

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
JANUARY 23, 1981, NEW YORK HILTON HOTEL, NEW YORK CITY

PRESENT: Members Aspland, Barlow, Beshar, Block, Brenner, Brown, Callahan, Church, Citrynell, Clabby, Cohen, Colish, Cometa, Connolly, Cook, Crandall, Daly, Damiani, DelleCese, deSilva, Diamond, Dougherty, Drazen, Dunne, Eolis, Erickson, Feit, Field, Fishel, FitzPatrick, Forger, Freedman, Friedman, Gilinsky, Glasheen, Gough, Greenberg, Grossman, Hackbarth, Hall, Hand, Harrigan, Hart, Heming, Hoffmann, Hurwitz, Joh, Jones, Kahn, Kaman, Keigher, King, Klein, Lagarenne, Leinhardt, Levy, Lifland, Longo, Lustgarten, MacCrate, Marcus, Matte, Meriam, H. G. Miller, Mousaw, Mullan, G.F. Murphy, J.H. Murphy, Neale, Newman, O'Brien, Ostertag, Palermo, Patterson, Pearl, Peet, Perrin, Piazza, Popkess, Potter, Pritchard, B.J. Reilly, K.C. Reilly, Ritholz, Robfogel, Ronder, Rosenthal, Rothenberg, Ruger, Russell, Schair, Scott, Smith, Spivack, Stakel, Stave, Stecher, Sugnet, Tondel, Urbano, Vigdor, Washburn, T.M. Whalen, Williams, Williamson, Witmer, Wolf, Wright, Yanas, Yetter, Young and Zimmer.

1. Approval of minutes of November 1, 1980 meeting. The minutes were approved as distributed.

2. Report of Nominating Committee. Mr. Smith, Chairman of the Nominating Committee, reported that the Committee had met at the Bar Center on November 7, 1980 and unanimously nominated the following persons for election to the respective offices indicated:

President-elect	Bernard J. Reilly
Secretary	Louis Young
Treasurer	John J. Yanas
Vice President, 1st District	Charles E. Heming
Vice President, 2nd District	Harold A. Meriam
Vice President, 3rd District	Francis X. Tucker
Vice President, 4th District	Henry A. Fischer
Vice President, 5th District	John J. Dee
Vice President, 6th District	James A. Haynes, Jr.
Vice President, 7th District	Justin L. Vigdor
Vice President, 8th District	Philip A. Erickson
Vice President, 9th District	Henry G. Miller
Vice President, 10th District	Michael P. Aspland
Vice President, 11th District	Donald J. Zimmer
Member of Executive Committee	Charles H. Dougherty
Member of Executive Committee	Haliburton Fales 2d
Member of Executive Committee	Gordon D. Henderson
Member of Executive Committee	Henry L. King
Member of Executive Committee	Robert L. Klein
Member of Executive Committee	Joseph E. Rosch

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. Amendment of Division and Section bylaws. Upon motion the following amendments were approved:

ANTITRUST LAW SECTION.

ARTICLE I, Section 2. The purpose of this Section shall be to bring together, to educate and promote the interests of the public and the Bar in the area of antitrust law and to review and, where appropriate, comment upon pending antitrust legislation and regulations.

ARTICLE III, Section 1. Members of this Section, at the Annual Meeting of the Section, which shall be held during the week in which the Annual Meeting of the New York State Bar Association is held, or on such other date as shall be designated by the Executive Committee, shall elect an Executive Committee consisting of eight members, three of whom shall be elected at such meeting as Chairman, Vice-Chairman, and Secretary.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee will hold office for term beginning June 1, except that the term of each member who takes office in the year 1981, shall commence July 1st.

ARTICLE VI, Section 1. There shall be four Standing Committees in the Section, which shall be known as:

- (1) Committee on Sherman Act
- (2) Committee on Federal Trade Commission Act
- (3) Committee on Clayton Act
- (4) Committee on New York State Antitrust Law.

The Chairman and members of these committees shall be appointed by the Chairman of the Section, with the approval of the Executive Committee, and shall serve for three years or until such time as they are replaced by others who are appointed in the same manner.

ARTICLE VI, Section 2. Additional committees may be created by the Section or by the Executive Committee when the Section is not in session and the appointment and the terms of the Chairman and members shall be governed by the provisions of Section 1 of this Article VI.

ARTICLE VII, Section 1. The Annual Meeting of the Section shall be held at a time and place designated by the Executive Committee during the week in which the Annual Meeting of the New York State Bar Association is held or on such other date as shall be designated by the Executive Committee

BANKING, CORPORATION AND BUSINESS LAW SECTION.

ARTICLE III, Section 4. All officers as well as all members of the Executive Committee will hold office for term beginning June 1, except that the term of each member who takes office in the year 1981, shall commence July 1st.

CRIMINAL JUSTICE SECTION.

ARTICLE III, Section 3. All officers as well as all members of the Executive Committee, and Chairmen of the Committees of the Section, will hold office for a term of one year beginning June 1, except that the term of each member who takes office in the year 1981, shall commence July 1st. (Balance of Section 3 remains unchanged).

ARTICLE VI, Section 4. The Chairman of each Committee shall submit a written report of the activities of the Committee when requested by the Chairman of the Section but in any event at least once a year, no later than June 1. Such reports shall be distributed to the membership of the Section.

ENVIRONMENTAL LAW SECTION.

ARTICLE III, Section 4. A Section delegate to the House of Delegates of the Association shall be elected annually by the Executive Committee, and shall hold that position for a term of one year commencing the June 1 next succeeding the date of his election, except that the term in 1981 shall commence July 1st. A Section delegate may be reelected, subject to the requirements of the Constitution of the Association.

FAMILY LAW SECTION.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee, will hold office for a term beginning June 1, except that the term of each member who takes office in the year 1981, shall commence on July 1.

FOOD, DRUG AND COSMETIC LAW SECTION.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee, will hold office for term beginning June 1, except that the term of each member who takes office in the year 1981, shall commence on July 1.

INSURANCE, NEGLIGENCE AND COMPENSATION LAW SECTION.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee, will hold office for term beginning June 1, except that the term of each member who takes office in the year 1981, shall commence on July 1.

INSURANCE, NEGLIGENCE AND COMPENSATION LAW SECTION CONSTRUCTION AND SURETY LAW DIVISION.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee, will hold office for a two-year term commencing June 1, except that the term of each member who takes office in the year 1981 shall commence July 1st.

INSURANCE, NEGLIGENCE AND COMPENSATION LAW SECTION WORKERS' COMPENSATION LAW DIVISION.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee, will hold office for a two-year term commencing June 1, except that the term of each member who takes office in the year 1981 shall commence July 1st.

JUDICIAL SECTION.

3. Meetings and Officers. The Section shall meet at least annually and at its annual meeting shall elect a Chairman, Vice-Chairman, Secretary and a Treasurer. The officers shall hold their offices beginning June 1, except that the term of each member who takes office in the year 1981, shall commence on July 1.

LABOR AND EMPLOYMENT LAW SECTION.

ARTICLE III, Section 3. All officers as well as all members of the Executive Committee (other than those from the Judicial Districts in the State, will hold office for a term beginning on June 1, except that the term of each member who takes office in the year 1981, shall commence on July 1. The Chairman-elect and the Secretary-elect shall automatically become Chairman and Secretary, respectively, on the following June 1 (except in 1981), and shall hold said offices for a term beginning on such June 1, (except in 1981). The members of the Executive Committee from the Judicial Districts in the State (other than certain original members as provided below) will hold office for three-year terms beginning June 1 (except in 1981) the original members from the 1st, 2nd, 3rd and 4th Judicial Districts shall be elected for a three-year term, those from the 5th, 6th, 7th and 8th Judicial Districts for a two-year term and those from the 9th, 10th and 11th Judicial Districts for a one-year term.

ARTICLE III, Section 4. A Section delegate to the House of Delegates of the New York State Bar Association shall be elected annually by the Executive Committee and shall hold that position for a term of one-year commencing the June 1 next succeeding the date of his or her election, except that the term in the year 1981 shall commence on July 1.

MUNICIPAL LAW SECTION.

ARTICLE IV, Section 3. All officers, as well as all members of the Executive Committee, will hold office for a term beginning June 1, except that the term of each member who takes office in the year 1981 shall commence July 1st.

REAL PROPERTY LAW SECTION.

ARTICLE III, Section 3. All officers, as well as all members of the Executive Committee, will hold office for term beginning June 1, except that the term of each member who takes office in the year 1981 shall commence July 1st.

SECTION ON THE GENERAL PRACTICE OF LAW.

ARTICLE I, Section 1. This Section shall be known as the General Practice Section of the New York State Bar Association.

ARTICLE III, Section 1. The officers of this Section shall be a Chairman, a Chairman-elect, a Secretary and a Treasurer who, except as herein after provided, shall serve terms commencing June 1 of each year. (Balance of ARTICLE III, Section 1 remains unchanged).

ARTICLE III, Section 2. There shall be an Executive Committee of this Section consisting of its officers, its Delegate to the House of Delegates, the chairmen of the Section for the last two preceding years, and one member from each of the eleven judicial districts within the State of New York (hereinafter referred to as elected members) who shall be elected at the Section's annual meeting by the membership of the Section, except that the original elected members of the Executive Committee shall be elected at its first organizational meeting as provided in Section 3 of this Article. All past chairmen of this Section other than the two immediately preceding chairmen shall be honorary non-voting members of the Executive Committee.

ARTICLE III, Section 3. All elected members of the Executive Committee (as defined in Section 2 of this Article) shall hold office for three-year terms commencing June 1, except that the original members elected at the Section's first organizational meeting shall be elected for a term ending May 31, 1983 (as to the members elected from the first, third, seventh and tenth judicial districts), May 31, 1982 (as to the members elected from the fourth, sixth, ninth and eleventh judicial districts), and May 31, 1981 (as to the members elected from the second, fifth and eighth judicial districts).

ARTICLE III, Section 4. A Section delegate to the Association's House of Delegates shall be elected annually by its Executive Committee for a term commencing June 1, except that the delegate elected at the Section's first organizational meeting shall be elected for a term ending May 31, 1981. The Section delegate to the House of Delegates shall serve subject to such conditions as may be prescribed by the Association's constitution and bylaws.

ARTICLE V, Section 4. Treasurer. The Treasurer shall be the custodian of all financial records of the Section, which shall be open at all times to the inspection of any member of the Executive Committee, or to that of the Association's officers, Executive Committee or financial staff. The Treasurer shall prepare the Section's annual budget. (Balance of ARTICLE V, Section 4 remains unchanged).

ARTICLE V, Section 5. Executive Committee. (a) The Executive Committee shall have general supervision and control over the affairs and activities of this Section, subject to any conditions prescribed in the Association's constitution and bylaws and the bylaws of this Section, and may delegate to the Chairman and Treasurer the authority to expend Section funds for such purposes and in such amounts as the Committee may from time to time establish. (Balance of ARTICLE V, Section 5 remains unchanged).

ARTICLE VI, Section 1. The Chairman and the Executive Committee of this Section, jointly and severally, may create such committees within the Section as either may deem appropriate from time to time. Section committees shall make recommendations from time to time to the Chairman or the Executive Committee for such action as they may deem appropriate, but shall take no action without the approval of the Section's Executive Committee.

TAX SECTION.

ARTICLE III, Section 4. A Section delegate to the House of Delegates of the Association shall be elected annually by the Executive Committee and shall hold that position for a term of one year, commencing the June 1 next succeeding the date of his election, except that the term of the delegate who takes office in the year 1981 shall commence July 1, 1981. A Section delegate may be re-elected, subject to the requirements of Article V, Section 4 of the Constitution of the Association.

TRIAL LAWYERS SECTION.

ARTICLE III, Section 3. All officers as well as all members of the Executive Committee will hold office for term beginning June 1, except that the term of each member who takes office in the year 1981 shall commence July 1st.

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

5. Report of Finance Committee. Mr. Taylor, Chairman of the Finance Committee, reviewed the Association's financial condition at the conclusion of 1980. He advised that the cooperative efforts of the officers, committees, sections and staff to reduce costs had minimized the projected year-end deficit at \$115,000, with a cash flow sufficient to avoid the necessity of exercising the authorization to borrow funds given at the November meeting. Mr. Taylor further stated that with continued cost consciousness in 1981, and implementation of the dues increase, a surplus could be anticipated to maintain the Association's sound financial condition.

Mr. Taylor also announced that an in-depth study would be conducted concerning both the short and long-term utilization of the property acquired at No's. 5 and 6 Elk Street, to integrate their use with the goals and future plans of the Association.

6. Report of Committee on Lawyer Referral Service. Mr. Williams, reporting on behalf of Wallace J. McDonald, Chairman of the Committee on Lawyer Referral Service, summarized the status of efforts to implement the Lawyer Referral and Information Service Plan approved at the April 26, 1980 meeting. He indicated that explanatory correspondence had been mailed to local bar associations, and that registration materials would be forwarded in the near future to attorneys in the counties where the service would be operating. Mr. Williams also outlined the manner in which the plan will function, as well as the steps being taken to publicize its existence.

7. Report of Special Committee on Group and Prepaid Legal Services Plans. Mr. Adair, Chairman of the Special Committee, summarized the activities of the committee since authorization was granted at the January, 1980 meeting to form a not-for-profit corporation to sponsor, market and encourage development of group and prepaid legal services plans. He described the formation of the New York Prepaid Legal Services Corporation pursuant to this authorization, and current efforts to secure passage of legislation permitting experimental participation in open panel group and prepaid legal services plans by insurance companies.

8. Presentation of Media Awards. Hon. Francis Bergan, 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:

DAILY NEWSPAPERS OF 30,000 CIRCULATION OR UNDER: Charles Anzalone, Binghamton Syn-Bulletin, for a four-part series on divorce and child custody.

DAILY NEWSPAPERS OF 30,000 TO 100,000 CIRCULATION: Judy Grande, Sunday Journal News, Nyack, for a series entitled "Getting Away With Murder."

DAILY NEWSPAPERS OF OVER 100,000 CIRCULATION: Rochester Times-Union for a series of articles on police brutality entitled "Law and Disorder."

WEEKLY NEWSPAPERS: Anne Bartlett, Rhinebeck Gazette Advertiser, for coverage of pre-trial hearings and trial of a teenager accused of murdering a seven-year-old boy.

NEW YORK STATE MAGAZINES: Eric Freedman, Empire State Report, for an article about the Court of Appeals entitled "Watching The Top Court."

NATIONAL MAGAZINES: Evan Thomas, Time Magazine, for his article, "Inside The High Court."

RADIO AND TV:

NEW YORK STATE TV: Paul Farmer, WIXT-TV, Syracuse, for a three-part mini-series on the continuing fair trial-free press controversy.

NEW YORK STATE RADIO: Brad Krohn, WEBR, Buffalo, for a five-part program on the small claims court.

NATIONAL TV: Eric Saltzman and Leslie Clark, WNET-TV, New York City, for "Three Appeals," the first live television coverage of the New York State Court of Appeals.

NATIONAL RADIO: John Merrow, National Public Radio, Washington, D.C., for a series entitled "Race Against Time: School Desegregation."

9. Presentation of Award to "Westchester Bar Topics". In honor of the twenty-fifth anniversary of the publication of the "Westchester Bar Topics", and in recognition of the service rendered by the Westchester County Bar Association to its members, Mr. Forger presented a plaque to the Westchester County Bar Association inscribed as follows:

PRESENTED BY THE HOUSE OF DELEGATES TO THE WESTCHESTER
COUNTY BAR ASSOCIATION IN COMMEMORATION OF DISTINGUISHED
SERVICE TO ITS MEMBERSHIP UPON THE TWENTY-FIFTH ANNIVERSARY
OF THE PUBLICATION OF THE "WESTCHESTER BAR TOPICS" -
JANUARY 23, 1981.

10. Membership Committee Awards to Student Representatives. Mr. Yetter, Chairman of the Membership Committee, described the on-campus recruitment program instituted by the committee in 1980 as part of its effort to increase Association membership. He then presented awards to the following student representatives who have enrolled the most members: Michael Amodio, Pace University School of Law; William Levinson, Benjamin N. Cardozo Law School, Yeshiva University; and David W. Shipper, New York Law School.

11. Report of President. Mr. Forger reported the following matters:

a) He was considering methods whereby the resources of the Association could best be utilized in a comprehensive fashion to deal with the multi-faceted problems presented by the criminal justice system as it presently functions. Mr. Forger outlined several related problem areas, such as the condition of physical facilities, judicial salaries, and the burdens imposed by judicial transfer, where input from various sections or committees might foster improvement. He also indicated the need to upgrade the status and operation of Family Court as a means of reducing the burden on the criminal justice system.

b) The Federal Trade Commission had formally issued its voluntary questionnaire to bar associations, and the Executive Committee had determined at its January 22, 1981 meeting, that the Association would submit a response without acquiescing in the jurisdiction of the Federal Trade Commission to conduct the survey.

c) Action Unit No. 3 was exploring alternatives for the resolution of court disputes, and would be developing specific proposals for submission to the House of Delegates upon completion of its study.

d) The Executive Committee had approved the general concept of restructuring and refunding the Clients' Security Fund on an improved and expanded basis, which would involve annual contributions by all attorneys licensed to practice in the State. He stated that the Committee on Clients' Security Fund was preparing a report embodying this concept for presentation to the House of Delegates.

12. Report of Chairman. Mr. Williams announced the death of Edwin J. Freedman, Elected Delegate, Tenth Judicial District. , and further stated that the vacancy had been filled by designation of Jon N. Santemma of Mineola.

13. Date and place of next meeting. Mr. Williams announced that the next meeting of the House of Delegates will be held at the Bar Center, Albany on Saturday, April 11, 1981.