

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK, AND REMOTE MEETING
APRIL 1, 2023**

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PRESENT: Abneri; Ahn; Alcott; Alomar; Arenson; Barreiro; Bascoe; Battistoni; Baum; Bello Burke; Beltran; Berlin; Berman; Bladykas; Block; Bond; Bonina; Braunstein; Brown; Bucki; Buholtz; Bunshaft; Campbell; Carter; Chambers; Chandrasekhar; Chang; Christian; B. Cohen; D. Cohen; O. Cohen; Cohn; Coreno; D’Angelo; Davidoff; Degnan; Doyle; D’Souza; Dubowski; DuVall; Effman; Feal; Fernandez; Filemyr; Finerty; Fiore; Fox; Gauntlett; Gerstman; Gilmartin; Gold; Good; Grays; Greenberg; Griffin; Gutekunst; Haig; Harper; Harwick; Heath; Hill; Himes; Hoffman; Islam; Jackson; Jacobson; Jaglom, James; Jimenez; Jones; Kamins; Karson; Kawecki; Kelley; Kelly; Kenney; Kiernan; Ko; Kobak; Koch; Kretser; LaMancuso; Larose; Lathrop; Lau-Kee; Lessard; Levin; Levin Wallach; Lewis; Livshits; Loyola; Madigan; Makofsky; Markowitz; Marotta; Marinaccio; Martin; Mathews; May; Mazur; McCann; McElwreath; McGinn; McGeegan; McNamara; C. Miller; M. Miller; Minkoff; Minkowitz; Montagnino; Moretti; Morrissey; Muller; Murphy; Napoletano; Nielson; Noble; Nowotarski; Palermo; Parker; Petterchak; Pope; Quaye; Randall; Richter; Riedel; Rothberg; Russ; Russell; Safer; Samuels; Sargente; Schram; Schrauer; Schwartz-Wallace; Sciocchetti; Seiden; Sen; Sharkey; Silkenat; Skidelsky; Sonberg; Spring; Stephenson; Strong; Sunshine; Swanson; Sweet; Tambasco; Terranova; Treff; Vaughn; Vigdor; Waterman-Marshall; Wesson; Westlake; Whittingham; Yeung-Ha

Mr. Lewis presided over the meeting as Chair of the House.

The meeting was called to order and the Pledge of Allegiance was recited.

1. Approval of Minutes of January 20, 2023, meeting. The minutes were deemed accepted as distributed.
2. Report of Treasurer. Domenick Napoletano, Association treasurer, reported that through February 28, 2023, the Association’s total revenue was \$10,668,818, an increase of approximately \$803,831 from the previous year, and total expenses were \$4,461,259, an increase of approximately \$1,588,945 over 2022, for a budgeted surplus of \$6,207,559. The report was received with thanks.
3. Address by Hon. Elizabeth A. Garry – Presiding Justice, Appellate Division, Third Department. Presiding Justice Garry updated the House on matters of interest within the Third Department, including technology upgrades, the scheduling of in person, hybrid, and remote proceedings, and staffing at the various courts within the Department. The Chair received the report with thanks.
4. Report of President. Ms. Levin Wallach highlighted items contained in her written report, a copy of which is appended to these minutes.

5. Presentation of the 2023 Ruth Bader Ginsburg Memorial Scholarship Award to Shelley Wu. Ms. Levin Wallach presented the annual Ruth Bader Ginsburg Memorial Scholarship Award to Shelley Wu, a third-year law student at Benjamin N. Cardozo School of Law, in recognition of her academic achievements and work on behalf of women and children's rights.
6. Election of Nominating Committee and State Bar Delegates to ABA House of Delegates. Henry M. Greenberg, chair of the Nominating Committee, presented the report of the Nominating Committee.

- a. Election of members of the Nominating Committee. The following were nominated for service on the 2023-2024 Nominating Committee:

District members and alternates of the Nominating Committee: First –Jai Chandrasekhar, Vincent Ted Chang, Lisa M. Stenson Desamours, Margaret J. Finerty, Stephen Charles Lessard, Seth Rosner, Jay G. Safer, Diana S. Sen, Richard P. Swanson, First Alternate Mira C. Weiss, Second Alternate Mark Griffin, Third Alternate David Cohn; Second – Hon. Cheryl Chambers, Aimee Richter, and Alternate Hon. Joanne D. Quiñones; Third – Elena DeFio Kean, Matthew J. Kelly, Alternate Matthew Griesemer; Fourth – Peter V. Coffey, Martin Gilmartin, Alternate M. Elizabeth Coreno; Fifth – Donald C. Doerr, Jean Marie Westlake, Alternate John McCann; Sixth –Kathryn Grant Madigan, Bruce McKeegan, Alternate Alyssa Barreiro; Seventh – Eileen E. Buholtz, Amy Schwartz Wallace, Alternate Kevin F. Ryan; Eighth – Norman P. Effman, Sharon Stern Gerstman, Alternate Vincent E. Doyle, III; Ninth – Clare J. Degnan, John A. Pappalardo, Hon. Jonah I. Triebwasser, Alternate Hon. Adam Seiden; Tenth – Justin M. Block, Dorian Ronald Glover, Lynn D. Poster-Zimmerman, Sanford Strenger, First Alternate Ilene S. Cooper, Second Alternate Steven Leventhal; Eleventh – Richard M. Gutierrez, Zenith Taylor, Alternate Arthur Terranova; Twelfth – Hugh Campbell, Suzanne McElwreath, Alternate Steven E. Millon; Thirteenth – Jonathan B. Behrins, Sheila T. McGinn, Alternate Claire Cody Miller.

A motion to elect the foregoing was adopted.

- b. Election of Delegates to ABA House. A motion was adopted to elect the following members for a two-year term in the ABA House of Delegates, commencing in August 2023: Claire P. Gutekunst, Scott M. Karson, Sharon Levin Wallach, Michael Miller, and Domenick Napoletano.
7. Report of Task Force on Mental Health and Trauma Informed Representation. Joseph A. Glazer, co-chair of the Task Force on Mental Health and Trauma Informed Representation, reported on the ongoing work of the Task Force in anticipation of submission of a final report for consideration at the June 2023 meeting of the House of Delegates. The report was received with thanks.
8. Report of Task Force on Modernization of Criminal Practice. Catherine Christian and Andy Kossover, co-chairs of the Task Force on Modernization of Criminal Practice, reported on

the ongoing work of the Task Force and an update on the status of the Task Force's forthcoming report and recommendations. The report was received with thanks.

9. Reports and recommendations of Task Force on Notarization. Ellen G. Makofsky, co-chair of the Task Force on Notarization, together with Task Force members Jaime D. Lewis and Michael A. Markowitz, presented on the Task Force's reports on Notary Record Keeping Regulations and Remote Online Notarization ("RON") Credentialing. After discussion, a motion was adopted to approve the following resolution:

WHEREAS, Executive Law 130 and 135-c, and regulations from Secretary of State 19 NYCRR 182 have been recently promulgated regarding electronic and non-electronic notarizations;

WHEREAS, these new laws and regulations have a significant impact on notaries and attorneys;

WHEREAS, there is no statutory basis for the record keeping and retention requirement for non-electronic notarizations;

WHEREAS, the new laws and regulations are unduly broad and burdensome on notaries and attorneys;

WHEREAS, the new law requires that a licensed electronic notary select a Credential service provider who meets certain technical requirements;

WHEREAS, in many circumstances, the licensed electronic notary lacks sufficient knowledge to determine whether the technical requirements have actually been met; and

WHEREAS, there is no showing that the new laws and regulations will diminish concerns of fraud that the legislation was intended to address;

WHEREAS, the efficiency of attorney notaries will be impacted by the above resulting in increased costs to consumers,

NOW, THEREFORE, IT IS RESOLVED that the Executive Committee approves the Reports and Recommendations of the Task Force on Notarization.

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.

10. Report of Task Force on the Ethics of Local Public Sector Lawyering. Steven Leventhal, co-chair of the Task Force on the Ethics of Local Public Sector Lawyering, presented to the House on the mission, composition, and goals of the Task Force. The report was received with thanks.

11. Report and recommendations of Task Force on Emerging Digital Finance and Currency. Task Force co-chair Jacqueline J. Drohan and Matthew Feinberg, a member of the Task Force, presented the Task Force’s report on digital assets in two parts.

First, after discussion, a motion was adopted to approve the “Legislative Regulatory Resolution,” which reads as follows:

Whereas The New York State Bar Association formed a Task Force on Emerging Digital Finance and Currency in June 2022 to study the impact of digital assets, digital currency, non-fungible tokens, Web3, and the Metaverse on the legal profession, to educate lawyers on how to represent clients effectively, ethically, and knowledgeably in these areas, and to evaluate and study the regulatory, legislative, and licensing structures governing emerging digital assets, finance and currency.

Whereas The Task Force has held education programs on the topics of digital assets, digital currency, non-fungible tokens, Web3 and the Metaverse and its impact in and on the law and legal profession and presented to bar leaders on the effects of these emerging technologies across many practice areas.

Whereas NYSBA, in conjunction with the Task Force, has taken notice of the rapid growth and expanded application of digital finance and underlying distributed ledger and other decentralized web technologies, and has undertaken a careful consideration of the manifest need for consumer and environmental protection against certain risks posed by virtual currency markets.

Whereas Given the interest, knowledge base and broader informational needs of its membership in the complex legal, regulatory and practice aspects of the industry, and the leading role New York State has played in licensing and enforcement, the Association shall take a position of public advocacy for clear, efficient, and effective state regulation.

Resolved The New York State Bar Association supports prioritizing consumer and environmental protection while balancing the growth of well-regulated digital finance and related business within New York State.

Resolved The New York State Bar Association recommends regulation, legislation and licensing that is consistent across the country to prevent inequities in the use of currency and assets across the country.

Resolved The New York State Bar Association suggests exploration of regulation, legislation and licensing of digital finance and currency, digital assets, and Web 3 across the country and globally.

Second, after discussion, a motion was adopted to approve the “Web3 Resolution,” which reads as follows:

Whereas The New York State Bar Association formed a Task Force on Emerging Digital Finance and Currency in June 2022 to study the impact of digital assets, digital currency, non-fungible tokens, Web3, and the Metaverse on the legal profession, to educate lawyers on how to represent clients effectively, ethically, and knowledgeably in these areas, and to evaluate and study the regulatory, legislative, and licensing structures governing emerging digital assets, finance and currency.

Whereas The Task Force has held education programs on the topics of digital assets, digital currency, non-fungible tokens, Web3 and the Metaverse and its impact in and on the law and legal profession and presented to bar leaders on the effects of these emerging technologies across many practice areas.

Resolved, that the Task Force recommends that the New York State Bar Association explore and engage in the Web3 space by providing information-sharing opportunities, educating its members, and promoting the mission of the Association through use of the Web3 and other emerging digital technologies, including the potential use of blockchain, the Metaverse, NFTs, and digital currency to store and deliver content and provide value and access to the membership.


One member abstained from the vote.

12. Report of The New York Bar Foundation. Carla M. Palumbo, President of The Foundation, updated the House members on Foundation activities, including the awarding of grants, fellowships, and scholarships. The report was received with thanks.
13. Report of Committee on Membership. Clotelle L. Drakeford and Michelle H. Wildgrube, co-chairs of the Committee on Membership, presented on the Association’s membership engagement and retention efforts, including membership renewal for the 2023 dues year. The report was received with thanks.
14. Administrative items. Mr. Lewis reported on the following:
 - a. Motions to approve the designation of delegates filed by the county and local bar associations for the 2023-2024 Association year and to approve the filed roster of the members of the House for the 2023-2024 Association year were requested and approved.
 - b. The Chair advised that Allyn Crawford, Elected Delegate, Thirteenth Judicial District, had resigned from the House of Delegates in March, and that the vice president and remaining elected delegates from the Thirteenth District had nominated Ellen Soren to

fill the vacancy. A motion to elect Ellen Soren to fill the vacancy for the 2023-2024 term was requested and approved by the elected delegates in attendance at the meeting.

- c. The Chair noted that this meeting represents his last as Chair of the House and thanked the House for the opportunity to serve. He thanked the departing members of the Executive Committee and the House for their service and thanked the staff for their support. He introduced Domenick Napoletano as the next Chair of the House and presented him with the House's gavel.
15. Date and place of next meeting. Mr. Lewis announced that the next meeting of the House of Delegates would take place on Saturday, June 10, 2023, at The Otesaga in Cooperstown, New York, with an option for remote participation.
 16. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Taa R. Grays
Secretary