

# ROCKLAND COUNTY BAR ASSOCIATION

# NEWSBRIEF

www.rocklandbar.org

March 2022

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Manuela Gomez,  
Editor



## PRACTITIONERS CHAT

with

Hon. Teresa M. Kenny, Supervisor, Town of Orangetown

and

Hon. Leslie Kahn, Clarkstown Town Justice

## Women's History Month Highlight: Local Women Leaders

Wednesday, March 9, 2022

12:45 p.m. – 1:45 p.m.

*No Charge*

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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

## **NOMINATIONS FOR AWARDS**

**We have a membership of many outstanding attorneys. Each year we recognize those that are nominated by their peers. If you would like to nominate someone for one or more of our awards, please fill out this form and fax (845-634-1055) or e-mail [nancy@rocklandbar.org](mailto:nancy@rocklandbar.org). Final decisions are made by our Board of Directors at an upcoming Board Meeting. Please submit your nominations as soon as possible.**

**THE LIBERTY BELL AWARD** This award is presented on Law Day to a member of our Community for outstanding service in promoting a better understanding or respect for the Constitution, the Bill of Rights and our institutions of government. Generally this award is usually given to a non-lawyer.

**I wish to Nominate:**

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**THE STERNS AWARD** Given in the memory of Richard Sterns to a RCBA member who has made significant contributions to the Bar Association and the People of Rockland County over the year - service above self on behalf of the association. This award is presented at the Installation Dinner in June.

**I wish to Nominate:**

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**THE LIFETIME ACHIEVEMENT AWARD** Presented to an individual for exemplary achievements as an attorney or judge over a career. This award is presented at the Annual Dinner.

**I wish to Nominate:**

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**THE JOSEPH G. BALSAMO AWARD** This award is presented at the June Installation Dinner in memory of Joseph G. Balsamo, Esq., to a RCBA member who has gained significant respect from the members of the Bar and the public for his personal and professional contributions to both, while maintaining the highest form of integrity and professionalism while advocating for each.

**I wish to Nominate:**

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**THE NATALIE COUCH AWARD** This award is dedicated to the memory of Natalie Couch, a pioneering member and president of the Rockland County Bar Association, who was a voting rights advocate and an influential community leader. The honoree should be someone whose own accomplishments have served to inspire others to overcome prejudice and barriers in attaining their goals for the benefit of our community. This award is presented at the Annual Dinner.

**I wish to Nominate:**

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Please print this page, complete Form & FAX to 845-634-1055,  
or scan and send to [office@rocklandbar.org](mailto:office@rocklandbar.org)

# 2022 ROCKLAND HIGH SCHOOL MOCK TRIAL

This year all competitions will be via Zoom  
Webinar.

Participating teams:

ALBERTUS MAGNUS  
CLARKSTOWN NORTH  
CLARKSTOWN SOUTH  
NANUET HS  
NORTH ROCKLAND HS  
NYACK HS  
PEARL RIVER HS  
RAMAPO HS  
ROCKLAND BOCES

**LAWYER REFERRAL SERVICE (LRS)**

**TIME TO RENEW OR JOIN FOR 2022**

The Lawyer Referral Service (LRS) program year runs from

January 1 – December 31.

It is time to renew or join!

**TO RENEW:**

Go to homepage on our website, [www.rocklandbar.org](http://www.rocklandbar.org), and go to “Member Resources.”

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

**TO JOIN:**

Go to homepage on our website, [www.rocklandbar.org](http://www.rocklandbar.org), and go to “Member Resources.”

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



# **TIME TO GROW**

**YOUR PRACTICE!**

**JOIN THE LAWYER REFERRAL SERVICE**

**(LRS)**

**GET SEVERAL REFERRALS PER MONTH.**

**AN AFFORDABLE RESOURCE.**

**GO TO:**

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





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

**ATTEND FREE SUPREME COURT**

**E-FILING TRAINING\***

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

**January 12, 2022**

**February 16, 2022**

**March 16, 2022**

**April 13, 2022**

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

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

**PRE-REGISTRATION IS REQUIRED**

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

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



## *Odyssey, our Members' Literary Corner.*

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

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

*Presidential Limericks by Arnold Etelson – Part 1*

*George Washington #1 Father of his Country 1789-1797 Federalist  
Accepted role not as king, but as President  
Unanimously elected based upon incredible credentials so evident  
Brilliant general defeated the British  
Their domination here came to a finish  
Gentleman farmer, surveyor, planter his bent*

*John Adams #2 Father of American Independence 1797-1801 Federalist  
Puritan from Quincy, Mass., as was his son  
Died on July 4, 1826, same as Jefferson  
On our Independence 50th anniversary to the day  
It really ought to be the subject of a play  
Friend of Jefferson after retirement after losing to him on his second run*

*Thomas Jefferson #3 Father of Declaration of Independence The Apostle 1801-1809 Republican  
"We hold these truths to be self-evident"  
Spent much time in France escaping the colonies' political vents  
Ardent states right supporter, superb writer with common sense  
His Louisiana Purchase made our borders immense  
His Memorial in D.C. expresses what he meant*

*James Madison #4 Father of the Constitution Sage of Montpelier 1809-1817 Republican  
Staunch advocate of separation of powers  
Wife Dolley's famous White House ice cream delighted guests for hours  
Years later made with all sorts of berries  
Most famous of which is Ben and Jerry's  
His Bill of Rights stands as states rights' towers*

*James Monroe #5 Era of Good Feelings President 1817-1825 Democratic-Republican  
His doctrine opposed European interference with North and South America  
For one million dollars bought the State of Florida  
Third Founding Father to die on July fourth  
Established 49th Parallel with Canada on the north  
During his tenure 5 new states came forth*

## Introducing Our New Online Membership Directory

Dear Colleagues,

The Lawyer to Lawyer Committee of the Rockland County Bar Association is happy to present RCBA Members with access to a brand new Online Membership Directory!

The Online Membership Directory is meant to foster greater collaboration and cooperation amongst RCBA Members. It will meet that goal by providing RCBA Members' contact information by alphabetical listing and by Practice Area.

RCBA Members can search for fellow Members in their Practice Area to confer on issues. RCBA Members can also more easily refer business to fellow RCBA Members. For example, a real estate attorney wishing to refer a client with a matrimonial matter to a matrimonial attorney can quickly pull up the Online Membership Directory, search for matrimonial attorneys by Practice Area and reach out to those RCBA Members directly. The Online Membership Directory is completely private and only accessible to RCBA Members as an attendant benefit of RCBA membership.

RCBA Members can self-edit their profile to correct address, email or contact numbers which may have changed since their membership application/renewal.

- To edit your profile: log-in to our website: [www.rocklandbar.org](http://www.rocklandbar.org). Once you log-in, click "Update Profile" located in the upper right corner. Demographic information can be updated, including name, email, telephone and address.
- Please note: changes you submit are not automatic; they may take a few days to process.

Prospectively, RCBA Members will be offered the opportunity to include additional Practice Areas, merit/professional awards/recognition in their Member profile. Additionally, Member headshots, coordinated by the RCBA, will be added. Truly, RCBA Members will be able to put a face to a name!

With best regards,  
The Bar Association



[March 2022]

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

You represented your client in administrative proceedings against a school district to cover the expenses of your client's special-needs son at a private school for three school years. You were successful for one school year but unsuccessful for two school years. The determination was upheld on administrative appeal in 2015. The client then terminated your services and retained another attorney that same year to bring a lawsuit in federal court under various applicable federal laws to review the administrative determinations. In 2015, you last communicated with your client about having a charging lien under Judiciary Law § 475. Although you were aware of the pending action since its inception, and you were aware of settlement talks taking place in February of 2021, you did not advise counsel of your lien at that time. Instead, you filed an intervention complaint in the federal action a month later in March of 2021. In October of 2021, after a settlement was reached in the federal action, you first notified the parties of your charging lien.

Will you succeed in preserving an enforceable charging lien against the settlement proceeds?

The answer is *no*.

In *Avaras v. Clarkstown Cent. Sch. Dist.*, NYLJ December 21, 2021, Case Number 15 Civ. 9679 (NSR) (S.D.N.Y. Dec. 2, 2021), plaintiff brought claims under the Individuals with Disabilities Education Improvement Act (IDEA) and other federal laws seeking payment for her special-needs son for tuition for private school education from 2011 through 2014. Prior to this action, plaintiff was represented by a different attorney, Gina DeCrescenzo, P.C., at an administrative hearing and the subsequent administrative appeal, which upheld the hearing officer's determination for the district to pay for the 2012-2013 school year but denied payment for the 2011-2012 and 2013-2014 school years. DeCrescenzo's representation was terminated in August of 2015.

Four months later, in December of 2015, plaintiff commenced this action *pro se*, and later retained a *pro bono* attorney to prosecute this case. On March 9, 2021, DeCrescenzo filed an intervention complaint in this action seeking to enforce her charging lien. On October 8, 2021, a settlement was reached providing for the school district to pay the plaintiff \$200,000 in this action. Four days later, on October 12, 2021, DeCrescenzo sent a letter to plaintiff's counsel advising for the first time that DeCrescenzo intended to assert her charging lien against the settlement funds in this action, pursuant to Judiciary Law § 475. The Court approved the settlement on October 29, 2021.

Plaintiff moved to reject the charging lien as invalid, arguing that DeCrescenzo was not an attorney of record in this case, as required by Judiciary Law § 475, and her services did not contribute to the creation of the settlement funds, and other grounds. Additionally, plaintiff argued that DeCrescenzo waived the lien by her long delay in asserting the lien in this action.

The Court noted that a charging lien does not require an attorney to render legal services in an action “where a subsequent action ‘in logical sequence’ involved the same claims,” citing *Ramgoolie v. Ramgoolie*, No. 16-cv-3345 (VEC)(SN), 2020 WL 1989292, at \*5 (S.D.N.Y. Apr. 27, 2020) (*citation omitted*). The Court reasoned that the claims in this action were the logical sequence of the administrative determinations under judicial review in this action, thereby satisfying the “logical sequence” exception for a charging lien under Judiciary Law § 475.

Nonetheless, the Court ruled that the charging lien was waived by DeCrescenzo’s delay in asserting the lien. The Court noted that the right to enforce a charging lien is waived by any action inconsistent with an intent to enforce the lien, citing *Petition of Harley & Browne*, 957 F. Supp. 44, 49 (S.D.N.Y. 1997). The purpose of the waiver rule is “to prevent other parties from being misled by an attorney’s actions or inaction,” citing *Kaplan v. Reuss*, 113 A.D.2d 184, 187 (2d Dep’t 1984).

The Court found DeCrescenzo’s actions and inactions misleading and inconsistent with an intent to enforce the lien. She last communicated with the plaintiff regarding the lien in 2015. DeCrescenzo knew of this action since its inception and knew of the settlement discussions since February 2021. She did not at that time assert her lien, although she did so in another case involving plaintiff’s other son involving similar claims. Even without including the long delay since 2015, the Court ruled, based on numerous federal cases, that the eight-month delay from February of 2021 to the assertion of the lien in October of 2021 constitutes a waiver.

*The lesson?* You may be able to enforce your charging lien against a former client, even in an action in which you are not the attorney of record, if the action is in “logical sequence” to the same claims for which you previously represented the party. To preserve the lien, you must be diligent in promptly informing the attorneys in the subsequent action of your intent to enforce your charging lien against any proceeds of the subsequent action, and be sure to periodically follow up with reminders of your lien before and during settlement discussions.

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



# SPOTLIGHT

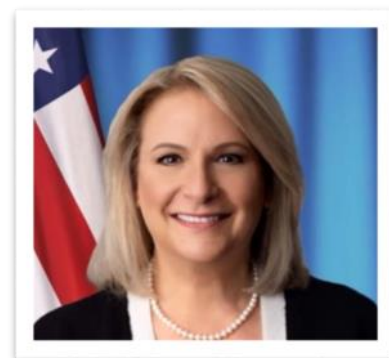
## on Donna Silberman



Welcome to “Spotlight” – the new column by the Diversity Committee! Each month, we will select a member of the Rockland County Bar Association to interview so we can all get to know each other a bit better. This month is Women’s History Month and we had the honor and privilege to interview the Hon. Donna Silberman, Rockland County’s first female County Clerk!

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

I grew up in Spring Valley and when we first moved in, we lived across the street from a farm. Rockland County was very rural then. I attended East Ramapo schools and graduated from Ramapo High School. I received my Bachelor’s degree from Fairleigh Dickinson University, majoring in Business Management.



**What is your favorite thing about Rockland County?** I love the diversity of the people in the County. The county is comprised of people from all over the world, many different nationalities, race, and religion. Every year I have the pleasure to swear in Rockland County’s newest American citizens at Naturalization Ceremonies.

### **Did you always aspire to become the Rockland County Clerk?**

No. My parents were very political, and I hated politics growing up. My father Ed Gorman was the Rockland County Clerk from 1989-2005, and my mother Joy Gorman was Town Clerk until she passed away in 1991. I started my career as a clerk in the County legislature and then became the Budget and Finance Clerk for the Town of Ramapo. After my father died, Paul Piperato, who was my father’s deputy became the County Clerk and he asked me to be his deputy.

After Paul died, I decided to run for County Clerk, I wasn’t done working on the projects we started. I am very happy that I made that decision and won the election, as I truly love being Clerk and connecting with the people of the county.

**What is the best/worst part about being the Rockland County Clerk?** The best part is getting up each day and coming to a place with such positive energy and being able to serve the people of Rockland County. The worst part is that I am not a political person even though the job itself is a political position. I never want politics to interfere with my job, that’s not who I am.

### **Who is your inspiration or hero?**

My mom Joy was a strong, great woman. She always spoke her mind and you always knew where you stood with her. I learned a lot from her, she was the Town Clerk in Ramapo, always helping others. She died in 1991.

### **What good advice have you received?**

Always treat people with respect and listen. Listening is hard to do when you’re talking.

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

Right now, it’s Yellowstone. I am a big Kevin Costner fan.

### **What is your guilty pleasure?**

Cadbury Mini Eggs. I used to be in food sales and Cadbury was one of my accounts.

### **Is there anything else we didn’t cover that you would like the bar association to know about you?**

I don’t want people to be afraid to call me or ask for help if they need it. I have an open-door policy. Also, please contact me if anyone has any questions about technology or comments about how to improve upon the technology used by the Clerk’s Office.

**POSITION OPENING - IMMEDIATE**  
**ROCKLAND COUNTY BAR ASSOCIATION**

**PROGRAM COORDINATOR**

**Primary Duties:**

1. Serves as Continuing Legal Education (CLE) Coordinator.
2. Website development; website content management.
3. Marketing/Sponsorships coordination
4. Newsletter publication.
5. Assists with all RCBA programming.
6. Membership/Database Management/Invoicing.
7. Assists with the management and operations of the RCBA Main Office.

**Requisite Skills:**

- Experience in program planning and program development
- Experience in program execution and follow-up
- Strong writing skills
- Advanced computer skills
- Website maintenance; content management skills (not programming)
- Database management
- Ability to work in Microsoft Word; Excel, Publisher
- Familiarity with mail list/listserve software (such as MailChimp)
- Ability to generate reports and analyze data
- Excellent communication skills
- Helpful and effective interpersonal skills
- Strong organizational skills
- Creativity
- Positive attitude
- Interest in/knowledge of the law helpful (but not required)

*For more information and a complete job description, contact: Nancy Low-Hogan, Ph.D., Executive Director, at [nancy@rocklandbar.org](mailto:nancy@rocklandbar.org)*

**THE PRACTICE PAGE****THE NOTE OF ISSUE AND CERTIFICATE OF READINESS****Hon. Mark C. Dillon \***

The Note of Issue and Certificate of Readiness are important documents in litigations. They are actually two separate documents that serve two separate purposes, though they are often imprecisely thought of as one. Before e-filing, the two documents were on opposite sides of the same page. Procedurally, the Certificate of Readiness is actually the first of the two, as no Note of Issue may be filed unless it is preceded by readiness for trial (*Tirado v Miller*, 75 AD3d 153, 156). The Certificate of Readiness is the document that identifies the various forms of discovery that are relevant to a particular action and certifies that all such discovery has been completed. The document is signed and dated by the filing attorney, who certifies that since discovery is completed, the action is ready for trial.

The Note of Issue is the separate document by which a party formally requests that the action, now “ready,” be placed on the court’s trial calendar. It may be filed any time after issue is first joined, or 40 days after the completion of service of process irrespective of the joinder of issue (CPLR 3402[a]). The document sets forth necessary information about the requested trial, including whether a jury is sought for some or all of the issues, the nature of the case, the ground for any special preference, and the amount or nature of relief sought. Templates for the Note of Issue and Certificate of Readiness may be found at Uniform Rule 202.21(b) and on-line.

The Note of Issue and Certificate of Readiness are typically filed by plaintiffs, though any party may permissibly do so. If the documents are filed before the completion of discovery, the aggrieved party may file and serve any motion to vacate the Note of Issue within 20 days from its service. Since the service time eats into the 20 days, the receiving party should promptly examine the litigation file to determine whether all discovery is, in fact, completed, so that a timely vacatur motion can be made if needed. If vacatur is sought beyond the 20-day deadline, the moving party must demonstrate good cause for the lateness (Uniform Rule 202.21[e]), which is defined as unusual or unanticipated circumstances developed after the Note of Issue was filed (*Sposito v Cutting*, 165 AD3d 863, 865). Further discovery may be requested post-Note of Issue, by motion, which a court may grant only upon a showing of “unusual and unanticipated circumstances and substantial prejudice” absent the additional discovery (*Audiovox Corp. v Benyamini*, 265 AD2d 135, 138). If a jury is not requested in the Note of Issue but the receiving party prefers having a jury, a jury demand must be served and filed by that other party within 15 days from the service of the Note of Issue (CPLR 4102[a]). An untimely request for a jury may be sought by motion, which the court has discretion to grant or deny (*Gonzalez v Concourse Plaza Syndicates, Inc.*, 41 NY2d 414, 416-17).

A party seeking a trial preference must not only indicate the request on the Note of Issue, but also serve a motion for a preference along with the document. Any other party must file a preference motion within 10 days of the service of the Note of Issue (CPLR 3403[b]). There are, of course, filing fees. Uncle Sam takes his chunk of change. The fee for a Note of Issue is \$30.00 where an RJI has already been purchased, and \$65.00 for a jury demand (CPLR 8020 [a] and [c][2]). The 120-day CPLR window for making summary judgment motions runs from the filing of the Note of Issue (CPLR 3212[a]); *Brill v City of New York*, 2 NY3d 648, 652). But the deadline is actually 60 days under the Individual Part Rules of Supreme Court Justices Berliner, Marx, and Zugibe.

The Note of Issue serves a vital role for litigators as a reminder that preparations be commenced for trial. Take these documents seriously. The filer should prepare them carefully. The recipient should scour them for completeness and accuracy, and act upon it accordingly.

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\* Mark C. Dillon is a Justice of the Appellate Division, Second Department, an Adjunct Professor of New York Practice at Fordham Law School, and an author of CPLR Practice Commentaries in McKinney’s.

# Technology Tips for Attorneys

submitted by

**Michael Loewenberg\***

Sometimes when we're away from our offices, we don't have access to our desktop apps and can't create and edit our files. Most of us use Microsoft 365 products so our files are created with Word, Excel and PowerPoint. Your Microsoft 365 subscription likely includes a license to install the apps on your phone, tablet or laptop. If you don't have your licensed apps on your phone, do go get them!

It's not uncommon, however, to have the license for your phone but not have the apps installed there. If you don't have the Microsoft license or don't want to have the apps installed, there is a no-cost solution for you.

When we get emails with Microsoft attachments - Word, Excel and PowerPoint - it's hard to view those files on the road without the Microsoft 365 licensed apps installed. To access those files, you can use Google's free apps that are compatible with Microsoft programs: Google Docs for Word, Google Sheets for Excel and Google Slides for PowerPoint. These are easily installed on your phone and tablet from your operating system's respective App Store: Google Play or the Apple App Store.

In most cases, the Google version lets you view, edit and save files in the standard Microsoft file format without losing style or content. There are some advanced functions that don't translate perfectly but the convenience to view and edit files on the go make using the Google apps a reasonable and productive approach.

Yes, you need a Google account to use the Google apps; if you have a Gmail account, you're all set. Use your Gmail username and password to sign into the apps. And if you don't have a Gmail account, it's easy and free to set one up and then you can download and use Google's office apps.

When you edit a Microsoft file in a Google app, you'll have the option to save it in the existing Microsoft format or in the Google app format. And you can save it to Google Drive, making that file available wherever you are.

Using Google Apps to access and manage your emailed Microsoft file attachments while you're out of the office can improve your productivity and responsiveness to your clients.

Stay safe!

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

March 2022



## **New York State Bar Association Annual and House of Delegates Meetings**

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

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

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

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

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

**House of Delegates Meetings (cont.)**

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

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

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

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

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

Respectfully submitted,  
Adam Seiden  
Vice President, Ninth Judicial District

## Special Recognition

*This month goes to*

*Elizabeth Haas, Esq.*

“IT IS NOT OFTEN A FELLOW ATTORNEY GOES OUT OF THEIR WAY TO HELP YOU SIMPLY BECAUSE THEY ARE A GREAT PERSON. WELL I HAVE DEALT WITH SUCH AN ATTORNEY. I CALLED ELIZABETH HAAS IN A PANIC ON A BANKRUPTCY ISSUE AND SHE HAS GONE OUT OF HER WAY TIMES TWO TO HELP ME. I CAN’T SAY ENOUGH ABOUT HER IN JUST A FEW LINES BUT I WANTED TO PUBLICLY ACKNOWLEDGE THIS AND I HOPE I AM NOT OUT OF LINE OR EMBARRASSING HER.”

William A. Cember, Esq.

Cember & Cember, P.C.

*Great job Elizabeth!*

### 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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Frank J. Skuthan

SVP, Director of Trust Services

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

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COVID-19 RESOURCES FOR MEMBERS

# RCBA Cares

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

“Member Resources”

for:

Professional Practice tips

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Here’s to a happy and healthy 2021!

*discussions  
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## MEMO

### TO ALL RCBA COMMITTEE CHAIRS & VICE- CHAIRS

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

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

Thank you!



Monthly  
Newsletter



## **RCBA ONLINE CLE PROGRAMS PRESENT**

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

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

**Tuesday, March 8, 2022**

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

**WEBINAR VIA ZOOM**

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# CLE CORNER

## PLAN YOUR YEAR OF CLEs NOW!

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

**NEW CLE REQUIREMENT**

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

**CLE REQUIREMENTS**

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

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

**FINANCIAL HARDSHIP POLICY:**

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

# COMMITTEE CORNER

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

## Need a Place to Meet in New City?

RCBA Conference Rooms available for rent.

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1<sup>st</sup> two hours FREE, then \$25/hour  
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### OFFICE SPACE

Office within law office suite for rent at 10 Esquire Road, New City.  
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### SHADOWING OPPORTUNITY

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

### OFFICE SPACE FOR RENT

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

### ATTORNEY'S FILES SOUGHT ANTHONY OCCHIPINTI

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

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email: [lawoffice10927@gmail.com](mailto:lawoffice10927@gmail.com)

### ATTORNEY NEEDED

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

### PART-TIME PARALEGAL

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

### ATTORNEY NEEDED

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

### LEGAL ASSISTANT PART-TIME

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

### ATTORNEYS SEEKING PARALEGALS

Rockland Community College ABA approved Paralegal program can assist attorneys with filling their open job positions for both part and full time employment opportunities. We have students that range from entry level to experienced Paralegals. Paralegals are not permitted to practice law, which means they cannot give legal advice, represent clients in court, set a legal fee or accept a case. All RCC students are trained to work virtually and proficient in virtual computer programs. Contact Amy Hurwitz-Placement Coordinator at (845) 574-4418 or email at

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