

NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
THE OTESAGA  
COOPERSTOWN, NEW YORK  
JUNE 28, 1997

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PRESENT: Members: Anglehart; Asarch; Aydelott; Ayers; Bailey; Baldwin; Bashian; Berman; Birmingham; Bernis; Besunder; Bohner; Bracken; Branca; Burgman; Buzard; Cardozo; Cioffi; Clippinger; Cloonan; P. Coffey; Coffill; Colavito; Cometa; Cooke; Copps; Corcoran; Coughlin; DaSilva; Daubner; DiGirolomo; DiNardo; Dollard; Dwyer; Eggleston; England; Eppler; Farrell; Felder; Field; Fink; Fishberg; Fisher; FitzGerald; Franchina; Freedman; Gacloch; Galloway; Geltzer; Gerstman; Getnick; Giordano; Glanzer; M.R. Goldstein; Golinski; Gorgos; Haig; Hassett; Headley; Heming; Hesterberg; Hodges; Inclima; Jacobs; James; Jones; Kamins; Kelly; Kendall; M. Kennedy; T.R. Kennedy; Kenney; Kenny; Kilpatrick; Krane; Kretser; Landy; Lascurettes; Lashley; Lazar; Levin; C. Levy; J. Levy; P. Levy; Lieberman; Lucchesi; Madigan; Malito; Mandell; Manley; Marsh; McCarthy; McClusky; McDonough; Miklitsch; M. Miller; Millon; Moore; Nachimson; Naviasky; Netter; Nussbaum; O'Keeffe; O'Leary; Oliver; Ostertag; Palmer; Patrick; Pearl; Peckham; Peradotto; Periconi; Porter; Pruzansky; Reede; Reich; Reiniger; Reizes; Remo; Rice; Richardson; Robinson; Rosenbloom; Rosner; Rubin; Santemma; Schraver; Schumacher; Sharkey; Spellman; Standard; Stokes; Sunshine; Taylor; Terranova; Tharp; Tsimbinos; D. Tyler; J. Tyler; Vigdor; Vinal; Vitacco; Wales; M. Walsh; O. Walsh; Weaver; Witmer; Wolinsky; Wollman; Yanas; Zalayet; Zauderer.

1. Approval of minutes of April 12, 1997 meeting. The minutes were deemed accepted as distributed previously.
2. Introduction of new members. The new members of the House of Delegates who had assumed office on June 1 were introduced and welcomed by Mr. Moore.
3. Report of Treasurer. Mr. Rice summarized the audited financial statement for the year ending December 31, 1996 and indicated that the Association had completed the previous year with a surplus of approximately \$992,000. He noted that, in part, this figure was the result of the application of Financial Accounting Standard No. 124 which requires investments held by not-for-profit organizations to be reported at market value. He stated that this had resulted in a gain of some \$300,000 being recorded as part of the surplus. He also observed that cost savings achieved through the cooperative efforts of the Finance Committee, officers, staff, sections and committees had contributed to the surplus posture. He indicated that based on current data, it was likely that the usual three year dues cycle could be extended through a fourth year in 1998 without need for a dues increase. Mr. Rice then summarized the Treasurer's report covering the period January 1 to May 31, 1997. He reviewed the major income and expense items for the initial five months of the year, noting that revenues were \$116,000 higher and expenses \$572,000 less than for the comparable

period in 1996. Mr. Rice stated that the Association remained in sound financial condition as it neared the mid-point of the current fiscal year. The report was received with thanks.

4. Installation of Joshua M. Pruzansky. Mr. Moore announced that in keeping with the duties and responsibilities of the office of President, the Association in 1993 had instituted a formal installation of the President to be performed each year at the June meeting of the House of Delegates, given the close proximity of the Cooperstown meeting to the commencement of the President's term of office on June 1. The oath of office was then administered to Joshua M. Pruzansky by Hon. Lawrence J. Bracken, Associate Justice of the Appellate Division, Second Department.

5. Presentation of Root/Stimson Award, Public Service Award and Award of Merit. Peter H. Levy, Co-Chair of the Committee on Lawyers and the Community, presented the Root/Stimson Award to attorney E.W. Dann Stevens of Buffalo for outstanding service to the community.

Mr. Levy next presented the Public Service Award to Jonathan R. VanVlack, Consumer Affairs director for the Ulster County Consumer Frauds Bureau, for his significant contribution to enhancing the administration of justice.

A. Vincent Buzard, Co-Chair of the Committee on Lawyers and the Community, then presented the Award of Merit to the Bar Association of Erie County and the Bar Association of Nassau County, Inc. for their outstanding service to the public and the profession through programs administered at the local level.

6. Special Committee to Review Proposed Bridge the Gap Program. Ellen Lieberman, Co-Chair of the Special Committee to Review Proposed Bridge the Gap Program, summarized the proposal released in May 1997 by the Office of Court Administration to provide mandatory transitional training for newly admitted attorneys. She indicated that under the OCA plan, new lawyers would be required to complete 32 hours of accredited bridge the gap training within the first two years of admission, including instruction in the areas of ethics and professionalism, skills, practice management, and professional practice subjects. Ms. Lieberman also reviewed the earlier studies conducted by the NYSBA with reference to mandatory continuing legal education and then outlined the comments to the OCA plan prepared by the special committee. Discussion was then had concerning the special committee's proposed comments with respect to Rules 3, 4, 5, 6, 8 and 10. Amendments were voted on separately by the House to revise the comments concerning Rules 3I, 4B, 6B(i) and 10, and to add a section requesting that an appropriate cost analysis be made. A motion was then adopted approving the comments, as revised by the House, for transmittal to OCA, with the special committee being authorized to make stylistic and editorial revisions to the draft for the sake of style and consistency.

7. Report of President. Mr. Pruzansky advised that to allow as much time as possible at meetings for the discussion of substantive items, he had circulated a detailed, written President's report to the members, and would provide only a brief oral summary of significant items. A copy of the written report is attached to these minutes. Mr. Pruzansky then reported the following matters:

a) The Association was pursuing a number of avenues to ensure the continuation of adequate funding for civil legal services, including testimony at Congressional budget hearings, securing the support of influential Republican members of the House of Representatives for Legal Services Corporation funding at an appropriate level, and seeking to establish a permanent funding mechanism at the state level to replace the decrease in federal funds.

b) Earlier in the month, he had sent a letter to the Legislature reiterating prior Association positions regarding elements of tort reform under consideration. He stated that these included repeal of CPLR Articles 50A and 50B, which govern structured judgments, as being unworkable and punitive to plaintiffs; support for the imposition of pre-judgment interest under certain circumstances to advance the settlement of personal injury claims; modification of the sanctions rule in Part 130 of the Uniform Rules for the New York Trial Courts so as to impose costs for abusive conduct in civil litigation to address unnecessary expense and delay without the risk of arbitrary punishment; and opposition to expanding the jurisdiction of the Court of Claims to include actions against municipalities.

Mr. Pruzansky also noted that based on a report by the Task Force to Consider Tort Reform Proposals, the Executive Committee at its June 27, 1997 meeting had endorsed the concept underlying separate legislative measures that would: (a) allow damages for emotional loss in wrongful death actions; (b) limit the liability of landowners to encourage them to make large tracts available for recreational purposes; and (c) prohibit civil recovery by persons injured while they were committing an act that results in a felony conviction.

c) To implement various of the recommendations proposed by its Committee on the Profession and the Courts, the Office of Court Administration in April had released initiatives in four areas for public comment by June 23. He noted that input on the four topics had been gathered from interested sections and committees and views had been submitted to OCA as follows regarding the four subjects: (a) Endorsement had been given with some modification to the proposed code of civility for the legal profession as it had been modeled heavily on the civility guidelines drafted by the Commercial and Federal Litigation Section and approved by the House; (b) A statement of client rights had been endorsed, with a number of clarifications advanced by our sections and committees, including the addition of a listing of client obligations so as to balance rights with responsibilities; (c) Endorsement had been given to the amendment of DR 2-103 of the Code of Professional Responsibility to prohibit undisclosed brokering, with the caveat that the phrasing of the rule as proposed by the House of Delegates be used; and (d) Based on past action by the House, opposition was expressed to that portion of amendments to CPLR Part 130 which would impose a certification requirement on attorneys and further concern was expressed regarding provisions that would impose sanctions for unjustified failure to attend a court appearance.

d) In response to the filing of OCA inspired legislation to permit earlier public access to attorney discipline proceedings, he had conveyed to court officials and legislative leaders the NYSBA's opposition to this legislation based on prior positions taken by the House, and had expressed the House's view that there should be early

intervention by the Appellate Division in appropriate cases utilizing existing interim suspension procedures accompanied by public disclosure to protect the citizenry while maintaining the overall confidentiality that should attach to the discipline process.

e) In conjunction with the Committee on Legislative Policy and the Department of Governmental Relations, he would be seeking to heighten the NYSBA's legislative presence and achieve greater success in the political arena through revitalization of the legislative contact program, closer cooperation with county and local bar associations on legislative issues, and the publication of a legislative "scorecard" in future issues of the *State Bar News* to facilitate tracking of legislators' votes on issues critical to the Association. He also indicated the Association would be seeking to expand its influence at the federal level.

f) To maintain the vitality of the Association and to make the NYSBA representative of the entire legal profession in New York State, he had given the Committee on Membership the goal of increasing overall Association membership by ten percent over the next year, with sections being asked to expand their numbers by a like figure. He asked for the House's cooperation in this area by using available opportunities to encourage non-members to join.

g) The Ad Hoc Committee on the Jury System had recently conducted a survey of House members regarding their jury service experiences. He indicated that a follow-up survey had been distributed and requested that the members complete and return the survey form to assist the committee's analysis.

h) He had written to Senators D'Amato and Moynihan urging repeal of that portion of the Health Insurance Portability and Accountability Act that makes it a crime to transfer assets in order to qualify for Medicaid benefits under certain circumstances, and to an amendment that would make it a crime for an attorney to counsel a client to dispose of assets to qualify for Medicaid benefits, thus impairing the rights of seniors to legitimate legal counsel.

i) To revitalize Association efforts in various areas, he had made a number of changes in committee structure including the appointment of a Special Committee on the Future of the Profession, with Robert L. Ostertag as Chair, to prepare the Association to meet major trends likely to confront the NYSBA in the next few years; the establishment of a Task Force on Court Reorganization headed by Hon. Richard D. Simons; the appointment of Kenneth J. Bialkin of New York City as Chair of a revitalized Committee on Commerce and Industry; the combination of the Committee on Courts and the Community and the Committee on Lawyers and the Community into a Committee on Justice and the Community to be chaired by Barry Kamins of Brooklyn; the appointment of Elizabeth D. Moore as Chair of the Committee on Minorities in the Profession; and the designation of M. Catherine Richardson as Diversity Coordinator for the Association. In this regard, he noted that approximately one-third of the committee chairs were women and that 24 percent of the House members were women.

j) Mr. Pruzansky expressed appreciation to Ms. Richardson for her energetic and dedicated leadership as President during the past year, and presented her with a plaque inscribed as follows:

The New York State Bar Association presents this testimonial to M. Catherine Richardson in recognition of her devoted service to the Association in the successful furtherance of its ideals and in the promotion of the best interest of the profession through her service as President of the Association 1996-97.

8. Report and recommendations of Committee on Judicial Administration. A. Paul Goldblum, immediate past Chair of the Committee on Judicial Administration, summarized that committee's report and recommendations opposing the enactment of pending legislation proposed by the Office of Court Administration to expand the powers of Judicial Hearing Officers. He explained the nature of the legislation and reviewed the committee's concerns regarding its effects, including the absence of standards for ensuring that only qualified persons will be designated as Judicial Hearing Officers, as well as the absence of demonstrated need for the expansion of powers. Discussion then ensued, during which Mr. Reich, on behalf of the Torts, Insurance and Compensation Law Section, suggested that Judicial Hearing Officers be required to show competency in different fields and that changes in the statute be withheld until the final proposal is clarified and reviewed by the Law and Practices Committee. These caveats were accepted by Mr. Goldblum. Following further discussion, a motion was adopted, consistent with the conclusion set forth in the report of the Committee on Judicial Administration, that the Association oppose the proposed legislation to expand the powers of Judicial Hearing Officers pending the development and implementation of a meaningful procedure to screen prospective Judicial Hearing Officers with respect to their judicial competence and to review the performance of sitting Judicial Hearing Officers periodically to ensure their continued competence. It was the sense of the House that this position be conveyed to the Office of Court Administration and to relevant legislative leaders with the suggestion that an appropriate study be undertaken to evaluate the current statutes and regulations and their implementation.

9. Report and recommendations of Committee on Law Office Economics and Management. Joseph P. Dulin, Jr., immediate past Chair of the Committee on Law Office Economics and Management, summarized the committee's proposed revisions to the "Guidelines for Utilization by Lawyers of the Services of Legal Assistants" as adopted by the House of Delegates in 1976. He indicated that the guidelines needed to be updated based on court decisions, ethics opinions and changes in the nature of law practice during the past twenty years. Mr. Dulin then outlined the specific changes proposed to the guidelines, which address the lawyer's professional responsibility in supervising the work of a legal assistant; prohibitions against an attorney aiding a legal assistant in the unauthorized practice of law; the performance of otherwise prohibited functions by a legal assistant when authorized by statute, court rule, case law, or administrative regulation; the preservation of client confidences and the avoidance of conflicts of interest; the prohibitions against the formation of a partnership with a legal assistant where the firm's activities will involve the practice of law and the

sharing of legal fees with a legal assistant; the requirement for a lawyer to instruct legal assistants to disclose their non-lawyer status in professional dealings; and the professional development of legal assistants. Discussion then ensued during which Guideline VII was revised to substitute "should" for "shall" and the definitional language and accompanying explanatory text appearing at pages 7-9 was revised to maintain consistency in the definitions being employed in the guidelines. As revised, the proposed guidelines were approved on motion of the House, with the committee being granted the authority to make necessary editorial and stylistic changes, including the conversion of text to gender neutral language.

10. Report and recommendations of The Association of the Bar of the City of New York. Steven C. Krane, Chair of the delegation from The Association of the Bar of the City of New York, summarized a report prepared by that organization's Committee on Federal Courts regarding vacancies on the Second Circuit Court of Appeals. He reviewed the nature of the court's workload, and the impact that the vacancies were likely to have on the handling of appeals. He also presented a proposed resolution to address this situation and noted the suggested broadening of the resolution by the NYSBA's Executive Committee to include the filling of vacancies on the District Courts located in New York. After discussion and revision, the following resolution was adopted on motion of the House:

WHEREAS, vacancies on the United States Court of Appeals for the Second Circuit remain unfilled even as the workload of the Court has grown significantly;

WHEREAS, the Court has three vacancies and a fourth will occur in July;

WHEREAS, the rate of growth in the Court's workload is the second fastest of any Court of Appeals in the country;

WHEREAS, the United States District Courts in New York have six vacancies, with one vacancy in each of the Northern and Western Districts and four vacancies in the Southern District, with other vacancies expected to occur in the near term;

WHEREAS, the failure to fill these appointments by the President and Congress punishes hardworking jurists and threatens the quality of decision-making that litigants should expect;

WHEREAS, since 1990 this Association has adopted several resolutions urging lawmakers to take immediate action to fill federal court vacancies;

THEREFORE BE IT RESOLVED that the New York State Bar Association urges both Congress and the President to promptly fill the vacancies on the Second Circuit Court of Appeals and in the New York District Courts.

11. Report of The New York Bar Foundation. Maryann Saccomando Freedman, President of The New York Bar Foundation, summarized the activities of The Foundation in furtherance of its goals of improving the justice system, elevating the

levels of professional competence and ethics, increasing public understanding of the law, and facilitating the delivery of legal services. She described the nature of projects funded by The Foundation in these areas and their statewide impact. She noted that in recent years the number of worthwhile grant applications continued to increase, while The Foundation's ability to fund projects had decreased. Ms. Freedman indicated that during the previous year, The Foundation has been able to provide only 38 percent of requested grant funds, and during the first four months of 1997 had already fully committed its available grant funds. She indicated that to address this situation, The Foundation Board had conducted a special meeting the previous day to consider future activities and the provision of resources to support those initiatives. She encouraged the members of the House to share their talent, expertise and ideas with an advisory committee being established by The Foundation to enable the organization to expand its future grant making ability. Ms. Freedman advised that an explanatory brochure had been distributed to House members and reminded them of the suitability of The Foundation for charitable donations especially in the form of memorial gifts on behalf of colleagues. The report was received with thanks.

12. Report of Chair. Mr. Moore noted that he was continuing the practice established by Mr. Pruzansky of circulating a written report as Chair to allow additional time at meetings for the discussion of substantive issues. A copy of the report is attached to these minutes. Consistent with the items set forth in the report, the following actions were taken by the House:

a) A motion was adopted extending the terms of the following special committees for an additional year:

- 1) Ad Hoc Committee on the Jury System
- 2) AIDS and the Law
- 3) Election Law
- 4) Group and Prepaid Legal Services Plans
- 5) Improve the Civil Justice System
- 6) Steering Committee on Commerce and Industry
- 7) Pension Simplification
- 8) Procedures for Judicial Discipline
- 9) Review the Code of Professional Responsibility
- 10) Solo and Small Firm Practitioners
- 11) Volunteer Lawyers

b) A motion was adopted discharging the Committee to Cooperate with the Law Revision Commission, the Committee on Courts and the Community and the Committee on Lawyers and the Community.

He then introduced Janet Remiker, who had joined the Association staff on June 2, 1997 as Director of Marketing.

Mr. Moore also announced that former Association President Lyman M. Tondel, Jr., and former Twelfth District Vice President Alexander Delle Cese had passed away recently. He indicated that memorials to both members would be presented at a future meeting. A moment of silence was observed out of respect for their memory and their contributions to the Association, and the meeting was adjourned in honor of their memory.

13. Date and place of next meeting. Mr. Moore announced that the next meeting of the House of Delegates would be held on Saturday, November 1, 1997 at the Bar Center in Albany.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine Power Tharp". The signature is written in black ink and is positioned above the typed name.

Lorraine Power Tharp  
Secretary



# New York State Bar Association

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June 28, 1997

To: Members of the House of Delegates

Re President's report in connection with June 28, 1997 meeting:

Last year, as Chair of the House, I dispensed with the traditional oral report and utilized a written format to allow maximum time at meetings for the discussion of substantive agenda topics. As President, I intend to follow a similar practice. By providing this written summary, I will be in a position to condense my remarks at House meetings, giving us as much time as possible for substantive debate. I submit the following summary of significant items for your review, as I believe the Association is engaged in a number of areas that you should find of interest.

1. Funding for civil legal services. Securing adequate funding for civil legal services remains a priority for the Association. Primary funding for legal services in New York has come federally from the Legal Services Corporation (LSC) and at the state level from the Interest on Lawyer Accounts Fund (IOLA). Unfortunately, both sources have suffered serious declines. For the 1997-98 fiscal year, when adjusted for inflation, these two sources are expected to generate some \$40 million less for New York programs than they did in 1992. This is a matter of grave concern for us, as we view adequate funding as essential if legal services programs are to deliver meaningful assistance to the indigent. We have taken a number of steps to address the problem. During her presidency, Catherine Richardson testified at Congressional hearings in support of a \$340 million budget appropriation for the LSC. A number of us were also involved with a successful effort to secure the signature of six influential Republican members of the House of Representatives to a letter to Hon. Harold Rogers, Chair of the House Appropriations Subcommittee on Commerce, State and the Judiciary (which has oversight responsibility for the LSC), supporting adequate funding for the LSC. In addition, our President's Committee on Access to Justice and Committee on Legal Aid continue to cooperate with a coalition of bar associations and other groups interested in preserving legal services in New York. We are exploring possible permanent means for replacing at the state level funds that have been lost in the federal LSC cutbacks. For example, the allocation to IOLA of a relatively small percentage of the civil case filing fees collected annually could replace the \$40 million yearly reduction that civil legal services faces. As we have done in the past, we will continue to resist increases in court filing fees as a means for funding legal services,

as well as oppose the imposition of mandatory pro bono. We will continue to pursue these matters and will report to you concerning our progress.

2. Attorney discipline. This year, the Office of Court Administration has again filed legislation to permit earlier public access to attorney discipline proceedings. Based on the prior positions adopted by the House, most recently in 1995, we have conveyed to court officials and legislative leaders our opposition to this legislation. We have pointed out to them that we share their goal of having a fair system that deals effectively with attorneys who commit serious breaches of the Code of Professional Responsibility while affording protection to the public. However, as endorsed by the House, we believe that early intervention by the Appellate Division in appropriate cases utilizing existing interim suspension procedures accompanied by public disclosure would protect the citizenry while maintaining the overall confidentiality that should attach to the discipline process. We also are urging that a greater share of the biennial registration fee collected from attorneys be allocated to the discipline system rather than merely added to the State's general revenues. We will keep you apprised of developments in this area.

3. Tort reform. Tort reform is a high profile issue on the Legislature's agenda this year, fueled by a coalition group called New Yorkers for Civil Justice Reform, which represents business, medical and insurance interests. In response, we have formed a Task Force to Consider Tort Reform Proposals with a membership that is intended to provide a balanced perspective on the issues. Our group is co-chaired by former Association President John P. Bracken and by David M. Gouldin, a past Chair of the Torts, Insurance & Compensation Law Section. The balance of the task force consists of A. Paul Goldblum, E. Stewart Jones, T. Richard Kennedy, Gunther H. Kilsch, Henry G. Miller and Anthony R. Palermo. On June 2, 1997 I sent a letter to the Legislature reiterating prior Association positions concerning elements of the tort reform package that have been raised on previous occasions. These included our call for repeal of CPLR Articles 50A and 50B, which govern structured judgments, as being unworkable and punitive to plaintiffs; support for the imposition of pre-judgment interest under certain circumstances to advance the settlement of personal injury claims; modification of the sanctions rule in Part 130 of the Uniform Rules for the New York Trial Courts so as to impose costs for abusive conduct in civil litigation to address unnecessary expense and delay without the risk of arbitrary punishment; and opposition to expanding the jurisdiction of the Court of Claims to include actions against municipalities. At the Executive Committee meeting on June 27, 1997, the task force will be seeking endorsement for positions to be taken on other elements of tort reform, and we will keep you apprised of developments.

4. Amicus curiae brief. In Washington Legal Foundation v. Texas Equal Access to Justice foundation, a case with national implications, the U.S. Court of Appeals for the Fifth Circuit in 1996 declared that the Texas IOLTA program was unconstitutional, stating that lawyers' clients have a property right in the interest collected on lawyers' trust accounts. If allowed to stand, this decision could jeopardize IOLTA programs in other jurisdictions, depriving states of funds essential to the continued delivery of adequate civil legal services to the poor. With the authorization of the Executive Committee, the Association has joined with 39 other state bar associations, 40 IOLTA programs and four other organizations in an *amicus curiae*

brief in support of a certiorari petition seeking U.S. Supreme Court review of the Fifth Circuit decision. It is anticipated that the Supreme Court will decide whether to grant the petition when it convenes in October 1997. As with the preceding items, we will keep you informed regarding the progress of this case.

5. Implementation of the Program on the Profession and the Courts. In the fall of 1996, Chief Judge Kaye appointed two bench-bar task forces (the Task Force on Client Satisfaction and the Task Force on Attorney Professionalism and Conduct to implement recommendations formulated by the Committee on the Profession and the Courts, known popularly as the Craco Committee. The two task forces reported their implementation plans to the Administrative Board for the Courts and, as authorized by that body, initiatives in four areas were released in April for public comment. Originally, the comment deadline was set for May 23, but at our request and that of other groups it was extended until June 23. We gave the four measures widespread circulation among our sections and committees and gathered comments from them. These were assembled and transmitted to OCA by me prior to the deadline. Our comments with respect to the four initiatives were as follows: a) The adoption of an aspirational code of civility for the legal profession - Since the OCA product is modeled heavily on the civility guidelines drafted by our Commercial and Federal Litigation Section and approved by the House, we endorsed the OCA proposal with some clarifying modifications recommended by our sections. b) Statement of client rights - Again we endorsed this proposal, but with a number of clarifications advanced by our sections and committees. c) Amendment of DR 2-103 to prohibit undisclosed brokering - Since the House had previously endorsed an antibrokering provision as part of its comprehensive package of Code of Professional Responsibility amendments completed this past January, we endorsed the objective and most of the substance of the OCA proposal. However, we expressed concern about some aspects of the OCA language and urged that the phrasing proposed by our House be used. d) Amendment of CPLR Part 130 regarding sanctions - Based on past action by the House, we indicated opposition to that portion of Part 130 that would impose a certification requirement on attorneys, and expressed concern as to the provisions that would impose sanctions for unjustified failure to attend a court appearance. We also noted the opposition of several sections to the proposal as well as a suggestion that this might be an area better left to legislation. We will keep you informed regarding OCA's future activities with respect to all four proposals.

6. Membership goals. Expanding our membership is one of my objectives for the coming year. Increasing the number of members keeps us strong and vital, and furthers our goal of becoming representative of the entire legal profession in New York State. Our future leaders will come from today's new members, so we need to be as inclusive as possible. Towards this end, I have given our Committee on Membership the goal of increasing overall Association membership by ten percent over the next year, and the committee has embraced this objective with enthusiasm. Similarly, our sections have also been asked to expand their numbers by ten percent. I ask your cooperation in this effort as well. Use whatever opportunities may be available to encourage non-members to join. With your help, I am confident we can see a significant growth in our membership during the coming months.

7. Legislative program. I will be seeking, in conjunction with the Committee on Legislative Policy and our Department of Governmental Relations, to heighten our legislative presence and achieve greater success in the political arena. We are undertaking a variety of initiatives to pursue this goal. We will seek to revitalize our legislative contact program, whereby volunteer members present Association views to legislators whom they know. In addition, we will be working to develop closer cooperation with county and local bar associations on legislative issues. In future issues of the *State Bar News* we will be publishing a legislative "scorecard" to facilitate the tracking of how legislators voted on issues critical to the Association. We will also endeavor to expand our influence at the federal level, so that our positions on issues of concern will have greater impact on Congress. While these goals are ambitious and not easily achieved, I am confident that with the cooperation of all concerned, we can make significant strides in this area.

8. Office of Court Administration meeting. On June 9th, I attended our regular quarterly meeting with Chief Judge Kaye, Chief Administrative Judge Lippman, and other OCA officials. We had productive discussion regarding a number of items of mutual interest, several of which have either been referred to at other points in my report, or are the subject of discussion as separate agenda items. We covered the status of OCA's bridge-the-gap program of transitional education for new attorneys, possible future directions regarding the Judiciary's legislative program for family justice, the status of OCA's alternative dispute resolution pilot programs, the status of this year's Judiciary budget, anticipated action by the Legislature regarding OCA's proposals for continuing jury reform, OCA's contemplated efforts to pursue its court reform package, and future activities with respect to the implementation of the recommendations by the Committee on the Profession and the Courts.

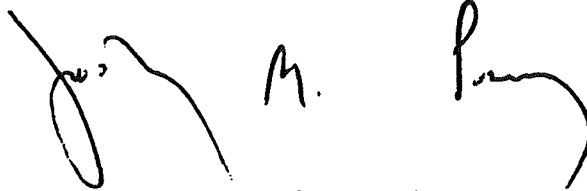
9. Section Leaders Conference. On June 5, 1997, Jim Moore and I met with our section leaders in New York City. This session provided an excellent opportunity for the discussion of ideas and programs with most of our section leaders. We addressed a broad range of topics including the fostering of coordination and section involvement, communication, gaining and involving members, enhancing diversity, utilizing the Internet, and identifying and addressing future issues affecting the profession's future. The participants found the meeting worthwhile, and I left the meeting with the knowledge that our sections are vibrant and involved in a variety of areas that will benefit the Association and the profession.

10. Special Committee on the Future of the Profession. I am completing the appointment of a Special Committee on the Future of the Profession with former President Robert L. Ostertag as Chair. This is a successor to our Strategic Planning Advisory Committee that developed a number of initiatives for us in the areas of membership, communication and improvement of the profession. I envision our new group as building on those goals, but taking a somewhat different approach so that we are prepared to meet major trends that are likely to confront us in the next few years. For example, we should anticipate that the growth in alternative dispute resolution programs and pro se initiatives may have a profound effect on the practice of law as we know it. Our new committee will help us to meet the challenges that this and other issues will present.

11. House survey. Recently, as part of its ongoing assessment of the functioning of the jury system, our Ad Hoc Committee on the Jury System surveyed House members regarding their service as jurors. Of 228 House members, 109 responded (48%). Of the 109 responses, 65 have yet to receive a summons (57%), while 44 members (43%) have been summoned for service. Of the 44 delegates who were summoned, 18 (or 41%) were not asked to report for jury duty, 23 (or 52%) reported for duty but were not selected, while 3 (or 7%) were actually chosen to be jurors. Seeing that final figure of 3 who were actually seated, I am compelled to "borrow" Catherine Richardson's line uttered at the April House meeting and taken from another source that "Many are called, but few are chosen." Seriously, though, the committee has asked me to express its appreciation for such a high level of cooperation in responding to the survey.

The preceding items underscore the breadth and depth of issues with which the Association is concerned. I am humbled by the enthusiasm and selfless donation of time and talent given by our members to improve our profession and benefit the public. Their dedication should be a source of inspiration to all of us. During the balance of my term, I pledge to do my utmost to support you, our sections and committees in moving our Association forward in constructive service to the profession and the public.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joshua M. Pruzansky', written in a cursive style.

Joshua M. Pruzansky

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# New York State Bar Association

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**JAMES C. MOORE**

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June 28, 1997

To: Members of the House of Delegates

Re: Report of Chair

Last year when he chaired the House, Josh Pruzansky instituted the practice of distributing a written report at each meeting covering the "housekeeping" items which need to be addressed by the House. This approach preserved as much time as possible at meetings for the discussion of substantive topics. For this reason, I plan to continue the practice of a written report during my term. Hence, I present the following items for your consideration:

a) Reappointment of special committees. Special committees are appointed for a fixed period of time (not to exceed three years); when that time has elapsed, approval by the House of Delegates is required to extend the term of such committees. The following special committees are due to lapse this year, and I will ask for your approval to extend their terms for an additional year:

- 1) Ad Hoc Committee on the Jury System
- 2) AIDS and the Law
- 3) Election Law
- 4) Group and Prepaid Legal Services Plans
- 5) Improve the Civil Justice System
- 6) Steering Committee on Commerce and Industry
- 7) Pension Simplification
- 8) Procedures for Judicial Discipline
- 9) Review the Code of Professional Responsibility
- 10) Solo and Small Firm Practitioners
- 11) Volunteer Lawyers

b) Lapsed committees. (For your information, no House action necessary). The following special committees have been allowed to lapse as they have either completed their assigned tasks, or are being combined with other committees:

- 1) Improve Courthouse Facilities (responsibility being assumed by Committee on Judicial Administration)
- 2) Lawyer Advertising and Referral Services (responsibility being assumed by new Special Committee on Lawyer Advertising)
- 3) Strategic Planning Advisory Committee (replaced by Special Committee on the Future of the Profession)

c) Discharge of standing committees. Based on our ongoing review of the continued need for committees, and in the interest of containing expenses, we have determined that the Committee to Cooperate with the Law Revision Commission is no longer necessary due to the commission's diminished role. In addition, we have combined the Committee on Courts and the Community and the Committee on Lawyers and the Community into a single Committee on Justice and the Community. Since the three committees are standing committees, House authorization is required for their discharge, and you will be asked at the meeting to approve this action.

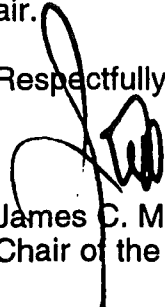
d) Survey. During the past year, Josh instituted the practice of surveying the House members regarding their level of satisfaction with various aspects of meetings and other related matters. I plan to continue this approach as a means of promoting communication and obtaining your views on various matters, and will be distributing surveys periodically for this purpose. You may be interested in knowing that in response to the survey conducted at the April meeting, the vast majority of members were satisfied to keep the June meeting at the Otesaga in Cooperstown and to utilize the Omni for overnight accommodations in connection with meetings held at the Bar Center. In response to your wishes, we will continue the existing practice in regard to both items.

e) During the coming months, Josh and I will be attending meetings of various sections and local bar associations. I hope that you and your colleagues will use those visits to raise any issues or questions which you may have so that the Association will remain responsive to the concerns of its members.

This House will meet again on November 1, 1997, January 30, and April 4, 1998. Although it is not possible to identify precisely all of the items which it will address, some which may be on agendas include: implementation of MCLE, the Chief Judge's court merger plan, and the NYSBA's position on various tort reform proposals.

The foregoing items constitute my report as Chair.

Respectfully submitted,



James C. Moore  
Chair of the House