

Minutes of NYSALJA Board Meeting held on: January 22, 2003

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Location: Marriott Marquis Hotel, New York City

Meeting called to order at 7:25 p.m.

Copy of previously distributed minutes of September 25, 2002 meeting distributed.

Minutes of September 25<sup>th</sup> general membership meeting discussed. Motion made to accept minutes, unanimously passed.

President-elect Catherine Bennett, acting in the stead of the Treasurer presented the Treasurer's Report. Judge Bennett passed out copies of the financial accounts to the members, including transcripts of the State Employees Federal Credit Union accounts for NYSALJA. As of December 31, 2002, in the NYSALJA account there was a balance of \$144.86; in the NYSALJA Mint Share -S1 account, a balance of 31.68 (dividend income) and in the NYSALJA Preferred Savings account, a balance of \$7,429.85, for total account balances of \$7,606.39.

The first matter discussed was the resignation of Thomas Sacca from his position as Treasurer. Judge Sacca had previously sent all Board members a note expressing his wish to resign his position due to medical reasons. There was a discussion concerning his replacement, including an expression of concern that the Treasurer to be appointed would have access to the present NYSALJA accounts, at the SEFCU in Troy. President-elect Bennett offered to continue to be responsible for the Treasurer's function until a replacement could be found. Judge Susan Wasko volunteered to help Judge Bennett, if needed.

A motion was made to accept Judge Sacca's resignation as Treasurer, and that motion was accepted by Board Resolution. Marc Zylberberg then appointed Judge Bennett as Temporary Treasurer.

Tyrone Butler opened a discussion on the potential purchase of accounting software (Quicken or another program) to facilitate keeping the financial records of the organization. It was agreed that a copy of the software would be provided from among the membership.

Judge Bennett presented the Membership Update list. She informed the Board that she has compiled lists of all members of the organization, and of their dues status, and that she had sent these lists to each board member in e-mail file format.

The group discussed the fact that the NYSALJA fiscal year had been changed and that the change could potentially impact dues collection. The new dues are \$45.00 and due in June 2003. Judge Zylberberg distributed a new membership application form that he indicated would be available on the website which indicated the new dues structure.

The board was informed that Albany Law School has agreed to present a three-day course for ALJs' for CLE credit. The new dates for the conference are June 17th, June 18th and June 19<sup>th</sup>, 2003. A rough draft of the agenda was presented and the members were asked to think about potential speakers. The Board was informed that a memorandum of agreement will be drafted and entered into with ALS not to bind NYSALJA for any losses financially. We presently have a verbal agreement to that effect.

There were several suggestions made to expand the potential audience for the conference, including inquiring whether there could be some video-conference with NYC sites, or whether tapes could be made which would be available for viewing at a later date. There was suggestion that if the conference was successful, perhaps it could be held in NYC next year.

Marc Zylberberg presented the Board with an update of the Website. He indicated that it would include meeting Agendas and Board minutes. Peter Loomis asked that S2190-A (an Act to amend the state administrative procedure act, in relation to adjudicatory proceedings), and the Governor's veto message of that bill be included on the site.

Judge Zylberberg then delivered the President's Report. He reported that there would be a reception in NYC on March 25<sup>th</sup> or 26<sup>th</sup>, with anticipated attendance of approximately 25 persons. Subsequent to the meeting, the NYC reception has been scheduled for March 25, 2003, to be held at New York Law School.

The group was updated on the plans of the State Bar Association in conjunction with the ABA, for a four-hour October 2003 program concerning the "Liability of Public Employees." Participants would include individuals from unions, courts, etc. While NYSALJA is not directly involved, we will be working with the NYS Bar Association Committee on Attorneys in the Public Service (CAPS). The program is geared primarily toward full-time employees.

The NY County Lawyer's Association Task Force to Increase Diversity in the Legal Profession has requested NYSALJA, as a "bar association," to support its study on diversity and the principles expressed therein, and to sign the Association's statement on diversity. Copies of the report were distributed. Judge Bennett suggested that we resolve to support their recommendations. A motion of support was made and passed. It was agreed that the undersigned would inform the NYCLA that while we are not a bar association per se, we certainly support the substance of the report and would like to express the same in a formal written resolution from our organization. A draft letter will be prepared and distributed by e-mail to Board members.

Finally, the President made a motion to destroy the ballots from the most recent election, which motion was seconded and passed by the Board.

**Appointments.** President Zylberberg made the following Committee appointments: Peter Loomis, Chair and Sue Novick Wasko, and John Wiley to the Nominating Committee.

The Board next discussed the issues raised at previous meetings with respect to **Independent Hearing Officers (IHOs)**. The President reviewed the actions which NYSALJA had taken, including the letter sent to the State Education Department expressing specific concerns in light of the newly reconstituted NYC Department of Education. The Department of Education has indicated that it would like to restructure IHO hearings with respect to special education, including possibly a plan to join the Impartial Hearings with OATH (Office of Administrative Trials and Hearings). It was noted that there are major inconsistencies in IHO training, particularly with respect to IHOs working in the City and those holding hearings at other locations in the state. This is apparently one more instance of the stark differences between IHO responsibilities and compensation downstate and upstate. It was pointed out that a class action suit filed by an attorney on behalf of parents, which is pending, might have been settled.

**New Business.** Tyrone Butler discussed correspondence from the ABA with respect to their National Issues Forum program: “. . . *And Justice for All*”:*Ensuring Public Trust and Confidence in the Justice System*. He suggested that this program be used to promote education with respect to administrative adjudications in local communities. He suggested we consider various options with respect to ‘outreach’ including programs for students, which might make use of the ABA materials. A temporary sub-committee for Outreach was established, the members included Judges Bennett, Butler and Loomis.

Issues were then discussed with respect to disparity in salary grades among administrative law judges at various agencies.

The next meeting is scheduled for Tuesday, April 22, 2003 at 5:30, to be held in Troy, New York.

At 9:20 p.m. Tyrone Butler moved that the meeting be adjourned, and upon the seconding of several members, it was.