

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
THE BUFFALO CLUB, BUFFALO, NEW YORK  
MARCH 30, 2012**

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PRESENT: Members Abernethy, Castellano, Cohen, Doyle, Edmunds, Fennell, Finerty, Franchina, Gordon-Oliver, Gorgos, Gutekunst, James, Lau-Kee, Lesk, Makofsky, Millon, Miranda, Moy, Myers, Romero, Safer, Slezak, Wallach, Young, and Younger.

Guests: Mark H. Alcott, James B. Ayers, T. Andrew Brown, Catherine Christian, Norman P. Effman, Ronald A. Fatoullah, Hermes Fernandez, Sharon Stern Gerstman, Henry M. Greenberg, Karen R. Hennigan, Michael C. Lancer, Joanne Macri, James Michael Paulino, II, Bruce J. Prager, David M. Schraver, Noah Stein.

Mr. Doyle presided over the meeting as President of the Association.

1. Approval of minutes of meeting. The minutes of the January 26, 2012 meeting and the March 1, 2012 telephone conference were approved as distributed.
2. Consent Calendar:
  - a. Proposed amendments to the Bylaws of the Entertainment, Arts and Sports Law Section.
  - b. Proposed amendments to the Bylaws of the Labor and Employment Law Section.
  - c. Approval of resolutions re bank account signatories.

Items (a) and (c) of the consent calendar, listed above, were approved by voice vote. Consideration of Item (b) was deferred pending an explanation of the Section's reasons for eliminating district representatives on the section Executive Committee.

3. Report of the Treasurer. In her capacity as Treasurer, Ms. Gutekunst reviewed the end-of-year 2011 operating budget, reporting that total revenue was \$23.3 million, a decrease of \$164,000 from 2010, and total expense was \$23.7 million, a decrease of \$578,000 from 2010. The operating deficit was \$395,000, a decrease of \$414,000 from 2010. Ms. Gutekunst provided an overview of the impact of post-retirement employee benefits on the audited operating results. She then reviewed revenue and expenses for the first two months of 2012, reporting that total revenue was \$15 million, an increase of \$1.4 million over 2011, and total expense was \$4.7 million, a decrease of \$187,000 from 2011. The report was received with thanks.
4. Report of Committee on Membership. Mr. Lau-Kee and Ms. Wallach, in their capacities as co-chairs, provided an update on membership data, including non-renewals, and the President's Diversity Challenge. With respect to the latter, they reported that awards would be presented to sections for their initiatives at the Section Leaders' Conference scheduled for May 10, 2012. The report was received with thanks.
5. Report of Committee on Continuing Legal Education. H. Douglas Guevara, Senior Director of Continuing Legal Education, updated the Executive Committee with respect to

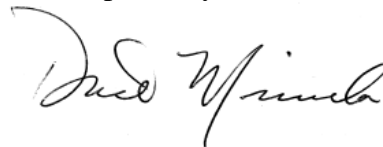
the Association's continuing legal education program, including revenue and expenses, and new initiatives. The report was received with thanks.

6. Report of President. Mr. Doyle highlighted the information contained in his printed report, a copy of which is appended to these minutes, and highlighted events taking place during "Buffalo Bar Week." In addition, he thanked the outgoing members of the Executive Committee for their service.
7. Reports and recommendations of Committee on Court Structure and Operations. The reports were presented by Mr. Younger in his capacity as co-chair of the committee, co-chair Henry M. Greenberg, and committee members James Michael Paulino, II and Noah Stein.
  - a. Report re E-filing. The presenters reviewed the committee's recommendations with respect to the implementation of e-filing throughout New York State, noting that the implementation would provide critical economic savings for both the court system and practitioners. After discussion, a motion was adopted to approve the committee's report and recommendations.
  - b. Report re court restructuring. Mr. Younger reported on the work of a coalition of groups to secure first passage of a constitutional amendment to simplify New York's court system, noting that the coalition plans to prepare a cost analysis. The coalition is seeking support from the Governor and the Chief Judge. The report was received with thanks.
8. Report of Task Force on Nonlawyer Ownership. In his capacity as Task Force chair, Mr. Younger updated the Executive Committee on the work of the Task Force, including a series of roundtable discussions being held. He reported that the Task Force plans to present an informational report to the House of Delegates and the Executive Committee in June 2012, with a final report to be presented in November 2012. The report was received with thanks.
9. Report re social media policy. Mr. Miranda reviewed the development of a social media policy to provide a level of uniformity and control over the use of social media by the Association and its related entities. He noted that although the draft policy had been available for comment since November 2011, only recently were concerns expressed by several sections about the draft. After discussion, a motion was adopted to issue the draft as a proposed policy and accept comments through the end of April 2012 and to schedule a conference call of the Executive Committee in May 2012 to approve a final policy.
10. Report of Special Committee on Discovery and Case Management in Federal Litigation. Mr. Abernethy, in his capacity as chair of the committee, provided an update on the committee's comprehensive report, which will cover discovery and spoliation (presented to the Executive Committee in July 2011), judicial intervention to improve case management, Rule 26 amendments, and guidelines on reviewing documents for a privilege log. He noted that if the report is approved by the House at its June 2012 meeting, it will be submitted to the Civil Rules Advisory Committee for consideration. The report was received with thanks.

11. Reports of Vice Presidents. Ms. Lesk, Mr. Safer and Mr. Cohen provided reports on local bar activities in their respective districts. The reports were received with thanks.
12. Report of Committee on Resolutions. In his capacity as chair of the committee, Mr. Miranda provided an update on the implementation of the recommendations of the Task Force on New York Law in International Matters, noting that the International, Dispute Resolution, Commercial and Federal Litigation, and Business Law sections had formed a working group to coordinate implementation. The report was received with thanks.
13. Reports of Executive Committee liaisons. The reports were deferred to a future meeting.
14. Report and recommendations of Section Delegates Caucus. James B. Ayers and Bruce J. Prager, section delegates to the House, outlined proposed operating rules for the Caucus, which would provide a democratic process for the selection of officers and the Executive Committee members-at-large provided for in the Association Bylaws. After discussion, a motion was adopted to approve the rules.
15. Report re legislative matters. Hermes Fernandez, chair of the Committee on Legislative Policy, updated the Executive Committee with respect to state legislative activities, with particular emphasis on the Association's legislative priorities including judicial salary increases, indigent defense funding, and DNA/wrongful convictions. The report was received with thanks.
16. Report of Committee to Ensure Quality of Mandated Representation. Norman P. Effman, the committee's chair, outlined the committee's recommendations with respect to methods of sharing resources between providers of mandated representation, including efforts to promote the sharing of resources. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
17. Report of Special Committee on Strategic Planning. Sharon Stern Gerstman and David P. Miranda, co-chairs of the Special Committee, updated the Executive Committee with respect to implementation of the strategic plan approved by the Executive Committee at its November 4, 2011 meeting, including the development of action steps as well as a review of financial impact and a timeline for implementation. The report was received with thanks.
18. Report of ABA State Delegate. ABA State Delegate Mark H. Alcott updated the Executive Committee on ABA activity and initiatives, including Ethics 20/20 and the upcoming presidency of James R. Silkenat. He noted that upcoming events include ABA Day at the United Nations and ABA Day in Washington DC. The report was received with thanks.
19. Report of Special Committee on Immigration Representation. Committee co-chair Joanne Macri reported on the committee's development of a report on improving the quality of representation in immigration matters, noting that there is a direct correlation between success rates in removal proceedings and being represented by counsel/detention status. The committee will present its report to the House at the June 2012 meeting. The report was received with thanks.

20. Report and recommendations of Elder Law Section. Ronald A. Fatoullah, a member of the section's Executive Committee, outlined an affirmative legislative proposal for New York to adopt the Uniform Adult Guardianship and Protective Proceedings Act, which would provide that the "home state" of a person should have jurisdiction over that person for guardianship purposes, regardless of where the person is physically located. He noted that the Health Law Section had raised some concerns about the proposal and that the two sections would work together to resolve these concerns. The report was received with thanks.
21. Report of Special Committee on Veterans. Committee co-chairs Michael C. Lancer and Karen R. Hennigan provided an update on the committee's work to date, including a study of ways to expand veterans courts throughout the state, the development of a mentors' guide and resource guide, legislation to enable veterans to have access to treatment courts, and increased legal services for veterans. The report was received with thanks.
22. New Business. A motion was adopted to express the Executive Committee's appreciation to Franklin Hill Perrell for his luncheon presentation on historic architecture in the City of Buffalo.
23. Date and place of next meeting. Mr. Doyle announced that the next meeting would be held on Thursday, June 21, 2012 and Friday, June 22, 2012 at The Otesaga in Cooperstown.
24. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



David P. Miranda  
Secretary