

**NEW YORK STATE BAR ASSOCIATION
MINUTES OF HOUSE OF DELEGATES MEETING
BAR CENTER, ALBANY, NEW YORK
NOVEMBER 2, 2013**

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

PRESENT: Abella; Abernethy; Abraham; Ajaiyeoba; Alcott; Alden; Alomar; Arenson; Ayers; Bakner; Barnes; Barrett; Baum; Bracken; Brown, C.; Brown, T.A.; Buholtz; Cahill; Canary; Castellano; Chambers; Christian; Clark; Coffey; Cohen, D.; Cohen, I.; Cohen, O.; Collins; Collura; Cooper; Coseo; Costello; Crummey; DeFelice; Denton; Dunne; Edmunds; Eng; England; Eppler; Epps; Feinman; Fenchel; Ferris; Finerty; Fisher; Flood; Fox; Franchina; Freedman, H.; Friedman; Galligan; Gerstman; Getnick; Gold; Goldberg; Goldenberg; Gorgos; Gross; Gutierrez; Haig; Helfer; Hetherington; Higgins; Hines; Hollyer; Honig; Jaglom; James; John; Kamins; Karson; Kelly, M.; Kerson; Keschenat; Kiernan; Klein; Kretser; Larose; Lau-Kee; Lawrence; Leber; Lessard; Leventhal; Levy; Lewis; Lindenauer; Ling-Cohen; Lugo; Madigan; Makofsky; Marangos; Marinaccio; Martin, D.; Martin, E.; McAuliffe; McCafferty; McCarthy; McDonald; McEntee; McNamara; Meacham; Meisenheimer; Meislahn; Meyers; Miller, M.; Millon; Miranda; Modica; Morales; Moretti; Moses; Moy; Mulhall; Myers; Napoletano; Nowotny; O'Donnell; Ogden; Ostertag; Otis; Pantaleo; Pellow; Perez; Perlman; Pettit; Pontius; Protter; Ranni; Reitzfeld; Richman; Richter; Rivera; Robertson; Rodriguez; Romero; Rosner; Rothenberg; Rothstein; Sachs; Safer; Saleeby; Scanlon; Schoenfeld; Schofield; Schrauer; Sen; Sheehan; Shulman; Sigmond; Silverman; Simmons; Singer; Slavin; Slezak; Standard; Stanislaus; Swanson; Taylor; Tennant; Terranova; Tilton; Ugurlayan; Valk; Wallach; Warshawsky; Weinberger; Westlake; Wilkey; Wimpfheimer; Witmer; Woronov; Yeung-Ha; Young; Younger; and Zuckerman.

1. Approval of minutes of June 22, 2013 meeting. The minutes were deemed accepted as previously distributed.
2. Report of Treasurer. Sharon Stern Gerstman, Treasurer, provided a financial report focusing on the Association's income, including that derived from membership dues, investment income, royalties, and the Annual Meeting. In addition, she provided an update with respect to 2013 CLE income and expense. The report was received with thanks.
3. Report and recommendations of Finance Committee re proposed 2014 income and expense budget. John S. Marwell, chair of the Finance Committee, reviewed the proposed budget for 2014, which projects income of \$25,931,900, expenses of \$25,422,810, and a projected surplus of \$509,090. A motion was adopted to approve the proposed 2014 budget.
4. Report and recommendations of Committee on Bylaws. Eileen E. Buholtz, chair of the Bylaws Committee, presented the Committee's proposals to amend the Bylaws (a) to provide a seat in the House of Delegates for a NYSBA member who is or has served as President of the American Bar Association and (b) to extend the diversity seats in the House and on the Executive Committee for an additional ten years. 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. Lau-Kee reported that the proposed amendments had received the required subscriptions to permit their consideration at the Annual Meeting.

5. Report of President. Mr. Schraver highlighted the information contained in his printed report, a copy of which is appended to these minutes. In addition, he invited Stephen P. Younger, chair of the Nominating Committee, to report 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; Vice Presidents: 1st District – Catherine A. Christian, New York and Jay G. Safer, New York; 2nd District – Domenick Napoletano, Brooklyn; 3rd District – Hermes Fernandez, Albany; 4th District – Rebecca A. Slezak, Amsterdam; 5th District – Stuart J. Larose, Syracuse; 6th District – Alyssa M. Barreiro, Binghamton; 7th District – T. Andrew Brown, Rochester; 8th District – Cheryl Smith Fisher, Buffalo; 9th District – Hon. Arlene Gordon-Oliver, Harrison; 10th District – Scott M. Karson, Melville; 11th District – Richard M. Gutierrez, Forest Hills; 12th District – Richard S. Weisman, Mount Vernon; 13th District – Michael J. Gaffney, Staten Island. The following individuals were nominated to serve as Executive Committee Members-at-Large for a 2-year term beginning June 1, 2014: Michael W. Galligan, New York; Bryan D. Hetherington, Rochester; Elena DeFio Kean, Albany; and Edwina Frances Martin, Staten Island. Nominated as Section Representative Member-at-Large of the Executive Committee was Bruce J. Prager, New York. The following individuals were nominated as delegates to the American Bar Association House of Delegates for the 2014-2016 term: A. Vincent Buzard, Rochester; Michael E. Getnick, Utica; Kathryn Grant Madigan, Binghamton; David M. Schraver, Rochester; and Alena Shautsova, Brooklyn (Young Lawyer Delegate).
6. Report and recommendations of Committee on Standards of Attorney Conduct. Joseph E. Neuhaus, chair of the committee, reviewed proposed amendments to the Comments of Rules 3.8 and 6.1 of the New York Rules of Professional Conduct, noting that the amendments are intended to conform the Comments to amendments to the Rules adopted by the Appellate Division earlier in 2013. After discussion, a motion was adopted to approve the amendments to the Comments of Rule 3.8. On a standing vote of 114-60 with two abstentions, a second motion was adopted to table the amendment to the Comments of Rule 6.1.
7. Report and recommendations of Special Committee on Human Trafficking. Committee co-chairs Bernice K. Leber and Sandra Rivera, together with committee members John H. Gross, Hon. Barry Kamins, and Hon. Carol Robles-Roman, reviewed the committee's recommendations with respect to labor trafficking, sex trafficking, and child trafficking. After discussion the following motion was adopted:

WHEREAS, human trafficking is identified as a contemporary form of slavery, with thousands of people taken from their families and forced into hard labor or prostitution; and

WHEREAS, human trafficking occurs throughout New York state; and

WHEREAS, the victims of human trafficking are men, women, and children who are U.S. citizens and non-citizens from New York and other states, as well as immigrants from other countries; and

WHEREAS, the Special Committee on Human Trafficking was appointed to consider initiatives relating to education, training, provision of legal services to and coordination of resources for victims, as well as effective prosecution of traffickers; and

WHEREAS, the Special Committee has completed its review of available data, existing laws, protocols, training procedures, court practices, and rules relating to the areas of labor trafficking, sex trafficking, and child trafficking, and has issued a report making recommendations for changes with respect to laws, services and practices in each area; and

WHEREAS, the Special Committee has agreed to withdraw the recommendation with respect to orders of protection in Family Court for victims of human trafficking and sexual exploitation for further consideration;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the report and recommendations of the Special Committee on Human Trafficking as amended; and it is further

RESOLVED, that the Special Committee is hereby authorized to make non-substantive editorial changes, in consultation with the Executive Committee, as may be warranted, and it is further

RESOLVED, that the officers of the Association are hereby empowered to take such other and further steps as they may deem warranted to implement this resolution.

8. Report of Secretary. David P. Miranda, Secretary, highlighted the information contained in his written report, a copy of which is appended to these minutes. The report was received with thanks.
9. Report of Executive Director. Patricia K. Bucklin, Executive Director, updated the House with respect to staff and internal operations, technology, and new member benefits. The report was received with thanks.
10. Report of The New York Bar Foundation. Cristine Cioffi, President of The New York Bar Foundation, presented an update with regard to recent developments including grants for review and the development of an awards booklet to recognize Association award recipients. The report was received with thanks.
11. Administrative items. Mr. Lau-Kee reported on the following items:

- a. He announced that the House of Delegates Dinner will take place on Thursday, January 30, 2014 at the Yale Club.
 - b. He announced that the Committee on Leadership Development would host a luncheon immediately following the meeting to discuss leadership opportunities.
12. Date and place of next meeting. Mr. Lau-Kee announced that the next meeting of the House of Delegates would take place on Friday, January 25, 2013 at the Hilton New York, 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