

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK, AND REMOTE MEETING
NOVEMBER 4, 2023**

PRESENT: Abneri, Afzali, Ahn, Alcott, Antongiovanni, Arenson, Aversa, Babbie, Barreiro, Baum, Beltran, Berlin, Besunder, Bladykas, Bonina, Braunstein, Bray, Broderick, Brown, Bucki, Buholtz, Burke, Burner, Campbell, J.R. Carter, R. Carter, Chambers, Chandrasekhar, D. Cohen, O. Cohen, Cohn, D’Angelo, Davidoff, Degnan, Dennis-Taylor, Doyle, D’Souza, Dubowski, DuVall, Effman, Feal, Fellows, H. Fernandez, Filabi, Finerty, Forster, Frenkel, Galler, Gerstman, Getnick, Gilbert, Gilmartin, Glover, Gold, Graber, Grande, Grays, Greenberg, Griesemer, Gutierrez, Haig, Harper, Heath, Henderson, Hill, Houth, Islam, Jackson, Jacobson, Jaglom, James, Jamieson, Jimenez, Jones, Kamins, Karson, Kaufman, Kelley, Ko, Kobak, Koch, Kohlmann, Lamb, LaRose, Lathrop, Lau-Kee, Levin, Levin Wallach, Levy, Lewis, Liebman, Livshits, Loyola, Mack, Madigan, Malkin, Manne, Marinaccio, Maroney, Marotta, Martin, Mason, Matos, May, McCann, McCormick, McElwreath, McFadden, McGinn, McKeegan, McNamara, McPherson, Messina, Meyer, C. Miller, M. Miller, R. Miller, Minkoff, Montagnino, Morris, Morrissey, Murphy, Napoletano, Nasser, Nielson, Nimetz, Nowotarski, D. O’Connor, O’Donnell, A. Palermo, C. Palermo, Pappalardo, J. Parker, Perlman, Petterchak, Pierson, Quaye, Randall, Reale, Riaño, Richter, Rosner, Russell, Ryan, Safer, Samuels, Santiago, Schraever, Schwartz-Wallace, Seiden, Sen, Sharkey, Silkenat, Skidelsky, Soren, Starkman, Stoeckmann, Strong, Strenger, J. Sunshine, N. Sunshine, Sweet, Taylore, Terranova, Treff, Triebwasser, Vaughn, Walsh, Waterman-Marshall, Welden, Wesson, Westlake, Whittingham, Yeung-Ha, Young, Younger

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

1. The meeting was called to order and the Pledge of Allegiance was recited.
2. Approval of Minutes of June 10, 2023, meeting. The minutes were deemed accepted as distributed.
 1. Report of Nominating Committee. Scott Karson, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2024-2025 Association year: President-Elect – Kathleen Sweet of Buffalo; Secretary – Taa R. Grays of New York City; Treasurer – Susan Harper of New York City; District Vice-Presidents: First District – Bridgette Ahn of New York City and Michael McNamara of New York City; Second District –Pauline Yeung-Ha of Brooklyn; Third District – Jane Bello Burke of Albany; Fourth District – Cynthia Feathers of Albany; Fifth District – Hon. James P. Murphy of Syracuse; Sixth District – Michael R. May of Ithaca; Seventh District – Jon P. Getz of Rochester; Eighth District – Vacant; Ninth District – Karen Beltran of Yonkers; Tenth District – Michael A. Markowitz of Hewlitt; Eleventh District – David Louis Cohen of Kew Gardens; Twelfth District – Michael A. Marinaccio of White Plains; Thirteenth District – Orin J. Cohen of Staten Island.

The following individuals were nominated to serve as Executive Committee Members-at-Large for a 2-year term beginning June 1, 2024: Vincent Ted Chang of New York City

(Diversity Seat); Jacqueline Drohan of New York City; Andrew Jaglom of Mount Vernon; Leah Nowotarski of Warsaw; Alyssa Zuckerman of Melville

Nominated as Young Lawyer Member-at-Large was Lauren E. Sharkey of Schenectady. Nominated as Section Member-at-Large was Gregory Arenson of New York City.

The following individuals were nominated as delegates to the American Bar Association House of Delegates for the 2024 – 2026 term: Jacob Petterchak of New York City (Young Lawyer Delegate); Sharon Stern Gerstman of Buffalo; Hank Greenberg of Albany; T. Andrew Brown of Rochester; Richard Lewis of Binghamton; Kathleen Sweet of Buffalo.

The report was received with thanks.

3. Report of Treasurer. Susan Harper, treasurer, reported that through September 30, 2023, the Association's total revenue was \$16,849,421, an increase of approximately \$797,982 from the previous year, and that the Association's total expenses were \$15,422,325, an increase of \$1,670,829 from the previous year. The report was received with thanks.
4. Report and recommendations of Finance Committee re proposed 2024 income and expense budget. Michael J. McNamara, chair of the Finance Committee, reviewed the proposed budget for 2024, which projects revenue of \$21,011,410, expenses of \$20,956,930, and a projected surplus of \$54,480. After discussion, a motion was adopted to approve the proposed 2024 budget.
5. Report of President. Mr. Richard Lewis highlighted items contained in his written report, a copy of which is appended to these minutes. President Lewis' report was received with thanks.
6. Chief Administrative Judge Joseph A. Zayas. Judge Zayas addressed the House of Delegates. His remarks were received with thanks.
7. Memorial for Past President James Moore. Presented by Past-President A. Vincent Buzard.
8. Report of the Committee on Membership. Committee on Membership Co-Chairs Clotelle Drakeford, Esq. and Michelle Wildgrube, Esq. provided an update on the Association's membership engagement and retention efforts, including membership renewal for the 2024 dues year. The report was received with thanks.
9. Report and recommendations of the Committee on Bylaws. Robert T. Schofield, IV, chair of the Bylaws Committee, outlined proposed bylaws amendments: Article III, Section 1 (A) and (B), 2 (A)(2), 3, and 6 (A) and Article X, Section 5 regarding the adoption of the subscription dues model. The proposed amendments received the required subscriptions to permit their consideration at the 2024 Annual Meeting

Susan Kohlmann abstained.

10. Report of the Task Force on Advancing Diversity. Secretary Jeh Johnson and Brad Karp, task force co-chairs, outlined the report and its recommendations for advancing diversity in the

aftermath of the *SFFA* decision. After discussion, a motion was adopted to approve the report and recommendations.

David Perlman abstained.

11. Presentation of the 2023 Root/Stimson Award to Stephen E. Diamond, Esq. Presented by President Richard C. Lewis.
12. Report of the Working Group on Facial Recognition Technology and Access to Legal Representation. Ronald Minkoff, Working Group Member, will present the report and its recommendations regarding policy and ethical considerations regarding facial recognition and other biometric technology, a proposed amendment to the Civil Rights Law, and support of the Biometric Privacy Act. After discussion, a motion was adopted to approve the report and recommendations.

Ronald Minkoff, Bennett Liebman, and Glenn Lau-Kee abstained.

13. Report of the Task Force on Post-Pandemic Future of the Profession. John Gross and Mark Berman, Task Force co-chairs, outlined the report and its recommendations regarding the short- and long-term impacts of the COVID-19 pandemic on the legal profession. After discussion, a motion was adopted to approve the amended report and recommendations.
14. Report of the Committee on Gala. John Gross, committee chair, provided an update about the 2024 Gala. The report was received with thanks.
15. Report of The New York Bar Foundation. Carla Palumbo, Chair of the Foundation, updated the House members on the ongoing work and mission of The Foundation. The report was received with thanks.
16. Administrative Items. Mr. Napoletano urged members and colleagues to register for the 2024 Annual Meeting and advised of the ongoing Member Referral Program. Member renewal encouraged.
17. New Business.

1. Past-President Michael Miller presented a resolution condemning the terrorist acts perpetuated in Israel on October 7, 2023, as follows:

WHEREAS, on October 7, 2023, the terrorist group known as Hamas made a surprise, unprovoked attack in Israel, in which more than 1,400 people were brutally butchered; and

WHEREAS, on October 7, 2023, children were decapitated, people were burned beyond recognition, women were brutally raped, hundreds of people were massacred at a music festival, and hundreds of people, mostly civilians, were taken hostage by Hamas terrorists; and

WHEREAS, the murder and kidnapping of civilians, and the use of sexual violence and separation and torture of children, amongst the other atrocities perpetrated by Hamas, are abominable, unforgivable, and flagrantly violate the United Nations Charter, Helsinki Accords, established norms and principles of international law, and the laws of war.

NOW THEREFORE, the New York State Bar Association unequivocally condemns the terrorist acts and atrocities perpetrated by Hamas in Israel on October 7, 2023, and calls for the immediate return of all hostages. In the face of these abhorrent attacks, the New York State Bar Association, like the State of New York and many others, stands steadfast in support of Israel and its right to defend its sovereignty.

Ronald Minkoff proposed the following amendment to the resolution to be added at the end of the “therefore clause”: “in accordance with the established norms and principles of international law and the laws of war.”

After discussion, the motion to amend the resolution failed.

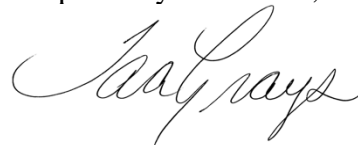
Amanda Henderson, Maxine S. Broderick, Clare Degnan, Jonah I. Triebwasser, Jacob Petterchak, and Hon. Cheryl Chambers abstained.

After discussion, a motion was adopted to approve the initial proposed resolution.

Austin D’Souza, Maxine S. Broderick, Jonah I. Triebwasser, Jacob Petterchak, and Hon. Cheryl Chambers abstained.

18. Date and place of next meeting. Mr. Napoletano announced that the next meeting of the House of Delegates would take place on Friday, January 19, 2024, at the New York Hilton Midtown in New York City.
19. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



Taa R. Grays
Secretary



RICHARD C. LEWIS, ESQ.

President

Hinman Howard & Kattell, LLP

80 Exchange Street PO Box 5250

Binghamton, NY 13901-3400

(607) 231-6891

rlewis@hhk.com

November 3, 2023

Dear Colleagues:

You have heard me say that I have chosen ‘Standing Up for the Practice of Law’ as the theme of my presidency and to that end, I have spent the past 150 days working on issues that confront our profession, our judiciary, and our educational system. I traveled around the state and beyond, attending so many events that I have lost count. I met with affinity groups and local bar associations. I have met with the Chief Judge and Chief Administrative Judge and have joined them with other distinguished members of the judiciary on a panel that listened to testimony from a dozen civil legal services organizations. I met with young lawyers. I want to add that Domenick, Susan, and Taa have also been very busy attending events, as has our Executive Director, Pam.

At the Third Department’s Bar Admissions Ceremony this past spring, I heard young lawyers’ growing concerns about student-loan debt, work-life balance, and gender equity. We need to address their concerns because they are our leaders of tomorrow and the ones who will promote our values going forward.

I have also met with leaders from Hong Kong, Pakistan, Argentina, Israel and Great Britain and multiple other states.

We must tackle the issues that confront us as today’s leaders.

We are faced with deeply rooted, 21st century challenges that threaten the rule of law, which is why our Task Force members are working diligently on such matters as hate crimes, anti-Asian hate, antisemitism, homelessness, equal access to education, dignity in end stages of life, and an ever-evolving technological environment. In addition, we are trying to confront the issue of civility and debate which is essential to Democracy.

Our Task Force on Advancing Diversity’s substantive report was turned out in a little more than a month following the Supreme Court’s decision on affirmative action. We actually began working on it prior to the Decision. We are seeking your approval of this report today. It recommends that higher education institutions as well as businesses, law firms, and the courts, take a holistic approach in their admission processes with a focus on how an applicant enhances their goals and values and defines the post Harvard/N.C. landscape for the courts, businesses, law firms, and institutions of higher learning to move forward in pursuing DEI programs.

We were fortunate to get input from experts throughout the country and will continue to monitor the landscape to determine what our response should be as the inevitable lawsuits to follow are filed challenging diversity programs. I am so thankful to Jeh Johnson, Brad Karp, and Loretta Lynch for chairing this Task Force.

I have met with New York's Chief Judge Rowan Wilson to talk about his priorities, which include making sure that tenants and landlords in Housing Court are represented. He wants to provide incentives for lawyers who take on housing cases so that tenants – especially those who live below the poverty line – may stay in their homes. We intend to work with him to achieve the fairness to both tenants and landlords.

I also met with Chief Administrative Judge Joseph Zayas who will address us this morning. This has laid the foundation for further collaboration regarding court rules, e-filing in all courts, including District Courts in Nassau and Suffolk counties, and other issues that impact lawyers.

As you probably know, the 2023 legislative session was one of our most successful in memory. We accomplished a great deal by advocating for the practical concerns of lawyers. We lobbied legislators and the governor to raise the pay of court-appointed 18-B attorneys for the first time in nearly 20 years and our hard work paid off. We continue to advocate for future financing of this program. We also urged the Legislature to repeal antiquated Judiciary Law Section 470, which requires admitted New York practitioners who reside out-of-state to maintain a physical office within state boundaries. The bill passed the state Senate and Assembly, and we are continuing to encourage the governor to sign it. We also pushed for passage of the Clean Slate Act and the state Equal Rights Amendment, both of which were approved by the Legislature.

We succeeded in getting Bill S5162/A5772 passed and signed by the governor. The bill removes barriers to New Yorkers in civil, housing, and family court matters allowing litigants in these cases to swear to a statement without having to have the statement notarized. This is a win for access to justice because it helps urban New Yorkers who might not be able to take off from work to get a document notarized, suburban New Yorkers who might have to spend significant time riding on public transportation to locate a notary, and rural New Yorkers who might have to travel long distances in areas where notaries are difficult to find.

My travels took me to Denver this past August to attend the ABA Annual Meeting where we, along with the California Lawyers Association, introduced a resolution to urge local and state governments and the federal government to forgive some or all of the student loans of young lawyers who practice in rural areas. I am happy to report that our resolution was overwhelmingly approved and adopted as ABA policy. It is our hope that our lobbying efforts on behalf of young lawyers will be successful, and that loan forgiveness will incentivize young lawyers to work in rural areas where it is now extremely difficult to find a lawyer.

Just this past week, I had the honor of testifying on behalf of our Association before the New York State Commission on Legislative, Judicial, and Executive Compensation Public Hearing – and at a hearing before the Senate Standing Committees on the Judiciary and on Children and Families.

I shared our support for increased judicial compensation because a properly funded judiciary is the cornerstone of a democratic society, and the operation of the justice system depends upon the

confidence of all involved parties. Salary stagnation is an impediment to retaining qualified and experienced judges and attracting the best to the bench. In short, the justice system's ability to function properly depends upon the judges who serve it.

My testimony to the Senate Committees on Judiciary, and Children and Families reiterated what our published reports have said – that there is a myriad of challenges that need to be addressed for an under-resourced and overburdened court system. We need more judges, we need to update the court's infrastructure, and we must ensure that our judges and staff are well-trained in e-filing systems, digital technology, and virtual proceedings. And, we need to keep our courts safe.

Our Annual Meeting is approaching.

I am looking forward to seeing you at the New York Hilton Midtown for a full slate of robust in-person discussion, professional development, and the opportunity to set aside being adversaries in the courtroom and at the negotiating table, and engage each other as partners and friends.

The Presidential Summit will focus on the impact that A.I. is having and will continue to have on our profession. We will hear from two world-renowned experts: Bridget Mary McCormack who is President and CEO of the American Arbitration Association-International Centre for Dispute Resolution, and past Chief Justice of the Michigan Supreme Court, and Katherine Forrest who is a Partner and Co-Chair of the Digital Technology Group at Paul, Weiss and former District Court Judge in the Southern District of New York. In addition, members of our own Task Force on A.I., chaired by Vivian Wesson, will discuss the ever-changing issues surrounding A.I.

Our Task Force on Medical Aid in Dying is addressing a controversial topic, and we are looking for legislative solutions. We are looking at this subject in a balanced way, taking all stakeholders' concerns into consideration.

Legislators are seeking our recommendations on this issue and on regulatory oversight of A.I., which our Task Force on Artificial Intelligence is discussing.

In May, we will be hosting a Civics Convocation at the Bar Center that is shaping up to be an exceptional event that will include judges, attorneys, teachers, and students who will participate in a vigorous discussion about the future of our democracy. We need to zealously guard our democratic principles to ensure that we are teaching them to the next generation. We cannot accomplish that unless we engage in civil debate.

I have been consulting with our Task Forces on Combating Antisemitism and Anti-Asian Hate, A.I., Medical Aid in Dying, and Homelessness and the Law. Homelessness continues to grow as a national disgrace, and I am looking forward to seeing the report of our Task Force.

The other tragedy that we are dealing with is the issue of antisemitism, which has become overt and dangerous, in our country and throughout the world, following the barbarism that occurred on October 7th in Israel. As your President, I immediately condemned that barbarism, and disregard for human life. As leaders in the legal community, we have an obligation to strongly and directly condemn this hatred and evil and continue to urge respect for the rule of law and the sanctity of human life throughout the world.

I have been working closely with our Task Force on Combating Antisemitism and Anti-Asian Hate and thank them for their guidance in the strong public statements we have made.

In light of the atrocities we have seen in Israel this past month, I have called upon our Task Force to redouble its efforts and produce an interim report and recommendation by the next meeting of this House, so that the principles that we all firmly believe can become policy of our Association. Even in the darkest days, and these recent days have been very dark for all humanity, our Association should be a clarion voice for our profession and the public. And I call upon our Task Force to rise to that occasion and provide us a clear, strong, thoughtful report and policy that we can proudly bring forth to the world. I am confident they will do so with all necessary deliberation and that this great House will support it.

In closing – there is plenty of work to do. However, nobody said it was going to be easy. As the great Muhammad Ali once said: “The fight is won or lost far away from witnesses – behind the lines,” and I could not be more grateful for the support of those working behind the lines; our Executive Director Pam McDevitt, and all the NYSBA staff who have been so dedicated to me and the good causes of our great Association.

Thank you.