

**WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK**

**Board of Directors Meeting**

**January 28, 2017**

**New York Life Insurance Company**

**New York, NY**

A quorum being present, the Board of Directors meeting was called to order at approximately 1:03 pm.

**Approval of Minutes**

Upon review of the meeting minutes from the November 19, 2016 Board of Directors meeting, Amy Saltzman and Lenore Kramer noted they were not present for the meeting and the minutes needed to be corrected to reflect that. With those amendments, a motion was made by Greta Kolcon; seconded by Hon. Rachel Kretser to approve the November 19, 2016 minutes. The motion passed with the usual abstentions.

**President's Report**

President Flug thanked the New York chapter for the great program last night where the movie Equal Means Equal was screened. A brief discussion ensued about viewing the movie at other events, including possible Convention.

President Flug reported on the judicial screening that took place in December. She thanked the committee members and reported that all went smoothly. Rowan Wilson was nominated.

President Flug reported that on April 25<sup>th</sup>, WBASNY will be holding a dinner to present the Betty Weinberg Ellerin Mentoring Award to Hon. Karen Peters, the first female presiding judge of Third Department, who is retiring in December. This event will take place at the Renaissance Hotel in Albany, NY. Hotel rooms have been blocked off and more details will be distributed soon.

President Flug attended the award ceremony on Friday, January 27, 2017 where WBASNY won NYSBA's Innovation Award in the category of large bar association for registering 1300 voters in Voter Registration Drive. Afterwards, President Flug attended the award ceremony at the House of Delegates where Hon. Janet DiFiore received an award.

President Flug gave a follow-up report regarding buses to the Women's March. WBASNY co-sponsored a bus out of Rochester with another community organization that did not have a full bus. NYWBA marched in NYC. It has been suggested that WBASNY draft a letter thanking the NYPD for a job well done during the marches.

President Flug reported that the Family Friendly Committee has planned an outing to the Lion King on Broadway on March 4, 2pm. Tickets are \$95 and space is limited.

President Flug reported that the Governor's office has called on three occasions to ask for quotes from WBASNY; once about Rowan Wilson, once about the clemency and pardoning; and once regarding free contraception and women's healthcare.

President Flug also reported on the WBASNY and NYSBA domestic violence initiative. After meeting in Albany, it was decided that trainings will be disseminated for free so that all lawyers can learn about domestic violence and issues in the legal world. There is also a survey being circulated to try to determine where the gaps are in providing services to domestic violence victims.

## **Treasurer's Report**

Treasurer Lourdes Ventura reported that WBASNY has a balance of \$242,100.95. She thanked all the chapters for supplying tax information and reported that WBASNY's taxes have been filed. Treasurer Ventura also reminded everyone that some chapters have outstanding balances to pay and those must be made by January 31, 2017.

## **State of the Judiciary**

President Flug introduced Chief Administrative Judge Larry Marks. Judge Marks spoke on the state of the judiciary and on issues that had been brought to him by WBASNY. To wit, he spoke about: the court system budget; Chief Justice Excellence Initiative; domestic violence pilot program for remote applications for TROs and Ops; the commission for LGBT issues in the court system; lactation rooms in courts; and adjournments of trials for parental leaves.

## **Legislation Committee**

Kelly Damm presented Bill A5022, the Youthful Offender bill. This bill would raise the age of youthful offender status from 19-22. A discussion ensued. A motion for WBASNY to support YO Bill A5022 was made by Andrea Composto, seconded by Elizabeth Newton. The motion passed with the usual abstentions and no opposition.

Domestic Violence Committee co-chair Susan Pollet advised that bill A4409 (old number)/A3110 (new number), Domestic Violence Survivor Justice Act, seeks to amend the minimum sentencing laws for individuals who committed crimes during a time that they were subject to substantial abuse by a family or household member where the abuse was a significant contributing factor to the crime and the normal sentencing would be unduly harsh under the circumstances. The domestic violence committee strongly supports the bill and requests WBASNY to support it. It would also allow DV survivors that are in prison now to apply to have their sentence lessened if it falls under this category. It would also apply to defendants in new cases in what the courts would consider for sentencing. A motion was made by Deidre Hay, seconded by Sue Moss, to support A3110. The motion passed with the usual abstentions.

Susan Pollet spoke about A272 (old number)/A1481 (new number) which seeks to amend NYS Executive Law to address issue of domestic violence victims who suffer from discrimination at work due to Domestic Violence at home. This bill seeks to address most of the problems inherent in that area. Most significantly, the bill requires the employer, unless there is undue hardship, to provide reasonable accommodation to victim of domestic violence if they are seeking medical, domestic violence services shelter, counseling, safety planning, or legal services. Other states have similar bills. The NYC Human Rights Laws already provide for this, the bill seeks to extend it to the rest of the state. A discussion ensued regarding the definition of employer, and it was clarified that the bill would apply to employers with more than four employees. A motion was made by Annette Hasapidis; seconded by Irene Villacci for WBASNY to support this bill. The motion passed with the usual abstentions.

The next bill introduced was A260 (old number)/A1390 (new number) which seeks to amend the CPLR regarding exempting individuals for failure to enforce TRO or OP in DV situations. The bill seeks to add a paragraph allowing apportionment of damages in cases where defendants are found liable for failure to enforce a restraining order. The bill will not change the standards for liability or burden of proof or assign liability that is not already there. A discussion ensued. A motion was made by Anne LaBarbera, seconded by Simone Freeman, to support this bill. The motion passed with the usual abstentions.

## **Judith Clark**

Fran Hoffinger and Diane Ferrone presented on Judith Clark. Ms. Hoffinger described Judith Clark's life, including her role in the Brink's robbery and her sentencing. The Governor has shortened her sentence so she is up for parole. The NYWBA criminal law committee has drafted a letter in support of her parole and asks WBASNY to issue a similar letter. A discussion ensued. Dawn Cardi made a motion, seconded by Andrea Composto, in favor of WBASNY writing a letter in support of Judith Clark's parole. A discussion ensued. Deborah Rosenthal made a motion to call the question which was seconded by Elizabeth Bryson. That motion passed. The motion for WBASNY to write a letter in support of Judith Clark passed with the usual plus two abstentions.

## **Bylaws**

Elizabeth Bryson spoke about necessary changes to WBASNY bylaws and the chapter bylaws. The most immediate change for this year is that the WBASNY by-laws do not include that anyone who is sued or threatened with a claim has an obligation to tell WBASNY. WBASNY needs to tell the insurance company quickly, so the proposed amendment says that if you are in a chapter or foundation or you are an individual but you find out that someone is threatening to sue you in your capacity participating in WBASNY. The proposed change is as follows:

Article XXVII is proposed to be entitled "Indemnification and Insurance" rather than just "Indemnification". The proposed text is: "Section 5. Upon receiving notice of a suit or proceeding, a threat of suit, or a claim against the Association, or against any of its non-profit subsidiaries or Association Executive(s) (as defined in Section 3 of this Article), the person(s) of entity(ies) receiving such notice shall promptly notify WBASNY's President and Recording Secretary, and forward any documentation received in connection therewith."

A motion was made by Elizabeth; seconded by Laura Linneball, to support this amendment and addition to the bylaws. A discussion ensued. A friendly amendment was made by Hon. Lisa Sokolff to add "and/or affiliates" after "non-profit subsidiaries." Deborah Rosenthal moved to call the question, seconded by Simone Freeman. The motion passed. The motion to amend and modify the bylaws as stated above passed with the usual abstentions.

## **Solitary Confinement**

President Flug reported that there is a lawsuit in Onondaga County to stop the practice of solitary confinement of juveniles and reminded the Board that WBASNY should not get involved in trial level litigation but can examine policies. The Criminal Law committee reviewed this practice and would like to draft a position statement, along with Children's Rights Committee, against the practice of solitary confinement of juveniles. Anne LaBarber made a motion, seconded by Kara Cavallo, for WBASNY to issue a position statement in opposition of solitary confinement of juveniles. The motion passed with the usual abstentions.

## **Awards Committee**

Robin Abramowitz read the 2017 award recipients. They are:

Judith S. Kaye Access to Justice Award – Honorable Fern Fisher, New York; Joan L. Ellenbogen Founders Award - Norma Blumenfeld Grill, Nassau; Marilyn Menge Award - Deborah Estis, Orange-Sullivan; Doris S. Hoffman Outstanding New Lawyer Award - Meghan McGuire, GRAWA; Stephanie Kupferman Juvenile Justice Award - Eileen Malunowicz, Bronx.

## **Nominations**

The Nominations Committee reported that they interviewed nine candidates and will meet to vote on March 4, 2017.

## **Habitat Build Day**

Kara Cavallo and Kelly Pressler spoke about this event which will take place on April 1<sup>st</sup>. There will be a dinner hosted the night before and members of Orange-Sullivan and Mid-Hudson are generously offering to house people for this event. There are hotel rooms reserved as well.

## **Convention 2017**

Co-chair Dawn Reid-Green briefly spoke about Convention 2017, reminding everyone that it will take place May 18-21 at Water's Edge Resort & Spa in Westbrook, CT. Booster lines request forms are included in the Board meeting handouts. You can now make hotel reservations by using the WBASNY code of 190142.

## **New business**

Martha Gifford requested that WBASNY issue letters opposing any reduction to the funding for VAWA and supporting an increase in funding. She also suggested that we reach out to other bar associations for further support.

A motion was made by Myra Freed, seconded by Beth Krause, that WBASNY draft a letter in opposition to the President's ban on Muslim immigration. Beth Krause made a friendly amendment that we oppose all recent executive orders impacting immigrants. The motion passed with usual abstentions. \Beth Krause will write the letter.

President Flug reminded everyone that lobby day is May 9<sup>th</sup> in Albany.

Mindy Zlotogura requested that WBASNY let its members know about the different positions being taken and actions being undertaken.

## **Motion to Adjourn**

A motion was made by Judge Andrea Phoenix, seconded by Simone Freeman, to adjourn the meeting. The motion passed. The meeting was adjourned at approximately 3:02pm.

Respectfully submitted,

Kelly A. Pressler  
Recording Secretary