

APPROVED MINUTES

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

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Wednesday, March 9, 2016.

MEMBERS PRESENT

**James M. Wicks, Chair
Mark Berman, Chair Elect
Deborah Edelman, Treasurer
Jeremy Corapi, Secretary
Gregory Arenson
Hon. Sylvia Ash
Hon. Brian M. Cogan**
Hon. Melissa A. Crane
Richard Dircks
Hon. Helen Freedman
Richard Friedman
Beth Gould*
Claire Gutekunst
Anthony Harwood
Jay Himes
Robert Holtzman
Dan Levitt
Michael Rakower
Stephen Roberts
Courtney Rockett
Douglas Tabachnik
Isaac Zaur
Jamie Sinclair***

MEMBERS PARTICIPATING BY PHONE

**Mitch Katz, Vice Chair
James Bergin
Benjamin Blum
Jonathan Fellows
David Rosenberg**

** indicates non-executive committee member guest*

***indicates guest speaker for the meeting and non-executive committee member guest*

The meeting came to order at 6:07 p.m.

Section Chair Jim Wicks' Welcome Remarks

Mr. Wicks welcomed the Executive Committee Members to the meeting. Mr. Wicks welcomed the meeting's guest speaker, the Hon. Brian M. Cogan, United States District Court Judge for the Eastern District of New York. Mr. Wicks congratulated Judge Cogan on achieving his 10 year anniversary on the federal bench. Mr. Wicks noted that the Executive Committee was honored to have Judge Cogan as the guest speaker for the meeting. He asked all Executive Committee Members attending the meeting by telephone to send Section Secretary Jeremy Corapi an email so that he could record their attendance for the meeting's minutes. Mr. Wicks also asked all Executive Committee Members attending the meeting in person to sign in on the meeting's attendance sheet.

Guest Speaker: Hon. Brian M. Cogan, United States District Court Judge for the Eastern District of New York

Section Chair Mr. Wicks introduced Judge Cogan to the Executive Committee and went over Judge Cogan's illustrious background.

With great candor, Judge Cogan discussed the particular practices that he uses in managing his cases and chambers. Judge Cogan discussed his practices for scheduling an initial conference with the parties, reviewing pleadings, dispositive motion practice, discovery, and settlement. He also discussed his practices for bench and jury trials and how his chambers picks its law clerks. Judge Cogan also shared his views and suggestions on how to improve the workings of the federal court system.

Judge Cogan concluded his remarks by thanking the Executive Committee Members for their time and for allowing him to speak at the Executive Committee Meeting. Mr. Wicks thanked Judge Cogan for taking the time to speak to the Section's Executive Committee.

Approval of February 2016 Executive Committee Meeting Minutes

The Minutes for the February 2016 Executive Committee Meeting were unanimously approved by all Executive Committee Members present subject to Executive Committee Member Benjamin Nagin's proposed change that his name be added to the list of "Members Present" on page 1 of the Minutes.

Pattern Jury Instructions Committee: Revised Agency Jury Instructions

The Hon. Melissa A. Crane presented the Pattern Jury Instruction Committee's Revised Agency Jury Instructions. Justice Crane explained that the Revised Agency Jury Instructions that were being presented at the meeting are based on pattern agency jury instructions that the Pattern Jury Instruction Committee put together last year. Prior to the meeting, Executive Committee Member David Rosenberg provided several thoughtful comments by email on the Revised

Agency Jury Instructions that were being presented at the meeting. Justice Crane explained that Executive Committee Member Rosenberg's suggestions were well-taken and would be considered by the Pattern Jury Instruction Committee. Executive Committee Member Gregory Arenson indicated that he would give private comments on the Revised Pattern Jury Instructions to Justice Crane after the meeting. Section Chair Mr. Wicks noted that the Section's entire Executive Committee is behind the Pattern Jury Instruction Committee's effort to put forth useful pattern jury instructions and thanked Justice Crane and the Pattern Jury Instruction Committee for providing the Revised Agency Jury Instructions to the Executive Committee.

Spring Meeting Update

Section Chair Elect Mark Berman provided the Executive Committee Members with an update on the Section's Spring Meeting. Mr. Berman stated that the Section would be ready to go to press with marketing materials for the Spring Meeting by March 16, 2016. Mr. Berman noted that this year's Robert L. Haig Award recipient is Presiding Justice of the Third Department, the Hon. Karen K. Peters. As is customary, she will also be the keynote speaker for the Spring Meeting's Saturday Night Dinner. Mr. Berman noted that the Spring Meeting's Friday Night Dinner will be held at the Major League Baseball Hall of Fame. The keynote speaker for Friday Night's Dinner will be a professor from George Mason University School of Law, who is a legal scholar and expert in Major League Baseball's storied legal history. He also came up with the idea for the famed U.S. Supreme Court Justice Bobble-Head Dolls.

Mr. Berman also noted that there will definitely be four (4) CLE programs. Mr. Berman explained that the Spring Meeting's Saturday CLE programs will include a program on the antitrust exemption in Major League Baseball which is being coordinated by Section Antitrust Committee Co-Chair, Jay Himes. Mr. Berman noted that the program is going to be moderated by Mr. Himes and that there would be four (4) expert panelists taking part in this program. Mr. Berman noted that the other Saturday CLE program will be on Social Media and Juries and is being spearheaded by Section Pattern Jury Instruction Committee Chair, the Hon. Andrea Masley. Mr. Berman noted that the Spring Meeting's Sunday CLE programs will feature a program on cost effective and proportional e-discovery and a program on mediation that is being spearheaded by Section Executive Committee Member, the Hon. Helen Freedman. Mr. Berman also noted that the Section has obtained four (4) sponsors for the Spring Meeting and that during the luncheon following the Spring Meeting's Saturday CLE programs there will be a special caucus held to discuss the Section's initiative of advancing the role of women in the courtroom and in the legal profession. Mr. Berman also advised the Executive Committee that the Section is in the process of planning leisure activities for the Spring Meeting weekend for the Section's members and their families and the Section's esteemed guests who are attending the Spring Meeting.

10th Anniversary Smooth Moves Program Reminder

Section Chair Mr. Wicks reminded the Executive Committee Members that the 10th Anniversary Smooth Moves program will take place on April 19, 2016, from 4:00 p.m. – 7:30 p.m. at the Lincoln Center for the Performing Arts, Kaplan Penthouse, the Rose Building, 165 W. 65th Street, 10th Floor, New York, New York. Mr. Wicks encouraged all Executive Committee Members to sign up for the event as soon as possible and to think about sponsoring the event or having their respective firms sponsor the event. Section Liaison Beth Gould noted that sponsorship is really important for this event and that there are currently six (6) NYSBA Sections committed to sponsoring this event. At the request of the Executive Committee Members, Ms. Gould agreed to circulate the list of past event sponsors to the Executive Committee Members.

Other Business

Section Chair-Elect Mark Berman noted that the Section's E-Discovery Committee would be hosting a free, non-CLE webinar on Tuesday, March 15, 2016 on categorical privilege logs. He encouraged all Executive Committee Members to tune in for it.

Mr. Berman explained that webinars are a great way to get young people involved in the Section's various committees. He also explained that they are a great member benefit as the webinars are only available to Section members. Mr. Berman noted that promoting the Section's webinars would be a good way to increase Section membership.

Section Executive Committee Member and Federal Procedure Committee Co-Chair Michael Rakower discussed the Federal Procedure webinar that he spearheaded in February 2016. He explained that they are much easier to prepare than traditional CLEs since no CLE credit or approval is needed and the webinars are free to Section members. He also explained that the webinar is posted on the Section's "Community" function following the presentation. He also stated that to promote the webinar and Section membership, the webinar had a policy that each Section member attending the webinar could invite one (1) non-member to attend the webinar for free.

Executive Committee Member and NYSBA President Elect Claire Gutekunst suggested that the Section should reach out to non-member webinar attendees following webinars by "Chair Message" to encourage membership in the Section. She also suggested that membership should be a topic on all Executive Committee Meeting Agendas going forward.

Section Chair Mr. Wicks noted that membership in the Section has significantly increased over the past year. Section Chair Elect Mr. Berman also noted that the Section is looking into working with law schools to get students more involved with the Section. Mr. Berman noted that as part of this initiative the Section is considering hiring a student intern for credit. Several Executive Committee Members remarked that increasing the Section's involvement with the various New York law schools would be beneficial to the Section's overall membership.

The meeting adjourned at 7:36 p.m.

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