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**Rachael Candoni**

**Editor**

# ROCKLAND COUNTY BAR ASSOCIATION

## NEWSBRIEF

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

June 2022

### President's Post

As the summer approaches, so does the end of my presidency and my time on the Rockland County Bar Association Board of Directors. I have served for 14 years on the Board and it has been an honor to assist our attorneys and our legal community. A lot of people come and go over the course of 14 years, so this is a bittersweet time for me as I reflect on all the people I interacted with. I have had the privilege of serving with dozens of Board Members, too numerous to name in this piece, but I thank them all for the time spent together. I have served under 10 extraordinary Presidents: Keith Braunfotel, Andrea Composto, Robert Marcus, Keith Cornell, Larry Codispoti, Glenn Kelleher, Alan Goldstein, Alan Rosenblatt, Lynne Hilowitz, and Steven Lowe. These ladies and gentlemen provided tireless effort to our organization and were an inspiration to me. Of course, our Staff is so important to this Association. We have been blessed throughout my tenure with dedicated, hard-working, and personable staff. I thank our employees for their contributions to the RCBA.

I cherish the time I have spent these years working on and chairing committees, attending board meetings, annual dinners, CLE's, happy hours, Practitioners Chats, Law Days, BBQ's and scores of other events. However, all good things must come to an end, and it is now time to let someone new take my seat, present fresh new perspectives, and help shape the future of the RCBA.

I regret that we could not see each other more this past year. It was my hope at the start of my term that we could start seeing some friendly faces again at CLE's, happy hours and social events. However, every time we started to plan an "in person" event, the Covid numbers would rise, or another variant would raise its ugly head and our planning would have to be postponed.

I wish our incoming officers and 2022-23 Board of Directors the best of luck in the year ahead and am certain these talented folks will do wonderful work. While I will no longer be part of the Board of Directors, I will remain an active and interested member of the RCBA.

Let me take one last time to thank all our Members, Staff, Board of Directors and the entire legal community for allowing me the privilege of serving as your President and being a part of this Association and its Board of Directors for so long. I look forward to seeing you all at our annual Installation Dinner June 23, 2022, at Woodmont Day Camp in New City!

Ira S. Schoeps  
President

Join the Bar at the bar and help  
us Welcome our New Members!

Early Summer  
Happy Hour  
Thursday, June 9, 2022  
6:00-8:00PM

Growler & Gill

148 Route 59

Nanuet, NY 10954

Includes beer, wine, soda and appetizers

RCBA Members/Guests - \$10

New Members - FREE!

Indoor seating and outdoor patio  
available (weather permitting)





**ROCKLAND COUNTY BAR  
ASSOCIATION  
2022 INSTALLATION DINNER**

*with*

*Swearing-In of New Officers  
– Your old-fashioned barbeque, but better!*

JOIN US AS WE RECOGNIZE OUR HONOREES:

AMY M. MARA, ESQ. – THE STERNS AWARD

BRIAN CONDON, ESQ. – THE COMMITTEE CHAIR OF THE  
YEAR AWARD

**Thursday, June 23, 2022  
5:00 p.m. – 8:00 p.m.**

**OUTDOORS! – WOODMONT DAY CAMP,  
420 Phillips Hill Road, New City, NY 10956**

*Includes appetizers, dinner, dessert, beer, wine and soda*

**\$75.00/pp – in advance ~ \$85.00/pp – at the door.  
Please RSVP by: June 13th**

**Make checks payable to RCBA. Mail to: RCBA, 337 N.  
Main St, Suite 1, New City, NY 10956 OR click below  
to register and pay online.**

**COME AND SEE WHAT SURPRISES WE  
HAVE IN STORE!**

**Sponsored by RCBA Gold Sponsor M&T Bank and  
Nota**



# **PRACTITIONERS CHAT**

with

Siobhan O'Grady, Esq. and Ilene Graff, Esq.

## **Extending the Coverage Period of Child Support for Special Needs Children**

Tuesday, June 7, 2022

12:45 p.m. – 1:45 p.m.

*No Charge*

\*\*\*

RSVP to Manuela Gomez

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

to receive the Zoom link

*Informal and confidential virtual roundtable discussions  
for RCBA members*

Sponsored by:

RCBA Gold Sponsor M&T Bank

## RCBA Cares

**The following resources are provided to you courtesy of the Lawyer to Lawyer Committee.\***

### **Lawyer Assistance Programs**

New York State Bar Association: 1-800-255-0569; [lap@nysba.org](mailto:lap@nysba.org)

New York City Bar Association: 212-302-5787; <https://nysba.org/attorney-well-being/>

### **Suicide Prevention**

National Suicide Prevention Lifeline: 1-800-273-TALK (8255) - National, Toll-Free, 24 Hours

Crisis Text Line: Need help? Text START to 741-74 1

### **Chemical Dependency and Self-Help Sites**

Alcoholics Anonymous (AA): 212-870-3400; [www.aa.org](http://www.aa.org)

International Lawyers in A.A. (ILAA): [www.ila.org](http://www.ila.org)

Narcotics Anonymous (NA): 818-773-9999; [www.na.org](http://www.na.org)

Nicotine Anonymous (NA): 1-877-TRY-NICA; [nicotine-anonymous.org](http://nicotine-anonymous.org)

### **Mental Health**

Depressed Anonymous: [depressedanon.com](http://depressedanon.com)

National Mental Health Association (NMHA) - 1-800-273-TALK (8255) to reach a 24-hour crisis center; Text MHA to 741741 at the Crisis Text Line

Source: Andrew Denney, Bureau Chief of NYLJ and the New York State Association of Criminal Defense Lawyers.

***\*For more information about the Lawyer to Lawyer Committee, please email Manuela Gomez at [manuela@rocklandbar.org](mailto:manuela@rocklandbar.org)***



**To: Attorneys, professional staff & interested parties**

**ATTEND FREE SURROGATE'S COURT**

**E-FILING TRAINING\***

**10:00am - 12:00pm**

**March 17, 2022**

**April 14, 2022**

**May 19, 2022**

**June 16, 2022**

**July 14, 2022**

**August 18, 2022**

**Where: Virtual - on-line via Microsoft Teams**

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

**PRE-REGISTRATION IS REQUIRED**

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

To register go to [www.nycourts.gov/efile](http://www.nycourts.gov/efile) and click on the register for training link.



**To: Attorneys, professional staff & interested parties**

**ATTEND FREE SUPREME COURT**

**E-FILING TRAINING\***

**10:30am - 12:30pm**

**March 16, 2022**

**April 13, 2022**

**May 18, 2022**

**June 15, 2022**

**July 13, 2022**

**August 17, 2022**

**Where: Virtual - on-line via Microsoft Teams**

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

**PRE-REGISTRATION IS REQUIRED**

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

To register go to [www.nycourts.gov/eFile](http://www.nycourts.gov/eFile) and click on the register for training link.



**DONNA G. SILBERMAN**  
Rockland County Clerk

**COUNTY OF ROCKLAND**  
**OFFICE OF THE COUNTY CLERK**

One South Main Street, Suite 100  
New City, New York 10956-3549

Phone # (845) 638-5070  
Fax # (845) 638-5647

[rocklandcountyclerk@co.rockland.ny.us](mailto:rocklandcountyclerk@co.rockland.ny.us)  
[www.rocklandcountyclerk.com](http://www.rocklandcountyclerk.com)

**Deputy Clerks**  
Jamie Graham  
Joseph Alongi  
William Phillips

**New Option for Local Title Companies and Attorneys for Receiving  
Recorded or Rejected Documents**

**WHY WE'RE DOING THIS** ➡ This new & elective "on-hold pickup" option was created as a customer convenience to eliminate the wait often experienced when mailing rejected or newly recorded documents to recorders. Unfortunately, we have no control over the post office or other mailing companies and are unable to predict mail transport times or lost items once documents leave our office.

**HOW IT WORKS** ➡ Each participant will be assigned a personal folder that will be placed in a locked and secure file cabinet which will be located in the "employee-only" area of our office. All paper documents which require corrections or original recorded documents will be placed in participant folders. To access documents, participants may appear personally at our back customer service counter Monday through Friday from 7:00 a.m. to 6:00p.m. Participants may call our office at any time to inquire if there are rejections/documents waiting to be picked up.

**HOW TO OPT-IN** ➡ To set up a folder and begin having your documents be converted to "on-hold" pickup, contact our office at (845) 638-5069.

**REMINDER...Document pickup may be completely avoided by eRecording!**

**Report: Essay Contest - Ninth Judicial District  
Committee to Promote Gender Fairness  
in the Courts**

***Introduction by Laurie Dorsainvil, Esq.  
Co-Chair, RCBA Diversity Committee***

On May 20, 2022, I had the pleasure of attending the Ninth Judicial Gender Fairness Awards Ceremony on behalf of RCBA. The Ninth Judicial Committee to Promote Gender Fairness in the Courts has an annual essay contest open to all high school students in Westchester, Rockland, Putnam, Dutchess and Orange Counties. This year's topic was as follows:

There have been news reports recently concerning instances of gender-based violence against women in public places. Women are often taught to alter their behavior to avoid such assaults. What do you think can be done to prevent these acts and shift responsibility for prevention and deterrence away from the victim?

I was moved by all of the awardees' essays, but I was particularly proud and inspired by the essay of Rockland County's own Rachel Sobel. Rachel is a student at Clarkstown North Senior High School and her essay garnered second place in the Junior/Senior Category. I am pleased to share her award-winning essay with our Bar.

***Rachel Sobel, a Senior at Clarkstown North High School, was  
awarded Second Place!***

***Essay by Rachel Sobel:***

***I'm sure it's my fault***

Age 6: My first crush. A boy named Adam. He punched me on the playground when I tried to play basketball with the boys. Mom says it's because he likes me. She says boys are mean when they like girls. She says I shouldn't try to play basketball with the boys anymore if I don't want them punching me. So, I stopped playing. ***I'm sure it's my fault.***

Age 15: My first high school party. Mom says I shouldn't wear the outfit I wanted. Girls who wear shirts that small get themselves into trouble. I should have listened to my mom. I should never have had a drink. She was right, my skirt got me into trouble. Dad told me it was my fault for what Tommy did to me at the party. He's right. ***I'm sure it's my fault.***

Age 26: I just moved to New York City to start my first real job. I was called on my way to work. My coworker told me it's because my skirt was too short and too tight. I'm sure he's right. I bought new skirts later that week and took a new route to work. ***I'm sure it's my fault.***

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Age 38: My husband hit me last night. He was stressed and drunk. I had forgotten to clean up my son's toys. He got mad. It was my mistake. My sister told me it happens to her too sometimes. She says we have to be careful not to make them mad. **I'm sure it's my fault.**

I look back on my life. I can trace every time I have been taught that it was my fault. Everyone had always told me it was my fault. I was a victim. No more. I am erasing these lessons from my narrative. **It was never my fault.** Here, I fixed my story:

Age 6: I had my first crush. It was a boy named Adam. He punched me on the playground when I tried to play basketball with the boys. He doesn't hit me because he likes me. He hits me because he can. Mom should have told me to forget about the boys and go play basketball like I always wanted to. I should have played every day. **It was never my fault.**

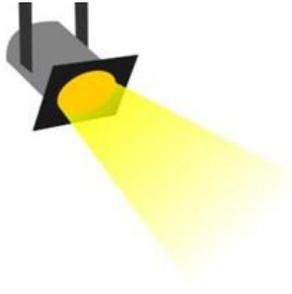
Age 15: That boy at the party would have hurt me no matter what I wore. **It was never my fault.**

Age 26: I didn't have to buy new skirts or take a new route to work. That man would have cat called me no matter what I wore. **It was never my fault.**

Age 38: I should have left my husband the first time he ever lay his hands on me. Nothing I did ever made me deserve to be hit. **It was never my fault.**



***Laurie Dorsainvil, Esq. and Essay Winner Rachel Sobel***



# SPOTLIGHT

On

**Andrea F. Composto, Esq.**

This month is Pride Month and we had the honor and privilege to interview Andrea F. Composto, Esq., Past President of the Rockland County Bar Association and Past President of the Women's Bar Association of the State of New York.

**Where did you grow up and what is your educational background?**

I was born at Good Samaritan Hospital here in Rockland County. I grew up in New City and attended Albertus Magnus High School. I graduated from Le Moyne College in Syracuse, New York. I received my Juris Doctor from Albany Law School.

**What was your career path and where are you currently working?**

My father and grandfather were lawyers and had their own law firm in Brooklyn, which my grandfather started in 1932. I wanted to be a lawyer from when I was a young child. I would entertain myself by pretending to be a lawyer and arranging my toys to be members of the jury. My grandfather was fortunate enough to become a Supreme Court Justice, so I also had the experience of spending time with him in the courthouse and, literally, sitting on his knee when he was on the bench. Prior to becoming a Judge, my grandfather was elected a New York State Assemblymember and Senator and that put another bug in me to pursue a position with New York Assemblyman Phil Boyle and then with Governor Pataki's Office of State Operations, prior to attending law school. I realized my dream of becoming a lawyer in 2002 and joined my father's firm, Law Offices of Composto & Composto, until his retirement in 2017. I carried on the firm as a solo practitioner until I became a Court Attorney to the Hon. Rachel E. Tanguay, Rockland County Family Court Judge.



**What is your favorite thing about Rockland County?**

My favorite thing about Rockland County is its scenic beauty. It is a gorgeous place to live. I also love my community in Nyack where I live because it is such a diverse community and very gay friendly. I feel safe in my neighborhood, and I am blessed to have found a home in South Nyack. I am one of the founding board members of The Phyllis B. Frank Pride Center of Rockland County, a 501(c)(3) LGBTQ+ community center with an anti-racist, social justice mission. We serve the LGBTQ+ community in Rockland by challenging stereotypes and practices that adversely impact LGBTQ+ people and providing a wide range of services to the community. We recently opened a gender affirming, LGBTQ+ friendly health center. The Jacobs Family Pride Wellness Center is the first LGBTQ+ health center in Rockland County!

**Would you like to share anything about your personal life?**

Not to sound like I'm on Wheel of Fortune, but I'm happily married to my beautiful wife Beth for the past 13 years and we've been together for 24 years. She is the love of my life, and I wouldn't be able to do half of what I do without her love and support. I truly won the lottery when I met Beth.

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**Who is your inspiration/hero?**

Uncle Tommy, my dad's brother, who was an openly gay Jesuit priest and trailblazer in social justice. He served underserved communities in Baltimore in countless ways. Every day he fought against the roots of racism and battled the inequities faced by the marginalized communities in Baltimore. Whenever I'm confronted with a difficult issue that really tugs at my conscience, or when my brain and my gut are in battle, I always consider "What would Uncle Tommy do about this?", and I always come out OK.

**What good advice have you received?**

My father gave me what I consider to be the best advice for dealing with self-doubt or with someone who doesn't show me respect and consideration. Dad said: "Andrea, that person is one note; you are the entire symphony!" This is definitely a beautiful reminder that we are all unique and have so much beautiful music to share.

**What is your favorite TV or streaming show or book?**

My favorite TV show is **Law and Order**, what else? My favorite book is "The Girl from Berlin" by Kate Hewitt. I love historical fiction and that book inspired me and even made me cry!

**What is your guilty pleasure?**

Chocolate frosted donuts, occasionally with sprinkles, and a cup of coffee.

***RCBA ONLINE CLE PROGRAMS PRESENT***

**THE INS AND OUTS OF NEW YORK WORKERS'  
COMPENSATION**

**Tuesday, June 14, 2022**

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

**WEBINAR VIA ZOOM**

[June 2022]

COMMERCIAL LITIGATION ISSUES OF INTEREST

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

Your clients' home mortgage is in foreclosure. The banks' motion for summary judgment was delayed for two years due to covid. You then cross-moved for summary judgment, after the Appellate Division, Second Department, interpreted RPTL § 1304(2) in a way that would render the foreclosing banks' notice defective for failure to comply with the "separate envelope" rule. The bank then moved to withdraw the action without prejudice. You opposed the motion.

Will you succeed in defeating the motion?

The answer is *no*.

In *Wells Fargo Bank NA v. Satterfield*, 1652773766NY61801819 (Sup. Ct. Suffolk Co. April 29, 2022) (Case No.618018/2019), the defendants obtained a mortgage loan of \$508,500 from Wells Fargo's predecessor in interest. The loan was then modified four times from 2008 through 2016. Defendants defaulted in monthly payments in 2017. The bank then commenced a foreclosure action in September of 2019. A month later, the answer was filed asserting nineteen affirmative defenses. The bank moved for summary judgment a year later in October of 2021. The motion was adjourned several times during state and federal moratoria related to covid.

In January 2022, the defendants filed a cross-motion for summary judgment to dismiss the complaint based on the December 2021 decision in *Bank of America, N.A. v. Kessler*, 202 A.D.3d 10 (2d Dep't 2021). *Kessler* ruled that additional information contained in the RPTL § 1304 statutory notices invalidated the separate envelope rule, thereby potentially invalidating the notice provided in numerous then-pending cases. In response, the bank moved to discontinue the action and cancel the notice of pendency, without prejudice, because the bank cannot prove full compliance with RPTL § 1304 as interpreted by *Kessler*.

The Court noted that CPLR 3217(b) permits a voluntary discontinuance "upon terms and conditions, as the court deems proper." The Court granted the motion to discontinue without prejudice, finding that the defendants had not provided the required "evidence that the defendants would be prejudiced by a discontinuance without prejudice," quoting *Kondaur Capital Corp. v. Reilly*, 162 A.D.3d 998 (2d Dep't 2018).

Additionally, the Court reasoned:

Plaintiff should not be penalized for abiding by the ever-changing interpretations from the Second Department on various aspects of foreclosure law, that are then applied retroactively to determinations in the appellate pipeline. As here, plaintiff in foreclosure actions must ensure that all proper procedures have been followed and to seek to correct same when it is discovered that legal procedures cannot be verified.

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*The lesson?* While litigants and courts wait for the Court of Appeals' to review *Kessler* and its retroactive application, both plaintiffs and defendants may take advantage of *Kessler*. If you represent the defendant and the notice does not comply with the separate envelope rule, move to dismiss. If you represent a note holder whose earlier-provided notice does not comply with *Kessler*, move to discontinue without prejudice. If you oppose the note-holder's motion to discontinue without prejudice, be sure to provide evidence of prejudice if the motion is granted.

*Editor's Note:* Our article on the *Kessler* case appears in the January 2022 edition of RCBA's NewsBrief. Since then, *Kessler* has impacted many pending cases. One such case is *The Bank of NY Mellon v. Luria*, NYLJ 1652683955NY800018202 (Sup. Ct. N.Y. May 11, 2022) (Case No.800018/2022). The Court criticized the *Kessler* decision, siding with Judge Miller's dissent in *Kessler*, and adjourned the defendant's motion to renew the grant of summary judgment to the bank based on *Kessler*. The Court adjourned the motion to see what the Court of Appeals would do with *Kessler*, including the question of retroactive application of *Kessler*.

\* By Joseph Churgin, Esq. and Susan Cooper, Esq. of

SAVAD CHURGIN, Attorneys at Law



# Technology Tips for Attorneys

submitted by

**Michael Loewenberg\***

QR codes are a free and easy way for attorneys to connect with prospects and existing clients for marketing and interactive activities. QR codes (quick response codes) are two dimensional barcodes that contain encoded information that is scanned and read by an app on a smartphone. We used to need a separate app to read QR codes and you can still use them; however, modern smartphone cameras now read QR codes, making it easy, useful and convenient for virtually everyone to use QR codes. At the end of this article, there are two examples of free QR code generators you can use immediately.

Attorneys can find many uses for QR codes in their marketing, promotion and payment processing activities. The key to using QR codes successfully is linking them to content that will be beneficial for existing and potential clients, helping them to remember the lawyer, the law firm brand and the practice areas supported.

Here are some examples of how attorneys can use QR codes with clients and prospects:

- Put the QR code on your business card so your contacts can add you to their smartphones without typing.
- Better yet, don't use a business card and show the QR code to your target (from your photo library) so they can grab your info directly.
- Add a QR code to your letterhead that takes recipients to your website.
- Make a QR code connected to specific content; for example, portfolios of cases won, large jury verdicts, lists of representative clients, a detailed biography about you, links to articles you've written, YouTube videos, your LinkedIn and Facebook firm pages and other things you might want to promote. You'll see examples of these on bus stop signs.
- Link a QR code to your website offer page, landing page, or squeeze page and put it on your site and in your email signature. Remember that visitors can scan a QR code that's printed as well as one that appears on a computer or TV screen.
- Make a QR code that takes people to your Google Reviews page. I saw that when I went to urgent care recently.
- QR codes can be configured to send an email, an SMS message and connect to Wi-Fi with a password and so much more.
- You can create a credit card payment page and connect to it with a QR code to make it easy for your clients to pay you.

Make a QR code for your online client intake form so your prospects can complete information about their matter before coming in for a consultation.

Keep in mind that content associated with the QR code needs to be mobile friendly so the visitor who lands there isn't frustrated when the content is not displayed properly on their phone. Be sure to check the QR code destination before publishing it.

You can easily make a QR code with a browser plugin or by going to a free website that makes them. Here are a couple of sites: <https://qr.zeemind.com> and <https://qr-code-generator.com>. A quick search of "free qr code generators" will show you lots more.

Here's an example of a QR code that goes to the RCBA site:

Stay safe!



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

**THE PRACTICE PAGE****Hon. Mark C. Dillon \*****RECENT CPLR AMENDMENTS**

Recent amendments to the CPLR have been passed by the state legislature, some of which were signed into law by Governor Hochul, while others of interest have been vetoed by her.

**CPLR 3101(f).** New provisions of CPLR 3101(f) became effective December 31, 2021 (L.2021, ch. 832, sec. 2). Previously, the subdivision required that defendant parties provide insurance information upon demand. The new statute is more aggressive, in requiring under subdivision (f)(1) that the contents of insurance agreements be automatically disclosed within 60 days of a party's answer, including primary, excess, and umbrella coverages. The disclosing party must provide copies of the insurance contracts' declarations, conditions, exclusions, and endorsements; contact information for claims adjusters for disclosed insurance contracts; the amount of available coverage per policy; insurance policy applications; and any other law suits and identified attorneys' fees that have reduced the amount of available coverage. CPLR 3101(f)(2) now also requires that the disclosing party update the accuracy and completeness of insurance information within 30 days of any change.

**CPLR 4549.** A newly-created CPLR 4549 became effective December 31, 2021 regarding the admissibility of statements by employees (L.2021 ch. 833, sec. 1). The statute relaxes the admissibility of the statements of an opposing party made in the course of employment, consistent to the rule already in effect in the Federal Rules of Evidence 801(d)(2)(D). Formerly, under state case law, employees not in charge of the business had no implied authority to speak on behalf of the employer and make admissions binding upon themselves. CPLR 4549 alters that rule and nullifies prior contrary case law, by allowing as evidence statements made in the scope of an existing employment relationship, if the statements relate to an activity that the employee was charged to undertake. Thus, if an employee is driving a vehicle in the scope of employment, has an accident, and makes a statement at the scene that inculpates the employee or employer, that statement will now be admissible without the introducer having to prove that the employee was given authority by the employer to speak about the accident.

**CPLR 5004.** This interest-related statute is amended effective April 30, 2022 (L.2021, ch. 831, sec. 1). The incumbent version of the statute merely set the legal rate of interest at 9%. The amendment creates a carve-out provision, where judgments against a natural person arising out of consumer debt shall instead accrue interest at a rate of 2%. The statute is therefore consumer friendly. The statute applies to two sets of interest calculations. The first is for judgments entered after the statute's effective date. The second is for judgments entered prior to the statute's effective date, to the extent such judgments are unpaid as of April 30, 2022. CPLR 5004(b) defines the "consumer debt" that is within the scope of the new statute.

Governor Hochul vetoed an amendment to CPLR 5003 on December 29, 2021, proposed in Assembly Bill A2199 and Senate Bill S0473. CPLR 5003 directs that interest accrue on judgments upon their entry. Currently, if a court denies a plaintiff's motion for summary judgment and the court's order is later reversed on appeal, no interest accrues during the interim period when summary judgment was erroneously denied by the trial court. The proposed amendment would have changed that, to allow interest to retroactively compute to the entry of the original summary judgment determination. The veto of the bill by the governor leaves CPLR 5003 unchanged from the version that has been in effect since 1962.

On December 31, 2021, Governor Hochul vetoed the enactment of a newly-proposed CPLR 301-a and the amendment of related statutes (A7769, S7253). Had it been enacted, foreign corporations registered to do business in New York would automatically be subject to the general jurisdiction of New York courts under the current version of CPLR 301, thereby nullifying the contrary holding of the Court of Appeals in *Aybar v Aybar*, 37 NY3d 274 [2021]). *Aybar* remains good law. The veto was out of concern that the new legislation would deter corporations from coming to New York to do business.

Amendments to our CPLR will be an annual column.

\*Mark C. Dillon is a Justice of the Appellate Division, 2<sup>nd</sup> Judicial Dept., and adjunct professor of New York Practice at Fordham Law School, and a contributing author to the CPLR Practice Commentaries in McKinney's.

**RCBA 2022-23 MEMBERSHIP DRIVE!**

**ATTENTION NEW MEMBERS!**

**GET 15 MONTHS OF MEMBERSHIP FOR THE PRICE OF 12!**

**START YOUR MEMBERSHIP NOW AND HAVE JUNE 2022 INCLUDED WITH YOUR 2022-23 MEMBERSHIP (JULY 1, 2022-JUNE 30, 2023)**

**DOWNLOAD A MEMBERSHIP APPLICATION FROM THE RCBA WEBSITE ([ROCKLANDBAR.ORG](http://ROCKLANDBAR.ORG))**

**JOIN TODAY AND START ENJOYING THE BENEFITS OF RCBA MEMBERSHIP!**

*\*CLE's\*Lawyer Referral Service\*Practitioners Chats\**

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**2022-23 OFFICERS:**

**President – Robert L. Fellows**

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**Secretary – Aimee Pollak**

A logo for the RCBA Lawyer Referral Service. It features a green starburst with the text "still not a member? JOIN NOW!". Below this is a green circle containing a white scale of justice. To the right of the scale, the text "2022 RCBA" is in red, "Lawyer" is in large blue font, and "REFERRAL SERVICE" is in smaller blue font below it.

A graphic of a storefront for the "RCBA STORE". The sign above the entrance says "RCBA STORE". There is a "Click here" link on the door. Below the storefront, it says "OPEN FOR BUSINESS".

**MEMO**

**TO ALL RCBA COMMITTEE CHAIRS & VICE – CHAIRS**

The Association is seeking articles from your committee for publication in the Bar's monthly Newsletter. The membership would greatly benefit from your input and would appreciate it. The article does not have to be complicated or long- a succinct piece of general interest and importance would be best.

If you are able to submit an article for the Newsletter it should be sent via email to [rachael@rocklandbar.org](mailto:rachael@rocklandbar.org) by the 15th of the month so that the Executive Board may review it.

Thank you!



# CLE CORNER

## PLAN YOUR YEAR OF CLEs NOW!

2022 CLE TITLE	DATE & TIME
<p><b>The Ins and Outs of New York Workers' Compensation</b></p>	<p><b>Tuesday, June 14, 2022 12:00 p.m.—1:00 p.m.</b></p>

### NEW CLE REQUIREMENT

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

Experienced attorneys due to re-register on or after July 1, 2018 must complete at least one credit hour in the Diversity, Inclusion and Elimination of Bias CLE category of credit as part of their biennial CLE requirement. The transitional CLE requirement for newly admitted attorneys remains unchanged. For more information about the CLE Rules, visit [nycourts.gov/Attorneys/CLE](http://nycourts.gov/Attorneys/CLE).

### CLE REQUIREMENTS

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

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

### FINANCIAL HARDSHIP POLICY:

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

# COMMITTEE CORNER

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

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### **PLEASE NOTE:**

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

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



**ANNOUNCEMENT FROM THE RCBA REAL ESTATE COMMITTEE**

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

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

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

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**ATTORNEY'S FILES SOUGHT  
ANTHONY OCCHIPINTI**

If anyone knows the whereabouts of Anthony (Tony) Occhipinti's files, please contact Manuela at the Bar Association. Anthony passed away in 2017. [manuela@rocklandbar.org](mailto:manuela@rocklandbar.org)

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New City- four offices and one secretarial area available within a law office. Includes conference room, waiting room, large parking lot, room with or without furniture. E-mail: [sherry@davisanddavis.com](mailto:sherry@davisanddavis.com)

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