

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
NEW YORK HILTON HOTEL, NEW YORK CITY, JANUARY 28, 1977

PRESENT: Members Abrams, Amdursky, Aspland, Barlow, Bronstein, Buerman, J. Burns, L.R. Burns, Clabby, J.W. Condon, Connolly, Cook, Corbin, Cornfield, Cosgrove, Dee, Dettor, C.E. Doyle, V.E. Doyle, Dunne, Erensen, Erickson, Fales, Fallon, Fitzgerald, Forger, Freeman, Gasperini, Geiler, Gouldin, Hart, Hartman, Henry, Hewitt, Hoyt, Jones, Keeler, Kelly, Kennedy, Klein, Kostelanetz, Kuntz, Lagarenne, Lapp, Lea, Lord, MacCrate, Maggipinto, Manley, McDonald, Meyer, H.G. Miller, W.A. Miller, Mintz, Moses, Mousaw, G. Murphy, J.H. Murphy, Murray, Neale, O'Brien, Osterdag, Paternoster, Pedowitz, Perrin, Pritchard, Reilly, Rose, Russell, Scott, Seymour, J.V. Smith, Stakel, L.B. Taylor, Thoron, Whalen, Williams, Williamson and Withrow.

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1. Approval of Minutes of November 6, 1976 meeting. The minutes were approved as distributed.

2. Election of Officers. Mr. MacCrate, chairman of the Nominating Committee, reported that the committee had met at the Bar Center on December 3, 1976 and nominated the following persons for election to the respective offices indicated:

President	Henry J. Smith, White Plains
President-Elect	Robert P. Patterson, Jr., NYC
Secretary	Leland B. Taylor, Cortland
Treasurer	Thomas A. Pritchard, Schenectady
Vice President, 1st District	Alexander D. Forger, NYC
Vice President, 2nd District	Frank A. Barrera, Brooklyn
Vice President, 3rd District	David S. Williams, Albany
Vice President, 4th District	J. Vincent Smith, Schenectady
Vice President, 5th District	Leonard H. Amdursky, Oawego
Vice President, 6th District	A. Lawrence Abrams, Binghamton
Vice President, 7th District	E. James Hickey, Rochester
Vice President, 8th District	Everett M. Barlow, Buffalo
Vice President, 9th District	Frank H. Connelly, New Rochelle
Vice President, 10th District	Bernard J. Reilly, Babylon
Vice President, 11th District	Robert L. Klein, NYC

There being no further nominations a motion was made and carried that the nominations be closed and that the secretary cast one ballot for their election.

3. Report and Resolution of Special Committee on Availability of Legal Services. Mr. Peckham summarized a report, copy of which had been previously furnished to members of the House. After discussion the following resolution was adopted:

WHEREAS, Canon 1 of the Code of Professional Responsibility, adopted by the New York State Bar Association as its Code, effective January 1970, Ethical Considerations 1-1, reads as follows:

"A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence. Maintaining the integrity and improving the competence of the bar to meet the highest standards is the ethical responsibility of every lawyer,"; and

WHEREAS, the Special Committee on Availability of Legal Services of the Association in May 1973 issued a report recommending amendment of the New York State Insurance Law in order to permit insurance carriers to offer prepaid legal services insurance in New York, with recommended legislation appended thereto; and

WHEREAS, the House of Delegates adopted said report and a Resolution in support of proposed state legislation relating to legal services insurance at its January 1974 meeting; and

WHEREAS, the Committee re-affirmed its position at its December 1976 meeting and believes that the adoption of a resolution also re-affirming the position of this Association would be in the public interest and most desirable; and

NOW THEREFORE BE IT RESOLVED, that the Association urges the enactment of legislation authorizing the provision of legal services insurance in New York State, as proposed in Senate Introductory No. S1001-E, or similar legislation.

BE IT FURTHER RESOLVED, that the Association requests each county and local bar association to adopt a similar resolution and to inform their local representatives in the state legislature of the Bar's support for prepaid legal insurance.

4. Report of Committee on International Law. Mr. Borie summarized a report of his committee, copy of which had been previously furnished to members of the House. After discussion the following resolution was adopted:

RESOLVED, that the New York State Bar Association approves United States adherence to the Convention providing a Uniform Law on the Form of an International Will, and to the Convention on the Limitation Period on the International Sale of Goods.

5. Report of Special Committee on Professional Liability. Mr. Frederick W. Read, Jr., newly appointed chairman of a Special Committee on Professional Liability, summarized developments and problems in the Association's plan and nationwide, and advised that his committee was charged with exploring possible alternatives to insure continued protection for members. He advised that he was attending a meeting of the Special Task Force of the ABA on the subject, which will be held in Seattle in February and that his committee will meet shortly thereafter and consider possible proposals and report back to the House with its findings and recommendations.

6. Report of Committee on Grievances. Mr. Cometa reported that his committee had reviewed their responsibilities and discussed various proposals for assisting the four Judicial Departments in approving Standards and Procedures. Tentative plans proposed include an annual symposium with all interested parties from the Courts and professional disciplinary staffs, a compilation of case materials in the field and preparation of an annual report on the "State of Discipline in New York State". A motion was adopted approving the program, in principle, with direction to Mr. Cometa to develop plans for implementation of the program for approval by the Executive Committee.

7. Report and Resolutions of Committee on Federal Courts. Mr. Miller summarized a report of his committee, copy of which had been previously furnished to members of the House. After discussion the following resolutions were adopted:

1. As to United States Attorneys:

WHEREAS, United States Attorneys are appointed by the President with the advice and consent of the Senate for a period of four years, and

WHEREAS, it is in the interest of justice that there be an orderly transition in the offices of the United States Attorneys, and

WHEREAS, it has been traditional for United States Attorneys to tender their resignations at the time of the inauguration of a new President from a different political party than the appointing President, and

WHEREAS, many of the offices of the United States Attorneys in New York State traditionally operate and are presently operating on a non-political and merit basis, and

WHEREAS, many of the United States Attorneys and their assistants in New York State are doing a most commendable job, and

WHEREAS, the New York State Bar Association is desirous of maintaining and encouraging the existing high levels of competence and the existing non-political and merit atmosphere, be it

RESOLVED, that the public initiative taken by the Junior Senator from New York in proposing the continuance in office of United States Attorneys in New York State for the remainder of their terms is applauded, and the President and the Attorney General of the United States are respectfully urged to examine the work done by, and the reputation of, the several United States Attorneys in New York State with the view of continuing in office for the remainder of their terms, those United States Attorneys in New York State who have demonstrated a high level of competence.

2. As to compensation of members of the Federal judiciary.

RESOLVED, that the House of Delegates of the New York State Bar Association endorses and supports legislation for substantial increases in compensation for members of the Federal Judiciary as recommended in former President Gerald R. Ford's Supplement to his Budget Message to Congress dated January 17, 1977, such increases in compensation being urgently needed by presently sitting judges and so as to insure continued employment and employment in the future of qualified individuals as member of the Federal Judiciary. The House of Delegates further resolves that members of the Federal Judiciary should receive such annual automatic cost of living increases as are granted to certain other Federal employees. The House of Delegates further records its full support for the increases in compensation recommended for members of the Federal Judiciary by the Peterson Commission in its report dated December 2, 1976, published on December 6, 1976.

8. Report of Special Committee on Action Unit No. 3. Mr. Palermo summarized a report of his committee, copy of which has been furnished to members of the House. His report was received with thanks.

9. Date and Place of Next Meeting. The next meeting of the House will be held at the Bar Center on Saturday, April 16, 1977.