

NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
NEW YORK HILTON HOTEL, NEW YORK CITY, APRIL 22, 1983

PRESENT: Members Amdursky, Aspland, Baer, Baum; Beinecke, Beshar, Bracken, Brenner, Brickfield, Cardozo, Chayt, Citrynell, J.S. Cohen, M. Cohen, Compson, Cook, Daly, Dee, Delano, DelleCese, Diamond, Dolan, Dougherty, Drazen, Dwyer, Eisenberg, Eolis, Erickson, Fales, Feerick, Feit, Feldman, Field, Fisher, Fitzgerald, Ford, Forger, Freedman, Garaufis, Geltzer, Gershon, Goldblum, Greenberg, Griffin, Hackbarth, Hall, Hart, Haskel, Haynes, Headley, Heming, Hentel, Hewitt, Hoffberg, Hoffman, Hoffmann, Jones, Kahn, Keigher, King F. Klein, R.L. Klein, Krieger, Lagarenne, Leinhardt, Levy, Lewis, Lifland, Longo, MacCrate, Madden, Magavern, Matte, McDowell, Condon, Meriam, H.G. Miller, S.W. Miller, Mullan, G.F. Murphy, J.E. Murphy, J.H. Murphy, Neale, Newman, Nimkin, Palermo, Patterson, Peet, Perrin, Pfeifer, Pritchard, Rafuse, Reilly, Reynolds, Ritholz, Robfogel, Rothenberg, Rubin, Russell, Santemma, Savage, Schair, Schapiro, Scott, Seymour, Shaffer, Smith, Spivack, Stave, Tarnow, Thompson, Tondel, Torres, Urbano, Valdes, Vigdor, Wels, T.M. Whalen, Williams, Yanas, Yetter, Young, Zebrowski and Zimmer.

1. Approval of minutes of January 14-15, 1983 meetings.  
The minutes were approved as distributed.

2. Election of Officers and Members of the Executive Committee. Mr. Fales reported that the Nominating Committee had met at the Bar Center on November 5, 1982 and nominated the following persons for election to the respective offices indicated:

President-Elect	Henry G. Miller
Secretary	Louis Young
Treasurer	John J. Yanas
Vice-President, 1st District	Henry L. King
Vice-President, 2nd District	Harold A. Meriam, Jr.
Vice-President, 3rd District	Lawrence E. Lagarenne
Vice-President, 4th District	George F. Murphy
Vice-President, 5th District	John J. Dee
Vice-President, 6th District	Thomas R. Emmett
Vice-President, 7th District	Justin L. Vigdor
Vice-President, 8th District	Richard F. Griffin
Vice-President, 9th District	Benjamin I. Taylor
Vice-President, 10th District	Frederic Block
Vice-President, 11th District	Donald J. Zimmer
Vice-President, 12th District	Maxwell S. Pfeifer
Member of the Executive Committee	William J. Daly
Member of the Executive Committee	Maryann Freedman
Member of the Executive Committee	Charles E. Heming
Member of the Executive Committee	John R. Horan
Member of the Executive Committee	Robert L. Ostertag
Member of the Executive Committee	Ruth G. Schapiro

There being no further nominations, a motion was made and carried that the nominations be closed. The Secretary then cast one ballot for the election of the officers and members of the Executive Committee.

3. Election of Nominating Committee. Mr. Fales reported that the Nominating Committee had recommended and nominated Charlotte Smallwood Cook, Alexander D. Forger and David S. Williams as members-at-large of the Nominating Committee and Mr. Forger as Chairman of the Nominating Committee. A motion was adopted electing said chairman and members.

The following members from each Judicial District, as selected by the vice-president and elected delegates from each Judicial District, were nominated as members of the Nominating Committee:

- 1st district Charles E. Heming and Henry L. King
- 2nd district Edward J. Connolly and Bernadette Dolan
- 3rd district James E. Brearton and Thomas M. Whalen, III
- 4th district Bernard F. McPhillips and Edward J. Trombley
- 5th district William F. FitzPatrick and James S. Kernan
- 6th district Thomas Emmett and William G. Ruger
- 7th district Justin L. Vigdor and G. Robert Witmer
- 8th district Benjamin N. Hewitt and Wallace J. Stakel
- 9th district Henry J. Smith and Benjamin I. Taylor
- 10th district John P. Bracken and Joseph L. Tobin, Jr.
- 11th district Jules J. Haskel and Robert L. Klein
- 12th district Maxwell S. Pfeifer and Mark B. Rubin

A motion was adopted electing said members.

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

5. Amendment of Bylaws of the Real Property Law Section. Martin A. Shlufman, Secretary of the Real Property Law Section, summarized the proposed amendments to the section's bylaws. Upon motion, the following amendments were approved:

ARTICLE IV, Nomination of Officers. Section 1. The Nominating Committee shall consist of five members, the Chairman, who shall be the immediate past chairman of the Section, the two past chairmen prior to the immediate past chairman, and two additional members appointed by the Section Chairman prior to the Annual Meeting of the Section. The committee shall make and report nominations to the Section for the office of Secretary and the members of the Executive Committee. The report of the Nominating Committee shall be circulated to the members of the Section not less than thirty days prior to the date of the Annual Meeting of the Section. Additional nominations may be made upon a petition made by twenty-five members of the Section and such nominations, if filed with the Secretary at least 15 days before the date of the Annual Meeting of the Section, shall be voted upon.

6. Presentation of Media Awards. Hon. Domenick L. Gabrielli, Chairman of the Committee on Media Awards, in recognition of outstanding reporting on the administration of justice, made presentations to the following winning entries in the listed categories:

PUBLICATIONS:

Investigative or Analytical Reporting on the Law:

Daily newspapers of under 100,000 circulation - Eric Freedman and John Runfola, Knickerbocker News, Albany, for the series, "Crime and Punishment."

Daily newspapers of 100,000 or more circulation - Laurie Bennett, Carol Eisenberg and Ellen Rosen, Times-Union, Rochester, for a series on town courts.

Continuing Coverage of Law-Related News:

Daily newspapers of under 100,000 circulation - Gloria Wright, Post-Standard, Syracuse.

Daily newspapers of 100,000 or more circulation - Rita Ciolli, Newsday, Long Island.

Weekly Newspapers:

Sister Mary Ann Walsh, The Evangelist, Albany for an article, "Attica: 11 Years After the Riots."

New York State Magazines:

Jeff Rea, Empire Magazine, Syracuse, for an article entitled, "Women Stand Tall at the Bar of Justice."

Radio and TV:

New York State TV: Richard Wexler, WXXI-TV, Rochester, for the program, "Delinquent Justice."

New York State Radio: Kenneth Howansky, WCSS, Amsterdam, for a series on New York State's Criminal Justice System, "Under the Gun."

National:

National magazines: Aric Press, Newsweek, for the article, "The Insanity Plea on Trial."

National Wire Services: Timothy Harper, Associated Press, for an article entitled, "The Exclusionary Rule."

National Radio: NBC News, for its Second Sunday broadcast, "By Reason of Insanity."

7. Report of Special Committee to Study Alternative Sources of Funding for New York Legal Services Council. Justin L. Vigdor, Chairman of the Special Committee to Study Alternative Sources of Funding for New York Legal Services Council, summarized the significant portions of the Special Committee's report as presented at the January meeting. He then reviewed the Special Committee's recommendation for establishment of a voluntary program to utilize interest earned on lawyer trust accounts to fund civil legal services programs in New York State and provide financial resources to improve the administration of justice. Mr. Vigdor also described the endorsements given the proposal by governmental and legislative leaders, as well as numerous bar associations in New York State. Following discussion, a motion was adopted approving the following resolution:

RESOLVED, that the House of Delegates of the New York State Bar Association hereby recommends, in principle, as proposed by the Special Committee to Study Alternative Sources of Funding for New York Legal Services Council, the establishment of an Interest on Lawyer Trust Account Program in the State of New York, with participation by attorneys to be on a voluntary basis; 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 of any statutes required in their judgment to implement this statement of policy.

8. Recognition of those responsible for production of Juror Orientation Film. Hon. Nat H. Hentel, Chairman of the Committee on Courts and the Community, presented an award of special recognition to Mrs. Evelyn Sharp for her financial assistance to the juror orientation film entitled "Trial by Jury - A Partnership for Justice," which had been screened at the January meeting. Awards of recognition were then presented to Mary Lou Crowley, Hon. Norman Goodman, Hon. Irving Kirschenbaum and John C. Maloney for their significant contribution to the development and production of the film.

9. Presentation of Trial Lawyers Section National Trial Advocacy Competition Awards. Anthony J. DeMarco, Jr., Chairman of the Trial Lawyers Section Committee on Trial Advocacy Competition, presented the Trial Lawyers Cup and Scholarship to Syracuse University College of Law as the New York State law school placing highest in the National Trial Advocacy Competition. Mr. DeMarco also presented certificates of merit to Albany Law School in recognition of that school's second place finish in regional competition.

10. Report regarding Proposed Code of Evidence for the State of New York. Following review and discussion of comments submitted by sections and committees concerning the "Proposed Code of Evidence for the State of New York," as drafted by the New York State Law Revision Commission, a motion was adopted expressing the sense of the House that the matter requires further study and that a special committee be appointed for this purpose.

11. Report of Corporate Counsel Section regarding International Trade Commission's General Procedures for the Conduct of Investigations. Robert L. Geltzer, Chairman of the Corporate Counsel Section, reported concerning the section's request that the Association endorse the position taken by the American Bar Association that Section 207.7 of the International Trade Commission's General Procedures for the Conduct of Investigations be amended to avoid discrimination against corporate counsel. Following discussion, the following resolution was adopted.

RESOLVED, that the New York State Bar Association and its Corporate Counsel Section endorse the Resolution of the American Bar Association urging amendment of Section 207.7 of the International Trade Commission's General Procedures for the Conduct of Investigations and communicate their support to the Congress, the International Trade Commission, the American Bar Association and other interested parties.

12. Presentation of Award of Merit by Special Committee on Lawyers and the Community. Thomas M. Whalen, III, Chairman of the Special Committee on Lawyers and the Community, presented the Award of Merit to the Monroe County Bar Association for distinguished professional and public service accomplished through its Long-Range Planning Forum conducted in October 1982.

13. Report of Chairman.

a) Mr. Fales announced that bar associations entitled to delegates had filed their designations of delegates for the year 1983-1984. On motion, said designations were approved as filed, and a further motion was adopted approving the filed roster of members of the House as the official list for 1983-1984.

b) Pursuant to request by Mr. Fales, and upon motion adopted by the House, the terms of the following special committees were extended for an additional year:

- Advisory Committee on Legislation
- Alternatives to Court Resolutions of Disputes
- Association House Committee
- Copyright Law
- Group and Prepaid Legal Services Plans

- International Trade and Transactions
- Juvenile Justice
- Lawyer Alcoholism and Drug Abuse
- Law Day
- Lawyers and the Community
- Military and Veterans Affairs
- Patents and Trademarks
- Procedures for Judicial Discipline
- Public Access to Information and Proceedings
- Committee to Review ABA Draft Model Rules of Professional Conduct
- Senior Volunteer Lawyers
- Social Services
- Specialization in the Law

Mr. Fales further announced the discharge of Action Unit No. 5 and advised that the Executive Committee had authorized the establishment of an Association Policy Board on Regulatory Reform to coordinate implementation of Action Unit No. 5's recommendations.

c) It was then announced by Mr. Fales that the New York County Lawyers' Association was celebrating its 75th anniversary. In recognition of this event, and the distinguished service rendered to the bar, the bench and the public by the New York County Lawyers' Association during this period, the following resolution was adopted unanimously upon motion of the House:

RESOLVED, that the House of Delegates of the New York State Bar Association hereby recognizes and congratulates the New York County Lawyers' Association upon the celebration of its seventy-fifth anniversary, and for its dedicated service to the bar, the bench and the public during that period.

14. Report of President. Mr. Reilly reported the following matters:

a) That the Association's 106th Annual Meeting had been opened in memory of former president Clarence R. Runals and that a memorial to Mr. Runals had been presented by Mr. Benjamin N. Hewitt. A copy of the memorial is attached to these minutes.

b) In February 1983, the ABA's House of Delegates had adopted amendments to the black letter of the proposed Model Rules of Professional Conduct, including several that were consistent with the recommendations adopted by the Association at the January meeting. He further indicated that in mid-March, the ABA had released revised Comments to the amended Rules preparatory to consideration at the August 1983 Annual Meeting of the ABA House. Mr. Reilly stated that these proposals were under study by the Special Committee to Review ABA Draft Model Rules of Professional Conduct, which would report at the June meeting.

c) The Association had engaged in an extensive and successful effort to defeat expansion of the state sales tax to include attorney's fees. Mr. Reilly expressed his appreciation to the officers, the members of the House, and representatives of county and local bar associations for their support and cooperation in this matter.

d) Following consultation with interested groups within the Association, legislation had been filed to ameliorate the effects of the Barasch/Eaton decisions governing law office failure. He noted that alternative proposals had been submitted by other interested groups, including the Office of Court Administration, and that the Legislature currently had these under consideration.

e) He had urged the Governor and legislative leaders to enact the Office of Court Administration budget at the submitted level, but the budget had been reduced in spite of this request. Mr. Reilly indicated that the officers would continue to encourage government leaders to separate the judiciary budget from other fiscal concerns to ensure adequate funds and judicial resources to address calendar congestion effectively.

f) The Committee on Group and Prepaid Legal Services Plans was progressing in its efforts to facilitate the establishment of open panel legal insurance plans, and that major insurance carriers had become actively involved in the development of programs suitable for marketing in New York State.

#### 15. New business.

a) Andrew M. Schnier, Chairman of the Criminal Justice Section, described the effect of legislation introduced to restrict the role of counsel in the voir dire process. He reported concerning the position taken by the Criminal Justice Section, and endorsed by the Association Executive Committee, that the present system of lawyer participation in voir dire be retained. Following discussion, a motion was adopted that the Association support the continuation of voir dire by counsel in all litigation in the State of New York.

b) Richard G. Compson, Delegate from the Oneida County Bar Association, reported concerning the status of pending legislation which would significantly alter the current manner in which medical malpractice cases are litigated. Following discussion, a motion was unanimously adopted that the Legislature be requested to postpone action on the proposed medical malpractice legislation until the Association has had the opportunity to present its position.

16. Date and Place of Next Meeting. The next meeting of the House of Delegates will be held on Saturday, June 25, 1983 at The Otesaga, Cooperstown.

MEMORIAL GIVEN BY MR. BENJAMIN N. HEWITT IN MEMORY OF FORMER  
NEW YORK STATE BAR ASSOCIATION PRESIDENT, CLARENCE R. RUNALS,  
AT THE 106TH ANNUAL MEETING OF THE ASSOCIATION, APRIL 22, 1983

Clarence Ryder Runals, President of the New York State Bar Association in 1957, died on March 12, 1983 in Tucson, Arizona after a brief illness.

"Spike" as he was known to his many friends throughout the State was born on a farm in Arcade, New York in 1893, graduated from the Law School of the University of Buffalo in 1916 and commenced practice shortly thereafter in Buffalo. In 1919 he came to Niagara Falls, became a partner in the City's largest firm and continued to practice actively with that firm and its successors until 1982. He was considered a giant among the lawyers in Western New York, but still he always had time to counsel and help younger lawyers.

Throughout his practice he was active in Bar Association affairs. In his younger days, along with the late Robert Jackson of Jamestown, Lewis Ryan of Syracuse and others, he worked diligently with Upstate lawyers to persuade them to transfer some of their interests from their District Federations and to come back into the State Bar Association. Without those efforts, of which most lawyers here are probably unaware, the New York State Bar Association would not be the great statewide Bar Association that it is today.

He was a delegate to the State Constitutional Convention in 1938, the recipient in 1970 of the outstanding alumni award of the University of Buffalo and a Fellow of the American College of Trial Lawyers.



He is survived by his widow, Edith Runals, of Niagara Falls, his son, John E. Runals, with whom he practiced law for many years, two daughters, seven grandchildren and ten great grandchildren.