

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
NEW YORK HILTON MIDTOWN, NEW YORK CITY
JANUARY 31, 2014**

.....

PRESENT: Aaron; Abdelhamid; Abella; Abernethy; Abraham; Ajaiyeoba; Alcott; Alden; Arenson; Ayers; Baker; Barnes; Barrett; Baum; Bauman; Beckford; Behrins; Bloom; Bracken; Brown, T.A.; Brown, T.; Buholtz; Castellano; Cecero; Chakansky; Chambers; Chase; Clark; Coffey; Cohen, D.; Cohn; Collins; Cooper; Davis, M.; Day; DeFelice; DeHaven; Denton; DeLorenzo; Desamours; Dorf; Doyle; Dunne; Edmunds; Ellerin; Eng; England; Eppler; Epps; Fahey; Fallek; Fay; Feinberg; Feinman; Ferris; Finerty; Fisher; Flood; Fox; Franchina; Freedman, H.; Friedman; Gaffney; Gall; Galligan; Genoa; Gerace; Gerstman; Getnick; Giordano; Gold; Goldenberg; Gordon-Oliver; Gorgos; Green; Gross; Grossman; Gutierrez; Haig; Harper; Hassett; Higgins; Hillman; Hollyer; Honig; Hoskins; Jaglom; James; Kahn; Kamins; Karson; Kearns; Kelly; Kenney; Kerson; Keschenat; Kiernan; Kirby; Klass; Klein; Kobak; Kretser; Lanouette; Lapp; Larose; Lau-Kee; Lawrence; Lawton-Thames; Leber; Lessard; Leventhal; Levin; Levy; Lindenauer; Ling-Cohan; Lugo; Madigan; Makofsky; Marangos; Marino; Martin, D.; Martin, E.; McCafferty; McCarron; McCarthy; McDonald; McEntee; McKeegan; McNamara; Meacham; Meislahn; Meyers; Miller, M.; Minkoff; Miranda; Modica; Moore; Moretti; Moses; Moy; Mulhall; Myers; Napoletano; Nathanson; Nowotny; Ogden; Ostertag; Parker; Pellow; Perez; Perlman; Pettit; Prager; Preston; Protter; Ranni; Reitzfeld; Rice; Richman; Riley; Risi; Rivera; Robb; Robertson; Rodriguez; Romero; Rosner; Rothenberg; Rothstein; Ruderman; Ryan; Sachs; Safer; Saleeby; Samuels; Scanlon; Schoenfeld; Schofield; Schraver; Schultz; Sen; Sheehan; Shulman; Sigmond; Silver; Silverman; Simmons; Singer; Slavin; Slezak; Smith, A.; Smith, S.; Standard; Stanislaus; Swanson; Sweet; Taylor; Tennant; Terranova; Tesser; Tilton; Tollin; Tully; Ugurlayan; Valet; Vigdor; Walker; Wallach; Weinberger; Welch; Wilkey; Wimpfheimer; Witmer; Wolk; Yeung-Ha; Young; Younger; Zuckerman.

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

1. Approval of minutes of November 2, 2013 meeting. The minutes were deemed accepted as previously distributed.
2. Report of the Treasurer. The Treasurer's report for the preceding fiscal year, which had been presented by Treasurer Sharon Stern Gerstman to members of the Association at the Annual Meeting, was received with thanks.
3. Report of the Nominating Committee and election of officers and members-at-large of the Executive Committee. Stephen P. Younger, a member of the Nominating Committee, reported that the Committee had nominated the following individuals for election to the indicated offices for the 2014-2015 Association year: President-Elect: David P. Miranda, Albany; Secretary: Ellen G. Makofsky, Garden City; Treasurer: Sharon Stern Gerstman, Buffalo; and Vice Presidents: First District – Catherine A. Christian and Jay G. Safer, New York City; Second – Domenick Napoletano, Brooklyn; Third – Hermes Fernandez, Albany; Fourth – Rebecca A. Slezak, Amsterdam; Fifth – Stuart J. LaRose, Syracuse; Sixth – Alyssa M. Barreiro, Binghamton; Seventh – T. Andrew Brown, Rochester; Eighth

– Cheryl Smith Fisher, Buffalo; Ninth – Arlene Antoinette Gordon-Oliver, White Plains; Tenth – Scott M. Karson, Melville; Eleventh – Richard M. Gutierrez, Forest Hills; Twelfth – Richard S. Weisman, Mount Vernon; Thirteenth – Michael J. Gaffney, Staten Island. Nominated as members-at-large of the Executive Committee were Michael W. Galligan, New York City; Bryan D. Hetherington, Rochester; Elena DeFio Kean, Albany; Edwina Frances Martin, Staten Island; and Bruce J. Prager, New York City.

Mr. Lau-Kee announced that pursuant to the applicable provisions of the Association Bylaws, Thomas F. Liotti was nominated by membership for the office of President-Elect. There being no further nominations, a motion was adopted to close the nominations, after which a motion was adopted to elect those above-named individuals as officers and members-at-large of the Executive Committee, with the exception of the position of President-Elect.

Mr. Lau-Kee then asked Mr. Liotti and Mr. Miranda to address the House with respect to their qualifications, following which House members cast ballots to elect the President-Elect. Mr. Miranda received 193 votes and Mr. Liotti received 11 votes.

4. Report and recommendations of Committee on Law, Youth and Citizenship. Richard W. Bader, chair of the Committee, together with former Chief Judge Judith S. Kaye, presented the Committee's report and resolution calling upon NYSBA to formally adopt a policy on civic education to address a decade of dramatic decline in civic education and knowledge on a state and national level. After discussion, a motion was adopted to approve the following resolution:

WHEREAS, the New York State Bar Association ("NYSBA") established the Law, Youth and Citizenship (LYC) Program in 1974 to promote citizenship and law-related education in schools throughout New York State, by assisting educators in creating opportunities for students to become effective citizens able to participate fully in our democratic society;

WHEREAS, the LYC program has, to date, successfully been able to carry out its mission by directly reaching over 5,000 students a year through *We The People*, *Project Citizen*, its statewide Mock Trial Competition and Mock Trial Summer Institute, as well as thousands more indirectly through its training of hundreds of teachers each year;

WHEREAS, the state of civic education and civic knowledge in elementary and secondary school students in both New York State and throughout the nation has so dramatically declined that NYSBA then-President Vincent E. Doyle III "sounded the alarm" about the diminishment of civics education in New York, and the NYSBA publicly announced that "civics education is a top legislative priority for the New York State Bar Association" (NYSBA June 15, 2011 Press Release);

WHEREAS, the NYSBA has stated that "The State Bar Association is concerned about what appears to be a trend toward the weakening of New York's commitment to educating all students about civics" (NYSBA June 15, 2011 Press Release);

WHEREAS, in 2011 NYSBA then-President Vincent E. Doyle III cogently stated that: “A vibrant democracy needs engaged citizens who understand the rights and responsibilities of being an American” (NYSBA June 15, 2011 Press Release);

WHEREAS, the NYSBA firmly believes that an educated citizenry and understanding of basic civic principles adopted by the Founders of this nation is fundamental to the preservation of democracy and good government;

WHEREAS, NYSBA further concludes that civic education in elementary, middle and secondary schools is fundamental to the continued success of our form of self-government and to the preservation of the Rule of Law; and

WHEREAS, in 2011, with the support of the NYSBA, the ABA adopted its Policy on Civic Education incorporating several of the following resolutions;

NOW THEREFORE IT IS

RESOLVED, that the NYSBA shall encourage lawyers and judges to be personally and actively engaged in civic education in their communities and schools and to consider it part of their fundamental responsibility to ensure that all students experience high quality civic learning, including the study of law, government, and history in New York State; and it is

FURTHER RESOLVED, that the NYSBA shall urge lawyers and judges to work to increase Americans’ understanding of the role of fundamental principles in our constitutional democracy; and it is

FURTHER RESOLVED, that the NYSBA urges policymakers at all levels of government, including but not limited to the Governor, the New York State Legislature, the New York State Board of Regents, the Commissioner of Education and the New York State Department of Education, to ensure that all students experience high quality civic learning— including study of law, government, and history--- and that students’ civic learning is regularly and appropriately assessed; and that civic learning is accorded state educational priority on a par with reading and mathematics, by enacting statutes and regulations to require civic education in all grades for all elementary, middle and secondary students in the public schools of the nation and this State, and to provide appropriate funding for such programs as may be necessary to fulfill such requirements; and it is

FURTHER RESOLVED, that the NYSBA urges the legal profession to seek support of policymakers, educators, the media, and the general public to ensure that subject matter to advance the civic mission of schools, including study of law, is included in the core K-12 curriculum and reflected in all standards, instruction, professional development, school funding decisions, and evaluation.

Mr. Brown abstained from participating in the discussion and vote.

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 provided an update on the Judiciary budget; funding for civil legal services; funding for indigent defense services; juvenile justice; bail reform; and wrongful convictions. The report was received with the thanks of the House.
6. Presentation of the Ruth G. Schapiro Memorial Award. Mr. Schraver presented the annual Ruth G. Schapiro Award to Kathleen Donelli of White Plains in recognition of her contributions to addressing the concerns of women.
7. Report and recommendations of Committee on Diversity and Inclusion. Kenneth G. Standard, co-chair of the Committee, reviewed the results of the Committee's biennial 2013 survey, comparing those results to the Committee's previous surveys, as well as the Committee's recommendations with respect to ongoing efforts to further diversity in the Association. After discussion, a motion was adopted to approve the Committee's report and recommendations.
8. Report of Executive Committee re Mandatory Pro Bono Reporting. Scott M. Karson, a member of the Executive Committee, outlined a resolution endorsed by the Executive Committee for House action. The resolution would (a) adopt the amendment to the commentary of Rule 6.1 of the Rules of Professional Conduct as proposed by the Committee on Standards of Attorney Conduct at the November 2, 2013 House meeting; (b) reaffirm the Association's opposition to mandatory reporting of pro bono services and financial contributions to legal services organizations; (c) continue to express opposition and pursue further actions to seek repeal of the rule requiring reporting; and (d) reaffirm the Association's support for voluntary pro bono service and adequate funding for civil legal services. After lengthy discussion, a motion was adopted to postpone consideration of the resolution to the June 21, 2014 meeting on a standing vote of 87-73.
9. Report of Task Force on Gun Violence. The report was postponed to the April 5, 2014 meeting.
10. Report of President. Mr. Schraver highlighted items contained in his written report, a copy of which is appended to these minutes.
11. Report of Committee on Legal Education and Admission to the Bar. The report was postponed to the April 5, 2014 meeting.
12. Report of ABA State Delegate. Mark H. Alcott, ABA State Delegate, provided a brief update on ABA activity and deferred the remainder of his report to the April 5, 2014 meeting. The report was received with thanks.
13. Report of Secretary. David P. Miranda, Secretary, highlighted items contained in his written report, a copy of which is appended to these minutes. The report was received with thanks.

14. Administrative items. Mr. Lau-Kee reported on the following:

- a. NYSBA delegates to ABA House of Delegates. At the April 5, 2014 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; Michael E. Getnick, Utica; Kathryn Grant Madigan, Binghamton; David P. Miranda, Albany; David M. Schrauer, Rochester; and Alena Shautsova, Brooklyn (Young Lawyer Delegate).

15. New Business.

- a. Past President Vincent E. Doyle III noted that Executive Director Patricia K. Bucklin has announced that she will leave the Association on March 31 and that this was her last meeting of the House of Delegates. A motion was adopted to approve the following resolution in recognition of her service:

WHEREAS Patricia Bucklin has served with distinction as the Executive Director of the New York State Bar Association for 13 years, successfully guiding the Association into the 21st century while helping to maintain and enhance the Association's standing as one of the preeminent bar associations in the world, and

WHEREAS Patricia Bucklin has served the Association with grace, dignity and professionalism, and has fostered an environment of respectful collaboration, contributing to the significant accomplishments the Association has achieved during her tenure, and

WHEREAS due to the steady, innovative and dedicated leadership of Patricia Bucklin the Association is in sound financial condition and has a robust membership, and

WHEREAS Patricia Bucklin has worked tirelessly to advance the interests of the Association, enhance its reputation and facilitate its efforts to support and improve the legal system and the legal profession, and

WHEREAS by her acts of kindness and selfless service Patricia Bucklin has earned the enduring friendship of past Presidents, leaders and members of the Association, it is hereby

RESOLVED that the New York State Bar Association hereby expresses its deep gratitude to Patricia Bucklin for her exemplary service as Executive Director.

- b. House member Joseph J. Ranni of White Plains advised that he would be proposing the creation of lawyers' clinics in law schools to assist solo practitioners and members of small firms to assist in times of crisis, such as in the event of disability. Mr. Lau-Kee recommended that he submit the proposal to Association staff so that it can be reviewed by appropriate committees.

18. Date and place of next meeting. Mr. Lau-Kee announced that the next meeting of the House of Delegates would take place on Saturday, April 5, 2014 at the Hyatt Regency Rochester in Rochester.
19. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "David P. Miranda".

David P. Miranda
Secretary