

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
JUNE 18, 2016
THE OTESAGA, COOPERSTOWN, NEW YORK**

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PRESENT: Aidala; Alcott; Alomar; Alsina; Arenson; Baker; Barreiro; Barrett; Bauman; Berman; Block; Bloom; Bowler; Braunstein; Brown, E.; Brown, J.; Brown, T.A.; Bruno; Burke, J.; Burns, S.; Calareso; Carola; Castellano; Chambers; Chandrasekhar; Chang; Christensen; Christopher; Clarke; Clouthier; Coffey; Cohen, D.; Chhen, O.; Connery; Corbin; Dean; Doyle; Effman; Fay; Fennell; Ferguson; First; Fishberg; Fisher; Flanagan; Flynn; Fox, G.; Fox, M.; Freedman; Gaddis; Gaillard; Gayle; Genoa; Gensini; Gerbini; Gerstman; Gingold; Gische; Goldenberg; Goldfarb; Goldschmidt; Gonzalez; Gordon Oliver; Grays; Greenberg; Grossman; Gutekunst; Halpern; Heath; Hersh; Hetherington; Himes; Mines; Hoffman; Hollyer; Hurteau; Hyer; James; Jochmans; Karson; Kean; Keiser; Kelly; Kenneally; Kenney; Kiernan, P.; Kiesel; King, B.; Kobak; Koch; Krausz; LaRose; Lau-Kee; Leber; Levy; Madigan; Makofsky; Mancuso; Mandell, A.T.; Maroney; Martin; McCann; McGinn; McKeegan; McNamara; Meyers; Miller, C.; Miller, G.; Miller, M.; Miranda; Moretti; Morrissey; Murphy; Napoletano; Nowotarski; O'Donnell, J.; O'Donnell, T.; Ogden; Ostertag; Owens; Prager; Ranni; Richman; Richter; Rivera; Rodriguez; Romero; Rosiny; Russell; Saleeby; Samuels; Scheinberg; Schrauer; Sciocchetti; Shamoon; Shampnoi; Shaw; Sheehan; Silkenat; Silverman; Singer; Smith; Spiro; Standard; Steinhardt; Strenger; Sulimani; Sullivan; Tarver; Tennant; Thaler-Parker; Tully; Vigdor; Vitacco; Wallach; Walsh; Wasmund; Weathers; Welch; Westlake; Weston; Whittingham; Wildgrube; Williams; Younger; Zuchlewski.

Ms. Gerstman presided over the meeting as Chair of the House.

1. Call to order, introduction of new members. The meeting was called to order and the Pledge of Allegiance was recited, and Ms. Gerstman welcomed the new members of the House.
2. Minutes of April 2, 2016 meeting. The minutes were accepted as previously distributed.
3. Report of the Treasurer. Scott M. Karson, Treasurer, updated the House with respect to the results of operations for the first four months of 2016, and then provided an overview of the Association's in-state and out-of-state dues categories. The report was received with thanks.
4. Memorial to Robert MacCrate. Maryann Saccomando Freedman, past president of the Association, presented a memorial in honor of Robert MacCrate, past president of the Association and of the American Bar Association, who passed away in April 2016. A moment of silence was observed out of respect for Mr. MacCrate's memory and his contributions to the legal profession.
5. Presentation of Root-Stimson Award. President Gutekunst presented the Root-Stimson Award, which honors members of the profession for outstanding community service, to Richard J. Davis of New York City. A private practitioner, he was honored in particular

for his service as chair of the Legal Aid Society and on numerous boards and commissions in New York City.

6. Installation of President. Ms. Gutekunst was formally installed as President. The oath of office was administered by Hon. Cheryl E. Chambers, Associate Justice of the Appellate Division, Second Department. Ms. Gutekunst then addressed the House with respect to her planned initiatives for her term as President.
7. Report of President. Ms. Gutekunst highlighted the information contained in her printed report, a copy of which is appended to these minutes.
8. Report and recommendations of President's Committee on Access to Justice. C. Kenneth Perri, chair of the committee's Golden Gavel Subcommittee, together with committee co-chair William T. Russell Jr., outlined the committee's proposed model pro bono policy for public sector attorneys. Three changes to the policy were recommended and accepted as friendly amendments. After discussion, a motion was adopted to approve the following resolution:

WHEREAS, the New York State Bar Association's President's Committee on Access to Justice on April 4, 2016 issued a report recommending that a model pro bono policy and procedures for attorneys in state and federal government agencies be adopted; and

WHEREAS, the model policy would assist state and federal agencies that wish to establish formal pro bono legal services programs with clear ethical rules, conflict procedures, referral mechanisms and forms for keeping track of attorney participation; and

WHEREAS, in the past, NYSBA has actively promoted the adoption of model pro bono policies by law firms and the Corporate Counsel Section of the New York State Bar Association has developed a model pro bono policy for use by corporate law departments;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the model pro bono policy and procedures for attorneys in state and federal government agencies recommended by the President's Committee on Access to Justice; and it is further

RESOLVED, that the officers and staff of the New York State Bar Association are empowered to take such further steps as they deem appropriate to distribute to and encourage use of the policy by state and federal agencies.

9. Report of President's Committee on Access to Justice. Committee member Michael Miller presented an informational report on the committee's recommendations with respect to limited scope representation. He advised that the committee will present its report to the

House for debate and vote at the November 2016 meeting. The report was received with thanks.

10. Report and recommendations of Criminal Justice Section. Sherry Levin Wallach, chair of the section, outlined the section's request to delete the recommendation regarding criminal liability for disclosure of a record that had been sealed from its 2012 report on sealing criminal records. After discussion, a motion was adopted to approve the report and recommendations.
11. Presentation of Trial Lawyers Section National Trial Advocacy Awards. Evan M. Goldberg, past chair of the Trial Lawyers Section, presented awards to teams from Hofstra University School of Law and Syracuse University School of Law, and recognized the Hofstra team as overall champion for advancing farthest in the national competition.
12. Report of The New York Bar Foundation. John H. Gross, President of The Foundation, presented an informational report on recent developments with respect to The Foundation, noting that The Foundation had awarded \$580,000 to grant recipients last year. The report was received with thanks.
13. Report of Committee for Bar Leaders of New York State. Deborah Martin Owens, chair of the committee, updated the House on the work of the committee, which has replaced the New York State Conference of Bar Leaders. She noted that the committee aims to develop and enhance relationships among New York bar associations. The report was received with thanks.
14. Report of ABA State Delegate. Mark H. Alcott, ABA State Delegate, updated the House on ABA activity and leadership. The report was received with thanks.
15. Administrative items. Ms. Gerstman reported on the following:
 - a. New Audit Committee members. At its June 16-17, 2016 meeting, the Executive Committee had confirmed the appointment of Hermes Fernandez and Edwina Frances Martin as new members of the Audit Committee. Pursuant to the Bylaws, the House is required to ratify the selection of these members. A motion was adopted to ratify the members' selection.
 - b. Following the meeting, the Committee on Leadership Development will host a luncheon for members interested in learning of leadership opportunities.
 - c. Ms. Gerstman thanked the association staff for their work in preparing for the meetings. She noted that Director of Meetings Kathleen M. Heider is retiring in July and that this is her last meeting. She thanked Ms. Heider for her years of service.

16. Date and place of next meeting. Ms. Gerstman announced that the next meeting of the House of Delegates would take place on Saturday, November 5, 2016 at the Bar Center in Albany.
17. Adjournment. There being no further business to come before the House of Delegates, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ellen G. Makofsky", written in a cursive style.

Ellen G. Makofsky
Secretary