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Barbara Silverstone—Editor

ROCKLAND COUNTY BAR ASSOCIATION NEWSBRIEF

www.rocklandbar.org



January 2024

President's Post

What a memorable and enjoyable evening it was gathering at RCBA's birth place, the former Hotel St. George on Burd Street in Nyack. Scores convened for a special proceeding on its porch with our senior Supreme Court Justice, Hon. Thomas Zugibe presiding. A stenographic record for posterity in celebration of our 130th Anniversary was created. To access the official record in its entirety, please [click here](#). Also, please see our photographs from the event on Page 4.

We paid tribute to County Court Judge Alonzo Wheeler, also a Rockland County three-term district attorney (like Justice Zugibe) who, with Abram Demarest, Esq., presumably over lunch or dinner at the Hotel on December 19, 1893, formed the Rockland County Bar Association. We have continued their



mission of excellence for over 130 years. It's difficult to comprehend that we have persisted for well over a century. Indeed, right around the corner from the former Hotel St. George, Judge Wheeler, in the late 19th Century, sung as a tenor with the Nyack Reform Church choir. He was laid to rest at the Haverstraw Repose Cemetery.

In unison all of us lifted a glass of champagne and toasted Judge Wheeler and Attorney Demarest. I was privileged to make a few comments as was Justice

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Zugibe, Judge Russo on behalf of the Columbian Lawyers Association of Rockland and Siobhan O'Grady, Esq., President of the Rockland County Women's Bar Association.

After a celebratory toast, we walked around the corner to the Broadway Bistro, sharing cuisine, wine and good conversation with our colleagues, the bench and bar alike.

Special thanks to Eddie Mistretta and Vince Galdi from LRG Marketing, for allowing us to gather on the Hotel's front porch. I was asked if it was scripted when at the end of the proceedings several firetrucks raced down Burd Street with sirens blazing. Unfortunately, it was a real call around the corner but it ended the festivities in a memorable fashion!

For me and many others it was an exhilarating, historic and meaningful celebration. Thank you to those who participated and to our staff for making this possible.

Also, gratitude to Marian Fass of Rockland & Orange Reporting for sending a court reporter to memorialize the proceedings. If you would like a transcript of the proceedings, contact the Bar Association offices. We will submit a bound transcript to the Rockland County Courthouse library for archiving.

RCBA is excited about our new commemorative composite photo celebrating our milestone anniversary. It will be installed at a conspicuous location within the Courthouse, and it will be available for purchase. Details will be available later this month.

Also, I am mindful of our former Supreme Court Justice, Hon. Robert Berliner, whose portrait has now been completed. We are awaiting a date in early May for an appropriate hanging ceremony.

Here is my personal reflection to the New Year. The practice of law carries with it perhaps more stress and stressors than many other occupations. I think the term "mental health" should not be mischaracterized as "having your head screwed on properly". Mental health in our profession, and for that matter, in all endeavors, means self-care. Self-care, so that we can be more effective advocates. Self-care means allowing us to be the best that we can become to evolve, to improve, to not be stagnant but dynamic, explorative, bold and novel. Self-care explicitly means getting enough sleep, eating well, being mindful of nutrition. Self-care requires exercising, not only our minds, but our bodies. Taking a walk, getting away from our daily tasks, having a passion about something aside from work are essential for mental health. Why do we feel compelled to work over lunch? Take at least a half hour to kick back, to reflect, to go out

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and have a sandwich or a conversation with a colleague or friend. Call your spouse, a significant other, your children, a friend or a relative during your break rather than dictate, read emails and continue on the treadmill of tribulations.

Perhaps consider meditation, tai chi or even learning to play an instrument. Why not also consider painting, singing, dancing, martial arts, collecting, or for that matter, anything that allows us to evolve, to become immersed in activities that remove us from the trials, anxieties and stressors of advocating for others.

Some final thoughts as we enter into our 131st year. Welcome County Court Judge Anne Bianchi from Westchester, debuting in Rockland County. Welcome also to Justice Hal Greenwald, now on assignment from Westchester as one of our Supreme Court Justices.

For those of you who are interested in serving on RCBA's Board of Directors, there will be seven vacancies this year. For more information, see Page 5 of the Newsletter or contact our Executive Director, Dr. Nancy Low-Hogan at nancy@rocklandbar.org.

As you may know, we are forming a Pro Bono Committee. Our mission must be to reach out to the underserved. If one wishes to join the committee, or perhaps chair this admirable effort, please reach out to our Executive Director, Dr. Nancy Low-Hogan at nancy@rocklandbar.org.

Join with us on Thursday, January 18th at 2pm at the Rockland County Courthouse for the induction ceremony of the Hon. Rolf M. Thorsen, Justice of the Supreme Court, Hon. Larry J. Schwartz, Justice of the Supreme Court, Hon. Anne Bianchi, Westchester County Court Judge, Hon. Christopher J. Exias, Rockland County Family Court Judge, and Sabrina E. Vargas-Greco, Rockland County Commissioner of Jurors.

Another trip around the sun has been completed. This is the birth of new possibilities, new goals, fresh objectives, and motivation for personal growth. Welcome 2024! May we join together in unity with a collective optimism which hopefully will embrace a peaceful and meaningful new year.

Sincerely,

Robert (Rob) L. Fellows, Esq.— President

Celebrating 130 years and the Holiday Season

The Rockland Count Bar Association celebrated our 130th anniversary with a champagne toast outside the St. George Hotel, the site of the first RCBA meeting in 1893. The meeting was called to order by Hon. Thomas Zugibe, and recorded by a court stenographer. To view the full transcript, [click here](#). The toast was followed by a festive holiday gathering at Broadway Bistro . Thank you to our sponsors Catina & Mara, PLLC and the Law Office of Nicole DiGiacomo, PLLC.



IMPORTANT NOTICE!

SOLICITATION OF NOMINEES FOR UPCOMING VACANCIES ON THE RCBA BOARD OF DIRECTORS

Pursuant to Article V, Section 9(c) of the By-Laws of the Rockland County Bar Association, applications are now being solicited for upcoming vacancies on the Association's Board of Directors. There will be 7 open vacancies on the Board of Directors for terms beginning on July 1, 2024.

Anyone wishing to be a candidate for election to the Board must express their interest, in writing, no later than February 1, 2024. The writing should include the reasons why the member believes he or she is qualified to serve on the Board.

The Nominating Committee will conduct in-person interviews of all candidates. Failure of the candidate to appear at their scheduled interview will disqualify that candidate from consideration.

Upon conclusion of all interviews, the Nominating Committee shall meet and select nominees. Selection of nominees will be completed no later than March 10, 2024.

Notice of selected nominees will be sent to the entire membership no later than March 20, 2024.

Please submit your applications in writing to:

Nancy Low-Hogan, Ph. D.
Executive Director
Rockland County Bar Association,
337 North Main Street, Suite 1, New City, N.Y. 10956

U.S. Postal submissions and E-mails to nancy@rocklandbar.org will be accepted in addition to personal deliveries.

Deadline for responses is February 1, 2024.

Any member not selected by the Nominating Committee, whether or not he or she solicited nomination before the Nominating Committee, wishing to have his or her name placed in nomination for election to the Board, shall submit a petition to place his/her name before the membership. The petition must be signed by no fewer than 20 members in good standing with the Association, and must be submitted in person at the Bar Association offices no later than April 5, 2024.

COMMERCIAL LITIGATION ISSUES OF INTEREST

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

You commenced an action on behalf of your client, a private lender, to foreclose a mortgage on a home loan. There was no dispute that the homeowner was in default and had been properly served. After failed settlement efforts, you moved for summary judgment and an order of reference. The homeowner cross-moved to dismiss the complaint for noncompliance with the 90-day notice provisions of RPAPL § 1304. The notice undisputedly contained additional material not authorized by RPTL § 1304, which, according to *Bank of America, N.A. v. Kessler*, 202 A.D.3d 10 (2d Dep’t 2021), invalidated the notice. Recognizing that your 90-day notice included fatal additional materials, you signed and filed a stipulation that withdrew the action, answer, defenses, and counterclaims, without prejudice. The stipulation was so-ordered by the Court. Then, just months later, the Court of Appeals overturned the decision in *Bank of America*, holding that a 90-day notice is not invalid for containing additional information that may help the borrower avoid foreclosure and is not false or misleading. You move under CPLR 5015 to vacate the so-ordered stipulation based on a change in the law.

Will you succeed in vacating the so-ordered stipulation?

The answer is *no*.

In *Lakeview Loan Servicing, LLC v. Eljdid*, NYLJ 1701078587NYEF0113222 (Sup. Ct. Orange Co. November 17, 2023) (Case No. EF011322-2018), the lender commenced an action to foreclose a mortgage securing its home loan, due to defaults in payment in 2016. The action was delayed for various reasons, including Covid moratoriums, the defendant’s active military duty, and a FEMA stay after Hurricane Ida in 2021, based on FHA regulations. In 2022, plaintiff filed a motion for summary judgment and an order of reference. The defendant cross-moved to dismiss the action for non-compliance with RPAPL § 1304, arguing that the 90-day notice was invalid because it contained additional material not listed in the statute, as held in *Bank of America, N.A. v. Kessler*, 202 A.D.3d 10 (2d Dep’t 2021).

In reliance on the clear ruling of the Appellate Division, Second Department, the parties filed a stipulation in March of 2022 withdrawing the complaint, answer, defenses, and counterclaims, without prejudice. The

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stipulation was promptly so-ordered, and the matter marked disposed, indicating that the action was dismissed. A year later, in February of 2023, the Court of Appeals reversed *Bank of America, N.A. v. Kessler* (39 N.Y.3d 317).

Within months of the decision, the plaintiff moved to vacate the so-ordered stipulation and restore the case to the Court's calendar, arguing that the Court has powers to act in the interest of justice and may vacate its own judgment based on a change in law, pursuant to CPLR 5015(a)(1). The defendant countered that even if the "so-ordered" language was removed, the action would remain dismissed per the parties' stipulation. Plaintiff replied that there was no meritorious defense to the action, and denial of the motion would result in a "windfall" to the defendant, who continues to receive rent from the premises while plaintiff must take additional time to commence a new action.

The Court noted that CPLR 5015(a)(1) provides that the court that rendered a judgment or order may relieve a party of the terms of that judgment or order if application is made within one year of service of the judgment or order for excusable default. However, noted the Court, there is no mention of discretion under this section. Although case law allows discretion to extend deadlines pursuant to CPLR 2004, and allows law office failure as an excuse under CPLR 2005, neither of these sections applies to the motion at issue. Further, observed the Court, the only statute that addresses motions when there is a change in the law is CPLR 2221(e) regarding renewal motions *while the action is still pending*. The Court quoted *Matter of Huie [Furman]*, 20 N.Y.2d 568, 572 (1967), which stated, "[a]bsent the sort of circumstances mentioned in CPLR § 5015, such as newly discovered evidence, fraud, lack of jurisdiction, etc., a determination of a court from which no appeal has been taken ought to remain inviolate."

Finally, the Court ruled that filing the voluntary discontinuance effectively ends the action, pursuant to CPLR 3217(c). So-ordering the stipulation, according to the Court, did not convert the voluntary discontinuance into a court order of dismissal, citing *Deutsche Bank National Trust Company v. Lee*, 60 Misc.3d 171 (Sup. Ct. Westchester Co. 2018).

The lesson? Before discontinuing claims based on controlling case law, confirm that no appeal from the case is pending. If it is, and if you must act before the appeal is decided, argue that the decision is bad law, to preserve your rights if controlling case law is overturned. A voluntary discontinuance will be unassailable.

POSITION AVAILABLE

RCBA Assigned Counsel Plan Quality Enhancement Attorney

The New York State Office of Indigent Legal Services (ILS) and Rockland County have entered into a grant contract as a part of the Statewide Expansion of the *Hurrell-Harring* Settlement, which seeks to build and improve public defense programs for indigent defendants through enhanced training and support of assigned defense counsel.

In Rockland County, the grant is jointly administered by the Rockland County Public Defender's Office and the Rockland County Bar Association (RCBA). The RCBA oversees the Assigned Counsel Program (ACP) portion of the grant. The Quality Enhancement Attorney (QEA) administers the ACP portion of the grant and reports to the Board of the RCBA and NYS ILS.

Responsibilities of the Quality Enhancement Attorney (QEA):

Implement all aspects of the Assigned Counsel Program portion of the grant, including: oversight of ACP attorneys; implementation of the Second Chair/Mentoring program; facilitate attorney access to non-attorney professional services and experts for represented parties; develop and promote no-cost continuing education opportunities for ACP members; manage a \$200,000+ budget; oversee Case Management System from NYSDA; liaison between court and panel members; work to enhance the quality of representation; supervise data entry personnel with respect to ACP website development; track and report data; and supervise voucher submission for receipt of grant payments.

Qualifications:

The person must be an attorney admitted at least 3 years, with experience in criminal defense or representation of underserved or indigent populations. Prior experience with grant implementation a plus. Note: the QEA cannot serve as an active member of the ACP panel.

Compensation:

The QEA is part-time contracted position with an annual budget of \$55,000. The estimated time required is 15-20/ hours/week. Time will be compensated at a rate of \$55.00/hr. The position does not come with benefits.

To Apply:

Please send cover letter and resume by January 18, 2024 to:

Nancy Low-Hogan, Ph.D.

Executive Director

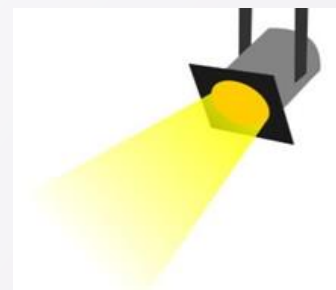
Rockland County Bar Association



**The Committee on Diversity,
Equity & Inclusion presents...**

SPOTLIGHT

*This month, the DEI Committee shines its
spotlight on newly elected Clarkstown Justice
Court Judge, the Hon. Aimee Pollak.*



Where did you grow up and what is your current hometown?

I was born in the Bronx and moved to New City with my parents and younger brother when I was in the first grade. My parents bought a new construction home on a street with all new construction homes. The entire street was full of kids. We had a school bus just for our street to New City Elementary School. I lived in that same house my entire childhood and graduated from Clarkstown North High School.

I currently live in New City with my husband Craig and our two children when they are not away at college.

Where did you go to college and law school?

I attended Yale University for undergraduate school and NYU Law School.

Did you always want to be a lawyer and a judge?

No. I started out as a biology major at Yale University because I wanted to be a lab research scientist. I then changed my major to religious studies after my sophomore year when I realized that I was not any good at lab work. I briefly thought about going to medical school but I was known to pass out at the sight of blood. I chose religious studies as a major because it allowed me to utilize what I learned as a biology major to write my senior thesis on bioethics.

I am embarrassed to admit that I decided to go to law school because my boyfriend at the time, Craig (now husband) was going to law school. We attended NYU Law School together and got married after the second year of law school. When I applied to law school, I did not know what type of lawyer I wanted to be.

What has been your career path which has led to your current position as a Town of Clarkstown Judge?

When I graduated from law school, I knew I did not want to be in private practice and that I wanted to do public interest work, but I didn't have the experience. During law school, I was a summer associate at a large law firm, Debevoise & Plimpton LLP. After graduating law school, I clerked for a judge on the Second Circuit Court of Appeals. Until now, that was the best job that I ever had. I had dreams of clerking for a U.S.



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Supreme Court justice. When that dream was dashed, I went to work for Debevoise & Plimpton LLP in their commercial real estate department for six months. I found it boring and stressful. So, in 1999, when Eliot Spitzer became New York State Attorney General, I reached out to one of my old law school professors who was appointed as the chief of the Antitrust Bureau to see whether he could recommend me for a position in the Appeals Bureau. He offered to hire me to work for him. I worked at the Attorney General's Office for four years.

During the four years that I was working at the Attorney General's Office, I had two children. After my second child was born, I didn't earn enough money to put them in daycare. I would actually lose money to work! I became a full-time stay at home mother for eight and half years. My plan was to go back to work when my daughter Sam went to kindergarten but then my son, Ryan was diagnosed with being on the autism spectrum and my focus turned to helping Ryan learn to talk and communicate.

In the Spring of 2012, I had a fight with another mom over the 5th grade dance! I realized then that I had to get my life together. I called the Legal Aid Society of Rockland County and asked them when I can start working as a volunteer. I began working as a volunteer right away and then after a few months, Legal Aid hired me as a staff attorney. I represented tenants in summary proceedings and homeowners in defense of foreclosure actions. The landlord/tenant cases kept me up at night because if I did something wrong, someone would be homeless. The foreclosure cases were very interesting as the substantive law was changing at the time. I remember one foreclosure case in particular, where the bank had to pay our client \$20,000.00 because it was not negotiating in good faith.

After about a year working at Legal Aid, I started thinking about what it would be like to be a judge. I didn't know that judges were elected at that point. I looked into the process of how to become a judge. I ran for Clarkstown Justice Court Judge in 2017 but didn't realize how slim my chances of winning the election were against the two incumbent judges.

I met Keith Cornell who was running for Surrogate on the campaign trail. Judge Cornell won his election for Surrogate and I lost mine for Clarkstown Justice. The good news for me was that Judge Cornell hired me as his court attorney and I have been his clerk since 2018. I left Legal Aid on December 31, 2017 and started working for Judge Cornell on January 2, 2018. In addition to being Surrogate, Judge Cornell was immediately assigned to Family Court.

I learned that it is super hard to win your first election but that I had to be willing to try again and lay the groundwork for a second successful campaign. Judge Cornell encouraged me to run again in 2021. Unfortunately, I lost the election for a second time in what was an even more hotly contested race. I decided after that I was going to run for a countywide judgeship in 2025. However, when Judge Ugell retired, I decided to run again for Clarkstown Justice and am thrilled that I was elected.

What have you learned from working at Legal Aid and as a court attorney? How will you use that experience as a Clarkstown Judge?

I quickly realized that the population that was appearing in Family Court was also the same population that was vulnerable to eviction because the underlying issues were the same, e.g., neglect, addiction, conflict with spouses.

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Family Court is the most collaborative court. Its goal is to make things as good as possible for the child. I was also fully trained as a mediator in 2019 by the Office of Court Administration. Mediation is so useful for the Family Court because at the end of the day, the underlying reason that parents fight about which school the child should attend or which therapist the child should see is not because one parent is better at choosing than the other.

Most judges elected to Justice Court come from a background of criminal procedure, having worked as an Assistant District Attorney and/or a criminal defense attorney. It is important to have different perspectives. No other judge in Clarkstown Justice has had a Legal Aid background in at least the last 25 years (maybe longer).

At the end of the day, we may come to the same conclusion or maybe not. However, I know how much it means to people to give them a chance to say what they have to say. I will allow tenants to state on the record why they couldn't pay their rent even though I may have to issue a warrant of eviction.

What is your favorite thing about Rockland County?

It is really beautiful. I love to hike in Harriman State Park and ride my bicycle around Rockland County.

What is your guilty pleasure?

Playing Candy Crush on my phone. It is weirdly relaxing.

What is your favorite TV or streaming show or book?

A most recent favorite book of mine is THE COVENANT OF WATER by Abraham Verghese. It is about love and relationships that takes place in India and spans 70 years.

What do you like to do in your spare time?

In addition to hiking and biking, I love to make photo albums on Shutterfly and Snapfish and I also love to read.

What good advice have you received?

It's okay to make mistakes but you have to fix them and it's not okay to make the same mistake over and over again. I received these words of wisdom from Judge Cornell.

Who is your inspiration/hero?

Wonder Woman. Wonder Woman fights for truth and justice. She's doing it on her own with no sidekick or man in the background, just her bad-a** self.



Technology Tips for Attorneys



submitted by

Michael Loewenberg*

In law practices of all sizes, attorneys are continually seeking ways to enhance operational efficiency to better serve their clients and stay competitive. Streamlining processes not only ensures a smoother workflow but also contributes to improved client satisfaction and increased profitability. Let's explore four strategic approaches that you can adopt to boost your law firm's operational efficiency.

1. Implementing Legal Practice Management Software:

One of the most effective ways to enhance operational efficiency is by investing in legal practice management software. These robust platforms are designed to streamline case management, document handling, time tracking, and billing processes. Leading solutions, such as Clio or MyCase, offer features like centralized document storage, automated timekeeping, and seamless client communication.

Features and Benefits:

- Centralized Case Management:** Keep all case-related information, documents, and communications in one easily accessible location, improving collaboration among legal staff.
- Automated Billing:** Reduce administrative overhead by automating billing processes, ensuring accurate and timely invoicing.
- Time Tracking:** Easily record billable hours with automated time-tracking features, ensuring accurate billing and resource allocation.

2. Embracing Cloud-Based Collaboration Tools:

In a world where remote work has become the norm or, at least more prevalent, cloud-based collaboration tools play a crucial role in improving operational efficiency. Platforms such as Microsoft Teams and Slack facilitate seamless communication among legal staff, regardless of their physical location.

Features and Benefits:

- Real-Time Collaboration:** Foster instant communication and collaboration, enabling legal teams to work efficiently on cases, share documents, and discuss strategies in real time.
- Document Sharing and Version Control:** Ensure that all team members have access to the latest versions of documents, eliminating the risk of outdated or conflicting information.
- Task Management:** Keep track of tasks, deadlines, and project timelines, promoting accountability and efficient project management.

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3. Investing in Continuing Legal Education (CLE) for Staff:

Operational efficiency is not solely dependent on tools and technology; it also relies on the skills and knowledge of the legal staff. Offering ongoing CLE opportunities to more than the attorneys in your firm ensures that attorneys and support staff stay updated on the latest legal developments and best practices.

Features and Benefits:

Enhanced Legal Expertise: Keep legal professionals informed about the latest legal trends and changes, ensuring that the firm can adapt quickly to new challenges.

Improved Client Service: Well-informed staff can provide better guidance to clients, enhancing overall client satisfaction and loyalty.

Increased Productivity: Continuous learning fosters a culture of innovation and efficiency, leading to improved performance and productivity.

4. Outsourcing Non-Core Legal Functions:

Law firms can significantly improve operational efficiency by outsourcing non-core legal functions, such as administrative tasks, bookkeeping, or IT support. This allows attorneys to focus on their core competencies while reducing the burden of routine tasks.

Features and Benefits:

Cost Savings: Outsourcing non-core functions can be a cost-effective solution, as it eliminates the need for in-house staff and associated overhead costs.

Increased Focus on Core Competencies: Attorneys can dedicate more time to client-centric activities and legal strategy, enhancing the overall quality of legal services.

Scalability: Easily scale up or down based on workload fluctuations, ensuring optimal resource utilization.

Keep in mind that outsourcing even a small component of the day-to-day administrivia in your firm can yield significant efficiencies and reduced costs.

Whether through technology adoption, fostering a collaborative remote work environment, investing in professional development, or outsourcing non-core functions, law firms can position themselves for responsive, sustained success in an ever-evolving legal landscape.

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



You are Cordially Invited to Attend the

Induction Ceremony

of

HON. ROLF M. THORSEN

Justice of the Supreme Court

HON. LARRY J. SCHWARTZ

Justice of the Supreme Court

HON. ANNE BIANCHI

Westchester County Court Judge

HON. CHRISTOPHER J. EXIAS

Rockland County Family Court Judge

SABRINA E. VARGAS-GRECO

Rockland County Commissioner of Jurors

Thursday, January 18, 2024 • 2:00pm

Rockland County Courthouse

1 South Main Street • New City, NY

RSVP to:

9JDInduction@gmail.com

THE PRACTICE PAGE

THOSE PESKY VENUE SELECTION CLAUSES. UGGGGHH!

Hon. Mark C. Dillon *

So you finally schedule that long-planned ski vacation at a resort hotel in the mountains of Resort County in upstate New York, to share with family or lifetime school friends. You look forward to the opportunity to have a well-deserved winter respite from Westlaw research, pleadings, real estate closings, probate proceedings, and judges. On your first day while you are skiing the mountain, one of your legs is caused to slip too far forward, converting your person-to-earth angle from that of vertical to horizontal. Unfortunately, you are also somewhat injured in the process. The only good news is that there was no video recording of your fall that might be televised on an episode of America's Funniest Home Videos.

The accident was of course not your fault as lack of balance could not possibly have been a factor in your fall given your terrific physique despite your ever-advancing age. Fault, you believe, was in the unexpected trap-like roll of the ground surface on the ski slope that the resort knew or should have known about had it exercised reasonable diligence and which foreseeably created a danger to patrons, or the negligent failure of the resort to properly pack the slope with sufficient snow cover, or the absence of appropriate warning signs about the curve that was ahead. Primary assumption of the risk for the dangers of the sporting activity? Absolutely not.

You decide to commence an action. Not that you are a litigious person. You bring the action in your home county for the convenience of the local venue. You've frequently enjoyed conversation with the county's judges at bar association events while eating Swedish meatballs and ziti with them. However, you later receive a demand from the defendant to change venue to Resort County on the ground that when you signed up for your ski vacation, there was fine print in the documents that in the event of any litigation, the venue would be in *that* county, far away. You may be unfamiliar with the town where its county courthouse is located. Chances are, members of a potential jury pool have friends or family with favorable views of the very ski resort that you are suing, or of others like it.

But for the grace of God go any of us. What are we to do with those pesky contracts and their more-pesky venue selection clauses? As Charlie Brown is occasionally known to say, "Ugggghh." Even we, as trained and experienced attorneys, sometimes sign personal documents containing standard legalese that we may not have carefully read, or do so knowing that the language is not truly negotiable anyway.

A contractual forum selection clause is *prima facie* valid and enforceable unless it is shown by the challenging party to be unreasonable, unjust, in contravention of public policy, invalid due to fraud or overreaching, or it is shown that a trial in the selected forum would be so gravely difficult that the challenging party would, for

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all practical purposes, be deprived of its day in court (*KMK Safety Consulting, LLC v Jeffrey M. Brown Assoc., Inc.*, 72 AD3d 650, 651 [2010]. See *Casale v Sheepshead Nursing & Rehabilitations Ctr.*, 131 AD3d 436 [2015]; *Molino v Sagamore*, 105 AD3d 922 [2013]). A forum selection agreement will control absent a strong showing that it should be set aside (*Bernstein v Wysoki*, 77 AD3d 241 [2010]). This legal standard for challenging contractual venue is difficult for most plaintiffs to meet. In *Molino v Sagamore*, *supra*, a plaintiff from Queens County signed a rental agreement at the defendant resort hotel providing that in the event of legal action over claims or disputes, the parties' venue would be Warren County. The court rejected the plaintiff's argument that the venue selection clause was unfair and unenforceable adhesion language, since the rental agreement in *Molino* was not a product of high pressure tactics or deceptive language as required for setting adhesion provisions aside. A similar result was reached in *Karlsberg v Hunter Mountain Ski Bowl, Inc.*, 131 AD3d 1121 (2015), which pitted a Suffolk County plaintiff against a Greene County resort. There, the plaintiff was provided upon his arrival at the facility with an Equipment Rental Form containing a forum selection clause, which the court found did not qualify as an unenforceable contract of adhesion and was not otherwise against public policy.


What if the defendant is located in another state? The same legal standard applies in determining the enforceability of the forum selection clause. In *Bernstein v Wysoki*, *supra*, which involved an infant injured at a summer camp in Wayne County, Pennsylvania, the court enforced a forum selection clause requiring that claims be adjudicated in that Pennsylvanian county. Where the selected forum is out of state, the New York action must be dismissed in favor of recommencing the action in the other forum (*Bernstein v Wysoki*, 77 AD3d at 253), since a mere intra-state change of venue is obviously not possible (*Fritsche v Carnival Corp.*, 132 AD3d 805 [2015] [action in Richmond County dismissed on the basis of enforceable language on a plaintiff's cruise ticket requiring that disputes be litigated in the federal Southern District of Florida, and failing a basis for federal jurisdiction there, in a state court within Miami-Dade County]; *DiRuocco v Flamingo Beach Hotel & Casino, Inc.*, 163 AD2d 270 [1990] [case of scuba diver dismissed on basis of forum selection agreement that claims be litigated in the Caribbean where the plaintiff's accident occurred]). When courts dismiss a New York action in favor of a foreign state venue clause, they should consider doing so on the condition that the defendant, in seeking to enforce its venue, waive any statute of limitations defense that might have arisen in the foreign jurisdiction after the commencement of the New York action.

A defendant's motion to change venue on the basis of a contractual venue selection clause is not subject to the requirements of CPLR 511(a) and (b) that a demand be made before or with the answer and that a motion be made within 15 days of the answer (*Puleo v Shore View Center for Rehabilitation and Health Care*, 132 AD3d 651 [2015]). Instead, the motion must be made within a "reasonable time after

Continued...

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commencement of the action” (CPLR 511[a]; *Hendrickson v Birchwood Nursing Home Partnership*, 26 AD3d 187 [1st Dep’t. 2006]; *Medina ex rel. Valentin v Gold Crest Care Ctr., Inc.*, 117 AD3d 633 [1st Dep’t. 2014]). The reason is that notwithstanding the provisions of CPLR 511, the parties’ contractual agreement on venue is what ultimately controls the issue (CPLR 501; *Bhonlay v Raquette Lake Camps, Inc.*, 120 AD3d 1015 (2014)). A defendant’s contractual venue motion was found to have been unreasonably delayed when brought two years (*Brown v United Odd Fellow & Rebekah Home, Inc.*, 184 AD3d 478 [2020]), 14-months (*Williams v Bronx Harbor Health Care Complex, Inc.*, 213 AD3d 430 [2023]), and as little as one year from the commencement of the action (*Mena v Four Wheels, Inc.*, 272 AD3d 223 [2000]). Meaning, that defendants seeking to enforce a contractual venue clause should not sit on their right.

Actually, the best advice is to stay upright on your skis, accident-free. 

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

Bar Executives Celebrating the Holidays at HVHBA's Holiday Party

Left to Right, Laurie A. Dorsainvil, Treasurer of RCBA; Hon. Tim Lewis, WBBA; Andrew Schriever, Esq., President of WCBA; Doralba Lasalle, Esq., President of HVHBA; and Alejandra Gil, Immediate Past President of HVHBA.



**THE ROCKLAND COUNTY BAR ASSOCIATION
WELCOMES THE FOLLOWING NEW MEMBERS
WHO HAVE JOINED SINCE DECEMBER 2023**

Megan Finn, Affiliate Member

Isaac Rosen, 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, longt erm 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

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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 not be a current 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

*Regular, Associate or Affiliate Member

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

December 29, 2023

PUBLIC NOTICE FOR
RE-APPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current term of the office of United States Magistrate Judge Katharine H. Parker is due to expire on November 3, 2024. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of a magistrate judge to a new eight-year term.

The duties of a magistrate judge position include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent Magistrate Judge Katharine H. Parker should be recommended by the panel for reappointment by the court, and should be directed to:

Edward Friedland
District Executive
U.S. Courthouse
500 Pearl Street, Room 820
New York, NY 10007-1312

Comments must be received by 30 days from date of notice.

Please review the following information from Michael Gelfand, the head coach of Iona University's Mock Trial team. Once again, Iona will be hosting the opening round championship series of the American Mock Trial Association's national tournament and he's looking for volunteer judges for March 9, 2024 and March 10, 2024. Please consider volunteering to be a judge at this tournament. The Iona University Mock Trial Team, and the American Mock Trial Association are very grateful for your assistance – the tournament can't run without good judges!

Dear Colleagues:

I am the head coach of the Iona University Mock Trial team, and a member of the Board of Directors of the American Mock Trial Association (AMTA). AMTA is the national governing body that oversees regional and national college mock trial tournaments that take place throughout the country. On March 9 and March 10, 2024, Iona will be hosting one of AMTA's national tournaments, which is called the Opening Round Championship Series (ORCS). Iona is located at 715 North Avenue, New Rochelle, New York, which is approximately a half-hour north of New York City.

By far, the most difficult part of hosting a quality mock trial tournament is finding qualified practicing attorneys and sitting judges who are ready, willing and able to serve as "judges" to evaluate and score the students. Simply put, we need judges in order for our tournaments to run. If we are unable to fill the rounds with practitioners, then the students end up being judged either by law students or by coaches of other teams at the tournament. That is never an ideal situation for the students, especially at a national tournament, where we are trying to ensure that the best teams move on to the National Championship.

The tournament will include 24 teams from around the country, all of whom have already proven themselves to be excellent. Less than one-third of more than 700 teams who will compete at regionals qualify for ORCS. So we expect that you will see excellent rounds involving top teams.

Two rounds (lasting up to three hours) will take place on Saturday, March 9, and two rounds will take place on Sunday, March 10. Each day has a morning round (from approximately 9:30 to 12:30) and an afternoon round (from approximately 2:30 to 5:30). Please plan on arriving by the check-in times listed on the form below. WE EXPECT THAT THREE FREE CLE CREDITS WILL BE AVAILABLE, AND THERE IS FREE PARKING ON CAMPUS. We will also have breakfast and lunch for the judges before each round.

THERE IS NO REQUIREMENT THAT YOU HAVE JUDGED MOCK TRIAL BEFORE OR THAT YOU BE FAMILIAR WITH ANY OF THE CASE MATERIALS. Prior to each round, the AMTA representatives who are running the tournament will tell you everything that you need to know.

If you are able and willing to judge at least one round that weekend, we would be immensely grateful. If you can judge MORE than one round, then you are a real superstar. Please fill out the form below.

<https://forms.gle/YxepG4divcsm8fVM7>

Please note that when you fill out the form, you are registering to judge the rounds you select – not merely indicating your availability. After you submit the form, you will receive an email showing your responses and the rounds you registered to judge. We will send you more information closer to the tournament.

Please share this email with any friends or colleagues who you think might be interested in judging. Thank you.

If you have any questions at all, contact us at newrochelleorcs@gmail.com and we will promptly get back to you.

Michael J. Gelfand, Esq.

Head Coach, Iona College Mock Trial

ODYSSEY

OUR 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:

Barbara@rocklandbar.org

WE WANT TO HEAR FROM YOU!

REFERRAL SERVICE MEMBERS

We're now able to email the referral to you immediately. This can let you know that a potential client has been referred to you by the RCBA, often even before they call you. Please let us know when a client contacts you and the disposition of the case.

Thank you for your participation in the RCBA Lawyer Referral Service!

Not a participant? Contact Office@Rocklanbar.org or visit Rocklandbar.org for more information



RCBA IS LOOKING FOR ADVERTISERS AND SPONSORS

Dear RCBA Member,

Who are your favorite vendors?

Do you work with a process server, private investigator, translator, title company or court reporting company?

The RCBA offers these businesses several ways to promote themselves to local attorneys. They can become Affiliate members, advertise on our website or in the Newsbrief, or sponsor one or more CLE programs or special events.

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.



NEW INCENTIVE FOR YOU! As an added incentive, when a business you referred becomes a Sponsor or places an ad with us, you will be given one free online CLE session. So... review your contacts now and help us promote their business!



Contact: Barbara Silverstone

Barbara@rocklandbar.org

845-634-2149

POSITION AVAILABLE

Desk Receptionist/Calendar Coordinator

Personal injury law firm seeks outgoing Front Desk Receptionist/Calendar Coordinator in a fast paced, collegial atmosphere.

Candidate must be efficient, self-motivated and well organized. Responsibilities include answering phones, maintaining office calendar, scheduling appointments, docketing, scanning, photocopying, retrieving voicemails, retrieving and disbursing the mail. Duties will also provide administrative support to paralegals and attorneys. Must be proficient in MS Word, Excel, and Word Perfect.

Job Type: Full-time
Salary: \$17.00 - \$20.00 per hour
Expected hours: 40 per week
Experience:

- Customer Service: 3 years (Preferred)
- receptionist: 2 years (Preferred)
- Office Administration: 1 year (preferred)

Work Location: In person.
Contact Tara Barton: tbarton@pilaw.com

The Law Offices of

Allen A. Kolber, Esq.

134 Route 59
Suffern, NY 10901

Tel: 845-918-1277
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Rockland County Bar Association

Promoting equal access to justice and greater understanding of the law.



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NEWSBRIEF ADVERTISING RATES

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BUSINESS CARD:	\$75.00

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

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 THE DATE FOR THESE CLE PROGRAMS!

January 11, 2024. 12:30 p.m. —2:00 p.m. Trial Practices from a Master.

Speakers will be Jeffrey Adams, Esq. and Leonard Birbrower, Esq. This program will be presented on Zoom. Register [here](#).

January 18, 2024. 6:00 p.m.—8:30 p.m. Artificial Intelligence - Uses and Best Practices for Lawyers, CPAs & Their Clients . This will be an in person presentation at the Sheriff's Training Facility. Speakers will include attorneys and CPAs. Register [here](#). Space is limited.

This program is sponsored by Land Track Title Agency.

January 23, 2024. 12:30 p.m.—2:00 p.m. (Q)RDO - The Process & Recent Changes You Should Know. The speaker will be Jay Mota, RCBA Affiliate Member and Certified Divorce Financial Analyst. This program will be presented on Zoom. Register [here](#).

February 1, 2024. 12:30 p.m.—2:00 p.m. Matrimonial Bankruptcy. This program will be presented on Zoom. More information coming soon

Watch your emails for additional information and registration

CLE REQUIREMENTS

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.

NEW CLE REQUIREMENT - CYBERSECURITY:

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.

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 new category for cybersecurity, privacy and data protection. This category of credit is effective January 1, 2023.

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.

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

Effective July 1, 2023 - Change to Newly Admitted Attorney CLE Requirement to Include One Credit Hour in Cybersecurity, Privacy and Data Protection: Newly admitted attorneys whose admission to the NY Bar is on or after July 1, 2023 must complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their CLE requirement. 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.

CLE UPDATE

CYBERSECURITY REQUIREMENT

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.

Effective July 1, 2023 - Change to Experienced Attorney Biennial CLE Requirement to Include One

Credit Hour in Cybersecurity, Privacy and Data Protection: Experienced attorneys due to re-register on or after July 1, 2023 (birthday is on or after July 1st) must complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their biennial CLE requirement. See [CLE Program Rules 22 NYCRR 1500.22\(a\)](#).

Effective July 1, 2023 - Change to Newly Admitted Attorney CLE Requirement to Include One

Credit Hour in Cybersecurity, Privacy and Data Protection: Newly admitted attorneys whose admission to the NY Bar is on or after July 1, 2023 must complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their CLE requirement. 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.



COMMITTEE CORNER

The Rockland County Bar Association has twenty-six active committees, plus several *ad hoc* committees. Our Members participate by joining the committees of their choosing, and they volunteer their time and expertise for the good of the Bar Association, their colleagues and the public.

The available committees are: Assigned Counsel, Commercial and Corporate Law, Condominium and Co-op, Continuing Legal Education, Criminal Law, Debt Collection, Bankruptcy and Creditors' Rights, Diversity, Elder Law, Employment Law, Family Law, Grievance, Immigration, Internship and Mentoring, Judiciary Liaison, Judiciary Review and Screening, Law Day, Lawyer to Lawyer, Membership and Public Relations, Memorials, Mock Trial, New Lawyers and Social Committee, Personal Injury and Compensation Law, Professional Ethics, Real Estate, Surrogate's Court and Estate Planning Practice, Zoning.

Some committees require approval of the Board of Directors; others are open to the entire membership. For more information, or to join a committee, please contact us at office@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@demoyalaw.com and Crismelly at 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:

January 8, 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 by the 15th of the month so that the Executive Board may review it.

Thank you!



Monthly
Newsletter



ATTORNEY JOB OPENINGS

The Mental Hygiene Legal Service ("MHLS") provides legal representation and advocacy to individuals with mental and developmental disabilities, and those alleged to be in need of mental health services, in legal matters including civil and criminal commitment, treatment over objection, guardianship, sex offender civil management, and assisted outpatient treatment. MHLS attorneys regularly appear in the New York courts in difficult cases concerning involuntary hospitalization and psychiatric treatment. This position involves frequent fieldwork, including meeting with clients at psychiatric hospitals, other facilities or private residences. In addition, MHLS attorneys advocate informally on behalf of clients and represent them at administrative hearings. Some litigation experience is preferred, but not required.

POSITION TITLE: ATTORNEY **JG: 23**

BASE SALARY: \$79,805 + \$4,635 LOCATION PAY

QUALIFICATIONS: Admission to the New York State bar
To be qualified for this position, you must have a valid driver's license and a properly registered automobile for use in performing official duties away from your assigned station.

DISTINGUISHING FEATURES OF WORK: Under direct supervision, Attorneys serve in a confidential capacity and research legal questions and issues, prepare cases for administrative proceedings and litigation in the courts, and perform other related duties. Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Services, attorney disciplinary committees, 18B panel administration, or other such units.

POSITION TITLE: SENIOR ATTORNEY **JG: 26**

BASE SALARY: \$93,782 + \$4,635 LOCATION PAY

QUALIFICATIONS: Admission to the New York State bar and two (2) years of service in the Attorney title; **or** equivalent legal experience.
To be qualified for this position, you must have a valid driver's license and a properly registered automobile for use in performing official duties away from your assigned station.

DISTINGUISHING FEATURES OF WORK: With substantial independence from supervision, Senior Attorneys serve in a confidential capacity and research legal questions and issues, organize investigations, prepare and present cases before administrative tribunals and courts, and perform other related duties. Senior Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Service, attorney disciplinary committees, 18B panel administration, or other such units. They may also oversee a departmental law guardian program.

POSITION TITLE: ASSOCIATE ATTORNEY **JG: 28**

BASE SALARY: \$104,500 + \$4,635 LOCATION PAY

QUALIFICATIONS: Admission to the New York State Bar and two (2) years of service in the Senior Attorney title; **or** equivalent legal experience.
To be qualified for this position, you must have a valid driver's license and a properly registered automobile for use in performing official duties away from your assigned station.

DISTINGUISHING FEATURES OF WORK: Associate Attorneys serve in a confidential capacity and research legal questions and issues, organize complex investigations, prepare and present complex cases before administrative tribunals and trial and appellate courts, and perform other related duties. Associate Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Service, attorney disciplinary committees, 18B panel administration, or other such units. They may also oversee a departmental law guardian program.

The following positions are open in Rockland and Westchester Counties

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) and a resume and cover letter by email to MHLS2-HR@nycourts.gov or by mail to:

Michael Neville Director
 Mental Hygiene Legal Service
 600 Old Country Road, Suite 224 Garden City, NY 11530

ATTORNEY POSITION AVAILABLE

Feerick Nugent MacCartney (South Nyack) seeking NYS admitted attorney with at least 18 months experience with interest in local government, municipal and labor law. Position is full-time, requiring attendance at nightly municipal board meetings (Town/Village). Benefits available. Starting salary depends on applicant's qualifications - \$90,000 to \$120,000. Will consider higher starting salary commensurate with experience. To apply, contact Shannon at

shannond@fnmlawfirm.com

Help Wanted: We are looking for an **experienced matrimonial attorney** to work on a per diem basis as counsel to our firm. The best candidate will have at least a few years' experience with contested matrimonial matters including pleadings, discovery, and settlements. Trial work is also a plus. We will pay 150- \$200/hour to the right candidate. Please send letter and resume

to: Atty@KoplenLawFirm.com

OFFICE SPACE AVAILABLE

The Stevens Law Office in the heart of Suffern has available office space including access to conference room. Rent and terms are flexible depending on level of services needed.

Possible over-flow 'of counsel' work. Could be a good opportunity for a lawyer beginning his or her independent practice. Call Kevin @845-357-9144, or email: kevin@kstevenslaw.com.

YOUR AD HERE

**RCBA Members can place a 50
word ad for no cost.**

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 amy.hurwitz@sunyrockland.edu





**Division of State Counsel
Adult Survivors Act Unit
Project Attorney (24-Month Term Position)
Reference No. ASA_PA_3638**

Application Deadline is January 19, 2024

**Multiple Positions Available in Albany, Buffalo, New York City, Poughkeepsie, Rochester, and Westchester
Applicants Must Have Immediate Availability**

The Office of the New York State Attorney General is hiring a team of skilled Project Attorneys who have civil and/or criminal trial experience to join its [Adult Survivors Act](#) (ASA) Unit. The selected attorneys will be hired as Project Attorneys for a 24-month term with the possibility to extend for an additional 12 months. The Project Attorneys will ensure ASA claims made against the State of New York are properly litigated and defended in the Court of Claims. While the Project Attorneys will be assigned to handle cases in a specific region, they will work collaboratively as a statewide team to develop and apply consistent litigation strategies to facilitate the efficient and effective defense of these claims.

Project Attorney responsibilities will include, but are not limited to, handling all phases of litigation from inception through trial, including drafting pleadings and papers; motion practice (including analysis, research, drafting, and oral arguments); the full range of discovery (including interrogatories, paper/electronic document discovery, and taking and defending depositions); selecting and working with expert witnesses; negotiating settlements; trial preparation; and representing the State of New York at mediation and trial.

Applicants must have at least three (3) years of post-graduate legal experience that includes civil and/or criminal trial experience. Applicants must be prepared to engage in handling the defense of tort actions, from commencement through discovery, motions, trial, and disposition. Strong legal research, writing, analysis, negotiation, oral advocacy, and organizational skills are also required. Experience defending or prosecuting sexual assault cases, in a civil or criminal context, is a plus.

Applicants must reside in (or intend to soon become a resident of) New York State and be admitted to practice law in New York State. In addition, the Public Officers Law requires that OAG attorneys be citizens of the United States. A commitment to complete a two (2) year term is a condition of employment.

As an employee of the OAG, you will join a team of dedicated individuals who work to serve the people of our State through a wide variety of occupations. To learn more about OAG attorney compensation, please visit the following page: https://ag.ny.gov/sites/default/files/assistant_attorney_general_compensation.pdf. We offer a comprehensive New York State benefits package, including paid leave, health, dental, vision and retirement benefits, and family-friendly policies. Additionally, the OAG offers a robust Workplace Flexibilities Program with multiple options for employees, including telecommuting (up to two days per week) and alternative work schedules.

*Candidates from diverse backgrounds are encouraged to apply.
The OAG is an equal opportunity employer and is committed to workplace diversity.*

HOW TO APPLY

Applications must be submitted online. To apply, please click on the following link: [ASA_PA_3638](#)

To ensure consideration, applications must be received by close of business on January 19, 2024.

Applicants must be prepared to submit a complete application consisting of the following:

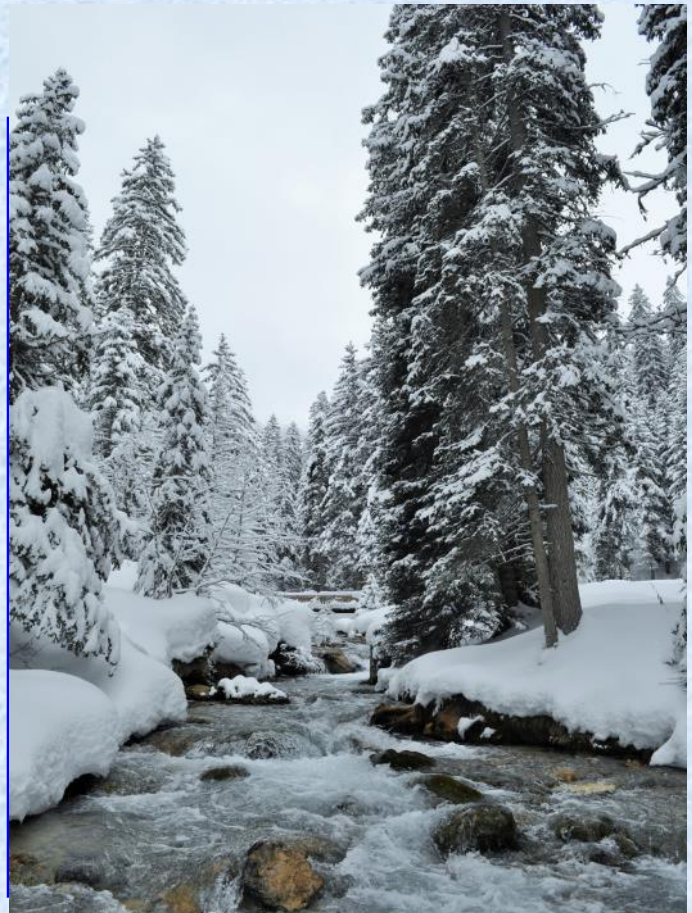
- Cover Letter

CONTINUED...

- You may address to Legal Recruitment.
- Please indicate your location preference: Albany, Buffalo, New York City, Poughkeepsie, Rochester, or Westchester.
- Indicate why you are interested in a position with the ASA Unit and what makes you a strong candidate.
- Resume
- Legal Writing Sample
- List of three (3) references
 - Only submit professional references, supervisory references are preferred.
 - Indicate the nature and duration of your relationship to each reference.
 - Include contact information and email addresses for each reference.
 - Please note, your references will not be contacted until after you interview for the position.

If you have questions regarding a position with the OAG and the application process or need assistance with submitting your application, please contact Legal Recruitment via email at recruitment@ag.ny.gov or phone at 212-416-8080.

For information about the OAG, please visit our website: ag.ny.gov



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