

NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
THE OTESAGA, COOPERSTOWN
JUNE 28, 1986

PRESENT: Members Amdursky, Amrod, Ashley, Baldwin, Ball, Barthold, Bedell, Bermingham, Blauvelt, Blewett, Bracken, Bradt, Britt, Brown, Cannon, Canoni, Chayt, C. Clark, P. Clark, Cometa, Connolly, Corcoran, Cox, Daly, DeMaio, DiLorenzo, Dolan, Dollard, Dranoff, J.F. Dwyer, Eiber, Elwood, Fales, Ferguson, Field, Floyd, Forger, Freedman, Galbraith, Geltzer, Gershon, Giordano, Goldblum, Griffith, Hall, Halpern, Hart, Heming, Hickey, Hurwitz, Ierardi, H. Jones, S. Jones, Kane, Kaufman, King, Klein, Lagarenne, Lasher, Longo, Lustgarten, MacCrate, Mahon, Mahony, Malone, Marangos, Markuson, McDowell, McGlinn, McGraw, Mellon, Miller, Moreland, Moriello, J.E. Murphy, J.H. Murphy, A. Murray, K. Murray, Obold, Offermann, Omansky, Ostertag, Palermo, Patterson, Penzel, Pfeifer, Plunkett, Pruzansky, Reiter, Rhodes, Rice, Richardson, Robfogel, Rosiny, Rosner, Ruger, Santemma, Schiller, Schnall, Seymour, Siegel, Simberkoff, Solomon, Stave, Stiles, Thompson, Tyler, Ufford, Vigdor, Vitacco, Volk, Wilkens, Williams, Witmer, Yanas, Yetter, Zimmerman, Zuckerman.

1. Introduction of new members. The new members of the House who had assumed office on June 1 were introduced and welcomed by Mr. Cometa. The following is a list of the new members of the House: Francis A. Auleta; Dwight R. Ball; Susanna E. Bedell; Joseph D. Bermingham, Jr.; Edward L. Birnbaum; Henry Bradt; John F. Cannon; John D. Canoni; Charles H. Clark; Peter D. Clark; Dale S. Collinson; Michael Davidoff; John H. DeMaio; George S. Deptula; Sanford S. Dranoff; Peter J. Driscoll; Bernard M. Eiber; George H. Elwood; Edward V. Esteve; Michael K. Feigenbaum; Arthur N. Field; Marquette L. Floyd; Barry H. Garfinkel; Frank J. Giruzzi; Michael Griffith; Ralph L. Halpern; Edward J. Hart; Sheldon Hurwitz; Thomas W. Jeram; Steven R. Jones; T. Paul Kane; Robert M. Kaufman; Richard Lasher; Joseph F. Longo; John F. Mahon; Gerald Mann; John Z. Marangos; Peter C. McGinnis; Joseph D. McGuire; John F. Meehan; John E. Mellon; Anthony P. Montalbano; Joseph M. Moriello; Kay C. Murray; Mahlon R. Perkins; Robert A. Presutti; Roger V. Pugh, Jr.; Stanley B. Reiter; Alan R. Rhodes; M. Catherine Richardson; Shirley A. Siegel; Jane S. Solomon; Meredith N. Stiles, Jr.; John Tyo; Charles W. Ufford, Jr.; Barry L. Warren; Jody Weisbrod.

2. Approval of minutes of April 19, 1986 meeting. The minutes were approved as distributed.

3. Report of Treasurer. Mr. Yanas summarized the Treasurer's report January 1 to May 31, 1986, and indicated that the Association remained in sound financial condition at the midpoint of the fiscal year. He noted that the earlier date of the fall meeting would preclude the Finance Committee having complete data to submit the 1987 budget for approval at the September 27 meeting. The following resolution was adopted on motion of the House to authorize approval of the 1987 income and expense budget at the January 30, 1987 meeting:

RESOLVED, that the Finance Committee is hereby authorized to submit the proposed Association income and expense budget for calendar year 1987 to the House of Delegates for approval at the January 30, 1987 meeting of the House; and it is further

RESOLVED, that during the period January 1-30, 1987, the officers, staff, sections and committees of the Association are hereby authorized to collect and expend funds in accordance with the budget proposed by the Finance Committee and approved by the Executive Committee, subject to the approval of said budget by the House of Delegates on January 30, 1987.

4. Report on activities of Governor's Advisory Commission on Liability Insurance. Hon. Hugh R. Jones, Chair of the Governor's Advisory Commission on Liability Insurance, summarized the significant conclusions and recommendations set forth in the Commission's second report. He noted that in addressing insurance regulation, the Commission concluded that a need existed for legislation authorizing the writing of group policies in the private sector similar to the public sector proposal contained in its initial report, and that the Superintendent of Insurance should examine claims made policies and the inclusion of defense costs in policy limits to reduce insurance costs, as well as the development of a reserve stabilization mechanism. He also reviewed proposed modifications affecting various aspects of tort law, such as the assumption of risk doctrine, product liability, and the liability of corporate officers and directors, where improvement or codification of existing principles would improve the system. The report was received with the thanks of the House.

5. Report of President. Mr. Heming reported the following matters:

a) With the assistance of the General Practice Section, the Trial Lawyers Section, the Insurance, Negligence and Compensation Law Section, the Committee on Tort Reparations, and the Association Task Force on Simplification, the Executive Committee had forwarded comments to the Governor and the Legislature regarding the initial report of the Governor's Advisory Commission on Liability Insurance. He indicated that a similar procedure would be followed with respect to the second report in

order that the Association might assist in achieving a fair resolution of the liability insurance problem.

b) In view of the passage of time and significant developments since the 1980 House of Delegates resolution on audio-visual coverage of court proceedings, the Executive Committee would be discussing the matter with relevant Association sections and committees to determine if the House should be requested to reexamine its prior position.

c) The Executive Committee, following consideration of a report by the Committee on Bylaws, had disapproved proposed Bylaws amendments to permit constituencies represented in the House to designate alternate delegates. Mr. Heming noted that in cooperation with the Committee on Bylaws, the Executive Committee was examining the need to fix a maximum limit on the membership of the House to ensure collegiality and manageability during discussions.

d) Three new committees were being appointed to address developments in the legal profession: the Special Committee on Lawyer Competence, which would be chaired by Francis H. Musselman; the Special Committee on Lawyers in Public Service, which Whitney North Seymour, Jr. would chair; and the Special Committee on Women in the Courts, to be chaired by Ruth G. Schapiro.

e) The Executive Committee, at the request of the Committee on Minorities in the Profession, had endorsed in principle the recommendations set forth in the report of the American Bar Association's Task Force on Minorities in the Legal Profession for adoption by the ABA House of Delegates.

Mr. Heming expressed appreciation to Mr. Vigdor 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 Justin L. Vigdor in recognition of his devoted service to the Association in the successful furtherance of its ideals and in the promotion of the best interest of the profession through his service as President of the Association 1985-1986.

6. Report and recommendations of Ad Hoc Committee on Bar Center Facilities and Space Requirements. Robert MacCrate, Co-Chair of the Ad Hoc Committee on Bar Center Facilities and Space Requirements, summarized the status of the committee's efforts to address the current and future needs of the Association and The New York Bar Foundation for adequate meeting and office space through expansion of the Bar Center. He reviewed the steps taken thus far, including the retention of The Saratoga Associates to prepare preliminary designs, the L. A. Swyer Company, Inc. as contracting consultant, and Ketchum, Inc. to

conduct a fund-raising feasibility study. Whitney North Seymour, Jr., Chair of the Subcommittee on Building Design and Construction, then presented schematic designs for the renovation of the existing Bar Center and expansion into the adjacent properties at Nos. 5 and 6 Elk Street. Following discussion, the following resolution was adopted on motion of the House:

RESOLVED, that in connection with the proposed expansion of the Bar Center located at One Elk Street in Albany, New York, the House of Delegates hereby ratifies and confirms the actions taken by the Ad Hoc Committee on Bar Center Facilities and Space Requirements in the selection of The Saratoga Associates as architect for the project, of L. A. Swyer Company, Inc. as contractor, and of Ketchum, Inc. as fund-raising consultant; and

RESOLVED, that the officers of the Association, working in conjunction with the officers of The New York Bar Foundation and through the Ad Hoc Committee on Bar Center Facilities and Space Requirements are hereby authorized to proceed with the implementation of the general plan for the expansion of the Bar Center, including the renovation of the adjacent buildings located at Nos. 5 and 6 Elk Street, in accordance with the general proposal presented at this meeting, the total cost of which shall not exceed \$7,500,000; and

RESOLVED, that such implementation of the general plan shall include the commissioning of detailed building designs and construction documents to be prepared by The Saratoga Associates, the letting of project bids through L. A. Swyer Company, Inc., and execution of all necessary contracts and agreements and all steps necessary to effectuate the general plan; and

RESOLVED, that the officers of the Association are hereby authorized to convey the properties known as Nos. 5 and 6 Elk Street to The New York Bar Foundation on such terms and conditions as the Executive Committee of the Association may approve with attention to the respective status of each organization and the statutes and regulations applicable thereto; and

RESOLVED, that the officers of the Association in cooperation with The New York Bar Foundation are hereby authorized to undertake a statewide program to raise the monies necessary to finance the general plan for the expansion of the Bar Center and the charitable and educational programs of The Foundation, subject to the approval of the Executive Committee of the Association as to specific actions to be taken by the Association.

7. Report of Special Committee to Review the Code of Professional Responsibility. Hon. Hugh R. Jones, Chair of the Special Committee to Review the Code of Professional Responsibility, summarized the procedure followed by the committee in preparing draft amendments to the Code of Professional Responsibility. He advised that following receipt of comments from interested groups and individuals, the committee would prepare final recommendations in a gender neutral format for consideration by the House. In discussing a tentative deadline for the submission of comments, representatives of county and local bar associations requested that adequate time be provided for this purpose. Following discussion, a motion was adopted fixing January 1, 1987 as the deadline for the submission of comments, with consideration of the committee's final product to take place at the April, 1987 meeting of the House.

8. Report of Chair. Mrs. Freedman reported the following matters:

a) On June 10, she had recently attended a program and reception honoring the centennial of Kate Stoneman's admission to the bar as the first woman lawyer in New York, which event was jointly sponsored by the New York State Bar Association, the Women's Bar Association of the State of New York, and the New York State Division for Women.

b) Plans were proceeding smoothly for the first Association General Meeting to be held September 25-28, 1986 in Buffalo, New York. She reviewed the major programs which were scheduled, including participation by the Canadian bar on topics of international scope. Mrs. Freedman invited the attendance and active support of the members of the House for the meeting.

9. Report and proposed resolution concerning media advertising of tobacco products. Henry G. Miller summarized a proposal that the Association oppose any form of media advertising of tobacco products by initiating and supporting appropriate legislation to accomplish this purpose, and urging the American Bar Association to adopt a similar position. Following discussion, further consideration was deferred to permit the presentation of additional information concerning the first amendment aspects of the issue.

10. Presentation of Root/Stimson Award, Public Service Awards, and Award of Merit. Edward J. Moses, Chair of the Committee on Lawyers and the Community, presented the Root/Stimson Award to attorney Emlyn I. Griffith of Rome for outstanding service to the community.

Mr. Moses presented the Award of Merit for small associations to the Broome County Bar Association, and the Award of Merit for larger associations to the New York County Lawyers' Association in recognition of distinguished professional and

public service accomplished through programs administered at the local level.

Hon. Domenick L. Gabrielli, Chair of the Committee on Lawyers and the Community Awards Committee, presented the Public Service Medal to the Vera Institute of Justice, New York City, for demonstrating exemplary courage in protecting the integrity of governmental operations and systems of justice. The Public Service Award was presented by Judge Gabrielli to Project LEGAL (Law-related Education: Goals for American Leadership) for its outstanding contribution to the betterment of the administration of justice.

11. Memorial to George G. Coughlin. Eugene C. Gerhart presented a memorial to George G. Coughlin, a past President of the Association. Upon motion duly made and seconded, the following resolution was adopted unanimously:

RESOLVED, that the members of the New York State Bar Association express their profound sorrow at the passing of George Gordon Coughlin, their seventy-second president; their admiration and high regard for him; and their deep appreciation and respect for his significant contributions to the New York State Bar Association and to the profession of law; and be it further

RESOLVED, that this memorial be made a part of the permanent records of this Association and that copies be sent to the members of his family, and his law firm, Coughlin & Gerhart.

A copy of the memorial is attached to these minutes.

12. New business. Gail J. Wright, Chair of the Committee on Minorities in the Profession, reported regarding the concerns being addressed by the committee and its efforts to enhance educational and employment opportunities for Black, Hispanic and Asiatic attorneys, improve liaison between minority bar groups and other elements of the profession, and develop community outreach initiatives. She advised that a job placement program would be conducted in November, 1986 at Fordham University, and encouraged participation by the members of the House and their firms to assure its success. The report was received with the thanks of the House.

13. Date and place of next meeting. Mrs. Freedman announced that the next meeting of the House of Delegates will be held on Saturday, September 27, 1986 at the Hyatt Regency in Buffalo.

MEMORIAL
to
GEORGE GORDON COUGHLIN

*Presented at New York State Bar Association
House of Delegates Meeting
June 28, 1986
Cooperstown, New York*

GEORGE GORDON COUGHLIN

With admiration and respect, today we honor the memory of our Association's distinguished seventy-second president who passed away on March 14, 1986.

George Gordon Coughlin was born on January 9, 1900 in Binghamton, New York. He received his college and law degrees from Syracuse University and was admitted to the New York Bar at the early age of 22. He became associated with the eminent New York City law firm of Root, Clark, Buckner and Ballentine whose partner, Emory Buckner, had a strong and lasting influence on his young associate's career. George was found of referring to Root, Clark's famous house organ called *The Bull* which contained wise advice to young lawyers.

George returned to his native city to join one of the leading Broome County law firms, Keenan, Brink and Harrison. Some of you will remember Neil Harrison, who was also a past president of our Bar Association. In 1973 George became the senior partner of the newly-merged firm, Coughlin & Gerhart, where he remained until his retirement in 1975 to become its counsel. Moving then to Savannah, Georgia, he joined Lee & Clark as its New York Counsel. There he remained until his death. He adopted as his philosophy for his law firm that of Chauncey Belknap whose constant admonition to his partners was: "Think, what is in the firm's best interest."

Our Association can be proud of George Coughlin's many significant contributions to our profession. He served as president of the Broome County Bar Association (1944-1946), as president of the Federation of Bar Associations of the Sixth Judicial District (1948-1949), and in 1969 was elected to the highest post our Association can offer a lawyer, president of the New York State Bar Association.

In addition to his other duties, George served until his retirement as chairman of the Committee on Character and Fitness of the Sixth Judicial District. He also chaired the Board of Visitors of Syracuse University from 1956 to 1968. He served diligently with the Committee to revise New York's Rules of Civil Procedure.

Most of our members will remember George Coughlin as a leading upstate trial lawyer. His clients valued his astute counsel and admired his thorough, persistent, faithful pursuit of justice. His opponents might have criticized his stubborn, tenacious and uncompromising belief in his client's cause but these were qualities which often led to victory. Neither friend nor foe would deny his courteous demeanor and his wise common sense. He was an advocate in the best tradition of our profession.

George was elected a member of the American College of Trial Lawyers, of the American College of Probate Counsel, and a Patron of the International Bar Association. He was a Life Fellow of the American Bar Foundation.

More than just a lawyer, George Coughlin served his home community as president of the Chamber of Commerce. He helped to bring the Broome County Airport into being. He was the motivating force in developing the largest industrial park in the area.

*To relax, George became an avid fly fisherman. He spent many happy days with friends in pursuit of Izaak Walton's pasttime on the beautiful streams in the Catskills and our Southern Tier. Yet he also found time to be an author. He wrote legal articles for law periodicals and newspapers. He was author of books for laymen and students, including **Your Introduction to Law** and **Here is Your Career: The Law**. In his Foreword to the first of these, Federal District Judge Weinstein said, "The work reflects the deep love for the law of one committed to the profession."*

George was married twice. His first wife, Laura Crossley, predeceased him in 1959. His second wife, Edith Furbush, passed away in 1967. He leaves two children: a son who bears his distinguished name and who is a partner today in his father's firm of Coughlin & Gerhart; and an attractive daughter, Susan C. Guild who lives in Winchester, Massachusetts. George is survived as well by five grandchildren.

*Someone wrote that a lawyer's name is "writ in water." Not so for George Coughlin. Every professional man knows that he can deduct on his federal income tax return the reasonable expenses of attending seminars to improve his professional education. If challenged he will cite the famous Second Circuit case of **Coughlin v. Commission of Internal Revenue**, 203 Fed. 2d 307 (C. A. 2d, 1953). It is because of George Coughlin's persistence, tenacity and courage that we all can benefit from that tax deduction.*

Always courtly in his bearing, George was courteous and calm in his manner. He often displayed a kindly sense of humor. None of his contemporaries showed a greater devotion to the law because the law embodied his own sense of fundamental decency and fair play. Another upstate New York lawyer, Supreme Court Justice Robert H. Jackson of Jamestown, would readily include George Coughlin in those county seat lawyers of whom Jackson wrote:

"The law to him was like a religion and its practice was more than a means of support; it was a mission."

We New York lawyers can take justifiable pride in the enduring mark our respected past president, George G. Coughlin, left on his community, on the law, and on our noble profession.