

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
THE OTESAGA, COOPERSTOWN, NEW YORK
JUNE 20-21, 2013**

PRESENT: Members Abernethy, Ayers, Barnes, Brown, Castellano, Christian, Cohen, Finerty, Franchina, Fisher, Gaffney, Gerstman, Goldenberg, Gordon-Oliver, Gorgos, Gutierrez, James, Karson, Lau-Kee, Millon, Miranda, Moy, Myers, Romero, Safer, Schraver, Wallach, and Young.

Guests: Mark H. Alcott, Donald C. Doerr, Sarah Jo Hamilton, John Eric Higgins, and Henry E. Kruman.

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

1. Mr. Schraver called the meeting to order, and James B. Ayers, James R. Barnes, David Louis Cohen, Cheryl Smith Fisher, Even M. Goldberg, Ira S. Goldenberg, and Scott M. Karson were welcomed as new/returning members of the Executive Committee.
2. Approval of minutes of meeting. The minutes of the April 5, 2013 meeting and the April 29, 2013 teleconference meeting were accepted as distributed.
3. Report of the Treasurer. Ms. Gerstman, in her capacity as Treasurer, reported that she would focus her reports at each meeting on a different aspect of the Association's finances and at this meeting she would focus on the Association's expenditures. She reviewed expenditures with respect to Bar Center operations; administration; technology; marketing, membership and member benefits; governance; programming; CLE and publications; and advocacy and improvement of justice. In addition, she provided an update with respect to the 2013 CLE budget. The report was received with thanks.
4. Report of Committee on Membership. Ms. Wallach, in her capacity as chair of the committee, updated the Executive Committee on the status of Association membership and the committee's current initiatives. The report was received with thanks.
5. Report of Lawyer Assistance Committee. Henry E. Kruman, the committee's Chair, and Patricia Spataro, Director of the Lawyer Assistance Program, presented an informational report reviewing the committee's and the Program's activities during the prior year. The report was received with thanks. The committee then presented an award to Seymour W. James, Jr. for his support of the Program during his presidency.
6. Discussion of Executive Committee liaison responsibilities and duties of Vice Presidents. Mr. Schraver led a discussion of liaisons' roles in facilitating communication, providing guidance on policy and procedure, and encouraging sections and committees to undertake projects. He asked liaisons to maintain regular contact with their groups, encourage them to submit reports for consideration by the Executive Committee and/or House of Dele-

gates and comment on reports submitted by other groups, and to be mindful of the need for diversity. He outlined the reimbursement policy for liaisons attending section and committee meetings.

Mr. Schraver also reviewed the responsibilities of Vice Presidents, as set forth in the By-laws, to promote relations with local bars and members in their respective districts. He noted the importance of informing local bar leaders, including those of minority and specialty bars, of Association initiatives and encouraged them to advise the Association of local bar concerns.

7. Reports of Executive Committee Liaisons. Reports from Mr. Brown, Ms. Castellano, Ms. Finerty and Ms. Wallach regarding the activities of the sections and committees to which they are assigned as liaisons were received with thanks.
8. Reports of Vice Presidents. Reports were received with thanks from Ms. Christian and Ms. Safer as First District Vice Presidents and from Judge Gordon-Oliver as Ninth District Vice President.
9. Report and recommendation of Committee on Committees. Donald C. Doerr, chair of the committee, reviewed the committee's report and recommendations with respect to the operation of seven Association committees, as well as a revised mission statement for the committee. He also reviewed the status of the committee's prior recommendations with respect to a central repository for committee mission statements and to define entities in the Association Bylaws. After discussion, a motion was adopted to approve the report and recommendations.
10. Discussion of meeting in Rochester. Mr. Schraver noted that after the March 2012 meetings in Buffalo, the topic of whether future House and Executive Committee meetings should be held in other areas of the state was reviewed and a survey of House members was conducted. Based on that review, he asked the Executive Committee to consider whether the April 2014 House and Executive Committee meetings should be held in Rochester. After discussion, a motion was adopted to schedule the April 2014 meetings in Rochester. Mr. Myers abstained from participating in the discussion and vote.
11. Report and recommendations of Committee on Professional Discipline. Sarah Jo Hamilton, chair of the committee, reviewed a proposed letter to the Administrative Board that would be sent on behalf of the NYSBA Committee on Professional Discipline and the Committee on Professional Discipline of the New York City Bar Association. The letter would request that the Administrative Board consider publishing redacted summaries of letters of caution and other private forms of discipline in order to educate the bar. After discussion, a motion was approved to permit the committee to submit the letter, subject to editing. Mr. James abstained from participating in the discussion and vote.
12. Report of the Secretary. Mr. Miranda reviewed progress in addressing the recommendations contained in the reports of the Special Committee on Discovery and Case Manage-

ment in Federal Litigation, the Committee on Immigration Representation and the Committee on Veterans. The report was received with thanks.

13. Report re proposed Bylaws amendments. Mr. Schraver outlined a proposal by which a New York State Bar Association member who is either a current or former president of the American Bar Association would be given life membership in the NYSBA House of Delegates. After discussion, a motion was adopted to approve the proposal and direct to the Committee on Bylaws to prepare appropriate amendments.
14. Report of President. Mr. Schraver highlighted the information contained in his printed report, a copy of which is appended to these minutes.
15. Report of ABA State Delegate. Mark H. Alcott, ABA State Delegate, updated the Executive Committee on ABA activity and the upcoming August 2013 House of Delegates meeting. The report was received with thanks.
16. Discussion of proposed trip to Cuba. Consideration of this item was postponed at the request of A. Thomas Levin, who was unable to attend the meeting.
17. Request of Intellectual Property Law Section to join another organization. Mr. Miranda, in his capacity as the section's Executive Committee liaison, outlined the section's request to join the EPO/US Bar Liaison Council. After discussion, a motion was adopted to approve the request.
18. Report re legislative matters. Richard Rifkin, Special Counsel, updated the Executive Committee on the 2013 state legislative session as well as Federal legislative activity, particularly with respect to the Association's legislative priorities. The report was received with thanks.
19. Report of Committee on Continuing Legal Education. H. Douglas Guevara, Senior Director of Continuing Legal Education, provided an update on the Association's continuing legal education program, including revenue and expenses, new initiatives, and section outreach. The report was received with thanks.
20. Report of Executive Subcommittee on Continuing Legal Education. Mr. Myers, Chair of the subcommittee, updated the Executive Committee on the subcommittee's continuing work with respect to CLE guidelines for Association sections. He noted that the subcommittee is revising the guidelines consistent with the Association's Strategic Plan and will have a written proposal for consideration at the November 2013 meeting. The report was received with thanks.
21. Report re technology. David L. Adkins, Chief Technology Officer, provided the Executive Committee with a report on the Association's technology initiatives, with a focus on the implementation of the content management system. The report was received with thanks.

22. Report and recommendations of Committee on Diversity and Inclusion. Sharon Stern Gerstman and John Eric Higgins, members of the committee, reviewed the committee's recommendations that the Bylaws provisions for two members-at-large of the Executive Committee and twelve House members to further racial and ethnic diversity be extended for an additional ten years and that the impact of these positions on the demographics of each body be reviewed on an annual basis. After discussion, a motion was adopted to endorse the following resolution for favorable action by the House:

WHEREAS, in 2004 the Association's Bylaws were amended to add two at-large seats to the Executive Committee and twelve members to the House of Delegates to further racial and ethnic diversity in each body; and

WHEREAS, these Bylaws provisions are due to expire on November 6, 2014; and

WHEREAS, the Committee on Diversity and Inclusion has completed a review of these provisions and has recommended that they should be continued for an additional ten-year period;

NOW, THEREFORE, IT IS

RESOLVED, that the Association approves the report and recommendations of the Committee on Diversity and Inclusion to continue these provisions for an additional ten years; and it is further

RESOLVED, that the Committee on Bylaws is hereby directed to review the report and recommendations and prepare appropriate amendments to the Bylaws to implement these recommendations for subscription by the House of Delegates at its November 2013 meeting.

23. Report and recommendations of Finance Committee. Mr. Gorgos, a member of the committee, outlined the proposed dues for the new Affiliate category of membership for which the Committee on Membership recommended, and the Finance Committee endorsed, a flat fee of \$185. After discussion, a motion was adopted to endorse the following resolution for favorable action by the House:

RESOLVED, that the Association approves the report and recommendations of the Finance Committee to set dues for the Affiliate Member category of membership at \$185 beginning in 2014.

24. New Business.

- a. Mandatory reporting of pro bono service and contributions. Mr. Karson advised that a number of members from the Tenth Judicial District had contacted him with concerns about the recently-announced amendments to Part 118 of the Rules of the Chief Administrative Judge requiring lawyers to disclose on their biennial registration forms the hours of pro bono service they had performed and contribu-

tions made to organizations that support the delivery of civil legal services. It was noted that in 2004, the House of Delegates had voted to oppose such mandatory disclosure. After discussion, a motion was adopted directing the President to send a letter to the Chief Judge expressing the Association's opposition to mandatory disclosure and to the public release of this information.

- b. Superstorm Sandy volunteers. Mr. Gaffney expressed his appreciation to Mr. James for his recognition of lawyers who had volunteered to assist persons affected by Superstorm Sandy.
25. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "David P. Miranda". The signature is written in black ink and is positioned above the printed name and title.

David P. Miranda
Secretary