

NEW YORK STATE BAR ASSOCIATION

State Bar News

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With state vote in sight, Bar aims to inform the public

By Christina Couto

After a 111-28 House of Delegates vote (with one abstention) June 17 in favor of supporting a Constitutional Convention, the State Bar plans to educate New York voters about the current Constitution and inform them of ways a potential convention could affect everything from the Adirondack and Catskill "forever-wild" provisions to the structure of the state's judiciary.

A Constitutional Convention "is a once-in-a-generation opportunity—a rare chance for direct democracy—that our Constitution gives the voters to potentially re-invent their state government, if they so choose," said Henry M. Greenberg of Albany (Greenberg Traurig LLP), who presented a report calling for support of a convention, prior to the House vote.

"We have had, in our history, four Constitu-



111 to 28—Delegates, including Sandra Rivera of Albany, front, line up to comment on whether the State Bar should support a 2019 Constitutional Convention, which New Yorkers will vote on November 7. House of Delegates members overwhelmingly approved the measure. [Photo by Marty Kerins, Jr.]

tions over our 240 years [as a state]," said Greenberg, who is chair of the State Bar's Committee on the New York State

Constitution, which was established under Past President David P. Miranda of Albany (Heslin Rothenberg Farley &

Mesiti P.C.) in 2015.

"And what is notable about the Constitution, among other things, and is baked into it, are some

of the most cherished, sacred rights imaginable—rights you will not find in the federal Constitution, rights you will

Continued on page 12

Legal profession is obligated to cure injustices within its power, Gerstman says



Advocacy and collaboration—Associate Judge of the Court of Appeals Eugene M. Fahey, left, swears in Sharon Stern Gerstman as the State Bar's 120th president on June 17, while Gerstman's husband Daniel and son Ari look on. [Photo by Marty Kerins, Jr.]

By Christina Couto

Calling her the "best and the brightest among all of us in New York State and nationwide," Associate Judge of the Court of Appeals Eugene M. Fahey ceremoniously swore in Sharon Stern Gerstman of Buffalo as the State Bar's 120th president on June 17.

"To be a leader in the New York State Bar Association and become president is to be a leader of the national legal profession," said Fahey,

also of Buffalo, during the event, held during the House of Delegates meeting in Cooperstown.

Gerstman, speaking after being sworn in, said she believes that, "as bar leaders, lawyers and members of a civilized society, we have an obligation to cure whatever injustices are within our power to cure."

She recalled "how lucky" she is to have been "born free, an American, to parents who value education and public service, and

for a girl growing up in the '50s and '60s, to have been taught that it was good to be smart, even in math and science."

She said she has had the good fortune of teachers who opened doors for her, deans who took a chance on her and law firms, judges and bar leaders who mentored and welcomed her.

"I look at the trajectory that brought me to this place as a wife, a mother, a mother-in-law and a grandmother—

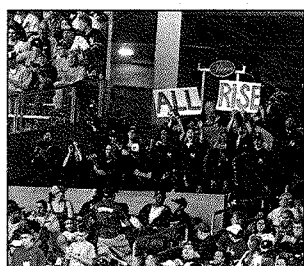
Continued on page 8



Constitutional convention

Make your decision with the help of the State Bar

Page 3



Play ball!

What happens when baseball and the law intersect?

Page 5

Also in this issue

House of Delegates Roundup	2	Scenes from Cooperstown	14
Meet the Root/Stimson recipient	4	Delegates at Work	15
New committee chairs	8	Section Profile: Dispute Resolution	22
Bar Briefs	9	Recent Decisions and Case Law	25
Section Leaders Conference	10-11	Classified Ads	27

Bar Briefs

Free guide clarifies laws about service animals

A new guide interprets the various federal, state and local laws that address the use of service animals in different ways and contexts.

Noting that the varying laws often result in confusion, better understanding of laws regarding service animals would promote respect for both the laws and those who utilize service animals.

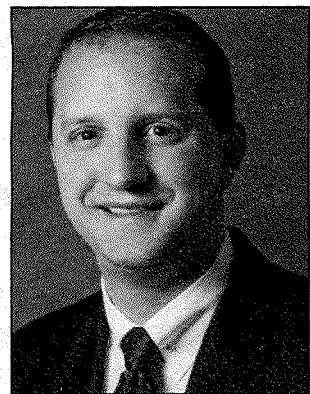
The guide was produced by a joint task force of the State Bar and the New York City Bar Association with both groups' committees on disability law.

Approved by the State Bar's Executive Committee on March 31, the guide covers rights by location and context, including public accommodations, transportation, employment, housing and training. It also includes information on claims under federal, state and local laws.

The free guide can be downloaded at <http://www.nysba.org/ServiceAnimalGuide/>

Michael L. Fox named State Bar's 9th District VP

Michael L. Fox of Newburgh, N.Y., who is an assistant professor of business law and the pre-law advisor at Mount Saint Mary College (effective Aug. 1), took office as vice-president of the 9th Judicial District on June 1. The position was previously held by Sherry Levin Wallach of Cross River, who is now secretary of the Association.



Fox

Fox teaches undergraduate courses on business law and employment law, and has taught courses in the MBA program. He also speaks and writes regularly in the areas of electronic discovery and evidence, social media and ethics, and employment law.

A 13-year member of NYSBA, Fox is a past member-at-large of the NYSBA Executive Committee and past chair, secretary and treasurer of the Young Lawyers Section. He is also a former delegate to the ABA House of Delegates (2008–2014), previously served in the NYSBA House of Delegates from 2008–2014 and is a fellow of the American Bar Foundation and the New York Bar Foundation.

Fox also serves on the Board of Directors of the Orange County Bar Association, and on the Advisory Board of the Food Bank of the Hudson Valley. He obtained degrees from Bucknell University and Columbia University School of Law.

Poster and essay contest celebrates American civics

With requirements to include the American flag, all three branches of government and address at least one issue concerning the U.S. Constitution or its articles or amendments, many 11th and 12th graders in New York's 3rd, 4th, 5th, 9th and 10th Judicial Districts participated in the 2016–2017 Civics Poster and



Civic pride—Three students from Hicksville, N.Y. created the winning artwork for the 2016–2017 Civics Poster and Essay Contest, which was jointly sponsored by the State Bar's Young Lawyers Section, and the Law, Youth and Citizenship Committee.

Essay Contest, jointly sponsored by the Young Lawyers Section and Law, Youth and Citizenship Committee of the State Bar.

Winners of the poster contest include three high school students from Holy Trinity Diocesan High School in Hicksville, N.Y.—Emily DePaola, Katie Bilello, and Jacqueline O'Neill.

Noreen Samantha Bautista, a student at Salmon River Central School in Fort Covington, was the winner of the essay contest.

First-place winners received \$300.

Syracuse study aims to reduce biases against LGBT+ and disabled attorneys

Syracuse University will be the site of an American Bar Association (ABA) study to identify biases encountered by LGBT+ and/or disabled attorneys in the legal profession.

The study, which will be conducted at the school's Burton Blatt Institute, which focuses on advancing civic, economic and social participation of people with disabilities, will help develop and implement strategies for more inclusiveness.

"This study is integral to the ABA's continuing efforts to promote the full and equal participation of all diverse persons, including LGBT+ lawyers and lawyers with disabilities, in the association and the legal profession as a whole," said ABA President Linda Klein.

The study is part of the ABA Pathway to the Profession Project, which grew out of the ABA Diversity and Inclusion 360 Commission. It will be used to develop strategies for more inclusiveness, enabling "the ABA to make a positive impact on the U.S. legal profession and on the lives and careers of LGBT+ lawyers and/or lawyers with disabilities," said Peter Blanck, law professor and chair of the Burton Blatt Institute, who is also lead investigator of the study.

Cannabis committee created

With more than 30 states (including New York) permitting the use of cannabis for some purposes and eight states and the District of Columbia permitting its recreation use, a new State Bar committee will study and recommend measures—including legislation and administrative action—regarding a number of topics related to cannabis.

The committee was approved by the State Bar's Executive Committee following a report on the subject presented by Brian J. Malkin of Washington, D.C. (Arent Fox LLP), chair of the Food, Drug and Cosmetic Law Section.

"This committee seeks to help NYSBA lawyers give their clients better advice through sharing educational resources, and otherwise helping New York set the highest possible legal and business (including advice to medical professions) standards for legalized cannabis products," according to a nearly three-page proposed mission statement presented to the Executive Committee. ♦

Lesley Rosenthal: Root/Stimson honoree

Continued from page 4

"So much more: These three words come to mind when I think of the community and volunteer service work of Lesley Rosenthal," said Lauren J. Wachtler of New York City (Mitchell Silberberg & Knupp LLP), in nominating Rosenthal for the award. Wachtler, too, is a past chair of the Association's Commercial and Federal Law

Section.

"Lesley has a unique ability to make anyone with whom she speaks become a part of the many projects she so passionately undertakes," Wachtler added.

Root/Stimson Award

The award, given by the State Bar's Committee on Annual Award, honors an attorney for exemplary

community service. It is named for distinguished lawyers Elihu Root and Henry Stimson to honor their commitment to public service.

Root served in President Theodore Roosevelt's administration as secretary of state, received the Nobel Peace Prize and was a president of the New York State Bar Association.

Stimson served as

secretary of war under President William Howard Taft, President Franklin D. Roosevelt and President Harry S. Truman. He also served as secretary of state under President Herbert Hoover. ♦

Nolan is NYSBA's senior writer.