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Inside this issue:

Installation Dinner
Page 1

Election Results & Immigration Practice Survey
Page 2

125th Anniversary Dinner
Page 3

Rockland High School Mock Trial
Page 4-5

CLE Time
Page 6

Commercial Litigations Issues of Interest
Page 7-8

Announcements
Page 9

Law Day
Page 10

Advertisement, Announcements & RCBA Staff Update
Page 11-14

Committee Corner & CLE
Page 15-16

Classified Ads
Page 17

Sabrina Charles-Pierre,
Editor

ROCKLAND COUNTY BAR ASSOCIATION



NEWSBRIEF

www.rocklandbar.org

May 2018



ROCKLAND COUNTY BAR ASSOCIATION

INSTALLATION DINNER

AND

SWEARING-IN OF NEW OFFICERS

JOIN US AS WE RECOGNIZE THIS YEAR'S HONOREES:

JAMES H. MELLION, ESQ. - THE JOSEPH G. BALSAMO AWARD

KEITH I. BRAUNFOTEL, ESQ. - THE STERNS AWARD

ELIZABETH BALSAMO DI STEFANO, ESQ. - THE COMMITTEE CHAIR OF THE YEAR AWARD

Thursday, June 21, 2018

6:00 p.m. – Cocktails (includes wine/beer)

7:00 p.m. – Dinner

Nyack Seaport

21 Burd Street
Nyack, NY 10960

\$75.00/pp – in advance ~ \$85.00/pp – at the door

Please RSVP by June 15th

Make checks payable to RCBA. Mail to: RCBA, 337 N. Main St, Suite 1, New City, NY 10956 or click here to register & pay online.

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RCBA 2018-19 Board of Directors

ELECTION RESULTS

As per the RCBA By-Laws, the names of candidates for the Board of Directors were published to the Membership and Members voted (all ballots were received by May 1, 2018).

The ballots received were opened and counted by the Executive Director and then audited by the three most senior Directors who are not candidates for election. Pursuant to the By-Laws, Section 9, notice of the election results shall be published to the Membership by May 15.

The following candidates have been elected to the 2018-19 Board of Directors:

RICKI H. BERGER, ESQ.

KEITH I. BRAUNFOTEL, ESQ.

ROBERT L. FELLOWS, ESQ.

AIMEE M. POLLAK, ESQ.

HON. WILLIAM E. SHERWOOD

Are you interested in learning Immigration Law, or expanding your practice?

Do you currently practice any type of Immigration Law, or serve immigrants in any way?

PLEASE TAKE OUR IMMIGRATION PRACTICE SURVEY

Go to www.rocklandbar.org – see Survey link on homepage.

Thank you – the RCBA Immigration Committee





1893-2018

125 Years of Mission and Service.

*Come and celebrate with us
this extraordinary achievement.*

Save the Date

~

125th Anniversary Dinner

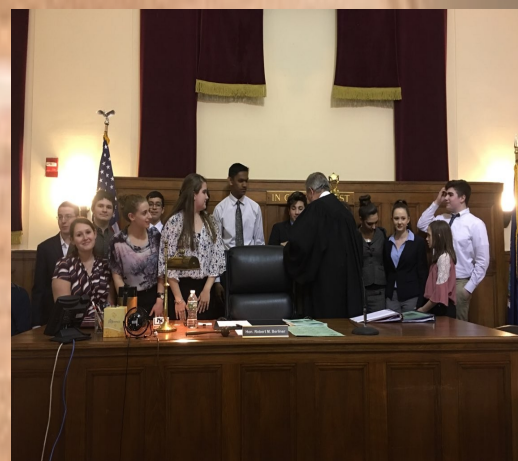
October 25, 2018

~

*We stand on the shoulders
of the men and women giants who envisioned and created
The Rockland County Bar Association*

2018 Rockland High School Mock Trial

Congratulations to the Champions: Nyack High School



And to the Runner-Up-Clarkstown High School South



Thank you to All of Our Teams!

CLE TIME

2018 CPLR UPDATE

May 4, 2018
1:00pm - 4:00pm

DOUBLE TREE HILTON
425 E. RTE 59
NANUET, NY 10954

CLE TIME

FAMILY BUSINESSES: LEGAL AND ACCOUNTING ISSUES

May 21, 2018
6:00pm - 9:00pm

CASA MIA MANOR HOUSE
577 NY-303
BLAUVELT, NY 10913

COMMERCIAL LITIGATION ISSUES OF INTEREST

May 2018

Submitted by Paul Savad, Esq.

Chair, Commercial and Corporate Law Committee,

Joseph Churgin, Esq., and Susan Cooper, Esq., of

SAVAD CHURGIN, LLP, Attorneys at Law

Your client, a Pennsylvania corporation licensed to do business in New York, contracted with a mother and father and their 18-year-old daughter to provide production services in California for the daughter, an aspiring entertainer. Your client performed the services, but was not paid. You commenced an action for breach of contract in New York. The father, mother, and daughter, who reside in New Jersey, moved to dismiss the action for lack of long-arm jurisdiction. You counter that the mother and daughter met with your client's owner in New York for a consultation. In addition, the daughter had 12 production meetings with your client's owner in New York, and your client's owner placed and sent emails to the defendants while the owner was in New York. The defendants also paid invoices via your client's website, which states that payment via the website constitutes an agreement to be governed by the laws of the State of New York.

Will you succeed in keeping all three defendants in the case?

The answer is no.

In *Christina Chirumbolo Consulting Corp. v. Agathis*, 617010/2017, NYLJ 1523342639NY617010201 (Sup. Ct. Nassau Co. April 12, 2018), the plaintiff, a Pennsylvania corporation authorized to do business in the State of New York, sued for payment under an agreement with the Agathis defendants -- Eva (the daughter), Roula (the mother), and Michael (the father). The defendants, who live in New Jersey, agreed to pay the plaintiff for production services to be performed in California for Eva. The complaint alleges that the plaintiff performed the services, but was not paid. The defendants moved to dismiss the claims for lack of long arm jurisdiction.

Both Eva and her mother, Roula, met with the plaintiff's owner and COO for a consultation in New York, and gave them a check for \$250. Eva had 12 consultations with the plaintiff in New York, and sent multiple texts and emails to plaintiff's COO while the COO was in New York. Plaintiff's COO phoned and emailed the defendants from New York. The defendants paid invoices via the plaintiff's website, which states that parties paying invoices via the website agree that all disputes are governed by New York law.

The Court first noted that although a plaintiff bears the ultimate burden of proof on the issue of personal jurisdiction, a plaintiff opposing a motion to dismiss for lack of jurisdiction need only make a prima facie showing that the defendant was subject to the personal jurisdiction of the court, citing *Carrs v. Avco Corp.*, 124 A.D.3d 710 (2d Dep't 2015). No agreement consenting to the court's jurisdiction was offered.

New York's long arm statute, CPLR 302(a)(1), provides for jurisdiction over a nondomiciliary who transacts any business within the state or contracts anywhere to supply goods or services in the state. The Court quoted *Deutsche Bank Sec., Inc. v. Montana Bd. of Invs.*, 7 N.Y.3d 65, 71 (2006), cert. denied, 549 U.S. 1095 (2006), stating, "proof of one transaction in New York is sufficient to invoke jurisdiction, even though the defendant never enters New York, so long as the defendant's activities here were purposeful and there is a substantial relationship between the transaction and the claim asserted."

Applying this standard, the Court ruled that Eva engaged in the "purposeful creation of a continuing relationship" with the plaintiff, citing *Grimaldi v. Guinn*, 72 A.D.3d 37 (2d Dep't 2010), and there was a substantial relationship between the transactions the plaintiff had with Eva in New York and the claims asserted.

On the other hand, Eva's mother's consultation with plaintiff in New York regarding services to be performed for Eva was insufficient to indicate that the mother purposefully availed herself of the benefits and privileges of conducting business in New York. The Court ruled that plaintiff's assertion that its COO made phone calls and sent emails to the defendants from New York was also insufficient to confer jurisdiction, citing *Paterno v. Laser Spine Inst.*, 112 A.D.3d 34 (2d Dep't 2013), especially as the plaintiff did not identify which defendants besides Eva received the mail and phone calls. In fact, there were no specific allegations of any contact by Michael, the father, in New York.

The Court dismissed the complaint as against Eva's parents for lack of jurisdiction, and denied the motion as to Eva.

The lesson? When your client contracts with an out-of-state party, provide for jurisdiction of New York's courts to resolve any disputes. However, if there is no jurisdictional consent, and your client agreed to perform services outside of New York for a nondomiciliary, look for cases with similar facts to confirm that the nondomiciliary made at least one transaction in the State purposefully availing itself of the benefits and privileges of the State. Mere emails and texts or use of a website may not be sufficient.

WE ARE VERY HAPPY TO ANNOUNCE:

THE RCBA LIBERTY BELL AWARD

Presented on Law Day, May 1

To a member of our Community for outstanding service in promoting a better understanding and respect for the Constitution, the Bill of Rights and our institutions of government,

This year presented to two people:

Alejandra Silva-Exias, Esq.

&

Christopher J. Exias, Esq.

CONGRATULATIONS!

RCBA 2018-19 MEMBERSHIP DRIVE!

ATTENTION NEW MEMBERS!

GET 14 MONTHS OF MEMBERSHIP FOR THE PRICE OF 12!

START YOUR MEMBERSHIP NOW AND HAVE MAY AND JUNE 2018 INCLUDED WITH YOUR 2018-19 MEMBERSHIP (JULY 1, 2018 - JUNE 30, 2019)

DOWNLOAD A MEMBERSHIP APPLICATION FROM THE RCBA WEBSITE (ROCKLANDBAR.ORG)

JOIN TODAY AND START ENJOYING THE BENEFITS OF RCBA MEMBERSHIP!

Social events*CLE's*Lawyer Referral Service* Information

Current Members: Tell Your Friends and Colleagues!

LAW DAY

Celebration!



**Congratulations to
Christopher J. Exias, Esq. & Alejandra Silva-Exias, Esq. on
receiving the RCBA Liberty Bell Awards Presented on
Law Day!**

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Michael E. Zall
Attorney At Law
Mike@Zall-Law.com

MEMO

TO ALL RCBA COMMITTEE CHAIRS & VICE- CHAIRS

The Association is seeking articles from your committee for publication in the Bar's monthly Newsletter. The membership would greatly benefit from your input and would appreciate it. The article does not have to be complicated or long - a succinct piece of general interest and importance would be best.

If you are able to submit an article for the Newsletter it should be sent via email to sabrina@rocklandbar.org by the 15th of the month so that the Executive Board may review it.

Thank you!



Monthly
Newsletter

UNITED WAY SEEKS ATTORNEY BOARD MEMBER

The United Way of Rockland County is seeking an attorney to sit on the Board of Directors. UWRC is a non-profit organization with a vision of a community where individuals and families have the skills to achieve a quality education, economic security and a healthy lifestyle. Board members meet bi-monthly and sit on committees of their choice. This is an opportunity to give back to your local community in an incredibly rewarding way. For more information, please contact Dana Treacy, President and CEO of UWRC at 845-358-8929.

Visit Our Website

www.rocklandbar.org

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SUSAN COOPER, ESQ.

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Estate plans, like homes require routine check-ups to function properly. New tax laws make it more prudent than ever to ensure that your clients' estate plans are up-to-date and functioning properly.

With 125 years of experience, we're the expert practitioners lawyers like you trust.



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*Remembering Our Fallen Heroes
 This Memorial Day*

News from the Executive Director

RCBA STAFF UPDATE

Below please find a break-down of major areas of responsibility for the

RCBA Staff:

ASSIGNED COUNSEL COORDINATOR – MANUELA GOMEZ

LAWYER REFERRAL SERVICE COORDINATOR – MANUELA GOMEZ

CLE COORDINATOR – SABRINA CHARLES – PIERRE

ADVERTISING/NEWSLETTER – SABRINA CHARLES – PIERRE

EXECUTIVE DIRECTOR – NANCY LOW – HOGAN, Ph.D.

COMMITTEE CORNER

Assigned Counsel Committee Meeting
June 28, 2018 @ 12:30pm
Offices of the RCBA

Need a Place to Meet in New City?

RCBA Conference Rooms
available for rent.

MEMBER PRICES:

1st two hours FREE, then \$25/hour
Full Day (8 hours) = \$140.00

NON-MEMBER PRICES:

\$50/hour
Half Day (4 hours) = \$150.00
Full Day (8 hours) = \$300.00

**ALL ADVERTISEMENTS
AND ARTICLES MUST BE
REVIEWED BY THE
EXECUTIVE COMMITTEE
FOR CONTENT.**

NEWSBRIEF ADVERTISING RATES

FULL PAGE (7.5x10.25)	\$400.00
1/2 PAGE (7.5x5):	\$250.00
1/4 PAGE (3.75x5):	\$200.00
1/8 PAGE (3.75x2.5):	\$125.00
BUSINESS CARD:	\$75.00



NEWSBRIEF ADVERTISING RATES CONT.

Announcing New Discounts:
10% for 6 mo. bookings
20% for 1 year bookings
PLEASE NOTE:

NEWSBRIEF IS NOT PUBLISHED IN JULY
CALL SABRINA @ 845-634-2149
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Advertising & articles appearing in the RCBA Newsletter does not presume endorsement of products, services & views of the Rockland County Bar Association.

2017-18 SPONSORSHIPS

Our 2017-18 Sponsorship Year began July 1, 2017 and continues through June 30, 2018.

There are several types of Sponsorships still available.

See complete details on our website under "About."



CLE CORNER

PLAN YOUR YEAR OF CLEs NOW

2018 CLE TITLE	DATE & TIME
CPLR Update	Friday, May 4, 2018 - 1:00pm - 4:00pm
Family Businesses: Legal and Accounting Issues	Monday, May 21, 2018 - 6:00pm - 9:00pm
Elder Law and Special Needs Planning Update	Monday, June 11, 2018 - 6:00pm - 9:00pm

NEW CLE REQUIREMENT

In addition to ethics and professionalism, skills, law practice management, and areas of professional practice, a new category was added for diversity, inclusion and elimination of bias courses. This category of credit is effective January 1, 2018.

Experienced attorneys due to re-register on or after July 1, 2018 must complete at least one credit hour in the Diversity, Inclusion and Elimination of Bias CLE category of credit as part of their biennial CLE requirement. The transitional CLE requirement for newly admitted attorneys remains unchanged. For more information about the CLE Rules, visit nycourts.gov/Attorneys/CLE.

CLE REQUIREMENTS

Newly admitted attorneys must complete 32 credit hours of accredited “transitional” education within the first two years of admission to the Bar. Sixteen (16) credit hours must be completed in each of the first two years of admission to the Bar as follows: 3 hours of Ethics and Professionalism; 6 hours of Skills; 7 hours of Practice Management and/or areas of Professional Practice. Experienced Attorneys must complete 24 credit hours of CLE during each biennial reporting cycle: 4 credit hours must be in Ethics and Professionalism. The other credit hours may be a combination of the following categories: Ethics and Professionalism, Skills, Practice Management or Professional Practice.

CLASSIFIED ADS

OFFICE FOR RENT

North Main Street, New City 11' x 13' with closet. Access to waiting room, bathroom and kitchenette. Bright and clean, freshly painted. Please call Carol at 914-557-5750.

PART-TIME OFFICE - NEW CITY

Office in New City available to use on your letterhead, accept packages, meet with clients, hold conferences, send faxes, accept mail, meetings at day or night, receptionist, waiting area for clients, very ample free parking, private bathroom. Perfect for practitioner with home office who needs a public presence. Low monthly fee. Call Bill at 845-300-9168.

OFFICE SPACE

New City- 4 room office suite, approx. 1800 sq. ft. total, can combine/ divide to suit individual user(s) needs -South Main Street, walk to courthouse, restaurants, gov't buildings, ample parking. Call Arthur 845-359-3560

OFFICE SPACE

Office Space available in New City. Attorney or Accountant preferred. Please call us for details. DaSilva & Hilowitz LLP (845) 638-1550

OFFICE SPACE FOR RENT

Haverstraw - one, two or three offices available. Waiting room, receptionist area, large parking lot, large conference room, with or without furniture. Possible overflow.

STORAGE SPACE - ORANGEBURG

Storage space for legal files available. 180 square foot storage space. 24/7 access. Currently used by local lawyers for storage. Premises are located in Route 303 in Orangeburg and are sprinklered. \$225.00/month, no lease required. Contact Bruce : 845-359-5400

OFFICE FURNITURE FOR SALE

Priced to sell. Vertical and lateral file cabinets, storage units, desks, chairs, conference table, book cases, credenza, tables, dividers, bulletin boards, white board. Please call Madelon at 914-527-2400 for information. Items are located in New City.

ATTORNEYS SEEKING PARALEGALS

Rockland Community College ABA approved Paralegal program can assist attorneys with filling their open job positions for both part and full time employment opportunities. We have students that range from entry level to experienced Paralegals. Paralegals are not permitted to practice law, which means they cannot give legal advice, represent clients in court, set a legal fee or accept a case. Contact Amy Hurwitz-Placement Coordinator at (845) 574-4418 or email at ahurwitz@sunyrockland.edu

ENTRY LEVEL ASSOCIATE WANTED

A solo criminal, commercial and personal law office is looking to hire a part or a full-time entry level associate. The salary and hours are negotiable. Please forward resume to lauren@garyliptonlaw.com or fax to 845-624-0288.

ATTORNEY SEEKING PART-TIME

Attorney with 7+ years of commercial litigation and real estate experience interested in part time and/or per diem work, including but not limited to, legal research, commercial/residential leasing, legal briefs/memoranda, e-filing. If interested, please call 914-260-1266.

MATRIMONIAL ATTORNEY WANTED

Attorney Wanted: New City Law Office seeking an attorney with matrimonial and family law experience, full time, trial experience a plus, Spanish speaking a plus, admitted to Southern District of NY a plus. Call 845.639.4600 or fax 845.639.4610 or E-mail: michael@demoyalaw.com

WORKERS' COMP. ATTORNEY WANTED

Perez & Morris LLC, a national client based law firm, seeks an experienced workers compensation attorney (at least one year) to handle NY workers compensation cases out of our Rockland County, NY office. We offer a competitive salary and benefit package. Email your resume to mdonohue@perez-morris.com

IMMIGRATION ATTORNEY WANTED

Immigration Attorney Wanted: New City Law Office seeking an attorney with immigration experience, full time, trial experience a plus, Spanish speaking a plus, admitted to Southern District of NY a plus. Also willing to assist with family law/bankruptcy/collections and loan modifications a plus. Call 845.639.4600 or fax 845.639.4610 or E-mail: michael@demoyalaw.com

TRIAL ATTORNEY WANTED

FINKELSTEIN and Partners seeks to hire a TRIAL ATTORNEY to work out of our Newburgh office. Candidates must be licensed to practice in New York. To be considered, candidates MUST have between **1-3 years** of courtroom or deposition experience. If you speak/read Creole or Spanish, we will consider it a plus. Coverage primarily in Rockland and Westchester Counties.

LEGAL ASSISTANT WANTED

Entry level position available for part-time bilingual assistant. Located in New City, NY. Please call 845 709-6800

ASSOCIATE ATTORNEY NEEDED

3-5 years litigation experience for busy Rockland County firm. Please forward resume to phabas@barpc.com or fax to 845-359-5577

LEGAL ASSISTANT/PARALEGAL WANTED

Face paced Family Law firm seeking motivated self-starting legal assistant / paralegal who is able to multitask.

- matrimonial experience required
- Research experience with LexisNexis
- Strong written and verbal communication skills
- Drafting /Assembling Motions, Pleadings, Answers, RJs, NWS, Discovery Demands, Interrogatories, Requests to Produce Documents, etc.

- Word Perfect, Word, Family Law Software, etc..

E-mail: HBrasile@Johnsoncohenlaw.com

SPANISH INTERPRETER

I'm interested in offering my services as a Spanish interpreter to the attorneys of the Rockland Bar Association. I have interpreted in Kings County Criminal Court and I am presently interpreting in Haverstraw Justice Court. I can interpret to help prepare for hearings and trials. I am willing to accompany attorneys to interpret in prisons or jails. I am available to meet interpretation needs professionally and affordably. I can be reached at (845) 743-1151 or joanneconde7@gmail.com

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to our Sponsors!