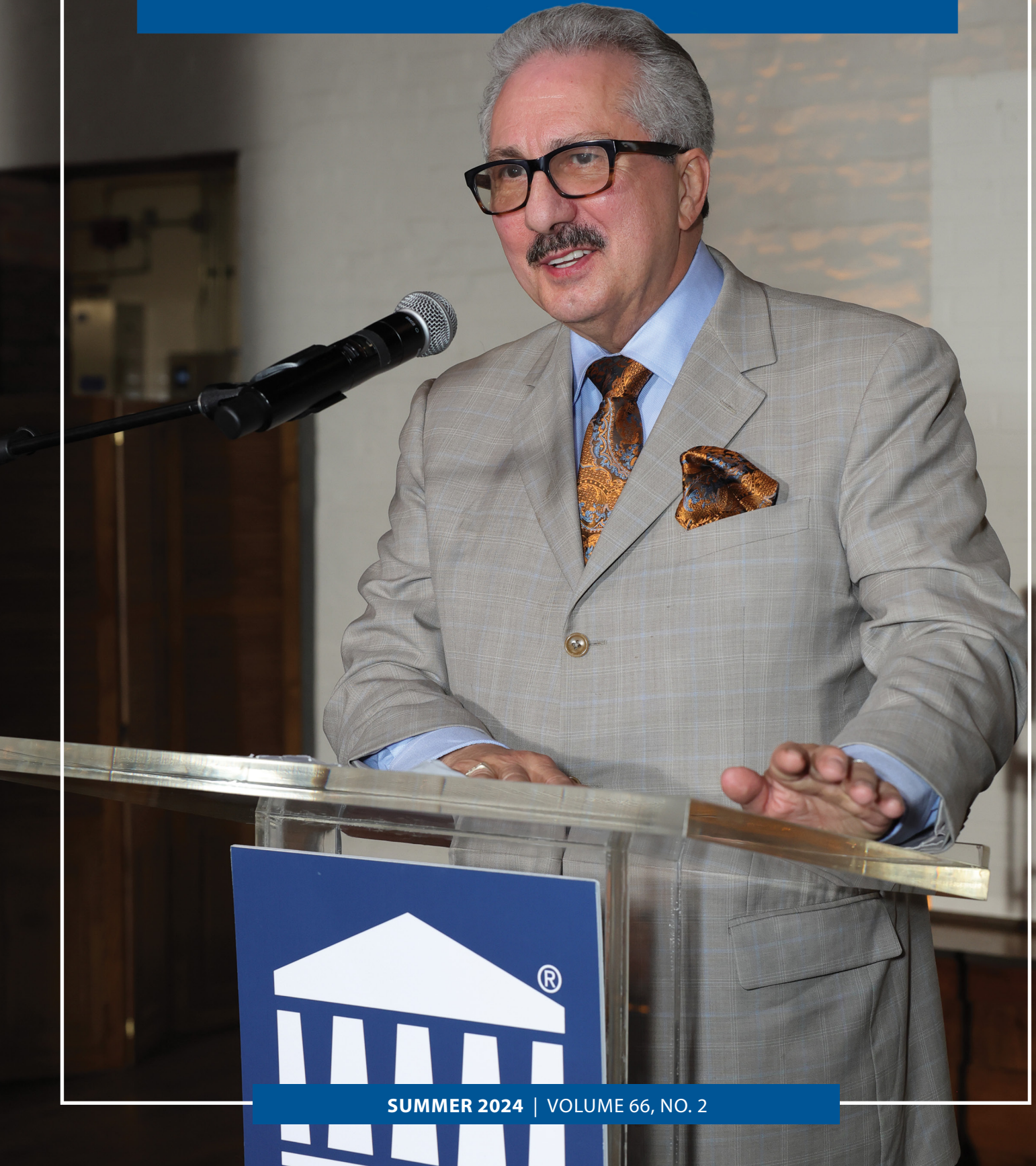




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State Bar News



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Contents

4

NYSBA's New President Domenick Napoletano: 'My Goal is To Concentrate on Helping Our Members'



7

New Membership Committee Co-Chair Helen Naves Wants To Build Connections



9

New York State Bar Association Celebrates 2024 Legislative Victories



11

Pro Bono Volunteers Needed: Help Human Trafficking Survivors

- 8 New York State Bar Association Opposes Banning Transgender Youth From School Sports
- 8 New York State Bar Association Favors Removing Limit on the Number of State Supreme Court Justices
- 12 New York State Bar Association Honors Human Rights Champion With Haywood Burns Award
- 13 Yonit Calmanovich To Start Tenure as Israel Chapter Co-Chair of the New York State Bar Association's International Section
- 14 More LGBTQ+ Youth Are in Foster Care and They Need Support
- 15 Divorce Can Be Difficult for Same-Sex Couples
- 16 Human Rights Expert Documenting New Kind of War Crime in Oct. 7 Attacks on Israel
- 20 Presiding Justice Elizabeth Garry Honored for Public Service by the New York State Bar Association
- 21 Symposium Illuminates the Causes of Systemic Racism and Why Attorneys Are the Best Advocates for Change
- 22 New York State Bar Association Mourns the Loss of its First Female President Maryann Saccomando Freedman
- 23 Rochester Attorney and Harris Beach Partner Heidi Schult Gregory Honored With New York State Bar Association's Attorney Professionalism Award
- 23 Family Law Section Chair Begins Term With Focus on Reaching New Members
- 24 Augustine Classical Wins 2024 New York State Bar Association Mock Trial Competition
- 25 Nominating Committee Seeks Candidates for Bar Association Offices
- 26 Chief Justice John Roberts Surprises NYSBA Young Lawyers With a Visit Ahead of Their Admissions Ceremony
- 27 Classifieds

NYSBA's New President Domenick Napoletano: 'My Goal is To Concentrate on Helping Our Members'

By Rebecca Melnitsky

Domenick Napoletano said of his childhood, "In order to get something, I had to work on getting it." It's a mindset he's bringing to his tenure as the New York State Bar Association's 127th president. "I would say that is what has carried me throughout my life."

Napoletano grew up in Brooklyn, the only child of hard-working Italian immigrants of modest means. He recalls that he even had to build his own toys. For example, he took an old wooden milk box, nailed it to 2'x 4' pieces of scrap wood, and used wheels from old roller skates to make a go-cart. A competitive sport, "my street had more of an inclined hill than others, so we would race them down to the finish line." He also played the street game skelzy, filling bottle caps with crayon wax – to make them heavy – and flicking them into numbered squares marked with chalk. While Napoletano said "this reminds me of what I didn't have," he still thrived.

He was the first in his family to graduate grammar school – let alone high school, college, and law school. A solo practitioner, with a successful general practice concentrated on commercial litigation, Napoletano can relate to the struggles of many association members, especially those just starting out. "Two-thirds of our members are solo and small-firm practitioners," he said. "I know what their needs are because I still often struggle with them myself every day." Thus, on that note, Napoletano wants to focus on making dealing with these everyday issues better, for lawyers, during his tenure. "My concentration is going to be on our members and what is good and right for them," he said; a material purpose for which the New York State Bar Association bylaws cite as a goal for its formation.

Napoletano wants to focus on updating the CPLR and cutting down on confusing and contradictory part rules in different courtrooms.

He also wants to advocate for bringing back New York Practice as a mandatory class in law schools and bringing back testing it on the bar exam. "When I went to school, it was a required course," said Napoletano. "Without the class," he said, "some law students and new lawyers are not truly prepared for the realities upon practicing law in New York State." In recent years, the New York State Bar Association's Task Force on the New York Bar Examination has recommended bringing back the New York practice course, as well as New York adopting its own bar exam. Napoletano and other bar leaders have had ongoing conversations with law school deans about this issue. "We'll keep pushing," he said. "That's what we do. Argue the case and see if it works."

Napoletano has started laying the groundwork for change, even before his presidency started. He met with Justice Tanya R. Kennedy and former Presiding Justice of the Appellate Division, First Department, Rolando T. Acosta, about judicial independence initiatives.

Napoletano also plans to empower sections and committees to take on important initiatives – instead of the traditional task forces created. "Every section and committee has right here, within them,



Justice Michael L. Pesce swears in Domenick Napoletano as NYSBA president as his granddaughter, Sofia, watches.

some of the best and brightest talent to do anything needed; each of their members is impressive in and of their own right," he said. "Experience is our association's greatest resource, and active member involvement strengthens our association's influence for making positive changes. This is why we urge new lawyers and law students to join the New York State Bar Association, as they won't often recognize that the value of camaraderie with a diverse number of very experienced and dedicated lawyers and jurists, early on in their education and throughout their career, is priceless, relative to the modest fee for maintaining membership.

Family and Friends Gather To Celebrate

Napoletano's family members, esteemed colleagues, and

the many professional relationships responsible for nurturing his long legal career, whom he believes he is privileged to now call friends as well, were excited to come to his installation on June 4th. "We originally booked the event for a hundred people, but I quickly realized that was impossible, when far more than that reached out to congratulate me and ask when and where my installation is to take place." He believes this is not only an honor for him, as a Brooklynite, but a recognition of its legal community at large, given he has proudly served as a part of it all of his career.

Napoletano's immediate family includes his wife Fran, and children Alexis and Nicholas, along with two grandchildren, Sofia, 6 and Everett, 2.

Fran is a practicing attorney, admitted to the bar in New York

and New Jersey. She most recently joined, as General Counsel, a national real estate developer, after devoting 30 years as a Chief Compliance Officer to various financial firms and private equity funds.

Alexis is a practicing medical malpractice litigation defense attorney, admitted to the bar in New York, New Jersey, and Texas. She now lives in Austin, where she recently became a partner at her firm, Germer Beaman & Brown.

Nicholas is a passionate self-taught mechanic. “That kid could take apart an engine and transmission and rebuild it with his eyes closed,” Napoletano said. “He knows everything that you’d want to know about cars.”

The installation was held at the Liberty Warehouse in Brooklyn – having an appropriately reminiscent backdrop of the Statute of Liberty, given Napoletano’s first-generation immigrant family struggled to allow him access to the American dream. Retired Judge Michael Pesce swore in Napoletano at the ceremony. “He’s known me my whole life,” Napoletano said. “Literally. I worked for him when he was in the State Assembly, and he was a mentor to me growing up.” In fact, both Pesce and Napoletano’s families lived right across the street from each other, back in Mola Di Bari, Italy, before coming to America.

Fluent in Italian, as a youth he was an altar boy who said Mass in Latin – “some of it which I still remember,” – Napoletano has been a lifelong member of St. Mary’s Star of the Sea Roman Catholic Church, “which is literally down the block from my office,” serving as an Extraordinary Minister of Holy Communion. “It’s where my wife and I got married.” He has risen to a Knight Commander with Star of the Holy Sepulcher of Jerusalem, and actively partic-

ipates in numerous legal organizations, including those that promote the diversity of their members’ heritage in the legal community.

A Long Record of Service

Napoletano has been a member of the New York State Bar Association since 1981 and has served in many of its leadership roles. He was treasurer of the Association from 2018 to 2023, and has worked on many association committees, and task forces, including co-chairing the Emergency Task Force for Solo and Small Firm Practitioners, which was created to help attorneys during the COVID-19 pandemic.

He spent the past year co-chairing the Presidential Committee on Access to Justice with Rezwanul Islam and Lynn Poster-Zimmerman. “I have great co-chairs,” he said. “The issues that that committee has raised and continues to raise are not only noteworthy, but invaluable. There are hundreds of thousands of people that remain unrepresented in this state, for a whole host of reasons, that shouldn’t be. If you’re talking about equal justice, then it’s not equal if you have a seasoned attorney on one side and a pro se litigant on the other.” Napoletano feels that one way that might close the justice gap is by creating a formal program that offers incentives for pro bono work, such as Continuing Legal Education credits.

He also recently served as the chair of the Working Group on Access to Legal Representation, as well as on the group on Facial Recognition Technology that recommended amending New York Civil Rights Law to bar companies from using that technology to prevent certain people from public entertainment and sports venues. “I’ll probably never be able to go into another

James Dolan facility for the rest of my natural life,” joked Napoletano. “That Working

ing and very complex,” he said. “So, we have to be on top of it to be sure that we don’t lose sight of

“*I want to help our lawyers be more effective at serving the public.*”

— Domenick Napoletano

Group did a spectacular job... every one of the members of that Working Group really did a lot of serious work.” The House of Delegates approved the Task Force’s recommendations last November. Napoletano said that the use of facial recognition, as well as artificial intelligence, is in its infancy. The legal profession must continue to monitor these technologies in the ways they are being used. “It’s quickly chang-

it, because once we do, we could be in legal chaos.”

Overall, though, Napoletano plans to focus on the day-to-day issues facing lawyers. “I want every one of our members to know and believe that this association is truly here for them and the profession, and only them,” he said. “Plain and simple I want to help our lawyers be more effective at serving the public.”



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Ten Things You Don't Know About President Domenick Napoletano

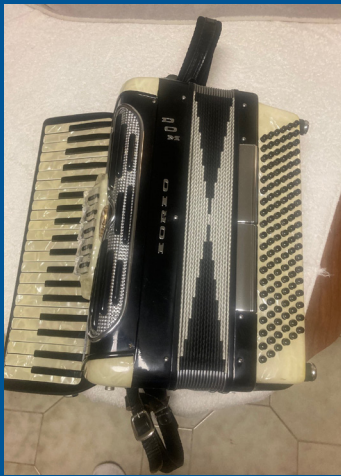
By Jennifer Andrus

You may think you know Domenick Napoletano. Here are ten little-known facts about this first-generation American and the son of Italian immigrants.

1 He was the first in his family to graduate elementary school.

2 This native son of Brooklyn grew up not far from the Brooklyn waterfront where his father worked as a longshoreman. He didn't learn to swim as a child and never really took to the water.

3 He learned to play the accordion when he was 8 years old. His father bought him the instrument in 1961 and he still cherishes it. "It cost my dad back then \$450.00, that was a lot of money back then," he said. "It has a beautiful mother of pearl keyboard and it has my name inscribed on it." When asked what tune he can play, he answers "Lady of Spain."



4 As a lifelong Roman Catholic, he speaks with a sense of pride and commitment about his church family. He remembers serving Mass as an altar boy when Mass was spoken in Latin. "It's part of my life because I make it a part of my life. Am I a perfect Catholic? Absolutely not, but I try."

5 He still gets together with old friends from the neighborhood and with friends from law school. Recently he checked in with a longtime friend and law school buddy, former Gov. David Paterson. During law school, Napoletano would read from their criminal procedure law book assignment to his visually impaired friend.



6 On a cruise of the Aegean Sea with his wife, who was born in Athens, Greece, he treasured his time in Ephesus, Turkey. "That was probably the most spectacular place that either one of us has been to. Unlike Rome, where you can't walk within the ruins, in Ephesus, you're walking right there and through them."



7 Napoletano loves his visits to the Metropolitan Opera House. He particularly likes when "La Bohème" is on stage. He even named his cat Mimi after a character in the production.



8 When not listening to opera, Napoletano's playlist includes music from the 60s such as The Temptations and Sam Cooke.

9 When asked about concerts he's attended, he jokes about losing some of his hearing for a short time after attending a Bruce Springsteen and the E Street Band concert at the Meadowlands in the 1990s.

10 His wife, Fran, is also a lawyer. They have two children, Alexis and Nicholas, and two grandchildren, 6-year-old Sofia and 2-year-old Everett.



New Membership Committee Co-Chair Helen Naves Wants To Build Connections

By Rebecca Melnitsky

Helen Naves, the recently installed co-chair of the New York State Bar Association's Membership Committee, wants to bring the far-flung lawyers of the association closer together in her new role.

An international banking lawyer with a practice in São Paulo, Brazil, Naves will be joining Michelle Wildgrube, partner at Cioffi Slezak Wildgrube, as co-chair. "I'm super excited about Helen joining as co-chair," said Wildgrube. "Her involvement with the International Section and Executive Committee will bring a great deal of experience and knowledge about NYSBA to the Membership Committee."

A big initiative for the Membership Committee will be promoting the new all-inclusive subscription membership model, in which members will be able to access the full spectrum of membership – including unlimited access to live Continuing Legal Education courses, two section memberships, and access to hundreds of publications – all for one affordable price.

Naves said that the new model meets the needs of different members, from education to networking opportunities. "The way I see it, we have more flexibility in terms of how to choose the benefits that you would like to have," she said. "I think it's also a nice way to attract people who at some point in time didn't even think it was valuable for them to be part of an association like NYSBA."

"It's a wonderful value proposition for our members," added

Wildgrube. "Having all-access to online CLE programs is an incredible benefit. I'm hoping that members will also take advantage of the two included section memberships. Section membership is one of the best resources of the association – sections really provide a home for people and enhance everyone's practice."

From Brazil to the New York State Bar Association

For Naves, her passion for building connections across the globe started when she spent her senior year of high school as an exchange student in Michigan. "I really think it changed the course of my life," Naves said. "I knew I wanted to do something with traveling, going to other countries. I liked the experience of living abroad."

From there, she went to law school in Brazil, moved to New York in 2008 to get her LL.M. degree at Fordham University, spent a year working for a law firm in New York, and moved back to Brazil in 2010. Around this time, she joined the association's International Section in part to stay in touch with friends she made in New York.

"For me, it's more than a group of friends," Naves said. "It's also a community, a group of lawyers who I can always go to for advice – practical advice, technical advice – and also for work."

Naves eventually became the chair of the Brazil Chapter and senior vice-chair of the International Section. "After all these years, I guess everybody who knows me knows that I'm



Helen Naves

part of NYSBA," she said.

She wants to have more frequent regional meetings for the International Section – at least once a year so International Section members can plan ahead and have an easier time getting to meetings in nearby countries.

"When we have in-person meetings, it's a really nice opportunity for people to get closer, to create more connections, have more opportunities to do business, and also to explore those connections," Naves said. "So, we like the idea of having more frequent in-person meetings in different areas, not only in the U.S."

Naves also wants to collaborate more with local bar associa-

tions, both in the U.S. and internationally, to increase membership.

Naves also emphasized that members have many opportunities to do many different activities – including publishing articles and speaking on panels and webinars. "There's so many things going on in the association, not only in the International Section, but other sections," she said. "For a lawyer that is only able to be part of a local bar association and not a specific group as ours, I think it's a great deal."

New York State Bar Association Opposes Banning Transgender Youth From School Sports

By Rebecca Melnitsky

The New York State Bar Association has voted to oppose all attempts to ban transgender athletes from K-12 school sports.

Half of the states in the country have laws or regulations that ban transgender students from playing sports based on their gender identity. In Nassau County, for instance, the county executive, Bruce Blakeman, earlier this year announced an executive order banning transgender athletes from competing in women and girls sports at Nassau County facilities. The order was struck down by the New York State Supreme Court in May on the grounds that the county executive did not have the authority to institute a ban. In June, the Nassau County Legislature

passed a ban.

“All student athletes deserve a chance to play sports with their peers,” said Domenick Napoletano, president of the New York State Bar Association. “Legislation enacted to prevent transgender youth from participating in sports is based in fear instead of fact. The New York State Bar Association stands against attempts to isolate and bully youth. Let the kids play.”

The report of the Task Force on the Treatment of Transgender Youth in Sports described the legislation as “a solution in search of a problem.” About 1.4% of children ages 13-17 are transgender, and the number of transgender students participating in sports is a fraction of that number.

“Many of the politicians pushing these laws could not name a single transgender student-athlete in their state,” said Jacqueline Drohan, co-chair of the task force. “This shows that the imagined issues with transgender youth participating in sports do not exist in reality. Exclusion is as discriminatory as it is unsportsmanlike. All students have an equal right to experience the emotional, physical, and social benefits of playing sports.”

Furthermore, there is no evidence that transgender girls and women have an athletic advantage in sports.

“The New York State Public High School Athletic Association, the governing body for high school interscholastic

sports, has had an inclusive policy for transgender students since 2015,” said M. Lettie Dickerson, co-chair of the task force. “In that time, we have not seen the breakdown of boys and girls sports, and transgender athletes are a tiny percentage of athletes. We thank all our task force members for their hard work, and we thank the New York State Bar Association for standing against excluding transgender youth.”

“We didn’t focus on college or professional sports,” Drohan added. “That wasn’t part of our mission.”

New York State Bar Association Past President T. Andrew Brown convened the task force.

New York State Bar Association Favors Removing Limit on the Number of State Supreme Court Justices

By Susan DeSantis

The New York State Bar Association voted during June’s House of Delegates meeting to urge the state Legislature to approve a Constitutional Amendment that would allow voters to decide if a limit on the number of state Supreme Court justices should be removed.

The New York State Legislature approved the Constitutional Amendment on June 6 but for it to go on the ballot, it must also be approved by the next Legislature, which will take office in January of

2025. Gov. Kathy Hochul does not play a role in getting a Constitutional Amendment onto the ballot.

New York’s Constitution caps the number of state judges that can be elected to one for every 50,000 residents. The New York State Bar Association has long argued that the cap places a burden on the courts, litigants and the bar, particularly in the busy First and Second departments, which include New York City, Long Island and five counties in the Hudson Valley. A January 2017 state bar association report

calling for a Constitutional Convention said that the state should consider lifting the cap.

“The constitutionally-prescribed limit is unworkable,” said Domenick Napoletano, president of the New York State Bar Association. “It has forced the state’s court system to keep Acting Supreme Court Justices in the state’s busiest courts on an almost permanent basis, depleting the resources of the courts to which they were elected. New Yorkers deserve an adequate number of judges.”

The New York State Bar

Association’s House of Delegates endorsed a September 2023 report by the New York City Bar Association calling for the cap’s removal. The report also recommends evaluating if there are enough judges in the rest of the state’s courts including Family Court.

The report has already received the support of the state bar association’s Commercial & Federal Litigation Section, Family Law Section, Young Lawyers Section, LGBTQ+ Law Section and the Committee on the New York State Constitution.

New York State Bar Association Celebrates 2024 Legislative Victories



By Jennifer Andrus

The New York State Bar Association celebrates legislative victories in four key areas of law and legal reforms. We congratulate our partners in the state Legislature for their hard work and support of these measures.

Notary Record Keeping Regulation Repealed

The passage of notary reform bills A07241A and S8663 is a major success for the association in its reform of burdensome regulations on notary activities.

“New York State regulations mandated that notaries keep records of every transaction for 10 years. It was so difficult and time consuming that many attorneys chose to stop doing notary work altogether. We worked closely advising lawmakers on the impact of the notary law and we thank them for addressing the issue. We commend Assembly Member Charles Lavine and state Sen. Brad Hoylman-

Sigal for acting quickly to improve the law. We call on Gov. Kathy Hochul to sign this much-needed reform.”

Soon after the initial notary law was signed in 2022, the New York State Bar Association formed a Task Force on Notarization to study the new rules. Working quickly, the task force produced a report concluding that the new rules are unnecessary for attorneys who already are bound by professional rules of conduct. The report also found that, in practice, the law does little to prevent or reduce consumer fraud, which was its intent.

Executive Law § 135-c was enacted in 2022 to establish requirements and procedures for electronic notarization. Under the new law, notaries were required to keep a journal of each document notarized for 10 years. Electronic notaries must maintain a journal plus audio and video files. While the law was intended to address new technology, it added more work for

all types of notarizations.

The 2022 law had a negative effect on New York’s lawyers by adding hours of work retaining records and logging them for inspection by state regulators. The storage of the documents for inspection opened the door to exposing private, privileged information between attorneys and clients to the government. The 2024 law remediates this error by exempting non-electronic notary acts from those bookkeeping and storage regulations.

State Pension Access for Surviving Family Members of Judges

Passage of bills S7576A/A9143, called the “Death Gamble Bill,” allows judges in the Unified Court System to elect to have their beneficiaries receive their state pension in lieu of a death benefit if a judge dies while still in service. Often the state pension is a much greater value than the death benefit. Judges will now have the same

protection afforded to most other New York State employees. Previously, state pension funds were only paid out to beneficiaries if the judge was retired at the time of death.

Legislation passed in 2000 removed the “Death Gamble” provisions for other public servants including police officers, firefighters and teachers. The bill excluded members of the judiciary. Many judges enter public service later in their careers and often serve at lower pay during their most lucrative earning years.

“This oversight in the law was a travesty that harmed our judges and their families,” said New York State Bar Association President Domenick Napoletano. “We owe it to our public servants to provide comfort and security to their families in the event of an untimely death and to correct a mistake that was made nearly 25 years ago when they were excluded from this benefit. We call on Gov. Hochul to sign this bill.”

Permission for Courts To Expand E-filing

Bills S7524/A10350 allow Chief Administrative Judge Joseph Zayas to permit e-filing in any state trial court. Pro se litigants and lawyers without the technical skills or equipment to e-file would remain exempt.

“Expanding e-filing helps lawyers provide better service to their clients. Using technology to submit paperwork saves time, energy and taxpayer dollars,” says Napolitano. “This is especially helpful for attorneys who serve in New York’s rural communities who must drive long distances to file in town and village courts. I urge Gov. Hochul to swiftly sign this bill into law.”

The New York State Bar Association has studied the im-

pact and benefits of e-filing for more than a decade, with the most recent report adopted in 2023. In that report, NYSBA’s Task Force on the Modernization of Criminal Practice details the benefits of an expanded, state-wide e-filing system.

“This legislation improves access to justice, especially in regions where there are not enough lawyers,” Napolitano said. “It also makes the practice of law more efficient, which is a goal of my presidency.”

Lifting Lifetime Ban on Jury Service for Felons

Bills S206A/A1432A lift the lifetime ban on jury service for New Yorkers with a felony conviction. Once New Yorkers have served their sentences, including

probation or community supervision, they would be eligible to serve on a jury if the bill becomes law.

“A felony conviction is no longer a lifetime sentence when it comes to the rights of citizenship,” said New York State Bar Association President Domenick Napolitano. “We must believe in the power of reform and redemption for all of our citizens who have paid their debt to society. We encourage Gov. Kathy Hochul to sign this bill into law.”

“Juries are essential to the functioning of a democracy and a fair criminal justice system. Research demonstrates that racially diverse juries ensure fairer outcomes, but they are not the norm because people of color are underrepresented in the jury

pool. This bill provides an opportunity for a jury to more accurately represent New York’s diverse communities,” Napolitano said.

In 2022, the New York State Bar Association formed the Task Force on Racism, Social Equity, and the Law and its report was adopted by the New York State Bar Association in January of 2023. It concluded that “felony convictions should not act as a complete bar to serving on a jury.” In New York State, approximately 33% of Black men are excluded from the jury pool because of the state’s felony exclusion law. This legislation repeals the exclusion.



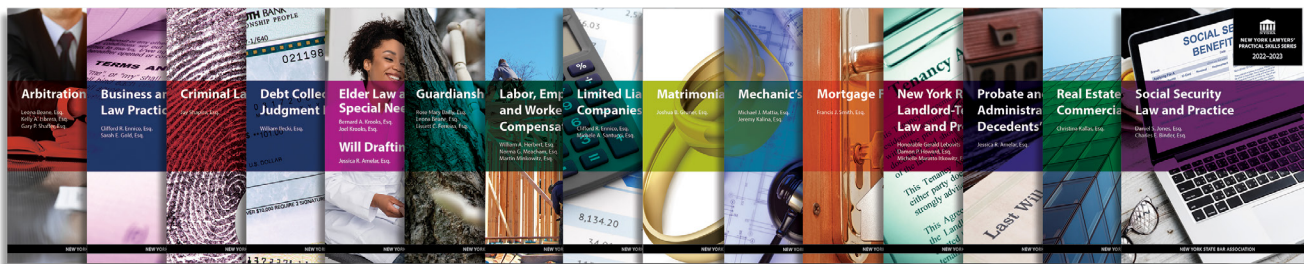
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Pro Bono Volunteers Needed: Help Human Trafficking Survivors



By Rebecca Melnitsky

Lawyers looking for pro bono work have many opportunities to help survivors of human trafficking. A Continuing Legal Education course presented by the New York State Bar Association detailed the immense need for volunteers to aid survivors with legal assistance on issues such as immigration, housing, credit, criminal proceedings and much more.

The speakers were:

- Estelle C. Davis, assistant director at the New York State Bureau of Refugee Services.
- Amy Marques, senior immigration attorney at My Sisters' Place.
- Carmen Maquilon, director of immigrant and refugee services at Catholic Charities of Long Island.

Margaret J. Finerty, partner at Getnick & Getnick, moderated the discussion.

The Scope of Human Trafficking

Trafficking is the use of force, fraud or coercion to compel an individual to work or perform commercial sex acts. Contrary to popular belief, trafficking does not necessarily involve crossing borders or state lines.

As of 2021, approximately 27.6 million people worldwide were in forced labor, including labor trafficking, sex trafficking and forced marriage, according to the International Labor Organization.

“Those numbers also went up during the pandemic,” Davis said. “As there is global catastrophe, people at the margins are harmed more.”

Also in 2021, the U.S. National Human Trafficking Hotline identified 16,554 individuals who were trafficked – with nearly three-quarters of them trafficked for sex.

In New York State, 322 individuals were identified as being trafficked in 2023.

Davis said that this data comes with the caveat that “We only know cases that have been identified.” She continued, “We are increasing identification of labor trafficking. But there are a lot of individuals who may have experienced that who would meet the legal definition but are not necessarily identified.”

The most vulnerable people in society are, not surprisingly, the most vulnerable to being trafficked. “When somebody has been discriminated against, they are more likely to be vulnerable to the type of manipulation and exploitation we’re talking about,”

said Davis.

For example, a boss may threaten an undocumented worker with deportation, or hold on to an immigrant’s passport so they cannot leave. A runaway youth may be told to have sex with a homeowner’s friend to stay in housing. A woman may be told she would be helped with a modeling career, only to be forced into prostitution.

Traffickers often try to isolate their victims, saying that no one will listen or believe them. “So that they don’t disclose what’s going on,” said Davis. “Because that disclosure is often what leads to them getting help.”

Davis added that it is important to counteract these messages of isolation with messages of support, treating individuals in need with respect and empathy, and empowering them to make their own choices.

How Attorneys Can Help

Agencies that help trafficking survivors need volunteers to assist with legal aid, especially visa applications. Organizations will give attorneys guidance and training as needed.

“Being able to liberate that person is such a great experience,” said Maquilon. “We will provide you the guidance, the training necessary to do the case... You will always have somebody that is able to guide you through the process.”

Attorneys interested in volunteering can email probono@nysba.org with their name, contact information, resume, and any relevant experience. Or see available opportunities at this link: <https://nysba.org/pro-bono-services/>

Interested attorneys can also reach out to the following:

Catholic Charities of Long Island

- **Name:** Carmen Maquilon, director
- **Email:** Maquilon.Carmen@CatholicCharities.cc
- **Phone:** 516-733-7000
- **Website:** <https://www.catholiccharities.cc/how-we-can-help>

My Sisters' Place (Westchester County)

- **Name:** Silvia Lederman, legal director
- **Email:** slederman@mspny.org
- **Website:** <https://mspny.org/human-trafficking/>

Safe Horizon Anti Trafficking Program (NYC)

- **Name:** Amelia (Amy) Shogan, supervising attorney
- **Email:** amelia.shogan@safehorizon.org
- **Type of Pro Bono Opportunities:** Applications for T nonimmigrant status; applications for green cards for T nonimmigrants; interpretation – especially Spanish to English and Bengali to English

The seminar was sponsored by the Committee on Immigration Representation and the Committee on Civil Rights.

New York State Bar Association Honors Human Rights Champion With Haywood Burns Award

By Jennifer Andrus

The New York State Bar Association honored Remla Parthasarathy of the Empire Justice Center with its W. Haywood Burns Award.

Named for the civil rights attorney who worked with Rev. Dr. Martin Luther King and rose to prominence as New York's first African American law school dean, the award recognizes leaders in social justice and civil rights law in New York State.

Parthasarathy is a tireless advocate for victims of intimate partner and domestic violence as the project leader of the Crime Victims Network through the

“

Remla Parthasarathy is working to change our culture in America from one of violence to one where all people are treated with dignity and respect.”

Empire Justice Center. The center offers legal help to New Yorkers in need as well as legal research and training to civil legal service providers.

“Remla Parthasarathy does more than advocate and seek justice for her clients,” said New York State Bar Association Immediate Past President Richard Lewis. “She is working to change our culture in America from one of violence to one where all people are treated with dignity and respect.”

For nearly 30 years, Parthasarathy has worked both inside and outside the courts seeking justice for victims of violence. Her work extends to education and advocacy to raise awareness of domestic violence as a violation of human rights. In addition to her community work, Parthasarathy is an adjunct professor of social work and a published author.

In presenting the award at the CUNY School of Law, New York State Bar Association President Domenick Napoletano said Parthasarathy represents a bright future for the profession in the field of civil rights.

“Remla fights injustice on multiple fronts, in the courtroom and in the classroom,” he said. “She not only helps domestic violence victims seek justice against their abusers but teaches other attorneys and social workers how to fight gender-based violence where they live and work.”



President Domenick Napoletano presents the Haywood Burns Award to Remla Parthasarathy.

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Yonit Calmanovich To Start Tenure as Israel Chapter Co-Chair of the New York State Bar Association's International Section

By Rebecca Melnitsky

The New York State Bar Association is building its standing in the international legal community with a surge of new members in its Israel Chapter. Yonit Calmanovich, an attorney based in Tel Aviv and the head of the Israel Bar Association's international department, will serve as the Chapter's new co-chair. She was also recently chosen to serve on Israel's Judicial Election Committee.

Currently, the New York State Bar Association has 70 chapters around the world with more than 1,700 international members.

"I'm proud and grateful to be nominated as co-chair of the Israel Chapter," said Calmanovich. "This nomination is a show of support and solidarity on behalf of the New York State Bar Association. It sends a clear statement of the mutual commitment of the Israel Bar Association and NYSBA toward each other, as two state organizations viewing the rule of law as the most fundamental cornerstone of evolved democracies. I'm humbly taking this role with a clear sense of mission to promote the international legal connection between Israel, the U.S. and all other countries that wish to promote values of truth, democracy and independent rule of law."

Calmanovich will be joining current Israel Chapter Co-chair Ronald Lehmann, who is a partner in FBC's corporate department.

"Yonit is bringing new energy to the Israel Chapter, and I'm glad to share this leadership role with her," said Lehmann.

"Together, we're going to work with the New York State Bar Association on areas of mutual interest, like judicial independence. At this difficult time in Israel's history, we appreciate that our fellow legal professionals from around the world are coming together with us."

The New York State Bar Association hosted a meeting to show new members the many benefits of New York State Bar Association membership. Brian Cohen, one of the co-chairs of the New York State Bar Association Task Force on Combating Antisemitism and Anti-Asian Hate, presented the task force's report at the meeting as well. Vincent Chang, the task force's other co-chair, was on hand to answer questions.

"Antisemitism was already on the rise when this task force first met a year ago," said Cohen. "Since Hamas' terrorist attack on Israel on Oct. 7, 2023, antisemitic incidents and hate crimes have increased exponentially, especially in our schools and college campuses. We are pleased that the New York Legislature is taking action and appreciate this opportunity to share the latest update to our state's hate crime laws."

New York State Bar Association President Domenick Napolitano, Immediate Past President Richard Lewis, Treasurer Susan Harper, Membership Chair Helen Naves and Israel Bar Association President Amit Becher also spoke during the meeting. The Israel Bar Association and the New York State Bar Association entered into a Memorandum of Understanding earlier this year.



Yonit Calmanovich

More LGBTQ+ Youth Are in Foster Care and They Need Support

By Rebecca Melnitsky

More than one-third of the children in the New York City foster care system are LGBTQ+, according to the city's Administration for Children's Services. At an informational session presented by the New York State Bar Association, panelists discussed the challenges facing these children and how lawyers, court personnel, and foster care agencies could best meet their needs.

The panelists were:

- Peter F. DeLizzo, judge at Richmond County Family Court, 13th Judicial District of New York.
- Steven Gordon, director of LGBTQ+ Equity Strategies at the Administration for Children's Services' Office of Equal Strategies.
- Alexander Roque, president and executive director at the Ali Forney Center.
- Jonah DeChants, senior research scientist at The Trevor Project.
- Peter Karys, director of Youth Counseling and Support at The Center.
- Yevgeniya (Jane) Kuznetsoff, court attorney at Richmond County Family Court, 13th Judicial District of New York.

Kuznetsoff moderated the discussion.

"The gay kid in foster care or the criminal justice system is not an anomaly," said DeLizzo. He added that he has had cases where LGBTQ+ children did not want to go to back foster care or their own homes because of mistreatment. LGBTQ+ youth also often find themselves driven out and rejected by their



families because of their identities.

Up to 40% of the homeless youth population in New York City identify as LGBTQ+. In addition, homeless LGBTQ+ young people experience higher rates of sexual assault, domestic violence, trauma, HIV+ infection, and mental health issues compared to their cisgender, heterosexual counterparts.

"We do not believe young people are inherently more mentally ill because of their LGBTQ+ identity," said DeChants. "What we believe, and what our data show, is actually the increased rates of suicide risk and mental health symptoms that we see among LGBTQ+ young people, are the result of all sorts of different factors going on in their environment, including a lot of stress due to their minority identity and minority status."

DeChants added that other factors contribute to this stress as well, including housing instabil-

ity, racial prejudice, and poverty.

"Homophobia and transphobia by a parent is child abuse," said Roque. "Our systems fail our kids once they are rejected by their families because of their identity. We're not looking for kids to be moved from their homes, we're looking to help families to do better by their kids."

Roque also said that 50% of the Ali Forney Center's homeless LGBTQ+ clients come from outside of New York State, including 10% coming from outside of the United States.

Gordon said that every foster parent in New York City has to take training to learn about how to create a safe environment for LGBTQ+ youth. "Every single child has a sexual orientation or a gender identity," he said. "Every single foster parent needs to know how to talk to their child about sexual orientation or gender identity, even if the child is cisgender and heterosexual."

Panelists said lawyers are welcome to reach out for resources, training, and advice for situations concerning LGBTQ+ youth in family court and foster care.

"You're my eyes and ears," said DeLizzo. "You're telling me what's going on. As an older gay man, these were not the conversations we were having in the 1980s... So at least we've made some progress that stuffy guys like me are willing to entertain this issue and bring it forward so that the lawyers, the caseworkers, the judges are aware of what these kids are going through."

The program was sponsored by the LGBTQ+ Law Section, the Family Law Section, the Local and State Government Law Section, and the Committee on Diversity, Equity, and Inclusion.

Divorce Can Be Difficult for Same-Sex Couples



By Rebecca Melnitsky

Breaking up is hard to do. And for married same-sex couples, past laws can complicate divorce proceedings.

The New York State Bar Association recently hosted a Continuing Legal Education course on the challenges facing same-sex couples as they try to end relationships and figure out issues related to dividing property and child custody. Margaret Donohoe and Paul Talbert, partners at Donohoe Talbert, led the discussion.

Donohoe described cases in New York State that illustrate these difficulties. In 2005, for example, two women had a traditional Jewish marriage ceremony. They did not receive a marriage license until 2011, when New York State legalized same-sex marriage. In 2019, the women started divorce proceedings, but one woman argued that the marriage started in 2005, while the other argued for 2011.

“These dates make a huge difference in the financial outcome of the case,” said Donohoe. “There is nothing in the [New York] Marriage Equality Act that gives it retroactive application expressly, nor is it prohibited by the language of the statute.”

Eventually, the New York Supreme Court Appellate Division, Second Department, ruled that the marriage started in 2005. A contributing factor to making that decision was that the state in several previous cases had recognized ceremonial religious marriages without a marriage license. “The only reason the court wouldn’t apply it here was that it was a same-sex couple,” said Donohoe. “And that’s exactly what the Marriage Equality Act was supposed to be getting rid of.”

Similarly, same-sex couples with children often ran into complications when determining custody during divorce proceedings. In some cases, biological parents were favored over

nonbiological parents, even if the child had an established relationship with the nonbiological parent.

“Many disputes could be avoided by a clear establishment of intent before the conception of a child,” said Donohoe. Otherwise, she said, courts and practitioners are left to figure out family relationships.

In a case from 1991, the Court of Appeals ruled that the nonbiological mother was not a mother, even though she had developed a relationship with the child. Judge Judith Kaye dissented, writing “the impact of today’s decision falls hardest on the children of those relationships, limiting their opportunity to maintain bonds that may be crucial to their development.”

In 2016, the Court of Appeals overruled this decision, citing Judge Kaye’s dissent that maintaining family bonds is important for children. It also argued that a nonbiological parent can seek custody if there is clear and

convincing evidence that they were involved with the decision to conceive and raise a child.

To clear up these issues, the New York State Legislature enacted the Child Parent Security Act in 2021. The act established legal rights for parents who use assistive reproductive technology, like gestational surrogacy. It also codifies that intent, rather than biology, can determine who is the legal parent of a child.

The Child Parent Security Act also established a bill of rights for a surrogate, including health insurance and an attorney paid for by the intended parents. “The portion of the Child Parent Security Act regarding surrogacy is deemed one of the most comprehensive and complete surrogacy laws that has been adopted by any state,” said Talbert.

The program was sponsored by the LGBTQ+ Law Section and the Family Law Section.

Human Rights Expert Documenting New Kind of War Crime in Oct. 7 Attacks on Israel

By Rebecca Melnitsky

On Oct. 7, Hamas terrorists invaded Israel, murdering 1,200 people and taking 250 hostages. The brutality of these crimes – including rape, murder, maiming, and kidnapping – has international human rights experts considering a new category of war crime: kinocide, or the purposeful targeting of families.

At an informational session hosted by the New York State Bar Association, Cochav Elkayam-Levy, chair of the Civil Commission on October 7 Crimes by Hamas Against Women and Children and recipient of the Israel Prize, described the evidence her team has collected from Oct. 7 – including videos filmed by Hamas terrorists as they were attacking.

“We’re documenting all war crimes against women and children, not just the sexual abuse,” said Elkayam-Levy. “Because when you see the images, when you see the torture that people have been through – the abused, naked bodies, the burning of bodies, the handcuffing, the

bounding of legs – again and again in several locations... you understand the brutality that was inflicted on the victims.”

Elkayam-Levy is an internationally recognized expert on human rights law, international law, and feminist legal theories.

More than 220 people attended the informational session. Immediate Past President Richard Lewis introduced Elkayam-Levy and made opening remarks.

Kinocide Explained

In conjunction with Irwin Cotler, a former minister of justice and attorney general of Canada, Elkayam-Levy and her team have developed a new term, kinocide, to describe the pattern of the purposeful targeting of families.

“It’s the kind of evil that can’t be explained,” she said. “They separated families. They separated children from families, from parents. They murdered parents in front of their children, children in front of their parents.”

Elkayam-Levy added that her

team is also documenting sexual abuse against men, and physical and psychological abuse against hostages.

“Justice begins with recognition, justice and healing of victims,” Elkayam-Levy said. “I think our role as lawyers is to believe, to be there, as advocates for victims. And we see through that how it initiates a process of healing for those who just experienced the worst kind of crimes in their lives.”

Allies in Condemning War Crimes

Elkayam-Levy said her organization is focusing on working with global allies, like the United States, who recognize that Hamas has committed war crimes. She said that the Biden administration quickly released strong condemnation of the attacks, and in June Vice President Kamala Harris hosted a screening of the film “Screams Before Silence,” a documentary about the sexual violence committed on Oct. 7.

Elkayam-Levy also said it was

important to continue to fight for the release of the 120 hostages still held in Gaza. “I do want to ask for all of us to still fight for those who are still in captivity, for their release, to do everything in our power to release them, to make sure their faces are seen everywhere,” she said. “And that they get the kind of fight that they deserve to bring them back.”

“As someone who has been more immersed in this situation since Oct. 7, and has dealt with this so intimately, we can still hear the emotion in your voice,” Lewis said of Elkayam-Levy’s presentation. “Clearly you don’t harden to this type of crime.”

Elkayam-Levy said she gets therapy every week.

The Civil Commission asks that those looking to help in their mission of documentation and archival visit dvora-institute.org/cc07.

The program was co-sponsored by the Women in Law Section and the International Section.



Terrorists damaged homes in Kibbutz Kfar Aza during the Oct. 7 attack on Israel.

2024 Presidential Swearing In



Justice Michael L. Pesce swears in President Domenick Napoletano, joined by wife Fran, daughter Alexis and granddaughter Sofia.



Judge James Murphy and David Cohen



Judge Barry Kamins, RoseAnn Branda, Judge Matthew D'Emic and Aimee Richter



Kathleen Sweet is joined by her husband Brian Fredericks.



June House of Delegates Meeting & Dinner



Michael Markowitz and Taa Grays



President-Elect Kathleen Sweet and David Miranda with Domenick Napoletano



Leah Nowotarski and Norm Effman



President Napoletano meets new delegate Judge Susan Sullivan-Bisceglia.



Domenick Napoletano and David Cohen

June House of Delegates Meeting & Dinner



Ignatius Grande and Justice Andrea Masley present recommendations to remove the cap on the number of state Supreme Court Justices.



Immediate Past President Richard Lewis honors Domenick Napoletano.



Co-chairs Jacqueline Drohan and Matthew Feinberg present an update on the work of the Task Force on Emerging Digital Finance and Currency.



Presiding Justice Elizabeth Garry Honored for Public Service by the New York State Bar Association

By Rebecca Melnitsky

Presiding Justice Elizabeth A. Garry received the Robert L. Haig Award from the New York State Bar Association. The award, which is given out by the association's Commercial and Federal Litigation Section, was presented to her on Saturday, May 18, during a cocktail reception and gala dinner.

Justice Garry is the presiding justice of the New York State Supreme Court's Appellate Division, Third Department.

"Justice Garry has a long and distinguished career serving the people of the State of New York," said Richard Lewis, immediate past president of the New York State Bar Association. "She is re-



The award is named after Robert L. Haig, esteemed past chair of the Commercial and Federal Litigation Section, and is presented to a long-standing member of the legal profession who has rendered distinguished public service.

The Haig Award presentation was the highlight of the Commercial and Federal Litigation Section's Spring Meeting, which was held at the Gideon Putnam in Saratoga Springs from May 17 to 19.

"She is respectful and fair, beloved by all and recognized as a visionary leader."

— Immediate Past President Richard Lewis

spectful and fair, beloved by all and recognized as a visionary leader. We are proud to honor her record of public service with this prestigious award."

A graduate of Alfred University and Albany Law School, Justice Garry began her legal career in 1990 as a law clerk to Justice Irad S. Ingraham. She served as the New Berlin town justice from 2002 to 2006. She was appointed to the Third Department in 2009 and became its 16th presiding justice in 2018.

Justice Garry is a past co-chair and current commissioner of the Richard C. Failla LGBTQ Commission of the New York Courts. She is a founding member of the Del-Chen-O Chapter of the Women's Bar Association of the State of New York and a member of the Board of the International Association of LGBTQ+ Judges. She served as a regional delegate and treasurer of the Association of Justices of Supreme Court of New York and became a trustee of Albany Law School in 2022.



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Symposium Illuminates the Causes of Systemic Racism and Why Attorneys Are the Best Advocates for Change



By David Alexander

The unequal outcomes of long-standing discriminatory laws and policies are still having an impact locally and nationally, speakers at a symposium presented by the New York State Bar Association and Albany Law School told participants.

The symposium examined how centuries-old approaches in housing, health and education have widened the wealth gap between various demographic groups. Nearly 20 experts spoke throughout the day-long event, which took place May 20, 2024, inside the Dean Alexander Moot Courtroom at the law school.

“Our conversation today matters and so we will not be silent -- not today nor going forward -- because our willingness to directly confront issues, especially those that permeate every facet of our lives, is the only way we can forge change.

This symposium illustrates our efforts to tackle and rectify the deeply embedded issue of systemic racism that has allowed unjust practices to prevail in our society to this day,” said New York State Bar Association Immediate Past President Richard Lewis in prepared remarks.

The January 2023 report of the association’s Task Force on Racism, Social Equity and the Law provided the basis for the day’s dialogue.

Even though it has been nearly 250 years since the Declaration of Independence was signed, more than 160 years after the Emancipation Proclamation was issued, and 60 years after the Civil Rights Act was passed, the disparity that still exists illustrates racism’s deeply rooted history.

“We’re all impacted by racism and the ills that flow from racism. Again, it’s our problem. An

American story that’s baked into who we are. We have to all lay claim to it and own it together. We should all want a more just society, not only for ourselves, but our kids, future generations, people who aren’t born yet, it’s part of our obligation,” said T. Andrew Brown, a past president of the New York State Bar Association, in his closing remarks.

During his presidency, Brown launched the Task Force on Racism, Social Equity and the Law. Lillian Moy, former executive director of the Legal Aid Society of Northeastern New York, and Taa Grays, who is secretary of the bar association and vice president and associate general counsel of information governance for MetLife Legal Affairs, chaired it.

The inequities are evident through the criminalization of drug use in the health sector, a property tax funding model that

drives more resources to affluent school districts and poor neighborhoods that lack amenities such as well-stocked grocery stores, speakers explained as more than 600 people listened in-person and virtually.

Ciji Dodds, associate professor of law and peace and conflict studies scholar at Albany Law School, noted during her morning keynote address that she wanted to present systemic racism in a manner that provided a unique perspective. She said the law offers an avenue for solutions to address disparities that have arisen through racism.

“It’s the nimbleness of the law that gives us all hope. It is the push and the pull of the law and the people who believe in the law as something that can be used for positive change. I think for most people here, at least because you’re here, you believe in the law. So, while we can recognize that there is inherent vio-

lence in our rule of law, we can all also recognize that we possess the power to choose how the law is interpreted and applied when it does not reach the standards that allow for equality and equity.”

Racism, Wealth Equity and Housing

Historic redlining has perpetuated socioeconomic and racial inequality across New York State, leading to segregated communities and disparate home ownership rates. The task force referenced a June 2021 Albany Times Union study that found that Black residents primarily lived in three downtown neighborhoods because of redlining that began nearly 100 years ago.

Samantha Darche, deputy superintendent for the Consumer Examinations Unit of the New York State Department of Finance, said her department regularly examines lenders to make sure they are meeting the needs of low- and moderate-income individuals in their neighborhoods, which is one of their legal obligations. Failing to meet that need will limit lenders’ ability to grow by, for instance, preventing them from acquiring another institution, she said.

Racism, Wealth Equity and Health

Such segregation is why community-based organizations are the lifeblood for addressing health and health care disparities that exist throughout the state, according to Johanne E. Morne, executive deputy commissioner within the Office of Health Equity and Human Rights at the New York State Department of Health.

Greater attention and appreciation of an individual’s living conditions, along with training for medical professionals regarding how implicit biases affect health care, are among the recommendations in the task force report.

“We know that, based on the feedback from stakeholders, we cannot make determinations of need in the absence of people with lived experiences. People with lived experiences must be part of these discussions and that includes when we talk about prioritizing funding,” said Morne.

She also emphasized that it is critical that funding for health professional training include components that inspire change in a system that is overwhelmed by the outgrowth of COVID-19

pandemic issues and the nation’s burgeoning mental health crisis.

Racism, Wealth Equity and Education

Nelson Mar, senior staff attorney for Legal Services of New York City and a task force member, discussed the Dignity for All Students Act of 2010 that provides New York’s elementary and secondary school students with an environment that is free of discrimination and bullying. The law also mandates training for educators, although he said it needs refinement, which is why the task force again recommended an implicit bias component within the training structure.

“The one area that is lacking is the issue of implicit bias and this is really important because going back to disproportionality, which is seen as one of the major reasons why we have disproportionality in suspension rates. Students who are Black will get longer suspensions and definitely will get suspended whereas students worldwide will either get a shorter suspension or not suspended at all.”

Jamaica Miles, co-founder and executive director of the All of Us Community Action Group, spoke on the impact

school funding has had on her home school district of Schenectady where 44.7% of the population is non-white, according to data provided in a 2023 Neilsberg Research report.

“Every year that Schenectady saw an increase in funding, we saw an increase in graduation rates. It makes a difference,” said Miles. “We live in the richest country in the world, in one of the richest states in the nation. It exists, but if we don’t do right by funding it then we intentionally are saying that we are OK with racist policies, practices and budgeting decisions that have happened since the beginning of this country.”

Brown closed out the symposium by calling upon members of the legal profession to continue their efforts toward eliminating such policies and practices.

“Many of us are lawyers, who better to advocate for change? Who is better? We speak as part of who we are, we write as part of who we are. That’s what we do. Our whole stock and trade is advocacy, whether we’re doing it right in front of people or writing it down, that’s who we are, that’s what we do. As a collective group, we are best equipped to address it.”

New York State Bar Association Mourns the Loss of its First Female President Maryann Saccomando Freedman

By Susan DeSantis

Domenick Napoletano, president of the New York State Bar Association, issued the following statement about the death of the association’s first female president:

“As the first female president of the association, Maryann Saccomando Freedman led by example, making it easier for women and people of color to rise to the top ranks of the New York State Bar Association and the profession. For almost four decades, she influenced

and advised association presidents, and maintained a close relationship with the women – and many of the men – who served in the top leadership role after her.

“She was a trailblazer in law school, the profession and the association. As one of only three women in her law school class, she learned to challenge preconceived notions about the work women lawyers should perform. After graduating from the University at Buffalo School of Law in 1958, she struggled to find work. But rather

than let difficulty defeat her, Maryann found a way to turn it into a positive, launching the Women Lawyers Association of Western New York. She later became president of the Erie County Bar Association before seeking the presidency of the New York State Bar Association. As NYSBA president, she excelled at breaking down barriers for the next generation of female lawyers. We are proud of that legacy. She will be deeply missed.”



Rochester Attorney and Harris Beach Partner Heidi Schult Gregory Honored With New York State Bar Association's Attorney Professionalism Award

By David Alexander

Heidi Schult Gregory, Harris Beach Rochester office managing partner, was honored with the 2024 Attorney Professionalism Award at the New York State Bar Association's Law Day celebration at the Bar Center in Albany.

"Heidi Schult Gregory's integrity, leadership and her commitment to the inclusion and development of women attorneys make her a well-deserving recipient of our Attorney Professionalism Award," said New York State Bar Association Immediate Past President Richard Lewis. "She is a role model, an inspirational leader and the type of attorney who makes you want to be a lawyer."

Gregory is the first woman to hold the leadership role of Rochester office managing partner since Harris Beach's founding in 1856.

She represents health care providers, nursing homes and day care centers in state court and before administrative panels. She advises agencies and organizations on regulatory compliance including issues of patient privacy, safety, and medical ethics. In addition to her work in health care, she co-leads the firm's Cannabis Industry Team, offering guidance to clients on marijuana regulations and compliance.

She is a member and proponent of HB Women Connect, an affinity group formed by the firm's Council for Inclusion and Diversity that fosters the inclusion, development and promotion of women attorneys.

She is also a member of the firm's Client Experience Committee, Rochester Community Involvement Committee and Attorney Social Committee.



New York State Bar Association Attorney Professionalism Award Winner Heidi Schult Gregory (left) and Jean-Claude Mazzola, chair of the Committee on Attorney Professionalism.

Family Law Section Chair Begins New Term With Focus on Reaching New Members

By Jennifer Andrus

Following a decade of service to the Family Law Section's Legal Education Committee, Peter Stambleck took over as the section's chair this year.

"I am proud to be part of this organization and the Family Law Section. We are a vibrant and active section offering tremendous benefits and opportunities to the members," he said. "The chair position offers a unique platform to promote and advance the practice of matrimonial law and I am committed to driving initiatives that embrace

diversity, inclusion, and innovation within our field."

One initiative is the Family Law Custody Mock Trial, which focuses on custody and financial issues and includes witness testimony and a forensic evaluator. New York judges will be on hand to rule on the attorneys' questioning and on evidentiary issues over the course of the day-long simulated trial.

Stambleck is encouraging his section committee chairs and district representatives to meet more often. "I want committee chairs to hold quarterly calls,

accessible to all section members, to discuss current events and issues in family law."

Stambleck is a matrimonial attorney and the founder of Mosberg Sharma Stambleck and Gross in New York City. He employs his experience as a former CPA to help clients navigate complex divorce cases, child custody and support agreements. He is a graduate of Indiana University's Kelly School of Business and Brooklyn Law School.



Peter Stambleck

Augustine Classical Wins 2024 New York State Bar Association Mock Trial Competition

By Jennifer Andrus

Augustine Classical Academy, a small Saratoga County Christian school, bested an impressive prosecution put on by Clarence High School from Erie County to win the New York State Bar Association Mock Trial Competition.

The fictional criminal case, the *People of the State of Nivana v. Lindsay Gordon*, involved a business owner charged with third degree arson following the destruction of her business, Gordon Paint Supplies. The criminal investigation revealed that Gordon was in debt and facing bankruptcy while also maintaining a \$2 million insurance policy on the business.

The courtroom was filled to capacity with students, parents and advisers watching the final match when Emily Kist of Clarence High School rose to present her opening statement. With poise and a clear voice, she laid out the prosecution's case detailing the motive and opportunity for Gordon to commit the crime.

The defense team of Hannah Trouwborst, Carter Van Amburgh and Dominic Marra used a strategy focusing on tearing apart the arson investigation and attacking the credibility of its investigator, Kelly Severide. The defense also focused on a disgruntled former employee, Pat Weaver, as a potential suspect in the crime. Gordon's attorney accused the investigator of confirmation bias and having tunnel vision in focusing on his client as a suspect. For nearly three hours, the teams examined and cross examined several witnesses including Gordon, who took the stand in her own defense.

Attorneys from both teams



Augustine Classical students celebrate their win with Oliver Young (center), who chairs the mock trial subcommittee of the association's Law, Youth and Citizenship Committee.

handled examinations and objections with confidence and stamina before Justice Eddie J. McShan of the Appellate Division, Third Department. Following closing arguments, Justice McShan found Gordon not guilty of arson, handing the win to the Augustine Classical team.

Justice McShan called the performance of both teams exceptional, citing a close final score between the teams. He called special attention to the students who played witnesses in the case. "Witnesses often don't get credit, but they should. They can really make your case," he said.

The statewide program involves thousands of New York high school students competing at the local, county and regional levels. The eight regional champions compete over two days in Albany each May. The top two teams face off in the final match held at the James T. Foley Federal



Courthouse in Albany.

Both Augustine Classical and Clarence High School have experience competing in the final stages of mock trial. In an interview earlier this month, Clarence's Lily Post offered insight into the team strategy.

"We are constantly reworking things to best suit the chemistry of our team," she said. "We have a pretty senior team this year, so we've all worked together for years, and just really have that

chemistry. You can see it when we compete."

In a show of team unity and celebration, the Augustine Classical team, still gathered in the courtroom, sang a sacred harp hymn "Antioch" used as their fight song this year. Coach Thomas Trouwborst says it speaks to the goals they set for the team each year.

"We want to honor the Lord, have fun while we are doing it, and we want to win medals," he said.

Nominating Committee Seeks Candidates for Bar Association Offices

The Nominating Committee invites members of the New York State Bar Association to submit recommendations of themselves or others for consideration in developing its slate of nominees for association offices beginning in 2025.

Members wishing to become an officer or member of the NYSBA Executive Committee should review Article VIII of NYSBA's Bylaws describing the Nominating Committee and nominations for office (<https://nysba.org/nysba-leadership/>).

As part of the selection process, candidates for the offices of president-elect, secretary, and treasurer may be required to appear in person before the Nominating Committee at its meeting on September 16 in Albany and at its meeting on November 1 in Albany. Candidates for the office of member-at-large of the Executive Committee may be required to appear in person before the Nominating Committee at one of the two meetings. No appearance before the Nominating Committee is required for the positions of vice president, elected delegate (three for each judicial district), the one member-at-large recommended by the Section Delegates to the House of Delegates, and the member-at-large recommended by the Young Lawyers Section.

Offices for Nomination

The Nominating Committee is accepting and will be interviewing candidates for president-elect, secretary, treasurer, and three members-at-large of the Executive Committee (please indicate if you are seeking a regular seat or diversity seat). At least one of these members-at-large is selected to further ethnic and racial diversity in the association and must come from a judicial district other than the First

Judicial District, since there is a member-at-large selected to further diversity from that district.

Other Offices

The Nominating Committee does not decide the vice-presidents and the elected delegates that are presented to the House of Delegates for election at the Annual Meeting. (See NYSBA Bylaws, Article VIII § 1(A)(3).)

Similarly, the Nominating Committee does not decide on the one member chosen by the Section Delegates to the House of Delegates and the one member chosen by the Young Lawyers Section to fill the position of members-at-large to the Executive Committee.

Therefore, candidates for these positions are not required to appear before the Nominating Committee. (See NYSBA Bylaws, Article VIII §§ 1(A)(4) & 1(A)(5).)

However, the Nominating Committee does encourage anyone interested in these positions to contact the vice presidents of their respective judicial districts and/or the chairs of the Section Delegates to the House of Delegates and Young Lawyers Section to determine deadlines and such criteria as may be established for consideration to fill the positions of a vice president, elected delegate, or Executive Committee member-at-large from the Section Delegates to the House of Delegates or Young Lawyers Section. For relevant contact information, please email your request to NominatingChair@nysba.org.

Special Eligibility Criteria for Candidates

A candidate for president-elect must have served as a member of the House of Delegates within five years preceding the time of nomi-

nation but need not be a member of the House at the time of nomination for office.

Nature of Service

The nature of service for NYSBA offices is described in the association's Bylaws (www.nysba.org/bylaws).

The president-elect, secretary, treasurer, 14 vice presidents, and 11 members-at-large serve on the Executive Committee and in the House of Delegates, which manage the business and activities of the association and generally meet quarterly. They also serve as liaisons to NYSBA committees and sections.

The president-elect chairs the House, assists the president, and becomes president on June 1 of the following year. Persons serving as president and president-elect will receive a stipend of \$75,000 and \$37,500, respectively.

The secretary keeps a record of House of Delegates and Executive Committee meetings. The secretary also chairs the Resolutions Committee and serves as a liaison to the Section Delegates to the House of Delegates.

The treasurer serves as an ex officio member (as does the president-elect) of the Finance Committee, which oversees the financial affairs of the association and meets approximately four times per year. The treasurer presents NYSBA's financial report at each House meeting.

Timetable for Submitting Recommendations

Members who are seeking office may place their names before the Nominating Committee by self-declaration or nomination.

Candidates for president-elect must submit their declarations of candidacy to the Secretary by no

later than Sept. 1, 2024.

Candidates seeking all other offices are strongly encouraged to file a declaration of candidacy and submit all background materials by Sept. 1, 2024 to ensure adequate time for review by the Nominating Committee.

In making nominations, members are encouraged to keep in mind the association's diversity policy, which was adopted by the House of Delegates in November 2003.

The policy emphasizes the commitment to achieving diversity in the "membership, officers, staff, House of Delegates, Executive Committee, sections and committees and their respective leaders. Diversity is an inclusive concept, encompassing gender, race, color, ethnic origin, national origin, religion, sexual orientation, age and disability."

Submissions must include a curriculum vitae or resume; a maximum of five letters of support; a written statement of no more than 500 words setting forth the reason for seeking office; and a disclosure of any public professional discipline, sanction, and/or contempt finding by a court. Please direct this information to T. Andrew Brown, Esq. Chair, Nominating Committee, New York State Bar Association, One Elk Street, Albany, NY 12207, or by email to NominatingChair@nysba.org.

Timetable for President-elect Candidates' Statements for Publication

Each candidate for president-elect is invited to submit a 500-word statement for publication on the NYSBA website by Sept. 1, 2024. For more information, please contact Chief Communications Strategist Susan DeSantis at sdesantis@nysba.org.

Chief Justice John Roberts Surprises NYSBA Young Lawyers With a Visit Ahead of Their Admissions Ceremony



More than two dozen young attorneys are joined by Immediate Past President Richard Lewis for the U.S. Supreme Court Bar admission ceremony.

By Jennifer Andrus

More than two dozen young lawyers from the New York State Bar Association were honored by a visit from Chief Justice John Roberts before their admission ceremony to the Supreme Court Bar. The Chief Justice attended a breakfast at the U.S. Supreme Court prior to the ceremony. Roberts talked about his roots as a native of Buffalo and described the history of the Supreme Court building, its artwork and architecture.

“I am a proud American and I’ve had non-stop chills ever since,” said NYSBA member Janine Materna. “Being able to meet Chief Justice Roberts was amazing, it was surreal. Thank

you to NYSBA for giving us this wonderful opportunity.”

Materna, who is both the deputy chief of compliance at the MTA and a solo practitioner, was inspired by her late father and her sister to join the Supreme Court Bar.

“It was a great thing to do for my future,” she said. “You never know where it might lead and with a background in litigation, it was an honor to join the Supreme Court Bar.”

New York State Bar Association Immediate Past President Richard Lewis was thrilled to escort the group the U.S. Supreme Court and meeting Chief Justice Roberts was the highlight.

“He told us stories about the art, which depicts historic moments at the court. He shared stories of lesser-known former Chief Justices who were depicted in the artwork,” Lewis said. “The Chief Justice is very aware of his predecessors; it was extremely interesting.”

Following the breakfast, the group attended the court’s reading of decisions, which takes place each Thursday in May. Justices Samuel Alito and Ketanji Brown Jackson read opinions released by the high court that day. The Chief Justice then called on Lewis to present and move the admission of the New York delegation to the Supreme Court Bar.

The group celebrated with a champagne luncheon at a hotel following the admissions ceremony with the new chair of the Young Lawyer’s Section, Jacob Petterchak, offering a toast. “It was great to see all sorts of young lawyers come out and participate,” he said. “We got to meet and mingle with people in many different areas of practice.”

An attorney wishing to practice before the Supreme Court of the United States must apply to do so. Applicants must be admitted to the bar of the highest court of their state for three years and must be sponsored by two attorneys already admitted to the Supreme Court bar.

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Finances

NYSBA Finances

The New York State Bar Association is committed to being accountable to its members and the public for its finances. The association works hard to ensure that member dollars are used to create professional, public service, and educational activities and benefits in the diverse and changing legal profession. Copies of the complete audited financial statements for the years 2023 and 2022 are available to members and may be obtained by contacting Kristin M. O'Brien, Senior Director of Finance, kobrien@nysba.org.

ANNUAL REPORT 2023

Revenue and Support:

Dues	\$8,722,000
Annual Meeting	\$863,000
Investment Income, Net	\$1,676,000
Other	\$234,000
Books and Publications	\$327,000
Administrative Fees and Royalties	\$2,330,000
Sections	\$3,245,000
Continuing Legal Education	\$2,547,000

Assets:

Cash	\$10,505,000
Investments	\$52,763,000
Property and Equipment	\$5,595,000
Other Assets	\$2,438,000



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