

NYSBA EELS Executive Committee Meeting - Jan. 17, 2019, NYC

Welcome EELS! (Marla Weider)

- Thank you to our co-chairs (Linda & Steve) & everyone that helped pull the Annual Meeting together!
- EELS branding & marketing efforts - Marla admitted she has not made as much progress as she would have liked. Nevertheless, we have made progress on the use of the NYSBA EELS LinkedIn (please join), Communities (Library), Twitter, and the EELS website (updated, but it still needs work – comments welcome)

Approval of Minutes from Last Executive Committee Meeting, Fall 2018 (Marla) Nick moved; Howard and others seconded

Nominating Committee Report (Linda Shaw)

- Executive Committee to approve new slate – Linda explained that the Nominating Committee has selected Jim Rigano as the next Secretary. There was some discussion about Jim’s upcoming CLE seminar. Jim was then appointed.
- New Members at Large were also discussed:

ONE-YEAR TERM

- Katherine “Kit” Kennedy
- Jan S. Kublick
- Eileen D. Millett
- Lemuel Morris Srolovic

CONTINUING THREE-YEAR TERM FROM 2018

- Susan Amron
- Elizabeth Bennet
- Hayley Carlock
- Seth Friedland
- Daniel Richmond
- Kathleen Bennett
- Philip Bousquet
- Peter Caspar
- Dominic Cordisco
- Fred Eisenbud
- Katrina Kuh
- Maggie MacDonald

NEW THREE-YEAR TERM MEMBER

- Mindy Zoghlin
- Aaron Gershonowitz

Financial Report (Nick Ward-Willis)

- Overview of EELS Finances – The good news was that Marla has not spent all of our money! The December Financial statement reflected a balance of \$96,000, which is \$20,000 above last year. This increase was mainly due to new consultant sponsors. On expense side, we were also \$4,000 under budget despite purchasing mood pencils, pins, etc. As of the current date with the current income, we have a surplus of \$15,000, so that now we have \$114,000. Therefore, the discussion turned to new ways to spend that money to attract new members and for the minority fellowship. We spend some money on the Executive Committee meetings, and we recommend continuing lunch events, such as this event and to have meetings such as this to continue these discussions.
- There was a discussion about creating new rules, with some flexibility, for covering travel/accommodation costs for speakers since other sections have formal rules. We decided to draft 2 main policy items. First, we reviewed there are section programs and NYSBA association programs, such as the Oil spill, fall meetings and Assoc program meetings including brownfields. In addition, there are CLE programs. We thought one of our new policies could be inviting student members for free but were told we could not do this for section programs but can do it for Association programs (current rules were circulated). Lisa clarified that we can invite student to this meeting. However, we all indicated that students should also be able to attend the fall meeting. The annual meeting at the Hilton costs a lot of money for students. We can encourage them to attend the Thursday night section and agency update but we have to pay costs for food. We can set a law student rate of \$1 and the section can then subsidize the rest of the rate. Walter commented that we should be empowered to make decisions to pay for this. All agreed but we also agreed we need a concerted effort to encourage students to sign up as members, particularly since they are free while they are students right now.
- Speakers Payment or Travel Costs – Should we pay? Lisa explained that we do not pay for speakers but some sections do. Marla added that we have been looking at government speakers and different levels of payment. AG member noted that there should be a lower cost for government employees.
- Alan K. asked why we are not doing a webinars. Marla explained that cost is higher than expected but we are looking at it.
- Marla also added that we are reviewing the Green Policy as well.

Minority Fellowship for 2019 (Ginny)

- Ginny explained that the fellowship was revitalized for 2019! The plan is \$7.5k for Summer 2019 and for 2 students in Summer 2020. The winner this year was a NYU 2nd Year Student Asha Brundage-Moore worked at Pace Food Security Interest: Environmental Justice NY Lawyers for the Public Interest Intern this summer; she worked on a farm for communities that are desert communities. She will be present tonight and tomorrow and at the EJ Panel. Please introduce yourselves to her.
- Procedure & timing for next year – We had a late start but for the 2020 fellowship we have our act together. \$7500 for 8 weeks minimum. NY for Public Interest gets \$5500 but the intern is supposed to try to find other funding sources, which she of course did. Working with the diversity committee Sara Lobe who is here

and we welcome your input. Mike Gerard also helped and solicited applications for this year and will help next year. We are also struggling as to when we solicit and when we give the grant. Virginia R. recommended September as the kick off timeframe and wrapping up by the end of the year.

Membership Report & Initiatives (Rob/Frank)

- Membership numbers / targets – We are growing; we had 1000 members at the beginning of last year and ended November with 1029 and December with 1038.
- Nevertheless, membership is not growing as much as it should and considering that environmental law is growing. There was discussion about how firms used to pay for membership and now many do not. Questions were asked if there is data regarding which firm pay for their associates to be members. Linda Shaw mentioned that law firms are starting to not pay for their younger lawyers to be members and if we can do a shout out to firms who do this it might help membership. We need to do a better job about why joining the bar is important not just to get a job but to keep a job and move up in your career. Nick added that we may need some catchy marketing – like Join the Bar for the 3 CCC - Connections Collegiality and CLEs. We also need to develop our list of energy lawyers. Phil B asked if we have asked the young lawyers section what they want. Amy K. said law schools are not providing the info to students as to why it is important to connect students to Bar. Nick and Howard set up a list but it was not easy because there are a lot of law school staff changes on an annual basis. Jim P. asked what we are doing to look at retention? Kevin H. noted that we should reach out to professors like Mary Lyndon and Phil W. to promote the Bar. We have a list and we have been sending promotional information to the new list that we develop. We concluded that we need liaisons from the EC to each law school. Alita is going twice to Albany Law School and can help solicit members. Larry S. said that when he gets a resume, he recommends to the person that they join Bar. The Cabinet agreed to start to incorporate all of the good ideas exchanged.
- Outreach should occur to Energy/public utility lawyers law students, NYCELLI alums, former Minority Fellowship recipients, former essay contest winners, former speakers, etc. Walter said that we have a number of NYCELLI grants and thinks that we should send a letter to pitch the students to join the bar and why it would be relevant to them. Howard noted that we have followed up with NYCELLI students. One had a criminal violations, but we will continue to follow up.
- We also discussed requiring membership to Fellowship Applicants and Essay Contest Applicants.
- We left this topic with two follow up questions:
Can we get data on what firms pay for associates to join?
Are we relevant to young attorneys? How can we figure this out?

Amendments to NYS Constitution (Nick)

- Nick explained that the briefing of the NYSBA Committee on the State Constitution occurred this past week. Katy Kuh (Pace Law) reviewed the proposed amendments to Article 1 of the NYS Constitution to establish the right to the environment in the NY Bill of Rights (a new Section 19 to Article 1). They further explained this does not affect the “forever wild” provisions in Article XIV.
- Briefing, Timing, Issues – Nick and Katy Kuh were asked to attend the State Constitution Committee. The Legislature has to pass it two years in a row for the

amendment to be formally adopted. Recall the public did not vote to change the State Constitution last year. The Task Force endorsed the concept but did not propose specific language. We were chastised for not being ambitious enough. Commenters thought it was odd that we took the position we could invoke the right to sue the government but not a private sector party. We apparently did this for “political” reasons. A concept report was written, is on line, but it did not include specific language. This year we want to get together to help come up with proposed language. Steve R. asked if the language is developed, would we get together with a group of environmental groups. Jim R. indicated that he would volunteer. Frank also volunteered. Steve R. acknowledged that citizen suit provision always died in the Senate but this might be a good time. Alan K. said that we did have some language developed that never made it in the report. He recommended revisiting the language.

EELS Programs - 2019 (Marla & others)

- **2019 Conferences/Events:** Jim Rigano’s webinar is the next event on the agenda re: PFAS Sampling. On December 18, 2018, the NYS Water Quality Counsel came out with new water quality standards and recommended an MCL of 10 ppt for PFOA and PFOA. It came on very quickly and we need to get the word out about this important new issue.
- **Oil Spill Symposium @ NYSBA Albany on May 9, 2019**
 - Contact: Melissa Valle - MValle@nyenvlaw.com;
 - Ideas & help are welcome. Part of the program will be CLE-eligible. Alan K explained that it will be a CLE and it will be a webinar. Last year it was a webcast. We are not going to do it as a webcast anymore but will do a webinar. A webinar is where you only see the Power Points but you will not see people live.
- **Legislative Forum @ NYSBA Albany on May 22, 2019**
 - Contacts: Jillian Kasow/John Parker
 - Ideas are still being developed. Since Jillian and John were not at the conference, Marla explained that she thinks they will focus on climate issues.
- **NEW, Maybe... NY/NJ Environmental Law Forum @ TBD 2019** (Larry)
 - NY/NJ Cooperative CLE on Superfund/Brownfields – Larry explained that we are going to do a program on common and uncommon issues. It would work perfectly in the Spring. Larry had a preliminary call with NJ Law Committee. They are interested. Regional Fill panel and the BCONE program in June. K. McTiernan included that we do not want to impact every other year the EPA’s program so we should look at those dates. Larry explained that this would be more of a practitioners panel.
- **Fall Meeting @ Mohonk** on Sept. 22-24, 2019 (Mohonk)(Howard) – Howard arranged a very decent price – a hotel rate with all meals only \$200. It is on Sunday and Monday night. Have to call the number to get the \$200 rate. If you bring a guest, it is \$204.
 - Co-chairs: M. Bogin & Susan Ahern

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- Topics may include...M. Bogin said that we should do some practical panels and also introduced the concept of Intro level envl law 101 and then high level panel. We also plan to do an outside session. Jon B. stated that ABA had an optional public service project. River cleanup could appeal to millennials. Mohonk also has organized group activities. Wetlands in Mohonk would be a really good topic.
- Howard reminded everyone to book the hotel ASAP and that we will be sending lots of reminders.
- **Announcement - If you notice conflicts w/ EELS' events & ABA, NYCBA, etc. event, let us know and please provide the Cabinet with notice of any interesting programs EELS should co-sponsor.**

Committees / Task Forces (Marla + anyone)

- Cabinet/Liaison Chart (distributed/posted)
- Revitalization effort underway – new teams for Diversity, EJ, Social Media
- FFEP Task Force Activities (D. Freeman/Gale) – Some people have chosen a committee 10 years ago. We just passed around update sheet to proactively list what committees you want to be on and ACTIVE. David F. said we had a successful Brownfield Superfund Update; well received program. We are going to make that an annual program. Next time we are going to do NYC. Different venue is being planned.

House of Delegates / SC Meeting (Amy) – At the June meeting, Amy Kendall our HOD member explained that she brought up to section caucus that we should push for electronic materials. The response was “well we have done a trial run of that and the environmental section did not sign up.” The default is print publication if members do not apply to not receive print materials. So please make a decision and we can provide an email so you can elect NOT to have written publications. Big Bar is pushing advertising so they obviously still want written publications. HOD is also pushing some ethics rule changes. Lisa said that we have so many technological issues with the website that an email to Lisa will get it accomplished. The opt out instructions will be in the Environmental Lawyer Magazine. Larry said that this was an issue in the Brownfield session. We need to tell the CLE Department- “no printed materials!” Lisa said tomorrow’s note pad IS on recycled paper.

Updated Green Policy – (Marla)

- Old Policy needed some updates -
- Recycled paper for everything possible. Eco/Recycled awards/swag where possible.
- We have to remind CLE, NYSBA coordinators before events that we have found an environmentally friendly company for swag. They plant a tree in your name when you order!

TNYEL - Publications & Essay Contest (Miriam)

- Miriam explained that she will send around the hard Copy Opt-Out procedure again on Communities
- TNYEL Next Issue

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- Essay Contest Deadline: June 2019 – Most recent issue should be out somewhere of the NY Envl Lawyer. The next issue, Miriam is taking articles to get out in May or June. Also looking for essays from any student due June 1.

New Business

- NYS Attorney General's Office Update (Matt) – Matt provided update on changes in AG's office and new AG - Leticia James. He explained the likely focus will be on EJ issues. AG handles defensive and affirmative cases. They have several hundred cases handled by 40 attorneys. The sexier cases include some cases against the feds indefinite delay of training agricultural workers; successful ozone NOx case; 5 month case to promulgate good neighbor provision of the CAA; 2nd Cir. Handled fuel eco standards case; settlement with Chrysler and Bosch 16M; Volkswagen; and 9th Cir. Ban agricultural pesticide settlement with retailer. David F. added that the Federal Policy task force has been working closely with AG's office and responded directly as a result of two recommendations
- New AG (Tish James), new initiatives - <https://ag.ny.gov/all-features>
- Cannabis / Recreational marijuana coming to NYS in 2019? (Tel)
 - www.nytimes.com/2018/12/17/nyregion/marijuana-legalization-cuomo.html
 - Tel said things might soon be smoking. Legislative drafting group is pulling together guidance for a policy. Tel will be drafting a set of environmental principles. There are air, water, energy and pesticide issues. The committee will have its position out within the month.

Motion to Adjourn until Sept. 2019 meeting. Approved. Meeting ended.