

HOD Roundup

House approves report on New York State Constitution's Judiciary Article

By Christina Couto

Citing its length and the potential for confusion, Henry M. Greenberg of Albany (Greenberg Taurig LLP), chair of the Committee on the New York State Constitution, discussed Article VI, the Judiciary Article of the state Constitution, during the House of Delegates (HOD) January 27 meeting, held in New York City.

Article VI could be amended if a constitutional convention is convened in 2019. New York voters will be asked this question when they go to the polls this November.

"Whether you are for a potential constitutional convention or you are against a constitutional convention, this much I think I can say without fear of contradiction about Article VI: It's a mess. It's a ramshackle mess," Greenberg said, explaining that New York's Constitution is

16,000 words—one-third of which contains the Judiciary Article—compared with the U.S. Constitution's Judiciary Article, which is 375 words in total.

The Judiciary Article—the subject of the committee's latest report, which was approved by the HOD—is the basis for the state court system's operating structure and governs issues such as the number and jurisdiction of trial and appellate courts; administration and finance of the court system; number of judges; manner of judicial selection and discipline; and which courts have jurisdiction over particular matters.

Judiciary Article report

The report, "The Judiciary Article of the New York State Constitution—Opportunities to Restructure and Modernize the New York Courts," was presented

by Greenberg and committee member and Past President Stephen P. Younger of Buffalo (Patterson Belknap).

It observes that past efforts to restructure and modernize the court system have not been successful.

"For various reasons, decades have gone by without any successful effort to restructure and modernize the Constitutional underpinnings of our State's court system," the report states.

"The result has been a Unified Court System that has 11 different trial courts, resulting in an overly complex, unduly costly and unnecessarily inefficient court structure."

According to Greenberg, the goal of the report is to "educate the profession, the public, policymakers and the press about the kinds of issues that a constitutional convention could tackle with respect to



Article VI—House of Delegates members line up during the House of Delegates meeting, held on January 27 in New York City, to comment on the most recent report and recommendations of Committee on the New York State Constitution, which studied Article VI of the New York State Constitution. [Photo by Jacques Cornell/Happening Photos]

this profession we love and the court system that we fight for every day."

To date, the committee and the State Bar has no opinion on whether a constitutional conven-

tion should be held.

The committee however, was directed to make a recommendation on whether a constitutional convention would be in the best interest of the bar.

View the report at nysba.org/judiciary-report2017.

To view the discussion about Article VI during the HOD meeting, visit totalwebcasting.com/live/nysbar ♦



Diversity & Inclusion—Committee on Continuing Legal Education member Mirna M. Santiago and Chair Ellen G. Makofsky, left, present the report and recommendations of the Committee on Continuing Legal Education, which was approved by the House of Delegates on January 27 in New York City. [Photo by Jacques Cornell/Happening Photos]

House approves diversity and inclusion CLE recommendation at January House meeting

A report noting that the changing demographics of the country demonstrate a need for attorneys to be well-versed in issues relating to the representation of minorities and other diverse people was approved by the State Bar's House of Delegates (HOD) at its January 27 meeting, held in New York City.

The report recommends that the rules governing mandatory continuing legal education provide for one

credit hour of diversity and inclusion CLE as part of the 32 credit hours required for new attorneys and as part of the 24 credit hours required of experienced attorneys.

Prepared by the Committee on Continuing Legal Education, the report was first presented by State Bar Secretary Ellen G. Makofsky of Garden City (Makofsky & Associates, P.C.), chair of the committee, and committee member Mirna M. Santiago of the

Bronx (Acacia Network, LLP), at the November, 2016 House of Delegates meeting.

Following the November meeting, the report and recommendations were circulated to members of the HOD, sections and committees, county and local bar associations and posted on the State Bar's Reports Community webpage.

Comments were solicited until January 13.

"The majority of those comments are favorable

comments to the report," Makofsky said.

The Unified Court System accepted comments until February 15.

To view the discussion of the CLE diversity and inclusion report and recommendations during the HOD meeting, visit <http://totalwebcasting.com/live/nysbar>

The next HOD meeting will be held April 1 at the State Bar Center in Albany. ♦

Couto is NYSBA's State Bar News editor.