

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE
CONFERENCE CALL MEETING
SEPTEMBER 27, 2011**

Members Participating: Abernethy, Castellano, Cohen, Doyle, Edmunds, Fennell, Finerty, Franchina, Gorgos, Gutekunst, James, Lau-Kee, Miranda, Moy, Myers, Romero, Safer, Wallach, and Young.

Guests: Constance M. Boland, Adam I. Cohen, Cynthia Feathers, Jonathan D. Lupkin, David H. Tennant.

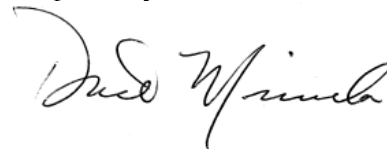
Mr. Doyle presided as President of the Association.

1. Report and recommendations of Committee on Courts of Appellate Jurisdiction. Cynthia Feathers, co-chair of the committee, outlined the committee's request to expand its pro bono appeals program to offer representation in appeals relating to life essentials, such as shelter, safety, sustainability income, family stability, and health care. She noted that the program also hopes to expand to the Fourth Department. After discussion, a motion was adopted to approve the proposed expansion.
2. Report and recommendations of Commercial and Federal Litigation Section. David H. Tennant, the section's chair, together with immediate past chair Jonathan D. Lupkin and Constance M. Boland and Adam I. Cohen, co-chairs of the section's E-Discovery Committee, reviewed the section's report entitled "Best Practices in E-Discovery in New York State and Federal Courts. They noted that the report is intended to provide practical advice, based on case law and rules, to educate the bar. After discussion, a motion was adopted to approve the report, subject to several editorial clarifications.
3. Report and recommendations of Executive Committee Subcommittee on Section Members-at-Large. Ms. Wallach, chair of the subcommittee, reported that the subcommittee had developed a proposal to submit to the Bylaws Committee with respect to establishing member-at-large seats on the Executive Committee for two Section representatives and a Young Lawyers Section representative. After discussion, a motion to require the Nominating Committee to interview candidates for these positions failed on a vote of 13-5, after which a motion was adopted to approve the subcommittee proposal for submission to the Bylaws Committee.
4. Report re state court funding. Mr. Doyle outlined a project to compile information from each judicial district regarding the impact of budget cuts on the state court system, with a goal of developing a presentation during the Presidential Summit at the Annual Meeting and thereafter being used as background material for budget advocacy. He asked the district Vice Presidents to contact administrative judges, county bar associations, and practitioners to obtain this information and submit a 3-5 page report by November 15. Ms. Finerty agreed to coordinate the project. The report was received with thanks.
5. Report re ABA Ethics 20/20 Commission. Mr. Doyle reported on the ABA's review of the Model Rules of Professional Conduct in light of changing technology and globalization, noting that the commission has been releasing reports for comment prior to issuing its report for consideration by the ABA House of Delegates and that the NYSBA Committee on Standards of Attorney Conduct had submitted comments on a number of the reports. He observed that there is a possibility that the commission will recommend an amendment to the rules to permit non-lawyer investment in law firms and that NYSBA will carefully review the final report when issued. The report was received with thanks.

6. Report re strategic planning. Mr. Doyle encouraged members of the Executive Committee to review the report of the Special Committee on Strategic Planning and be prepared to vote on the recommendations at the November 4 meeting. He noted that since no significant comments had been received, the report will be considered during the regular meeting rather than in a special meeting.
7. Report re Judicial Section. Mr. Doyle reported that the Judicial Section had submitted a request for Executive Committee approval of an additional section delegate to the House of Delegates and that the request would be considered at the November meeting.
8. Report of Committee on Law, Youth and Citizenship. Mr. Young, a past chair of the committee, reported that there are concerns about funding for the 2012 mock trial tournament in view of the fact that courts are unable to host the tournaments due to budget cuts. Mr. Doyle proposed a teleconference with Chief Administrative Judge Ann T. Pfau regarding the matter; in addition, members will review the availability of bar associations or law firms to serve as hosts.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David P. Miranda". The signature is fluid and cursive, with the first name "David" being more prominent.

David P. Miranda
Secretary