

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NOVEMBER 4, 1978

PRESENT:

Members Abrams, Albert, Amdursky, Aspland, Barrera, Bentkofsky, Beshar, Brenner, Britt, Citrynell, Clabby, Clark, J.S. Cohen, M. Cohen, T.P. Connolly, Cook, Daly, Dee, DelleCese, Diamond, Dohl, Dougherty, Drazen, Eisenberg, Eolis, Fales, Fallon, Farrell, Field, Forger, Freyer, Frizzell, Galante, Greenberg, Griffin, Hall, Hand, Harper, Harrigan, Hart, Haskel, Hayner, Haynes, Hederman, Heming, Hewitt, Hoffmann, Keeler, Klein, Kosinski, Lagarenne, Lapp, Lee, Leinhardt, Levy, Lindsay, Lombardo, Maas, MacCrate, Meriam, Meyer, Milburn, Miller, Moses, Mousaw, Murnane, G.F. Murphy, J.H. Murphy, Neale, Nessen, O'Brien, Ostertag, Palermo, Patterson, Pedowitz, Peet, Potter, Pritchard, Reilly, Rosenthal, Russell, Scott, Seymour, Sipp, Smith, Spelfogel, Stakel, Swett, B.I. Taylor, L.B. Taylor, Thoron, Trombley, Vigdor, Whalen, Williams, Withrow, Witmer, Wright, Yetter and Zimmer.

BEGHE

CONNOLLY, E.J.

BLOCK

PARKER

SWACK

1. Mr. Palermo opened the meeting in memory of Charles A. Iovale, Copal Mintz and Joseph T. Mirabel. A moment of silence in respect to their memory followed the adoption of the following resolutions:

WHEREAS, Charles A. Iovale, a distinguished and valued member of this House of Delegates from 1972 to 1978 as a dedicated elected delegate from the Eleventh District, and who died on September 17, 1978, it is

RESOLVED, that the House of Delegates of the New York State Bar Association mourns the passing from this life of Charles A. Iovale and extends its sincere sympathy to his beloved wife, Mildred.

* * *

WHEREAS, Copal Mintz, who served this House of Delegates from 1972 to 1978 as a faithful and articulate spokesman of the New York County Lawyers' Association, and who died on August 17, 1978, it is

RESOLVED, that the House of Delegates of the New York State Bar Association mourns the passing from this life of Copal Mintz and extends its sincere sympathy to his beloved wife, Aurelia.

* * *

WHEREAS, Joseph T. Mirabel, distinguished trial attorney and Chairman of the Insurance, Negligence and Compensation Law Section of this Association since July 1, 1978, and who died on October 30, 1978, it is

RESOLVED, that the House of Delegates of the New York State Bar Association mourns the passing from this life of Joseph T. Mirabel and extends its sincere sympathy to his beloved wife, Catherine.

2. Introduction of new members. Mr. Palermo welcomed the new members of the House that were present. The following is a list of the new members of the House:

Sheridan Albert
Renato Beghe
Allen Bentkofsky
James E. Brearton
Frank Brenner
Daniel E. Brick
Philip Britt
Anthony C. Bucca
Edward Citrynell
Merrell E. Clark, Jr.
Jerome S. Cohen
Max Cohen
Thomas P. Connolly
Charlotte S. Cook
Louis A. Craco
Alexander A. Dellecese
Bert R. Dohl
Martin Drazen
Daniel Eisenberg
Miriam I.R. Eolis
Arnold L. Fein
T.F. Fenstermacher

Arthur N. Field
Eleanor M. Fox
John M. Freyer
John T. Frizzell
Barry H. Garfinkel
Arthur R. Greenberg
H. Glen Hall
Vincent J. Hand
Edward J. Hart
Robert H. Hayner
John P. Hederman
Charles E. Heming
Irwin Kahn
Stephen L. Kass
John A. Kosinski
Edward J. Lee
Wallace Leinhardt
Edgar Levy
Joseph M. McLaughlin
Leonard E. Maas
Maria L. Marcus
Terry Milburn

Peter W. Mitchell
Richard G. Moser
Don P. Murnane
Maurice Nessen
Michael Ostrow
John S. Parker
Hamilton F. Potter, Jr.
Lloyd Rosenthal
Sidney Schwartz
Jonn M. Sheridan
Richard L. Sigal
John P. Sipp
Evan J. Spelfogel
John E. Swett
Edward J. Trombley
William F. Weigel, Jr.
Daniel A. Whalen
G. Robert Witmer, Jr.
Robert G. Wright
Louis Young
Donald J. Zimmer

3. Approval of minutes of June 24, 1978 meeting. The minutes were approved as distributed.
4. Certification of Chautauqua County bar delegate. Mr. Palermo reported that the Chautauqua County Bar Association had filed their designation of Robert G. Wright as delegate for the year 1978-1979. On motion, said designation was approved as filed.
5. Report of Treasurer. Mr. Pritchard summarized his report, copies of which previously had been furnished to all members of the House. The report was received with thanks.
6. Report and Resolution of Action Unit No. 3 concerning The New York Plan of Specialization in the Law. Mr. Hackbarth summarized the report, copies of which previously had been furnished to all members of the House. He reviewed the reasons underlying the Action Unit's recommendation that the Plan be approved and noted that statements in opposition to its adoption had been received and circulated to all members. Following discussion, a motion to table until the next meeting of the House of Delegates, with the matter referred back to Action Unit No. 3 for further consideration, was passed.
7. Report of Finance Committee. Mr. Williams reported that renovation of the upper floors of the Bar Center on Elk Street had become necessary because of the lack of space for staff and equipment in the building. He noted that further staff increases are needed in the Continuing Legal Education Department and the continued growth of the Association will require additional staff in other departments in order to continue to provide efficient service to the membership.

Mr. Williams stated that the Association projected a reserve of approximately \$900,000 by the end of 1978. The cost of renovation would be approximately \$400,000 and an additional \$100,000 would be required to purchase 5 Elk Street, the building immediately adjacent to the Bar Center. He noted that the proposed renovation and purchase of 5 Elk Street, in the judgment of the Executive and Finance Committee, would ensure that sufficient suitable space would be available for anticipated growth of the Association in the years ahead.

Mr. Williams explained that the proposed resolution would authorize the Association to lend \$500,000 to The New York Bar Foundation at an annual interest rate of 6%, in order to complete the renovations, and permit the purchase of 5 Elk Street. Upon motion the following resolution was adopted:

RESOLVED, that this Association be authorized to loan up to \$500,000 at an annual interest rate of 6%, to The New York Bar Foundation, to permit said Foundation to purchase No. 5 Elk Street, Albany, New York, under the terms of a certain Option Agreement dated October 26, 1978 wherein and whereby a six months Option has been granted to David S. Williams as recorded in the Albany County Clerk's Office on October 27, 1978 to purchase such property for the sum of \$100,000 and to permit said Foundation with the balance of such funds to renovate and furnish the space in the front portions of the buildings known as Nos. 2, 3 and 4 Elk Street, such loan to be upon such terms and conditions as the Executive Committee of the Association may determine, and further

RESOLVED, that the appropriate officers of this Association are hereby authorized and directed to execute and deliver on behalf of the Association all documents and to take all such actions as they or any of them may determine to be necessary or desirable in connection with such resolution.

Mr. Williams then stated that approval of loans to The Foundation would reduce the Association's reserve to approximately \$400,000. He noted that prudent business practice called for a reserve equivalent to three months operating funds. Based upon a proposed operating budget for 1979 of approximately \$3,000,000, the anticipated reserve represented operating funds for a period of less than two months. Mr. Williams then stated that the 1979 budget was predicated upon a modest dues increase. He observed that the last increase was effective January 1, 1975 and only affected the top three classes of membership. He noted further that the last dues increase affecting the entire membership was effective January 1, 1970. He then noted the substantially higher bar association dues paid in a number of other states, and the impact of inflation since the last dues increase. Upon motion the following resolutions were adopted:

RESOLVED, that the 1979 income and expense budget of the Association as proposed by the Finance Committee and presented to this House of Delegates at this meeting is adopted.

RESOLVED, that the annual dues of the Association commencing in the calendar year 1979 are fixed for the various classes of membership as follows:

Sustaining Members (voluntary)	\$150
Members admitted 14 years or more	\$ 85
Members admitted 9 through 13 years	\$ 80
Members admitted 6 through 8 years	\$ 60
Members admitted 4 or 5 years	\$ 30
Members admitted less than 4 years	\$ 20
Law students	\$ 5

Association Members (out of state residents with no law office in New York State):

Members admitted more than 5 years	\$ 35
Members admitted 4 or 5 years	\$ 30
Members admitted less than 4 years	\$ 20

8. Amendment of Constitution and Bylaws. Mr. Erickson summarized the proposed changes and a motion was adopted approving same in the subscribed form submitted by a majority of the members of the House to the Secretary, with the following changes:

Sec. 4
a) Article V(b) was changed to read: "The term of office of all other delegates shall be one year".

b) Article XI (as renumbered) was withdrawn.

9. Report of Special Committee on Annual Meeting. Mr. Dee summarized the report of the Special Committee, noting the difficulties that had been encountered in conducting the annual meeting in New York City in January. He reviewed alternative dates and locations and noted the positions taken by the sections and various committees with respect to these questions. Upon motion the following resolution was adopted:

RESOLVED, that, notwithstanding the provisions of any previous resolution concerning future dates for the Annual Meeting adopted by the House of Delegates, the Annual Meeting of this Association shall be held in New York City at the New York Hilton Hotel commencing with the year 1981 on April 29; 1982 on April 28; 1983 on April 27; 1984 on April 25 and 1985 on April 24 and that the Annual Meeting thereafter shall commence at a convenient time during the last week in April of each succeeding year unless changed by further resolution of the House of Delegates.

The Special Committee was discharged with thanks.

10. Report of President. Mr. Patterson reported the following matters:
- a) That in view of action taken to change the date of the annual meeting, he would appoint a committee to consider the effect of this change on the dates and locations of other meetings of the House.
 - b) That Action Unit No. 3, in addition to its work in the area of specialization, would continue to study other aspects of the delivery of legal services, with particular emphasis on Lawyer Referral, Legal Aid and Group Legal Services programs.
 - c) That a membership recruitment campaign was being planned which would emphasize the benefits of section membership and involve section officers in its planning and execution.
 - d) That the malpractice insurance situation had improved and the possibility of competition in the field increased the likelihood of a decrease in premiums on the next year.
 - e) That clarification was being sought from the New York Temporary State Commission on Regulation of Lobbying on activities on behalf of the Association.
 - f) The appointment of the Special Committee on International Trade and Transactions.
 - g) His intention to appoint a committee to review and evaluate the recently received ABA Operational Survey.
 - h) The appointment of a Special Advisory Committee on Legislation to identify areas of concern to the Association and advise on sponsorship of same.
 - i) That a State Conference of County and Local Bar Officers and Executives was being planned for early next year. The purpose of the Conference would be to exchange ideas, discuss areas of mutual concern and achieve more effective communications among the various associations.
 - j) That the Criminal Justice Section had received a grant of \$125,000 to study representation of indigents.
 - k) That the Executive Committee had approved payment of the following claims from the Clients' Security Fund:

\$5,000 to Mr. and Mrs. Frank Iaquinto
\$1,250 to Mr. and Mrs. Thomas Miller
\$50.00 to Dr. August N. Crane.

11. Report of Chairman. Mr. Palermo noted that he and Mr. Patterson continued to attend numerous section and committee meetings and that coordination of this responsibility allowed greater coverage than otherwise would be possible. He then announced that George Plimpton would be the speaker at the dinner hosted by members of the House for section and committee chairpersons on January 25, 1979. He then noted that the dates for next year's meetings of the House would be:

January 26, 1979

April 28, 1979

June 30, 1979

New York Hilton Hotel, NYC

Bar Center, Albany

Lake Placid Club, Lake Placid.

12. New Business. Mr. Benjamin I. Taylor announced that on November 2, 1978 President Carter had signed a bill that will allow the United States District Court for the Southern District of New York to hold sessions in White Plains. He noted that the approval was the culmination of a four-year effort to allow the sittings as a convenience for litigants from Westchester and other counties of the District, and thanked all members of the Association for their support in making this a reality.