

# Delegates join call for preparatory Constitutional Convention Commission, expanding family leave

By Patricia Sears Doherty

The State Bar has put its weight behind a call to the Governor or the Legislature to establish a commission to prepare for a Constitutional Convention that could be held in 2019. It also passed a resolution supporting federal legislation that provides workers with up to 12 weeks of partial income while on leave assisting family members with certain health conditions.

The state Constitution mandates that every 20 years New Yorkers are asked the question: Shall there be a convention to revise and amend the constitution? That question must be posed as a referendum on the November 2017 General Election ballot.

On November 7, the House of Delegates voted unanimously to urge state officials to create the preparatory commission in order to give proper study to the constitutional issues and concerns prior to the 2017 vote.

"When it comes to the state Constitution, lawyers, the organized bar, have a unique, singular responsibility," Henry M. Greenberg of Albany (Greenberg Traurig, LLP), chair of the State Bar's Committee on the New York State Constitution said. "Every

one of us, everyone in this room, took the oath of office as an attorney and swore to defend and support the state Constitution."

Before the last three conventions and the last two mandatory referendums, lawmakers established preparatory commissions to assist in defining and understanding the many issues of concern that would be on the convention's agenda.

"So, if we say there will be a convention, and we don't say there should be or shouldn't be at this juncture, we need to prepare, and that work needs to start now," said Greenberg. "Our committee unanimously recommends a nonpartisan preparatory commission with no ideological agenda other than the hard work of preparation."

One reason for the preparatory commission is to provide impartial information about the relevant issues prior to the 2017 vote. "The establishment of a preparatory commission is a first step in beginning the deliberative process that could result in our later being offered either an entirely new Constitution or a series of amendments to the existing Constitution," said the report.

In the 20<sup>th</sup> Century, preparatory commissions have made the work of the

convention's delegates more substantive. By the time they took their seats at the convention, the delegates already "had insufficient time or resources to plan or carry out factual investigations or legal research on their own initiative," said the committee report.

## What to do

The House accepted the committee's recommendations. They are:

- The state should establish a nonpartisan preparatory commission as soon as possible.
- The commission should be charged with educating the public about the state Constitution and the constitutional change process; study the Constitution and compile proposals for change and simplification; research the conduct and procedures used at past Constitutional Conventions; and prepare and publish impartial background papers, studies, reports and other materials for the delegates and public prior to and during the convention, if one is held.
- The commission should have an expert, nonpartisan staff.
- The commission and its staff should be supported by 'adequate appropriations' from the state government.



**Seeking a vote**—Henry M. Greenberg, chair of the Committee on the New York State Constitution, asks delegates to approve a report calling for a convention preparatory commission. [Photo by Marty Kerins, Jr.]

To read the report, go to [www.nysba.org/nysconstitutionreport](http://www.nysba.org/nysconstitutionreport).

## Helping families

U.S. Senator Kirsten Gillibrand is sponsoring legislation creating the Family and Medical Insurance Leave Act (FMLA). It would expand 1993

*Continued on page 4*

# New name, broader scope for Municipal Law Section

By Christina Couto

Formerly the Municipal Law Section, the State Bar's Local and State Government Law Section is broadening its scope.

"We are expanding our section and embracing state [government] attorneys to better promote and enhance our membership," said Carol L. Van Scoyoc of White Plains (White Plains Corporation Counsel's Office), chair of the Local and State Government Law Section.

Members approved the section's name change at their fall meeting in Saratoga Springs on September 27. The vote followed the State Bar Executive Committee's approval to amend the section's bylaws, which was required before members could draft a new mission statement and reorganize the section's structure.

All of the officers of the new section held the same positions in the Municipal Law Section.

The name change was made to encompass government attorneys, particularly those associated with the former Committee on Attorneys in Public Service (CAPS), which was discharged in June 2014, said Van Scoyoc. She

encouraged all attorneys from both public and private sectors who practice local or state government law to join the section.

With the addition of government attorneys, there is an opportunity to provide additional benefits for section members, Van Scoyoc said.

"While continuing to respond to the needs of our current members, our union with state attorneys will allow us to provide new benefits, including programs and publications that enhance the section's outreach."

## Added benefits

Several section member benefits will be added:

- Four new committees will be created—State Counsel, Administrative Law Judiciary, Awards and Publications.
- Greater diversity and additional perspectives will be promoted by adding committee co-chair positions held by state government attorneys.
- The Government Law and Policy Journal will become an exclusive section benefit.
- The Excellence in Public Service Award, a former CAPS award, which recognizes outstanding attor-

neys in governmental practice, will be reinstated.

- The blog generated by the former CAPS will return.

Noting that the section's expansion is a priority of President David P. Miranda, Van Scoyoc said that the additional benefits will not cost members any more than the \$30 they currently pay to be part of the section. She said that Miranda "and the State Bar have promised to commit to the resources necessary to fund the expansion."

The section will continue to provide members with its quarterly publication, the Municipal Lawyer, as well as CLE programs; keep members up to date on new and proposed state and federal legislation; provide networking and information-sharing avenues; and offer an online community where members can connect with section colleagues, Van Scoyoc said.

## Mission statement

The section's mission statement was amended.

It now reads:

"The purpose of the Local and State Government Law Section shall be to serve, educate and provide a common

meeting ground and impartial forum for those attorneys, whether in the public or private sector, engaged in dealing in any capacity with issues in local or state government law."

## Outreach

In October, Van Scoyoc sent a letter to section members detailing the changes and announcing the new benefits.

The State Bar contacted current members who are not part of the section and also non-member attorneys who work in all capacities of state or local government, informing them about the changes within the section and encouraging them to join, said Patricia Wood, the State Bar's senior director of membership.

"We are excited about the chance to provide meaningful, substantive opportunities for state government attorney members as well as existing members," Wood said.

"The ability to utilize state government attorneys' expertise in committee co-chair positions creates a unique structure conducive to participation by all members." ♦

*Couto is NYSBA's senior media writer.*