

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK
NOVEMBER 8, 2003**

PRESENT: Alcott; Alessio; Amoroso; Asarch; Aversa; Ayers; M. Bartlett; R. Bartlett; Bauman; Benedict; Bracken; Brown; Butler; Buzard; Campos-Galvan; Cantwell; Castellano; Christian; Cioffi; Coffey; Cometa; Cristo; Cuyler; DeFio; Diomande; Doerr; Dorsey; Doyle; Dwyer; Edmunds; Eppler; Farrell; Fedorchak; Fedrizzi; Ferrara; Finerty; Fink; Flaherty; Flood; Freedman; Friedberg; Gacioch; Gerstman; Getnick; Goldenberg; Golinski; Goldstein; Gordon; Green; Gregory; Gross; Grossman; Gutekunst; Haig; Hanna; J. Harris; Hartman; Hassett; Hayes; Heggen; Hendricks; Herold; Hession; Hoffman; Hollyer; Horan; Ingrassia; R. Jacobs; S. Jacobs; Jaffe; James; Kamins; Karson; Kiernan; Kilsch; King; Kinum; Kossove; Kougasian; Krane; Kretser; Lawrence; C. Lee; Leroose; Levin; C. Levy; P. Levy; Lewis; Madigan; Mandell; Maney; Marwell; Meislahn; Miklitsch; M. Miller; Milonas; Miranda; Mitzner; Nathanson; Netter; Nizin; O'Leary; O'Mara; Ostertag; Peradotto; Peterson; Pfalzgraf; Price; Pruzansky; Purcell; Quinlan; Reimer; Rice; Richardson; Richardson-Thomas; Richman; Robertson; Rodriguez; Rosner; Rothstein; Russo; Safer; Santemma; Schraver; Schultz; Seiden; Seitz; Shaw; Sherwin; Shulman; Smith; Standard; J. Sunshine; N. Sunshine; Sweeny; Tell; Terranova; Tharp; Tishler; Torrent; Treece; Tully; Tyler; Tyo; Tyre; Vigdor; O. Walsh; S. Walsh; Warner; Weinberger; Wimpfheimer; Witmer; Zeltner.

1. Presentation of public service announcements. The meeting was commenced with an informational audio presentation of the public service announcements prepared by the Committee on Public Relations and broadcast on radio stations October 6-November 2, 2003 as part of the Association's "Lawyers Protect Your Rights" campaign to educate New Yorkers about the roles of lawyers. These noncommercial sustaining announcements, on such topics as adoption, HIV/AIDS and lawyers as trusted advisers, were aired in cooperation with the New York State Broadcasters Association in prime listening time. A similar campaign was conducted in the spring.
2. Approval of minutes of the June 19-20, 2003 meeting. The minutes of the June 21, 2003 meeting were deemed accepted as distributed previously, in a motion adopted unanimously by voice vote.
3. Report of the Treasurer. Treasurer James B. Ayers summarized income and expenses through September 30, as set forth in previously distributed written materials. The Association received operating income of \$17,467,753, representing 82.6% of the 2003 budget, compared to

\$18,670,389 or 91.6% of budget at this point in 2002. Increases have been realized in Association and Section membership; however, declines were experienced in investment income and CLE, other than publications and on-line programs. The largest decrease was seen in audiotape sales. It was noted one factor contributing to the decrease might be biennial MCLE reporting requirements, as a significantly larger group must register in even years. Following his update on the operating budget, Mr. Ayers focused on CLE income, expenses and related issues and trends. He advised that the CLE and Finance committees and staff are closely monitoring and developing actions to address these circumstances. Expenses through September totaled \$14,450,152, or 68% of the budget, below 2002 figures of \$14,656,048 or 72.5%. Increases in expenses were incurred in insurance, building services and equipment, and decreases were seen in Section and CLE costs. The report was received with the thanks of the House.

4. Presentation of the Justice Award by the Committee on Justice and Community. The Justice Award of the Committee on Justice and Community was presented by President A. Thomas Levin and the Chair of the Committee, Renaye B. Cuyler, to Henry G. Pirowski of the Buffalo City Court for his work in creating and maintaining the first drug court in western New York and in the design and implementation of the nationally recognized Court Outreach Unit: Referral and Treatment Services. In accepting the award, Mr. Pirowski acknowledged the support of the organized Bar in the success of these initiatives.
5. Report and recommendations of the Committee on Bylaws. Two proposed Bylaws amendments were summarized by the Chair of the Committee on Bylaws, Miriam M. Netter, for subscription by the House, which is necessary to place the measures on the House agenda at the Annual Meeting on January 30, 2004. Pursuing a recommendation of the Special Committee on Association Governance approved by the House in June 2003, the first amendment would add two seats on the NYSBA House, for the State Delegate from New York to the ABA House and the state representative on the ABA Board of Governors, provided these individuals are members of the NYSBA. At the recommendation of the Finance Committee, the second measure would add two members to the Finance Committee, to be appointed by President, and establish staggered terms of the six appointed members. This measure is in response to the Finance Committee's increasing workload and to assure continuity of experienced members. Upon collection of the subscription forms, President Levin announced that the House had subscribed to presentation of the proposal concerning the additional seats on the House by 151-3 and the Finance Committee amendment by 154-0.

6. Report and recommendations of the Suffolk County Bar Association concerning the Property Condition Disclosure Act. Representing the Suffolk County Bar Association, Douglas J. LeRose advised that the SCBA was postponing presentation to the House of its proposal seeking repeal of the Property Condition Disclosure Act to allow time for further study.
7. President's report. President Levin reported on the following matters and distributed a written report updating the House on these and other developments and Association initiatives:
 - a. Judicial selection. The Committee on Judicial Selection found all seven candidates for the vacancy on the Court of Appeals well qualified. The findings of the Committee, chaired by Peter V. Coffey of Schenectady, were conveyed to the Governor who, on November 4, nominated Robert S. Smith to fill the vacancy caused by the appointment of the Hon. Richard C. Wesley to the federal bench.
 - b. Student loan assistance. Based on the work of the Committee on Student Loan Assistance for the Public Interest, chaired initially by Henry M. Greenberg and currently Glen T. Bruening, the Association has initiated a student loan program to assist with the law school debt of those taking public service positions. Inaugurated with a \$25,000 grant from The New York Bar Foundation, the program will make awards of up to \$5,000 based on a variety of factors including nature of employment, total income, assets and debt, other loan repayment programs available, dependents, and other circumstances.
 - c. New committees. He has appointed a Special Committee to Review Attorney Fee Regulations, co-chaired by Association Secretary A. Vincent Buzard of Rochester and Past President Steven C. Krane of New York City, to examine statutes, court rules and procedures by which courts establish and review attorney fees. He has designated a Special Committee to Review the Annual Meeting, chaired by President-Elect Kenneth G. Standard, to ensure that the meeting is most responsive to the needs and interests of members. He also plans to establish a committee to examine defense costs and procedures for the indigent, as a result of the enactment of legislation increasing 18-B counsel rates and the movement by some counties to develop public defender offices.
 - d. Same-sex marriage. The Special Committee on Issues Affecting Same-Sex Couples is expected to present a report preliminarily to the House in January 2004. The Committee, chaired by Michael

Whiteman of Albany, is examining relevant considerations in various areas of law, including family, health, housing, and estate planning.

- e. Civic education. The Association continues to enhance law-related education for elementary and secondary school students in New York State through its Law Youth & Citizenship Program. The Association is planning to administer the "We the People" program for New York. He participated in LYC's annual statewide conclave for educators and attorneys involved in law-related education and also attended a conference on civic education in Washington, DC.
 - f. Nominating Committee report. The slate of nominees of the Nominating Committee, for consideration at the Annual and House meetings on January 30, includes: A. Vincent Buzard of Pittsford, President-Elect; James B. Ayers of Albany, Treasurer; Kathryn Grant Madigan of Binghamton, Secretary; and Donald C. Doerr of Syracuse, John H. Gross of Northport, Claire P. Gutekunst of New York City, David R. Pfalzgraf of Buffalo, Jay G. Safer of New York City, and David M. Schraver of Rochester, Executive Committee Members-at-Large. The slate chosen for District Vice Presidents consists of: First, Mark H. Alcott and Stephen D. Hoffman, New York City; Second, Barry M. Kamins of Brooklyn; Third, Rachel Kretser of Albany; Fourth, Cristine Cioffi of Niskayuna; Fifth, Michael E. Getnick of Utica; Sixth, James C. Gacloch of Binghamton; Seventh, C. Bruce Lawrence of Rochester; Eighth, Sharon Stern Gerstman of Buffalo; Ninth, Henry S. Berman of White Plains; Tenth, Hon. Joel K. Asarch of Hempstead; Eleventh, Seymour W. James Jr. of Kew Gardens; and Twelfth, Lawrence R. Bailey Jr. of New York City. Appreciation was expressed to the Committee Chair, Paul Michael Hassett, and its members.
8. Report of The New York Bar Foundation. Robert L. Haig, President of The Foundation, reported on efforts to enhance opportunities to be involved with and support The Foundation, including establishment of restricted and named funds dedicated to particular areas of interest. He described funds recently established at the initiative of The Foundation in honor of members of the bar and by corporations and firms. He was joined in the presentation by members who advised of their plans to make gifts to The Foundation in honor of individuals for special accomplishments or occasions or as memorials.
9. Memorial to Joseph F. Longo. Ninth District Vice President Joseph F. Longo, who passed away August 30, 2003, was memorialized in a presentation by Mary Ellen Manley. The memorial was followed by the observation of a moment of silence by the Delegates to the House out of

respect for Mr. Longo's memory. A copy of the memorial is attached to these minutes.

10. Report and recommendations of the Special Committee on Association Governance. President-Elect Standard reviewed House action to date concerning the report and recommendations of the Special Committee on Association Governance. He advised that the Committee planned to focus, at this meeting, on its proposal for adoption of an Association diversity policy. As this departed from the procedural outline previously adopted by the House setting forth the order of discussions of the various subtopics, House approval was necessary to consider the subject at this meeting. The House adopted a motion by unanimous voice vote allowing action of the diversity policy to proceed.

The Committee Chair, Dennis R. Baldwin, reported on procedures and meetings to obtain input on the recommendations in the report. This process, he advised, is continuing and additional recommendations will be presented for consideration at future meetings of the House.

Mr. Baldwin was joined by Committee member Seymour W. James Jr. in the presentation of the proposed diversity policy. In discussion by delegates, a motion was adopted unanimously by voice vote to amend the proposed policy by deleting "fostering" prior to "diversity" in the sentence, "The New York State Bar Association is committed to fostering diversity" Motions to amend the sentence, "Diversity is an inclusive concept encompassing gender, race, color, ethnic origin, religion, sexual orientation, age and disability," by adding "among other elements" after "encompassing" and adding "geographic and socio-economic status" after "age," were not adopted in separate voice votes. The Committee accepted further proposals for amendment to add "national origin" after "ethnic origin" and to substitute "has" for "should adopt" in the opening statement of "The Association should adopt a diversity policy" Another motion did not prevail that called for deletion of the final sentence in the policy, "Through increased diversity, our organization can more effectively address societal and member needs with the varied perspectives, experiences, knowledge, information and understanding inherent in a diverse membership,"

The main motion was then adopted by unanimous voice vote approving the policy, as amended, as follows:

The Association has a diversity policy as follows:

The New York State Bar Association is committed to diversity in its membership, officers, staff, House of Delegates, Executive Committee, Sections and Committees and their

respective leaders. Diversity is an inclusive concept, encompassing gender, race, color, ethnic origin, national origin, religion, sexual orientation, age and disability.

We are a richer and more effective Association because of diversity, as it increases our Association's strengths, capabilities and adaptability. Through increased diversity, our organization can more effectively address societal and member needs with the varied perspectives, experiences, knowledge, information and understanding inherent in a diverse membership.

11. Report and recommendations of the Finance Committee. Reporting on behalf of the Finance Committee, Mr. Ayers summarized the Committee report and recommendations regarding the following matters. It was announced that the Executive Committee had endorsed both measures for positive House action.
 - a. Affordable dues program. In view of current use and the economic climate, the Committee recommended extension through 2005 of the affordable dues program that enables members who are experiencing temporary financial hardship to continue their membership through waivers of their dues at various levels. A motion was adopted unanimously by voice vote extending this program as proposed.
 - b. Proposed 2004 budget. The proposed budget for 2004 was reviewed, which projects income of \$20,651,875, expenses of \$20,536,620, and a surplus of \$115,255. No Association dues increase is planned for 2004, which will be the 10th consecutive year keeping dues at the same level, more than tripling the Association's traditional three-year dues cycle. CLE seminar fees also will be unchanged, the 11th year without an increase. Increases in income are expected in Association and Section membership. Decreases are budgeted for CLE and publications income. In regard to expenses, increases are included for staff salaries as are higher expenses in the cost of benefits, including mandatory FICA and pension, and in Association insurance. Decreases are budgeted for the Bar Center operation and Committee and Section budgets, as a result of cost-savings measures. A motion was adopted unanimously by voice vote approving the 2004 budget.
12. Report and recommendations of the Special Committee to Commemorate the Association's 125th Anniversary. The Chair of the Special Committee to Commemorate the Association's 125th Anniversary, John Hanna Jr., reported that the book commissioned about the Association's history has

been printed and will be available at the Annual Meeting. The dearth of archival material of the Association, Mr. Hanna advised, showed the need for procedures to promote preservation of such Association documents, photographs and other items as a record of issues and actions.

Mr. Hanna presented the following resolution of the Committee, which had been endorsed by the Executive Committee for positive House action:

WHEREAS, the New York State Bar Association was established 125 years ago and has developed into the largest voluntary state bar association in the United States, with members located throughout the state;

WHEREAS, the New York State Bar Association, throughout its history, has worked to advance reform in the law, facilitate the administration of justice, enhance professional skills, foster collegiality, and apply its knowledge and experience in the field of law to promote the public good;

WHEREAS, it is important to preserve historic records of the Association's 125 years of service to the public and profession, to enhance the education and understanding of members as they work to address issues of concern and foster the effective administration of justice at present and in future years;

WHEREAS, establishing an archives and designating a person to be responsible therefor will ensure the preservation and ready availability of records and memorabilia, particularly photographs, first, of the Association's activities including sections and committees, and second, how the practice of law is conducted. The Committee on the 125th Anniversary was disadvantaged in performing its work by a surprisingly small amount of archival material possessed by the Association, particularly considering the rich history of the Association and its members; and

WHEREAS, when properly organized and administered an archive not only physically preserves history, but actively participates in using archival materials to educate the bar and public and assist lawyers in the practice of law.

THEREFORE, BE IT RESOLVED that the Association establish an archives to preserve records and related materials concerning the actions and achievements of the Association;

And FURTHER BE IT RESOLVED that the officers, together with staff, prepare a plan for the organization and maintenance of

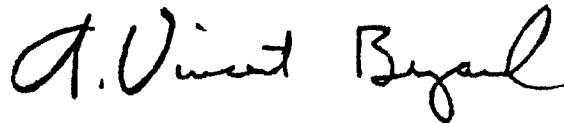
such an archives and report to the Executive Committee and House of Delegates in January 2004.

The House unanimously adopted a motion by voice vote approving the resolution.

13. Chair's report. President-Elect Standard reported on the following matters:
 - a. Designation of District Vice President. Under the Bylaws, a vacancy in the office of Vice President is filled on an interim basis by members of the Nominating Committee from the district after active consultation with the members of the House in that jurisdiction. The individual selected to complete the term then must be confirmed by majority vote of the House. According to these provisions, Henry S. Berman of White Plains has been named to complete the term of the late Joseph F. Longo. The House adopted a motion unanimously by voice vote confirming the selection of Mr. Berman to serve as Ninth District Vice President.
 - b. In memoriam. Association member Arthur C. Helton perished in the bombing of the United Nations building in Baghdad. In 2002, he had received the Award for Distinction in International Law and Affairs from the International Law and Practice Section. A moment of silence was observed by the House in his memory.
14. Date and place of the next meeting. President-Elect Standard announced that the next meeting of the House of Delegates would be held Friday, January 30, 2004 at the Marriott Marquis, New York City, in conjunction with the Annual Meeting.

There being no further business to come before the House, the meeting was adjourned.

Respectfully submitted,



A. Vincent Buzard
Secretary

NEW YORK STATE BAR ASSOCIATION

In Memoriam

Joseph F. Longo

JOSEPH F. LONGO

MEMORIAL
to
JOSEPH F. LONGO

Mary Ellen Manley, Esq.
Former President of the Westchester
County Bar Association
at the
New York State Bar Association
House of Delegates Meeting
November 8, 2003
Albany, New York

JOSEPH F. LONGO

1923-2003

*O*n August 30, 2003, Joseph F. Longo, my mentor and friend, died peacefully in his sleep at home. I had the joy of meeting Joe in the Summer of 1975 when I, as a Court intern at Mount Vernon City Court, first observed Joe in action as a trial attorney. I was so impressed with his courtroom presence and skills. This was the start of our long friendship; and consequently, when I graduated from law school, I gladly accepted his offer to join his firm. Even after I left his employ, he remained a dear professional advisor. It is truly an honor for me to share with you some thoughts about this wonderful man.

Joe practiced law for 54 years, having graduated from Brooklyn Law School and having attended NYU's Graduate School of Law for trial practice. Early in his career, Joe served as an Acting Police Justice in Tuckahoe, the Village where he was born. In fact, he was then the youngest appointed Justice in Village history. For most of his career, Joe was engaged in general practice in the law firm of Longo and Torrisi in Mt. Vernon and more recently in White Plains.

Like an old-fashioned country lawyer, he accepted appropriate legal matters regardless of the client's ability to pay, and gave 100% - mind, body and soul – on behalf of the client. He advocated his client's cause with skill, wisdom, integrity, tenacity and compassion.

Joe did not need to take a course in rainmaking or client-development. It came naturally to him. He cared about people and it showed. His reward was the pleasure over his long career to represent several generations of the same family. One client recently wrote, after receiving notice of his death, "Joe's kindness and compassion were evident from our first meeting, and it was a blessing for me to know that the legal aspect ... was in such competent hands."

Joe ably served as President of the Mount Vernon Bar Association for two terms, and was President of the Westchester County Bar Association for two years.

For many years, he served as the Chair of the Criminal Justice Section of the Westchester County Bar Association, and was a member of the Executive Committee of the Criminal Justice Section of the New York State Bar Association. He lectured and chaired numerous CLE Seminars sponsored by the Westchester County Bar Association and some by this Association.

As the Chair and as a member of the Criminal Court Assigned Counsel Committee of the Westchester County Bar Association,

Joe made himself readily available to less experienced attorneys who sought his advice whenever they encountered a difficult matter. I can clearly remember him taking calls from sometimes distraught attorneys, and, after having spent considerable time on the phone, would conclude by saying, "Well, why don't you stop by my office and we can discuss it further." This offer was invariably accepted and Joe would rearrange his schedule. Joe was so accommodating, not only because he felt it was his responsibility as a seasoned practitioner to assist younger lawyers, but because it gave him an opportunity to share his love for the law with his colleagues.

For over 20 years, Joe was a professor in the Law Department of Mercy College in Dobbs Ferry. His success as a professor was as much due to his ability to inspire and encourage his students to become better persons as it was his competence in teaching substantive areas of law. Joe's legal assistant, Denise Moak O'Neill, who is also a former student, has said fondly of Joe, "He had extremely high moral and ethical standards. I was always striving to meet his expectations."

Joe considered it a privilege to serve in this House of Delegates for 18 years and it was a highlight of his professional career for him to be in his third year as a Vice President of the State Bar Association representing the Ninth Judicial District. He took this responsibility very seriously. He earned the respect of his colleagues by speaking out on pending issues in a straightforward but thoughtful manner. He was unafraid to

express his views when he thought the House had strayed from its mission. Having served on the Nominating Committee of this Association for 9 years, he was pleased to be instrumental in selecting the next leaders of this great organization.

He adored his family and sought every opportunity to be with them. He and his wife Ruth were married for 57 years and she remained his constant best friend. Together they raised six children: Maria, Clare, Janet, David, Stephen and Jean. In turn, they were blessed with six grandchildren, Maggie, Tommy, Michael, Daniel, Ryan and Justin.

Ruth, a now retired school teacher, faithfully accompanied Joe on his trips to attend meetings of this Bar Association, always prepared with sufficient reading material. As Joe reduced his working hours, he and Ruth, holding hands, were able to travel and explore the world together.

As a dedicated father, he led by example, offering guidance, support and discipline, all interspersed with a large heaping of affection. He showered his grandchildren with personalized attention that only Grandpa Joe could provide.

As a member of the Greatest Generation, he served in a Navy medical corps assigned to the Second Marines Division. He remained a steadfast patriot.

He was a parishioner of Our Lady of Perpetual Help Church in Ardsley, New York. His faith was an integral part of his being and continued to guide him throughout his life.

He was proud of his Italian heritage, and enjoyed many aspects of the Italian culture, having traveled several times to Italy with his family. If you were lucky – and a female – you could be the recipient of his lovely Italian serenade.

Joe was a people-person. His warmth and sincerity attracted people. I recall the period when his firm was representing Mount Vernon Hospital. Whenever we had meetings with the directors and administrators at the hospital, Joe stopped and chatted with the ladies in the Gift Shop, the custodians, and the staff in the cafeteria. I realize now that the reason he was often running late was not due to poor planning and absolutely not due to indifference to the schedules of others, but rather he always took time to acknowledge people and share a kind word or exchange a joke. It was his way of stopping and smelling life's roses.

Many people were amazed to learn that Joe would have turned 80 this December. He was so energetic that even I failed to recognize the passage of time. He continued to walk with such youthful exuberance and determination. (Okay, I admit it. His quick pace was partly due to the fact that he was about to be late again!)

Mother Teresa was often quoted as saying, "We can do no great things; only small things with great love." Joe was passionate about his profession, his faith, his country, his heritage, and his family. It is not surprising then that a man who loved so much, was loved by so many.

I would ask that you please stand and observe a moment of silence in memory of our colleague, Joseph F. Longo.