

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
BAR CENTER, ALBANY
APRIL 1, 2016**

Present: Alyssa M. Barreiro, T. Andrew Brown, David Louis Cohen, Matthew R. Coseo, Hermes Fernandez, Cheryl Smith Fisher, Michael L. Fox, Michael J. Gaffney, Michael W. Galligan, Sharon Stern Gerstman, Evan M. Goldberg, Ira S. Goldenberg, Taa R. Grays, Claire P. Gutekunst, Richard M. Gutierrez, Bryan D. Hetherington, Scott M. Karson, Elena DeFio Kean, Stuart J. LaRose, Glenn Lau-Kee, Ellen G. Makofsky, Edwina Frances Martin, Michael Miller, Steven E. Millon, David P. Miranda, Domenick Napoletano, Bruce J. Prager, Sheldon K. Smith, Sherry Levin Wallach.

Guests: Earamichia Brown, Orin J. Cohen, Mary Elizabeth Coreno, Albert Feuer, Marian Hancock Fish, Henry M. Greenberg, Jennifer F. Hillman, Hon. Barry Kamins, Peter H. Levy, John M. Nonna, Deborah A. Scalise, David H. Tennant

Mr. Miranda presided over the meeting as President of the Association.

The members were welcomed and Messrs. Cohen, Levy and Tennant, together with Ms. Brown, were introduced as incoming Executive Committee members for the term commencing on June 1, 2016. It was noted that Karina E. Alomar, who was unable to attend the meeting, will serve as Eleventh District Vice President effective June 1, 2016. Henry M. Greenberg, who was unable to attend the meeting but would present the report of the Committee on the New York State Constitution in the afternoon, will serve as Third District Vice President.

1. Approval of minutes of meetings. The minutes of the January 28, 2016 meeting and the March 18, 2016 teleconference meeting were approved as distributed.
2. Consent calendar:
 - a. Confirmation of bank signatories
 - b. Amendments to Bylaws of Food, Drug and Cosmetic Law Section

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

3. Report of Treasurer. In her capacity as Treasurer, Ms. Gerstman provided a financial report focusing on the Association Sections' income and expenses. Ms. Gerstman also reviewed membership dues and CLE income. The report was received with thanks.
4. Report of Committee on Membership. Sherry Levin Wallach, chair of the committee, updated the House on the committee's work, including membership renewal efforts and targeted membership marketing. The report was received with thanks.

5. Report of staff leadership. David R. Watson, Executive Director, Elizabeth Derrico, Associate Executive Director, and David Adkins, Chief Technology Officer, updated the Executive Committee with respect to membership initiatives, use of social media, LawHUBSM, and use of communities. New staff members Stacey Whiteley, Kristen Wagner, Eunice Bencke and Sydney Joy were welcomed. The report was received with thanks.
6. Report of President. Mr. Miranda highlighted the information contained in his printed report, a copy of which is appended to these minutes.
7. Discussion re Continuing Legal Education. In her capacity as chair of the Executive Committee Task Force on CLE, Ms. Gerstman reported on the task force's work to date. Deborah A. Scalise, chair of the Committee on Continuing Legal Education, together with Senior Director H. Douglas Guevara, presented a report on the committee's work as well as programming and income. Discussion then ensued, after which a motion was adopted to authorize the hiring of an outside consultant to review the Association's CLE programming and operations. In addition, the Executive Committee recommended that the CLE Department (1) put a process into place to assure that every program presented or sold is current, including outreach to speakers and sections as appropriate; and (2) choose two or three curriculum bundles to focus on in the coming months, meet with section leaders to review what subjects should be covered within each bundle, and proceed with production of those bundles.
8. Report and recommendations of Lawyer Assistance Program. Mary Elizabeth Coreno, a member of the Lawyer Assistance Committee, together with Patricia Spataro, Director of the Lawyer Assistance Program, outlined a request to change the name of the program to Attorney Wellbeing Program, in recognition of a new focus on addiction prevention. After discussion, a motion was adopted to approve the proposal.
9. Report and recommendations of Committee on the New York State Constitution. Henry M. Greenberg, chair of the committee, outlined the committee's report on Home Rule in the state Constitution and the committee's recommendation that Home Rule be studied and debated in connection with the decision whether a constitutional convention should be convened. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
10. Reports and recommendations of Trusts and Estates Law Section.
 - a. SCPA Article 17-A. Jennifer F. Hillman, chair of the section's Committee on Legislation and Government Relations, reviewed the section's affirmative legislative proposal to amend Article 17-A of the Surrogate's Court Procedure Act by replacing the term "mental retardation" with the current diagnostic term "intellectual disability" and refer to "persons with an intellectual disability." After discussion, a motion was adopted to approve the proposal.

- b. EPTL §7-3.1/CPLR §5205(c). Albert Feuer, chair of the section's Committee on Life Insurance and Employee Benefits, outlined the section's affirmative legislative proposal to amend section 7-3.1 of the Estates, Powers and Trusts Law and CPLR section 5205(c) to provide that the beneficiary of a trust shall not be considered the creator of a trust solely by reason of the waiver, release, or lapse of the beneficiary's right to withdraw property to the extent the affected property does not exceed the greatest amount specified in the Internal Revenue Code. After discussion, a motion was adopted to approve the proposal.
11. Report of NYSBA/TNYBF Joint Pro Bono Task Force. Marion Hancock Fish and Hon. Barry Kamins, co-chairs of the task force, presented an informational report on the task force's work to date, focusing on existing services and programs under development, lawyer recruitment, financial resources, and structure. The report was received with thanks.
12. Report of Audit Committee. In his capacity as chair of the Audit Committee, Mr. Karson updated the Executive Committee on the work of the Audit Committee, including work to assure the independence of the Association's auditor and review of internal controls. He reported that the Audit Committee had met with the Association's auditor and received a clean report. The report was received with thanks, and Mr. Miranda thanked Mr. Karson for his service as committee chair.
13. Update on legislative activities. In his capacity as chair of the Committee on Legislative Policy, Mr. Fernandez updated the Executive Committee on legislative activity, particularly with respect to the 2016-2017 state budget process. John M. Nonna, chair of the Committee on Federal Legislative Priorities, reported on plans for ABA Day in April, which will focus on LSC funding and criminal justice reform. The reports were received with thanks.
14. New Business.
 - a. Reports of Executive Committee Liaisons. Mr. Gutierrez provided a liaison report with respect to the Labor and Employment Law Section. Mr. Fox provided liaison reports with respect to the Electronic Communications Committee, the Committee on Law, Youth and Citizenship, and the Young Lawyers Section. Ms. Martin provided a liaison report with respect to the Committee on Children and the Law. The reports were received with thanks.
 - b. Proposed Memorandum of Understanding with Law Society of England and Wales. Mr. Miranda outlined a proposed Memorandum of Understanding with the Law Society, and advised that he would discuss it with the International Section before asking for Executive Committee approval.
 - c. Mr. Miranda observed that Messrs. Brown, Fernandez, Gaffney, Gutierrez, Lau Kee and Ms. Martin are rotating off the Executive Committee and that this is their

last meeting. He thanked them for their service and their participation. Ms. Gutekunst thanked Mr. Miranda for his leadership of the Executive Committee.

15. Date and place of next meeting.
Thursday and Friday, June 16-17, 2016
The Otesaga, Cooperstown
16. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Ellen G. Makofsky
Secretary