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NEWSBRIEF

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January 2025

President's Post

Happy New Year! I hope you had a joyous holiday season and were able to spend quality time with family and friends.

The start of a new year is not only a time for reflection but also for renewal—an opportunity to reaffirm our commitment to RCBA's mission statement "Promoting equal access to justice and greater understanding of the law". This month, as we celebrate the life and legacy of Dr. Martin Luther King, Jr., we are reminded of the profound importance of our mission. Dr. King's unwavering commitment to justice, equality, and service continues to inspire our work as legal professionals. Similarly, this month, Justice Dillon's practice page column and David Evan Markus' ethics column inspires us to be our best professional selves. As U.S. Supreme Court Justice Ketanji Brown Jackson writes in the preface to her memoir, *Lovely One*, "ordinary humans can do extraordinary things".⁽¹⁾

Let us honor Dr. Martin Luther King, Jr.'s legacy, by reflecting on how we, as an association, can further promote equal access to justice in our communities. I encourage each of you to consider how you can actively support our mission this year. Whether through *pro bono* service, public outreach initiatives, or advancing diversity and inclusion within our profession, every effort contributes to building a more just and equitable society.

Together, let us honor Dr. King's vision by embodying the principles of fairness, equity, and compassion in all that we do.

Wishing you a meaningful and fulfilling year!

Laurie A. Dorsainvil, Esq.

President

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 6 open vacancies on the Board of Directors for terms beginning on July 1, 2025.

Anyone wishing to be a candidate for election to the Board must express their interest, in writing, no later than February 3, 2025. 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 or Zoom 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, 2025.

Notice of selected nominees will be sent to the entire membership no later than March 20, 2025.

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 3, 2025.

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 7, 2025.

THE PRACTICE PAGE

NEW YEAR'S RESOLUTIONS FOR OUR PROFESSION

Hon. Mark C. Dillon *

We begin another year of our personal and professional lives. Naturally, we all hope that 2025 will be a year of safety, peace and prosperity for our country and the world. Professionally, we strive for this year to be one where the bar provides legal services that best serve the needs of clients and society in terms of legal advices, drafting documents, effective advocacy, resolving disputes, constitutional protections, and for our judicial system to be as attentive and efficient as possible. Together, let us all share 10 Resolutions for this New Year:

1. *Professionalism.* Lawyers and judges are professionals. Professionalism includes many different elements. We must deal with one another in a respectful and collegial fashion. Attorneys must keep clients advised of the status of their matters, arrive for scheduled court matters on time, meet deadlines, guard escrow money, manage staff, pay overhead expenses, manage client expectations, provide properly-worded retainer agreements, prepare for each day's work, return phone calls and e-mails, oversee staff, assure the accuracy of escrow accounts, and only take cases that are within our wheelhouses.
2. *Availability to all.* As attorneys, we are at the disposal of clients. Even John Adams, in 1770, represented British troops who were criminally prosecuted for firing upon colonials during the Boston Massacre, and which earned him public scorn. Yet, as judges and lawyers, we understand that everyone is entitled to legal representation, counseling, and statutory and constitutional rights. Let us be motivated not by the popularity or unpopularity of a cause, but by the quality of the representation that is provided to those who come to attorneys for help.
3. *Clients Come First.* The core purpose of the legal profession is not about the judges or the attorneys. The focus of attorneys' collective efforts is upon serving the clients/litigants. *Their* interests must always be primary.
4. *Best Efforts.* On the one hand, every client expects successful results. On the other hand, there are times when a desired result cannot be achieved, such as by a jury verdict in favor of an adversary party. Effectiveness is not necessarily be measured by "winning" in every instance, though that result is gratifying when it occurs. Sometimes a verdict against one's client is a good one relatively-speaking, considering what it could have been instead. Being an attorney involves counseling, wisdom, experience, guidance, zealotness, attention to detail, and advocacy in the best manner possible under the circumstances presented. And to roll with the punches.

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5. *CLEs*. Let us not think of CLEs as a chore, nuisance, or distraction. They are instead an opportunity to learn of statutory amendments and developments in case law, expand our knowledge, and collaborate with colleagues in ways that can only make us better lawyers. Attorneys admitted to practice for more than two years are required to complete 24 credit hours of continuing legal education each two years, with at least 4 of the credit hours in the Ethics and Professionalism, 1 in Diversity, Inclusion, and Elimination of Bias, and 1 in Cybersecurity, Privacy and Data Protection. Up to 3 hours in the cybersecurity area may be applied toward the 4 hour ethics requirements (Rules of Chief Administrator 1500.22[a]). Newer attorneys, during their first two years of practice, are required to complete 32 hours over two years with a different dispersion of required subjects (*Id.*, 1500.12[a]). Let us derive *value* from 2025's CLE programs offered by the provider organizations, and enjoy them in the process. And thank you to those organizations which provide CLEs to the bar.
6. *Pro Bono Services*. Paying clients are of course wonderful to have, whether by an hourly rate, flat rate, or contingency fee. Yet, some persons with legal issues are unable to afford counsel. Donating a portion of professional time to those less fortunate elevates the role of our profession in society. Rule 6.1(a) of the Rules of Professional Conduct encourages 50 hours of *pro bono* legal services per attorney per year, along with contributions to organizations which provide legal services to the poor. Let us be inspired this year toward *pro bono* services.
7. *Charity*. Beyond *pro bono* activities, we in the legal profession are uniquely positioned to give back to our communities through a myriad of charitable, ethnic, social, and religious organizations that need donations or volunteers to further their good works, beyond the practice of law itself. Each of us are the face of the county bar.
8. *Ethics*. We must re-register with OCA every two years with the payment of a \$375 fee, except for those "retired" from the practice of law as defined (Rules of Chief Administrator 118.1[a-h]). In New York, the conduct of attorneys is self-regulated. Meaning, attorney conduct is governed by the comprehensive Rules of Professional Conduct (22 NYCRR 1200). In the event of an alleged rule violation, grievance committees in each judicial district investigate and, when appropriate, prosecute violations. The grievance committees may resolve "low level" problems that arise, with the Appellate Divisions determining discipline in more serious matters subject to review by the Court of Appeals. We owe ourselves, clients, and colleagues an adherence to the ethical rules. Most attorney disciplinary matters arise not from criminal or venal conduct, but from human error, unfamiliarity with a rule, or the one-off sloppiness in handling matters or client money. There is obligation, and no downside, to using the utmost of care and conscientiousness in guarding our collective day-to-day professional ethics.

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9. *Improving the legal system.* We are all invested in the law, the courts, and their procedures. It is our calling and livelihoods. Certainly, the legal system has its challenges. This year, let us each fulfill our roles in the legal system in a manner that is as productive and constructive as possible.
10. *Humility.* Shakespeare wrote in King Henry, Part II, that “In Peace there’s nothing so becomes a man as modest stillness and humility.” A law license is a privilege and an honor. With that privilege comes responsibility. The best use of our licensure is to use it in the service of others, and sleep at night knowing that we have fulfilled our collective responsibilities well.

Nothing here is rocket science. Perhaps there are other professional resolutions that you have of your own. Let us have a productive and enlightened 2025 as our profession begins the next quarter century in the law.

*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 a contributing author of the CPLR Practice Commentaries in McKinney’s.

As a service to Rockland County Bar Association members and the public, the Bar is pleased to sponsor this "Ethics Corner" column. To suggest future column topics, please email David Evan Markus at davidevanmarkus@gmail.com.

Ethics and New York's Equal Rights Amendment: What Must Change?

By David Evan Markus, Esq.

Effective January 1, 2025, New York's Equal Rights Amendment is the most expansive constitutional civil rights provision among the 50 states. While some of the ERA's legal effects will take time to fully discern, already we know that the ERA amplifies New York's historical call to pluralism, equal inclusion and genuine belonging.

In this cause, Bar and Bench have special roles to play, starting with the ERA's potential implications for attorney and judicial ethics.

The Legal Landscape

Since New York's Constitution took its current form in 1938, it has guaranteed both "equal protection of the laws" and protection of civil rights against discrimination "because of race, color, creed or religion" – in contrast to the U.S. Constitution's Fourteenth Amendment that lists no protected classes.⁽¹⁾ New York's Equal Protection Clause generally is coextensive with its U.S. equivalent,⁽²⁾ but the Civil Rights Clause accords greater protections – with a catch. While the Civil Rights Clause is directly enforceable against government, only enabling legislation can authorize actions against non-public defendants,⁽³⁾ authority that the Human Rights Law ("HRL") supplies for the New York law of employment, public accommodations, housing and contracts.⁽⁴⁾

Sweeping in scope, the ERA amends the Civil Rights Clause to add "ethnicity, national origin, age, disability ... or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy" as protected classes.⁽⁵⁾ The ERA itself does not define these classes, so courts will decide whether to supply their own definitions or construe the ERA by reference to statutory class definitions.⁽⁶⁾ existing when voters ratified it.

For lawyers and courts as employers and managers, the HRL's ban on employment discrimination already reflects ERA's newly protected classes,⁽⁷⁾ so the ERA is unlikely to have substantial impacts on employment law and contract law at least in the short term. For ethics, however, the interplay between applicable rules and the ERA raises greater uncertainty.

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*Continued...***The ERA and Attorney / Judicial Ethics**

Rule 8.4(g) governing New York attorney conduct directs that a lawyer or law firm not:

“engage in conduct in the practice of law that the lawyer or law firm knows or reasonably should know constitutes (1) unlawful discrimination, or (2) harassment, whether or not unlawful, on the basis of one or more of the following protected categories: race, color, sex, pregnancy, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, gender expression, marital status, status as a member of the military, or status as a military veteran.”⁽⁸⁾

Of the ERA’s newly protected classes, Rule 8.4(g)(2) does not yet include “pregnancy outcomes, and reproductive healthcare and autonomy.” It is unclear if the current Rule 8.4(g)(2) ban on “pregnancy” harassment extends to reproductive practices (contraception) and reproductive healthcare (abortion) – matters now squarely within the ERA’s ambit.

It also is unclear if invidious discrimination on those grounds automatically constitutes “unlawful discrimination” under Rule 8.4(g)(1). While the HRL bans discrimination on the basis of pregnancy and “pregnancy-related conditions” subject to reasonable accommodation,⁽⁹⁾ only time will tell if the HRL will be construed or amended to encompass “pregnancy outcomes” and “reproductive healthcare and autonomy.” Absent such a statutory predicate, the Civil Rights Clause – and thus the ERA – cannot directly define “unlawful discrimination” under Rule 8.4(g)(1) because, the argument goes, attorneys don’t engage in state action merely by practicing law.

Given the stakes, ambiguity should not govern these ethics matters or others potentially arising from the ERA. Given the ERA, for instance, would it be a Rule 8.4(g) violation for a lawyer to decline or withdraw from a representation on grounds that a client’s sexual orientation, gender identity, gender expression, pregnancy, contraception or abortion violates the attorney’s sincerely held religious beliefs, or because the attorney believes the representation would violate rights against forced speech?⁽¹⁰⁾ Rule 8.4(g)(4)(a) excludes from potential ethics exposure a lawyer’s decision to “accept, decline, or withdraw from a representation,” but only if “consistent with” the Rules of Professional Conduct. This circularity is one reason that the legal ethics of “discriminatory” case or client selection remains unsettled, as numerous commentators have recognized.⁽¹¹⁾ The ERA’s breadth only raises these stakes.

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The ERA also arguably opens a gap between the Civil Rights Clause and the Rules Governing Judicial Conduct. Rule 100.3(B)(5) provides:

“A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon age, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, national origin, disability, marital status or socioeconomic status, against parties, witnesses, counsel or others.”.⁽¹²⁾

Missing from the Rule 100.3(B)(5) list are the ERA’s newly enumerated classes of “ethnicity” and “pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.” While “ethnicity” has been read into the parallel Rule 100.3(B)(4) governing judicial bias,⁽¹³⁾ to date there is no clear guidance under Rule 100.3(B)(5) – and there have been no reported cases concerning “pregnancy” much less contraception, abortion or related matters.

For the clearest ethics alignment with the ERA, Rule 8.4(g) and Rule 100.3(B)(4)-(5) might be revised to expressly list all of the ERA’s protected classes, leaving no doubt as to their scope. Even if Part 100 and the Rule 8.4(h) catchall for “other conduct that adversely reflects on the lawyer’s fitness as a lawyer” might cover bias, harassment or discrimination beyond specific rules, nevertheless revisions would serve the ERA’s purpose to focus awareness and honor the historical roles of Bar and Bench as guardians of public rights and core values.

Conclusion

However the law evolves in its wake, the ERA rouses our professional duty to model the words and behaviors on which a free, fair and kind New York depends. Though never proper pre-ERA, words or conduct evincing invidious bias or disrespect based on ethnicity, gender, gender identity, gender expression, pregnancy, pregnancy outcomes, or reproductive healthcare and autonomy – including contraception and abortion – should be entirely beyond the pale now.

It's 2025. It's time to hold ourselves and our profession to that standard, and nothing less.

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- (1) NY Const (1938), art I, former § 11; *compare* U.S. Const, amend
- (2) Unlike the Civil Rights Clause, New York’s Equal Protection Clause generally is coextensive in its protections with its federal equivalent. *See People v Kern*, 75 NY2d 638, 651 (1990); *Dorsey v Stuyvesant Town Corp.*, 299 NY 512, 531 (1949).
- (3) *See e.g. Brown v State of New York*, 89 NY2d 172, 190 (1996); *Kern*, 75 NY2d at 651; 299 NY at 531.
- (4) *See e.g.* Executive Law §§ 296-297; *see also* Civil Rights Law § 40-c.
- (5) NY Const, art I, § 11(a).
- (6) *See e.g.* Executive Law § 292(8) (“national origin”), (21) (“disability”), (27) (“sexual orientation”), (35) (“gender identity or expression”); *see also* Executive Law § 292(21-f) (“pregnancy-related condition”); Public Health Law art 25-A (Reproductive Health Act).
- (7) *See e.g.* Executive Law §§ 291(1); 296(1), (3)(a).
- (8) 22 NYCRR [Joint Rules of the Appellate Division] § 1200, Rule 8.4(g)(1)-(2). For Rule 8.4(g) purposes, “conduct” includes “representing clients,” “interacting with witnesses, coworkers, court personnel, lawyers, and others, while engaging in the practice of law,” and “operating or managing a law firm or practice.” Rule 8.4(g)(5).
- (9) *See generally* Simon’s NY Rules of Prof. Conduct § 8.4:50 (July 2024); E. Yaroshefsky, “The Long Road to New York’s Anti-Discrimination and Anti-Harassment Ethics Rule,” 50 Hofstra L Rev 627, 637 (2022).
- (10) Recent U.S. Supreme Court decisions might restrict or prohibit civil rights enforcement in such instances on First Amendment grounds. *See 303 Creative, LLC v Elenis* 600 US 570 (2023); *Masterpiece Cakeshop, Inc. v Colorado Civ. Rights Comm.*, 584 US 617 (2018).
- (11) *See* Simon’s, *supra* n.9, § 8.4.60; N.Y. State Bar Opn. 1111 (2017); N. Maurer, “Ethical Issues in Representing Clients with Diminished Capacity,” in *Disability Law and Practice: Special Education, Assistive Technology and Vocational Rehabilitation* (2013); N.Y. City Bar Opn. 1995-12 (1995).
- (12) 22 NYCRR [Rules of the Chief Administrative Judge] § 100.3(B)(5).
- (13) *See Matter of Mulroy*, 94 NY2d 652, 656-657 (2000); *Matter of Schiff*, 83 NY2d 689, 692-693 (1994); *Thompson v Office of Court Administration*, 78 Misc 3d 440, 449-450 (Sup Ct Kings Co 2022).

David Evan Markus, Esq., is chair of the WCBA Ethics Committee and member of the WCBA Executive Committee and Board of Directors. He serves as referee in New York Supreme Court, Ninth Judicial District. His past Judiciary service includes Special Counsel for Programs and Policy and Deputy Legislative Counsel under Chief Judges Judith Kaye and Jonathan Lippman.

COMMERCIAL LITIGATION ISSUES OF INTEREST

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

Your client, a New York bank, loaned millions of dollars to a Lebanese bank, which is now in default. The subordinate loan agreement provided for New York jurisdiction of all actions concerning the agreement, which would be governed by and construed under New York law, *subject to* mandatory Lebanese laws and regulations applicable to subordinate loan agreements entered into by Lebanese banks. After two-thirds of the loan was repaid, the Lebanese central bank ordered the borrower bank not to repay the remaining balance, due to national economic concerns. You sued in federal court in New York for the balance due. The borrower bank promptly moved to dismiss the action based on the order of the Lebanese central bank. You argued that contract law prevents interpreting the agreement's language to allow the Lebanese central bank to unilaterally vitiate the loan, which would be absurd, commercially unreasonable, and contrary to the parties' intent.

Will you defeat dismissal of the action?

The answer is *yes*.

In *Mitsubishi UFJ Investor Services & Banking (Luxembourg) 9 S.A. v. Byblos Bank S.A.L.*, NYLJ 1734479001NY653915202, Case No. 653915/2022 (Sup. Ct. N.Y. December 16, 2024), the plaintiff bank sued the defendant Lebanese bank for the \$79 million balance due under a \$300 million ten-year subordinate loan agreement with a maturity date of December 21, 2022. On September 8, 2022, the central bank of Lebanon, with legal authority to issue directives to Lebanese banks, directed the defendant bank not to pay the \$79 million balance, due to the economic crisis affecting Lebanon at that time.

The defendant bank moved to dismiss the action under the International Comity Doctrine and the Act of State Doctrine. The defendant relied on the choice-of-law language in the loan agreement, which provided for New York jurisdiction for actions arising under the agreement to be governed by and construed under New York law, "subject to compliance with mandatory provisions of Lebanese law and regulations applicable to subordinated loans entered into by Lebanese banks, including Decision 6830 dated 6 December 1998." Decision 6830 was described by the Court as "an ordinary-course banking regulation" concerning subordinated loans and addressing general commercial aspects of circumstances within any normal banking context.

Although the parties submitted dueling expert opinions on whether the Lebanese central bank's directive to the defendant bank was mandatory within the meaning of the agreement's choice of law provision, the Court declined to rule on that issue, and also declined to rule on the issue of comity. Instead, the Court denied the motion based on basic principles of contract interpretation.

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The Court first noted that “a contract should not be interpreted to produce an absurd result, one that is commercially unreasonable, or one that is contrary to the intent of the parties,” citing *Macy’s Inc. v. Martha Stewart Living Omnimedia, Inc.*, 127 AD3d 48, 54 (1st Dept 2015). After “giving full meaning” to the effect of the reference to Decision 6830, and “preserving the [agreement’s] commercial reasonableness,” the Court found it an absurd and commercially unreasonable result to interpret the agreement to mean that the plaintiff assented to allow the Lebanese central bank to unilaterally do whatever it wanted to “vitiate” the \$300 million loan “by the mere stroke of a pen.”

Without mutually enforceable obligations, said the Court, the contract was illusory, citing *Curtis Properties Corp. v. Greif Companies*, 212 A.D.2d 259,265-66 (1st Dep’t 1995). The defendant’s retention of the loan proceeds would no longer be a *bona fide* incident of banking under the authority of the central bank, “but rather, an outright conversion of plaintiff’s funds.”

The Court interpreted the choice of law provision to be subject to the mandatory provisions of Lebanese law and regulations “similar in nature to Decision 6830; i.e., ordinary-course banking laws and regulations which are designed to facilitate effective banking business, and decidedly not unilateral dictates which purport to vitiate and completely nullify a Lebanese bank’s obligations to other commercial actors with which it does business.”

The Court noted that the defendant concededly drafted the agreement and must “bear the burden” of its “lack of care in articulation” by using the word “including” before the reference to Decision 6830, citing *327 Realty, LLC v. Nextel of N.Y., Inc.*, 150 A.D.3d 581 (1st Dep’t 2017). Other inaccuracies in draftsmanship included references to sub-clauses that did not exist, and incorrectly referring to Decision 6830 of 1998 instead of using the correct date of 1997. “Thus, the use of the word ‘including’ instead of ‘such as,’ or the like, constitutes but one of several drafting inaccuracies” to be construed against the drafter.

In a footnote, the Court acknowledged multiple federal court cases dismissing actions involving the Lebanese central bank directives for nonpayment of loans under similar circumstances. However, the dismissals in those cases were based solely on lack of personal jurisdiction over the bank defendants.

The lesson? When contracting with an entity based in a foreign jurisdiction, whether it be a foreign country or another state, it is best to avoid contractual language that subjects performance to the laws of the foreign jurisdiction. If such a provision is required, be very careful, as in any contract, to precisely define exactly what a party’s performance is subject to, lest sloppy language renders a party’s performance obligation illusory.



SPOTLIGHT on Newly Elected Judges



Happy 2025 and welcome to “Spotlight” – the column by the RCBA Diversity Equity and Inclusion Committee! For our Spotlight column, we select a diverse member of the Rockland County Bar Association to interview so we can all get to know each other a bit better. This month we celebrate the election of several judges, all of whom were highlighted by the Committee in previous Newsbriefs. You can find the link to their previous Spotlight interviews below.

Congratulations to these recently elected Judges!



Hon. Andrea Composto

Rockland County Family Court Judge – elected 2024

June 2022 Newsbrief

<https://www.flipsnack.com/ACFE8D99E8C/composto-spotlight/full-view.html>



Hon. Djinsad Desir

Rockland County Court Judge – elected 2024

November 2022 Newsbrief

<https://www.flipsnack.com/ACFE8D99E8C/desir-spotlight/full-view.html>

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Hon. Christopher Exias

Rockland County Family Court Judge – elected 2023

May 2022 Newsbrief

<https://www.flipsnack.com/ACFE8D99E8C/spotlight-christopher-exias/full-view.html>



Hon. David Fried

Judge of the New York State Court of Claims & Acting Justice of the Supreme Court – appointed 2023

June 2023 Newsbrief

<https://www.flipsnack.com/ACFE8D99E8C/spotlight-fried/full-view.html>



Hon. Aimee Pollak

Clarkstown Town Judge – elected 2023

January 2024 Newsbrief

<https://www.flipsnack.com/ACFE8D99E8C/pollak-spotlight/full-view.html>



Hon. Alejandra Silva-Exias

Ramapo Town Judge – elected 2024

October 2023 Newsbrief

<https://www.flipsnack.com/ACFE8D99E8C/exias-spotlight/full-view.html>



Technology Tips for Attorneys



submitted by

Michael Loewenberg*

The Importance of Google Reviews for Attorneys: A Simple Guide

As an attorney, you understand the power of word-of-mouth and reputation. In today's digital age, Google Reviews have become the modern equivalent of a personal recommendation. They can significantly impact your law firm's online presence and client acquisition. However, many attorneys, especially those who are non-technical, might find the idea of setting up and soliciting Google Reviews daunting. Fear not! This guide will walk you through the importance of Google Reviews, address privacy concerns, and provide simple steps to get started.

Why Google Reviews Matter

Google Reviews are crucial for several reasons:

1. **Visibility:** Positive reviews can improve your firm's ranking in local search results, making it easier for potential clients to find you.
2. **Credibility:** Reviews act as social proof. When potential clients see positive feedback from others, they are more likely to trust your services.
3. **Client Insights:** Reviews provide valuable feedback that can help you improve your services and client experience.

Addressing Privacy Concerns

As an attorney, you are acutely aware of the importance of client confidentiality. It's natural to worry about privacy when asking clients for reviews. Here are a few tips to navigate this:

- **Anonymity:** Encourage clients to leave reviews without revealing specific details about their cases. They can focus on their overall experience and satisfaction.
- **Consent:** Always ask for permission before requesting a review. Ensure clients are comfortable and willing to share their feedback publicly.
- **Guidance:** Provide clients with guidelines on what they can mention in their reviews to avoid any inadvertent disclosure of sensitive information.

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Setting Up Google Reviews for Your Law Firm

Setting up Google Reviews is a straightforward process. Here's how you can do it:

1. Create or Claim Your Google My Business (GMB) Listing:

- Go to Google My Business and sign in with your Google account.
- If your firm is already listed, claim it by verifying your ownership. If not, create a new listing by entering your firm's details.

2. Verify Your Business:

- Google will send a verification code to your business address. Enter this code in your GMB account to verify your listing.

3. Optimize Your GMB Profile:

- Add accurate and detailed information about your firm, including your address, phone number, website, and business hours.
- Upload high-quality photos of your office and team to make your profile more appealing.

4. Generate a Review Link:

- In your GMB dashboard, go to the "Home" tab and find the "Get more reviews" section.
- Click on "Share review form" to generate a link that you can share with clients.

Soliciting Google Reviews

Now that your GMB profile is set up, it's time to start collecting reviews. Here are some friendly and effective ways to ask your clients for reviews:

1. Personal Request:

- After a successful case or consultation, personally ask your client if they would be willing to leave a review. Explain how their feedback helps your firm and other potential clients.

2. Follow-Up Email:

- Send a follow-up email thanking your client for their business and including the review link. Keep the email short, polite, and appreciative.

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3. Website and Social Media:

- Add a "Leave a Review" button on your website and social media profiles. Make it easy for clients to find and use the review link.

4. Printed Materials

- Include the review link on your business cards, brochures, and other printed materials. A simple QR code can also be effective.

Google Reviews are a powerful tool for enhancing your law firm's online presence and credibility. By addressing privacy concerns and following these simple steps, you can easily set up and solicit reviews from your clients. Remember, every review is a step towards building a stronger, more trusted reputation so, don't hesitate to ask your satisfied clients to share their positive experiences. Your future clients will thank you for it!

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

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SUCCESSION



Digital Value

A new Newsbrief column

BY JUDITH BACHMAN



In my continuing search for ways to enhance the value of my firm to get the benefits both now and when I exit, another element that I am focusing on is building the digital value of my practice.

According to a study by Martindale-Avvo, over a third of consumers used firm websites as a way to find an attorney, compared to just 9 percent who said print advertising was a resource, and 5 percent who cited TV/radio advertising. A majority of people use a search engine as their primary resource when looking for an attorney online, with online reviews and directories being used as a second source.

Martindale-Avvo also notes that even when a potential client receives a personal referral, per their study, forty-five percent (45%) of those potential clients said they researched a recommended attorney or firm by checking their website before making contact.

Jeremy Poock of Senior Attorney Match believes that, while a digital presence was important prior to 2020, the pandemic cemented it as a key component of law firm value. He stresses that to maximize the value of a practice, beyond client lists and personal referral sources, it is critical for firms to prioritize multichannel digital marketing. In his view, utilizing Google/SEO, social media, and other forms of digital marketing is now an imperative part of building the value of a firm.

Another benefit of establishing a large digital footprint for a firm is that, on exit, it is a transferrable asset that any buyer or successor will want. According to Jeremy Poock, a proven multichannel digital marketing strategy will vastly increase the selling price of a law firm. In his words, law firm digital value is a “treasure chest.”

In light of the importance of multichannel firm digital marketing, it might pay to do a website refresh, bolster a Linked In presence, and consider other digital marketing opportunities. Clearly, digital value is a component of building a practice that cannot be ignored.



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Unified Court System

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FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

Dear Colleagues,

FYI, the Administrative Board of the Courts is soliciting public comments on the following four proposed amendments to court rules (copies attached):

1. Adding a new Rule 23 to the Rules of the Commercial Division regarding the filing of amicus briefs;
2. Amending 22 NYCRR § 202.70(c)(5) to clarify that the Commercial Division can enforce judgments arising from cases decided by the Commercial Division;
3. Amending 22 NYCRR § 25.18 to ensure consistency with the Civil Service Law relating to continuing eligible lists; and
4. Amending Rules 1.8, 1.10, 1.11, 1.12 and 1.18 of the Rules of Professional Conduct regarding conflicts of interest.

The first proposal has been posted on the OCA website at <https://ww2.nycourts.gov/rules/comments/index.shtml>, and comments are due by Friday, February 7, 2024.

The other three proposals will be posted at the same location in the coming days, and comments are due by Friday, February 14, 2024.

Any comments on these proposed rule changes should be sent by email to rulecomments@nycourts.gov.

Thanks so much, and please feel free to reach out if you have any questions.

Dave

David Nocenti
Counsel
NYS Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004
dnocenti@nycourts.gov

(212) 428-2146



*From The RCBA Staff
and Board of Directors*

**ROCKLAND COUNTY BAR ASSOCIATION
POSITION AVAILABLE**

EXECUTIVE DIRECTOR

The Executive Director is responsible for the overall management of all Rockland County Bar Association (RCBA) and The Foundation of the Rockland County Bar Association, Inc. (Foundation) programs and operations.

The Executive Director reports to and works closely with the Boards of Directors of the RCBA and the Foundation and the President of the Board(s).

The Executive Director is responsible for the management of Board Business, Finances, Fundraising, Membership, Staff and Programs.

A complete Position Description is available.

To request a complete Position Description, please email Nancy Low-Hogan @ nancy@rocklandbar.org

To apply, please email a cover letter and resume to:

**Nancy Low-Hogan, Ph.D., Executive Director
Rockland County Bar Association
337 N. Main Street, Suite 1
New City, New York 10956
nancy@rocklandbar.org**

The start date for this position is February 3, 2025.

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

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



RCBA IS LOOKING FOR ADVERTISERS AND SPONSORS

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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

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Corporate Law including business formation, dissolution & franchises

Education law

Elder law

Environmental Law

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

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

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

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PLEASE NOTE:

NEWSBRIEF IS NOT PUBLISHED IN JULY

CALL Jeanmarie @ 845-634-2149 or send email to Jeanmarie@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

We are working on a ROBUST 2025 CLE Schedule
Please continue to check for updates!

Date of Program	Time	Program Title
Thursday January 23, 2025	In-Person CTH 6:00 pm-8:30pm	Mastering Practice Transitions: Buying, Selling or Merging Firms; A Primer For Attorneys and CPAs
Wednesday February 5, 2025	Virtual 12:15 pm-1:30 pm	Special/Supplemental Needs Trust
Friday March 7, 2025	Virtual 12:45 pm-1:45 pm	Court Evaluator and the Guardianship Hear- ing— Roles and Rules
Tuesday March 18, 2025	Virtual 6:00 pm-9:00 pm	Mortgage Foreclosure

Missed a CLE program? You can earn credit by watching the video replay. Contact Jeanmarie@Rocklandbar.org to receive the recording. Payment by check only.

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

CLE REQUIREMENTS

CLE REQUIREMENTS

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

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

ADDITIONAL CLE REQUIREMENT - CYBERSECURITY

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

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

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

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

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

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

FINANCIAL HARDSHIP POLICY:

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

COMMITTEE CORNER

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

NEW LAWYERS AND SOCIAL COMMITTEE

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

PRO BONO COMMITTEE

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

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 lanaya@centersc.org 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.

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

Thank you!



Monthly
Newsletter

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If you are a solo or small firm attorney considering retirement or selling your practice, contact Judith Bachman, 845-639-3210

or judith@thebachmanlawfirm.com. As a professional courtesy and seeking colleague to colleague conversations, she will help you evaluate options and talk about practice acquisition.

ATTORNEY

Neimark Coffinas & Lapp LLP (New City) seeking attorney with 3 to 5 years' experience in personal injury litigation. Salary commensurate with experience. Generous benefits package.

E-mail resume to: ggc@ncl.law

ASSOCIATE ATTORNEY

Feerick Nugent MacCartney (South Nyack) seeking NYS admitted attorney 3-4 years experience.

Work entails General, Land Use, Personal Injury Litigation – State/Federal Court and familiarity with motion practice, rules of evidence, drafting complaints, discovery responses, memorandum of laws. Salary: \$120,000-\$150,000. Benefits. Higher salary commensurate with experience. Email re-

Matrimonial/Family Law Attorney

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

OFFICE SPACE AVAILABLE

Beldock & Saunders, PC, located in New City, has 3 offices with 3 separate workstations,

for support staff, available to sublet. Access to conference rooms, reception area, kitchen

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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

MUNICIPAL ATTORNEY

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

Email resume: shannond@fnmlawfirm.com

Part Time Paralegal / Legal Assistant

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

Contact: jeff@injurylaw-ny.com

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IMMIGRATION ATTORNEY WANTED

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

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