NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE
CONFERENCE CALL MEETING
MAY 17, 2012

Members Participating: Abernethy, Castellano, Cohen, Doyle, Fennell, Finerty, Gorgos, Gutekunst, James, Lau-Kee, Makofsky, Miranda, Moy, Myers, Slezak, Wallach, Young, and Younger.

Guests: Gary S. Bowitch, Philip H. Dixon, Ronald A. Fatoullah, Joseph E. Neuhaus, Ira Salzman, David M. Schraver.

Mr. Doyle presided as President of the Association.

1. Report and recommendations of Environmental Law Section. Section chair Philip H. Dixon and Gary S. Bowitch, co-chair of the Section's Petroleum Spills Committee, reviewed an affirmative legislative proposal to amend the New York Navigation Law with respect to responsible parties for petroleum contaminated sites and incentives to parties willing to remediate such sites. After discussion, a motion was adopted to approve the proposal.

2. Report and recommendations of Elder Law Section. Ronald A. Fatoullah, a member of the section's Executive Committee, together with Ira Salzman, vice-chair of the Section's Legislation 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. They noted that concerns raised by the Health Law Section had been resolved. After discussion, a motion was adopted to approve the proposal.

3. Recommendations of Committee on Standards of Attorney Conduct. Committee chair Joseph E. Neuhaus reviewed six reports being submitted to the ABA House of Delegates for its August 2012 meeting by the ABA Commission on Ethics 20/20. He noted that reports are consistent with NYSBA's positions and recommended them for NYSBA co-sponsorship. After discussion, a motion was adopted to approve co-sponsorship of the reports.

4. Confirmation of Appointments.

    a) Presidential appointees to House of Delegates. Mr. James reported that after consultation with the Committee on Leadership Development, he recommended reappointment of six of the current 12 presidential appointees to the House, as well as the appointment of six new members, as follows: First Department – Earamichia N. Brown, Rosevelie Marquez Morales (new), Deborah Martin (new); Second Department – Terryl Brown, Betty Lugo, Pauline Yeung-Ha (new), Abayomi Ajaiyeoba (new); Third Department – John Higgins (new), Sandra Rivera (new); Fourth Department – LaMarr J. Jackson, Sheldon Keith Smith, Clifford Tsan.

b) Non-resident delegates to House of Delegates. Mr. James reported that he recommended reappointment of the current non-resident delegates to the House of Delegates, Claudia O. Torrey and Michael A. Kurs, for the term commencing on June 1, 2012.

After discussion, a motion was adopted to confirm these appointments and reappointments.

5. Report re Association policy on use of social media. Mr. Miranda reviewed a proposed policy to govern sections' and committees' use of social media to ensure clear, consistent use of the Association's brand, noting changes made to previous drafts to take into account comments received from several sections. After discussion, a motion was adopted to approve the policy.

6. Proposed resolution re Cornell University. Mr. Doyle reviewed a draft resolution to honor Cornell University for hosting the Young Lawyers Section's annual Trial Academy. After discussion, a motion was adopted to approve the following resolution:

WHEREAS, the New York State Bar Association's Young Lawyer Section has held a Trial Academy annually since 2010 that teaches lawyers of all ages and practice areas trial skills and techniques; and

WHEREAS, this five day long intensive trial training program has been hosted by the Cornell University School of Law at no cost the New York State Bar Association; and

WHEREAS, Cornell University School of Law provides the use of their Moot Court Room, eight class rooms and video and playback technology during the five day program;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association recognizes Cornell University School of Law for its consideration, generosity and accommodations; and it is further

RESOLVED, that Cornell University has made the development and existence of this program possible and successful; and it is further

RESOLVED, that the New York State Bar Association expresses its sincere gratitude and appreciation to the Cornell University School of Law for its support and hospitality.

7. Update on Chief Judge's pro bono proposal. Mr. Doyle reported that he had appointed a working group consisting of representatives from the Young Lawyers Section, the General Practice Section, the Committees on Lawyer in Transition, Legal Aid, Legal Education and Admission to the Bar, and the President's Committee on Access to Justice, as well as a law student member, to confer with their respective groups and examine ways the Chief Judge's plan might be put into effect. This information will be provided to a subcommittee of the Executive Committee consisting of Mr. Abernethy, Ms. Castellano and Ms. Moy and will be compiled into

a report that will be provided to the Chief Judge. The report was received with thanks.

8. Report on membership numbers. Ms. Bucklin reviewed concerns about the number of members who were dropped from membership for nonpayment of dues on March 31, 2012. Mr. Doyle asked members of the Executive Committee to assist in the process of increasing membership and outreach to lapsed members.

9. Mr. Doyle thanked the members of the Executive Committee whose terms end on May 31, 2012 for their service on the Executive Committee.

There being no further business to come before the Executive Committee, the meeting was adjourned.

Respectfully submitted,



David P. Miranda
Secretary