

ROCKLAND COUNTY BAR ASSOCIATION

NEWSBRIEF

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August 2024

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Barbara Silverstone—Editor

President's Post

I have been practicing law in this County for twenty years and have been a member of RCBA for almost as long. The past six years I have been active in the Bar Association as a board member, officer and through service on several committees such as the Judicial Screening Committee, CLE Committee, Commercial and Corporate Law Committee and as co-chair of the Diversity, Equity & Inclusion Committee. It is my privilege and honor to now lead RCBA in its 131st year.

I firmly believe that to whom much is given, much is required. This paraphrased Bible verse (Luke 12:48) inspires my main objectives for this year.

One objective is to expand the role of the Foundation of the Rockland County Bar Association, Inc. I bet most of you do not know that we have a Foundation which is a separate charitable 501(c)(3) entity administered by RCBA. The Foundation's purposes are to (i) educate the general public and members of the Bar on legal topics and issues and (ii) provide charitable scholarships to students to pursue legal education and to other 501(c)(3) corporations for such purposes. Vice President Lenny Birbrower will be spearheading this project to expand the Foundation's role. Certainly, it is our duty as members and attorneys, especially in these times of misinformation, to fulfill the Foundation's purpose by sharing our legal education and acumen in addition to providing scholarships for others to be educated on the law.

Related to expanding the role of the Foundation, we will be revising RCBA's By-Laws and then the Foundation's By-Laws. Our By-Laws Committee under the leadership of Bridget Gauntlett is already hard at work on drafting revisions to our Association's By-Laws.

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I would also like to encourage more active participation in our Association. One way to become more involved is to actively participate in one or more of our several committees. Some committees are active all year and some committees only require service during certain times of the year such as Mock Trial. Perhaps the committee you signed up for in the past has not been active. Here is your chance to lead and revive the committee or to form a committee where you see a need. Collectively, we can accomplish great things by sharing our legal talents with each other and our community at large.

Another way to get involved is to attend our events. Please be on the lookout for a reception that we will be hosting in the Rockland County Courthouse this Fall to celebrate the hanging of RCBA's composite photographs throughout the years from the very first known composite photo taken in 1969 to our most recent 130th Anniversary composite photo taken in 2023.

Also, please mark your calendar for our upcoming Annual Dinner Gala at The View On The Hudson in Piermont on October 23, 2023 where our guest of honor will be Hon. Joseph A. Zayas, Chief Administrative Judge of the New York State Unified Court System. We look forward to hearing Judge Zayas' remarks on AI as it affects our profession.

Finally, as the end of summer approaches, I hope you have time to relax and enjoy time with family and friends. Until next month!

Laurie A. Dorsainvil, Esq.

President

SAVE *The* DATE

Rockland County Bar
Association Annual Dinner
GALA

NOW CELEBRATING OUR 131ST YEAR!

Guest of Honor
Hon. Joseph A. Zayas
Chief Administrative Judge
of the NYS Unified Court System

WEDNESDAY | OCT | 2024
23

THE VIEW ON THE HUDSON
PIERMONT, NY



**Rockland County
Bar Association**

337 North Main Street, Suite 1; New City, NY 10956; rocklandbar.org

The Rockland County Bar Association

Lunch with a Judge

Hon. Hal B. Greenwald, J.S.C.

Supreme Court Justice

Rockland County Supreme Court



SEPTEMBER 16, 2024

12:30pm - 2:00pm

Sheriff's Training Facility,

49 New Hempstead Road, New City, NY



The lunches are casual and a chance to catch up with our local judges in an informal atmosphere. A light lunch will be provided at no charge.

Please note that **SPACE IS LIMITED!**

You must be an RCBA Member to participate.

RSVP to the Bar Association Office at 845-634-2149

or email office@rocklandbar.org

The 2024-2025 RCBA Board of Directors was sworn in at the Awards and Installation Dinner on June 20, 2024.

Congratulations to the new Board and to our Award Recipients:

Alden Smith, Esq.— The Sterns Award

Derek Tarson, Esq.—The Joseph G. Balsamo Award

and to our two high school winners of the Juneteenth Essay Contest



NOTICE
INVITATION FOR PUBLIC COMMENT

July 30, 2024

Certification or Recertification of Retired Justices of the Supreme Court

The Administrative Board of the Courts of the New York State Unified Court System seeks comment from persons who are able to evaluate the performance of the following Justices or retired Justices of the Supreme Court who are seeking certification or recertification to continue judicial service pursuant to N. Y. Const. Art. VI, § 25(b) and Judiciary Law § 115:

FIRST JUDICIAL DEPARTMENT

Hon. Margaret L. Clancy
Hon. Lizbeth Gonzalez
Hon. Wilma Guzman
Hon. Richard G. Latin
Hon. Fernando Tapia
Hon. Laura A. Ward

SECOND JUDICIAL DEPARTMENT

Hon. Rachel A. Adams
Hon. Rupert V. Barry
Hon. Gary M. Carlton
Hon. Kathie E. Davison
Hon. Matthew J. D'Emic
Hon. Deborah A. Dowling
Hon. Timothy J. Dufficy
Hon. David F. Everett
Hon. Jerry Garguilo
Hon. Cheryl J. Gonzales
Hon. Linda S. Jamieson
Hon. Edward H. King
Hon. Lawrence Knipel
Hon. John J. Leo
Hon. Katherine A. Levine
Hon. Timothy P. Mazzei
Hon. Robert A. McDonald
Hon. Valerie Brathwaite Nelson
Hon. Wayne M. Ozzi
Hon. Deborah Poulos
Hon. Francois A. Rivera
Hon. Larry J. Schwartz
Hon. Denise L. Sher
Hon. Janice A. Taylor
Hon. Frank A. Tinari
Hon. Marian R. Tinari
Hon. Paul Wooten

THIRD JUDICIAL DEPARTMENT

Hon. Stephan G. Schick

FOURTH JUDICIAL DEPARTMENT

Hon. John J. DelMonte

Hon. Thomas E. Moran

Hon. Edward A. Pace

Hon. James J. Piampiano

Hon. Nancy E. Smith

In order to assist in its evaluation, the Board seeks comment on the following qualities and abilities of these judges:

- Legal ability, including knowledge of the law, legal experience, legal scholarship, and writing.
- Competence to perform the duties of the office, including organizational, management, and human relations skills; physical and mental health; and work ethic.
- Judicial demeanor, integrity and character, and commitment to equal justice under law.

Any person wishing to offer comments relating to the performance of any of these candidates for certification or recertification may address written comments to David Nocenti, Counsel, by email to JSCcertification@nycourts.gov. Comments may also be sent by postal mail to Counsel's Office, 25 Beaver St., 10th Fl., New York, N.Y. 10004.

ALL COMMENTS RECEIVED WILL BE PROVIDED TO THE ADMINISTRATIVE BOARD AND OTHERWISE HELD IN STRICT CONFIDENCE. IN ORDER TO BE CONSIDERED, COMMENTS MUST BE RECEIVED NO LATER THAN AUGUST 30, 2024.

THE PRACTICE PAGE

VIRTUAL COURTROOM PROCEEDINGS

Hon. Mark C. Dillon *

A revolution prompted by the covid-19 pandemic was the extensive use of virtual technology by courts and attorneys as a means of proceeding with litigations from remote locations. Depositions, court conferences, oral arguments, CLEs, and law school alumni meetings were conducted through Microsoft Teams and Zoom. On February 11, 2021, OCA promulgated on a statewide basis Virtual Bench Trial Protocols and Procedures (<https://www.nycourts.gov/whatsnew/pdf/VirtualBenchTrial-Protocols-2112021.pdf>) to guide and regulate the use of virtual technology for non-jury trials. The Protocols set forth procedures for, *inter alia*, *pro se* access, pre-trial conferences, motions *in limine*, witness lists, pre-marked exhibits, the exchange of contact information, the live streaming of the trials, the use of break-out rooms for attorney-client consultations, the administration of oaths, language interpreters, daily transcripts, and other procedural considerations. Credit belongs to then-Administrative Judge Norman St. George of the 10th Judicial District, now state Deputy Chief Administrative Judge, for drafting the Protocols.

In the process, the bench and bar missed a crucial CPLR-related legal issue in its adoption of virtual technology for non-jury trials. CPLR 4013 provides that “[u]pon stipulation of the parties, the judge who is to preside at the trial of an issue may direct trial in whole or in part at a specified place other than the courthouse [emphasis added].” The statute was enacted in 1962, recognizing that there may be circumstances where some or all of a trial may be best performed at an alternate location. CPLR 4013 has been traditionally invoked in circumstances where a jury is taken to an accident location to observe physical conditions and sight-distances, or to observe topography in property development cases. Judiciary Law section 4 requires that civil and criminal proceedings be presumptively open to the public (*Hearst Corp. v Clyne*, 50 NY2d 707, 715), and there is no better place for the public to find a court proceeding than *within* a courthouse. There is therefore a symbiotic relationship between Judiciary Law 4 and CPLR 4013. Proceedings outside of a courthouse are not to be the rule, but an exception that requires, at minimum under the language of CPLR 4013, a “stipulation of the parties.”

Are virtual proceedings performed outside of the courthouse? Arguably, yes. Attorneys, witnesses, stenographers, and perhaps the court itself, are simultaneously located at far-flung locations. If so, the terms of

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CPLR 4013 are implicated. Yet, there have been a number of reported virtual non-jury trials and hearings performed not “upon stipulation of the parties” as required by CPLR 4013, but over the *objection* of a party. The sometimes-stated basis for doing so is Judiciary Law 2-b(3), which authorizes courts “to devise and make new process and forms of proceedings, necessary to carry into effect the powers and jurisdiction possessed by it” (e.g. *C.C. v A.R.*, 69 Misc.3d 983 [Sup. Ct. Kings Co. 2020]). While Judiciary Law 2-b(3) might provide a laudable basis for ordering virtual proceedings over a party’s objection where the objecting party is merely seeking to delay or avoid proceedings, such as in landlord-tenant disputes, contempt proceedings, and change-of-child-custody hearings, its general provisions appear to conflict with the more specific provisions of CPLR 4013 which trump what is general (*Brusco v Braun*, 84 NY2d 674, 681). Something needs to statutorily “give” in this virtual age to reconcile CPLR 4013 with Judiciary Laws 2-b(3) and 4.

The CPLR Committee of the New York State Bar Association developed a proposal for amending CPLR 4013 to align the statute with the new realities of virtual technology. The NYSBA proposal keeps the core of CPLR 4013 that virtual non-jury trials and hearings be performed only upon consent of the parties. But further, it proposes that where consent is not obtained from all parties, the court be authorized to consider well-balanced factors in determining, in the exercise of its discretion, whether to order the use of audio-visual technology over a party’s objection. Chief among them is whether with a reasonable adjournment, an in-person proceeding may be conducted in a timely fashion, as in-person proceedings are always preferable in allowing the trier of fact to eyeball the witness’s demeanor, body language, inflections, and overall credibility. Also, the proposal permits the court to consider whether a witness is unable to testify in person because of statutorily-recognized reasons including distance, age, infirmity, or imprisonment. Under the proposal, the court may also consider whether consent to remote proceedings is withheld unreasonably, such as to defeat an adversary party’s right to a trial preference, and whether there would be undue prejudice or hardship to a party or witness. The court’s determination would be required to be stated on the record or in a written order for appellate review, and assure that any virtual proceedings be broadcast in a manner that provides public access in accordance with Judiciary Law 4. Finally, the NYSBA proposal permits the Chief Administrative Judge to adopt rules that regulate the practical mechanics of virtual non-jury trials and hearings.

The tension between in-person and virtual hearings is palpable. In *St. Joseph’s Hospital Health Center v Frank M.*, 80 Misc.3d 525 (Sup. Ct. Onondaga Co. 2023) (Kuehner, J.), a hospital sought the involuntary confinement of a respondent for psychiatric care under Article 9 of the MHL. Such evidentiary hearings were performed virtually during covid for reasons of health and safety, and continued that way after covid for logistical,

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administrative, security, and transportation reasons. The respondent moved for an order directing that his *post-covid* proceeding be conducted in-person. The court held that the right to be present in-person for the hearing, where liberty interests were at stake, outweighed the conveniences of proceeding virtually.

That said, the NYSBA proposal to amend CPLR 4013 has gained no traction in the state legislature. This column will keep the bar posted in the unlikely event there is any change on that to bring CPLR 4013 into the current century. But let's not hold our breath.

*Mark C. Dillon is a Justice of the Appellate Division, 2nd Judicial Dep't., an Adjunct Professor of New York Practice at Fordham Law School, and a contributing author of the CPLR Practice Commentaries in McKinney's.



COMMERCIAL LITIGATION ISSUES OF INTEREST

Submitted by Joseph Churgin, Esq. and Susan Cooper, Esq.*

Your client purchased a condominium association's lien for common charges on a condominium encumbered by a prior \$125,000 mortgage. When the prior mortgage holder later commenced a foreclosure action, your client was served with the summons and complaint by substituted service and first-class mail at an address that served as your client's business and residence address. The envelope indicated that the contents were related to litigation, and was not marked personal and confidential, contrary to CPLR 308(2)'s requirements for process mailed to a party's business. Your client defaulted in answering or appearing. After a judgment of foreclosure and sale was entered in favor of the \$125,000 mortgagee, you moved to vacate the judgment and subsequent sale for lack of personal jurisdiction as a matter of law.

Will you prevail in vacating the judgment?

The answer is *no*.

In *AMK Capital Corp. v. Plotch*, NYLJ 11718891578NY3237417 (1st Dept. June 18, 2024), Case Number 32374/2017E (Sup. Ct. Bronx Co.), the Appellate Division, First Department, considered a question of first impression – “whether CPLR 308(2)'s restrictions prohibiting the inclusion of information that a communication ‘is from an attorney or concerns an action against the person to be served’ on an envelope in which process is mailed to a place of business apply when the mailing address serves both as a defendant's residence and place of business.”

In July of 2009, the defendant paid \$10,000 at auction of a condominium association's judgment lien for unpaid fees and other charges on a condominium that was encumbered by a \$125,000 mortgage. In the subsequent action commenced in 2017 to foreclose the \$125,000 mortgage, the defendant was served process by substituted service and first-class mail at the address of his residence and place of business. The envelope referred to a foreclosure action and was not marked personal and confidential.

The defendant defaulted in answering or appearing. A judgment of foreclosure and sale was entered in November of 2018, and the premises were sold in February of 2019, and then again in August of 2019. In September of 2023, the defendant moved to vacate the foreclosure judgment and the subsequent sales, based, in part, on the envelope referencing litigation, which violated CPLR 308(2)'s prohibition against mailing process to a place of business, thereby mandating vacatur of the judgment for lack of personal jurisdiction. The defendant argued that compliance with the business mailing restrictions was not excused “just because the defendant's place of business happens to be furnished with a bed.”

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The First Department acknowledged that if the defendant's address was only a place of business, the envelope's litigation-related markings would violate CPLR 308(2), warranting finding, as a matter of law, that service was invalid, citing *Williams v. MTA Bus Co.*, 224 A.D.3d 467, 468 (1st Dep't 2024). However, the address served as both the defendant's residence and his place of business. Thus, reasoned the Court, "The question is whether the business purpose overrides the residential purpose of the defendant's address, rendering the mailing herein invalid as a matter of law."

The Court looked first to the language of CPLR 308(2), which was amended in 1987 to add the business mailing language as follows:

2. by delivering the summons within the state to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by <<+EITHER+>> mailing the summons to the person to be served at his last known residence <<+OR BY MAILING THE SUMMONS BY FIRST CLASS MAIL TO THE PERSON TO BE SERVED AT HIS ACTUAL PLACE OF BUSINESS IN AN ENVELOPE BEARING THE LEGEND "PERSONAL AND CONFIDENTIAL" AND NOT INDICATING ON THE OUTSIDE THEREOF, BY RETURN ADDRESS OR OTHERWISE, THAT THE COMMUNICATION IS FROM AN ATTORNEY OR CONCERNS AN ACTION AGAINST THE PERSON TO BE SERVED+>>;

The Court ruled, "The placement of the phrase 'last known residence' before the phrase 'actual place of business' signals the Legislature's clear intent to deem mailing to a defendant's residence to be primary over a place of business." This reasoning is supported, according to the Court, by the legislative history of the 1987 amendment to CPLR 308(2), which provided for mailing to a place of business to ameliorate inability to locate a defendant's residence.

The Court held, "where a defendant's address is both residential and a place of business, the address may be deemed as a residential one in the affidavit of service, permitting a mailing in accordance with CPLR 308(2)'s mailing requirements."

The lesson? If your client works at home, as many more people do these days, you will not be able to invalidate process where the envelope violates the heightened rules for service at a place of business.



Technology Tips for Attorneys



submitted by

Michael Loewenberg*

Tech it Easy: Low-Cost Ways to Boost Your Law Firm

In today's fast-paced legal world, technology isn't just a luxury; it's a necessity. But don't worry, you don't need a tech degree or a hefty budget to reap the rewards. Let's explore three simple, cost-effective tech tools that can significantly enhance your firm's efficiency and client satisfaction.

Embrace the Power of Cloud Storage

Gone are the days of towering filing cabinets and the constant worry of lost documents. Cloud storage is a game-changer for law firms. It's affordable, accessible, and offers unparalleled security.

- **Centralized Document Access:** Store all your firm's documents in one secure, online location. This means easy access for you and your team, no matter where you are.
- **Enhanced Collaboration:** Share documents with clients and colleagues seamlessly, speeding up review and approval processes.

Disaster Recovery: Cloud storage acts as an automatic backup, protecting your valuable data from hardware failures, fires, or natural disasters.

There are plenty of user-friendly cloud storage options available, from well-known platforms like Google Drive and Dropbox to industry-specific solutions.

Leverage Project Management Tools

Keeping track of deadlines, tasks, and client communications can be overwhelming. Project management tools can help you stay organized and on top of things.

- **Task Management:** Break down complex cases into manageable tasks, assign them to team members, and set due dates.

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- **Calendar Integration:** Sync your team's calendars to avoid scheduling conflicts and ensure everyone is on the same page.
- **Document Sharing:** Easily share documents and collaborate on projects with clients and colleagues.

Many project management tools offer free plans or affordable options for small teams. Trello, Asana, and Basecamp are popular choices.

Communicate Effectively with Client Portals

Client portals are digital spaces where you can securely share documents, communicate with clients, and collect payments. This enhances client experience and frees up your time.

- **Improved Client Communication:** Clients can access case information, submit documents, and ask questions through the portal, reducing email clutter.
- **Secure Document Sharing:** Share sensitive documents with clients without worrying about email security breaches.

Increased Efficiency: Automate routine tasks like document delivery and payment collection, saving you time and resources.

There are several affordable client portal solutions tailored to law firms. Consider exploring options that integrate with your existing case management software.

Remember, the key to successful technology adoption is to start small and gradually expand. Choose one or two tools to focus on and train your team on how to use them effectively. By incorporating these low-cost tech solutions into your practice, you'll streamline operations, improve client satisfaction, and position your firm for long-term success.

*Michael Loewenberg is the President of MESH Business Solutions, Inc., New City, NY, 10956 and he is also an Affiliate Member of the RCBA.

Request for Public Comment on Proposed Amendment to 22 NYCRR §§ 202.5(e) & 208.4(b)

The Administrative Board of the Courts is seeking public comment on proposed amendments to 22 NYCRR §§ 202.5(e) & 208.4(b) relating to confidentiality of petitioners seeking name and/or sex designation changes.

The proposal is posted on the [OCA website](#) at with comments due by August 30, 2024.



NEW YORK STATE
Unified Court System
 OFFICE OF COURT ADMINISTRATION
 HON. JOSEPH A. ZAYAS
 CHIEF ADMINISTRATIVE JUDGE
 HON. NORMAN ST. GEORGE
 FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
 COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment – Proposal to amend 22 NYCRR §§ 202.5(e) & 208.4(b) in relation to the sealing of name and sex designation change proceedings

Date: July 19, 2024

The Administrative Board of the Courts is seeking public comment on a proposal to amend 22 NYCRR §§ 202.5(e) & 208.4(b) to ensure the confidentiality of petitioners seeking name and/or sex designation changes.

Section 64-a(1) of the Civil Rights Law (“CRL”) mandates that the Court seal a name change proceeding, either upon request of the applicant or *sua sponte*, where “open record of an applicant’s change of name would jeopardize such applicant’s personal safety, based on totality of the circumstances.” CRL § 64-a(2) then provides (emphasis added):

Notwithstanding any other provision of law, pending such a finding in subdivision one ... *where an applicant seeks relief under this section*, the court shall immediately order the applicant’s current name, proposed new name, residential and business addresses, telephone numbers, and any other information contained in any pleadings or papers submitted to the court to *be safeguarded and sealed* in order to prevent their inadvertent or unauthorized use or disclosure while the matter is pending.

CRL § 67-b(1) requires the Court to order records regarding a sex designation change sealed *sua sponte* or upon request, but unlike CRL § 64-a(1), does not articulate a precondition or standard for that determination. CRL § 67-b(2) contains “notwithstanding” language similar to the CRL § 64-a(2) language quoted above, directing interim sealing pending a determination.

Although these provisions are very beneficial, full confidentiality requires an anonymous caption, which is critical to preventing e-filed matters from being “scraped” and/or otherwise aggregated and reproduced on private websites. Presently, this is achieved through commencing a name and/or sex designation change application by Order to Show Cause, requesting anonymization along with sealing as preliminary interim relief. However, as noted by the Third Department in *Cody VV. v. Brandi VV.*, 226 A.D.3d 24 (3rd Dep’t 2024), “not all counsel or self-represented litigants will be either aware of this alternative procedure or readily able to proceed in that manner.” *Id.* at 26 n.1.

NEW NOTARY REFORM BILL

The New York State Legislature recently passed the Notary Reform Bill A07241A/S8663. The Reform Bill would remove the burdensome regulations, enacted in 2022, that have discouraged many attorneys from continuing their notary work. After the law was signed in 2022, the New York State Bar Association issued a [report](#) concluding that the new rules are unnecessary for attorneys who already are bound by professional rules of conduct. The report also found that the law would do little to prevent or reduce consumer fraud, which was its intent. The 2024 law would exempt non-electronic notary acts from the additional bookkeeping and storage regulations. The law now awaits Governor Kathy Hochul’s signature.

STATE OF NEW YORK

7241--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 15, 2023

Introduced by M. of A. LAVINE, NORRIS, PIROZZOLO, JENSEN, WALLACE, BRABENEC -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to limiting recordkeeping and reporting duties of public notaries

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The executive law is amended by adding a new section 135-d
- 2 to read as follows:
- 3 § 135-d. Recordkeeping and reporting. Notwithstanding any other
- 4 provision of law, rule, or regulation to the contrary, except as
- 5 provided by section one hundred thirty-five-c of this article regarding
- 6 electronic notarization, a notary shall not be required to create or
- 7 retain any other notarial record of any notarial act.
- 8 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10616-02-3

STATE OF NEW YORK

8663

IN SENATE

February 27, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to limiting recordkeeping and reporting duties of public notaries

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The executive law is amended by adding a new section 135-d
- 2 to read as follows:
- 3 § 135-d. Recordkeeping and reporting. Notwithstanding any other
- 4 provision of law, rule, or regulation to the contrary, except as
- 5 provided by section one hundred thirty-five-c of this article regarding
- 6 electronic notarization, a notary shall not be required to create or
- 7 retain any other notarial record of any notarial act.
- 8 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10616-03-4

RCBA MEMBERS' GOOD NEWS!

OUR MONTHLY COLUMN ANNOUNCING OUR MEMBERS' GOOD NEWS

CONGRATULATIONS TO MANUELA GOMEZ, RCBA'S FORMER ASSIGNED COUNSEL COORDINATOR, ON THE BIRTH OF TWO GRANDDAUGHTERS. IDENTICAL TWINS AVA AND MIA WERE BORN ON JULY 13 AND JOIN THEIR BIG BROTHER, JAXX



CONGRATULATIONS TO STEVEN BELDOCK OF BELDOCK & SAUNDERS, P.C. WHO WON THE AWARDS AND INSTALLATION DINNER RAFFLE, PROVIDED BY STENO COURT REPORTING, AND WENT HOME WITH A GIANT BOTTLE OF TEQUILA!



New baby or
grandbaby!

New Job or
Promotion!

Marriages!



GOOD NEWS!
GOOD NEWS!
GOOD NEWS!

Special Event!

We can all use some good news.
Please share what is happening in your life!
Your RCBA colleagues want to share your joys!
We will print your good news in the monthly Newsbrief
Photos welcome!

Graduations!

Anything that
made you
smile!

Please send your good news to Barbara at
Barbara@Rocklandbar.org

Any questions? Contact Barbara

The Rockland County Bar Association has a [Facebook page](#) where we announce upcoming events and other issues of interest to the local community.

Visit and follow the page and “Like” the postings to help your association be seen!



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BAR ASSOCIATION

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If you have a favorite business, please let us know.

Contact Barbara at Barbara@rocklandbar.org with their contact information so we can reach out to them about these opportunities.

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Contact: Barbara Silverstone

Barbara@rocklandbar.org

845-634-2149


2024 . SEPTEMBER

| SUN | MON | TUES | WED | THURS | FRI | SAT |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------|-----|
| GET READY FOR SEPTEMBER! | | | | | | |
| 1 | 2 LABOR DAY | 3 | 4 | 5 | 6 | 7 |
| 8 | 8 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 LUNCH WITH A JUDGE | 17 | 18 | 19 CLE - AGING IN PLACE WITH MEDICAID HOME CARE | 20 | 21 |
| 22 FIRST DAY OF FALL | 23 | 24 | 25 IN-PERSON CLE ETHICS. LAWYERS' FUND FOR CLIENT PROTECTION | 26 | 27 | 28 |
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ROCKLAND COUNTY BAR ASSOCIATION

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MORE INFORMATION

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 Barbara@rocklandbar.org

 www.rocklandbar.org

RCBA MEMBERS' 2023 HISTORIC 130TH ANNIVERSARY COMPOSITE GROUP PHOTO

COMPOSITE PHOTO IS NOW AVAILABLE FOR SALE!

To purchase the 130th Anniversary Historic Composite:

Go to: <https://igorlacertisphotography.shootproof.com/gallery/23962558>

Click on "Gallery" in the lower right hand corner
Password is "RCBA"

When the page opens click on "View Gallery"
Then click on the small photo in the lower left hand corner
Click on "Buy Photo" in the top right of the page

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16"X20" - \$85

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TELL THEM YOU ARE FROM THE BAR ASSOCIATION!

THE ROCKLAND COUNTY BAR ASSOCIATION
WELCOMES THE FOLLOWING NEW MEMBERS WHO
JOINED IN JUNE & JULY 2024

Vivian McPayah Adimkpayah Obiamalu, Esq.

Angela DiBlasi, Esq.

Steven Singer, Esq.

Peter Manuel Rivera, Esq.

Joy S. Rosenthal, Esq.

**WE LOOK FORWARD TO SEEING YOU AT OUR
MANY CLE PROGRAMS AND OTHER ACTIVITIES**



Join RCBA's Lawyer Referral Service

We receive several calls each day from clients looking for local representation. We welcome all members to participate but are especially in need of attorneys in these practice areas:

Civil Appeals

Commercial law

Consumer law, including small claims court

Constitutional and Human Rights

Corporate Law including business formation, dissolution & franchises

Education law

Elder law

Environmental Law

Insurance Law, including automobile, home, disability, long term care

Intellectual Property

Landlord Tenant Law, including residential and commercial

Legal Malpractice

Zoning Law

Visit our [webpage](#) or contact office@rocklandbar.org for more information and an application.

RCBA MEMBERSHIP DRIVE

~

**REFER A NEW MEMBER TO US AND GET A
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**REFER SOMEONE TO BECOME AN RCBA MEMBER\*  
AND GET  
A FREE HALF-PAGE AD FOR 3 MONTHS IN  
NEWSBRIEF.**

The person referred must be current non-RCBA member, and they must meet the eligibility criteria for membership. The person must complete the Membership Application and pay the Dues in advance by either check or online. For the online Membership Application, use the link below.

**CALL BARBARA TODAY FOR DETAILS AND GET  
GOING ON YOUR FREE AD!**

To get your free ½ page ad, you must contact Barbara so we can link your referral to the person's Membership Application.

Call Barbara at 845-634-2149 or email  
[Barbara@rocklandbar.org](mailto:Barbara@rocklandbar.org)

\*Regular, Associate or Affiliate Member

[USE THIS LINK TO APPLY FOR MEMBERSHIP ONLINE](#)

## **NEWSBRIEF ADVERTISING RATES**

### **NEWSBRIEF ADVERTISING RATES**

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### **CLASSIFIED ADS**

**RCBA Members – free, up to 50 words; 51 to 100 words, cost is \$75.00.**

**Non-Members, cost is \$50 for up to 50 words; 51 to 100 words, cost is \$100.**

### **PLEASE NOTE:**

**NEWSBRIEF IS NOT PUBLISHED IN JULY**

**CALL BARBARA @ 845-634-2149 or send email to [Barbara@Rocklandbar.org](mailto:Barbara@Rocklandbar.org)**

**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.**

**All advertisements and articles must be reviewed by the Executive Committee for content.**

## **CLE CORNER**

### **SAVE THESE DATES FOR CLE PROGRAMS!**

**August 8, 2024, 12:00 p.m.—1:00 p.m. Diversion Drug Treatment Courts in Rockland County what they are and how they work.** This program will be presented on Zoom. [Register Here.](#)

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**August 8, 2024, 1:15 p.m.—2:15 p.m. Rockland County District Attorney's Treatment Options (MHATI, VHATI etc) and Alternative Sentencing Options.** This program will be presented on Zoom. [Register Here.](#)

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**September 19, 12:15 p.m. —1:30 p.m. —Aging in Place with Medicaid Home Care.** The speaker is Anthony Enea, Esq. This program will be presented on Zoom. This program is sponsored by CDPAP Home Care Services.

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**September 25, 5:30 p.m. Ethics: Lawyers' Fund for Client Protection.** This program will be presented in person.

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**November 6, 12:30—2:00. An Interactive Criminal Trial Voir Dire Appellate Practice.** This program will be presented on Zoom.

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**Missed a CLE program? You can earn credit by watching the video replay. Contact [Barbara@Rocklandbar.org](mailto:Barbara@Rocklandbar.org) to receive the recording. Payment by check only.**

*Remember, RCBA Members receive a discounted registration fee for all CLE programs*

# CLE REQUIREMENTS

## CLE REQUIREMENTS

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.

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.

## ADDITIONAL CLE REQUIREMENT - CYBERSECURITY

In addition to ethics and professionalism, skills, law practice management, areas of professional practice, and diversity, inclusion and elimination of bias courses, there is a now a category for cybersecurity, privacy and data protection. This category of credit is effective January 1, 2023.

Effective January 1, 2023 - New Category of CLE Credit - Cybersecurity, Privacy and Data Protection: A new category of CLE credit - Cybersecurity, Privacy and Data Protection - has been added to the CLE Program Rules. This category is defined in the [CLE Program Rules 22 NYCRR 1500.2\(h\)](#) and clarified in the [Cybersecurity, Privacy and Data Protection FAQs](#) and [Guidance document](#). Providers may issue credit in Cybersecurity, Privacy and Data Protection to attorneys who complete courses in this new category on or after January 1, 2023.

See [CLE Program Rules 22 NYCRR 1500.22\(a\)](#).

Experienced attorneys due to re-register on or after July 1, 2023 must complete at least one credit hour in the Cybersecurity, Privacy and Data Protection CLE category of credit as part of their biennial CLE requirement. Newly admitted attorneys need not comply if admitted prior to July 1, 2023 in their newly admitted cycle, but must comply in future reporting cycles. Attorneys admitted on or after July 1, 2023, must complete the 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their new admitted attorney cycle. For more information about the CLE Rules, visit [nycourts.gov/Attorneys/CLE](https://nycourts.gov/Attorneys/CLE).

See [CLE Program Rules 22 NYCRR 1500.12\(a\)](#).

Attorneys may apply a maximum of three (3) credit hours of cybersecurity, privacy and data protection-ethics to the four-credit hour ethics and professionalism requirement.

## FINANCIAL HARDSHIP POLICY:

RCBA members and non-members may apply for tuition assistance to attend Association continuing legal education programs based on financial hardship. Any member or non-member of our Association who has a genuine financial hardship may apply in writing, no later than five working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive tuition assistance, depending on the circumstances.

# COMMITTEE CORNER

The Rockland County Bar Association has 26 active committees, plus several *ad hoc* committees. Members may join these committees and volunteer their time and expertise for the good of the Bar Association, their colleagues and the public. Here are some of the activities! We look forward to seeing you!

## NEW LAWYERS AND SOCIAL COMMITTEE

Nicole DiGiacomo is the new Co-Chair of this Committee and she is looking for new members. The Committee will engage newly admitted attorneys as well as seasoned attorneys who are interested in mentoring those newly admitted.

## PRO BONO COMMITTEE

This newly established Committee embraces the spirit of “pro bono” by connecting with Bar Association practitioners from all areas to create a centralized corps of volunteers who will assist those in need who are unable to be assisted by the Legal Aid Society or Legal Services of the Hudson Valley. If you are interested in joining this Committee, please email Nancy at [Nancy@rocklandbar.org](mailto:Nancy@rocklandbar.org)

## IMMIGRATION LAW COMMITTEE

Immigration Law is a critical component of our system of laws. We are pleased to announce that the Rockland County Bar Association is relaunching the Immigration Committee. The committee is being co-chaired by two experienced immigration attorneys, Ivon Anaya, Esq. and Crismelly Morales, Esq. Given the recent influx of Immigration in our community, we are excited to provide insight and updated information about Immigration Law to the members of the Bar Association and our community.

We are looking for new members! If you are interested in joining our committee, please email Ivon at [Ianaya@centersc.org](mailto:Ianaya@centersc.org) and Crismelly at [Crismelly@cmoraleslaw.com](mailto:Crismelly@cmoraleslaw.com) to express your interest. Stay tuned for our future meetings and events!

## PERSONAL INJURY & COMPENSATION LAW COMMITTEE

Your Rockland County Bar Association Personal Injury & Compensation Law (Negligence) Committee regularly meets via zoom. If you are not yet a member and wish to join our committee, please contact the association. If you have a topic that you think may be of interest to the committee, please let us know.

Upcoming Meetings:

September 16 2024, 5:00 p.m. The committee meeting will be held on Zoom.

If you are not on the committee and are interested in participating in one of these meetings, please contact us.

Thank you, **Jeffrey Adams** (Chair) & **Valerie Crown** (Co-Chair)

# 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 [Barbara@rocklandbar.org](mailto:Barbara@rocklandbar.org) by the 15th of the month so that the Executive Board may review it.

Thank you!



Monthly  
Newsletter

Still not a member? Join Now!

2024 RCBA LAWYER  
REFERRAL SERVICE

[Visit us online!](http://www.Rocklandbar.org)

[www.Rocklandbar.org](http://www.Rocklandbar.org)

RCBA STORE





UCS-23

EMPLOYMENT  
OPPORTUNITY  
ANNOUNCEMENT  
STATE OF NEW YORK  
UNIFIED COURT SYSTEM

PLEASE POST  
ANNOUNCEMENT NO. 9437

CANDIDATES WHO HAVE ALREADY APPLIED TO POSTING #9432 NEED NOT APPLY AND WILL BE CONSIDERED FOR THIS POSITION

**POSITION TITLE:** COURT ATTORNEY - REFEREE **JG: 31**

**LOCATION:** 9<sup>th</sup> JUDICIAL DISTRICT  
WESTCHESTER SUPREME AND COUNTY COURTS

**BASE SALARY:** \$126,278 + \$4,775 LOCATION PAY

**CLASSIFICATION:** NON-COMPETITIVE/CONFIDENTIAL

**QUALIFICATIONS:** Admission to the New York State Bar and Three (3) years of service in the Associate Court Attorney title; or Eight (8) years of relevant legal experience gained after admission to the New York State Bar.

**DISTINGUISHING FEATURES OF WORK:** Court Attorney-Referees act as special referees and research and analyze complex legal issues and questions raised in civil and criminal cases heard in trial courts or on appeal to certain County Courts and may be responsible for supervision of court attorneys and support staff who are located in one or more courts situated throughout a county, judicial district, or department. They serve in a confidential capacity and work with substantial independence from supervision in units located in the Court of Claims or special parts in the Supreme Court or in County, District, Family, and Surrogate's Courts in counties entirely within cities or in counties that have populations exceeding 400,000.

**ASSIGNMENT:** The position will be assigned to the Law Department, Westchester County Supreme and County Courts. Duties and responsibilities include but are not limited to: conducting hearings, taking testimony and reporting findings of facts to judge; researching and analyzing complex legal questions and issues; and writing confidential memoranda and drafting opinions. Travel may be required. Experience in civil litigation and excellent writing skills are strongly preferred.

**GENERAL INFORMATION:** The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in the title, and every position does not necessarily require these duties. Although a position is available and situated at a specific location, the appointee may be subject to reassignment to any position in the same title in this promotion unit dependent upon the needs of the Unified Court System. All applications received from this announcement may be used to fill any vacancies in this title that may occur in this court or agency within the next six (6) months. Position(s) available at the present time: 1.

**APPLICATION PROCEDURES:** All interested persons meeting the minimum qualifications are encouraged to submit a UCS-5 Application for Employment form (obtainable from any administrative office in a court building or on the web at [www.nycourts.gov/careers/UCS5.pdf](http://www.nycourts.gov/careers/UCS5.pdf)) and a resume and cover letter by email to [9jEmployeeinformation@nycourts.gov](mailto:9jEmployeeinformation@nycourts.gov) or by mail to:

HON. ANNE E. MINIHAN, J.S.C.  
ADMINISTRATIVE JUDGE - 9TH JUDICIAL DISTRICT  
WESTCHESTER COUNTY COURTHOUSE  
111 DR. MARTIN LUTHER KING JR. BLVD  
WHITE PLAINS, NY 10601

**APPLICANTS ARE ENCOURAGED TO COMPLETE THE EQUAL EMPLOYMENT OPPORTUNITY DATA COLLECTION FORM.**

**POSTING DATE:** July 22, 2024 **APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:** August 19, 2024

The New York State Unified Court System is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, gender (including pregnancy and gender identity or expression), national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, parental status, military service, or other non-merit factor.



UCS-23

EMPLOYMENT  
OPPORTUNITY  
ANNOUNCEMENT  
STATE OF NEW YORK  
UNIFIED COURT SYSTEM

PLEASE POST  
ANNOUNCEMENT NO. 9439

POSITION TITLE: ASSISTANT LAW CLERK JG: 23

LOCATION: 9<sup>th</sup> JUDICIAL DISTRICT  
ROCKLAND COUNTY SUPREME COURT

BASE SALARY: \$ 82,198 + \$ 4,775 LOCATION PAY

CLASSIFICATION: EXEMPT/CONFIDENTIAL

QUALIFICATIONS: Graduation from an accredited law school no more than three (3) years prior to appointment and admission to the New York State Bar within eighteen months of appointment, or Appointment within three (3) years of first admission to any bar in the United States.

**DISTINGUISHING FEATURES OF WORK:** Assistant Law Clerks are appointed in the Civil Term by Justices of the Supreme Court, are assigned to Judges designated as Acting Supreme Court Justices for one or more full terms, or are appointed by Justices in the Appellate Divisions, Court of Appeals, and NYC Surrogate's Courts. 1 They research and analyze legal issues raised in complex civil term motions and are responsible for preparing memorandums, drafting orders, opinions and verifying citations. Assistant Law Clerks are appointed to a one-year clerkship, renewable four times, and are personally appointed by the Justice for whom they work and serve at their pleasure.

1 Judges who appoint an Assistant Law Clerk agree to forego the appointment of a Secretary and waive the right to such an appointment under section 36 of the Judiciary Law for the period of service for the Assistant Law Clerk.

**ASSIGNMENT:** This position is assigned to the Hon. David Fried, Court of Claims Judge, and Acting Justice of the New York State Supreme Court, Rockland County. Duties include but are not limited to: preparing confidential legal memoranda; conducting legal research; drafting orders and opinions; proofreading opinions; resolving scheduling issues with attorneys; and conducting discovery conferences. Additional responsibilities include administrative tasks, responding to telephone calls, scheduling cases and monitoring the court's docket.

**GENERAL INFORMATION:** The above statements are intended to describe the general nature and level of work being performed by persons assigned to this title. They do not include all job duties performed by employees in the title, and every position does not necessarily require these duties. Although a position is available and situated at a specific location, the appointee may be subject to reassignment to any position in the same title in this promotion unit dependent upon the needs of the Unified Court System. All applications received from this announcement may be used to fill any vacancies in this title that may occur in this court or agency within the next six (6) months. Position(s) available at the present time: 1.

**APPLICATION PROCEDURES:** All interested persons meeting the minimum qualifications are encouraged to submit a UCS-5 Application for Employment form (obtainable from any administrative office in a court building or on the web at [www.nycourts.gov/careers/UCS5.pdf](http://www.nycourts.gov/careers/UCS5.pdf)) and a resume and cover letter by email to [DFried2@nycourts.gov](mailto:DFried2@nycourts.gov).

APPLICANTS ARE ENCOURAGED TO COMPLETE THE EQUAL EMPLOYMENT OPPORTUNITY DATA COLLECTION FORM.

POSTING DATE: July 30, 2024 APPLICATIONS WILL BE ACCEPTED ON A CONTINUOUS BASIS

The New York State Unified Court System is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, gender (including pregnancy and gender identity or expression), national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, parental status, military service, or other non-merit factor.



SEEKING LEGAL INTERNSHIP

Abaigael Regi, current Clarkstown North student, aspiring legal professional, seeks internship and volunteer opportunities. Dedicated, driven, and skilled in research and communication. Ready to contribute and learn.

Contact: [abaigael.regi@gmail.com](mailto:abaigael.regi@gmail.com) | (845) 507-3419

Matrimonial/Family Law Attorney

Rockland County, NY law firm specializing in matrimonial and family law is seeking a full time associate. Excellent writing skills, trial experience and fluent Spanish speaking a plus. Starting salary range is \$55,000.00 to \$85,000.00+. Please call 845.639.4600 or fax resume to 845.639.4610 or E-mail: [michael@demoyalaw.com](mailto:michael@demoyalaw.com)

PRO BONO OPPORTUNITY SOUGHT

Recent Law school graduate seeks pro bono work in support of her New York Bar Application.

She graduated Seton Hall Law School in May 2023, and is now finishing a clerkship in the civil division at the Bergen County New Jersey Superior Court.

She is admitted to the New Jersey Bar, but as a newly admitted attorney that is not yet associated with a law firm, she does not have active attorney malpractice insurance, so any legal-related work would have to be signed off by an attorney who has coverage, or coverage must be provided.

Contact Melanie Filocco [melaniefilocco@gmail.com](mailto:melaniefilocco@gmail.com)

ASSOCIATE ATTORNEY

**Feerick Nugent MacCartney** (South Nyack) seeking NYS admitted attorney 3-4 years experience. Work entails General, Land Use, Personal Injury Litigation – State/Federal Court and familiarity with motion practice, rules of evidence, drafting complaints, discovery responses, memorandum of laws. Salary: \$120,000-\$150,000. Benefits. Higher salary commensurate with experience. Email resume: [shannond@fnmlawfirm.com](mailto:shannond@fnmlawfirm.com)

PARALEGALS AVAILABLE

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. All RCC students are trained to work virtually and proficient in virtual computer programs. Contact Amy Hurwitz-Placement Coordinator at (845) 574-4418 or email at [amy.hurwitz@sunyrockland.edu](mailto:amy.hurwitz@sunyrockland.edu)

MUNICIPAL ATTORNEY

**Feerick Nugent MacCartney** (South Nyack) seeking NYS admitted attorney with 2-3 years experience, interest in local government, municipal, labor law. Full-time, requiring attendance at municipal nightly meetings. Starting salary is \$120,000 to \$150,000 - higher starting salary commensurate with experience. Benefits available.

Email resume: [shannond@fnmlawfirm.com](mailto:shannond@fnmlawfirm.com)

Part Time Paralegal / Legal Assistant

In person and/or virtual; Surrogate filings personal injury matters; complex personal injury matters; salary commensurate with experience.

Contact: [jeff@injurylaw-ny.com](mailto:jeff@injurylaw-ny.com)

YOUR AD HERE!

Are you looking to hire an attorney, paralegal or office staff?  
Are you looking for new positions?  
RCBA Members can advertise here for free (up to 50 words)

IMMIGRATION ATTORNEY WANTED

Rockland County, law firm is seeking a full time associate with immigration experience. Trial experience, Spanish speaking, admitted to SDNY and willingness to assist with bankruptcy and loan modifications a plus. Starting salary range is \$55,000.00 to \$85,000.00+.

Call 845.639.4600 or fax resume to 845.639.4610 or

E-mail: [michael@demoyalaw.com](mailto:michael@demoyalaw.com) .

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