

New York State Bar Association
Dispute Resolution Section
Executive Committee Meeting
May 9, 2024
8:30-10:15 AM via Zoom

Present

Jeff Anderson, Chair	Noah Hanft
Bill Crosby, Vice-Chair	Richard Janvey
Erica Levine Powers, Secretary	Ross Kartez
Deborah Reperowitz, Treasurer	Alfreida Kenny
Craig Atlas	Dan Kolb
Mary Austin	Jen Lupo
Myrna Barakat-Friedman	Chris McDonald
Leona Beane	Kera Reed
Jess Bunshaft	Carmen Rodriguez
Bart Eagle	Susan Salazar
Marilyn Genoa	Gary Shaffer
Erin Gleason-Alvarez	Michael Starr
Krista Gottlieb	Mohamed Sweify
Paul Gupta	Simone Smith, NYSBA Staff
Claire Gutekunst	

Apologies if you were omitted from the list. Please let us know so we can amend the list.

The meeting came to order at 8:30 AM with Jeff Anderson, Chair, presiding.

Approval of April 25, 2024 minutes. Motion by Bart Eagle, seconded by Jess Bunshaft.
Unanimous approval.

Future meetings of the Executive Committee:

The Executive Committee meeting in NYC on June 13, 2024 at 4:00pm at AAA is planned to coincide with the Dispute Resolution Section Member Appreciation Event that will be held at 230 Bar, 230 Fifth Avenue, on June 13, 2024 starting at 6:00 PM.

Committee Reports, Programs/ Events:

Jeff Anderson for Jill Pilgrim, Spring Conference Chair, **Update on Upstate Spring Conference:**

Please sign up and join us in Albany, May 16-17, 2024, which is next week. If travel is not possible, please sign up to attend on Zoom.

- Rowan Wilson, Chief Judge of the Court of Appeals, will be the Keynote Speaker at the reception on Thursday evening, May 16. Information is available for group restaurant reservations if people wish to dine out after the reception: contact Bill Crosby who will be keeping the lists.

- Claire Gutekunst, a NYSBA Past President, will be our luncheon Keynote Speaker on Friday, May 17.
- CLE programs will begin at 11:00 AM on Friday, May 17, to accommodate people who are coming by train from NYC. Continental breakfast will be available at Elk Street starting at 8:00 AM.
- CLE programming will end by 4:30 PM to assure timely departures for the train or for the ComFed Spring conference in Saratoga Springs that will begin with a dinner on Friday night.

On Friday, May 17, there will be three CLE panels:

- **Youth Sports After the Nassar Gymnastics Scandal: The Critical Role of Dispute Resolution.** Jill Pilgrim will be moderator.
- **Why is he saying that? Why is she doing that? Why are they so upset? Raising the Bar of Cultural Awareness in Mediation.** Jen Lupo will be moderator.
- **For Better or Worse: The Marriage of Technology and Dispute Resolution: Where We've Been, Where We Are and What Lies Ahead.** Susan Guthrie and Colin Rule will be national panelists, along with Deb Reperowitz and a young local attorney, Victoria Craft. Jeff Anderson will be moderator.

Jeff Anderson for Jill Pilgrim, Chair-Elect, **Committee Chairs for 2024-2025:**

Following up on her announcement at the May meeting, please contact Jill via email with the names of potential Committee Chairs or to nominate yourself. Jill, admirably, is looking for people with leadership skills who have not yet served as Committee Chairs. You can email her at jpesq@pilgrim-associateslaw.com.

Jeff Anderson for Jill Pilgrim, Chair-Elect, **Membership Survey.**

Jill Pilgrim, with a bit of an assist from Bill Crosby, Jeff Anderson and Simone Smith, is putting together a membership survey that will go out soon. The purpose of the survey is to get some feedback about whether DRS is meeting the needs of members, if there are others things that DRS can be doing, or things that DRS can be doing better. This is a wonderful idea.

Dan Kolb, for himself and Krista Gottlieb, Co-Chairs of the ADR in the Courts Committee,

Update on Part 160:

Dan, as a member of the Statewide Advisory Committee on Dispute Resolution, is charged with outreach to bar associations for comments on Part 160. He is in contact with City Bar and NYCLA. He would appreciate information and introductions to local bar associations throughout the state and specialized bar associations.

A number of people reported varying points of view expressed in different districts by DR coordinators and others, on Part 160, particularly regarding compensation. Other issues raised included reaching out to other stakeholders, such as litigation attorneys. Jeff reported that a working group on Part 160 and our response as a section has been formed within the DR Section, with thanks to Dan for the suggestion. Several Section Committees and sub-committees have been working on these issues. There is a need for internal consensus within the DR Section. The new working group represents a new

paradigm in developing internal consensus and providing consensus to Lisa Courtney. Simone will send out a survey to determine a meeting time.

Myrna Barakat-Friedman, for herself and Erin Gleason Alvarez, co-chairs, **Dispute Prevention Committee:**

There will be a hybrid program tonight (May 9, 2024) at AAA, the first live meeting of the new Dispute Prevention Committee. Nancy Forrest, chair of the Marketing and Positioning Subcommittee of the Dispute Prevention Committee, will speak about her experience in dispute prevention as an alliance manager at Bristol Myers, and then share some of the discussions and findings of the subcommittee.

Simeon Baum, **CLE on Thomas-Killman Conflict Mode Instrument**, May 14, 2024.

This is a joint DR Section CLE with New York chapter of Women's Bar Association of the State of New York (WBASNY). 94 registrants so far.

Jeff Anderson: The **Executive Committee meeting in NYC on June 13, 2024 at 4:00pm at AAA** is planned to precede the Dispute Resolution Section Member Appreciation event.

Jeff Anderson recognized and thanked the **2023-24 officers** for their role in the Section: Jill Pilgrim, Chair-Elect, Bill Crosby, Vice-Chair, Erica Levine Powers, Secretary and Deb Reperowitz, Treasurer.

Jeff Anderson and Bart Eagle, for the Mediation Committee, **Dispute Resolution Section Member Appreciation Event:**

This event will be held at 230 Fifth, 230 Fifth Avenue, on June 13, 2024 starting at 6:00 PM. It will honor our outgoing Chair, Jeff Anderson, and Incoming Chair, Jill Pilgrim. The winning team in the 2024 Mediation Tournament, from Tulane Law School, will be present to receive their prize.

Noah Hanft, who will be in Portugal on June 13 and unable to attend, **expressed thanks to Jeff, personally, and Jill and the entire leadership team**, for how much work this Section does and how much time the entire leadership team has put into the Section this year. Jeff responded with how much those words mean to him.

Jeff Anderson for Bill Crosby, 2024-25 Chair Elect/ **Fall Conference** Chair, and Jill Pilgrim, 2024-25 Section Chair:

Save the date! The DRS Fall Conference will take place at Davis Polk on Thursday, September 19, 2024. Please reach out to Jill and Bill with ideas and topics.

There was an opportunity for Mark Bunim, co-chair, **Insurance Committee**, to report on April 1, 2024 event; it was believed Mark was travelling and therefore unavailable to report:

Mediating a Third-Party Claim Where the Insured and the Insurer are at Odds. 83 registrants.

Paul Gupta and Deb Reperowitz, co-chairs, **Technology Committee**, Report and update:

May 7, 2024 event at AAA: *The Uses and Abuses of Chatbots: Live Demo and Review of Ethics Rules, featuring 5 Technology Groups*. Hybrid. 83 registrants. Recorded.

The live demo by Alexander Paykin, Chair of the NYSBA Technology & Legal Profession Committee, was outstanding. Deb and Sherry Levin Wallach raised some of the ethical aspects with him.

A number of groups co-sponsored this program. Attendees included some members of the new Judges' Committee on arbitration in the courts, notably Judge Angela Iannacci and NYSBA Immediate Past President Sherry Levin Wallach.

Paul has been appointed to that committee. Paul reported that Chief Judge Zayas is very interested in building out the arbitration aspects of the program. Paul would appreciate information about an arbitration program in the New Jersey courts.

Simeon Baum: the **Commercial Mediation Training** will be held at Fordham Law School on Tuesday, Wednesday and Thursday, May 21-23, 2024. The **Advanced Commercial Mediation Training** will take place at Fordham Law School, June 11-12, 2024.

Susan Salazar and Marilyn Genoa, co-chairs, **Membership Committee**:

Habits of Highly Effective Dispute Resolvers, featuring the Legislation Committee: Craig Atlas, Alice Cunningham and Erica Levine Powers, co-chairs, will take place virtually on Monday, May 20, 2024 at 6:00 PM.

Jeff Anderson: there will be a memorial **Tribute to Professor Elayne Greenberg at St. John's Law School on May 23, 2024**. Ross Kartez, one of her former students, has been invited to speak about his mentor. There will be a DRS committee to recommend an appropriate way to memorialize Elayne Greenberg's contribution to dispute resolution, headed by Ross, and including Simeon Baum and Laura Kaster.

Claire Gutekunst: This is Jeff's final Executive Committee meeting as Section Chair. She stated that the Section owes a great debt to Jeff and also to the other officers. Jeff responded that Jill is already stepping up and will be a great Chair.

Simeon Baum stated that Jeff has been an amazing Chair, working full time on this. Jeff offered thanks to Noah, Ross, Simeon and all who have gone before him, as mentors.

There being no further business, upon motion by Deb Reperowitz, seconded by Noah Hanft, the meeting was unanimously ADJOURNED at 10:15 AM.

Respectfully submitted,
Erica Levine Powers, Secretary