

Minutes of NYSALJA Board Meeting Held on: June 17, 2003

Prepared by Marc P. Zylberberg

Location: Albany Law School, Albany, New York

Meeting called to order at 5:34 p.m.

Approval of minutes of April 22, 2003 meeting discussed. Motion made by Peter Loomis to defer approval of minutes to next meeting; seconded by Jim Horan. Motion passed.

Temporary Treasurer Catherine Bennett presented the Treasurer's Report. The three bank accounts, our checking, the NYSALJA Mint Share – S1 account and the NYSALJA Preferred Savings account, has a total of \$7,707.00. Judge Bennett also reported there are some outstanding transactions in the checking (that she has a copy of those balances) and that she has not received the web site bill. Judge Bennett reported that we are starting to collect the \$10.00 increment for all 2004 dues so that is added to the account balance.

Judge Bennett reported that at present there are 104 paid members. A discussion on how best to increase membership was opened. VESID training has been completed and there are approximately 50 new people who could be members. We will try to get mailing list to send them information on the association. The treasurer's report was received without objection.

Judges Zylberberg & Bennett provided a CLE update. There were 58 paid attendees. We do not know if we broke even yet. Judge Bennett has asked Albany Law for their numbers. The difficulty of establishing a break even point was made since some people did not sign up for every day of the conference and while speakers were not paid, some had travel expenses.

Judge Bennett opened a discussion about offering the materials handed out at the sessions for sale to people who did not attend. Judge Bennett has asked Barbara Mable of ALS-GLC to think about putting together a cost provision on what the actual cost to produce the materials would be. The Board could then go from there. There was also a discussion about taking the project downstate (New York City). Judge Bennett would like to talk to John Farago about a CUNY location.

A discussion of the web site was the next topic. After discussions, motion was made by Jim Horan and seconded by Peter Loomis to renew for 3 years our ownership of NYSALJA.ORG and NYSALJA.COM at a total cost of \$150.00. Motion passed. Judge Zylberberg reported that the web site administrator is slow to react to situations. There was information on the web site that should not have been on the site and it took the administrators over six weeks to remove the information. Situations such as this have happened many times in the past. Judge Zylberberg had a discussion with Mike Nolan, the computer guru from the National Association, who felt we were spending a lot of money for something that we or he could do for a lot less money. Albany Law School charged us \$1,500 last year. Part of the contract is monthly updates which they are not necessarily doing because we do not provide monthly updates. Part of the problem may be a turn over at Albany Law School, but it may also be that we do not have direct contact with their webmaster.

Since NYSALJA has other partnerships with Albany Law School, the Board does not want to jeopardize those partnerships. Since we have not received a bill from Albany Law for

the web site maintenance, it was agreed that we would leave the web site there for now and investigate other avenues.

Judge Zylberberg discussed the Lexis/Nexis New York State scholarship and briefed the Board on its purpose. Of the 13 State affiliates, 5 have signed up for the scholarship to date. Judge Zylberberg conditionally signed New York. In addition to the approximately \$300 grant from Lexis/Nexis, NAALJ will waive the registration fee of \$350.00 for attendance. NYSALJA would match the funds that the recipient would have to pay. It is envisioned that the scholarship recipient would only have to pay a few hundred dollars. An ethics inquiry has been made if we would be allowed to accept these funds from Lexis/Nexis. Judge Zylberberg spoke to his General Counsel who is the former head of the State Ethics Commission, Donald Berens, Jr. He also has called the attorney at the State Ethics Commission in charge of the Health Department. The DOH General Counsel indicated that Lexis/Nexis is a disqualified source since the contribution would be more than \$75.00. However, he also said there is a State Ethics opinion (94-16) which has specific exemptions to disqualify sources which may be applicable but he told Zylberberg to check with the particular document and talk with the State Ethics Commission. If it is okay with the State Ethics Commission, we will get an informal opinion letter from them. If the State Ethics Commission approves it, DOH general counsel will not have any problem if the recipient was a State Health Department employee and would follow whatever they said. The Board agreed that they will wait until they receive a written informal opinion from the State Ethics Commission. Judge Zylberberg asked that the Board begin to think on whether they want to give this scholarship if the Commission responds in the affirmative, and what criteria they would want for selection.

Judge Zylberberg has formatted a letter to acknowledge receipt of dues payments by members. He has an e-mail letter and a first class mail letter. Judge Bennett asked for a copy of the letter so she could send it when payments are made directly to her.

The issue of members of who do not have e-mail was discussed. There was a suggestion that those members pay the cost of postage. Judge Zylberberg mentioned that this had been discussed at prior meeting and he believes that mailings was a member benefit and the Association should not charge members extra for snail mailings.

Request of EK Consultants. Judge Zylberberg reported to the Board that he received a call from Tracey Okinaga of EK Consultants, that got his name from the website. EK Consultants is a West Coast organization that places people involved in the judiciary in positions overseas. They are asking if we would be interested in disseminating information to all members. After Board discussion, Judge Zylberberg asked the Board to review the information and let him know their comments.

Judge Traskos gave her report on the Albany reception. The bill came to \$297.71. Judge Traskos provided everything needed for the reception. The Board thanked her for all her efforts. Judge Zylberberg also had a receipt for stamps totaling \$14.80.

Report of Nominating Committee was given by Peter Loomis. The Committee consists of the Chair, Peter Loomis, John Wiley and Sue Novick Wasko. The subsequently amended report is as follows:

President: Hon. Catherine M. Bennett

President-Elect: Hon. Michael Danziger
Vice-President: Hon. Christine C. Traskos
Secretary: Hon. Anne W. Murphy
Treasurer: Hon. Marc P. Zylberberg (also immediate Past-President)

NAALJ Liaison
through 9/30/05 Hon. Abigail S. Bernhardt

Board Member
through 9/30/05 Hon. Sue Novick Wasko

Board Member
through 9/30/05 Hon. James Hinds

Board Members Hon. Larry G. Storch and Hon. John Farago continue
their term of office through 9/30/04.

Since Judge Zylberberg is acting in two positions, we automatically lose one Board member. The Board discussed the proposed slate of candidates. After discussion, the nominating report was held in abeyance for 30 days and then resubmitted as stated above. The Nominating Committee members were thanked by the Board for their submissions.

Judge Bernhardt gave a report on her attendance at the Chicago conference. She indicated that for the October conference in Orlando, the Florida Association lost a key sponsor and it was hard to determine how well the National Conference will be attended in advance. Money is tight all around.

The Board wishes the President to write a letter to Tyrone Butler to congratulate him on his new position and thanking him for his involvement over the years. Instead a plaque will be presented to him at his official July retirement party.

The next meeting is scheduled for September 23, 2003 in New York City. It will be a Board meeting and General Membership meeting.

Motion by Peter Loomis to adjourn. Seconded by Abigail Bernhardt. Meeting adjourned at 6:57 p.m.