

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
BAR CENTER, ALBANY
MARCH 31, 2017**

Present: Alyssa M. Barreiro, David Louis Cohen, Orin J. Cohen, Cheryl Smith Fisher, Michael L. Fox, Michael W. Galligan, Sharon Stern Gerstman, Evan M. Goldberg, Ira S. Goldenberg, Taa R. Grays, Henry M. Greenberg, Claire P. Gutekunst, Bryan D. Hetherington, Scott M. Karson, Elena DeFio Kean, Stuart J. LaRose, Ellen G. Makofsky, Michael Miller, Steven E. Millon, David P. Miranda, Domenick Napoletano, Sandra Rivera, Sheldon K. Smith, David H. Tennant, Sherry Levin Wallach.

Guests: Lois Bladykas, Prof. Ira M. Bloom, Norman P. Effman, Hermes Fernandez, Albert Feuer, Margaret J. Finerty, Sarah E. Gold, Andre R. Jaglom, Hilary F. Jochmans, Tara Lynn Moffett, Amy E. Schwartz-Wallace, Carol A. Sigmund, Joanne Simon, Michelle H. Wildgrube.

Ms. Gutekunst presided over the meeting as President of the Association.

The members were welcomed and Messrs. Effman and Jaglom, together with Ms. Finerty, Ms. Gold and Ms. Sigmund, were introduced as incoming Executive Committee members for the term commencing on June 1, 2017. It was noted that Jonathan B. Behrins will serve as Vice President, Thirteenth District and William T. Russell, Jr. and Richard M. Gutierrez will serve as members-at-large for the term commencing on June 1, 2017; they were unable to attend the meeting.

1. Approval of minutes of meetings. The minutes of the January 27, 2017 meeting and the February 14, 2017 teleconference meeting were approved as distributed.
2. Consent calendar:
 - a. Amendments to rules of Section Caucus
 - b. Amendments to Bylaws of Environmental Law Section
 - c. Amendments to Bylaws of Trial Lawyers Section
 - d. Amendments to Bylaws of Intellectual Property Law Section
 - e. Approval of bank account signatories
 - f. Approval of amendments to Bylaws of Judicial Section

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

3. Confirmation of presidential appointments to the House of Delegates. Ms. Gerstman reported that she had recommended the appointment of 12 delegates to further racial and ethnic diversity in the House and two non-resident members for the 2017-2018 Association year. After discussion, a motion was adopted to confirm the appointments.

4. Report of Treasurer. In his capacity as Treasurer, Mr. Karson reported that through February 28, 2017, the Association's total revenue was \$13 million, a decrease of approximately \$126,500 over the previous year, and total expenses were \$5 million, an increase of approximately \$732,800 over 2016. Mr. Karson also provided a report on the expenses of Association committees. The report was received with thanks
5. Report of staff leadership. Pamela M. McDevitt, Executive Director, and Elizabeth Derrico, Associate Executive Director, updated the Executive Committee with respect to membership initiatives and greater development of non-dues revenue. Ms. McDevitt announced that Katherine Suchocki has assumed the position of Senior Director of Continuing Legal Education and that Taunya Hannibal-Williams had joined the staff as Diversity Coordinator. The report was received with thanks.
6. Report of Committee on Continuing Legal Education. In her capacity as chair of the committee, Ms. Makofsky, together with Senior Director Katherine Suchocki, provided an update on CLE programming and the work of the committee's subcommittees with respect to new program topics and methods of delivery, diversity, and downstate conference spaces. The report was received with thanks.
7. Report of Trusts and Estates Law Section. Prof. Ira M. Bloom, chair of the section's New York Uniform Trust Code Committee, outlined an affirmative legislative proposal recommending the enactment of a revised version of the Uniform Trust Code, noting that New York has not conducted a comprehensive view of its trust laws in 50 years and outlining some of the significant provisions of the proposal. After discussion, it was agreed that this report should be presented to the House of Delegates in view of its far-reaching effects on areas other than trusts and estates law. The report will be scheduled for presentation at the November House meeting.
8. Report of Vice Presidents. The Vice Presidents in attendance provided updates as to local bar interactions and activities in their respective districts. The reports were received with thanks.
9. Report of President. Ms. Gutekunst highlighted the information contained in her printed report, a copy of which is appended to these minutes.
10. Proposal to establish a committee on Technology and the Legal Profession. Ms. Gutekunst outlined a proposal to create a committee to identify and make recommendations to address subjects concerning technology that will impact the delivery of legal services now and in the future. After discussion, a motion was adopted to approve the creation of the committee.
11. Report and recommendations of Committee on Disability Rights. Tara Lynn Moffett, chair of the committee, reviewed the committee's publication, "A Guide to the Use of Service Animals in New York State," prepared jointly with a task force of the New York City Bar Association. After discussion, a motion was adopted to approve the Guide.

12. Reports and recommendations of Trusts and Estates Law Section.
 - a. EPTL 5-1.1-A(d)(1). Lois Bladykas, a member of the Section, reviewed the section's affirmative legislative proposal to amend EPTL 5-1.1-A(d)(1) with respect to a surviving spouse's right of election, to clarify the proper method of service when the nominated executor has not filed a designation. 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.
13. Report of Committee on Membership. Committee member Michelle H. Wildgrube and Associate Executive Director Elizabeth Derrico reported on membership statistics and efforts to renew members. The report was received with thanks.
14. Report and recommendations of NYSBA/WBASNY Domestic Violence Initiative. Amy E. Schwartz-Wallace, co-chair of the initiative, outlined three memoranda in support of legislation to address domestic violence:
 - a. Amendments to the Family Court Act and the Criminal Procedure Law to simplify the Victim's Rights Notice. After discussion, a motion was adopted to approve the memorandum.
 - b. Amendments to the Family Court Act to permit Family Court to award temporary spousal support when issuing temporary orders of protection. After discussion, a motion was adopted to approve the memorandum.
 - c. Establishment of a right for tenants to call police or emergency assistance without fear of losing housing. After discussion, a motion was adopted to approve the memorandum. Ms. Kean abstained from participating in the vote.
15. Update on legislative activities. Hermes Fernandez, chair of the Committee on Legislative Policy, updated the Executive Committee on legislative activity, particularly with respect to the 2017-2018 state budget process. Hilary F. Jochmans, vice chair of the Committee on Federal Legislative Priorities, reported on federal initiatives, with a particular focus on LSC funding. The reports were received with thanks.

16. New Business.

- a. Report and recommendations of Finance Committee. Ms. Gutekunst reported that at its January 2017 meeting, the Finance Committee had approved a recommendation for an increase in the stipend paid to the President and President-Elect, commencing in June 2019. After discussion, a motion to approve the recommendation failed. Mr. Karson abstained from participating in the discussion and vote.
- b. Proposed Task Force on School to Prison Pipeline. Ms. Gerstman outlined a proposed task force to address issues relating to school discipline and restorative justice. After discussion, a motion was adopted to approve the creation of the task force.
- c. Amendments to Guidelines for Effective Advocacy. Ms. Gutekunst reviewed a proposed amendment to the Guidelines to provide that communications with the President of the United States or White House officials should be limited to the Association President. After discussion, a motion was adopted to approve the amendment.
- d. Ms. Gutekunst observed that David Cohen, Orin Cohen, Cheryl Fisher, Evan Goldberg, Ira Goldenberg, Ellen Makofsky and Sheldon Smith are rotating off the Executive Committee and that this is their last meeting. She thanked them for their service and their participation. She thanked the officers, members of the Executive Committee, and staff for their assistance during her term as President. Ms. Gerstman thanked Ms. Gutekunst for her leadership of the Executive Committee.

17. Date and place of next meeting.
Thursday and Friday, June 15-16, 2017
The Otesaga, Cooperstown

18. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Ellen G. Makofsky
Secretary