

NYSBA

MINUTES OF THE OCTOBER 22, 2017 EXECUTIVE COMMITTEE MEETING OF THE NYSBA ENVIRONMENTAL AND ENERGY LAW SECTION

A meeting of the NYSBA Environmental and Energy Law Section Executive Committee was convened on October 22, 2017 at the Section's Fall Meeting in Saratoga, New York. A list of the meeting attendees is attached at the end of the Minutes.

1. Approval of Minutes

Kevin Bernstein ("KB") called the meeting to order, welcomed all and extended appreciation to the Co-Chairs and the speakers, Lisa Bataille and Lori Nicoll for all of their hard work in making the Fall meeting a wonderful event. Kevin also noted the attendance of the NYSBA's liaison to the Section, Sandra Rivera. The Minutes from the Executive Committee's May 3, 2017 meeting were unanimously approved.

2. Financial Report

Treasurer Howard Tollin provided an overview of the Section budget. Compared to year to date, net income over expenses was in the amount of \$10,257.31 as of October 1, 2017. Howard indicated there were 16 sponsors of the Fall meeting and the Section would be looking to increase upon that for the Annual Meeting. There was general discussion about providing more opportunities for sponsors at the Annual Meeting for networking on Thursday and Friday.

3. Membership Report

Rob Stout reported on behalf of the Membership Committee that membership remains stable at just under 1,000 members. He indicated the goal is to reach 1,000 by June 2018. The Committee will be focusing on retention as it noted there appear to be a fair number of members who drop off and do not renew their membership each year. Frank Piccinni and Rob are also reaching out to new members to welcome them to the Section and to connect them with a committee. There was then an extended discussion on focusing efforts on recruiting energy lawyers to emphasize the addition of energy to the Sections' title.

4. Section Scholarship

There was an extended discussion regarding how to increase outreach to law school students to encourage them to participate in the Section's Annual Essay Contest. Miriam Villani provided an overview of past outreach efforts and noted recruiting students would be more successful if there were individual liaisons to the law schools to promote the essay. After further discussion, it was agreed that the following individuals would be liaisons to the law schools to promote the students to participate in the essay contest: 1) NYU – Michael Bogin; 2) Pace – MacKenzie Shoonmaker; 3) St. John's – Miriam Villani; 4) Fordham – Eric; 5) Albany – Rob Stout; 6) Hofstra – Frank Piccinni and Howard Tollin; 7) University of Buffalo – Amy Kendall; 8) Syracuse – Ginnie Robbins; and 9) Brooklyn Law School – Nicholas Ward-Willis. It was agreed that Nick and Miriam will work in early 2018 to work with liaisons in promoting the essay contest.

5. Overview of Addition of Energy to the Section Title

Kevin provided an overview of the Sections' rebranding itself as the Environmental and Energy Law Section. Kevin noted there needs to be a marketing campaign addressed towards energy lawyers. There was a discussion about prior programs offered by the Section that focus on energy and that now lawyers looking to market themselves have a forum to further their strategy. It was noted the Section will continue its outreach to encourage energy lawyers to participate in the Section.

6. Future Federal Environmental Policy Task Force

David Freeman provided an overview of the group's membership and its activities. David noted that the task force convenes via conference call once a month and reviews policies as they are rolled out. It was noted the letter to President Trump drafted by the Task Force on behalf of the Section concerning the Paris Treaty was the first time the NYSBA has sent a letter to the President and therefore it had to be sent by the Bar President and not the Section Chair. It was discussed the letter should be circulated to Section members and posted in the State Bar magazine. There was discussion of the benefits to the Section from establishing liaisons with the AG Office, the EPA Administrator and the correctional delegation regarding changes to Federal Environmental and Energy Laws. The goal is to find out what is being developed and the best way to convey comments. There was a general recognition the Task Force should be highlighted by the membership committee to attract young lawyers and that membership is open to anyone interested in the task force, who should contact David Freeman. Kevin noted the Task Force is currently working on comments on the proposed Clean Power Plant Act repeal. The Task Force will make recommendations to the Section on how best to respond.

7. House of Delegates Report

Linda Shaw and Sandra Rivera provided a report to the group and referenced Linda's letter report previously circulated to the Executive Committee. Linda noted the Section's letter to President Trump was a first for the State Bar. Linda noted the main support of the Constitutional Convention was due to the need for criminal justice reforms. It was noted there was overwhelming support for calling the constitutional convention. It was also reported the Marijuana Committee has been formed. Sandra Rivera noted the NYSBA President is committed to working with the EELS with respect to concerns about federal environmental law. The Sections' climate change report was unanimously approved and the NYSBA Executive Committee will be meeting on November 23rd and the House of Delegates meet on November 4th.

8. Committees

Kevin noted he would be continuing the tradition started by Larry at the last Annual Meeting of Committees providing an annual report to the Executive Committee. There would also be time set aside at the Annual Meeting for committees to meet and hopefully, attract new members.

9. Committee Manual Update

Ginny Robbins provided an overview of the focus of updating the committee manuals which were last updated in 2008 and welcomed comments from Committee Chairs and Executive Committee members to be emailed to her at vrobbs@bsk.com. The intent is to have the Committee Manual revised by January to be discussed at the Executive Committee meeting at the Annual Meeting.

10. Social Media Task Force

Kevin read the Committee's report and noted the Twitter handle has been created for the Section and a unique one would be created for each Section event. The goal is to have live tweets from the Section events and there were a fair number of tweets during the Fall meeting. It was noted the intent of the tweets are to be informative and not advocacy. Kevin also noted the Social Media Task Force will be provided with time at the Annual program to explain the Section's social media outreach and how members can effectively participate.

11. 2018 Annual Meeting

Kevin provided an overview of the meeting and Howard noted the structure change with having a lunch being held off-site on Friday and having the Executive Committee meeting

and committee meetings on Thursday afternoon before the EPA update and the Business Section meeting. It was noted the cost of holding the Friday lunch off-site would be a reduction of approximately \$50.00. Amy Reichart provided an overview of the draft agenda for the Annual Meeting and Howard encouraged all to participate in recruiting sponsors for the Annual Meeting.

12. 2018 Fall Meeting

Marla provided an overview of the location for the Fall Meeting at the Emerson Resort and Spa at Mt. Tremper in the Catskills from October 19 – October 21, 2018. She noted the facility is child and pet friendly with trails and attractions for the family. Marla encouraged any members who have suggestions for the program, events or speakers to contact her.

13. NYCELLI Funding

Walter Mugdan provided an overview of the New York City Environmental Law Leadership Institute and noted there are approximately 164 alumni from the Institute's training with 23 being from the Section. A motion was made for the Section to provide a grant to the Institute in the amount of \$1,500.00, motion made by Walter Mugdan and seconded by Howard Tollin with all in favor.

14. Expense Reimbursement for Speakers

Kevin noted that Lisa will circulate the current policy to the Cabinet but that Kevin wanted thoughts as to reimbursement request for speakers. It was agreed that there needs to be guidelines and that the fee should not be waived for Section members as members are expected to participate and give back to the Section. It was noted the Cabinet should have the discretion to decide on reimbursements to non-Section member speakers on a case by case basis.

15. Report of the Task Force on Environmental Aspects of the NYS Constitution

Rosemary Nichols provided the Task Force report and noted the report will be published in the Section Journal and the Pace Environmental Law Review.

There being no further business, the meeting was adjourned.

ATTENDEES

Kevin Bernstein
Marla Wieder
Howard Tollin
Nicholas Ward-Willis
Susan Amron
Lisa Bataille
Michael Bogin
Claudia Braymer
Jerry Cavaluzzi
David Freeman
Alita Giuda
Bob Glennon (observer only)
John Greenthal
Kevin Healy
Amy Kendall
Alan Knauf
Walter Mugdan
Donna Mussio
Rosemary Nichols
David Quest
Amy Reichhart
Sandra Rivera
Mackenzie Schoonmaker
Adam Schultz
Linda Shaw
Keith Silliman
Rob Stout
Melissa Valle
Miriam Villani