

**NEW YORK STATE BAR ASSOCIATION
ENVIRONMENTAL & ENERGY LAW SECTION**

COMMITTEE CHAIR MANUAL

2018

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INTRODUCTION

Congratulations upon becoming a committee chair of the Environmental & Energy Law Section (the “Section”) of the New York State Bar Association (“NYSBA”)!

The purpose of this Manual is to assist you by setting forth the goals and responsibilities that accompany the position of committee chair and the opportunities and resources that are available to you. The vitality of the Section depends upon the vigorous participation of its committees and, through its committees, of the Section’s membership at large. The effectiveness of that participation depends, in significant part, upon the chairs of the Section’s committees.

This Manual is divided into three chapters. Chapter I describes the responsibilities of committee chairs. Chapter II describes the structure and governance of the Section and its committees. Chapter III summarizes the resources that are available to committee chairs. In addition, the various attachments to the Manual -- Section By-Laws, sample committee agenda, report and mission statement, NYSBA contact list -- provide more detailed information and examples relating to certain subjects.

CHAPTER I
RESPONSIBILITIES OF COMMITTEE CHAIRS

The Section functions in large part through its various committees. There are several different types of Section committees. Continuing or standing committees mostly are structured (with periodic revision, to reflect changes in the various fields) to cover the major media-specific or other substantive areas of environmental law. A few standing committees, such as Membership and Continuing Legal Education (“CLE”), have function-specific roles. In addition to these standing committees, special and other ad hoc committees and task forces are also created from time to time to address specific issues. Although this manual is primarily focused on the Section’s substantive law committees, it provides useful information for chairs of other committees, as well.

Generally, each of the Section’s committees has two co-chairs. The roles of these co-chairs is to see that the functions of their committee are achieved. The specific responsibilities of the chairs and their committees are described in this chapter. Procedures governing committees are also set forth in the Section’s By-Laws, a copy of which is contained in Attachment A to this Manual.

A. Substantive Expertise

A core function of each committee is to serve as a source of knowledge in the relevant substantive area of environmental law and to ensure that the committee

maintains an expertise and familiarity with current developments in the committee's substantive area. This is critical to the effective functioning of the committee in all other respects. At a minimum, this involves keeping abreast of new regulatory and legislative developments, case law and agency policies. It also involves the prospective identification, wherever possible, of new trends or areas of the law in need of clarification or correction.

Efforts should be made to involve as many committee members as possible in this work. The use of subcommittees or assignments to individual members or teams is encouraged. It is hoped that this will add to the cohesiveness of the committee and contribute to the effective functioning of the Section. As is discussed in Chapter III ("Resources Available to Committee Chairs"), NYSBA staff and the Section itself have a number of resources that are available to committee chairs to assist them in this regard.

B. Section Activities

The effectiveness of the Section depends upon the vitality of its committees. The Section looks to its committee chairs to promote this vitality, and also to take an active individual role in Section activities. The Section expects each committee chair, at a minimum, to:

- (1) Convene a Committee Planning meeting between October and December each year.
- (2) Establish the committee's Annual Planning Agenda, to be submitted by

January 15 of each year to the Section's officers. The agenda should be formatted based on the Sample Committee Annual Planning Agenda contained in Attachment B to this Manual.

- (3) Hold at least three meetings (by teleconference, videoconference, internet chat room, or in person) during each year, two of which meetings may be at the NYSBA meeting in January and the Section's Fall Meeting.
- (4) Maintain active written or electronic communication with committee members.

As discussed in Section III ("Resources Available to Committees"), NYSBA staff assistance is available to facilitate such communication.

- (5) Attend the Executive Committee meetings, and provide written (and, if appropriate, oral) reports of committee activities at these meetings. The Executive Committee generally meets during the NYSBA meeting in January, once during the spring, and at the Section's Fall Meeting. If a committee chair cannot attend an Executive Committee meeting, the chair shall notify the Section Chair. If a committee chair misses three consecutive Executive Committee meetings without an excuse deemed acceptable by the Section Chair, or fails to maintain NYSBA and Section membership, that committee chair will be deemed to have resigned from his or her position.
- (6) Contribute periodic (at least once per year) reports of committee activities to the Section's publication, *The New York Environmental Lawyer* (the

“Section Journal”), in a form similar to the sample contained in Attachment C to this Manual. Ideally, committees should submit to the Journal brief reports of all activities such as conferences, symposia or other programs.

- (7) Submit in December of each year to the Section’s officers the Committee Year-End Report using the sample report format contained in Attachment D to this Manual.
- (8) Solicit articles relevant to the committee’s subject area for publication in the Section Journal. The articles may be written by committee members, other Section members or others. While it is recognized that topical issues do not arise on a regularly scheduled basis, the goal is the publication of at least one article every two years.
- (9) Conduct, or have committee members conduct, at least one Section program, activity, or CLE program each year.
 - A. The Section conducts CLE programs at its January and Fall Meetings. It also regularly conducts CLE programs throughout the year. The Section’s Officers may request committees to participate in planning CLE programs on a rotating basis. Topics for such programs are generally developed approximately six months before the programs are held, and committee chairs are expected, when requested by the Officers, to assist in coordinating and participating in such programs. Assistance from the able staff of NYSBA with respect to procedures and logistics is available, and coordination

with the NYSBA staff is encouraged. As is described in Chapter III (“Resources Available to Committees”), with respect to CLE programs, the Section has a CLE Committee that works with substantive committees on developing such programs. NYSBA itself has a CLE staff that coordinates these programs.

- B. If a committee does not participate in a Section CLE program in a particular year, it may fulfill its responsibility through participation in other activities, such as: (i) forums; (ii) teleconferences; (iii) academic symposia; (iv) joint presentations with local bar associations, other committees of the Section, other NYSBA Sections or non-legal professional groups; or (v) preparation of an educational document such as a legal update, “hot topic” alert or “white paper.”
- C. Work with, and respond to inquiries and requests from, Section Officers and the Executive Committee.

3. Membership Involvement and Growth

Committee chairs are responsible for the inclusiveness and growth of their committees. The Section’s effective functioning depends upon its committees being more than mere static repositories of technical expertise. The Section relies upon its committees’ abilities to involve the general membership of the Section in its activities and to expand the involvement of the committees’ currently active members. Among

the important methods of expanding membership and involvement are the following:

(1) Outreach to Committee Members

Often, increasing such involvement requires reaching out to committee members who are on the periphery of active membership. Each committee chair is provided, several times each year, with an updated list of Section members who have joined that committee. The chairs of each committee should, at least annually and preferably more frequently, contact each member of their committee to ascertain the member's degree of interest and to invite that member to participate as actively as possible in the workings of the committee.

It should be emphasized that the involvement of committee members, while initially requiring time and effort on the part of committee chairs, ultimately results in an organically strong committee. This, in turn, provides a structure for delegating many of the responsibilities that might otherwise fall upon the chairs. And this delegation, with the attendant responsibility and recognition, encourages further participation by the membership and helps groom future committee chairs and Section leaders.

There is a natural tendency to concentrate involvement, and work assignments, upon the comparatively few members of each committee who are most active at any point in time. While the importance of a core of devoted members should not be underestimated, it is also critical to the future of the Section that new persons be recruited into the active body of each committee. Thus, it is important to attempt to

draw members into positions of responsibilities within the committee. This is not always easy and, as is discussed in Chapter III (“Resources Available to Committees”), assistance from former committee chairs and Section Officers is available to help you.

One way to facilitate committee members’ involvement is to delegate some of the responsibilities described in this chapter. Thus, for instance, one committee member could be delegated to act as liaison or subcommittee chair to coordinate submission of materials with the Section Journal. Another member could be delegated to work with the Section’s CLE Committee. A third could be asked to monitor legislative activities in conjunction with the Legislation Committee.

(2) Recruitment of Committee and Section Members

Committee chairs should also look for opportunities, in cooperation with the Membership Committee, to add new members to their committees, from within the Section or without. Many committee chairs, for example, work on a regular basis with environmental attorneys who could contribute as committee members, but who do not yet belong to NYSBA or the Section. These are prime candidates for recruitment. Making a committee and its activities more attractive to non-committee members will enhance the committee’s usefulness. It is equally important to engage in these outreach activities to counteract the natural tendencies toward inertia and complacency, to which all humans and organizations are susceptible. Each committee chair owes a responsibility to the Section to increase the involvement of lawyers in the Section’s work

– the furtherance of and improvement in the practice of environmental law.

(3) Expansion of Diversity

It is also important that the Section seek to expand the diversity of its membership. This can be accomplished in several ways. At the Section level, various initiatives, such as sponsoring the Section's annual minority fellowships, are undertaken. Many such efforts, however, can be taken effectively by the Section's committees. Thus, at the committee level as well as at the Section level, efforts should be made to ensure diversity in programs (both in selection of speakers and topics). Committees should reach out to minority and women lawyers, through partnerships with other bar associations, law schools, law student associations, civic groups and others. This will expose the Section and its activities to others outside of what would traditionally be considered the environmental law/land use communities.

CHAPTER II

STRUCTURE AND GOVERNANCE OF THE SECTION

This chapter presents a brief overview of the history of the Section and a summary of its structure and governance. Many of those involved in the founding of the Section continue to be actively involved, and these members can provide a wealth of additional information and perspective on the growth of the Section. Should questions arise regarding the structure or functioning of the Section, you should not hesitate to contact one of the Section's Officers. The By-Laws contained in Attachment A are also a helpful reference source.

A. History of the Section

The Section's origins stem from the efforts of a number of attorneys, many of them among the pioneers in the field, to organize a forum within NYSBA to discuss issues in the emergent field of environmental law. In 1974, NYSBA created the Special Committee on Environmental Law, chaired by Arthur Savage, who would later become the first Chair of the Section. Three years later, the Special Committee became a standing committee of NYSBA. The Committee on Environmental Law, after thorough discussion and study, subsequently voted to apply to NYSBA's House of Delegates for elevation of the Committee to full section status. In late 1980, the House of Delegates approved the creation of the Environmental and Energy Law Section. Arthur Savage,

Nicholas Robinson, Ernest Ierardi, John Hanna, Jr. and Martin Baker were elected as the Section's first Officers, and 19 standing committees were created.

Since 1980, the Section has achieved a stable membership of approximately 1,000 lawyers. While many of the Section's original committees remain in existence, the total number of committees and task forces now stands at approximately 30.

Among the "youngest" sections of NYSBA, the Section has since its inception adopted an open and flexible posture. This has shown itself in the Section's willingness to reach out to practitioners in other areas of law, as well as to other, non-legal, disciplines. The Section has also maintained a continuing goal of bringing diversity to its membership. To promote ethnic and racial diversity, the Section sponsors a minority fellowship program to expose minority law students to the practice of environmental law. The Section also attempts to recognize the importance of including as many relevant perspectives as feasible – whether related to gender, race, income or other aspect – in its programs and functioning.

In furthering these efforts, the Section's committees are critical. Thus, it is important for committee chairs to be sensitive to the need to involve as many people as possible in committee activities, and to be proactive and imaginative in finding opportunities to expand such participation through membership outreach and program cosponsoring.

B. The Officers and their Roles

The Officers of the Section consist of the Chair, the Vice-Chair, the Treasurer, and the Secretary. Officers are elected by the Section membership at the Section's annual meeting in January and serve one-year terms, commencing on June 1 of the year in which they are elected.

The Chair and other Officers are responsible for the day-to-day functioning of the Section. The specific powers and responsibilities of the Officers are set forth in the Section's By-Laws, a copy of which is contained in Attachment A to this Manual. Generally, the Officers do not serve as committee chairs while they are Officers, although all of the current and past Officers have had lengthy prior experience as committee chairs.

As is discussed in Chapter III ("Resources Available to Committees"), the Officers frequently designate among themselves individual officers to serve as liaisons to the various committees. These liaisons help with oversight of the various committees, and also serve as a focal point for committee chairs' inquiries and/or requests for assistance.

C. The Executive Committee

The Section's Executive Committee is comprised of the Officers, the chairs of the various committees and task forces, members of the Section Council, the Section's Delegate and Alternate Delegate to the NYSBA House of Delegates, and a number of Members-at-Large. The functions of the Executive Committee include facilitating the establishment of Section policies, approving the Section's annual budget, creating and revising the standing committees of the Section and advising the Officers on Section affairs.

D. The Section Council

The Section also has a Section Council, made up of past Chairs of the Section. Its members serve on the Executive Committee and act as a resource for the Section's leaders to draw upon. Section Council members are also available as mentors to the committees (see Section III -- "Resources Available to Committees").

E. The Section Cabinet

The Section Cabinet consists of the Section's Officers, the Section Delegate to the NYSBA House of Delegates and a member of the Section Council designated by the Section Chair. The Section Cabinet exercises general supervision and control of the Section's affairs. It is responsible for the authorization of the expenditures of Section funds.

F. The Appointment and Removal of Chairs, Creation of Committees

Committee chairs are appointed by and serve at the pleasure of the Section Chair. Permanent standing committees may be created, consolidated and eliminated by the Executive Committee. These decisions are made periodically, in response to evolving changes in topical areas of environmental law or the organizational needs of the Section. Special and other ad hoc committees and task forces may also periodically be created.

Committee chairs form the leadership pool from which future Section Officers are drawn. There are no preestablished “term limits” for committee chairs. Nonetheless, it is a general goal of the Section to encourage participation by newer members and to match current chairs’ strengths with the evolving needs of the Section.

G. Committee Oversight by Officers

The Officers exercise oversight over the various committees. Generally, each Officer acts as the liaison for several committees. The Officers are responsible for ensuring the effective functioning of the committees. As such, they monitor the performance of committee chairs and, where the Section Chair deems it appropriate, changes in chairs are made to increase the effectiveness of committees. These decisions are based upon the criteria previously set forth with regard to the

responsibilities of the committees and their chairs. Demonstrated performance by a committee chair will lead to positions of more responsibility, and lack of performance will lead to removal.

CHAPTER III

RESOURCES AVAILABLE TO COMMITTEES

A variety of resources are available to the Section's committees and committee chairs. These range from technical assistance with setting up internal communications and organizing programs to more substantive advice and mentoring. This chapter is intended to provide a brief overview of the types of resources that are available, but it is not intended to be exhaustive. Should a committee chair have any questions or concerns, the chair is encouraged to contact a Section Officer.

1. Section Officers

The Officers of the Section are the first line of resources that committee chairs should tap. They have served for many years as committee chairs themselves, and are familiar with the challenges and opportunities that these positions present.

As previously noted, the Section's Officers generally delegate among themselves individual Officers to serve as liaisons to the various committees. These Officer liaisons are designed to provide oversight over the committees' activities, and also to create a "contact person" to serve as the focus for any questions or concerns that the respective committee chairs may have. Officers liaisons are expected to periodically contact their respective committee chairs. Irrespective of the oversight roles of the liaisons, it must

be emphasized that the responsibility for each committee's implementing its duties remains that of the committee's chairs.

When committee chairs are planning programs or other activities where the expenditure of Section funds may be involved, the Officer liaison to the committee or the Section Chair must be consulted prior to any commitment of funds being made. Also, programs that fall within the formal NYSBA CLE system require specific procedures to be followed and financial approvals, with which the CLE Committee and Officers are familiar. Other, less formalized, programs, to the extent that they may commit Section resources, must also be cleared with a Section Officer. The Officers will be able to provide you with guidance about setting up such programs.

From time to time, a committee may identify a regulatory or legislative initiative (or an issue that cries out for such an initiative) that it believes the Section should pursue. These initiatives should be brought to the attention of the relevant Officer liaison or the Chair. Some such initiatives are governed by NYSBA's protocols, while others may be reviewed and authorized by the Section's Officers and/or the Executive Committee. In addition, the chairs of the Section's Legislation Committee should also be contacted, and that committee may provide assistance in monitoring the relevant initiatives or in coordinating a program.

B. Committee Mentors

As previously discussed, mentoring is available to committees and committee

chairs. Mentors may come from the Officer liaisons or other of the Section's Officers, members of the Section Council, or other experienced members of the Section, such as former chairs of your committee. Each of the Officers and Section Council members has had lengthy experience as chair of one or more committees, as well as in the functioning of the Section as a whole. Such assistance is most often made available at the request of a committee chair, but it may from time to time also be suggested by the Officers. Mentoring is, by its nature, flexible and oriented toward specific situations. It may involve generalized advice with respect to such issues as how to energize committee members and establish and implement agendas, or it may involve more specific matters such as the organization and implementation of a symposium. The goal of all such mentoring is to enable the committee chairs and, thereby, the committees, to succeed in carrying out their functions.

C. NYSBA Staff

The staff at NYSBA's Albany headquarters are an invaluable resource to the Section and its committees. As with other sections of NYSBA, there is an individual member of the headquarters staff who serves as liaison to the Section. This person should be the initial contact with respect to inquiries and requests for assistance. The NYSBA liaison may refer you to other NYSBA staff, as appropriate. The current liaison and relevant contacts at NYSBA headquarters are contained in Attachment E to this Manual.

Among the areas in which NYSBA can provide assistance are the following:

- Facilitating communications among committee members. NYSBA maintains a current roster of the membership of each committee, and distributes an updated copy to each committee's chairs several times each year. NYSBA also can set up teleconferences and internet list-serves. NYSBA also maintains the Section's website, in consultation with the Section's Social Media Committee, to which the Section's committees may post items of interest. NYSBA also coordinates and conducts Section mailings.
- Setting up meetings, symposia and conferences. The staff handles the logistical work behind the Section's annual January, spring and fall meetings. The staff also is available to assist in a similar fashion with committee and task force meetings and conferences. In addition, NYSBA can make space available for meetings at its Bar Center in Albany.
- Assisting with CLE programs. The staff coordinates scheduling and logistics and helps prepare the requisite written program materials for CLE programs. Committees involved in such programs should work closely with the Section's CLE Committee, which has extensive experience in working with NYSBA in this regard.

NYSBA can provide other specialized assistance, and also offers a wide array of services to its membership at large. Whenever a committee chair has a question about potential assistance that may be available, the chair should contact the Section's NYSBA liaison, who also generally attends the Section's Executive Committee meetings.

D. The Section Journal

While each committee has a responsibility to submit material on a regular basis to the Section Journal, the Journal also serves as a resource to the committees by providing an excellent opportunity for expanding the visibility and membership of the committees. The Journal is generally published four times per year, and is sent to all Section members. It should be viewed as a vehicle for informing the Section at large of your committee's activities, as well as for attracting potential new committee members. The Journal also provides an opportunity for committee members to gain individual recognition, and to promote their growth within the committee and the Section.

Committee chairs may wish to delegate to one or more committee members responsibility for coordinating committee submissions to the Journal. The Editor-in-Chief of the Journal welcomes inquiries with respect to potential submissions. Some helpful criteria for submission that the Editor-in-Chief has prepared are included in Attachment F to this Manual.

E. Other Section Committee Chairs

Other resources that should not be overlooked are the Section's other committees. Although most of the Section's committees are set up to cover specific substantive areas of environmental law, it is not intended that this structure lead to a balkanized approach to environmental law. To the contrary, committees are encouraged to work together in setting up programs or addressing timely issues that affect more than one area of law.

Furthermore, a number of committees are set up specifically to coordinate certain activities, such as the Membership, CLE and Legislation Committees. With respect to initiatives in any of these areas, the chairs of the relevant committees should be contacted.

F. Committee Members

Finally, committee members themselves are also an important resource. As was previously discussed, a committee functions best when a broad spectrum of its members are actively involved. Experience has shown that one way to encourage such participation is to maintain regular communication with the membership. Another method is to delegate specific functions, such as serving as subcommittee chair or liaison to work with the Journal, the Membership Committee or the Legislation Committee or coordinating a forum or special project. In this way, the committee's members have more of an "ownership" of the committee's work, and the burdens on the

committee's chairs are eased.

CONCLUSION

Again, congratulations on becoming a committee chair! Yours is a critical role in the future success of the Section. Your Officer liaison will contact you shortly, if she or he has not already done so, to ensure a strong beginning to your tenure as a committee chair. Should you have any questions before that time, feel free to contact your Officer liaison or any of the other Section Officers.

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