

# ROCKLAND COUNTY BAR ASSOCIATION

# NEWSBRIEF

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December 2023

## President's Post

Recently, I joined four million other people on YouTube watching a one hour interview of RCBA member, James Sexton, Esq, entitled, "A Divorce Attorney's Thoughts on Love and Marriage". Whether you are a matrimonial practitioner, married, divorced, separated or in a relationship of any kind, it is fascinating and Jimmy's views and experiences are captivating. Following the four million views is his recent appearance on Lex Fridman's podcast also with over four million audio downloads. Jimmy finds himself in a media whirlwind. It all started in 2019 after his first book became an Amazon best seller. Another book is scheduled for release in late 2024, a courtroom thriller taking place in Rockland's ultra-orthodox community based on experiences encountered here in our own Family Court. Sexton has also appeared on Good Morning America, the Rachel Ray Show, The Steve Harvey Show, Access Hollywood as well as providing commentary for the Huffington Post and Psychology Today. He remains humble perhaps from years of Brazilian jiu-jitsu practice. Jimmy, enjoy the limelight and congratulations!

Recognition is due to our new co-chairs of RCBA's Immigration Committee, Ivon Anaya, Esq. and Crismelly Morales, Esq. They both organized an immigration clinic at the Finkelstein Library in Spring Valley. The goal was to reach out to the community and inform of one's legal rights and pathways for immigration as well as issues involving citizenship and visas. Our motivated and involved immigration co-chairs are intending to hold other clinics throughout the County. Kudos to Crismelly and Ivon.

RCBA's 130<sup>th</sup> Anniversary is here. On December 14<sup>th</sup> our members have been invited to gather in Nyack on Burd Street at the site of our birth, the former Hotel St. George. We will meet on its porch and toast to our founding in December of 1893 when Alonzo Wheeler, Esq. and Abram Demarest, Esq. dined and the Bar Association was born with robust annual dues of \$1. For those of you who missed our 130<sup>th</sup> Anniversary Gala, the cogent speech with a historical flavor delivered by Chief Justice, Rowan D. Wilson, is reprinted in this month's Newsletter.

Now, we have grown from merely two members to nearly 500, encompassing 24 standing committees, albeit with dues greater than 20% of a "five spot". After our champagne toast on Burd Street, we will walk around the corner to the Broadway Bistro for a holiday celebration with live music. Forget about your practice and any work in progress, joining with us to applaud a milestone anniversary. Spend a relaxing evening and savor top shelf cuisine.

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As the years fly by I am thinking about the positive benefits of friendship. Perhaps this was triggered by an article recently read on World Mental Health Day in October. It made me reflect that close friends are essential to enhance our own well-being. The benefits of having someone you can talk to and share your innermost thoughts and feelings, unconditionally, are invaluable. To be accepted without reservation as you expose your concerns, frustrations, accomplishments and shortcomings is liberating. Too often we might say that we are too busy to spend time with a close friend or to forge a new relationship, but the evidence is there. Friendships, relationships, whether in or out of the workplace, foster greater well-being and mental health. This is an added benefit to gathering with us on December 14<sup>th</sup>.

Personally, I am reminiscing on the loss of two close friends. Both died far too young. One, John Allison, Esq., an RCBA member and Rockland County Legislator for whom the County Office Building is named with one of our other colleagues, the former County Attorney, Marc Parris, Esq. John was a close friend and we looked forward being law partners one day. I am also remembering my dear friend, Lewis Ross, a former basketball star at NYU and local psychotherapist. He was an unconditional bass fishing buddy, hanging out together and shooting his pistols in the woods. I still relish both friendships.

Form a new bond or preserve an existing one with a colleague, friend, acquaintance or anyone who you might feel comfortable with on an emotional level. It is therapeutic to share your concerns as well as what gives you joy. Let's strive to get beyond facades to our genuine essence. I believe that if our clients perceive the real you it will enhance the lawyer-client bond and perhaps even achieve a more satisfying outcome.

2024 suddenly is upon us. May your holiday season be a memorable one with diminished stress and enhanced well-being. Thanks to the RCBA staff, especially our Executive Director, Dr. Nancy Low-Hogan, who has provided support and encouragement and continues to advance the Association's mission.

It would please me to know that even a few of you are enjoying my posts, deriving a slight modicum of insight and greater self-awareness. May your blessings this holiday season and for the new year increase with the commitment and appreciation of those you love, the friends who support you and those you represent. Happy Hanukah, Merry Christmas Happy Kwanzaa and Happy New Year to all!

Sincerely,

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



# **JOIN US FOR A TOAST!**

## **Historic 130th Anniversary of the First Meeting of the Rockland County Bar Association**

**December 14, 2023, 6 p.m.**

**Hotel St. George, 48 Burd Street, Nyack, NY, the site of the first  
meeting of the Rockland County Bar Association in 1893.**

**Followed by Anniversary/Holiday Gathering  
at the Broadway Bistro, North Broadway, Nyack**



**This event is FREE to RCBA Members\***

**RSVP to 845-634-2149. Space is limited. MUST RSVP BY DECEMBER 7.**

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# **HAPPY BIRTHDAY RCBA!**

*On October 26, the Rockland County Bar Association welcomed Hon. Rowan D. Wilson, Chief Judge of the Court of Appeals and the State of New York as the Guest of Honor at our 130th Anniversary Gala. Judge Wilson described some historical events to remind attendees of the importance of free and fair elections, the need for an honest judicial system and the important role that Bar Associations play in quelling partisanship, ensuring the independence of the judiciary, and confronting those who would undermine the foundations of our democracy.*

*A copy of his complete remarks is reprinted below.*

Thank you for inviting me to spend some time with the Rockland County Bar Association on its 130<sup>th</sup> anniversary. I and my administrative team – Chief Administrative Judge Joseph Zayas, First Deputy Administrative Judge Norman St. George, and Deputy Chief Administrative Judges Kaplan, Richardson and Murphy, are attempting to spend time in as many places as we can, as part of making the administrative arm of the Unified Court System as accessible as possible to judges, court staff, lawyers and litigants. I also will have the Court of Appeals sit for one week each year outside of Albany: this year, we’re sitting in Buffalo in November, and you’ll find us in various places around the state in years to come.

When I first received the Rockland County Bar Association’s invitation, I thought “130<sup>th</sup>” must have been a misprint, because I had a difficult time imagining that Rockland County had a bar association in 1893. Honestly, I wasn’t entirely sure that Rockland was a county in 1893, but a little research proved me wrong on both counts. Despite my substantial research efforts, though, I could not find much happening of legal significance in Rockland County in 1893. However, perhaps the most scandalous episode in the history of the New York Court of Appeals happened in 1893, and it bears some relevance to issues we face today, so I thought I’d recount it for you tonight.

The events involve Judge Isaac Horton Maynard. I wonder if anyone here has heard of him? Let me start instead with someone we all know of, Grover Cleveland, whose term as Governor of New York began in 1883. His running mate for Lieutenant Governor was David H. Hill. When Cleveland resigned to become President in 1885, Hill became Governor, and was elected as Governor in 1885 and again in 1888. During President Cleveland’s first term, he and Governor Hill differed sharply on a variety of issues, most significantly political patronage: Cleveland was a staunch advocate of merit selection and

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made appointments to federal positions from Republicans as well as Democrats. Hill, on the other hand, confined his appointments to Democrats and made them on a patronage basis. The two ended up at war for control of the New York Democratic party, with Hill cozying up to Tammany Hall. In 1888, Hill was reelected Governor and Cleveland won the popular vote but lost the Presidency to Benjamin Harrison. Cleveland retired to private life for a bit, with Hill solidifying his control of the New York Democratic party. In 1891, Hill was elected as a U.S. Senator from New York, but deferred serving in the Senate until his term as Governor ended in January 1892.

The contest for the Democratic nomination for President in the summer of 1892 was between Cleveland and Hill. New York's delegation to the 1892 Democratic Convention voted for Hill, but Cleveland obtained massive support throughout the rest of the country because of his positions against bimetallism and the McKinley Tariff endorsed by President Harrison. Cleveland regained the Presidency, but Hill remained his nemesis, causing the U.S. Senate to reject Cleveland's first two nominations to the U.S. Supreme Court.

The long-running struggle between Cleveland and Hill – not just over something as consequential as appointments to the U.S. Supreme Court, but also over New York political matters – is where Judge Maynard comes in. Maynard had been the Delaware County Surrogate, and First Deputy NY Attorney General when Hill was Governor, but then served as Assistant U.S. Secretary of the Treasury in the first Cleveland Presidency. When Cleveland lost to Harrison, Maynard returned to serve as Deputy NY Attorney General while Hill was Governor. In that role, Maynard was counsel to the NY State Board of Canvassers, which we would now call the State Board of Elections. The race for State Senator from Dutchess County was very close, and Democratic control of the Senate turned on that race and three others. The Republican incumbent received more votes than the Democratic challenger, but the Democratic Canvassers rejected 31 Republican ballots because they had stray ink marks on the edges, which would give the Democrat the victory. The secretary of the Dutchess County board of canvassers refused to certify that result, so the Democrats appointed a secretary pro tem who certified his own set of results favoring the

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Democrat, so that both conflicting returns were sent to Albany. (If this sounds akin to any recent events, I cannot comment on them.)

Maynard represented the Democrats in the litigation about which set of returns was valid. The Court of Appeals ruled that the canvass sent by the Democrats was invalid, but added: “If another return should be duly sent to the board properly authenticated and containing the result of the legal action of the board of county canvassers, the state board could canvass it.” What happened next is truly remarkable. The same day as the Court of Appeals handed down its decision, the State Board canvassed the Democratic return only: the Republican return had disappeared. As the New York Times explained, “Governor Hill had removed from office the Republican [Dutchess] County Clerk because he had refused to transmit the returns as the Democrats wanted them. . . . The [removed] Republican County Clerk . . . mailed the corrected returns to Albany. He, however, had been enjoined by an order of the court from doing so, and he hurried back to Albany and called on Maynard and requested the returns be given back to him, but they had disappeared, and when the State Board of Canvassers met, the [Democratic] returns were canvassed . . . giving the State Senate to the Democrats.”

Less than a month after the Republican returns were disappeared by Maynard, Governor Hill appointed him to fill a vacant seat on the Court of Appeals, which the Times decried as “a reward of services to the Democratic Party” as Governor “Hill’s tool in these scandalous operations,” which “must give a shock to every lawyer and citizen who believes in maintaining the purity of elections and integrity of the bench.” (If this sounds akin to any recent events, I cannot comment on them.)

There followed investigations by the legislature, resulting in two conflicting reports, one issued by the Democrats and one by the Republicans; the bare Democratic majority created by the Dutchess County controversy endorsed – of course – the Democratic report, clearing Maynard. Meantime, the Association of the Bar of the City of New York also issued a report, declaring Maynard unfit for the judiciary. The Albany Law Journal endorsed the City Bar’s report. When Judge Andrews was promoted to Chief Judge

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in December 1892, the Governor (now Governor Flower, who succeeded Hill) appointed Maynard to a one-year term to fill Judge Andrews's now-vacant spot on the Court of Appeals, over widespread protests from the bar and press.

Back then, Judges on the Court of Appeals had to run for office: Judge Maynard's one-year appointments were to fill out terms of Judges who left mid-term. Judge Maynard's reckoning came in 1893, when he ran for a full 14-year term on the Court of Appeals. The backlash against Judge Maynard was overwhelming. Not only did he lose his election by a wide margin, but his appearance on the Democratic line dragged down the entire party statewide, giving Republicans control of both houses of the State legislature and control over the 1894 Constitutional Convention. The 1891 election scandal and 1893 election also dealt a sharp blow to Tammany Hall, as Republicans controlled the State government for the next 16 years.

In perhaps the oddest twist, after Judge Maynard lost the election, former Governor Hill, having himself lost the presidential nomination to Cleveland, but thereafter a U.S. Senator, lobbied President Cleveland to appoint Judge Maynard to the U.S. Supreme Court. Judge Maynard passed away in 1896, two and a half years after losing election to the Court of Appeals, ending the strangest saga in the Court's history.

So why have I bored you with what must seem like an obscure history lesson? Because that history is akin to recent events, I have chosen to comment on it. I have not bored you with this story simply because the events happened 130 years ago, just when the Rockland County Bar Association was formed. That's just the hook for introducing the story. I take, and you too should take, a few points from this sad tale. First, our nation, state and localities depend on free and fair elections. Although there have been individualized instances of fraud and improper exclusion of voters or votes at many points in our history, our democracy has survived for a quarter millennium because we have a faithful electoral process and

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have faith in it. Second, the legislative process and executive actions sometimes sacrifice truth and justice for partisanship, which is why we have courts. The reputation of our courts must be unimpeachable, and, concomitantly, partisan attacks on courts and judges erode the foundation on which our system of government is built. Third, and perhaps most importantly for all of you, bar associations play an important role in quelling partisanship, ensuring the independence of the judiciary, and confronting those who would undermine the foundations of our democracy. The electoral process worked in 1893, largely because of the attention and courage of the bar and press where the legislative and executive processes had failed and had threatened to tarnish the reputation of the Court I now lead. I won't stand for that; my colleagues on the Court of Appeals won't stand for that, and I ask all of you to stand for what you know is right.



Chief Judge Rowan D. Wilson addresses attendees at RCBA Annual Dinner

**COMMERCIAL LITIGATION ISSUES OF INTEREST**

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

Your client's company is a distributor of wholesale motor fuel to gas stations. Your client had a franchise agreement with each of several gas station owners to be their exclusive supplier of gas. Each franchise agreement had a liquidated damages clause for your client's anticipated loss of sales in the event of the franchisee's breach. When the gas stations began purchasing their gasoline from another supplier, you successfully sued in federal court for liquidated damages, and your client collected the judgment. You also sued the new supplier in state court for tortious interference with the franchise agreements, seeking damages for lost sales in excess of the liquidated amount collected from the franchisees. The new suppliers recently moved to dismiss the claims, arguing that your client is limited to the liquidated amount as a matter of law.

Will you defeat the motion to dismiss?

The answer is *yes*.

*Liberty Petroleum Realty LLC v. Gulf Oil L.P.*, NYLJ 1700126579NY221632015, (Sup. Ct. Bronx Co., 11/14/2023) (Case No. 22163/2015E) involved a "novel question" under New York. Liberty was the assignee of Exxon/Mobil's franchise agreements to be the exclusive supplier of gas to five Mobil gas stations. The defendants – Gulf and one of its distributors – rebranded the five stations and began supplying the five stations.(1) Liberty was successful in its claim in federal court against the franchisees for liquidated damages under the franchise agreements, and collected the judgment. Liberty sued Gulf and its distributor in this state court action for tortious interference with contract, seeking damages in excess of the liquidated damages collected.

Just before trial, the defendants moved *in limine* to exclude evidence of lost sales, arguing that Liberty was precluded, as a matter of law, from pursuing additional compensatory damages arising from the same lost sales for which they were paid liquidated damages. Although the Court found the motion to be an improper motion for summary judgment, it determined the merits.

The defendants cited *U.S. Fid. & Guar. Co v. Braspetro Oil Servs. Co.*, 369 F3d 34, 71 (2d Cir. 2004), holding that a "reasonable liquidated damages clause precluded any recovery of actual damages." That may be true as between parties to the contract, noted the Court, but does not answer "whether liquidated

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(1) These facts are drawn from an Appellate Division decision concerning a discovery dispute in this case, as the facts in the decision here are confusing. *See* 164 A.D.3d 401 (1<sup>st</sup> Dep't 2018).

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damages clause may limit the liability of a non-contracting party, i.e., a party alleged to have tortiously interfered with the contract.” That, said the Court, is a novel question under New York law.

The Court examined several cases in other jurisdictions going both ways. The Court noted that *Simon v. Royal Business Funds Corp.* 34 A.D.2d 758 (1<sup>st</sup> Dep’t 1970), aff’d without opinion, 29 N.Y.2d 692 (1971), held that while a claim for tortious interference with a contract was not barred where the plaintiff had already been compensated for breach of contract, there was no claim pleaded for additional damages. Liberty, by contrast, sought additional damages not compensable under the contract.

Finally, the Court noted that breach of contract and tortious interference with contract are wholly separate and distinct wrongs, citing *North Shore Long Is. Jewish Health Sys., Inc. v. Aetna US Healthcare, Inc.*, 27 A.D.3d 339, 440 (2006). The Court reasoned that it is illogical for a tortfeasor to “have the advantage of the contractual limitations of the very contract of which they tortiously induced a breach.”

*The lesson?* If your client’s damages for breach of contract exceed the liquidated damages provided for in the contract, and if there is evidence that the breach was induced by non-parties, consider suing the non-parties for tortious interference with contract for additional damages.

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

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## CLUES

**Across:**

3. Hon. Anne Minnihan, 9<sup>th</sup> J.D.
4. For combining related claims or parties.
8. Relief derived from CPLR 3124.
9. Needed to get a judge assigned to the case.
12. Original litigation papers, abbrev.
13. Complaints, answers, cross-claims, counterclaims, and replies.
14. Adjustable rate mortgage.
15. The statewide association of local court judges.
16. A halt to the statute of limitations.
17. Not however.
18. A retired male judge.
20. Attorney account for holding money.
25. Suitable for CPLR 308(2).
26. Latin, regarding the real property.
27. Parties with a common and undividable interest.
29. Declaratory judgment.
30. Not deducted from personal injury judgments.
31. An article 78 to compel conduct.
33. Getting ready for trial.
36. Spouse after the divorce judgment.
37. Filed to get onto the trial calendar.
41. NYS case establishing comparative negligence.
44. Result of not making a litigation argument.
45. Used in legal footnoting.

**Down:**

1. Statute defining usury.
2. A ground for a 3211(a)(5) dismissal.
4. The NYS Judicial Institute.
5. Federal agency helping show “lost income.”
6. Wrongful death determined at the hospital, abbrev.
7. A motion permitted by CPLR 2221.
9. Another motion permitted by CPLR 2221.
10. Civil wrongs.
11. Used by some attorneys for payroll.
13. Famous NYS case defining proximate cause.
15. A motion sanction under CPLR 3126.
18. Same as 18 Across.
19. Refers to when a motion is to be heard.
21. Order requiring a person’s appearance.
22. Short for “course networking.”
23. When the court officers work late, abbrev.
24. A case’s full value, such as when soaking.
28. Rockland attorneys Bertolino or Kraushaar, for example
29. Recoverable money.
32. Adjournment, *sine* \_\_\_\_.
34. The book with the civil juries’ instructions.
35. Attorney payment that is contingent.
38. Limitation years for certain divorce actions.
39. Abbrev. for service of process under 308(2).

*Continued*

- 46. Helps restore plaintiff's physical condition, abbrev.
- 47. Where you are, in the courthouse or otherwise.
- 48. Just so you know.
- 49. A third party action.
- 52. That which is regulated by limitations.
- 54. Federal statute protecting the disabled.
- 55. In further support of the motion.
- 57. Materials reviewed on appeal.
- 59. Forum where the litigation occurs.
- 40. Same as 27 Across.
- 41. An element of negligence liability.
- 42. Not at law.
- 43. A witness with specialized knowledge.
- 46. Short for Provident Fund.
- 47. The American Medical Association.
- 50. Circumstance when the trial may be lost.
- 51. Latin term in case captions, *In* \_\_.
- 52. A municipality entitled to a GML notice o of claim.
- 53. What occurs after a foreclosure judgment.
- 56. An expert witness engineer.
- 58. Hon. Rowan Wilson's office, for short.

CROSSWORD PUZZLE ANSWERS ARE FOUND ON PAGE 23

\*Mark C. Dillon is a Justice of the Appellate Division, 2<sup>nd</sup> Dep't., an Adjunct Professor of New York Practice at



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

Dear Colleagues:

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

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

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

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

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

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

<https://forms.gle/YxepG4divesm8fVM7>

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

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

If you have any questions at all, contact us at [newrochelleorcs@gmail.com](mailto:newrochelleorcs@gmail.com) and we will promptly get back to you.

*Michael J. Gelfand, Esq.*

Head Coach, Iona College Mock Trial

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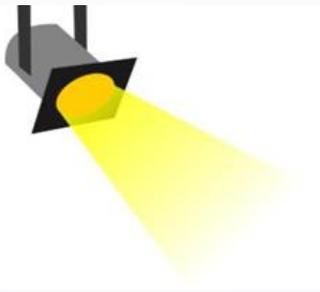
The person referred must not be a current RCBA member, and they must meet the eligibility criteria for membership. The person must complete the Membership Application and pay the Dues in advance by either check or online. For the online Membership Application, use the link below

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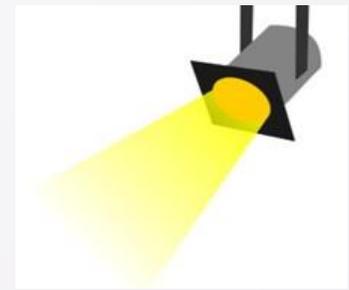
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**The Committee on Diversity,  
Equity & Inclusion presents...**

**SPOTLIGHT**



*This month, the DEI Committee shines its  
spotlight on local attorney,  
Deepti Punjabi, Esq.*



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

I grew up in St. Thomas, U.S. Virgin Islands. After completing high school, I moved to Boston to attend Boston University. I currently live in Scarsdale, New York.

**Tell me more about your educational background.**

At Boston University, I studied Finance, Entrepreneurship and Business Law. I graduated with a B.S. in Business Administration. After graduation, I took a year to travel and study for the LSAT. I also moved to Chicago to be close to my brother, grandparents and aunts and uncles. I then attended law school at Western Michigan Law School f/k/a Thomas Cooley Law School in Lansing, Michigan.

**Did you always want to be a lawyer?**

I started thinking about obtaining a law degree after participating in moot court in high school. I was an alternate so I had to learn everybody's role. When I was in college, I was studying finance and entrepreneurship and had taken a few law classes. I took my advisor's suggestion to add a business law concentration. At the time, the economy was in a recession and I could see that when I graduated in 2007, there would not be too many business jobs available.

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**What has been your career path/current occupation?**

My law school required me to do a practical in my last semester. I externed at a Chicago law firm that concentrated in representing the city in eminent domain cases. I decided to sit for the Illinois bar and I also sat for the Virgin Islands bar. After passing the Illinois bar, I worked for JPMorgan Chase Bank, N.A. in its remediation division, helping with HIPAA compliance for Chase clients.

I then got engaged to my now husband and sat for the New York bar. After I passed the bar, I opened my own law office. I was a part of a law office sharing space in Manhattan and did overflow work for other attorneys there, mainly drafting motions and performing a myriad of other legal tasks to represent clients.

After about two to two-half years, I went to work as an associate at McCabe Weisberg & Conway. There I represented lenders in residential foreclosures throughout New York City, and surrounding counties.

I then moved on to Shapiro, DiCaro & Barak doing the same type of work. I was specifically hired to handle foreclosure cases in Rockland since I was familiar with practicing in the 9<sup>th</sup> JD. Then the pandemic hit, and I had my second child. Colleagues suggested that I practice per diem work in Rockland County and Westchester County. I now practice exclusively per diem work in Rockland County, Supreme Court. My goal is to expand my practice to include transactional work. Although I am in private practice, I have been considering working for the New York State Courts.

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

Rockland County has a beautiful courthouse and the people are friendly. All the judges and lawyers are amicable and willing to work with you. That's why I'm willing to cross the bridge each day. Rockland County reminds me of home because it has the same feelings of community and warmth that I grew up with in the U.S. Virgin Islands.

**Would you like to share anything about your personal life and/or cultural background?**

I was born in St. Thomas and am a first generation American. My parents still live in the U.S. Virgin Islands. My grandparents were refugees from the Sindh territory in India (currently Pakistan) and settled in Jaipur, India. My dad came to the United States to get his undergraduate degree in Michigan. After graduation, he moved to the Virgin Islands and opened his own jewelry business.

*Continued...*

***Continued...***

After graduating high school, I moved from St. Thomas to Boston where I attended Boston University. The Virgin Islands only has one university, and I moved to seek better opportunities.

I met my husband through our Sindhi community. We have two little girls, ages six and three years old and have lived in Westchester County for the past ten years.

**Who is your inspiration/hero?**

My paternal grandmother. She got married at a young age to my grandfather. She never got to pursue further education and she made it her mission to make sure the women in her family were able to pursue their education and career goals. My grandmother went through the partition of India and kept the family together. She made sure that all the women in the family had advanced degrees including her daughters and granddaughters.

I still live by that mission and hope to instill the same value within my own daughters and other young women.

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

My favorite book is *THE NAMESAKE* by Jhumpa Lahiri. It is about an Indian family that emigrated to the U.S. The main character is the namesake, a first generation American and has to navigate between two cultures. This book resonates with me because it is similar to my own experience.

**What do you like to do in your spare time?**

My passion is cooking vegetarian Indian food. I have my own food blog called Rooted in Ginger. You can find it on Instagram and Facebook (@rootedinginger) and [www.rootedinginger.com](http://www.rootedinginger.com). I upload healthy Indian-inspired recipes and it is geared towards those who enjoy a spicier Indian palate.

Also, I love to spend time with my friends and family.

**What good advice have you received?**

Pay it forward; it will come back to you twofold. People have done their best to help me and I do the same for others. I continue to help the attorneys who reach out for advice. Being amicable while advocating for your client, is how I like to practice.



**NEW YORK STATE**  
**Unified Court System**

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS  
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE  
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI  
COUNSEL

**MEMORANDUM**

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on a Proposal for a New Matrimonial Rule 202.16-c and new NYSCEF Appendix to Ensure Compliance with Domestic Relations Law § 235 Regarding Access to NYSCEF by Attorneys in E-Filed Matrimonial Actions

Date: November 16, 2023

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The Administrative Board of the Courts is seeking public comment on a proposal to create a new Rule 202.16-c (22 NYCRR § 202.16-c) and a new NYSCEF Appendix regarding access to NYSCEF by attorneys in e-filed matrimonial actions.

As noted in the attached memorandum from the Statewide Coordinating Judge for Matrimonial Matters, the proposed rule: (1) requires removal from NYSCEF by attorneys and non-parties in compliance with CPLR § 321 and DRL § 235; (2) makes changes to NYSCEF Options for Attorney and Non-Party Removal in matrimonial cases required by a NYSCEF Appendix; and (3) clarifies that an attorney appointed as attorney for the child in a matrimonial action may register and consent to e-file, and thereafter will have the same access to the file as attorneys for the parties.

---

Persons wishing to comment on the proposal should e-mail their submissions to [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov) or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10<sup>th</sup> Fl., New York, New York, 10004. Comments must be received no later than December 18, 2023.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance

of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

See the Exhibits and get more  
information here

**THE RCBA WISHES YOU  
AND YOUR FAMILY A  
JOYOUS HOLIDAY  
SEASON AND A HAPPY  
NEW YEAR**



# Technology Tips for Attorneys



submitted by

**Michael Loewenberg\***

In today's digital age, where most of our lives are conducted online, it's crucial to safeguard our online accounts with robust security measures. While passwords are essential, they are no longer enough to prevent cyberattacks. This is where two-factor authentication (TFA) can help.

One of my client's email accounts was recently hacked and, had TFA been in place, the hack would not have happened. The threat actor sent fraudulent wire instructions via the hacked account but, because of their cybersecurity training, the staff caught the attempt and no money was sent. Read on to learn more about how two-factor authentication helps avoid this situation.

TFA adds an extra layer of security to your online accounts, making it significantly harder for unauthorized individuals to access them. It's like having two keys to lock your door instead of just one.

Imagine you're logging into your email account. Instead of just entering your password, TFA prompts you to enter a second piece of information, such as a code sent to your phone as a text message or generated by an app like Google Authenticator or Microsoft Authenticator. Even if someone steals your password, they won't be able to log in without that additional code.

Why is TFA so important for attorneys? Attorneys handle sensitive information, including client data, financial records, and confidential communications. A breach of these accounts could lead to serious legal and ethical consequences. TFA helps protect this sensitive data from unauthorized access.

Here are some examples of accounts where TFA is crucial:

- Email accounts: Email is the primary communication tool for most attorneys. A compromised email account could lead to identity theft, phishing scams, and unauthorized access to client information.

*Continued ...*

***Continued ...***

- Online banking: Attorneys often handle financial transactions for their clients. Protecting online banking accounts with TFA safeguards client funds and prevents unauthorized withdrawals.
- Cloud storage: Attorneys store a vast amount of client data on cloud storage platforms. TFA ensures that only authorized individuals can access this sensitive information.

Consider this scenario: An attorney's computer network is hacked, granting the attacker access to their email accounts. The attacker sends fraudulent emails to the attorney's clients, requesting urgent payments via wire transfer. By the time the attorney discovers the breach, several clients have already made payments to the fraudster.

This scenario highlights the devastating consequences of a compromised email account. TFA could have prevented this situation by preventing the attacker from accessing the attorney's email accounts.

Ransomware is another growing concern for attorneys. Ransomware attackers encrypt files on your computer, demanding a ransom payment to decrypt them. TFA can help prevent ransomware attacks by making it harder for attackers to gain access to your systems in the first place.

TFA is an essential security measure for attorneys in today's digital world. It adds an extra layer of protection to your online accounts, safeguarding sensitive client data and preventing unauthorized access. By implementing TFA, attorneys can minimize the risk of cyberattacks and protect their clients' assets and interests.

Need help with your systems and network security? Give me a call!

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

**Crossword Puzzle Answers (don't peak !) Crossword puzzle is on page 11.****ACROSS**

- 3. A.J.
- 4. JOINDERS
- 8. COMPEL
- 9. R.J.I.
- 12. O.P.
- 13. PLEADINGS
- 14. A.R.M.
- 15. S.M.A. (for  
State Magistrates'  
Assoc
- 16. TOLL
- 17. BUT
- 18. MR
- 20. ESCROW
- 25. AGE
- 26. REM
- 27. UNITED
- 29. D.J.
- 30. TAX

**ACROSS**

- 31. MANDAMUS
- 33. PREP
- 36. EX
- 37. R.J.I.
- 41. DOLE
- 44. WAIVED
- 45. ID
- 46. P.T.
- 47. AT
- 48. FYI
- 49. IMPLAIDER
- 52. TIMES
- 54. A.D.A.
- 55. REPLY
- 57. RECORD
- 59. VENUE
- 55. REPLY
- 57. RECORD
- 59. VENUE

**DOWN**

- 1. GOL
- 2. RELEASE
- 4. J.I.
- 5. I.R.S.
- 6. D.O.A.
- 7. REARGUE
- 9. RENEW
- 10. TORTS
- 11. ADP
- 13. PALSGRAF
- 15. STRIKE
- 18. MR.
- 20. RETURNABLE
- 22. SUBPOENA
- 23. C.N.
- 24. O.T.
- 25. WET
- 28. DAN
- 29. DEBT
- 32. DIE
- 34. P.J.I.
- 35. FEE
- 38. FIVE
- 39. S.A.D.
- 40. UNITED
- 41. DUTY
- 42. EQUITY
- 43. EXPERT

**DOWN**

- 46. PF
- 47. A.M.A.
- 50. DIRE
- 51. RE
- 52. TOWN
- 53. SALE
- 56. P.E.
- 58. C.J.

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

Darlene Bruce Grant, Esq.

Jay Mota, Affiliate Member

Tara Pearlman, Esq.

Hon. Verris Shako

**WE LOOK FORWARD TO SEEING YOU AT OUR MANY CLE PROGRAMS AND  
OTHER ACTIVITIES**

**RENEW YOUR RCBA MEMBERSHIP NOW!**

Renewal notices have been emailed to all members for the 2023-24 membership year. Annual Dues for regular Members are \$185.00

Please make sure your contact information is correct and let us know your practice area and if you'd like to serve on any committees.

[Renew and pay online](#) or send in the Renewal Form with your check. After December 15, 2023 the dues amount increases to \$200.00!

Failure to renew by December 15 will mean you will be removed from the RCBA mailing list and will no longer receive the important information or discounted registration to CLE programs.

Don't miss out on the benefits of RCBA Membership

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If you have any questions about your Membership, please contact Barbara Silverstone, Program Coordinator, at

[Barbara@rocklandbar.org](mailto:Barbara@rocklandbar.org), or call Barbara at 845-634-2149.

# **Are you looking for more clients? Join RCBA's Lawyer Referral Service**

**We receive several calls each day from clients looking for local representation. We welcome all members to participate but are especially in need of attorneys in these practice areas:**

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**Education law**

**Elder law**

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**Insurance Law, including automobile, home, disability, longt erm care**

**Intellectual Property**

**Landlord Tenant Law, including residential and commercial**

**Legal Malpractice**

**Zoning Law**

~

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

# ODYSSEY

## OUR MEMBERS' LITERARY CORNER~

**We hope to publish a literary piece, written by one of our Members, each month in *Newsbrief*. Please email your submission in a Word document to:**

**[Barbara@rocklandbar.org](mailto:Barbara@rocklandbar.org)**

**WE WANT TO HEAR FROM YOU!**

### **REFERRAL SERVICE MEMBERS—Have you noticed a change?**

We're now able to email the referral to you immediately. This can let you know that a potential client has been referred to you by the RCBA, often even before they call you. We know that some of you want the referral sent to more than one address and we're working out the process to be able to do that.

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

***Not a participant? Contact [Office@Rocklanbar.orf](mailto:Office@Rocklanbar.orf) or visit [Rocklandbar.org](http://Rocklandbar.org) for more information***



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

If you have a favorite business, please let us know.

Contact Barbara at [Barbara@rocklandbar.org](mailto:Barbara@rocklandbar.org) with their contact information so we can reach out to them about these opportunities.



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Contact: Barbara Silverstone

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

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**Thank you for your membership**

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### **CLASSIFIED ADS**

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

**Non-Members, cost is \$50 for up to 50 words; 51 to 100 words, cost is \$100.**

**PLEASE NOTE:**

**NEWSBRIEF IS NOT PUBLISHED IN JULY**

**CALL BARBARA @ 845-634-2149 or send email to [Barbara@Rocklandbar.org](mailto:Barbara@Rocklandbar.org)**

**TO ADVERTISE IN NEWSBRIEF**

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

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

## **CLE CORNER**

### **SAVE THE DATE FOR THESE CLE PROGRAMS!**

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

Speakers will be Jeffrey Adams, Esq. and Leonard Birbrower, Esq. This program will be presented on Zoom.

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**January 18, 2024. 6:00 p.m.—9:00 p.m. Artificial Intelligence - Uses and Best Practices for Lawyers, CPAs & Their Clients .** This will be an in person presentation. Location TBD, Speakers will include attorneys and CPAs.

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

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**Surrogate's Court Practice.** The next session of this series will be scheduled in early 2024.

**Watch your emails for additional information and registration**

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

# CLE REQUIREMENTS

## CLE REQUIREMENTS

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

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

### NEW CLE REQUIREMENT - CYBERSECURITY:

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

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

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

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

**Effective July 1, 2023 - Change to Newly Admitted Attorney CLE Requirement to Include One Credit Hour in Cybersecurity, Privacy and Data Protection:** Newly admitted attorneys whose admission to the NY Bar is on or after July 1, 2023 must complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their CLE requirement. See [CLE Program Rules 22 NYCRR 1500.12\(a\)](#).

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

### FINANCIAL HARDSHIP POLICY:

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

# CLE UPDATE

## CYBERSECURITY REQUIREMENT

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**Effective January 1, 2023 - New Category of CLE Credit - Cybersecurity, Privacy and Data**

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

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

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

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

**Credit Hour in Cybersecurity, Privacy and Data Protection:** Newly admitted attorneys whose admission to the NY Bar is on or after July 1, 2023 must complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their CLE requirement. See [CLE Program Rules 22 NYCRR 1500.12\(a\)](#).

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

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# COMMITTEE CORNER

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

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

Some committees require approval of the Board of Directors; others are open to the entire membership. For more information, or to join a committee, please contact us at [office@rocklandbar.org](mailto:office@rocklandbar.org).

## IMMIGRATION LAW COMMITTEE

**“Immigration Law is a critical component of our system of laws. We are pleased to announce that the Rockland County Bar Association is relaunching the Immigration Committee. The committee is being co-chaired by two experienced immigration attorneys, Ivon Anaya, Esq. and Crismelly Morales, Esq. Given the recent influx of Immigration in our community, we are excited to provide insight and updated information about Immigration Law to the members of the Bar Association and our community.**

**We are looking for new members! If you are interested in joining our committee, please email Ivon at [ianaya@demoyalaw.com](mailto:ianaya@demoyalaw.com) and Crismelly at [crismelly@cmoraleslaw.com](mailto:crismelly@cmoraleslaw.com) to express your interest. Stay tuned for our future meetings and events!**

## PERSONAL INJURY & COMPENSATION LAW COMMITTEE

Your Rockland County Bar Association Personal Injury & Compensation Law (Negligence) Committee regularly meets via zoom. If you are not yet a member and wish to join our committee, please contact the association. If you have a topic that you think may be of interest to the committee, please let us know.

**Upcoming Meetings:**

**January 9 2024, 5:00 p.m. The committee meeting will be held on Zoom.**

**If you are not on the committee and are interested in participating in one of these meetings, please contact us.**

**Thank you, Jeffrey Adams (Chair) & Valerie Crown (Co-Chair)**

## MEMO

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

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

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

Thank you!



Monthly  
Newsletter



**POSITION TITLE: PRINCIPAL LAW CLERK TO JUDGE**

**JG: 31**

**LOCATION:** SUPREME COURT, NEW YORK COUNTY - CRIMINAL TERM

**BASE SALARY:** \$122,603 + LOCATION PAY \$4,635

**CLASSIFICATION:** EXEMPT/CONFIDENTIAL

**QUALIFICATIONS:** Admission to the New York State Bar and two (2) years of service in the Associate Law Clerk to Judge title; or five (5) years of relevant legal experience, including up to 18 months of pre-admission experience. **Preference will be given to candidates with experience in all aspects of criminal law and procedure.**

**DISTINGUISHING FEATURES OF WORK:** Principal Law Clerks to Judge are responsible for researching and analyzing uniquely intricate, complex and sensitive legal issues and questions for individual judges. They also provide other personal and confidential assistance to an individual judge or judges. Principal Law Clerks to Judge are personally appointed by the judge or judges for whom they work and serve at their pleasure.

**ASSIGNMENT:** This position is assigned to **Hon. Juan Merchan**. Duties include, but are not limited to: researching and analyzing legal questions and issues and preparing memoranda with recommendations; drafting opinions, decisions, orders, jury charges, correspondence and other written material; conferring with lawyers on complex proceedings and reviewing legal documents filed in connection with such legal proceedings; reviewing and verifying citations; conferring with and advising the judge on legal issues; and conducting conferences with parties to legal actions to clarify issues to be resolved.

Principal Law Clerks to Judge must: possess knowledge of the laws and rules governing criminal law and procedure; the ability to read and comprehend complex legal and other technical data; the ability to analyze legal issues and identify relevant case opinions and facts; the ability to establish work priorities; the ability to handle sensitive matters on a confidential basis; and **outstanding research and writing skills**.

**GENERAL INFORMATION:** The above statements are intended to describe the general nature and level of work performed by persons assigned to this title. They do not include all job duties performed by employees in the title, and every position does not necessarily require these duties. All applications received from this announcement may be used to fill any vacancies in this title that may occur in this court or agency within the next six (6) months. Position(s) available at the present time: 1 .

**APPLICATION PROCEDURES:** All interested persons meeting the minimum qualifications are encouraged to submit a UCS-5 Application for Employment form (obtainable from any administrative office in a court building or on the web at [www.nycourts.gov/careers/UCS5.pdf](http://www.nycourts.gov/careers/UCS5.pdf)) a resume, cover letter and two writing samples to [svillanu@nycourts.gov](mailto:svillanu@nycourts.gov). Questions should be directed to Stacy Villanueva at 646-386-3934.

APPLICANTS ARE ENCOURAGED TO COMPLETE THE EEO DATA COLLECTION FORM.

POSTING DATE: December 4, 2023

**PLEASE NOTE: APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY DECEMBER 15, 2023**

New York State Unified Court System is an equal opportunity employer, and does not discriminate on the basis of race, color, religion, gender (including pregnancy and gender identity or expression), national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, parental status, military service, or other non-merit factor.

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
ANNOUNCEMENT FOR BANKRUPTCY JUDGESHIP**

The United States Court of Appeals for the Second Circuit invites applications from qualified candidates for a 14-year appointment as United States Bankruptcy Judge for the Southern District of New York, with a duty station in Poughkeepsie, New York. The selection process will be confidential and competitive. Applicants will be considered without regard to race, color, religion, sex, national origin, age, sexual orientation, or disability.

The current annual salary of a United States Bankruptcy Judge is \$213,992.

The Second Circuit uses an open and competitive selection process. All applications are screened by a Merit Selection Committee. The Committee will review applicants using the following criteria: legal competence evidenced by experience with complex legal issues; an aptitude for legal scholarship and writing; familiarity with the courts and court processes; commitment to equal justice under the law; characteristics indicative of a sound judicial temperament; a reputation for integrity, good character and ethical behavior; and physical and mental health sufficient to meet the demands and tenure of the position. The Merit Selection Committee will select a limited number of applicants for interview and will conduct appropriate due diligence inquiries into the candidates' backgrounds and qualifications. Upon a majority vote of the Second Circuit Judicial Council, the Council will forward the Merit Selection Committee's Report with any recommendations or comments to the active judges of the Court of Appeals. The selected nominee will be required to satisfy FBI and IRS background investigations prior to appointment.

Basic qualifications for consideration include:

1. Membership in good standing of at least one state bar, the District of Columbia bar, or the Commonwealth of Puerto Rico bar, and never other than membership in good standing of every bar of which the applicant has been a member; and
2. A minimum of five years of legal practice experience.

Application forms are posted on the Court's website at <http://www.ca2.uscourts.gov> or may be obtained by calling (212) 857-8700.

Completed application packages must be in the format required by the Second Circuit and received no later than December 8, 2023.

**[The Application form is available here](#)**



## OSWEGO COUNTY ASSISTANT PUBLIC DEFENDER ATTORNEY

The Oswego County Public Defender's Office has immediate openings for Assistant Public Defenders responsible for the representation of indigent persons in criminal courts, with emphasis on criminal defense related matters. Full-time and part-time positions are available.

**Qualifications:** Graduation from an American Bar Association accredited law school. Preference may be given to applicants with experience in the practice of criminal law and/or in Family Court. **Special Requirement:** NYS License to practice law.

Candidate must be a resident of Oswego, Cayuga, Jefferson, Lewis, Madison, Oneida, or Onondaga County at time of appointment.

**Starting Salary:** \$83,433 - \$112,372. Salary negotiable to be commensurate with experience and qualifications. Oswego County offers a competitive benefit package including: health insurance, life insurance, and NYS retirement. Candidates may be eligible for the Public Service Loan Forgiveness program.

**To Apply:** Review of applications will begin immediately and continue until positions are filled. Visit our website to complete an online application or submit a paper application to the address below. Please include a resume and cover letter with your application.

Oswego County Human Resources Department  
46 East Bridge Street  
Oswego, New York 13126  
(315) 349-8209 Fax: (315) 349-8254  
Email: [humanresources@oswegocounty.com](mailto:humanresources@oswegocounty.com)  
Web: [www.oswegocounty.com/humanresources](http://www.oswegocounty.com/humanresources)

AA/EEO EMPLOYER

Email: [humanresources@oswegocounty.com](mailto:humanresources@oswegocounty.com)

Web: [www.oswegocounty.com/humanresources](http://www.oswegocounty.com/humanresources)

**ATTORNEY POSITION AVAILABLE**

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

[shannond@fnmlawfirm.com](mailto:shannond@fnmlawfirm.com)

**PARALEGAL POSITION AVAILABLE**

Debt collection firm law looking for a part-time paralegal. Could lead to full-time. Responsibilities include proficiency in Word Perfect, Word, Excel., E-filing (we can teach), organizational skills involving detail and care. Hours: very flexible. Catered to your schedule including nights and weekends if desired (preference is days). Call Bill at 845-300-9168.

**OFFICE SPACE AVAILABLE**

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

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

**YOUR AD HERE**

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

**ATTORNEYS SEEKING PARALEGALS**

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

[amy.hurwitz@sunyrockland.edu](mailto:amy.hurwitz@sunyrockland.edu)



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