

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
HYATT REGENCY ROCHESTER, ROCHESTER
APRIL 5, 2014**

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PRESENT: Abella; Alcott; Arenson; Ayers; Baker; Barnes; Baum; Bloom; Brown, J.; Brown, T.A.; Buholtz; Castellano; Cecero; Cohen, D.; Cohen, O.; Collins; Coseo; Strummey; Curley; Dean; DeFelice; Denton; Edmunds; Eppler; Fay; Feinberg; Finerty; Fisher; Fox; Franchina; Freedman, M.; Friedman; Gaffney; Galligan; Gerber; Gerstman; Getnick; Giordano; Gold; Goldberg; Goldenberg; Gorgos; Grossman; Gutierrez; Habberfield; Haig; Hamm; Hanson; Hetherington; Higgins; Honig; Jaglom; James; Karson; Kearns; Kerson; Kiernan; Larose; Lau-Kee; Lawrence; Lessard; Levin; Levy; Lewis; Lindenauer; Madigan; Marangos; Martin, E.; McCafferty; McDonald; McKeegan; McNamara, Michael; Miller, M.; Millon; Miranda; Modica; Moretti; Moy; Mulhall; Myers; Napoletano; Nathanson; Nowotny; O'Donnell; Ogden; Ostertag; Otis; Pellow; Perez; Perlman; Prager; Ranni; Rivera; Rodriguez; Romero; Rothenberg; Russ; Ryan; Saleeby; Samuels; Schofield; Schraver; Sen; Sheehan; Silverman; Slezak; Smith, S.; Standard; Stanislaus; Stankus; Sweet; Tennant; Ugurlayan; Vigdor; Virkler; Walker; Warshawsky; Welch; Westlake; Witmer; Woronov; Yeung-Ha; Young; Younger; and Zuckerman.

Mr. Lau-Kee presided over the meeting as Chair of the House.

1. The meeting was called to order and the Pledge of Allegiance recited. Barbara Blaisdell, in character as Susan B. Anthony, welcomed the delegates to Rochester.
2. Approval of minutes of January 31, 2014 meeting. The minutes were accepted as previously distributed.
3. Report of Treasurer. Sharon Stern Gerstman, Treasurer, provided a financial report focusing on the Association Sections' income and expenses. Ms. Gerstman also reviewed selected revenue and expense items. The report was received with thanks.
4. Election of the Nominating Committee and NYSBA Delegates to the ABA House of Delegates. Stephen P. Younger, 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 2014-2015 Nominating Committee:

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

District members and alternates of the Nominating Committee: First –Mark H. Alcott, Fernando A. Bohorquez, Jr., Pui Chi Cheng, Taa R. Grays, Susan B. Lindenauer, Barbara Carol Moses, Carol Ann Sigmond, Hon. Michael R. Sonberg

and Lewis F. Tesser, with Vincent Ted Chang, First Alternate, Karen Fisher Gutheil, Second Alternate, and Michael J. McNamara, Third Alternate; Second – Andrew M. Fallek and Hon. Cheryl E. Chambers, with Barton L. Slavin as Alternate; Third – Harry P. Meislahn and Lillian M. Moy, with Sarah E. Gold 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 Richard Lewis as Alternate; Seventh – LaMarr Jackson and A. Vincent Buzard, with David H. Tennant as Alternate; Eighth – Norman P. Effman and Kathleen Marie Sweet, with David L. Edmunds, Jr., as Alternate; Ninth – John S. Marwell, Joel H. Sachs, and Mark T. Starkman, with Dawn Kirby as Alternate; Tenth – Steven G. Leventhal, A. Thomas Levin, John P. Bracken, and A. Craig Purcell, with Arthur E. Shulman, First Alternate, and Peter H. Levy, Second Alternate; Eleventh – Chanwoo Lee and Steven Wimpfheimer, with Arthur N. Terranova as Alternate; Twelfth – Carlos M. Calderon and Richard Weinberger, with Maxwell S. Pfeifer as Alternate; Thirteenth – Robert A. Mulhall and Orin J. Cohen with Jonathan B. Behrins as Alternate.

A motion to elect the foregoing was adopted.

- b. Election of Delegates to ABA House: A motion was adopted to elect the following for a two-year term commencing in August 2014: A. Vincent Buzard, Michael E. Getnick, Kathryn Grant Madigan, David M. Schraver, and David P. Miranda.
 - c. Election of Young Lawyer Delegate to ABA House: A motion was adopted to elect Alena Shautsova for a two-year term commencing in August 2014.
5. Report of the President. Mr. Schraver 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.
 6. Task Force on Gun Violence. David H. Tennant and Earamichia Brown, the Task Force's co-chairs, presented an informational report on the Task Force's work to date. The Task Force's report will include an analysis of the law relating to the Second Amendment; gaps in available data with respect to gun violence research; and legislative recommendations, with a focus on straw purchases of firearms. The report will be considered by the House at its November 2014 meeting. The report was received with thanks.
 7. Report and recommendations of Committee on Federal Legislative Priorities. John M. Nonna, chair of the committee, reviewed the committee's recommendations with respect to support for amendment of the Voting Rights Act to address issues raised by the Supreme Court in striking down portions of the Act in 2013. After discussion, a motion to amend the report was adopted to delete the word "ideal" appearing on page 10, after which a motion was adopted to approve the report and recommendations.

8. Scheduling resolution to govern consideration of mandatory pro bono reporting. David P. Miranda, who as President-Elect will chair the June 2014 House meeting, presented a proposed resolution to govern the House's debate on the Executive Committee's mandatory pro bono reporting resolution at its June 21, 2014 meeting. The following motions to amend the resolution failed: (a) to allow a speaker to cede his/her speaking time to another speaker; (b) to limit a response of the Executive Committee member presenting the resolution to two minutes; (c) to provide equal presentation time to an opponent of the resolution; (d) to change "shall be submitted" to "are urged to submit" in paragraph 2; and (e) to delete the word "any" and change "shall" to "should" in paragraph 2 (standing vote of 23-77). The following motions to amend were approved: (a) to add "as well as online and in State Bar News" to paragraph 1 and (b) to change "shall" to "should" in paragraph 2. As amended, the following resolution was adopted:

RESOLVED, that the House of Delegates hereby adopts the following procedures to govern consideration at the June 21, 2014 meeting of the House of the Executive Committee Resolution on Mandatory Pro Bono Reporting:

1. The resolution will be circulated with other materials for the meeting to members of the House, sections and committees, county and local bar associations, and other interested parties, as well as on-line and in the *State Bar News*.
 2. **Comments on or amendments to resolution:** Any comments on the resolution, or any proposed amendments to the resolution, should be submitted in writing to the Secretary of the Association at the Bar Center by June 9, 2014. All comments and proposed amendments complying with this procedure shall be distributed to the members of the House in advance of the June 21, 2014 meeting.
 3. **Speaking on the resolution:** Those members of the House intending to speak on the resolution are requested to provide notice to the Secretary and whether they intend to speak for, or against, the resolution by June 9, 2014. This notice is a courtesy for scheduling purposes and will not prevent the chair from recognizing speakers on the issue who fail to provide such notice.
 4. **Consideration of the resolution at the June 21, 2014 meeting and any subsequent meetings:** The resolution will be scheduled for formal debate and vote at the June 21, 2014 meeting and considered in the following manner:
 - a. A representative of the Executive Committee shall be given an opportunity to present the resolution.
 - b. All those wishing to speak with regard to the resolution may do so only once for no more than three minutes.
 - c. The Executive Committee representative may respond to questions and comments as appropriate.
 - d. Procedural motions shall be considered out of order until debate on substantive issues is concluded.
9. 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.

10. Report of Committee on Legal Education and Admission to the Bar. Committee co-chairs Eileen D. Millett and Ian Seth Weinstein presented an informational report recommending the adoption of rules to permit early administration of the bar examination. The report will be presented for debate and vote at the June 2014 House meeting. The report was received with thanks.
11. Report of ABA State Delegate. Mark H. Alcott, ABA State Delegate, updated the House with respect to the work of the American Bar Association, including the upcoming ABA Day in Washington and the activities of ABA President James R. Silkenat. The report was received with thanks.
12. Report of Chief Technology Officer. The oral presentation was deferred to another meeting; however, a recorded presentation will be available on the Association website.
13. Report of The New York Bar Foundation. Cristine Cioffi, President of The New York Bar Foundation, highlighted the work of Lifespan of Greater Rochester, an organization that assists people with future planning services such as care for a disabled child, and presented a grant to representatives of the organization. The report was received with thanks.
14. Administrative items. Mr. Lau-Kee reported on the following:
 - a. Motions to approve the designation of delegates filed by the county and local bar associations for the 2014-2015 Association year and to approve the filed roster of the members of the House for the 2014-2015 year were requested and approved.
 - b. 12th District Vice President. Richard S. Weisman, who had been elected as 12th District Vice President for the term beginning June 1, 2014, had passed away suddenly and Carlos M. Calderon was selected by the district members of the House to fill the vacancy. A motion was adopted to confirm the designation.
 - c. Executive Committee member-at-large. T. Andrew Brown, a current member-at-large, had been elected as 7th District Vice President for the term beginning June 1, 2014. Pursuant to the Bylaws, the Executive Committee appointed John S. Marwell to fill the vacancy. A motion was adopted to confirm Mr. Marwell's appointment.
 - d. 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.
 - e. 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. Schrauer 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. Miranda as the next Chair of the House and presented him with the House's gavel.

15. Date and place of next meeting. Mr. Lau-Kee announced that the next meeting of the House of Delegates would take place on Saturday, June 21, 2014 at The Otesaga in Cooperstown.
16. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in black 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