

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF EXECUTIVE COMMITTEE MEETING  
NEW YORK HILTON MIDTOWN, NEW YORK, NEW YORK  
JANUARY 19, 2023**

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Present: Gregory K. Arenson, Simeon H. Baum, T. Andrew Brown, David Louis Cohen, Orin J. Cohen, Sarah E. Gold, Taa R. Grays, LaMarr J. Jackson, Sherry Levin Wallach, Richard C. Lewis, Michael A. Marinaccio, Michael A. Markowitz, Thomas J. Maroney, Michael R. May, Michael J. McNamara, Ronald C. Minkoff, Mark J. Moretti, Domenick Napoletano, Christopher R. Riano, Mirna M. Santiago, Nancy Sciocchetti, Diana S. Sen, Lauren E. Sharkey, Kathleen M. Sweet, Kaylin L. Whittingham, Pauline Yeung-Ha

Guests: Christopher Bopst, Samuel W. Buchbauer, M. Elizabeth Coreno, Hon. Mark C. Dillon, Clotelle L. Drakeford, Justin Ellis, Susan L. Harper, Shawndra G. Jones, Lillian M. Moy, Alan Rothstein, Richard J. Schager, Jr., Sheila E. Shea, Patricia J. Shevy, Dana V. Syracuse, Michelle H. Wildgrube

Ms. Levin Wallach presided over the meeting as President of the Association.

1. Approval of minutes of meetings. The minutes of the November 4, November 15, and December 6, 2022, meetings were approved as distributed.
2. Consent calendar:
  - a. Approval of creation of award of Dispute Resolution Section.
  - b. Amendment of Bylaws of Entertainment, Arts, and Sports Law Section.

The consent calendar, consisting of the above items, was approved by voice vote.

3. Report of Treasurer. In his capacity as Treasurer, Mr. Napoletano reported on the 2022 operating budget, noting that through December 31, 2022, the Association's total revenue was \$18.6 million, a decrease of approximately \$293,000 from the previous year, and total expenses were \$18.3 million, an increase of approximately \$3.8 million over 2021, for a surplus of \$262,619, a decrease of approximately \$4.1 million compared to 2021. The report was received with thanks.
4. Report of Executive Director. Pamela McDevitt, Executive Director, updated the Executive Committee with respect to the administration and operations of the Association, including membership initiatives, staffing changes, and technology upgrades. The report was received with thanks.
5. Report of President. Ms. Levin Wallach highlighted the items contained in her written report, a copy of which is appended to these minutes.

6. Report and recommendations of LGBTQ Law Section. Samuel W. Buchbauer, a member of the LGBTQ Law Section, reviewed the Section’s report and resolution in support of the “New York State Unified Court System’s UCS Bench Card and Best Practices for Judges ‘Using LGBTQ+ Inclusive Language and Pronouns’.” After discussion, a was unanimously adopted to endorse the following resolution for favorable action by the House:

WHEREAS, judges have a duty to foster an environment free of bias, prejudice, and harassment.

WHEREAS, our profession must be vigilant in protecting the LGBTQ+ community, and especially transgender individuals, within the New York State Courts and require all judges to adhere to the Rules of Judicial conduct, the Bench Card both fosters a more welcoming, gender-inclusive space while simultaneously assisting judges in removing one form of bias from the administration of justice.

NOW, THEREFORE, IT IS RESOLVED, that the New York State Bar Association supports the respectful treatment of all persons in the courtroom; and it is

FURTHER RESOLVED, that the New York State Bar Association supports the Rules of the Chief Administrative Judge that judges have a duty to foster an environment free of bias, prejudice, and harassment; and it is

FURTHER RESOLVED, that the New York State Bar Association supports the use of LGBTQ+ inclusive language and pronouns; and it is

FURTHER RESOLVED, that the New York State Bar Association supports the adoption of the “Using LGBTQ+ Inclusive Language and Pronouns” Bench Card;

FURTHER RESOLVED that the New York State Bar Association approves this report and the recommendations of the LGBTQ Law Section; and it is

FURTHER RESOLVED that the officers of the New York State Bar Association are hereby authorized to take such other and further action as may be necessary to implement this resolution.

7. Report and recommendations of Committee on the New York State Constitution. Christopher Bopst, chair of the Committee on the New York State Constitution, and Alan Rothstein, chair of the Committee’s Subcommittee on the Lieutenant Governor, presented the Committee’s report entitled “Gubernatorial Selection in New York: Constitutional and Statutory Recommendations Regarding Gubernatorial Succession and Inability.” After discussion, a motion was unanimously adopted to endorse the report for favorable action by the House.

8. Reports and recommendations of Committee on Civil Practice Law and Rules.
  - A) CPLR 4013. Committee member Hon. Mark C. Dillon outlined an affirmative legislative proposal to amend CPLR § 4013 to permit the use of remote audio-visual technological means at judicial proceedings. After discussion, a motion was adopted to approve the proposal. Mr. Lewis abstained from the vote.
  - B) CPLR 4551. Committee member Justin Ellis reviewed an affirmative legislative proposal in support of a new CPLR § 4551 concerning when writings, objects, or other materials used to refresh the witness' recollection while testifying or before testifying must be produced to an adverse party. After discussion, a motion was adopted to approve the proposal. Mr. Lewis and Ms. Whittingham abstained from the vote.
  - C) Proposed Amendments to Uniform Rule for the Supreme Court and the County Court 202.12 on Preliminary Conferences to Promote Efficiency in Litigation. Committee member Richard J. Schager, Jr. presented on the committee's proposed amendment to Uniform Civil Rules for the Supreme Court and the County Court Rule 202.12 on preliminary conferences to promote efficiency in litigation. After discussion, a motion was adopted to approve the proposal. Mr. Lewis abstained from the vote.
9. Report of Task Force on Mental Health and Trauma Informed Representation. Sheila E. Shea, co-chair of the Task Force on Mental Health and Trauma Informed Representation, reported on the mission, composition, and goals of the Task Force. The report was received with thanks.
10. Report of Strategic Planning Committee. In their capacities as co-chairs of the Strategic Planning Committee, Taa R. Grays and Christopher R. Riano reported to the Executive Committee on the ongoing work of the Strategic Planning Committee. The report was received with thanks.
11. Report of Committee on Attorney Wellbeing. M. Elizabeth Coreno, chair of the Committee on Attorney Wellbeing, updated the Executive Committee on the Association's attorney wellbeing programming and resources, and on activity within the Committee on Attorney Wellbeing since its establishment in January 2022. The report was received with thanks.
12. Report of Committee on Continuing Legal Education. Shawndra Jones, chair of the Committee on Continuing Legal Education, together with vice chair Patricia Shevy and associate executive director Kathy Suchocki, reviewed the Association's 2022 CLE programming and the 2023 schedule of CLE programming and Section meetings. The report was received with thanks.
13. Report and recommendations of Task Force on Racism, Social Equity, and the Law. Taa R. Grays and Lillian M. Moy, co-chairs of the Task Force on Racism, Social Equity, and the Law, outlined the Task Force's report and recommendations addressing legal,

regulatory, and societal structures currently affecting people of color in New York State. After discussion, a motion was adopted to endorse the report for favorable action by the House. Mr. Lewis abstained from the vote.

14. Report of Committee on Membership. Committee on Membership co-chairs Clotelle Drakeford and Michelle Wildgrube updated the Executive Committee on the Association's membership engagement and retention efforts, with focus on the ongoing membership renewal for the 2023 dues year. The report was received with thanks.
15. Report of Task Force on Emerging Digital Finance and Currency. Dana Syracuse, co-chair of the Task Force on Emerging Digital Finance and Currency, presented on the Task Force's ongoing work and programming. The report was received with thanks.
16. New Business.

- A) Mr. Brown raised a question as to the Association's response to the ongoing vacancy in the office of Chief Judge of the State of New York and the Court of Appeals. After discussion, a motion was duly carried to adopt the following resolution:

It is resolved that:

The New York State Bar Association Executive Committee approves the appointment of a Special Committee on the Selection of Judges for the Court of Appeals in response to concerns raised in recent weeks over the appointment of a chief judge. The committee will examine the selection process, including its history, and make recommendations to the Association.

The Executive Committee reaffirms that the rule of law and the independence of the judiciary are crucial to the administration of justice. It is of the utmost importance to public confidence that there is a fair process that allows the judiciary to operate independently and effectively.

Ms. Grays abstained from the vote.

- B) Ms. Levin Wallach advised on the establishment of the Working Group on Facial Recognition Technology and Access to Legal Representation, to be chaired by Mr. Napoletano.
17. Date and place of next meeting. The next meeting of the Executive Committee will take place on Friday, March 31, 2023, in person at the Bar Center in Albany, with an option for remote participation via Zoom.
  18. Adjournment. There being no further business, the meeting of the Executive Committee was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Taa R. Grays". The signature is fluid and elegant, with a large initial 'T' and 'G'.

Taa R. Grays  
Secretary