible in the field.

In summary, the committee is making a valuable contribution to the work of the Association, operates with a modest budget, has produced an excellent report, and has plans for educational programs and other initiatives which will continue to benefit the Association, the legal profession and the public. The committee should continue and should be converted to a standing committee in recognition of what it has accomplished and to enable it to perform in a critical area for both the Association and the public.

COMMITTEE ON COMMITTEES FINAL REPORT
on
SPECIAL COMMITTEE ON VETERANS #2

History: This Special Committee was formed in June 1, 2011.

Name of Reporter: Michael A. Klein (315) 671-2111 maklein@courts.state.ny.us

Date of Report: January 4, 2013

Current Budget: \$39,000

Committee Chair: **Current Co-Chairs:** **Karen R. Hennigan** appointed 6/1/2011
(718) 254-6254 KHennigan@yahoo.com
Michael C. Lancer appointed 6/1/2011
(716) 885-9700 mlancer@collinscollins.com

NYSBA Liaison: **Gloria Herron Arthur, Esq.**
(518) 487-5640 garthur@nysba.org

Exec.Comm- Liaison: **Oliver C. Young**

Committee Staffing: **Gloria Herron Arthur, Esq.**

Recommendation: **That the Special Committee be designated as a standing committee of the Association.**

Explanation for the Recommendation:

Mission Statement: *“The Special Committee on Veterans’ Affairs is established for the purpose of identifying the specific needs for quality legal services available to New York’s military community and creating a framework within which those needs can be successfully met. The ultimate goal of the Special Committee is to improve the quality of legal services available to the community of veterans, which the Committee defines as past and present military members both active and reserve, and the families that support them. The Special Committee will focus on three key areas of need and has created a subcommittee to address each area: Veterans’ Courts; Legal Services; and Legal Education.*

The Special Committee has set forth specific goals for the subcommittees, which will help us achieve measurable success in the coming year. These goals include studying the availability of legal and other services throughout the state; making recommendations to expand the availability of such services; generating a report discussing ways in which service providers can share information about available legal resources; recruiting and training attorneys in legal issues commonly faced by the community of veterans; encouraging the use and creation of more specialized veterans' courts; and compiling a legal resource guide for the

community of veterans and the attorneys who want to assist them, either on a pro bono or on a for-fee basis.

Working with the Office of Court Administration and community groups dedicated to veterans' issues, the Special Committee will encourage the establishment of more Veterans' Treatment Courts and/or tracks, modeled on the ground-breaking Buffalo Veterans Treatment Court, to deal with veterans charged with crimes. The goal of the Veterans' Courts will be to increase knowledge and competencies in military culture, substance abuse, mental health, traumatic brain injury (TBI), and other service related issues, including how to access veterans' benefits and services.

Recognizing that it may sometimes be very difficult for veterans to obtain legal assistance, the Special Committee will identify existing legal services resources available to veterans across including both fee based and pro bono. These resources will be compiled into a reference/referral guide for use by veterans and providers in order to facilitate the identification and use of available services.

The Special Committee also will strive to create and execute legal education programs for attorneys and the general public on veterans' issues. These programs will have the overarching theme of providing legal education to practitioners and non-lawyers involved in veterans' issues relating to services available and addressing legal issues unique to the community of veterans. In addition to presenting CLEs, the subcommittee will seek to deliver program templates to legal organizations throughout New York, that are interested in making such presentations."

The Special Committee has been extremely active since its inception. It has advanced the goals set forth in its Mission Statement. The three subcommittees (Veterans Courts, Legal Training and Legal Services) have been established and have held regular meetings. Additionally, three full committee meetings have been held. The Special Committee conducted a day-long MCLE accredited program at the 2012 Annual Meeting. Additionally, the Special Committee presented its report and recommendations at the November 2012 House of Delegates' meeting. That report and its recommendations were adopted by the House of Delegates. The recommendations of the Special Committee included expanding Veterans Courts or veterans-oriented courts throughout New York State, expanding the availability of quality legal representation to veterans in New York State, and expanding the presentation and distribution of continuing legal education programs with regard to legal issues surrounding veterans. Issues facing veterans will be one of the two presentations at the Presidential Summit at the 2013 Annual Meeting.

The Special Committee has found that veterans have specific problems arising from their military service. Those problems are often involved with military culture and psychology, the difficulties that veterans face during reintegration into civilian life, and the way that veterans deal with legal issues. The long-range goals of the Special Committee would include amending court rules and/or changing legislation to provide access to veterans courts and treatment tracks throughout the state. Additionally, the Special Committee views that ongoing training is necessary to bridge the gap between our legal system and military culture. Moreover, the

Special Committee hopes to establish a special lawyer referral line specifically for veterans. This referral line would be staffed by attorneys willing to assist veterans in their various legal matters. It is hoped that this referral line would provide up to one half hour of free legal consultation.

The Special Committee also hopes to coordinate and expand the various programs throughout the state that provide pro bono services for veterans. The passion of the members of the committee is unparalleled. Among the Special Committee are two Court of Appeals Judges. The Special Committee is geographically, racially, and ethnically diverse.

Veterans have not always been well treated when they return from service. This proposed standing committee will attempt to address the unique legal issues that veterans may face as a result of their service to their country.

Website Review: The website is functioning and is being utilized but could be more effectively utilized.

Preparation of Report: In preparing this report I received and reviewed the Chair Questionnaire and Staff Liaison Questionnaire and spoke to Committee Co-Chair Michael Lancer and the NYSBA Staff Liaison Glorida Herron Arthur. They are both extremely excited about the progress and future activities of the Special Committee. I also reviewed the minutes, the website, the reports of the Special Committee and other information available to me. There are approximately 42 committee members, of which 15 regularly participate. The Special Committee and subcommittees meet as necessary; with three Special Committee meetings held since June 2011. The meetings are held in New York City and Buffalo (teleconference and video conference).

**COMMITTEE ON COMMITTEES FINAL REPORT
ON
SPECIAL COMMITTEE ON YOUTH COURTS #3**

History: The Special Committee on Youth Courts was formed on June 1, 2010

Name of Reporter: Dennis R. Baldwin

Date of Report: October 17, 2012

Current Budget: \$2800

Committee Co Chairs: Hon. Judith Kaye (212 735 3680, Judith.kaye@skadden.com) and Patricia Rodriguez (518 346 3993, plrrlaw@aol.com)

NYSBA Staff Liaison: Stacey Whiteley (518 486 5760, swhiteley@nysba.org)

Exec. Comm. Liaison: Claire Gutekunst (917 734 5458, cgutekunst@gutekunstadr.com)

Recommendation: The concept behind the establishment of Youth Courts in New York warrants the ongoing enthusiastic support of the Association. With the continued impassioned leadership of Judge Kaye and Patricia Rodriguez, that concept can best be translated into an effective long term effort by converting the Special Committee on Youth Courts into a **standing committee** of the Association, with all the rights and privileges pertaining thereto.

Explanation of Recommendation: According to its mission statement, Youth Courts have a dual purpose. First, they are a vehicle for addressing real-life problems faced by young people (such as truancy, school fighting, graffiti, vandalism and shoplifting), intervening early to avoid more serious encounters that trigger a downward life spiral. Second, they offer participating teens, who are trained to serve as jurors, judges, attorneys and court personnel, education in our justice system, too often lacking today.

The Special Committee's Mission Statement continues as follows: Overseen by volunteer lawyers, judges, educators, law enforcement officials or community members, Youth Courts take various forms. Sanctions typically include community service, letters of apology, behavior modification classes, essays and counseling. The courts use positive peer pressure to ensure that young people who commit even minor offenses give back to the community and avoid further entanglement with the justice system. There are more than 80 Youth Courts informally operating throughout New York State.

The New York Bar Foundation has supported Youth Courts by providing grants for the Center for Court Innovation to develop a comprehensive Recommended Practices Manual; for the Staten Island Youth Court to develop programs that provide opportunities for local teens to hear cases involving low-level offenses committed by youth; and for the Youth Justice Board, which seeks to influence juvenile justice through a model participatory democracy program that brings the voice of informed youth directly to policymakers.

The Mission Statement concludes that the Special Committee will examine what roles the Bar Association can play in strengthening Youth Courts, defining best practices, identifying locations where new Youth Courts can be established, and developing strategies for raising funds to enlarge the initiative.

Although the Special Committee has yet to realize its full potential due to a variety of challenges, it has taken the “reins” on the matter and with the continued passion of its leadership and the soundness of the cause, the future of Youth Courts in New York will be best served by converting the Special Committee into a standing committee so that its work can continue, with the full and ongoing support of the Association and its various stakeholders.

In preparing this report, I have reviewed the co-chairs’ questionnaire, the staff liaison questionnaire and minutes of recent committee meetings. I have also consulted by phone with the co-chairs, Judge Judith Kaye and Patricia Rodriguez, the Executive Committee liaison, Claire Gutekunst and NYSBA staff liaison, Stacey Whiteley, each of whom were open, forthright, helpful and passionate regarding the mission of the Special Committee.

The Committee presently has approximately 30 members, of whom about 20 have actively participated. The Special Committee has not met recently due to some unique staffing challenges, but a meeting is planned for late October or early November of 2012 and all indications are that the Special Committee will be reinvigorated in the pursuit of its mission. In the past, the Committee has hosted a Youth Court informational event at the State Bar Center and coordinated a Youth Court demonstration at a House of Delegates meeting. I am informed that among the planned new initiatives for the Special Committee is a promotional video for Youth Courts and a Youth Court conference slated for next spring. In addition, the Committee is looking forward to working with an exciting new Youth Court initiative slated to open in mid-November in an Albany area public school which may become a model for Youth Courts in New York State. In the past the work of the Committee, in conjunction with the Association’s Governmental

Relations Director, Ron Kennedy, has been focused on advocating for the adoption of the Special Committee's proposed legislation to include Youth Courts among the various options available within the State's juvenile justice system. In addition, the Committee supports legislation introduced by Judge Lippman to increase the juvenile age to 18 which, if adopted, would provide additional incentive for the development of Youth Courts. However, Youth Courts are not dependent upon legislation for their existence, so whether or not any supportive legislation is eventually adopted and signed into law, Youth Courts, especially in public schools, have great promise to be an even more important juvenile justice alternative. That being so, a robust, well funded standing committee on Youth Courts will be invaluable in providing assistance and guidance regarding the successful implementation of Youth Courts throughout New York State.

Website Review:

While the website is being utilized it needs to be updated and the Committee Roster needs to be added.

**COMMITTEE ON COMMITTEES FINAL REPORT
ON
COMMITTEE ON LAWYER REFERRAL SERVICE #4**

History:	The Committee on Lawyer Referral Service was created in 1952.
Name of Reporter:	Michael E. O'Connor, Esq. - (315) 476-8450 oconnor@delaneyoconnor.com
Date of Report:	May 30, 2012 – Updated December 2012
Current Budget:	\$77,850.00 (mostly for advertising)
Committee Chair:	Current Chair: Anna K. Christian, Esq. – (518) 694-3080 akchristian@yahoo.com Past Chair: Deceased
NYSBA Liaison:	Eva Valentin-Espinal, Esq. – (518) 487-5700 evalentin@nysba.org
Executive Committee Liaison:	David L. Edmunds, Jr., Esq. - (716) 874-9316 dedmunds@abc.state.ny.us
Recommendation:	The Committee continues to be a viable part of the mission of the NYSBA and should be continued.
Mission Statement:	The mission statement calls for the Committee to assess and evaluate methods of making legal services more readily available to the public; encourage and assist local bar associations and other agencies to accomplish this; monitor developments in the area of lawyer referral; oversee NYSBA lawyer referral and information services, including review of attorney applications to become panel attorneys. That mission is followed and continues to be. Mission statement attached. The Committee is active, holding three meetings per year, typically. Approximately 13 of the 18 members participate in each meeting. The Committee review applications for membership in its Experience Panels and cooperate with local referral services ongoing. If any problem arises with local services, the Committee will try to evaluate the problem and assist in bringing it into compliance with ABA standards.

Preparation of Report: In the preparation of this report, I reviewed the mission statement of the Committee, reviewed its website, reviewed the minutes of its last three meetings and the comments of the committee chair and staff liaison. I also spoke with the staff liaison.

Website Review: The Committee has its own space on nysba.org. and also has a Committee website presence which is utilized well.

**COMMITTEE ON COMMITTEES FINAL REPORT
ON
COMMITTEE ON LAWYERS IN TRANSITION #5**

History:	The Committee on Lawyers in Transition was formed in 2006 under the leadership of Mark Alcott.
Name of Reporter:	Patricia L. R. Rodriguez, Esq. 518-346-3993 plrrlaw@aol.com
Date of Report:	May 29, 2012 – Updated December 2012
Current Budget:	\$10,000.00
Committee Chair:	Current Chair: Jessica Thaler- (646) 596-1523 jthaleresq@gmail.com Past Chair: Lauren J. Wachtler – (212)509-3900 ljw@msk.com
NYSBA Liaison:	Katherine Suchocki, Esq. - (518) 487-5590 Ksuchocki@nysba.org
Executive Committee Liaison:	Grace Mattei, Esq. – (718)983-8555 grace@gracesq.com
Recommendation:	My recommendation is that this committee continues its important work for NYSBA. The committee budget is minimal and it provides a great benefit to lawyers in all kinds of transition.
Mission Statement:	The chair indicates that the mission statement of this committee is currently being revised. There is a mission statement on the web site but attached to this report is a proposed mission statement that is being considered by the NYSBA executive committee. The revised mission statement was drafted to address the expansion of this committee's mission to help attorneys in any stage of transition.[UPDATE as of 1/10/13- the new Mission Statement is on the Committee's web page.
Website Review:	The Committee has an excellent web site presence that is

maintained by the current chair & NYSBA staff liaison. There are many programs offered by this committee and it uses the web site to keep members informed of meetings, webcams, etc.

Preparation of Report: I contacted the current chair and staff liaison and reviewed the questionnaire. I also reviewed the web site and other information sent to me by the current chair.

This committee was formed in 2006 and the first chair of the committee was Lauren Wachtler. This committee was originally formed by Mark Alcott to address the issues of female attorneys in the workplace and to address the retention of female attorneys who may take leave from their positions for maternity or other caretaking issues. After the financial crisis, the focus of the committee changed since many lawyers found themselves unemployed and needed services to re-enter the work force. I was the Executive Committee liaison to this committee and observed first hand all the work that the past chair, Lauren Wachtler, took on for the committee.

The current chair, Jessica Thaler, is equally energetic and enthusiastic about the work of the committee. While Jessica's approach is slightly different from the past chair, this committee offers many interesting and informative programs to its members. It continues the popular web casts and the chair is starting a new initiative of "mix and mingle" events which are smaller networking functions.

The committee has a diverse membership. However, the programs held by the committee are primarily downstate. The two programs held in Albany were not well attended. Due to the recent focus on attorneys who have lost their positions due to the financial crisis, most of the committee's work is focused downstate. Although it must be noted that many programs have tele-conference and/or web capabilities.

This committee provides a great benefit to NYSBA membership at a relatively low cost. Its programs are very popular and well received. While there is some overlap with the Law Practice Management Committee, the work of this committee is specialized and should continue in its current form.

COMMITTEE ON COMMITTEES FINAL REPORT
on
COMMITTEE ON DIVERSITY AND INCLUSION #6

History: The Committee on Diversity and Inclusion was established on June 1, 2010 as a standing committee

Name of Reporter: Dennis R. Baldwin

Date of Report: October 17, 2012

Current Budget: \$29,550

Committee Co Chairs: Kenneth G. Standard (212.351.4670, kstandard@ebglaw.com) and Betty Lugo (718.855.3000, blugo@pachecolugo.com)

NYSBA Staff Liaison: Mark Wilson (518 487 5540, mwilson@nysba.org)

Exec. Comm. Liaison: Lillian M. Moy (518 689 6304, lmoy@lasnny.org)

Recommendation: Diversity and inclusion are vital issues for the Association which must be vigorously pursued as much work is left to be done in this challenging and complex area notwithstanding the aggressive efforts to date of the Committee on Diversity and Inclusion. This Committee should be continued as a standing committee and enthusiastically supported by the Association, its leaders, sections and committees, if at all possible with additional funding to help enhance its critically important work.

Explanation for Recommendation: According to its Mission Statement, the objectives of the Committee on Diversity and Inclusion, in part, are to promote and advance the full and equal participation of attorneys of color and other diverse attorneys in the New York Bar Association, and in all sectors and at every level of the legal profession through research, education, fostering involvement and leadership development in NYSBA and other professional activities, and to promote knowledge of and respect for the profession in communities that historically have been excluded from the practice of law. This emphasis on the importance to NYSBA of diversity and inclusion stems from the work of the Special Committee on Governance in the early 2000's and has been a key element of NYSBA policy ever since.

In preparing this report I have reviewed the co-chair's questionnaire, the staff liaison's questionnaire, minutes of recent meetings of the Committee and the Committee's website. In addition, I have consulted by phone with co-chairs Kenneth Standard and Betty Lugo, Executive Committee Liaison Lillian Moy and NYSBA Staff Liaison, Mark

Wilson, each of whom were open, forthright, helpful and passionate regarding the mission of the Committee.

The Committee presently has approximately 39 members, well balanced in terms of diversity. Co-chairs Standard and Lugo indicate that approximately 20-25 members actively participate in their meetings, subcommittees and activities and that they continue to strive for even better member participation.

Among its most prominent activities are the annual Trail Blazer Awards and the Celebrating Diversity in the Bar Reception held during the Annual Meeting in New York. The Committee has also sponsored several programs on diversity at the Annual Meeting as part of the Constance Baker Motley Symposium. With generous NYSBA Bar Foundation support, the Committee has also supported a high school Youth Law Day program which it hopes to expand, assuming they can find additional funding. The Committee also supports a Minority Law Student Conference Day program in association with several NY law schools. More recently, the Committee has embarked on a robust effort to engage more Sections in the work of diversity and inclusion in collaboration with President James' on going Membership Diversity Challenge. In support of its work, the Committee maintains an active web site under the guidance of NYSBA Staff Liaison, Mark Wilson.

Co-chairs Standard and Lugo indicated to me that perhaps their biggest challenge is obtaining more funding to undertake the important work of the Committee. For example, currently, the annual Diversity Reception is significantly supported by private sponsors including NYC area law firms which requires a major effort on the part of the Committee members. With that continued support plus more Bar funding and an increase in Committee member participation, the co chairs indicate that the Committee could be even more aggressive in its efforts to promote diversity and inclusion by, for example, enhancing its Youth Law Day program, becoming more active with the growing number of minority bar associations, enhancing its Minority Law Student Conference Day program and doing an even better job of working with NYSBA Sections and Committees.

The Committee on Diversity and Inclusion is unique among other Association committees with respect to its vital mission and warrants continued full support of the Association to the end that we become an even more diverse and inclusive organization.

COMMITTEE ON COMMITTEES STATUS REPORT

on

COMMITTEE ON MEDIA LAW #7

Name of Reporter: Edwina Frances Martin – (646) 221-9145 edwinamartin@hotmail.com.

Date/Name of Original Report: May 6, 2008 by Joan Lensky Robert

Update: December 8, 2012

Committee Chair: **Current Chair:** Lynn Oberlander appointed 6/2012
(212) 286-5857 lynn_oberlander@newyorker.com

Past Chair: Michael Grygiel appointed 6/2009
(518) 689-1400, grygielm@gtlaw.com

NYSBA Liaison: Patricia Sears Doherty- (518) 487-5536, psearsdoherty@nysba.org

Exec.Comm- Liaison: Sharon Stern Gerstman – (716) 856-3500, sgerstman@magavern.com

Original

Recommendation: That the Media Law Committee fulfilled the requirements of the Committee on Committees for a functioning committee. Following are concerns and recommendations highlighted in the report:

Concern: Upstate members were being reimbursed for monthly trips downstate. The NYSBA liaison advised that this Committee perennially overspent its budget on travel to monthly NYSBA meetings, and felt that the subject matter addressed at meetings and programs was not broad enough to warrant its cost. This year the Committee's programs have expanded their appeal, and Chair Kurtzberg noted that the Committee was making an effort to reach out to the Bar as a whole. The Bar should monitor the budget of the Committee and also experiment to see if the same budget can reach more members via telephone conferences.

Recommendations:

1. The number of members need not be limited if the budget is not expanded and meetings are conducted telephonically.
2. The Committee should have a strong presence on the NYSBA website, where the programs are announced and where the reports are available for the full NYSBA membership.

Status Report:

Preparation of Report

In preparing this status report, I interviewed the NYSBA Liaison, current chair, immediate past chair, and NYSBA Executive Committee Liaison. I also reviewed several meeting agendas, and attended a meeting of the committee.

Functioning of Committee

Based on feedback on their budget and overspending and travel reimbursement of members, the Committee budget has been reduced from \$16,490 in 2009 to \$10,500 in 2011, which covers the costs of CLE and out of town members attending meetings (2 to 3).

This committee, of approximately 43 members, is made up of very high-powered attorneys in the field of media law. For many of them, this is their only connection to NYSBA. While the Committee is made up of mostly seasoned attorneys, there are efforts being made by the new chair to reach out to younger attorneys and to increase the diversity of the committee. The committee is very mixed with respect to geography and gender, but not with respect to race, which is reflective of the media bar in general. .

Most Committee meetings are in NYC. The committee meets monthly and meetings generally consist of presentations on cutting edge matters in the field (at the meeting I attended there was a presentation on the Ken and Sara Burns documentary on the Central Park Jogger case which was recently released). Other things they do: sponsor a CLE at the annual meeting, webinar each April, and an annual bench/bar event, from Long Island to Buffalo, pulling together attorneys from media, prosecution and defense and local state court judges to address issues of common concern.

Based on feedback that this committee was too insular, they are working on increasing their presence in NYSBA by responding to legislation requests, and attending more NYSBA leadership events.

Opportunities for leadership – program chair for each program, and encourages younger and diverse members to accept meeting chair positions. Recently the Committee did a program with the Committee on Women in the Law, for example, and their chair on the event was a young woman and was also a panelist.

Concerns:

The lack of diversity of the committee with respect to race should be of concern to the chair. No specific diversity outreach efforts are currently being made (like reaching out to minority bars or related committees in the bar association).

The Committee webpage is not actively maintained on the website and, despite the recommendation of the 2008 report, continues to be of low priority.

The Committee, which meets on a monthly basis, meets far more often than the typical NYSBA committee. And reimbursement is still offered for travel to the meetings for members outside of NYC

Recommendations:

Value of Committee to the Association: I agree with all of the observations in the original report. This is an important and valuable committee in the Association, given the importance and prevalence of the media in the daily lives of New York State citizens. The work of the Committee does not overlap with any other committee or section and should continue as a stand-alone committee. I think it is a “hidden jewel” which needs to let its light shine a little brighter in the fabric of the association.

Reimbursements: Committee meetings and events mostly take place in NYC, which makes sense as it is the nation’s media capital. The purpose of the reimbursements is to encourage

members outside of NYC to participate in meetings. However, this Committee meets far more often than the typical NYSBA Committee, which meet on a quarterly basis. Given that members can also participate via conference call, I recommend that, to maintain balance of competing concerns, members be reimbursed on a quarterly basis (i.e., that they be reimbursed for attending 4 meetings/year).

Webpage: NYSBA has made enhancing its web presence as a value to members a main priority for several years now. The Committee webpage is simply a statement of its mission statement. The Committee webpage must be revamped immediately to give members a better sense of the work of the committee, with program announcements and committee reports available. This will also help to address the continued perception of this committee of an insular club.

Diversity: That the Committee develop a plan to help nurture a more diverse membership of the media bar – this could be done by mentoring law school students, reaching out to minority bar associations for joint programs, and in other ways. Other committees in the association, such as the Committee on Diversity and Inclusion, could offer assistance in this area.

Other items reviewed:

Original Report of May 6, 2008

Chair Questionnaire (Prepared by New Chair on 10/12/12)

Chair Questionnaire of Immediate Past Chair (Interview by EFM)

APPENDIX C

INCLUDED WITH THE "FINAL REPORT" OF THE SPECIAL COMMITTEE ON COMMITTEES, APRIL 2009

OTHER RECOMMENDATIONS TO THE EXECUTIVE COMMITTEE

I. RECOMMENDED ENTITIES AND BYLAWS AMENDMENTS

ComCom recommends that there should be three organizational "committee" entities and they should be defined in the NYSBA Bylaws to encompass the following:

- 1) **Standing Committee:** Generally, expected to be a permanent entity with ongoing purpose, subject to dissolution if that purpose ceases to exist in the future.
- 2) **Special Committee:** Created for up to three years for special reasons (such as the Special Committee on Senior Attorneys), as a prelude to interest/involvement in possibly becoming a section, or to address a new statute (*e.g.* Sarbanes-Oxley).
- 3) **Task Force:** Created for specified limited duration (three years maximum) to perform one defined task. If that develops into something more than the single project, should be reviewed for change of status (*e.g.* different designation, merger into another committee or section). Also, refer to proposed Guidelines for creation of a new entity (below).

INTERIM REPORT TO THE EXECUTIVE COMMITTEE

Miriam M. Netter, Chair
Special Committee on Committees
April 4, 2008

RECOMMENDED ENTITIES:

The NYSBA is a 501(c)(6) not for profit organization. Therefore, we researched the NFPCL statute regarding committees/formation, and learned the following with comparisons to our NYSBA Bylaws:

Under NFP 712(a) [and our bylaws], we designate an Executive Committee and other "standing Committees." Under 712(c), the bylaws may also provide for "special committees of the board" or may authorize the "board to create such special committees as may be deemed desirable." If you look at our current by-laws they only provide for **Standing Committees** and **Special Committees**. There is no specific provision for Task Forces, Special Task Forces or the like.

Note: In our case, the Board is the House of Delegates, not the Executive Committee.

Under subsection (e): "Committees, other than standing or special committees of the board, whether created by the board, or by the members, shall be committees of the corporation." Under the Practice Commentaries, "such committees can be created by the board or by the members and are considered committees of the corporation."

The bottom line is that under the NFPCL the only entities that can establish any committee (no matter what they are called) are the **Board** (The House of Delegates) or the **Membership**. It does not appear (under the

NFPCL) that the President has the right to create a "Special Committee" or other committee (Committee of the Corporation) without the ultimate approval of the House. It is up to the Executive Committee to determine how to go forward.

The SCC recommends in any case that three entities appear appropriate, to be defined in the NYSBA Bylaws:

- 1) **Standing Committees:** Generally, permanent committees with ongoing purpose, subject to dissolution if that purpose no longer exists in the future.
- 2) **Special Committees:** Created for up to three years for special reasons (such as Public Attorneys, as a prelude to interest/involvement in becoming a section).
- 3) **Task Forces:** Created for specified limited duration to perform one defined task. If that develops into something more than the single project, should be reviewed for change of status (e.g. different designation, merger into another committee or section).

We are therefore recommending that we need not come up with any special designation for Presidential Committees or put a limit on the number of committees established, as **ALL** Committees that are created (whether called **Special Committees** or by any other name) require the ultimate approval of the House of Delegates (the Board). However, prior to the NFPCL research, a majority of the SCC determined that the President should be able to have the right to an immediate rapid creation of an entity (up to four total) if he or she believed a pressing immediate need existed. In that case, the proposed entity would have an absolute duration of the term of the creating president, unless approved by the Executive Committee/HOD for continuation subject to the Guidelines we are recommending.