

# ROCKLAND COUNTY BAR ASSOCIATION

# NEWSBRIEF

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Barbara Silverstone—Editor

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



November 2023

## President's Post

As we approach December, the 130<sup>th</sup> Anniversary of the founding of the Rockland County Bar Association, I think of our first President, Alonzo Wheeler, Esq. We might pay our respects to him at the Mt. Repose Cemetery in Haverstraw where he was laid to rest on October 11, 1913 at the age of 79. He was born in Nyack on April 29, 1834. His Honor served as a County Court Judge. Did you know he also served three terms as Rockland District Attorney when first elected on November 5, 1879 and last elected on November 3, 1896? Incredibly, during his second run for office, he defeated both Democratic and Republican opponents. His ascension to the County Court was by appointment by our 32<sup>nd</sup> Governor, Frank Swett Black.

Alonzo's father Aaron Wheeler was a steamboat engineer, working on the Hudson River plying between New York and Albany.



His photograph depicts a very distinguished gentleman with a well-groomed mustache. He also served as a referee on several occasions as reported in the Rockland County Journal on November 29, December 16, 27 of 1884, January 3, 10 & 17 of 1885. In addition, in October of 1900, he was elected Vice President of the Rockland County Bible Society.

DA Wheeler prosecuted Patrick Nichols at the trial of the grisly murder of a renowned and respected Nyack businessman, Thomas O'Connell. The trial involved testimony of tension between the defendant and his victim arising from Nichols' excessive drinking while O'Connell's employee. The jury was out for one hour before the defendant was found guilty of murder in the first degree. Nichols was sentenced to hang soon after the trial the following November 28<sup>th</sup>. DA Wheeler overcame the assertion of self-defense. Nichols' attorney claimed that his client had been provoked by O'Connell and pulled out a knife only after he had been struck and choked. Obviously, the jury did not agree. Our first President embodies the imperative of community service. He was our District Attorney, a County Court Judge, Vice President of his Bible Society, a prosecuting trial attorney and I presume much more from records that have not yet been reviewed. This reminds me of our former District Attorney, Hon. Thomas Zugibe, who also served as a Supreme Court Justice and a prosecuting attorney.

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What a memorable and meaningful evening it was in celebration of RCBA's 130<sup>th</sup> Anniversary. Our Chief Judge of the Court of Appeals, Hon. Rowan D. Wilson, stayed from the cocktail hour to the very end. After being introduced by our own Hon. Linda Christopher of the Appellate Division, I had the pleasure of presenting the Chief with a plaque as our Guest of Honor, but more importantly three special gifts. I learned that Judge Wilson was a graduate of Berkeley High School in Berkeley, California. The high school's mascot is the yellowjacket. Fortunately, I was able to purchase a Berkeley High School cap, a t-shirt and a hooded sweatshirt. What the Chief particularly enjoyed was what was on the back of the sweatshirt, the number "1" with his name "Wilson" below. Judge Wilson let me know that he and his deputy, Chief Administrative Judge Joseph Zayas, were taking a course to be trained as security officers and he intended to wear the sweatshirt during training sessions. He thought court officers involved in the training would be amused.

Judge Wilson was down to earth, affable and approachable, conversing with many of our members and guests. Neither did he shy away from being photographed. His address involved a description of a historical and memorable event in the Hudson Valley involving President Grover Cleveland and his ongoing rivalry with his former Lieutenant Governor who succeeded Cleveland as Governor and then became Senator. He described in detail allegations of election fraud in Dutchess County mirroring, to some extent, today's debunked claims of fraud at the polls. His presentation highlighted the importance of the integrity of our institutions as vital to a healthy democracy.

As the Chief commented during a recent interview, he embraces the mantra that the Office of Court Administration works for the judiciary and not the other way around. He also is an advocate of civic education in secondary schools to inculcate youth about our three branches of government. So many members of the bench from the 9<sup>th</sup> Judicial District were there, including former President of NYS Supreme Court Justice Association, the Hon. Debra James, J.S.C., New York County, and our Administrative Judge, Hon. Anne Minihan. We enjoyed the evening with our RCBA members and many members of the judiciary, including Appellate Division Justice Francesca Connolly, Supreme Court Justices Hon. Linda Jamieson, Hon. James Hyer, Hon. Paul Marx, Hon. Amy Puerto, Hon. Marie Vazquez-Doles, Hon. Sherri Eisenpress, and Hon. Keri Fiore, Retired Justices of the Supreme Court Robert Berliner and Alfred Weiner and Retired Acting Justice of the Supreme Court Gerald Beldock, Acting Supreme Court Justices, Hon. Larry Schwartz and Hon. Rolf Thorsen, Surrogate Judge Hon. Keith Cornell, Court of Claims Judge Hon. David Fried, Judge of the Family Court Hon. Rachel Tanguay, County Court Judge Hon. Kevin Russo and numerous local Town and Village Justices.

Our gala was attended by over 200 guests and many have told me how much they enjoyed the photo booth where photographs spontaneously were printed out with our RCBA logo in the background. You can see pictures from the Gala posted on our RCBA website.

I am looking forward to what follows next. I am referring to the reenactment of RCBA's founding at the former Hotel St. George on Burd Street in Nyack. More information will be provided about this event. We intend to celebrate our birth at the very place of RCBA's conception.

At our Gala the Lifetime Achievement Award was given to Rockland's former District Attorney, Hon. Michael Bongiorno. A presentation in memory of Rockland's first female attorney, and first female to vote in Rockland County, the Natalie Couch Award, was presented to Nyack's NAACP President, Ms. Nikki Hines.

If you were unable to be with us, and would like to receive a copy of our Commemorative Journal, reach out to our Executive Director, Dr. Nancy Low-Hogan, whose efforts, together with Manuela Gomez and Barbara Silverstone, Esq., made the Gala a stellar success. We have shared with all of our members New

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York State Attorney General, Letitia James' personal video in recognition of our milestone event. When I returned home that evening I was delighted to learn that News12 covered the event. We at RCBA are already looking forward to next year's festivity.

At the Gala I announced the formation of our Bar Association's first Pro Bono Committee. This is not a CLE obligatory requirement, however I ask that you consider joining the committee and devoting a small amount of time each year to at least one pro bono matter. Call the Bar Association at 845-634-2149 if you are interested in serving on the committee.

For those of you who have participated in our communal RCBA portrait and wish to obtain individual portraits, please know that you will soon be receiving information about this. Also, we are excited that our Diversity, Equity and Inclusion Committee has sponsored its first essay contest. A \$500 stipend was given to a high school senior. We want to expand the program next year and have a second and third place prizes. If either you or your law firm wish to contribute to this worthy endeavor, please call us at 845-634-2149 and we will assist you.

Don't forget to cast your ballot! There are many judicial candidates seeking office this year, in local and 9<sup>th</sup> Judicial District races.

Before we realize it, Thanksgiving Day will be upon us. Have a meaningful holiday with family and friends, never failing to have in your heart those less fortunate. Despite ongoing tragedies, both domestic and overseas, stay positive, be involved and committed and infuse as much purpose in your daily lives as you can as the years fly by too rapidly.

Happy Thanksgiving to all.

Sincerely,

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



**We received the following information from the New York State Academy of Trial Lawyers.**

**Legislative Update: Changes to Affirmations**

Dear Colleague,

We are writing to inform you that Governor Hochul recently signed two bills that will impact your practice. Both bills amend Rule 2106 of the CPLR to allow for greater use of affirmations, aligning New York law with federal practice.

Bill [A5772/S5162](#) expands the ability to submit an affirmation in lieu of an affidavit. It allows an affirmation by any person, wherever made, subscribed and affirmed by that person to be true under the penalties of perjury, to be used in a civil action in New York in lieu of and with the same force and effect as an affidavit.

Under existing law, only an attorney, physician, osteopath, or dentist admitted to practice in New York State who is not a party to an action and any person who is physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, can submit an affirmation in lieu of an affidavit. Under the new law, the affirmation of any person, wherever made, may be used in an action in New York in lieu of and with the same force and effect as an affidavit. In addition to allowing affirmations by experts, witnesses, and parties, this will enable attorneys and their staff to use an affirmation of service of documents rather than an affidavit of service.

Such affirmation shall be in substantially the following form:

*I affirm this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.*  
(Signature)

This change goes into effect on January 1, 2024.

In the interim, Bill [A6065/S2997](#) expands the list of professionals who may affirm the truth of a statement rather than submit an affidavit from physicians, osteopaths, and dentists to all healthcare practitioners licensed, certified, or authorized under the Education law. This change takes effect immediately and is effective until January 1, 2024.

If you have any questions, please get in touch with us at [info@trialacademy.org](mailto:info@trialacademy.org).

NYS Academy of Trial Lawyers



## **NEWS RELEASE**

**New York State  
Unified Court System**

**Hon. Joseph A. Zayas  
Chief Administrative Judge**

**Contact:  
Al Baker, Communications Director  
Arlene Hackel  
(212) 428-2500  
[www.nycourts.gov/press](http://www.nycourts.gov/press)**

**Date: October 31, 2023**

### **Court System Implements Mandatory Online Registration for All New York State Attorneys**

**NEW YORK**—Chief Administrative Joseph A. Zayas and First Deputy Chief Administrative Judge Norman St. George today announced an amendment to Parts 118.1 and 118.3 of the Rules of the Chief Administrator, mandating online registration for all New York attorneys, effective December 1, 2023. Chief Administrative Judge Zayas approved Administrative Orders instituting these rule changes in consultation with Chief Judge Rowan D. Wilson and the Administrative Board of the NYS Courts, which includes the Presiding Justices of the four Departments of the State Supreme Court, Appellate Division.

NY Judiciary Law §468-a and Part 118 of the Rules of the Chief Administrator require the biennial registration of attorneys admitted in the State of New York, whether they are resident or non-resident, active or retired, or practicing law in New York or anywhere else. The amendment will require attorneys to file their biennial registration, which are due every two years within 30 days after their birthday, electronically.

Attorneys obligated to pay the \$375.00 biennial registration fee may securely do so online using a credit card or debit card (with a 2.99% service fee) or with an eCheck (with a \$1.00 service fee). The \$375.00 registration fee, which supports funds for bar admission, lawyer discipline, client protection and legal services for the unrepresented, is allocated as follows: \$60.00 is deposited in the Lawyers' Fund for Client Protection, \$50.00 in the Indigent Legal Services Fund, \$25.00 in the Legal Services Assistance Fund, and the remainder in the Attorney Licensing Fund. No fee is required from

attorneys who certify that they are retired from the practice of law as defined in Part 118.1(g) or serve as in-house counsel and foreign legal consultants covered by Part 118.3.

In conjunction with the new online filing mandate, attorneys will be required to establish an Online Services account to log on to the electronic registration system. The system allows access to maintain current contact information, pay the biennial fee (if required), report CLE compliance and affirm other certifications required by court rules. The Online Services account credential also permits attorneys to securely log on to other UCS systems such as NYSCEF, eTrack, and other portals used for eFiling and case management.

"Mandatory online registration reduces paper waste, shortens processing times and improves data collection, including the accuracy and completeness of attorney information. Embracing an electronic registration system will save money for the State and enhance the court system's ability to contact and serve attorneys," said Chief Administrative Judge Zayas.

"Since electronic attorney registration was first introduced, over 80 percent of New York attorneys have voluntarily opted to file online, and an even larger percentage have established their Online Services account. The rule changes announced today will serve to streamline the attorney registration process, making it more efficient and convenient for members of the New York bar who live and practice within the State as well as those who reside in other states and abroad," said First Deputy Chief Administrative Judge St. George.

A revised biennial registration notice will be introduced in December. While a paper notice will continue to be mailed to attorneys who have not opted to receive email notification as a reminder of their registration due date, the new notice will no longer include a paper registration form to complete and return by mail. However, any paper forms already in circulation will continue to be accepted for filing for some additional period of time.

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RCBA MEMBERSHIP DRIVE

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**REFER A NEW MEMBER TO US  
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~ ~ ~  
**REFER SOMEONE TO BECOME AN  
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A FREE HALF-PAGE AD FOR 3  
MONTHS IN NEWSBRIEF.**

**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.**

**CALL BARBARA TODAY FOR DETAILS AND GET  
GOING ON YOUR FREE AD!**

**TO GET YOUR FREE ½ PAGE AD, YOU MUST  
CONTACT BARBARA SO WE CAN LINK YOUR  
REFERRAL TO THE PERSON'S MEMBERSHIP  
APPLICATION.**

**CALL BARBARA AT 845-634-2149 OR EMAIL  
[BARBARA@ROCKLANDBAR.ORG](mailto:BARBARA@ROCKLANDBAR.ORG)**

**\*REGULAR, ASSOCIATE OR AFFILIATE MEMBER**

[USE THIS LINK TO APPLY FOR MEMBERSHIP ONLINE](#)

## THE PRACTICE PAGE

### 😊 DOES AN EMOJI QUALIFY AS A SIGNATURE FOR AN ELECTRONIC CONTRACT? 😊

Hon. Mark C. Dillon \*

The law often has to play Catch-Up with issues that arise from changing technologies. A current example is whether a writing is “signed” for an enforceable contract under the statute of frauds (GOL 5-701) if, on the electronic signature line, a party attaches an emoji instead of a name. More and more, we see in our lives proposed contracts that are transmitted by e-mail which are then signed and dated by the parties electronically. The signature of the party is not a genuine pen-to-paper version, but an electronically-generated one which, upon being applied to its designated place on the contract, evinces the intent of the party to be bound by its terms. Those faux longhand signatures, of electronic origin, are valid under GOL 5-701 and Technology Law 304(2) (*Citibank, N.A. v Narvaez*, 73 Misc.3d 709).

Certainly, a contract meets the signature requirement of GOL 5-701 when an original handwritten signature is attached to the contract document. Initials placed there by a party may likewise qualify (*Ahouse v Herbert*, 78 AD2d 713). An “X” or other intentional mark may qualify under special circumstances (*Wagner v Chemical Bank & Trust Co.*, 154 Misc. 123). Also, the contract is enforceable if signed by an agent authorized to act for the contracting party (*Morris Cohon & Co. v Russell*, 23 NY2d 569), including persons with a formal power of attorney (*Shalom & Zuckerbrot Realty, LLC v Gallant*, 130 AD3d 904). Even an unsigned contract may be enforceable where other writings can be strung together to establish that the parties intended to be bound (*Flores v Lower East Side Service Center, Inc.*, 4 NY3d 363). Technology Law 304(2) provides that electronic signatures have the same validity and effect in New York as a signature affixed by hand. The law therefore recognizes other forms of signifying assent to a “signed contract” beyond actual pen-generated longhand signatures of the parties.

But what if a party places a happy face on an electronic signature line? Is a happy face just a happy face? *Or*, does it adequately reflect the legal assent of the party to be bound by the terms of the contract? If that emoji qualifies as a signature, can the same be said of other emojis such as the hand clap, the thumbs-up, the fireworks, the celebratory balloons, the check mark, the A-OK sign, and the red heart? Might those other emojis alternatively represent a slippery slope?

Surprisingly, the term “emoji” is not derived from the word “emotion,” even though many emojis convey emotional feelings. The term is instead derived from the Japanese words “eh” (for picture) and “moji” (for letter). Emojis reflect a response or feeling through a pictograph rather than by words, and have become a form of visual shorthand used in texting and e-mail.

A Canadian court found that a “thumbs-up” emoji qualified as a binding signature for an electronic contract. It did so under section 18(1)(b) of that country’s Electronic Information and Documents Act, which specifically permits, *inter alia*, the use of an “icon” to express an offer or acceptance of a contract (*South West Terminal v Achter Land & Cattle*, 2023 SKKB 116 [Swift Current, Canada 2023]; Horowitz, David Paul and Kristoferson, Katryna, “It is Hereby... Can Emails Create a Binding Stipulation?” *NYLJ*, July 17, 2023).

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Of course, the GOL, and not Canadian law, governs the enforceability of contracts in New York. GOL 5-701 provides that certain contracts are void “unless it or some note or memorandum thereof be in writing, subscribed by the party to be charged therewith...” Those contracts include but are not limited to agreements that cannot by their terms be performed within a year; to answer for the debt of another; in consideration of marriage except for mutual promises to marry; and to pay a debt discharged in bankruptcy (GOL 5-701[a][1, 2, 3, 5]). Technology Law 304(2) speaks to the validity of an electronic “signature,” which is different from the Canadian statute which more broadly permits the use of, among other things, an “icon.”

Which brings us to the central question: whether a happy face on a signature line adequately conveys a party’s intent to be enforceably bound to a contract? Case law on the subject is extremely sparse. The intent of the signer is what is most important (*In Re O’Connor*, 630 B.R. 384). The sufficiency of an emoji may depend on the nature of the emoji itself and the context in which it is affixed. A “handshake” emoji deliberately placed on a signature line might speak better to a party’s intent to be bound than a “balloon” emoji, as handshakes symbolize agreements whereas a balloon may mean anything. A New York court held that a “thumbs-up” emoji was *not* sufficient to convey a party’s intent to be bound, where only minutes beforehand the same party had categorically asserted that he would never sign any document (*Lightstone Re LLC v Zinntex LLC*, 2022 WL 3757585 [Sup. Ct. N.Y. Co. 2022]). A happy face, fireworks, balloons, hearts, and other such symbols may merely convey a party’s excitement or happiness with the terms of an offer, with, conceivably, a question of fact as to whether it also represents a knowing acceptance of the contractual terms and an intent to be bound to them. And Technology Law 304(2)’s requirement that there be an electronic “signature” suggests, if construed literally, that emojis do not qualify at all.

The law will further develop on this, in time. The bottom line is that parties to a contract should simply place an electronic signature at the designated line of the e-document consistent with Technology Law 304 (2), and avoid cute emojis like the plague. Clients should receive that advice from their attorneys, if needed, as contracts are serious documents to be treated by signatories with an equal degree of seriousness and solemnity. Doing so prevents ambiguities, problems, misunderstandings, uncertainties, and perhaps costly and prolonged litigation.

Happy Thanksgiving. 😊

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



**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 Proposal to Promulgate Standardized, Plain Language Notice of Petition Forms for Mandatory Use in Housing Matters Outside of New York City

Date: October 18, 2023

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The Administrative Board of the Courts is seeking public comment on a proposal by the Office of Court Administration to amend the Uniform Civil Rules for the City Courts Outside New York City, the Uniform Civil Rules for the District Courts, and the Uniform Rules of the Justice Courts (*see Ex. A*), in order to promulgate standardized, plain language Notice of Petition forms for mandatory use in housing matters outside New York City (*see Ex. B*).

Notice of Petition forms are used in summary proceedings, the expedited process through which a landlord may evict a tenant. The Notice of Petition is served on a tenant to provide notice that a summary nonpayment or holdover proceeding has been started against the tenant. While standard Notice of Petition forms are already in use in New York City Housing Court, standardized Notice of Petition forms have now been developed for the first time for courts outside New York City (*see Ex. B*).

The Notice of Petition form for nonpayment was piloted in various City, Town, Justice, and District Courts in Erie, Monroe, and Suffolk Counties. The form uses a simplified caption, infographics, symbols, and QR codes and other links to online services to help unrepresented landlords and tenants navigate court proceedings. The text is written at a low reading level that makes the form easy to understand and does not require separate instructions to complete. Legal terms are explained on the form for ease of understanding, and there are links with the Spanish

and ASL translations of the form and information regarding ADA accommodations in court. A Notice of Petition form for holdover proceedings was also developed using these same features.

OCA submits that the standardized Notice of Petition forms will simplify processes and reduce confusion for litigants, make court proceedings easier to understand, increase access to online resources, and address and cure roadblocks to the resolution of cases. OCA also proposes that the corresponding rules for the City Courts, District Courts, and Justice Courts be amended so that the new Notice of Petition forms are promulgated for mandatory use in those courts. (See Ex. A.)

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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 1, 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**

**COMMERCIAL LITIGATION ISSUES OF INTEREST**

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

Your client is the founder and CEO of a cosmetic company with publicly traded stock. He arranged for a \$240,000 loan to the corporation. The loan agreement contained a floating-price-stock-conversion option, which allowed the lender to opt to receive company stock at a fixed discounted rate of 65% of its market value instead of cash payments at a default interest rate of 24% per year. Less than half of the loan amount was repaid with stock, which the lender then sold for more than \$300,000. But before paying the remainder of the loan, your client's company suffered a financial downturn and did not repay the balance of the loan. The lender sued the corporation and the individuals who controlled it, pleading breach of contract and fraud. Although there were no New York cases applying the criminal usury laws to a fixed-rate-discounted-conversion option, you pleaded an affirmative defense that the loan was void as criminally usurious, since the stock option could result in an interest rate exceeding 25% per year. The affirmative defense of usury was dismissed on summary judgment.

Will you succeed in restoring the usury defense on appeal?

The answer is *yes*.

In *EMA Financial LLC v. Chantis*, 84 F.4<sup>th</sup> 395 (2d Cir. September 6, 2023) (NYLJ 1694094381NY22274, Sept. 13, 2023), EMA made two loans totaling \$241,600 to a group of companies in 2017. The security purchase agreements provided for a "floating-price conversion option," which allowed EMA to elect to receive payment in cash at a default interest rate of 24%, or to receive shares of the defendant companies at a fixed discounted rate of 65% of the market price at the time EMA exercised the option.

In 2017, 2020, and 2021, EMA exercised the stock option and received nearly 20,000,000 shares, which EMA then sold for \$301,023.27 – an amount greater than the \$241,600 in loans. The companies then "faced business headwinds," and failed to turn a profit or make any payments on the loans. Two of the 2017 notices of conversion remained unsatisfied. EMA brought claims in federal court for breach of contract and breach of guaranty, with claims against the individual defendants for fraudulent inducement and for syphoning money from the companies for personal use.

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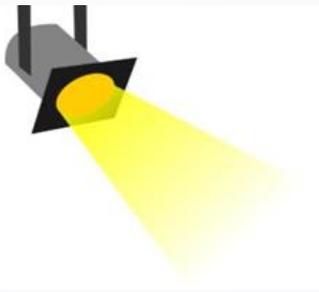
The defendants pleaded an affirmative defense seeking to invalidate the notes and security purchase agreements as usurious under New York law. The district court granted summary judgment to EMA on liability for breach of contract, breach of guaranty, costs, expenses, and attorneys' fees, and dismissed the affirmative defense of usury. The court explained, "[b]ecause [EMA] could have elected to obtain repayment of the principal in cash at an interest rate that Defendants do not assert would exceed twenty-five percent, the [Notes and SPAs] were not usurious on their face, and Defendants' argument that they are unenforceable fails."

After the district court completed a bench trial on other issues, New York's Court of Appeals issued an opinion on a similar case that was before it on certification from the Second Circuit for a ruling on the same issue. In *Adar Bays, LLC v. GeneSYS ID, Inc.*, 37 N.Y.3d at 320 (2021), New York's Court of Appeals ruled that the value of the conversion option should be included in determining the loan's interest rate, and if the loan's interest rate exceeds the statutory cap of 25%, the loan instrument is invalid.

Accordingly, the defendants asked the district court by letter to consider the defense anew, based on a change in the law. The district court declined to consider the issue, and defendants appealed from the judgment. Based on the Court of Appeals' decision made after the bench trial, the Second Circuit remanded the matter back to the district court "for further proceedings consistent with this opinion."

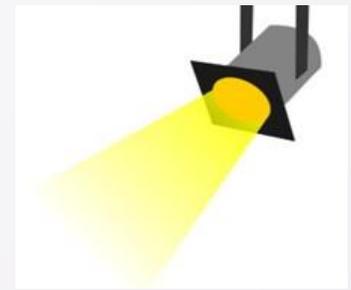
*The lesson?* As this type of secured loan agreement becomes more common, and as lenders find creative new ways to structure payments, it is best for borrowers to plead invalidity of the loan agreement and notes as usurious. The issue will then be preserved while case law catches up with new payment structures.

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



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

**SPOTLIGHT**



*This month, the DEI Committee shines its spotlight on Alicia Cember, Esq., a local attorney committed to public service.*

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

I grew up in the Bronx and lived there even after I married my husband Bill Cember who was an Assistant District Attorney in the Bronx. Sometime after our second child was born, we decided to buy a house and moved to Rockland County in 1996. Billy grew up in Rockland County but it was a culture shock for me! We currently live in New City.

**Tell me about your education.**

I graduated from SUNY Binghamton, School of Management. I had a great job in organizational behavior which is similar to human resources management. I didn't want to go to law school but my father urged me to go because he wanted me to have a stable career. I decided to follow my father's advice and attended Pace Law School. While attending Pace Law School, I also worked at a law firm in Mamaroneck.

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

I did not always want to be a lawyer. I had my real estate license at the age of eighteen. I did closings during law school and after graduation, worked for a small law firm for a few months. I then worked for New York City Corporation Counsel, Real Estate Division conducting closings for foreclosed and city properties. After a short leave of absence to try out private practice, I returned to New York City Corporation Counsel and worked in the Leasing and Design Department preparing subordination agreements for all City owned buildings. I then went out on maternity leave and when I returned there was a change in administration, and I took a buyout package. Shortly thereafter, we moved to Rockland County and I worked part-time, conducting closings.



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***Continued...***

At some point in 2001, I began working part-time representing major banks in closings for Larry Schwartz who is now Judge Larry Schwartz. At the time Judge Schwartz had his own firm, Schwartz & Silverstein. In approximately 2005, Elaine, an executive in the Rockland County District Attorney's Office told me I should apply to become an Assistant District Attorney. I told her "You know I don't like to argue"! I asked Larry his opinion as he also was working as a Public Defender in addition to his private practice and he told me "It's not about winning trials, it's about doing justice. You'll be able to look at things and see the big picture." After going through three rounds of grueling interviews by a panel, I was hired as an ADA. I was one of the oldest newest ADAs and everyone called me "Grandma". I was an ADA for a little over four years and I am proud that out of the seven jury trials, I had six convictions and one hung jury. I handled over 450 cases, including calendars for mental hygiene, special victim unit, drug court and all of Rockland County domestic violence/integrated domestic violence cases. The experience itself was super rewarding and the executive staff was supportive and appreciative.

After leaving the DA's Office, I took a job as Associate General Counsel for a property management firm. I had to travel extensively throughout Westchester, Brooklyn, Queens, Bronx, Manhattan and Newark, New Jersey to make appearances defending building code violations in various courts and tribunals both day and night. Needless to say, I only did this for a year because the traveling was exhausting.

I then became an 18B criminal defense attorney in the Bronx. I currently work as an 18B criminal defense attorney in the Bronx and Rockland and have been part of the 18B Family Court Panel for over ten years. I also became an attorney for the child in Westchester, Orange and Rockland counties. I am one of five attorneys certified to represent youths charged with felonies in the Youth Part. I just recently became an employee of Cember & Cember.

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

I love the accessibility to lakes and parks. I walk Congers Lake quite a bit and I have wonderful memories of taking my kids to Rockland Lake.

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

I just celebrated my thirty-five-year wedding anniversary with my husband. We have a thirty-two-year-old son who lives in Kansas City, Kansas and a twenty-nine year old daughter who lives on the Upper West Side of Manhattan.

**Who is your inspiration/hero?**

My husband, Billy. He is my rock and sees and accepts me for who I am. Billy is an honest, hardworking person.

***Continued...***

*Continued...*

**What good advice have you received?**

Take a step back and try to look for the big picture.

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

I watch a lot of Bravo and enjoy the Real Housewives series. I also enjoy watching the cooking shows on the Food Network.

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

Travel, eat really good food, walk Congers Lake and go to the beach.

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

I joined the bar to make a difference and hopefully that will be my legacy. I am currently enjoying my involvement and participation on RCBA's Diversity, Equity and Inclusion Committee and my duties as Co-Chair of the 18B Assigned Counsel Plan.

**Fun facts about Alicia**

- Alicia met her husband Billy at Pace Law School literally on the fourth day of her 1L year.
- Alicia went to law school with Paul Adler and was his study group partner for some of her night classes.
- Alicia taught gymnastics at Deer Mountain Day Camp and Campus Kids Minisink.
- Alicia taught music theory and tumble tots to infants and toddlers at the JCC Rockland.
- Alicia coached soccer for eleven years with the Clarkstown Recreational Soccer.
- Alicia was a co-leader of a Brownie troop and 5<sup>th</sup> grade PTA President in 2001.
- Alicia's father-in-law, Nat Cember was one of the founding members of RCBA.
- Two cases that Alicia was involved in were published in the New York Law Journal, one in 2017 concerning whether the police had a right to arrest a person who had an order of protection issued against him but had a lawful right to be at a certain place because of a custody order and the second in 2019 concerning the use of notes in forensic evaluation reports.



# Technology Tips for Attorneys



submitted by

**Michael Loewenberg\***

As an attorney (and business owner), you need to be constantly looking for ways to improve your practice and serve your clients better. Technology can be a powerful tool for doing just that, but it can also be overwhelming to keep up with the latest trends. That's why we've put together this list of the top three technology trends that attorneys need to pay attention to right now:

## **1. Cloud computing**

Cloud computing is the delivery of computing services—including servers, storage, databases, networking, software, analytics, intelligence, and more—over the Internet (“the cloud”) to offer faster innovation, flexible resources, and economies of scale.

Cloud computing offers a number of benefits for attorneys, including:

- Cost savings:** Cloud computing can help you save money on IT costs by eliminating the need to purchase and maintain your own hardware and software.
- Scalability:** Cloud computing can scale up or down as needed, so you can easily adjust your resources to meet the changing demands of your practice.
- Reliability:** Cloud computing providers offer a high level of reliability, so you can be confident that your data and applications will be available when you need them.
- Security:** Cloud computing providers offer a variety of security features to protect your data, including encryption, access control, and data loss prevention.

If you're not already using cloud computing in your practice, now is the time to start. There are a number of cloud computing providers that offer solutions specifically for attorneys, so you can find one that meets your specific needs and budget.

## **2. Artificial intelligence (AI)**

AI is rapidly transforming many industries, and the legal profession is no exception. AI is being used to automate tasks, improve decision-making, and provide new insights into legal data. Here are a few examples of how AI is being used by attorneys today:

*Continued ...*

*Continued ...*

**Contract review:** AI-powered tools can review contracts much faster and more accurately than humans.

This frees up attorneys to focus on more strategic tasks.

**Legal research:** AI-powered tools can help attorneys find relevant case law and statutes much more efficiently than traditional research methods.

**Due diligence:** AI-powered tools can help attorneys identify potential risks and liabilities in complex transactions.

As AI continues to develop, we can expect to see even more innovative and transformative applications in the legal profession. Attorneys who embrace AI will be well-positioned to succeed in the future.

### **3. Cybersecurity**

Cybersecurity is a top concern for all businesses, but it's especially important for attorneys. Attorneys handle sensitive client data, such as financial information, Social Security numbers, and medical records. This makes them a prime target for cybercriminals.

There are a number of things that attorneys can do to protect themselves from cyberattacks, including:

**Educating their staff about cybersecurity best practices:** This includes training staff on how to identify and avoid phishing emails, create strong passwords, and keep software up to date.

**Investing in cybersecurity solutions:** This includes firewalls, intrusion detection systems, and data encryption tools.

**Developing a cybersecurity incident response plan:** This plan should outline the steps that the law firm will take in the event of a cyberattack.

Cybersecurity is an ongoing challenge, but it's one that attorneys can't ignore. By taking the necessary precautions, attorneys can protect their clients' data and their own reputation.

Here are a few tips for implementing new technology in your law practice:

**Start by assessing your needs:** What are your biggest pain points? What tasks would you like to automate? Once you know what you need, you can start researching different technology solutions.

**Involve your team:** Get input from your staff on what technology solutions they think would be most beneficial. This will help to ensure that everyone is on board with the new technology and that it's used effectively.

*Continued...*

*Continued ...*

**Implement gradually:** Don't try to implement too many new technologies at once. Start with one or two technologies and then add more as you become more comfortable.

**Provide training:** Make sure that your staff is trained on how to use the new technology effectively.

**Monitor your results:** Track how the new technology is impacting your practice. This will help you to identify any areas where the technology can be improved.

By following these tips, you can successfully implement new technology in your law practice and reap the benefits of improved efficiency, productivity, and security.

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

Does anyone know the whereabouts of files belonging to attorney F. Hollis Griffin, Jr.?

Please contact:

Elizabeth A. Stradar, Esq.  
Northrop & Stradar, PC  
Newburgh, New York 12550  
845-561-8000  
845-561-2083 Fax

# 130th Anniversary Gala

On October 26, RCBA members and others gathered to celebrate our 130th Anniversary and to honor our Guest of Honor, Chief Judge the Hon. Rowan Wilson, as well as Hon. Michael Bongiorno and Nikki Hines. See more photos at [Rocklandbar.org](http://Rocklandbar.org)



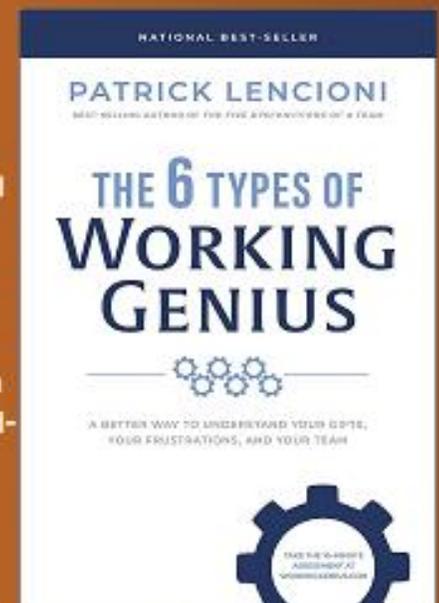
# RCBA CARES

## LTLC Wellness Corner

### BOOK RECOMMENDATION: **The 6 Types of Working Genius** by Patrick Lencioni

Do you own and operate a small to mid-sized law firm? Do you lead a team of professionals? Have you reached a point in your business and professional life where, no matter how hard you try, you feel burned out by the day-to-day tasks you have been doing for years? In the same vein, do you ever wonder why you feel energized to do certain tasks or engage in certain discussions with your office or team, even during a period of burn out?

If you have answered any of these questions with a resounding “yes,” I encourage you to reach this incredible book. Not only is the book set up in a way that you can read it quickly (warning: you may not want to set it down!), but it also sets a similar stage of circumstances that almost every professional and/or business owner has encountered in their career: what happens when you realize you are not doing enough of the things that leverage your natural gifts? Patrick Lencioni, a world-renowned consultant and thought leader in team and corporate management, provides a framework for any person – no matter what your role is – to lean back into their “Geniuses” and recognize what areas of work leverage your strengths. On the other hand, Lencioni helps illustrate how a team can reorganize itself and reinvigorate every member by allowing them permission to work in their geniuses more and less in their “Frustrations” so as to avoid those treacherous seasons of burnout, leading the team to success and strengthened momentum.



### PODCAST RECOMMENDATIONS:

- **A Slight Change of Plans**
  - Hosted by Maya Shankar
- **The Mel Robbins Podcast**
  - Hosted by Mel Robbins
- **The Ultimate Human**
  - Hosted by Gary Brecka
- **Smartless**
  - Hosted by Jason Bateman, Sean Hayes and Will Arnett

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

William Ambrose, Esq.

Jacqueline K. Lamer, Esq.

Alexandra Bystritskaya, Esq.

Phyllis Shandler , Esq.

Mitchell J. Canter, Esq.

Paul Upton, Esq.

Daniel C. Edelman, Esq.

William Weininger, Esq.

Nicole Greenwald, Esq.

Denise Lynn Weiss , Esq.

**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 October 15, 2023 the dues amount increases to \$200.00!

Don't miss out on the benefits of RCBA Membership

*\*CLEs\* Lawyer Referral Service \* Practitioners Chats\* Monthly E-Newsletter\* Rockland Bar CARES\**

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:**

**Civil Appeals**

**Commercial law**

**Consumer law, including small claims court**

**Constitutional and Human Rights**

**Corporate Law including business formation, dissolution & franchises**

**Education law**

**Elder law**

**Environmental Law**

**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***



# RCBA IS LOOKING FOR ADVERTISERS AND SPONSORS FOR 2023-24

Dear RCBA Member,

Who are your favorite vendors?

Do you work with a process server, private investigator, translator, title company or court reporting company?

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.



**NEW INCENTIVE FOR YOU!** As an added incentive, when a business you referred becomes a Sponsor or places an ad with us, you will be given one free online CLE session. So... review your contacts now and help us promote their business!



Contact: Barbara Silverstone

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

845-634-2149

**RCBA DUES ARE NOW DUE!**  
**Please pay your 2023-2024 DUES today if you have not done so already!**  
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**Thank you for your membership**

# SPREAD THE WORD

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<b>BUSINESS CARD:</b>	<b>\$75.00</b>	<b>\$60.00</b>

### **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 \$75.**

**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

## PLAN YOUR YEAR OF CLEs NOW!

COMING THIS FALL

### A SERIES ON SURROGATE’S COURT PRACTICE

Part 1 was held on September 12,; Part 2 was on October 10 and part 3 will be at the end of November. 12:30 p.m. - 2:00 p.m. on Zoom.

Register will open soon.

### THE ART OF MEDIATION

November 15. This one hour course will be held on zoom. 12:30 p.m. - 1:30 p.m.

This program is designed for practitioners of all levels. Due to the onerous demands of litigation, financial outlay, unrealistic client expectations, court delays, and the need to resolve disputes, every practitioner must hone their ADR skills. Learn how to get your case to mediation, and one there, how to posture it toward a successful resolution.

Register [here](#)

**Coming in 2024:** Trial Practice from a Master, Artificial Intelligence, Challenging and Controverting Search Warrants, and much more!

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



**We thank our RCBA Supporters. For information on advertising in the Newsbrief, see page 27**

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# 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](http://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**

## 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:**

**November 9 2023, 5:00 p.m. The committee will discuss some recent cases of interest.**

**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





UCS-23

EMPLOYMENT  
OPPORTUNITY  
ANNOUNCEMENT  
STATE OF NEW YORK  
UNIFIED COURT SYSTEM

**PLEASE POST**  
ANNOUNCEMENT NO. 52372

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**CANDIDATES WHO HAVE ALREADY APPLIED TO POSTING #52360 NEED NOT REAPPLY AND WILL BE CONSIDERED FOR THIS POSITION.**

The Appellate Division, Second Judicial Department, is currently seeking applications for an attorney in the Court's Mental Hygiene Legal Service. The position will be filled in one of the following titles dependent upon the qualifications and experience of the applicant selected. Applicants should specify the position title or titles for which they wish to be considered.

---

**POSITION TITLE:** ATTORNEY **JG: 23**

**BASE SALARY:** \$79,805 + \$4,635 LOCATION PAY

**QUALIFICATIONS:** Admission to the New York State bar.  
**To be qualified for this position, you must have a valid driver's license and a properly registered automobile for use in performing official duties away from your assigned station.**

**DISTINGUISHING FEATURES OF WORK:** Under direct supervision, Attorneys serve in a confidential capacity and research legal questions and issues, prepare cases for administrative proceedings and litigation in the courts, and perform other related duties. Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Services, attorney disciplinary committees, 18B panel administration, or other such units.

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**POSITION TITLE:** SENIOR ATTORNEY **JG: 26**

**BASE SALARY:** \$93,782 + \$4,635 LOCATION PAY

**QUALIFICATIONS:** Admission to the New York State bar and two (2) years of service in the Attorney title; or equivalent legal experience.  
**To be qualified for this position, you must have a valid driver's license and a properly registered automobile for use in performing official duties away from your assigned station.**

**DISTINGUISHING FEATURES OF WORK:** With substantial independence from supervision, Senior Attorneys serve in a confidential capacity and research legal questions and issues, organize investigations, prepare and present cases before administrative tribunals and courts, and perform other related duties. Senior Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Service, attorney disciplinary committees, 18B panel administration, or other such units. They may also oversee a departmental law guardian program.

---

**POSITION TITLE:** ASSOCIATE ATTORNEY **JG: 28**

**BASE SALARY:** \$104,500 + \$4,635 LOCATION PAY

**QUALIFICATIONS:** Admission to the New York State Bar and two (2) years of service in the Senior Attorney title; or equivalent legal experience.  
**To be qualified for this position, you must have a valid driver's license and a properly registered automobile for use in performing official duties away from your assigned station.**

**DISTINGUISHING FEATURES OF WORK:** Associate Attorneys serve in a confidential capacity and research legal questions and issues, organize complex investigations, prepare and present complex cases before administrative tribunals and trial and appellate courts, and perform other related duties. Associate Attorneys provide legal research and advocacy services in the Mental Hygiene Legal Service, attorney disciplinary committees, 18B panel administration, or other such units. They may also oversee a departmental law guardian program.

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**LOCATION:** Mental Hygiene Legal Service  
White Plains, Westchester County

**CLASSIFICATION:** Non-Competitive/Confidential

**ASSIGNMENT:** The Mental Hygiene Legal Service ("MHLS") provides legal representation and advocacy to individuals with mental and developmental disabilities, and those alleged to be in need of mental health services, in legal matters including civil and criminal commitment, treatment over objection, guardianship, sex offender civil management, and assisted outpatient treatment. MHLS attorneys regularly appear in the New York courts in difficult cases concerning involuntary hospitalization and psychiatric treatment. This position involves frequent fieldwork, including meeting with clients at psychiatric hospitals, other facilities or private residences. In addition, MHLS attorneys advocate informally on behalf of clients and represent them at administrative hearings. Some litigation experience is preferred, but not required.

**GENERAL INFORMATION:** The above statements are intended to describe the general nature and level of work being 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. Although a position is available and situated at a specific location, the appointee may be subject to reassignment to any position in the same title in this promotion unit dependent upon the needs of the Unified Court System. 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)) and a resume and cover letter by email to [MHLS2-HR@nycourts.gov](mailto:MHLS2-HR@nycourts.gov) or by mail to:

Michael Neville  
Director  
Mental Hygiene Legal Service  
600 Old Country Road, Suite 224  
Garden City, NY 11530

**APPLICANTS ARE ENCOURAGED TO COMPLETE THE EQUAL EMPLOYMENT OPPORTUNITY DATA COLLECTION FORM.**

**POSTING DATE:** October 11, 2023      **APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:** November 8, 2023

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**ATORNEY 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)

**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).

**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)

**CONTRACTS/CORPORATE ATTORNEY WANTED**

The Bachman Law Firm is seeking a part-time associate attorney to join us 18-24 hours a week. The Ideal candidate has specific experience (5+ years) with corporate and contract matters. Typical projects include corporate mergers and asset purchases, commercial contracts for the sale of goods, services, construction, corporate formation documents, commercial leasing, and commercial real estate sales, purchases and financing. Part-Time Salary \$60,000 - \$90,000 depending on experience and qualifications.

To apply please email a cover letter, resume and answer to the following question: what is your favorite food and why? to

[Kristine@thebachmanlawfirm.com](mailto:Kristine@thebachmanlawfirm.com)

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