THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL AND FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial and Federal Litigation Section held in accordance with the rules of the New York State Bar Association on March 3, 2020.

Members Participating in Person
Laurel Kretzing, Chair
Jonathan Fellows, Chari Elect
Daniel Wiig, Vice-Chair
Anne Sekel, Treasurer
Natasha Shishov, Secretary
Hon. Frank Maas
Tony Harwood
Jay Safer
Jeremey Feinberg
Claire P. Gutekunst
Robert Holtzman
Kevin Quaratino
Mark Berman
Stephen Hochman
Stephen Roberts
Michael Rakower
Hon. Helen Freedman
Hon. Andrew Borrock**

Members Participating by Telephone
Rachel Morgenstern
Tony Harwood
James Wicks
Viktoria Liberchuk
Teresa M. Bennett
Alan Mansfield
Paul D. Sarkozi
Deborah Edelman
Ignatius Grande
Matthew Maron
Jay L. Himes

**Indicates guest attendees and speakers at the meeting

Section Chair, Laurel Kretzing, called the meeting to order at 6:10 p.m.
Guest Speakers
Hon. Andrew Borrock (Commercial Division, New York County)
Justice Borrock discussed practices in his part and personal preferences. He prefers to receive information from the Bar as to how the parties want to see their cases progress and dislikes discovery disputes that amount of personal attacks between counsel.

Justice Borrock runs a paperless part and works predominately on-line. He prefers un-redacted documents to be submitted on flash drive, if they are otherwise sealed, and prefers that documents include hyperlinks. Additionally, he uses e-mail to respond and communicate with attorneys and does not permit the submission of letters. Although Justice Borrock is reluctant to tell the Bar not to bring a particular motion, he does prefer that the parties request a conference to discuss discovery disputes prior to bringing discovery motions. If a discovery motion is necessary, they must be brought by Order to Show Cause.

With respect to presumptive ADR, Justice Borrock will not impose himself into settlement negotiations by mandating that a case be sent to mediation, but will assist if the parties agree that ADR would be helpful.

Discussing jury trials, Justice Borrock commented that the Bar does a good job of explaining complex issues to juries and believes that the use of experts is very helpful.

Taking the Lead 2020 Program Update
Laurel Kretzing reported on the upcoming “Taking the Lead” program, which is scheduled for April 22, 2020. This program will feature experienced and new lawyers and will be held in ceremonial courtroom of the Southern District of New York.

Spring Meeting 2020 Update
Jonathan Fellows reported on the Section’s upcoming Spring meeting, scheduled for May 1-3 in Cooperstown. The Robert Haig Award will be awarded to Loretta Lynch, former United States attorney. Four panels will be presented concerning: 1) restrictive covenants; 2) ESI; 3) Title 9 and Sexual Assault; and 4) a class action update. Registration will be open in the next a day or two. Bring a big hat for the cocktail hour on Saturday night for the Kentucky Derby.

Report on Becoming an Ally: Four Trailblazing Jurists Discuss Diversity & Inclusion CLE Program
Kevin Quaratino presented the report on the “Becoming an Ally: Four Trailblazing Jurists Discuss Diversity & Inclusion” CLE Program, which took place on February 5, 2020 at Foley & Lardner in NYC. More than 80 people attended. The Section’s Young Lawyers Committee is planning a follow up social outing with young lawyers to discuss other programming that would be geared towards young lawyers.

Report on Data Protection Event
Ignatious Grande reported on an event that was co-sponsored by the Section, which concerned data protections in arbitration proceedings. There were approximately 40-50 attendees.

Other Business
- Minutes from the February meeting will be approved at the next meeting. The February meeting took place at Farrell Fritz in Nassau County, with live video conferencing at Foley Lardner in NYC. Going forward, the Section should consider holding more EC meeting at locations throughout the State with video conferencing in NYC.
- Mark Berman discussed the recent meet and greet with the new Commercial Division Judge in Rochester and the upcoming Bench/Bar Event in Kings County, scheduled for April 2, 2020. A similar program is being planned in Long Island with Commercial Division Judges from Nassau and Suffolk County.
- Jay Safer reported on a new program concerning ADR being planned by the Federal Judiciary Committee.
- The new NYSBA website will be going live on 3/4/20

Meeting adjourned at 7:20 p.m.