

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
NEW YORK HILTON HOTEL, NEW YORK CITY
JANUARY 25, 1985

PRESENT: Members Amdursky, Amrod, Ashley, Avery, Blauvelt, Block, J. P. Bracken, Britt, Cohen, Colish, Compson, Cometa, Condon, Corrou, Cox, Dadey, Daily, Daly, DiLorenzo, Dolan, Dressner, Emnett, Fales, Feerick, Ferguson, Field, Fisher, Fitzgerald, Forger, Found, Freedman, Garamella, Garaufis, Gellert, Geltzer, Gershon, Gibson, Gilinsky, Giordano, Glascoff, Goldblum, Greisberger, Hackbarth, Hanna, Harris, Hart, Haskel, Headley, Heming, Hickey, Hoffberg, Hoffman, Hoffmann, Horan, Iovenko, Kaplan, King, Lagarenne, Ledina, Levin, Lustgarten, MacCrate, Madigan, Mahony, Mannix, Markuson, McDowell, McGowan, McGraw, McKay, Mealey, Meriam, H. G. Miller, S. W. Miller, Moore, Morgan, Mullan, J. E. Murphy, J. H. Murphy, Neale, Newman, O'Connor, Offermann, Omansky, Ostertag, Pachman, Palermo, Pearl, Perrin, Peterson, Pfeifer, Place, Pruzansky, Reilly, Ritholz, Robfogel, Robinson, Rosner, Rosiny, Rubin, Rubinton, Santemma, Schair, Schiller, Schnier, Scott, Seymour, Simberkoff, Spelman, Stave, Terry, Tondel, Torres, Tracy, Trombley, Valdes, Velardi, Vigdor, Vitacco, Walsh, Whalen, White, Williams, Wolfe, Yanas, Yetter, Zebrowski, Zimmer.

1. Approval of minutes of November 3, 1984 meeting. The minutes were approved as distributed.

2. Report of President. Mr. Miller reported the following matters:

a) A Task Force on Simplification had been established with Richard A. Givens as Chair, to assimilate the functions presently performed by the Association Policy Board on Regulatory Reform and the simplification project headed by Charles E. Heming. He indicated that the Task Force will focus on relevant substantive areas of law as well as continue the deregulation efforts initiated by Action Unit No. 5.

b) The Special Committee on Ethics Handbook, chaired by Robert L. Ostertag, was nearing completion of its compilation of articles covering practical ethical concerns in various substantive fields, with publication anticipated in the near future.

c) The Committee on Professional Discipline was in the final stages of its study of New York's attorney discipline system and would be submitting its report and recommendations to the Executive Committee and House of Delegates.

d) The Committee on Tort Reparations was examining proposals supported by medical groups and insurance carriers to reform the medical malpractice system. He noted that the Association was also conferring with representatives of the State Medical Society and would remain open to constructive reform which would not impair the rights of victims and their families.

e) The Committee on Tort Reparations was also reviewing the Union Carbide disaster in Bhopal, India to determine if such situations could be better handled so as to protect victims' rights without generating adverse public reaction to the legal profession.

f) Efforts were continuing to encourage greater participation in the Association by women and the minorities, and that the Executive, Nominating and Bylaws Committees, as well as the local bar associations, had been requested to consider ways of achieving this goal. Mr. Miller noted that a dinner for the leaders of minority bar groups in the metropolitan area had been held at Fordham University on December 6 and that a follow-up dinner meeting was scheduled for February 26.

g) It was anticipated that Action Unit No. 6, chaired by Hon. Emilio Nunez, would soon submit a preliminary report containing specific recommendations for alleviating undue delay and expense from civil litigation. Mr. Miller also reported that the Executive Committee had endorsed the formation of a separate action unit to address the problems associated with the criminal process.

h) The Town Hall Meeting held on January 23 had been a success, affording members of the public and representatives of other disciplines the opportunity to express their views regarding the legal system.

i) With the support of the Association, the Legislature had enacted a judicial salary increase during the recent Special Session.

j) Through the efforts of Action Unit No. 4 and the Special Committee to Improve Courthouse Facilities, the Association would continue its efforts to obtain merger of the state's trial courts and renovation of dilapidated court facilities.

k) Implementation of the IOLA program was proceeding smoothly under the direction of the Board of Trustees chaired by Justin L. Vigdor. He encouraged participation by the members of the House of Delegates as a means of contributing to the success of the program.

l) The Special Committee on Volunteer Lawyers chaired by Emmet J. Agoglia would be focusing on the legal needs of runaway children and would welcome participation by interested members of the House.

m) An Institute for Public Affairs was being formed to combine the talents of lawyers and outstanding members of the lay community to address various aspects of the legal system and formulate appropriate recommendations for improvement.

n) Consistent with the position adopted in the past by the House of Delegates, the Association would pursue legislation to increase present compulsory automobile liability insurance limits.

o) The Executive Committee had approved the development, under the direction of the Committee on Legal Aid, of a training program and materials for attorneys rendering pro bono legal assistance to the indigent. Mr. Miller also noted that the Executive Committee was actively studying the feasibility of expanding to upstate areas the concept of the Association of the Bar of the City of New York's Volunteers of Legal Services (VOLS) program as a further means of broadening the availability of legal services.

p) In cooperation with the Committee on Membership, he was pursuing the goal of having every lawyer in the State as a member of the Association. Mr. Miller encouraged the members of the House to assist this effort by locating new members.

3. Election of Officers and Members of the Executive Committee. Mr. Vigdor reported that the Nominating Committee had nominated the following persons for election to the respective offices indicated:

- PRESIDENT-ELECT.....Charles E. Heming
- SECRETARY.....Maryann S. Freedman
- TREASURER.....John J. Yanas
- VICE-PRESIDENT, FIRST DISTRICT.....Henry L. King
- VICE-PRESIDENT, SECOND DISTRICT.....Harold A. Meriam, Jr.
- VICE-PRESIDENT, THIRD DISTRICT.....Thomas M. Whalen, III
- VICE-PRESIDENT, FOURTH DISTRICT.....Edward J. Trombley
- VICE-PRESIDENT, FIFTH DISTRICT.....Philip J. Britt
- VICE-PRESIDENT, SIXTH DISTRICT.....William G. Ruger
- VICE-PRESIDENT, SEVENTH DISTRICT.....G. Robert Witmer, Jr.
- VICE-PRESIDENT, EIGHTH DISTRICT.....Richard F. Griffin,
- VICE-PRESIDENT, NINTH DISTRICT.....William J. Daly
- VICE-PRESIDENT, TENTH DISTRICT.....Frederic J. Block
- VICE-PRESIDENT, ELEVENTH DISTRICT.....Jules J. Haskell
- VICE-PRESIDENT, TWELFTH DISTRICT.....Maxwell S. Pfeifer
- MEMBER OF THE EXECUTIVE COMMITTEE.....Angelo T. Cometa
- MEMBER OF THE EXECUTIVE COMMITTEE.....John D. Ferrick
- MEMBER OF THE EXECUTIVE COMMITTEE.....Raymond W. Hackbarth, Sr.
- MEMBER OF THE EXECUTIVE COMMITTEE.....Lawrence E. Lagarenne
- MEMBER OF THE EXECUTIVE COMMITTEE.....Jon N. Santemma
- MEMBER OF THE EXECUTIVE COMMITTEE.....Howard D. Stave

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.

4. Election of Delegates to American Bar Association House of Delegates. Mr. Vigdor reported that pursuant to the resolution adopted at the November 3, 1984 meeting, the Executive Committee had nominated Charles E. Heming, Henry L. King, Archibald R. Murray and Seth Rosner as delegates to the American Bar Association House of Delegates. A motion was adopted electing said delegates.

5. Report of Treasurer. Mr. Yanas' report, which previously had been presented to the members of the House at the Annual Meeting of the Association, was received with thanks.

6. Report of Special Committee to Consider Adoption of ABA Model Rules of Professional Conduct. Ralph L. Halpern, Chair of the Special Committee to Consider Adoption of ABA Model Rules of Professional Conduct, summarized the report of the Special Committee and outlined the nature of amendments proposed to the Model Rules of Professional Conduct for adoption by the Appellate Divisions as the disciplinary standard in New York State in place of the current Code of Professional Responsibility. Concurring comments were offered by Marjorie E. Gross, Vice-Chair of the Special Committee, and the dissenting position was presented by committee member Frank R. Rosiny. Following discussion of the format and substance of the proposed rules, a motion was adopted approving the following resolution governing further consideration of the committee report:

WHEREAS the Report of the Special Committee to Consider Adoption of the ABA Model Rules of Professional Conduct dated December 14, 1984 (the "Report") has been transmitted to the House of Delegates; and

WHEREAS it would be in the best interest of the Association to consider the Report in an orderly fashion; and

WHEREAS the next meeting of the House of Delegates is scheduled for Saturday, April 13, 1985 in New York City; and

WHEREAS sufficient time should be afforded the members of the House of Delegates and other interested parties to review the Report and to furnish comments thereon in advance of such meeting; now therefore be it

RESOLVED, that a vote on whether to recommend the Rules proposed in the Report to the Appellate Division shall be taken at the April 1985 meeting of the House of Delegates, provided that if it be the will of the House

at the April meeting, there will be a separate vote on the issue of format after the consideration of the consideration of the substance of the report.

RESOLVED, that in order to be considered by the House of Delegates, all proposed amendments to the Rules of Professional Conduct contained in the Report must be received by the Secretary of the Association on or before Monday, March 11, 1985.

RESOLVED, that each proposed amendment to the Rules of Professional Conduct proposed by the Special Committee must be in the same form as that contained in the Report indicating new matter, deleted matter and an explanation of the change together with any other comment the proposer may wish to include.

RESOLVED, that amendments that do not comply with the foregoing resolutions will not be considered by the House of Delegates and no amendments may be offered from the floor.

RESOLVED, that the Secretary of the Association shall transmit all such comments to members of the House of Delegates on or before Tuesday, April 2, 1985 together with the comments or recommendations of the Special Committee.

7. Report of Chairman. Mr. Vigdor advised that the Administrative Board of the Courts had postponed the effective date of the Uniform Rules for the New York State Trial Courts from April 1, 1985 until October 1, 1985 to permit further dissemination and study of the rules before implementation.

8. Date and place of next meeting. Mr. Vigdor announced that the next meeting of the House of Delegates will be held at the Waldorf-Astoria, New York City, on April 13, 1985.

MEMORIAL

to

William F. FitzPatrick

*Presented at New York State Bar Association
House of Delegates Meeting
January 25, 1985
New York City*

William F. FitzPatrick

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illiam F. FitzPatrick, President of the New York State Bar Association in 1963, died on October 25, 1984 in Syracuse, New York where he had practiced law for 57 years.

"Fitz", as he was known to his family and many friends throughout the State, was born in 1902 on a farm in upstate New York. He attended grade school in a one room schoolhouse and after graduation from high school, he worked for three years before attending Syracuse University College of Law where he graduated in 1927. He then joined the law firm of Bond, Schoeneck & King in Syracuse, New York and practiced law with that firm during his entire legal career which spanned 57 years.

Fitz was an extremely competent and successful trial lawyer. He was known as an outstanding courtroom lawyer, always totally prepared, and who applied the highest standards of excellence to every case he handled. He was a longtime Fellow of the American College of Trial Lawyers and an active member of that organization and of the Trial Lawyers Section of this Association.

Fitz was perhaps best known for his ability to make and keep friends. He truly liked people and his delightful Irish wit and kindly smile thoroughly charmed one and all. His friends quickly learned that he was devoted to his wife, their four children, and his church, the cornerstones of his life. He was married to his beloved wife "Peg" for 48 years before her sudden death in 1982. At the time of his death and for many years before, he was a Trustee of his Church.

He took great pride in the legal profession and gave unselfishly of his time and worked diligently to enhance the image of lawyers. His advice and counsel was eagerly sought by attorneys of all ages throughout the State and he was always available to them.

Fitz was a Past President of the Onondaga County Bar Association and of the Hiscock Legal Aid Society. He was one of the founders and organizers of the Onondaga County and New York State Cerebral Palsy Foundations and remained an active member during his lifetime. He was, for 30 years, a member of the Board of Visitors of Syracuse University College of Law and a member and Past Chairman of the Board of Regents of LeMoyne College. He was also a Fellow of The New York Bar Foundation and American Bar Foundation. During his lifetime, he was feted and recognized many times for his professional, civic and alumni activities which are too numerous to recount.

We have lost a kind and thoughtful friend who contributed so very much during his life to public service and the betterment of the legal profession and this Association. Our lives have been enriched by having known him and we shall miss him.