

# ROCKLAND COUNTY BAR ASSOCIATION

# NEWSBRIEF

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October 2024

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## President's Post

Later this month, on October 23<sup>rd</sup>, the Foundation of the Rockland County Bar Association, Inc. (the "Foundation") will host its Annual Dinner Gala honoring the Honorable Joseph A. Zayas, Chief Administrative Judge; Lifetime Achievement Award recipient, Ricki H. Berger, Esq.; and Natalie Couch Award recipient, Willie J. Trotman, President of the NAACP Spring Valley Branch. We will also honor Jeffrey Adams, Esq. and Valerie Crown, Esq. as recipients of the Committee Co-Chairs of the Year Award. Jeff is Chair and Valerie is Co-Chair of the Personal Injury & Compensation Law Committee.

In addition to honoring our well-deserved awardees, our Annual Dinner Gala provides the Foundation with funding to provide charitable works. One of the main purposes of the Foundation is to provide charitable scholarships to students to pursue legal education. For example, the Foundation donated \$1,000.00 to the Rockland County YMCA Youth and Government Program to help sponsor two students participating in the National Judicial Competition in St. Paul, Minnesota during the week of July 29, 2024. We were gratified to receive an email from Charles Maze, President and CEO of Rockland County YMCA informing us that two excellent students, Gabriella R. from Nyack Senior High School and Michael H. from Tappan Zee High School performed well at the judicial competition. This is what Mr. Maze had to say about these amazing students.

*"Gabriella argued her assigned case well and received a very high score. After her strong performance as an attorney Gabriella advanced to become a Justice position and presided over her courtroom. . . . She said that her experience at the National Judicial Competition has motivated her to pursue her college studies in law."*

*Continued...*

*Continued...*

*“Michael . . . was recognized as an outstanding judicial delegate which qualified him to participate at the National Judicial Conference. At the NJC he argued his case successfully as an attorney. . . . He has a strong interest in pursuing studies in law and government in college.”*

We hope you; our members will honor our awardees and support our Foundation by attending the Annual Dinner Gala. Please bring a colleague or friend or two and advertise in the Souvenir Journal so that we may continue to fulfill the charitable purposes of the Foundation.

If you are not already, we hope you will become an active member of RCBA. Inside this edition, you will read a well written, impassioned call for service on the Pro Bono Committee from one of its Co-chairs, James Riley, Esq.

Please support our upcoming programs and events. Just next week on October 10<sup>th</sup>, we are fortunate to have our esteemed Second Department, Appellate Division Justices Linda Christopher and Mark C. Dillon along with Darrell M. Joseph, Clerk of the Appellate Division and our colleague Ellen O’Hara Woods, Esq. present a practice update CLE.

Also, please mark your calendar for November 14<sup>th</sup>, time to be announced, for RCBA’s reception at the Rockland County Courthouse to celebrate the hanging of RCBA’s composite photographs from 1969 to 2023 and our first joint Holiday Party with the Rockland County Women’s Bar Association on December 5<sup>th</sup>.

A hearty congratulations to RCBA member and Haverstraw Justice Ivonne Santos for receiving an award from the Hudson Valley Hispanic Bar Association at the 9<sup>th</sup> Judicial District’s Hispanic Heritage Month Celebration at the Rockland County Courthouse on September 25<sup>th</sup>. I was pleased to attend the celebration which featured keynote speakers Lieutenant Governor Antonio Delgado, Esq. and Administrative Judge, Hon. Anne E. Minihan, J.S.C. and other distinguished honorees of Hispanic descent.

Finally, I wish happy holidays to our members and colleagues who celebrate the Jewish high holy days this month!

Laurie A. Dorsainvil, Esq.

President



*The Foundation of the Rockland County Bar Association, Inc.*

*Cordially invites you to attend its Annual Dinner Gala*

*Honoring:*

**Hon. Joseph A. Zayas**

*Chief Administrative Judge of the NYS Unified Court System*

*And Lifetime Achievement Award Recipient*

**Ricki H. Berger, Esq.**

*Dedicated RCBA member, Grievance Committee Chair and prior long-standing Board Member*

*And Natalie Couch Award Recipient*

**Willie J. Trotman**

*President, NAACP Spring Valley Branch*

**Wednesday, October 23, 2024**

*At 6:00 in the evening*

*The View on the Hudson*

*101 Shad Row*

*Piermont, NY 10968*

*RSVP Required*

*Cocktail Hour*

*Hors D'oeuvres - Open Bar*

*Special Musical Entertainment*

*by Ahlfabet Swing Group*

*Members \$170 Per Person  
Non-Members \$185 Per Person  
Black Tie Optional*

*If you have any special dietary requirements, please call the Association, (845) 634-2149*

*Please Respond by October 15, 2024*

*I will be pleased to attend. Enclosed is my Check of*

*\$ \_\_\_\_\_ For \_\_\_\_\_ reservation(s)*

*Name(s): \_\_\_\_\_*

*Address: \_\_\_\_\_*

*Please seat me with: \_\_\_\_\_*

*Please make check payable to  
Foundation of the Rockland County Bar Association, Inc.*

*If you have special dietary requirements please call the Association, (845) 634-2149*

**[To RSVP Click Here](#)**

THE FOUNDATION OF THE ROCKLAND COUNTY BAR ASSOCIATION, INC.  
337 NORTH MAIN STREET - SUITE 1  
NEW CITY, NEW YORK 10956  
845-634-2149

2024 ANNUAL DINNER GALA - OCTOBER 23

**SOUVENIR JOURNAL**

*With Guest of Honor:*

*Hon. Joseph A. Zayas*

*Chief Administrative Judge of the NYS Unified Court System*

*Also honoring:*

Our Lifetime Achievement Award Recipient:

**Ricki H. Berger, Esq.**

*Dedicated RCBA member, Grievance Committee Chair and prior long-standing Board Member*

*and*

Our Natalie Couch Award Recipient:

**Willie J. Trotman**

*President, NAACP Spring Valley Branch*

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**DATE OF ANNIVERSARY GALA: WEDNESDAY, OCTOBER 23, 2024 – 6pm-10pm**  
*The View on the Hudson, Piermont, NY*

Please email your ad to: [diane@rocklandbar.org](mailto:diane@rocklandbar.org) – ad deadline October 13, 2024.

Call us with your questions: Diane French – 845-634-2149

Rockland County Bar Association, 337 N. Main St., Suite 1, New City, NY 10956

**[Click Here To Purchase An Ad.](#)**

## **PRO BONO COMMITTEE UPDATE**

### **Members of the Pro Bono Committee:**

**Co-Chairs: Amanda Henderson, Duncan Lee II, James J. Riley; Members: Robert Fellows, Laurie Dorsainvil, Derek Tarson, Ellis Mirsky, Jane Cowles, Alvin Spitzer, Hon. James Hyer, Andrew Finkiel, Crismelly Morales and Ivon Anaya.**

Helping others while succeeding in the practice of law...

Jay Foonberg was a legendary attorney who practiced law in Los Angeles. One of his greatest achievements was preparation of a book which he wrote, *pro bono publico*, How To Start and Build A Law Practice. This work has now been published in five editions over time by the American Bar Association. One of the greatest points which Foonberg asserted, on his frontispiece no less, was the following: "To succeed in the practice of law requires a deep and sincere dedication to helping others". This is important for so very many reasons: Thinking back to the bar exam and law school and even before, did you become an attorney to help people or to establish competency in real estate or estate taxation or other matters. Admittedly, those areas and so many others are important but did we not also become attorneys to help people in need—those seeking justice or equitable and compassionate treatment often in their moments of greatest need--accompanied by an inability to pay state of the times attorney fees.

We acknowledge that discussion of the subject of pro bono legal service is often a non-starter akin to certain songs which drive people from the dance floor at weddings. However, such discussions are essential if law in this nation is to stand for what we believe it to mean—equal justice for all.

There is great need for *pro bono* services throughout this nation and thus also here in Rockland County. The Rockland County Bar Association has now several specific areas where pro bono services are very much in demand—divorce and matrimonial, landlord and tenant matters, immigration and bankruptcy. There may be other areas also requiring assistance such as due process hearings with regard to the discipline and suspension of high school students which many regard as the first step in a very concerning problem in this nation—the “pipeline of young persons to prison”.

The initial response to all of this which comes immediately to mind for each and every one of us as a variant of “NIMBY”—“not in my back yard”, i.e. “not in my law practice---perhaps instead someone else—other members of the Rockland County Bar Association or perhaps the Legal Aid Society can meet these needs. But Legal Aid has limited resources and no small contingent of Bar Association members should be carrying this burden.

Former Rockland County Bar Association President Robert Fellows established our Pro Bono Committee to explore both the extent of the need and approaches to meeting those needs. It is apparent that the more legs under a table, the greater the load a table can bear. Our organization’s current President, Laurie A. Dorsainvil, is continuing the work of our Committee.

*Continued...*

Translated, the greater the number of Bar Association members performing pro bono services, the lighter the load for each practitioner. Our Committee also acknowledges that compelled or unwelcome *pro bono* assignments are never appreciated and are often regarded in the way of a shadow tax or dragooning.

On the reverse side, ask any practitioner who has engaged in pro bono work about the matter they have handled and they will often relate that particular cases they handled fall among the most interesting, personally rewarding and memorable matters which they have handled.

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The *Pro Bono* Committee now invites all members of the Association to attend, participate in, and contribute to the meetings of the Committee as it explores the ways in which members can receive “for credit” continuing legal education intended to enable them to decide to accept pro bono work in certain areas of need when cases are offered to them. Further, the Committee is looking to identify the universe of pro bono matters which merit legal assistance from association members.

Finally, our Committee is looking to explore and experiment with possible methods for its members to identify needs, to train members to assist in such matters and to deliver those much-needed *pro bono* services in order to secure justice for those in legal need without unduly burdening any particular members, or segment of members.

Please help the Association explore these issues and to experiment with approaches to training and delivery of services to those in need while shielding our individual members from unequal or excessive *pro bono* workloads in the process.

Please join our next Committee Meeting which will take place by Zoom at 6:00 p.m. prevailing time on November 14, 2024. [The Zoom link will be sent in an email announcement to our Members.](#) We are hopeful that we all may approach these matters of training and delivery in new and exciting, and perhaps groundbreaking or experimental ways.

Respectfully submitted, Members of the Rockland County Bar Association Pro Bono Committee

## THE PRACTICE PAGE

### MAY ASTRONAUTS VOTE FROM SPACE?

Hon. Mark C. Dillon \*

It is election season. The Election Law has been in New York State's legal news lately, with cases involving whether the New York State Independent Redistricting Commission could timely propose a second congressional redistricting plan after an earlier plan had been judicially adopted and used (*Hoffman v New York State Independent Redistricting Commission*, 41 NY3d 341 [2023] [the commission could permissibly do so]), whether undocumented persons may constitutionally vote in New York City elections (*Fossella v Adams*, 225 AD3d 98 [2<sup>nd</sup> Dep't. 2024] [holding *inter alia* that citizenship is a requirement for voting under the state constitution]), and whether the language of the state constitution permits mail-in voting procedures other than for absentee ballots based upon travel or physical infirmity (*Stefanik v Hochul*, \_\_ NY3d \_\_, 2024 WL 3868644 [decided Aug. 20, 2024] [the state's Early Voter Act was found to be constitutional]).

Let us zoom out from New York State to the larger planet. American astronauts Suni Williams and Butch Wilmore are presently in orbit upon the International Space Station (ISS). They went into orbit aboard the Boeing Starliner spacecraft in June 2024 (Clayton Sandell, "Voting in Space: NASA's Got You Covered," Scripps News, available at <https://www.scrippsnews.com/politics/america-votes/voting-in-space-nasas-got-you-covered>). They were expected to have returned to earth by now but have been unable to do so because of ongoing mechanical and safety problems with the Starliner. The astronauts are over 200 miles above earth and traveling within the ISS at the speed of 17,500 mph (Amy Stamm, "How Do Astronauts Vote From Space?" *National Air and Space Museum*, available at <https://airandspace.si.edu/stories/editorial/how-do-astronauts-vote-space>). The Starliner has been found by NASA to be insufficiently reliable to return the astronauts to earth. Elon Musk's company, SpaceX, has been recruited to bring the stranded astronauts back to earth aboard its Crew Dragon Aircraft, though SpaceX cannot do so until February 2025 (Ed Malaker, "Stranded in Space: Why NASA Is Counting on SpaceX After Boeing's Starliner Glitches," *Geeksided*, available at <https://geeksided.com/posts/stranded-in-space-why-nasa-is-counting-on-spacex-after-boeing-s-starliner-glitches-01j6cce1mbrg#:~:text=The%20Mission%20That%20Went%20Awy,in%20the%20first%202024%20hours>). In the meantime, there are federal and state elections scheduled to be conducted on November 5, 2024. May the stranded astronauts vote? Can they access absentee ballot material from space? Or, by virtue of being unexpectedly stranded on the ISS this fall, are they unable to avail themselves of the right to vote in the 2024 election?

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Most astronauts reside in the State of Texas within a commutable distance from the Johnson Space Center (*Id.*). In 1997, the Texas legislature enacted Administrative Code section 81.35 which provides that “[a] person who meets the eligibility requirements of a voter under the Texas Election Code, Chapter 101, but who will be on a space flight during the early-voting period and on Election Day, may vote.” How may they do so, particularly if a lengthy stay in space is unexpected as with astronauts Williams and Wilmore? The Texas legislation provides that upon request, an electronic ballot can be uplinked to the astronauts by the Johnson Space Center’s Mission Control. The astronauts may access their ballots by using a set of unique credentials sent to each of them by e-mail, fill out their ballots, and then downlink them back to earth. They must list their current address on the ballot as “low earth orbit” (Kasandra Brabaw, “Election 2022: How Astronauts Vote From Space,” *Space.com*, available at <https://www.space.com/how-astronauts-vote-from-space>).

Voting from space, like law, can be complicated. The astronauts’ filled-out ballots initially travel electronically from orbit to NASA’s Near Space Network, managed by NASA’s [Goddard Space Flight Center](#) in Greenbelt, Maryland. From there, the ballot travels through a [Tracking and Data Relay Satellite](#) to a ground antenna located at the [White Sands Complex](#) in Las Cruces, New Mexico. From New Mexico, NASA transfers the ballot to the Mission Control Center at the Johnson Space Center in Houston, and from there, to the particular county clerk’s office responsible for accepting and casting the ballot (*Id.*). Encryption of the transmissions maintains the secrecy of the astronauts’ votes.

Astronaut David Wolf was the first American to vote from space, which occurred in 1997 while on board the Russian Space Station, Mir (“How NASA Transmits Votes From the Space Station,” *NASA*, available at <https://www.nasa.gov/missions/station/how-nasa-transmits-votes-from-the-space-station/>). More recently, astronauts Jasmin Moghbeli and Loral O’Hara voted from the ISS in the Super Tuesday primaries held on March 5, 2024 (Oren Oppenheim, “NASA Astronauts Say They Cast Their Super Tuesday Ballots From Space,” *ABC News*, available at <https://abcnews.go.com/Politics/nasa-astronauts-cast-super-tuesday-ballots-space/story?id=107825624>). The Texas voting procedure is available to astronauts Suni Williams and Butch Wilmore, if either or both wish to vote in the November 5, 2024 election.

Technology is a remarkable thing. Voting from space is good news, though perhaps out of this world.

\*Mark C. Dillon is a Justice of the Appellate Division, 2<sup>nd</sup> Dep’t., and Adjunct Professor of New York Practice at Fordham Law School, and a contributing author of the CPLR Practice Commentaries in McKinney’s.





# SUCCESSION

## WHAT'S IN A NAME

*A new Newsbrief column*

**BY JUDITH BACHMAN, ESQ.**



As I shared in the initial article in this column, I have struggled with two competing thoughts: how to continue to grow my firm and how to eventually exit it. My goal in thinking about these competing themes is to figure out how to build the value of my firm so that I can reap the rewards now and on exit, I can realize that value. With a focus on building value, in this next series of articles, we will explore different ways to increase the value of a law firm.

One way to increase law firm value may be to employ a brand name. In New York, law firms can now use trade names for their firms, rather than individual lawyers' names. As long as the chosen firm trade name is not false, deceptive, or misleading, it is permissible.

In 2020, the New York Rules of Professional Conduct (RPC) 7.5(b) was amended to permit the use of trade names. Before the 2020 amendment, New York was one of only nine states that prohibited law firm trade names.

The term "trade name" is not defined by the RPC but is generally understood to mean "a name that does not include the name of any lawyer currently or formerly practicing in the firm." For example, a firm that focuses on family or matrimonial law could adopt a trade name such as "The Family Attorneys" and market around that. The use of a trade name may also be subject to the requirements of Section 130 of the General Business Law. Under GBL §130, transacting business under a name other than the "real name" of the applicable business, i.e., the name at formation, generally requires the filing of an assumed name certificate. The assumed name certificates should be filed in each County where the firm does business.

As heterodox as the idea of using a brand name for your firm might be, it could add value to your practice. A trade name immediately communicates to potential clients what your firm does and helps with SEO and focused marketing. For firms in consumer facing fields like personal injury, branding and the use of trade names is a way to stand out in a crowded market.

Branding your firm is just one of several tools to build value in your firm. In coming articles, we will discuss other strategies to help bolster your firm's value and, in turn, plan for an eventual successful firm exit.

## COMMERCIAL LITIGATION ISSUES OF INTEREST

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

Your client is a foreign corporation sued by a foreign LLC for money allegedly due under a merchant cash advance agreement. After almost a year of litigation, you decide to move by order to show cause to dismiss the action for lack of subject matter jurisdiction, hoping for an early resolution. You argue that the parties and the claims do not fit any of the BCL § 1314(b) categories that allow a foreign corporation to sue another foreign corporation in New York courts. You do not seek any interim relief.

Will the court sign your order to show cause?

The answer is *no*.

In *Surfside Capital v. Rodgers*, NYLJ 1720822943NY526479202; Case No. 526479/2023 (Sup. Ct. Kings Co. July 7, 2024), Surfside, a Delaware LLC, sued the defendants, Mississippi corporations not authorized to do business in New York, for money due under an agreement signed in Mississippi for the purchase and sale of future receivables. After almost a year of litigation, defendants submitted an order to show cause seeking dismissal of the complaint for lack of subject matter jurisdiction pursuant to BCL § 1314(b), which lists the limited conditions required for a foreign corporation to sue another foreign corporation in New York courts. The order to show cause did not request a stay or ask the Court to specify the means of service.

In its decision declining to sign the order to show cause, the Court examined the statutes and rules authorizing use of an order to show cause, including CPLR 2214(d), which provides that a court may grant an order to show cause “in a proper case,” and 22 NYCRR § 202.8-d, allowing an order to show cause “only when there is a genuine urgency,” or a stay is required, or a statute mandates proceeding by order to show cause. Where none of the three grounds of Rule 202.8-d are met, the language of CLR 2214(d) controls, requiring the application to present “a proper case.”

***Continued...***

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The Court ruled there was no genuine urgency, such as a notice of pendency preventing the defendants from conveying good title at an upcoming closing, citing *Cook v. Estate of Achzet*, 214 A.D.3d 1369 (4th Dep't 2023). The defendants here failed to demonstrate why "the motion to dismiss the complaint for lack of subject matter jurisdiction is a matter of genuine urgency." No stay was sought, and no statute mandates this motion to be brought by order to show cause.

The Court rejected that this was "a proper case" for an order to show cause, noting that the issue of subject matter jurisdiction is common to the many cases alleging breach of a merchant cash advance contract in Kings County. Thus, "the issue is not unique to the instant action and, therefore, one not compelling a practically instantaneous determination."

Court backlog, according to the Court, mitigated against placing "this motion ahead of others" brought by notice of motion.

It is evident that the court system has still not caught up with the motion backlog resulting from the COVID-19 pandemic. Motions made two years ago still come up for determination. In an ideal situation, motions brought on by notice of motion would be placed on a judge's calendar for the date set forth in the notice of motion or the next available motion date but unfortunately this is not presently possible. Defendants should have realized this and moved by way of notice of motion. This motion is not "a proper case" for an expeditious determination through an order to show cause (CPLR 2214 [d]).

The Court concluded by citing a case from "a long time ago," *Androvette v. Bowne*, 15 How Prac 75 (Sup Ct, NY County 1857). An order to show cause "was intended to be confined to exceptional cases, and not to be exercised indiscriminately on all occasions, many of them not of urgency, but only of urgent parties."

*The lesson?* If you proceed by order to show cause and don't have a typical urgency, such as a pending sale of property, be creative. Seek a stay of pending motions that need not be considered by the Court if your motion to dismiss the complaint is granted. Or consider showing, for example, that your client is losing funding or clients or contracts due to the pending claims. Otherwise, the order to show cause may not be signed.

## 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 (3<sup>rd</sup> 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.



UCS-23

EMPLOYMENT  
OPPORTUNITY  
ANNOUNCEMENT  
STATE OF NEW YORK  
UNIFIED COURT SYSTEM

PLEASE POST  
ANNOUNCEMENT NO. 9453

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CANDIDATES WHO HAVE ALREADY APPLIED TO POSTING #9440 NEED NOT REAPPLY AND WILL BE CONSIDERED FOR THIS POSITION

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

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

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

**CLASSIFICATION:** NON-COMPETITIVE/CONFIDENTIAL

**QUALIFICATIONS:** Admission to the New York State Bar; and Three years of service in the Associate Court Attorney title; or Eight 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:** This position will be assigned to the law department, Westchester County Supreme Court. Duties and responsibilities include but are not limited to: drafting decisions, conducting hearings, taking testimony and reporting findings of facts to judge; researching and analyzing complex legal questions and issues; and writing confidential memoranda. Strong writing skills and experience in civil litigation preferred. Travel may be required.

**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 [9iEmployeeinformation@nycourts.gov](mailto:9iEmployeeinformation@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.](#)

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POSTING DATE: September 13, 2024 APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY: October 11, 2024

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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.

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**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
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- 3 § 135-d. Recordkeeping and reporting. Notwithstanding any other
- 4 provision of law, rule, or regulation to the contrary, except as
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- 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 RCBA MEMBER AND PRO BONO COMMITTEE CO-CHAIR AMANDA HENDERSON, AND HER HUSBAND KENNY HENDERSON, ON THE BIRTH OF THEIR NEW BABY, ROSALIE AMANDA HENDERSON, BORN SEPTEMBER 10, 2024



LITTLE ROSALIE JOINS HER TWO 4.5 YEAR OLD TWIN SIBLINGS HUDSON MARIE HENDERSON AND KENNY MARIS HENDERSON. CONGRATULATIONS AMANDA AND FAMILY ON THIS GOOD NEWS!

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 Diane at  
[Diane@Rocklandbar.org](mailto:Diane@Rocklandbar.org)

Any questions? Contact Diane



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 Diane at [Diane@rocklandbar.org](mailto:Diane@rocklandbar.org) with their contact information so we can reach out to them about these opportunities.

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Contact: Diane French

[Diane@rocklandbar.org](mailto:Diane@rocklandbar.org)

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 [Barbara@rocklandbar.org](mailto:Barbara@rocklandbar.org)

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

**THE ROCKLAND COUNTY BAR ASSOCIATION  
WELCOMES THE FOLLOWING NEW MEMBERS WHO  
JOINED IN SEPTEMBER 2024**

**Philip George, Esq.**

**Jeanne Gilberg, Esq.**

**Matthew William Lizotte , Esq.**

**Lani E. Medina , Esq.**

**Lino J. Sciarretta, Esq.**

**Matthew C. Toal, Esq.**

**Robert Christopher Zitt, 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**



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[DIANE@ROCKLANDBAR.ORG](mailto:DIANE@ROCKLANDBAR.ORG)**

\*REGULAR, ASSOCIATE OR AFFILIATE MEMBER



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## **NEWSBRIEF ADVERTISING RATES**

### **NEWSBRIEF ADVERTISING RATES**

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**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 DIANE @ 845-634-2149 or send email to [Diane@Rocklandbar.org](mailto:Diane@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.**

*RCBA ONLINE CLE PROGRAMS PRESENT*

## **AD2D PRACTICE UPDATE 2024**

**WEBINAR VIA ZOOM**

**Thursday, October 10, 2024  
6:00 P.M. - 8:00 P.M.**

October

**10**

### **SYNOPSIS**

During this 2-hour CLE, our panel – including two sitting Justices of the Court and the Court’s Clerk – will provide helpful insight and practical tips for practice before the Appellate Division, Second Department, including,



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BAR ASSOCIATION**

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submission of appeals;  
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# 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](http://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:



# 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:

October 21, 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 [Diane@rocklandbar.org](mailto:Diane@rocklandbar.org) by the 15th of the month so that the Executive Board may review it.

Thank you!



Monthly  
Newsletter

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**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)

**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)

**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)

**OFFICE SPACE AVAILABLE**

Beldock & Saunders, PC, located in New City, has 3 offices with 3 separate workstations, for support staff, available to sublet. Access to conference rooms, reception area, kitchen & plenty of parking. Rent terms are flexible. Contact Steve at 845-267-4878 or email [sbeldock@beldockandsaunderslaw.com](mailto:sbeldock@beldockandsaunderslaw.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)

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**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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