

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
HILTON NEW YORK, NEW YORK CITY
JANUARY 28, 2011**

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PRESENT: Aaron; Abernethy; Abramowitz; Adler; Alcott; Asarch; Ayers; Baker; Barreiro; Block; Bohorquez; Bonina; Bracken; Brown, E.; Bucaria; Cassata; Castellano; Chang; Chase; Christian; Cohen, C.; Cohen, D.; Cohen, M.; Conley; Davidoff; DeFelice; DeFio Kean; Di Pietro; Dohn; Doyaga; Doyle; Draper; Effman; Elerin; Eppler; Fales; Fennell; Fernandez; Hermes; Finerty; Fish; Fishberg; Flood; Foley; Fortino; Fox; Franchina; Freedman; Gaffney; Galligan; Gann; Genoa; Gerstman; Gesinsky; Getnick; Gigliotti; Glanstein; Goldberg; Goldenberg; Good; Gorgos; Greenthal; Gruer; Gutekunst; Gutenberger; Gutheil; Hall; Hanna; Harren; Hassett; Hawkins; Hernandez; Herrmann; Hetherington; Ho; Hoag; Hollyer; Honig; Howe; Hurteau; Jackson; James, D.; James, S.; John; Kahn; Kamins; Kanter; Kaplan, E.; Karabatos; Karson; Kelly; Kennedy; Kera; Kingsley; Kobak; Kornreich; Kurland; Kurs; Lais; Laluk; Lanouette; Larson; Lau-Kee; Leber; Lesk; Levin; Lieberman; Lindenauer; Long; Longo; Luskin; Madigan; Makofsky; Marino; Marwell; Masley; Mattei; Mayer; McAuliffe; McEntee; McKay; Medenica; Miklitsch; Miller, M.; Millett; Millon; Minkowitz; Miranda; Moore; Moretti; Morril; Moy; Myers; Nachimson; Nathanson; Nelson; Nizin; Onderdonk; O'Neill; Orband; Ostertag; Palermo; Park; Pellow; Perlman; Pettit; Privitera; Prowda; Pruzansky; Quaranta; Randazzo; Rauer; Richardson; Robertson; Rodriguez; Romero; Rosiny; Rothstein; Ruderman; Russ; Ryan; Sachs; Safer; Salkin; Sanchala; Sands; Schechter; Schrauer; Schultz; Schwartz; Selinger; Seymour, S.; Seymour, W.; Sigmond; Simmons; Singer; Sonberg; Spiro; Stanclift; Standard; Stanislaus; Stone; Strauss, B.; Strauss, F.; Sunshine, J.; Sunshine, N.; Syracuse, V.; Tesser; Tilton; Torrey; Tsan; Vigdor; Wallach; Watkins; Weinberger; Weis; Witmer; Wolff; Yates; Yavinsky; Younger.

Mr. Doyle 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 State Court Officers' Association Color Guard.
2. Approval of minutes of November 6, 2011 meeting. A motion was adopted accepting the minutes as previously distributed.
3. 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 provided an update on the Judiciary budget; funding for civil legal services; indigent defense; judicial salaries; juvenile justice; wrongful convictions; and sentencing. The report was received with the thanks of the House.
4. Youth Court demonstration. Hon. Judith S. Kaye, co-chair of the Special Committee on Youth Courts, provided an overview of the work of youth courts in keeping youths in school and with their families. She then introduced the Greenpoint Youth Court, which provided a demonstration of a youth court proceeding. The demonstration was received with thanks.

5. 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 Association at the Annual Meeting, was received with thanks.
6. Report of the Nominating Committee and election of officers and members-at-large of the Executive Committee. Kathryn Grant Madigan, chair of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2011-2012 Association year: President-Elect: Seymour W. James, Jr., New York City; Secretary: David P. Miranda, Albany; Treasurer: Claire P. Gutekunst, New York City; and Vice Presidents: First District – Ann B. Lesk and Jay G. Safer, New York City; Second – Manuel A. Romero, Brooklyn; Third – Lillian M. Moy, Albany; Fourth – Rebecca A. Slezak, Amsterdam; Fifth – Thomas E. Myers, Syracuse; Sixth – Mark S. Gorgos, Binghamton; Seventh – June M. Castellano, Rochester; Eighth – David L. Edmunds, Jr., Buffalo; Ninth – Arlene Antoinette Gordon Oliver, Mount Kisco; Tenth – Emily F. Franchina, Garden City; Eleventh – David Louis Cohen, Kew Gardens; Twelfth – Steven E. Millon, the Bronx; Thirteenth – Grace V. Mattei, Staten Island. Nominated as members-at-large of the Executive Committee were Timothy J. Fennell, Oswego; Glenn Lau-Kee, New York City; Ellen G. Makofsky, Garden City; and Oliver C. Young, Buffalo.

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.

7. Presentation of the Ruth G. Schapiro Memorial Award. Mr. Younger presented the annual Ruth G. Schapiro Award to Susan B. Lindenauer of New York City, retired counsel to the president and attorney-in-chief of the Legal Aid Society.
8. Report and recommendations of Committee on Standards of Attorney Conduct. Joseph E. Neuhaus, chair of the committee, outlined proposed revisions to five comments to the Rules of Professional Conduct: Rule 1.8, comment 8 (lawyer's appointment as a fiduciary); Rule 1.15, comment 3 (client funds and disputed fees); Rule 1.15, comment 4 (third party claims to client property) Rule 8.4, comment 2 (illegal conduct by a lawyer); and Rule 8.4, comment 4 (failure to comply with obligation imposed by law). After discussion, a motion was adopted to approve the amendments to the comments. Mr. Yates abstained from participating in the discussion and vote.
9. Report and recommendations of Task Force on Government Ethics. Michael J. Garcia and Prof. Patricia E. Salkin, co-chairs of the Task Force, together with Task Force members Mark Davies and Hermes Fernandez, outlined the Task Force's recommendations with respect to the following areas of government ethics: attorney disclosure, municipal ethics, honest services, and due process. After discussion, a motion was adopted to approve the report and recommendations. Members Asarch, Galligan and Yates abstained from participating in the discussion and vote.
10. Report of the President. Mr. Younger provided a printed report, a copy of which is appended to these minutes, and highlighted several of the initiatives set forth in the report.

11. Report and recommendations of New York County Lawyers' Association. James B. Kobak, Jr., President of the New York County Lawyers' Association, together with Betty Weinberg Ellerin, co-chair of the NYCLA Task Force on Judicial Independence, and Klaus Eppler, co-chair of the NYCLA Task Force's subcommittee on the Commission on Judicial Conduct, reviewed their association's report recommending proposed amendments to the statutory and regulatory framework governing the State Commission on Judicial Conduct as well as changes to the Commission's policies. After discussion, the following resolutions were approved:

Sanctions

RESOLVED that the New York State Bar Association ("the Association") approve Recommendations VII.3 and 4 of the NYCLA Report on the New York State Commission on Judicial Conduct.

Judges' Professional Liability Insurance

RESOLVED that the Association approve Recommendation I.5 of the NYCLA Report on the New York State Commission on Judicial Conduct.

Training for Referees

RESOLVED that the Association approve Recommendation V.3 of the NYCLA Report on the New York State Commission on Judicial Conduct.

Notice and Discovery

RESOLVED that the Association approve all the Recommendations in Part III except 1 and 7 and also Recommendation V.8 of the NYCLA Report on the New York State Commission on Judicial Conduct.

Separation of Functions

RESOLVED that the Association approve Recommendation I.1 of the NYCLA Report on the New York State Commission on Judicial Conduct.

RESOLVED that the Association approve Recommendation I.2 of the NYCLA Report on the New York State Commission on Judicial Conduct.

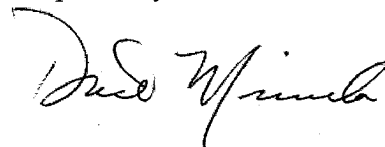
Resolutions relating to the standard of proof in Commission proceedings were withdrawn by the proponents. Members James, Pettit and Yates abstained from participating in the discussion and vote.

12. Report of ABA State Delegate. Mark H. Alcott, ABA State Delegate, updated the House on ABA activity and reviewed the agenda for the upcoming February 2011 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.
13. Memorial to Miriam M. Netter. Former President Kathryn Grant Madigan presented a memorial to Miriam M. Netter, former Vice-President, who passed away in September 2010. A moment of silence was observed out of respect for Ms. Netter's memory and her

contributions to the Association and the legal profession. A copy of the memorial is appended to these minutes.

14. Special Committee on Rules for Consideration of Reports. Claire P. Gutekunst and Ann B. Lesk, co-chairs of the committee, reviewed the committee's proposed rules to govern the process by which reports are published and considered by the Executive Committee and House of Delegates. They noted that if approved, the rules would replace the 1995 rules of the Executive Committee and would be applicable to both the Executive Committee and the House. After discussion, a motion was adopted to approve the rules recommended by the committee.
15. Report of Task Force on the Future of the Legal Profession. Linda Leuchter Addison and T. Andrew Brown, co-chairs of the Task Force, outlined the Task Force recommendations to create a roadmap for future use of technology in the profession, to improve legal education and training, to establish a proper work/life balance for attorneys, and to reform the billing structure in law firms. The report was presented on an informational basis at this meeting and will be voted upon at the April House of Delegates meeting. The report was received with thanks.
16. Administrative items. Mr. Doyle reported that at the April 2, 2011 meeting, the House would be requested to elect five of the Association's 11 delegates to the American Bar Association House of Delegates. The Nominating Committee had nominated the following individuals: Paul Michael Hassett, Buffalo; Bernice K. Leber, New York City; James R. Silkenat, New York City; Stephen P. Younger, New York City; and Seymour W. James, Jr., New York City.
17. Date and place of next meeting. Mr. Doyle announced that the next meeting of the House of Delegates would take place on Saturday, April 2, 2011 at the Bar Center in Albany.
18. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,



David P. Miranda
Secretary