

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
JUNE 15, 2019
THE OTESAGA, COOPERSTOWN, NEW YORK**

.....

PRESENT: Alcott; Alomar; Arenson; Baum; Berman; Billings; Braunstein; Braverman; Brown, E.; Brown, T.A.; Buholtz; Burke; Chang; Christenson; Christopher; Coffey; Cohen, D.; Cohen, M.; Connery; Crawford; Dean; Disare; Doerr; Doxey; Doyle; Effman; Eng; Engel; Entin Maroney; Fallek; Fay; Fernandez; Finerty; First; Fishberg; Fox; Freedman, H.; Friedman; Gilmartin; Goldberg; Graves-Poller; Greenberg; Griesemer; Grimaldi; Grimmick; Gross; Gutekunst; Gutenberger Grossman; Gutierrez; Hack; Haig; Hamid; Harper; Horan; Hurteau; Jaglom; James; Kamins; Karson; Kean; Kearns; Kelly, K.; Kelly, M.; Kendall; Kiernan; Koch; Krajewski; Lau-Ke; Lawrence; Leventhal; Levin Wallach; Levy; Lewis; Lindenauer; MacLean; Madden; Madigan; Maldonado; Marinaccio; Markowitz; Martin; Matos; May; McCann; McNamara, C.; McNamara, M.; Meyer; Miller, C.; Miller, M.; Minkoff; Minkowitz; Miranda; Montagnino; Mulry; Murphy; Napoletano; Nowotarski; O'Connell; O'Donnell; Onderdonk; Ostertag; Pappalardo; Perlman; Pleat; Purcell; Radick; Richter; Rivera Agosto; Rivera; Robinson; Rosenthal; Rosner; Russell; Ryan; Ryder; Scheinkman; Schofield; Schrauer; Schriever; Scott; Sen; Shafer; Shamon; Shampnoi; Sharkey; Sheldon; Sigmond; Silkenat; Silverman; Singer; Skidelsky; Slavit; Sonberg; Stanclift; Standard; Starkman; Stoeckman; Sweet; Taylor; Tennant; Tesser; van der Meulen; Warner; Weiss; Welch; Westlake; Weston; Wimpfheimer; Witmer; Wolff; Yeung-Ha; Young.

Mr. Karson presided over the meeting as Chair of the House.

1. Call to order, introduction of new members. The meeting was called to order and the Pledge of Allegiance was recited, and Mr. Karson welcomed the new members of the House.
2. Minutes of April 13, 2019 meeting. The minutes were accepted as previously distributed.
3. Report of the Treasurer. Domenick Napoletano, Treasurer, updated the House with respect to the results of operations for the first four months of 2019. 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.
4. Installation of President. Mr. Greenberg was formally installed as President. The oath of office was administered by Hon. Howard A. Levine, retired Associate Judge of the Court of Appeals. Mr. Greenberg then addressed the House with respect to his planned initiatives for his term as President, including the development of the "Virtual Bar Center."
5. Report of President. Mr. Greenberg highlighted the information contained in his printed report, a copy of which is appended to these minutes.

6. Address by Judy Perry Martinez – President-Elect, American Bar Association. Judy Perry Martinez, President-Elect of the American Bar Association, addressed the House, focusing on collaboration between the ABA and NYSBA, and ABA initiatives. The Chair received the report with thanks.
7. 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 to amend the resolution offered by the committee was approved, after which the following resolution was adopted:

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; and it is further

RESOLVED, that the New York State Bar Association supports the position articulated by the American Bar Association that there should be a Federally funded system of appointed counsel for indigent respondents in removal proceedings but urges the New York State Legislature to act in the meantime in light of the significance of the rights and principles involved.

8. Report of Special Committee on Association Structure and Operations. Glenn Lau-Kee, chair of the committee, discussed the committee's planned review of issues relating to structure, operations, and leadership, observing that the committee has no preconceived ideas and that it plans an open process in its review. The Chair received the report with thanks.
9. Report of Women in Law Section. Susan L. Harper, immediate past chair of the section, reviewed the section's activities since its creation in June 2018. She observed that the section currently has over 700 members. The report was received with thanks.
10. Report of The New York Bar Foundation. Lesley Friedman Rosenthal, President of The Foundation, presented an informational report on The Foundation's financial status, its current fundraising and grantmaking activities, and progress on The Foundation's three-year strategic plan. The report was received with thanks.
11. Report and recommendations of the Task Force on the Role of the Paralegal. Vincent Ted Chang and Prof. Margaret Phillips, co-chairs of the Task Force, reviewed the Task Force's recommendations with respect to updated and amended "Guidelines for the Utilization of Paralegals"; its recommendations with respect to voluntary certification and future study of licensing; exploration of methods of providing alternate means of delivering legal services; and the creation of a non-voting membership category for paralegals and legal assistants. Amendments to Guidelines I and VI were approved on motion, after which a motion was adopted to approve the report and recommendations as amended. Ms. Buholtz abstained from participating in the discussion and vote.
12. Report re Nominating Committee. Nominating Committee Chair Claire P. Gutekunst reviewed the Nominating Committee process and criteria for candidates and encouraged interested members to submit nominations. The chair received the report with thanks.
13. Administrative items. Mr. Karson reported on the following:

- a. New Audit Committee members. At its June 13-14, 2019 meeting, the Executive Committee had confirmed the appointment of Bryan Hetherington and Naomi K. Hills as new members of the Audit Committee and Elizabeth J. Champnoi as chair of the committee. Pursuant to the Bylaws, the House is required to ratify the selection of these members. A motion was adopted to ratify the members' selection.
 - b. Following the meeting, the Committee on Leadership Development will host a luncheon for first-time House members to review the House meeting.
14. New Business.
- a. 2020 Gala. John H. Gross, chair of the gala planning committee, updated the members on work in planning the gala scheduled for January 30, 2020 at the Museum of Natural History in New York City, and encouraged members to sponsor and attend.
 - b. Committee on Standards of Attorney Conduct. Gordon Eng, a member of the committee, advised that the committee had published for comment proposed amendments to the Rules of Professional Conduct, with a comment deadline of August 9, 2019. He encouraged members to submit comments to the committee.
15. Date and place of next meeting. Mr. Karson announced that the next meeting of the House of Delegates would take place on Saturday, November 2, 2019 at the Bar Center in Albany.
16. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Sherry Levin Wallach
Secretary



Henry M. Greenberg

President

Greenberg Traurig, LLP

54 State Street

Albany, New York 12207

greenbergh@gtlaw.com

518-689-1492

June 9, 2019

**President's Report
to the House of Delegates
June 15, 2019**

I am honored to serve as the 122nd President of the New York State Bar Association. We have a proud history of serving as the voice of the profession, working to support the rule of law, improve the administration of justice and guarantee the vitality of the legal profession.

On the wall of the 1837 Chenango County Courthouse is an inscription in large Roman Letters: "FIAT JUSTITIA RUAT CAELUM." It means: "Let justice be done though the heavens may fall." The idea of Justice is eternal. We see it in the biblical passage commanding: "Justice, Justice, you shall pursue."

That is the lawyers' credo. It is in our DNA. It is who we are. It is what we do. It is also what the New York State Bar Association has stood for since its founding in 1876.

From the inception, this Association has led. We have fought for things that matter for our profession and the public. Leadership is our legacy. It is also our duty and responsibility.

Why us? Why must lawyers lead public opinion — not follow it? The answer is because lawyers built the institutions that keep us free and fashioned the framework of our government.

As lawmakers in the Legislature, lawyers write laws. As advocates and judges in courtrooms, lawyers administer justice according to law. And, today, more than ever, the voice of lawyers is needed.

There is an ancient curse, "May you live in interesting times." This expression is intended to be ironic. It reflects anxiety and fear about current events. Well, we are living in "interesting times."

Don't get me wrong — wondrous things are happening all around the world. Health, prosperity, peace, and happiness are rising. Starvation and extreme poverty are declining. Plagues that wiped out civilizations have been eradicated.

At the same time, though, there is much about which to be concerned.

Whatever your beliefs, we should all be concerned about the partisanship and tribalization that is dividing our nation.

We should all be concerned about the anger and incivility that has turned public discourse into a blood sport.

We should all be concerned when public officials mock the principles our nation's founders held to be self-evident.

Some say we live in a "post-truth" world, where facts and experts are no longer trusted. I don't believe it, but some people do.

But this much is beyond dispute: The public is losing confidence in the capacity of the institutions lawyers built to solve problems.

Worse, untold millions of Americans know nothing about the constitutional history of our government. Too many of our fellow citizens do not know or care about constitutional traditions and norms.

All of this imposes a special duty on our profession. It also provides an opportunity to perform important public service.

Our communities need us. They need our wisdom. They need our expertise. They need our ability to see both sides of an issue, find common ground, and bring people together.

Most of all, our country needs us to remind it why the rule of law has kept us free for over two centuries.

We must explain to the public why we need: an independent judiciary; the apolitical administration of justice; and equal justice under law.

When the cynics say our institutions are failing, here's what you should tell them: "Look at the American legal system." It's working.

Day in and day out, lawyers and judges are defending our rights and protecting the rule of law.

Never forget this: We belong to the most influential, consequential, impactful profession in American life. Lawyers right wrong, improve lives, make society better.

We are society's problem solvers. We are the foot soldiers of the Constitution. The freedom we enjoy means nothing without lawyers to champion it.

This is a great time to be a lawyer. And we, the 72,000 members of this Bar Association, are bound together by the singular purpose of attaining justice.

It is a privilege to represent the profession I love in these challenging times. And, I will do everything in my power to support and strengthen the bench and bar, our justice system, and our Association.

* * *

The New York State Bar Association's strength is dependent on the support of our dedicated members. In the coming year, therefore, we will take steps to improve the practice of law and guarantee the vitality of the profession. In furtherance of that and other goals, we are undertaking the following initiatives this year:

Task Force on Autonomous Vehicles and the Law

Autonomous vehicles raise novel and potentially far-reaching challenges to the law in a variety of areas, including liability and insurance, privacy and data protection, infrastructure and transportation, licensing and regulation. Accordingly, we have created the Task Force on Autonomous Vehicles and the Law — an expert-led task force to study the pressing legal issues raised by the advent of autonomous vehicles and to make recommendations on how New York State and its legal institutions can prepare for this revolutionary technological change.

Task Force on Free Expression in the Digital Age

The decade-long decline in local journalism has been driven by dramatic changes in technology and the economics of advertising. There is a compelling need to consider whether there are appropriate legal responses to this crisis. The Task Force on Free Expression in the Digital Age will examine how changes in the law may help assure local government transparency and accountability even as the economic landscape of local journalism is fundamentally altered. The Task Force will make recommendations on how to maintain and strengthen the public's ability to engage in appropriate oversight of the institutions of local government amidst the challenges of our ever-changing digital age.

Task Force on Parole Reform

The New York State Legislature has undertaken wide-ranging criminal procedure reform in areas of bail, speedy trial guarantees, and the discovery process. These reforms, however, have focused on issues that arise prior to the trial, conviction, and sentencing. The State's parole system continues to present problems of fairness and due process for the thousands of parolees statewide. The mission of the Task Force on Parole Reform will be to study the parole system, focusing on release practices as well as revocation and reincarceration. It will seek to identify problems in the current system and propose reforms regarding the administration of the parole system and changes in the law.

Task Force on Rural Justice

Demographical trends showing the rapid decline of attorneys practicing in rural parts of the state should worry the entire profession. This is a crisis and must be addressed before the situation becomes irreversible. The Task Force on Rural Justice will investigate barriers to access to justice and develop solutions to guarantee that our rural citizens maintain the constitutional guarantees and well-being ensured to all.

Special Committee on Association Structure and Operations

We approach the 150th anniversary of NYSBA in 2026. The legal profession and the practice of law are changing — and we must be positioned to face whatever the future may hold. The Special Committee on Association Structure and Operations will make recommendations for improving the overall effectiveness and functioning of the Association and its constituent parts through a systematic review.

Special Committee on Strategic Communications

Too often the Association fails to speak as a unified voice and advocate at our full strength. The Special Committee on Strategic Communications will assist the Association to speak with one voice as a state, national and global leader for the legal profession. This will be done through coordination of our marketing efforts and a review of our external and internal communication plans.

Multi-Disciplinary Working Group to Review the New York Bar Admission Questionnaire

We will address mental health and wellness issues for attorneys from law school to retirement. In particular, I have requested the chairs of the Young Lawyers Section, the Committee on Disability Rights, the Committee on Legal Education and Admission to the Bar, the Law Practice Management's Attorney Wellness Sub-Committee, and the Lawyer Assistance Committee to appoint representatives to a multi-disciplinary work group that will review the potential removal of questions relating to mental health that now appear on the

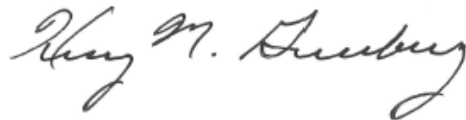
application for admission to practice as an attorney and counselor-in-law in the State of New York. We will also strengthen the Association's resources and services for attorneys in need.

Diversity Initiative

The legal profession is one of the least diverse professions in the nation. Our clients are women and men, straight and gay, of every race, color, ethnicity, national origin, and religion. Yet, the profession is not nearly as inclusive as the people we represent. Indeed, a diversity imbalance plagues law firms, the judiciary, and other spheres where lawyers work.

On diversity, the Association is leading by example. This year, through the presidential appointment process, all 59 standing committees will have a chair, co-chair or vice-chair who is a woman, person of color, or otherwise represents diversity. Additionally, we will develop and implement an Association-wide diversity and inclusion plan.

I look forward to working closely with all of you in the coming year. Please do not hesitate to call or e-mail me with your questions, comments, feedback, or suggestions for how to make our Association more responsive to the needs of the profession and the public.

A handwritten signature in cursive script, reading "Henry M. Rosenberg". The signature is written in black ink and is centered on the page.

