

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
THE OTESAGA, COOPERSTOWN, NEW YORK - JUNE 27, 1981

PRESENT: Members Aspland, Baer, Beshar, Block, Cahn, Callahan, Citrynell, Clabby, Cohen, Connolly, Cook, Daly Dee, deSilva, Diamond, Dougherty, Drazen, Dunne, Eisenberg, Emmett, Eolis, Erickson, Fales, Fallon, Feit, Field, Fishel, Fisher, FitzPatrick, Forger, Freedman, Greenberg, Grossman, Hackbarth, Hall, Harrigan, Heming, Hester, Hoffmann, Jones, Keigher, King, Lagarenne, Lifland, Meriam, H.G. Miller, S.W. Miller, Mitchell, Mousaw, G.F. Murphy, J.H. Murphy, Neverett, Newman, O'Brien, Ostertag, Palermo, Pearl, Peet, Piazza, Popkess, Pritchard, B.J. Reilly, Robfogel, Rothenberg, Ruger, Russell, Seymour, Smith, Stakel, Stave, Sugnet, Taylor Tucker, Vigdor, D.A. Whalen, T.M. Whalen, Williams, Witmer, Wolf, Wright, Yanas, Yetter, Young and Zimmer.

1. Approval of minutes of April 11, 1981 meeting. The minutes were approved as distributed.

2. Report of Treasurer. Mr. Pritchard summarized the Treasurer's report, January 1 to May 31, 1981, copies of which had been previously circulated to members of the House. The report was received with thanks, and recognition was given Mr. Pritchard for his seven years of dedicated service in the office of Treasurer.

3. Report of Special Committee to Review ABA Draft Model Rules of Professional Conduct. Frank R. Rosiny, Chairman of the Special Committee to Review ABA Draft Model Rules of Professional Conduct, presented an initial appraisal of the proposed final draft of the Model Rules, dated May 30, 1981, and summarized those areas in which changes and substantive improvements had been made over the discussion draft considered by the House at the November 1, 1980 meeting. He then outlined the procedures which the Special Committee would employ in evaluating the final draft and preparing a detailed report of the significant issues involved for discussion by the House at future meetings.

4. Amendment of Section and Association bylaws. Upon motion, the following amendments were approved:

ASSOCIATION BYLAWS:

XIII. STANDING COMMITTEES, 1. Delete "Committee on Investments" from list of internal affairs committees.

XIII. DUTIES OF COMMITTEES. Delete the following:

The Committee on Investments shall examine the investments owned by the Association and make recommendations to the Treasurer concerning the sale or retention thereof and the investment of the Association's funds. Its recommendations may be executed by the Treasurer without further authority or, if the Treasurer deems it advisable, may be referred to the Executive Committee for its directions. It shall have the power to direct the Treasurer to pay any expenses of administering, investing and reinvesting the funds of the Association.

XV. SECTIONS, 1. Delete Section on the General Practice of Law and insert "General Practice Section".

ARTICLE XII, A, 2. Add the following to the end of the second sentence:

The members of the Committee on Public Utility Law shall be appointed for three-year terms. One-third of those to be designated by the President for terms commencing in 1981 shall serve for one year; one-third shall serve for a two-year term; and one-third shall serve for a term ending in 1984. The Committee may also consist of such additional members, to be designated honorary members, as the President may appoint from time to time upon the recommendation of the Chairman of the Committee. Such members shall also serve for three years. Each may participate in all Committee functions, but shall not be entitled to vote.

YOUNG LAWYERS SECTION BYLAWS:

ARTICLE V, Executive Committee. Section 1. MEMBERS. The Executive Committee shall consist of the officers of the Section and one Executive Committee member from each Judicial District of the State, who shall be a member of the Section and a resident of, or have an office for the transaction of business within such Judicial District. In addition, the Executive Committee shall include the immediate past chairman of the Section and the chairman of the Activities Committee, the Young Lawyer Delegate from the New York State Bar Association to the American Bar Association House of Delegates, as well as Young Lawyer Section Delegates to the New York State Bar Association House of Delegates.

5. Presentation of Root/Stimson and Public Service Awards. Thomas M. Whalen, III, Chairman of the Special Committee on Lawyers and the Community, presented the Root/Stimson Award to Plattsburgh attorney James A. Fitzpatrick for outstanding service to the community.

Hon. Domenick L. Gabrielli, Chairman of Lawyers and the Community Awards Committee, presented the Public Service Award to Ronald Williams, Executive Director of New York Therapeutic Communities, for his outstanding contribution to the betterment of the administration of justice. The Public Service Medal was presented by Judge Gabrielli to Erie County Sheriff's Deputy Joseph A. Petronella for his demonstration of outstanding personal courage in protecting the integrity of governmental operations and the system of justice.

6. Presentation of Trial Lawyers Section Mock Trial Competition Awards. Anthony J. DeMarco, Jr. Chairman of the Trial Lawyers Section Committee on National Mock Trial Competition and Scholarship Award, presented the Trial Lawyers Cup and Scholarship Award to Brooklyn Law School as the New York State law school placing highest in National Mock Trial Competition.

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

a) Legislation permitting insurance carriers to participate in open panel group and prepaid legal services plans had passed both houses of the Legislature and had been submitted to the Governor for signature. A motion was adopted urging that the Governor sign the measure into law as soon as possible.

b) A bill had passed the Senate and was pending in the Assembly which would carry out the intent of the resolution adopted at the April 11, 1981 House meeting proposing establishment of a statewide Clients' Security Fund supported through a mandatory contribution to be paid by all attorneys admitted to practice in the State. The following resolution was adopted upon motion by the House:

RESOLVED, that the House of Delegates of the New York State Bar Association endorses the concepts of lawyer registration accompanied by payment of a fee and establishment of a statewide Clients' Security Fund as embodied in Senate bill 6709 and Assembly bill 8709, and urges the Legislature to complete action upon and pass this legislation, in such form as may be appropriate, and further urges that the Governor, upon passage of such legislation, sign the measure into law as an enactment in the best interests of the people of the State of New York.

c) Efforts were still in progress to preserve the Legal Services Corporation and secure funding at levels adequate to insure continuation of its programs of legal services to the indigent. He outlined the significant endeavors by the Association and the Committee on Legal Aid, in cooperation with other bar organizations, to achieve this worthwhile purpose in aiding the profession in fulfilling its obligation to furnish legal services to the less fortunate.

d) The high school mock trial program sponsored by the Association will be conducted on a statewide basis in 1982, with the final competition to be held next May in the Court of Appeals, with participation by members of that court.

e) An Executive Committee Subcommittee on Long-Range Planning had been appointed to review matters relating to the governance of the Association, and provide coordinated planning for future programs and projects. Mr. Forger indicated this study encompassed staffing projections, and that upon recommendation of the subcommittee, the Executive Committee had approved establishment of the position of Associate Executive Director as of September 1, 1981, which position will be filled by Association Counsel, John A. Williamson, Jr.

8. Report of Chairman.

a) Mr. Williams announced that bar associations entitled to delegates had filed their designations of delegates for the year 1981-82. On motion, said designations were approved as filed and a further motion was adopted approving the filed roster of members of the House as the official list for 1981-82.

b) Mr. Williams recognized those delegates who were completing their terms, expressing gratitude for their service. The following is a list of the retiring members of the House.

Everett M. Barlow	William V. Gough	Robert A. Ronder
Frank A. Barrera	Edward J. Grogan, III	Seth Rubenstein
Antonio I. Brandveen	Vincent J. Hand	Arthur Savage
Meredith M. Brown	Clifford T. Harrigan	Stanley Schair
Sanford L. Church	Samuel D. Hester	Karl H. Schrade
John J. Clabby	Bruce A. Hubbard	Wallace J. Stakel
Robert J. Clune	Erik E. Joh	Martin B. Stecher
Angelo T. Cometa	Ira H. Lustgarten	William E. Sugnet
John C. Couch	Terry Milburn	Herman H. Tarnow
Charles E. Crandall, Jr.	Peter W. Mitchell	Benjamin I. Taylor
Alan A. D'Ambrosio	Delon F. Mousaw	Philip Washburn
Gerard M. Damiani	Francis H. Neverett	Robert I. Williamson
M. Bates Davidson	Henry Oswald	J. Michael Wolf
Lewis C. DiStasi, Jr.	Arthur A. Petronia	Robert G. Wright
James V. Fallon	Alfred W. Popkess	Irving Younger.
Harold A. Freedman	Hamilton F. Potter, Jr.	
John T. Frizzell	Justin V. Purcell	

c) The new members of the House would be taking office with commencement of the new Association year on July 1, were welcomed by Mr. Williams.

d) Pursuant to request by Mr. Williams, and upon motion adopted by the House, the terms of the following special committees were extended for an additional year:

Advisory Committee on Legislation	Lawyers and the Community
Copyright Law	Patents and Trademarks
Group & Prepaid Legal Services Plans	Specialization in the Law.
Procedures for Judicial Discipline	

e) Mr. Williams conveyed the appreciation of the Freedman family to the members of the House for the tribute given to Edwin J. Freedman at the April 11, 1981 meeting.

f) Mr. Williams expressed appreciation to Mr. Forger for his energetic and dedicated leadership as President during the past year, and presented him with a plaque inscribed as follows:

THE NEW YORK STATE BAR ASSOCIATION PRESENTS THIS TESTIMONIAL TO
ALEXANDER D. FORGER IN RECOGNITION OF HIS DEVOTED SERVICE TO THE
ASSOCIATION IN THE SUCCESSFUL FURTHERANCE OF ITS IDEALS AND IN THE
PROMOTION OF THE BEST INTERESTS OF THE PROFESSION THROUGH HIS
SERVICE AS PRESIDENT OF THE ASSOCIATION - 1980-1981.

9. Date and place of future meetings. Mr. Williams announced that the next meeting of the House of Delegates will be held at the Bar Center in Albany on November 7, 1981, with future meetings scheduled for January 16, 1982 at the Bar Center, and April 30, 1982 at the New York Hilton Hotel, New York City.