

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK
APRIL 6, 2013**

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PRESENT: Aaron; Abella; Ajaiyeoba; Alcott; Ayers; Bakner; Barnes; Barrett; Baynes; Behrins; Bracken; Brown, E.; Brow, T. Andrew; Buholtz; Cahill; Calderon; Castellano; Christian; Coffey; Cohen, D.; Cohen, O.; Collura; Crummey; Curley; Davis, M.; Di Pietro; Doyaga; Doyle; Effman; Eppler; Epps; Fahey; Fallek; Fedorchuk; Fernandez; Ferris; Fisher; Fontaine; Fox; Franchina; Freedman, H.; Friedman; Gaffney; Galligan; Genoa; Gensini; Gerace; Gerstman; Getnick; Glanstein; Gold; Gorgos; Gross; Gutekunst; Gutenberger; Gutheil; Gutierrez; Haig; Hall; Hanna; Harper; Hayes; Helfer; Hetherington; Higgins; Hillman; Hilowitz; Hoag; Honig; Hoskins; Hutter; Jackson; Jaglom; James; John; Kamins; Kaplan, E.; Karalunas; Karson; Kiernan; Kirby; Klein; Kornfeld; Kurs; Lau-Kee; Lawten-Thames; Leber; Lessard; Leventhal; Levy; Ling-Cohan; Madigan; Makofsky; Marinaccio; Martin, D.; Martin, E.; McCafferty; McDonald; McEntee; McKeegan; McNamara, Michael; Meacham; Millon; Minkoff; Minkowitz; Miranda; Moy; Mulhall; Myers; Napoletano; Nowotny; Onderdonk; Ostertag; Parker; Pellow; Perlman; Pettit; Prager; Preston; Rauer; Reed; Richman; Richter; Riley; Risi; Rivera; Robb; Robertson; Rodriguez; Romero; Rosiny; Rosner; Rothstein; Sachs; Safer; Schofield; Schraver; Seitz; Shamoon; Shulman; Sigmond; Singer; Slavin; Slezak; Smith, A.; Standard; Stanislaus; Starkman; Stern; Strauss; Swanson; Taylor; Tennant; Terranova; Tesser; Torrey; Tully; Ugurlayan; Walker; Wallach; Warshawsky; Watkins; Wiig; Wilkey; Wimpfheimer; Witmer; Wolk; Yeung-Ha; Younger; Zuchlewski; Zuckerman.

Mr. Schraver presided over the meeting as Chair of the House.

1. The meeting was called to order and the Pledge of Allegiance recited.
2. Approval of minutes of January 25, 2013 meeting. The minutes were accepted as previously distributed.
3. Report of the Treasurer. Claire P. Gutekunst, Treasurer, reviewed the end-of-year 2012 operating budget, reporting that total revenue was \$25.3 million, an increase of \$2 million from 2011, and total expense was \$23.3 million, a decrease of \$414,000 from 2011. The operating surplus was \$2 million, an increase of \$2.4 million from 2011. She then reviewed revenue and expenses for the first two months of 2013, reporting that total revenue was \$15 million, a decrease of \$251,000 from 2012, and total expense was \$4.9 million, an increase of \$161,000 from 2012. The report was received with thanks.
4. Election of the Nominating Committee and NYSBA Delegates to the ABA House of Delegates. Michael E. Getnick, chair of the Nominating Committee, presented the report of the Nominating Committee.
 - a. Election of members of the Nominating Committee. The following were nominated for service on the 2013-2014 Nominating Committee:

Members-At-Large: Stephen P. Younger as Chair and Michael E. Getnick and Vincent E. Doyle III as members. A motion was adopted to elect the members-at-large.

District members and alternates of the Nominating Committee: First – Stewart D. Aaron, Mark H. Alcott, Fernando A. Bohorquez, Jr., Vincent Ted Chang, Pui Chi Cheng, Taa R. Grays, James B. Kobak, Jr., Susan B. Lindenauer, Barbara Carol Moses, and Hon. Michael R. Sonberg, with Karen Fisher Gutheil, First Alternate, Lewis Tesser, Second Alternate, Marilyn J. Flood, Third Alternate, and Alan Rothstein, Fourth Alternate; Second – Andrew M. Fallek and Domenick Napoletano, with Barton L. Slavin as Alternate; Third – Harry P. Meislahn and Lillian M. Moy, with Robert T. Schofield, IV as Alternate; Fourth – Seth Rosner and Peter V. Coffey, with Marne L. Onderdonk as Alternate; Fifth – Karen Stanislaus and Gioia Gensini, with Mary C. John as Alternate; Sixth – Christopher Denton and Kathryn Grant Madigan, with Christopher A. Pogson as Alternate; Seventh – LaMarr Jackson and C. Bruce Lawrence, with David H. Tennant as Alternate; Eighth – Paul Michael Hassett and David L. Edmunds, Jr., with Norman P. Effman as Alternate; Ninth – John S. Marwell, Joel H. Sachs, and Mark T. Starkman, with Dawn Kirby as Alternate; Tenth – John P. Bracken, Douglas J. Good, John P. McEntee and A. Craig Purcell, with Stephen Leventhal, First Alternate and Arthur Shulman, Second Alternate; Eleventh – Chanwoo Lee and Steven Wimpfheimer, with Arthur N. Terranova as Alternate; Twelfth – Lawrence R. Bailey, Jr. and Richard Weinberger, with Steven E. Millon as Alternate; Thirteenth – Jonathan B. Behrins and Robert Mulhall, with Orin Cohen as Alternate.

A motion to elect the foregoing was adopted.

- b. Election of Delegates to ABA House: A motion to elect the following for a two-year term commencing in August 2012 was adopted: Seymour W. James, Jr., Glenn Lau-Kee, Bernice K. Leber, A. Thomas Levin, and Stephen P. Younger.
5. Memorial to Prof. Gary A. Munneke. Past President Robert L. Ostertag presented a memorial to Prof. Gary A. Munneke, chair of the Committee on Law Practice Management, who passed away in November 2012. A moment of silence was observed out of respect for Prof. Munneke's memory and his contributions to the legal profession.
6. Report and recommendations of Committee to Ensure Quality of Mandated Representation. Norman P. Effman, the committee's chair, presented the committee's proposed revisions to the *Standards for Providing Mandated Representation*, adopted by the House in 2005 and last revised in 2010. After discussion, a motion was adopted to approve the following resolution:

WHEREAS, the Committee to Ensure Quality of Mandated Representation (CEQMR), pursuant to its mission to assure high quality legal representation for every individual under a mandated representation plan, drafted *Standards for Providing Mandated Representation*, and subsequently drafted *Revised Standards for Providing Mandatory Representation* (Revised NYSBA Standards); and

WHEREAS, in 2005 the New York State Bar Association endorsed the *Standards for Providing Mandated Representation*, and in 2010 adopted the *Revised NYSBA Standards*; and

WHEREAS, in July 2012 the Indigent Legal Services Board approved *Standards and Criteria for the Provision of Mandated Representation in Cases Involving a Conflict of Interest* (Conflict Defender Standards), as mandated by statute, that are based on the Revised NYSBA Standards and are consistent with the Revised NYSBA Standards; and

WHEREAS, in January 2013, the Office of Indigent Legal Services resolved that the Conflict Defender Standards would be applicable to *all* trial court representation in criminal matters; and

WHEREAS, the CEQMR has proposed that the Revised NYSBA Standards be further revised to incorporate language from the Conflict Defender Standards that amplifies and supplements the Revised NYSBA Standards;

NOW, THEREFORE IT IS

RESOLVED, that the New York State Bar Association approves the modification of the Revised NYSBA Standards as proposed by the CEQMR (*2013 Revised NYSBA Standards*); and it is further

RESOLVED, that the officers of the Association are hereby directed to transmit the *2013 Revised NYSBA Standards* to the Administrative Board of the Courts; to distribute and promote the *2013 Revised NYSBA Standards*; and to take such other and further action as they may deem appropriate to implement this resolution.

7. Report of the President. Mr. James highlighted several items in his written report, a copy of which is attached to these minutes. He observed that this meeting is his last as President and he thanked the officers, Executive Committee members and the staff for their support during his term.
8. Report of Special Committee on Human Trafficking. Committee co-chairs Bernice K. Leber and Sandra Rivera, together with committee members John H. Gross, Adrienne May Hollender, Hon. Barry Kamins, and Carol Robles-Roman, provided an informational report on the committee's work to date. They showed a video to introduce House members to the issue of human trafficking and highlighted the work being done by subcommittees on labor, sex trafficking, and child trafficking. The report was received with thanks.
9. Report of Committee on Diversity and Inclusion. Committee member Sharon Stern Gerstman outlined the history of the Bylaws provisions for two members-at-large of the Executive Committee and twelve House members to further racial and ethnic diversity, noting that the provisions will expire in November 2014 and that the committee had been requested to re-examine the provisions to determine whether they are still needed. The

committee will present its report and recommendations at the June House meeting. The following motion was adopted to govern consideration of the report at that meeting:

WHEREAS, at its April 6, 2013 meeting the House of Delegates received an informational report from the Committee on Diversity and Inclusion regarding the provisions for diversity representation contained in Article V, Section 3(G) and Article VII, Section 1(F) of the Association Bylaws; and

WHEREAS, the Committee intends to present its final report and recommendations for consideration by the House at the June 22, 2013 meeting;

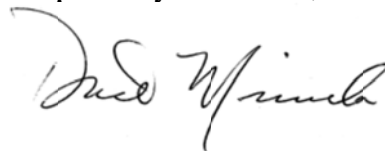
NOW, THEREFORE, IT IS

RESOLVED, that the House of Delegates hereby adopts the following procedures to govern consideration at the June 22, 2013 meeting of the House, of the report and recommendations of the Committee on Diversity and Inclusion:

1. The Committee on Diversity and Inclusion will submit its report and recommendations no later than May 10, 2013, which will be posted on the Association Website.
2. All comments and proposed amendments from interested groups must be submitted to the Association Secretary no later than June 10, 2013, otherwise they shall not be considered.
3. At the June 22, 2013 meeting, the report and recommendations will be considered in the following manner:
 - a. The Committee shall be given an opportunity to present its report and recommendations.
 - b. All those wishing to speak with regard to the report and recommendations may do so only once for no more than three minutes.
 - c. The Committee may respond to questions and comments as appropriate.
 - d. Procedural motions shall be considered out of order until debate on substantive issues is concluded.
 - e. A vote on the report and recommendations shall be taken at the conclusion of the debate.
10. Report of the Secretary. Association Secretary David P. Miranda highlighted information contained in his printed report, a copy of which is appended to these minutes. The report was received with thanks.
11. Report of Executive Director. Patricia K. Bucklin, Executive Director, updated the House with respect to staff and internal operations, highlighting the Association's efforts with respect to improved technology, including the hiring of David Adkins, Ph.D. as Chief Technology Officer. The report was received with thanks.

12. Report of The New York Bar Foundation. Cristine Cioffi, President of The New York Bar Foundation, reported on grant applications being considered by The Foundation's Board, applications for grants for assistance as a result of Superstorm Sandy, and on the election of James B. Ayers and Emily F. Franchina to serve as chair and vice chair, respectively, of the Fellows. The report was received with thanks.
13. Administrative items. Mr. Schraver reported on the following:
 - a. Motions to approve the designation of delegates filed by the county and local bar associations for the 2013-2014 Association year and to approve the filed roster of the members of the House for the 2013-2014 year were requested and approved.
 - b. He announced that immediately following the meeting, the Committee on Leadership Development would host a meeting for members interested in exploring leadership opportunities in the Association.
 - c. He congratulated past president Robert L. Ostertag for his attendance at his 50th consecutive opening day New York Mets baseball game.
 - d. He observed that this meeting represents the last House meeting of the Association year and noted that a number of House members were completing their terms, expressing appreciation for their service. He also expressed appreciation to Mr. James for his leadership as President of the Association. He noted that this meeting represents his last as Chair of the House and thanked the House for the opportunity to serve. Finally, he introduced Mr. Lau-Kee as the next Chair of the House and presented him with the House's gavel.
14. Date and place of next meeting. Mr. Schraver announced that the next meeting of the House of Delegates would take place on Saturday, June 22, 2013 at The Otesaga in Cooperstown.
15. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "David P. Miranda". The signature is fluid and cursive, with the first name "David" being more prominent.

David P. Miranda
Secretary