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Sabrina Charles-Pierre, Editor



www.rocklandbar.org

April 2018

To The Members of the RCBA;

Spring is upon us and this time of year brings a hope for new beginnings and new adventures...and hopefully some warmer weather too!

RCBA has been working hard to bring you many events and programming over these past few months. We offered a joint-program with the New York State Bar Association where we offered CLE credits for the newly required Diversity and Inclusion CLE. It was an excellent program, one of which we hope to offer again. Rockland County Mock Trial is well underway with preliminary rounds completed and the semi-finals around the corner. Our Committee, Staff, Attorney Advisors and Judges have worked immensely hard throughout the Mock Trial season and we are greatly appreciative of all of their efforts. However, the true stars are the High School Students from Clarkstown North, Clarkstown South, North Rockland, Albertus Magnus and Nyack High Schools. Truly, these students could run circles around the members of our Bar. It is a pleasure to see them excel and take pride in their work. I encourage you all to attend the final Round which will be held at Supreme Court, Rockland County on April 19, 2018. More details will follow.

As a reminder, 2018 marks the start of the RCBA's 125th Anniversary! The 125th Committee is underway and working to make this year very special. Please call the Bar Association if you are interested in joining this noteworthy committee.

Whether you are interested in joining a committee, attending a CLE or networking with members of the Bar, I encourage you to explore our Association and all it has to offer. I look forward to seeing you all soon.

Until Then, My Best; Andrea F. Composto, Esq.

NEWS from the Executive Director

NOTICE OF NOMINATIONS FOR THE 2018/19 BOARD OF

DIRECTORS FOR THE ROCKLAND COUNTY BAR ASSOCIATION

Pursuant to Article V, Section 9 of the By Laws of the Rockland County Bar Association, the Nominating Committee has nominated the following candidates for election to the Association's Board of Directors:

> Ricki H. Berger – 3 year term Keith I. Braunfotel – 3 year term Robert L. Fellows – 3 year term Aimee M. Pollak – 3 year term Hon. William E. Sherwood – 3 year term

Any member of the Association not selected by the Nominating Committee who wishes to have his or her name placed in nomination for election to the Board, whether or not he or she solicited nomination from the Nominating Committee, shall submit a petition to place his or her name before the membership. The petition must be signed by no fewer than twenty (20) members in good standing with the Association and must be submitted in person at the offices of the Bar Association, 337 N. Main Street, Suite 1, New City, NY, 10956, no later than April 5, 2018.

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

CLE TIME

Addiction Neuroscience & Behavior: A Primer for Courts and Probation

> April 5, 2018 6:00pm - 9:00pm

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

CLE TIME

ETHICS UPDATE

April 18, 2018 12:00pm - 2:00pm

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

MOCK TRIAL ROCKLAND

Come and cheer your favorite team!

SEMIFINAL ROUND: Monday, April 9, 2018 5:00 P.M. Clarkstown Justice Court

FINAL ROUND: Thursday, April 19, 2018 5:15 P.M. Rockland County Courthouse

Participating schools: Clarkstown North H.S., Clarkstown South H.S., North Rockland H.S. and Nyack H.S.

Go Team!

~We Are Pleased To Announce the Formation of Our New Firm~

REDA, COMPOSTO & BIRNBAUM, LLP

82 Maple Avenue New City, NY 10960 (845) 639-7586

Serving the Legal Needs of our Community in the Areas of Probate/Administration, Estate Planning, General Litigation, and Real Estate.

Antonio F. Reda

Andrea F. Composto

James M. Birnbaum

Federal Issues at the Settlement Table Course REL0493 (1 Hour)

1099, Cash & FIRPTA Reporting Course REL0494 (1 Hour)

Thursday APRIL 19, 2018

Dinner will be served at 4:00PM Legal Education from 4:30–6:30PM

Paramount Country Club

60 Zukor Road, New City, NY 10956

RSVP: Events@HudsonUnited.com





COST: FREE



Appropriate for both newly admitted and experienced attorneys. Application for New York Accreditation of this program is currently pending. Please contact Michael Adams at 914.906.0608 with questions. Page 5

OFFICE BUILDING FOR SALE



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Contemporary Two-Story Office Building in Upper Nyack

- Bright and spacious 5,852 sq.ft.
- Wonderful layout, stunning interior design and river views
- Numerous private offices & large open area for work stations
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Daniel E. Bertolino, P.C. 407 N. Highland Avenue Upper Nyack, NY 10960 (845) 358-9700

COMMERCIAL LITIGATION ISSUES OF INTEREST

April 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 fire district, received a building permit to construct a communications pole with antennas on fire department property to improve its communications system. When construction began, a nearby property owner applied to the Zoning Board of Appeals to revoke the permit. The ZBA granted the application, in part under SEQRA, and revoked the permit. You commence an Article 78 proceeding to reverse the determination and reinstate the building permit, naming the ZBA. The ZBA moved to dismiss the petition for failure to join the nearby property owner as a necessary party, and the nearby property owner moved for leave to intervene. You oppose both motions, arguing that the nearby property owner is not an interested party, because it has only a general interest and has not demonstrated a special or unique damage, or that it will be impacted by a decision in the court proceeding.

Will you defeat the motion to intervene?

The answer is no.

In Springs Fire Dist. v. Town of E. Hampton Zoning Board of Appeals, NYLJ 1520305234NY16240 (Sup. Ct. Suffolk Co. February 21, 2018), the Springs Fire District entered a lease agreement with its wireless service provider to improve the fire department's communications system. The fire district received a building permit in November of 2014 to construct a communications pole with antennas and an equipment area. In January of 2015, a building permit was issued to the fire district's wireless service provider to install antennas on the pole, and construction began in April 2015.

In May, a property owner "in close proximity" to the fire department property submitted an application to the Zoning Board of Appeals to revoke the two permits. After a public hearing, the ZBA revoked the permits in December 2015.

The fire district and the wireless provider commenced a proceeding against the ZBA, the Town Clerk, and the Town Building Department, under CPLR Articles 78 and 30 to vacate, reverse, and reinstate the determination, and for declaratory judgment that the communications facility is not subject to any further review by any agency of the Town. The fire district argues that its facility is not covered under the Town Code definitions, because the fire district does not provide personal or commercial wireless services, as defined in the Town Code, and the Town previously twice determined that similar projects were not subject to the local zoning regulations. The ZBA moved to dismiss the petition for failure to join the neighbor as a necessary party under CPLR 1001(a). The Court denied the motion, noting that the neighbor was subject to the jurisdiction of the Court.

Meanwhile, the neighbor moved for leave to intervene as an interested owner of property in proximity to the fire department. The Court noted that the power to allow intervention under Article 78(d) is broader than under CPLR 1012 and 1013, citing *Matter of Elinor Homes Co. v. St. Lawrence*, 113 A.D.2d 25 (2d Dep't 1985). The Court explained that al-though more than just a general interest is needed, the neighbor played an active and substantial role in the revocation hearing. In addition, the Court reasoned that since the ZBA's decision rests, in part, on non-compliance with SEQRA, an environmental injury is the standard, and a party in close proximity to the premises need not show actual injury or special damages, citing *Cremosa Food Co., LLC v. Petorne*, 304 A.D.2d 606 (2d Dep't 2003). The second requirement, noted the Court, is that the party's concerns fall within the "zone of interests" covered by the zoning laws or SEQRA, citing *Cremosa, supra*. Under the circumstances, the Court determined that the neighbor had more than just a general interest.

Inasmuch as permission to intervene under Article 78 is discretionary with the Court (citing *Matter of Pace-O-Matic, Inc. v. New York State Liq. Auth.*, 78 A.D.3d 1144 [3d Dep't 2010]), the Court granted leave to intervene, because the neighbor was an "interested party" pursuant to CPLR 7802(d).

The lesson? If your client has an interest in the outcome of an Article 78 proceeding concerning a building or zoning decision on a nearby property, and their concerns fall within the "zone of interests" covered by the zoning laws or SEQRA at issue, your client should seek to intervene under the broad discretionary standards offered by CPLR 7802(d).

Savad Churgin

HATE CRIMES IN ROCKLAND COUNTY: IMPACT AND CHANGE

2018 NATIONAL CRIME VICTIMS' RIGHTS WEEK EVENT

PLEASE JOIN US for a presentation and panel discussion on how hate crimes are impacting specific communities in Rockland County.

> Monday, April 9th, 2018 6:30 PM – 8:30 PM Nyack Center 58 Depew Avenue, Nyack

Light refreshments provided.



FREE AND OPEN TO THE PUBLIC TO REGISTER, PLEASE VISIT: https://2018hatecrime.eventbrite.com

Sponsored by:

NTER - Domestic Violence and Second Associt for ETY & CHANGE - Stategies is find Conder-Based Violence - States Violence Services





ROCKLAND COUNTY WOMEN'S BAR ASSOCIATION A Chapter of the Wanan's Bar Association of the State of New York



Keynote Speaker: Thomas Zugibe, Esq. Rockland County District Attorney

Panelists:

Constance Frazier Commissioner, Rockland County Human Rights Commission

Andrea Panjwani Director of Legal Services Center for Safety & Change

Gary Siepser CEO, Jewish Federation & Foundation of Rockland County

Willie Trotman President, Spring Valley NAACP

Jostino Vahson Crime Victims Advocate Center for Safety & Change

Diana Wilkins Deputy Director Rockland County Pride Center

centerforsafetyandchange.org • development@centersc.org Tel: (845) 634-3391 • Fax: (845) 634-3396 • 24-Hour Hotline: (845) 634-3344



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 will be presented to:

Alejandra Silva-Exias, Esq.

And

Christopher J. Exias, Esq.

SAVE THE DATE!

RCBA 2018-19 MEMBERSHIP DRIVE!

ATTENTION NEW MEMBERS!

GET 15 MONTHS OF MEMBERSHIP FOR THE PRICE OF 12!

START YOUR MEMBERSHIP NOW AND HAVE APRIL, 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!



Tuesday, May 1, 2018

9:30am - 11:30am

Rockland County Courthouse

Jury Assembly Room- 2nd Floor

Save the date!

Light refreshments will be served

Separation of Powers: Framework for Freedom

The U.S. Constitution sets out a system of government with distinct and independent branches—Congress, the Presidency, and a Supreme Court. It also defines legislative, executive, and judicial powers and outlines how they interact. These three separate branches share power, and each branch serves as a check on the power of the others. "Ambition must be made to counteract ambition," James Madison explained in Federalist 51. Why? Madison believed that the Constitution's principles of separation of powers and checks and balances preserve political liberty. They provide a framework for freedom. Yet, this framework is not self-executing. We the people must continually act to ensure that our constitutional democracy endures, preserving our liberties and advancing our rights. The Law Day 2018 theme enables us to reflect on the separation of powers as fundamental to our constitutional purpose and to consider how our governmental system is working for ourselves and our posterity.

HOSTED BY THE ROCKLAND COUNTY BAR ASSOCIATION

JUSTICE BRANDEIS LAW SOCIETY

Yom HaShoah Holocaust Memorial Day

Keynote Speaker Dr. Alexander Levy

Wednesday, April 11, 2018 3-4pm

ROCKLAND COUNTY COURTHOUSE

1 South Main Street, Jury Room 2nd Fl, New City, NY (*Please bring photo ID*)

Questions? 845-574-4099 | awinograd@holocauststudies.org paul.adler@randcommercial.com

Center for Tolerance and Education



"The modern "Nuremberg Legacy" forms an important part of modern international law. The American legal system along with its Judiciary are celebrated as triumphs of justice throughout the world. Yom HaShoah commemorations remind us why we must remain diligent and faithful to our Constitution."

> **Paul Adler, Esq.** Executive Board Member, Justice Brandeis Law Society

> > CHAIR

Paul Adler, Esq. Executive Board Member Justice Brandeis Law Society of the Hudson Valley Honorary Board Member Holocaust Museum & Center for Tolerance and Education

Member Rockland County Bar Association

CO-CHAIRS Nancy Low-Hogan Rockland County Bar Association Rockland County Legislator

Andrea F. Composto, Esq. President, Rockland County Bar Association

Andrea Winograd Holocaust Museum & Center For Tolerance And Education

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Ed Day

County Executive Paul Piperato

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INSTALLATION DINNER AND SWEARING-IN OF

NEW OFFICERS

Thursday, June 21, 2018

6:00 P.M.

NYACK SEAPORT

21 Burd Street, Nyack, New York 10960 6:00 P.M. – Cocktails (cash bar) 7:00 P.M. – Dinner

We are looking for Spanish-speaking attorneys for Assigned Counsel panels.

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.

Contact us anytime at 845 634-2149. Direct lines: Assigned Counsel – 845 634-1761; Lawyer Referral Service – 845 708-5719

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LAW DAY 2018

Separation of Powers: Framework for Freedom

Tuesday, May 1, 2018 9:30 - 11:30 a.m.

Rockland County Courthouse Jury Assembly Room - 2nd Floor Save the date!

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WE'RE SPECIAL NEEDS TRUST EXPERTS, TOO.

with your client providing an unwavering commitment to detail.

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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.

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COMMITTEE CORNER

Real Estate Committee Meeting April 16, 2018 @ 5:00pm

Offices of the RCBA

Assigned Counsel Committee Meeting April 19, 2018 @ 12:30pm Offices of the RCBA

Criminal Law Committee Meeting April 24, 2018 @ 5:15pm 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

NEWSBRIEF ADVERTISING RATES

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

REVIEWED BY THE

EXECUTIVE COMMITTEE

FOR CONTENT.

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 TO ADVERTISE IN NEWSBRIEF

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."

SPONSORSH



CLE CORNER

PLAN YOUR YEAR OF CLE'S NOW

2018 CLE TITLE	DATE & TIME
Addiction Neuroscience & Behavior: A Primer for Courts and Probation	Thursday, April 5, 2018 - 6:00pm - 9:00pm
Ethics Update	Wednesday, April 18, 2018 - 12:00pm - 2:00pm
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	Thursday, 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

SITUATION WANTED

Attorney seeking to rent a law office space in the New City Area. If you are an attorney with an extra office to rent, kindly contact me at 624-1041. Willing to share expenses. Ask for Ira.

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 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.

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. email: lawoffice10927@gmail.com

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 <u>ahurwitz@sunyrockland.edu</u>

PARALEGAL WANTED

Full-time. Must be bilingual Spanish/English to work in immigration law office. Will train. Send resume to: stansoffice@aol.com

RECEPTIONIST/CALENDAR CLERK WANTED

For busy personal injury practice in Rockland County; typing and computer skills necessary; Spanish speaking a plus. Submit resume to Lawyers@pilaw.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.

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

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

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.

DEPUTY TOWN ATTORNEY WANTED

The Town of Orangetown is actively seeking applicants for the position of Deputy Town Attorney. Interested residents should submit a résumé and cover letter to Amanda Hyland, Confidential Assistant to Town Supervisor, at <u>ahyland@orangetown.com</u>. Applicants must be, at minimum, licensed and in good standing to practice law in the State of New York.

<u>SPANISH INTERPRETER</u>

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 an affordably.

I can be reached at (845) 743-1151 or joanneconde7@gmail.com

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