

**NEW YORK STATE BAR ASSOCIATION  
MINUTES OF HOUSE OF DELEGATES MEETING  
HILTON NEW YORK, NEW YORK CITY  
JANUARY 29, 2010**

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**PRESENT:** Aaron; Abernethy; Abramowitz; Adler; Alcott; Alden; Asarch; Ayers; Badway; Barreiro; Baum; Baynes; Behrins; Berke-Weiss; Blanchard; Block; Bohorquez; Bonarigo; Bracken; Bransten; Brown, E.; Brown, P.; Brown, T.; Burke, Patrick; Burke, Philip; Burns, H.; Buzard; Chang; Chapman; Chase; Coffey; Cohen, C.; Cohen, D.; Cohn; Collazo; Convissar; Davidoff; DeFio Kean; Di Pietro; Dohn; Dollard; Doyaga; Draper; Effman; Farley; Fennell; Fernandez, Hermes; Finerty; Fish; Fishberg; Flood; Fox; Franchina; Gall; Gann; Gerstman; Gesinsky; Getnick; Gigliotti; Gingold; Glanstein; Glasheen; Goldenberg; Golinski; Good; Grayson; Gredd; Green; Greenthal; Gross; Gruer; Gutekunst; Gutenberger; Gutheil; Gutierrez; Haig; Hall; Hanna; Harren; Hassett; Hawkins; Hayes; Hendry; Hernandez; Herrmann; Higgins; Ho; Hoffman; Hollyer; Howe; Hurteau; Jackson; James, D.; James, S.; Kahler; Kahn; Kamins; Kanter; Kaplan; Karabatos; Kennedy; Kera; Kingsley; Kurland; Kurs; Lais; Laluk; Lanouette; Larose; Larson; Lau-Kee; Lawrence; Leber; Lee; Leo; Levin; Levy, M.; Levy, P.; Lieberman; Liebman; Lindenauer; Lomuscio; Lonuzzi; Ludington; Luskin; MacCrate; Madigan; Makofsky; Manias; Martin, E.; Martin, T.; Marwell; Masley; Mattei; Mayer; McEnroe; McInerney; McKay; Meislahn; Miklitsch; Miller, M.; Millett; Minkowitz; Miranda; Moore; Morgan; Morril; Mulcare; Nachimson; Nathanson; Nelson; Mizin; O'Donnell; O'Neill; Ostertag; Park; Pogson; Price; Privitera; Prowda; Pruzansky; Purcell; Quaranta; Rauer; Ravin; Reed; Richardson; Robinson; Rodriguez; Romero; Rosenthal; Rosiny; Rothstein; Russell; Ryan; Safer; Salkin; Sanchala; Sandford; Sands; Schneider; Schofield; Schraver; Schwartz, S.; Sconiers; Sen; Seymour; Sieghardt; Sigmond; Silkenat; Smith, G.; Sonberg; Spiro; Stanclift; Standard; Stanislaus-Fung; Starkman; Sterrett; Strauss, B.; Sunshine; Syracuse; Terranova; Tesser; Tilton; Torrey; Tsan; Vigdor; Vitacco; Wachtler; Walsh, J.; Watkins; Weinschel; Weis; Witmer; Younger; and Zulack.

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

1. The meeting was called to order and the Pledge of Allegiance recited, with the presentation of colors by the New York City Police Department Color Guard.
2. Approval of minutes of November 7, 2009 meeting. A motion was adopted accepting the minutes as previously distributed.
3. Report of the Treasurer. The Treasurer's report for the preceding fiscal year, which had been presented by Treasurer Seymour W. James, Jr. to members of the House at the Annual Meeting, was received with thanks.
4. Report of the Nominating Committee and election of officers and members-at-large of the Executive Committee. Mark H. Alcott, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2010-2011 Association year: President-Elect: Vincent E. Doyle, III, Buffalo; Secretary: David P. Miranda, Albany; Treasurer: Seymour W. James, Jr., New York City; and Vice Presidents: First District – Claire P. Gutekunst and Ann B. Lesk, New York City; Second – Manuel A. Romero, Brooklyn; Third – Lillian M. Moy,

Albany; Fourth – Patricia L.R. Rodriguez, Schenectady; Fifth – Thomas E. Myers, Syracuse; Sixth – Mark S. Gorgos, Binghamton; Seventh – June M. Castellano, Rochester; Eighth – David L. Edmunds, Jr., Buffalo; Ninth – John S. Marwell, Mount Kisco; Tenth – Emily F. Franchina, Garden City; Eleventh – David Louis Cohen, Kew Gardens; Twelfth – Steven E. Millon, the Bronx; Thirteenth – Jonathan Bruce Behrins, Staten Island. Nominated as members-at-large of the Executive Committee were Samuel F. Abernethy, New York City; Hon. Margaret J. Finerty, New York City; Sherry Levin Wallach, Mount Kisco; and Eileen D. Millett, New York City.

There being no further nominations, a motion was made and carried unanimously to elect the above-named individuals as officers and members-at-large of the Executive Committee.

5. Address by Hon. Jonathan Lippman, Chief Judge of the State of New York. Chief Judge Lippman addressed the House of Delegates with respect to the status of Unified Court System initiatives. He focused on judicial salaries; the Judiciary budget; the need to preserve IOLA; alternative programs for juvenile offenders; wrongful convictions; and pro bono efforts. The report was received with the thanks of the House.
6. Presentation of the Ruth G. Schapiro Memorial Award. Mr. Getnick presented the annual Ruth G. Schapiro Award to Hon. Evelyn Frazee, Justice of the New York Supreme Court, Seventh Judicial District.
7. Report and presentation by Committee on Law, Youth and Citizenship. Committee member Hon. Jonah Triebwasser provided an overview of the Association's Law, Youth and Citizenship program, including the statewide mock trial program and summer mock trial institute, Project Citizen, and We The People. Committee member A. Thomas Levin then moderated a two-panel demonstration of the We The People program with panels consisting of student teams from Edward R. Murrow High School in Brooklyn and members of the Committee. The report and presentation were received with thanks.
8. Report and recommendations of Commercial and Federal litigation Section. Section chair Vincent J. Syracuse, together with Michael D. Patrick, Charlotte Warren Smith, Kamaka Ramantha Martin and Sophia M. Goring-Paird, members of the Section's Committee on Immigration Litigation, reviewed the Section's proposals to improve the processing of immigration appeals in the Second Circuit and to provide increased legal representation for immigrants. On behalf of the New York County Lawyers' Association, Gregg H. Kanter presented additional recommendations made by the association, which were accepted by the Commercial and Federal Litigation Section. After discussion, the following motion was adopted:

WHEREAS, the Commercial and Federal litigation Section of the New York State Bar Association (the "Section") has completed a report examining the current state of immigration appeals in the Second Circuit (the "NYSBA Report"); and

WHEREAS, the Section recommends greater case review at administrative levels, including expanding the Board of Immigration Appeals and the number of immigration judges and support staff; and

WHEREAS, the Section further recommends measures to improve the quality of legal representation provided to immigrants, including the establishment of a training and mentorship program, increasing the sanctioning power of the Board of Immigration Appeals and immigration judges, and increased pro bono representation or funding for government-appointed attorneys for the indigent; and

WHEREAS, the Committee on the Federal Courts of the New York County Lawyers' Association (the "Committee") has issued a report (the "NYCLA Report") endorsing the NYSBA Report and its recommendations, and making additional recommendations to promote the efficient and just resolution of immigration appeals in the Second Circuit; and

WHEREAS, the Committee recommends that the Second Circuit adopt a liberal remand policy for decisions lacking appropriate clarity, discourage opposition to motions to stay, and expand its Pro Bono Panel Plan to permit more attorneys to engage in pro bono representation; and

WHEREAS, the Committee further recommends that decisions by the Board of Immigration Appeals should be made publicly available, joint motions to reopen removal proceedings should be encouraged, and affirmances without opinion by the Board of Immigration Appeals should be discouraged; and

WHEREAS, the Section endorses the NYCLA Report and its recommendations;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the NYSBA Report and recommendations of the Commercial and Federal Litigation Section; and it is further

RESOLVED, that the New York State Bar Association approves the recommendations of the Committee on the Federal Courts contained in the NYCLA Report, incorporates them in the NYSBA Report, and directs that a copy of the NYCLA Report shall be appended to the NYSBA Report; and it is further

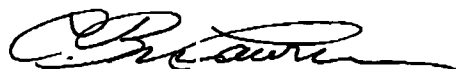
RESOLVED, that the officers of the Association are hereby authorized to distribute the NYSBA Report and to take such other and further action as they may deem appropriate to implement its recommendations and those of the NYCLA Report.

9. Report of the President. Mr. Getnick provided a printed report, a copy of which is appended to these minutes, and highlighted several of the initiatives set forth in the report.
10. Report of ABA State Delegate. Mark H. Alcott, ABA State Delegate, updated the House on ABA activity, including upcoming elections and the formation of a search committee for a new ABA executive director, and reviewed the agenda for the upcoming February

2010 House of Delegates meeting. He encouraged members to consider developing resolutions that can be brought to the ABA House. The report was received with thanks.

11. Report of Special Committee to Review the Code of Judicial Conduct. Special Committee chair Hon. Joseph P. Sullivan, together with committee reporter Prof. Patrick M. Connors, reviewed a number of the committee's significant recommendations for changes to the Code of Judicial Conduct, particularly those that would change the current New York rule or which are contained in the ABA Model CJC but which were rejected by the committee. The report was received with thanks. The House was reminded that pursuant to the scheduling resolution it adopted in November 2009, comments and proposed amendments on the committee's report must be submitted by March 1, 2010.
12. Report of Committee on Law Practice Management. Prof. Gary A. Munneke, chair of the committee, outlined a number of initiatives that had been undertaken by the committee to assist lawyers in practicing more efficiently and effectively, including articles in the *New York State Bar Journal*, programs, web pages, an e-newsletter, and *T-News*. He encouraged members to contact him with recommendations as to additional initiatives that might be undertaken. The report was received with thanks.
13. Administrative items. Mr. Younger reported on the following:
  - a. At the April 10, 2010 meeting, the House would be requested to elect six of the Association's 11 delegates to the American Bar Association House of Delegates. The Nominating Committee had nominated the following individuals: A. Vincent Buzard, Rochester; Vincent E. Doyle, III, Buffalo; Michael E. Getnick, Utica; A. Thomas Levin, Garden City; Kathryn Grant Madigan, Binghamton; and Michael L. Fox, Walden (Young Lawyer Delegate)
  - b. Last year, the Executive Committee approved the recommendation of the Special Committee on Committees that the Special Committee on Unlawful Practice of Law and the Special Committee on Procedures for Judicial Discipline should become standing committees, since their work is ongoing. A motion was adopted to approve these committees as standing committees.
14. New Business.
15. Date and place of next meeting. Mr. Younger announced that the next meeting of the House of Delegates would take place on Saturday, April 10, 2010 at the Bar Center in Albany.
16. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



C. Bruce Lawrence  
Secretary