

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
REMOTE MEETING  
October 15, 2020**

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Present: Jonathan Behrins, Mark A. Berman, T. Andrew Brown, David Louis Cohen, Norman P. Effman, Donna England, Margaret J. Finerty, Jean F. Gerbini, Sarah E. Gold, Henry M. Greenberg, Richard M. Gutierrez, Andre R. Jaglom, Scott M. Karson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Ronald C. Minkoff, Domenick Napoletano, Marne L. Onderdonk, Aimee L. Richter, William T. Russell, Jr., Mirna M. Santiago, Robert T. Schofield, IV, Adam Seiden, Diana S. Sen, Carol A. Sigmond, Jean Marie Westlake.

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

1. Certification of Supreme Court Justices. Mr. Karson reported on the decision of the Unified Court System to deny certification or recertification to the majority of eligible Supreme Court justices age 70 to 76 in light of its need for budget reductions. He asked the Executive Committee for its input on issuing a statement in support of certification/recertification in addition to the statement he had previously released. After discussion, a motion was adopted to table consideration until additional documentation has been provided or until after Election Day on November 3, 2020.
2. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Sherry Levin Wallach  
Secretary



**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
REMOTE MEETING  
September 23, 2020**

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Present: Jonathan Behrins, T. Andrew Brown, David Louis Cohen, Norman P. Effman, Donna England, Margaret J. Finerty, Jean F. Gerbini, Sarah E. Gold, Henry M. Greenberg, Richard M. Gutierrez, Andre R. Jaglom, Scott M. Karson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Ronald C. Minkoff, Mark J. Moretti, Domenick Napoletano, Aimee L. Richter, William T. Russell, Jr., Mirna M. Santiago, Adam Seiden, Diana S. Sen, Carol A. Sigmond, Tucker C. Stanclift, Jean Marie Westlake.

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

1. Consideration of Proposed Resolution re Supreme Court Vacancy. Mr. Karson outlined a proposed resolution urging the Senate to defer action to confirm a nominee to fill the vacancy occasioned by the passing of the late Justice Ginsburg until a new Senate is seated in January 2021 and moved its adoption. A motion to amend by substituting a resolution proposed by Ms. Sigmond and Mr. Minkoff was approved by a vote of 14-6. The following resolution was adopted by the Executive Committee:

WHEREAS, the death of United States Supreme Court Associate Justice Ruth Bader Ginsburg on September 18, 2020 has saddened all who believe in the rule of law and the independence of the judiciary;

WHEREAS, Justice Ginsburg was a trail blazing jurist, the second and longest tenured woman to serve on the Supreme Court, who before her elevation argued before the Court six times – winning five of those cases, and throughout her career advancing principles of equality in our society;

WHEREAS, the New York State Bar Association extends its deepest sympathies on her passing to Justice Ginsburg's family, the members of the Supreme Court, her current and former clerks, the staff of the Supreme Court and her many friends;

WHEREAS, the average time to confirm an Associate Justice is 71 days in the modern era;

WHEREAS, selection of an Associate Justice is a matter of national concern and debate; and

WHEREAS, the process for selecting an Associate Justice is crucial to the perception that as the final arbiter of the law the Supreme Court and the individual justices are engaged in the equal and blind application of the law to the facts, such that any effort to politicize the selection and confirmation of a member of the Supreme Court will impair the credibility, legitimacy, authenticity and fidelity of its decisions;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association urges that the process for selecting a new Associate Justice of the Supreme Court proceed with due care and deliberation and on a timetable not driven by political considerations so as to ensure that the record of any proposed new member of the Supreme Court will be fully and fairly reviewed and investigated publicly in order to protect the credibility and legitimacy of our highest Court; and be it further

RESOLVED, that the President of the Association is hereby directed to transmit this resolution to all appropriate authorities and take such other and further action as may be required to implement this resolution.

2. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sherry', with a long horizontal flourish extending to the right.

Sherry Levin Wallach  
Secretary

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
REMOTE MEETING  
June 12 and 26, 2020**

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Present: Jonathan Behrins, Mark A. Berman, T. Andrew Brown, John P. Christopher, David Louis Cohen, Norman P. Effman, Donna England, Margaret J. Finerty, Jean F. Gerbini, Sarah E. Gold, Henry M. Greenberg, Richard M. Gutierrez, Andre R. Jaglom, Scott M. Karson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Ronald C. Minkoff, Mark J. Moretti, Domenick Napoletano, Marne L. Onderdonk, Aimee L. Richter, William T. Russell, Jr., Mirna M. Santiago, Robert T. Schofield, IV, Adam Seiden, Diana S. Sen, Carol A. Sigmond, Jean Marie Westlake.

Guests: Carrie H. Cohen, Hermes Fernandez, Karen Gallinari, John H. Gross, Prof. Lisa Grumet, Seymour W. James, Jr., Glenn Lau-Kee, Michael Miller, Mary Beth Morrissey, Joseph E. Neuhaus, Marta Galvan Ricardo, Hon. Shira A. Scheindlin, Hon. Alan D. Scheinkman, Lorraine H. Silverman, Prof. Roy D. Simon.

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

1. Mr. Karson called the meeting to order and welcomed the new members of the Executive Committee.
2. Approval of minutes of April 3 and June 1 and 9, 2020 meetings. The minutes were accepted as distributed.
3. Report of staff leadership. Executive Director Pamela McDevitt updated the Executive Committee with respect to staff, communications, and technology during the ongoing COVID-19 pandemic. The report was received with thanks.
4. Report of Finance Committee. John H. Gross, chair of the committee, reported on the impact of the COVID-19 pandemic on Association revenue, expenses, and investments, as well as the Association's move to digital CLE. The report was received with thanks.
5. Report of President. Mr. Karson highlighted the items in his written report, a copy of which is appended to these minutes.
6. Report and recommendations of Committee on Children and the Law. Committee chair Lorraine H. Silverman, together with committee member Lisa Grumet, outlined proposed legislation to conform juvenile offender and adolescent offender provisions in the Criminal Procedure Law. After discussion, a motion was adopted to approve the report and recommendations.
7. Report and recommendations of Committee on Standards of Attorney Conduct. Committee chair Roy D. Simon, together with Joseph E. Neuhaus, past chair of the committee, outlined proposed amendments to the comments to Rules 1.6, 4.2, 7.1 and 7.5 of the Rules of Professional Conduct. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
8. Report and recommendations of Committee on Technology and the Legal Profession. In his capacity as immediate past chair of the committee, Mr. Berman reviewed the committee's report recommending that the CLE Board require lawyers to complete one MCLE credit in cybersecurity

for their next two registration cycles. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.

9. Report and recommendations of Commercial and Federal Litigation Section. Hon. Shira A. Scheindlin, past chair of the section, reviewed the section's follow-up report to its 2017 report entitled "If Not Now, When? Achieving Equality for Women Attorneys in the Courtroom and ADR." After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
10. Report and recommendations of Health Law Section. Karen Gallinari, chair of the section, together with Hermes Fernandez, the section's immediate past chair, and Mary Beth Morrissey, chair of the section's COVID-19 task force, reviewed the section's report containing recommendations with respect to the COVID-19 pandemic and the four resolutions being offered by the section for the House's consideration. After discussion, a motion was adopted to endorse the amendment of Resolution 3 to provide, "That a vaccine subject to scientific evidence of safety and efficiency by made widely available, widely encouraged and, if the public health authorities conclude necessary, required, unless a person's physician deems vaccination to be clinically inappropriate." A motion was then adopted to endorse Resolutions 1, 2 and 4 for favorable action by the House.
11. Report of the Treasurer. In his capacity as Treasurer, Mr. Napoletano updated the committee with respect to the results of operations for the first five months of 2020. Through May 31, 2020, the Association's total revenue was \$15.6 million, a decrease of approximately \$831,000 from the previous year, and total expenses were \$9.9 million, a decrease of approximately \$403,000 over 2019. The report was received with thanks.
12. Report and recommendations of Task Force on the Parole System. Seymour W. James, Jr. and William T. Russell, Jr., co-chairs of the task force, reviewed the task force's recommendations with respect to additional areas of reform, following up on the task force's November 2019 report. Mr. Effman offered, and the task force accepted, two amendments to the report. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
13. Report and recommendations of Task Force on Domestic Terrorism and Hate Crimes. Carrie H. Cohen, chair of the Task Force, outlined the task force's recommendations for legislative and policy changes to improve the federal and state legal systems' response to hate crime. A motion was adopted to endorse the report and recommendations for favorable action by the House.
14. Report and recommendations of Special Committee on Association Structure and Operations. Glenn Lau-Kee, chair of the committee, outlined the committee's recommendation that the Association Bylaws be amended to make specific provisions for remote meetings. After discussion, a motion was adopted to endorse the report and recommendations for favorable action by the House.
15. Discussion of Executive Committee liaison responsibilities and duties of Vice Presidents. Mr. Karson 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. Karson 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.

16. New Business.

- a) Pro Bono Immigration Representation. Mr. Greenberg reported that the Governor's Office had expressed interest in developing a program for providing pro bono representation of immigrant victims of domestic violence. He would keep the committee apprised of details as available.
- b) Broadband Access. Past President Michael Miller outlined a proposed resolution calling for improved broadband access in rural areas of New York State. After discussion, a motion was adopted to endorse the following resolution for favorable action by the House:

WHEREAS, the New York State Bar Association ("NYSBA") supported resolution 10B at the 2019 American Bar Association ("ABA") annual meeting which was adopted by the ABA House of Delegates and called on Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring affordable high speed broadband access is provided throughout the United States; and

WHEREAS, in April 2020, the NYSBA House of Delegates adopted the exhaustive report of the NYSBA Task Force on Rural Justice, which documented that, inter alia, there is a significant lack of technology infrastructure in vast portions of New York State, that large portions of New York State have limited broadband availability and some areas are completely without any broadband service whatsoever; and

WHEREAS, the report of the NYSBA Task Force on Rural Justice recommended, inter alia, that NYSBA adopt a resolution that urges New York State to ensure that broadband access reaches all corners of New York State; and

WHEREAS, the Covid-19 pandemic, stay-in-place order and quarantine have made it abundantly clear that broadband service is an important communications tool which has become vitally necessary for educational purposes, medical care ("telemedicine"), business and commerce, as well as access to justice; and

WHEREAS, there has been unprecedented unemployment as a result of the Covid19 pandemic; and

WHEREAS, a public works program to build sufficient broadband access throughout New York State would provide significant employment opportunities to a large number of New Yorkers and provide badly-needed broadband access to New York citizens who currently have unreliable broadband service, or none at all;

NOW THEREFORE, NYSBA urges the Governor of the State of New York and the New York State Legislature to prioritize and appropriate funding sufficient to provide affordable high speed broadband access to all corners of New York State, with emphasis and urgency on rural areas; and

NYSBA further urges the President of the United States and the United States Congress to prioritize and appropriate funding for the expansion of a 21st century digital

infrastructure sufficient to provide affordable high speed broadband access to all areas of the nation, with emphasis and urgency on rural areas.

- c) Bar Examination. Marta Galvan Ricardo, co-chair of the Committee on Legal Education and Admission to the Bar, and Hon. Alan D. Scheinkman, chair of the Task Force on the New York Bar Examination, presented reports on authorizing the President to send a letter to the Chief Judge regarding concerns on the administration of the bar examination in September 2020. No action was taken on the matter.

- 17. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,



Sherry Levin Wallach  
Secretary