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Manuela Gomez,
Editor

ROCKLAND COUNTY BAR ASSOCIATION

NEWSBRIEF

www.rocklandbar.org

February 2022

President's Post

Greetings to all. I hope everyone is having a healthy and safe winter.

In this month's message I would like to introduce everyone to our "brand new" Online Membership Directory. Our Lawyer to Lawyer Committee along with the help of our staff have gone to great effort to prepare and present this invaluable resource to our membership.

This Directory was borne out of the desire to foster greater collaboration and cooperation amongst our RCBA members. The Committee wanted to make it easier for our members to find fellow members' contact information by both alphabetical listing and by Practice Area. The thinking was that if an attorney practicing in one area, i.e. real estate, was looking to refer a client with a matrimonial matter to a colleague, that attorney could simply pull up the Directory, search to see who practices matrimonial law and be able to reach out to them to make a referral.

Be assured that the Membership Directory is private and only accessible if you are a member of the RCBA. In addition, our members are being offered the opportunity to include additional Areas of Practice, merit/professional awards, recognitions and headshots to their profile. It is our hope that by sometime in the spring the RCBA will be offering sittings with a professional photographer. Hopefully before long our members can easily put a face to a name.

The Directory listings can be self-edited by our members. So, in the event an address, email or contact number is incorrect or has changed since the member last renewed their membership that can easily be updated.

I would ask that you all take a few moments to look at the Directory, which is accessible now through our website: www.rocklandbar.org – click on "Member Resources" and then click on "Directory," (you have to log-in to access the Directory). To edit your contact information, log-in and click on "Update Profile."

We hope you find it to be helpful. If you have any questions or encounter any issues, please reach out to us.

All the best,
Ira S. Schoeps
President

We've all had a tough year.

Introducing...

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Book your ad now

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Call or email Manuela for ad size and price details:

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Ad deadline: 1st of each month.



PRACTITIONERS CHAT

Thomas Morrissey
with introduction by
Christopher Exias, Esq.

Meet Thomas Morrissey

Newly Appointed Chief Clerk of
Rockland Supreme and County Courts

Wednesday, February 9, 2022

12:45 p.m. – 1:45 p.m.

No Charge

* * *

RSVP to Manuela Gomez
manuela@rocklandbar.org
to receive the Zoom link

*Informal and confidential virtual roundtable discussions
for RCBA members*

Sponsored by:
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LAWYER REFERRAL SERVICE (LRS)

TIME TO RENEW OR JOIN FOR 2022

The Lawyer Referral Service (LRS) program year runs from

January 1 – December 31.

It is time to renew or join!

TO RENEW:

Go to homepage on our website, www.rocklandbar.org, and go to “Member Resources.”

- 1. Click on “Join the Lawyer Referral Service”**
- 2. Log-in to your account**
- 3. Click on “2022 Renewal Form”**

TO JOIN:

Go to homepage on our website, www.rocklandbar.org, and go to “Member Resources.”

- 4. Click on “Join the Lawyer Referral Service”**
- 5. Log-in to your account**
- 6. To Sign-up for the first time: click on “Plan Description and Full Application”**



PLAN OF THE LAWYER REFERRAL SERVICE

The Rockland County Bar Association under the guidance of the American Bar Association, has established a Lawyer Referral Service (“The Referral Service”) on a County-wide basis. The office is located at the Rockland County Bar Association, 337 North Main Street, Suite 1, New City, New York 10956.

The willing participation and continued support of lawyers practicing in Rockland County is crucial to the smooth operation of the Referral Service.

The purposes of the Referral Service are:

- To be a public service, available to assist the general public by providing an alternative source for any person who can afford to pay a reasonable fee for legal services and who does not have a lawyer by providing a referral to a lawyer who practices in Rockland County.
- To provide a vehicle for persons who need a legal representative but whose earnings or assets are too high for the standards set by Rockland County Legal Aid Society or Pro Bono New York; and
- To establish a better rapport between the public and the legal profession.

The Referral Service Plan is not designed to take clients away from attorneys. In fact, a cardinal principle will be to establish whether a prospective client has a present attorney. The Referral Service will not refer the client to a panel attorney of the Referral Service if we learn that a prospective client has seen other attorneys in an effort to bargain on fees. Additionally, a prospective client shall not be referred to a panel attorney if the prospective client has previously engaged the services of a lawyer on the same matter unless the original-lawyer-client relationship has been properly terminated in writing.

1. Membership on the Referral Service Panel is by individual attorney and not by law firm.
2. A panel attorney must abide by all of the rules of the Referral Service and will in no way hold, or claim to hold, the Rockland County Bar Association, the Referral Service or any of the members, officers or employees liable in connection with any referral made.

***Won't you consider joining this important service? Find out more. Go to: www.rocklandbar.org.
Go to “Member Resources.”***

TIME TO GROW

YOUR PRACTICE!

**JOIN THE LAWYER REFERRAL SERVICE
(LRS)**

GET SEVERAL REFERRALS PER MONTH.

AN AFFORDABLE RESOURCE.

GO TO:

www.rocklandbar.org





To: Attorneys, professional staff & interested parties

ATTEND FREE SUPREME COURT

E-FILING TRAINING*

10:30am - 12:30pm

January 12, 2022

February 16, 2022

March 16, 2022

April 13, 2022

Where: Virtual - on-line via Microsoft Teams

Attend the free e-filing training in which the NYSCEF Resource Center staff will guide you through your first Supreme Court filing, review court rules, and provide helpful tips to avoid pitfalls and achieve success. Attorneys can receive 2 (free) CLE credits.

PRE-REGISTRATION IS REQUIRED

To register go to www.nycourts.gov/efile and click on the register for training link.

*NYSCEF training classes provide 2.0 FREE Continuing Legal Education (CLE) credit hours. (1.0 credit in Professional Practice and 1.0 credit in Law Practice Management).

Odyssey, our Members' Literary Corner.

In this space, Members can share their personal literary works, including poems and short stories. We hope to publish one Member's submission each month in Newsbrief.

Odyssey is a space for our Members to showcase their literary talents - because there is more to an attorney's life than work, and so much more to share with each other.

By Stanislav Sharovski, Esq.

The Green Light

*From a wood bench, under a green light buzzing
through a cage, he looked at me, as I walked past, and said:
"Don't feel sorry for me, I've been places."
And the walls shuddered.*

*He put his index finger to his temple,
into the softness of his skull, and he said:
"Haven't gone nowhere, you understand?"
I listened.
"Haven't moved a muscle since not ever!"
I turned to walk.
"But I have traveled in here!" he laughed.*

*And the green light radiated around him, and around me.
I heaved with echoes, like tunnels.
And I heard the steel breaking, I can hear
the steel breaking*

*as I sit by the lamp, with a green glass, at the window,
and the snow drying, and a light smoldering beneath,
shifting, throwing; and there's smoke in the yard, rising into my eyes,
and the fire pit glowing, a final ember, struggling to die
in the cold;*

*and I know the light, this light – that green light –
is not here, but there, alone, as we were;
deafened, unmoved, unmovable.*

*And the light took over, and the ash in the pit is green, glowing,
by the window;
and the lamp is an ember, in the warmth of my room;
and the face, fingers, and voices,
screeching; the trains heaving; and the light, and the pit,
unbreakable night; and a bench is burning, behind the grate,
rattling, cracking like the cage buzzing,
radiating, green, around me, as I walk past, around him;
and the tunnels are rising, like the smoke in the yard,
and I know, I knew –
that I have traveled too.*

[February 2022]

COMMERCIAL LITIGATION ISSUES OF INTEREST
Submitted by Joseph Churgin, Esq. and Susan Cooper, Esq.*

You represent a bank in a residential mortgage foreclosure action. The homeowner did not answer or appear. In 2009, within a year of the homeowner's default, you submitted a proposed ex parte order of reference. The court refused to sign the order due to the supporting affidavit missing important dates. Six years later, you moved for an order the reference. The court denied the motion in 2016 and dismissed the action sua sponte, pursuant to CPLR 3215(c) for failure to move for an order of reference within a year of the homeowner's default. The court found that it was improper to submit an ex parte order of reference without a motion having been made, and there was no reasonable excuse for the delay. You perfected your appeal of the 2016 order dismissing the complaint.

Will you succeed in reversing the dismissal of the complaint on the ground that the submission of the ex parte order of reference in 2009 was a "taking of proceedings for the entry of judgment" sufficient to avoid dismissal under CPLR 3215(c), despite no motion having been made?

The answer is "yes."

In *Citibank N.A. v. Kerszko*, NYLJ 1641477191 NY201900175, case no. 2019-00175 (2d Dep't January 5, 2022), Justice Mark Dillon, writing for the majority, addressed "for the first time in this Department whether the presentment to a court of a proposed ex parte order to show cause for an order of reference, which is rejected by the court for defects inherent in the papers, qualifies as a taking of proceedings for the entry of judgment pursuant to CPLR 3215(c) so as to avoid dismissal of the complaint as abandoned under that statute."

Citibank brought a residential mortgage foreclosure action on March 5, 2009, based on a default in payments. No answer, appearance, or motion to dismiss was filed by the homeowner. After an unsuccessful settlement conference in May 2009, Citibank presented a proposed order of reference ex parte. The supporting affidavit left important dates blank. Therefore, the court declined to sign it. Nothing was done for six years until 2015 when Citibank's new counsel moved by notice of motion for an order of reference, arguing that dismissal of the complaint would not be warranted pursuant to CPLR 3215(c) because there was good cause to excuse the lengthy delay in bringing the motion.

The court denied the motion in 2016, and sua sponte dismissed the complaint as abandoned pursuant to CPLR 3215(c). The court rejected Citibank's "good cause" argument for lateness of the motion. The court opined that the presentation of the proposed ex parte order of reference in 2009, which the court refused to sign, did not qualify as a taking of proceedings for entry of judgment pursuant to CPLR 3215(c). Citibank's subsequent motion to vacate the order was denied in 2017. Citibank perfected its appeal from the 2016 order dismissing the complaint. It did not perfect its appeal from the 2017 denial of the motion to vacate the 2016 order, resulting in a dismissal of the appeal from the 2017 order.

The Appellate Division scrutinized the term "take proceedings" under CPLR 2015(c), which provides:

If the plaintiff fails to take proceedings for the entry of judgment within one year after the default, the court shall not enter judgment but shall dismiss the complaint as abandoned, without costs, upon its own initiative or on motion, unless sufficient cause is shown why the complaint should not be dismissed.

According to the majority opinion, if the state legislature had intended to limit “take proceedings” to the filing or service of a motion or order to show cause and formal motion practice, it would have said so. Thus, according to the majority opinion, the form that an application takes is not relevant. “Rather, it is the intent that can be inferred from an application presented to the court seeking to have the action ‘proceed,’ inconsistent with that of an abandonment of plaintiff’s claims.” It does not matter that the order to show cause was not signed, because “the mere presentment of it established the plaintiff’s intent to proceed toward the entry of judgment and not to abandon the action (*citation omitted*). The Court cited *Brown v. Rosedale Nurseries*, 359 A.D.2d 256 (1st Dep’t 1999), which held that an order to show cause for entry of a default judgment was timely when it was brought within a year of default, even though the order to show cause was not signed.

The minority opinion of two dissenting judges comments that the majority “unnecessarily” redefines and broadens what it means to “‘take proceedings’ so as to undermine the legislative purpose of CPLR 3215.” According to the minority opinion, the broadened interpretation crafted by the majority “is divorced from the language and context of the statute” and “violates the directives of the Court of Appeals in *Freedom Mtge. Corp. v. Engel* (37 NY3d 1, 20), and sets the stage for inconsistent and arbitrary outcomes.” The minority determined that the phrase “taking of proceedings” refers to the various specific proceedings described in the statute under the various subsections, and not to allow a retrospective look for evidence of a subjective intent to not abandon and action.

The lesson? This case is likely headed for the Court of Appeals. In the meantime, it is better practice to make a formal motion (whether by notice or signed order to show cause) for a default judgment within the year prescribed by CPLR 3215. Otherwise, the complaint is at risk for dismissal. Don’t rely on a court stretching to find that you did not abandon the action by your inaction.

Editors’ note: The majority and minority opinions disagree on other significant issues, including whether the appeal should be dismissed under *Sholes v. Meagher* (100 N.Y.2d 333 [2003]) (no right of appeal from a sua sponte order) and *Bray v. Cox*, 38 N.Y.2d 350 [1976] (dismissal of prior appeal for want of prosecution as bar to subsequent appeal on all questions that were presented in the previous appeal), and whether the majority opinion creates a new “preservation exception” to the rule against arguments raised for the first time on appeal.

Reading the entire 17-page decision is enlightening on all of these issues, which are too complex to write about in this article.

*By Joseph Churgin, Esq. and Susan Cooper, Esq. of
SAVAD CHURGIN, LLP, Attorneys at Law

Technology Tips for Attorneys

submitted by

Michael Loewenberg*

We use online calendars to manage our appointments and meetings. For example, we use Outlook Calendar, Google Calendar or Apple Calendar, synced with our smartphones, so we're notified a few minutes before each event. We sometimes use the calendar to remind ourselves to do things; we make an all-day meeting with the thing we want to be reminded of on a particular day.

Let's talk about a better way and use our phones to remind us about things we need to do. Reminders are separate from calendar entries – think of them as tasks rather than appointments.

On both Androids and iPhones, it's so easy to do: it's as simple as telling your phone what to remind you about. You can tell your phone to remind you to do a task, to call someone, etc. Your reminders can be timeless – basically a punch list of things to do (prepare the power of attorney for Smith) – or you can assign times and people to your tasks (call Joe Client at 3 PM tomorrow, for example). Your phone will pop up a reminder with the person's number at the right time, allowing you to make the call with a single finger tap.

Your reminders can be location-based. Since your phone knows where you are, your reminder could be triggered by your arrival at the office, at a particular court or at a grocery store. For example, "Hey Siri, remind me to look up the Jones deed when I arrive at the Rockland County Clerk."

The big three digital Assistants in our lives all support setting up and managing reminders with your voice. Whether you use Siri with Apple products, Google Assistant with Google products or Alexa with Amazon products, all of them can make a list of reminders for you based on time and location. And of course, you can run all three Assistant apps on your phone. The trigger words are "Hey Siri", "OK Google" and "Alexa".

I find using voice control to set up Reminders very useful, especially when I'm driving. When I get an idea, I can push the microphone button in the car and use Siri to create a reminder that is available on my phone, on my computer, and on my iPad. And don't forget about recurring reminders. You can set up a reminder that repeats each week at the same time to prompt you to process your office payroll, for example.

If you are new to setting up voice control on your phone for your reminders, you might need to adjust your phone notifications so that you are alerted when reminders come due. As always, you can search on the internet for instructions on how to use voice control to interact with your phone.

Stay safe!

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

February 2022

THE PRACTICE PAGE

Hon. Mark C. Dillon *

THE INGREDIENTS OF DECISIONS AND ORDERS

We have all seen episodes of *Law and Order* where in judge's chambers, the defense attorney makes a 10-second oral motion to suppress a key piece of evidence, which the prosecutor opposes during the next 10 seconds. The judge then orally decides the motion by suppressing the evidence, requiring the police to uncover more evidence that might arrive in a nick of time for trial. Suppression is granted by the court without citation to any cases, without a stenographer, and without paper. While the program is entertaining, the procedural violations are horrendous and as numerous as the Emmy Awards the show has won.

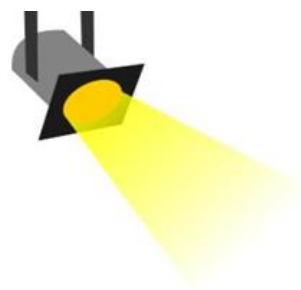
A "decision" resolves a motion issue, but only an "order" directs a party to act upon the decision. Only orders and judgments are appealable (CPLR 5501[a]). CPLR 2219(a) defines the six ingredients that a trial court's "order" must contain to be valid, enforceable, and appealable: 1) a writing, so that parties cannot later dispute what was decided, 2) the judge's signature or initials, 3) the date, to assure its execution after the receipt of all relevant papers and to memorialize administrative history, 4) the identity of the court to assure its subject matter jurisdiction over the controversy and to identify the appellate court to which an appeal lies, 5) a recitation of the papers reviewed, which defines the scope and completeness of the record, and 6) "the determination or direction in such detail as the judge deems proper," meaning some discussion, reasoning, and resolution (CPLR 2219[a]; *Charalabidis v Elnagar*, 188 AD3d 44). A court rule applicable to Supreme and County Courts also directs that "[u]nless the circumstances require settlement of an order, a judge shall incorporate into the decision an order effecting the relief specified in the decision" (22 NYCRR 202.8[g]). Orders must conform to the underlying decision, and any conflict between the two is resolved in favor of the decision (*Scheuering v Scheuering*, 27 AD3d 446). The order is not enforceable or appealable until it is entered (*Skolnik v Metro-North Commuter R.R.*, 13 AD3d 350).

If a court renders a decision only and directs its settlement, the decision can be converted into an order by the execution of a proposed order with notice of settlement. Such proposed orders must be submitted within 60 days of the date of the decision, otherwise the underlying motion is deemed abandoned absent good cause shown (22 NYCRR 202.48[b]; *Funk v Barry*, 89 NY2d 364).

Jurists will occasionally render oral decisions from the bench in open court, on the stenographic record. Oral decisions are expedited and may sometimes occur in matters involving injunctions, *pendente lite* relief in matrimonial actions, eve-of-trial applications, framed-issue hearings, and actions involving trial preferences (*Charalabidis v Elnagar*, *supra*, at 51). In those instances, the stenographic transcript becomes the written version of the decision. Jurists must assure that the transcript contains all the ingredients required by CPLR 2219(a), including a verbal recitation of the papers reviewed, and by obtaining the transcript for signature or initialing. It is the judge's responsibility to assure that the transcribed decision also contains the decretal language that makes it an order. If any CPLR 2219(a) information is missing from the transcript, counsel should provide the judge with the transcript and a proposed order with notice of settlement to all parties (NYCRR 202.48[a]). At that point, the transcript with its accompanying order may be entered for enforceability and appealability.

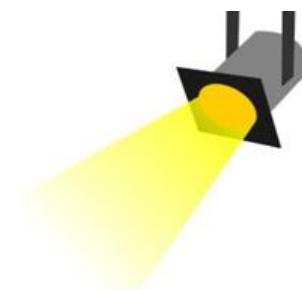
In the rare circumstance where a judge fails or refuses to sign a So Ordered stenographic transcript or an order presented with notice of settlement, thereby depriving a party of appealable paper, the remedy is an Article 78 *mandamus* to compel the performance of the ministerial judicial task (CPLR 7801; *Matter of Legal Aid Socy. of Sullivan County v Scheinman*, 53 NY2d 12). While attorneys are understandably reluctant to ever undertake such a step, the interests of the client may dictate it, and typically the Article 78's mere filing resolves the problem. Any *mandamus* must be commenced within four months from the court's refusal to perform its duty (CPLR 217[1]). Following all of these rules avoids the procedural violations seen weekly on *Law and Order*.

* Mark C. Dillon is a Justice of the Appellate Division, 2nd Judicial Dept., an Adjunct Professor of New York Practice at Fordham Law School, and a contributing author of CPLR Practice Commentaries in McKinney's.



SPOTLIGHT

on
Patricia Brimais-Tenemille



Welcome to “Spotlight” – the new column by the Diversity Committee! Each month, we will select a member of the Rockland County Bar Association to interview so we can all get to know each other a bit better. This month, for our inaugural interview, we had the chance to sit down with the Hon. Patricia Brimais-Tenemille, Support Magistrate in Rockland and Putnam Counties.

Did you always want to be a lawyer?

No, I did not always want to be a lawyer, but I did always want to work in an area where I can be of service. I wanted to help people, specifically, children. I graduated as the Valedictorian of my High School in the Bronx. I entered Cornell University as a biology major, but I quickly realized that the best way for me to help people, and children, is to become a lawyer. I wanted to be an advocate, and a voice, for those who may be “voiceless.” I believed that the justice system is one of the most powerful tools affecting lives, and I felt that, by being part of the system, I could help people to have a “voice.” I believe that when justice is served, it can change the trajectory of someone’s life. And, with that belief, my path was sealed!



Did you go to law school right after college?

No, I delayed going to law school so that I could gain some work experience. Prior to going to law school, I worked in the entertainment industry as an Account Executive for a major radio station. In addition, I volunteered at several local community-based organizations, translating for Creole and French speaking individuals, as well as helping them locate community-based resources.

What was your legal experience prior to becoming a Support Magistrate?

Upon graduating from Pace Law School, I worked for a small Rockland Matrimonial boutique firm, Abel & Brustein-Kampel, P.C., for a few years. There, I also became a certified family and divorce mediator. I maintain my love for mediation, and currently, I am a member of the New York State Council on Divorce Mediation. After my time at the law firm, I worked at the Westchester/Putnam Legal Services, where I represented victims of Domestic Violence in Family Court and matrimonial proceedings. I later worked at the Westchester County Attorney’s Office in their Family Court Bureau, prosecuting Abuse and Neglect cases, as well as handling Child Support matters. I have also served as the Executive Director of the Office of Equal Employment

SPOTLIGHT (cont.)

Opportunity and Affirmative Action for Westchester County. In 2015, I was appointed as a Support Magistrate in Orange County Family Court, and now serve as a Support Magistrate in both Rockland and Putnam Family Courts.

Did you grow up in Rockland?

No, I was born in Haiti, and my family migrated to the United States when I was seven years old. After college, I moved to Rockland and set up roots. I married my sweetheart and we are raising our two sons in Rockland.

What is your biggest influence as a lawyer?

Being an African American woman and an immigrant has impacted every part of my life and career. I am often the only African American in the room, and sometimes in the whole courthouse. I find that there is a lack of diversity in the courtrooms and courthouses in the Ninth Judicial District. Thus, I know the importance of representation. I am acutely aware that my presence in the courtroom provides those who enter the opportunity to see a person/judge of color who understands their experiences and who can serve as a role model.

Best/worst part of your current job?

The best part of my job is helping families navigate through crises and ensuring that children are supported properly. The worst part of my job is when I see parties who appear to not have the best interests of their children in mind, and act in a manner that exacerbates family strife and division. I do my best to try to steer the parties away from that behavior and to encourage them to work together for the benefit of their children and families. Being a Support Magistrate is an honor and privilege that I take very seriously. I believe that I have a unique opportunity to let people know that justice is indeed blind, and that we are truly here to serve. In my courtroom, I strive daily to impart justice with integrity and compassion. I believe that everyone has a right to be heard. I find that even if I do not rule in someone's favor, at times, they are satisfied knowing that they had been heard, that they had a voice, and that they were treated fairly. I understand that what happens in Court helps to shape, not only the lives of individuals, but the community as well.

Less serious – what is your favorite junk food?

I love a Dairy Queen Blizzard, lots of chocolate, lots of Snickers.

What do you love to do with your free time?

I love a good mystery book!

What is the best advice that you have heard?

Everything that you do is a self-portrait of who you are. Do everything in excellence, and with a heart of service. Autograph your life with excellence.

New York State Bar Association Annual and House of Delegates Meetings

The New York State Bar Association Annual Meeting and House of Delegates meeting were held on January 22, 2022. The meeting was originally scheduled for in-person at the New York City Hilton. As a result of the recent COVID-19 Omicron surge, both were changed to be held as remote meetings via Zoom. As Vice President for the Ninth Judicial District, I attended the meetings and the preparatory executive committee meeting held the day before.

At the annual meeting, we heard from Chief Judge Janet DiFiore about the State of the Court system. We also received a presentation from Elizabeth R. Rice, counsel to Governor Hochel. These presentations detailed how the Court system and Governor wish to continue to involve the State Bar as a resource and partner in future actions and were thankful for the involvement of the bar previously.

The House of Delegates received reports from the Task Force on the Post Pandemic Future of the Profession, the Committee on Diversity and Inclusion, the Local and State Government Law Section, The Working Group on the NY Bar Application Question 26, the Committee on Cannabis Law and the request by the New York City Bar Association on Amendment to the Rules for Temporary Practice in New York. All of the above reports and recommendations are available at the NYSBA website.

By far, the most debated and time-consuming resolution was one put forward to revise and/or eliminate question 26 on the application for admission to the practice of law in New York State. The question asks potential lawyers about police encounters and criminal history. It currently reads:

“Have you ever, either as an adult or a juvenile, been cited, ticketed, arrested, taken into custody, charged with, indicted, convicted or tried for, or pleaded guilty to, the commission of any felony or misdemeanor or the violation of any law, or been the subject of any juvenile delinquency or youthful offender proceeding?”

House of Delegates Meetings (cont.)

The arguments in favor of revision or elimination state that the question negatively impacts efforts to diversify the profession. Further, it is argued that the question violates the New York State Human Rights Law and the Family Court Act. President T. Andrew Brown of the New York State Bar Association stated that statistics and studies show that this question has a “chilling effect” on people of color. It is claimed that, because of the question, many people do not apply to law school because they are reluctant to invest the time and money law school requires because their prior police interactions may result in rejection when they ultimately apply for bar admission.

The special committee report calls for the question to be modified to make sure that sealed records, youthful offender convictions, juvenile delinquency convictions and dismissed cases do not have to be disclosed. Finally, the report notes that criminal record screening, the stated purpose of the question, does not yield benefits to the public or legal profession that outweigh the disparate impact on people of color.

The opposition argued that, even if records in a case were sealed, youthful offender status granted and/or the case occurred in a juvenile delinquency setting the fact of a conviction or charge for rape or fraud or other crimes raising serious ethical questions should at least be disclosed and investigated by the character committee. The opposition believed that disclosure of these matters would result in investigation and does not always necessarily result in rejection of a candidate for admission.

A motion was made to table the resolution for further review. The motion was defeated and the resolution passed when a vote on the merits occurred. I voted against the resolution. I do believe certain information, especially about certain crimes, is important for the character committee to be aware of and able to investigate. Modification of the question required use of a scalpel to somehow narrow down the field of disclosure and investigation. The resolution used a hatchet by trying to eliminate the question altogether.

Once again, it was an honor to represent the Ninth Judicial District at the meeting.

Respectfully submitted,
Adam Seiden
Vice President, Ninth Judicial District

Criminal Justice Student Seeks Internship

A Senior from Suffern High School who attends the Criminal Justice program at BOCES is very interested in becoming an attorney. This student is one of the top students in the program and an Honor Society Member. The internship runs two days/week from now through April 12. Currently, the BOCES program has interns at the District Attorney's Office and County Attorney's Office, among others. Students are fully vaccinated and adhere to Covid protocols.

If you are interested, please contact Marta Cortelli, Criminal Justice & Security Instructor, Rockland BOCES, 845-627-4770, EXT. 4380.

Email: mcortelli@rboces.org

ATTORNEY'S FILES SOUGHT**ANTHONY OCCHIPINTI**

If anyone knows the whereabouts of Anthony (Tony) Occhipinti's files, please contact Manuela at the Bar Association. Anthony passed away in 2017.

Manuela@rocklandbar.org

Thank you!

ANNOUNCEMENT FROM THE RCBA REAL ESTATE COMMITTEE

Please be advised, that after many months of work and coordination between the RCBA, the Real Estate Committee, its Co-Chairs and Members; we are pleased to announce that the RCBA Real Estate Committee has created, voted-on and Approved an updated Real Estate Contract for the first time in Decades!

Co-Chairs Jeff Yanowitz and David Ascher took notes and comments from the Real Estate Committee members over many months to provide this updated Contract to the entire RCBA! We look forward to utilizing this Contract throughout Rockland County and providing a more modern and stream-lined approach to Real Estate Transactions for us all.

Please find two updated contracts (single family home and condominium) on our RCBA website at www.rocklandbar.org. Scroll down to the bottom of the homepage and find links under "Helpful Links."



Introducing...

ODYSSEY

OUR NEW MEMBERS' LITERARY CORNER

We hope to publish a literary piece, written by one of our Members, each month in *Newsbrief*. Please email your submission in a Word document to: office@rocklandbar.org

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COVID-19 RESOURCES FOR MEMBERS

RCBA Cares

Go to: www.rocklandbar.org

“Member Resources”

for:

Professional Practice tips

Wellness articles

Community updates

Here's to a happy and healthy 2021!

*discussions
for RCBA members*



VISIT US ONLINE



OPEN FOR BUSINESS

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 manuela@rocklandbar.org by the 15th of the month so that the Executive Board may review it.

Thank you!



RCBA ONLINE CLE PROGRAMS PRESENT

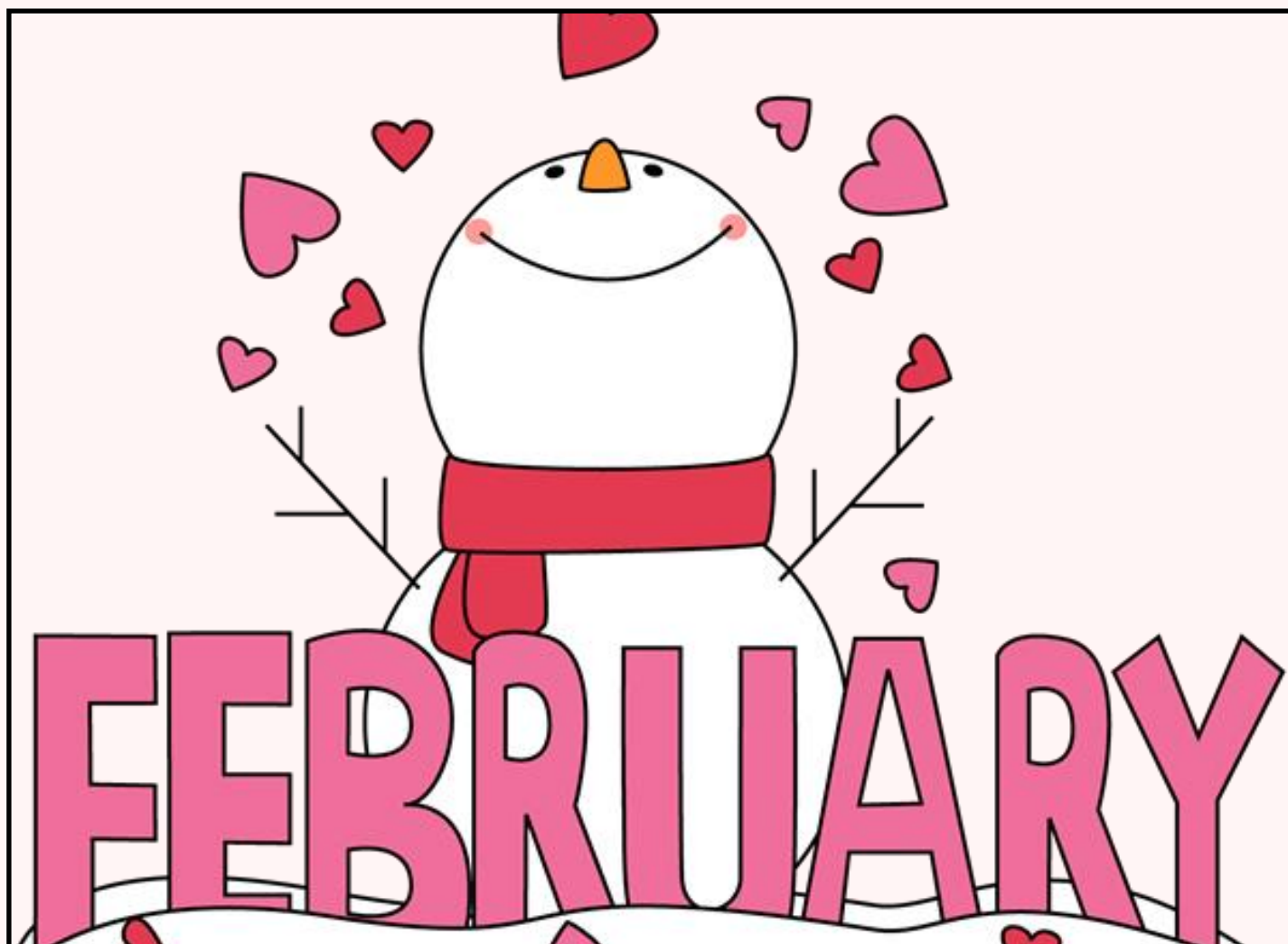
**COMMERCIAL LEASING 2022 UPDATE:
The End of the Moratorium on Evictions and What
the CV-19 Driven Lease Form Will Look Like**

*****Perspectives from a Leasing Lawyer and a
Litigator*****

Tuesday, March 8, 2022

12:00 P.M. - 1:00 P.M.

WEBINAR VIA ZOOM



CLE CORNER

PLAN YOUR YEAR OF CLEs NOW!

2022 CLE TITLE	DATE & TIME
CLE - Online Commercial Leasing	Tuesday, March 8, 2022 12-1 p.m.
CLE - Online Mortgage Foreclosure	Tuesday, March 29, 2022 6-9 p.m.
CLE- Online Elder Law	Tuesday, April 5, 2022 12-1 p.m.
CLE - Online CPLR	Friday, May 6, 2022 9:30 a.m. - 12:30 p.m.

NEW CLE REQUIREMENT

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

CLE REQUIREMENTS

Newly admitted attorneys must complete 32 credit hours of accredited “transitional” education within the first two years of admission to the Bar. Sixteen (16) credit hours must be completed in each of the first two years of admission to the Bar as follows: 3 hours of Ethics and Professionalism; 6 hours of Skills; 7 hours of Practice Management and/or areas of Professional Practice.

Experienced Attorneys must complete 24 credit hours of CLE during each biennial reporting cycle: 4 credit hours must be in Ethics and Professionalism. The other credit hours may be a combination of the following categories:
Ethics and Professionalism, Skills, Practice Management or
Professional Practice.

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

Your Committee Chair will contact you regarding any upcoming remote meetings.

Need a Place to Meet in New City?

RCBA Conference Rooms available for rent.

MEMBER PRICES:

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

NON-MEMBER PRICES:

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

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AND ARTICLES MUST BE
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Advertising & articles appearing in the RCBA Newsletter does not presume endorsement of products, services & views of the Rockland County Bar Association.

CLASSIFIED ADS



SHADOWING OPPORTUNITY

College Student Looking for an Unpaid Shadowing Opportunity
My name is Jenny Dorlus and I am a 21-year-old political science major at Long Island University. I am currently in search of shadowing opportunities at a local law firm — preferably a short term, unpaid opportunity where I'd be able to learn firsthand what it takes to work at a law firm/in the field. I am willing to assist with projects and take on basic day to day operations. However, I would appreciate anything that you are capable of offering! If you would like to contact me, my return email is jennydorlus@gmail.com and my mobile number is (845)-300-5635.

OFFICE SPACE

New City -3 contiguous office suites, totaling approximately 1,200 sq. ft.; Can combine/divide to suit individual user(s) needs- South Main Street, walk to courthouse, restaurants, gov't buildings, ample parking. Call Arthur 845-359-3560

OFFICE SPACE

Office within law office suite for rent at 10 Esquire Road, New City. Includes use of free Wifi, conference room, restroom and waiting area. One level building and ample parking.
Can also be used for to receive your MAIL.
No security or fee required.
Call Dave at 638-2889

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OFFICE SPACE FOR RENT

Haverstraw - one, two or three offices available. Waiting room, receptionist area, large parking lot, large conference room, with or without furniture. Possible overflow.
email: lawoffice10927@gmail.com

ATTORNEY'S FILES SOUGHT ANTHONY OCCHIPINTI

If anyone knows the whereabouts of Anthony (Tony) Occhipinti's files, please contact Manuela at the Bar Association. Anthony passed away in 2017.
Manuela@rocklandbar.org
Thank you!

YOUR AD HERE

ATTORNEY NEEDED

Small but growing firm in New City, is looking for a Contracts/Commercial Real Estate Attorney with 3 years direct relevant experience for part-time work (flexible hours). Position can be partially remote. If interested please submit resume to newcitylawhiring1@gmail.com

PART-TIME PARALEGAL

Looking for a part time paralegal or legal secretary for estate work for local practitioners with computer skills for a few hours a week - flexible hour. Please contact Tom O'Connell at 845-729-4460 or email him at 8457294460@gmail.com

ATTORNEY NEEDED

NYS funded Immigration Organization serving clients with immigration and citizenship issues seeks part-time immigration attorney to collaborate with Dept. of Justice accredited staff. Organizational activities are in both Rockland and Westchester counties. If interested, please submit resume in confidence to agency Pres/CEO at: patricia.rajala@gmail.com

LEGAL ASSISTANT PART-TIME

Legal/administrative assistant for small law firm in New City. This is a part-time entry level position suitable for someone interested in gaining practicable and invaluable job experience in the legal area. Good computer skills, detailed oriented, knowledge of basic office procedures and Internet savvy candidate preferred. Students are encouraged to apply.
Please fax resume to 845-517-0671.

ATTORNEYS SEEKING PARALEGALS

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

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