

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK, SEPTEMBER 29, 1979

PRESENT: Members Adamson, Amdursky, Aspland, Auser, Baer, Barlow, Barrera, Beshar, Brearton, Brick, Britt, Brown, Cahn, Callahan, Citrynell, Clabby, Clark, Cohen, Cometa, Connolly, Cook, Daly, Dee, DelleCese, Diamond, Dougherty, Drazen, Durgin, Eisenberg, Emmett, Erickson, Fales, Field, Forger, Friedman, Brizzell, Garrity, Glasheen, Gold, Greathead, Greenberg, Grogan, Grossman, Hall, Hand, Harrigan, Hart, Haskel, Haynes, Hederman, Heming, Herriman, Hester, Hoffmann, Hubbard, Kahn, Kilsch, Klein, Kuntz, Lagarenne, Lapp, Leinhardt, LeSeur, Levy, Lifland, Longo, Maas, Manley, Meriam, Meyer, Milburn, Miller, Moses, Mousaw, G.F. Murphy, Nemia, R.E. O'Brien, Ostrow, Palermo, Patterson, Peet, Piazza, B.J. Reilly, K.C. Reilly, Robfogel, Rosch, Rosenthal, Rothenberg, Schrade, Seymour, Sipp, Smith, Spivack, Stave, Sugnet, Swett, B.I. Taylor, L.B. Taylor, Thoron, Tondel, Traficanti, Trombley, Tucker, Urbano, VanGraafeiland, T.M. Whalen, Williams, Williamson, Witmer, R.G. Wright, Yetter and Zimmer.

1. Approval of minutes of June 30, 1979 meeting. The minutes were approved as distributed.

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

Christopher B. Acker
John E. Adamson, Jr.
Wallace Van C. Auser
Meridith M. Brown
Richard C. Cahn
Thomas P. Callahan
David Clurman
Faith Colish
Angelo T. Cometa
Alan A. D'Ambrosio
Gerard Damiani
James J. Devine
Diane Durgin
Thomas R. Emmett
Philip A. Erickson
Kenneth K. Fisher
Harold A. Friedman
John B. Garrity
Kevin P. Glasheen
Joseph Gold
R. Scott Greathead
Edward J. Grogan, III
Marc E. Grossman
Raymond W. Hackbarth
John G. Herriman

Samuel D. Hester
Bruce A. Hubbard
Palmer J. Kennedy
Gunther H. Kilsch
Raymond G. Kuntz
John D. LeSeur
William T. Lifland
Joseph F. Longo
Frederick M. Marshall
Randolph A. Meyer
Frank A. Nemia
J. Coyne O'Brien
Basil R. Piazza
Kevin C. Reilly
Nathan J. Robfogel
Steven G. Rothenberg
Karl H. Schrade
Howard D. Stave
William E. Sugnet
Herman H. Tarnow
Joseph J. Traficanti, Jr.
Georgia May Urbano
Thomas M. Whalen, III
Robert I. Williamson
Charles M. Wright
Alfred D. Youngwood.

3. Memorial to C. Addison Keeler. Mr. A. Lawrence Abrams presented a memorial to C. Addison Keeler, 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.

4. Report of Committee on Constitution and Bylaws. Mr. Robfogel summarized the proposed changes. A motion was adopted approving same in the subscribed form submitted by a majority of the members of the House of Delegates to the Secretary.

5. Report and Resolutions of Action Unit No. 4. Mr. Forger advised the House that the Executive Committee, at its September 28, 1979 meeting, had recommended that the rules of parliamentary procedure be suspended temporarily a time limit be imposed on speakers to insure maximum participation, and members of Action Unit No. 4, who are not also members of the House be allowed to speak on the subject, in order to achieve full discussion and informed consideration of the matter. A motion was approved adopting procedural guidelines as recommended by the Executive Committee.

Mr. Fales, chairman of Action Unit No. 4, summarized the Action Unit's report and recommendations concerning trial court merger. Following discussion and a summary of the Action Unit's position by Mr. Miller, the following resolution was adopted upon motion by the House:

RESOLVED, that the House of Delegates of the New York State Bar Association hereby recommends, in principle, the merger of the County Court, Family Court, Court of Claims, Surrogate's Court, Civil Court of the City of New York and Criminal Court of the City of New York into the Supreme Court, and it is further

RESOLVED, that merger of the Surrogate's Court shall be by a constitutional provision mandating (a) the establishment of a separate Surrogate's Division of the Supreme Court with jurisdiction over inter vivos trusts, conservatorships, committees and other like fiduciary functions, in addition to the jurisdiction currently exercised by the Surrogate's Court; and (b) that a Supreme Court Justice elected or designated to preside in the Surrogate's Division in more populous counties shall serve for a term of ten continuous years, and it is further

RESOLVED, that the officers of this Association are hereby authorized and directed to take any and all necessary action to achieve the approval of the Legislature and the electorate of any statutes or constitutional amendments required in their judgment to implement this statement of policy.

Mr. Fales then elaborated on the Action Unit's report and recommendations concerning judicial selection. After discussion, and a summary of the Action Unit's position by Mr. Vigdor, a motion was approved adopting the following resolution:

RESOLVED, that the House of Delegates of the New York State Bar Association hereby adopts, in principle, the recommendations of Action Unit No. 4 that Justices of the Supreme Court be appointed by the Governor from lists of candidates approved by judicial nominating commissions from each judicial district, provided that the composition of the nominating commissions and the process of nomination and appointment is structured in such manner as to adequately limit and diffuse the power of the Executive, by means of a broadly based judicial district Nominating Commission, to insure an opportunity for meaningful local participation by all segments of the community within the district; and it is further

RESOLVED, that the officers of this Association are hereby authorized and directed to take any and all necessary action to achieve the approval by the Legislature and the electorate of any statutes or constitutional amendments required in their judgment to implement this statement of policy.

6. Report of Treasurer. Mr. Pritchard's report, copies of which previously had been furnished to all members of the House, was received with thanks.

7. Report of Finance Committee. Mr. Williams, Chairman of the Finance Committee, described the current financial condition of the Association, the progress of the renovation of the One Elk Street property, the status of the buildings located at Numbers 5 and 6 Elk Street, and the significant items of income and expense anticipated during 1980. A motion was adopted approving the 1980 income and expense budget as proposed by the Finance Committee.

8. Report of President. Mr. Palermo reported the following matters:

- a) He would be sending Reports concerning significant developments and activities to members of the House on a quarterly basis.
- b) An Executive Committee liaison program had been established with the committees and sections to foster improved coordination and communication regarding their activities.
- c) The Committee to Consider Creation of a General Practice of Law Section, under the chairmanship of Robert L. Ostertag, was progressing with its study, and a report was anticipated for the June 1980 House meeting.
- d) Warner M. Bouck had been appointed chairman of the Special Association House Committee which was evaluating present and long-term uses for the properties located at Numbers 5 and 6 Elk Street.
- e) He was contemplating establishment of a Law Day Committee, and invited suggestions concerning the names of potential members.

f) He was consulting with the leadership of the various local bar associations to increase communication and foster cooperation in the achievement of common goals.

g) He and Mr. Forger had met with the Presiding Justices of the First, Second and Third Departments to discuss subjects of current interest to the Association and the judiciary.

h) He had made several appointments to Action Unit No. 5 and that designees thus far include Leslie G. Foschio, Meyer S. Frucher, Robert L. Geltzer, Richard A. Givens, James M. Hartman, Rolland E. Kidder, Jeff Lane, Jeanne Richman, Ulric R. Sullivan, Chancellor W. Allen Wallis, Hon. Malcolm Wilson and Robert C. Woodbury.

i) A memorandum had been sent to Section and Committee chairpersons and members of the House summarizing the changes in the format of the Annual Meeting which were being implemented in 1980. Mr. Palermo described the special programs which would be incorporated in the 1980 Annual Meeting, and indicated that several prominent figures, including President Carter, Chief Judge Lawrence H. Cooke, and Leonard S. Janofsky, President of the American Bar Association, had been invited to address the membership.

9. Report of Executive Director. Mr. Carroll outlined the wide range of topics, including court reform and the delivery of legal services, under consideration by the House or various sections, committees and action units. He indicated that the involvement and progress of the Association compared favorably with that of the American Bar Association and other bar groups, and that such activity continued to demonstrate the leadership role of the Association. Mr. Carroll then reviewed the services rendered by the staff, and pledged the continued cooperation and support of the staff to all segments of the Association in the accomplishment of their objectives.

10. Report of Chairman. Mr. Forger stated that it was necessary to fix a date certain for a membership count to determine the number of delegates to which county and other bar associations are entitled, for a one-year term commencing July 1, 1980. A motion was adopted establishing December 31, 1979 as such date.

11. Date and place of next meeting. Mr. Forger announced that the next meeting of the House of Delegates will be held at the New York Hilton Hotel in New York City on Friday, January 25, 1980.

MEMORIAL TO C. ADDISON KEELER
PRESENTED TO THE HOUSE OF DELEGATES
SEPTEMBER 29, 1979

C. Addison Keeler, the 62nd president of this Association, died on June 25, 1979 at the age of 82.

He is survived by a daughter, Mrs. James (Emily Ann) Ludwig, two sons, C. Addison Keeler, Jr., and John M. Keeler, both of whom follow in his footsteps in his profession, in his office, and in his devotion to public service. He is also survived by 11 grandchildren. His wife, Esther, died on May 2, 1977.

Death came at Trondheim, Norway, while he was on a Scandanavian cruise. Since he had previously suffered a heart attack, and had experienced some recent angina pains, his family had questioned the wisdom of his undertaking that trip. His answer was, "If I am going to die, it might just as well be in Copenhagen as here." Thus did he live life to its full to the very end.

A warm, friendly person, he was "Ad" Keeler to all who knew him. Ad was born in Binghamton, New York on April 11, 1897. He attended the Binghamton public schools and entered Hamilton College in 1915. He interrupted his education in World War I to enlist in the Armed Forces of the United States and served in France. He returned to Hamilton to complete his studies and received his AB degree in 1920.

In that year, he entered the offices of Hinman, Howard & Kattell, and became one of that now almost vanished group of men who studied law and learned their profession in a private law office. He was admitted to the Bar in 1924 and became a partner in that firm in 1926, where he remained until his death.

The life of Ad Keeler brought into reality the vision that every lawyer has of himself as he begins his career -- a man learned in the law, trying cases for his clients in all courts with skill and distinction, a leader in his community, serving the public as well as his clients, and in his professional and civic life accorded the respect and affection of his fellow lawyers and his fellow men and the recognition and symbolic honors due him.

A man of high intelligence, Ad rapidly learned the law and the skills of practice of his profession, and soon became recognized as an outstanding general practitioner. He could try a negligence case or a public utility rate case or a tax case, he could write a persuasive brief and argue an eloquent appeal, he could handle an estate or create a pension trust, all with equal skill and success. He was a fellow of the American College of Trial Lawyers.

Ad Keeler loved the practice of law and never fully retired from it. He took pride in his profession and enjoyed the company of his fellow lawyers. He believed strongly in the organized bar and was almost constantly involved in a Bar Association Committee or a Bar Association project as he strove to improve the public's respect for his profession and for his Bar Association. His colleagues recognized his leadership. He served as president of the Broome County Bar Association in 1942-44, as a vice-president and member of the executive committee of the New York State Bar Association for six years and as president in 1959; he was a member of the House of Delegates of the American Bar Association from 1961-1966.

But in all the organizations in which he served, both relating to his professional life and civic life, there was none to which he had a greater loyalty than the New York State Bar Association. He rarely missed a general meeting of the Association or any meeting of which he was a designated participant, and as a past president he attended almost every meeting of the House of Delegates up to the last year of his life and participated in its deliberations. His interest in the affairs of the Association never flagged.

As a man, those who knew him well know that no man ever had a greater love for his fellow men than Ad Keeler. Ad could see only the good in every man and the product of his work. In his office it was said of him that Ad Keeler never heard a poor speech, never read a poor book, never saw a poor play or movie. He always found that which was good.

From this attribute and a strong religious strain came a strong sense of civic responsibility and a conscientious devotion of a great part of his private life, in addition to a busy practice of law, to the service of his community and his fellow men. He was a member, elder and trustee of the First Presbyterian Church, Chairman of the Board of Trustees of the Susquehanna Valley Presbytery, and a consistent church goer. He served and became president of his local YMCA. From that he went on to become president of the New York State Association of YMCAs and a member of the national board and national executive committee.

He led his community as president of the Binghamton Community Chest and became a prime mover in the expansion of that program into the organization of the Broome County United Fund, of which he also became president. He served the Binghamton Chamber of Commerce, became its president, and was a prime mover in expanding that organization into a county agency.

By appointment of the governor, he served for many years as a member of the Board of Visitors of the Binghamton State Hospital and became its president. He participated in a program of finding jobs for ex-convicts to assist in their rehabilitation and was Chairman of the Broome County Council of the State Commission against Discrimination.

And he was one of that small but influential group of citizens of the community which succeeded in bringing to Binghamton a branch of the State University of New York which now, with its student population of over 10,000 has become one of the great universities of the state.

He never sought honors or office but no call for help went unheeded. The list is endless. An editorial in a local newspaper at the time of his election to the presidency of this Association referred to him as "a leader and energetic worker in every worthy civic undertaking". And these services were performed not grimly as a duty but joyously out of love for his fellow men. His fellow men returned his affection and gratefully followed his leadership.

One of the great leaders of our profession in this state, there has been no better man than C. Addison Keeler. With a great measure of pride, we share in the honor and esteem that his life, as a lawyer and a public leader, brought to the Bar and our profession, and we and this Association honor his memory.