

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK
NOVEMBER 5, 2011**

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Mr. James presided over the meeting as Chair of the House.

PRESENT: Abella; Abernethy; Alcott; Ayers; Baker; Barnes; Barreiro; Basic; Baum; Bauman; Baynes; Behrins; Berke-Weiss; Bonina; Bouveng; Burns, S.; Castellano; Chambers; Christian; Coffey; Cohen, O.; Collins; Collura; Cusano; Cvek; DeFelice; DeFio Kean; DeGrasse; DeHaven; Di Pietro; DiLorenzo; Donaldson; Doyaga; Doyle; Edmunds; Effman; Eppler; Fay; Fedorchak; Fennell; Fernandez, Henry; Fernandez, Hermes; Finerty; Fish; Flood; Foley; Fontaine; Fortino; Fox; Franchina; Gaffney; Galligan; Getnick; Glanstein; Goldberg; Goldenberg; Gorgos; Grays; Grayson; Green; Gutekunst; Gutenberger; Haig; Hall; Hanna; Harren; Hassett; Hernandez; Hetherington; Hoag; Hoffman; Hollyer; Honig; Hurteau; James, S.; Karson; Kelly, M.; Kera; Kiernan; Kurs; Lais; Laluk; Lanouette; Lau-Kee; Lesk; Leventhal; Levin; Levy; Lewis; Lieberman; Lindenauer; Ludington; Lugo; Madigan; Makofsky; Marwell; Masley; Mayer; McAuliffe; McEntee; McKay; Meislahn; Miklitsch; Millon; Minkoff; Minkowitz; Miranda; Moretti; Moxley; Moy; Myers; Napolitano; Nathanson; Nelson, J.; Nelson, L.; Onderdonk; Ostertag; Pachman; Park; Pellow; Perlman; Prager; Preston; Privitera; Prowda; Radick; Randazzo; Ravin; Richardson; Richman; Robertson; Roberts-Ryba; Rodriguez; Romero; Rosenthal; Rosner; Ruderman; Russell; Sachs; Safer; Salkin; Schraver; Seddio; Seitz; Sen; Shulman; Silkenat; Slavin; Slezak; Smith; Sonberg; Spiro; Stanclift; Standard; Starkman; Stern; Strauss; Sunshine; Swanson; Sweet; Syracuse, D.; Taylor; Tennant; Tollin; Torrey; Vitacco; Walker; Wallach; Walsh, S.; Watkins; Weinberger; Weis; Witmer; Young; Younger.

1. Approval of minutes of June 25, 2011 meeting. The minutes were deemed accepted as previously distributed.
2. Report of the Treasurer. Claire P. Gutekunst, Treasurer, reported that through September 30, 2011, the Association's total revenue was \$20.6 million, a decrease of approximately \$146,000 from the previous year, and total expenses were \$17.5 million, an increase of approximately \$590,000 over 2010. The operating surplus was \$3 million, approximately \$715,000 less than the previous year. Ms. Gutekunst also highlighted several revenue and expense items. The report was received with thanks.
3. Report and recommendations of Finance Committee. David M. Schraver, chair of the Finance Committee, summarized the committee's report and recommendations regarding the proposed 2012 budget, which projects income of \$25,351,875 and expenses of \$24,964,810 and a projected surplus of \$387,065. A motion was adopted to approve the proposed 2012 budget.
4. Report and recommendations of Committee on Bylaws. Hon. Cheryl E. Chambers, chair of the Committee on Bylaws, outlined the amendments proposed by the committee with respect to adding two members-at-large from sections and one member-at-large from the

Young Lawyers Section to the Executive Committee. Subscription forms were provided to the delegates to subscribe to the proposed amendments in order to place the proposed amendments on the agenda for action at the Annual Meeting. Following tabulation of the completed forms, Mr. James reported that the proposed amendments had not received the required subscriptions to permit their consideration at the Annual Meeting and that, consistent with prior practice, House members who were not in attendance would be afforded an opportunity to record their subscriptions by mail.

5. Report of President. Mr. Doyle highlighted the information contained in his printed report, a copy of which is appended to these minutes.
6. Report of the Secretary. David P. Miranda, Secretary, reported on the implementation of and follow-up on reports and resolutions adopted by the Executive Committee and/or House of Delegates. He also highlighted the information contained in his printed report, a copy of which is appended to these minutes. The report was received with thanks.
7. Report of Criminal Justice Section. Richard D. Collins and Xavier R. Donaldson, members of the Section's Executive Committee, reviewed the Section's report recommending that New York adopt a sealing statute. They noted that the Section will focus on the definition of "sealing," factors the court should consider in determining whether sealing is appropriate, and procedures, and would present a full report for consideration at the January 2012 meeting. The report was received with thanks.
8. Presentation by Lawyer Assistance Program.
 - a. Demonstration of eLAP program. Mr. Doyle introduced the House to the new eLAP website, which provides an online lawyer assistance program and resources. Patricia Spataro, Director of the Lawyer Assistance Program, then provided a demonstration of eLAP. The presentation was received with thanks.
 - b. Mock intervention. Lawrence A. Zimmerman, chair of the Lawyer Assistance Committee, together with committee members Timothy D. Foley and Hon. Vincent J. Reilly, Jr. and Ms. Spataro, presented a mock intervention to demonstrate how colleagues can assist a lawyer in crisis. The presentation was received with thanks.
9. Report re President's Diversity Challenge. Glenn Lau-Kee and Sherry Levin Wallach, co-chairs of the Committee on Membership, updated the House with respect to the President's Diversity Challenge. They reported that all sections have developed diversity plans and are now working toward implementation of the plans. The report was received with thanks.
10. Report of The New York Bar Foundation. M. Catherine Richardson, President of The Foundation, presented an overview of The Foundation's structure and updated the House on The Foundation's activities. She encouraged the members to make voluntary

donations to The Foundation in furtherance of its mission. The report was received with thanks.

11. Administrative items. Mr. James reported on the following items:
 - a. President Doyle had appointed Christine Dettor as a member of the Audit Committee. Under the Bylaws, the House is required to ratify appointments to the Audit Committee. A motion was adopted to ratify the appointment.
 - b. He noted that the House of Delegates dinner will be held on Thursday, January 26, 2012 at Gotham Hall in New York City and encouraged members to attend.
12. Date and place of next meeting. Mr. James announced that the next meeting of the House of Delegates would take place on Friday, January 27, 2012 at the New York Hilton, New York City.
13. 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 "David P. Miranda". The signature is fluid and cursive, with the first name "David" and last name "Miranda" clearly distinguishable.

David P. Miranda
Secretary