



# NDNY Federal Court Bar Association, Inc. 2020 ANNUAL MEETING AGENDA

December 3, 2020 4:30 p.m.  
Via Zoom

- I. **Call to Order** – Kimberly Zimmer, President
- II. **Attendance/Quorum** – Kimberly Zimmer, President
- III. **Approval of Minutes from the 2019 Annual Meeting** – Kimberly Zimmer, President
- IV. **Report of President** – Kimberly Zimmer
- V. **Report of Nominations and Elections** – Joann Sternheimer
- VI. **Report of the Court** – Glenn T. Suddaby, Chief District Judge
- VII. **Old Business**
- VIII. **New Business**
- IX. **Adjournment** – Kimberly Zimmer, President

*The mission of NDNY-FCBA is to foster the highest professional and ethical standards for all attorneys practicing in the Northern District of New York by providing continuing legal education, providing a liaison between the Federal Bench and the local bar, monitoring and proposing changes to the Local and Federal Rules of Civil Procedure, and performing such other acts as to further enhance the standards of federal practice in the District.*

## 2021 FCBA Board Meeting Dates:

January 21	August 19
February 18	September 16
March 18	October 21
April 15	November 18
May 20	December 9 (Annual Dinner to be held in Syracuse, NY)
June 17	
July 15	

**NDNY Federal Court Bar Association, Inc.**  
**2019 ANNUAL BOARD MEETING MINUTES**  
**Thursday, December 5, 2019, at 4:30 p.m.**  
**60 State Street, Albany, New York**

**Registered Attendees:** Brenda Baddam, Michael Barnett, Hon. Andrew Baxter, Brian Butler, Hon. Margaret Cangilos-Ruiz, Thomas Capezza, Molly Casey, 1<sup>st</sup> Lt. Eric Chang, Shelly Childers, Brienna Christiano, Danshera Cords, Hon. Diane Davis, Hon. Mae D'Agostino, Hon. Therese Dankcs, Abigail Dean, Nancy Delain, John Domurad, Austin Dwight, Susan Farley, Suzanne Galbato, Megan Goss, Noreen Grimmick, Richard Hartunian, Benjamin Hill, Hon. David Homer, Hon. Christian Hummel, Daniel Hurteau, Hon. Grant Jaquith, Adam Katz, Mitch Katz, Terrance Kelly, Donald Kinsella, Amanda Kuryluk, Edward Laird, Michael Langan, Melissa Lin, Hon. Robert Littlefield, Hon. Miro Lovric, Hon. Thomas McAvoy, Robin Michael, Deborah Moore, Hon. Norman Mordue, Michael Murphy, Julie Nociolo, Eric O'Bryan, Donald Oliver, Zachary Oren, Kendra Rubin, Tina Sciocchetti, Michael Sciotti, Hon. Frederick Scullin, Hon. Gary Sharpe, Merima Smajic, Joann Sternheimer, Hon. Daniel Stewart, Hon. Glenn Suddaby, Ryan Thompson, Vincent Uba, Maj. Jason Young, Kimberly Zimmer

**I. Call to Order** – Joann Sternheimer, President

Joann Sternheimer called the meeting to order at 4:35 p.m.

**II. Pledge of Allegiance** – Kimberly Zimmer, President-Elect

Kimberly Zimmer led the meeting attendees in reciting the Pledge of Allegiance.

**III. Attendance/Quorum** – Michael Langan, Trustee

Michael Langan confirmed that a quorum is present.

**IV. Approval of Minutes from the 2018 Annual Meeting** – Joann Sternheimer, President

A motion was made by Mitch Katz to approve the minutes from the 2018 Annual Meeting, which was seconded by Brian Butler, and the motion passed unanimously with none abstaining.

**V. Treasurer's Report** – Brian Butler, Treasurer

Assistant Treasurer Molly Casey submitted a written Treasurer's report (attached) in advance of the annual meeting. Brian Butler summarized the report, recounted the account activity for the month of November 2019 (\$3,114.65), the checking account balance (per the bank statement) as of November 30, 2019 (\$15,792.71), the total amount of outstanding checks as of November 30, 2019 (\$362.10), the resulting net checking account balance as of November 30, 2019 (\$15,430.61), the savings account balance (\$204,454.48), and the *Pro Se* Assistance Program account balance as of June 30, 2019 (\$10,266.64). A motion was made by Mitch Katz to approve the Treasurer's report,

which was seconded by Suzanne Galbato, and the motion passed unanimously with none abstaining. Brian Butler thanked Molly Casey for her invaluable assistance throughout the year, as well as Shelly Childers, who this year assumed the work by Dannible & McKee, LLP, of compiling the Association's financial information.

**VI. Report of President** – Joann Sternheimer

Joann Sternheimer stated that, because the work of the FCBA is done by its committees, she would rely on the committee reports to inform the membership about the status of the FCBA. She then thanked its committee chairs and members for the important work they do on behalf of the FCBA.

**VII. Report of Nominations and Elections** – Michael Murphy

Michael Murphy thanked Doreen Simmons (who was unable to attend the meeting) for her hard work on the Nominations Committee. He discussed how, in accordance with the By-Laws, the Nominating Committee had, at a prior meeting, submitted a written report of nominations and elections (which is attached). He reviewed the recommendations. A motion was made by Mitch Katz to approve the report, which was seconded by Joann Sternheimer.

**VIII. Old Business**

No old business was discussed.

**IX. New Business**

**Scullin Scholarship Awards** – Hon. Frederick J. Scullin, Jr., Adam Katz, and Deborah Moore

Judge Scullin described the origin and role of the Scullin Scholarship Award, which is presented to one exemplary law student from each of the three law schools in the NDNY. Adam Katz and Deborah Moore introduced this year's recommended winners. Adam Katz introduced Megan Goss from Albany Law School. Debbie Moore introduced Melissa Lin from Cornell Law School, and Ryan Thompson from Syracuse University College of Law. The Board approved each of the recommendations.

***Pro Se Program Report*** – Benjamin Hill

Ben Hill described the program, which is coordinated by himself in Albany and Rob Wells in Syracuse. He said that most of the litigants who use the program are plaintiffs who have been unable to obtain representation by an attorney due to the minimal amount of damages to be recovered and/or perceived weakness of the claim. He gave an example of a success story: a school teacher who merely wanted, and obtained, an air-conditioning unit in her classroom. Ben concluded by summarizing some of the program's statistics

from 2019: 482 intake calls; 164 clients accepted; 18 complaints filed; 1.2 hours of work per client; 217 total hours worked; and 33 referrals to other organizations.

**CLE Report** – Daniel Rubin

Dan Rubin reported that in 2019 the CLE Committee conducted 30 hours worth of CLEs for 210 FCBA members (including a CLE for JAG attorneys in Watertown, and a CLE in Plattsburg). He thanked Suzanne Messer for her work in Syracuse, and said that the CLE is trending in the right direction as compared to the prior two years.

**Membership** – Joann Sternheimer, President

Joann Sternheimer explained that, because Gabe Nugent was unable to attend the annual meeting, she would give the report of the Membership Committee. She reported that the FCBA currently has 375 members, thanks in part to a recent increase in membership (due to membership-drive efforts by Magistrate Judges Stewart and Dancks). She thanked Shelly Childers for updating the membership list, to make it more accurate. Joann reported that the Committee conducted a survey this year, from which it learned numerous useful pieces of information (including the fact that a sizable number of members do not get their membership fees reimbursed by their law firms). The Membership Committee will continue its efforts to increase membership in the organization throughout the District by identifying and responding to practitioners' needs.

**Key Bank Board Signatory** – Joann Sternheimer, President

Joann Sternheimer reported that, because of the upcoming change in the FCBA's officers, Key Bank is requiring the FCBA to execute new signature cards for its accounts at Key Bank. She asked that all officers voted in for the term of 1/1/20 to 12/31/20 please sign the signature cards.

No other business was discussed.

**X. Report of the Court** – Glenn T. Suddaby, Chief District Judge

Chief Judge Suddaby reported that the District continues to operate with a vacant seat created by Judge Sharpe's taking of senior status in 2016. The vacancy has resulted in an increased caseload for the District's active and senior judges (which was exacerbated somewhat in 2019 due to a 41% increase in the filing of criminal cases and a 4% increase in the filing of civil cases). Chief Judge Suddaby has communicated with both the Department of Justice and White House about the situation, but it currently remains unresolved. He thanked the District's senior judges who, instead of retiring, have continued to work very hard, lightening the burden of the District's active judges. He also thanked Visiting Senior U.S. District Judge James Singleton (from the District of Alaska), who has handled approximately 325 habeas corpus cases for the Northern

District. He also thanked all of the Bankruptcy Court Judges and all of the District's Magistrate Judges. He welcomed aboard new Magistrate Judge Miro Lovric in Binghamton, and new Chief Magistrate Judge Andrew Baxter. He also thanked former-Chief Magistrate Judge David Peebles for continuing to serve the District on recall status. Finally he thanked the 51 attorneys who have accepted *pro bono* assignments from the District in 2019, which has largely resolved the *pro bono* assignment problem that had plagued the District in recent years.

**XI. Adjournment** – Joann Sternheimer, President

A motion was made by Brian Butler to adjourn, which was seconded by Suzanne Galbato, and unanimously approved with no abstentions. The annual meeting adjourned at 5:15 p.m.

**iiNDNY FEDERAL COURT BAR ASSOCIATION, INC.  
BY-LAWS**

**ARTICLE I  
NAME AND PURPOSE**

Section 1. The name of this not-for-profit corporation shall be “NDNY FEDERAL COURT BAR ASSOCIATION, INC.” (hereinafter referred to as the “Association”)

Section 2. The purpose of the Association is to operate as a non-profit association (i) to develop educational programs and to foster and encourage the highest professional and ethical standards for all attorneys practicing in the Federal District Court, Northern District of New York; (ii) to promote the exchange of ideas among members of the Federal Court Bar of the Northern District of New York through meetings, publications and seminars; (iii) to advise on proposed changes to the Federal Rules of Civil and Criminal Procedure and the Local Rules and procedures of the Northern District of New York; (iv) to serve as a liaison between the Bench and the Bar and between this Association and other Bar Associations, thereby encouraging congeniality and mutual respect; and (v) to do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors, or officers except as permitted under Article 5 of the Not-For-Profit Corporation Law.

**ARTICLE II  
MEMBERSHIP**

Section 1. There are three classes of membership.

a) Active Membership. Active Membership is limited to lawyers in good standing, admitted to practice before the Northern District of New York, who complete a membership application on a form approved by the Board of Trustees, and pay annual dues. The term of Active Membership runs from January 1 to December 31 of each year, unless otherwise approved by the Board of Trustees.

b) Honorary Membership. Honorary Membership is open to any natural person elected by a majority of the Board of Trustees. Honorary Members shall be entitled to all the privileges of Active Membership, except those of voting and holding office, without payment of dues.

c) Temporary Membership. Temporary Membership is open to law school graduates who complete and submit during the year of their law school graduation, a membership application on a form approved by the Board of Trustees. Unless already admitted at the time of application, such graduates must certify in their application that they will apply for admission to the New York bar and the Northern District of New York. A Temporary Membership term expires on December 31 of the year following the Temporary Member’s law school graduation year. Once a Temporary Membership term expires, a Temporary Member may renew only as an Active Member under Section 1 (a). Temporary

Members shall be entitled to all the privileges of Active Membership, except those of voting and holding office.

Section 2. Members shall be affiliated with one of two Regions of the Association dependent upon the County of their principle office or otherwise as approved by the Board of Trustees as follows:

(a) The Central New York Region shall include the counties of Broome, Cayuga, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, St. Lawrence, Tioga, and Tompkins.

(b) The Capital District Region shall include the counties of Albany, Clinton, Columbia, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren and Washington.

### **ARTICLE III** **OFFICERS**

Section 1. The Officers of the Association shall be a President, a President-Elect, Two Vice-Presidents, a Secretary, a Treasurer and such other officers as may from time to time be deemed necessary by the Board of Trustees. The Officers shall perform the following duties or as may be otherwise prescribed by the President or Board of Trustees.

Section 2. President and the Immediate Past President.

a) The President shall be the official representative of the Association and shall chair all meetings of the Association and of the Board of Trustees. The President shall appoint the Chairpersons of all Standing Committees of the Association, and shall be an ex officio member of all such Committees.

b) The President shall automatically become Immediate Past President at the conclusion of that person's term as President. The Immediate Past President shall serve such duties as shall be delegated by the President or the Board of Trustees.

Section 3. President-Elect. The President-Elect shall serve in the absence or disability of the President. The President-Elect shall automatically become President at the conclusion of that person's term as President-Elect.

Section 4. Vice-Presidents. There shall be a Vice-President of the Central New York Region and a Vice President of the Capital District Region. The Vice Presidents shall perform such duties as may be delegated by the President or the Board of Trustee, including chairing meetings or programs of their Regions.

Section 5. Secretary. The Secretary shall be the custodian of all non-financial records of the Association, and shall keep minutes of the meetings of the Association and of the Board of Trustees. The Secretary shall serve as parliamentarian of the Association and

shall give all required notices of the Association.

Section 6. Treasurer. The Treasurer shall be the custodian of all financial records and funds of the Association, responsible for the collection and expenditure of all funds, for keeping an accurate financial record, for the filing of all required tax documents and for the reporting of financial matters at meetings of the Association and the Board. The Treasurer shall prepare an annual budget for the next fiscal year for approval of the Board of Trustees by November 1 of each year. The Treasurer may appoint an Assistant Treasurer with the consent of the majority vote of the Trustees. The Assistant Treasurer must be an Active Member of the Association, and shall be deemed an ex officio member of the Board of Trustees without voting privileges. The Assistant Treasurer may be delegated such duties and responsibilities as designated by the Treasurer in consultation with the Trustees. <sup>3</sup>

Section 7. ~~The President and President Elect shall each serve a one-year term commencing on January 1 of each year. The Vice Presidents shall each serve a two-year term. There shall be no term limitation for the Officer of Secretary or Treasurer. Unless otherwise recommended by the Board of Trustees and approved by the members: (i) the President and the President Elect each serve a one-year term commencing on January 1<sup>st</sup> of each year; (ii) the Vice President shall each serve a two-year term. There shall be no term limitation for the office of Secretary or Treasurer.~~

Section 8. In the event of a vacancy of any office the vacated position shall be filled promptly by a majority vote of the Board of Trustees, except when the office of President becomes vacant, the President-Elect shall assume the duties of President for the remainder of the unexpired term in addition to up to two one-year successive terms, as provided by these By-Laws.

#### **ARTICLE IV** **BOARD OF TRUSTEES**

Section 1. The Officers and no more than fourteen (14) Trustees who shall be Active Members of the Association shall constitute the Board of Trustees. In addition, each past President of the Association shall serve as an ex officio member of the Board of Trustees, without voting privileges.

Section 2. ~~The Trustees shall be divided into two classes based on the term to be served. Trustees at large shall be elected at the Annual Meeting of the Active Members to fill vacancies and, unless otherwise recommended by the Board of Trustees and approved by the Members, to serve for not more than four consecutive terms of two (2) years, but a Trustee shall be eligible for re-nomination after the period of one year has elapsed following such Trustee's last term. Any Trustee, not excused by the President, who fails to attend three (3) consecutive meetings of the Board of Trustees shall be subject to termination by a majority vote of the Board of Trustees.~~

~~The Trustees shall be divided into two classes based on the term to be served. Trustees~~

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~~at large shall be elected at the Annual Meeting of the Active Members to fill vacancies and to serve for not more than four consecutive terms of two (2) years, but a Trustee shall be eligible for re-nomination after a period of one year has elapsed following such Trustee's last term. Any Trustee, not excused by the President, who fails to attend three (3) consecutive meetings of the Board of Trustees shall be subject to termination by a majority vote of the Board of Trustees.~~

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Section 3. If a vacancy occurs on the Board of Trustees, the remaining members of the Board of Trustees shall choose a successor to serve until the next election at the Annual Meeting of the Active Members.

Section 4. The Board of Trustees shall have general authority to manage the Association's affairs, authorize contracts on behalf of the Association and take any action consistent with the Certificate of Incorporation and these By-Laws. The Board of Trustees shall keep a record of its proceedings and report at any meeting of the Association such matters and make such recommendations which in its judgment require the Association's action

Section 5. Regular meetings of the Board of Trustees shall be held at such times and places as the Board shall determine but in no event less than four (4) times each year. Special meetings of the Board of Trustees may be called by the President or by any four (4) members of the Board of Trustees after written notice, which may be given either by first class or electronic mail, given not less than five (5) business days in advance of said meeting. Notice is effective upon the date it is given. Five (5) members of the Board of Trustees shall constitute a quorum at any meeting. Members of the Board of Trustees may attend meetings by video conference or teleconference as may be authorized by the President. In the absence of the President and President-Elect, the quorum present may choose one (1) of the Trustees to chair the meeting.

Section 6. The Deans of Syracuse University College of Law, Albany Law School, and Cornell Law School shall be deemed ex officio members of the Board of Trustees of the Association without voting privileges. The Deans of each school may select a designee(s) (i.e. non-law student) who may attend Association meetings and events. <sup>4</sup>

## **ARTICLE V** **COMMITTEES**

Section 1. There are created the following Standing committees of the Association:

- a) Continuing Legal Education Committee

This Committee is responsible for organizing, and scheduling Continuing Legal Education Programs after consultation with the President and Board of Trustees

b) Public Relations and Membership

This Committee is responsible for promoting new members. The Committee, in conjunction with the Board Secretary, is responsible for notifying the membership of the Association of all scheduled activities of the Association, changes in practice or procedure in the Northern District of New York, news or information about the courts, or any matters requested by the President, Board of Trustees or Chief Judge of the Northern District of New York.

c) Local Rules and Federal Practice Committee

This Committee shall serve in an advisory capacity with respect to reporting to the Board of Trustees and the membership at large of proposed developments in the Federal Rules of Civil and Criminal Procedure and the Local Rules and Procedures of the Northern District of New York. The Committee shall also address matters of general practice as requested by the President, Board of Trustees or the Chief Judge of the Northern District

d) Technology and Information Systems Committee

This Committee shall serve in an advisory capacity with respect to the planning and implementation of technology and information systems proposed by or utilized by the Northern District of New York. It also shall be responsible for providing advice, as requested by the President and Board of Trustees, regarding the Association's technology and information systems, including the Association's website and electronic means of communication.

e) Historical and Honorable James R. Duane Committee

This Committee shall serve in an advisory capacity with respect to the assemblage, display, publication and dissemination of documents or artifacts, which relate to the Northern District of New York and from time to time shall make recommendations to the Board for special recognition of Members of the Association and nominations for the Honorable James R. Duane Award.

f) Nominations and By-Laws Committee

This Committee shall annually review and propose amendments to the Association's By-Laws, in consultation with the Board of Trustees for the nomination of Officers and Trustees of the Association consistent with Article VII.

g) Criminal Practice Committee

This Committee shall serve to address general issues related to criminal practice issues as requested by the President, Board of Trustees, the Members of the Association or the Chief Judge of the Northern District of New York.

h) First Decade Committee

This Committee shall address issues related to newly-admitted attorneys and to provide mentorship opportunities, appropriate education programs and social events to encourage and develop new practitioners in the Northern District of New York.

i) Special Committees

After approval by a majority vote of the Board of Trustees, the President may establish Special Committees as may be necessary to advance the purposes of the Association.

Section 1.

Pro Bono Committee - This Committee shall address issues concerning the representation of individuals who appear before the Northern District of New York in civil matters who are unrepresented, including, but not limited to, training of practitioners in handling civil cases.

Past Presidents Committee: This Committee shall be comprised solely of Past Presidents of the Association, and shall perform such tasks as designated by the President.

Special Committees <sup>5</sup>

Section 2. The Chairs or Co-chairs of all Standing and Special Committees shall be appointed by the President upon advice of the Officers and Board of Trustees.

Section 3. The Chairs of each Committee shall file with the Secretary a list of all Committee members selected by the respective Chairs by February 1st of each year, or otherwise as requested by the Board of Trustees except that the Nominations and By-Laws Committee shall consist of the Immediate Past President who shall serve as Chair, the President-Elect and three additional Members selected by the Chair.

Section 4. Prior to the Annual Meeting of the Association, the Chair(s) of each committee shall summarize, in writing, the actions of said Committee and forward said summary to the President and Secretary.

**ARTICLE VI**  
**ASSOCIATION MEETINGS**

Section 1. The Association shall hold an Annual Meeting of the Members in the last quarter of each year at a place designated by the Board of Trustees at which time scheduled elections of Officers and Trustees shall take place. Notice of the Annual Meeting containing a statement of the business to be conducted shall be given in a manner approved by the Board of Trustees, not less than twenty (20) days prior to the scheduled date to all members in good

standing of the Association. The order of business shall be as follows:

- i) Call to order;
- ii) Attendance;
- iii) Approval of minutes of previous Annual Meeting;
- iv) Report of the Treasurer;
- v) Report of President, President-Elect and Vice-Presidents;
- vi) Report of Nominations and Elections;
- vii) Reports of committees;
- viii) Old business;
- ix) New business;
- x) Adjournment; and
- xi) Social activities.

Section 2. Special meetings of the Association may be scheduled by the Board of Trustees upon majority vote, or by two-thirds (2/3) majority of the Active Members by resolution, and shall be held upon written or other notice approved by the Board of Trustees, containing a statement of the business to be conducted given not less than ten (10) days in advance of said meeting.

Section 3. At all annual and special meetings of the Association, a quorum shall be fifteen (15) Active Members in good standing. Members may attend any meeting by video or teleconference as may be authorized by the Board of Trustees.

Section 4. Robert's Rules of Order shall govern all meetings of the Association, unless otherwise provided by these By-Laws

#### **ARTICLE VII NOMINATIONS AND ELECTIONS**

Section 1. The Report of Nomination shall be submitted to the Secretary prior to November 1, or as otherwise directed by the President, in order to permit the Secretary to give written notice of the nominations to the Members at least twenty (20) days prior to the scheduled date of the Annual Meeting.

Section 2. All current dues paying Active Members in good standing are entitled to vote. Where only one member is nominated for an office, the election for that member may be made *vive voce*. All contested elections shall be by written ballot approved by the Secretary. The nominee for each office receiving the greatest number of votes shall be declared elected. In the election of members for the Board of Trustees, the nominees receiving the greatest number of votes for the available positions shall be declared elected.

#### **ARTICLE VIII CONFLICT OF INTEREST**

Any Trustee, Officer, employee or committee member having an interest in a contract

or other transaction presented to the Board of Trustees or a committee thereof for authorization, approval, or ratification shall make a prompt, full, and frank disclosure of his or her interest to the Board or Committee prior to its acting on such contract or transaction all pursuant to §715 of the Not-for-Profit Corporation Law and the Association's Conflict of Interest Policy. The body to which such disclosure is made shall thereupon determine, by majority vote, whether the disclosure shows that a conflict of interest exists, or can reasonably be construed to exist. If a conflict of interest is deemed to exist, such persons shall not vote on, nor use personal influence on, nor participate (other than to present factual information or respond to questions) in the discussion or deliberations or to be counted in determining the existence of a quorum at any meeting where the contract or transaction is under discussion or is being voted upon. The minutes of the meeting shall reflect the disclosure made, the vote thereon and, where applicable, the abstention from voting and participating, and whether a quorum was present and shall confirm that the Association's Conflict of Interest Policy was adhered to in all respects.

#### **ARTICLE IX** **ADOPTION AND AMENDMENTS TO BY-LAWS**

The By-Laws may be amended, repealed, or added to at any meeting of the Members of the Association, provided that the proposed amendments are established by or furnished to the Active Members by the Board of Trustees at least twenty (20) days prior to the meeting at which the proposed amendments are to be voted upon. A vote by two-thirds of all current dues paying Active Members present and voting shall cause the adoption of the proposed amendment.

So adopted and Effective: December 7, 2017

Eric Nordby  
Secretary

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<sup>1</sup> As amended on 12/8/16. Previously read: **ARTICLE III - Officers - Section 7** Each Officer shall serve a one-year term commencing on January 1 of each year, with a maximum of two one-year succeeding terms, except there shall be no term limitation for the Offices of Secretary or Treasurer.

<sup>2</sup> As amended on 12/8/16. Previously read: **ARTICLE IV – Board of Trustees – Section 2.** The Trustees shall be divided into two classes based on the term to be served. Trustees at large shall be elected at the Annual Meeting of the Active Members to fill vacancies and to serve for not more than three consecutive terms of two (2) years, but a Trustee shall be eligible for re-nomination after a period of one year has elapsed following such Trustee's last term. Any Trustee, not excused by the President, who fails to attend three (3) consecutive meetings of the Board of Trustees shall be subject to termination by a majority vote of the Board of Trustees.

<sup>3</sup> As amended on 12/7/17. Previously read: **ARTICLE III - Officers – Section 6. Treasurer.** The Treasurer shall be the custodian of all financial records and funds of the Association, responsible for the collection and expenditure of all funds, for keeping an accurate financial record, for the filing of all required tax documents and for the reporting of financial matters at meetings of the Association and the Board. The Treasurer shall prepare an annual budget for the next fiscal year for approval of the Board of Trustees by November 1 of each year.

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<sup>4</sup> As amended on 12/7/17. **ARTICLE IV – Section 6** was added

<sup>5</sup> As amended on 12/7/17. **ARTICLE V – Section 1** was added

### Proposed Amendments to By-laws

The Board of Trustees and the By-laws Committee recommends and will move adoption of the following amendments to the by-laws at the 2020 Annual Meeting:

Article III, Section 7. shall be deleted in its entirety and replaced with the following:

Unless otherwise recommended by the Board of Trustees and approved by the members: (i) the President and the President Elect each serve a one-year term commencing on January 1<sup>st</sup> of each year; (2) the Vice Presidents shall each serve a two-year term. There shall be no term limitation for the office of Secretary or Treasurer.

Article IV, Board of Trustees, Section 2. shall be deleted in its entirety and replaced with the following:

The Trustees shall be divided into two classes based on the term to be served. Trustees at large shall be elected at the Annual Meeting of the Active Members to fill vacancies and, unless otherwise recommended by the Board of Trustees and approved by the Members, to serve for not more than four consecutive terms of two (2) years, but a Trustee shall be eligible for re-nomination after the period of one year has elapsed following such Trustee's last term. Any Trustee, not excused by the President, who fails to attend three (3) consecutive meetings of the Board of Trustees shall be subject to termination by a majority vote of the Board of Trustees.

# **2020 ANNUAL REPORT OF THE NDNY FCBA CLE COMMITTEE**

Under the leadership of Suzanne Messer and with the support of ShellyAnn Childers, Adam Katz, Eric O’Bryan, Mara Afzali and Daniel Rubin, the CLE Committee met the challenges of COVID 19 head-on. By creating an entirely online platform in response to the pandemic, the Committee managed to increase the total number of members attending CLEs year over year from 223 in 2019 to 380 in 2020 (with one CLE still yet to be presented). Remarkably, one program alone this year, Mike Lanagan’s “Statements of Material Fact on Motions for Summary Judgment,” was attended by 89 members. In total, with the support and participation of the local bench and bar, the Committee facilitated or has scheduled 11 CLEs providing a total of 20.5 hours of high-quality CLE content.

In what we hope will be the new model of CLE for the FCBA, we are also in the process of creating an online library of recorded CLE programs that will be available to membership on-demand in the future. We are working on implementing a monitoring feature that will allow us to ensure members are actively watching these programs in order to permit us to issue CLE credit to members for watching these pre-recorded CLEs. The ability to offer 100% on-line, on-demand CLE programs will better serve existing members’ needs and help us to attract new members in the future. By the end of 2021, we hope to have sufficient programming available on-demand to fulfill our members’ New York State CLE obligations entirely online. Once up and running, this system will allow us to court new members by making this content available from the first day of their membership.

Finally, the CLE Committee would like to thank the many Lawyers and Judges who participated in this Year’s CLEs for their time.

## 2020 MEMBERSHIP REPORT

Co-Chairs:

David G. Burch, Jr.

Christopher V. Fenlon

After its formation 15 years ago, the Northern District of New York's Federal Court Bar Association membership steadily increased for five years, reaching a total membership of 527 in 2016. The FCBA ended 2017 with 499 members (a decline of roughly 20% from years past), ended 2018 with 391 registered members, and ended 2019 with 382 registered members. As of right now, the FCBA has 338 members.

This trend of declining membership has also been seen by other bar associations, including the American Bar Association and the New York State Bar Association. The FCBA Membership Committee and Board had discussed several avenues to increase membership, including volume discounts; membership discounts in connection with single CLE's; a membership drive within the New York Attorney General's Office; phone membership drives; and focused social events to increase awareness with both Court participation and members engaged with efforts to bring new members to the Organization. While some of these efforts have not been possible during the COVID-19 Pandemic, the FCBA's offering of CLE's on a virtual platform in response to the pandemic has increased CLE attendance by as much as 50%. The Membership Committee will be exploring how to increase membership in the ways described above and in connection with the Organization's increased CLE attendance. Increasing the Organization's Membership in 2021 is a crucial goal of the Organization.

**Federal Court Bar Association of the Northern District of New York**  
**Pro Se Program**

To the Board of Directors:

Please accept this Report of Activities of the Pro Se Program of the Federal Court Bar Association of the Northern District of New York to be presented at the Board of Directors Meeting of December 3, 2020:

Our organization continues its extraordinary commitment to aid and assist pro se litigants throughout the Northern District of New York.

This is accomplished even during this challenging period of the COVID-19 pandemic.

Especially where many of the pro se litigants are neither familiar nor capable of using electronic videoconferencing, we meet with them telephonically for whatever amount of time it takes for them to understand our discussions of procedures in litigation.

We have created an email address where pro se litigants can transmit their paperwork for review together with our program. Where litigants are not able to email, we have provided a fax number to receive their papers for discussion and review.

Even with the courts hampered, as all are at present, pro se litigants benefit from the opportunity to research their matters using such resources as the Cornell University School of Law free online library. Additionally, the litigants are able to spend more time drafting their documents and learning concision and economy of language.

We look forward to continuing our work under any conditions that are posed to us and are proud and happy to work on behalf of this organization and the pro se litigants in our District.

The statistics, as of November 30, 2020, of this organization's engagement with pro se litigants is attached hereto for your review and consideration.

Respectfully presented,

ROBERT G. WELLS and BENJAMIN W. HILL

Northern District of New York Federal Court Bar Association  
Pro Se Assistance Program  
Yearly Report January 2020 - December 2020

	<b>Number of Intake Calls</b>	<b>Number of Clients Served</b>	<b>Area Served (Location)</b>	<b>Number of Clients who filed Complaints in NYND</b>	<b>Average Hours Per Client/Per Period</b>	<b>Total Hours</b>	<b>Referrals-How Many?</b>	<b>What Organization was Client Referred to?</b>
<b>1st Quarter January - March 2019</b>	135	52	Albany and Syracuse	6	1.23	67.6	5	Legal Aid, Legal Services of CNY, Bar Association, 2 <sup>nd</sup> Circuit
<b>2nd Quarter April- June 2019</b>	68	32	Albany and Syracuse	2	1.445	46.3	8	Legal Aid, Bar Assoc, 2 <sup>nd</sup> Circuit, Clerks office, bankruptcy court
<b>3rd Quarter July- September 2019</b>	97	36	Albany and Syracuse	2	.525	47.8	5	Legal Aid, Bar Assoc, Clerks Office, Albany Pro Se, Southern Dist.
<b>4th Quarter October- December 2019</b>	65	35	Albany and Syracuse	5	1.09	38.2	9	Legal Aid, Bar Assoc, law library, 2 <sup>nd</sup> circuit, ACLU, NYCLU
<b>Cumulative Yearly Totals 2019</b>	365	155	Albany and Syracuse	15	1.28	199.9	27	