

BOARD OF DIRECTORS

ROBERT L. FELLOWS
President

LAURA M. CATINA
Vice President

LAURIE A. DORSAINVIL
Treasurer

AIMEE POLLAK
Secretary

DIRECTORS

RICHARD A. GLICKEL
KEITH I. BRAUNFOTEL
HERNAN CACERES
AMY M. MARA
BRIDGET GAUNTLETT
ALICIA B. CEMBER
LEONARD J. BIRBROWER
NICOLE DIGIACOMO
STEVEN H. BELDOCK
GARY L. CASELLA
DAVID CASTAGNA
Hon. WILLIAM WARREN
(Ret)

EXECUTIVE DIRECTOR
NANCY LOW-HOGAN,
Ph.D.

INSIDE THIS ISSUE:

President's Post
The Practice Page

Save the Date: 130th Anniversary Annual Dinner Gala

RCBA Representatives Attend HVHBA Installation Ceremony

130th Anniversary Annual Dinner Journal Ads
Our Professional Ethics
Commercial Litigation Issues of Interest

Immigration Law Committee Announcement
Spotlight: Interview with Bridget Gauntlett
Technology Tips

Alert for Attorneys & Clients:
Corporate Transparency Act Reporting Requirement

Renew Your Membership
Lawyer Referral Service

Advertise with RCBA
CLE Corner

Committee Corner
Employment Opportunities

Classified Ads

Barbara Silverstone—Editor

ROCKLAND COUNTY BAR ASSOCIATION

NEWSBRIEF

www.rocklandbar.org



September 2023

President's Post

I read an opinion piece about multitasking. The message was “just stop it” by giving up our unwitting addiction to doing more than one thing at a time. Despite what we believe to the contrary, multitasking doesn’t really work. Research finds that multitasking isn’t even possible. We are just switching our attention rapidly between different stimuli without realizing it. We then incur cognitive costs each time we do so. A study of drivers found that only 2.5% of people showed no performance decline when attempting two tasks at once. The other 98.5% just ended up doing everything worse. Technology advances can reinforce further the multitasking addiction.

There will always be more things that we can do. A suggestion is to focus on one task at a time, one brief at a time and one phone call at a time. This does not preclude having to accomplish serial tasks in one day. However, when one engages in a task, make every effort to focus on that task, on the conversation, on the client interview, on the memorandum, on the article you are reading. To believe that you can “get on top of everything” and finally feel good about yourself is an illusion because the utopia never arrives. It might feel like closure is just around the corner but it is much healthier, and stress and anxiety reducing to simply focus your attention on the task at hand. Lawyers, I believe, are more susceptible to the lure of multitasking. Give it up, whether you are in the courtroom listening to a witness’ testimony, at home watching a movie, or in conversation with a loved one. Multitasking is simply a mirage, obscuring our ability to live wholly and entirely in the moment. They say the moment is the present, and yes, it is a present to be enjoyed.

Big Law attorneys often refer to the maximum amount of billable hours that can be generated annually without negative impact on sleep, mental health and general well-being. The figure of 1800 hours comes up a lot. I did some calculations. If one factors in ten yearly holidays plus two weeks’ vacation, that’s a total of four weeks, leaving 48 weeks of which associates tethered to billable hours can generate revenue. This means that every associate during each week, less two weeks’ vacation and holidays, must bill every day 37.5 hours. This certainly has to impact on mental health and may explain why some of the big firms have on-site therapists. Why should an associate’s entire worth be measured by some yard stick, such as billable hours? Big Law should move away from billable hours and look at its associates from a holistic perspective. Wouldn’t it be nice if managing partners factored in pro bono work, collegiality, quality of work, client generating ability and mentoring? This may explain why a recent survey by The American Lawyer reported higher rates of anxiety, depression and other mental health issues among attorneys than a 2022 similar study reported.

Continued...

...Continued

It's time to take lawyer well-being seriously. Attorneys are not interchangeable, assembly line billable hour machines. Our worth must be recognized for attributes other than how much revenue one generates and how many hours each year are billed out. Billable hours versus quality of life may explain why many recent graduates are thinking twice before getting involved in the billable hour conundrum with an adverse impact on relationships, family, hobbies and avocations. This gives far greater meaning to our lives than the 1800 billable hour gold standard.

We all know that NYC and other Metropolitan areas are grappling with the escalating mental health crisis causing a huge increase in homelessness. NYC Bar Association has formed a task force which seeks to identify practical measures at the local, state and federal levels which will present suggestions for reduction in homelessness. Over 47,000 New Yorkers are homeless, according to the National Alliance to End Homelessness. Many veterans are homeless as are people with mental illness and victims of domestic violence. How do we live in the richest nation on the planet but yet we persist with the yoke of homelessness presenting life and death situations? The task force on homelessness will focus on concrete steps governments can take to diminish street homelessness and improve the lives of the chronically homeless.

Our Executive Director and my wife told me about a new Netflix series which some of you may have watched called the Lincoln Lawyer. I was told that this counselor worked out of his beat up Lincoln. I chuckled when I heard this as I often work out of a beat up Jeep Wrangler, dictating, making phone calls and texting. I wonder how many of my colleagues do the same? How many of you leave a closing and start texting when you get into your car or make phone calls to clients? We can work remotely and remotely does not exclusively mean from home. It could mean from the beach, on a hiking trail, in your vehicle or off the road on your bicycle. Take advantage of the opportunity to work in a less stressful environment, whatever that may mean to you. Coincidentally, I did try to watch to the Lincoln Lawyer and I was not impressed by the acting but what would a personal injury lawyer know about acting? I say with a bit of sarcasm because all of us to some extent have to act the best role on behalf of our clients whether in or out of the courtroom.

Here are some developments since my last post. There has been a rebirth of the RCBA Immigration Committee. Thank you to Ivon Anaya, Esq. of the DeMoya Law Firm and Crismelly Morales, Esq. for volunteering to co-chair the Committee. They are interesting practitioners with unique backgrounds, motivated to regenerate and renew the Committee. Certainly, there is a need for immigration rights' awareness. Ivon and Crismelly have spoken about their intentions to have community forums perhaps in Haverstraw and Spring Valley to alert persons in need of their immigration rights and interests in this turbulent time. If you wish to participate with them, reach out to Ivon at 845-639-4600 or Crismelly at 845-293-5040.

Now is a great time to join the RCBA Lawyer Referral Service. It's only \$100! Grow your client base! Attorneys are needed especially in these areas: landlord and tenant disputes and consumer law issues. We have received many calls in these practice areas. However, we only have a few attorneys in the Service handling these matters. For those of you who have an interest, your \$100 investment will reap far more in fees.

Think also about the Lawyer to Lawyer Committee. There will be an informal gathering on September 20th at River Court across the street from the Courthouse at 5:45pm. Kick back, have a drink, an appetizer or a dinner and say sayonara to the summer as we welcome the tapestry of the fall.

What I am particularly enthusiastic about is our 130th Anniversary Gala dinner on October 26th at the View on the Hudson in Piermont. Our guest of honor is none other than our Chief Justice of the Court of Appeals, the Hon. Rowan Wilson. We will have interesting entertainment which I decline to disclose other than to say it will be a unique presentation. We suspect that it will surprise Justice Wilson as will our

Continued...

...Continued

special gift to him for being with us for RCBA's Anniversary Gala. I suspect it will be a sold out evening. So, the suggestion is to make a reservation as soon as possible. The invitations went out this week. I can't imagine too many sitting judges not availing themselves of the opportunity to meet, speak and greet their chief.

As we generate excitement over the 130th Anniversary of RCBA's founding, I have spoken with the owner of the former Hotel St. George in Nyack, where in 1893 Alonzo Wheeler, Esq. and Abram Demarest, Esq. broke bread perhaps over lunch and formed the RCBA. The owner was very hospitable and welcomes the idea of reenacting the seminal meeting creating RCBA. We await word from the owner so that we can gear up for this event, gathering inside or outside for a champagne toast or hot toddy, depending on weather conditions.

The Surrogate's Court CLE series is about to commence under the leadership of one of our former presidents, Lawrence Codispoti, Esq. and Surrogate Keith Cornell's Court Attorney, Aimee Pollak, Esq.

It is exciting to move forward in RCBA establishing a Pro Bono Committee, an initiative consistent with the Access to Justice Program in the Ninth Judicial District. When this Committee is established we will send out a request to our membership for those who want to give back some pro bono hours. Always feel free to contact Barbara Silverstone, Esq. at our offices if you wish to serve.

There are several judicial positions on this year's ballot. Our Judicial Screening Committee, under the leadership of Brian Condon, Esq., will soon be interviewing candidates and making recommendations as to their qualifications. At the end of the evaluation process, we publish our findings and invariably the positive findings of many candidates end up in their campaign materials.

You might greet the candidates for County and District-wide judicial positions: our current County Court Judges, Larry Schwartz, AJSC and Rolf Thorsen, AJSC, Francesca Connolly, Charley Wood, John Sarcione, Karen Ostberg, Susan Sullivan-Bisceglia and John Ciampoli, on the campaign trail as they knock on doors, hand out campaign materials and allow us to receive more mail during election season. Election signs are about to blossom throughout Rockland County and beyond. Good luck to all the candidates, and regardless of who wins or loses, we have an excellent, well-qualified and respected crop of candidates.

Artificial intelligence and ChatGPT continue to make headlines. I want to alert you to a very pertinent article in this month's edition by Appellate Division Justice, Mark Dillon. He suggests avoiding ChatGPT. I concur that at this seminal stage of artificial intelligence it would be best to actually do the work of researching and writing rather than relying on the unreliable. Justice Dillon's article provides greater context and I wanted all of my colleagues to be aware of the risks and dangers surrounding the use of AI, and in particular, ChatGPT.

Can you feel the air cooling in the evening? It takes a little longer for it to warm up in the morning. The sun is setting each day about two minutes earlier.

Fall is upon us. The Jewish New Year arrives on the evening of Friday, September 15th, concluding Sunday, September 17th. I hope that as you read this after Labor Day, you are looking forward to a satisfying, productive, healthy and prosperous year. May the new Covid BA.2.86 variant not rear its ugly head and we can continue unmasked and appearing in court, lawyer to lawyer, bench and bar.

Sincerely,

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

THE PRACTICE PAGE

AVOID ChatGPT WHEN PREPARING LEGAL PAPERS

Hon. Mark C. Dillon *

ChatGPT is a form of Artificial Intelligence (AI) which became available to the public on November 30, 2022. “Chat” refers to its chat box functionality. The “GPT” stands for Generative Pre-Trained Transformer. The program has many functions, one of which is to compose letters and essays on topics selected by the user. Essays produced by ChatGPT are not based on dedicated search engines such as Westlaw, but are instead based on generally-available information which leaves room for error in the sophisticated and detail-orientated field of law.

This is just my opinion, take it for whatever it is worth: Do not use ChatGPT for writing legal papers that will be served upon parties and filed with a court. Two attorneys learned that lesson the hard way in the case of *Roberto Mata v Avianca, Inc.* The plaintiff, Mata, commenced an action in the Supreme Court, New York County, seeking damages for personal injuries allegedly sustained as a result of having been struck by a metal serving cart during a 2019 airline flight bound for New York’s JFK Airport. The action was removed to the federal District Court for the Southern District of New York, under Docket No. 22 CV 1461 (Castel, J.). The defendant, Avianca, Inc., later moved to dismiss the action under F.R.C.P 12(b)(6) (<https://storage.courtlistener.com/recap/gov.uscourts.nysd.575368/gov.uscourts.nysd.575368.16.0.pdf>), which was opposed by counsel representing the plaintiff. The opposition papers were composed by plaintiff’s counsel using ChatGPT. Because of shortcomings with the ChatGPT program, the papers submitted in opposition to dismissal cited to several judicial decisions which did not, in fact, exist (<https://www.documentcloud.org/documents/23826751-mata-v-avianca-airlines-affidavit-in-opposition-to-motion>). The non-existent cases were accompanied by non-existent quotes from them and contained internal citations which also did not exist. Quick on the uptake, District Judge P. Kevin Castel directed that the plaintiff’s attorneys show cause on June 8, 2023 as to why they should not be sanctioned for the submission (“Weiser, Benjamin, Here’s What Happens When Your Lawyer Used ChatGPT,” *New York Times*, May 27, 2023, available at <https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html>).

On June 22, 2023, Judge Castel financially sanctioned the two attorneys and their law firm who had submitted the misleading opposition papers the sum of \$5,000. The court noted that the attorneys failed in

Continued ...

...Continued

their gatekeeping function to assure the accuracy of their filings. Further, in a separate order, the District Court dismissed plaintiff Mata's personal injury action on the ground of untimeliness (<https://www.reuters.com/legal/new-york-lawyers-sanctioned-using-fake-chatgpt-cases-legal-brief-2023-06-22/>).

Lawyering is never one-size-fits all. No computer program such as ChatGPT can incorporate the years of experience that an attorney brings to a matter such as in the drafting of legal papers for filing. No computer program can provide human judgment, strategy, nuance, emphasis, and persuasiveness. No computer program can know, like a lawyer, what type of argument may best resonate with the particular judge assigned to the matter. And if composition programs such as ChatGPT do not incorporate proven research platforms like Westlaw, legal research and analysis is rightly suspect.

Some might argue that the problem which came to light in *Mata* was not one of burgeoning technology, but a failure by counsel to double-check ChatGPT's draft to assure that the final product submitted to the court was accurate and complete (Wilkins, Stephanie, "The Problem With the 'Bogus' ChatGPT Legal Brief? It's Not the Tech," *NYLJ*, June 2, 2023, available at <https://www.law.com/legaltechnews/2023/06/02/the-problem-with-the-bogus-chatgpt-legal-brief-its-not-the-tech/>). But that begs the question. If the technology produces flawed material, should any attorney use it in the first place rather than drafting the papers from scratch using our traditional schooled methods? Do not clients deserve the traditional effort?

Aside from the shortfalls of ChatGPT, ethics rules may be implicated as well. How is counsel to bill a client for the research and drafting of legal papers actually researched and drafted by an Artificial Intelligence, which a non-lawyer could obtain by using the same computer program? How can counsel sign an attorney certification that filed papers are not frivolous, as required by 22 NYCRR 130-1.1a(b) and Federal Rule 11(b), if counsel relies upon ChatGPT research and fails to carefully review the papers to assure that there are not inaccuracies and non-existent citations? May there be disciplinary concerns under the Rules 1.1(a) or 5.1(d) of the Rules of Professional Conduct (22 NYCRR 1200.1.1(a), 1200.5.1[d]), and under other potentially-applicable Rules? The answer to all of these questions may be problematic for any attorney caught in a ChatGPT snare. As General Colin Powell once said of the Pottery Barn rule in a different context, "You break it, you own it."

We do not have a crystal ball as whether and to what extent AI might become more accurate and reliable in the future as a potential legal research tool. A law office is not a drive-thru business. For now, nothing beats lawyering the old fashioned way --- knowing the facts, accumulating evidence, performing legal research, drafting papers discussing the facts and law, being persuasive in submissions, attaching relevant exhibits, and filing the papers in an appropriate manner that permits you to sleep well at night.

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

RCBA Representatives Attend HVHBA Installation Ceremony

As an officer of RCBA and the co-chair of the Diversity, Equity and Inclusion Committee, I was pleased to attend the Hudson Valley Hispanic Bar Association's ("HVHBA") Installation Ceremony on July 31, 2023 held at BNY Mellon Bank in White Plains, New York along with fellow DEI Committee member Mary Lynn Nicolas-Brewster, Executive Director of the Franklin H. Williams Judicial Commission. We were excited to support DEI Committee member, Doralba Lassalle, Esq. who was sworn in as HVHBA President.

HVHBA is a bar association that was formed three years ago to offer professional and personal support to its members and attorneys of Hispanic origin in the Hudson Valley region. The Installation Ceremony was well attended by attorneys and many esteemed jurists including Hon. Hector LaSalle, Presiding Justice of the Appellate Division, Second Department and Hon. Anne E. Minihan, J.S.C, Administrative Judge for the 9th Judicial District.

In addition to socializing with the HVHBA members and guests, we enjoyed a delicious dinner of traditional Spanish food.

Congratulations to Dora and HVHBA's Executive Committee and Board of Governors. We hope to work collaboratively with HVHBA and other diverse bar associations to foster inclusion and representation in our legal communities.

Submitted by Laurie A. Dorsainvil, Esq., Co-Chair of RCBA DEI Committee



Left photo:

Doralba Lassalle, Esq. being sworn in as HVHBA President by Hon. Walter Rivera, Court of Claims Judge.

Right photo: HVHBA Board of Governors

From left to right : Eric Santos, Esq.; Hon. Maria S. Vazquez-Doles, J.S.C.; Alejandra Gil, Esq.; and Alexandra Bisseli, Esq. Not pictured: Hon. Yvette A. Rosario and Michele Marte-Indzonka, Esq.



HVHBA Executive Committee

From left to right

Livia Rodriguez, Esq. (Treasurer); Jonathan A. Alvarez, Esq. (Vice President); Doralba Lassalle, Esq. (President); Andrea Soto, Esq. (President-Elect); and Pablo Fernandez-Herrera, Esq. (General Counsel).



Mary Lynn Nicolas-Brewster, Esq.; Doralba Lassalle, Esq.; and Laurie A. Dorsainvil, Esq.

SAVE THE DATE

Guest of Honor

Hon. Rowan D. Wilson
Chief Judge of the Court
of Appeals
and the State of New
York

Also honoring:

Michael E. Bongiorno, Esq.
Former Rockland County District Attorney

2023 Lifetime
Achievement Award

Nikki B. Hines

President - NAACP Nyack Branch

2023 Natalie Couch Award

Rockland County Bar Association 130th Anniversary Annual Dinner GALA

Celebrating
130
Years!

Thursday, October 26, 2023

6:00 pm

The View on the Hudson,
Piermont, NY



Entertainment by
Ahlfabet Swing Group -
featuring
The Harrow Sisters

OUR PROFESSIONAL ETHICS

Richard A. Glickel, Esq.*

One common reason lawyers seek to terminate or withdraw from representation of a client's matter arises from the client's failing to pay reasonable legal fees and expenses.

Subparagraph (b) (5) of Rule 1.16 of ABA Model Rules of Professional Conduct, "Declining or Terminating Representation," allows for a lawyer's withdrawal from representation if "*the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled*" – in other words, unless the amount(s) due is paid. Our nearly (but not quite) identical New York Rule 1.16 (c) (5), permits withdrawal when "*the client deliberately disregards an agreement or obligation to the lawyer as to expenses or fees.*" Although Rule 1.16 (c) (5) imposes no warning prerequisite, the Rule's "deliberately disregards" language necessarily implies that withdrawal from representation may be a permitted consequence after the lawyer's request or demand for payment of – and the client's refusal to pay – the amount due. This is more-or-less required under the communication mandate of Rule 1.4.

Lawyers seeking withdrawal in litigated matters must seek the permission of the assigned tribunal to do so. *See*, Rule 1.16 (d). Judicial support for the general proposition that attorneys may withdraw from representation in cases where clients have failed to pay their legal fees and expenses isn't universal. Fact-specific analyses joined with consideration of the respective interests of the client, the lawyer, the court, the opposing party and its counsel, may not – to the court's view – support granting the motion seeking leave to withdraw, which rests in the proper exercise of the trial court's discretion. (*See Applebaum v Einstein*, 163 AD3d 905 [2d Dept.2018]).

In recognizing that "[a]n attorney may be permitted to withdraw from employment where a client refuses to pay reasonable legal fees" (citing *Villata v Kokkinos*, 170 AD3d 1077, 1079 [2019]), the Appellate Division, Second Department, held earlier this year that Supreme Court had providently exercised its discretion in *denying* counsel's motion for leave to withdraw. The Court reasoned that appellant's "attorney affirmation was insufficient to demonstrate that the [client] refused to pay reasonable legal fees" and noted also that "the record [did] not demonstrate that the [client] failed to cooperate with the appellant" (*Bank of America, N.A., v Chadha*, 214 AD3d 695 [2023].) Cf., the Second Department's 2019 decision in *Villata, supra*, where the Court ruled that Supreme Court had "improperly exercised its discretion in denying the law firm's unopposed motion for leave to withdraw" where the movant had established that the clients "failed in their obligation to pay the legal fees earned by the law firm and further failed to cooperate in their representation. (*Id.*, *see also Aragona v Shaibani*, 138 AD3d 649, 650 [2d Dept.2016]).

The motion seeking leave to withdraw from representation due to a client's disregard for its obligations as to legal fees and expenses will have a better chance of succeeding when presented in combination with proof of the client's failure to cooperate in the representation or, perhaps, some other reason for termination enumerated in Rule 1.16 (c). (*See Cashdan v Cashdan*, 243 AD2d 598 (2d Dept.1997), "nonpayment of counsel fees alone will not entitle an attorney to withdraw from representation").

We are reminded that the overarching consideration stated in both the ABA Model and New York's

Continued on page 10...



ROCKLAND COUNTY BAR ASSOCIATION, INC.
337 NORTH MAIN STREET - SUITE 1
NEW CITY, NEW YORK 10956
845-634-2149

2023 130th ANNIVERSARY GALA - OCTOBER 26

SOUVENIR JOURNAL

With Guest of Honor:

Hon. Rowan D. Wilson

Chief Judge of the Court of Appeals and the State of New York

Also honoring:

The Lifetime Achievement Award:

Michael E. Bongiorno, Esq.

Former Rockland County District Attorney

The Natalie Couch Award:

Nikki B. Hines

President, NAACP Nyack Branch

ADVERTISING RATES

(Please Check One)

<input type="checkbox"/> OUTSIDE BACK COVER \$1,000.00	<input type="checkbox"/> FULL PAGE \$350.00
<input type="checkbox"/> INSIDE FRONT OR BACK COVER \$750.00	<input type="checkbox"/> HALF PAGE \$250.00
<input type="checkbox"/> GOLD PAGE \$500.00	<input type="checkbox"/> QUARTER PAGE \$150.00
<input type="checkbox"/> BOOSTER (1/8 PAGE) \$100.00	

ADS SHOULD BE SUBMITTED IN JPEG OR PDF FORMAT VIA EMAIL. PLEASE NOTE THAT FULL PAGE AND QUARTER PAGE ADS SHOULD BE PORTRAIT FORMAT; ALL OTHERS LANDSCAPE.

Please insert my advertisement to occupy a page, as indicated above, in the 2023 Souvenir Journal

For the sum of \$ _____
Name _____

Address _____

Please make your check payable to the **ROCKLAND COUNTY BAR FOUNDATION**, or
pay online: www.rocklandbar.org, click on link on our homepage.

DATE OF ANNIVERSARY GALA: THURSDAY, OCTOBER 26, 2023 – 6pm-10pm
The View on the Hudson, Piermont, NY

Please email your ad to: barbara@rocklandbar.org – ad deadline October 16, 2023.
Call us with your questions: Barbara Silverstone – 845-634-2149
Rockland County Bar Association, 337 N. Main St., Suite 1, New City, NY 10956

TO PAY ONLINE, PLEASE CLICK HERE

Continued from page 8...

Rule 1.16 for permitting a lawyer's withdrawal from client representation, is that "**withdrawal can be accomplished without material adverse effect on the interests of the client.**"

Lawyers have a continuing professional obligation upon withdrawal or termination of representation to assist the client to avoid prejudice to the (now former) client's position and rights. Rule 1.16 (e):

"(e) Even when withdrawal is otherwise permitted or required, upon termination of representation, a lawyer shall take steps, to the extent reasonably practicable, to avoid foreseeable prejudice to the rights of the client, including giving reasonable notice to the client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, promptly refunding any part of a fee paid in advance that has not been earned and complying with applicable laws and rules."

Commentary 9 to Rule 1.16 instructs that "[e]ven if the lawyer has been unfairly discharged by the client, under paragraph (e) a lawyer must take all reasonable steps to mitigate the consequences to the client. The lawyer may retain papers as security for a fee only to the extent permitted by law."

The Rule does not serve to dilute either, a lawyer's common law retaining lien which "attaches to all property, papers, books, documents or securities of the client that come to the attorney professionally or in the course of her professional employment," or a charging lien pursuant to Judiciary Law § 475 which provides that "from the commencement of an action in any court, the attorney who appears for a party has a lien upon his client's cause of action, claim, or counterclaim, which attaches to a verdict, report, determination, decision, judgment or final order in his client's favor, and the proceeds thereof" (*see Dayan v Dayan*, 58 Misc3d 957 (Sup Ct., Kings, 2017) Hon. Jeffrey S. Sunshine, J., citing *Wasserman v Wasserman*, 119 AD3d 932, 933 [2d Dept.2014].)

*Chair, RCBA Committee on Professional Ethics

RCBA members may request an informal opinion on issues of ethical concern from the Association's Committee on Professional Ethics by addressing their written question(s) to: rglickel@glickelaw.com.

COMMERCIAL LITIGATION ISSUES OF INTEREST

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

Your clients found a vacation rental home for \$83,000 for one month on the website of a luxury vacation rental company. The website represented that the company was founded to provide a stress-free luxury vacation home experience that would be seamless and hassle free. The agency provided your clients with a “Booking Agreement” between your clients and the owner of the home. After your clients and the owner of the property signed the agreement, the rental company accepted your clients’ initial payment and sent an email to your clients stating that the company would arrange for a deep cleaning of the property at the company’s expense prior to your clients’ arrival. Months later, your clients arrived to find the property unclean and in poor condition. Your clients arranged to correct the defects, vacated in the rental home, and later consulted you. You sued the rental company for breach of contract and fraud, seeking rescission of the booking agreement and a full refund. The rental company moved for dismissal of the complaint pursuant to CPLR 3211(a)(1), arguing that the rental company was not a party to the booking agreement, which was signed only by your client and the property owner.

Will you defeat the motion to dismiss?

The answer is *no*.

In *Hymes v. Marquis NY LLC*, NYLJ 1687785206NY655517202, (Sup. Ct. N.Y. Co., June 14, 2023) (Case No.655517/2021), Marquis curated luxury vacation rentals online through its website, stay-marquis.com. The website described Marquis’ services as providing a “stress free and enjoyable and honest luxury vacation home rental experience” during which consumers “would not get tricked by marketing materials that inaccurately depict the rental,” and that its rentals through its website are “seamless” and “hassle free.” The plaintiffs found “Shipwreck Beach House” in Amagansett on the website, and signed the “Booking Agreement,” which was also signed by the property owner. Marquis was not a named party to the agreement, which referred to Marquis as “an intended beneficiary with respect to, but only with respect to, those particular provisions within which Marquis is explicitly referenced.”

Continued...

... Continued

The CEO of Marquis then sent an email to plaintiffs stating that its Head of Housekeeping “will be coordinating a deep cleaning of the property prior to your arrival at our expense.” When the plaintiffs arrived a few months later, the premises were unclean and in poor condition. They did not vacate the premises or demand a refund. Instead, they oversaw efforts to correct the defects.

Plaintiffs later sued Marquis for breach of contract, breach of an implied contract, and actual and constructive fraud, seeking rescission of the booking agreement and a refund of the contract price. Marquis moved to dismiss the action pursuant to CPLR 3211(a)(1) (documentary evidence) and 3211(a)(7) (failure to state a cause of action).

The Court ruled that there was no valid claim for breach of contract, since there was no privity of contract between the plaintiffs and Marquis, as required for breach of contract, citing *Tutor Perini Bldg. Corp. v. Port Auth. of New York and New Jersey*, 191 A.D.3d 569, 570 (1st Dep’t 2021). Marquis was not a party to the Booking Agreement, which defines Marquis as “an intended beneficiary” to those portions of the agreement in which it is referenced by name. Marquis facilitates the agreements by listing the owners’ rental properties on Marquis’ website for potential guests to browse. A prospective guest may then enter into a booking agreement directly with the property owner, as occurred with plaintiffs.

The Court rejected the plaintiffs’ argument that the email from the CEO promising to “deep clean the premises” was an enforceable contract, reasoning that there was no consideration for the promise to clean the premises. The only price referenced in the email was the \$83,000 rental fee, which plaintiffs were obligated to pay under the Booking Agreement regardless of Marquis’ later promise to have the premises deep cleaned. The Court ruled that the email did not contain all of the essential terms of a contract, including consideration, as required to be enforceable, citing *Kasowitz, Benson, Torres & Friedman, LLP v. Reade*, 98 A.D.3d 403, 404 (1st Dep’t 2012).

As to the claim of fraud, the Court held the complaint lacked the particularity required by CPLR 3016(b) to state a claim of fraud, citing *Eurykleia Partners, LP v. Seward & Kissel, LLP*, 12 N.Y.3d 553, 559 (2009). The complaint contained vague allegations that Marquis’ marketing materials misrepresented the condition of the premises, but did not articulate who made the alleged misrepresentations, when, in which marketing

Continued...

... *Continued*

and in what form. Nothing was offered to show Marquis' knowledge of falsity or an intent to defraud. The Court noted that the allegations of fraud merely restated the breach of contract claim, which cannot support a claim of fraud, citing *Gordon v. Dino De Laurentiis Corp.* 141 A.D.2d 435, 436 (1st Dep't 1988).

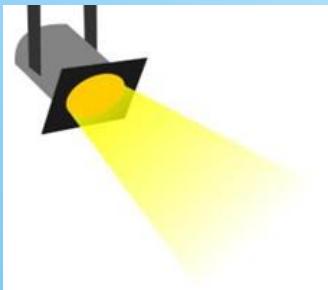
The lesson? When your client contracts for goods or services through a "broker" or middleman, the broker/middleman will not be liable for breach of any promises made concerning the goods or services unless the broker/middleman is a party to the contract. All promises of the broker/middleman should be "in writing," or your client will have difficulty suing the broker/middleman for breach of the contract or fraudulent misrepresentations.

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

IMMIGRATION LAW COMMITTEE ANNOUNCEMENT!

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 and Crismelly at crismelly@cmoraleslaw.com to express your interest. Stay tuned for our future meetings and events!



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

SPOTLIGHT



Interview with Bridget Gauntlett

**Principal Law Clerk
Honorable Paul I. Marx, J.S.C.**

Thank you so much for talking with me today! We are looking forward to learning a little bit about you in today's Spotlight Interview. Why don't we start with telling us where you grew up? I was born in Jamaica, West Indies, and lived there until I was six years old, when I emigrated to the United States. My parents emigrated a year earlier, and when they bought a house in Queens, NY, they brought me, my two brothers and two sisters to New York. Happily, my youngest sister was born two weeks after we arrived. Years later, she sponsored all of us when we became permanent residents after having been on my father's work visa.



Tell us about your Educational Background. I attended public school for elementary school, Catholic school for middle school, and later graduated from Jamaica High School (in Queens). I did my undergraduate at Dartmouth College in Hanover, NH. That certainly was a culture shock coming from a Jamaican family in Queens! After graduation, I returned to NY and worked for a couple of years before going to Columbia Univ. School of Law to enter our esteemed profession.

Did you always want to be a lawyer? No. Actually, I really wanted to be a journalist, because I loved writing. When I was in high school, I created a plan for myself, which included going to Syracuse University for their journalism program. For some odd reason, my guidance counselor, whom I barely knew, crushed my dreams of becoming a journalist. I was so devastated that my mother, who worked for a community outreach organization in Harlem, asked the head of their college readiness program for advice, and she encouraged my mom to have me apply to many quality colleges and universities. While at Dartmouth, I followed in my older sister's footsteps and majored in Sociology. I maintained close connections with my professors, who were more like mentors to me, and exchanged letters (way before the days of

Continued...

Continued...

emailing and texting!) with a Black woman Sociology professor who guided me to law school with the question, “What impact do you want to make in the world?” Our conversations led me to consider a career in International Law. In law school, I found that International Law did not fit with my approach to the law. The editor of my law journal encouraged me to apply for a federal clerkship and that lead me into litigation and a strong attachment to the court system.

Well, this leads us perfectly into learning about your legal career, will you share your journey through your clerkships? Of course! Upon graduation, I moved to Sacramento, California and clerked for U.S. District Court Judge, Milton Schwartz (deceased). It was a brave, big step to move across the country, but I was excited for the journey. I enjoyed working with Judge Schwartz. We had a real connection, and I learned a great deal during those two years. After my clerkship ended, I stayed in Sacramento and worked for a firm in private practice for one year. One of the partners had previously worked for the Department of Justice and encouraged me to apply, so I did, to the Civil Division, Torts Branch in Washington, D.C. I was accepted, and I proudly worked there for about four years, traveling all over the country defending the United States, my adopted country, in various types of cases brought under the Federal Tort Claims Act. After I got married, I hung up my litigation and travel bags and returned to work in the federal court in the D.C. Circuit, Staff Attorney’s Office. This was a nice change for me because there was no travel involved. I worked there for about a year, and I had my first child, Sarah. I was happy to stay local, which was important to me. After Sarah was born, my husband and I decided to move to New York to be closer to family. I was very fortunate to be hired as a supervisor in the Second Circuit Staff Attorney’s Office, and we settled in Nanuet, close to my sister. Fun Fact: I met DEI committee member, Mary Lynn Nicolas-Brewster while working at the Second Circuit and she has remained a close friend ever since! Due to a new Chief Judge in the Second Circuit and internal changes in the Staff Attorney’s office, I left there and joined the Center for Appellate Litigation, a non-profit organization in New York City, handling criminal appeals. From there, I went to work at the Westchester County Attorney’s Office, which was then headed by Alan Scheinkman, in the Appeals, Opinions and Legislation Bureau, and later in the Contracts Bureau. Fun Fact #2: I also worked with Mary Lynn at the Westchester County Attorney’s Office! So, how did I get to working with my current boss, Judge Marx? I worked on the campaign for Karen Riley when she was running for Family Court and while working the check-in table at one of her events on the campaign trail, I met Paul Marx, who was running for Supreme Court Judge. After he won his election, he was looking for a law clerk and Karen recommended me to him, and I applied. Judge Marx likes to say that he hired me based upon a single sentence in my writing sample! It has been over

Continued...

Continued...

eleven years that we have worked together very happily and successfully! You can't put a price on that kind of collaboration. I truly enjoy the experience!

Thank you for sharing your professional life with us, can you tell us a little bit about your personal life? I have two amazing children, Sarah who is 27, a graduate of SUNY Binghamton and the University of Colorado at Denver MBA program, and Cèdric who is 24, a graduate of Ramapo College. They are now both living in Denver, Colorado and working in the financial industry.

Who is your Inspiration or Hero? My mom. When I was growing up, my mom worked in Manhattan as the fiscal director of a non-profit organization. It is phenomenal to me that she raised six children in a country in which she did not grow up. She was always so organized, so dedicated to her family, and to her career, and loved by everyone she worked with. She is an awesome person, and the very best role model I could ever have imagined.

What is one piece of good advice that you have received/learned? As a woman, it is critically important to be independent, particularly financially independent, and to make your own way and take care of yourself in this world.

Tell us one of your guilty pleasures. Hot coconut milk latte from Starbucks!

Is there anything else we didn't cover that you would like the Bar Association to know about you? I am enjoying so much being on the Board of the Bar Association, and active in our legal community. I never belonged to a legal community while working for the DOJ. I would travel all over the country and not be tied to a community. The RCBA gives me the opportunity to meet the lawyers in our community and connect with them in a way that I have not been able to do before and I am grateful for this opportunity. I have learned so much from working with my fellow RCBA board members, most of whom are different from me, and I have truly grown as a person, even at this later stage of my life and career.



We thank our RCBA Supporters. For information on advertising in the Newsbrief, see page 24

The Law Offices of
Allen A. Kolber, Esq.



134 Route 59
Suffern, NY 10501
Tel: 845-918-1277
email: akolber@kolberlegal.com
www.KolberLegal.com

- Bankruptcy Law and Litigation
- Business Law and Litigation
- Loan Modifications/Short Sales
- Foreclosure Defense

We have over 30 years legal experience



Technology Tips for Attorneys



submitted by

Michael Loewenberg*

Microsoft Excel is a powerful tool that can be used by attorneys to save time and improve efficiency. Here are five easy-to-use tips that can help you get the most out of Excel:

1. Use conditional formatting to highlight important data. Conditional formatting allows you to automatically highlight cells based on their contents. This can be a great way to quickly identify important data, such as cells that contain errors or cells that meet certain criteria. For example, you could use conditional formatting to highlight all cells that contain a value less than zero.
2. Use macros to automate repetitive tasks. Macros are a way to record a sequence of actions and then play them back automatically. This can be a great way to automate repetitive tasks, such as entering data or generating reports. For example, you could create a macro to automatically enter the data from a client intake form into an Excel spreadsheet.
3. Use data validation to prevent errors. Data validation allows you to restrict the values that can be entered into a cell. This can help to prevent errors, such as entering a text value into a cell that is supposed to contain a number. For example, you could use data validation to ensure that all values in a column are dates.

Use the ribbon tabs to quickly access features. The ribbon tabs in Excel are organized by function. This makes it easy to find the features that you need, even if you are not familiar with Excel. For example, if you need to create a chart, you can click on the "Insert" tab and then click on the "Chart" button.

In addition to these tips, there are a few other things that attorneys should keep in mind when using Excel:

- Use consistent formatting throughout your spreadsheets. This will make your spreadsheets easier to read and understand.

Continued ...

Continued ...

- Use clear and descriptive labels for your cells. This will help you to quickly find the information that you need.
- Back up your spreadsheets regularly. This will help to protect your data in case of a computer crash or other disaster.

There's no reason to be afraid of Excel! By following these tips, you can start to use Microsoft Excel to its fullest potential. This can help you save time, improve efficiency, and provide better service to your clients.

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



Alert for Attorneys & Clients: Corporate Transparency Act Reporting Requirement

By Judith Bachman, Esq.
The Bachman Law Firm PLLC

As of January 1, 2024, most businesses, including local limited liability companies, corporations, and law firms, will be required to report company ownership information to the Department of the Treasury's Financial Crimes Enforcement Network ("FinCEN"). Attorneys and their clients must be mindful of these new obligations and comply or face potential civil or criminal penalties.

The Corporate Transparency Act ("CTA"), which passed on January 1, 2021, applies to most business entities, and requires them to file a disclosure report with FinCEN. The required disclosures include (i) company information such as the full legal name, any "doing business as" name, current address, jurisdiction of formation and federal tax identification number, and (ii) beneficial owner information such as full legal name, current address, and a unique identifying number such as a passport number or driver's license number along with a photo of the document, or a "FinCEN number."

There are few exempt businesses from the CTA, meaning that most businesses in Rockland County and beyond are subject to the Act's reporting requirement. The few categories exempted from the CTA include banks, companies with greater than 20 employees and more than \$5 Million in annual revenue, or inactive companies. Most local businesses will not fit into those few exempt categories and, therefore, are subject to the reporting requirement.

Some bills have been introduced in the House (H.R. 4035) and the Senate (S. 2623)* to delay the implementation of the CTA. However, as of now, for companies formed prior to January 1, 2024, they have one (1) year – until January 1, 2025 – to file the report. For companies formed after January 1, 2024, entities will have only thirty (30) days to make the filing.

For small businesses already tasked with remembering annual or biannual filings, maintaining their corporate books, and holding meetings, as well as running their businesses, this new obligation may easily get overlooked. Attorneys should be prepared to support their business clients and help them (and themselves) with this mandatory filing.

*The *Protecting Small Business Information Act of 2023*.

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, or call Barbara at 845-634-2149.

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!



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 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

845-634-2149

RCBA DUES ARE NOW DUE!

Please pay your 2023-2024 DUES today if you have not done so already!

Click [here](#) to renew today!

Thank you for your membership

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, long term care

Intellectual Property

Landlord Tenant Law, including residential and commercial

Legal Malpractice

Zoning Law

~

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

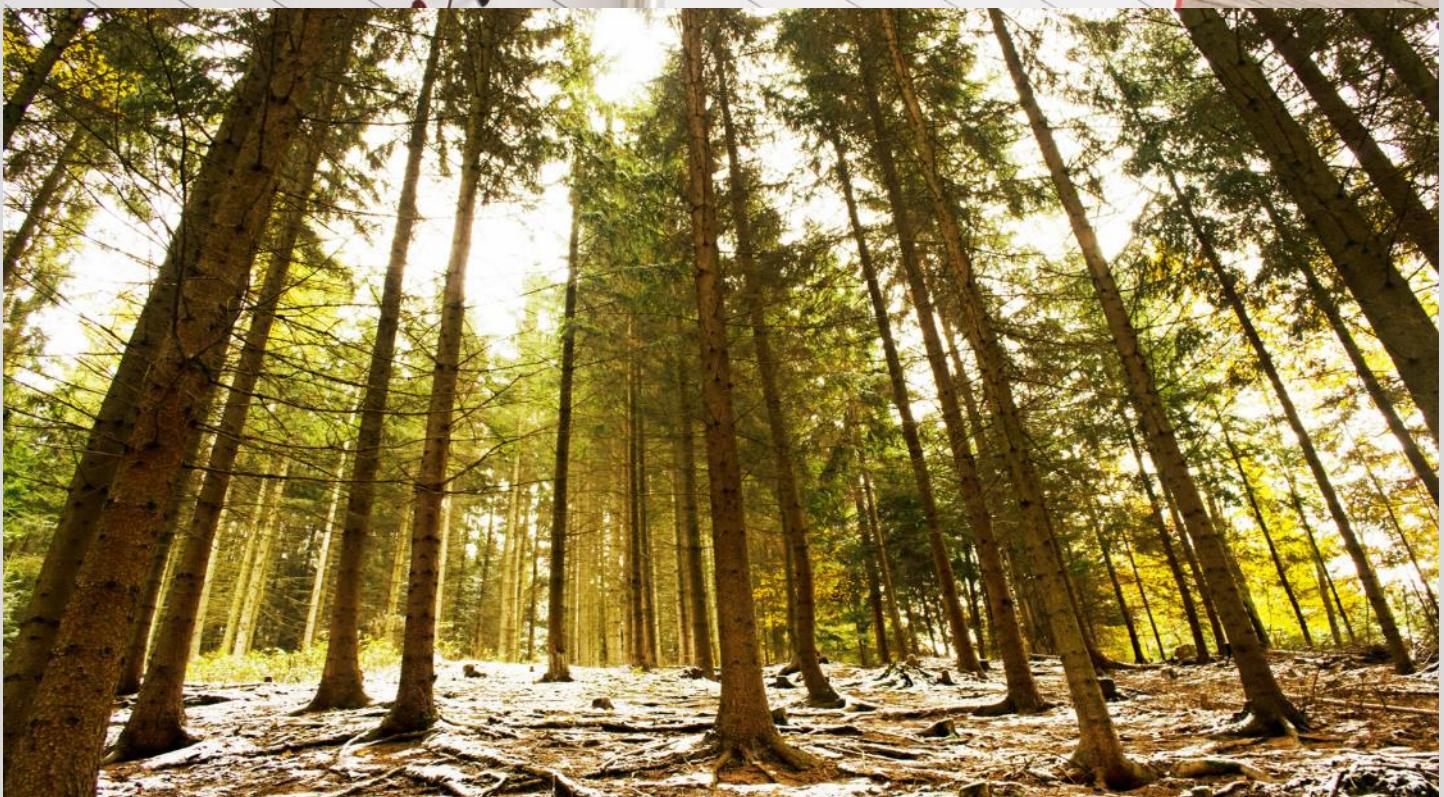
ODYSSEY

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

WE WANT TO HEAR FROM YOU!



SPREAD THE WORD

ADVERTISE WITH THE
ROCKLAND COUNTY BAR
ASSOCIATION

HELP CELEBRATE OUR 130TH
ANNIVERSARY!

CHECK OUT THE
VARIOUS OPTIONS TO
ADVERTISE YOUR
PRACTICE OR
SERVICES

IN THE NEWSBRIEF RATES START AT
\$75 PER MONTH

ON THE WEBPAGE RATES START
AT \$500 PER MONTH

AT AN EVENT RATES START
AT \$350

MORE INFORMATION



845-634-2149



Barbara@rocklandbar.org



www.rocklandbar.org



**ROCKLAND COUNTY
BAR ASSOCIATION**

WWW.ROCKLANDBAR.ORG

845-634-2149



Rockland County Bar Association

Promoting equal access to justice and greater understanding of the law.



NEWSBRIEF ADVERTISING RATES

20% "Covid Discount" on All Ads—Still in Effect

NEWSBRIEF ADVERTISING RATES

Regular Discounts: 10% for 6 mo. bookings, 20% for 1 year bookings

AD SIZE	REGULAR RATE	20% DISCOUNT RATE
FULL PAGE (7.5x10.25)	\$400.00	\$320
1/2 PAGE (7.5x5):	\$250.00	\$200
1/4 PAGE (3.75x5):	\$200.00	\$160
1/8 PAGE (3.75x2.5):	\$125.00	\$100.00
BUSINESS CARD:	\$75.00	\$60.00

CLASSIFIED ADS

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

Non-Members, cost is \$50 for up to 50 words; up 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

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!

REGISTER HERE!

COERCIVE CONTROL

Presented by the Center for Safety and Change

September 7, 2023. on zoom. 12:30 p.m. —2 :15 p.m.

OPENING STATEMENTS (originally scheduled for June)

Presenters will be Jeffrey Adams, Esq., Alan Brill, Esq., and Barry Kantrowitz, Esq

September 11, 2023 on Zoom. 1:00 p.m.— 2:30 p.m.

UNDERSTANDING THE BETH DIN & MATRIMONIAL LAW

A free program presented by the 9th Judicial District Access to Justice Initiative

September 20, 2023, 12:30 p.m. - 2:30 p.m. In person and streaming. Derech Shalom Center, Montebello

Crimmigration Update 2023

What criminal attorneys should know about immigration issues

September 29, 12:00—2:10

In person at the Sheriff's Training Center, New City

A 3 PART SERIES ON SURROGATE COURT PRACTICE

September 12, October 10 and November 8. 12:30 p.m. - 2:00 p.m.

Watch your emails for additional information and registration

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

The Rockland County Bar Association is an approved CLE provider for live, videoconference and webconference participation

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](#).

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.

RCBA 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

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

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.

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 Co-op, 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.

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 and Crismelly at crismelly@cmoraleslaw.com to express your interest. Stay tuned for our future meetings and events!

Lawyer to Lawyer Committee

JOIN US ON RIVER COURT ON MAIN! ALL ARE WELCOME!

Meeting – Wednesday, September 20, 2023

5:45PM at River Court on Main – 16 S. Main St. New City

ALL ARE WELCOME TO JOIN THE COMMITTEE OR CHECK US OUT.

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:

September 6, 2023 at 5:00 p.m. The guest speaker will be Hon. Keith Cornell, Rockland County Surrogate and Acting Justice of the Family Court.

October 4, 2023, 5:00 p.m. The guest speaker will be Hon. David Fried, Judge of the New York State Court of Claims & Acting Justice of the Supreme Court.

Job Openings

The **Center for Safety and Change** is hiring two attorneys, a Family & Matrimonial Law Attorney and a Staff Attorney. Both positions are full time, in person in New City, NY and require admission to the New York State Bar.

The Family & Matrimonial Law Attorney represents victims/survivors of domestic violence, sexual assault, family offenses and coercive control. The Attorney should be committed to the mission of the agency, and provide clients with high standards of legal services in a way that is client-centered. The attorney should have strong oral and written advocacy skills; be proactive, organized and responsive to deadlines; be culturally competent; and collaborate well with other departments within the organization, in addition to external partners and stakeholders. This position is a full-time, exempt position that reports to the Director of Family, Matrimonial & Sexual Assault Legal Services.

The Staff Attorney represents adult and minor victims/survivors of sexual assault/abuse, sexual harassment, and gender-based discrimination. The Gender-Based Violence Attorney represents survivors who have been victimized in educational and workplace settings, in dating, intimate and family relationships, and because of sex trafficking, sex crimes and internet ruses. The Staff Attorney should be committed to the mission of the agency and provide clients with high standards of legal services in a way that is client centered. The attorney should have strong oral and written advocacy skills; be proactive, organized, and responsive to deadlines; be culturally competent; and collaborate well with other departments within the organization, in addition to external partners and stakeholders. This position is a full-time, exempt position that reports to the Director of Family, Matrimonial and Civil Legal Services.

For more information about these and other career opportunities visit <https://www.centerforsafetyandchange.org/careers/>



Career Opportunities with the Appellate Division, Second Department

The Mental Hygiene Legal Service, Appellate Division, Second Judicial Department, is currently seeking applications for the Attorney Series located in Kings County, Queens County and Westchester County. The positions will be filled in either the Attorney, Senior Attorney, or Associate Attorney title dependent upon the qualifications and experience of the applicant selected.

For more information and to apply to these and other jobs in the NYS Court system, visit <https://ww2.nycourts.gov/careers/opportunities.shtml>

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 by the 15th of the month so that the Executive Board may review it.

Thank you!



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

PERSONAL INJURY FIRM SEEKING PARALEGAL

Nursing Home and Personal Injury Litigation;
Knowledge of surrogate practice a plus
Part Time; In Person and Remote.
Contact: jeff@injurylaw-ny.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

PICTURE YOUR AD HERE!

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

**Non-Members, cost is \$50 for up to 50
words; up to 100 words, cost is \$75.**

Contac office@rocklandbar.org

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.

OFFICE SPACE AVAILABLE

Fully furnished, newly renovated, single office rental in my Suite at 10 Esquire Rd. Suite 10, New City, for \$450 per month inclusive of everything and free WiFi. No security required.

Can be a month to month arrangement.

Please contact David Castagna, Esq. at (845)-638-2889.

OUR RCBA 2023-24 SILVER SPONSOR



Thank You

to our Sponsors!