

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF THE MEETING OF THE HOUSE OF DELEGATES
APRIL 2, 2005
CROWNE PLAZA, ALBANY, NEW YORK**

PRESENT: Alcott; Alessio; Asarch; Aversa; Ayers; Bailey; Barson; Benedict; Berman; Bienstock; Bracken; Breedlove; Brown; Buzard; Castillo; Chambers; Cheng; Cioffi; Clements; Cloonan; Coffey; Cooper; Copps; D'Angelo; Davis; DeFio; DiGiovanna; Dixon; Doerr; Dominguez; C. Doyle; J. Doyle; V. Doyle; Duffy; Edmunds; Enea; Fedorchak; Fedrizzi; Fernandez; Ferrara; Fink; Flaherty; Franchina; Geoghegan; Gerstman; Getnick; Girouare; Mahalik; Goldenberg; Golinski; Gorgos; Gouz; Grays; Green; Gregory; J. Gross; Grossman; Gutekunst; Haig; Hanna; Harren; Haskel; Hassett; Hayes; Higgins; R. Hoffman; S. Hoffman; Hollyer; Horan; R. Jacobs; S. Jacobs; James; Kamins; Karson; Kelly; Kiernan; B. King; H. King; Kinum; Kossove; Kretser; Krooks; Labbe; Lau-Kee; Lawrence; Chau Lee; Carolyn Lee; Charlotte Lee; Leinhardt; Leroose; Lesk; Levin; M. Levy; P. Levy; Lewis; Lindenauer; Longo; Lynch; Lytle; MacCrate; Madigan; McCarthy; Meislahn; Meyer; Miklitsch; Miller; Millman; Minkowitz; Miranda; Mitchell; Mitzner; Moore; Moreland; Moy; Murray; Myers; Nashak; E. Nathanson; M. Nathanson; Netter; Nizin; O'Leary; Opatowsky; Ostertag; Paul; Peradotto; Perino; Peterson; Plevan; Porcellio; Potter; Price; Priore; Privitera; Pruzansky; Purcell; Quinlan; Ramsey; Reimer; Reitzfeld; Richardson; Rifkin; Romero; Rosenthal; Safer; Saleh; Schrauer; Schultz; Seiden; Seitz; Shaw; Sherman; Sherwin; Shulman; Silkenat; Smoley; Sonberg; Sperendi; Standard; Stenson; Sunshine; Terranova; Tharp; Thornton; Tishler; Torrent; Tyler; Wachtler; Wales; Walker; S. Walsh; Warner; Weinberger; Weinstein; Williams; Wilson; Witmer; and Young.

1. Approval of minutes of January 28, 2005 meeting. In a unanimous voice vote, a motion was adopted accepting the minutes as distributed previously.
2. Report of the Treasurer. Treasurer James B. Ayers reported that in 2004, \$21.7 million was received in revenue, up approximately \$1.1 million from the previous year. The net revenue, including investment gains, was \$1,431,000, up \$326,000. CLE revenue increased \$1 million, Mr. Ayers reported, noting that more attorneys are registered in even years and therefore report their MCLE credits. Membership dues remained steady from 2003 to 2004, with \$27,000 more than budgeted for 2004. Expenses were \$21.1 million, up \$360,000 from 2003. Salaries and fringe benefits decreased as a result of the change in pension costs. CLE expenses increased with higher costs experienced for live programs and sales of tapes and CDs. The operating surplus was \$527,000. There was a net of \$904,000 in total realized and unrealized gains and losses, down \$424,000 from the prior year.

Turning to income and expense for the first two months of 2005, Mr. Ayers said that \$11.2 million was received in revenue, up \$800,000 from 2004 at that point. An increase of \$312,000 was seen in membership dues, because of the increase in

dues amounts for 2005. The Annual Meeting income also was up by \$156,000 and CLE revenue was higher in the aggregate by \$217,900. Expenses through the end of February were \$3,777,000, up \$82,000. Increases were seen in CLE costs and also in salary and fringe because of the change to accrual throughout the year, rather than the previous procedure of adjustment at the end of the year. All Annual Meeting costs had not yet been reconciled.

3. Election of Nominating Committee and NYSBA Delegates to the ABA House of Delegates. Lorraine Power Tharp presented the report of the Nominating Committee for the Chair, Steven C. Krane.

a. Election of members of the Nominating Committee. Nominated for service on the 2005-2006 Nominating Committee were the following individuals:

- Members-At-Large: Lorraine Power Tharp as Chair and Paul Michael Hassett and A. Thomas Levin as members;
- Alternate Member-At-Large: Steven C. Krane

Separate motions were adopted by unanimous voice vote electing: (1) the nominated chair and the members-at-large, and (2) the nominee for alternate member-at-large.

Ms. Tharp then presented the Committee's nominations for district members and alternates of the Nominating Committee, as follows, who were then elected by unanimous voice vote: First – Manuel Campos-Galvan, Catherine A. Christian, Ann B. Lesk, Gerald G. Paul, Bettina B. Plevan, Norman L. Reimer, Edwin D. Robertson, James R. Silkenat and Lisa M. Stenson, with Susan J. Walsh, First Alternate, Ellen Lieberman, Second Alternate, and Barbara B. Opotowsky, Third Alternate; Second – Lawrence F. DiGiovanna and Manuel A. Romero, with Barton L. Slavin as Alternate; Third – Miriam M. Netter and Hon. Randolph F. Treece, with Hon. Gerard E. Maney as Alternate; Fourth – to be submitted; Fifth – James F. Dwyer and Nicholas S. Priore, with Timothy J. Fennell as Alternate; Sixth – David M. Gouldin and David A. Tyler, with Mark S. Gorgos as Alternate; Seventh – June M. Castellano and James C. Moore, with G. Robert Witmer Jr. as Alternate; Eighth – Maryann Saccomando Freedman and Joseph V. McCarthy, with Hon. Erin M. Peradotto as Alternate; Ninth – to be submitted; Tenth – John P. Bracken, Peter H. Levy, Joshua M. Pruzansky, and Jon N. Santemma, with Scott M. Karson as First Alternate and Owen B. Walsh as Second Alternate; Eleventh – George J. Nashak Jr. and Steven Wimpfheimer, with Arthur N. Terranova as Alternate; Twelfth – Steven E. Millon and Maxwell S. Pfeifer, with Robert S. Summer as Alternate.

- b. Election of Delegates to the ABA House. The report of the Nominating Committee for Delegates to the American Bar Association House of Delegates was given by Ms. Tharp for the five positions up for election. She advised that the Delegates would serve two-year terms, commencing at the close of the ABA's Annual Meeting in August 2005. The NYSBA's 11 Delegates serve staggered terms. A motion was adopted unanimously in a voice vote electing the nominated delegates: Mark H. Alcott of New York City, Paul Michael Hassett of Buffalo, James C. Moore of Rochester, Kenneth G. Standard of New York City, and Lorraine Power Tharp of Albany.
4. Memorial. James C. Moore presented a memorial to the Hon. Ellsworth A. Van Graafeiland, 1973-74 Association President and Senior Judge of the U.S. Court of Appeals for the Second Circuit. At the close of the meeting, a moment of silence was observed out of respect for Judge Van Graafeiland's memory and his contribution to the Association and the legal profession.
5. Report and recommendations of the Special Committee on Issues Affecting Same-Sex Couples. The House was updated on procedures in seeking and reviewing the comments on the report and recommendations of the Special Committee. In addition to the three positions from within the Committee, two resolutions were submitted by others within the scheduled timeframe. Presented for House consideration was a resolution, as set forth below, to govern consideration of the report and discussion and vote on the five proposed resolutions submitted. It was announced that the Executive Committee endorsed the resolution for positive House action. The resolution is as follows:

RESOLVED, that the House of Delegates hereby adopts the following procedures to govern consideration at the April 2, 2005 meeting of the House, and any subsequent meetings as may be necessary, of the report of the Special Committee To Study Issues Affecting Same-Sex Couples.

The report and all resolutions submitted for formal debate and vote will be considered in the following manner:

1. Each representative of the Special Committee will be given five minutes to present an overview of the recommendations and resolutions being offered by the committee (Special Committee Resolution and Dissenters' Resolution).
2. The proponents of alternate resolutions (John H. Gross and the representative from the Elder Law Section) will each have three minutes to present their resolutions.

3. Following the presentations by the resolutions' proponents, there shall be a general discussion of the report and the resolutions submitted for the House's consideration.
4. All House members wishing to speak with regard to a particular resolution may do so only once in each segment of the debate for no more than three minutes, except the sponsor of any resolution may speak a second time for two minutes.
5. The discussion and vote on the resolutions will be taken in the following manner:
 - a. The Special Committee Resolution, containing both alternatives, will be moved and seconded to place the resolution before the House ("Main Motion").
 - b. The resolution proposed by John H. Gross ("Gross Resolution") will be moved and seconded as a substitute resolution.
 - c. Following discussion in accordance with paragraph 4 above, a vote will be taken as to whether to substitute the Gross Resolution for the Special Committee Resolution as the Main Motion. If the motion carries, the Gross Resolution will become the Main Motion; if the motion fails, the Special Committee Resolution will continue as the Main Motion.
 - d. The Dissenters' Resolution will be moved and seconded as a substitute resolution for the Main Motion determined according to paragraph 5(c).
 - e. Following discussion in accordance with paragraph 4 above, a vote will be taken as to whether to substitute the Dissenters' Resolution for the Main Motion. If the motion carries, the Dissenters' Resolution will become the Main Motion; if the motion fails, the preceding resolution will continue as the Main Motion.
 - f. The resolution proposed by the Elder Law Section will be moved and seconded as a substitute resolution for the Main Motion determined according to paragraph 5(e).

- g. Following discussion in accordance with paragraph 4 above, a vote will be taken as to whether to substitute the Elder Law Section Resolution for the Main Motion. If the motion carries, the Elder Law Section Resolution will become the Main Motion; if the motion fails, the preceding resolution will continue as the Main Motion.

- h. If the Main Motion at this point is other than the Special Committee Resolution, a vote will be taken on that Main Motion and if it passes it shall become the position of the Association; if it fails no further action shall be taken. If the Special Committee resolution is the Main Motion at this point, it shall be split between Alternative 1 and Alternative 2. A vote shall then be taken on Alternative 1; if it passes, Alternative 1 shall become the position of the Association and no further action shall be taken. If Alternative 1 fails, a vote shall then be taken on Alternative 2. If it passes, Alternative 2 shall become the position of the Association. If Alternative 2 fails, no further action shall be taken.

Presentations were then made by representatives for the five proposed resolutions, including Michael Whiteman, Committee Co-Chair, for the majority position of the Committee; Committee member James B. Ayers, for the four members within the majority; Co-Chair A. Thomas Levin, for the dissent; Howard A. Krooks, for the Elder Law Section; and John H. Gross, who was joined by Donald C. Doerr in the submission of an alternate resolution.

Nine members of the Committee concluded that, because of the differences in how the law treats same-sex and opposite-sex couples and the inability of same-sex couples to remedy those differences, the state Legislature should enact comprehensive legislation to extend to same-sex couples the rights now extended to opposite-sex couples.

- Of the nine, four members contended that selection of a particular option (domestic partnership, civil union or marriage) is a matter of public policy and should be considered by the Legislature. This was encompassed in the resolution presented by Mr. Ayers.

- The other five members of the majority recommended adoption of legislation expressly authorizing same-sex couples to marry under New York's civil marriage statute. The position of the five was expressed in the resolution presented by Mr. Whiteman.

- Three members of the Committee dissented, stating that the Association historically has avoided taking positions on questions of social or public policy and should not do so here; rather, the Association should call upon the Legislature to determine the appropriate public policy with respect to whether and to what extent such relationships should have legal recognition. Mr. Levin presented the position of the dissent.
- The resolution of the Elder Law Section, presented by Mr. Krooks, affirmatively stated that all persons similarly situated under state law should be treated equally and afforded the same rights, regardless of sexual orientation.
- The Gross/Doerr resolution called for consideration of Part IV-Recommendations of the report to be deferred until after the Court of Appeals has ruled on the constitutionality question presented in several cases.

Following extensive discussion by the delegates, a motion was made to substitute the Gross/Doerr resolution. The motion was defeated by a vote of 51 to 120 and 5 abstentions. Abstaining were members of the judiciary, Rachel Kretser and Richard Rifkin. A second motion, to substitute the resolution of the dissent was defeated by a vote of 58 to 114 and 6 abstentions. A third motion to substitute the Elder Law Section resolution was defeated by a vote of 64 to 99 with 7 abstentions. The next motion, to approve the resolution of the five members of the Committee recommending authorization for same-sex couples to marry was defeated by a vote of 82 to 86 and 8 abstentions. A motion on the resolution proposed by the four Committee members contending that selection of a particular option (domestic partnership, civil union or marriage) is a matter of public policy and should be considered by the Legislature was adopted by a vote of 122 to 40 and 8 abstentions. This resolution states:

WHEREAS, the House of Delegates adopted a resolution on January 24, 2003 providing for the appointment of a Special Committee to Study Issues Affecting Same-Sex Couples and directing it "to explore legislative or private legal solutions to the problems raised by the Association of the Bar of the City of New York report [entitled '*Marriage Rights of Same-Sex Couples in New York*'] and report back to the House of Delegates with concrete recommendations...and that the New York State Legislature thereafter enact legislation that clearly defines the legal rights and responsibilities of same-sex couples";

WHEREAS, the Special Committee has completed a comprehensive report in which it: (1) examines broadly New York's present treatment of marital relationships and of same-sex relationships and provides a compendium of the vast array of areas in which civil rights and responsibilities are extended to married opposite-sex couples that are

denied to same-sex couples; (2) concludes that the differences in how the law treats married and unmarried couples are significant and substantial and have a more direct and severe impact on same-sex couples than on opposite-sex couples, who generally may marry; (3) concludes that only a limited number of these civil rights and responsibilities can be created between same-sex couples through contractual arrangements and that, for many such couples, contractual arrangements are not a practical possibility; (4) examines the spectrum of options that have been used in other jurisdictions to provide legal recognition to same-sex couples including marriage, civil union and domestic partnerships; and (5) analyzes the issues raised by the disparate treatment of same-sex couples under the Equal Protection and Due Process Clauses of the Federal and New York Constitutions;

WHEREAS, the Special Committee found that over the last decade the State has taken a variety of steps to reduce disparate treatment based on an individual's sexual orientation including the enactment in 2002 of the Sexual Orientation Non-Discrimination Act and the decision of the Court of Appeals allowing second-parent adoption by a biological parent's same-sex partner;

WHEREAS, the Special Committee has concluded that there now is a dissonance between the disparate treatment of same-sex couples under many older statutes and the recent steps taken by the State to reduce the disparities in treatment under the law experienced by same-sex couples;

WHEREAS, the Special Committee has concluded that in view of the recent New York changes extending to all persons, regardless of sexual orientation, fundamental rights with respect to such matters as employment, housing, education, and adoption, the New York State Legislature should enact legislation that will eliminate the existing statutory dissonance described above by affording same-sex couples the ability to obtain the comprehensive set of rights and responsibilities now afforded opposite-sex couples through civil marriage;

WHEREAS, the Special Committee recognized three comprehensive methods for affording such rights and responsibilities, namely by a creating a domestic partnership registry, enacting a civil union statute, or by expressly enabling same-sex couples to marry under this State's civil marriage statute;

WHEREAS, there are three levels of review under the Equal Protection Clause of the Federal and State Constitutions: strict scrutiny, heightened scrutiny, and rational basis review;

WHEREAS, the Special Committee concluded that the exclusion of same-sex couples from the fundamental right of marriage would not withstand heightened, much less strict, constitutional scrutiny if subjected to either of those constitutional tests;

WHEREAS, a plurality of the Special Committee (five of the nine member majority) has further concluded that excluding same-sex couples from the fundamental right to marry and from the benefits and burdens of civil marriage cannot pass even a rational-basis assessment under either the Equal Protection or the Due Process Clauses of the Federal or State Constitutions and that, therefore, the Legislature should enact legislation that expressly authorizes same-sex couples to marry under this State's civil marriage statute;

WHEREAS, a minority of the Special Committee (four of the nine member majority), while recognizing the merits of the arguments advanced by the plurality, nevertheless perceives sufficient merit to the argument that the existing limitation of the definition of marriage to opposite-sex couples is reasonably related to legitimate State interests, namely the well-being of children and the maintenance of the traditional understanding of marriage, to preclude the minority from reaching a conclusion as to whether such limitation violates the Equal Protection or Due Process Clauses when subjected to a rational-basis assessment;

WHEREAS, the New York State Bar Association has long been committed to supporting the rights of all individuals to equal protection under the law and on November 8, 2003 adopted a Diversity Policy affirming the Association's commitment to diversity within the Association which specifically included sexual orientation within the definition of diversity;

NOW, THEREFORE, it is

RESOLVED, that the New York State Bar Association hereby endorses the recommendation of the Special Committee that the New York State Legislature should enact legislation that will afford same-sex couples the ability to obtain the comprehensive set of rights and responsibilities now afforded opposite-sex couples and that the ability to obtain such rights and responsibilities should be in the form of a statute creating a domestic partnership registry, a civil union statute, or an amendment to the statutory definition of marriage to include same-sex couples; and it is

FURTHER RESOLVED, that the officers of the Association are hereby authorized to transmit the Report of the Special Committee to the Legislature and other appropriate governmental officials and are directed to take such other action as is appropriate to support and advance this Resolution.

6. Report of the President. President Standard updated the House on the following developments and Association initiatives:
 - a. Amicus brief on cameras in the courtroom. The Association filed an *amicus curiae* brief in the New York State Court of Appeals in support of Court TV's litigation seeking to overturn Sec. 52 of the state Civil Rights Law barring cameras in trial courts. The brief was prepared by the Committee on Media Law and filing was authorized by the Executive Committee. The action is consistent with the position previously taken by the House based on the study of the Special Committee on Cameras in the Courtroom that recommended permanent statutory provisions with appropriate safeguards.
 - b. Meeting with court officials. He was joined by President-Elect A. Vincent Buzard and Executive Director Patricia K. Bucklin in a meeting on March 2, 2005 with Chief Administrative Judge Jonathan Lippman. Among the topics discussed were the legislative priorities of the Court System and the Association; the judiciary budget; and the status of the work of the Court System's commissions on judicial selection, solo and small firms, fiduciary appointment procedures, and jury system, and the Association's initiatives in these areas. Also discussed were issues relating to multijurisdictional practice and fee arbitration.
 - c. Testimony on judiciary budget and judicial selection. He testified on March 9, 2005 at the state Senate Judiciary Commission hearing to examine the judicial election process. He reviewed Association positions in favor of merit selection and the Executive Committee's support, with some qualifications, of the report of the Association's Special Committee on Court Structure and Judicial Selection.
 - d. Meetings with lawmakers on legislative priorities. He met with the leadership of the Senate and Assembly Codes and Judiciary committees and with other lawmakers on Association legislative priorities. He was accompanied by Ms. Bucklin, Vincent E. Doyle III of the Criminal Justice Section, Vincent F. Stempel Jr. of the Family Law Section, and the Governmental Relations Director, Glenn Lefebvre, and Associate Director, Ronald Kennedy. Subjects included Association priorities for videotaping of custodial interrogations, no-fault divorce on irreconcilable differences, civil justice issues, the judiciary budget and other budget-related matters.

- e. Meetings with section leaders. He initiated meetings with small groups of the leaders of sections that have common areas of interest. Section representatives shared experiences and best practices and made plans for further communication and coordination with each other. Topics included legislative action, governance procedures, committee administration, effective educational programs, and building diversity and involvement in the sections.
 - f. Court security. Following recent attacks on the judiciary in other states, the Court System has formed a task force to study court security, which will result in a report on facilities, technology, equipment, training, and procedures.
 - g. Class action legislation. President Bush signed legislation in February 2005 to restrict class action suits. Class actions seeking \$5 million or more would be heard in state court only if the primary defendant and more than one-third of the plaintiffs are from the same state. Prior to passage of the bill, the Association had expressed several concerns with the legislation and called for (1) elimination of its retroactive provisions, (2) no change in the rules for interlocutory appeals of class action certification orders from those under the Federal Rules for Civil Procedure, and (3) expansion of the exceptions to minimal diversity. Congress acted favorably on the first two concerns.
 - h. Forums on the jury system. The Association will partner with The Fund for Modern Courts in a forum at the Bar Center on April 12 that will examine jury innovations, including the work of the Court System Commission on the Jury and the Jury Trial Project
 - i. Public education initiatives. In the wake of the Terri Schiavo case, the Association officers, together with its Elder Law and Trusts and Estates Law sections, provided educational resources and programs on living wills, health care proxies and other advance directives. These efforts included postings on the Association website, media appearances, publication of forms and materials in newspapers and forums with volunteer lawyers in various communities across the state.
 - j. Event honoring civil rights leaders. On May 25, 2005, the Association will host a commemorative tribute to New York attorneys involved in the civil rights movement, including oral history presentations by a number of the honorees.
7. Report and recommendations of the Working Group on the Definition of Pro Bono Services. The elements of the scheduling resolution adopted previously by the House for consideration of this item were reviewed for delegates' convenient

reference. A. Thomas Levin, Chair of the Working Group on the Definition of Pro Bono Services, then presented the report and recommendations of the Working Group to expand the definition of pro bono service to reflect the broad range of essential legal services contributed by attorneys for the public good. The report incorporated a number of the suggestions made in the review by sections, committees and local bars. Mr. Levin emphasized that the primary focus of the proposal remains on the core mission of serving those in need. The Working Group has recommended: (1) continuation of the aspirational goal previously suggested by the Court System and the Association for 20 hours of free legal services for those of limited means and non-profit organizations that serve such persons and organizations specifically designed to increase the availability of legal services to persons of limited financial means, and (2) recognition of pro bono legal services provided to other non-profit organizations that serve the public good, activities to improve the law or legal system, and financial contributions to nonprofits that aid persons of limited means. This was set forth in the Working Group's proposed expansion of Ethical Consideration 2-25.

Discussion ensued regarding the Working Group's proposals and suggestions of other entities, including a proposal to substitute the aspirational provision contained in the American Bar Association Model Rules of Professional Conduct, Model Rule 6.1, that urges at least 50 hours of pro bono service, with the substantial majority of these hours to be devoted to persons of limited means or to organizations that meet the needs of persons of limited means. A motion to substitute Model Rule 6.1 for EC 2-25 was defeated in a voice vote of the House. Following completion of discussion, a motion to approve the following resolution of the Working Group was then adopted in a voice vote:

WHEREAS, at its April 3, 2004 meeting the NYSBA House of Delegates adopted a recommendation calling for an expanded definition of pro bono to capture the broad range of essential services attorneys regularly contribute to society for the public good; and

WHEREAS, the Working Group on Pro Bono Definition has developed a revised policy statement expanding the NYSBA definition of pro bono, an amended EC 2-25 of the Code of Professional Responsibility and a revised Pro Bono Resolution of the Administrative Board of the Courts;

Now therefore, it is

RESOLVED, that the New York State Bar Association hereby approves the revised pro bono definition and amended as proposed by the Working Group; and it is further

RESOLVED, that the New York State Bar Association hereby endorses the revised Pro Bono Resolution of the Administrative Board of the Courts for favorable action by the Administrative Board; and it is further

RESOLVED, that the officers of the Association are hereby empowered to take such other and further steps as they may deem warranted to implement this resolution.

8. Report and recommendations of the Special Committee to Ensure Quality of Mandated Representation. Vincent E. Doyle III, Chair of the Special Committee to Ensure Quality of Mandated Representation, presented the Committee's proposed standards for provider systems for indigent criminal defense. A number of counties are reviewing their provider systems in light of uncertainty about reimbursement under the new legislation that increased hourly rates of counsel and created a system of partial state funding of these added costs. The Special Committee standards, which take into account financial constraints of local governments, include provisions regarding professional independence, early entry of representation, client eligibility, circumstances for partial contributions for services, qualifications of counsel, training, workloads, support services and resources, performance, quality assurance, and compensation. Mr. Doyle said that the Committee has reviewed the comments received from sections, committees and local bars and incorporated a number of the recommendations in the revised report presented for the House's consideration.

In discussion, it was noted that the Committee had accepted, with an exception, an amendment proposed by the New York County Lawyers' Association to prohibit assigned attorneys from accepting payment on behalf of the client. The Committee, however, did not accept the NYCLA proposal to include a prohibition for a related matter, contending that this could prevent an attorney from accepting a fee to represent a client in a subsequent action relating to the subject matter of the assigned case. A motion to amend to add "or in a related matter" did not prevail in a voice vote of the House.

The Committee did not accept a further NYCLA recommendation to add a standard to require attorneys providing mandated representation to keep time records. The Committee concluded that this would be good practice but should be a matter left to the individual providers. The House adopted a motion by voice vote to amend to add this standard as J-9 as follows: "All attorneys providing mandated representation, regardless of whether pursuant to an assigned counsel plan, a public defender office, a legal aid bureau or society, or any other institutional or associational structure shall keep records of all time spent on the representation of each individual client, indicating the duration and nature of the work done and the date on which the work was performed." A final motion, to approve the report and recommendations as amended, was then adopted in a unanimous voice vote.

9. Report of the Executive Committee Subcommittee to Review Association Publications. Presentation of this report was deferred, given the time constraints.
10. Report of the Electronic Communications Task Force. Presentation of this report was deferred, given the time constraints.
11. Report of The New York Bar Foundation. Presentation of this report was deferred, given the time constraints.
12. Report of the Chair. President-Elect Buzard presented the following matters:
 - a. Designation of Delegates to the House. A motion was adopted unanimously by voice vote approving the designation of Delegates filed by local bar associations to serve for the 2005-2006 Association year beginning June 1, 2005.
 - b. Filing of the roster of the House. A motion was adopted unanimously by voice vote filing the roster of the House for 2005-2006.
 - c. Appreciation for service. Appreciation was expressed to President Standard for his leadership and advocacy on behalf of the Association. In completing his last meeting as Chair of the House Mr. Buzard thanked Delegates for their service and collegial participation in addressing and resolving issues discussed and debated in the past year.
13. Date and place of the next meeting. President-Elect Buzard announced that the next meeting would be held on Saturday, June 25, 2005 at The Otesaga in Cooperstown, New York.
14. Adjournment. There being no further business, the meeting of the House was adjourned.

Respectfully submitted,



Kathryn Grant Madigan
Secretary

