

THE NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION
EXECUTIVE COMMITTEE

Minutes of the Meeting of the Executive Committee of the Commercial & Federal Litigation Section held in accordance with the rules of the New York State Bar Association on Tuesday, October 3, 2017.

Members Participating in Person

Mitch Katz, Chair
Robert Holtzman, Chair-Elect
Laurel Kretzing, Vice-Chair
Greg Arenson
Tom Bivona
Richard Dircks
Tony Harwood
Jeremy Feinberg
Hon. Helen Freedman (Ret.)
Richard B. Friedman
Jay Himes
Hon. Andrea Masley
Hon. Karla Moskowitz
Jamila Moore*
Natasha Shishov
Rebecca Smithwick
Vincent Syracuse
Doug Tabachnik

Members Participating by Phone

Sandra Rampersaud, Treasurer
Jamie Sinclair, Secretary
Evan Barr
James Bergin
Hon. Deborah Chimes **
Jonathan Fellows
Suzanne Galbato
Hon. Henry Nowak **
Jim Potter
Stephen T. Roberts
Courtney Rockett
Paul Sarkozi
Jim Wicks

**indicates non-executive committee member*

*** indicates guest speaker for the meeting*

The meeting came to order at 6:00 p.m. Section Chair Mitch Katz called the meeting to order and invited guest speakers Deborah A. Chimes and Henry J. Nowak, Justices of the Supreme Court, 8th JD, Commercial Division to provide remarks, which were given via video conference.

Guest Speakers: Deborah A. Chimes and Henry J. Nowak

Justices Chimes and Nowak discussed the fact that Commercial Division justices hold 3 year terms in the 8th JD. They also discussed practices in their chambers, approaches to conferencing cases prior to trial, and the “two-tiered” mediation program. In the mediation program, the judge will order mediation for the parties, but if either party feels, after participating for the first two hours, that the mediation is not productive, either may suspend it without any charge. For cases that do not settle through mediation, the case will proceed through discovery. Both judges discussed the various tools they use in getting parties to consider settlement, as well as pet peeves they have with respect to motion practice in their courtrooms. The discussion concluded with the judges taking questions for members, and noting the reception and impact the Section’s Women’s Task Force Report has had on their practice rules and courtrooms.

Approval of September 7, 2017 Meeting Minutes

The September 7, 2017 Meeting Minutes were unanimously approved.

Preliminary Report re: Judiciary Law § 470

Vincent Syracuse, on behalf of the Legislative and Judicial Initiatives Committee, discussed the Committee’s preliminary report on Judiciary Law § 470 which requires nonresident members of the New York bar to maintain an office in New York. The Committee has made a preliminary recommendation that the NY State Legislature should repeal Judiciary Law § 470, and a discussion was held by members in attendance regarding same. The preliminary report was unanimously approved with the abstention of Natasha Shishov. An edited copy of the Preliminary Report will be approved and circulated as the Section’s report.

Scheindlin Award Update

Section Chair Mitch Katz announced that Patricia Miller and Linda Clark will be this year’s award recipients of the Shira A. Scheindlin Award for Excellence in the Courtroom. The CLE program has been severed from the award portion of the program, and it will now be a 3 credit program held in March. The award program will be held November 15, 2017 at 500 Pearl Street in the ceremonial courtroom.

Evening at Thurgood Marshall Events

This second annual event, held before the Section’s Annual meeting, will feature both a cocktail hour and tours of the Court and remarks by Chief Judge Robert A. Katzmann. The event will be held at the Thurgood Marshall Courthouse from 5:30 to 7:30 p.m. Ticket prices are set at \$35 per member and \$25 for members of the Young Lawyers’ Section.

Committee Highlight- White Collar Criminal Litigation

Executive Committee member and Chair of the White Collar Criminal Litigation Committee Evan Barr gave a brief report on the Committee’s structure and practices. The Committee was created in 2007 and has a mailing list of over 200 names. The Committee aims to have guest speakers who have recently litigated a large or notorious case, which helps attract attendees, and

meets monthly. Typically 25-30 people attend the meetings, and meeting locations are rotated amongst various firms and companies in industries relevant to this practice area. The next meeting will held 10/26. The Committee Highlight prompted a discussion by the Committee of other ways to invigorate the Section's Committees.

Bylaws Committee Update

Robert Holtzman updated the Section regarding the Bylaws Committee's first meeting and advised that a recommendation is expected by the end of the year.

Nominating Committee Update

Section Chair-Elect Robert Holtzman invited members to share nominations for Section Officers with Melanie Cyganowski.

Women's Task Force Report

The Report has received momentous press and the Task Force Committee is currently working on recommendations for implementation. The Report will be presented to the Executive Committee on 11/3 and the House of Delegates on 11/4 by Bernice Leber and Mark Berman. It is expected that the House of Delegates will approve and adopt the report as a Report by the Association.

Other Business

Mark Zauderer, as the Section's Ambassador, recently visited Boies Schiller Flexner LLP and will soon speak with Greenberg Traurig, LLP to encourage young lawyers to join the Section. The civility guidelines for practice, created by the Section years ago, were also discussed.

The meeting concluded at approximately 7:47 p.m.