

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
THE OTESAGA, COOPERSTOWN, NEW YORK
JUNE 13-14, 2019**

PRESENT: Members Karina E. Alomar, Mark A. Berman, Earamichia Brown, John P. Christopher, Norman P. Effman, Donna England, Margaret J. Finerty, Evan M. Goldberg, Henry M. Greenberg, Richard M. Gutierrez, Erica M. Hines, Drew Jaglom, Scott M. Karson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Michael Miller, Domenick Napoletano, Marne L. Onderdonk, Aimee L. Richter, William T. Russell, Jr., Robert T. Schofield, IV, Diana S. Sen, Rona G. Shamoan, Carol A. Sigmond, Tucker C. Stanclift, Mark T. Starkman, David H. Tennant, Jean Marie Westlake.

Guests: James A. Barnes, Donald C. Doerr, Glenn Lau-Kee, Camille Mackler, David P. Miranda, Hon. Karen K. Peters, Prof. Sarah Rogerson, Thomas E. Schimmerling.

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

1. Mr. Greenberg called the meeting to order, and John Christopher, Donna England, Michael Marinaccio, Domenick Napoletano, Marne Onderdonk, Diana Sen, and Mark Starkman were welcomed as new members of the Executive Committee.
2. Approval of minutes of meeting. The minutes of the April 12, 2019 meeting and May 31, 2019 conference call were accepted as distributed.
3. Consent Calendar.
 - a. Confirmation of appointments to Audit Committee
 - b. Amendments to stated purpose of Committee on Civil Rights
 - c. Elder Law and Special Needs Section legislative proposal

The consent calendar, consisting of the items listed above, was approved by voice vote.

4. Report of the Treasurer. In his capacity as Treasurer, Mr. Napoletano reported that through April 30, 2019, the Association's total revenue was \$15.5 million, a decrease of approximately \$526,000 from the previous year, and total expenses were \$8 million, an increase of approximately \$37,000 over 2018. The report was received with thanks.
5. Report of staff leadership. Pamela McDevitt, Executive Director; Daniel Weiller, Managing Director of Marketing and Communications; and Victoria Shaw, Senior Director of Attorney Engagement and Retention, highlighted staff efforts with respect to changes being made to technology, marketing initiatives, non-dues revenue, and membership initiatives. The report was received with thanks.
6. Report of President. Mr. Greenberg made a presentation of the "Virtual Bar Center," stressing improvements to the association management system and website to provide better services to members. He also highlighted the information contained in his printed report, a copy of which is appended to these minutes
7. Discussion of Executive Committee liaison responsibilities and duties of Vice Presidents. Mr. Greenberg 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 Delegates and comment on reports submitted by other groups, and to be mindful of the need for diversity.

Mr. Greenberg also reviewed the responsibilities of Vice Presidents, as set forth in the Bylaws, 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.

He encouraged both Executive Committee liaisons and Vice Presidents to make reports to the Executive Committee with respect to items of interest or concern.

8. Report of Lawyer Assistance Committee. Thomas E. Schimmerling, the committee's chair, together with LAP Director Stacey Whitely and Hon. Karen K. Peters, immediate past chair of the Judicial Wellness Committee, 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 Michael Miller for his support of the Program during his presidency.
9. Report and recommendations of Committee on the New York State Constitution. Hon. Karen K. Peters, chair of the committee, outlined the committee's report recommending legislation to amend the State Constitution to permit categories of judges in addition to Court of Appeals and Supreme Court judges to apply for certification to serve beyond the mandatory retirement age of 70. After discussion, a motion was adopted to approve the report and recommendations.
10. Report and recommendation of Committee on Committees. Donald C. Doerr and Carol A. Sigmond, co- chairs of the committee, reviewed the committee's report and recommendations with respect to the operation of 14 committees. After discussion, a motion was adopted to approve the report and recommendations. The co-chairs were asked to work with Glenn Lau-Kee, chair of the Special Committee on Association Structure and Operations, and return in January with recommendations for some potential consolidation/change of mission of several committees.
11. Report of Committee on Continuing Legal Education. James A. Barnes, chair of the committee, together with Katherine Suchocki, Senior Director of Continuing Legal Education, outlined committee initiatives, including the development of a CLE credit tracker and the CLE Online All-Access Pass. The report was received with thanks.
12. Reports and recommendations of Criminal Justice Section.
 - a. Mandatory federal detention. Mr. Stanclift, in his capacity as immediate past chair of the section, outlined a legislative proposal for amendment of a federal statute to give judges discretion to consider permitting defendants to remain free on bail pending sentencing. After discussion, a motion was adopted to approve the proposal.
 - b. Representation of unpopular defendants. Mr. Stanclift reviewed a proposed report and resolution in support of defense attorneys undertaking the representation of unpopular defendants. After discussion, a motion was adopted by a vote of 20-6 to table the report in order to permit time for a more thorough examination of the issues and review by interested sections and committees.

13. Report and recommendations of Committee on Immigration Representation. Camille Mackler and Prof. Sarah Rogerson, co-chairs of the Committee, presented the committee’s report recommending the enactment of a right to counsel in immigration proceedings. After discussion, a motion was adopted to endorse the following resolution for addition by the House:*

WHEREAS, the New York State Bar Association (NYSBA) has long supported and encouraged equal access to justice and to our courts of law for all, including immigrants residing in New York State; and

WHEREAS, in the past, NYSBA has actively promoted and participated in efforts to provide immigrants in New York with access to justice by promoting access to legal representation through the establishment of a committee specifically for that purpose, as well as through partnerships with Governor Cuomo’s Liberty Defense Project; and

WHEREAS, a national study of immigration court data published by the American Immigration Council shows the great disparities in outcomes between cases that have legal representation and those that don’t, including a 78% success rate for never-detained represented immigrants compared to 15% for their never-detained non-represented counterparts; and

WHEREAS, a similar study done through the evaluation of the first years of the New York Immigrant Family Unity Project (NYIFUP), the pioneering public defender system that provides universal representation to detained immigrants appearing before the Varick Street immigration court in New York City, shows that detained immigrants have a 48% chance of success with a NYIFUP attorney, compared to 4% before NYIFUP was created; and

WHEREAS, the American Bar Association has called for both a federally funded system of appointed counsel for indigent respondents in removal proceedings as well as for states and localities to provide such counsel until the federal government does so; and

WHEREAS, recent policies and immigration enforcement trends have greatly increased removal risks to immigrant New Yorkers and our immigration courts backlogs have reached historical highs; and

WHEREAS, NYSBA believes that true access to justice includes ensuring due process is served and principles of fundamental of fairness are observed in any judicial setting;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby urges the New York State Governor and the New York State Legislature to enact a right to counsel in immigration proceedings as a statutory requirement under New York State law.

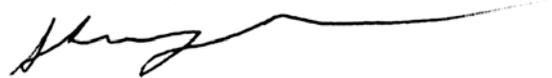
14. Report of Special Committee on Association Structure and Operations and Special Committee on Strategic Communications. Glenn Lau-Kee and David P. Miranda, chairs of the respective com-

* An amended resolution was adopted by the House on June 15, 2019.

mittees, reviewed the committees' charges and planned work. The report was received with thanks.

15. Report and recommendations of Task Force on the Role of the Paralegal. Mr. Miller, as Immediate Past President, together with Victoria Shaw, Senior Director of Attorney Engagement and Retention, and General Counsel Kathleen Baxter, reviewed the Task Force recommendations for an amended set of "Guidelines for the Utilization of Paralegals"; recommendations regarding the regulation of non-lawyers and alternate forms of delivery of legal services; and the creation of a category of non-voting Association membership for paralegals and legal assistants. After discussion, a motion was adopted to approve the report and recommendations.
16. New Business.
17. Date and place of next meeting. The next meeting of the Executive Committee will be held on Friday, November 1, 2019 at the Bar Center in Albany.
18. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Sherry Levin Wallach
Secretary