Growing your firm’s business and reach has never been easier with the help of the Nassau County Bar Association’s Lawyer Referral Service and Arbitration and Mediation panels. Members can receive new potential client referrals and join panels which handle cases at the most efficient rates—benefits exclusively offered to active NCBA Members only.

**Lawyer Referral Service (LRS)**

“I have been a member of Lawyer referral for 25 years. In that time, I have received a number of lucrative clients. The return on investment has been fantastic,” said NCBA President-Elect Gregory S. Lisi. Each year, the Nassau County Bar Association (NCBA) receives an influx of calls from members of the community regarding personal legal matters. Callers who are looking for an experienced and knowledgeable attorney to work with them on a legal issue are forwarded to the Lawyer Referral Service, or as our Members like to call it, “appro- priate dispute resolution,” affords clients a reasonable fees that are less expensive than other alternative dispute resolution providers. Mediators and arbitrators are highly skilled attorneys who have been admitted to the New York Bar for a minimum of 10 years as well as screened and approved by the NCBA Judiciary Committee.

Additional information and can be found at www.nassaubar.org under the “Open Doors to New Business with NCBA Member Exclusive Programs” tab.

**Alternative Dispute Resolution (ADR)**

Are you looking for expeditious, timesav- ing, and cost-effective solutions to resolve disputes that might otherwise be litigated in court? Lower cost mediation and arbitration through the NCBA is available to the public and all legal professionals who are looking for reasonable fees that are less expensive than other alternative dispute resolution providers. The Lawyer Referral Service Information Panel tab.

**Disciplinary Records**

Members on the LRS panel is open as an exclusive benefit to active NCBA Members. To join the panel, Members are asked to fill out the application form located on our website at www.nassaubar.org. The application form allows the applicant to choose the panels he/she wishes to be on. Once signed, the application, copy of current profession- al insurance coverage, and check or credit card information must be mailed to: Nassau County Bar Association, Lawyer Referral Information Service, 15th and West Streets, Mineola, NY 11501.

The Lawyer Referral Service has been a great resource for my practice for many years. I have received a consistent flow of business oppor- tunities. It’s an opportunity for me to gain a new client. People appreciate the fact that I take the time to try and help them. It’s a chance for me to get my name out there and expand my network,” said NCBA Member George Merritts.

**NCBA Mediation and Arbitration Panels**

The third-party neutral role enables a wide variety of other private and court-based panels. In addition to a minimum training requirement of 40 hours of Part 146-compliant training for mediators, with similar training requirements for arbitra- tors, applicants must demonstrate relevant experience, must be in practice at least ten years, and must be NCBA Members in good standing. Applicants who meet those requirements are then screened by NCBA Judiciary Committee, which reviews and must approve all applicants before they may serve on a panel.

On account of the commitment of the NCBA to its members, as well as the courts and the community, the fee charged for either mediation or arbitration is just $300 an hour, with a flat administrative fee of only $500 for each case. In the time of both presum- ptive ADR, coupled with a pandemic which has limited access to the courthouse, the NCBA Arbitration and Mediation Panels offers attorneys an exceptional tool to assist their clients resolve their disputes and move forward with their lives and their businesses.

Special thanks to Marilyn Genoa and Jess Bunnahft for their contribution to the ADR section of this article. Marilyn Genoa and Jess Bunnahft are Co-Chairs of the Nassau County Bar Association’s ADR Committee, overseeing the Bar Association’s arbitration and mediation panels as well as serving on the mediation panels themselves. They’re also independent mediators and arbitrators.
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12:30 PM
Presented by Chiropractor and Personal Trainer, Dr. Benjamin Carlow. Dr. Carlow will discuss how healthy living and eating increases well-being.

Thursday, November 12, 2020 | Leading a Meaningful Life
6:00 PM
Presented by Libby Coreno, Esq., Co-Chair of the NYSBA Lawyer Well-Being Task Force. Libby will share strategies on how to live a full and meaningful life.

Thursday, November 19, 2020 | Strategies to Recognize and Manage Burn Out
6:00 PM
Dr. Kerry Murray O’Hara, Psy.D. will discuss ways to prevent, recognize and manage burnout.

To register for the virtual LAP Wellness Series, contact Beth Eckhardt at eckhardt@nassaubar.org or call (516) 294-6022. Support LAP! Visit www.nassaubar.org/lawyer-assistance-program-3/ today to make a $25 suggested donation.
Criminal Law

New Repeal of Old Law Provides Insight into Law Enforcement Disciplinary Records

This past June saw an important piece of legislation concerning the public's right of access to law enforcement disciplinary records pass through the State Legislature with what might be considered uncompromising results for New York's legislative bodies. The Senate introduced and filed bill number S8496 on June 6, it passed both houses on June 9 and was delivered to the Governor on June 11, and on June 12 it was signed into law as Chapter 96 of the laws of 2020. This legislation had two important components: (1) it repealed section 50-a of New York's Civil Rights Law that shielded police officer records from wholesale disclosure, and (2) it made access to these records available to any member of the public through a simple request pursuant to New York's Freedom of Information Laws. In less than a week, decades-old confidentiality shielding the personnel and disciplinary records of law enforcement officers was abolished to further the goals of regaining the public's trust in law enforcement and to help make police officers more accountable for their misconduct.

Repeal of Civil Rights Law § 50-a

Civil Rights Law Section 50-a was one piece of legislation well-known to all police and other law enforcement and public officers in New York. This law prevented members of the public, including defense attorneys to obtain information about testifying police officers in pending cases that might be good fodder for cross-examination. The fairly recent widespread reporting of police-involved killings by law enforcement officers has led to a heightened concern about the prior histories of these officers and an increased desire to know about similar incidents of misconduct by these same officers. Thus, amidst the protests throughout the country and the rise of the “Black Lives Matter” movement, New York's legislators expeditiously repealed this half-century-old provision in approximately six days to be sure that those law enforcement officers who commit misconduct will no longer have their records shielded, and those who evaluate complaints against such officers will know that their decisions will now be subject to public scrutiny.

Availability of Law Enforcement Records under the Freedom of Information Law

The legislation that brought the repeal of § 50-a also brought important changes to the Freedom of Information Law (“FOIL”). It created a statutory scheme to enable members of the public to easily obtain the previously unavailable disciplinary records of a wide class of law enforcement and other public officers. In a report issued in 2014, New York’s Committee on Open Government ("COOG") set forth that the § 50-a exemption—which was created in 1976 for the “narrow” purpose of “preventing criminal defense lawyers from rifling through police personnel folders in search of undocumented information to use in cross examination of police witnesses during criminal prosecutions”—had been expanded by courts to allow police departments to withhold from the public “virtually any record that contains any information that could conceivably be used to evaluate the performance of a police officer.” In other words, COOG explained, § 50-a creates a legal shield that redeems disclosures even when it is known that misconduct has occurred, and urged that the Legislature and Governor make it a “top priority” to remove secrecy that “surrounds some activities of police departments across this State.”

This year, the Governor and Legislature acted in accordance with COOG’s urging, and have generally made available, pursuant to a FOIL request, the “law enforcement disciplinary records” of New York police officers, fire fighters, corrections officers, and other law enforcement personnel, as discussed in Public Officers Law § 86(8). However, not all the information contained within such disciplinary records is subject to disclosure. Some information is mandated to be redacted before disclosure of the disciplinary records, while other information is permitted—but not mandated—to be withheld.

For example, social security numbers are required to be redacted from the disciplinary records before the records are disclosed. In addition—with certain exceptions related to information obtained during a misconduct/disciplinary proceeding—a law enforcement employee’s medical history, as well as the employee’s use of an employee assistance program, mental health service, or substance abuse program—must be redacted prior to disclosure of the disciplinary records. Also to be redacted (with narrow exceptions) are home addresses, personal phone numbers, and personal e-mail addresses. Disclosure of the employee’s title, salary, and dates of employment is allowed.

Some information may be redacted by the agency responding to the FOIL request. Permissible—albeit not mandatory—redactions include records pertaining to “technical infractions.” A technical infraction is defined as a “minor violation” committed by the law enforcement employee that relates “solely” to the enforcement of administrative departmental rules and which (a) does not involve interaction with the public, (b) is not of public concern, and (c) is not otherwise connected to the employee’s investigative, evidentiary, training, supervision, or reporting responsibilities.

And, although not part of the recent FOIL amendment to the Public Officers Law § 89(2) permits an agency to deny access to records if disclosure would constitute “an unwarranted invasion of personal privacy.” The new FOIL provisions did not make changes to that statute, as noted by COOG earlier this year.

Moreover, in a July 27, 2020 Advisory Opinion, COOG provided examples of what may constitute an unwarranted invasion of personal privacy, if disclosed. The Committee on Open Government explained that a record of an “unsubstantiated or unfounded complaint” (even in redacted form) may be withheld under FOIL where an agency determines that such a complaint would constitute an unwarranted invasion of personal privacy. The committee also noted that records pertaining to charges that were dismissed or that merit could not be pursued if held if an agency determines that disclosure of such records would result in an unwarranted invasion of personal privacy. But, COOG remarked, withholding such information was discretionary, and, as a general matter, FOIL is based upon a presumption of public access.

In reaching its July determination, COOG noted that—at that time—they issued an opinion that formally answered the question whether unsubstantiated complaints against law enforcement personnel must be disclosed pursuant to FOIL, and at least temporarily enjoined the disclosure of such complaints. However, that backdrop has changed. In Uniformed Fire Officers Association v. Delia, the court permitted release of records that contained unsubstantiated or non-final allegations concerning conduct of the plaintiffs. As of the writing of this article, the decision is the subject of ongoing litigation.

Impact on Criminal Trials

These two new sections of law—the repeal of § 50-a and the availability of personnel records via FOIL—are likely to have a substantial impact on criminal trials in New York. For one thing, under well-established constitutional principles, these records might well contain impeachment material that is required to be disclosed to the defense pursuant to Giglio v. United States, 405 U.S. 155 (1972), and its progeny. Such information might also be discoverable pursuant to Criminal Procedure Law § 245.20(1)(k)(iv). It remains to be seen what information will be required to be disclosed, and the impact upon this responsibility where the information is equally available to both the prosecution and the defense. Courts will no doubt be tackling this matter when they review such personnel records in camera, and whether complaints and allegations that were marked unfounded or unsubstantiated will have any relevance in a criminal trial where the prosecution will be taking the stand and his or her credibility will be placed into issue. Surely upon the discovery of voluminous records, motion in limine practice will begin to evolve in advance of trial what sorts of allegations and specific assertions in the personnel records might be relevant to the issues at trial, and which will just be too far afield to be worthy of cross-examination lest the trial become a mini trial on all sorts of previously confidential matters. What was created in six days will surely take substantial longer multipliers in real time for criminal practitioners and judges to interpret and understand its far-reaching import.
Savor the Best in Life

While settling a matter in Suffolk Supreme this week, the attorney on the other side suggested we go to the cafeteria for a cup of coffee to write up a memorandum of understanding. As we sat safely distanced, he removed his mask and took a sip of coffee and I remarked, “You know, I have never seen your face.” He asked jokingly, “Is my face offensive, do you want me to cover it?”

We laughed! It was a reminder to me how so very much life has changed. My experience is not unique; I am sure you too can attest that you have new clients since the pandemic who you have not met in person. Yet, the obligations and responsibilities we have in our professional lives continue. In times such as these, it is important to count your blessings and give thanks!

Here are a few things at Domus I miss most and will not take for granted again:

• Seeing a colleague and receiving a warm smile or strong friendly handshake
• Lunch with the Bench, Bar and students
• Learning together at our CLE programs at Domus
• Volunteering with our Access to Justice Program and assisting persons who may not be able to afford consultation fees
• Attending the Lawyers Assistance Program (LAP) Retreat and being with people who are open and honest with the challenges of the profession as tools are provided for meeting the challenges
• Sitting with my mentee in a class and listening to his/her cares and concerns face-to-face
• Serving as a legal advisor or judging in the NYS Most Court Competition and seeing our future attorneys litigate with proper respect and professionalism while advocating their side

We have reconfigured and redesigned our Association to stay connected while being apart through the use of technology and have now moved to a hybrid of in-person and online, including the Nassau Academy of Law’s recent hybrid Bridge the Gap Weekend. The same can be said with our court system.

The Next Phase: Return to In-Person Operations in Nassau County

The Nassau County Bar Association recognizes the task at hand and values the extraordinary effort our Administrative Judge, Hon. Norman St. George, as he and his staff are slowly and deliberately increasing in-person courthouse proceedings. The monthly reports from Justice St. George to our Supreme Court Coronavirus Task Force have provided the steps of forward progress. On October 15, the Task Force was invited to the Supreme Court and were given an opportunity to ask questions and observe the court’s readiness.

Some of the protective safety measures and protocols implemented include layout changes with clear partitions erected on two sides of the judge’s bench and the relocation of juror seating to courtroom rows where spectators previously sat. Now, witnesses will testify from the jury box and the tables where attorneys sit with their clients have been rotated in the courtroom to provide for more distancing. Attorneys will only deliver remarks from a podium. Spectators will be seated in another courtroom and will be able to view the proceedings with state-of-the-art technology.

As I take the time to count my blessings and savor all the experiences, I want you to know individually and collectively that I am grateful you are one of them. Happy Thanksgiving!
New York State Chokehold Law: Meaningful Reform or Cruel Hoax?  
Fred Klein

Criminal Law

"You can fool all of the people all of the time, or you can fool some of the people all of the time, but you cannot fool all the people all the time." —Honor William J. Grano, complaining about New York state politicians.

On May 25, 2020, Memorial Day, most of us were spending the day honoring our veterans by relaxing and enjoying the healthy weather of the under the threat of the COVID-19 pandemic. Not so George Floyd. In the process of being arrested for allegedly using a $20 counterfeit bill and having a drug in his car, he was strangled by being unarmed, he was handcuffed, placed prone on the ground with the knee of a Minneapolis Police Officer firmly pressing against his neck for over 8 minutes, despite Mr. Floyd repeatedly pleading that he "could not breathe." As a result of this neck restraint, George Floyd died. Unlike most police civil encounter, however, most of this one was recorded by cell phone and police body cameras providing us with a more reliable description of the encounter.

ian encounters, however, most of this one not breathe. "As a result of this neck restraint, Mr. Floyd repeatedly pleading that he "could be captured, Aggravated Strangulation shows, the law neither bans nor criminalizes all chokeholds. More significantly, the police use for choking in New York State a decade before the death of George Floyd. This new law addresses putting to death. The protests have grown to include Garner of Staten Island, while being arrested the New York or New York rights crimes and sentenced to 7½ years in prison. From 2009 to 2013, the New York

From 2009 to 2013, the New York Pryor involved was acquitted of Criminally

Floyd was killed. Perhaps the legislators who voted in favor of the New York City Council of Los Angeles & Lyon, 461 US 597, n.1 (majority opinion) and 114-17, 117 n.7, 119 (Marshall dissenting).

2. Swanson, Revisiting the law neither bans nor criminalizes all chokeholds, and result with the same 15-year maximum sentence. The legislative changes have stopped including them in training

As a result of the death of George Floyd from a neck restraint in Minneapolis, four members of the Minneapolis Police Department have been charged with felony murder, and more than 60 videos of the Floyd's death were publicly released, people took to the streets in protest, mostly peaceful but occasionally resorting to looting and violence. These protests continued for days, weeks, and then months after Mr. Floyd's death. The protests have grown to include other recent deaths of African Americans killed by police action. These videos have expanded beyond Minneapolis to New York, the entire United States, and even internationally.

The protesters have demanded substanti- al changes to law enforcement to deal with institutional racism. These demands have included more police accountability and transparency, increased resources from law enforcement to social programs, and, particularly, a "ban" on chokeholds as a police technique to restrain suspects. As a direct result of protests, the New York State legislature passed, with only three dissenters, and Governor Cuomo signed, the "Eric Garner Anti-Chokehold Act" labelled Aggravated Strangulation, a Class C violent felony, punishable by up to 15 years in prison.

This new law has been proudly declared by the Governor, law enforcement, and the media as a "ban" on the police use of chokeholds. As the way is it is being portrayed to the public. In fact, the legis- lature stated that the purpose of the new law is to "establish criminal penalties for the use of a chokehold." The problem is that none of these descriptions of this new law are accurate.

In recognition of the extreme risks involved with the use of deadly physical force and impermissible acts by depriving the lungs and brain of oxygen. It can also cause fractures to the larynx, trachea, or thyroid bones. This is referred to as a "choke" or "strangle" hold. The second technique involves placing the officer's arm around the center of a suspect's neck in an effort to squeeze the arteries leading to the brain and thereby cutting off blood flow. This is referred to as a lateral or carotid hold and can also result in extreme distress to the suspect.

These two techniques are aimed at obtain- ing compliance by rendering the suspect incapable of breathing. If a suspect is maintained too long, however, or the vascular restraint becomes a chokehold by purposely or inadvertently shifting the location of pres- sure or shifting pressure from the larynx or trachea, it can cause extreme distress by depriving the lungs and brain of oxygen. It can also cause fractures to the larynx, trachea, or thyroid bones. This is referred to as a "choke" or "strangle" hold. The second technique involves placing the officer's arm around the center of a suspect's neck in an effort to squeeze the arteries leading to the brain and thereby cutting off blood flow. This is referred to as a lateral or carotid hold and can also result in extreme distress to the suspect.

The risk of serious injury or death is also increased by the poor state of health of the suspect, something unknown to the officer.

In immediate response to the protests stemmin from the death of George Floyd, New York State enacted several forms of criminal justice reform, including "The Eric Garner Anti-Chokehold Act" labelled Aggravated Strangulation, a Class C violent felony, punishable by up to 15 years in prison.

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The United States of America faces a once in a lifetime calamity. The country is in the midst of a devastating economic crisis—confronting a rise in unemployment rates, permanent job loss, and an approaching presidential election in which a major party candidate for President is accused of leading the country down the path of socialism.1 Demands come from across the political spectrum for new revenue to face the financial crisis. To provide much-needed financial relief to escalating budget shortfalls, the federal government enacts a measure to create new revenue by legalizing a substance viewed by a portion of the American public as dangerous and a cause of rising crime rates. America in 2020? No. It is the repeal of the Prohibition of 1933.

But history tends to repeat itself and the United States once again faces a significant economic crisis and a need for new tax revenue and job creation. The COVID-19 pandemic has thrown every aspect of American life into disarray. Work, play, education, travel… the impacts and effects of the pandemic have reverberated within every level of American society. Economists, politicians, and activists are advocating for the legalization of adult-use cannabis in Washington, D.C. and Albany. New York to help solve staggering unemployment and a shrunken GDP, and infuse tax dollars into the dwindling national and state economies. In 2020, is it high time to legalize adult-use cannabis? Lessons from history may not clear away the haze.

2020 Economic Landscape
As of August 2020, the unemployment rate in the United States stood at 8.4%, reflecting 13.6 million Americans out of work.2 Although a considerable number of Americans have been re-employed since the beginning of the pandemic, unemployment rates are more than double the steady average of 4% experienced in 2018. New York State, which bore the brunt of the COVID-19 pandemic in its early days, has seen its unemployment rate skyrocket to 15.8%. As of July 2020, over 1.5 million New Yorkers remain unemployed.3

The economic shutdown and high rates of unemployment have necessitated a new surge in federal and state spending, resulting in a staggering increase to the federal deficit. In January 2020, the Congressional Budget Office (CBO) projected the deficit to be at an already alarming $1.0 trillion.4 Now, subsequent to the COVID-19 pandemic and resulting economic impact, the CBO revised its deficit projection upward to $3.3 trillion. For the first time since World War II, the federal debt will be close to the size of the entire national economy.

Similarly, New York is experiencing a new dire economic reality caused by the COVID-19 pandemic. After years of budget surpluses, New York now faces a nearly $15 billion budget deficit in 2020, with a projected $16 billion budget deficit in 2021.5 Adding to the financial crisis is a shortfall in New York’s sales tax collections, down $1.2 billion for the first half of 2020.6 New York State has limited options to address its current fiscal woes. One possibility to close the budget gap is through direct federal aid. For months, Governor Cuomo has sought more than $80 billion from President Trump and Congress.7 Such aid is neither forthcoming nor predicted to solve the greater issues facing New York’s bud- get crisis.8 Alternatively, New York can cut spending. However, eliminating the deficit solely by billions of dollars in spending reductions does not appear feasible, when increases in spending are more likely than not. Finally, New York State can increase current taxes and/or impose new taxes to secure the revenue necessary to close the 2020 budget deficit. Many elected officials and progressive policy makers are advocating for new revenue sources as well as the imposition of new types of taxes on wealthy New Yorkers, something Governor Cuomo has been hesitant to do.9 One should expect a combination of two or more of these options, but with respect to additional tax revenue, the general issue is what more can be taxed and by how much?

Adult-Use Legalization of Cannabis: New York’s Hail Mary?

The COVID-19 pandemic has provided a watershed moment for the cannabis industry as evidenced in governmental acceptance of cannabis as an “essential business” during shelter-in-place orders. Of the eleven states that legalized adult-use cannabis, eight states immediately declared recreational cannabis essential, thus keeping open those businesses where other types of businesses were forced to temporarily close.10 Furthermore, states with medical marijuana programs also deemed dispensaries as essential and those businesses remained open during the pandemic shutdown. Like sales of alcoholic beverages, sales of cannabis surged during the spring, providing economists and politicians with crucial insight into the desire for cannabis as a mainstream product.11

Moreover, current civic unrest and the Black Lives Movement underscore the critical need for programs and economic pathways for equitable industry access for people of color. States that have enacted cannabis programs also established revenue reinvestment streams in minority communities as well as MWBE opportunities and fast-track applications processes for licensing.12 In its mission statement, Massachusetts’ Cannabis Control Commission states it is committed to an industry that encourages and enables full participation by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement.”13 Nationwide, the cannabis industry currently employs approximately 250,000 full time jobs and is the fastest growing job sector in the country.14

Although Governor Cuomo has publicly prioritized legalization of adult-use cannabis in New York’s 2020 state budget, the administration’s focus on reform was not ahead of the pandemic.15 Governor Cuomo and the Democratic-controlled Legislature failed to reach an agreement, let alone a vote, on adult-use. It is unclear whether the parties will reach an agreement on cannabis legalization in 2020, notwithstanding the fact that the Governor and State Legislature will need to return to Albany and reach an agreement on how to reduce the State’s budget deficit. Added to New York’s incentive to act quickly is the expected passage of New Jersey’s legislation in early November initiating legalizing adult use. New Jersey providing a possible marketplace for New York consumers, one should expect Governor Cuomo and the State Legislature to take up this issue in 2021, if not sooner.

New York should look to Illinois’ recently developed program for guidance and compelling evidence of immediate financial
Criminal Law

Acknowledging the Realities of Transgender People in the Criminal-Legal System

People from all walks of life may end up in situations where they become incarcerated. For some, their mere existence makes it much more likely that they will become involved with the penal system whether they break the law or not. For the approximately 1.4% of the US population they make up, transgender people are wildly overrepresented in the incarcerated population. “One in six (16%) respondents in the 2008-2009 National Transgender Discrimination Survey had been incarcerated at any point during their lives, with the rate skyrocketing to 47% among Black transgender people.”

Many factors contribute to this reality, but whatever the reason for any particular transgender person, their transgender status inevitably colors their experience behind bars.

The word “transgender”—an adjective—means a person whose gender identity does not match the sex they were assigned at birth. The word “cisgender”—also an adjective—means a person whose gender identity does match the sex they were assigned at birth. A transgender woman is a woman who was assigned male at birth. A transgender man is a man who was assigned female at birth. A nonbinary person is someone who does not identify as squarely male or female. People who fall into any of these categories may be gender conforming or gender nonconforming, which is about their expression of gender (the clothing they wear, their hair, their accessories, etc.) rather than how they feel internally.

The Law as It Stands

Both New York state and federal law purportedly protect incarcerated transgender people from being housed incorrectly, discriminated against, or otherwise denied equal access to care and commissary items (undergarments, hair products, etc.). In practice, however, every jurisdiction is basically left to its own devices, with barely any enforcement, save for the infrequent circumstances when a transgender person happens to have access to legal assistance.

Often, people are housed according to the name and gender designation on their documents. Because standards for changing those documents differ depending on jurisdiction, whether a person is housed correctly and given the attendant access to care and services is arbitrary and based on where they happen to be born, convicted, or incarcerated.

Safety Considerations

Safety is inherently difficult to ensure in confinement facilities. Jails and prisons are often close quarters, there exists a power imbalance between the staff and the people who are detained, a hierarchy among residents, and a scarcity of resources. Sexual assault both at the hands of staff and between incarcerated people is not uncommon. This risk is exacerbated nearly ten-fold for incarcerated transgender people, approximately 40% of whom reported a sexual assault in the past year. Nearly 1/3 of respondents to the U.S. Transgender Survey (2015) who were incarcerated reported that they were “physically and/or sexually assaulted by facility staff and/or another inmate in the past year.” Whether someone is housed in a facility that accords with their gender identity—as the law requires the option for—is a deeply personal decision based on individual considerations.

Imagine, for a moment, that you are the only woman in a men’s prison facility. It is not hard to recognize that in a hyper-masculinized environment with a dearth of women, you would likely be at increased risk for sexual assault or harassment. Now imagine that you are a transgender man in a men’s facility. By all outward appearances, you are no different from your cisgender peers…until you have to use a communal bathroom or shower, or until you are subject to a strip search. Inevitably, the news of your anatomy makes its way around the facility and suddenly you are a target. In many cases, the determining factor is not whether a person is housed correctly and given the attendant access to care and services, but whether you will be subject to increased risk because of your transgender status.

Medical Care in Custody

Some transgender people choose to undergo medical intervention as part of their transition. This can include hormone therapy, surgical intervention, and voice training, among other things. Ordinarily, when a medical professional determines that an incarcerated person needs medical treatment (say, for diabetes or cancer), they are (in theory) provided with access to that treatment and the cost of that treatment is covered by the state. The person is in the custody of the corrections department and thus, the department of corrections is constitutionally obligated to provide them with medically necessary care.

Due to historical and current discrimination and a lack of experienced providers, transgender care is often effectively exempted from this rule in practice. Sometimes the argument is cost-based even though transition-related care is less costly than many other medical treatments and decreases future costs for comorbidities related to healthy living and mental health. Sometimes the argument is thinly veiled transphobia masquerading as concern—making arguments such as the person does not have the capacity to make their own decisions about their healthcare and they want to make sure the person is not doing something irreversible that they will regret later. Sometimes it’s not so thinly veiled transphobia that flies in the face of all available medical evidence—this care is cosmetic under all circumstances. These same arguments are also used outside the penal system to deny transgender people

See TRANSGENDER, Page 19

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The NCBA Lawyer Assistance Program is directed by Beth Eckhardt, PhD, and the Lawyer Assistance Committee is chaired by Jacqueline A. Care, Esq. This program is supported by grants from the WE CARE Fund, a part of the Nassau Bar Foundation, the charitable arm of the Nassau County Bar Association, and NYS Office of Court Administration.

*Strict confidentiality protected by § 499 of the Judiciary Law.

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Autistic people face unique challenges that place them at a disadvantage in the criminal justice system as victims and as defendants alike. Society's rigid intolerance for social ineptitude and misunderstanding of autism translates to biased complainants, biased police, and, consequently, an already biased jury even before the prosecution and the defense present their opening arguments. Likewise, the very characteristics of those with autism prompt hardened criminals to disproportionately target them for victimization. As such, the law needs to go a step further to protect them as would the average person.

The CDC website outlines autism spectrum disorder (ASD) as "a developmental disability that can cause significant social, communication and behavioral challenges." Those with ASD have different ways of reacting to things, which is how they may find themselves on the other side of the law. The CDC states that among other issues, children or adults with ASD might: • have trouble relating to others or not have an interest in other people at all • have trouble understanding other people's feelings or talking about their own feelings • appear to be unaware when people talk to them, but respond to other sounds • be very interested in people, but not knowing how to talk, play, or relate to them • repeat or echo words or phrases said to them, or repeat words or phrases in place of normal language • have trouble expressing their needs using typical words or actions • repeat actions over and over again • have trouble adapting when route changes

According to a recent CDC report, in 54 eight-year-old children will be diagnosed with some form of autism.

Mental Condition and Mental State

Suppose a young man meets for drinks a young woman he met on a dating site. She does not feel any chemistry and does not want another date. As she walks back to her car at the end of the night, she is giving him polite one-word answers as he drones on about the history of every building they walk past. There is clearly no interest on her part, but it is not apparent to her date. He notices her cold shoulder but does not know what to make of it. Before quickly climbing into her car, she says thank you and good night. She texts him to say thank you but that she doesn't think they are compatible and wishes him luck in his search before driving home.

As the young woman heads home, the young man is dumbfounded and overanalyzing his date's cold shoulder. He completely ignores her fare-well and good luck text as if it never happened and instead proceeds to inundate her with texts demanding that she explain her body language to him because he has "never experienced something like (it) before.

Throughout the drive, she is not responding her texts and remains persistent for nearly a half hour demanding an explicit answer from her. She finally gets to the parking lot of her complex, grabs her phone and scrolls down the multitude of texts to find him explicitly asking her an inappropriate question about characteristic traits. When she answers "no," he begins arguing with her that the answer is "yes" and that she is not interested in admitting it and that this is perhaps why she is acting disinterested in him. He further claims that many people within her ethnic group possess those traits to back his argument and even utters an ethnic slur. She naturally becomes hurt and voicing that she is offended. He responds that there is nothing wrong with what he said and actually encourages this to be true. He continues to add insult to injury, when being interrogated by police, Mr. Rushin was so in much distress that he pleaded guilty to lesser charges. Had the case gone to trial and the Cottrell standard been applied, the defense may have convinced a jury that Mr. Rushin's conduct was not a manifestation of an autism spectrum disorder and should not be considered as evidence of mental illness.

Applying a reasonable person standard, he could not claim the standard affirmative defense as there is no legitimate purpose for testing someone unequivocally racist remarks. Given the racist, inappropriate nature of his words in the texts, common sense presumes that there is an intent to annoy as defined by the penal code for aggravated harassment in New York, and he could theoretically face criminal charges. Generalizations about one's ethnicity along with the utterance of a racial slur are "likely to cause annoyance" if not "alarm.

While people do recognize a difference in autistic individuals when they exhibit odd, eccentric behaviors, they nevertheless judge them against the standards set for non-autistic people. This bias carries on into jury deliberations at criminal trials. The jury of non-autistic citizens sees the man's odd demeanor and does not like him before they even know what he texted to her. And then they see his racist texts. They don't care that the autistic man means no malice and is unable to grasp the offensiveness of his words. He's just a weirdo they hate to hate notwithstanding his bigoted words. They convict him of aggravating harassment.

The Consequences of Misunderstanding Autism

In United States v. Cottrell, the defendant Mr. Cottrell was convicted of conspiracy and arson. The Court of Appeals affirmed the conspiracy conviction but overturned the arson conviction and remanded it to the lower court to instruct the jury on autism.

The court held that \"it is the extent that the Asperger's evidence was aimed at defeating an inference of Cottrell's intent from the circumstances, it was relevant and could have assisted the jury's determination. Whether or not the jury was inclined to believe the testimonies, they may have acquiesced in Cottrell's specific intent required for aiding and abetting\" in relation to the arson charge.

Black Lives Matter and Autistic Rights activists have petitioned Governor Ralph Northam to pardon Matthew Rushin, a young autistic African American man serving fifty years in prison after pleading guilty to two counts of malicious wounding and felony leaving the scene of an accident. The prosecution originally charged Mr. Rushin with attempted murder. On a rainy night, Mr. Rushin experienced an accident in a parking lot, panicked and drove away crying. He then realized he had to stay at the scene, so he attempted a U-turn, but instead of applying the brake he hit the accelerator, causing a head on collision and seriously injuring the elderly driver of the other vehicle.

Afterwards, a bystander got out of the car and asked if Mr. Rushin was trying to kill himself. He then mimicked the bystander's words, which is a manifestation of an autism symptom known as echolalia (the meaning being that he is repeating someone else's words) to add insult to injury, when being interrogated by police, Mr. Rushin was so in much distress that he pleaded guilty to lesser charges. Had the case gone to trial and the Cottrell standard been applied, the defense may have convinced a jury that Mr. Rushin's conduct was not a manifestation of an autism spectrum disorder and should not be considered as evidence of mental illness.

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Assume a defendant is charged with both murder and illegal possession of the gun used to shoot the victim; imagine, further, that he is convicted of both the murder but convicted of possessing the gun. Can the sentencing court nevertheless consider the acquitted murder in sentencing the defendant for the murder? Federal law permits such consideration, under certain circumstances. The New York Court of Appeals has yet to address whether it is permitted under the New York State Constitution. A recent state court decision from Michigan, however, may guide our own courts.

**Federal and State Approaches to Acquitted Conduct**

Under federal law, acquitted conduct can be the basis for an enhanced sentence on the crime of conviction (up to the statutory maximum for the offense of conviction) if the district court finds (de novo) the defendant guilty of the acquitted conduct by a preponderance of the evidence. In Watts v. United States, the U.S. Supreme Court held that a “not guilty” verdict was a finding of reasonable doubt, not actual innocence.5 Since the preponderance of the evidence standard governs admissibility of sentencing evidence, the “government will be unable to introduce evidence considered at sentencing provided it meets the preponderance standard of reliability.” However, in People v. Beck, the Supreme Court of Michigan expedited Watts v. United States on federal constitutional grounds.6 Beck was convicted at trial of being a felon in possession of a firearm during the commission of a felony. Beck was acquitted of the murder, but the sentencing court nevertheless sentenced him as if he had been convicted of that offense, based on a preponderance of the evidence finding. Reversing, the Michigan Supreme Court held that federal “due process bars sentencing courts from finding by a preponderance of the evidence that a defendant engaged in conduct of which he was acquitted.”7 In the case of the overruled decision,… , it was thought to be only a future at true discovery and was consequently never the true law”.8

6. See, e.g., People v. Beck, 469 N.Y.S.2d 573, 576 (1983) (“While there is nothing to prevent a petit jury from acquitting, and finding that the prosecution has proven its case, this so-called mercy-dampening power… is not a legally sufficient basis for sentencing, and should not be encouraged by the court”).

7. United States v. Thomas, 114 F.3d 606, 615 (11th Cir. 1997). However, see People v. Mandouris, 33 N.Y.S.2d 414, 419 (1941) (recognizing acquittal as an “inestimable consequence of the jury system and the system’s features designed to protect the jury’s power”).

8. 107 F.3d 175 (2d Cir. 1997).

9. See United States v. Booker, 543 U.S. 220, 240 n.4 (2005) (noting that since Watts did “not even have the benefit of full briefing or oral argument,” “[i]t is unsurprising that [the court] failed to consider fully the issues presented…”).


12. See United States v. Sabinova-Urnan, 772 F.3d 1328, 1331 (10th Cir. 2014); United States v. Obeid, 653 F.3d 1350 (10th Cir. 2011).


14. See United States v. Bell, 808 F.3d 926 (D.C. Cir. 2015).

15. See, e.g., supra note 8.

16. See, e.g., supra note 9.

17. See United States v. Gotti (Asaro). 10 The appeal was heard in April 2002, and the conviction was vacated by a summary decision. See, e.g., supra note 8.

18. See, e.g., People v. Gotti, 73 N.Y.S.2d 751, 752 (1948) (“While there is nothing to prevent a petit jury from acquitting, and finding that the prosecution has proven its case, this so-called mercy-dampening power… is not a legally sufficient basis for sentencing, and should not be encouraged by the court”).


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Pre-registration is REQUIRED for all Academy programs. Go to nassaubar.org and click on CALENDAR OF EVENTS to register. CLE material, forms, and zoom link will be sent to pre-registered attendees 24 hours before program.

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Battle for Blessed Fulton Sheen’s Body: A Discussion of the Matter of Cunningham v. Trustees of St. Patrick’s Cathedral
*With the Catholic Lawyers’ Guild*
6:00—7:00PM via ZOOM
1 credit in professional practice

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Dean’s Hour: Social Media Ethics Issues
Program sponsored by NCBA Corporate Partner Champion Office Suites
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United States Supreme Court: Where Pop Art, Culture and Law Meet
5:15—7:00PM via ZOOM
1 credit in diversity, inclusion and elimination of bias; 1 credit in professional practice

**NOVEMBER 10**
Dean’s Hour: Settlement of Discrimination Cases—Tax Considerations
Program sponsored by NCBA Corporate Partner Champion Office Suites
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1 credit in professional practice
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Why Civility in the Practice of Law Matters: A Focus on Personal Injury Law
5:30—7:30PM via ZOOM
2 credits in ethics
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Please allow 10-14 business days for receipt of CLE credit from the Academy due to high volume of programming.

Please submit all CLE forms to academy@nassaubar.org for credit.

Thank you. We look forward to "seeing" you soon.

—Jen and Patti
In 2011, without much notice or public comment, the due process rights of students accused of sexual misconduct were severely curtailed at the nation’s colleges and universities. Educational institutions did so out of fear of losing federal funding for actually affording students a fair hearing. In case after case, colleges and universities assumed that accusations were true without providing a meaningful opportunity for the accused to present a defense.

This denial of due process came in response to the Department of Education’s 2011 Dear Colleague Letter which threatened to withhold federal funding from educational institutions that applied traditional procedural safeguards. In the years that followed its 2011 Dear Colleague Letter, the Department of Education experienced significant pushback from law professors, parents, civil libertarians, educators, politicians, and the courts. An escalating pattern of due process violations has motivated various courts to abandon their prior deferential attitude toward student disciplinary proceedings. Federal judges, agitated at the blatant bias against accused students that characterized these disciplinary hearings, began overturning suspensions and expulsions when schools failed to respect due process rights.

The Department of Education then reversed course in 2017, but only recently has it announced new rules that schools must follow as a condition for accepting federal funding. These new rules are a victory for all students, who are now entitled to a fair hearing when they are accused of sexual misconduct on campus.

New Rules

The Department’s new rules address discrimination, sexual harassment of employees, and other acts that do not necessarily give rise to student discipline. As the rules affect complaints of sexual misconduct by one student against another, the rules add several important safeguards to protect the due process rights of accused students.

Complaints

Schools must designate a Title IX Coordinator to receive reports about conduct that would violate Title IX. The reports need not be made by the alleged victim. The Title IX Coordinator may not be the accuser or the advocate who sides with either the accuser or the accused.

The Coordinator must respond whenever there is a reasonable possibility of a potential Title IX violation. That response must include a confidential conversation with the alleged victim that outlines the supportive measure the school can provide. The school is not required to decide whether the accusations are true before offering such supportive measures.

Supportive measures are non-punitive actions that would permit the accuser to receive the full benefit of an education without unduly burdening the accused. Supportive measures might include counseling or a change of class schedule that would allow the accused to avoid the accuser. Disciplinary proceedings against the accused are not regarded as supportive measures. Discipline may only follow the filing of a formal complaint, a neutral investigation of the facts, and a fair hearing.

The Coordinator must give the accuser an opportunity to make a formal complaint. No disciplinary action may be pursued against the accused in the absence of a formal complaint. The complaint may only be filed if the accuser is still participating or attempting to participate in the education program.

The Coordinator must consider the accuser’s wishes and should generally respect the accuser’s desire not to make a formal complaint. However, the Coordinator is authorized to file a formal complaint on behalf of the school against the accuser’s wishes unless filing the complaint and initiating an investigation would clearly be unreasonable.

The Department’s 2011 Dear Colleague Letter was widely perceived as prohibiting informal resolutions of sexual misconduct allegations. The new rules allow students to agree upon a non-adversarial approach, such as mediation, to arrive at an outcome that will resolve the allegations without disciplinary proceedings. That change permits accusers to avoid formal proceedings which they may not wish to participate in.

Investigations

When a complaint is filed, the school must send written notice of the allegations to both the accuser and the accused. The school must then gather evidence in an investigative process that will resolve the allegations without conducting an independent investigation. For example, the school cannot impose a “gag order” that prevents the accused from discussing the accusations with potential witnesses.

The school’s investigators, like the Title IX Coordinator, must be neutral and cannot have a personal interest in the matter. The investigator typically is not the decisionmaker but the coordinator who decides guilt—a practice that predetermines guilt, since the investigator typically acted as an advocate for the accuser—must be replaced with a system that assures the decisionmaker be free from bias and neutral.

The Department’s new rules also require that the decisionmaker cannot also be the investigator. The practice of having an investigator decide guilt—a practice that predetermines guilt, since the investigator typically acted as an advocate for the accuser—must be replaced with a system that assures the decisionmaker be free from bias and neutral.

Hearings

The new rules prohibit the school from restricting a student’s constitutional rights during a hearing. For example, it cannot require an accused student to surrender the right to remain silent. The new rules expressly require the school to presume the innocence of the accused. This represents a significant change from earlier procedures that tacitly encouraged schools to assume that all accusations of sexual misconduct are true.

The new rules also allow schools to use a “clear and convincing evidence” standard of proof. The former guidance demanded that schools use the lower preponderance of the evidence standard that is traditionally used to resolve civil disputes.

Required procedures for disciplinary hearings involving Title IX charges are designed to respect an accused student’s constitutional right to due process. These procedures include:

- Written notice of the allegations in advance of the hearing
- The right to select an advisor of the student’s choice, who may be an attorney
- An opportunity to see the decision based on a review of documents
- The opportunity to present evidence
- The opportunity for the accused’s advisor to cross-examine the accuser
- A written decision that explains the decisionmaker’s conclusions

In addition, the new rules require that the decisionmaker cannot also be the investigator. The practice of having an investigator decide guilt—a practice that predetermines guilt, since the investigator typically acted as an advocate for the accuser—must be replaced with a system that assures the decisionmaker be free from bias and neutral.

Scott J. Limmer concentrates his practice in the areas of criminal defense and college discipline defense. He is also the co-host of the podcast “Reboot Your Law Practice.” Scott can be reached at Scott@Limmerlaw.com.

3. Scott@Limmerlaw.com
The COVID-19 pandemic has fundamentally altered the conduct of virtual court proceedings across the state and the country. Courts have heavily relied upon virtual proceedings in lieu of in-person proceedings to facilitate the essential functions of the criminal justice system while protecting public health and safety. Courts across the state are now dealing with the challenges of conducting trials without jeopardizing the health and safety of judges, jurors, attorneys, court staff, court officers, corrections officers, police officers, defendants, and witnesses. These challenges are significant.

Fortunately, the use of virtual testimony, when necessary and required by exceptional circumstances, can protect the health of all of the participants in a trial, preserve the integrity of the proceedings, and safeguard the rights of the accused.

**Courts Have Permitted Virtual Testimony Before COVID-19**

This use of virtual testimony at a criminal trial is not a new concept. There is precedent for taking virtual testimony via two-way television or remote video-conferencing in lieu of in-person testimony at criminal trials. The United States Supreme Court paved the way for the use of virtual testimony in criminal trials back in 1990. In *Maryland v. Craig*, the Supreme Court held that a Maryland statute that permitted the use of one-way closed-circuit television to take testimony from children alleged to be abused by the defendant did not violate the defendant's rights under the Confrontation Clause. In reaching its holding, the Court reasoned that the Confrontation Clause does not guarantee criminal defendants the absolute right to face their accusers in the courtroom. In *People v. Wrotten*, the New York Court of Appeals held that trial court’s decision to permit a witness for the prosecution to testify virtually at trial via live two-way television from a remote location was constitutional. Although there is no statute that expressly authorizes the use of virtual testimony, the Court of Appeals reasoned that the public policy of justly resolving criminal cases while at the same time protecting the well-being of a witness can require live two-way video testimony in the rare case where a witness cannot physically appear in court. The Court of Appeals held that trial court must find that the witness’s testimony would be material and that it would be impossible for the witness to testify in person. In *Wrotten*, the Court of Appeals held that the witness was not sufficiently impaired. Specifically, the witness was sworn, was subject to full and complete cross-examination, and testified in full view of the jury, the court, and the accused.

The requirements for taking virtual testimony established in *Wrotten* are consistent with the procedures used in the United States Supreme Court in *Craig* and by the Second Circuit in *Gigante*. Accordingly, compliance with Wrotten ensures that the use of virtual testimony does not violate a defendant’s right to a fair trial, even if the defendant objects.

**The Wrotten Two-Prong Test**

The Wrotten Court established a two-prong test for the use of virtual testimony in a criminal trial. First, since virtual testimony is “an exceptional procedure to be used only in exceptional circumstances,” there must be a “case-specific finding of necessity.” Second, the virtual testimony must be taken in a way that ensures its reliability and does not violate the Confrontation Clauses of the Constitutions of the United States or of New York State.

To establish that the use of virtual testimony is necessary in a particular case, the court must find that the witness’s testimony would be material and that it would be impossible for the witness to testify in person. In *Wrotten*, the Court found that the prosecution needed the witness’s testimony and that it was physically unable to come to court or cannot come to court without significantly endangering his health.

To ensure the reliability of virtual testimony and not run afoul of the Confrontation Clauses, witness testimony must meet the following qualifications: (1) the testimony must be given under oath, (2) the testimony must be given by a witness who is present in the courtroom, (3) the witness must be subjected to cross-examination, (4) the witness must be given the opportunity to raise challenges to the reliability of the procedure used to receive the remote testimony, and (5) the procedure used to receive the remote testimony must not violate the Confrontation Clauses.

**Virtual Testimony in Criminal Trials**

The taking of virtual testimony using such video-conferencing software would afford defendants the same opportunities to cross-examine witnesses as they would if the witnesses were present in the courtroom. The prosecutor would ask questions of the witness and the witness would answer those questions. The defense attorney would then ask questions of the witness and the witness would answer those questions. The defendant, the judge, the attorneys, and the jurors would all have the opportunity to see, hear, confront, and convince the witness. All of this would transpire just as it would if the witness was physically present in the courtroom.

The use of video-conferencing software to admit virtual testimony into evidence at a criminal trial is not a novel concept. In *People v. Novak*, the trial court applied the Wrotten test, permitted a witness to testify virtually via Skype video-conferencing software because requiring the witness to appear in person would have imposed a substantial hardship on the witness and because the court found that Skype was sufficiently “reliable, accurate, and widely used.”

**Benefits of Virtual Testimony During a Pandemic**

There are substantial benefits to the use of virtual testimony during a pandemic. The COVID-19 pandemic requires that persons, including witnesses, cover or shield at least part of their face using a clear plastic face shield or cloth face mask. In addition, courtrooms will likely erect plexiglass dividers and barriers to prevent the transmission of the virus from one person to another in the courtroom. None of these safeguards is necessary for a witness who testifies virtually. Accordingly, all of the participants in a trial will have a better opportunity to observe and hear a witness who testifies virtually and is displayed on a screen than they would a witness who is in-person but shielded by any number of barriers and coverings.

The use of virtual testimony will allow witnesses to testify even if they are unable to come to court. A witness cannot even enter a courtroom if that witness recently tested positive for COVID-19, recently experienced symptoms of COVID-19, or recently travelled to or from one of the many countries that have strict travel regulations. If any of these conditions are present for a witness then that witness is unable to testify in-person but might be able to testify virtually.

**Tax Defense & Litigation**

Harold C. Seligman has been a member of the United States Tax Court since 1987. He has represented individual and corporate clients in hundreds of tax cases, both large and small, over the past 30 years against the IRS and New York State Department of Taxation and Finance.

Christopher M. Casa
Within the realm of the Marvel Universe, no lawyer is more highly regarded or in greater demand than Matt Murdock, aka Daredevil—the Man without Fear. Ranked the #1 Lawyer in Comics in the ABA Journal, greater demand than Matt Murdock, aka no lawyer is more highly regarded or in themselves blind. He needn’t have worried.

With his fists. But like many lawyers, he is all discernable superpowers other than his acro-grained polygraph machine. He can gauge the beating of the human

He now possesses an innate extra-sen-torial ability. Matt/Daredevil is distinguished from his fel-lows in Hell’s Kitchen. The inherent tension between the letter of the law and attaining justice is at the heart of the comic.

Unlike Superman with his x-ray vision, Daredevil is distinguished from his fel-low superheroes by virtue of being blind. Ironically, he was blinded by saving the life of a sightless man who was about to be struck by an oncoming truck. The resulting acci-dent saw radioactive waste spilled over Matt, robbing him of his vision. But as this window-closed, quite literally another opened.

For the incident hyper-accentuated his other senses. His newfound capabi-lities more than augur his loss of sight. He now possesses an innate extra-sen-sory radar and such acute hearing that he can gauge the beating of the human heart, a skill which functions much like an ingrained polygraph machine.

Beyond these attributes, Daredevil has no discernible superpowers other than his acro-batic skill and athletic prowess. His walking cane contains a grappling hook which he uses to scale city buildings. He is also very good with his fists. But like many lawyers, he is all too human.

Co-creator Stan Lee was initially con-cerned about the public reaction to his char-ac-ter’s disability, particularly those who are themselves blind. He needn’t have worried.

The response was overwhelmingly positive as blind people enjoyed having the stories read to them rather than read themselves.

“Daredevil apprehended the night before.”6 The sixties were the hey-day of the Warren Court, with its emphasis on protecting the rights of the accused. The need to recon-cile the character’s dual nature— the lawyer working responsibly within the constraints of the law and vigilant working outside the law—has been ever con-stant.

The comic took a quantum leap forward when Frank Miller became associated with the title in 1979.6 Miller’s contributions to the Daredevil saga are incalculable. During the early Eighties, he refashioned the charac-ter’s backstory and crafted compelling non-linear stories that explored themes of violence and retribution. His setting was the dark urban landscape of pre-Giuliani New York.

Miller’s inspired storytelling and his graphic artwork were both “cinematic and atmospheric.”7 Miller transformed Daredevil from the regular “Spiderman” to a cultural icon with his own devoted follow- ing. His indelible contribution was the creation of Electra Natchios, Matt’s deadly nemesis and a former lover, who became a fan phenomenon in her own right.

Most telling of all, Miller never lost sight of the fact that Matt/Daredevil was a lawyer blessed with a keen legal mind. In the char-ac-ter’s own words:

“We are only human ... We can be weak. We can be evil. The only way to stop us is killing each other to make rules, laws. And to stick to them. They don’t always work. But mostly, they do. And that’s the way we are.”

Miller’s Daredevil was a revelation, heralding a new direction in the world of com-ics. It would also prove to be a harbinger of things to come as Miller’s conception provided the source material for the series, but it is the acting, writing, direction, and production values that bring the show vividly to life. Unfortunately, Marvel’s Daredevil was cancelled in 2018, but the episodes are still available on Netflix. They are well worth watching, serving as both an exciting legal drama and a gritty tale of super heroes.

In 2015, Daredevil came to television with Charlie Cox as the Devil of Hell’s Kitchen. The product of considerable study, Cox’s characterization of Matt’s blindness is sincere and accurate. The actor is also sensitive when conveying the character’s other en-hanced senses, so the audience is confronted with a character who is both handicapped yet extraordinary at the very same time.

Cox as Daredevil operates in a nefari-ous world of sin and crime, wherein his convictions as an attorney are continuously challenged. The series offers a haunting portrait of a man at odds with himself, as Daredevil tends to meet out a truer measure of justice than that of the law.

Taking its cue from Miller’s interpretation of the character from the 1980s, the religious dither-day Saint Sebastian, the early Catholic character’s other now-en-cal vigilante Frank Castle/The Punisher (Jon Bernthal). Neither of these characters has any grounding in faith, finding direction in their own way. But it is Matt/Murdock who subsequently joins the office as a paralegal. The firm of Nelson & Murdock is an oasis of high-mindedness in service to those who are genuinely innocent.

The lawyer working responsibly within the constraints of the law and vigilante working outside the law—has been ever con-stant. But are the character’s professional ideals tested, but so are the dictates of his conscience. By night, as the Catholic lawyer, Daredevil is “gritty, complex and heroic” as “Daredevil demonstrates what a real Catholic does in the face of adversity. He fights, he struggles, and he fights some more.”

In one episode, Matt unburdens himself in the confession. He tells his confess-er Father Lantom (Peter McRobbie), “I’m not seeking forgiveness for what I’ve done. Father. I’m asking for forgiveness for what I am to do.” To truly appreciate this, one needs to understand the Irish Catholic milieu Matt was raised in and which forms the core of his identity.

Matt was raised by his boxer-father—a pug-fighter named Battlin’ Jack Murdock. His father was murdered for refusing the mob and winning a fight he was paid to throw. Just as he became a lawyer to fulfill his working-class father’s ambitions, Matt sacrifices his body each night working as a “way of dealing with the guilt he feels about the murder of his father.”

As portrayed by Cox, Matt/Daredevil is a latter-day Saint Sebastian, the early Catholic martyr traditionally depicted as being shot from head to toe with arrows. Every night he takes a terrific mauling. At the same time.

the arc of the series is replete with religious symbolism.

He nevertheless stands in stark contrast to his arch foil, Wilson Fisk, aka Kingpin (Vincent D’Onofrio). What Miller’s creation of the mani-cal vigilante Frank Castle/The Punisher (Jon Bernthal). Neither of these characters has any grounding in faith, finding direction in their own way. But it is Matt/Murdock who subsequently joins the office as a paralegal. The firm of Nelson & Murdock is an oasis of high-mindedness in service to those who are genuinely innocent.

Fisk is motivated by his unquenchable thirst for power and hatred by his abusive childhood. Castle is spawned on a devi-talization for vengeance after his family was killed following his return from military service. Ultimately, Daredevil will bring Fisk to justice for his crimes in an expected as well as unexpected places, from statutes to scripture, from codes to comics.

Mythical religious traditions, and the laws society enacts all play their part in fashion-ing our perceptions of the law. For more than half-a-century, Daredevil has been a tantamount example of the ethical imperatives of the legal profession. Thanks to Stan Lee, Frank Miller, Charlie Cox, and others, the character will continue to resonate with certain audiences, and may even encourage an appreciation for the law.

Rudy Carnetmy 

Rudy Carnetmy serves as a Bureau Chief in the Office of the Nassau County Attorney’s Bureau of Legal Services for the Nassau County Division of Social Services, and the Language Access Coordinator for the Nassau County Executive. He is also Vice-Chair of the Nassau County Anti-discrimination Law Committee.


3. Brian Cronin, “We Are Only Human ... We Can Be Weak. We Can Be Evil. The Only Way to Stop Us is Killing Each Other to Make Rules, Laws. And to Stick to Them. They Don’t Always Work. But Mostly, They Do. And That’s the Way We Are.”

4. In 2003, the character was transferred to the movie screen in the film Daredevil starring Ben Affleck and directed by Mark Steven Johnson.


8. Sanderson, supra at 188.

9. Jennifer Garner; it was written and directed by Mark Steven Johnson.

10. Bone Thugs-N-Harmony’s “Icy,” with a bridge too far too. Matt’s abiding Catholic faith prevents him from going to the murder-ous lengths that either his adversaries or his companions might undertake without a moment’s hesitation.

impact. Illinois, like New York State, first introduced the concept of cannabis legalization via medical marijuana when it enacted the Compassionate Use for Medical Cannabis Pilot Program Act in 2013. In 2019, Illinois became the first state to enact legalization of adult-use marijuana via state legislation, as opposed to a state constitutional initiative. Within the first six months of its adult-use cannabis program, Illinois collected more than $52 million in state tax revenue and provided employment for more than 9,000 in the space, resulting in additional income and other related tax revenue to Illinois’ coffers. Pre-panemic economic predictions suggested that the Illinois program may see employment gains by as much as 63,000 jobs by 2025. Other state-wide adult-use programs, such as Massachusetts, saw slower financial gains, as compared to Colorado and California, though the long-term outlook is extremely positive for both increased job creation, tax revenue, and minority business opportunities.

Will the Feds Beat New York to Legalization?

The House of Representatives has begun to take major steps towards legalizing canna- bis. To address the extremely conflicts and legal uncertainty that govern the cannabis indus- try, the House passed the Secure and Fair Enforcement (SAFE) Banking Act of 2019 last September. The SAFE Banking Act prohibits a federal banking regulator from penalizing a financial institution for provid- ing banking services to legitimate mari- juana-related businesses, though marijuana remains federally illegal. The legislation was passed with over 30 votes and had signifi- cant bipartisan support. The House vote was historic as it was the first time a stand-alone bill that would legalize some aspect of mari- juana policy passed a house in Congress. The SAFE Banking Act has yet to be considered by the United States Senate.

In 2020, the House seemingly poised to pass the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, a more aggressive approach at marijuana legalization. The bill would clearly and definitively de-crim- inalize cannabis and thus enable interstate commerce and pave the way for banking services. The MORE Act is sponsored in the House by New York Congresswoman Jerrold Nadler and in the Senate by California Senator (and now Democratic nominee for Vice President) Kamala Harris.17 While the House is expect- ed to pass the MORE Act sometime this fall, the bill is unlikely to move forward in the Republican-controlled Senate. However, it is a hotly contested general election cycle. The MORE Act specifically seeks to remove marijuana from the list of scheduled substances under the Controlled Substances Act and eliminates criminal penalties for an individual who manufactures, distributes, or possesses marijuana.18 In the parlance of marijuana law, this would be its own rev- olution reclassifying the bizarre landscape of marijuana law as a controlled substance, ille- gal federally while states legalize its use. The states’ adult-use programs have been operat- ing with the tacit permission of the federal government. But with clear delineation of a new federal policy on cannabis, it would be legally regulated, allowing for interstate trade. Although the clearer lines of legality would assist attorneys, businesses, financial institu- tions, and consumers, the federalization of cannabis will greatly impact small-business job growth in states, such as New York, that have not yet legalized adult use. Existing state lawmakers who support cannabis and promote their own local/statewide busi- nesses could be priced out of the marketplace by larger conglomerates ready to create inter- state platforms.

Conclusion

Winston Churchill once said “Never waste a good crisis”—advice that should now be heeded by Governor Cuomo and New York State lawmakers. Legalization of cannabis will bring in much-needed revenue to New York, both through sales taxes on the purchase of marijuana as well as income taxes on the employment oppor- tunities created by a New York State green rush. But now is the time for action by state elec- tion officials. Depending on the outcome of the upcoming elections, the federal government could step up its efforts to legalize mari- juana throughout the United States in 2021. But while de-criminalizing marijuana would have significant practical legal effects and provide marijuana consumers and business- es streamlined regulations and protections, the legislation in the establishment of adult- use programs may not reap the maximum financial benefit. New York needs to see through the haze and recognize that now may be the most opportune time to legalize adult-use marijuana for the benefit of the state, its businesses, and its residents.

Abigail Kasse is a Partner and Chair of the Law Department and Co-Chair of the Medical Marijuana Law Group at Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP.

1. Christopher Klein, “Restrains JFK, Howard Hughes Tried His Own ‘New Deal’,” History.com, Feb. 29, 2020, https://histi- ry.com/3/3/3/3/Um (noting that it was Democratic Vice President John Nance Garner, not President Franklin Delano Roosevelt, who having ecom- omist J. M. Keynes as a “leading the country down the path of social- ism.”)


19. Id

20. Id


22. Id

23. Id

24. Id

25. Id

26. Id

27. Id

28. Id

29. Id

30. Id

31. Id

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127. Id

128. Id

129. Id

130. Id

131. Id

132. Id

133. Id

134. Id

135. Id

136. Id

137. Id

138. Id

139. Id

140. Id
Ronald Fatoullah of Ronald Fatoullah & Associates received his fourteenth-year inclusion as Super Lawyer© for New York Metro 2020 which was announced in the New York Times magazine. In addition, he presented "Legal and Financial Planning for Caregivers" for the Alzheimer’s Association LI Chapter Symposium. Throughout these unprecedented times, he has been continuing to provide educational webinars to the community as well as to professionals regarding the upcoming changes to community Medicaid in New York and the importance of early planning. Adam D. Solomon was also honored by his selection to Super Lawyer® for New York Metro 2020 as a “Rising Star.”

Tax attorney Karen Tenenbaum, Tenenbaum Law, P.C. has published an article in the Journal of Financial Planning on the topic of “COVID-19 Sheltering in Place May Lead to Tax Liability for Clients.” She was featured on Long Island Business News Now about “What To Do If You Cannot Pay Your IRS and NYS Taxes,” and was also a guest on the Law You Should Know radio show with Ken Landau, and discussed COVID-19 and residency issues.

Troy Rosasco and Daniel Hansen of Hansen & Rosasco, LLP are pleased to announce the opening of the firm’s new Nassau office located at 666 Old Country Road, 9th Floor, Garden City, NY 11530, (516) 350-0789. They also have offices in Manhattan and Islands. In addition, they are both proud to have been recently recognized as 2020 Metro-New York Super Lawyers. Mr. Rosasco was interviewed last month by the Editor of Long Island Business News on their livestream show discussing the impact of COVID on 9/11 Victim Compensation Fund claims.

For the eighth consecutive year, Richard K. Zuckerman of Lamb & Barnosky, LLP has been selected by his peers for recognition in the 2021 27th edition of The Best Lawyers in America® in the practice areas of Labor Law—Management, Labor Law—Management, and Litigation—Labor and Employment. Mr. Zuckerman was also a co-speaker on the topic “Free Speech in the Public Sector: What Employees Can and Cannot Say” at the New York State Bar Association’s virtual “Bringing the Gap” CLE Program. Sharon N. Berlin has been selected by her peers for recognition in the 2021 27th edition of The Best Lawyers in America® in the practice areas of Labor Law—Management. Sharon was also named Best Lawyers’ Lawyer of the Year for Labor Law—Management (Long Island) for 2020. Ms. Berlin delivered her message from the Chair and together with Mr. Zuckerman, authored the article, “10 Top Public Sector Labor and Employment Law Things to Do in 2020,” which appeared in the New York State Bar Association Local and State Government Law Section’s publication, Municipal Lawyer, 2020, Volume 34, No. 1 issue. Mara N. Harvey will speak on the topic entitled “School Elections: A Looming New Horizon?” at NYSSBA 2020, the first Virtual Convention & Education Expo co-sponsored by the NYS School Boards Association and NYS Association of School Attorneys. Eugene R. Barnosky will a speaker/facilitator on the topic entitled “Collective Bargaining—More than COVID-19” at the virtual 24th Annual Pre-Convention School Law Seminar co-sponsored by the NYS School Board Association and NYS Association of School Attorneys. Lauren Schnitzer presented on the topic ‘IPE Evaluations and Eligibility’ at the National Business Institute Virtual Seminar entitled ‘IPEs and 504 Plans.” Adam S. Ross was interviewed by the Buffalo NBC news station on the topic “Analysis: Legal Rights When it Comes to School Closures.” Vishnick McGovern Milzio LLP (VMM) partner Andrew Kimler, head of the Employment Law, Commercial Litigation, and Alternative Dispute Resolution Practices and key member of the LGBTQ Representation Practice, conducted a live webinar and Q&A on October 1, 2020 with the Home Fashion Products Association (HFPA), titled “Returning to Work During a Pandemic: What You Need to Know.” Partner Joseph Trotti, a partner of the firm’s Matrimonial & Family Law Practice and a leader of the Surrogacy, Adoption, and Assisted Reproduction, LGBTQ Representation, and COVID-19 Legal Assistance Practices, will be leading a CLE at St. John’s University School of Law on January 27, 2021 covering recent developments in family law.

Capell Barnett Matalon & Schoefield LLP Partners Robert Barnett, Gregory Matalon, Stuart Schoefield and Yvonne Cort are presenting multiple lectures at the 18th Annual Accounting and Tax Symposium, organized by the National Conference of CPA Practitioners. The firm is proud to acknowledge its attorneys selected to Thompson Reuters’ New York Metro Super Lawyers, including partners Gregory Matalon & Yvonne Cort, and associates Monica Rueda, who has been selected to Super Lawyers Rising Stars.

Forchelli Deegan Terrana LLP warmly congratulates Michael A. Berger, an attorney in the firm’s Employment & Labor practice group, on recently being virtually installed as Treasurer of the Theodore Roosevelt American Inn of Court. Litigation attorney Russell G. Tisman and Michael A. Ciaffa will continue to serve as Directors on the Executive Committee. These are one-year terms.

Four Pegalis Law Group attorneys have once again been selected for the highly regarded list, The Best Lawyers in America© for 2021. The four attorneys recognized for Plaintiffs Medical Malpractice are: Steven J. Silverberg, a Great Neck resident; Annamarie Bondi-Stoddard, a Port Washington resident; Sanford Nagrotsky, a Mineola resident; and Robert Fallarino, an East Williston resident.

Ellen G. Makofsky of Makofsky Law Group, P.C. was named a 2020 SuperLawyer in New York Metro for the practice area of Employment Law. Ms. Makofsky has been nominated and now named to the Top 50 Women SuperLawyers in the New York Metropolitan area which encompasses Long Island, New York and Westchester. Ms. Makofsky is a frequent lecturer and recently presented a webinar entitled “Impending Changes to the New York State Home Care Medicaid Program” on behalf of The Estate Planning Council of Nassau. Deidre M. Baker, an associate with Makofsky Law Group, P.C., was named on the 2020 SuperLawyers Rising Stars list in the Elder Law category.

He received the Accredited Estate Planner® (AEP®) designation issued by the National Association of Estate Planners & Councils to estate planning professionals who meet special requirements of education, experience, knowledge, professional reputation, and character.

Mark E. Alter, senior partner in the Law Offices of Mark E. Alter, previously nominated and named to the 2013 through 2019 Super Lawyers® List, has again been nominated and now named to the 2020 Super Lawyers List. Mr. Alter was selected in the category of Personal Injury Litigation (Plaintiffs).

The Best Lawyers in America® is the oldest and most respected peer-review publication in the legal profession, having first been issued by the National Association of CPA Practitioners. The In Brief column is compiled by Marian C. Rice, a partner at the Garden City law firm L’Abbate Balkin Colavita & Contini, LLP, where she chairs the Attorney Professional Liability Practice Group. In addition to representing attorneys for 35 years, Ms. Rice is a Past President of NCBA.

The Nassau Lawyer welcomes submissions to the IN BRIEF column announcing news, events, and recent accomplishments of its current members. Due to space limitations, submissions may be edited for length and content.

Please email your submissions to nassaulawyer@nassaubar.org with subject line: IN BRIEF
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Provides networking opportunities for general, solo and small-firm practitioners, and explores ways to maximize efficient law practice management with limited resources. Encompasses a variety of areas of practice.
Chair: Scott J. Limm

HOSPITAL & HEALTH LAW
Considers laws impacting health care, hospitals, nursing homes, physicians, other providers and consumers.
Chair: Leonard M. Rosenberg

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IMMIGRATION LAW
Discusses problem areas in immigration law.
Chair: George A. Terezakis

Vice Chair: Loren E. Alfaro

NEW LAWYERS
Structured events and activities of benefit and interest to new attorneys (within ten years of admission) and law students, including social and professional activities. Establishes support network for new lawyers.

Chair: Christopher J. Dellicarpini and Andrea M. DiGregorio

Vice Chair: Rudy Caruana

PLANNING COUNCIL
Discusses new developments and changes in law that affect the practice of real estate law.
Chair: Alan J. Schwartz

Vice Chair: Jon Michael Probstein

REAL ESTATE LAW
Discusses new developments relating to practice in the field of real estate law.
Chair: Charles E. Lapp, III

SPORTS, ENTERTAINMENT & MEDIA LAW
Discusses topics and factors specifically related to practice in the field of sports, entertainment and media law.
Chair: Seth L. Berman

SUPREME COURT
Provides a forum for dialogue among bar members and the judiciary on topics related to Supreme Court
Chair: William Croul, Jr.

Vice Chair: Steven Cohn

SURROGATE’S COURT ESTATES AND TRUSTS
Deals with estate planning, administration and legislation; reviews pending New York State legislation; and maintains an interchange of ideas with the Nassau County Surrogate and staff on matters of individual interest.
Chair: Brian P. Corrigan

Vice Chair: Joseph L. Hunsberger

VETERANS & MILITARY LAW
Reviews legislation and regulations associated with military law and veterans’ affairs, in particular the needs of reservists and National Guard called to active duty.
Chair: William Gaylor, III

WOMEN IN THE LAW
Examines current trends regarding women in the court system, and seeks to protect their rights and work toward gender equality.
Chair: Edith Reinhardt

Vice Chair: Sherwin Figueroa Sall

WORKERS’ COMPENSATION
Discusses current legislation related to Workers’ Compensation regulations and benefits.
Chair: Adam L. Rosen

Vice Chair: Brian P. O’Keefe

Questions? Contact Stephanie Pagano at (516) 666-4850 or spagano@nassaubar.org for more information.
Transgender... Continued From Page 7

health care.

The bottom line is that there are standards for care for the transgender community that clearly state under what circumstances medical care may be appropriate for a transgender person. Insurance companies are held to those standards of care; Medicaid programs are held to those standards of care. Yet, the result is that transgender incarcerated people go without medically necessary care despite a diagnosis that should result in them receiving that care. This can be detrimental to their mental health and physical health—it can be unsafe to abruptly stop hormone therapy without the supervision of a medical professional—and it can also subject them to harassment and discrimination if, for example, the results of their hormone treatment reverse or they have not undergone a surgical intervention and are required to dress or shower in front of neighbors.

Recent Settlements

It is not yet common for states or municipalities to be adequately trained regarding the transgender population. Oftentimes, jurisdictions address questions that arise from housing a transgender person only because they are compelled to.

This summer, the Transgender Legal Defense & Education Fund secured a settlement from the Steuben County Sheriff, wherein the County agreed to a variety of new policies and safeguards to ensure transgender people under their supervision are treated with the same care and respect as their cisgender peers. The agreement sets out standards for employee conduct, names and pronouns, and communication and programming.

Last year, Anthony Lanier, a school bus aide, pled guilty to attempting to endanger the welfare of an incompetent person for striking an autistic boy on the bus in the face with the child’s shoe. Unlike the case of Mr. Lanier, there were several more alleged instances of abuse of both boys in the Valva case over the course of a few years before Thomas Valva died. Their autism diagnoses render them incompetent for purposes of 260.25. These defendants allegedly punished them for failure to communicate—a symptom of autism. If the statute that exists is inadequate to tack on additional charges against Michael Valva and Angela Pollina, then perhaps the legislature should pass additional endangerment laws that specifically punish defendants who target autistic victims.

Need for Education

In the hypothetical of the dejected date, justice would require the law to judge the lens of a man affected by autism—a very subjective one. Since the aggravated harassment statute requires “intent to annoy or harass,” the prosecution would have to prove that the man wanted to annoy his disinterested date. Aggravated harassment is a specific intent crime, whereby he would have to intend for her to be annoyed. However, her antipathy caught him by surprise. Subjectively, he did not know that his words were offensive as indicated by his rationalizations.

The trans man story was he thinking a perfectly legitimate question. He wanted her to explain her cold shoulder because he lacks the ability to interpret non-verbal cues, and the only logical way for him to do that was to text her. A fair result would be for the man’s conviction to be overturned on appeal because his lack of understanding would negate the intent element as he did not know that what he said would annoy the woman. He did not even realize she was just not interested in him to begin with.

With increasing prevalence of autism, the law needs to adapt to serve this fast-growing population. A greater understanding of the disorder would aid prosecuting attorneys in applying proper discretion in all criminal cases involving those on the spectrum.

Frances Catapano is an attorney whose practice focuses on personal injury, complex litigation, and criminal law. At the same time, she is a parent and an autism rights advocate.


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“Walking While Trans Ban,” which effectively criminalizes existing in New York (especially New York City) as a transgender woman. The Governor has voiced his support, and some legislation to this end has been introduced in both the State Senate and Assembly, but it has yet to come up for a vote.

Society is not set up in a way that allows transgender people to flourish and thrive. Systems do not assume transgender people exist. Being transgender can complicate every facet of life, and that reality is especially true for transgender people of color. Broader awareness of these issues is an important first step towards addressing them and prioritizing greater equity in an inherently inequitable system.

Charlie is the Chair of the LGBTQ Committee of the Nassau County Bar Association and a member of the National Trans Bar Association. They are Of Counsel to the Transgender Legal Defense & Education Fund’s Name Change Project, and in their private practice they provide transition-related direct services to transgender individuals. Charlie is a parent of two and graduate of Tulane University (B.A. History, 2009) and New York Law School (2013). They are accessible via email at charlie@arrowlaw.org.
NCBA Committee Meeting Calendar Nov. 5—Dec. 9, 2020

Please Note: Committee Meetings are for NCBA Members. Dates and times are subject to change. Check www.association.org for updated information.

LEGAL ADMINISTRATORS
Dee S. Ungar/Virgil Kavochka
Thursday, November 5 12:30 p.m.

COMMUNITY RELATIONS & PUBLIC EDUCATION
Joshua D. Broockstein
Thursday, November 5 12:45 p.m.

PUBLICATIONS
Christopher J. DiCaprini/Andrea M. DiGregorio
Thursday, November 5 12:45 p.m.

CIVIL RIGHTS
Bernadette K. Ford
Thursday, November 12 12:30 p.m.

EQUITABLE PROPERTY
Frederick J. Dorcule/Sara M. Dorcok
Monday, November 16 12:30 p.m.

LABOR & EMPLOYMENT LAW
Matthew B. Weinick
Monday, November 16 12:30 p.m.

Elder Law Social Services
Kate A. Barker/Patricia A. Craig
Monday, November 16 5:30 p.m.

DIVERSITY & INCLUSION
Ham. Maxine Braderick
Tuesday, November 17 6:00 p.m.

BUSINESS LAW, TAX AND ACCOUNTING
Jennifer A. Koa/Scott L. Kendebaum
Tuesday, November 17 11:00 a.m.

MUNICIPAL LAW
Christopher J. DiCaprini/John C. Farrell
Tuesday, November 17 3:00 p.m.

EDUCATION LAW
John P. Sheahan/Rebecca Sassouni
Thursday, November 19 12:30 p.m.

HOSPITAL & HEALTH LAW
Leonard M. Rosenshend
Thursday, November 19 12:30 p.m.

SURROGATE’S COURT ESTATES & TRUSTS
Brian P. Corrigan
Thursday, November 19 5:00 p.m.

DISTRICT COURT
Roberta D. Scott/S. Robert Krull
Friday, November 20 12:30 p.m.

REAL PROPERTY LAW
Alan J. Schwartz
Wednesday, December 2 12:30 p.m.

ASSOCIATION MEMBERSHIP
Michael D’Ifaco
Wednesday, November 18 12:30 p.m.

PUBLICATIONS
Christopher J. DiCaprini/Andrea M. DiGregorio
Thursday, December 3 12:45 p.m.

COMMUNITY RELATIONS & PUBLIC EDUCATION
Joshua D. Broockstein
Thursday, December 3 12:45 p.m.

CIVIL RIGHTS
Bernadette K. Ford
Tuesday, December 8 12:30 p.m.

LABOR & EMPLOYMENT LAW
Matthew B. Weinick
Tuesday, December 8 12:30 p.m.

WOMEN IN THE LAW
Edith Reinhardt
Wednesday, December 9 12:30 p.m.

MATRIMONIAL LAW
Samuel J. Ferrara
Wednesday, December 9 5:30 p.m.

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