



**Proposed Minutes  
ANNUAL MEETING**

Friday, August 5, 2016

Renaissance Washington Hotel, 999 Ninth Street, NW, Washington, DC 20001

**1. Call to Order and Introductions**

*President* Victoria Kolakowski (CA) called the meeting to order at 12:46 PM.

Self-introductions began by name, judicial assignment and number of years as a judicial officer. The following members were present:<sup>1</sup>

Beth Allen (OR) (by telephone)  
Daniel Anders (PA), *Vice-President*  
Christopher Bowen (CA)  
Thomas Burrows (NY)  
Gary Cohen (British Columbia)  
Marisa Demeo (DC)  
Alexander Fernández (DC)  
Phyllis Frye (TX)  
Linda Giles (MA)  
Steven Kirkland (TX)  
Victoria Kolakowski (CA)  
Mark Leban (FL)  
Larnzell Martin (MD), *Secretary*

Hugh McGough (PA)  
Ian Jack Miller (NY)  
Albert Mrozik (NJ)  
Christopher Panos (MD)  
Rosalyn H. Richter (NY)  
Mark F. Scurti (MD)  
Harvey Silberman (CA)  
Michael Sonberg (NY)

Shusaku Tatara (Japan)  
Brian Weagant (Ontario)  
D. Zeke Zeidler (CA)

**2. Introduction of Writing Competition Winner**



*Judge Kirkland and President Kolakowski congratulate Francesco Salpierto at Annual Meeting*

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<sup>1</sup> Proxies were submitted by eighteen members.

Judge Kirkland introduced the winner of this year's Writing Competition, Francesco Salpierto, to members. He is a recent graduate of the University of Pittsburg Law School. His winning submission was *Transgender Pronoun Preference and The Application of The Model Code of Judicial Conduct*. Mr. Salpierto was introduced immediately prior to formal recognition by Judge Kirkland at the National LGBT Bar Association Luncheon.

### **3. Greeting from President of National LGBT Bar Foundation**

Brian Esser, President of the Board of Directors of the National LGBT Bar Foundation, greeted members and thanked the Association for our work with the National LGBT Bar Association ("the National LGBT Bar"). He noted that the 2017 Lavender Law Conference would be August 2 through 4 in San Francisco.

There was a general discussion regarding appropriate means of recognizing the presence of judges at Lavender Law. Our President shared that a judges-only program is something that might be considered. Judge Zeidler noted that this is something about which D'Arcy Kemnitz, Executive Director of the National LGBT Bar, has expressed interest for a number of years.

The President thanked Mr. Esser for joining us and indicated the Association's appreciation for National LGBT Bar's provision of lunch and the meeting room. Mr. Esser then departed.

### **4. Secretary's Report**

The Proposed Minutes of the August 6, 2015 Annual Meeting in Chicago constituted the Secretary's Report. *Justice Sonberg's motion (seconded by Judge Zeidler) to approve the Proposed Minutes was adopted.*

### **3. President's Report**

The President apologized for not doing a lot over the past year. She indicated that she would like to get names of volunteers for various committees. The President has had the opportunity to speak on a number of occasions at which she noted the existence of the Association; people were glad to hear of our existence.

The President noted that a number of matters of interest are identified on the Agenda.

### **4. Treasurer's Report**

The President announced that our Treasurer, Judge Theodore M. Weathers (CA), was unable to attend due to the occurrence of Lavender Law at the same time the California Judicial Education Center was presenting courses ("the Judicial College"). Judge Weathers is Chair of the Governing Committee of the Center and had to be in attendance.

The Treasurer provided to the Secretary for presentation his report for August 1, 2015 through June 30, 2016 and the 2016 IALGBTJ Paid Membership Roster (as of July 29, 2016) The report was distributed. The paid membership as of July 29, 2016 was 45.<sup>2</sup>

### 8/1/15 – 6/30/16

Balance –	8/1/15		\$16,820.50
		Deposits*	3,399.52
		Expenses**	3,535.60
Balance –	6/30/16		\$16,684.42
*Deposits:		\$2,550.00 membership dues/misc.	
		325.00 reimbursement (annual dinner)	
		520.00 donations (offset annual dinner)	
		+ <u>4.52</u> dividends	
		= \$3,399.52	
**Expenses:		\$ 68.60 (Reimburse L. Martin – postage)	
		52.00 (Reimburse A. Austin – website domain)	
		280.00 (bank charge back)	
		1,500.00 (2015 Writing Competition)	
		<u>1,915.00</u> (Reimburse D. Anders – 2015 Dinner) ***	
		= \$3,535.60	

\*\*\* Note: 2015 Dinner Expenses were partially offset by \$520 donations from members L. Martin, D. Anders and E. Garry. Final cost to the Association for 2015 AGM Dinner was \$1,395.00.

The President noted the “trickiness” of determining the cost of the Annual Dinner and suggested that we may have to revise our concept of what we are going to do about the dinner. She welcomed anyone interested in helping to work on the issue to do so.

Justice Sonberg offered that the requirement is that people pay in advance for a dinner that he organizes each year. Regarding an opening reception, he noted that Justice George J. Silver (NY) personally took care of the cost when he hosted; it was only in San Francisco in 2013 that the Association began reimbursing the cost. He noted his observation that the reception tends to be primarily an opportunity for locals to participate, with the addition of a minimal number of non-local members who arrive early for other activities.

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<sup>2</sup> Payment and accompanying applications were received from seven members at the meeting, bringing the number of paid members for 2016 as of August 5, 2016 to 52.

There followed a discussion of the history of payment of costs associated with the Annual Dinner. Among the general concerns were the efficacy of having an opening reception (Judge Giles); the desire to not just come for a meeting and dinner (Judge Silberman); and making certain that everyone who RSVPs positively for the dinner pays (Judge Zeidler).

Concerns specific to the Treasurer's Report included how the specific numbers for the 2015 Annual Dinner reimbursement were attained (Judge Cohen); how can we make the situation better so that we do not have the same problem again (Judge Panos); and the likelihood that the Association's financial balance will be dwindled if the problem repeats itself (Judge Panos). The Secretary explained how the contract for the upcoming Annual Dinner came to be and the contractual obligation for a guaranteed minimum, pointing out the potential for a recurrence of a shortage and need for reimbursement.

Judge Scurti recommended that the Association could internally control payments by providing tickets as a means of structuring the Annual Dinner in an economically viable manner. He also suggested that consideration could be given to a Saturday brunch, rather than an event on a prime Friday.

The President indicated that certain of the issues would be part of a broader discussion under Item 14 on the distributed Agenda, Review of Location of Annual Meeting – Appointment of Review Committee. Regarding the President's query as to the readiness of the body for a vote on the Treasurer's Report, Judge Scurti offered that the Report did not contain enough detail to be properly vetted or approved. (He also suggested that the Association would benefit from a budget.)

*Upon motion of Judge Cohen (seconded by Judge Mrozik) the Treasurer's Report was adopted. Justice Weagant abstained.*

Judge Cohen volunteered to work on the event issues. He shared that he is a professionally trained meeting planner.

## **5. Election of Board of Directors**

The Report of the Nominating Committee (composed of Commissioner Barry Kohn (CA) (Ret.), Justice Sonberg and Judge Zeidler) was presented. The following ten members were recommended to serve as directors:

Beth Allen (OR)  
Daniel Anders (PA)  
Mary A. Celeste (CO)  
J. Gary Cohen (BC)  
Elizabeth (Beth) Garry (NY)  
Steven E. Kirkland (TX)  
Victoria S. Kolakowski (CA)

Larnzell Martin, Jr. (MD)  
 Mark F. Scurti (MD)  
 Theodore M. Weathers (CA)

The President noted that the Bylaws provide that the Board may be composed of twelve directors, along with any past Presidents who choose to serve as emeritus non-voting members. She opened the floor for members who might want to serve as directors. Judge Miller expressed an interest. Judge Demeo was nominated by Judge Zeidler. There was no other expression of interest or nomination.

*Judge Zeidler's motion (seconded by Judge Kirkland) to elect the slate recommended by the Nominating Committee, Judge Miller and Judge Demeo to serve as directors of the Association was adopted.*

*Past Presidents Judge Giles, Justice Sonberg and Judge Zeidler elected to serve on the Board of Directors as emeritus non-voting members. Consequently, the Board of Directors as elected by the membership with emeritus members, effective immediately is composed of:*

Beth Allen (OR)  
 Daniel Anders (PA)  
 Mary A. Celeste (CO)  
 J. Gary Cohen (BC)  
 Marisa Demeo (DC)  
 Elizabeth (Beth) Garry (NY)  
 Linda Giles (MA), *emeritus*  
 Steven E. Kirkland (TX)  
 Victoria S. Kolakowski (CA)  
 Larnzell Martin, Jr. (MD)  
 Ian Jack Miller (NY)  
 Mark F. Scurti (MD)  
 Michael R. Sonberg (NY), *emeritus*  
 Theodore M. Weathers (CA)  
 D. Zeke Zeidler (CA), *emeritus*

## **7. Recess of Annual Meeting**

*Judge Scurti's motion (seconded by Judge Panos) to adjourn the Annual Meeting for the purpose of the meeting of the Board of Directors was adopted.*

## **BOARD OF DIRECTORS MEETING**

President Kolakowski, convened the meeting of the Board of Directors.

## **8. Election of Officers**

The President directed attention to the recommendation of the Nominating Committee for the following members to serve as officers:

President, Victoria Kolakowski (CA)  
 Vice President, Daniel Anders (PA)  
 Treasurer, Theodore M. Weathers (CA)  
 Secretary, Larnzell Martin, Jr. (MD)

*Judge Kirkland's motion (seconded by Judge Scurti) to close the nominations with the recommendations of the Nominating Committee was adopted. Elected to serve as officers of the Association until the next Annual Meeting, without opposition, were Judges Kolakowski, President; Anders, Vice President; Weathers, Treasurer; and Martin, Secretary.*

### **9. Annual Dues**

After discussion, *Judge Scurti's motion (seconded by Judge Leban) to fix the annual dues for 2017 at \$50.00 United States Currency was adopted.*

### **10. Fixing 2017 Annual Meeting**

The President recommended that the Annual Meeting be held in San Francisco during the 2017 Lavender Law Conference, extending for one more year the practice of the meeting occurring in conjunction with the Conference. After discussion, *Judge Kirkland's motion (seconded by Judge Leban) to hold the Annual Meeting in San Francisco during the period of August 2 through 4 in conjunction with the 2017 Lavender Law Conference was adopted.*

### **11. Adjournment of Board of Directors Meeting**

*Judge Panos' motion to adjourn the Board of Directors Meeting and resume the Annual Meeting (seconded by Judge Scurti) was adopted.*

## **RESUMPTION OF ANNUAL MEETING**

### **12. Education Committee Report**

Member participation in Lavender Law programs was identified, including:

August 4<sup>th</sup>

*A Practical Guide to Legal Clinics, Judge Scurti  
 LGBTQ Domestic Violence: Out of the Closets and Building a Movement, Judge Bowen  
 Why Black Lives Matter to Us All, Judge Frye<sup>3</sup>*

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<sup>3</sup> Judge Frye volunteered to participate on the panel when it was explained during panel introductions that the anticipated female member was not able to attend.

August 5<sup>th</sup>:

*Separate, Not Equal: Bathrooms and Bigots*, Judge Frye

*Aging and the Law: Take Charge of Aging*, Justice Richter

*Pathways to the Judiciary*, the President and Judges Cohen, Fernandez, Giles, Scurti and Frye

## 12. Student Writing Competition

Judge Kirkland gave the Student Writing Competition Report. As mentioned under Item 2 above, Francesco Salpierto won the competition with *Transgender Pronoun Preference and The Application of The Model Code of Judicial Conduct*.

Judge Zeidler noted that even though the Association expanded the topic, only one submission was received. In response to Judge Scurti's comment that it would have been nice to have been given a synopsis of the writing, Judge Kirkland indicated that more of an opportunity will be given for information in the future.

Judge Giles questioned whether it might be a good idea to only make an award if there are at least two submissions. Judge Zeidler noted that the committee had the discussion of whether to make an award and whether there should not automatically be an award. Judge Kirkland added that the decision was that there would not be an automatic award. Judge Giles recommended that we should make it clear that, if there is only one submission, the Association has the discretion to not make an award. Judge Allen agreed that there should be a disclaimer and added that there is a need to release some criteria.

*Judge Giles' motion (seconded by Judge Zeidler) that it is the discretion of the Student Writing Competition Committee to determine whether to make an award if the submissions do not meet standards of the Association.*

The Vice-President noted that the 2015 Annual Meeting included a discussion of the issue of outreach to get more submissions; he wondered whether there had been any outreach. Judge Scurti pondered whether we could do a presentation at a plenary session of Lavender Law regarding the award. Judge Zeidler recommended that the people we would have to get are the law professors. Judge Kirkland indicated that the Association relies on the National LGBT Bar to "broadcast" information about the competition. Judge Mrozik stated that, as a Trustee of the New Jersey Bar Association, he is willing to publicize the competition; maybe we should publicize the competition to state bar associations. Justice Weagant commented that there must be an American equivalent of the Canadian Association of Law; if so, that organization should be contacted.

Judge Cohen indicated that he would pay the cost of Mr. Salpierto's attendance at the Annual Dinner. The consensus was that it would be okay for Mr. Salpierto to attend.<sup>4</sup>

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<sup>4</sup> Justice Richter was unable to attend the Annual Dinner, though she had paid. She contributed

### **13. Committee Recruitment**

The President asked whether anyone was willing to chair the Education Committee. Judge Zeidler responded that he was willing to coordinate with Ms. Kemnitz and recruit for Lavender Law panel participation. He noted that the Association has a standing agreement with the Williams Law Institute to work with it when judges are needed for panels and programs; his willingness to work on education does not extend to coordinating that activity.

Judge Zeidler recommended that Judge Mary Celeste (CO), ret., be asked to serve on the Education Committee. With interest expressed by Judge Fernandez, the President indicated that he and Judge Zeidler would be assigned to the Committee and Judge Celeste would be asked whether she is interested in serving on the Committee.

Attention was turned to the Speakers Committee. It was noted that it has never been active. The Bylaws Committee was also discussed; however, its membership was not determined.

### **14. Review of By-Laws and Governing Documents**

#### **15. Review of Location of Annual Meeting**

The President turned focus to the need to review and update our By-Laws and governing documents to bring them current with what is now permissible for non-profit organizations such as ours.

Judge Zeidler suggested that the Association might be able to get assistance from Ms. Kemnitz. At some point, it might make sense to have the National Bar's Foundation create a Judicial Division with staff and at some point there may no longer be a need for staff.

Judge Scurti indicated that the Association should consider paying someone if we cannot get free services. A management agreement with the National LGBT Bar might be helpful.

Justice Richter indicated that she is familiar with some of the issues related to update By-Laws and governing documents for an organization such as ours. She is willing to work with a California judge or lawyer and with someone on the Board; she knows the questions to be asked.

The President opened the floor to a broader discussion of Association meetings. She would like to form a group or committee that will talk with other members to find out what the membership wants in terms of meetings. The group or committee would also look into governance and the Annual Meeting. The inquiries would lead to some direction and eliminate the annual debate as to where the next Annual Meeting will occur. The group or committee would be expected to develop proposals.

Judge Giles expressed hesitation in giving the issue of the location of the Annual Meeting to a committee, given the subjective nature of the choice. Judge Demeo suggested that she perceived

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her payment to cover Mr. Salpierto's attendance.



there to be a broader question for consideration – whether the Association should be subsumed under a large organization, with a committee to offer proposals. Judge Panos recommended that the group or committee be called a workgroup tasked with studying options and disseminating information for discussion. Judge Zeidler suggested that the group or committee could look at other models (for example, the National Bar Association’s Judicial Council with respect to African American judges); Judge Demeo identified the Hispanic Bar Association as a possible model; and Judge Frye offered that the American Bar Association’s judicial division suggests what might be possible. It was recognized that cognizance should be taken of varying judicial ethical restrictions and how they might be viewed as precluding certain entanglements.

*An Organizational and Annual Meeting Workshop was formed composed of the following members:*

Daniel Anders  
Marisa Demeo  
Steve Kirkland  
Christopher Panos  
Mark Scurti  
Harvey Silberman  
D. Zeke Zeidler

The Vice-President agreed to provide structure for performance of the workgroup’s task. He suggested that there needed to be a deadline for a report in advance of the Annual Meeting. Judge Panos’ recommendation that April 30<sup>th</sup> be the deadline was accepted.

## **Old Business**

There was no Old Business.

## **New Business**

### **1. Signatory Authority**

The Secretary shared with the members the Treasurer’s request that consideration be given to authorization for execution of bank documents beyond the Treasurer. After a brief discussion, *Justice Sonberg’s motion (seconded by Judge Giles) that the President, Vice-President and Treasurer are authorized as individual signatories on Association bank and financial accounts and documents related to the establishment and use of the accounts was adopted.*

### **2. Reception and Dinner**

The President thanked local members for the Welcoming Reception and planning of the Annual Dinner. The Secretary responded by recognizing the Vice-President for coordinating with his brother, Attorney Christopher Anders (ACLU Legislative Office), contact with the Stewart R. Motts Foundation for the use of the Stewart R. Motts House, adjacent to the Supreme Court for the Welcoming Reception, *gratis*. Twenty-five persons attended. Catering and tent rental costs

were paid by the Secretary. The Vice-President was also thanked for establishing contact with the Supreme Court and the Office of Pennsylvania Senator Robert Casey for tours of the Supreme Court and the Old Senate Chambers.

The Vice-President's *motion to reimburse the Secretary for costs associated with the Welcoming Reception* was discussed. As the discussion progressed, *the motion was tabled at the Secretary's request*. He indicated that he would bear the cost without contribution from the Association.

The Secretary shared information regarding the Annual Dinner to be at the Acadiana Restaurant across the street from the Renaissance Hotel at 6:00 PM. The cost per member is \$80.00, with an open bar, to be applied to the contractually guaranteed minimum \$2,820.00.

### **3. Justice Paul Feinman**

Justice Sonberg shared that our Past President, Justice Paul Feinman (NY) has been quite ill and was not able to attend the Annual Meeting. Justice Richter added that he is back at work and debated attending. Judge Giles' request to Justices Richter and Sonberg to "please give Paul our regards" was met with consensus.

### **Adjournment**

*Judge Kirkland's motion to adjourn the Annual Meeting (seconded by Judge Cohen) was adopted.*

Respectfully submitted,

Larnzell Martin, Jr., Secretary