

# Nassau Lawyer

THE JOURNAL OF THE NASSAU COUNTY BAR ASSOCIATION

July/August 2024

www.nassaubar.org

Vol. 73, No. 11

Follow us on LinkedIn



## WHAT'S INSIDE

In *SanMiguel*, the First Department Challenges the Court of Appeals on Emotional Damages pg. 4

The New York State Human Rights Law and the Notice of Claim Requirement pg. 6

Forget It, Jake. It's Chinatown. pg. 8

Venue—The Tale of EF-22 Forms pg. 10

Meet New Nassau Academy of Law Dean Lauren B. Bristol pg. 11

Benefits of Writing an Article for *Nassau Lawyer* pg. 16

A Toast to Domus: The Legacy of the Nassau County Bar Association pg. 17

## SAVE THE DATE



**BBQ AT THE BAR**  
THURSDAY, SEPTEMBER 5  
See Insert



**WE CARE GOLF AND TENNIS CLASSIC**  
MONDAY, SEPTEMBER 16  
pg.19



**JUDICIARY NIGHT**  
THURSDAY, OCTOBER 10

## Swing for a Cause—Join the WE CARE Annual Golf & Tennis Classic on September 16

Emma Grieco

The WE CARE Fund was created in 1988 as the charitable arm of the Nassau County Bar Association by then NCBA President Stephen Gassman to improve the quality of life for children, the elderly, and others in need. WE CARE thrives on donations and fundraising efforts from the legal profession and the business community of Nassau County to fund grants and scholarships to help those most in need. All money raised is put back into the community as the NCBA generously absorbs personnel and overhead costs.

The 28th Annual Golf & Tennis Classic, WE CARE's largest fundraising event, will take place on Monday, September 16, 2024, at the Brookville Country Club in Old Brookville and the Mill River Club in Oyster Bay, where attendees have the option to play golf in a scramble format. Established in 1996 by Stephen W. Schlissel, this classic event unites the legal and business communities for a day of camaraderie and fundraising.

Not a golfer, don't worry! The Classic offers activities for everyone. Guests who are looking to learn the basics of golf can participate in Golf 101, where they will receive professional instruction to improve their skills. If you already know the basics but are looking to improve your game even more, Golf 201 is perfect for you. And for non-golfers, tennis and pickleball are offered at the Mill River Club. Attendees can enjoy open play along with a professional clinic to learn the fundamentals of each sport. Not interested in playing golf, tennis or pickleball? Join colleagues at the Classic's Cocktail Reception



and Buffet Dinner at Brookville Country Club at 5:30 pm. The night will be filled with fun, including a raffle room where you can win one of many fantastic prizes.

Each year, WE CARE selects and honors individuals for their efforts in serving the Nassau County community. This year's Classic honorees are Kenneth J. Collins, President of Collins Building Services, Inc., one of the largest facilities management firms in the tri-state area, and Joseph Dussich, President and CEO of JAD Building Maintenance, one of the largest privately held building maintenance supply companies in the metropolitan area.

For more information regarding sponsorships, tickets, and journal ads, visit [www.thewecarefund.com](http://www.thewecarefund.com). We look forward to seeing you on the course! 🏌️

## IT'S TIME TO RENEW YOUR NCBA MEMBERSHIP!

### Benefits of NCBA Membership:

- Unlimited FREE live Academy CLE
- FREE Committee membership and CLE
- 12 FREE credits of On-Demand CLE programs
- In-person networking and social events
- Reduced advertising rates in *Nassau Lawyer*
- FREE mental health and wellness seminars
- Community and pro bono volunteer opportunities

### Become an NCBA Sustaining Member:

- Additional \$225
- Recognized in *Nassau Lawyer* and at social events
- Exclusive sustaining member reception

**RENEW ONLINE AT [WWW.NASSAUBAR.ORG](http://WWW.NASSAUBAR.ORG)**



**CONFIDENTIAL HELP IS AVAILABLE TO LAWYERS AND JUDGES**  
alcohol or drug use, depression or other mental health problems  
Call Lawyer Assistance Program  
**(888) 408-6222**





# FIVE TOWNS COLLEGE

## COURT REPORTING PROGRAM



**Introducing the Court Reporting degree program at Five Towns College!**

Earn an **Associate degree in Occupational Studies (A.O.S.)** or a **Certificate** (if you already have a college degree) and open the door to the opportunities this career path offers.

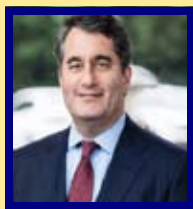
This is a **fully-online** program that will prepare you for the many positions offered by the NYS Unified Court System as well as other related options.

**Request more info about this exciting career choice by scanning the QR code and learn how to get started!**



**FTC.EDU/CR**

**JUMPSTART YOUR NEW CAREER TODAY!**



**PEGALIS** | Medical  
**LAW GROUP, LLC** | Malpractice  
Attorneys

**The Pegalis Law Group, LLC, has successfully represented plaintiffs suffering as a result of medical errors and catastrophic personal injury for over 50 years**

**Contact us today at (866) MED-MAL7. We are here for you and your clients' medical/legal consultations.**

**Visit [pegalislawgroup.com](http://pegalislawgroup.com) to learn more**

1 HOLLOW LANE • SUITE 107 • LAKE SUCCESS, N.Y. 11042  
516.684.2900 • TOLL FREE 866.633.6257 • FAX: 516.684.2939



The Official Publication  
of the Nassau County Bar Association  
15th & West Streets, Mineola, N.Y. 11501  
Phone (516)747-4070 • Fax (516)747-4147  
www.nassaubar.org  
nassaulawyer@nassaubar.org

**NCBA Officers**

- President  
Daniel W. Russo, Esq.
- President-Elect  
James P. Joseph, Esq.
- Vice President  
Hon. Maxine S. Broderick
- Treasurer  
Samuel J. Ferrara, Esq.
- Secretary  
Deanne M. Caputo, Esq.
- Executive Director  
Elizabeth Post
- Editor-in-Chief  
Cynthia A. Augello, Esq.
- Copy Editor  
Allison C. Shields, Esq.
- Editor/Production Manager  
Han Xu
- Photographer  
Hector Herrera
- Graphic Artist  
Marina Senderov

**July/August 2024**

- Focus Editors*
- Cynthia A. Augello, Esq.
  - Adrienne Flipse Hausch, Esq.
  - Thomas McKeivitt, Esq.
  - Jeff Morgenstern, Esq.

**Publication Committee Members**

- Rhoda Yohai Andors, Esq.
- Cynthia A. Augello, Esq.
- Deborah S. Barcham, Esq.
- Ian Bergstrom, Esq.
- Hon. Robert G. Bogle
- Robert M. Bogle, Esq.
- Deanne Marie Caputo, Esq.
- Rudy Carmenaty, Esq.
- Nicholas Constantinidis, Esq.
- Christopher J. DelliCarpini, Esq.
- Simone M. Freeman, Esq.
- Nancy E. Gianakos, Esq.
- Stephanie Gopen
- Adrienne Flipse Hausch, Esq.
- Charles E. Holster III, Esq.
- Allison C. Johs, Esq.
- Michael J. Langer, Esq.
- Douglas M. Lieberman, Esq.
- Thomas McKeivitt, Esq.
- Jeff H. Morgenstern, Esq.
- Seema Rambaran, Esq.
- Marian C. Rice, Esq.
- Tammy Smiley, Esq.
- Bethann Wolfe, Esq.

Printed by Richner Printing, LLC  
(516) 569-4000

2024 Nassau County Bar Association

*Nassau Lawyer* (USPS No. 007-505) is published monthly, except combined issue of July and August, by Richner Printing, LLC 2 Endo Blvd., Garden City, NY 11530, under the auspices of the Nassau County Bar Association. Periodicals postage paid at Mineola, NY 11501 and at additional entries. Contents copyright ©2022. Postmaster: Send address changes to the Nassau County Bar Association, 15th and West Streets, Mineola, NY 11501.

**A**s I sit here writing this, the United States, scratch that, the civilized world, is in turmoil. The political landscape here at home is not simply divided, it is abhorrently uncivil. Major armed conflicts exist throughout the world with countless men, women and children continuing to die daily.

I promise this is not a political message. This is not about how you or I or anyone else feels about what was mentioned above. One of the many great things about this country is the right to have our own feelings, to have our own opinions and to express those opinions. No, this article isn't about who is right and who is wrong on any of this. There is nothing chaotic, nothing tumultuous about disagreeing in America. Instead, what makes these times different, it seems to me, is how we choose to express our opinions and how we treat others who express opinions that differ from our own.

Franklin D. Roosevelt once said, "Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel to be tough." Sure, FDR was talking about America on the global stage, but the same philosophy can and does work when it comes to how we treat one another. Kindness to one another, respect for one another and the differing opinions we hold has always played such a vital role in compromise and solution. I don't exactly know when it happened, and I sure don't know why, but respecting one another's different viewpoints no longer seems to be the default position. Being nice to someone we don't agree with isn't the norm anymore. We need to get back to that before we can solve our problems, however large or small they may be.

As attorneys we often find ourselves in an adversarial situation. Whether arguing in court or negotiating a



**FROM THE PRESIDENT**

**Daniel W. Russo**

contract, there is usually another side who believes their position is the right one. And while things can get heated, the best attorneys respect their adversaries, listen to opposing positions and advocate with respect and civility. Sure, we are taught to hone these skills in law school, but the truth is, these are skills we start to learn in kindergarten. Listen, share and respect others even if you don't agree with them. Somewhere along the line, we lost sight of just how important and just how effective being nice to one another really is.

For almost twenty years I have had the pleasure of being an active member of the NCBA. Over the past five years, I have participated in monthly Executive Committee and Board of Directors meetings. At times, during these meetings, controversial topics are discussed and debated at length. Bar Leaders, sometimes with opposing positions, each advocate in the best interests of our Association and our members. I am proud to say that I have never witnessed the vitriol at Domus that seems to permeate public debate today.

As President, one of my goals is to invite new lawyers to become members of the NCBA. I hope to attract the future leaders of Domus and, in doing so, instill in them what was taught to me by leaders past: to respect the opinions of all members, to listen to opposing sides and work to reach common ground. And, if common ground is not possible, whether or not your position prevails, give deference to those with conflicting views.

"Home is where you feel at home and are treated well." It isn't likely that the Dalai Lama had Domus in mind when he said that, but he may as well have. As lawyers, as leaders in the communities we live in and practice in, we can make a difference. We can start to turn things around and get back to civility. Quite frankly, it's simple. Be Kind. 🪄

**AUTHORS CORRECTION:** The correct authors for the June issue article, "The 2024 Title IX Regulations: An Overview and Analysis of Major Changes Effective August 1," are Jennifer McLaughlin, Partner at Cullen and Dykman LLP and Co-Chair of the firm's Higher Education Group, and Nicole Donatich, Of Counsel at Cullen and Dykman LLP in the firm's Higher Education Group.



# THANK YOU TO DONORS

## to our 125th Anniversary Fund

HOWARD ADELSBERG E. KEVIN AGOLIA MARY ANN AIELLO DENNIS AND CHARLOTTE ALLEN MARK E. ALTER GINA ARNEDES MICHAEL ARONOWSKY HON. LEONARD AUSTIN, RET. ROSALIA BAIAMONTE BRYAN BARNES ERNEST BARTOL HEIDI BERNSTEIN JAY S. BINDER GINA BITSIMIS WILLIAM BODKIN MITCHELL BORKOWSKY MARY W. BOSSART HON. ANTONIO BRANDVEEN, RET. PETER BREITSTONE HOWARD BRILL LAUREN BRISTOL JOSEPH G. CAIRO, JR. JAMES CAMMARATA LOUIS CANNIZZARO DEANNE MARIE CAPUTO WALTER J. CARROLL ALAN CLARK DANNY BRUNDAGE AND CHERYL CLARK SELMA CLARK MICHAEL COCO MICHAEL COMERFORD CHRISTOPHER DELLICARPINI THOMAS DE MARIA NICHOLAS DESIBIO TOBY DESIMONE MICHAEL DIFALCO MAUREEN DOUGHERTY	KAREN DOWD RICHARD H. DREWITZ JONATHAN E. EDWARDS HON. ANDREW ENGEL CLARA EROMOSELE GEORGE ESERNIO NAN FABER STEVEN FEINBERG JOSEPH FERENCIK SAMUEL J. FERRARA JOHN H. AND LESLIE FLYNN BERNADETTE K. FORD STEPHEN GASSMAN MARK GOIDELL DOUGLAS J. GOOD DOROTHY L. GOOSBY CHARLES R. GOULDING MARK A. GREEN ELENA GREENBERG ROBERT GROSSMAN CHARLES O. HEINE PAUL ISRAELSON ALLISON JOHS LEWIS JOHS JAMES P. JOSEPH DARREN KAPLAN ROSS KARTEZ JARED KASSCHAU HON. SUSAN T. KLUEWER ANDREW KRESS S. ROBERT KROLL DEBRA SUE KELLER LEIMBACH PAUL KENNY SCOTT KESTENBAUM JENNIFER L. KOO STEVEN LABONTE REBECCA LANGWEBER	ROBIN LAVEMAN A. THOMAS LEVIN DEBORAH LEVINE MARILYN M. LEVINE DAVID LEVY PETER H. LEVY EDWARD L. LIEBERMAN DAVID LIRA GREGORY S. LISI ROY LIST FRANK LIVOTI LISA A. LOCURTO SIGHLE LYNCH JAMES LYONS KAREN MANCUSO ADAM MARGULIES MICHAEL A. MARKOWITZ HEATHER MCCLINTOCK PATRICK MICHAEL MCKENNA DIANE MEMOLI OSCAR MICHELEN ANTHONY J. MONTIGLIO HON. JONATHAN A. MOORE GLENN NICK TERESA OMBRES ELENI MAVROS PANAGOS HON. ANTHONY W. PARADISO LAURA PETROCELLI HON. LISA PETROCELLI YALE POLLACK GREGORY RABINOWITZ HENRY RAKOWSKI DENNIS REISMAN MARIAN C. RICE KATHARINE RICHARDS JOHN RIORDAN JENNIFER ROSENKRANTZ	ROBERT P. ROVEGNO JEROME A. SCHAROFF ANDREW J. SIMONS MATTHEW SPERO BRUCE STAVITSKY SUSAN STEIN LOUIS STOBER VICTORIA TAN ALLEN AND KAREN UNDERWOOD LISA R. VALENTE MATTHEW VIVERITO HARVEY WEINBERG RONALD WEISS STEVEN WEITZ ANN C. WENK JOHN H. WHITCHETT JEREMY WISS KATHLEEN WRIGHT PATRICIA WRIGHT
---	--	---	--

**DONATE \$125 TODAY  
TO HELP PAY OFF  
DOMUS MORTGAGE!**



**FOCUS:  
MEDICAL MALPRACTICE**

**Christopher J. DelliCarpini**

In *SanMiguel v. Grimaldi*, the First Department recently held that a mother whose unborn child was injured in utero can recover emotional damages for lack of informed consent.<sup>1</sup>

The majority argued that this holding was not in conflict with *Sheppard-Mobley v. King*, in which the Court of Appeals held that a mother cannot recover emotional damages for medical malpractice that injured her child in utero where the child was born alive.<sup>2</sup> But to the extent that the decisions conflicted, the First Department wrote, “we are of the opinion that the rule should be revisited.”<sup>3</sup>

Unless and until the Court of Appeals hears an appeal from this decision, counsel for plaintiffs and physicians should know how to handle claims arising from labor and delivery.

**Emotional Damages Require Physical Injury—Sometimes**

In 1896, the Court of Appeals in *Mitchell v. Rochester Railway Co.* held that plaintiffs cannot recover emotional damages without an “immediate personal injury.”<sup>4</sup> The plaintiff had claimed that that nearly being trampled by the defendant’s team of horses frightened her into a miscarriage. The court rejected such claims “where there is no immediate personal injury,” however, as contrary to public policy:

[i]f the right of recovery in this class of cases should be once established, it would naturally result in a flood of litigation in cases where the injury complained of may be easily feigned without detection, and where the damages must rest upon mere conjecture or speculation.<sup>5</sup>

In 1961, the Court of Appeals overturned *Mitchell* in *Battalla v. State*.<sup>6</sup> The infant plaintiff was skiing at Belleayre Mountain when a state employee placed her in a chair lift without properly securing and locking the belt: “the infant plaintiff

# In *SanMiguel*, the First Department Challenges the Court of Appeals on Emotional Damages

became frightened and hysterical upon the descent, with consequential injuries.”<sup>7</sup> In reversing dismissal, the court held that *Mitchell* was a “departure” from the “axiom” that “a wrong-doer is responsible for the natural and proximate consequences of his misconduct; and what are such consequences must generally be left for the determination of the jury.”<sup>8</sup> The court also repudiated *Mitchell*’s policy concerns:

[a]lthough fraud, extra litigation and a measure of speculation are, of course, possibilities, it is no reason for a court to eschew a measure of its jurisdiction.<sup>9</sup>

Today, New York courts allow recovery for emotional damages without actual physical injury where the plaintiff was within the “zone of danger.” In *Greene v. Esplanade Venture Partnership*, the Court of Appeals restated the evolution of this doctrine away from *Mitchell* to allow recovery by those who witness death or serious injury of “immediate family.”<sup>10</sup> The court then expanded the doctrine to include a grandmother who witnessed her granddaughter’s death from debris falling from a building.<sup>11</sup>

**Emotional Damages for Loss of Fetus**

The Court of Appeals had denied recovery, however, when medical malpractice was alleged to have killed an unborn child. In *Tebbutt v. Virostek*, the court held that a mother could not recover emotional damages for medical malpractice that led to stillbirth.<sup>12</sup> This decision built upon decades of precedent. In *Woods v. Lancet*, the court held that only an infant born alive could sue for damages sustained in utero.<sup>13</sup> *Endresz v. Friedberg* refused to recognize a wrongful death claim on behalf of a stillborn fetus.<sup>14</sup> And in *Vaccaro v. Squibb*, the court held that a mother could not recover for emotional damages from injuries in utero to her child who was born alive.<sup>15</sup>

In 2004, however, the Court of Appeals reversed course in the companion cases *Broadnax v. Gonzalez* and *Fahey v. Canino*, holding that a mother who suffers a miscarriage due to medical malpractice may recover emotional damages.<sup>16</sup> The court considered that *Tebbutt* “created a logical gap in which the fetus is consigned to a state of ‘juridical

limbo,’” in that physicians could be liable for medical malpractice when it injures a fetus but not when it causes stillbirth.<sup>17</sup> Rather than overturn *Endresz* and recognize a wrongful death claim for stillbirth, though, the court overturned *Tebbutt* and held that a physician delivering a child owes a duty to the mother as well as any surviving fetus.<sup>18</sup>

Not a year later, the Court of Appeals in *Sheppard-Mobley* clarified *Broadnax*, holding that a mother could not recover emotional damages for medical malpractice that injured her child *in utero* and the child was born alive.<sup>19</sup> The plaintiff had been diagnosed with uterine fibroids and advised to abort her fetus. She received an insufficient dosage in her chemical abortion, however, and the plaintiff delivered a child with “serious congenital impairments.”<sup>20</sup> The court held that the physician’s breach of duty to the mother is not actionable as long as the child was born alive and could sue for medical malpractice *in utero*.<sup>21</sup>

The court nowhere explained why the mother lost her right to sue for breach of the physician’s duty to her if her child survived to exercise their right to sue. But it did hold that the mother could proceed with a separate cause of action alleging “independent injury” to her from the chemical abortion.<sup>22</sup>

***SanMiguel* Distinguishes *Sheppard-Mobley*—or Defies It**

Before *SanMiguel*, the First Department had uncritically applied *Sheppard-Mobley* to deny recovery. In *Levin v. New York City Health and Hospitals Corp.* the plaintiff claimed medical malpractice and lack of informed consent, but the court affirmed dismissal because the child survived birth, if only for a few hours.<sup>23</sup> In 2024, however, the First Department apparently found a loophole in *Sheppard-Mobley*.

Veronica SanMiguel, individually and on behalf of her deceased infant son, sued for medical malpractice but also lack of informed consent. She had been admitted to St. Barnabas Hospital one week past her due date. By the next morning, she was fully dilated, and the fetus showed signs of distress. Not until two and a half hours later, however, did

Dr. Grimaldi attempt a vacuum extraction, and only after two unsuccessful attempts did she perform a C-section. The child died eight days later. The mother alleged that she not only never consented to vacuum extraction but had told the hospital she did not want it and had repeatedly asked for a C-section.

The First Department affirmed denial of summary judgment on the informed consent claim, distinguishing *Sheppard-Mobley*. The court held that “[p]laintiff’s claim for lack of informed consent is thus distinct from the ordinary medical malpractice claim presented in *Sheppard-Mobley* and not subject to the bar set forth therein” because it “implicates the prospective mother’s active role as decisionmaker for herself and on behalf of her fetus, with both capacities concerning the mother’s right to the integrity of her body.”<sup>24</sup>

Rather than explain how a medical malpractice claim any less implicates the mother’s role as decisionmaker—or how it rests any less on a physician’s duty to the mother—the First Department then moved to directly confront *Sheppard-Mobley* and call on the Court of Appeals to overturn the decision.

Citing the Court of Appeals’ overturning of *Mitchell* and *Tebbutt*, the court argued that *Sheppard-Mobley* should now be overturned as “unjust, as well as opposed to experience and logic.”<sup>25</sup> “[C]ontinued application of existing distinctions,” the court held, “would not only be repugnant to ‘common-sense justice,’” but would contravene “the ‘fundamental’ principle ‘that one may seek redress for every substantial wrong.’”<sup>26</sup> The court also cited other jurisdictions where “a birthing mother may recover for the purely emotional distress she experiences as a result of medical malpractice resulting in physical injury during the labor and delivery process.”<sup>27</sup>

Presiding Justice Renwick dissented, finding that “Court of Appeals controlling precedents mandate dismissal.”<sup>28</sup> She found that *Sheppard-Mobley* barred recovery for emotional damages under any theory if the plaintiff mother suffered no physical injury, and that *Broadnax* is but a narrow exception

to that rule; where the fetus survives, however long, only the child can recover. “Significantly,” the Chief Justice points out, “the majority cites no case law that supports its suggestion that prior to *Broadnax* and *Sheppard-Mobley* a plaintiff could have brought an independent claim for lack of informed consent absent some physical injury.”<sup>29</sup>

**What Now? And What’s Next?**

The fate of *SanMiguel* is yet to be determined. The decision was handed down May 23 and the plaintiffs served notice of entry that day, so while as of writing no one has noticed their appeal there is still time. There is every reason to expect the defendants to seek permission to appeal, either from the First Department or the Court of Appeals.<sup>30</sup> But even if the case goes up on appeal, a decision could be a year or more away.

This means that, for the moment, plaintiff mothers can recover emotional damages for lack of informed consent in labor and delivery, regardless of whether their unborn child is born alive—in the First Department, at least. As the Second Department has held:

[w]hile the Supreme Court is bound to apply the law as promulgated by the Appellate Division in its own department, where the issue has not been addressed within that department, the Supreme Court is obligated to follow the precedent set by the Appellate Division of another department until its home department or the Court of Appeals pronounces a contrary rule.<sup>31</sup>

In 1982, however, the Second Department in *Friedman v. Meyer* appeared to set that contrary precedent:

[i]t is by now well established that even assuming the death of the fetus in utero was caused by defendants’ wrongful acts, absent independent physical injuries, the plaintiff wife may not recover for emotional and psychic harm as a result of the stillborn birth.

*Friedman* of course predates *Broadnax*, so the Court of Appeals’ narrow exception when medical malpractice results in miscarriage or stillbirth exists in the Second Department and throughout the state. But it may well be that

the Second Department would still follow *Friedman* instead of *SanMiguel* when a plaintiff mother seeks emotional damages but her child was born alive. Of course, plaintiffs are free to argue in the Second Department that *SanMiguel* is persuasive and warrants reconsideration of the forty-two-year-old *Friedman* decision.<sup>32</sup>

There appear to be no decisions from the Third or Fourth Departments on the subject, so in their absence plaintiffs there are free to argue that *SanMiguel* controls and accordingly seek emotional damages for plaintiff mothers under claims for lack of informed consent.

As stated above, though, this situation is fluid. Counsel can treat *SanMiguel* as controlling for now, but we all should watch for the Court of Appeals to weigh in, and possibly once again reverse itself on emotional damages in the absence of physical injury. ⚖️

1. 2024 N.Y. Slip Op. 02881 (1st Dep’t May 23, 2024).
2. 4 N.Y.3d 627 (2005).
3. *SanMiguel*, *supra* n.1, at \*1.
4. 151 N.Y. 107, 110 (1896).
5. *Mitchell*, 151 N.Y. at 110.
6. 10 N.Y.2d 237 (1961).
7. *Id.*, at 239.
8. *Id.* at 240.
9. *Id.* at 240–41.

10. 36 N.Y.3d 513, 516 (2021).
11. *Id.*
12. 65 N.Y.2d 931 (1985).
13. 303 N.Y. 349 (1951).
14. 24 N.Y.2d 478 (1969).
15. 52 N.Y.2d 809 (1980).
16. 2 N.Y.3d 148 (2004).
17. *Broadnax*, *supra* n.14, at 154.
18. *Id.* at 155.
19. *Sheppard-Mobley*, *supra* n.2, at 634.
20. *Id.* at 634–35.
21. *Id.* at 637.
22. *Id.* at 637–38.
23. 119 A.D.3d 480 (1st Dep’t 2014).
24. *SanMiguel*, *supra* n.1, at \*4.
25. *Id.* at \*7.
26. *Id.* at \*7 (quoting *Battalla*, 10 N.Y.2d at 239, 240).
27. *Id.* at \*8 (quoting *Escobar-Santana v. State*, 347 Conn. 601, 620 (2023)); *id.* at \*8 n.5 (citing cases).
28. *Id.* at \*9 (Renwick, PJ, dissenting).
29. *Id.* at \*10 (Renwick, PJ, dissenting).
30. Such motion can be made under CPLR 5602, but here no appeal lies as of right under CPLR 5601.
31. *Maple Medical, LLP v. Scott*, 191 A.D.3d 81, 90 (2d Dep’t 2020)(citations omitted).
32. See *Mountain View Coach Lines, Inc. v. Storms*, 102 A.D.2d 663, 665 (2d Dep’t 1984).



**Christopher J. DelliCarpini** is an attorney with Sullivan Papain Block McManus Coffinas & Cannavo P.C. in Garden City, representing personal injury plaintiffs on appeal.

He is also Associate Dean of the Nassau Academy of Law. He can be reached at [cdelicarpini@triallaw1.com](mailto:cdelicarpini@triallaw1.com).



**EXCEPTIONAL REPRESENTATION ♦ MATRIMONIAL AND FAMILY LAW**

DIVORCE ● LITIGATION ● MEDIATION ● COLLABORATIVE DIVORCE ● ENFORCEMENT MODIFICATION ● CUSTODY & CHILD SUPPORT ● PRENUPTIAL & POSTNUPTIAL AGREEMENTS



JAMES P. JOSEPH



THOMAS A. ELLIOT



JOSEPH J. BRACCONIER III



JACQUELINE M. CAPUTO



LOUISA PORTNOY

666 OLD COUNTRY ROAD, SUITE 303, GARDEN CITY  
516-542-2000 JOSEPHLAWPC.COM

**FOCUS:  
LABOR AND EMPLOYMENT**



**Seema Rambaran and Ryan Goldberg**

**F**ailure to comply with a notice of claim requirement pursuant to General Municipal Law (“GML”) §§ 50-e and § 50-i can be fatal to a case. However, a notice of claim is generally not required as it relates to a claim of discrimination pursuant to the New York State Human Rights Law (“NYSHRL”) against a defendant municipality.

**General Municipal Law**

In New York State, a notice of claim serves as a formal notification to a municipality or government agency of the claim being made against it, giving it an opportunity to investigate and potentially resolve the matter before a lawsuit is filed.

# The New York State Human Rights Law and the Notice of Claim Requirement

GML § 50-e(1)(a), requires service of a notice of claim within ninety (90) days after the claim arises in any case founded upon tort where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against a public corporation.<sup>1</sup>

GML § 50-i(1) precludes commencement of an action against a municipality for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such municipality, unless a notice of claim has been served in compliance with § 50-e.<sup>2</sup>

For an in depth understanding of the notice of claim requirement please see the *Nassau Lawyer* Volume 3, No. 9, for the article titled “Litigating Late Notice of Claim After *Jaime v. City of New York*.”<sup>3</sup>

**New York State Human Rights Law**

NYSHRL makes it an unlawful

discriminatory practice for an employer or licensing agency “to refuse to hire or employ or to bar or to discharge from employment” or “to discriminate against an individual in compensation or in terms of conditions or privileges of employment” based upon protected characteristics such as an individual’s age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence.<sup>4</sup>

***Margerum v. City of Buffalo***

In *Margerum v. City of Buffalo*, the Court of Appeals held that a firefighter’s disparate treatment racial discrimination claim brought pursuant to the NYSHRL was not a tort action under GML § 50-e and was not a personal injury, wrongful death or damage to personal property claim under GML § 50-i and therefore, a

notice of claim was not required.<sup>5</sup> The court held that it did not see a reason to encumber the filing of discrimination claims by imposing a requirement not mandated by statute.<sup>6</sup>

In *Margerum*, twelve firefighters filed an action against the City of Buffalo (“City”) asserting a claim of disparate treatment racial discrimination in violation of the NYSHRL.<sup>7</sup> Prior to answering, the City moved to dismiss the complaint pursuant to CPLR § 3211, arguing, in part, that the plaintiffs failed to file a notice of claim pursuant to GML § 50-i.<sup>8</sup> The City argued that as a precondition to commencing a suit against it, plaintiffs were required to file a notice of claim in order to permit timely investigation and an opportunity for early resolution.<sup>9</sup>

The court held that the departments of the Appellate Division addressing the issue have determined that the GML does not encompass a cause of action based on the NYSHRL and service of a notice

## SHERWOOD & TRUITT <sup>LLP</sup>

LAW GROUP

### Trusted Real Estate Litigators

Regularly Referred by Real Estate Transactional and Trusts and Estates Attorneys



Time of the Essence \* Specific Performance \* Contract Default \* Partition \* Quiet Title  
Adverse Possession \* Easement Disputes \* Co-op/Condo/HOA Disputes

[info@sherwoodtruit.com](mailto:info@sherwoodtruit.com) | 516-408-7030 | [www.sherwoodtruit.com](http://www.sherwoodtruit.com)

of claim is therefore not a condition precedent to commencement of an action based on the NYSHRL in a jurisdiction where GML §§ 50-e and 50-i provide the only notice of claim criteria.<sup>10</sup>

**A Notice of Claim May Be Required Pursuant to Other Laws**

A notice of claim for discrimination claims against certain government entities may still be required where GML §§ 50-e and 50-i are not the only statutes at play.<sup>11</sup>

In *Fair v. City of Mount Vernon*, the plaintiff filed an employment discrimination claim on the basis of race in violation of the NYSHRL.<sup>12</sup> The court dismissed the case due to the plaintiff failing to file a timely notice of claim action which was a condition precedent to commencing the action.<sup>13</sup> On appeal, the plaintiff argued that the notice of claim requirements did not apply to him in this case.<sup>14</sup> However, the court reasoned that in contrast to GML § 50-e and 50-i, the Mount Vernon City Charter § 265 broadly required the filing of a notice of claim as a condition precedent to a “civil action. . . of any name or nature whatsoever, . . . arising at law or in equity,” which included the plaintiff’s cause of action pursuant to the NYSHRL.<sup>15</sup>

Furthermore, in *Seifullah v. City of New York*, plaintiff sought to recover damages for discrimination in employment on the basis of gender in violation of the NYSHRL against the Department of Education of the City of New York and the Chancellor of the school.<sup>16</sup> Consistent with its reasoning in *Fair v. City of Mount Vernon*, the court held that in contrast to GML §§ 50-e and 50-i, where a case, such as this one, is governed by NY CLS Educ § 3813(1), which broadly requires the filing of a notice of claim as a condition precedent to any action against any district or any such school, within three months after the accrual of such claim, plaintiff was in fact required to file a notice of claim.<sup>17</sup>

In short, a review of the GML in conjunction with other applicable laws may be required to identify any exceptions or special rules that may apply to a particular municipality or government entity.

**Updates to the New York State Human Rights Law**

As described in this article, claims of violation of the NYSHRL may be addressed by the courts, where

an aggrieved party commences a lawsuit seeking such relief. An aggrieved party may also file a complaint with the New York State Division of Human Rights (“Division”), the government agency mandated to investigate complaints of discrimination.

Effective February 15, 2024, all unlawful discrimination claims for incidents occurring on or after February 15, 2024, can be filed with the Division within three years of the alleged discrimination.<sup>18</sup> Incidents occurring on or before February 14, 2024 would still require a claim to be filed within one year of the incident, or three years for sexual harassment in employment.<sup>19</sup> Claims of sexual harassment in the workplace that occurred after August 12, 2020, must be filed within three years from the most recent incident.<sup>20</sup> Claims of wrongful termination based on a violation of the NYSHRL, must be filed within three years of termination.<sup>21</sup>

The statute of limitations for filing all discrimination complaints in a New York court under the Human Rights Law remains three years. ⚖️

1. N.Y. CLS Gen. Mun. § 50-e.
2. N.Y. CLS Gen. Mun. § 50-i.
3. <https://www.nassaubar.org/wp-content/uploads/2024/05/Nassau-Lawyer-May-Final-1.pdf?bcs-agent-scanner=1ecfd181-f747-5f41-b8ee-980293c4222c>.
4. N.Y. CLS Executive Law § 296.
5. *Margerum v. City of Buffalo*, 24 N.Y.3d 721 (2015).
6. *Id.*
7. *Margerum*, 24 N.Y.3d at 728\*.
8. *Id.*
9. *Id.*
10. *Id.* at 730\*.
11. *Id.*
12. *Fair v. City of Mount Vernon*, 210 A.D.3d 868 (2nd Dep’t 2022).
13. *Id.* at 869.
14. *Id.*
15. *Id.*
16. *Seifullah v. City of New York*, 161 A.D.3d 1206 (2nd Dep’t 2018).
17. *Id.* at 1206.
18. <https://dhr.ny.gov/news/governor-hochul-announces-new-statute-limitations-unlawful-discrimination>.
19. *Id.*
20. *Id.*
21. *Id.*



**Seema Rambaran** is an Associate in Cullen and Dykman LLP’s Commercial Litigation and Municipal, Zoning, Land Use and Permitting departments. She focuses her practice on both labor and employment and municipal legal issues. She can be reached at [srambaran@cullenllp.com](mailto:srambaran@cullenllp.com).

**Ryan Goldberg** is an Associate in Cullen and Dykman LLP’s Corporate department. He focuses his practice on both labor and employment and higher education matters. He can be reached at [rgoldberg@cullenllp.com](mailto:rgoldberg@cullenllp.com)



## NEWFIELD LAW GROUP, P.C.



For more than two decades, Jason A. Newfield has represented claimants whose long-term disability claims and long-term care insurance claims have been wrongfully denied.

We represent individuals before filing claims, during the claim process, for appeals, and in litigation.


### Our Services:

- LONG TERM DISABILITY CLAIMS
✓
- ERISA DISABILITY CLAIMS
✓
- DISABILITY INSURANCE LITIGATION
✓
- LONG TERM CARE CLAIMS AND LITIGATION
✓

### LEARN MORE

Website 

[www.newfieldlawgroup.com](http://www.newfieldlawgroup.com)

Contact Us 

**(631) 270-5090**



# Appellate Counsel

## 39 Years Experience

## Free Consultation



**Charles Holster**  
**(516) 747-2330**  
**[cholster@appealny.com](mailto:cholster@appealny.com)**

# WWW.APPEALNY.COM

**FOCUS:  
LAW AND AMERICAN  
CULTURE**

**Rudy Carmenty**

The neo-noir *Chinatown* (1974) is one of Hollywood's finest films. The movie offers a sumptuous pallet consisting of equal parts crime, corruption, and California. With its patina of sun-drenched technicolor, *Chinatown* has an aura of depravity about it. This depravity was reflected off-screen as well.

Set in the 1930s, *Chinatown* tells a twisted tale over water rights. Its genesis lies in the original sin that led to the creation of present-day Los Angeles. The Owen River Valley scheme saw the foundations of the City of Angels cemented in a conspiracy that deprived farmers of their water and, ultimately, their land.

## Forget It, Jake. It's Chinatown.

Fittingly, at the time of the film's initial release the nation was mired in the Watergate scandal. That the movie hit theaters just as Richard Nixon's presidency was unraveling is quite revealing. Nixon serves as the perfect avatar for that mercurial quality inherent in the politics of the golden state.

Having won a landslide victory in 1972, Nixon was forced to abdicate eighteen months later in disgrace. Similarly, actor Jack Nicholson, producer Robert Evans, and director Roman Polanski, flush with success from *Chinatown*, would, not long after, falter, much as the President had done, due to their particular peccadillos.

Jake Gittes, *Chinatown's* protagonist, is a former cop turned private detective. He used to patrol L.A.'s Chinatown district. Gittes now specializes in matrimonial work. Jake makes his living going through other people's dirty linen. Catching spouses cheating on one another is the least of the travesties Gittes will encounter.

Enter Evelyn Mulwray, the wife of Hollis Mulwray, Chief Engineer at the Water & Power Department. Mulwray, whose name is a variation on William Mulholland—the man behind the Owen River Valley scheme—is responsible for

the city's water supply. Without water there is no L.A.

Mrs. Mulwray believes her husband has been unfaithful and hires Gittes to confirm her suspicions. Gittes manages to photograph Mr. Mulwray in the company of a young woman. Scandal ensues when the newspapers print the story, accentuated by photos Gittes took of the pair.

The only problem, the lady who hired Gittes is not Evelyn Mulwray. As for Mr. Mulwray, he turns up dead. He drowns in the midst of a drought. The real Evelyn threatens to sue, but winds up hiring Gittes to find out who is responsible for her husband's curious death.

Gittes next encounters Evelyn's father, the venerable patriarch Noah Cross. Hollis Mulwray and Cross were once partners. They jointly owned the city's water supply. Cross utters the film's definitive kernel of wisdom, courtesy of screenwriter Robert Towne:

*'Course I'm respectable. I'm old. Politicians, ugly buildings, and whores all get respectable if they last long enough.'*<sup>1</sup>

Cross in turn hires Gittes to find Mulwray's mistress. In doing so, Gittes unearths that old man Cross is behind a plot to incorporate the San Fernando Valley into the City of Los Angeles. The plan all depends on his depriving farmers of access to water.

As their farms dry up, Cross buys the land at fire-sale prices. Then with a reliable water supply, the value of the real estate is enhanced a thousand-fold. That Cross is a venal land baron is bad enough. Truth be told, his transgressions go far deeper. They cut right to the bone.

Mulwray's supposed mistresses turns out to be Cross' daughter. She is also... Evelyn's daughter. Cross, who violated Evelyn at fifteen, is revealed to be an incestuous monster. Evelyn harbors the darkest of family secrets. It is Evelyn's veiled vulnerability that bonds Gittes to her.

The film's denouement takes place in Chinatown. Chinatown functions not as a locale, but rather as a metaphor for sin masked by deception. For our purposes, traces of the film's storyline resonate in the lives of Nicholson, Evans, and Polanski.

Jack Nicholson grew up in Neptune City, New Jersey. Reporters, doing background for a 1974 *Time* cover story, dug up a skeleton from his family closet which eerily echoes *Chinatown*. It turns out that Jack was born illegitimate. His personal history, as he was brought up to believe, was a complete fabrication.

The woman whom he thought was his mother, Ethel May Nicolson, was really his grandmother. The girl he thought was his sister June, was actually his birthmother. It turns out that June, a showgirl, became pregnant by a vaudevillian who had conned her into a bigamous marriage.

This revelation hit Nicholson like a sledgehammer. Jack would never be certain who his father was. Nicholson's clout enabled him to spike the story as *Chinatown* made him an A-list celebrity. Nicolson's secret shame did make the press a few years later in *The National Enquirer*, but it never brought him inside a courtroom.<sup>2</sup>

The same could not be said about his patron Robert Evans. Evans was born as Robert Shapera in New York. Evans first made his mark with his Evan-Picone clothing line in the 1950s. On a trip to California, Evans caught the eye of screen legend Norma Shearer.

The grand dame recommended the handsome apparel executive be cast as her late husband Irving Thalberg in a movie opposite Jimmy Cagney. Evans, putting it charitably, was a mediocre actor at best. Amazingly enough, he would be running Paramount within a decade.

Charlie Bludhorn of Gulf+Western had bought the studio and, in a surprise move, put the thirty-six-year-old Evans in charge. It was a considerable gamble. Still, the old studio was on the skids. Evans orchestrated a major turn-around, as Paramount released *Rosemary's Baby*, *Love Story*, and *The Godfather*.

Bludhorn next made Evans an offer he simply could not refuse. Evans could run the studio, while permitted to produce films under his own banner. This unique arrangement generated considerable envy and resentment. Evans would soon be forced out of his privileged perch at Paramount.

That was only the beginning of his troubles. In 1980, Evans was charged with intent to sell and distribute cocaine in a California courtroom. Claiming the cachet of coke he scored was for his personal use, the producer nevertheless pled to a lesser charge and cut a deal.

Evans never saw the inside of a jail cell. He agreed instead to produce "an hour long very special program" called *"Get High on Yourself"* to discourage drug use among the young.<sup>3</sup> Evans put-up \$400,000 of his own money in order to pay his debt to society.<sup>4</sup>

It was a kind of manufactured "happening," which could solely take place on a soundstage. The program featured Bob Hope, Carol Burnett,

## FLORIDA ATTORNEY

### LAW OFFICES OF RANDY C. BOTWINICK

Formerly of Pazer, Epstein, Jaffe & Fein

#### CONCENTRATING IN PERSONAL INJURY

- Car Accidents • Slip & Falls • Maritime
- Wrongful Death • Defective Products
- Tire & Rollover Cases • Traumatic Brain Injury
- Construction Accidents

Now associated with Halpern, Santos and Pinkert, we have obtained well over \$100,000,000 in awards for our clients during the last three decades. This combination of attorneys will surely provide the quality representation you seek for your Florida personal injury referrals.



Co-Counsel and  
Participation Fees Paid



**RANDY C. BOTWINICK**  
34 Years Experience



**JAY HALPERN**  
39 Years Experience

MIAMI 150 Alhambra Circle  
Suite 1100, Coral Gables, FL 33134  
P 305 895 5700 F 305 445 1169

PALM BEACH 2385 NW Executive Center Drive  
Suite 100, Boca Raton, FL 33431  
P 561 995 5001 F 561 962 2710

Toll Free: 1-877-FLA-ATTY (352-2889)





Paul Newman, and Muhammed Ali, all in keeping with the ethos of the time best symbolized by Nancy Reagan's "Just Say No" campaign.<sup>5</sup>

Evans, not long after, became embroiled in the notorious "Cotton Club Murder." In 1984, his movie *The Cotton Club* came out to mixed reviews and poor box office. Just a year before, Roy Radin, Evans' partner in the film venture, was murdered. Radin was shot in the head gang-land style.

Among those convicted was Evans' dealer/girlfriend Karen Greenberger.<sup>6</sup> Evans was implicated but never charged in this cocaine related killing. On the advice of attorney Robert Shapiro, who later led the O.J. Simpson dream team, Evans pled the Fifth Amendment at a hearing.<sup>7</sup>

In exercising his constitutional rights, Evans was deemed guilty in the court of public opinion. Thanks to these legal maneuvers, he was again spared prison, although it did cost him much of what was left of his once stellar reputation. Evans died in 2019.

Roman Polanski, whose American film career was launched with *Rosemary's Baby* under Evans' auspices, has a cameo in *Chinatown* as the thug who slits Nicholson's nose. One of the most controversial figures in all filmdom, it could rightfully be said that Polanski has been both Hollywood victim and Hollywood victimizer.

Polanski's Polish childhood was marred by the Holocaust. Polanski's mother was killed at Auschwitz while he was given shelter by a succession of Catholic families. He survived under Nazi rule and endured the imposition of Soviet-style communism following the war.

The success of *Knife in the Water* (1965) enabled Polanski, a cinematic wunderkind, to leave for Paris. *Chinatown* heralded his return to American moviemaking following the death of his wife, actress Sharon Tate,

who was killed at the hands of the Manson family in August of 1969.

Chronicled in L.A. prosecutor Vincent Bugliosi's *Helter Skelter*, Charles Manson and his "family" were responsible for at least nine deaths. Tate was sadistically murdered in the couple's Benedict Canyon home along with Polanski's unborn child. Tate was stabbed repeatedly as her baby lay in her womb.

Manson and members of his cult were convicted for their grisly crimes. All the same, the entire ordeal took a heavy toll. A macabre aura of guilt was imputed to Polanski because of his connection to Manson which he never was able to completely shake.

In 1977, Polanski lured a thirteen-year-old Samantha Gailey to Nicholson's home on Mulholland Drive, of all places, to commit a crime worthy of Noah Cross.<sup>8</sup> Polanski gave the teen champagne and quaaludes, as he photographed her in various stages of undress.

Gailey resisted the forty-three-year-old director's advances, even feigning an asthma condition. Polanski proceeded to sexually assault the teenager. Her mother reported Polanski to the LAPD. Polanski afterwards claimed Gailey consented. She was thirteen and the age of consent was sixteen in California.

Polanski was charged with furnishing a controlled substance to a minor, sodomy, perversion, performing a lewd and lascivious act on a child under fourteen, unlawful sexual intercourse, and rape by the use of narcotics.<sup>9</sup> After much legal wrangling, Polanski agreed to a single count of unlawful sex with a minor.

Polanski was sentenced to a ninety-day court-ordered psychiatric evaluation at the California Institution for Men at Chino, from which he was released after forty-two days.<sup>10</sup> The deal would have resulted in time served, a mere forty-two days, and probation. Under any rubric,

the leniency accorded Polanski is problematic.

Judge Laurence Rittenband of the Superior Court of Los Angeles initially agreed to the plea deal. He even allowed Polanski to return to Europe for film work before entering Chino. Unseemly photos were subsequently published of Polanski in Germany enjoying October Fest in the company of a blond fräulein.

Rittenband had a sudden change of heart. Determined to detain Polanski for at least the remainder of his ninety-day sentence and have him deported, the judge was also purportedly ready to have him jailed for fifty years.<sup>11</sup> Rittenband, who was something of a publicity hound, thought he had been played for a fool.

A day prior to his appearance, Polanski fled to Europe. Holding French citizenship, Polanski legally avoided extradition. Rittenband issued a warrant for his arrest in 1978 and vowed to remain on the bench to see Polanski brought to trial.<sup>12</sup> The Judge retired in 1989 and died in 1993.<sup>13</sup>

An Interpol Red Notice in Polanski's name, the nearest thing to an international arrest warrant, remains outstanding. It has not been acted upon in years. Polanski lives in Europe, restricting his movements to France, Switzerland, and Poland. In 2016, the Polish Supreme Court refused his extradition.<sup>14</sup>

Still, in 2009, Polanski was arrested in Switzerland at the behest of American authorities. He was held in Zurich and afterwards placed under house arrest in Gstaad for a total of ten months confinement.<sup>15</sup> The following year, a Swiss Court released him from custody.

Harrison Ford accepted Polanski's Oscar for *The Pianist* in 2002. The director would surely have been arrested if he attended the ceremony to claim his award. That he got a standing ovation from the audience in absentia on that occasion speaks volumes. The question remains, did Polanski get away with rape?

The one sanction he received on this side of the Atlantic, was, paradoxically, from the very same Motion Picture Academy. In 2018, in the wake of #MeToo and Time's Up, Polanski and Bill Cosby were each striped of their academy membership—the cinematic equivalent of a slap on the wrists.<sup>16</sup>

In 1988, Gailey sued Polanski for sexual assault, seduction, and the intentional infliction of emotional distress.<sup>17</sup> It would take five years before the parties reached a financial settlement and almost a decade before the undisclosed sum was paid off.

In 2017, Gailey publicly testified at a hearing in Los Angeles that she has forgiven Polanski and wants to put an end to the case.<sup>18</sup> Interviewed in 2023, Gailey asserted that "what happened with Polanski was never a big problem for me."<sup>19</sup>

The ninety-year-old Polanski continues to be an international fugitive. It is unlikely he will ever return to the United States. Not surprisingly, he is prone to portraying himself as the injured party. Never having accepted responsibility, no doubt he feels he is a martyr of sorts.

As with much in Tinseltown, *Chinatown's* luster dims in the harsh light of reality. At the end of the movie, one of Gittes' compatriots, a character named Walsh, tells him "*Forget it, Jake. It's Chinatown.*"<sup>20</sup> The film concludes on a dour note, with the line providing the film with a fitting coda.

The line could also function as an appropriate summation of the twists and turns in the lives of the moviemakers. Nicholson's parentage, Evans' run-ins with the courts and cocaine, and Polanski's degeneracy are all in keeping with *Chinatown's* cynical tenor and dark outlook. ⚖️

1. Robert Towne, *Chinatown, The Last Detail Screenplays of Robert Towne*, (1st Ed. 1997) 80.
2. Nancy Campbell, *Jack Nicholson*, (1st Ed. 1994) 8.
3. Dangerous Minds, "Get High on Yourself" Robert Evans' Coke-Bust Community Service Mega-Turd TV Special, June 10, 2016 at <https://dangerousminds.net>.
4. *Id.*
5. See "Get High on Yourself" (1981) — music clip from all-star TV-special at <https://www.youtube.com>.
6. Tampa Bay Times, *Jury finds four guilty in "Cotton Club" murders*, (July 23, 1991) at <https://tampabay.com/archive>.
7. Dennis McDougal, *Producer Robert Evans Invokes 5th at Hearing in Murder Case*, Los Angeles Times (May 13, 1989) at <https://latimes.com>.
8. New York Post, *Inside story of the night that Polanski raped a child*, (October 29, 2009) at <https://nypost.com>.
9. Liz Little, *Who is Samantha Geimer and what has she said about Roman Polanski?*, The Sun (February 29, 2020) at <https://www.thesun.co.uk>.
10. Kate Erbland, *Roman Polanski's Rape Victim Samantha Geimer Speaks Out: 'He's Apologized, I Forgive Him'*, IndieWire (February 17, 2017) at <https://www.indiewire.com>.
11. *Id.*
12. Associated Press, *Laurence Rittenband, A California Judge*, New York Times (January 3, 1994) at <https://www.nytimes.com>.
13. *Id.*
14. Associated Press, *Timeline of Roman Polanski's 4-decade underage sex case*, (May 3, 2018) at <https://apnews.com>.
15. Lee Brown, *Roman Polanski poses for smiling photo with rape victim Samantha Geimer*, New York Post (May 1, 2023) at <https://nypost.com>.
16. *Timeline, supra.*
17. Little, *supra.*
18. *Timeline, supra.*
19. Katherine Donlevy, *Roman Polanski victim claims '77 rape was 'never a big problem': report*, New York Post (April 16, 2023) at <https://nypost.com>.
20. Towne, 146.



**Rudy Carmenty** is the Deputy Commissioner of the Nassau County Department of Social Services. He can be reached at [rudolph.carmenty@hhsnassaucountyny.us](mailto:rudolph.carmenty@hhsnassaucountyny.us).

**FOCUS:  
LITIGATION**



Ian Bergström

Plaintiffs are legally permitted to initially select the courthouse believed to be appropriate. However, litigants and attorneys can challenge selection of the courthouse because of various reasons under Civil Practice Law and Rules (“CPLR”) Article 5. The processes effectuating the change or transfer of venue are statutory. If litigants and attorneys are unaware of the statutory processes to effectuate the venue transfer, then the pending litigation remains within the initially selected courthouse.

The publicly available written notice initiating the venue transfer is founded under CPLR § 8019(c). The requisite written notice is often overlooked because of unfamiliarity with the process. The applicable offices of the county clerk cannot legally effectuate the venue transfer, unless the litigant(s) complies with CPLR § 8019(c).

**Venue**

Despite the dense phraseology, the term “venue” means “courthouse.”<sup>1</sup> The statutory venue provisions are set forth under CPLR article 5. Plaintiffs are initially required to select the venue when commencing the lawsuit pursuant to CPLR § 509.<sup>2</sup> Generally, the appropriate courthouse, otherwise referred to as “place of trial,” is required to be the locality that “one of the parties resided when it was commenced.”<sup>3</sup>

The venue provisions pertaining to corporate entities are set forth under CPLR § 503.<sup>4</sup> The venue provisions pertaining to municipal entities are set forth under CPLR

## Venue—The Tale of EF-22 Forms

§ 504.<sup>5</sup> The appellate division declared, “the language of CPLR 504 is couched in mandatory terms ....”<sup>6</sup> Self-represented litigants, attorneys, and the judiciary should not interpret the statutory provisions to be “jurisdictional in nature” because the “[im]proper venue” can be “waive[d].”<sup>7</sup> Plaintiffs selecting the inappropriate “venue in the first instance forfeit[] the right to choose the place of venue.”<sup>8</sup> Litigants are required to file “motion” practice or execute the written stipulation transferring venue.<sup>9</sup>

CPLR § 510 asserts the bases “to change venue ....”<sup>10</sup> To confirm, the courts are not permitted to “sua sponte transfer venue” because “motion” practice “or [written] consent” are statutorily required effectuating transfer.<sup>11</sup> The Latin term “sua sponte” is defined as “on the court’s own motion or initiative.”<sup>12</sup> The “statutory” processes spearheading the venue transfers are set forth under CPLR 511.<sup>13</sup> If the plaintiff(s) opposes the application to transfer or change venue, then he or she is statutorily required to proffer testimonial evidence pursuant to CPLR 511.<sup>14</sup>

**The EF-22 Form is the Key to Effectuate the Venue Transfer**

Assuming arguendo the trial court grants the application to transfer venue, then the movant is required to file written notice of the entered determination pursuant to CPLR § 8019(c).<sup>15</sup> Presumably, litigants need to file the requisite CPLR § 8019(c) notice attaching the signed written stipulation agreeing to transfer venue.<sup>16</sup> The New York State Courts Electronic Filing (“NYSCEF”) system sets forth the “Document Type” option of “Notice to County Clerk CPLR 8019(C)” to electronically file the requisite notice.<sup>17</sup> The New York State Unified Court System generated the publicly available form to effectuate venue transfers pursuant to CPLR § 8019(c).<sup>18</sup> The New York State Unified Court System refers to the publicly available form as EF-22.<sup>19</sup> Practically, the Office of the County Clerk should file the “County Clerk Certification of Minutes” setting forth the civil docket entries after the CPLR § 8019(c) notice is properly filed. The filing of the “minutes and entries” certification is statutory.<sup>20</sup> The “papers” filed

with the initial courthouse are subsequently transferred to the new courthouse upon compliance with CPLR § 8019(c).<sup>21</sup> The mere fact the trial court grants the application to transfer venue or the parties agree to the venue transfer by means of writing does not automatically initiate the venue transfer to a different courthouse and applicable Office of the County Clerk. If the litigant(s) does not comply with CPLR § 8019(c), then the Office of the County Clerk is not statutorily permitted to effectuate the venue transfer.<sup>22</sup> Rather, litigants are required to file written notice of the entered trial court determination and EF-22 form notifying the Office of the County Clerk about the intention to transfer venue.<sup>23</sup>

In *Triumph Construction Corp. v. Pavilion Development, LLC*, defendant Pavilion Development, L.L.C. filed an application to transfer venue pursuant to CPLR article 5.<sup>24</sup> The crux of the parties’ dispute pertained to “a lease of ... Nassau County property” warranting the venue transfer. Plaintiff Triumph Construction Corp. did not oppose the application. Supreme Court of Bronx County granted the application to transfer venue directing one of the parties to file written notice of the entered order and requisite written notice initiating the venue transfer pursuant to CPLR § 8019(c).

In *Thau v. Dewitt Rehabilitation*, defendants filed the application to transfer venue attempting to enforce the contractual provision requiring that a civil action be commenced with the Supreme Court of Nassau County.<sup>25</sup> Supreme Court of New York County cited CPLR § 501 statutorily requiring that contractual “agreement[s] fixing place of trial” be “enforced ....” Ultimately, the trial court granted the application transferring the lawsuit to the Supreme Court of Nassau County. The trial court also directed the filing of written notice of the entered order and EF-22 form to ensure the Office of the New York County Clerk properly transfers venue to the Supreme Court of Nassau County pursuant to CPLR § 8019(c).<sup>26</sup>

1. *Busher v. Barry*, 194 A.D.3d 540, 541 (1st Dept. 2021); *Ramos v. Cooper Tire & Rubber Co.*, 51 A.D.3d 896, 897 (2d Dept. 2008); *Carbera v. Amsterdam, L.P.*, 2023 N.Y. Misc. LEXIS 15517,

\*1, Index No.: 819075/2022E (Sup. Ct., Bronx Co. 2023) (J. Wilson).  
2. See CPLR § 509.  
3. See CPLR § 503(a); see also *Jacobson v. Gaffney*, 178 A.D.3d 1026, 1027 (2d Dept. 2019).  
4. CPLR § 503(c); *Green v. Duga*, 200 A.D.3d 861, 862 (2d Dept. 2021); *O.K. v. Y.M. & Y.W.H.A. of Williamsburg, Inc.*, 175 A.D.3d 540, 541 (2d Dept. 2019).  
5. See CPLR § 504(1)-(3).  
6. *Chavez v. Sch. Constr. Consultants, Inc.*, 284 A.D.2d 361, 362 (2d Dept. 2001); *Ruiz v. NYC*, 195 A.D.2d 327 (1st Dept. 1993); *Rogers v. U-Haul Co.*, 161 A.D.2d 214, 215 (1st Dept. 1990); *Theofanis v. Liberty Lines Tr.*, 266 A.D.2d 385, 386 (2d Dept. 1999); *Adhurim Xhika v. Rocky Point Union Free School District*, 125 A.D.3d 646, 647 (2d Dept. 2015).  
7. CPLR § 510; CPLR 511; *Baluenas v. NYC Health & Hosps. Corp.*, 209 A.D.3d 642, 643-4 (2d Dept. 2022).  
8. See *Nixon v. Federated Dept. Stores, Inc.*, 170 A.D.2d 659, 660 (2d Dept. 1991).  
9. See CPLR § 509; see also CPLR 511(b).  
10. See *Allen v. Morningside Acquisition I, LLC*, 205 A.D.3d 861, 863 (2d Dept. 2022) (citing CPLR § 510(1)-(3)).  
11. See *Phoenix Insurance Co. v. Casteneda*, 287 A.D.2d 507, 508 (2d Dept. 2001) (citing CPLR § 509 and CPLR § 510).  
12. See *Sua Sponte*, Merriam-Webster, available at <https://www.merriam-webster.com/legal/sua%20sponte>.  
13. See *Allen*, 205 A.D.3d at 863 (citing CPLR 511(a)-(b)).  
14. See *id.* (citing CPLR 511(b)).  
15. See CPLR § 8019(c); see also *Arguendo*, Merriam-Webster, available at <https://www.merriam-webster.com/legal/arguendo>.  
16. See generally CPLR 509; see generally CPLR 511(b); see generally CPLR 511(d).  
17. See generally *Licata v. Builders First Source*, 2018 N.Y. Slip Op. 32301(U), \*8 (Sup. Ct., N.Y. Co. 2018); see generally *Welcome to NYS Courts Electronic Filing (NYSCEF)*, NYS Unified Court System, available at <https://iapps.courts.state.ny.us/nyscef/HomePage>.  
18. See *notice.to.county.clerk.pdf*, NYS Unified Court System, available at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/notice.to.county.clerk.pdf>.  
19. See *Supreme Court Forms (used in all counties, unless noted otherwise)*, NYS Unified Court System, available at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms.htm>.  
20. See CPLR 511(d).  
21. See CPLR 511(d); see also CPLR § 8019(c).  
22. See CPLR § 8019(c); see also *Knight v. The NY & Presbyterian Hospital*, 2022 N.Y. Slip Op. 32611(U), \*1-2 (Sup. Ct., N.Y. Co. 2022) (citing CPLR § 8019(c)).  
23. See CPLR § 8019(c).  
24. See *Triumph Construction Corp. v. Pavilion Development, LLC*, 2023 N.Y. Misc. LEXIS 15589, Index No.: 813357/2022E (Sup. Ct., Bronx Co. 2023) (J. Thompson, Jr.) (citing CPLR § 8019(c)).  
25. See *Thau v. Dewitt Rehabilitation*, 2022 N.Y. Misc. LEXIS 43870, Index No.: 805007/2022 (Sup. Ct., N.Y. Co. 2022) (J. Kelley).



**Ian Bergström** is the founder of Bergstrom Law, P.C. and is admitted to practice law before the courts of New York State, U.S. District Court for the Eastern District of New

York, U.S. District Court for the Southern District of New York, and U.S. Court of Appeals for the Second Circuit. He can be contacted at [ian@ibergstromlaw.com](mailto:ian@ibergstromlaw.com).

**For Information on  
LAWYERS'  
AA MEETINGS  
Call  
(516) 512-2618**

# Meet New Nassau Academy of Law Dean Lauren B. Bristol

**O**n June 4, 2024, Lauren B. Bristol was installed as Dean of the Nassau Academy of Law (NAL) for the 2024-2025 Bar year. Lauren has a strong background within the NAL, having previously served as Associate Dean, Assistant Dean, Secretary, Treasurer, Counsel and Advisory Board Member. This past year, she also chaired the Honorable Joseph Goldstein “Bridge the Gap” Weekend.

Lauren is a Partner at Kerley, Walsh, Matera & Cinquemani, P.C., where she has practiced for 37 years as appellate counsel for the firm, dealing with a wide range of cases from labor law, medical malpractice, and personal Injury to Insurance and Office of Professional Medical Conduct administrative appeals.

Lauren earned her Bachelor of Arts degree, magna cum laude, from Long Island University Post and her Juris Doctor, with academic distinction, from Hofstra University School of Law. She received the Evidence Award and was a participant in the International Property Investment Journal from 1985 to 1986. She was 2016 Honoree for Outstanding Women in Law and has been selected as a New York Metro Super



Lawyer. Lauren is a moot court judge and brief scorer for the NCBA Law School Moot Court Program, a mock trial coach for the High School Mock Trial program, and a moot court judge at Hofstra University School of Law.

Lauren is married and the proud mother of four adult children. She runs a soccer program for disabled players called TOPSoccer and is also the Eastern New York Youth Soccer chairperson for TOPSoccer. In 2010, she and her family organized a one-day soccer clinic for people with disabilities to gauge the community’s

interest in the program. The following year, her family launched a local TOPSoccer program with the West Hempstead Chiefs Soccer Club. Lauren has been recognized for her community service, receiving the Women of Distinction Award from the Town of Hempstead in 2015 and Volunteer of the Year from Long Island Junior Soccer League in 2018.

Recognizing the importance of continuing legal education and professional development, Lauren’s goal as Dean is to increase the number of CLE programs the Academy offers to Members, get the word out to non-members to join the NCBA because of the interesting and high-quality CLE programs the Nassau Academy of Law provides, and continue to include NCBA Corporate Partners in the CLE programs that the NAL offers. She plans to support Breast Cancer Awareness Month this October with CLE programs that reflect on trends in breast cancer awareness, research, prevention, and treatment.

The other elected Nassau Academy of Law officers for 2024-2025 are Associate Dean Christopher J. DelliCarpini, Assistant Deans Matthew V. Spero and Omid Zareh, Secretary Charlene Thompson, Treasurer Sara M. Dorchak, and Counsel Tammy Feman. 🗡️

## Have a Great Day!

Set Yourself Up for Productive, Organized Success  
by Adding These Healthy Habits to Your Daily Routine.

- 1. Clear Your Desk:** Set yourself up for a fresh start tomorrow by leaving your workspace tidy at the end of the day.
- 2. Plan Ahead:** Leave yourself a list of important tasks to be completed the next day.
- 3. Get Some Sleep:** Quality rest is essential. Develop a relaxing bedtime routine and stick to it as often as you can.
- 4. Become an Early Riser:** Starting off your day with plenty of time to prepare is a gift to your future self. Wake up gently but try to avoid the Snooze button!
- 5. Break That Fast:** A balanced breakfast will fuel your body and mind, setting you up to conquer that task list.
- 6. Prioritize Family:** Take time each day to check in with family members. Even a quick text or phone call, just to let somebody know they are in your thoughts, can recharge all souls involved.
- 7. Everything in Moderation:** Beginning with Habit #5, nourish yourself properly throughout the day. Keeping your food and drink intake balanced will ensure optimal mental clarity and physical comfort.
- 8. Jump Start Your Energy:** Incorporating exercise, even a walk around the block, into your day will get your blood flowing and refresh your mind.
- 9. Stick to Positive News:** For your own peace of mind, limit exposure to negative media.
- 10. Control Tech Usage:** Stay focused by limiting digital distractions during work hours.
- 11. Prioritize Yourself:** As difficult as this may be, always ensure that your own assignments and deadlines are managed before assisting others with theirs.

If you would like to make a donation to LAP or learn about upcoming programs, please visit [nassaubar.org](http://nassaubar.org) and click our link under the “For Members” tab.

**FREE CONFIDENTIAL HELP IS AVAILABLE. YOU ARE NOT ALONE.**  
(888) 408-6222 or (516) 512-2618 [LAP@NASSAUBAR.ORG](mailto:LAP@NASSAUBAR.ORG)

The NCBA Lawyer Assistance Program is directed by Beth Eckhardt, PhD, and the Lawyer Assistance Committee is chaired by Dan Strecker, Esq. LAP is supported by funding from the NYS Office of Court Administration, the NY Bar Foundation, Boost Nassau, and the WE CARE Fund of the Nassau County Bar Foundation. \*Strict confidentiality protected by Section 499 of the Judiciary Law.



### ONGOING SUPPORT GROUPS

**SHARING BALANCE:** Tuesdays from 1:00-1:45p.m. (via Zoom, link provided upon registration). Open to members of all aspects of the legal profession and their families. Just fill out a brief, one-time registration form (<https://forms.gle/Qnkht.JN14Tq9CJkM9>), then attend as many sessions as you like. There’s no obligation or limit. We hope to see you there!

### QUOTE OF THE MONTH

“Before anything else, preparation is the key to success.”  
– Alexander Graham Bell, inventor



Nassau County Bar Association  
Lawyer Assistance Program



[ncba\\_lawyersassistance](https://www.instagram.com/ncba_lawyersassistance)

# NAL PROGRAM CALENDAR

SEPTEMBER 15 NATIONAL HISPANIC TO OCTOBER 15  
HERITAGE MONTH

## September 10 (HYBRID)

**Dean's Hour: Through the SCOTUS looking glass—An Analysis of the U.S. Supreme Court's Reversal of 40 Years of Deference to Administrative Agency Interpretation and Enforcement of the Laws**

*With the NCBA Environmental Law, Government Relations, and Municipal Law and Land Use Committees*

12:30PM

1.0 CLE Credit in Professional Practice

The recent SCOTUS decisions in *Loper Bright Enterprises v. Raimondo* and *Securities and Exchange Commission v. Jarkesy* have upended administrative law and the authority of administrative agencies to enforce the laws they were created to oversee. In previous cases of agency interpretation of federal statutes that had ambiguity, the courts gave deference to agency expertise and reasonable interpretations of their authority. Federal agencies also served quasi-judicial functions of imposing penalties and collecting fines for determined violations of the laws. Courts will now take a larger role in interpreting statutes and will shape the future course of administrative agency action.

### Guest Speakers:

**John L. Parker, Esq.**, a Partner with Sahn Ward Braff Koblenz Coschignano PLLC, leads the firm's Environmental Energy and Resources Practice Group. He is Chair of the NCBA Environment Law Committee.

**Danielé ("Danny") D. De Voe, Esq.**, is a partner with Sahn Ward, where she specializes in commercial litigation and employment law.

**Michael H. Sahn, Esq.**, Co-Managing Member of Sahn Ward, practices zoning and land use planning, real estate law and transactions, corporate, municipal, and environmental law. He is Chair of the NCBA Government Relations Committee.

**Moderator Elisabetta T. Coschignano, Esq.**, Member of Sahn Ward, practices commercial and residential real estate transactions, zoning and land use planning, municipal law, litigation, and estate planning. She is Chair of the NCBA Municipal Law and Land Use Committee.

NCBA Member FREE; Non-Member Attorney \$35

## September 11 (HYBRID)

**Dean's Hour: Selena—The Murder of the Mexican American Madonna**

12:30PM

1.0 CLE Credit in Professional Practice

Singer Selena Quintanilla was born in 1971 and shot and killed on March 31, 1995, by an obsessed fan who derived her identity from her association with the pop star. Selena became a seminal figure in Mexican American culture. The trial raised numerous legal and ethical issues. There was no doubt who pulled the trigger, yet the actions of the authorities raised questions about securing the defendant's confession. More telling are the rights of the accused to a fair trial in an inflamed media environment punctuated by threats of violence. The trial—which ended with what was widely perceived as a just verdict—could serve as a model for a trial being conducted under intense media scrutiny.

### Guest Speaker:

**Rudy Carmenaty, Esq.**, is Deputy Commissioner of the Nassau County Department of Social Services. He was former Bureau Chief in the Office of the Nassau County Attorney, Director of Legal Services for the Nassau County Department of Social Services, and Director of Nassau County Department of Human Services.

NCBA Member FREE; Non-Member Attorney \$35

## September 12 (HYBRID)

**Yours in Freedom, Bill Baird—Documentary Film Screening Exploring the Fight for Birth Control Access and the Road Ahead**

*Sponsored by the Nassau, Queens and Suffolk Counties Women's Bar Associations*

5:00PM Dinner and Cocktail Reception

6:00PM–8:00PM Program

1.0 CLE Credit in Diversity, Inclusion & Elimination of Bias and 1.0 Credit in Professional Practice

Watch an exclusive screening of Rebecca Cammisa's powerful documentary, *Yours in Freedom, Bill Baird*, about the man who successfully challenged the U.S. law banning the distribution of contraceptives to unmarried people. *Baird v. Eisenstadt* legalized birth control for all Americans on March 22, 1972. This landmark right-

# NAL PROGRAM CALENDAR

to-privacy case was the foundation for *Roe v. Wade*. The film begins in the early 1960s when Bill Baird became the clinical director of EMKO Pharmaceuticals, a company that manufactured and sold contraceptive foam. After witnessing a woman die following a botched coat-hanger abortion, Baird committed himself to doing everything he could to promote low-cost birth control and access to safe, legal abortion.

Following the screening, Bill Baird, now 92, will join the program via Zoom for a Q&A.

**Complimentary Dinner Reception and CLE**

## September 19 (HYBRID)

**Dean's Hour: DNA Evidence in Your Case, Is It Over Before It Starts? Not So Fast!**

*With the Nassau County Assigned Defender Plan*

12:30PM

1.0 CLE Credit in Professional Practice

This program explores the strengths and weaknesses of DNA evidence in a case. Learn the basics of DNA analysis, how to interpret results and determine the significance of those results as it relates to the strength of the case, and the importance of obtaining an expert for consultation and potential testimony at trial.

### Guest Speakers:

**Dr. Mechthild Prinz, PhD.** is a professor of Forensic Genetics and teaching in the Forensic Science Program at John Jay College of Criminal Justice. She has more than 30 years of experience in forensic DNA testing.

**Jeffrey Groder, Esq.,** practices criminal law in federal and state court. A former ADA at the Nassau County District Attorney's Office, he opened his own law practice in 1998.

NCBA Member FREE; Non-Member Attorney \$35

## September 24 (HYBRID)

**Dean's Hour: Negotiating and Litigating Arbitration Clauses**

12:30PM – 2:00PM

1.5 CLE Credits in Professional Practice

National Arbitration and Mediation (NAM) hearing officers discuss provisions that should be addressed in any arbitration clause, and how to avoid the possibility of the arbitration clause being challenged in court or before an arbitrator. Topics include choice of law, venue, and the location of the arbitration; administered vs. self-administered arbitrations; single vs. panel arbitrations; selection of the panel; confidentiality; the importance of reciprocal provisions; streamlined discovery; protective orders; default provisions; and the impact of the agreement on the arbitrator. The panel will give tips on crafting an arbitration clause with specific terms on professional responsibility, the importance of streamlining the resolution of any dispute under the agreement, and how best to create a clause specific to the business transaction.

### Guest Speakers:

**Hon. Peter B. Skelos (Ret.)** spent 11 years as an Associate Justice of the Appellate Division of the NYS Supreme Court, Second Judicial Department.

**Lisa M. Casa, Esq.** is a Partner at Forchelli Law in the Employment and Labor practice group.

**Danielle B. Gatto, Esq.,** is a Partner at Forchelli Law in the Litigation practice group.

**Bret L. McCabe, Esq.,** is a partner at Forchelli Law in the Construction and Litigation practice groups.

NCBA Member FREE; Non-Member Attorney \$50

## September 25 (HYBRID)

**Dean's Hour: Traps When Buying or Selling a Business—Part 1**

12:30PM

1.0 CLE Credit in Professional Practice

Business sale and acquisition involve many legal, financial, tax and ethical considerations. The two-part series explores some common traps and missed opportunities. Part 1 includes: proper structure; entity considerations—corporation vs. partnership; contract purchase price allocations; Special S corporation traps; Section 754 election; and goodwill and valuation.

Part 2, scheduled for October 23, is a detailed discussion of ethical considerations encountered in buy/sell representation. Practical examples of ethical considerations will be presented.

**The new membership year got underway  
on July 1, 2024.**

Please note that dues must be paid for the new Bar year in order to receive CLE credit for programming and CLE on Demand viewing.

Renew online at [www.nassaubar.org](http://www.nassaubar.org).

# NAL PROGRAM CALENDAR

## Guest Speakers:

**Robert S. Barnett, Esq., MS (Taxation), CPA**, is a Partner at Capell Barnett Matalon & Schoenfeld, LLP (Parts 1 and 2)

**Mitchell T. Borkowsky, Esq.**, Law Offices of Mitchell T. Borkowsky (Part 2)

NCBA Member FREE; Non-Member Attorney \$35

## September 26 (HYBRID)

**Dean's Hour: Cell Site Analysis by Jerry Grant**

*With the Nassau County Assigned Defender Plan*

12:30PM

1.0 CLE Credit in Professional Practice

Cell site analysis is the method of mapping out an approximate location of a cell phone based on historical activity. Learn the process of obtaining and understanding the information that is contained in a Call Detail Report and how to interpret those records and produce a map indicating a general geographical location based on the cell tower and cell sector. Grant will show how easy-to-read reports can be created to allow you to visualize the approximate location of a cell phone during activity.

## Guest Speaker:

**Jerry Grant** is an Independent Digital Forensics Investigator/Consultant, and an Investigator for the Western District of NY Federal Public Defender's Office, overseeing the NYW automation program.

NCBA Member FREE; Non-Member Attorney \$35

## September 27 (In Person Only)

**Veterans Forum: Demystifying the Rights Available to Veterans—Practical Legal Information and Tips Every Lawyer and Service Provider Needs to Know**

9:00AM Continental Breakfast and Registration

9:30AM–12:00PM Program

1.0 CLE Credits in Professional Practice

9:30AM Welcome and Introduction

**Viviana DeCohen**, New York State Commissioner of Veteran's Services

10:00AM Commonly Repeated Veterans' Myths

**Benjamin Pomerance, Esq.**, Deputy Counsel, NYS Department of Veterans' Services

11:00AM Panel Presentation

**Amy Amoroso**, Director, VBOC SBA Federal Region II NY/NJ/PR/USVI, Founding Member of USMCA

**Alecia R Grady**, Director, Private Public Partnership Office, Office of the Chief of Army Reserve

FREE CLE Program and Continental Breakfast

## October 1 (HYBRID)

**Dean's Hour: How a Trial Consultant Can Help You with Your Case?**

*With the Nassau County Assigned Defender Plan*

12:30PM

1.0 CLE Credit in Professional Practice

Learn the elements of collaborating with a trial consultant, including trial preparation, persuasive themes, witness preparation, and approaches to jury selection; when you should start and how long you should work with them; what they need to be most helpful to you; and how defense lawyers in the private bar and on the 18B panel can hire a trial consultant in New York.

## Guest Speaker:

**Joseph V. Gustafiero**, a court-appointed mitigation specialist in capital cases, has spent over 40 years as a trial consultant, mitigation specialist, and jury selection expert in 200+ cases for the defense bar.

**Steven Raiser, Esq.** is a founding partner at Raiser & Kenniff, PC, practicing litigation for criminal defense and civil matters. He has appeared as a legal analyst for FOX, CNN, and Court TV (TRU TV).

NCBA Member FREE; Non-Member Attorney \$35

## Fireside Chat with Hon. Rolando Acosta (Ret.) (In Person Only)

*With the Long Island Hispanic Bar Association*

**TUESDAY, OCTOBER 1**

5:30PM – 7:00PM



Retired Justice Rolando T. Acosta was Presiding Justice of the NYS Appellate Division of the Supreme Court, First Judicial Department from 2017 to 2023. He was elected to the NYC Civil Court in New York County in 1997 where he helped create the Harlem Community Justice Center, and to the State Supreme Court in 2002. Justice Acosta was named an Associate Justice for the Appellate Division, First Judicial Department in 2008 by Governor Eliot Spitzer and elevated to Presiding Justice in 2017 by Governor Andrew Cuomo.

1.5 CLE Credits in Diversity, Inclusion and Elimination of Bias.

NCBA Members FREE; Non-Member Attorney \$50

## NCBA Installation Ceremony

On June 4, 2024, NCBA Members gathered for the installation of Daniel W. Russo as the 122nd President of the Nassau County Bar Association and Lauren B. Bristol as the new Dean of the Nassau Academy of Law, as well as the new Officers and Directors of the NCBA Board of Directors and NAL Advisory Board. Hon. Vito M. DeStefano, Nassau County Administrative Judge, and Hon. Geoffrey Prime officiated the installation of the new officers and directors.



Photos By Hector Herrera

# Benefits of Writing an Article for Nassau Lawyer

Cynthia A. Augello

Who doesn't love to see their name in print? There are many benefits to writing for the *Nassau Lawyer*: the fame, the fortune, and the opportunity to Bluebook, to name a few. In all seriousness, *Nassau Lawyer* is a fantastic local publication that spreads legal information to the members of the Nassau County Bar Association near and far. This article breaks down a few of the benefits, both known and unknown, for potential and existing authors.

**Increased Exposure.** *Nassau Lawyer* reaches a targeted audience of Nassau County attorneys and legal professionals. This is a great way to get an author's name and expertise recognized by potential clients who are actively seeking legal services or for other attorneys to see the author's potential for possible referrals.

**Credibility and Reputation.** Being published in a respected legal publication like *Nassau Lawyer* lends credibility to your qualifications and positions you as a thought leader in your field.

**Networking Opportunities.** Publishing an article can lead to inquiries and

feedback from other attorneys, potentially opening doors to new professional connections and collaborations such as CLE presentations, additional articles, podcasts, news radio, television interviews, etc.

**Marketing and Client Development.** A well-written article showcasing your knowledge and insights can act as a marketing tool, subtly promoting your services to a relevant audience. Authors often include their published articles on LinkedIn, the author's website, marketing brochures, and client email legal alerts.

**Staying Current.** The writing process itself encourages authors to stay updated on legal developments and refine their understanding of complex topics within their area of practice or learn about an area of practice the author is interested in.

**Having Fun.** Not all articles have to be serious just because they deal with the law. *Nassau Lawyer* has published arts articles, articles concerning legal TV shows and movies, legal



novels, and even articles concerning violations of the law by various fictional characters.

**Getting Younger Lawyers Involved.** Having young associates, law students, or legal interns assist the author with the legal research and writing of an article is a great way to educate the future of the legal profession and, if they are a member of the Nassau County Bar Association, allow them to be published as well.

**Earn Continuing Legal Education Credits.** Authors can earn CLE credits in New York for publishing legal articles, but there are some specific guidelines to follow:

- Only attorneys admitted to the New York State Bar for more than 24 months can claim publication credits.<sup>1</sup> Newly admitted attorneys are not eligible.
- You earn one (1) CLE credit for every 50 minutes spent researching and writing the legal publication.<sup>2</sup>
- There's a limit of 12 CLE publication credits per reporting cycle.<sup>3</sup>
- The article must be published or accepted for publication in a qualified legal periodical, such as *Nassau Lawyer*. Articles written for general audiences (newspapers, magazines) don't qualify.<sup>4</sup> *Nassau Lawyer* is written for attorneys by attorneys. The publication date must be after January 1, 1998.<sup>5</sup> It's 2024, just slightly beyond the timeframe required.
- To claim your credits, complete the "Publication Credit Application" form available on the Unified Court System's website,<sup>6</sup> and submit the application along with a copy of your published article to the New York State Continuing Legal Education Board.<sup>7</sup>

- Potential authors and previous authors seeking CLE credits for articles written for *Nassau Lawyer* can check the New York State

Continuing Legal Education Board Application and Guidelines<sup>8</sup> and New York State Bar Association Guidelines for Obtaining MCLE Credit for Writing.<sup>9</sup>

When writing for *Nassau Lawyer*, however, authors should keep in mind a few important items:

- **Content Relevance.** Articles should be relevant to the interests of Nassau County attorneys and address legal issues they encounter.
- **Competition for Publication.** There may be competition for space in the magazine, so ensure your article is well-written, timely, and offers unique insights.
- **Submission Guidelines.** Review the Nassau County Bar Association's submission guidelines (<https://www.nassaubar.org/submission-guidelines/>) to ensure your article meets their requirements.

Overall, writing for *Nassau Lawyer* can be a strategic move to enhance your reputation, earn CLE credits, expand your network, and potentially attract new clients within Nassau County. ⚖️

1. <https://www2.nycourts.gov/attorneys/cle/index.shtml>.
2. *Id.*
3. *Id.*
4. <https://www.pli.edu/>.
5. <https://www2.nycourts.gov/attorneys/cle/index.shtml>.
6. *Id.*
7. *Id.*
8. *Id.*
9. <https://nysba.org/app/uploads/2020/02/NYSBA-Guidelines-for-Obtaining-MCLE-Credit-for-Writing.pdf>.



**Cynthia A. Augello** is the founding member of the Augello Law Group, PC, where she practices Education Law. She is also the Editor-in-Chief of Nassau Lawyer and Chair of

the NCBA Publication's Committee. Cynthia can be contacted at [caugello@augello.com](mailto:caugello@augello.com).

## APPELLATE COUNSEL



Christopher J. Chimeri is frequently sought by colleagues in the legal community to provide direct appellate representation for clients, as well as consulting services to fellow lawyers.

The firm's appellate team is highly equipped to navigate, or help you navigate, the complexities and nuances of appellate practice, including all aspects of matrimonial and family law in all departments in New York State and the Court of Appeals, as well as civil and commercial matters in the State and Federal Courts.



Scan to Learn More

### QUATELA | CHIMERI PLLC

888 Veterans Memorial Hwy, Ste 530, Hauppauge, NY | 631.482.9700  
320 Old Country Rd, Ste 206, Garden City, NY | 516.444.4200

www.QCLaw.com

MATRIMONIAL | LITIGATION | BUSINESS TRANSACTIONS | APPELLATE PRACTICE  
LABOR & EMPLOYMENT | FEDERAL PRACTICE | LGBTQ COMMUNITY | MUNICIPAL DEFENSE  
BANKING & REAL ESTATE | CRIMINAL, WHITE COLLAR & REGULATORY DEFENSE



# A Toast to Domus: The Legacy of the Nassau County Bar Association (Part 5)

*In tribute to the 125th anniversary of the Nassau County Bar Association's founding in 1899, throughout 2024, Nassau Lawyer will publish excerpts from the history book, A Toast to Domus: The Legacy of the Nassau County Bar Association, to familiarize readers with the NCBA's past. An online copy of A Toast to Domus, published in 2020, can be found at NassauBar.org under the About Us dropdown menu.*

In the decades after the war, Nassau was the nation's fastest growing county. With the construction of Levittown and other new communities, Nassau epitomized the postwar suburbanization of the United States. The population grew by more than a quarter million during the 1940s to 672,765, but during the 1950s, it almost doubled to reach 1.3 million.<sup>24</sup> In November 1975, the United States Department of Commerce designated Nassau and Suffolk a separate Standard Metropolitan Statistical Area, the first SMSA in the country which was not centered in a major city. At the time, it ranked as the ninth largest in population in the nation and was the fastest growing SMSA in the state.

As the county changed during the post-war decades, so too did the Bar Association. Membership was opened up and the character of the organization was transformed. After the war there were fewer than 500 members, but by the end of the 1950s the total reached more than 1,200, and the membership rolls more than doubled again during the 1960s. No longer would the Association resemble a gentlemen's club for Wall Street lawyers, for the county's legal landscape was rapidly changing.

The most obvious change was the admission of women in the 1950s. In 1937 six female attorneys (Kathleen Kane, Lillian H. Knorr, Emily W. Mauly, Mary B. Moloney, Carolyn Barteau Missisway, and Alicia R. O'Connor), "duly admitted to practice law in the State of New York," applied for membership, each proposed and seconded by a member of the Bar as required under the by-laws. Their applications were denied, however, as the Association had no formal policy permitting women to join; at the same time, of course, the by-laws did not specifically bar women from becoming members. In his final report that year, Edwin G. Wrigh, chairman of the membership committee, scarcely mentioned the women's applications while noting, "There are many more fine, gentlemanly lawyers living in this county who should be members of the Association. However, they must be contacted and made to feel that they will be welcomed to membership..."<sup>25</sup>

Early the next year the directors debated the question of admitting women, and after much discussion, they voted unanimously to amend the constitution to "insert the word 'male'



before 'member' in all instances where eligibility of applicants for membership to this Association is under discussion." During the debate Theodore Ripsom praised the "group atmosphere" of the Bar, and former president C. Walter Randall stated that he had originally opposed the proposed amendment, but then endorsed the extension of "privileges" to women, but not membership.<sup>26</sup>

Rebuffed by the Bar, the women founded the Nassau County Women's Bar Association in 1938. After the Bar permitted the women to hold their first annual dinner at Domus in June 1939, the Board voted to extend to the Women's Bar the "privileges of the building," but, in the words of one member, "only for special affairs and not as a regular thing."<sup>27</sup>

In 1951 the Bar, by a vote of 138-28, finally changed its by-laws and constitution to permit the admission of women. That May, Ellen E. O'Neil became the first woman accepted for membership, and in the following months of several more applications were accepted, including those of Mary Moloney, Alicia O'Connor, and Kathleen Kane, three of those who had first applied fourteen years before.<sup>28</sup> Despite the admission of female attorneys into the Bar Association, the Nassau County Women's Bar Association did not disband and they continue to hold their meetings at Domus.

When the Bar Association was founded in 1899, Nassau County was largely agricultural and the playground of the elite. The decade of the 1920s only enhanced the image of Long Island as the Gold Coast, an image

immortalized in F. Scott Fitzgerald's *The Great Gatsby*. After the Second World War, the great estates shrank and the fields gave way to tract housing. The county which had once seemed a private preserve slowly came to grips with the realities of suburban sprawl and an increasingly diverse population. The Bar Association, founded as a club for Wall Street lawyers, necessarily evolved into an organization which served the legal profession and provided services for the general public.

Until the Great Depression, there had been little demand for legal aid, but in the 1940s the Bar Association had to hire an attorney to handle the growing caseload, as it became unrealistic to rely on lawyers to volunteer their time. In 1949 the Legal Aid Committee had 517 appeals for assistance, and there were twenty cases in litigation. The committee chairman, Mr. McDonough, reported "that while theoretically it was advisable to refer cases to practicing lawyers, as a practical matter they were considered a nuisance," adding that "most lawyers would prefer to make a contribution of \$10 a year to maintain facilities for the handling of such matters by the Committee."<sup>29</sup> In 1951 an independent Legal Aid Society, partially funded by the county, was established.

The Bar Association made a modest donation each year, but the Legal Aid Society was always short of funds and regularly appealed to the Bar for financial support; in 1961 for example, the Lion's Club raised \$3,000 for the Society at a dinner. In 1979 the county slashed the Society's budget by 40%, in part, according

to Town of Hempstead Supervisor Alfonse D'Amato, because there was inadequate screening of applicants to assure that only the truly needy received legal aid.

After a quarter century of expansion, the Association had to face the increasingly obvious limitations of their home. Domus had been built to serve an organization which counted fewer than 350 members; by the late '70s the number had grown tenfold. The staff worked in cramped conditions; record storage was becoming a nightmare; the kitchen desperately needed modernization; and the limited space made it almost impossible to hold more than two meetings simultaneously. Furthermore, the organization sponsored many more public service activities than it had in 1930, and consolidating such programs as Tel-Law, the Lawyer Referral Program, and the Assigned Counsel Defender Plan at Domus was not possible unless it was expanded. Finally, it would take \$170,000 to upgrade the structure itself: plumbing, electricity, heating, and air conditioning. The final cost was estimated at \$700,000.

As in the 1920s, the Directors hoped to finance this plan through the members, rather than a mortgage. In March 1979 they submitted a proposal for a onetime assessment of \$250 from each member, but it fell just shy of the two-thirds needed for approval. In June, however, the members overwhelmingly approved a proposal to mortgage the Association's property to obtain the necessary funds. At the same time the directors were authorized to raise dues by \$30, and \$15 for junior members, to pay the mortgage.<sup>30</sup> The renovation and expansion program was completed in little more than a year, and Domus was rededicated on October 26, 1980. 🪵

24. Bureau of Census, 1990 Census of Population, General Population Statistics, New York (Washington D.C.: Department of Commerce, 1992).

25. Minutes of the Board of Directors, October 5, 1937.

26. Minutes of the Board of Directors, January 14, 1938.

27. Minutes of the Board of Directors, June 13, 1939.

28. Minutes of the Board of Directors, April 10, 1951; May 1951.

29. Minutes of the Board of Directors, June 14, 1949; Nov. 15, 1949.

30. Bar Association of Nassau County, Newsletter, Feb., March, April, May, and June 1979; "Information for Members on Building Expansion Vote-March 13-14," Feb. 7, 1979.



## We Acknowledge, with Thanks, Contributions to the WE CARE Fund

### DONOR

Ellen P. Birch  
 Ellen P. Birch  
 DiMascio & Associates LLP  
 Maria and Alan Dove  
 Hon. Tricia M. Ferrell  
 Marlene Farihman-Fels and Michael Fels  
 Beverly and William Flipse  
 Martha Krisel  
 Martha Krisel  
 Martha Krisel  
 Martha Krisel  
 Martha Krisel  
 Kenneth Marten  
 Robert Nigro  
 David Segen  
 Adam E. Small, Support Magistrate  
 Terrence Tarver  
 Mary A. Walling

### IN HONOR OF

Bat Mitzvah of Dana Finkelstein  
 Ira S. Slavit, recipient of the NCBA Director's Award  
 Birth of Emmett Briggs Kruman, grandson of Henry Kruman  
 Congratulations Joe Dussich  
 Hon. Joy M. Watson, recipient of the Virginia Duncombe, Esq. Scholarship Award  
 WE CARE  
 Adrienne Hausch  
 WE CARE  
 Jennifer L. Koo, recipient of the NCBA President's Award  
 Ira S. Slavit, recipient of the NCBA Director's Award  
 Peter J. Mancuso, recipient of the NCBA Past President's Award  
 Daniel W. Russo, installed as Nassau County Bar Association's 122nd President  
 WE CARE  
 WE CARE  
 Bat Mitzvah of Dana Finkelstein  
 WE CARE  
 WE CARE

### DONOR

Ellen P. Birch  
 Ellen P. Birch  
 DiMascio & Associates LLP  
 DiMascio & Associates LLP  
 Barbara Gervase  
 Hon. Fred J. Hirsh  
 Hon. Fred J. Hirsh  
 Elizabeth Kase  
 Hon. Christopher and Monica McGrath  
 Susan Katz Richman  
 Hon. Denise L. Sher  
 Hon. Ira B. Warshawsky  
 Alan E. and Susan Weiner  
 Kathleen Wright

### IN MEMORY OF

Jacqueline Greenberg, niece of Jill Stone  
 Marcia Getz, mother of Faith Getz Rousso  
 Helene Fried, mother of Michael Fried  
 Marcia Getz, mother of Faith Getz Rousso  
 Jacqueline Greenberg, niece of Jill Stone  
 Hon. John G. Marks  
 Hon. John L. Kase  
 Hon. John L. Kase and in Celebration of Father's Day  
 Michael Block  
 Charles Robert, beloved husband of Joan Lensky Robert  
 Charles Robert, beloved husband of Joan Lensky Robert  
 Hon. John L. Kase  
 Jeffrey M. Novick  
 Helen Kammerer, mother-in-law of Jean Kelly, Director of the INN

### IN MEMORY OF BENJAMIN HECHT, SON OF JOSHUA HECHT

Karen Bodner  
 Dana Finkelstein  
 Florence Fass and Elena Greenberg  
 Martha Haesloop  
 Jill Stone and Melissa Studin Young

### IN MEMORY OF ARMINDA HERRERA, MOTHER OF HECTOR HERRERA

Ellen P. Birch	Donna Marie Korth and Family
Jeffrey L. Catterson	Grace D. Moran
Rick and Kathy Collins	Jamie Rosen
Stephen Gassman	Jennifer Rosenkrantz
Douglas and Lynda Good	Jill Stone
Martha Haesloop	Kathleen Wright
Adrienne and Roger Hausch	

### IN MEMORY OF HON. ANTHONY J. FALANGA

Karen Bodner  
 Hon. Stephen and Elizabeth Bucaria  
 Neil R. Cahn  
 Florence Fass and Elena Greenberg  
 Dana Finkelstein  
 Martha Haesloop  
 Adrienne and Roger Hausch  
 Hon. Fred J. Hirsh  
 Alan B. Hodish  
 Gregory S. Lisi  
 Michael G. Lo Russo  
 Kenneth L. Marten  
 Hon. James McCormack and Hon. Marie McCormack  
 Hon. Christopher and Monica McGrath  
 Nigro Family  
 Jennifer Rosenkrantz  
 Leslie and Douglas Rothkopf  
 Hon. Denise L. Sher  
 Jill Stone and Melissa Studin Young  
 Hon. Ira B. Warshawsky  
 Hon. Joy M. Watson  
 Kenneth J. Weinstein  
 Kathleen Wright

### IN MEMORY OF JOSEPH KELLER, FATHER OF DEBRA KELLER

Jeffrey L. Catterson	Hon. James McCormack and Hon. Marie McCormack
Dana Finkelstein	Susan Katz Richman
Hon. Carnell T. Foskey	Faith Getz Rousso
Gtstephen Gassman	Hon. Denise L. Sher
Martha Haesloop	Jill Stone
Adrienne and Roger Hausch	Kathleen Wright
Kenneth L. Marten	

### IN MEMORY OF MICHAEL CANCELLARE

Karen Bodner  
 Dana Finkelstein  
 Martha Haesloop

### IN MEMORY OF HON. JOSEPH A. DEMARO

Hon. Stephen and Elizabeth Bucaria  
 DiMascio & Associates LLP  
 Martha Haesloop  
 Nigro Family

**SAVE THE DATE**  
**WE CARE ANNUAL GOLF & TENNIS CLASSIC**  
**2024**

**SEPTEMBER 16, 2024**

[www.thewecarefund.com](http://www.thewecarefund.com)

**RUN WALK HONOR**  
 OUR FIRST RESPONDERS & MILITARY HEROES

Join NCBA and WE CARE Fund for the Annual Tunnel to Towers 5K Run and Walk  
*Family and Friends Welcome!*



**Sunday, September 29, 2024**  
**9:30 AM - 2:00 PM**



Registration Includes:

- Entry Fee
- T2T Event and Warriors Team Shirt
- Breakfast and Lunch
- Preferred Starting Time
- Round Trip Coach Bus Transportation
- Goody Bag



Scan the QR code to register!



## 2024-2025 Sustaining Members

The NCBA is grateful for these individuals who strongly value the NCBA's mission and its contributions to the legal profession.

- |                             |                             |
|-----------------------------|-----------------------------|
| Mark E. Alter               | Elena Karabatos             |
| Michael J. Antongiovanni    | Jared A. Kasschau           |
| Rosalia Baiamonte           | Hon. Susan T. Kluewer       |
| Robert S. Barnett           | Jennifer L. Koo             |
| Ernest T. Bartol            | Abraham B. Krieger          |
| Howard Benjamin             | Debra Sue Keller Leimbach   |
| Jack A. Bennardo            | Donald F. Leistman          |
| Hon. Maxine S. Broderick    | Marilyn M. Levine           |
| Adam L. Browser             | Peter H. Levy               |
| Hon. Lisa A. Cairo          | Gregory S. Lisi             |
| Jeffrey L. Catterson        | Anthony J. LoPresti         |
| Bruce M. Cohn               | Sighle M. Lynch             |
| Michael J. Comerford        | Peter J. Mancuso            |
| Brian P. Corrigan           | Michael A. Markowitz        |
| Dina M. De Giorgio          | Hon. Christopher T. McGrath |
| Christopher J. DelliCarpini | Patrick Michael McKenna     |
| Stephen Joseph DePrima      | Oscar Michelen              |
| John P. DiMascio, Jr.       | Anthony J. Montiglio        |
| John P. DiMascio            | Anthony A. Nozzolillo       |
| Samuel J. Ferrara           | Teresa Ombres               |
| Thomas J. Foley             | Hon. Lisa M. Petrocelli     |
| Lawrence R. Gaissert        | Michael E. Ratner           |
| Dorian R. Glover            | Marc W. Roberts             |
| Mark E. Goidell             | Robert P. Rovegno           |
| Allan B. Goldman            | Daniel W. Russo             |
| Davin Goldman               | John E. Ryan                |
| Douglas J. Good             | William M. Savino           |
| Mark A. Green               | Jerome A. Scharoff          |
| Robert S. Grossman          | Hon. Denise L. Sher         |
| Hon. Frank A. Gulotta, Jr.  | Andrew J. Simons            |
| Robert M. Harper            | Ira S. Slavit               |
| Jay M. Herman               | Thomas E. Stagg             |
| Alan B. Hodish              | Hon. Joy M. Watson          |
| James P. Joseph             | Stewart E. Wurtzel          |

The financial contribution of a Sustaining Member enables the NCBA to continue its legacy for years to come. Becoming a Sustaining Member is a demonstration of not only your commitment to this Bar Association, but also your dedication to the legal profession.

To become a Sustaining Member, call the NCBA Membership Office at  
**(516) 747-4070.**

# CALENDAR | COMMITTEE MEETINGS

## COMMITTEE CHAIRS

Access to Justice	Hon. Maxine Broderick and Rezwanul Islam
Alternative Dispute Resolution	Ross J. Kartez
Animal Law	Harold M. Somer and Michele R. Olsen
Appellate Practice	Amy E. Abbandonelo and Melissa A. Danowski
Asian American Attorney Section	Jennifer L. Koo
Association Membership	Adina L. Phillips and Ira S. Slavitt
Awards	Sanford Strenger
Bankruptcy Law	Gerard R. Luckman
Business Law Tax and Accounting	Raymond J. Averna
By-Laws	Deanne M. Caputo
Civil Rights	Patricia M. Pastor
Commercial Litigation	Christopher J. Clarke and Danielle Gatto
Committee Board Liaison	James P. Joseph
Community Relations & Public Education	Ingrid J. Villagran and Melissa A. Danowski
Conciliation	Salvatore A. Lecci
Condemnation Law & Tax Certiorari	Robert L. Renda
Construction Law	Adam L. Browser
Criminal Court Law & Procedure	Christopher M. Casa and Amanda A. Vitale
Cyber Law	Thomas J. Foley and Nicholas G. Himonidis
Defendant's Personal Injury	Jon E. Newman
District Court	Bradley D. Schnur
Diversity & Inclusion	Sherwin Safir
Education Law	Liza K. Blaszyk and Douglas E. Libby
Elder Law, Social Services & Health Advocacy	Lisa R. Valente and Christina Lamm
Environmental Law	John L. Parker
Ethics	Mitchell T. Borkowsky
Family Court Law, Procedure and Adoption	Tanya Mir
Federal Courts	Michael Amato
General, Solo & Small Law Practice Management	Jerome A. Scharoff
Grievance	Robert S. Grossman and Omid Zareh
Government Relations	Michael H. Sahn
Hospital & Health Law	Kevin P. Mulry
House (Domus)	Steven V. Dalton
Immigration Law	Pallvi Babbar
In-House Counsel	Brian P. O'Keefe
Insurance Law	Michael D. Brown
Intellectual Property	Sara M. Dorchak
Judicial Section	Hon. Gary F. Knobel
Judiciary	Dorian R. Glover
Labor & Employment Law	Marcus Monteiro
Law Student	Bridget M. Ryan and Emma P. Henry
Lawyer Referral	Gregory S. Lisi
Lawyer Assistance Program	Daniel Strecker
Legal Administrators	
LGBTQ	Jess A. Bunshaft
Matrimonial Law	Karen L. Bodner
Medical Legal	Bruce M. Cohn
Mental Health Law	Jamie A. Rosen
Municipal Law and Land Use	Elisabetta Coschignano
New Lawyers	Byron Chou and Michael A. Berger
Nominating	Rosalia Baiamonte
Paralegal	
Plaintiff's Personal Injury	Giulia R. Marino
Publications	Cynthia A. Augello
Real Property Law	Suzanne Player
Senior Attorneys	Stanley P. Amelkin
Sports, Entertainment & Media Law	Ross L. Schiller
Supreme Court	Steven Cohn
Surrogate's Court Estates & Trusts	Michael Calcagni and Edward D. Baker
Veterans & Military	Gary Port
Women In the Law	Melissa P. Corrado and Ariel E. Ronneburger
Workers' Compensation	Craig J. Tortora and Justin B. Lieberman

**THURSDAY, AUGUST 8**  
**Association Membership**  
 12:30 p.m.

**Community Relations & Public Education**  
 12:45 p.m.

**WEDNESDAY, AUGUST 21**  
**Diversity & Inclusion**  
 6:00 p.m.

**THURSDAY, AUGUST 29**  
**LGBTQ**  
 5:30 p.m.

**FRIDAY, AUGUST 30**  
**Appellate Practice**  
 12:30 p.m.

**WEDNESDAY, SEPTEMBER 4**  
**Real Property Law**  
 12:30 p.m.

**THURSDAY, SEPTEMBER 5**  
**Community Relations & Public Education**  
 12:45 p.m.

**Publications**  
 12:45 p.m.

## PRO BONO MONTH

**VOLUNTEER ATTORNEYS NEEDED FOR CONSULTATIONS!**

### PRO BONO OPEN HOUSE

**Tuesday, October 29, 2024**  
**at the NCBA**

**2:00-4:00 PM | 4:00-6:00 PM | 6:00-8:00 PM**  
**(Attorneys can volunteer for any shift or all shifts.)**

**We invite all attorneys to volunteer for an in-person open house event. Any Nassau County resident can attend and speak with an attorney for free.**

Volunteers are needed in the following areas of law:

- Bankruptcy
- Divorce and Family Law
- Employment
- Mortgage Foreclosure and Landlord Tenant
- Elder Law (Estate and Surrogate)
- Immigration
- General Legal—A to Z (from Adoption to Zoning)

**\*\*Attorneys DO NOT provide legal representation.**

**To volunteer, please contact**  
**516-747-4070 ext. 1231 or**  
**openhouse@nassaubar.org**



Another Community Service from the Nassau County Bar Association  
 in cooperation with Nassau/Suffolk Law Services and The Safe Center LI

## Asian Heritage Month

In celebration of May's Asian Heritage Month, the NCBA Asian American Attorney Section hosted a Chinese Calligraphy Paint & Sip Night on May 22. Members socialized and learned the evolutionary history of written Chinese from ancient pictograms to modern-day characters and the art of Chinese calligraphy.



Photos By Byron C. Chou, Esq.

### In Brief

The *Nassau Lawyer* welcomes submissions to the IN BRIEF column announcing news, events, and recent accomplishments of its current members. Due to space limitations, submissions may be edited for length and content. PLEASE NOTE: All submissions to the IN BRIEF column must be made as WORD DOCUMENTS.

Farrell Fritz, P.C. has added nine lawyers in the first half of 2024, including Counsel **Maria Lianos Johnson** (Estate Litigation), Counsel **Adam P. Margulies** (Tax), and Associate **Christina R. Kort** (Corporate).

On July 9, 2024, Harris Beach PLLC and Murtha Cullina LLP announced that the partnerships of both firms have approved an Operating Agreement that will govern a new, combined firm to be known as **Harris Beach Murtha**.

Burner Prudenti Law is proud to announce that Partner **Britt Burner** is the NYSBA's newest Chair of the Elder Law and Special Needs Section. Her term began on June 1, 2024, and runs through May 31, 2025.

**Jeffrey D. Forchelli** and **John V. Terrana**, Co-Managing Partners of Forchelli Deegan Terrana LLP (FDT), are proud to announce that the attorneys and staff of Cronin, Harris & Associates, PLLC (CHA) have joined the firm. CHA's Senior Partner **Laureen Harris** will continue as such at FDT. **Stephanie M. Alberts**, Co-Chair of FDT's Tax, Trusts & Estates practice group, was selected by *Long Island Business News* as one of the Most Dynamic Women Leaders on Long

Island 2024. FDT welcomed **Taylor L. Gonzalez** to the firm's Land Use & Zoning practice group as an Associate on July 9. **Caroline G. Frisoni** was admitted to the New York State Bar on May 15, thereby beginning her position as an Associate in the firm's Corporate and Mergers & Acquisitions practice group.

FDT congratulates the following attorneys on their NCBA Committee appointments effective June 1, 2024: **Michael A. Berger**, Associate in the firm's Employment & Labor and Veterinary practice groups, was appointed Co-Chair of the New Lawyers Committee; **Lisa M. Casa**, Partner in the firm's Employment & Labor practice group, was appointed Vice Chair of the Labor and Employment Law Committee; **Johanna C. David**, Partner in the firm's Tax, Trusts, & Estates practice group, was appointed Vice Chair of the Elder Law, Social Services & Health Advocacy Committee; **Danielle B. Gatto**, Partner in the firm's Litigation practice group, was appointed Co-Chair of the Commercial Litigation Committee; **Cheryl L. Katz**, Partner in the firm's Tax, Trusts, & Estates practice group, was appointed Vice Chair of the Surrogate's Court Estates and Trusts Committee; **Gregory S.**

**Lisi**, Partner and Chair of the firm's Employment & Labor practice group, was appointed Chair of the Lawyer Referral Committee; **Gerard R. Luckman**, Partner and Chair of the firm's Bankruptcy & Corporate Restructuring practice group, was appointed Chair of the Bankruptcy Law Committee; and **Robert L. Renda**, a partner in the firm's Tax Certiorari practice group, was appointed Chair of the Condemnation Law and Tax Certiorari Committee.

On July 22, Moritt Hock & Hamroff LLP announced that Partner **Leslie Berkoff** has been recognized by Lawdragon as 500 Leading U.S. Bankruptcy & Restructuring Lawyers for 2024.

Vishnick McGovern Milizio LLP (VMM) congratulates Managing Partner **Joseph Milizio** for being named one of *Crain's New York Business* 2024 Notable LGBTQIA+ Leaders. It's the fourth consecutive year he has been named to the prestigious list. VMM is pleased to announce that **Jordan M. Freundlich** has been promoted to Partner and is the new head of the Trust and Estate Litigation and Appellate practices. The firm also welcomes new team members **Katherin Valdez-Lazo**, Associate in the Business and Transactional

Law practice, and Associates **Helen L. Tuckman** and **Kristine Garcia-Elliott** in the Wills, Trusts, and Estates and Elder Law practices.

Sahn Ward Braff Koblenz PLLC Partners **Joshua D. Brookstein** and **Erika L. Conti**, in conjunction with the NCBA School Engagement Subcommittee, teamed up with schools in the Roslyn and Baldwin School Districts, the Hebrew Academy of the Five Towns and Rockaway, and the North Shore Hebrew Academy to turn students into courtroom crusaders through the second annual elementary school mock trial program.

Capell Barnett Matalon and Schoenfeld, LLP Founding Partner **Robert S. Barnett** recently presented "Income Tax Consequences of Estate Planning" for the National Business Institute; he will also be lecturing for myLawCLE on August 23 on the topic of estate planning and LLCs. Partner **Yvonne R. Cort** presented a webinar, "NYS Residency Primer: Leaving NY? Have a Second Home in NY? Get Ready for an Audit!" She will also be speaking on September 5 for HalfMoon Education on the topic of NYS tax collections, including voluntary disclosure, levies, warrants and collection resolutions.

## Portrait Dedication Ceremonies

On May 31, the Nassau County Courts held the portrait dedication ceremony for Hon. Thomas A. Adams, retired Justice of the Supreme Court, and current Nassau County Attorney. District Administrative Judge Vito M. DeStefano, First Deputy Chief Administrative Judge Norman St. George, Chief Administrative Judge Joseph A. Zayas, Nassau County Supreme Court and Matrimonial Part Supervising Judge Jeffrey Goodstein, and NCBA President Daniel W. Russo were present for the ceremony.

On June 13, the Nassau County Courts held the portrait dedication ceremony for retired Justice of the Supreme Court, Hon. Ruth C. Balkin. NCBA President Daniel W. Russo, Retired Associate Justice of the Appellate Division, Second Department, Hon. Leonard B. Austin, District Administrative Judge Vito M. DeStefano, and Nassau County Supreme Court and Matrimonial Part Supervising Judge Jeffrey Goodstein were present for the ceremony.

The Nassau County Bar Association commissions portraits for Nassau County Supreme Court justices upon their retirement from the Bench. The portraits hang in the Calendar Control Courtroom of the Supreme Court.



Photos By Hector Herrera



## New Members

We Welcome the Following New Members

Isaac S. Altman Esq.	Martin Geoffrey Goldberg Esq.	Mark Steven Luccarelli Esq.	<b>LAW STUDENTS</b>	Sehr Khokhar
Douglas Brian Appel Esq.	Mary Elizabeth Griffin Esq.	Judah Maltz Esq.	Ali Farooq Alekri	Emma Kiernan
Marc Nathaniel Aspis Esq.	Nicole Ann Guliano Esq.	Justin Scott Manzi Esq.	Viana Marie Alves	Jacqueline Kitzes
Sharon Azmon <i>Paralegal</i>	David Wayne Haber Esq.	Wayne Thomas Marks Esq.	Sabrina Zia Arfeen	Jessica Joan Laguerre
Nicholas James Balboni Esq.	Eric Paul Habib Esq.	Hillary Kaelin Massey Esq.	Artur Aslanyan	Matthew LoMastro
Kenneth Evan Belkin Esq.	Jillian Spitzer Harrington Esq.	James P. McCarthy Esq.	Taylor Carney	Emma Lopez-Fonte
Gail Marie Berkowitz Esq.	Jacob Harry Hirsch Esq.	Katana Marie Meganck Esq.	Nicholas A. Chronis	Simrah Malik
Eric Ross Bernstein Esq.	Brittany Nicole Hulbert Esq.	Kevin Eugene Morgan Esq.	Emily Cullen	Vivian Mantzopoulos
Karen Bobley Esq.	Jason Adam Isaacson Esq.	Adam Christopher Neal Esq.	Arianna Marie Cunningham	James Moran
Scott Laurence Bookstein Esq.	Sebastian Jablonski Esq.	Elizabeth Marcy Nevins Esq.	Daniel P. Daly	Elizabeth L. Nealon
Cornell Van Nostrand Bouse Esq.	Karen E. Johnston Esq.	Michelle Beth Parisien Esq.	Isaiah Dickerson	Richard O'Hara
Carla Shannon Brydson Esq.	Henry F. Jones Esq.	Paul M. Portz, Jr. Esq.	Kathryn Victoria Bahnken Doner	Matthew Robert Pemberton
Thomas John Butler Esq.	Marianne Karas Esq.	Sandhya Urvanshi Prashad Esq.	Jake A. Enella	Natalie Ann Picon
Debra Sue Buxbaum Esq.	Louis P. Karol Esq.	Dan Rottenstreich Esq.	John T. Englert	Jillian Pusateri
Nicholas Angelo Carra Esq.	Michael John Kaszubski Esq.	Jason Lawrence Russo Esq.	Heather Fanning	Caroline Beatrix Ramos
Janet DeLuca Esq.	Almy F. Katz Esq.	Peter A. Sell Esq.	Rebecca Avery Ferguson	Linda Reimann
Adrienne Doreen Edward Esq.	Gloria Keum Esq.	Robin Sue Stanco Esq.	Zhanna Catherine Green	Joshua Richards
Dominic Anthony Errichiello Esq.	Rachel Nicole Krebs Esq.	Kenneth M. Tuccillo Esq.	Navin Rayanand Hardyal	Hunter R. Sentner
Shenelle Tiffany Fabio Esq.	Justin Slade Krell Esq.	Katherin Estefany Valdez-Lazo Esq.	Emily Hellmann	Michael Patrick Spellman
Steven Neil Feinman Esq.	Isabel Nina Kupilik Esq.	John Stephen Wallenstein Esq.	Faith Hintze	Kelly M. Talty
Arza Rayches Feldman Esq.	David Laniado Esq.	Gregory Stephen Zak Esq.	Nicole G. Hughes	Karen Michele Ulloa Moreira
Taylor Nicole Gantz Esq.	Marc Laykind Esq.	Anne Zeitoun-Sedki Esq.	Maria Katerina Kaganis	Danielle E. Versteeg



## NCBA 2023-2024 Corporate Partners

Nassau County Bar Association Corporate Partners are committed to providing members with the professional products and services they need to succeed. Contact the Corporate Partner representatives directly for personalized service.

**ABSTRACTS, INCORPORATED™**  
COMMERCIAL & RESIDENTIAL TITLE INSURANCE SINCE 1964  
100 Garden City Plaza Suite 201, Garden City, NY 11530  
123 Maple Avenue, Riverhead, NY 11901





Thomas Turano (516) 683-1000 ext. 218 tturano@abstractsinc.com  
Sal Turano (516) 683-1000 ext. 223 sturano@abstractsinc.com www.abstractsinc.com  
Joseph Valerio (516) 683-1000 ext. 248 jvalerio@abstractsinc.com

**COMPLETEADVISORS**

181 South Franklin Avenue  
Suite 303  
Valley Stream, NY 11581

**Evan M. Levine**  
Founding Partner  
Head of Valuation Engagements and Advisory

t : 516.231.2977  
c : 917.696.0674  
e : Evan@completeadvisors.com

**IT Group**  
Technology Consulting

**Adam Schultz**  
Partner  
631-358-5030  
adam@itgroup-ny.com

*Managed Service provider and full service IT company*

**LexisNexis®** | Legal & Professional

**Raj Wakhale**  
Territory Manager



raj.wakhale@lexisnexis.com  
631.827.9661 Direct  
800.543.6862 Customer Service

LexisNexis  
19 Blair Drive  
Huntington 11743  
lexisnexis.com

**OPAL WEALTH ADVISORS**



**Jesse Giordano, CFP**  
Financial Advisor, Principal  
jesse.giordano@opalwealthadvisors.com  
(516) 388-7980



**Lee Korn**  
Financial Advisor, Principal  
lee.korn@opalwealthadvisors.com  
(516) 388-7980

Opal Wealth Advisors is a registered investment advisor dedicated to helping you create and use wealth to accomplish goals that are meaningful to you.

**JOHN MCGORTY**  
Executive Vice President of Business Development



212-719-0990  
212-624-9983  
www.phpny.com  
jmcgorty@phpny.com

**PHP**

10 East 39th Street, 7th Floor, New York, NY 10016

**Realtime Reporting, Inc.**  
National Court Reporting Services



26 Railroad Avenue, Suite 346  
Babylon, NY 11702  
626 RXR Plaza  
Uniondale, NY 11556  
O: 516.938.4000 | 800.373.7172  
C: 516.356.4512 **24/7**  
ebirch@realtimereporting.com  
realtimereporting.com

Ellen Birch, Founder and CEO

**TITAN AGENCY**



**Titan Agency**  
**Michael Schiller**  
Property & Casualty Insurance  
Professionals Businesses Individuals

Office: 201-210-9775  
Cell: 973-280-1177  
michael@titanagency.com  
www.titanagency.com

**vdiscovery**

**MICHAEL WRIGHT**  
Senior Vice President  
michaelw@vdiscovery.com

(Direct) 212.220.6190 | 10 East 39th Street, 6th Floor  
(Mobile) 917.681.6836 | New York, NY 10016  
(Main) 212.220.6111 | https://vdiscovery.com/

vdiscovery is a Manhattan-based provider of proprietary and best-in-breed solutions in computer forensics, document review, and electronic discovery, bringing deep expertise, efficient solutions, and an exceptional client experience to corporations and law firms.

**WebsterBank**

Proud supporter of Nassau County Bar Association and WE CARE FUND




**Jeff Mercado**  
212.575.2887  
jmercado@websterbank.com

**Monica Vazquez**  
212.309.7649  
mvazquez@websterbank.com

**Contact [epost@nassaubar.org](mailto:epost@nassaubar.org) for details about becoming a Corporate Partner.**

**NCBA Corporate Partner Spotlight**

**Pollet Associates, LTD.**  
**REAL PROPERTY APPRAISERS & LAND USE CONSULTANTS**  
*Real Property Appraisal & Land Use Experts Since 1980*

Phone 516.476.3185/Ask for Leigh  
Email Appraze111@gmail.com

Pollet Associates is a real property appraisal, valuation and land-use consultancy firm concentrating on the New York metropolitan market. Our services are tailored towards attorneys, with an eye toward legal support services regarding real property, whether litigation or contentious circumstances, estates, or other matters. If you have any situation concerning any type of real estate/real property valuation needs, please feel free to reach out and contact us. We thrive on complex and complicated valuation scenarios and look forward to delving into solving complex real property valuation situations.

# LAWYER TO LAWYER

## CONSTRUCTION LAW

THE LAW OFFICES OF  
**JOHN CARAVELLA, P.C.**  
A CONSTRUCTION LITIGATION AND ARBITRATION FIRM

Member FL and NY Bars; Assoc. AIA

**John Caravella, Esq.**  
EMAIL: JOHN@LICONSTRUCTIONLAW.COM  
WEBSITE: WWW.LICONSTRUCTIONLAW.COM

**Nassau Office**  
626 RexCorp Plaza  
(6th Floor West Tower)  
Uniondale, NY 11556  
TEL: (516) 462-7051  
FAX: (888) 475-5162

**Suffolk Office**  
68 South Service Road  
(Suite 100)  
Melville, NY 11747  
TEL: (631) 608-1346  
FAX: (888) 475-5162

## NO-FAULT ARBITRATION

**NEW YORK'S #1  
NO FAULT ARBITRATION ATTORNEY**

**ANDREW J. COSTELLA, JR., ESQ.**

CONCENTRATING IN NO-FAULT ARBITRATION FOR YOUR CLIENTS'  
OUTSTANDING MEDICAL BILLS AND LOST WAGE CLAIMS

**SUCCESSFULLY HANDLING THOUSANDS OF NO-FAULT CLAIMS**

Proud to serve and honored that NY's most prominent personal injury  
law firms have entrusted us with their no-fault arbitration matters

 Law Offices of Andrew Costella Jr., Esq., PC  
600 Old Country Road, Suite 307  
Garden City, NY 11530  
(516) 747-0377 | armail@costellalaw.com

## PERSONAL INJURY

 **IRA S. SLAVIT, ESQ.**

Past-Chair of NCBA Plaintiff's Personal  
Injury Committee

350 Willis Avenue Mineola, NY 11501  
516.294.8282

60 E. 42nd St., Suite 2101 New York, NY 10165  
212.687.2777

**islavit@newyorkinjuries.com**

Fee division in accordance with Rule 1.5(g) of the  
Rules of Professional Conduct

## APPELLATE COUNSEL

 **NEIL R. FINKSTON, ESQ.**

*Benefit From a Reliable and  
Knowledgeable Appellate Specialist*

Former Member of Prominent Manhattan Firm  
Available for Appeals, Motions and Trial Briefs  
Experienced in Developing Litigation Strategies

**Free Initial Consultation • Reasonable Rates**

Law Office of Neil R. Finkston  
8 Bond Street Suite 401 Great Neck, NY 11021  
(516) 441-5230

**Neil@FinkstonLaw.com** **www.FinkstonLaw.com**

## MARSHAL/CITY OF NEW YORK



Charles Kemp  
Marshal #20  
City of New York  
254-10 Northern Blvd  
Little Neck, NY 11362  
[www.nycmarshal.com](http://www.nycmarshal.com)

Judgment Enforcement  
Landlord Tenant  
Asset Seizures

T: 718.224.3434  
F: 718.224.3912

## GRIEVANCE AND DISCIPLINARY DEFENSE

**Law Offices of  
Mitchell T. Borkowsky**

Former Chief Counsel 10th Judicial District Grievance  
Committee  
25 Years of Experience in the Disciplinary Field  
Member Ethics Committees - Nassau Bar and Suffolk Bar



- Grievance and Disciplinary Defense
- Ethics Opinions and Guidance
- Reinstatements

**516.855.3777 • mitch@myethicslawyer.com • myethicslawyer.com**

## REAL ESTATE

Assisting Attorneys And  
Their Clients In The Selling  
And Buying Process

**"The Attorney's Realtor"**  
**Anthony Calvacca**  
Lic. Assoc. R. E. Broker  
O 516.681.2600 | M 516.480.4248  
anthony.calvacca@elliman.com

 **elliman.com**

110 WALT WHITMAN ROAD, HUNTINGTON STATION, NY 11746. 631.549.7401.  
© 2024 DOUGLAS ELLIMAN REAL ESTATE. EQUAL HOUSING OPPORTUNITY.

## LAWYER REFERRALS

**JOIN THE LAWYER REFERRAL SERVICE  
INFORMATION PANEL**

The Nassau County Bar Association Lawyer Referral Information Service (LRIS) is an  
effective means of introducing people with legal problems to attorneys experienced in the  
area of law in which they need assistance. In addition, potential new clients are  
introduced to members of the Service Panel. Membership on the Panel is open exclusively  
as a benefit to active members of the Nassau County Bar Association.

 **(516) 747-4070**  
**info@nassaubar.org**  
**www.nassaubar.org**

## LEGAL WRITING

**JONATHAN C. MESSINA, ESQ.**  
ATTORNEY AND COUNSELOR AT LAW

Do you need assistance with your legal writing projects?  
Available for New York motions, briefs, pleadings,  
and other legal research and writing endeavors.

Reasonable rates.  
Call for a free initial discussion.  
68 Summer Lane  
Hicksville, New York 11801

**516-729-3439** **jcmllegalrw@gmail.com**

## NCBA MEMBER BENEFIT



**The Bristol**  
ASSISTED LIVING  
We see you here

Independent Living | Assisted Living | Memory Care

For more information about member discounts contact  
Kerri Winans Kaley at [kwkaley@thebristol.com](mailto:kwkaley@thebristol.com)

[thebristol.com](http://thebristol.com)

## HEALTHCARE LAW

Advising hospitals, group practices, skilled  
nursing facilities, and specialty pharmacies

corporate transactions | license defense | accreditation | third-party  
audits | strategic plans, compliance, and regulatory analysis

 **Frank A. Mazzagatti, Ph.D., Esq.**  
212.471.6203 | [fmazzagatti@hinshawlaw.com](mailto:fmazzagatti@hinshawlaw.com)

 **HINSHAW** | [hinshawlaw.com](http://hinshawlaw.com)

## ALTERNATIVE DISPUTE RESOLUTION

**LOOKING FOR**  
EXPEDITIOUS, TIMESAVING,  
AND COST-EFFECTIVE  
SOLUTIONS TO RESOLVE  
DISPUTES?



LOW-COST MEDIATION AND  
ARBITRATION THROUGH HIGHLY-  
SKILLED MEDIATORS AND  
ARBITRATORS IS AVAILABLE  
THROUGH THE NCBA ADR PROGRAM!

 **CONTACT**  
**(516) 747-4126 TODAY.**

# CONNECT WITH THE NCBA ON SOCIAL MEDIA!



Nassau County Bar Association



Nassau County Bar Association



@nassaucountybar\_association