

NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
PLAYBOY RESORT AND COUNTRY CLUB, McAFEE, NEW JERSEY  
JUNE 25, 1977

PRESENT: Members Abrams, Amdursky, Bachman, Barlow, Barrera, Beshar, Blauvelt, Bronstein, L.R. Burns, Connelly, Connolly, Cook, Corbin, Cornfield, Cosgrove, Dee, Dettor, Eiber, Erickson, Fales, Fallon, Fitzgerald, FitzPatrick, Forger, Gouldin, Hart, Iovale, Keeler, Kennedy, Klein, Kostelanetz, Kuntz, Lagarenne, Lasher, Lea, McDonald, McInerney, H.G. Miller, W.A. Miller, Mintz, Moses, Mousaw, G. Murphy, Murray, Neale, Noonan, O'Brien, Ostertag, Patterson, Pedowitz, Pritchard, Reilly, Rosch, Rose, Rubin, Ruger, Russell, Seymour, H.J. Smith, J.V. Smith, Stakel, Stone, B.I. Taylor, L.B. Taylor, Thoron, Tondel, VanGraafeiland, Whalen, Williams, Williamson and Withrow. 71

1. Approval of Minutes of April 16, 1977 meeting. The minutes were approved as distributed.
2. Certification of Local and County Bar Delegates. Mr. Smith stated that bar associations entitled to delegates had filed their designations of delegates for the year 1977-1978. On motion, said designations were approved as filed. Upon further motion, the filed roster of members of the House was approved as the official list for the year 1977-1978.
3. Report of Treasurer. Mr. Pritchard summarized a statement of operating expenses (copy of which had been previously furnished to members of the House). His report was received and filed.
4. Amendment of Family Law Section bylaws. Mr. Bronstein presented the proposed amendments. Upon motion, amendments to Article III, Section 2 were approved. Copy of the proposed amendments were previously circularized to members of the House.
5. Memorial to Weston Vernon, Jr. Mr. Forger presented a memorial to Weston Vernon, Jr., a former president of the Association. Upon motion duly made and seconded, the memorial was adopted. Copy of the memorial is attached to these minutes.
6. Election of Executive Committee Members-at-Large. Mr. Whalen, member of the ad hoc nominating committee, presented the report of the committee which nominated the following persons as members-at-large of the Executive Committee:

Christine Beshar, New York City	Lawrence Lagarenne, Monticello
Robert W. Dettor, Syracuse	Lola Lea, New York City
Benjamin N. Hewitt, Niagara Falls	Henry G. Miller, White Plains

The nominations were seconded and the nominees duly elected.

7. Resolutions Proposed By Action Unit #3. Mr. Palermo stated that following the April 16, 1977 meeting of the House, the Plan of Practice Identification and Specialization was reconsidered by both Action Unit #3 and the Special Committee on Specialization, and a revised plan incorporating constructive comments and

suggestions made at the April meeting was approved by both committees. He noted that the proposed resolutions were closely related and intended to be considered as a package. He further noted that the proposed changes to the Code of Professional Responsibility represented positive forward steps to improve access to legal services, that delay on the matter was not in the best interests of the public or the profession, and urged immediate adoption of both resolutions (copies of which had been previously furnished to members of the House).

Mr. Thoron summarized the Joint Report of Committee on Professional Ethics and of the Special Committee to Review the Code of Professional Responsibility (copies of which had been previously furnished to members of the House), which opposed adoption of the first action resolution, and supported in principle the second action resolution, but believed it premature to adopt any specific plan at this time.

Following these presentations, Mr. Smith noted technical changes which had been made by Action Unit #3 in the first action resolution and appendix thereto, and the plan.

Following discussion, a motion was adopted approving the first action resolutions. On motion duly made and seconded, the second action resolution also was adopted. (Copies of both resolutions and the New York Plan for Practice Identification and Specialization are attached to these minutes.)

8. Report of Committee on Professional Discipline. Mr. Cometa summarized the activities of his committee and noted the following:

- (a) Effective April 1, 1977, the four Appellate Departments had assumed complete responsibility for lawyer discipline and the liaison between the Grievance Committees and the Committee on Professional Discipline continued.
- (b) Study of the grievance appeals process with a view towards elimination of duplicative procedures.
- (c) Bill pending concerning confidentiality of grievance proceedings.
- (d) Successful symposium held in New York City on May 20, 1977.
- (e) Issuance of annual report on "State of Discipline in New York State" in August.
- (f) Study of lawyer incapacity.
- (g) Approval of Executive Committee to circulate report opposing adoption of Uniform Rules of Disciplinary Enforcement to all members of ABA House of Delegates.

9. Report of Committee on Professional Ethics. Mr. Rosiny summarized the committee's activities, specifically noting the following:
  - (a) Processing approximately 1,500 inquiries.
  - (b) Issuance of 38 formal opinions and 102 informal letter opinions.
  - (c) Review of opinions issued prior to adoption of present Code of Professional Responsibility in order to determine which not in conformity with the Code.
  - (d) Acknowledgment of outstanding work of committee members and staff.
10. Report of Committee on Association Insurance Programs. Mr. Read, reporting for Mr. Benson, summarized the report of the committee, a copy of which had been previously furnished to members of the House. He reiterated the reasons for the sharp increase in Professional Liability rates in 1977 and advised that possible options of protection for NYSBA members were being explored. He indicated that possible alternatives will be presented to the House in the near future. He also reported that the Executive Committee had agreed that when the New York Life Insurance Company serves notice to the Nassau and Queens County Bar Associations that the Life Plan will have to be terminated, the New York State Bar Association will assume all the current contracts within their plan if each participant is a member of the New York State Bar Association or submits an application for membership.
11. Report of Action Unit #2. Mr. Forger advised that some of the measures recommended in the Unit's 1975 report Toward a More Effective Legislature had been implemented by the Assembly and so noted in its report, 1977 Assembly Management and Program Performance Budget Report. He further noted that the Executive Committee had authorized the Unit to work with The League of Women Voters with a view toward drafting legislation in the areas of ethics, conflicts of interest, financial disclosure and lobbying.
12. Report of Special Committee on Tort Reparations. Mr. Amdursky reviewed the no-fault insurance legislation that had been introduced during this session, and noted that the actuarial reports and report to the Legislature, which had been sent to all members of the Legislature, had made a very favorable impact. He observed that the likelihood was that a compromise bill would be passed this session, but that the precise nature of any such bill could not be predicted.
13. Presentation of Public Service Award. Mr. Whalen, Chairman of the Committee on Lawyers and the Community, presented the Public Service Award to John H. Mulroy, Onondaga County Executive, for outstanding contributions to the betterment of the administration of justice by a layman.

14. Presentation of the Root/Stimson Award. Hon. Domenick L. Gabrielli, Chairman of the Subcommittee on Community Service Awards, presented the award to David Sive of New York City for outstanding volunteer service to the community in the field of environmental conservation, thereby reflecting honor on the legal profession.
15. Report of President. Mr. Russell reported that the Executive Committee had selected Norris Darrell, Jr. as the recipient of the 1978 Gold Medal Award and Saul H. Alderman as recipient of the Fifty-Year Lawyer Award. He then noted the more than fifty meetings he had attended during his term of office. Mr. Russell also stated that despite extensive personal efforts with the legislative leaders, and the continued support of Senator Dunne, it did not appear that a prepaid legal services bill would pass this session. He then announced the following staff promotions effective July 1, 1977: William J. Carroll, Assistant Executive Director; Dorothea Prostack, Executive Assistant; and Bonnie Pearce, Director of Meetings. He then noted the splendid cooperation of Mr. Smith in attending numerous section and committee meetings and the importance of this cooperation in effecting a smooth transition in the office of president. Mr. Russell concluded his remarks by thanking the members of the House for their support and cooperation during his term as president.
16. Report of Chairman. Mr. Smith advised that a comprehensive fiscal policy for Sections and Committees was being drafted and that he would provide additional information at a later date. He also noted that a number of matters relating to the nomination and election of Association officers and members of the House had been referred to the Committee on Constitution and Bylaws, and that a complete report on proposed changes in these procedures would be made at a future meeting of the House. Mr. Smith then advised that although the bylaws provide that Special Committees shall be established for fixed periods of time, not to exceed three years, unless specifically extended by the House of Delegates, some committees had continued for more than three years, without the formality of an annual resolution of the House. A resolution was then adopted authorizing the continuance of these Special Committees for an additional one year period, and that the matter be referred to the Executive Committee to determine whether some or all should be made Standing Committees, and the Constitution and Bylaws amended accordingly. Mr. Russell then reported the deaths of Edwin L. Gasperini and Joan C. Geiler, both members of the House. Mr. Smith then expressed the Association's thanks to the following retiring members of the House:  
  
Owen Begley, Peter M. Blauvelt, George A. Brooks, James M. Brooks, Leighton R. Burns, James S. Carter, Charles Cohen, Robert H. Cole, John W. Condon, Jr., Charlotte S. Cooke, John E. Fitzgerald, James J. Freeman, Jr., Betty D. Friedlander, Joan C. Geiler, Martin D. Ginsberg, Alan J. Goldberg, Paul Gouldin, Richard W. Griggs, William J. Haft, Paul M. Hanrahan, Edward J. Hart, James M. Hartman, Frederic T. Henry, Jr., Henry A. Hudson, John D. Kelly, Daniel G. Kennedy, Raymond G. Kuntz, William V. Maggipinto, Gerald T. McDonald, Thomas P. Moonan, John A. Murray, Jr., Gregory J. Perrin, Edward J. Rose, Robert M. Rosen, William G. Ruger, H. Bradley Smith, Edward J. Trombley, Judith P. Vladeck and LeRoy T. Walbridge

The retiring delegates were recognized with a rising vote of thanks for their services. Mr. Smith then presented a plaque to Mr. Russell in recognition of his services as president on behalf of the Association which was inscribed as follows:

The New York State Bar Association Presents This Testimonial to  
Edwin L. Russell In Recognition of His Devoted Service to the  
Association in Successful Furtherance of its Ideals and in the  
Promotion of the Best Interests of the Profession Through His  
Services as President of the Association 1976-1977

Mr. Smith then introduced Robert P. Patterson, Jr., as president-elect and new chairman of the House of Delegates

17. Date and Place of Next Meeting. Mr. Patterson announced that the next meeting of the House will be held at the Bar Center in Albany on Saturday, November 5, 1977.

MEMORIAL TO WESTON VERNON, JR.  
PRESENTED TO THE HOUSE OF DELEGATES  
JUNE 25, 1977

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In his remarks at the 76th Annual Meeting of the New York State Bar Association in 1953, then President Weston Vernon, Jr. called upon lawyers to pledge themselves to the fulfillment of the obligation articulated by Theodore Roosevelt who said "Every man owes some of his time to the upbuilding of the profession to which he belongs." Weston Vernon then concluded with these words "I know it is our tradition that the Presidency is only the training-ground to equip one for greater efforts on behalf of the Association. I gladly endorse that tradition."

In the near quarter century that followed, until his death on April 23, 1977, Weston Vernon acquitted himself well in carrying out that tradition. Moreover, in retrospect it would seem that, notwithstanding his founding and chairing of the Sections of Young Lawyers and Tax during the late 30's and 1940's, his Presidency of this Association was merely a beginning of substantial and continuous participation in the vital concerns of our profession.

Those concerns, as he perceived them, were to insure the highest level of professional competence, performed at the highest ethical standard and at reduced cost through the utilization of modern technology.

To demonstrate the importance of a commitment to the profession and the commencement thereof at an early age, Wes founded the Young Lawyers Section of our Association in 1938. It has fulfilled his purpose in attracting substantial numbers of the younger members of the Bar as the entry point into the responsibilities and important issues which this Association must face. In his quest for professional excellence, Wes founded and chaired the Section on Tax, which was his major area in private practice, became President of the Tax Institute and, as a member for nearly twenty years on the ALI-ABA Committee on Continuing Professional Education,

participated actively both as author of tax materials and lecturer in his mission to improve the quality of legal service by the practicing bar. He continued this same role for a great many years in his capacity as Trustee of the Practising Law Institute.

While much time was devoted to the affairs of the New York State Bar Association and to the joint ALI-ABA Committee, Wes was also active in the American Bar Association where, as Chairman of its Tax Section, he evidenced once again his concern for professional expertise.

In 1966, as co-founder of the Lawyers' Center for Electronic Legal Research, Wes created the structure within which to pursue what was to become a consuming interest in harnessing modern technology to the uses of the legal profession. To further the development and the Bar's awareness and interest in this phase of technology, he was instrumental in the creation, within the ABA, of the relatively new Section of Science and Technology which had the benefit of his guidance as its Chairman.

In this work his peers give him major credit for the development of the electronic equipment and systems currently used in law offices for legal research and the retrieval of information. The Lawyers' Center which he founded evolved, with the active support of the New York State Bar Association, into the federally chartered National Center for Automated Information Retrieval (NCAIR) which today sponsors the federal data base of the LEXIS computerized legal research system. Wes was its Chairman at the time of his death.

Wes Vernon demonstrated in his quiet and modest manner that one's obligation to his profession is a commitment seriously to be made. His life in the Bar was evidence of the proposition that expertise in practice is to be sought after but is not the end sufficient unto itself; one's talents and energies must also be contributed to the improvement of the standards by which we practice as well as

the manner by which our services are delivered. He is witness also to the fact that the commitment is for life's duration -- continuing irrespective of office or position.

In carrying out the finest traditions of our profession Wes had many partners. First, and most important to him, was his wife, Malley Vernon, herself a most respected member of our profession and of this Association. Next, the many members of this Association and other bar groups who worked jointly with Wes over the full range of professional concerns. And, finally, those partners associated with him in private practice where as lawyer and teacher he inspired and influenced the lives of many of us.

These relatively few words sketch only a faint silhouette of a remarkable man; sufficient, however, to enhance the pride we all take in our profession and in the caliber of leadership this Association has produced.