

MINUTES
MINUTES OF ENVIRONMENTAL AND ENERGY
LAW SECTION EXECUTIVE COMMITTEE MEETING
JUNE 13, 2019 AT NEW YORK STATE BAR ASSOCIATION
ALBANY, NEW YORK

In attendance were the individuals indicated on the attached sign in sheet.

Opening Remarks:

Howard Tollin opened the meeting starting his position as chair. Howard thanked Marla Wieder as the prior chair.

Approval of Minutes for January 2019 Meeting:

The minutes were approved by all in attendance.

Budget:

Nick Ward-Willis noted that there is a surplus of \$114,000 with substantial income primarily from sponsors. It was suggested that funds should be expended on student initiatives.

Mohonk Mountain House Fall Program:

Howard Tollin reported that the program is now in final and has been put together by the program co-chairs. Executive committee members should solicit sponsors for the program. The sponsors will receive significant recognition. Law firms should also be solicited as sponsors. Sponsorship forms will be sent to executive committee members.

Membership:

The vice chair will oversee membership activities and see more volunteers for the membership committee. It was noted that we need robust participation to seek new members. Nick Willis-Ward said he would look to law schools and see attorneys to speak at individual law schools. It was suggested that students join the section for free and that we encourage students to attend meetings. It was also noted that a welcome letter should be sent to law students who should also be welcomed to attend meetings at now charge. It was also urged that younger attorneys should be encouraged to join the section and that current members have to make younger lawyers feel as comfortable as possible.

Leadership Form:

Lisa Bataille is in the process of revamping bar association systems including CLE certificates. Hoping to be able to allow members to find items on the website with new software allowing for web casting.

December 12, 2019 Brownfield Program with City Bar Association:

There is a spot available for speaking opportunity for a consultant. The conference will be held at the NYC Bar Center. It was noted that there was a conflict on that date with a federal brownfield program in Los Angeles.

Annual Meeting for January 2020:

Co-Chairs have been appointed and the anticipated topic is Corporate, Toxic Tort, Commercial Development Risks and Insurance Solutions.

Use of Technology in Section:

It was noted that the section is seeking to increase Twitter following which may be helpful to law students.

House of Delegates:

A meeting will be held in the next few days and that will include a report on paralegal regulation recommendations and a potential paralegal division and associated issues on the unauthorized practice of law. There will also be right to counsel in the immigration process as a topic.

Green Amendment Legislation:

Katie Kuh reported that there are proposals to amend the constitution on a “healthy environment” ad hoc working group has looked at proposals known as the Green Amendment. Executive committee passed a resolution in support of the amendment. The next step is for it to go before the house of delegates in November.

Green Guidelines:

There is an update from 2010 and urges a thoughtful use of resources to set a standard for the section.

SEQRA Statute of Limitations:

There is generally discussion regarding judicial confusion in a proposal on legislation regarding statute of limitations regarding SEQRA determinations. This is to be considered in the future.

Minority Fellowship Program:

Ginny Robins reported that there is a markup of an application for fellowships for a \$7,500 stipend for 2020. In the past there has not been a lot of applications. The motion was approved to adopt the fellowship stipend and it was suggested that it be placed in the budget.

Essay Contest:

It was noted that it could be advertised better and there was a question on how to increase responsiveness and it was suggested that there would be a more substantial response if the deadline was other than June when law students are busy with exams.

Committee Representatives:

It was noted that there are opportunities for committee chairs and the vacancies are notably for enforcement/compliance and membership.

Draft Speaker Reimbursement Policy:

There was discussion regarding reimbursement for panelists and draft guidelines were distributed. Additional information should be forthcoming on this point.

Prevailing Wage Bill:

There was discussion regarding a prevailing wage bill which could have an adverse effect on the brownfield program. The brownfield committee will be looking into this issue.

Section Surplus:

There was general discussion regarding targeting environmental lawyers and advertising programs to the environmental bar. There was also discussion regarding in house corporate lawyers' solicitation and a program with the corporate law section, and also for law students and younger lawyers.

Membership:

It was noted that EELS membership has declined by about 5% but overall on the bar association it has declined by 11%.