

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL AND FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial and Federal Litigation Section held in accordance with the rules of the New York State Bar Association on November 27, 2018.

Members Participating in Person

Robert Holtzman, Chair
Laurel Kretzing, Chair-Elect
Mark Berman
Hon. Melissa Crane
Tracee Davis
Deborah Edelman
Tony Harwood
Helen Hechtkopf
Jay Himes
Hon. Deborah Kaplan**
Joan G. Levenson**
Frank Maas
Rachel Morgenstern
Karla Moskowitz
James Wicks

Members Participating by Telephone

Jonathan Fellows, Vice-Chair
Teresa Bennett
Jay Safer

***Indicates Guest Speaker for the meeting*

Section Chair Robert Holtzman called the meeting to order at 6:00 pm and welcomed Administrative Judge of the New York County Supreme Court, Civil Branch, Deborah A. Kaplan as guest speaker at the meeting.

Guest Speaker: Justice Kaplan (Administrative Judge of the New York County Supreme Court, Civil Branch)

After being introduced by the Chair, Justice Kaplan described her background leading up to her current role as Administrative Judge for Civil Matters in the First District. She introduced the two newly appointed New York County Commercial Division justices and described numerous initiatives being undertaken in Manhattan, including a focus on commercial cases that do not meet the jurisdictional requirements of the Commercial Division (so-called “non-Commercial Division commercial cases”) and recent improvements to the Court’s alternative dispute resolution program. In particular, Justice Kaplan explained that the roster of neutrals for the ADR program was recently reviewed and revised to ensure that high-quality neutrals are available to parties.

Members of the Executive Committee discussed several programs that might be of service to the bench and the bar, including a program regarding the litigation of non-Commercial Division commercial cases in New York County and a program demonstrating the cutting-edge technology that has been installed in Justice Scarpulla's courtroom at 60 Centre Street.

Motion to approve September 25, 2018 Minutes

The September 25, 2018 minutes were unanimously approved.

Oral Report of Nominating Committee

Robert Holtzman reported that the Nominating Committee had selected Daniel Wiig, currently co-Chair of the Publications Committee and Editor of the New York Litigator to serve as Vice-Chair of the Section for 2019-2020.

Section Allocation to District Court Educational Efforts

In 2014, the Section implemented a special one-time "Excellence in Federal Business Litigation" initiative. The Section earmarked up to \$40,000 of surplus funds (\$10,000 for use in each of the United States District Courts in New York State) to present CLE program, training and pilot project initiatives in business litigation. The goal was to advance the relationship between the Section and the Federal bench.

The Section has now agreed with the Western District of New York (subject to required approval of the NYSBA Finance Committee) to allocate \$10,000 in funds to defray the costs of training 53 attorneys who recently were appointed to the District's ADR panel of neutrals.

Review of the Shira A. Scheindlin Award for Excellence in the Courtroom Event and Reception

Robert Holtzman provided a summary of the Shira A. Scheindlin Award for Excellence in the Courtroom event, which took place on November 15, 2018. The Honorable Judith S. Kaye Commercial and Federal Litigation Scholarships were presented to four Kaye Scholars, each of whom is invited to attend the 2019 Commercial Litigation Academy. The Honorable Shira A. Scheindlin Award for Excellence in the Courtroom Award was presented to Rita Glavin of Seward & Kissel LLP and Diane M. Perri Roberts of Lipsitz Green Scime Cambria LLP. Viva Chen, of The Careerist and The American Lawyer, was the keynote speaker and there was a networking cocktail reception after the awards presentation.

Notwithstanding an early-season major snowstorm, there were approximate 60 attendees at this inspiring event celebrating the successes of outstanding women litigators.

Evening at Thurgood Marshall Courthouse Event Update

Laurel Kretzing provided an update on this third annual event, which will be held on January 15, 2019, the night before the Section's Annual Meeting, and will include a cocktail hour, tours of the Court and remarks by Chief Judge Robert A. Katzmann. The event will be held at the Thurgood Marshall Courthouse from 5-7:30pm.

The Annual Meeting Update

Jonathan Fellows provided an update on the Section's Annual Meeting, which will be held on January 16, 2019 at the New York Midtown Hilton.

Review of “The Use of Social Media and its Legal Ethics” CLE

Mark Berman reported on the CLE program that took place on October 4, 2018 at Maurice A. Deane School of Law at Hofstra University, which concerned social media and legal ethics. There were approximately 40 attendees from firms around Long Island. Local attorneys served as panelists and the former Presiding Justice of the Second Department, Randall T. Eng spoke at the program. NYSBA sent down two people to monitor the registration desk and to recruit. It was an abbreviated CLE predicated upon our semiannual digital ethics CLE.

JAMS/ComFed Program: Resolving E-Discovery Disputes Efficiently In Arbitration and In Court

JAMS and ComFed are teaming up to repeat this program, which was first held in April 2018. The program will be held during Legal Tech week in Manhattan, just a few blocks down Sixth Avenue from the hotel where the conference is held, and the goal is to attract attendees who have not previously participated in Section events. Two panels will be presented: E-Discovery Issues in Arbitration, and the Use of Special Masters and E-Discovery Mediators in Connection with Court Litigation

Report on Mediation Advocacy Training Program

Robert Holtzman reported on this program, which took place on October 29, 2018 at New York Law School. This full-day program was a joint effort of the Section and the Dispute Resolution Section, and each panel featured a combination of neutrals and commercial advocates (many of whom are active members of our Section). The program focused on training advocates on how to more successfully employ mediation to resolve disputes. It was extremely well-received, and plans are underway to repeat the program, perhaps in a slightly shorter format, in 2019.

Other Business

The Chair introduced Rachel Morgenstern of the Jaspan Schlesinger, LLP, who has been appointed as the Young Lawyer Section’s liaison to the Commercial and Federal Litigation Section.

The meeting was adjourned at approximately 7:30 p.m.